

4 A.A.C. 23

Supp. 23-3

## TITLE 4. PROFESSIONS AND OCCUPATIONS

### CHAPTER 23. BOARD OF PHARMACY

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

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**The release of this Chapter in Supp. 23-3 replaces Supp. 23-2, 1-86 pages.**

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 Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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## Administrative Rules Division

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**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 23. BOARD OF PHARMACY**

Authority: A.R.S. § 32-1904 et seq.

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*Article 5, consisting of Sections R4-23-501 through R4-23-505, expired effective August 30, 2013 (Supp. 14-1).*

*Article 5, consisting of Sections R4-23-501 and R4-23-502, recodified to Article 8 at 9 A.A.R. 4011, effective August 18, 2003 (Supp. 03-3).*

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*Article 8, consisting of Sections R4-23-801 through R4-23-804, repealed effective November 4, 1998 (Supp. 98-4).*

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## TITLE 4. PROFESSIONS AND OCCUPATIONS

## CHAPTER 23. BOARD OF PHARMACY

**ARTICLE 1. ADMINISTRATION****R4-23-101. General**

- A. 4 A.A.C. 23 applies to all actions and proceedings of the Board and shall be deemed a part of the record in any Board action or proceeding without formal introduction of, or reference to the rules. A party to a Board action is deemed to have knowledge of the rules. The Board office shall provide a copy of the rules:
1. To each license applicant who submits a completed application packet; and
  2. To each permit applicant during the final compliance inspection after the Board approves the permit application.
- B. The Board, within its jurisdiction, may, in the interest of justice, excuse the failure of any person to comply with the rules.
- C. The Board, within its jurisdiction, may grant an extension of time within which to comply with any rule when it deems the extension to be in the interest of justice.

**Historical Note**

Former Rules 1.1000, 1.1200, and 1.1300; Amended effective August 23, 1978 (Supp. 78-4). Amended by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1); Historical Note updated (Supp. 06-2).

**R4-23-102. Meetings**

- A. The Board shall hold not less than four meetings per fiscal year to conduct general business and interview permit and license applicants.
- B. A special meeting of the Board may be held at any time subject to the call of the President or a majority of the Board members and in compliance with the notification requirements of A.R.S. § 38-431.02.

**Historical Note**

Former Rules 1.2100, 1.2200, 1.2300, and 1.2400. Amended by final rulemaking at 7 A.A.R. 2143, effective May 1, 2001 (Supp. 01-2).

**R4-23-103. Repealed****Historical Note**

Former Rules 1.3100, 1.3200, 1.3300, and 1.3400; Amended subsection (C) effective August 9, 1983 (Supp. 83-4). Section repealed by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1); Historical Note updated (Supp. 06-2).

**R4-23-104. Repealed****Historical Note**

Former Rules 1.4011, 1.4110, 1.4120, 1.4200, 1.4210, 1.4220, 1.4300, 1.4400, 1.5500, 1.5600, 1.5700, and 1.4500; Amended effective August 23, 1978 (Supp. 78-5); Amended by deleting subsection (B) and renumbering subsections (C) through (J) as subsections (B) through (I) effective August 9, 1983 (Supp. 83-4). Amended effective February 8, 1991 (Supp. 91-1). Section repealed by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1); Historical Note updated (Supp. 06-2).

**R4-23-105. Repealed****Historical Note**

Former Rules 1.5100, 1.5200, 1.5300, and 1.5400; Amended subsection (B) effective August 9, 1983 (Supp. 83-4). Section repealed by final rulemaking at 10

A.A.R. 1132, effective May 1, 2004 (Supp. 04-1); Historical Note updated (Supp. 06-2).

**R4-23-106. Repealed****Historical Note**

Former Rules 1.5800 and 1.5900. Section repealed by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1); Historical Note updated (Supp. 06-2).

**R4-23-107. Repealed****Historical Note**

Former Rules 1.5910, 1.5920, 1.5921, and 1.5922. Section repealed by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1); Historical Note updated (Supp. 06-2).

**R4-23-108. Repealed****Historical Note**

Former Rule 1.5930. Section repealed by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1); Historical Note updated (Supp. 06-2).

**R4-23-109. Repealed****Historical Note**

Former Rules 1.7100, 1.7200, and 1.7300. Amended effective July 14, 1977 (Supp. 77-4). Amended effective February 8, 1991 (Supp. 91-1). Section repealed by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1); Historical Note updated (Supp. 06-2).

**R4-23-110. Definitions**

In addition to definitions in A.R.S. § 32-1901, the following definitions apply to this Chapter:

“Active ingredient” means any component that furnishes pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease or that affects the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug, that are present in the finished drug product in a modified form, and that furnish the specified activity or effect.

“AHCCCS” means the Arizona Health Care Cost Containment System.

“Annual family income” means the combined yearly gross earned income and unearned income of all adult individuals within a family unit.

“Approved course in pharmacy law” means a continuing education activity that addresses practice issues related to state or federal pharmacy statutes, rules, or regulations.

“Approved Provider” means an individual, institution, organization, association, corporation, or agency that is approved by the Accreditation Council for Pharmacy Education (ACPE) in accordance with ACPE’s policy and procedures or by the Board as meeting criteria indicative of the ability to provide quality continuing education.

“Assisted living facility” means a residential care institution as defined in A.R.S. § 36-401.

“Authentication of product history” means identifying the purchasing source, the ultimate fate, and any intermediate handling of any component of a radiopharmaceutical or other drug.

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“Automated dispensing system” means a mechanical system in a long-term care facility that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information.

“Automated storage and distribution system” means a mechanical system that performs operations or activities other than counting, compounding, or administration, relative to the storage, packaging, or distributing of drugs or devices and that collects, controls, and maintains all transaction information.

“Batch” means a specific quantity of drug that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

“Beyond-use date” means:

A date determined by a pharmacist and placed on a prescription label at the time of dispensing to indicate a time beyond which the contents of the prescription are not recommended to be used; or

A date determined by a pharmacist and placed on a compounded pharmaceutical product’s label at the time of preparation as specified in R4-23-410(B)(3)(d), R4-23-410(I)(6)(e), or R4-23-410(J)(1)(d) to indicate a time beyond which the compounded pharmaceutical product is not recommended to be used.

“Biological safety cabinet” means a containment unit suitable for the preparation of low to moderate risk agents when there is a need for protection of the product, personnel, and environment, consistent with National Sanitation Foundation (NSF) standards, published in the National Sanitation Foundation Standard 49, Class II (Laminar Flow) Biohazard Cabinetry, NSF International P. O. Box 130140, Ann Arbor, MI, revised June 1987 edition, (and no future amendments or editions), incorporated by reference and on file with the Board.

“Care-giver” means a person who cares for someone who is sick or disabled or an adult who cares for an infant or child and includes a patient’s husband, wife, son, daughter, mother, father, sister, brother, legal guardian, nurse, or medical practitioner.

“Change of ownership,” as used in A.R.S. § 32-1901.01(A), means a change of at least 30 percent in voting stock or vested interest that has direct operational oversight.

“Community pharmacy” means any place under the direct supervision of a pharmacist where the practice of pharmacy occurs or where prescription orders are compounded and dispensed other than a hospital pharmacy or a limited service pharmacy.

“Component” means any ingredient used in compounding or manufacturing drugs in dosage form, including an ingredient that may not appear in the finished product.

“Compounding and dispensing counter” means a pharmacy counter working area defined in this Section where a pharmacist, intern, pharmacy technician, or pharmacy technician trainee under the supervision of a pharmacist compounds, mixes, combines, counts, pours, or prepares and packages a prescription medication to dispense an individual prescription order or prepackages a drug for future dispensing.

“Computer system” means an automated data-processing system that uses a programmable electronic device to store, retrieve, and process data.

“Computer system audit” means an accounting method, involving multiple single-drug usage reports and audits, used to determine a computer system’s ability to store, retrieve, and process original and refill prescription dispensing information.

“Contact hour” means 50 minutes of participation in a continuing education activity sponsored by an Approved Provider.

“Container” means:

A receptacle, as described in the official compendium or the federal act, that is used in manufacturing or compounding a drug or in distributing, supplying, or dispensing the finished dosage form of a drug; or

A metal receptacle designed to contain liquefied or vaporized compressed medical gas and used in manufacturing, transfilling, distributing, supplying, or dispensing a compressed medical gas.

“Continuing education” means a structured learning process required of a licensee to maintain licensure that includes study in the general areas of socio-economic and legal aspects of health care; the properties and actions of drugs and dosage forms; etiology, characteristics and therapeutics of disease status; or pharmacy practice.

“Continuing education activity” means continuing education obtained through an institute, seminar, lecture, conference, workshop, mediated instruction, programmed learning course, or postgraduate study in an accredited college or school of pharmacy.

“Continuing education unit” or “CEU” means 10 contact hours of participation in a continuing education activity sponsored by an Approved Provider.

“Continuous quality assurance program” or “CQA program” means a planned process designed by a pharmacy permittee to identify, evaluate, and prevent medication errors.

“Correctional facility” has the same meaning as in A.R.S. §§ 13-2501 and 31-341.

“CRT” means a cathode ray tube or other mechanism used to view information produced or stored by a computer system.

“CSPMP” means the Controlled Substances Prescription Monitoring Program established under A.R.S. Title 36, Chapter 28.

“Current good compounding practices” means the minimum standards for methods used in, and facilities or controls used for, compounding a drug to ensure that the drug has the identity and strength and meets the quality and purity characteristics it is represented to possess.

“Current good manufacturing practice” means the minimum standard for methods used in, and facilities or controls used for manufacturing, processing, packing, or holding a drug to ensure that the drug meets the requirements of the federal act as to safety, and has the identity and strength and meets the quality and purity characteristics it is represented to possess.

“Cytotoxic” means a pharmaceutical that is capable of killing living cells.

“Day” means a calendar day unless otherwise specified.

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“DEA” means the Drug Enforcement Administration as defined in A.R.S. § 32-1901.

“Declared disaster areas” means areas designated by the governor or by a county, city, or town under A.R.S. § 32-1910 as those areas that have been adversely affected by a natural disaster or terrorist attack and require extraordinary measures to provide adequate, safe, and effective health care for the affected population.

“Delinquent license” means a pharmacist, intern, or pharmacy technician license the Board suspends for failure to renew or pay all required fees on or before the date the renewal is due.

“Dietary supplement or food supplement,” as used in A.R.S. § 32-1904(B), means a product (other than tobacco) that:

Is intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin, mineral, herb or other botanical, amino acid, dietary substance for use by humans to supplement the diet by increasing the total daily intake, or concentrate, metabolite, constituent, extract, or combinations of these ingredients;

Is intended for ingestion in pill, capsule, tablet, or liquid form;

Is not represented for use as a conventional food or as the sole item of a meal or diet; and

Is labeled as a “dietary supplement” or “food supplement.”

“Digital signature” has the same meaning as in A.R.S. § 41-132(E).

“Dispensing pharmacist” means a pharmacist who, in the process of dispensing a prescription medication after the complete preparation of the prescription medication and before delivery of the prescription medication to a patient or patient’s agent, verifies, checks, and initials the prescription medication label, as required in R4-23-402(A).

“Drug sample” means a unit of a prescription drug that a manufacturer provides free of charge to promote the sale of the drug.

“Durable medical equipment” or “DME” means technologically sophisticated medical equipment that may be used by a patient or consumer in a home or residence. DME may be prescription-only devices as defined in A.R.S. § 32-1901. DME includes:

Air-fluidized beds,

Apnea monitors,

Blood glucose monitors and diabetic testing strips,

Continuous Positive Airway Pressure (CPAP) machines,

Electronic and computerized wheelchairs and seating systems,

Feeding pumps,

Home phototherapy devices,

Hospital beds,

Infusion pumps,

Medical oxygen and oxygen delivery systems excluding compressed medical gases,

Nebulizers,

Respiratory disease management devices,

Sequential compression devices,

Transcutaneous electrical nerve stimulation (TENS) unit, and

Ventilators.

“Earned income” means monetary payments received by an individual as a result of work performed or rental property owned or leased by the individual, including:

Wages,

Commissions and fees,

Salaries and tips,

Profit from self-employment,

Profit from rent received from a tenant or boarder, and

Any other monetary payments received by an individual for work performed or rental of property.

“Electronic signature” has the same meaning as in A.R.S. § 44-7002.

“Eligible patient” means a patient who a pharmacist determines is eligible to receive an immunization using professional judgment after consulting with the patient regarding the patient’s current health condition, recent health condition, and allergies.

“Emergency drug supply unit” means those drugs that may be required to meet the immediate and emergency therapeutic needs of long-term care facility residents and hospice inpatient facility patients, and which are not available from any other authorized source in sufficient time to prevent risk of harm to residents or patients.

“Extreme emergency” means the occurrence of a fire, water leak, electrical failure, public disaster, or other catastrophe constituting an imminent threat of physical harm to pharmacy personnel or patrons.

“Family unit” means:

A group of individuals residing together who are related by birth, marriage, or adoption; or

An individual who:

Does not reside with another individual; or

Resides only with another individual or group of individuals to whom the individual is unrelated by birth, marriage, or adoption.

“FDA” means the Food and Drug Administration, a federal agency within the United States Department of Health and Human Services, established to set safety and quality standards for foods, drugs, cosmetics, and other consumer products.

“Health care decision maker” has the same meaning as in A.R.S. § 12-2291.

“Health care institution” has the same meaning as in A.R.S. § 36-401.

“Hospice inpatient facility” means a health care institution licensed under A.R.S. § 36-401 and Article 8 that provides hospice services to a patient requiring inpatient services.

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“Immediate notice” means a required notice sent by mail, fax, or electronic mail to the Board Office within 24 hours.

“Immunizations training program” means an immunization training program for pharmacists and interns that meets the requirements of R4-23-411(E).

“Inactive ingredient” means any component other than an “active ingredient” present in a drug.

“Internal test assessment” means performing quality assurance or other procedures necessary to ensure the integrity of a test.

“ISO Class 5 environment” means an atmospheric environment that complies with the ISO/TC209 International Cleanroom Standards, specifically ANSI/EST/ISO-14644-1:1999: Cleanrooms and associated controlled environments--Part 1: Classification of air cleanliness, first edition dated May 1, 1999, (and no future amendments or editions), incorporated by reference and on file in the Board office.

“ISO Class 7 environment” means an atmospheric environment that complies with the ISO/TC209 International Cleanroom Standards, specifically ANSI/EST/ISO-14644-1:1999: Cleanrooms and associated controlled environments--Part 1: Classification of air cleanliness, first edition dated May 1, 1999, (and no future amendments or editions), incorporated by reference and on file in the Board office.

“Licensed health care professional” means an individual who is licensed and regulated under A.R.S. Title 32, Chapter 7, 11, 13, 14, 15, 16, 17, 18, 25, 29, or 35.

“Limited-service correctional pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that:

    Holds a current Board permit under A.R.S. § 32-1931;

    Is located in a correctional facility; and

    Uses pharmacists, interns, and support personnel to compound, produce, dispense, and distribute drugs.

“Limited-service long-term care pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board-issued permit and dispenses prescription medication or prescription-only devices to patients in long-term care facilities.

“Limited-service mail-order pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board permit under A.R.S. § 32-1931 and dispenses a majority of its prescription medication or prescription-only devices by mailing or delivering the prescription medication or prescription-only device to an individual by the United States mail, a common or contract carrier, or a delivery service.

“Limited-service nuclear pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board permit under A.R.S. § 32-1931 and provides radiopharmaceutical services.

“Limited-service pharmacy permittee” means a person who holds a current limited-service pharmacy permit in compliance with A.R.S. §§ 32-1929, 32-1930, 32-1931, and A.A.C. R4-23-606.

“Limited-service sterile pharmaceutical products pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board permit under A.R.S. § 32-1931 and dispenses a majority of its prescription medication or prescription-only devices as sterile pharmaceutical products.

“Long-term care consultant pharmacist” means a pharmacist providing consulting services to a long-term care facility.

“Long-term care facility” or “LTCF” means a nursing care institution as defined in A.R.S. § 36-401.

“Lot” means a batch or any portion of a batch of a drug, or if a drug produced by a continuous process, an amount of drug produced in a unit of time or quantity in a manner that assures its uniformity. In either case, a lot is identified by a distinctive lot number and has uniform character and quality with specified limits.

“Lot number” or “control number” means any distinctive combination of letters or numbers, or both, from which the complete history of the compounding or manufacturing, control, packaging, and distribution of a batch or lot of a drug can be determined.

“Low-income subsidy” means Medicare-provided assistance that may partially or fully cover the costs of drugs and is based on the income of an individual and, if applicable, the individual’s spouse.

“Materials approval unit” means any organizational element having the authority and responsibility to approve or reject components, in-process materials, packaging components, and final products.

“Mechanical counting device for a drug in solid, oral dosage form” means a mechanical device that counts drugs in solid, oral dosage forms for dispensing and includes an electronic balance when used to count drugs.

“Mechanical storage and counting device for a drug in solid, oral dosage form” means a mechanical device that stores and counts and may package or label drugs in solid, oral dosage forms for dispensing.

“Mediated instruction” means information transmitted via intermediate mechanisms such as audio or video tape or telephone transmission.

“Medical practitioner-patient relationship” means that before prescribing, dispensing, or administering a prescription-only drug, prescription-only device, or controlled substance to a person, a medical practitioner, as defined in A.R.S. § 32-1901, shall first conduct a physical examination of that person or have previously conducted a physical examination. This subdivision does not apply to:

    A medical practitioner who provides temporary patient supervision on behalf of the patient’s regular treating medical practitioner;

    Emergency medical situations as defined in A.R.S. § 41-1831;

    Prescriptions written to prepare a patient for a medical examination; or

    Prescriptions written, prescription-only drugs, prescription-only devices, or controlled substances issued for use by a county or tribal public health department for immunization programs, emergency treatment, in response to an infectious disease investigation, public health emergency, infectious disease outbreak or act of bioterrorism. For purposes of this subsection, “bioterrorism” has the same meaning as in A.R.S. § 36-781.

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“Medicare” means a federal health insurance program established under Title XVIII of the Social Security Act.

“Medication error” means any unintended variation from a prescription or medication order. Medication error does not include any variation that is corrected before the medication is dispensed to the patient or patient’s care-giver, or any variation allowed by law.

“Mobile pharmacy” means a pharmacy that is self-propelled or movable by another vehicle that is self-propelled.

“MPJE” means Multistate Pharmacy Jurisprudence Examination, a Board-approved national pharmacy law examination written and administered in cooperation with NABP.

“NABP” means National Association of Boards of Pharmacy.

“NABPLEX” means National Association of Boards of Pharmacy Licensure Examination.

“NAPLEX” means North American Pharmacist Licensure Examination.

“Order” means either of the following:

A prescription order as defined in A.R.S. § 32-1901; or

A medication order as defined in A.A.C. R4-23-651.

“Other designated personnel” means a non-pharmacist individual who is permitted in the pharmacy area, for a limited time, under the direct supervision of a pharmacist, to perform non-pharmacy related duties, such as trash removal, floor maintenance, and telephone or computer repair.

“Outpatient” means an individual who is not a residential patient in a health care institution.

“Outpatient setting” means a location that provides medical treatment to an outpatient.

“Patient profile” means a readily retrievable, centrally located information record that contains patient demographics, allergies, and medication profile.

“Pharmaceutical patient care services” means the provision of drug selection, drug utilization review, drug administration, drug therapy monitoring, and other drug-related patient care services intended to achieve outcomes related to curing or preventing a disease, eliminating or reducing a patient’s symptoms, or arresting or slowing a disease process, by identifying and resolving or preventing potential and actual drug-related problems.

“Pharmaceutical product” means a medicinal drug.

“Pharmacy counter working area” means a clear and continuous working area that contains no major obstacles such as a desktop computer, computer monitor, computer keyboard, external computer drive device, printer, fax machine, pharmacy balance, typewriter, or pill-counting machine, but may contain individual documents or prescription labels, pens, prescription blanks, refill log, pill-counting tray, spatula, stapler, or other similar items necessary for the prescription-filling process.

“Pharmacy law continuing education” means a continuing education activity that addresses practice issues related to state or federal pharmacy statutes, rules, or regulations, offered by an Approved Provider.

“Pharmacy permittee” means a person who holds a current pharmacy permit that complies with A.R.S. §§ 32-1929, 32-1930, 32-1931, 32-1934, and R4-23-606 and R4-23-652.

“Physician” means a medical practitioner licensed under A.R.S. Title 32, Chapter 13 or 17.

“Physician-in-charge” means a physician who is responsible to the Board for all aspects of a prescription medication donation program required in A.R.S. § 32-1909 and operated in the physician’s office or in a health care institution.

“Poverty level” means the annual family income for a family unit of a particular size, as specified in the poverty guidelines updated annually in the *Federal Register* by the U.S. Department of Health and Human Services.

“Precursor chemical” means a precursor chemical I as defined in A.R.S. § 13-3401(26) and a precursor chemical II as defined in A.R.S. § 13-3401(27).

“Prepackaged drug” means a drug that is packaged in a frequently prescribed quantity, labeled in compliance with A.R.S. §§ 32-1967 and 32-1968, stored, and subsequently dispensed by a pharmacist or intern under the supervision of a pharmacist, who verifies at the time of dispensing that the drug container is properly labeled, in compliance with A.R.S. § 32-1968, for the patient.

“Prep area” means a specified area either within an ISO class 7 environment or adjacent to but outside an ISO class 7 environment that:

Allows the assembling of necessary drugs, supplies, and equipment for compounding sterile pharmaceutical products, but does not allow the use of paper products such as boxes or bulk drug storage;

Allows personnel to don personnel protective clothing, such as gown, gloves, head cover, and booties before entering the clean compounding area; and

Is a room or a specified area within a room, such as an area specified by a line on the floor.

“Primary care provider” means the medical practitioner who is treating an individual for a disease or medical condition.

“Proprietor” means the owner of a business permitted by the Board under A.R.S. §§ 32-1929, 32-1930, 32-1931, and 32-1934.

“Provider pharmacy” means a pharmacy that contracts with a long-term care facility to supply prescription medication or other services for residents of a long-term care facility.

“Radiopharmaceutical” means any drug that emits ionizing radiation and includes:

Any nonradioactive reagent kit, nuclide generator, or ancillary drug intended to be used in the preparation of a radiopharmaceutical, but does not include drugs such as carbon-containing compounds or potassium-containing salts, that contain trace quantities of naturally occurring radionuclides; and

Any biological product that is labeled with a radionuclide or intended to be labeled with a radionuclide.

“Radiopharmaceutical quality assurance” means performing and interpreting appropriate chemical, biological, and physical tests on radiopharmaceuticals to determine the suitability of the radiopharmaceutical for use in humans and animals.



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Radiopharmaceutical quality assurance includes internal test assessment, authentication of product history, and appropriate record retention.

“Radiopharmaceutical services” means procuring, storing, handling, compounding, preparing, labeling, quality assurance testing, dispensing, distributing, transferring, recordkeeping, and disposing of radiochemicals, radiopharmaceuticals, and ancillary drugs. Radiopharmaceutical services include quality assurance procedures, radiological health and safety procedures, consulting activities associated with the use of radiopharmaceuticals, and any other activities required for the provision of pharmaceutical care.

“Red C stamp” means a device used with red ink to imprint an invoice with a red letter C at least one inch high, to make an invoice of a Schedule III through IV controlled substance, as defined in A.R.S. § 36-2501, readily retrievable, as required by state and federal rules.

“Refill” means other than the original dispensing of the prescription order, dispensing a prescription order in the same quantity originally ordered or in multiples of the originally ordered quantity when specifically authorized by the prescriber, if the refill is authorized by the prescriber:

In the original prescription order;

By an electronically transmitted refill order that the pharmacist promptly documents and files; or

By an oral refill order that the pharmacist promptly documents and files.

“Regulated chemical” means the same as in A.R.S. § 13-3401(30).

“Remodel” means to alter structurally the pharmacy area or location.

“Remote drug storage area” means an area that is outside the premises of the pharmacy, used for the storage of drugs, locked to deny access by unauthorized persons, and secured against the use of force.

“Resident” means:

An individual admitted to and living in a long-term care facility or an assisted living facility,

An individual who has a place of habitation in Arizona and lives in Arizona as other than a tourist, or

A person that owns or operates a place of business in Arizona.

“Responsible person” means the owner, manager, or other employee who is responsible to the Board for a permitted establishment’s compliance with the laws and administrative rules of this state and of the federal government pertaining to distribution of drugs, devices, precursor chemicals, and regulated chemicals. Nothing in this definition relieves other individuals from the responsibility to comply with state and federal laws and administrative rules.

“Score transfer” means the process that enables an applicant to take the NAPLEX in a jurisdiction and be eligible for licensure by examination in other jurisdictions.

“Security features” means attributes incorporated into the paper of a prescription order, referenced in A.R.S. § 32-1968(A)(4), that are approved by the Board or its staff and include one or more of the following designed to prevent

duplication or aid the authentication of a paper document: laid lines, enhanced laid lines, thermochromic ink, artificial watermark, fluorescent ink, chemical void, persistent void, penetrating numbers, high-resolution border, high-resolution latent images, micro-printing, prismatic printing, embossed images, abrasion ink, holograms, and foil stamping.

“Shared order filling” means the following:

Preparing, packaging, compounding, or labeling an order, or any combination of these functions, that are performed by:

A person with a current Arizona Board license, located at an Arizona pharmacy, on behalf of and at the request of another resident or nonresident pharmacy; or

A person, located at a nonresident pharmacy, on behalf of and at the request of an Arizona pharmacy; and

Returning the filled order to the requesting pharmacy for delivery to the patient or patient’s care-giver or, at the request of this pharmacy, directly delivering the filled order to the patient.

“Shared order processing” means the following:

Interpreting the order, performing order entry verification, drug utilization review, drug compatibility and drug allergy review, final order verification, and when necessary, therapeutic intervention, or any combination of these order processing functions, that are performed by:

A pharmacist or intern, under pharmacist supervision, with a current Arizona Board license, located at an Arizona pharmacy, on behalf of and at the request of another resident or nonresident pharmacy; or

A pharmacist or intern, under pharmacist supervision, located at a nonresident pharmacy, on behalf of and at the request of an Arizona pharmacy; and

After order processing is completed, returning the processed order to the requesting pharmacy for order filling and delivery to the patient or patient’s care-giver or, at the request of this pharmacy, returning the processed order to another pharmacy for order filling and delivery to the patient or patient’s care-giver.

“Shared services” means shared order filling or shared order processing, or both.

“Sight-readable” means that an authorized individual is able to examine a record and read its information from a CRT, microfiche, microfilm, printout, or other method acceptable to the Board or its designee.

“Single-drug audit” means an accounting method that determines the numerical and percentage difference between a drug’s beginning inventory plus purchases and ending inventory plus sales.

“Single-drug usage report” means a computer system printout of original and refill prescription order usage information for a single drug.

“Standard-risk sterile pharmaceutical product” means a sterile pharmaceutical product compounded from sterile commercial drugs using sterile commercial devices or a sterile

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pharmaceutical optic or ophthalmic product compounded from non-sterile ingredients.

“State of emergency” means a governmental declaration issued under A.R.S. § 32-1910 as a result of a natural disaster or terrorist attack that results in individuals being unable to refill existing prescriptions.

“Sterile pharmaceutical product” means a medicinal drug free from living biological organisms.

“Strength” means:

The concentration of the drug substance (for example, weight/weight, weight/volume, or unit dose/volume basis); or

The potency, that is, the therapeutic activity of a drug substance as indicated by bioavailability tests or by controlled clinical data (expressed, for example, in terms of unity by reference to a standard).

“Substantial-risk sterile pharmaceutical product” means a sterile pharmaceutical product compounded as a parenteral or injectable dosage form from non-sterile ingredients.

“Supervision” means a pharmacist is present, assumes legal responsibility, and has direct oversight of activities relating to acquiring, preparing, distributing, administering, and selling prescription medications by interns, pharmacy technicians, or pharmacy technician trainees and when used in connection with the intern training requirements means that, in a pharmacy where intern training occurs, an intern preceptor assumes the primary responsibility of teaching the intern during the entire period of the training.

“Supplying” means selling, transferring, or delivering to a patient or a patient’s agent one or more doses of:

A nonprescription drug in the manufacturer’s original container for subsequent use by the patient, or

A compressed medical gas in the manufacturer’s or compressed medical gas distributor’s original container for subsequent use by the patient.

“Support personnel” means an individual, working under the supervision of a pharmacist, trained to perform clerical duties associated with the practice of pharmacy, including cashing, bookkeeping, pricing, stocking, delivering, answering non-professional telephone inquiries, and documenting third-party reimbursement. Support personnel shall not perform the tasks of a pharmacist, intern, pharmacy technician, or pharmacy technician trainee.

“Temporary pharmacy facility” means a facility established as a result of a declared state of emergency to temporarily provide pharmacy services within or adjacent to declared disaster areas.

“Tourist” means an individual who is living in Arizona but maintains a place of habitation outside of Arizona and lives outside of Arizona for more than six months during a calendar year.

“Transfill” means a manufacturing process by which one or more compressed medical gases are transferred from a bulk container to a properly labeled container for subsequent distribution or supply.

“Unearned income” means monetary payment received by an individual that is not compensation for work performed or

rental of property owned or leased by the individual, including:

Unemployment insurance,

Workers’ compensation,

Disability payments,

Payments from the Social Security Administration,

Payments from public assistance,

Periodic insurance or annuity payments,

Retirement or pension payments,

Strike benefits from union funds,

Training stipends,

Child support payments,

Alimony payments,

Military family allotments,

Regular support payments from a relative or other individual not residing in the household,

Investment income,

Royalty payments,

Periodic payments from estates or trusts, and

Any other monetary payments received by an individual that are not:

As a result of work performed or rental of property owned by the individual,

Gifts,

Lump-sum capital gains payments,

Lump-sum inheritance payments,

Lump-sum insurance payments, or

Payments made to compensate for personal injury.

“Verified signature” or “signature verifying” means in relation to a Board license or permit application or report, form, or agreement, the hand-written or electronic signature of an individual who, by placing a hand-written or electronic signature on a hard-copy or electronic license or permit application or report, form, or agreement agrees with and verifies that the statements and information within or attached to the license or permit application or report, form, or agreement are true in every respect and that inaccurate reporting can result in denial or loss of a license or permit or report, form, or agreement.

“Veteran” means an individual who has served in the United States Armed Forces.

“Virtual manufacturer” means an entity that contracts for the manufacture of a drug or device for which the entity:

Owns the New Drug Application or Abbreviated New Drug Application number, as defined by the FDA, for a drug;

Owns the Unique Device Identification number, as defined by the FDA, for a prescription device;

Is not involved in the physical manufacture of the drug or device; and

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Contracts with an Arizona-permitted manufacturing entity for the physical manufacture of the drug or device; or

If the contracted manufacturing entity is in a location not included in the definition at A.R.S. 32-1901 of other jurisdiction, the virtual manufacturer ensures the facility is inspected every time the virtual manufacturer submits an initial or renewal application and determined to comply with current good manufacturing practices as defined by the federal act and the official compendium.

Virtual manufacturer includes an entity that may be identified as an own-label distributor, which contracts with a manufacturer to produce a drug or device and with another entity to package and label the drug or device, which is then sold under the distributor's name or another name.

"Virtual wholesaler" means an entity that engages in the wholesale distribution of a drug or device in, into, or out of Arizona but does not take physical possession of the drug or device. A virtual wholesaler distributes a drug or device only from a Board-permitted facility to:

A Board-permitted pharmacy, drug manufacturer, full-service drug wholesaler, or non-prescription drug wholesaler; or

A medical practitioner licensed under A.R.S. Title 32; and

Virtual wholesaler includes an entity that may be identified as a broker that buys and sells goods for others or a person that facilitates distribution of a drug, chemical, or device regulated by the Board.

"Wholesale distribution" means distribution of a drug to a person other than a consumer or patient, but does not include:

Selling, purchasing, or trading a drug or offering to sell, purchase, or trade a drug for emergency medical reasons. For purposes of this Section, "emergency medical reasons" includes transferring a prescription drug by a community or hospital pharmacy to another community or hospital pharmacy to alleviate a temporary shortage;

Selling, purchasing, or trading a drug, offering to sell, purchase, or trade a drug, or dispensing a drug as specified in a prescription;

Distributing a drug sample by a manufacturers' or distributors' representative; or

Selling, purchasing, or trading blood or blood components intended for transfusion.

"Wholesale distributor" means any person engaged in wholesale distribution of drugs, including: manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions in the amount of at least 5% of gross sales.

**Historical Note**

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Amended effective December 18, 1992 (Supp. 92-4).  
Amended effective November 1, 1993 (Supp. 93-4).  
Amended effective April 1, 1995; filed with the Secretary of State January 31, 1995 (Supp. 95-1). Amended

effective April 5, 1996 (Supp. 96-2). Amended effective July 8, 1997; amended effective August 5, 1997 (Supp. 97-3). Amended effective January 12, 1998 (Supp. 98-1). Amended effective July 7, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 862, effective March 3, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 4441, effective November 2, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 4589, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 7 A.A.R. 646, effective January 11, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 409 and 8 A.A.R. 646, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 416, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 1256, effective March 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Amended by final rulemaking at 8 A.A.R. 4898 and 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1064, effective May 4, 2003 (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 5030, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 3391, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 10 A.A.R. 3967, effective November 13, 2004 (Supp. 04-3). Amended by final rulemaking at 10 A.A.R. 4356, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 2258, effective August 6, 2005 (Supp. 05-2). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 12 A.A.R. 3981, effective December 4, 2006 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 520, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 440, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 616, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3477, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 14 A.A.R. 3405, effective October 4, 2008; amended by final rulemaking at 14 A.A.R. 3410, effective October 4, 2008 (Supp. 08-3). Amended by final rulemaking at 14 A.A.R. 4400, effective January 3, 2009; amended by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Amended by final rulemaking at 18 A.A.R. 2603, effective December 2, 2012 (Supp. 12-4). Amended by final rulemaking at 18 A.A.R. 2609, effective December 2, 2012 (Supp. 12-4). Amended by final rulemaking at 19 A.A.R. 2894, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1364, effective August 2, 2014 (Supp. 14-2). Amended by exempt rulemaking under Laws 2016, Ch. 284, § 3 at 22 A.A.R. 2606, effective August 31, 2016 (Supp. 16-3). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 223, effective March 14, 2020 (Supp. 20-1).

**R4-23-111. Notice of Hearing**

- A. Except as provided in A.R.S. § 32-1928(B), the Board shall revoke, suspend, place on probation, or fine a licensee or permittee only after:
1. Notice is served under this Section, and

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2. A hearing is conducted under R4-23-122.
- B.** The Board shall give notice of hearing to a party at least 30 days before the date set for the hearing in the manner described in R4-23-115(E) and (F). The notice shall include:
  1. A statement of the date, time, place, and nature of the hearing;
  2. A statement of the legal authority and jurisdiction for the hearing;
  3. A reference to the particular section or sections of statute and rule involved; and
  4. A statement of the violation or issue asserted by the Board.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-112. Ex Parte Communications**

A party shall not communicate, either directly or indirectly, with a Board member about any substantive issue in a pending matter unless:

1. All parties are present;
2. It is during a scheduled proceeding, where an absent party fails to appear after proper notice; or
3. It is by written motion with copies to all parties.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-113. Motions**

- A.** Purpose. A party requesting a ruling from the Board shall file a motion. Motions may be made for rulings such as:
  1. Continuing or expediting a hearing under R4-23-116;
  2. Vacating a hearing under R4-23-117;
  3. Scheduling a prehearing conference under R4-23-118;
  4. Quashing a subpoena under R4-23-119;
  5. Requesting telephonic testimony under R4-23-120; and
  6. Reconsidering a previous order under R4-23-121.
- B.** Form. Unless made during a prehearing conference or hearing, motions shall be made in writing and shall conform to the requirements of R4-23-115. All motions, whether written or oral, shall state the factual and legal grounds supporting the motion, and the requested action.
- C.** Time limits. Absent good cause, or unless otherwise provided by law or these rules, written motions shall be filed with the Board office at least 15 days before the hearing. A party demonstrates good cause by showing that the grounds for the motion could not have been known in time, using reasonable diligence and:
  1. A ruling on the motion will further administrative convenience, expedition or economy; or
  2. A ruling on the motion will avoid undue prejudice to any party.
- D.** Response to motion. A party shall file a written response stating any objection to the motion within five days of service, or as directed by the Board.
- E.** Oral argument. A party may request oral argument when filing a motion or response. If necessary to develop a complete record, the Board shall grant oral argument.
- F.** Rulings. Rulings on motions, other than those made during a prehearing conference or the hearing, shall be in writing and served on all parties.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-114. Computing Time**

In computing any time period, the Board shall exclude the day from which the designated time period begins to run. The Board shall include the last day of the period unless it falls on a Saturday, Sunday, or legal holiday. When the time period is 10 days or less, the Board shall exclude Saturdays, Sundays, and legal holidays.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-115. Filing Documents**

- A.** Docket. The Board shall open a docket for each hearing. All documents filed in a matter with the Board shall be date stamped on the day received by the Board office and entered in the docket.
- B.** Definition. "Documents" include papers such as complaints, answers, motions, responses, notices, and briefs.
- C.** Form. A party shall state on the document the name and address of each party served and how service was made under subsection (E). A document shall contain the Board caption and the Board's docket number.
- D.** Signature. A document filed with the Board shall be signed by the party or the party's attorney. A signature constitutes a certification that the signer has read the document, has a good faith basis for submission of the document, and that it is not filed for the purpose of delay or harassment.
- E.** Filing and service. A copy of a document filed with the Board shall be served on all parties. Filing with the Board office and service shall be completed by personal delivery; first-class, certified, or express mail; or facsimile.
- F.** Date of filing and service. A document is filed with the Board on the date it is received by the Board office, as established by the Board office's date stamp on the face of the document. A copy of a document is served on a party as follows:
  1. On the date it is personally served,
  2. Five days after it is mailed by first-class or express mail,
  3. On the date of the return receipt if it is mailed by certified mail, or
  4. On the date indicated on the facsimile transmission.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-116. Continuing or Expediting a Hearing; Reconvening a Hearing**

- A.** Continuing or expediting a hearing. When ruling on a motion to continue or expedite, the Board shall consider such factors as:
  1. The time remaining between the filing of the motion and the hearing date;
  2. The position of other parties;
  3. The reasons for expediting the hearing or for the unavailability of the party, representative, or counsel on the date of the scheduled hearing;
  4. Whether testimony of an unavailable witness can be taken telephonically or by deposition; and
  5. The status of settlement negotiations.
- B.** Reconvening a hearing. The Board may recess a hearing and reconvene at a future date by a verbal ruling.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-117. Vacating a Hearing**

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The Board shall vacate a calendared hearing and return the matter to the Board office for further action, if:

1. The parties agree to vacate the hearing;
2. The Board dismisses the matter;
3. The non-Board party withdraws the appeal; or
4. Facts demonstrate to the Board that it is appropriate to vacate the hearing for the purpose of informal disposition, or if the action will further administrative convenience, expedition, and economy and does not conflict with law or cause undue prejudice to any party.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-118. Prehearing Conference**

- A.** Procedure. The Board may hold a prehearing conference. The conference may be held telephonically. The Board may issue a prehearing order outlining the issues to be discussed.
- B.** Record. The Board may record any agreements reached during a prehearing conference by electronic or mechanical means, or memorialize them in an order.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-119. Subpoenas**

- A.** Form. A party shall request a subpoena in writing from the Board and shall include:
1. The caption and docket number of the matter;
  2. A list or description of any documents sought;
  3. The full name and home or business address of the custodian of the documents sought or all persons to be subpoenaed;
  4. The date, time, and place to appear or to produce documents pursuant to the subpoena; and
  5. The name, address, and telephone number of the party, or the party's attorney, requesting the subpoena.
- B.** The Board may require a brief statement of the relevance of testimony or documents.
- C.** Service of subpoena. Any person who is not a party and is at least 18 years of age may serve a subpoena. The person shall serve the subpoena by delivering a copy to the person to be served. The person serving the subpoena shall provide proof of service by filing with the Board office a certified statement of the date and manner of service and the names of the persons served.
- D.** Objection to subpoena. A party, or the person served with a subpoena who objects to the subpoena, or any portion of it, may file an objection with the Board. The objection shall be filed within five days after service of the subpoena, or at the outset of the hearing if the subpoena is served fewer than five days before the hearing.
- E.** Quashing, modifying subpoenas. The Board shall quash or modify a subpoena if:
1. It is unreasonable or oppressive, or
  2. The desired testimony or evidence may be obtained by an alternative method.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-120. Telephonic Testimony**

The Board may grant a motion for telephonic testimony if:

1. Personal attendance by a party or witness at the hearing will present an undue hardship for the party or witness;
2. Telephonic testimony will not cause undue prejudice to any party; and
3. The proponent of the telephonic testimony pays for any cost of obtaining the testimony telephonically.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-121. Rights and Responsibilities of Parties**

- A.** Generally. A party may present testimony and documentary evidence and argument with respect to the contested issue and may examine and cross-examine witnesses.
- B.** Preparation. A party shall have all witnesses, documents, and exhibits available on the date of the hearing.
- C.** Exhibits. A party shall provide a copy of each exhibit to all other parties at the time the exhibit is offered to the Board, unless the exhibit was previously provided to all other parties.
- D.** Responding to orders. A party shall comply with an order issued by the Board concerning the conduct of a hearing. Unless an objection is made orally during a pre-hearing conference or hearing, a party shall file a motion requesting the Board to reconsider the order.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-122. Conduct of Hearing**

- A.** Public access. Unless otherwise provided by law, all hearings are open to the public and may be conducted in an informal manner as prescribed in A.R.S. § 41-1092 et seq.
- B.** Opening. The Board shall begin the hearing by reading the caption, stating the nature and scope of the hearing, and identifying the parties, counsel, and witnesses for the record.
- C.** Stipulations. The Board shall enter into the record any stipulation, settlement agreement, or consent order entered into by any of the parties before or during the hearing.
- D.** Opening statements. The party with the burden of proof may make an opening statement at the beginning of a hearing. All other parties may make statements in a sequence determined by the Board.
- E.** Order of presentation. After opening statements, the party with the burden of proof shall begin the presentation of evidence, unless the parties agree otherwise or the Board determines that requiring another party to proceed first would be more expeditious or appropriate, and would not prejudice any other party. Copies of documentary evidence may be received in the discretion of the Board. Upon request, parties shall be given an opportunity to compare the copy with the original.
- F.** Examination. A party shall conduct direct and cross examination of witnesses in the order and manner determined by the Board to expedite and ensure a fair hearing. The Board shall make rulings necessary to prevent argumentative, repetitive, or irrelevant questioning and to expedite the examination to the extent consistent with the disclosure of all relevant testimony and information. The Board may take notice of judicially cognizable facts. In addition, the Board may take notice of generally recognized technical or scientific facts within the Board's or its staff's specialized knowledge. A party shall be notified either before or during the hearing or by reference in preliminary reports of the material the Board notices. The Board may use the Board's or its staff's

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experience, technical competence, and specialized knowledge in the evaluation of the evidence.

- G. Closing argument. When all evidence has been received, parties shall have the opportunity to present closing oral argument, in a sequence determined by the Board. The Board may permit or require closing oral argument to be supplemented by written memoranda. The Board may permit or require written memoranda to be submitted simultaneously or sequentially, within time periods the Board may prescribe.
- H. Conclusion of hearing. Unless otherwise provided by the Board, the hearing is concluded upon the submission of all evidence, the making of final argument, and the issuing of a final decision or order of the Board.
- I. Decisions and orders. Unless otherwise provided by law, any final decisions or order adverse to a party in a hearing shall be in writing or stated in the record. Any final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Unless otherwise provided by law, each party shall be notified either personally or by mail to the party's last known address of record of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed to each party and to each party's attorney of record.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-123. Failure of Party to Appear for Hearing**

If a party fails to appear at a hearing, the Board may proceed with the presentation of the evidence of the appearing party, or vacate the hearing and return the matter to the Board office for any further action.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-124. Witnesses; Exclusion from Hearing**

All witnesses at the hearing shall testify under oath or affirmation. At the request of a party, or at the discretion of the Board, the Board may exclude witnesses who are not parties from the hearing room so that they cannot hear the testimony of other witnesses.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-125. Proof**

- A. Standard of proof. Unless otherwise provided by law, the standard of proof is a preponderance of the evidence.
- B. Burden of proof. Unless otherwise provided by law:
  1. The party asserting a claim, right, or entitlement has the burden of proof;
  2. A party asserting an affirmative defense has the burden of establishing the affirmative defense; and
  3. The proponent of a motion shall establish the grounds to support the motion.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-126. Disruptions**

A person shall not interfere with access to or from the hearing room, or interfere, or threaten interference with the hearing. If a

person interferes, threatens interference, or disrupts the hearing, the Board may order the disruptive person to leave or be removed.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-127. Hearing Record**

- A. Maintenance. The Board shall maintain the official administrative record of a matter.
- B. Transfer of record. Any party requesting a copy of the administrative record or any portion of the administrative record shall make a request to the Board office and shall pay the reasonable costs of duplication.
- C. Release of exhibits. Exhibits shall be released:
  1. Upon the order of a court of competent jurisdiction; or
  2. Upon motion of the party who submitted the exhibits if the time for judicial appeal has expired and no appeal is pending.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-128. Rehearing or Review and Appeal of Decision**

- A. The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10, and this Section. For purposes of these rules, the terms "contested case" and "party" are defined in A.R.S. § 41-1001.
- B. A party to a contested case shall exhaust the party's administrative remedies by filing a motion for rehearing or review within 30 days after the service of the Board decision that is subject to rehearing or review in order to be eligible for judicial review under A.R.S. Title 12, Chapter 7, Article 6. The Board shall notify a party in its decision, that is subject to rehearing or review, that the party may file a motion for rehearing or review, and that failure to file a motion for rehearing or review within 30 days after service of the decision has the effect of prohibiting the party from seeking judicial review of the Board's decision.
- C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
  1. Irregularity in the proceedings of the Board, or any order or abuse of discretion, that deprived the moving party of a fair hearing;
  2. Misconduct of the Board, its staff, its hearing officer, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Excessive or insufficient penalty;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
  7. That the Board's decision is a result of passion or prejudice; or
  8. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- E. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a



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decision or granting a rehearing shall specify with particularity the grounds for the order.

- F. If a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days, for good cause as described in subsection (I).
- G. Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on the motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- H. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the order granting the rehearing is issued.
- I. The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and a ruling on the motion will:
  1. Further administrative convenience, expedition, or economy; or
  2. Avoid undue prejudice to any party.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**R4-23-129. Notice of Judicial Appeal; Transmitting the Transcript**

- A. Notification to the Board office. Within 10 days of filing a complaint for judicial review of a final administrative decision of the Board, the party shall file a copy of the complaint with the Board office. The Board office shall then transmit the administrative record to the Superior Court.
- B. Transcript. A party requesting a transcript shall arrange for transcription at the party's expense. The Board office shall make a copy of the audio taped record available to the transcriber. The party arranging for transcription shall deliver the transcript, certified by the transcriber under oath to be a true and accurate transcription of the audio taped record, to the Board office, together with one unbound copy.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1132, effective May 1, 2004 (Supp. 04-1).

**ARTICLE 2. PHARMACIST LICENSURE****R4-23-201. General**

- A. License required. Before practicing as a pharmacist in Arizona, a person shall possess a valid pharmacist license issued by the Board. There is no temporary licensure.
- B. Methods of licensure. Licensure as a pharmacist shall be either:
  1. By practical examination, using paper and pencil written testing, computer adaptive testing, or other Board-approved testing method; or
  2. By reciprocity.
- C. Practicing pharmacist holding a delinquent license. Before the Board reinstates an Arizona pharmacist license, a pharmacist, whose Arizona pharmacist license is delinquent for five or more years and who is practicing pharmacy outside the Board's jurisdiction with a pharmacist license issued by another jurisdiction, shall:
  1. Pass the MPJE or other Board-approved jurisprudence examination,

2. Pay all delinquent annual renewal fees, and
3. Pay penalty fees.

- D. Non-practicing pharmacist holding a delinquent license. Before the Board reinstates an Arizona pharmacist license, a pharmacist, whose Arizona pharmacist license is delinquent for five or more years and who did not practice pharmacy within the last 12 months before seeking reinstatement, shall:
  1. Complete the requirements in subsection (C), and
  2. Appear before the Board to furnish satisfactory proof of fitness to be licensed as a pharmacist.
- E. Verification of license. A pharmacy permittee or pharmacist-in-charge shall not permit a person to practice as a pharmacist until the pharmacy permittee or pharmacist-in-charge verifies that the person is currently licensed by the Board as a pharmacist.

**Historical Note**

Former Rules 2.1100, 2.1310, 2.1320, and 2.1400.  
Amended effective August 23, 1978 (Supp. 78-4).  
Amended by deleting subsection (E) effective April 20, 1982 (Supp. 82-2). Amended subsections (C) and (D) effective August 12, 1988 (Supp. 88-3). Amended effective February 8, 1991 (Supp. 91-1). Amended effective January 12, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 4356, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 19 A.A.R. 2911, effective November 10, 2013 (Supp. 13-3).

**R4-23-202. Licensure by Examination**

- A. Eligibility. To be eligible for licensure as a pharmacist by examination, a person shall:
  1. Have a degree in pharmacy from a school or college of pharmacy approved by the Board as specified in A.R.S. § 32-1935, and whose professional degree program, at the time the person graduates, is accredited by the Accreditation Council for Pharmacy Education; or
  2. Qualify under the requirements of A.R.S. § 32-1922(D); and
  3. Complete no fewer than 1500 hours of intern training as specified in R4-23-303.
- B. Application.
  1. An applicant for licensure by examination shall:
    - a. Submit a completed application for licensure by examination electronically or manually on a form furnished by the Board, and
    - b. Submit with the application form:
      - i. The documents specified in the application form, and
      - ii. The application fee specified in R4-23-205.
  2. The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.
  3. An applicant for licensure by examination shall register for NAPLEX and MPJE through NABP's registration process.
  4. The Board shall deem an application for licensure by examination invalid after 12 months from the date the application is received. An applicant whose application form is invalid and who wishes to continue licensure procedures, shall submit a new application form and fee as specified under subsection (B)(1).
- C. Passing grade; notification; re-examination.
  1. To pass the required examinations, an applicant shall obtain a score of at least 75 on both the NAPLEX and MPJE.

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2. The Board office shall:
    - a. Retrieve an applicant's NAPLEX and MPJE score from the NABP database no later than two weeks after the applicant's examination date, and
    - b. Provide written notice by mail to an applicant who fails the NAPLEX or MPJE no later than seven days after the Board office retrieves the applicant's score from NABP.
  3. An applicant who fails the NAPLEX or MPJE may register with the NABP to retake the examination within the 12-month period defined in subsection (B)(4). An applicant who fails the NAPLEX or MPJE three times shall petition the Board as specified in R4-23-401 for Board approval before retaking the examination.
  4. For the purpose of licensure by examination, the Board office shall deem a passing score on the NAPLEX or MPJE invalid after 24 months from the applicant's examination date. An applicant who fails to complete the licensure process within the 24-month period, and who wishes to continue licensure procedures, shall retake the examination(s).
- D. NAPLEX score transfer.**
1. The Board office shall deem a score transfer received on the date the NABP transmits the applicant's official score transfer report to the Board office.
  2. An applicant who receives a passing score on the NAPLEX taken in another jurisdiction shall, within 12 months from the date the Board office receives the applicant's official NABP score transfer report from the NABP, make application for licensure according to subsection (B). After 12 months, an applicant may reapply for licensure in this state under the provisions of subsection (B) or R4-23-203(B).
  3. An applicant who takes the NAPLEX in another jurisdiction and fails the examination may apply for licensure in this state under the provisions of subsection (B).
- E. Licensure.**
1. The Board office shall issue a certificate of licensure and a wall license to a successful applicant upon receipt of:
    - a. The initial licensure fee specified in R4-23-205, and
    - b. The wall license fee specified in R4-23-205.
  2. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.
- F. Time frames for licensure by examination.**
1. The Board office shall complete an administrative completeness review within 60 days from the date the application form is received.
    - a. The Board office shall issue a written notice of administrative completeness to the applicant if no deficiencies are found in the application form.
    - b. If the application form is incomplete, the Board office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The 60-day time frame for the Board office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board office with all missing information.
    - c. If the Board office does not provide the applicant with written notice regarding administrative completeness, the application form shall be deemed complete 60 days after receipt by the Board office.
  2. An applicant with an incomplete application form shall submit all of the missing information within 90 days of service of the notice of incompleteness.
    - a. If an applicant cannot submit all missing information within 90 days of service of the notice of incompleteness, the applicant may send a written request for an extension to the Board office postmarked or delivered no later than 90 days from service of the notice of incompleteness.
    - b. The written request for an extension shall document the reasons the applicant is unable to meet the 90-day deadline.
    - c. The Board office shall review the request for an extension of the 90-day deadline and grant the request if the Board office determines that an extension of the deadline will enable the applicant to assemble and submit the missing information. An extension shall be for no more than 30 days. The Board office shall notify the applicant in writing of its decision to grant or deny the request for an extension.
  3. If an applicant fails to submit a complete application form within the time allowed, the Board office shall close the applicant's file. An applicant whose file is closed and who later wishes to obtain a license shall apply again according to subsection (B).
  4. The Board office shall complete a substantive review of the applicant's qualifications in no more than 120 days from the date on which the administrative completeness review of an application form is complete.
    - a. If an applicant is found to be ineligible for licensure by examination, the Board office shall issue a written notice of denial to the applicant.
    - b. If an applicant is found to be eligible to take the NAPLEX, the Board office shall notify the NABP that the applicant is eligible to test. The NABP shall issue the applicant an authorization to test letter.
    - c. If an applicant is found to be eligible to take the MPJE, the Board office shall notify the NABP that the applicant is eligible to test. The NABP shall issue the applicant an authorization to test letter.
    - d. The Board office shall deem an applicant's eligibility to test invalid after 12 months from the date the application for licensure by examination is received.
    - e. If the Board office finds deficiencies during the substantive review of an application form, the Board office shall issue a written request to the applicant for additional documentation.
    - f. The 120-day time frame for a substantive review of eligibility to take the NAPLEX or MPJE is suspended from the date of a written request for additional documentation until the date that all documentation is received. The applicant shall submit the additional documentation according to subsection (F)(2).
    - g. If the applicant and the Board office mutually agree in writing, the 120-day substantive review time frame may be extended once for no more than 45 days.
  5. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time frames for licensure by examination.
    - a. Administrative completeness review time frame: 60 days.

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- b. Substantive review time frame: 120 days.
- c. Overall time frame: 180 days.

**G. License renewal.**

1. To renew a license, a pharmacist shall submit a completed license renewal application electronically or manually on a form furnished by the Board with the biennial renewal fee specified in R4-23-205.
2. If the biennial renewal fee is not paid by November 1 of the renewal year specified in A.R.S. § 32-1925, the pharmacist license is suspended and the licensee shall not practice as a pharmacist. The licensee shall pay a penalty as provided in A.R.S. § 32-1925 and R4-23-205 to vacate the suspension.
3. A licensee shall maintain the renewal certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.
4. Time frames for license renewals. The Board office shall follow the time frames established in subsection (F).

**Historical Note**

Former Rules 2.2100, 2.2200, 2.2300, 2.2400, 2.2500, 2.2600, 2.2700, 2.2800, 2.2910, 2.2920, 2.2930, 2.3000, 2.3010, 2.3100; Amended effective August 23, 1978 (Supp. 78-5). Amended effective June 10, 1981 (Supp. 81-3). Former Section R4-23-202 repealed, new Section R4-23-202 adopted effective July 24, 1985 (Supp. 85-4).

Amended effective March 13, 1991 (Supp. 91-1).

Amended effective January 12, 1998 (Supp. 98-1).

Amended by final rulemaking at 8 A.A.R. 409 and 8 A.A.R. 646, effective January 10, 2002 (Supp. 02-1).

Amended by final rulemaking at 10 A.A.R. 4356, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 12 A.A.R. 4689, effective February 3, 2007 (Supp. 06-4). Amended by final rulemaking at 14 A.A.R. 3605, effective November 8, 2008 (Supp. 08-3).

Amended by final rulemaking at 19 A.A.R. 2911, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1012 and 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-203. Licensure by Reciprocity****A. Eligibility.** A person is eligible for licensure by reciprocity who:

1. Is licensed as a pharmacist in a jurisdiction that provides reciprocity to Arizona licensees,
2. Has passed the NABPLEX or NAPLEX with a score of 75 or better or was licensed by examination in another jurisdiction having essentially the same standards for licensure as this state at the time the pharmacist was licensed, and
3. Provides evidence to the Board of having completed the required secondary and professional education and training specified in R4-23-202(A).

**B. Application.**

1. An applicant for licensure by reciprocity shall:
  - a. Submit a completed application for licensure by reciprocity electronically or manually on a form furnished by the Board, and
  - b. Submit with the application form:
    - i. The documents specified in the application form, and
    - ii. The reciprocity fee specified in R4-23-205(B).
2. The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.

3. An applicant for licensure by reciprocity shall register for MPJE through NABP's registration process.
4. The Board office shall deem an application for licensure by reciprocity invalid after 12 months from the date the application is received. An applicant whose application form is invalid and who wishes to continue licensure procedures shall submit a new application form and fee specified in subsection (B)(1).

**C. Passing grade; notification; re-examination.**

1. To pass the required examination, an applicant shall obtain a score of at least 75 on the MPJE.
2. The Board office shall:
  - a. Retrieve an applicant's MPJE score from the NABP database no later than two weeks after the applicant's examination date, and
  - b. Provide written notice by mail to an applicant who fails the MPJE no later than seven days after the Board office retrieves the applicant's score from NABP.
3. An applicant who fails the MPJE may register with the NABP to retake the examination within the 12-month period specified in subsection (B)(4). An applicant who fails the MPJE three times shall petition the Board as specified in R4-23-401 for Board approval before retaking the examination.
4. For the purpose of licensure by reciprocity, the Board office shall deem a passing score on the MPJE invalid after 24 months from the applicant's examination date. An applicant who fails to complete the licensure process within the 24-month period, and who wishes to continue licensure procedures, shall retake the examination.

**D. Licensure.**

1. The Board office shall issue a certificate of licensure and a wall license to a successful applicant upon receipt of:
  - a. The initial licensure fee specified in R4-23-205, and
  - b. The wall license fee specified in R4-23-205.
2. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.

**E. Time frames for licensure by reciprocity.** The Board office shall follow the time frames established for licensure by examination in R4-23-202(F).**F. License renewal.** License renewal shall be the same as specified in R4-23-202(G).**Historical Note**

Former Rules 2.4100, 2.4200, 2.4310, 2.4320, 2.4330, 2.4340, 2.4350, 2.4360, 2.4400, 2.4510, 2.4520, 2.4522, 2.4523, 2.4530, 2.4540, 2.4550, 2.4560, 2.4610, 2.4620, and 2.4700; Amended effective August 23, 1978 (Supp. 78-4). Amended subsections (H), (L), (O) through (Q) effective June 10, 1981 (Supp. 81-3). Former Section R4-23-203 repealed, new Section R4-23-203 adopted effective July 24, 1985 (Supp. 85-4). Amended effective March 13, 1991 (Supp. 91-1). Amended effective January 12, 1998 (Supp. 98-1). Amended effective January 12, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 409 and 8 A.A.R. 646, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 4356, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 14 A.A.R. 3605, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 19 A.A.R. 2911, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

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**R4-23-204. Continuing Education Requirements**

**A.** Under A.R.S. § 32-1936, continuing professional pharmacy education is mandatory for all licensees.

1. General continuing education requirement. In accordance with A.R.S. § 32-1925(F), the Board shall not renew a license unless the licensee has, during the two years preceding the application for renewal, participated in 30 contact hours (3.0 CEUs) of continuing education activity sponsored by an Approved Provider as defined in R4-23-110.
2. Special continuing education requirement. The Board shall not renew a license unless:
  - a. A licensee certified under R4-23-411 to administer immunizations, vaccines, and emergency medications has participated in at least two contact hours of continuing education activity related to administering immunizations, vaccines, and emergency medications;
  - b. A licensee authorized to dispense controlled substances has participated in at least three contact hours of opioid-related, substance use disorder-related, or addiction-related continuing education activity; and
  - c. A licensee who dispenses self-administered hormonal contraceptives under a standing prescription order has participated in at least three contact hours of continuing education activity related to self-administered hormonal contraceptives.
3. A pharmacist is exempt from the continuing education requirement in subsections (A)(1) and (2) between the time of initial licensure and first renewal.

**B.** Acceptance of continuing education units CEUs. The Board shall:

1. Accept CEUs for continuing education activities sponsored only by an Approved Provider;
2. Accept CEUs accrued only during the two-year period immediately before licensure renewal;
3. Not allow CEUs accrued in a biennial renewal period to be carried forward to the succeeding biennial renewal period;
4. Allow a pharmacist who leads, instructs, or lectures to a group of health professionals on pharmacy-related topics in a continuing education activity sponsored by an Approved Provider to receive CEUs for a presentation by following the same attendance procedures as any other attendee of the continuing education activity; and
5. Not accept as CEUs the performance of normal teaching duties within a learning institution by a pharmacist whose primary responsibility is the education of health professionals.

**C.** Continuing education records and reporting CEUs. A pharmacist shall:

1. Maintain continuing education records that:
  - a. Verify the continuing education activities the pharmacist participated in during the preceding five years; and
  - b. Consist of a statement of credit or a certificate issued by an Approved Provider at the conclusion of a continuing education activity;
2. At the time of licensure renewal, attest to the number of CEUs the pharmacist participated in during the renewal period on the biennial renewal form; and

3. When requested by the Board office, submit proof of continuing education participation within 20 days of the request.

**D.** The Board may revoke, suspend, or place on probation the license of a pharmacist who fails to comply with continuing education participation, recording, or reporting requirements of this Section.

**E.** A pharmacist who is aggrieved by any decision of the Board or its administrative staff concerning continuing education units may request a hearing before the Board.

**Historical Note**

Adopted effective September 1, 1981 (Supp. 81-5).

Amended effective March 13, 1991 (Supp. 91-1).

Amended by final rulemaking at 8 A.A.R. 409 and 8 A.A.R. 646, effective January 10, 2002 (Supp. 02-1).

Amended by final rulemaking at 26 A.A.R. 223, effective March 14, 2020 (Supp. 20-1). Amended by final rulemaking at 29 A.A.R. 1655 (July 28, 2023), with an immediate effective date of July 5, 2023 (Supp. 23-3).

**R4-23-205. Fees**

**A.** The Board shall collect the full biennial fee for all initial and renewal license and permit applications listed in subsections (B) and (C).

1. If a license or permit is issued from November of an odd-numbered year through October of an even-numbered year, the licensee or permittee shall renew on or before November 1 of the next odd-numbered year.
2. If a license or permit is issued from November of an even-numbered year through October of an odd-numbered year, the licensee or permittee shall renew on or before November 1 of the next even-numbered year.

**B.** Licensure fees:

1. Pharmacist:
  - a. Initial licensure: \$180.
  - b. Licensure renewal: \$180.
2. Intern. Initial licensure: \$50.
3. Pharmacy technician:
  - a. Initial licensure: \$72.
  - b. Licensure renewal: \$72.
4. Temporary license valid for 30 days:
  - a. Pharmacist: \$120.
  - b. Intern: \$50.
  - c. Pharmacy technician: \$50.

**C.** Vendor permit fees (Resident and nonresident):

1. Pharmacy: \$480 biennially (Including hospital, and limited service).
2. Drug wholesaler or manufacturer:
  - a. Manufacturer: \$1000 biennially.
  - b. Full-service drug wholesaler: \$1000 biennially.
  - c. Nonprescription drug wholesaler: \$500 biennially.
3. Drug packager or repackager: \$1000 biennially.
4. Compressed medical gas distributor: \$200 biennially.
5. Durable medical equipment and compressed medical gas supplier: \$100 biennially.
6. Third-party logistics provider: \$1000 biennially.
7. Automated prescription-dispensing kiosk: \$480 biennially.

**D.** Pharmacy technician trainee 36-month, non-renewable, license: \$50.

1. If an individual obtained an initial pharmacy technician trainee license before August 9, 2017, the Board shall allow the individual to reapply once for a pharmacy technician trainee license if the individual reapplies

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before the initial license expires and pays a reapplication fee of \$36; and

2. If a pharmacy technician trainee's initial license expires before August 9, 2017, and the pharmacy technician trainee does not reapply before August 9, 2017, the Board shall not allow the former pharmacy technician trainee to reapply.

E. Reciprocity fee: \$300.

F. Application fee: \$50.

G. Certificate fees:

1. Certificate of free sale: \$200 per certificate.
2. Certificate of good manufacturing practice: \$200 per certificate.
3. Annual inspection fee calculated at the average hourly rate of a pharmacy inspector multiplied by the duration of the inspection measured in 10-minute increments or portion of a 10-minute increment.

H. Other fees:

1. Wall license.
  - a. Pharmacist: \$20.
  - b. Pharmacy or graduate intern: \$10.
  - c. Pharmacy technician: \$10.
  - d. Pharmacy technician trainee: \$10.
2. Duplicate of any Board-issued license, registration, certificate, or permit: \$10.
3. Duplicate current renewal license: \$10.
4. License, permit, or certificate verification: \$15.

I. Fees are not refunded under any circumstances except for the Board's failure to comply with its established licensure or permit time frames under R4-23-202 or R4-23-602.

J. Penalty. Renewal applications submitted after the expiration date are subject to a penalty as provided in A.R.S. §§ 32-1925 and 32-1931.

1. Licensees: A penalty equal to half the licensee's biennial licensure renewal fee under subsection (B) and not to exceed \$350.
2. Permittees: A penalty equal to half the permittee's biennial permit fee under subsection (C) and not to exceed \$350.

**Historical Note**

Adopted effective July 24, 1985 (Supp. 84-5). Amended subsection (A) paragraph (1) effective May 20, 1988 (Supp. 88-2). Amended effective August 12, 1988 (Supp. 88-3). Amended effective February 8, 1991 (Supp. 91-1). Amended effective April 1, 1995; filed with the Secretary of State January 31, 1995 (Supp. 95-1). Amended effective January 12, 1998 (Supp. 98-1). Amended by final rulemaking at 6 A.A.R. 4589, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 409 and 8 A.A.R. 646, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 416, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 15 A.A.R. 173, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 20 A.A.R. 1364, effective August 2, 2014 (Supp. 14-2). Amended by exempt rulemaking under Laws 2016, Ch. 284, § 3 at 22 A.A.R. 2606, effective August 31, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 23 A.A.R. 2058, effective August 9, 2017; amended by final exempt rulemaking with amendments to subsection (D), at 23 A.A.R. 2383 (Supp. 17-3).

Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 25 A.A.R. 1012, and 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 223, effective March 14, 2020 (Supp. 20-1).

**ARTICLE 3. INTERN TRAINING AND PHARMACY INTERN PRECEPTORS****R4-23-301. Intern Licensure**

- A. Licensure as a pharmacy intern or graduate intern is for the purpose of complementing the individual's academic or experiential education in preparation for licensure as a pharmacist. An applicant may request a waiver of intern licensure requirements by submitting a written request as specified in R4-23-401 and appearing in person at a Board meeting.
- B. The prerequisites for licensure as a pharmacy intern are:
  1. Current enrollment, in good standing, in a Board-approved college or school of pharmacy; or
  2. Graduation from a college or school of pharmacy that is not approved by the Board; and
  3. Proof that the applicant is certified by the Foreign Pharmacy Graduate Examination Committee (FPGEC); or
  4. By order of the Board if the Board determines the applicant needs intern training.
- C. If a pharmacy intern licensee stops attending pharmacy school classes before completing the pharmacy school's requirements for graduation, the licensee shall immediately stop practicing as a pharmacy intern and surrender the pharmacy intern license to the Board or the Board's designee no later than 30 days after the date of the last attended class, unless the licensee petitions the Board as specified in R4-23-401 and receives Board approval to continue working as a pharmacy intern. A student re-entering a pharmacy program who wishes to continue internship training shall reapply for pharmacy intern licensure.
- D. The prerequisites for licensure as a graduate intern are:
  1. Graduation from a Board-approved college or school of pharmacy, and
  2. Application for licensure as a pharmacist by examination or reciprocity, or
  3. By order of the Board if the Board determines that the applicant needs intern training.
- E. Experiential training. Intern training shall include the activities and services encompassed by the term "practice of pharmacy" as defined in A.R.S. § 32-1901.
- F. Out-of-state experiential training. An intern shall receive credit for intern training received outside this state if the Board determines that the intern training requirements of the jurisdiction in which the training was received are equal to the minimum requirements for intern training in this state. An applicant seeking credit for intern training received outside this state shall furnish a certified copy of the records of intern training from:
  1. The Board of Pharmacy or the intern licensing agency of the other jurisdiction where the training was received; or
  2. In a jurisdiction without an intern licensing agency, the director of the applicant's Board-approved college or school of pharmacy's experiential training program.
- G. Verification of license. A pharmacy permittee or pharmacist-in-charge shall not permit a person to practice as a pharmacy or graduate intern until the pharmacy permittee or pharmacist-

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in-charge verifies that the person is currently licensed by the Board as a pharmacy or graduate intern.

**H. Intern application.**

1. An applicant for licensure as a pharmacy intern or graduate intern shall:
  - a. Submit a completed application electronically or manually on a form furnished by the Board, and
  - b. Submit with the application form:
    - i. The documents specified in the application form,
    - ii. The initial licensure fee specified in R4-23-205, and
    - iii. The wall license fee specified in R4-23-205.
2. The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.

**I. Licensure.**

1. If an applicant is found to be ineligible for intern licensure under statute and rule, the Board office shall issue a written notice of denial to the applicant.
2. If an applicant is found to be eligible for intern licensure under statute and rule, the Board office shall issue a certificate of licensure and a wall license. An applicant who is assigned a license number and who has been granted "open" status on the Board's license verification site may begin practice as a pharmacy intern or graduate intern before receiving the certificate of licensure.
3. An applicant who is assigned a license number and who has a "pending" status on the Board's license verification site shall not practice as a pharmacy intern or graduate intern until the Board office issues a certificate of licensure as specified in subsection (2).
4. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.

**J. Time frames for intern licensure.** The Board office shall follow the time frames established in R4-23-202(F).**K. License renewal.**

1. A pharmacy intern whose license expires before the intern completes the education or training required for licensure as a pharmacist but fewer than six years after the issuance of the initial pharmacy intern license may renew the intern license for a period equal to the difference between the expiration date of the initial intern license and six years from the issue date of the initial intern license by payment of a prorated renewal fee based on the initial license fee specified in R4-23-205.
2. If a pharmacy intern fails to graduate from a Board-approved college or school of pharmacy within six years from the date the Board issues the initial intern license, the intern is not eligible for relicensure as an intern unless the intern obtains Board approval as specified in A.R.S. § 32-1923(E) and R4-23-401. To remain in good standing, an intern who receives Board approval for relicensure shall pay a prorated renewal fee for the number of months of licensure approved by the Board based on the initial license fee specified in R4-23-205 before the license expiration date.
3. If an intern receives Board approval for relicensure and does not pay the renewal fee specified in subsection (K)(2) before the license expiration date, the intern license is suspended and the licensee shall not practice as an intern. The licensee shall pay a penalty as provided in

A.R.S. § 32-1925 and R4-23-205 to vacate the suspension.

**L. Notification of training.**

1. A pharmacy intern who is employed as an intern outside the experiential training program of a Board-approved college or school of pharmacy or a graduate intern shall notify the Board within 10 days of starting or terminating training, or changing training site.
2. The director of a Board-approved college or school of pharmacy's experiential training program shall provide the Board an intern training report as specified in R4-23-304(B)(3).

**Historical Note**

Former Rules 3.1000, 3.1100, 3.1200, 3.2000, 3.2100, and 3.2200; Amended effective August 23, 1978 (Supp. 78-4). Amended effective April 20, 1982 (Supp. 82-2). Amended subsections (A), (F) and (G) effective August 12, 1988 (Supp. 88-3). Amended effective November 1, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 416, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 4356, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 3565, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 3670, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 19 A.A.R. 2911, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-302. Training Site and Pharmacy Intern Preceptors**

- A.** To receive credit for intern training hours, a pharmacy or graduate intern shall train in a site that:
  1. Holds a valid Arizona pharmacy permit; or
  2. Is an alternative training site. For purposes of this Section, the term alternative training site is a non-pharmacy training site established and monitored by a Board-approved college or school of pharmacy or other non-pharmacy site where pharmacy related activities are performed and where an intern gains experience as specified in R4-23-301(E).
- B.** Pharmacy intern preceptor. To be a pharmacy intern preceptor, a pharmacist shall:
  1. Hold a current unrestricted pharmacist license;
  2. Have a minimum of one year of experience as an actively practicing pharmacist before acting as a pharmacy intern preceptor; and
  3. If found guilty of violating any federal or state law relating to the practice of pharmacy, drug or device distribution, or recordkeeping or unprofessional conduct, enter into an agreement satisfactory to the Board that places restrictions on the pharmacist's license.
- C.** Preceptor responsibilities. A pharmacy intern preceptor assumes the responsibilities of a teacher and mentor in addition to those of a pharmacist. A preceptor shall thoroughly review pharmacy policy and procedure with each intern. A preceptor is responsible for the pharmacy-related actions of an intern during the specific training period. A preceptor shall give an intern the opportunity for skill development and provide an intern with timely and realistic feedback regarding their progress.
- D.** If an intern completes more than the number of training hours specified under R4-23-202(A)(3), the pharmacist acting as the



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pharmacy intern preceptor shall report the total number of training hours to the other jurisdiction.

**Historical Note**

Former Rules 3.3000, 3.3100, 3.3200, 3.3300, 3.3310, 3.3320, 3.3330, 3.3340, 3.3400, 3.4000, 3.4100, 3.4200, 3.4300, and 3.4400; Amended effective August 9, 1983 (Supp. 83-4). Amended by final rulemaking at 8 A.A.R. 416, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 3605, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-303. Training Time**

**A.** Training. The minimum hours of internship training required for licensure by examination shall be 1,500.

1. After enrolling in a Board-approved college or school of pharmacy as prescribed in R4-23-301(B) and receiving a Board-issued pharmacy intern license, a pharmacy intern shall complete all required internship training as part of the pharmacy intern's Board-approved college or school of pharmacy experiential training program.
2. After receiving a Board-issued pharmacy intern license, an individual who is a graduate of a college or school of pharmacy that is not approved by the Board shall complete a minimum of 1,500 hours of internship training in a training site or sites as defined in R4-23-302(A).
3. After receiving a Board-issued graduate intern license, a graduate intern shall complete the number of internship training hours required by the Board in a training site or sites as defined in R4-23-302(A).

**B.** Start of training and limitation of credit. To receive credit as internship training, the practical experience shall take place in a pharmacy or an alternative training site as specified in R4-23-302(A) and under the supervision of a pharmacy intern preceptor, except for a non-pharmacy site either as part of a Board-approved college or school of pharmacy experiential training program or as approved by the Board or its designee. The Board shall credit no more than 500 hours internship training as a pharmacy or graduate intern in an alternative training site specified in R4-23-302(A)(2).

**Historical Note**

Former Rules 3.5000 and 3.5200; Amended effective August 23, 1978 (Supp. 78-4). Amended effective August 9, 1983 (Supp. 83-4). Amended by final rulemaking at 8 A.A.R. 416, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2619, effective December 2, 2012 (Supp. 12-4).

**R4-23-304. Reports**

**A.** Change of employment or mailing address. A pharmacy intern or graduate intern shall notify the Board within ten days of change of employment or mailing address.

**B.** Annual reports.

1. A pharmacy intern who is a graduate of a college or school of pharmacy that is not approved by the Board or is a graduate intern shall provide the Board annual intern training reports for the duration of training. The pharmacy intern shall file an annual intern training report on a report form provided by the Board by calendar year (January 1st through December 31st). An annual intern training report shall be received at the Board's office no later than 30 days after the end of the calendar year. Any

intern training hours reported to the Board office more than 30 days after the end of the calendar year in which the training hours were performed shall not be credited toward the total intern training hours required for licensure.

2. After graduation and before sitting for the NAPLEX or MPJE, a pharmacy intern who is a graduate of a Board-approved college or school of pharmacy shall ensure that the director of the Board-approved college or school of pharmacy's experiential training program provides the Board an intern training report that includes:

- a. The dates and number of training hours experienced, by training site and total; and
- b. The date signed and experiential training program director's signature verifying that the pharmacy intern successfully completed the experiential training program.

**Historical Note**

Former Rules 3.6100, 3.6200, 3.6300, and 3.6400; Amended effective August 23, 1978 (Supp. 78-4). Amended by final rulemaking at 8 A.A.R. 416, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 4356, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 18 A.A.R. 2619, effective December 2, 2012 (Supp. 12-4). Amended by final rulemaking at 19 A.A.R. 2911, effective November 10, 2013 (Supp. 13-3).

**R4-23-305. Miscellaneous Intern Training Provisions**

To prevent a loss of intern hour credit and before beginning training, an intern may ask the Board if a training site meets the requirements specified in R4-23-301(E) and R4-23-302(A).

**Historical Note**

Former Rule 3.7000; Amended effective August 23, 1978 (Supp. 78-4). Amended by final rulemaking at 8 A.A.R. 416, effective January 10, 2002 (Supp. 02-1).

**ARTICLE 4. PROFESSIONAL PRACTICES****R4-23-401. Time-frames for Board Approvals and Special Requests**

**A.** To request a Board approval required by this Chapter or a special request to deviate from or waive compliance with a requirement of this Chapter, a person shall send a letter by regular mail, e-mail, or facsimile to the Board office, detailing the nature of the approval or special request, including the applicable Arizona Revised Statute or administrative code citation. This Section does not apply to a request from a person regarding the probation, suspension, or revocation of a license or permit.

**B.** The Board office shall complete an administrative completeness review within 15 days from the date of receipt of a written request and immediately open a request file for the applicant.

1. The Board office shall issue a written notice of administrative completeness to the applicant if no deficiencies are found in the request.
2. If the request is incomplete, the Board office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The 15-day time-frame for the Board office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board office with all missing information.

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3. If the Board office does not provide the applicant with notice regarding administrative completeness, the request is deemed complete 15 days after receipt by the Board office.
- C. An applicant with an incomplete request shall submit all of the missing information within 30 days of service of the notice of incompleteness.
  1. If an applicant cannot submit all missing information within 30 days of service of the notice of incompleteness, the applicant may send a written request for an extension to the Board office post-marked or delivered no later than 30 days from service of the notice of incompleteness.
  2. The written request for an extension shall document the reasons the applicant cannot meet the 30-day deadline.
  3. The Board office shall review the request for an extension of the 30-day deadline and grant the request if the Board office determines that an extension of the deadline will enable the applicant to assemble and submit the missing information. An extension shall be for no more than 30 days. The Board office shall notify the applicant in writing of its decision to grant or deny the request for an extension. An applicant who requires an additional extension shall submit an additional written request according to subsections (C)(1) and (C)(2).
- D. If an applicant fails to submit a complete request within the time allowed, the Board office shall close the applicant's request file. An applicant whose request file is closed and who later wishes to obtain an approval or special request shall apply again according to subsection (A).
- E. From the date on which the administrative completeness review of a request is finished, the Board shall complete a substantive review of the applicant's request in no more than 120 days.
  1. The Board shall:
    - a. Approve the request,
    - b. Deny the request, or
    - c. If the Board determines deficiencies exist, request that the applicant produce additional documentation.
  2. If the Board approves or denies, the Board office shall issue a written approval or denial.
  3. If the Board finds deficiencies during the substantive review of a request, the Board office shall issue a written request to the applicant for additional documentation.
  4. The 120-day time-frame for a substantive review of a request for approval or special request is suspended from the date of a written request for additional documentation until the date of the next Board meeting after all documentation is received. The applicant shall submit the additional documentation according to subsection (C).
  5. If the applicant and the Board office mutually agree in writing, the 120-day substantive review time-frame may be extended once for no more than 30 days.
- F. If the applicant fails to submit the additional information requested within the time allowed, the Board office shall close the applicant's request file. An applicant whose request file is closed and who later wishes to obtain an approval or special request shall apply again according to subsection (A).
- G. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for a Board approval required by this Chapter or a special request to deviate from or waive compliance with a requirement of this Chapter:
  1. Administrative completeness review time-frame: 15 days;
  2. Substantive review time-frame: 120 days; and

3. Overall time-frame: 135 days.

**Historical Note**

Former Rule 4.1000; Former Section R4-23-401 repealed, new Section R4-23-401 adopted effective August 9, 1983 (Supp. 83-4). Amended effective May 16, 1990 (Supp. 90-2). Repealed effective August 24, 1992 (Supp. 92-3). New Section made by final rulemaking at 9 A.A.R. 3184, effective August 30, 2003 (Supp. 03-3).

**R4-23-402. Pharmacist, Graduate Intern, and Pharmacy Intern**

- A. A pharmacist or a graduate intern or pharmacy intern under the supervision of a pharmacist shall perform the following professional practices in dispensing a prescription medication from a prescription order:
1. Receive, reduce to written form, and manually initial oral prescription orders;
  2. Obtain and record the name of the individual who communicates an oral prescription order;
  3. Obtain, or assume responsibility to obtain, from the patient, patient's agent, or medical practitioner and record, or assume responsibility to record, in the patient's profile, the following information:
    - a. Name, address, telephone number, date of birth (or age), and gender;
    - b. Individual history including known diseases and medical conditions, known drug allergies or drug reactions, and if available a comprehensive list of medications currently taken and medical devices currently used;
  4. Record, or assume responsibility to record, in the patient's profile, a pharmacist's, graduate intern's, or pharmacy intern's comments relevant to the patient's drug therapy, including other information specific to the patient or drug;
  5. Verify the legality and pharmaceutical feasibility of dispensing a drug based upon:
    - a. The patient's allergies,
    - b. Incompatibilities with medications the patient currently takes,
    - c. The patient's use of unusual quantities of dangerous drugs or narcotics,
    - d. A medical practitioner's signature, and
    - e. The frequency of refills;
  6. Verify that a dosage is within proper limits;
  7. Interpret the prescription order, which includes exercising professional judgment in determining whether to dispense a particular prescription;
  8. Compound, mix, combine, or otherwise prepare and package the prescription medication needed to dispense individual prescription orders;
  9. Prepackage or supervise the prepackaging of drugs by a pharmacy technician or pharmacy technician trainee under R4-23-1104. For drugs prepackaged by a pharmacy technician or pharmacy technician trainee, a pharmacist shall:
    - a. Verify the drug to be prepackaged;
    - b. Verify that the label meets the official compendium's standards;
    - c. Check the completed prepackaging procedure and product; and
    - d. Manually initial the completed label; or

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- e. For automated packaging systems, manually initial the completed label or a written log or initial a computer-stored log;
  10. Check prescription order data entry to ensure that the data input:
    - a. Is for the correct patient by verifying the patient's name, address, telephone number, gender, and date of birth or age;
    - b. Is for the correct drug by verifying the drug name, strength, and dosage form;
    - c. Communicates the prescriber's directions precisely by verifying dose, dosage form, route of administration, dosing frequency, and quantity; and
    - d. Is for the correct medical practitioner by verifying the medical practitioner's name, address, and telephone number;
  11. Except as provided in subsection (A)(12), make a final accuracy check of the completed prescription label including verification of medication, accuracy of patient's name, consistency with prescription order, and drug utilization review and initial in handwriting or by another method approved by the Board or its designee the finished label;
  12. If a technology-assisted verification of product program is used, make a final accuracy check of the completed prescription label including accuracy of patient's name, consistency with prescription order, and drug utilization review and initial in handwriting or by another method approved by the Board or its designee the finished label. If a technology-assisted verification of product program is used, verification of product is not required.
  13. Record, or assume responsibility to record, a prescription serial number and date dispensed on the original prescription order;
  14. Obtain, or assume responsibility to obtain, permission to refill a prescription order and record, or assume responsibility to record on the original prescription order:
    - a. Date dispensed,
    - b. Quantity dispensed, and
    - c. Name of medical practitioner or medical practitioner's agent who communicates permission to refill the prescription order;
  15. Reduce to written or printed form, or assume responsibility to reduce to written or printed form, a new prescription order received by:
    - a. Fax,
    - b. E-mail, or
    - c. Other means of communication;
  16. Verify, or assume responsibility to verify, that a completed prescription medication is sold only to the correct patient, patient's care-giver, or authorized agent;
  17. Record on the original prescription order the name or initials of the pharmacist, graduate intern, or pharmacy intern who originally dispenses the prescription order; and
  18. Record on the original prescription order the name or initials of the pharmacist, graduate intern, or pharmacy intern who dispenses each refill.
- B.** Only a pharmacist, graduate intern, or pharmacy intern shall provide oral consultation about a prescription medication to a patient or patient's care-giver in an outpatient setting, including a patient discharged from a hospital. The oral consultation is required whenever the following occurs:
1. The prescription medication has not been previously dispensed to the patient in the same strength or dosage form or with the same directions;
  2. The pharmacist, through the exercise of professional judgment, determines that oral consultation is warranted; or
  3. The patient or patient's care-giver requests oral consultation.
- C.** Oral consultation shall include:
1. Reviewing the name and strength of a prescription medication or name of a prescription-only device and the labeled indication of use for the prescription medication or prescription-only device;
  2. Reviewing the prescription's directions for use;
  3. Reviewing the route of administration; and
  4. Providing oral information regarding special instructions and written information regarding side effects, procedure for missed doses, or storage requirements.
- D.** When, in the professional judgment of the pharmacist or graduate intern or pharmacy intern under the supervision of a pharmacist, or when circumstance precludes it, oral consultation may be omitted if the pharmacist, graduate intern, or pharmacy intern:
1. Personally provides written information to the patient or patient's care-giver that summarizes the information that would normally be orally communicated;
  2. Documents, or assumes responsibility to document, both the circumstance and reason for not providing oral consultation by a method approved by the Board or its designee; and
  3. Offers the patient or patient's care-giver the opportunity to communicate with a pharmacist, graduate intern, or pharmacy intern at a later time and provides a method for the patient or patient's care-giver to contact a pharmacist, graduate intern, or pharmacy intern at the pharmacy.
- E.** The pharmacist or graduate intern or pharmacy intern under the supervision of a pharmacist, through the exercise of professional judgment, may provide oral consultation that includes:
1. Common severe adverse effects, interactions, or therapeutic contraindications, and the action required if they occur;
  2. Techniques of self-monitoring drug therapy;
  3. The duration of the drug therapy; and
  4. Prescription refill information.
- F.** Nothing in subsection (B) requires a pharmacist, graduate intern, or pharmacy intern to provide oral consultation if a patient or patient's care-giver refuses the consultation.
- G.** Using a method approved by the Board or its designee, a pharmacist, graduate intern, or pharmacy intern shall document, or assume responsibility to document, that oral consultation is or is not provided.
- H.** Oral consultation documentation. When oral consultation is required as specified in subsection (B), a pharmacist, graduate intern, or pharmacy intern shall:
1. Document, or assume responsibility to document, that oral consultation is provided; or
  2. When a patient refuses oral consultation or a person other than the patient or patient's care-giver picks up a prescription and oral consultation is not provided, document, or assume responsibility to document, that oral consultation is not provided; or
  3. When a pharmacist, graduate intern, or pharmacy intern determines to omit oral consultation under subsection (D)

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and oral consultation is not provided, document, or assume responsibility to document, both the circumstance and reason that oral consultation is not provided; and

4. Document, or assume responsibility to document, the name, initials, or identification code of the pharmacist, graduate intern, or pharmacy intern who did or did not provide oral consultation.
- I. When a prescription is delivered to the patient or patient's care-giver outside the immediate area of a pharmacy and a pharmacist is not present, the prescription shall be accompanied by written or printed patient medication information that, in addition to the requirements in subsection (C), includes:
  1. Approved use for the prescription medication;
  2. Possible adverse reactions;
  3. Drug-drug, food-drug, or disease-drug interactions;
  4. Missed dose information; and
  5. Telephone number of the dispensing pharmacy or another method approved by the Board or its designee that allows a patient or patient's care-giver to consult with a pharmacist.
- J. A prescription medication or prescription-only device, delivered to a patient at a location where a licensed health care professional is responsible for administering the prescription medication to the patient, is exempt from the requirement of subsection (C).
- K. A pharmacist, graduate intern, or pharmacy intern shall wear a badge indicating name and title while on duty.
- L. Nothing in this Section prevents a hospital pharmacist from accepting a prescription order according to rules pertaining specifically to hospital pharmacies.

**Historical Note**

Former Rule 4.1100; Amended effective August 10, 1978 (Supp. 78-4). Amended effective August 9, 1983 (Supp. 83-4). Amended effective May 16, 1990 (Supp. 90-2). Amended effective July 7, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 4656, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 9 A.A.R. 5030, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 2258, effective August 6, 2005 (Supp. 05-2). Amended by final rulemaking at 12 A.A.R. 274, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 4691, effective February 3, 2007 (Supp. 06-4). Amended by final rulemaking at 23 A.A.R. 3257, effective January 8, 2018 (Supp. 17-4).

**R4-23-403. Repealed****Historical Note**

Former Rule 4.1200; Amended effective August 10, 1978 (Supp. 78-4). Amended effective March 28, 1980 (Supp. 80-2). Amended effective August 9, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 16, 1990 (Supp. 90-2). Amended effective November 1, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 4441, effective November 2, 1999 (Supp. 99-4). Section repealed by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1).

**R4-23-404. Unethical Practices**

- A. Rebates prohibited. A pharmacist or pharmacy permittee shall not offer, deliver, receive, or accept any unearned rebate,

refund, commission, preference, patronage dividend, discount, or other unearned consideration, whether in the form of money or otherwise, as compensation or inducement to refer a patient, client, or customer to any person, except for a rebate or premium paid completely and directly to a patient. A pharmacist or pharmacy permittee shall not:

1. Make payment to a medical practitioner in money or other consideration for a prescription order prescribed by the medical practitioner; or
2. Make payment to a long-term care or assisted living facility or other health care institution in money, discount, rental, or other consideration in an amount above the prevailing rate for:
  - a. Prescription medication or devices dispensed or sold for a patient or resident of the facility or institution; or
  - b. Drug selection or drug utilization review services, drug therapy management services, or other pharmacy consultation services provided for a patient or resident of the facility or institution.
- B. Prescription order-blank advertising prohibited. A pharmacist or pharmacy permittee shall not:
  1. Directly or indirectly furnish to a medical practitioner a prescription order-blank that refers to a specific pharmacist or pharmacy in any manner; or
  2. Actively or passively participate in any arrangement or agreement where a prescription order-blank is prepared, written, or issued in a manner that refers to a specific pharmacist or pharmacy.
- C. Fraudulent claim for service. A pharmacist or pharmacy permittee shall not claim the performance of a service that the pharmacist or pharmacy permittee knows or should know was not performed, such as, claiming to dispense a prescription medication that is not dispensed.
- D. Fraudulent claim for a fee. A pharmacist or pharmacy permittee:
  1. Shall not claim a fee for a service that is not performed or earned;
  2. May divide a prescription order into two or more portions of prescription medication at the request of a patient, or for some other ethical reason, and charge a dispensing fee for the additional service; and
  3. Shall not divide a prescription order merely to obtain an additional fee.
- E. Prohibiting a prescription-only drug or device from being dispensed over the counter. A pharmacist shall ensure that:
  1. A prescription-only drug or device is dispensed only after receipt of a valid prescription order from a licensed medical practitioner;
  2. The dispensed prescription-only drug or device is properly prepared, packaged, and labeled according to this Chapter; and
  3. The prescription order is filed according to this Chapter.
- F. Drugs dispensed in the course of the conduct of a business of dispensing drugs through diagnosis by mail or the internet.
  1. A pharmacist shall not dispense a drug from a prescription order if the pharmacist has knowledge, or reasonably should know under the circumstances, that the prescription order was issued on the basis of an internet-based questionnaire or an internet-based consultation without a medical practitioner-patient relationship as defined in R4-23-110.
  2. A pharmacist who dispenses a prescription-only drug, prescription-only device, or controlled substance in

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violation of this Section is engaging in unethical conduct in violation of A.R.S. § 32-1901.01.

**Historical Note**

Former Rules 4.2110, 4.2120, 4.2130, 4.2210, 4.2230, 4.2400, 4.2500, 4.2600, 4.4100, 4.4200, 4.4310, 4.4320, 4.4400, and 4.4500; Amended effective August 10, 1978 (Supp. 78-4); Amended subsection (I) effective August 9, 1983 (Supp. 83-4). Amended by deleting subsections (H) through (M) effective November 18, 1983 (Supp. 83-6). Amended by final rulemaking at 8 A.A.R. 1256, effective March 7, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 3405, effective October 4, 2008 (Supp. 08-3).

**R4-23-405. Change of Responsibility**

A pharmacist designated as the pharmacist-in-charge for a pharmacy, manufacturer, or other establishment shall give immediate notice, as defined in R4-23-110, when:

1. The pharmacist's responsibility as a pharmacist-in-charge is terminated; or
2. The pharmacist knows of a pending termination of the pharmacist's responsibility as the pharmacist-in-charge.

**Historical Note**

Former Rules 4.5100 and 4.5200; Amended effective August 9, 1983 (Supp. 83-4). Amended effective February 8, 1991 (Supp. 91-1). Amended effective November 1, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 1256, effective March 7, 2002 (Supp. 02-1).

**R4-23-406. Repealed****Historical Note**

Adopted as an emergency effective January 10, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Amended as an emergency effective April 2, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days. Adopted effective April 10, 1979 (Supp. 79-1). Former Section R4-23-406 repealed, new Section R4-23-406 adopted effective August 9, 1983 (Supp. 83-4). Amended effective April 1, 1995; filed with the Secretary of State January 31, 1995 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 1256, effective March 7, 2002 (Supp. 02-1). Section repealed by final rulemaking at 10 A.A.R. 230, effective March 6, 2004 (Supp. 04-1).

**R4-23-407. Prescription Requirements**

**A.** Prescription orders. A pharmacist shall ensure that:

1. A prescription order the pharmacist uses to dispense a drug or device includes the following information:
  - a. Date of issuance;
  - b. Name and address of the patient for whom or the owner of the animal for which the drug or device is dispensed;
  - c. Drug name, strength, and dosage form or device name;
  - d. Name of the manufacturer or distributor of the drug or device if the prescription order is written generically or a substitution is made;
  - e. Prescribing medical practitioner's directions for use;
  - f. Date of dispensing;
  - g. Quantity prescribed and if different, quantity dispensed;
  - h. For a prescription order for a controlled substance, the medical practitioner's address and DEA number;

- i. For a written prescription order, the medical practitioner's signature;
- j. For an electronically transmitted prescription order, the medical practitioner's digital or electronic signature;
- k. For an oral prescription order, the medical practitioner's name and telephone number; and
- l. Name or initials of the dispensing pharmacist;
2. A prescription order is kept by the pharmacist or pharmacy permittee as a record of the dispensing of a drug or device for seven years from the date the drug or device is dispensed;
3. The dispensing of a drug or device complies with the packaging requirements of the official compendium and state and federal law; and
4. If the drug dispensed is a schedule II controlled substance that is an opioid, the drug is placed in a container that has a red cap and a warning label stating "CAUTION: OPIOID, Risk of Overdose and Addiction" or other similarly clear language indicating the possibility of overdose and addiction. Under delegation from the Board, the Executive Director may waive the red-cap requirement if implementing the requirement is not feasible because of the specific dosage form or packaging type.
- B.** Prescription refills. A pharmacist shall ensure that the following information is recorded on the back of a prescription order when it is refilled:
  1. Date refilled,
  2. Quantity dispensed,
  3. Name or approved abbreviation of the manufacturer or distributor if the prescription order is written generically or a substitution is made, and
  4. The name or initials of the dispensing pharmacist.
- C.** Prescription order adaptation. Except for a prescription order for a controlled substance, a pharmacist, using professional judgment, may make the following adaptations to a prescription order if the pharmacist documents the adaptation in the patient's record:
  1. Change the prescribed quantity if the prescribed quantity is not a package size commercially available from the manufacturer;
  2. Change the prescribed dosage form or directions for use if the change achieves the intent of the prescribing medical practitioner;
  3. Complete missing information on the prescription order if there is sufficient evidence to support the change; and
  4. Extend the quantity of a maintenance drug for the limited quantity necessary to achieve medication refill synchronization for the patient.
- D.** A pharmacist may furnish a copy of a prescription order to the patient for whom it is prescribed or to the authorized representative of the patient if the copy is clearly marked "COPY FOR REFERENCE PURPOSES ONLY" or other similar statement. A copy of a prescription order is not a valid prescription order and a pharmacist shall not dispense a drug or device from the information on a copy.
- E.** Transfer of prescription order information. For a transfer of prescription order information to be valid, a pharmacy permittee or pharmacist-in-charge shall ensure that:
  1. Both the original and the transferred prescription order are maintained for seven years after the last dispensing date;

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2. The original prescription order information for a Schedule III, IV, or V controlled substance is transferred only as specified in 21 CFR 1306.25;
3. The original prescription order information for a non-controlled substance drug is transferred without limitation only up to the number of originally authorized refills;
4. For a transfer within Arizona:
  - a. The transfer of original prescription order information for a non-controlled substance drug meets the following conditions:
    - i. The transfer of information is communicated electronically, verbally, or by fax directly between:
      - (1) Two licensed pharmacists,
      - (2) A licensed pharmacist and a licensed intern, or
      - (3) Two licensed interns;
    - ii. The following information is recorded by the transferring pharmacist or intern:
      - (1) The word "void" is written on the face of the invalidated original prescription unless it is an electronic or oral transfer and the transferred prescription order information is invalidated in the transferring pharmacy's computer system; and
      - (2) The name and identification code, number, or address and telephone number of the pharmacy to which the prescription is transferred, the name of the receiving pharmacist or intern, the date of transfer, and the name of the transferring pharmacist or intern is written on the back of the prescription or entered into the transferring pharmacy's computer system; and
    - iii. The following information is recorded by the receiving pharmacist or intern on the transferred prescription order:
      - (1) The word "transfer;"
      - (2) Date of issuance of the original prescription order;
      - (3) Original number of refills authorized on the original prescription order;
      - (4) Date of original dispensing;
      - (5) Number of valid refills remaining and the date of the last refill;
      - (6) Name and identification code, number, or address, telephone number, and original prescription number of the pharmacy from which the prescription is transferred;
      - (7) Name of the transferring pharmacist or intern; and
      - (8) Name of the receiving pharmacist or intern;
  - b. The transfer of original prescription order information for a Schedule III, IV, or V controlled substance meets the following conditions:
    - i. The transfer of information is communicated directly between two licensed pharmacists or interns electronically or verbally;
    - ii. The following information is recorded by the transferring pharmacist or intern:
      - (1) The word "void" is written on the face of the invalidated original prescription order unless it is an electronic or oral transfer and the transferred prescription order information is invalidated in the transferring pharmacy's computer system; and
      - (2) The name, address, and DEA number of the pharmacy to which the prescription is transferred, the name of the receiving pharmacist, the date of transfer, and the name of the transferring pharmacist is written on the back of the prescription order or entered into the transferring pharmacy's computer system; and
    - iii. The following information is recorded by the receiving pharmacist on the transferred prescription order:
      - (1) The word "transfer;"
      - (2) Date of issuance of original prescription order;
      - (3) Original number of refills authorized on the original prescription order;
      - (4) Date of original dispensing;
      - (5) Number of valid refills remaining and the date of the last refill;
      - (6) Name, address, DEA number, and original prescription number of the pharmacy from which the prescription is transferred;
      - (7) Name of the transferring pharmacist; and
      - (8) Name of the receiving pharmacist;
5. For a transfer from out-of-state:
  - a. The transfer of original prescription order information for a non-controlled substance drug meets the conditions in subsections (E)(4)(a)(i) and (E)(4)(a)(iii); and
  - b. The transfer of original prescription order information for a Schedule III, IV, or V controlled substance meets the conditions in subsections (E)(4)(b)(i) and (E)(4)(b)(iii); and
6. For an electronic transfer, the electronic transfer of original prescription order information meets the following conditions:
  - a. The electronic transfer is between pharmacies owned by the same company using a common or shared database;
  - b. The electronic transfer of original prescription order information for a non-controlled substance drug is performed by a pharmacist or intern, pharmacy technician trainee, or pharmacy technician under the supervision of a pharmacist;
  - c. The electronic transfer of original prescription order information for a controlled substance is performed between two licensed pharmacists;
  - d. The electronic transfer of original prescription order information for a non-controlled substance drug meets the following conditions:
    - i. The transferring pharmacy's computer system:
      - (1) Invalidates the transferred original prescription order information;
      - (2) Records the identification code, number, or address of the pharmacy to which the prescription order information is transferred;
      - (3) Records the name or identification code of



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- the receiving pharmacist, intern, pharmacy technician trainee, or pharmacy technician; and
- (4) Records the date of transfer; and
  - ii. The receiving pharmacy's computer system;
    - (1) Records that a prescription transfer occurred;
    - (2) Records the date of issuance of the original prescription order;
    - (3) Records the original number of refills authorized on the original prescription order;
    - (4) Records the date of original dispensing;
    - (5) Records the number of valid refills remaining and the date of the last refill;
    - (6) Records the identification code, number, or address and original prescription number of the pharmacy from which the prescription is transferred;
    - (7) Records the name or identification code of the receiving pharmacist or intern, pharmacy technician trainee, or pharmacy technician; and
    - (8) Records the date of transfer;
  - e. The electronic transfer of original prescription order information for a controlled substance meets the following conditions:
    - i. The transferring pharmacy's computer system:
      - (1) Invalidates the transferred original prescription order information;
      - (2) Records the identification code, number, or address, and DEA number of the pharmacy to which the prescription order information is transferred;
      - (3) Records the name or identification code of the receiving pharmacist;
      - (4) Records the date of transfer; and
      - (5) Records the name or identification code of the transferring pharmacist; and
    - ii. The electronic prescription order information received by the computer system of the receiving pharmacy includes the information required in subsection (E)(4)(b)(iii); and
  - f. In addition to electronic documentation of a transferred prescription order in the computer system, an original prescription order containing the requirements of this Section is filed in compliance with A.R.S. § 32-1964.
- F. Transmission of a prescription order from a medical practitioner to a pharmacy by fax.**
1. A medical practitioner or medical practitioner's agent may transmit a prescription order for a Schedule III, IV, or V controlled substance, prescription-only drug, or nonprescription drug to a pharmacy by fax under the following conditions:
    - a. The prescription order is faxed only to the pharmacy of the patient's choice;
    - b. The faxed prescription order:
      - i. Contains all the information required for a prescription order in A.R.S. §§ 32-1968 and 36-2525; and
      - ii. Is only faxed from the medical practitioner's practice location, except that a nurse in a hospital, long-term care facility, or inpatient hospice may send a fax of a prescription order for a patient of the facility; and
  - c. The faxed prescription order shall contain the following additional information:
    - i. The date the prescription order is faxed;
    - ii. The fax number of the prescribing medical practitioner or the facility from which the prescription order is faxed, and the telephone number of the facility; and
    - iii. The name of the person who transmits the fax, if other than the medical practitioner.
  2. A medical practitioner or medical practitioner's agent may fax a prescription order for a Schedule II controlled substance for information purposes only, unless the faxed prescription order meets the requirements of A.R.S. § 36-2525(F) and (G).
  3. A pharmacy may receive a faxed prescription order for a Schedule II controlled substance for information purposes only, except a faxed prescription order for a Schedule II controlled substance that meets the requirements of A.R.S. § 36-2525(F) and (G) may serve as the original written prescription order.
  4. To meet the seven-year record retention requirement of A.R.S. § 32-1964, a pharmacy shall receive a faxed prescription order on plain paper or may make a photocopy of the faxed prescription order.
  5. A medical practitioner or the medical practitioner's agent may fax refill authorizations to a pharmacy if the faxed authorization includes the medical practitioner's telephone and fax numbers, the medical practitioner's signature or medical practitioner's agent's name, and date of authorization.
- G. Electronic transmission of a prescription order from a medical practitioner to a pharmacy.**
1. Unless otherwise prohibited by law, a medical practitioner or medical practitioner's agent may transmit a prescription order by electronic means, directly or through an intermediary, including an E-prescribing network, to the dispensing pharmacy as specified in A.R.S. § 32-1968.
  2. For electronic transmission of a Schedule II, III, IV, or V controlled substance prescription order, the medical practitioner and pharmacy shall ensure the transmission complies with any security or other requirements of federal law.
  3. The medical practitioner and pharmacy shall ensure all electronic transmissions comply with all the security requirements of state or federal law related to the privacy of protected health information.
  4. In addition to the information required to be included on a prescription order as specified in A.R.S. § 32-1968, a medical practitioner shall ensure an electronically transmitted prescription order includes:
    - a. The date of transmission; and
    - b. If the individual transmitting the prescription is not the medical practitioner, the name of the medical practitioner's authorized agent who transmits the prescription order.
  5. A pharmacy receiving an electronically transmitted prescription order shall maintain the prescription order as specified in A.R.S. § 32-1964 or R4-23-408(H)(2).
  6. A medical practitioner or medical practitioner's agent shall transmit an electronic prescription order only to the pharmacy of the patient's choice.

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**H. Exceptions under A.R.S. § 36-2525 regarding electronic prescribing requirements:**

1. Medical practitioner exceptions. A medical practitioner who is authorized to prescribe a controlled substance may furnish a written prescription order in accordance with R4-23-407 rather than an electronically transmitted prescription order if the prescription order is written:
  - a. In this state to be filled in a jurisdiction outside this state;
  - b. For a medication that requires compounding two or more ingredients;
  - c. For a medication that is not in the E-prescribing database;
  - d. For an individual who is detained by or in custody of an Arizona or federal law enforcement agency; or
  - e. Under A.R.S. § 36-2525(N) or (O); and
2. Pharmacist exceptions. A pharmacist may dispense a controlled substance from a written rather than electronically transmitted prescription order if the prescription order:
  - a. Is written by a medical practitioner who is not licensed in this state but rather, is licensed in a jurisdiction outside this state. The pharmacist is not required to verify whether the medical practitioner is licensed;
  - b. Is written for a medication that requires compounding two or more ingredients;
  - c. Is written for a medication that is not in the E-prescribing database;
  - d. Is written for an individual who is detained by or in custody of an Arizona or federal law enforcement agency; or
  - e. Is received under A.R.S. § 36-2525(D).

**Historical Note**

Adopted effective November 18, 1983 (Supp. 83-6). Amended by final rulemaking at 8 A.A.R. 1256, effective March 7, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 13 A.A.R. 440, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 3605, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 223, effective March 14, 2020; and amended by final rulemaking at 26 A.A.R. 544, with an immediate effective date of March 3, 2020 (Supp. 20-1).

**R4-23-407.1. Dispensing an Opioid Antagonist****A. As used in this Section:**

1. "Community member" means any person in position to assist an individual at risk of experiencing an opioid-related overdose. This includes emergency first responders, peace officers or other law enforcement personnel, fire department personnel, school district employees, and personnel of a facility or center that provides services to individuals at risk of experiencing an opioid-related overdose.
2. "Opioid antagonist" means any drug approved by the U.S. Food and Drug Administration that binds to opioid receptors, effectively blocking or inhibiting the receptor and preventing the body from responding to the opioid. Naloxone hydrochloride is an opioid antagonist.

3. "Opioid-related overdose" means an acute condition caused by excessive opioids. An opioid-related overdose can be identified by a triad of symptoms: decreased level of consciousness, pinpoint pupils, and respiratory depression. Other symptoms may include seizures, muscle spasms, and coma or death. An opioid-related overdose requires medical assistance.

**B. When dispensing an opioid antagonist under A.R.S. § 32-1979, a pharmacist or pharmacy intern shall provide the following education to the individual to whom the opioid antagonist is dispensed:**

1. How to prevent an opioid-related overdose;
2. How to recognize an opioid-related overdose;
3. How to administer an opioid antagonist safely to an individual experiencing an opioid-related overdose;
4. Precautions regarding:
  - a. Potential side effects, and
  - b. Possible adverse events associated with administration of the opioid antagonist; and
5. Importance of seeking emergency medical assistance for the individual experiencing an opioid-related overdose before or after administering the opioid antagonist.

**C. Before dispensing an opioid antagonist under A.R.S. § 32-1979(A), a licensed pharmacist shall complete an opioid prevention and treatment training program that includes the following information:**

1. How to recognize the symptoms of an opioid-related overdose,
2. How to respond to a suspected opioid-related overdose,
3. How to administer all preparations of an opioid antagonist, and
4. The information needed by an individual to whom an opioid antagonist is dispensed.

**D. A pharmacist who has completed an opioid prevention and treatment training program described in subsection (C):**

1. May administer an opioid antagonist to an individual the pharmacist believes is experiencing an opioid-related overdose, and
2. Is exempt from civil liability under the terms of A.R.S. § 36-2267(B).

**E. Dispensing an opioid antagonist under A.R.S. § 32-1979 by invoice to a community member is not wholesale distribution as defined in A.R.S. § 32-1981.****F. When dispensing an opioid antagonist on a standing order, as defined under A.R.S. § 32-1968, a pharmacist or pharmacy intern shall comply with R4-23-407 except subsection (A)(1)(b), R4-23-408, and R4-23-409.****Historical Note**

New Section made by emergency rulemaking at 23 A.A.R. 31, effective December 15, 2016 for 180 days (Supp. 16-4). New Section made by final rulemaking before emergency expired at 23 A.A.R. 967, effective June 3, 2017 (Supp. 17-2). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-407.2. Dispensing a Self-administered Hormonal Contraceptive****A. Standard procedures. The first time a pharmacist dispenses a self-administered hormonal contraceptive under a standing prescription order, as authorized under A.R.S. § 32-1979.01, to a patient, the pharmacist shall:**

1. Determine the patient is at least 18 years old;
2. Obtain from the patient a completed self-screening risk assessment based on nationally recognized guidelines;

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3. Provide the patient with written information prepared by the manufacturer of the hormonal contraceptive; and
  4. Provide the following information orally to the patient:
    - a. How hormonal contraception works;
    - b. When and how to take the self-administered hormonal contraceptive;
    - c. Risks associated with taking a self-administered hormonal contraceptive; and
    - d. When to seek medical assistance while taking a self-administered hormonal contraceptive.
  - B.** A pharmacist who dispenses a self-administered hormonal contraceptive under a standing prescription order shall have a patient complete the self-screening risk assessment based on nationally recognized guidelines, required under subsection (A)(2), annually.
  - C.** A pharmacist who dispenses a self-administered hormonal contraceptive under a standing prescription order shall maintain evidence of the patient's age at the time of initial dispensing and the completed nationally recognized self-screening risk assessment for at least seven years. The pharmacist shall ensure this information is readily retrievable and available to the Board on request.
  - D.** When dispensing a self-administered hormonal contraceptive under a standing prescription order, a pharmacist shall comply with R4-23-407 except subsection (A)(1)(b), R4-23-408, and R4-23-409.
  - E.** During each biennial renewal period, a pharmacist who dispenses self-administered hormonal contraceptives under a standing prescription order shall complete the three contact hours of continuing education specified under R4-23-204(A)(2)(c).
- Historical Note**
- New Section made by final rulemaking 29 A.A.R. 1655 (July 28, 2023) with an immediate effective date of July 5, 2023 (Supp. 23-3).
- R4-23-408. Computer Records**
- A.** Systems manual. A pharmacy permittee or pharmacist-in-charge shall:
    1. Develop, implement, and comply with policies and procedures for the following operational aspects of a computer system:
      - a. Examples of all output documentation provided by the computer system that contains original or refill prescription order or patient profile information;
      - b. Steps a pharmacy employee follows when the computer system is not operational due to scheduled or unscheduled system interruption;
      - c. Regular and routine backup file procedure and file maintenance, including secure storage of backup files;
      - d. Audit procedures, personnel code assignments, and personnel responsibilities; and
      - e. Quality assurance mechanism for data entry validation;
    2. Review biennially and, if necessary, revise the policies and procedures required under this Section;
    3. Document the review required under subsection (A)(2);
    4. Assemble the policies and procedures as a written manual or by another method approved by the Board or its designee; and
    5. Make the policies and procedures available within the pharmacy for reference by pharmacy personnel and inspection by the Board or its designee.
  - B.** Computer system data storage and retrieval. A pharmacy permittee or pharmacist-in-charge shall ensure the computer system is capable of:
    1. Producing sight-readable information on all original and refill prescription orders and patient profiles;
    2. Providing online retrieval (via CRT display or hard-copy printout) of original prescription order information required in A.R.S. § 32-1968(C), R4-23-402(A), and R4-23-407(A);
    3. Providing online retrieval (via CRT display or hard-copy printout) of patient profile information required in R4-23-402(A);
    4. Providing documentation identifying the pharmacist responsible for dispensing each original or refill prescription order, except a pharmacy permittee with a computer system that is in use before the effective date of this Section that cannot provide documentation identifying the dispensing pharmacist may continue to use the computer system by providing manual documentation identifying the dispensing pharmacist;
    5. Producing a printout of all prescription order information, including a single-drug usage report that contains:
      - a. The name of the prescribing medical practitioner;
      - b. The name and address of the patient;
      - c. The quantity dispensed on each original or refill prescription order;
      - d. The date of dispensing for each original or refill prescription order;
      - e. The name or identification code of the dispensing pharmacist; and
      - f. The serial number of each prescription order; and
    6. Providing a printout of requested prescription order information to an individual pharmacy within 72 hours of the request if prescription order information is maintained in a centralized computer record system.
  - C.** A pharmacy permittee or pharmacist-in-charge of a pharmacy that uses a pharmacy computer system:
    1. Shall notify the D.E.A. and the Board in writing that original and refill prescription order information and patient profiles are stored in a pharmacy computer system;
    2. Shall comply with this Section if the pharmacy computer system's refill records are used as an alternative to the manual refill records required in R4-23-407(B);
    3. Is exempt from the manual refill recordkeeping requirements of R4-23-407(B), if the pharmacy computer system complies with the requirements of this Section; and
    4. Shall ensure that documentation of the accuracy of original and refill prescription order information entered into a computer system is provided by each pharmacist using the computer system and kept on file in the pharmacy for seven years from the date of the last refill. Documentation includes one of the following:
      - a. A hard-copy printout of each day's original and refill prescription order data that:
        - i. States original and refill data for prescriptions dispensed by each pharmacist is reviewed for accuracy;
        - ii. Includes the printed name of each dispensing pharmacist; and
        - iii. Is signed and initialed by each dispensing pharmacist; or
      - b. A log book or separate file of daily statements that:

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- i. States original and refill data for prescriptions dispensed by each pharmacist is reviewed for accuracy;
  - ii. Includes the printed name of each dispensing pharmacist; and
  - iii. Is signed and initialed by each dispensing pharmacist.
- D. If a pharmacy computer system does not comply with the requirements of subsections (A), (B), and (F), the pharmacy permittee or pharmacist-in-charge shall bring the computer system into compliance within three months of a notice of noncompliance or violation letter. If the computer system is still noncompliant with subsection (A), (B), or (F) after three months, the pharmacy permittee or pharmacist-in-charge shall immediately comply with the manual recordkeeping requirements of R4-23-402 and R4-23-407.
- E. If a pharmacy's personnel perform manual recordkeeping under subsection (D), the pharmacy's personnel shall continue manual recordkeeping until the pharmacist-in-charge sends proof, verified by a Board compliance officer, that the computer system complies with subsections (A), (B), and (F).
- F. Security. To maintain the confidentiality of patient records, a pharmacy permittee or pharmacist-in-charge shall ensure:
  - 1. The computer system has security and systems safeguards designed to prevent and detect unauthorized access, modification, or manipulation of prescription order information and patient profiles; and
  - 2. After a prescription order is dispensed, any alteration of prescription order information is documented, including the identification of the pharmacist responsible for the alteration.
- G. A computer system that does not comply with all the requirements of subsections (A), (B), and (F) may be used in a pharmacy if:
  - 1. The computer system was in use in the pharmacy before July 11, 2001, and
  - 2. The pharmacy complies with the manual recordkeeping requirements of R4-23-402 and R4-23-407.
- H. Prescription records and retention.
  - 1. Instead of filing the original hard-copy prescription order as required in A.R.S. § 32-1964, a pharmacy permittee or pharmacist-in-charge may use an electronic imaging recordkeeping system, if:
    - a. The system is capable of capturing, storing, and reproducing the exact image of a prescription order, including the reverse side of the prescription order if necessary;
    - b. Any notes of clarification of or alterations to a prescription order are directly associated with the electronic image of the prescription order;
    - c. A prescription order image and any associated notes of clarification of or alterations to the prescription order are retained for no fewer than seven years from the date the prescription order is last dispensed;
    - d. Policies and procedures for the use of an electronic imaging recordkeeping system are developed, implemented, reviewed, and revised in the same manner described in subsection (A) and complied with; and
    - e. The prescription is not for a controlled substance.
  - 2. If a pharmacy's computer system fields are automatically populated by an electronically transmitted prescription order, the automated record constitutes the original prescription order and a hard-copy or electronic image is not required if the computer system is capable of maintaining, printing, and providing all the prescription order information required in A.R.S. §§ 32-1968 and 36-2525 and R4-23-407(A) within 72 hours of a request by the Board, the Board's compliance officers, other authorized regulatory board agents, or authorized officers of the law.
- I. A pharmacy permittee or pharmacist-in-charge shall make all prescription records available within 72 hours after a Board request.

**Historical Note**

Adopted effective November 18, 1983 (Supp. 83-6).  
 Amended by final rulemaking at 7 A.A.R. 646, effective January 11, 2001 (Supp. 01-1). Amended by final rulemaking at 9 A.A.R. 5030, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 11 A.A.R. 4270, effective December 6, 2005 (Supp. 05-4).  
 Amended by final rulemaking at 12 A.A.R. 274, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 13 A.A.R. 440, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 26 A.A.R. 223, effective March 14, 2020 (Supp. 20-1).

**R4-23-409. Returning Drugs and Devices**

- A. After a person for whom a drug is prescribed or the person's agent takes the drug from the premises where sold, distributed, or dispensed, a pharmacist or pharmacy permittee shall not accept the drug for return or exchange for the purpose of resale unless the pharmacist determines that:
  - 1. The drug is in its original, manufacturer's, unopened container; and
  - 2. The drug or its container has not been subjected to contamination or deterioration.
- B. The provisions of subsection (A) of this Section do not apply to a drug dispensed to:
  - 1. A hospital inpatient as defined in R4-23-651; or
  - 2. A resident of a long-term care facility where a licensed health care professional administers the drug, and the pharmacist ensures and documents that the drug:
    - a. Has been stored in compliance with the requirements of the official compendium; and
    - b. Is not obviously contaminated or deteriorated.
- C. After a person for whom a device is prescribed or the person's agent takes the device from the premises where sold, distributed, or dispensed, a pharmacist or pharmacy permittee shall not accept the device for return or exchange for the purpose of resale or reuse unless the pharmacist determines that:
  - 1. The device is inspected and is free of defects;
  - 2. The device is rendered incapable of transferring disease; and
  - 3. The device, if resold or reused, is not claimed to be new or unused.

**Historical Note**

Adopted effective November 18, 1983 (Supp. 83-6).  
 Amended by final rulemaking at 8 A.A.R. 1256, effective March 7, 2002 (Supp. 02-1).

**R4-23-410. Current Good Compounding Practices**

- A. This Section establishes the current good compounding practices to be used by a pharmacist licensed by the Board, in a pharmacy permitted by the Board, and in compliance with

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applicable federal and state law governing the practice of pharmacy.

**B.** A pharmacy permittee shall ensure compliance with the provisions in this subsection.

1. All substances for compounding that are received, stored, or used by the pharmacy permittee:
  - a. Meet official compendium requirements;
  - b. Are of high quality, such as Chemically Pure (CP), Analytical Reagent (AR), certified American Chemical Society (ACS), or Food Chemical Codex (FCC) grade; or
  - c. Are obtained from a source that, in the professional judgment of the pharmacist, is acceptable and reliable.
2. Before compounding a pharmaceutical product in excess of the quantity dispensed in anticipation of receiving valid prescriptions for the pharmaceutical product, a pharmacist, employed by the pharmacy permittee, shall establish a history of compounding valid prescriptions for the pharmaceutical product.
3. Neither the pharmacy permittee nor a pharmacist employed by the pharmacy permittee provides a compounded pharmaceutical product to a pharmacy, medical practitioner, or other person for dispensing or distributing except that a compounded pharmaceutical product may be provided to a medical practitioner to administer to a patient of the medical practitioner if each container is accompanied by the written list required in subsection (I)(5) and has a label that includes the following:
  - a. The pharmacy's name, address, and telephone number;
  - b. The pharmaceutical product's name and the information required in subsection (I)(4);
  - c. A lot or control number;
  - d. A beyond-use-date based upon the pharmacist's professional judgment, but not more than the maximum guidelines recommended in the Pharmacy Compounding Practices chapter of the official compendium unless there is published or unpublished stability test data that shows a longer period is appropriate;
  - e. The statement "Not For Dispensing;" and
  - f. The statement "For Office or Hospital Administration Only."
4. A pharmacy or pharmacist may advertise or otherwise promote the fact that the pharmacy or pharmacist provides prescription compounding services.

**C.** A pharmacy permittee shall ensure compliance with the organization, training, and personnel issues in this subsection.

1. Before dispensing a compounded pharmaceutical product, a pharmacist:
  - a. Inspects and approves or rejects, or assumes responsibility for inspecting and approving or rejecting, components, pharmaceutical product containers and closures, in-process materials, and labeling;
  - b. Prepares or assumes responsibility for preparing all compounding records;
  - c. Reviews all compounding records to ensure that no errors occur in the compounding process;
  - d. Ensures the proper use, cleanliness, and maintenance of all compounding equipment; and
  - e. Documents by hand-written initials or signature in the compounding record the completion of the

requirements of subsections (C)(1)(a), (b), (c), and (d).

2. A pharmacist engaged in compounding:

- a. Complies with the current good compounding practices and applicable state pharmacy laws;
- b. Maintains compounding proficiency through current awareness, training, and continuing education; and
- c. Ensures that personnel engaged in compounding wear:
  - i. Clean clothing appropriate to the work performed; and
  - ii. Protective apparel, such as coats, aprons, gowns, gloves or masks to protect the personnel from chemical exposure and prevent pharmaceutical product contamination.

**D.** A pharmacy permittee shall ensure the security, safety, and quality of a compounded pharmaceutical product by conforming with the following standards:

1. Implement procedures to exclude from direct contact with components, pharmaceutical product containers and closures, in-process materials, labeling, and pharmaceutical products, any person with an apparent illness or open lesion that may adversely affect the safety or quality of a compounded pharmaceutical product, until the illness or lesion, as determined by competent medical personnel, does not jeopardize the safety or quality of a compounded pharmaceutical product; and
2. Require all personnel to inform a pharmacist of any health condition that may adversely affect a compounded pharmaceutical product.

**E.** A pharmacy permittee shall provide compounding facilities that conform with the standards in this subsection.

1. In addition to the minimum area requirements of R4-23-609, R4-23-655, or R4-23-673, the compounding area:
  - a. Complies with the requirements in R4-23-611; and
  - b. Has sufficient space to permit efficient pharmacy practice, free movement of personnel, and visual surveillance by a pharmacist.
2. If sterile pharmaceutical product or radiopharmaceutical product compounding is performed, the compounding area complies with the requirements of R4-23-670, R4-23-681, and R4-23-682.
3. A clean, dry, and temperature-controlled area and, if required, a refrigerated area, in which to store properly labeled containers of bulk drugs, chemicals, and materials used in compounding, that complies with state statutes and rules.

**F.** To protect pharmaceutical product safety, identity, strength, quality, and purity, a pharmacy permittee shall ensure that equipment and utensils used in pharmaceutical product compounding are:

1. Of appropriate design, adequate size, and suitably located for proper operation, cleaning, and maintenance;
2. Made of material that is not reactive, additive, or absorptive when exposed to components, in-process materials, or pharmaceutical products;
3. Cleaned and protected from contamination before use;
4. Inspected and determined suitable for use before initiation of compounding operations; and
5. Routinely inspected, calibrated, or checked to make proper performance certain.

**G.** A pharmacy permittee shall ensure that the pharmacist-in-charge establishes, implements, and complies with procedures to prevent cross-contamination when pharmaceutical products

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that require special precautions to prevent cross-contamination, such as penicillin, are used in a compounding procedure. The procedures shall include either the dedication of equipment or the meticulous cleaning of contaminated equipment before its use in compounding other pharmaceutical products.

- H.** A pharmacy permittee shall ensure that the pharmacist-in-charge establishes, implements, and complies with control procedures for components and pharmaceutical product containers and closures, either written or electronically stored with printable documentation, that conform with the standards in this subsection.
1. Components and pharmaceutical product containers and closures are:
    - a. Stored off the floor,
    - b. Handled and stored to prevent contamination, and
    - c. Rotated so the oldest approved stock is used first.
  2. Container closure systems comply with official compendium standards.
  3. Pharmaceutical product containers and closures are clean and made of material that is not reactive, additive, or absorptive.
- I.** A pharmacy permittee shall ensure that the pharmacist-in-charge establishes, implements, and complies with pharmaceutical product compounding controls that conform with the standards in this subsection.
1. Pharmaceutical product compounding procedures are available in either written form or electronically stored with printable documentation:
    - a. To ensure that a finished pharmaceutical product has the identity, strength, quality, and purity it is purported or represented to possess, the procedures include, for each pharmaceutical product compounded, a description of:
      - i. The components, their manufacturer, lot number, expiration date, and amounts, the order of component addition, if applicable, and the compounding process;
      - ii. The equipment and utensils used; and
      - iii. The pharmaceutical product container and closure system proper for the sterility and stability of the pharmaceutical product as it is intended to be used.
    - b. To test the pharmaceutical product being compounded, the procedures monitor the output and validate the performance of compounding processes that may cause variability in the final pharmaceutical product, including assessing:
      - i. Dosage form weight variation;
      - ii. Adequacy of mixing to ensure uniformity and homogeneity; and
      - iii. Clarity, completeness, and pH of solutions, if applicable.
  2. Components for pharmaceutical product compounding are accurately weighed, measured, or subdivided. To ensure that each weight, measure, or subdivision is correct as stated in the compounding procedures, a pharmacist:
    - a. Checks and rechecks, or assumes responsibility for checking and re-checking, the operations at each stage of the compounding process; and
    - b. Documents by hand-written initials or signature the completion and accuracy of the compounding process.
  3. Compounding equipment and utensils are properly cleaned and maintained.
  4. In addition to the labeling requirements of A.R.S. § 32-1968(D), the label contains:
    - a. A statement, symbol, designation, or abbreviation that the pharmaceutical product is a compounded pharmaceutical product, and
    - b. A beyond-use-date as specified in subsection (B)(3)(d).
  5. A written list of the compounded pharmaceutical product's active ingredients is given to the patient at the time of dispensing.
  6. When a component is removed from its original container and transferred to another container, the new container label contains, in full text or an abbreviated code system, the following:
    - a. The component name,
    - b. The manufacturer's or supplier's name,
    - c. The lot or control number,
    - d. The weight or measure,
    - e. The beyond-use-date as specified in subsection (B)(3)(d), and
    - f. The transfer date.
- J.** A pharmacy permittee shall ensure that the pharmacist-in-charge stores any quantity of compounded pharmaceutical product produced in excess of the quantity dispensed in accordance with subsection (B):
1. In an appropriate container with a label that contains:
    - a. A complete list of components or the pharmaceutical product's name;
    - b. The preparation date;
    - c. The assigned lot or control number; and
    - d. A beyond-use-date as specified in subsection (B)(3)(d); and
  2. Under conditions, dictated by the pharmaceutical product's composition and stability characteristics, that ensure its strength, quality, and purity.
- K.** A pharmacy permittee shall ensure that the pharmacist-in-charge establishes, implements, and complies with recordkeeping procedures that comply with this subsection:
1. Pharmaceutical product compounding procedures and other records required by this Section are maintained by the pharmacy for not less than seven years, and
  2. Pharmaceutical product compounding procedures and other records required by this Section are readily available for inspection by the Board or its designee.

**Historical Note**

Adopted effective August 5, 1997 (Supp. 97-3).

Amended by final rulemaking at 10 A.A.R. 3391, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 12 A.A.R. 3981, effective December 4, 2006 (Supp. 06-4).

**R4-23-411. Pharmacist-administered or Intern-administered Immunizations**

- A.** Authorization to administer immunizations, vaccines, and emergency medications, as defined at A.R.S. § 32-1974(N), to an eligible adult patient or eligible minor patient. As used in this Section, "eligible adult patient" means an eligible patient 13 years of age or older and "eligible minor patient" means an eligible patient at least three years of age but less than 13 years of age. A pharmacist or an intern in the presence of and under the immediate personal supervision of a pharmacist may administer, without a prescription, immunizations, vaccines,

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and emergency medications to an eligible adult patient or eligible minor patient, if:

1. Both the pharmacist and intern meet the qualifications and standards specified by A.R.S. § 32-1974 and this Section;
  2. The Board authorizes both the pharmacist and intern as specified in subsection (D);
  3. For an eligible adult patient, the immunization or vaccine is:
    - a. Recommended for adults by the United States Centers for Disease Control and Prevention; or
    - b. Recommended by the United States Centers for Disease Control and Prevention's Health Information for International Travel;
  4. For an eligible adult patient, the immunization or vaccine is not on the Arizona Department of Health Services list specified in A.A.C. R9-6-1301 as required under A.R.S. § 32-1974(I);
  5. For an eligible minor patient, the immunization or vaccine is for influenza or a booster dose as described under A.R.S. § 32-1974(B)(2); and
  6. For an eligible minor patient, any immunizations or vaccines other than influenza or a booster dose as described under A.R.S. § 32-1974(B)(2) are administered in response to a public health emergency declared by the Governor under A.R.S. § 36-787.
- B.** A pharmacist or an intern in the presence of and under the immediate personal supervision of a pharmacist, may administer, with a prescription, any immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient, if:
1. Both the pharmacist and intern meet the qualifications and standards specified by A.R.S. § 32-1974 and this Section; and
  2. The Board authorizes both the pharmacist and intern as specified in subsection (D).
- C.** A pharmacist or intern who is authorized to administer immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient shall:
1. Not delegate the authority to any other pharmacist, intern, or employee not specifically authorized by rule; and
  2. Maintain their current certificate for inspection by the Board or its designee or review by the public.
- D.** Qualifications to administer immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient. After receipt of a completed application form, the Board shall authorize the administration of immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient by a pharmacist or intern who meets the following qualifications:
1. Has a current license to practice pharmacy in this state,
  2. Successfully completes a training program specified in subsection (E), and
  3. Has a current certificate in basic cardiopulmonary resuscitation.
- E.** Immunizations training program requirements. A training program for pharmacists or interns to administer immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient shall include the following courses of study:
1. Basic immunology and the human immune response;
  2. Mechanics of immunity, adverse effects, dose, and administration schedule of available vaccines;
3. Response to an emergency situation as a result of the administration of an immunization, vaccine, or medication including administering an emergency medication to counteract the adverse effects of the immunization, vaccine, or medication given;
  4. Administration of intramuscular injections;
  5. Other immunization administration methods; and
  6. Recordkeeping and reporting requirements specified in subsection (F).
- F.** Recordkeeping and reporting requirements.
1. A pharmacist or intern authorized under this Section to administer immunizations, vaccines, and emergency medications to an eligible patient shall provide to the pharmacy the following information and documentation regarding each immunization, vaccine, or emergency medication administered:
    - a. The name, address, and date of birth of the patient;
    - b. The date of administration and site of injection;
    - c. The name, dose, manufacturer's lot number, and expiration date of the vaccine, immunization, or emergency medication;
    - d. The name and address of the patient's identified primary-care provider or physician;
    - e. The name of the pharmacist or intern administering the immunization, vaccine, or emergency medication;
    - f. A record of the pharmacist's or intern's consultation with the patient determining that the patient is an eligible patient as defined in R4-23-110;
    - g. Consultation or other professional information provided to the patient by the pharmacist or intern;
    - h. The name and date of the immunization or vaccine information sheet provided to the patient; and
    - i. For an immunization or vaccine given to an eligible minor patient, a consent form signed by the minor's parent or guardian.
  2. As required under A.R.S. § 32-1974(F)(1), the pharmacist or intern shall provide a written or electronic report to the patient's primary-care provider or physician containing the documentation required in subsection (F)(1)(a) through (d). The pharmacy shall document the time and date the report is sent and make the record of compliance with this subsection available in the pharmacy or on request, within 72 hours, for inspection by the Board or its designee.
  3. A pharmacy's pharmacist-in-charge or permittee shall maintain the records required in subsection (F)(1) in the pharmacy or database for a minimum of seven years from the administration date.
- G.** Confidentiality of records. A pharmacist, intern, pharmacy permittee, or pharmacist-in-charge shall comply with applicable state and federal privacy statutes and rules when releasing patient health information.
- H.** Pharmacist-administered or intern-administered adult immunizations that require a prescription order. A pharmacist or intern authorized by the Board to administer adult immunizations or vaccines shall not administer any immunization or vaccine listed in A.A.C. R9-6-1301 without a prescription order. In addition to filing a prescription order as required in A.R.S. § 32-1964, a pharmacist or pharmacy intern who administers an immunization or vaccine listed in A.A.C. R9-6-1301 shall comply with the recordkeeping requirements of subsection (F)(1).

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**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3967, effective November 13, 2004 (Supp. 04-3).  
 Amended by final rulemaking at 12 A.A.R. 279, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 14 A.A.R. 3674, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 15 A.A.R. 1930, effective November 3, 2009 (Supp. 09-4).  
 Amended by final rulemaking at 17 A.A.R. 2596, effective February 4, 2012 (Supp. 11-4). Amended by final rulemaking at 23 A.A.R. 211, effective March 5, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).  
 Amended by final rulemaking at 26 A.A.R. 223, effective March 14, 2020 (Supp. 20-1). Amended by final rulemaking at 28 A.A.R. 994 (May 13, 2022), effective July 2, 2022 (Supp. 22-2).

**R4-23-412. Emergency Refill Prescription Dispensing**

- A.** When a state of emergency is declared under A.R.S. § 32-1910(A) or (B) and the state of emergency results in individuals being unable to refill existing prescriptions, a pharmacist may work in the affected county, city, or town and may dispense a one-time emergency refill prescription of up to a 30-day supply of a prescribed medication to an affected individual if both of the following apply:
1. In the pharmacist's professional opinion the medication is essential to the maintenance of life or to the continuation of therapy, and
  2. The pharmacist makes a good faith effort to reduce the information to a written prescription marked "emergency prescription" and files and maintains the prescription as required by law.
- B.** If the state of emergency declared under A.R.S. § 32-1910(A) or (B) continues for at least 21-days after the pharmacist dispenses an emergency prescription under subsection (A), the pharmacist may dispense one additional emergency refill prescription of up to a 30-day supply of the prescribed medication if the pharmacist complies with subsection (A)(2).
- C.** A pharmacist's authority to dispense emergency prescriptions under this Section ends when the declared state of emergency is terminated.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4400, effective January 3, 2009 (Supp. 08-4).

**R4-23-413. Temporary Recognition of Nonresident Licensure**

- A.** When a state of emergency is declared under A.R.S. § 32-1910(A) or (B):
1. A pharmacist who is not licensed in this state, but who is currently licensed in another state, may dispense prescription medications in those affected counties, cities, or towns in this state during the time that a declared state of emergency exists under A.R.S. § 32-1910(A) or (B) if both of the following apply:
    - a. The pharmacist provides proof of current licensure in another state, and
    - b. The pharmacist is engaged in a relief effort during a state of emergency.
  2. Acting under the direct supervision of a pharmacist, a pharmacy technician or pharmacy intern not licensed in this state, but currently licensed or registered in another state, may assist a pharmacist in dispensing prescription medications in affected counties, cities, or towns in this state during the time

that a declared state of emergency exists under A.R.S. § 32-1910(A) or (B) if both of the following apply:

- a. The pharmacy technician or pharmacy intern provides proof of current licensure or registration in another state, and
  - b. The pharmacy technician or pharmacy intern is engaged in a relief effort during a state of emergency.
- B.** The recognition of nonresident licensure or registration shall end with the termination of the declared state of emergency.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4400, effective January 3, 2009 (Supp. 08-4).

**R4-23-414. Reserved****R4-23-415. Impaired Licensees – Treatment and Rehabilitation**

- A.** The Board may contract with qualified organizations to operate a program for the treatment and rehabilitation of licensees impaired as the result of alcohol or other drug abuse, pursuant to A.R.S. § 32-1932.01.
- B.** Participants in the program are either "confidential" or "known." Confidential participants are self-referred and may remain unidentified to the Board, subject to maintaining compliance with their program contract. Known participants are under Board order to complete a minimum tenure in the program. After a known participant completes the minimum tenure, the Board may terminate the Board order and reinstate the participant's license to practice pharmacy.
- C.** The program contract with a qualified organization shall include as a minimum the following:
1. Duties and responsibilities of each party.
  2. Duration, not to exceed two years, of contract and terms of compensation.
  3. Quarterly reports from the program administrator to the Board indicating:
    - a. Identity of participants;
      - i. By name, if a known participant; or
      - ii. By case number, if a confidential participant;
    - b. Status of each participant, including:
      - i. Clinical findings;
      - ii. Diagnosis and treatment recommendations;
      - iii. Program activities; and
      - iv. General recovery and rehabilitation program information.
  4. The program administrator shall report immediately to the Board the name of any impaired licensee who poses a danger to self or others.
  5. The program administrator shall report to the Board, as soon as possible, the name of any impaired licensee:
    - a. Who refuses to submit to treatment,
    - b. Whose impairment is not substantially alleviated through treatment, or
    - c. Who violates the terms of their contract.
  6. The program administrator shall periodically provide informational programs to the profession, including approved continuing education programs on the topic of drug and chemical impairment, treatment, and rehabilitation.
- D.** Under A.R.S. § 32-1903(F), the Board may publish the names of participants under current Board orders.
- E.** The Board or its executive director may request the treatment records for any participant. The program administrator shall provide treatment records within 10 working days of receiving



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a written request from the Board or its executive director for such records. Upon request of the program administrator or the Board or its executive director, a program participant shall authorize a drug and alcohol treatment facility or program or a private practitioner or treatment program to release the participant's records to the program administrator or the Board or its executive director.

- F. On the recommendation of the program administrator or a Board member and by mutual consent, the program administrator, Board member, Board staff, and program participant may meet informally to discuss program compliance.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 467, effective January 4, 2000 (Supp. 00-1). Amended by final rulemaking at 14 A.A.R. 3611, effective November 8, 2008 (Supp. 08-3).

**R4-23-416. Reserved****R4-23-417. Reserved****R4-23-418. Reserved****R4-23-419. Reserved****R4-23-420. Reserved****R4-23-421. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Section repealed by final rulemaking at 17 A.A.R. 2600, effective February 4, 2012 (Supp. 11-4).

**R4-23-422. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Section repealed by final rulemaking at 17 A.A.R. 2600, effective February 4, 2012 (Supp. 11-4).

**R4-23-423. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Section repealed by final rulemaking at 17 A.A.R. 2600, effective February 4, 2012 (Supp. 11-4).

**R4-23-424. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Section repealed by final rulemaking at 17 A.A.R. 2600, effective February 4, 2012 (Supp. 11-4).

**R4-23-425. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Section repealed by final rulemaking at 17 A.A.R. 2600, effective February 4, 2012 (Supp. 11-4).

**R4-23-426. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Section repealed by final rulemaking at 17 A.A.R. 2600, effective February 4, 2012 (Supp. 11-4).

**R4-23-427. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Section repealed by final rulemaking at 17 A.A.R. 2600, effective February 4, 2012 (Supp. 11-4).

**R4-23-428. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Section repealed by final rulemaking at 17 A.A.R. 2600, effective February 4, 2012 (Supp. 11-4).

**R4-23-429. Repealed****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 4052, effective November 9, 2002 (Supp. 02-3). Section repealed by final rulemaking at 17 A.A.R. 2600, effective February 4, 2012 (Supp. 11-4).

**ARTICLE 5. CONTROLLED SUBSTANCES  
PRESCRIPTION MONITORING PROGRAM**

*New Article 5, consisting of Sections R4-23-501 through R4-23-505, made effective August 2, 2014 (Supp. 14-2).*

*Article 5, consisting of Sections R4-23-501 through R4-23-505, expired effective August 30, 2013 (Supp. 14-1).*

*Article 5, consisting of Sections R4-23-501 and R4-23-502, recodified to Article 8 at 9 A.A.R. 4011, effective August 18, 2003 (Supp. 03-3).*

*New Article 5, consisting of Sections R4-23-501 through R4-23-505, made by final rulemaking at 14 A.A.R. 3410, effective October 4, 2008 (Supp. 08-3).*

**R4-23-501. Controlled Substances Prescription Monitoring (CSPMP) Program Registration and Database Access**

- A. Under A.R.S. § 36-2606, a medical practitioner who is issued a license under A.R.S. Title 32, Chapter 7, 11, 13, 14, 15, 16, 17, 21, 25, or 29 and possesses a current DEA registration under the Federal Controlled Substances Act shall have a current CSPMP registration issued by the Board.
- B. Application.
1. An applicant for CSPMP registration shall:
    - a. Submit a completed application for CSPMP registration electronically or manually on a form furnished by the Board, and
    - b. Submit with the application form the documents specified in the application form.
  2. The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.
- C. Registration. Within seven business days of receipt of a completed application specified in subsection (B), the Board office shall determine whether an application is complete. If the application is complete, the Board office shall issue a registration number and provide a current registration certificate to the applicant by mail or electronic transmission.

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If the application is incomplete, the Board office shall issue a written notice of incompleteness. An applicant with an incomplete application shall comply with the requirements of R4-23-202(F).

- D. Registration renewal. As specified in A.R.S. § 36-2606(C), the Board shall automatically suspend the registration of any registrant that fails to renew the registration on or before May 1 of the year in which the renewal is due. The Board shall vacate a suspension if the registrant submits a renewal application. A suspended registrant with CSPMP database access credentials is prohibited from accessing information in the prescription monitoring program database.
- E. CSPMP database access.
  1. A medical practitioner that chooses to use the CSPMP database shall request access from the CSPMP Director by completing an access user registration form electronically. Upon receipt of the access user registration form, the CSPMP Director or designee shall issue access credentials provided the medical practitioner is in compliance with the registration requirements of this Section.
  2. A pharmacist that chooses to use the CSPMP database shall request access from the CSPMP Director by completing an access user registration form electronically. Upon receipt of the access user registration form, the CSPMP Director or designee shall issue access credentials provided the pharmacist has a current active pharmacist license.
  3. A medical practitioner or pharmacist who is not licensed in Arizona may request access from the CSPMP Director by:
    - a. Completing an access user registration form electronically;
    - b. Printing the access user registration form;
    - c. Having the access user registration form signed and notarized; and
    - d. Mailing the notarized access user form along with a current copy of the applicant's nonresident state license and driver's license. Upon receipt of the notarized access user registration form and other required documents, the CSPMP Director or designee shall issue access credentials provided the nonresident licensed medical practitioner or pharmacist credentials show an current active license in another state.

**Historical Note**

Former Rule 5.2110; Amended effective August 9, 1983 (Supp. 83-4). Amended by final rulemaking at 8 A.A.R. 4898, effective January 5, 2003 (Supp. 02-4). Recodified to R4-23-801 at 9 A.A.R. 4011, effective August 18, 2003 (Supp. 03-3). New Section made by final rulemaking at 14 A.A.R. 3410, effective October 4, 2008 (Supp. 08-3). Amended by final rulemaking at 19 A.A.R. 94, effective March 10, 2013 (Supp. 13-1). Section expired under A.R.S. § 41-1056(J) at 20 A.A.R. 133, effective August 30, 2013 (Supp. 14-1). New Section made by final rulemaking at 20 A.A.R. 1359, effective August 2, 2014 (Supp. 14-2).

**R4-23-502. Requirements for Data Format and Transmission**

- A. Each dispenser shall submit to the Board or its designee by electronic means information regarding each prescription dispensed for a controlled substance listed in Schedules II, III,

and IV of A.R.S. Title 36, Chapter 27, the Arizona Uniform Controlled Substances Act. The information reported shall conform to the August 31, 2005 Version 003, Release 000 ASAP Rules-based Standard Implementation Guide for Prescription Monitoring Programs published by the American Society for Automation in Pharmacy as specified in A.R.S. § 36-2608(B). The information submitted for each prescription shall include:

1. The name, address, telephone number, prescription number, and DEA registration number of the dispenser;
  2. The name, address, gender, date of birth, and telephone number of the person or, if for an animal, the owner of the animal for whom the prescription is written;
  3. The name, address, telephone number, and DEA registration number of the prescribing medical practitioner;
  4. The quantity and National Drug Code (NDC) number of the Schedule II, III, or IV controlled substance dispensed;
  5. The date the prescription was dispensed;
  6. The number of refills, if any, authorized by the medical practitioner;
  7. The date the prescription was issued;
  8. The method of payment identified as cash or third party; and
  9. Whether the prescription is new or a refill.
- B. A dispenser shall submit the required information electronically unless the Board or its designee approves a waiver as specified in subsection (D).
  - C. A dispenser's electronic data transfer equipment including hardware, software, and internet connections shall meet the privacy and security standards of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended, and A.R.S. § 12-2292, in addition to common internet industry standards for privacy and security. A dispenser shall ensure that each electronic transmission meets the following data protection requirements:
    1. Data shall be at least 128-bit encryption in transmission and at rest; and
    2. Data shall be transmitted via secure e-mail, telephone modem, diskette, CD-ROM, tape, secure File Transfer Protocol (FTP), Virtual Private Network (VPN), or other Board-approved media.
  - D. A dispenser who does not have an automated recordkeeping system capable of producing an electronic report in the Board established format may request a waiver from electronic reporting by submitting a written request to the Board or its designee. The Board or its designee shall grant the request if the dispenser agrees in writing to report the data by submitting a completed universal claim form supplied by the Board or its designee.
  - E. Unless otherwise approved by the Board, a dispenser shall report by the close of business on each Friday the required information for the previous week, Sunday through Saturday. If a Friday falls on a state holiday, the dispenser shall report the information on the following business day. The Board or its designee may approve a less frequent reporting period if a dispenser makes a showing that a less frequent reporting period will not reduce the effectiveness of the system or jeopardize the public health.

**Historical Note**

Former Rule 5.2510. Amended by final rulemaking at 8 A.A.R. 4898, effective January 5, 2003 (Supp. 02-4). Recodified to R4-23-802 at 9 A.A.R. 4011, effective August 18, 2003 (Supp. 03-3). New Section made by

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final rulemaking at 14 A.A.R. 3410, effective October 4, 2008 (Supp. 08-3). Section expired under A.R.S. § 41-1056(J) at 20 A.A.R. 133, effective August 30, 2013 (Supp. 14-1). New Section made by final rulemaking at 20 A.A.R. 1359, effective August 2, 2014 (Supp. 14-2).

**R4-23-503. Access to Controlled Substances Prescription Monitoring Program Data**

- A. Except as provided in A.R.S. § 36-2604(B) and (C) and this Section, prescription information submitted to the Board or its designee is confidential and is not subject to public inspection.
- B. The Board or its designee shall review the prescription information collected under A.R.S. Title 36, Chapter 28 and R4-23-502. If the Board or its designee has reason to believe an act of unprofessional or illegal conduct has occurred, the Board or its designee shall notify the appropriate professional licensing board or law enforcement or criminal justice agency and provide the prescription information required for an investigation.
- C. The Board or its designee is authorized to release data collected by the program to the following:
  1. A person who is authorized to prescribe or dispense a controlled substance to assist that person to provide medical or pharmaceutical care to a patient or to evaluate a patient;
  2. An individual who requests the individual's own controlled substance prescription information under A.R.S. § 12-2293;
  3. A professional licensing board established under A.R.S. Title 32, Chapter 7, 11, 13, 14, 15, 16, 17, 18, 21, 25, or 29. Except as required under subsection (B), the Board or its designee shall provide this information only if the requesting board states in writing that the information is necessary for an open investigation or complaint;
  4. A local, state, or federal law enforcement or criminal justice agency. Except as required under subsection (B), the Board or its designee shall provide this information only if the requesting agency states in writing that the information is necessary for an open investigation or complaint;
  5. The Arizona Health Care Cost Containment System Administration regarding individuals who are receiving services under A.R.S. Title 36, Chapter 29. Except as required under subsection (B), the Board or its designee shall provide this information only if the Administration states in writing that the information is necessary for an open investigation or complaint;
  6. A person serving a lawful order of a court of competent jurisdiction;
  7. A person who is authorized to prescribe or dispense a controlled substance and who performs an evaluation on an individual under A.R.S. § 23-1026; and
  8. The Board staff for purposes of administration and enforcement of A.R.S. Title 36, Chapter 28 and this Article.
- D. The Board or its designee may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients or persons who received prescriptions from dispensers.

**Historical Note**

Former Rules 5.3500, 5.3520, 5.3540, 5.3550, 5.3560, 5.3570, 5.3580, 5.3590, 5.4110, and 5.6110; Repealed effective August 2, 1982 (Supp. 82-4). New Section

made by final rulemaking at 14 A.A.R. 3410, effective October 4, 2008 (Supp. 08-3). Section expired under A.R.S. § 41-1056(J) at 20 A.A.R. 133, effective August 30, 2013 (Supp. 14-1). New Section made by final rulemaking at 20 A.A.R. 1359, effective August 2, 2014 (Supp. 14-2).

**R4-23-504. Computerized Central Database Tracking System Task Force**

- A. The Board shall appoint a task force to help it administer the computerized central database tracking system as specified in A.R.S. § 36-2603.
- B. The Task Force shall meet at least once each year and at the call of the chairperson to establish the procedures and conditions relating to the release of prescription information specified in A.R.S. § 36-2604 and R4-23-503.
- C. The Task Force shall determine:
  1. The information to be screened;
  2. The frequency and thresholds for screening; and
  3. The parameters for using the information to notify medical practitioners, patients, and pharmacies to educate and provide for patient management and treatment options.
- D. The Board shall review and approve the procedures and conditions established by the Task Force as needed but at least once every calendar year.

**Historical Note**

Former Rule 5.7010; Amended effective August 10, 1978 (Supp. 78-4). Repealed effective August 2, 1982 (Supp. 82-4). New Section made by final rulemaking at 14 A.A.R. 3410, effective October 4, 2008 (Supp. 08-3). Section expired under A.R.S. § 41-1056(J) at 20 A.A.R. 133, effective August 30, 2013 (Supp. 14-1). New Section made by final rulemaking at 20 A.A.R. 1359, effective August 2, 2014 (Supp. 14-2).

**R4-23-505. Reports**

- A. Before releasing prescription monitoring program data, the Board or its designee shall receive a written or electronic request for controlled substance prescription information.
- B. A person authorized to access CSPMP data under R4-23-503(C)(1) through (7) shall submit a written or electronic request that:
  1. Specifies the information requested for the report;
  2. For a medical practitioner, provides a statement that the report's purpose is to provide medical or pharmaceutical care to a patient or to evaluate a patient;
  3. For an individual obtaining the individual's own controlled substance prescription information, provides a form of non-expired government-issued photo identification;
  4. For a professional licensing board, states that the information is necessary for an open investigation or complaint;
  5. For a local, state, or federal law enforcement or criminal justice agency, states that the information is necessary for an open investigation or complaint;
  6. For the AHCCCS Administration, states that the information is necessary for an open investigation or complaint; and
  7. For a person serving a lawful order of a court of competent jurisdiction, provides a copy of the court order.
- C. The Board or its designee may provide reports through U.S. mail, other common carrier, facsimile, or secured electronic

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media or may allow reports to be picked up in-person at the Board office.

**Historical Note**

Former Rules 5.7100, 5.8100, 5.8500, 5.9100, and 5.9500; Amended effective August 10, 1978 (Supp. 78-4). Repealed effective August 2, 1982 (Supp. 82-4). New Section made by final rulemaking at 14 A.A.R. 3410, effective October 4, 2008 (Supp. 08-3). Section expired under A.R.S. § 41-1056(J) at 20 A.A.R. 133, effective August 30, 2013 (Supp. 14-1). New Section made by final rulemaking at 20 A.A.R. 1359, effective August 2, 2014 (Supp. 14-2).

**R4-23-506. Repealed****Historical Note**

Adopted effective December 3, 1974 (Supp. 75-1).  
Repealed effective August 24, 1992 (Supp. 92-3).

**ARTICLE 6. PERMITS AND DISTRIBUTION OF DRUGS****R4-23-601. General Provisions**

- A. Permit required to sell a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical. A person shall have a current Board permit to:
  1. Sell a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical in Arizona; or
  2. Sell a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical from outside Arizona and ship the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical into Arizona.
- B. A medical practitioner is exempt from subsection (A) to administer a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical for the emergency needs of a patient.
- C. Permit fee. Permits are issued biennially on an odd- and even-year expiration based on the assigned permit number. The fee, specified in R4-23-205, is not refundable unless the Board fails to comply with the permit time frames established in R4-23-602.
- D. Record of receipt and disposal of narcotics or other controlled substances, prescription-only drugs or devices, nonprescription drugs, precursor chemicals, or regulated chemicals.
  1. Every person manufacturing a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical, including repackaging or relabeling, shall prepare and retain for no fewer than three years the manufacturing, repackaging, or relabeling date for each narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical.
  2. Every person receiving, selling, delivering, or disposing of a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical shall record and retain for no fewer than three years the following information:
    - a. The name, strength, dosage form, and quantity of each narcotic or other controlled substance, prescription-only drug or device, nonprescription drug,

precursor chemical, or regulated chemical received, sold, delivered, or disposed;

- b. The name, address, and license or permit number, if applicable, of the person from whom each narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is received;
  - c. The name, address, and license or permit number, if applicable, of the person to whom each narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is sold or delivered, or of the person who disposes of each narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical; and
  - d. The receipt, sale, deliver, or disposal date of each narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical.
3. The record required in this subsection shall be available for inspection by the Board or its compliance officer during regular business hours.
  4. If the record required in this subsection is stored in a centralized recordkeeping system and not immediately available for inspection, a permittee, manager, or pharmacist-in-charge shall provide the record within four working days of the Board's or its compliance officer's request.
- E. Narcotics or other controlled substances, prescription-only drugs or devices, nonprescription drugs, precursor chemicals, or regulated chemicals damaged by water, fire, or from human or animal consumption or use. A person shall not sell or offer to sell any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical damaged by water, fire, or from human or animal consumption or use.
  - F. At least 14 days before there is a change in ownership, as defined at R4-23-110, of a license or permit issued under this Chapter, the new licensee or permittee shall apply to the Board for a new license or permit.

**Historical Note**

Former Rules 6.1100, 6.1200, 6.1300, 6.1400, and 6.1500. Amended effective August 10, 1978 (Supp. 78-4). Amended subsection (C) effective August 9, 1983 (Supp. 83-4). Amended subsection (C) effective August 12, 1988 (Supp. 88-3). Amended by final rulemaking at 6 A.A.R. 4656, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 12 A.A.R. 1912, effective July 1, 2006 (Supp. 06-2). Amended by final rulemaking at 14 A.A.R. 3670, effective November 8, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-602. Permit Application Process and Time frames**

- A. A person applying for a permit shall:
  1. Submit a completed application for the desired permit electronically or manually on a form furnished by the Board, and
  2. Submit with the application form:
    - a. The documents specified in the application form, and
    - b. The permit fee specified in R4-23-205.

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- B.** The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.
- C.** Time frames for permits.
1. The Board office shall finish an administrative completeness review within 60 days from the date the application form is received.
    - a. The Board office shall issue a written notice of administrative completeness to the applicant if no deficiencies are found in the application form.
    - b. If the application form is incomplete, the Board office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The 60-day time frame for the Board office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board office with all missing information.
    - c. If the Board office does not provide the applicant with written notice regarding administrative completeness, the application form shall be deemed complete 60 days after receipt by the Board office.
  2. An applicant with an incomplete application form shall submit to the Board office all of the missing information within 90 days of service of the notice of incompleteness.
    - a. If an applicant cannot submit all missing information within 90 days of service of the notice of incompleteness, the applicant may send a written request for an extension to the Board office postmarked or delivered no later than 90 days from service of the notice of incompleteness;
    - b. The written request for an extension shall document the reasons the applicant is unable to meet the 90-day deadline; and
    - c. The Board office shall review the request for an extension of the 90-day deadline and grant the request if the Board office determines an extension of the 90-day deadline will enable the applicant to assemble and submit the missing information. An extension shall be for no more than 30 days. The Board office shall notify the applicant in writing of its decision to grant or deny the request for an extension.
  3. If an applicant fails to submit a complete application form within the time allowed, the Board office shall close the applicant's file. An applicant whose file is closed and who later wishes to obtain a permit shall submit a new application and fee as specified in subsection (A).
  4. For a nonprescription drug permit applicant, a compressed medical gas distributor permit applicant, and a durable medical equipment and compressed medical gas supplier permit applicant, the Board office shall issue a permit on the day the Board office determines an administratively complete application form is received.
  5. Except as described in subsection (C)(4), from the date on which the administrative completeness review of an application form is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 120 days.
    - a. If an applicant is found to be ineligible, the Board office shall issue a written notice of denial to the applicant.
    - b. If an applicant is found to be eligible, the Board office shall recommend to the Board that the applicant be issued a permit. Upon receipt of the Board office's recommendation, the Board shall either issue a permit to the applicant or if the Board determines the applicant does not meet eligibility requirements, return the matter to the Board office.
  - c. If the Board office finds deficiencies during the substantive review of the application form, the Board office shall issue a written request to the applicant for additional documentation.
  - d. The 120-day time frame for a substantive review for the issuance or denial of a permit is suspended from the date of the written request for additional documentation until the date all documentation is received. The applicant shall submit the additional documentation according to subsection (C)(2).
  - e. If the applicant and the Board office mutually agree in writing, the 120-day substantive review time frame may be extended once for no more than 45 days.
6. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time frames for permits:
- a. Administrative completeness review time frame: 60 days.
  - b. Substantive review time frame:
    - i. Nonprescription drug permit, compressed medical gas distributor permit, and durable medical equipment and compressed medical gas supplier permit: none.
    - ii. Except as described in subsection (C)(6)(b)(i): 120 days.
  - c. Overall time frame:
    - i. Nonprescription drug permit, compressed medical gas distributor permit, and durable medical equipment and compressed medical gas supplier permit: 60 days.
    - ii. Except as described in subsection (C)(6)(c)(i): 180 days.
- D.** Permit renewal.
1. To renew a permit, a permittee shall submit a completed application for permit renewal electronically or manually on a form furnished by the Board with the biennial renewal fee specified in R4-23-205.
  2. If the biennial renewal fee is not paid by November 1 of the renewal year specified in A.R.S. § 32-1931, the permit is suspended. The permittee shall pay a penalty as provided in A.R.S. § 32-1931 and R4-23-205 to vacate the suspension.
  3. Time frames for permit renewals. The Board office shall follow the time frames established in subsection (C).
- E.** Display of permit. A permittee shall conspicuously display the permit in the location to which it applies.

**Historical Note**

Former Rules 6.2100, 6.2200, 6.2300, 6.2400, 6.2500, 6.2600, 6.2610, 6.2620, 6.2630, 6.2640, and 6.2650.  
 Amended effective August 10, 1978 (Supp. 78-4).  
 Amended effective August 9, 1983 (Supp. 83-4).  
 Repealed effective August 12, 1988 (Supp. 88-3). New Section adopted effective August 5, 1997 (Supp. 97-3).  
 Amended by final rulemaking at 6 A.A.R. 4589, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 20 A.A.R. 1364, effective August 2, 2014 (Supp. 14-2). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

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**R4-23-603. Resident-Nonprescription Drugs, Retail**

- A.** Permit. A person, including the following, shall not sell or distribute a nonprescription drug without a current Board-issued permit:
1. A grocer;
  2. Other non-pharmacy retail outlet; or
  3. Mobile or non-fixed location retailer, such as a swap-meet vendor.
- B.** A medical practitioner licensed under A.R.S. Title 32 is exempt from the requirements of subsection (A).
- C.** Application. To obtain a permit to sell a nonprescription drug, a person shall submit:
1. A completed application form and fee as specified in R4-23-602; and
  2. Documentation of compliance with local zoning laws, if required by the Board.
- D.** Drug sales. A nonprescription drug permittee:
1. Shall sell a drug only in the original container packaged and labeled by the manufacturer; and
  2. Shall not package, repackage, label, or relabel any drug.
- E.** Inspection. A nonprescription drug permittee shall consent to inspection during business hours by a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.
- F.** Quality control. A nonprescription drug permittee shall:
1. Ensure that all drugs stocked, sold, or offered for sale are:
    - a. Kept clean;
    - b. Protected from contamination, excessive heat, cold, sunlight, and other deteriorating factors;
    - c. In compliance with federal law; and
    - d. Received from a supplier with a current Board-issued permit as specified in R4-23-601(A).
  2. Develop and implement a program to ensure that:
    - a. Any expiration-dated drug is reviewed regularly;
    - b. Any drug, that exceeds its expiration date, is deteriorated or damaged, or does not comply with federal law, is moved to a quarantine area and not sold or distributed; and
    - c. Any quarantined drug is destroyed or returned to its source of supply.
- G.** Notification. A nonprescription drug permittee shall submit using the permittee's online profile or provide written notice by mail, fax, or e-mail to the Board office within 10 days of changes involving the telephone or fax number, e-mail or mailing address, or business name.
- H.** Change of ownership. A nonprescription drug permittee shall comply with R4-23-601(F).
- I.** Relocation. No less than 30 days before an existing nonprescription drug permittee relocates, the permittee shall submit a completed application for relocation electronically or manually on a form furnished by the Board, and the documentation required in subsection (C).
- J.** Records. A nonprescription drug permittee shall:
1. Retain records of the receipt and disposal of nonprescription drugs as required in R4-23-601(D), and
  2. Comply with the requirements of A.R.S. § 32-1977 and federal law for the retail sale of methamphetamine precursors.
- K.** Permit renewal. To renew a nonprescription drug permit, the permittee shall comply with R4-23-602(D).
- L.** Nonprescription drug vending machine outlet. In addition to the requirements of R4-23-601, R4-23-602, and subsections (A) through (K), a person selling or distributing a

nonprescription drug in a vending machine shall comply with the following requirements:

1. Each individual vending machine is considered an outlet and shall have a Board-issued nonprescription drug permit;
2. Each nonprescription-drug-permitted vending machine shall display in public view an identification seal, furnished by the Board, containing the permit number, vending machine's serial number, owner's name, and telephone contact number;
3. Each nonprescription-drug-permitted vending machine is assigned a specific location that is within a weather-tight structure, protected from direct sunlight, and maintained at a temperature not less than 59° F and not greater than 86° F;
4. Each nonprescription drug sold in a vending machine is packaged and labeled in the manufacturer's original FDA-approved container;
5. A nonprescription-drug-permitted vending machine is subject to inspection by a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901 as follows:
  - a. The owner, manager, or other staff of the nonprescription drug permittee shall provide access to the contents of the vending machine within 24 hours of a request from a Board compliance officer or other authorized officer of the law; or
  - b. The Board compliance staff shall have independent access to the vending machine;
6. Before relocating or retiring a nonprescription-drug-permitted vending machine, the owner or manager shall notify the Board in writing. The notice shall include:
  - a. Permit number;
  - b. Vending machine's serial number;
  - c. Action planned (relocate or retire); and
  - d. If retiring a vending machine, the disposition of the nonprescription drug contents of the vending machine;
7. The sale or distribution of a precursor chemical or regulated chemical in a vending machine is prohibited; and
8. Under no circumstance may expired drugs be sold or distributed.

**Historical Note**

Adopted effective August 10, 1978 (Supp. 78-4).  
 Amended subsection (D) paragraph (1) and added subsection (G) effective April 20, 1982 (Supp. 82-2).  
 Amended effective August 12, 1988 (Supp. 88-3).  
 Amended effective February 8, 1991 (Supp. 91-1).  
 Amended effective August 5, 1997 (Supp. 97-3).  
 Amended by final rulemaking at 6 A.A.R. 4589, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 20 A.A.R. 1364, effective August 2, 2014 (Supp. 14-2). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-604. Resident Drug Manufacturer**

- A.** Permit. A person shall not manufacture, package, repackage, label, or relabel any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical without a current Board-issued drug manufacturer permit.

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- B.** Application. To obtain a permit to operate a drug manufacturing firm in Arizona, a person shall submit a completed application, on a form furnished by the Board, and the fee specified in R4-23-205.
- C.** Before issuing a drug manufacturer permit, the Board shall:
1. Receive and approve a completed permit application;
  2. Interview the applicant and manager, if different from the applicant, at a Board meeting; and
  3. Receive a satisfactory compliance inspection report on the facility from a Board compliance officer.
- D.** Notification. A resident drug manufacturer permittee shall notify the Board of changes involving the drug list, address, telephone number, business name, or manager, including manager's telephone number. The resident drug manufacturer permittee shall submit using the permittee's online profile or a written notice by mail, fax, or e-mail to the Board office within 24 hours of the change.
- E.** Change of ownership. A resident drug manufacturer permittee shall comply with R4-23-601(F).
- F.** Before an existing resident drug manufacturer permittee relocates, the drug manufacturer permittee shall submit the application packet described in subsection R4-23-604(B), excluding the fee. The facility at the new location shall pass a final inspection by a Board compliance officer before operations begin.
- G.** No later than 14 days after the change occurs, a resident drug manufacturer permittee shall submit the application described under subsection R4-23-604(B), excluding the fee, for any change of officers in a corporation.
- H.** Manufacturing and distribution.
1. A drug manufacturer permittee shall manufacture and distribute a drug only:
    - a. To a pharmacy, drug manufacturer, or full-service or nonprescription drug wholesaler currently permitted by the Board;
    - b. To a medical practitioner currently licensed as a medical practitioner as defined in A.R.S. § 32-1901; or
    - c. To a properly permitted, registered, licensed, or certified person or firm of another jurisdiction.
  2. Before manufacturing and distributing a drug that is not listed on a drug manufacturer's permit application, the drug manufacturer permittee shall send to the Board office a written request to amend the permit application, including documentation of FDA approval to manufacture the drug not listed on the original permit application. If a request to amend a permit application includes the documentation required in this subsection, the Board or its designee shall approve the request to amend within 30 days of receipt.
- I.** A drug manufacturer permit is subject to denial, suspension, probation, or revocation under A.R.S. § 32-1927.02.
- J.** Current Good Manufacturing Practice. A drug manufacturer permittee is required under federal law to follow the good manufacturing practice requirements of 21 CFR 210 through 211.
- K.** Records. A drug manufacturer permittee shall:
1. Establish and implement written procedures for maintaining records pertaining to production, process control, labeling, packaging, quality control, distribution, complaints, and any information required by federal or state law;
  2. Retain the records required by this Article and 21 CFR 210 through 211 for at least two years after distribution of a drug or one year after the expiration date of a drug, whichever is longer; and
3. Make the records required by this Article and 21 CFR 210 through 211 available within 48 hours for review by a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.
- L.** Inspections. A drug manufacturer permittee shall make the drug manufacturer's facility available for inspection by the Board or its compliance officer under A.R.S. § 32-1904.
- M.** Nonresident drug manufacturer. A nonresident drug manufacturer shall comply with the requirements of R4-23-607.
- N.** Manufacturing radiopharmaceuticals. Before manufacturing a radiopharmaceutical, a drug manufacturer permittee shall:
1. Comply with the regulatory requirements of the Arizona Radiation Regulatory Agency, the U.S. Nuclear Regulatory Commission, the FDA, and this Section; and
  2. Hold a current Arizona Radiation Regulatory Agency Radioactive Materials License. If a drug manufacturer permittee who manufactures radiopharmaceuticals fails to maintain a current Arizona Radiation Regulatory Agency Radioactive Materials License, the permittee's drug manufacturer permit shall be immediately suspended pending a hearing by the Board.

**Historical Note**

Former Rules 6.4001, 6.4002, 6.4003, 6.4004, 6.4005, 6.4006, 6.4007, 6.4008, 6.4009, 6.4100, 6.4110, 6.4111, 6.4115, 6.4116, 6.4120, 6.4122, 6.4190, 6.4191, 6.4200, 6.4250, 6.4300, 6.4350, 6.4355, 6.4360, 6.4400, 6.4401, 6.4403, 6.4410, 6.4430, 6.4450, 6.4500, 6.4510, 6.4530, 6.4533, 6.4600, 6.4610, 6.4640, 6.4660, 6.4700, 6.4710, and 6.4750. Adopted effective December 3, 1974 (Supp. 75-1). Amended effective August 10, 1978 (Supp. 78-4). Amended subsection (B) paragraph (2) effective April 20, 1982 (Supp. 82-2). Amended subsections (B), (G), (K) and (L) effective August 12, 1988 (Supp. 88-3). Amended effective August 24, 1992 (Supp. 92-3). Amended effective November 1, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 3815, effective August 9, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 1105, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 702, effective June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-605. Resident Drug Wholesaler Permit**

- A.** Permit. A person shall not operate a business or firm for the wholesale distribution of any drug, device, precursor chemical, or regulated chemical without a current Board-issued full-service or nonprescription drug wholesale permit.
- B.** Application.
1. To obtain a permit to operate a full-service or nonprescription drug wholesale firm in Arizona, a person shall submit a completed application, on a form furnished by the Board, and the fee specified in R4-23-205.
  2. Before issuing a full-service or nonprescription drug wholesale permit, the Board shall:
    - a. Receive and approve a completed permit application;
    - b. Interview the applicant and the designated representative, if different from the applicant, at a Board meeting;

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- c. Receive a satisfactory compliance inspection report on the facility from a Board compliance officer; and
  - d. For a full-service drug wholesale permit, issue a fingerprint clearance to a qualified designated representative, as specified in subsection (L). If the fingerprint clearance of a designated representative for a full-service drug wholesale permit applicant is denied, the full-service drug wholesale permit applicant shall appoint another designated representative and submit the documentation, fingerprints, and fee specified in the application required in subsection (B).
- C. Notification.** A resident full-service or nonprescription drug wholesale permittee shall notify the Board of changes involving the type of drugs sold or distributed, address, telephone number, business name, or manager or designated representative, including the manager's or designated representative's telephone number.
- 1. The resident full-service or nonprescription drug wholesale permittee shall submit using the permittee's online profile or a written notice by mail, fax, or e-mail to the Board office within 10 days of the change.
  - 2. For a change of designated representative, a resident full-service drug wholesale permittee shall submit the documentation, fingerprints, and fee specified in the application required in subsection (B).
- D. Change of ownership.** A resident full-service or nonprescription drug wholesale permittee shall comply with R4-23-601(F).
- E.** Before an existing resident full-service or nonprescription drug wholesaler permittee relocates, the resident full-service or nonprescription drug wholesale permittee shall submit the application required under subsection (B), excluding the fee. The facility at the new location shall pass a final inspection by a Board compliance officer before operations begin.
- F.** No later than 14 days after the change occurs, a resident full-service or nonprescription drug wholesale permittee shall submit the application described under subsection (B), excluding the fee, for any change of officers in a corporation.
- G. Distribution restrictions.** In addition to the requirements of this subsection, a resident full-service wholesale permittee shall comply with the distribution restrictions specified in A.R.S. § 32-1983.
- 1. Records.
    - a. A full-service drug wholesale permittee shall:
      - i. Maintain records to ensure full accountability of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical including dates of receipt and sales, names, addresses, and DEA registration numbers, if required, of suppliers or sources of merchandise, and customer names, addresses, and DEA registration numbers, if required;
      - ii. File the records required in subsection (G)(1)(a)(i) in a readily retrievable manner for a minimum of three years;
      - iii. Make the records required in subsection (G)(1)(a)(i) available upon request during regular business hours for inspection by a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901(5). Records kept at a central location
        - apart from the business location and not electronically retrievable shall be made available within two business days; and
  - 2. Drug sales.
    - a. A full-service drug wholesale permittee shall:
      - i. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical, except in the original container packaged and labeled by the manufacturer or repackager;
      - ii. Not package, repackage, label, or relabel any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical;
      - iii. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance, or prescription-only drug or device, to anyone except a pharmacy, drug manufacturer, or full-service drug wholesaler currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
      - iv. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical, to anyone except a pharmacy, drug manufacturer, full-service or nonprescription drug wholesaler, or nonprescription drug retailer currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
      - v. Provide track and trace documents required under the Drug Supply Chain and Security Act upon request, if immediately available, or



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- within two business days from the date of a request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901;
- vi. Maintain a copy of the current permit or license of each person that buys, receives, or disposes of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical; and
  - vii. Provide permit and license records upon request, if immediately available, or within two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901(5).
- b. A nonprescription drug wholesale permittee shall:
- i. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical except in the original container packaged and labeled by the manufacturer or repackager;
  - ii. Not package, repack, label, or relabel any nonprescription drug, precursor chemical, or regulated chemical;
  - iii. Not sell or distribute any nonprescription drug, precursor chemical, or regulated chemical to anyone except a pharmacy, drug manufacturer, full-service or nonprescription drug wholesaler, or nonprescription drug retailer currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
  - iv. Maintain a record of the current permit or license of each person that buys, receives, or disposes of any nonprescription drug, precursor chemical, or regulated chemical; and
  - v. Provide permit and license records upon request, if immediately available, or within two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901(5).
- c. Nothing in this subsection shall be construed to prevent the return of a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical to the original source of supply.
3. Out-of-state drug sales.
- a. A full-service drug wholesale permittee shall:
    - i. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical except in the original container packaged and labeled by the manufacturer or repackager;
    - ii. Not package, repack, label, or relabel any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical;
    - iii. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical to anyone except a person that is properly permitted, registered, licensed, or certified in another jurisdiction;
  - iv. Provide track and trace documents required under the Drug Supply Chain and Security Act upon request, if immediately available, or within two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901;
  - v. Maintain a copy of the current permit, registration, license, or certificate of each person that buys, receives, or disposes of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical; and
  - vi. Provide permit, registration, license, and certificate records upon request, if immediately available, or within two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901(5); and
- b. A nonprescription drug wholesale permittee shall:
- i. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical except in the original container packaged and labeled by the manufacturer or repackager;
  - ii. Not package, repack, label, or relabel any nonprescription drug, precursor chemical, or regulated chemical;
  - iii. Not sell or distribute any nonprescription drug, precursor chemical, or regulated chemical to anyone except a person that is properly permitted, registered, licensed, or certified in another jurisdiction;
  - iv. Maintain a record of the current permit, registration, license, or certificate of each person that buys, receives, or disposes of any nonprescription drug, precursor chemical, or regulated chemical; and
  - v. Provide permit, registration, license, or certificate records upon request, if immediately available, or within two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901(5).
4. Cash-and-carry sales.
- a. A full-service drug wholesale permittee shall complete a cash-and-carry sale or distribution of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical only after:
    - i. Verifying the validity of the order;
    - ii. Verifying the identity of the pick-up person for each transaction by confirming that the person represented placed the cash-and-carry order; and
    - iii. For a prescription-only drug order, verifying that the cash-and-carry sale or distribution is used only to meet the immediate needs of a

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- particular patient of the person that placed the cash-and-carry order; and
- b. A nonprescription drug wholesale permittee shall complete a cash-and-carry sale or distribution of any nonprescription drug, precursor chemical, or regulated chemical only after:
    - i. Verifying the validity of the order; and
    - ii. Verifying the identity of the pick-up person for each transaction by confirming that the person represented placed the cash-and-carry order.
- H.** Prescription-only drug returns or exchanges. A full-service drug wholesale permittee shall ensure that any prescription-only drug returned or exchanged by a pharmacy or chain pharmacy warehouse under A.R.S. § 32-1983(A) meets the following criteria:
1. The prescription-only drug is not adulterated or counterfeited, except an adulterated or counterfeited prescription-only drug that is the subject of an FDA or manufacturer recall may be returned for destruction or subsequent return to the manufacturer;
  2. The quantity of prescription-only drug returned or exchanged does not exceed the quantity of prescription-only drug that the full-service drug wholesale permittee or a full-service drug wholesale permittee under common ownership sold to the pharmacy or chain pharmacy warehouse; and
  3. The pharmacy or chain pharmacy warehouse provides documentation that:
    - a. Lists the name, strength, and manufacturer of the prescription-only drug being returned or exchanged; and
    - b. States that the prescription-only drug was maintained in compliance with storage conditions prescribed on the drug label or manufacturer's package insert.
- I.** Returned, outdated, damaged, deteriorated, adulterated, misbranded, counterfeited, and contraband drugs.
1. Except as specified in subsection (H)(1) for a prescription-only drug, a full-service drug wholesale permittee shall ensure that the return of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical meets the following criteria.
    - a. Any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical that is outdated, damaged, deteriorated, adulterated, misbranded, counterfeited, or contraband or suspected of being adulterated, misbranded, counterfeited, or contraband, or otherwise deemed unfit for human or animal consumption shall be quarantined and physically separated from other narcotics or other controlled substances, prescription-only drugs or devices, nonprescription drugs, precursor chemicals, or regulated chemicals until the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it was acquired as authorized by the Board and the FDA.
    - b. Any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical whose immediate or sealed outer or secondary containers or product labeling are misbranded, counterfeited, or contraband or suspected of being misbranded, counterfeited, or contraband shall be quarantined and physically separated from other narcotics or other controlled substances, prescription-only drugs or devices, nonprescription drugs, precursor chemicals, or regulated chemicals until the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it was acquired as authorized by the Board and the FDA. When the immediate or sealed outer or secondary containers or product labeling are determined to be misbranded, counterfeited, or contraband or suspected of being misbranded, counterfeited, or contraband, the full-service drug wholesale permittee shall provide notice of the misbranding, counterfeiting, or contrabanding or suspected misbranding, counterfeiting, or contrabanding within three business days of the determination to the Board, FDA, and manufacturer or wholesale distributor from which the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical was acquired.
    - c. Any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical that has been opened or used, but is not adulterated, misbranded, counterfeited, or contraband or suspected of being misbranded, counterfeited, or contraband shall be identified as opened or used, or both, and quarantined and physically separated from other narcotics or other controlled substances, prescription-only drugs or devices, nonprescription drugs, precursor chemicals, or regulated chemicals until the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it was acquired as authorized by the Board and the FDA.
    - d. If the conditions under which a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical has been returned cast doubt on the safety, identity, strength, quality, or purity of the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical, the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical shall be quarantined and physically separated from other narcotics or other controlled substances, prescription-only drugs or devices, nonprescription drugs, precursor chemicals, or regulated chemicals until the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it

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was acquired as authorized by the Board and the FDA, except as provided in subsection (I)(1)(d)(i).

- i. If examination, testing, or other investigation proves that the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical meets appropriate standards of safety, identity, strength, quality, and purity, it does not have to be destroyed or returned to the manufacturer or wholesale distributor.
  - ii. In determining whether the conditions under which a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical has been returned cast doubt on the safety, identity, strength, quality, or purity of the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical, the full-service drug wholesale permittee shall consider, among other things, the conditions under which the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical has been held, stored, or shipped before or during its return and the condition of the narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical and the condition of its container, carton, or product labeling as a result of storage or shipping.
  - e. For any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical identified under subsections (I)(1)(a) or (b), the full-service drug wholesale permittee shall ensure that the identified item or items and other evidence of criminal activity, and accompanying documentation is retained and not destroyed until its disposition is authorized by the Board and the FDA.
2. A nonprescription drug wholesale permittee shall ensure that the return of any nonprescription drug, precursor chemical, or regulated chemical meets the following criteria.
    - a. Any nonprescription drug, precursor chemical, or regulated chemical that is outdated, damaged, deteriorated, adulterated, misbranded, counterfeited, or contraband or suspected of being adulterated, misbranded, counterfeited, or contraband, or otherwise deemed unfit for human or animal consumption shall be quarantined and physically separated from other nonprescription drugs, precursor chemicals, or regulated chemicals until the nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it was acquired as authorized by the Board and the FDA.
    - b. Any nonprescription drug, precursor chemical, or regulated chemical whose immediate or sealed outer or secondary containers or product labeling are misbranded, counterfeited, or contraband or suspected of being misbranded, counterfeited, or contraband shall be quarantined and physically separated from other nonprescription drugs, precursor chemicals, or regulated chemicals until the nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it was acquired as authorized by the Board and the FDA.
    - c. Any nonprescription drug, precursor chemical, or regulated chemical that has been opened or used, but is not adulterated, misbranded, counterfeited, or contraband or suspected of being misbranded, counterfeited, or contraband, shall be identified as opened or used, or both, and quarantined and physically separated from other nonprescription drugs, precursor chemicals, or regulated chemicals until the nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it was acquired as authorized by the Board and the FDA.
    - d. If the conditions under which a nonprescription drug, precursor chemical, or regulated chemical has been returned cast doubt on the safety, identity, strength, quality, or purity of the nonprescription drug, precursor chemical, or regulated chemical, the nonprescription drug, precursor chemical, or regulated chemical shall be quarantined and physically separated from other nonprescription drugs, precursor chemicals, or regulated chemicals until the nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it was acquired as authorized by the Board and the FDA, except as provided in subsection (I)(2)(d)(i).
      - i. If examination, testing, or other investigation proves that the nonprescription drug, precursor chemical, or regulated chemical meets appropriate standards of safety, identity, strength, quality, and purity, the nonprescription drug, precursor chemical, or regulated chemical does not need to be destroyed or returned to the manufacturer or wholesale distributor.
      - ii. In determining whether the conditions under which a nonprescription drug, precursor chemical, or regulated chemical has been returned cast doubt on the safety, identity, strength, quality, or purity of the nonprescription drug, precursor chemical, or regulated chemical, the nonprescription drug wholesale permittee shall consider, among other things, the conditions under which the nonprescription drug, precursor chemical, or regulated chemical

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regulated chemical has been held, stored, or shipped before or during its return and the condition of the nonprescription drug, precursor chemical, or regulated chemical and the condition of its container, carton, or product labeling as a result of storage or shipping.

- e. For any nonprescription drug, precursor chemical, or regulated chemical identified under subsections (1)(2)(a) or (b), the nonprescription drug wholesale permittee shall ensure that the identified item or items and other evidence of criminal activity, and accompanying documentation is retained and not destroyed until its disposition is authorized by the Board and the FDA.
3. A full-service drug wholesale permittee and nonprescription drug wholesale permittee shall comply with the recordkeeping requirements of subsection (G) for all outdated, damaged, deteriorated, adulterated, misbranded, counterfeited and contraband narcotics or other controlled substances, prescription-only drugs or devices, nonprescription drugs, precursor chemicals, or regulated chemicals.
- J. Facility. A full-service or nonprescription drug wholesale permittee shall:
  1. Ensure that the facility occupied by the full-service or nonprescription drug wholesale permittee is of adequate size and construction, well-lighted inside and outside, adequately ventilated, and kept clean, uncluttered, and sanitary;
  2. Ensure that the permittee's warehouse facility:
    - a. Is secure from unauthorized entry; and
    - b. Has an operational security system designed to provide protection against theft;
  3. In a full-service drug wholesale facility, ensure that only authorized personnel may enter areas where any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is kept;
  4. In a nonprescription drug wholesale facility, ensure that only authorized personnel may enter areas where any nonprescription drug, precursor chemical, or regulated chemical is kept;
  5. In a full-service drug wholesale facility, ensure that any thermolabile narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is stored in an area where room temperature is maintained in compliance with storage conditions prescribed on the product label;
  6. In a nonprescription drug wholesale facility, ensure that any thermolabile nonprescription drug, precursor chemical, or regulated chemical is stored in an area where room temperature is maintained in compliance with storage conditions prescribed on the product label;
  7. Make the facility available for inspection by a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901(5) during regular business hours;
  8. In a full-service drug wholesale facility, provide a quarantine area for storage of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical that is outdated, damaged, deteriorated, adulterated, misbranded, counterfeited, or contraband or suspected of being adulterated, misbranded, counterfeited, or contraband, otherwise deemed unfit for human or animal consumption, or that is in an open container; and
  9. In a nonprescription drug wholesale facility, provide a quarantine area for storage of any nonprescription drug, precursor chemical, or regulated chemical that is outdated, damaged, deteriorated, adulterated, misbranded, counterfeited, or contraband or suspected of being adulterated, misbranded, counterfeited, or contraband, otherwise deemed unfit for human or animal consumption, or that is in an open container.
- K. Quality controls.
  1. A full-service drug wholesale permittee shall:
    - a. Ensure that any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical that meets the criteria specified in subsection (1)(1) is not sold, distributed, or delivered to any person for human or animal consumption;
    - b. Ensure that a narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is not manufactured, packaged, repackaged, labeled, or relabeled by any of its employees;
    - c. Ensure that any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical stocked, sold, offered for sale, or delivered is:
      - i. Kept clean,
      - ii. Protected from contamination and other deteriorating environmental factors, and
      - iii. Stored in a manner that complies with applicable federal and state law and official compendium storage requirements;
    - d. Maintain manual or automatic temperature and humidity recording devices or logs to document conditions in areas where any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is stored; and
    - e. Develop and implement a program to ensure that:
      - i. Any expiration-dated narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is reviewed regularly;
      - ii. Any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical that has less than 120 days remaining on the expiration date, or is deteriorated, damaged, or does not comply with federal law, is moved to a quarantine area and not sold or distributed; and
      - iii. Any quarantined narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it was acquired.
  2. A nonprescription drug wholesale permittee shall:

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- a. Ensure that any nonprescription drug, precursor chemical, or regulated chemical that meets the criteria specified in subsection (I)(2) is not sold, distributed, or delivered to any person for human or animal consumption;
  - b. Ensure that a nonprescription drug, precursor chemical, or regulated chemical is not manufactured, packaged, repackaged, labeled, or relabeled by any of its employees;
  - c. Ensure that any nonprescription drug, precursor chemical, or regulated chemical stocked, sold, offered for sale, or delivered is:
    - i. Kept clean,
    - ii. Protected from contamination and other deteriorating environmental factors, and
    - iii. Stored in a manner that complies with applicable federal and state law and official compendium storage requirements;
  - d. Maintain manual or automatic temperature and humidity recording devices or logs to document conditions in areas where any nonprescription drug, precursor chemical, or regulated chemical is stored; and
  - e. Develop and implement a program to ensure that:
    - i. Any expiration-dated nonprescription drug, precursor chemical, or regulated chemical is reviewed regularly;
    - ii. Any nonprescription drug, precursor chemical, or regulated chemical that has fewer than 120 days remaining on the expiration date, or is deteriorated, damaged, or does not comply with federal law, is moved to a quarantine area and not sold or distributed; and
    - iii. Any quarantined nonprescription drug, precursor chemical, or regulated chemical is destroyed or returned to the manufacturer or wholesale distributor from which it was acquired.
- L. Fingerprint clearance.**
1. After receiving the state and federal criminal history record of a designated representative, the Board shall compare the record with the list of criminal offenses that preclude a designated representative from receiving a fingerprint clearance. If the designated representative's criminal history record does not contain any of the offenses listed in subsection (L)(2), the Board shall issue the designated representative a fingerprint clearance.
  2. The Board shall not issue a fingerprint clearance to a designated representative who is awaiting trial for or who has been convicted of committing or attempting or conspiring to commit one or more of the following offenses in this state or the same or similar offenses in another state or jurisdiction:
    - a. Unlawfully administering intoxicating liquors, controlled substances, dangerous drugs, or prescription-only drugs;
    - b. Sale of peyote;
    - c. Possession, use, or sale of marijuana, dangerous drugs, prescription-only drugs, or controlled substances;
    - d. Manufacture or distribution of an imitation controlled substance;
    - e. Manufacture or distribution of an imitation prescription-only drug;
    - f. Possession or possession with intent to use an imitation controlled substance;
    - g. Possession or possession with intent to use an imitation prescription-only drug; or
    - h. A felony offense involving sale, distribution, or transportation of, offer to sell, transport, or distribute, or conspiracy to sell, transport, or distribute marijuana, dangerous drugs, prescription-only drugs, or controlled substances.
  3. If the Board determines, after conducting a state and federal criminal history record check, that it is not authorized to issue a fingerprint clearance, the Board shall notify the full-service drug wholesale applicant or permittee that employs the designated representative that the Board is not authorized to issue a fingerprint clearance. This notice shall include the criminal history information on which the denial was based. This criminal history information is subject to dissemination restrictions under A.R.S. § 41-1750 and federal law.

**Historical Note**

Former Rules 6.5110, 6.5120, 6.5130, 6.5140, 6.5210, 6.5220, 6.5230, 6.5240, 6.5310, 6.5320, 6.5410, and 6.5420. Amended effective August 10, 1978 (Supp. 78-4). Amended effective April 20, 1982 (Supp. 82-2).

Amended subsection (A) effective August 12, 1988 (Supp. 88-3). Amended effective February 8, 1991 (Supp. 91-1). Amended effective August 24, 1992 (Supp. 92-3). Amended by final rulemaking at 6 A.A.R. 4589, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 10 A.A.R. 232, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 1105, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 4270, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 3477, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 702, effective June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-606. Resident-Pharmacy Permit: Community, Hospital, and Limited Service**

- A. Permit.** A person shall not operate a pharmacy in Arizona without a current Board-issued pharmacy permit.
- B. Application.**
1. To obtain a permit to operate a pharmacy in Arizona, a person shall submit a completed application, on a form available from the Board, and the fee specified in R4-23-205.
  2. Before issuing a pharmacy permit, the Board shall:
    - a. Receive and approve a completed permit application; and
    - b. Receive a satisfactory compliance inspection report on the facility from a Board compliance officer.
  3. Before issuing a pharmacy permit, the Board may interview the applicant and the pharmacist-in-charge, if different from the applicant, at a Board meeting based on the need for additional information.
- C. Notification.** A pharmacy permittee shall notify the Board office within 10 days of changes involving the type of pharmacy operated, telephone or fax number, e-mail or mailing address, business name, or staff pharmacist. A pharmacy permittee shall provide the Board office immediate notice of a change of the pharmacist-in-charge.

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- D. If any nonprescription drugs are sold outside the pharmacy area when the pharmacy area is closed, the pharmacy permittee shall ensure that the business has a current, Board-issued nonprescription drug permit as required in Section R4-23-603.
- E. Change of ownership. A pharmacy permittee shall comply with R4-23-601(F).
- F. Relocation or remodel.
  - 1. No fewer than 30 days before the relocation or remodel of an existing pharmacy, the pharmacy permittee shall submit, electronically or manually, a completed application for remodel or relocation using the form specified under subsection (B). A fee is not required with an application for remodel or relocation.
  - 2. The new or remodeled facility shall pass a final inspection by a Board compliance officer before operations begin.
- G. Permit renewal. To renew a pharmacy permit, the permittee shall comply with R4-23-602(D).

**Historical Note**

Former Rules 6.6010, 6.6020, 6.6030, 6.6040, 6.6050, 6.6060, 6.6071, 6.6072, 6.6073, 6.6074, 6.6075, and 6.6076. Amended effective August 10, 1978 (Supp. 78-4). Amended subsections (G) and (H) effective April 20, 1982 (Supp. 82-2). Amended subsection (L) effective July 2, 1982 (Supp. 82-4). Amended subsections (G) and (H) effective August 12, 1988 (Supp. 88-3). Amended effective November 1, 1993 (Supp. 93-4). Section heading amended effective April 5, 1996 (Supp. 96-2). Amended by final rulemaking at 7 A.A.R. 3825, effective August 9, 2001 (Supp. 01-3). Amended by final rulemaking at 20 A.A.R. 1364, effective August 2, 2014 (Supp. 14-2). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-607. Nonresident Permits**

- A. Permit. A person that is not a resident of Arizona shall not sell or distribute any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical into Arizona without possessing both:
  - 1. A current Board-issued nonresident pharmacy permit, nonresident manufacturer permit, nonresident full-service or nonprescription drug wholesale permit, or nonresident nonprescription drug permit; and
  - 2. A current equivalent license or permit issued by the licensing authority in the jurisdiction where the person resides.
- B. Application. To obtain a nonresident pharmacy, nonresident manufacturer, nonresident full-service or nonprescription drug wholesale, or nonprescription drug permit, a person shall submit a completed application, on a form furnished by the Board, and the fee specified in R4-23-205.
- C. Notification. A permittee shall submit notification of any change required in this subsection using the permittee's online profile or as a written notice by mail, fax, or e-mail to the Board office within 10 days of the change.
  - 1. Nonresident pharmacy. A nonresident pharmacy permittee shall notify the Board of changes involving the type of pharmacy operated, address, telephone number, business name, or pharmacist-in-charge.
  - 2. Nonresident manufacturer. A nonresident manufacturer permittee shall notify the Board of changes involving listed drugs, address, telephone number, business name, or manager, including manager's telephone number.
- 3. Nonresident drug wholesaler. A nonresident full-service or nonprescription drug wholesale permittee shall notify the Board of changes involving the types of drugs sold or distributed, address, telephone number, business name, or manager or designated representative, including the manager's or designated representative's telephone number. For a change of designated representative, a nonresident full-service drug wholesale permittee shall submit the documentation, fingerprints, and fee required with the application under subsection (B).
- 4. Nonresident nonprescription drug retailer. A nonresident nonprescription drug permittee shall notify the Board of changes involving permit category, address, telephone number, business name, or manager, including manager's telephone number.
- D. Change of ownership. A nonresident permittee shall comply with R4-23-601(F).
- E. Drug sales.
  - 1. Nonresident pharmacy. A nonresident pharmacy permittee shall:
    - a. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance or prescription-only drug or device to anyone in Arizona except:
      - i. A pharmacy, drug manufacturer, or full-service drug wholesaler currently permitted by the Board;
      - ii. A medical practitioner currently licensed under A.R.S. Title 32; or
      - iii. An Arizona resident upon receipt of a valid prescription order for the resident;
    - b. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except:
      - i. A pharmacy, drug manufacturer, or nonprescription drug wholesaler, or nonprescription drug retailer currently permitted by the Board;
      - ii. A medical practitioner currently licensed under A.R.S. Title 32; or
      - iii. An Arizona resident either upon receipt of a valid prescription order for the resident or in the original container packaged and labeled by the manufacturer;
    - c. Except for a drug sale that results from the receipt and dispensing of a valid prescription order for an Arizona resident, maintain a copy of the current permit or license of each person in Arizona that buys, receives, or disposes of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical; and
    - d. Provide permit and license records upon request, if immediately available, or in no fewer than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.
  - 2. Nonresident manufacturer. A nonresident manufacturer permittee shall:
    - a. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance or prescription-only drug or device to anyone in Arizona except a pharmacy, drug manufacturer, or full-service drug

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- wholesaler currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
- b. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except a pharmacy, drug manufacturer, full-service or nonprescription drug wholesaler, or nonprescription drug retailer currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
  - c. Maintain a copy of the current permit or license of each person in Arizona that buys, receives, or disposes of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical; and
  - d. Provide permit and license records upon request, if immediately available, or in no more than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.
3. Nonresident full-service drug wholesaler. In addition to complying with the distributions restrictions specified in A.R.S. § 32-1983, a nonresident full-service drug wholesale permittee shall:
    - a. Not sell, distribute, give away, or dispose of, any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona, except in the original container, packaged and labeled by the manufacturer or repackager;
    - b. Not package, repackage, label, or relabel any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical for shipment or delivery to anyone in Arizona;
    - c. Provide track and trace documents required under the Drug Supply Chain and Security Act upon request, if immediately available, or in no more than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901;
    - d. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance, prescription only drug or device, nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except a pharmacy, drug manufacturer, or full service drug wholesaler currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
    - e. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except a pharmacy, drug manufacturer, full-service or nonprescription drug wholesaler, or nonprescription drug retailer currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
    - f. Maintain a copy of the current permit or license of each person in Arizona that buys, receives, or disposes of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical; and
  - g. Provide permit and license records upon request, if immediately available, or in no more than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.
4. Nonresident nonprescription drug wholesaler. A nonresident nonprescription drug wholesale permittee shall:
    - a. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona, except in the original container, packaged and labeled by the manufacturer or repackager;
    - b. Not package, repackage, label, or relabel any nonprescription drug, precursor chemical, or regulated chemical for shipment or delivery to anyone in Arizona;
    - c. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except a pharmacy, drug manufacturer, full-service or nonprescription drug wholesaler, or nonprescription drug retailer currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
    - d. Maintain a copy of the current permit or license of each person in Arizona that buys, receives, or disposes of any nonprescription drug, precursor chemical, or regulated chemical; and
    - e. Provide permit and license records upon request, if immediately available, or in no more than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.
  5. Nonresident nonprescription drug retailer. A nonresident nonprescription drug permittee shall not:
    - a. Sell, distribute, give away, or dispose of a nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except in the original container packaged and labeled by the manufacturer;
    - b. Package, repackage, label, or relabel any drug, precursor chemical, or regulated chemical for shipment or delivery to anyone in Arizona; or
    - c. Sell, distribute, give away, or dispose of any drug, precursor chemical, or regulated chemical to anyone in Arizona that exceeds its expiration date, is contaminated or deteriorated from excessive heat, cold, sunlight, moisture, or other factors, or does not comply with federal law.
- F.** When selling or distributing any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical into Arizona, a nonresident pharmacy, nonresident manufacturer, nonresident full-service or nonprescription drug wholesale, or nonprescription drug permittee shall comply with federal law, the permittee's resident state drug law, and this Section.

**Historical Note**

Former Rules 6.6110, 6.6120, and 6.6130; Amended effective August 10, 1978 (Supp. 78-4). Repealed effective July 24, 1985 (Supp. 85-4). New Section adopted by final rulemaking at 6 A.A.R. 4589, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 7 A.A.R. 3825, effective August 9, 2001 (Supp. 01-3). Amended by final rulemaking at 10 A.A.R.

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232, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 13 A.A.R. 520, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3477, effective December 1, 2007 (Supp. 07-4).

Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 26 A.A.R. 223, effective March 14, 2020 (Supp. 20-1).

**R4-23-608. Change of Personnel and Responsibility**

- A. A community, hospital, or limited-service pharmacy permittee shall give the Board:
  1. Notice by mail, facsimile, or electronic mail within ten days of employing or terminating a pharmacist; and
  2. Immediate notice of designating or terminating a pharmacist-in-charge.
- B. Responsibility of ownership and management. The owner and management of a pharmacy shall:
  1. Ensure that pharmacists, interns, and other pharmacy employees comply with state and federal laws and administrative rules; and
  2. Not overrule a pharmacist in matters of pharmacy ethics and interpreting laws pertaining to the practice of pharmacy or the distribution of drugs and devices.
- C. The Board may suspend or revoke a pharmacy permit if the owner or management of a pharmacy violates subsection (B).

**Historical Note**

Former Rules 6.6140 and 6.6150; Amended subsection (A) effective August 9, 1983 (Supp. 83-4). Amended effective November 1, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 4253, effective September 11, 2001 (Supp. 01-3).

**R4-23-609. Pharmacy Area of Community Pharmacy**

- A. Minimum area of community pharmacy. The minimum area of a community pharmacy, the actual area primarily devoted to stocking drugs restricted to pharmacists, and to the compounding and dispensing of prescription medication, exclusive of office area or other support function area, shall not be less than 300 square feet. A maximum of three pharmacy personnel may practice or work simultaneously in the minimum area. The pharmacy permittee shall provide an additional 60 square feet of floor area for each additional pharmacist, graduate intern, pharmacy intern, pharmacy technician, pharmacy technician trainee, or support personnel who may practice or work simultaneously. All of the allotted square footage area, including adequate shelving, shall lend itself to efficient pharmaceutical practice and permit free movement and visual surveillance of personnel by the pharmacist.
- B. Compounding and dispensing counter. On or after January 6, 2004, a pharmacy permit applicant or remodel or relocation applicant shall provide a compounding and dispensing counter that provides a minimum of three square feet of pharmacy counter working area of not less than 16 inches in depth and 24 inches in length for the practice of one pharmacist, graduate intern, pharmacy intern, pharmacy technician, or pharmacy technician trainee. For each additional pharmacist, graduate intern, pharmacy intern, pharmacy technician, or pharmacy technician trainee practicing simultaneously, there shall be an additional three square feet of pharmacy counter working area of not less than 16 inches in depth and 24 inches in length. The Board shall determine a pharmacy's total required compounding and dispensing counter area by multiplying the maximum number of personnel allowed in the pharmacy area

using the requirements specified in subsection (A) by three square feet per person. A pharmacy permittee or pharmacist-in-charge may operate the pharmacy with a total pharmacy counter working area specified in subsection (A) that is equal to the actual maximum number of pharmacists, graduate interns, pharmacy interns, pharmacy technicians, and pharmacy technician trainees, working simultaneously in the pharmacy area times three square feet per person.

- C. Working area for compounding and dispensing counter. The aisle floor area used by the pharmacist, graduate intern, pharmacy intern, pharmacy technician, or pharmacy technician trainee at the compounding and dispensing counter shall extend the full length of the counter and be clear and continuous for a minimum of 36 inches from any counter, fixture, or structure.
- D. Area for patient counseling. On or after April 1, 1995, a pharmacy permit applicant or remodel or relocation applicant shall provide a separate and distinct patient counseling area that provides patient privacy. This subsection does not apply to a pharmacy exempt from the requirements of R4-23-402(B).
- E. Narcotic cabinet or safe. To prevent diversion, narcotics and other controlled substances may be:
  1. Kept in a separate locked cabinet or safe, or
  2. Dispersed throughout the pharmacy's prescription-only drug stock.
- F. Building security standard of community pharmacy area. The pharmacy area shall be enclosed by a permanent barrier or partition from floor or counter to structural ceiling or roof, with entry doors that can be securely locked. The barrier shall be designed so that only a pharmacist can access the area where prescription-only drugs, narcotics, and other controlled substances are stored, compounded and dispensed. The permanent barrier may be constructed of other than a solid material. If constructed of a material other than a solid, the openings or interstices of the material shall not be large enough to permit removal of items in the pharmacy area through the barrier. Any material used in the construction of the permanent barrier must be of sufficient strength and thickness that it cannot be readily or easily removed, penetrated, or bent. The pharmacy permittee shall submit plans and specifications of the permanent barrier to the Board for approval.
- G. Drug storage and security.
  1. The pharmacy permittee shall ensure that drugs and devices are stored in a dry, well-lit, ventilated, and clean and orderly area. The pharmacy permittee shall maintain the drug storage area at temperatures that ensure the integrity of the drugs before dispensing as stated in the official compendium defined in A.R.S. § 32-1901(55) or the manufacturer's or distributor's labeling.
  2. If the pharmacy permittee needs additional storage area for drugs that are restricted to sale by a pharmacist, the pharmacy permittee shall ensure that the area is contained by a permanent barrier from floor or counter to structural ceiling or roof. The pharmacy permittee shall lock all doors and gates to the drug storage area. Only a pharmacist with a key is permitted to enter the storage area, except in an extreme emergency.
- H. A pharmacy permittee or pharmacist-in-charge shall ensure that the pharmacy working counter area is protected from unauthorized access while the pharmacy is open for business by a barrier not less than 66 inches in height or another method approved by the Board or its designee.



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**Historical Note**

Former Rules 6.6210, 6.6220, 6.6230, 6.6240, 6.6250, 6.6310, 6.6320, and 6.6330; Amended effective August 10, 1978 (Supp. 78-4). Amended effective August 9, 1983 (Supp. 83-4). Amended effective November 1, 1993 (Supp. 93-4). Amended effective April 1, 1995; filed with the Secretary of State January 31, 1995 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5030, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 19 A.A.R. 97, effective March 10, 2013 (Supp. 13-1).

**R4-23-610. Community Pharmacy Personnel and Security Procedures**

- A.** Every pharmacy shall have a pharmacist designated as the "pharmacist-in-charge."
- The pharmacist-in-charge shall ensure the communication and compliance of Board directives to the management, other pharmacists, interns, and technicians of the pharmacy.
  - The pharmacist-in-charge shall:
    - Ensure that all pharmacy policies and procedures required under 4 A.A.C. 23 are prepared, implemented, and complied with;
    - Review biennially and, if necessary, revise all pharmacy policies and procedures required under 4 A.A.C. 23;
    - Document the review required under subsection (A)(2)(b);
    - Ensure that all pharmacy policies and procedures required under 4 A.A.C. 23 are assembled as a written or electronic manual; and
    - Make all pharmacy policies and procedures required under 4 A.A.C. 23 available in the pharmacy for employee reference and inspection by the Board or its staff.
- B.** Personnel permitted in the pharmacy area of a community pharmacy include pharmacists, graduate interns, pharmacy interns, compliance officers, drug inspectors, peace officers acting in their official capacity, other persons authorized by law, pharmacy technicians, pharmacy technician trainees, support personnel, and other designated personnel. Pharmacy interns, graduate interns, pharmacy technicians, pharmacy technician trainees, support personnel, and other designated personnel shall be permitted in the pharmacy area only when a pharmacist is on duty, except in an extreme emergency as defined in R4-23-110.
- The pharmacist-in-charge shall comply with the minimum area requirements as described in R4-23-609 for a community pharmacy and for compounding and dispensing counter area.
  - A pharmacist employed by a pharmacy shall ensure that the pharmacy is physically secure while the pharmacist is on duty.
- C.** In a community pharmacy, a pharmacist shall ensure that the pharmacy area, and any additional storage area for drugs that is restricted to access only by a pharmacist is locked when a pharmacist is not present, except in an extreme emergency.
- D.** A pharmacist is the only person permitted by the Board to unlock the pharmacy area or any additional storage area for drugs restricted to access only by a pharmacist, except in an extreme emergency.
- E.** A pharmacy permittee or pharmacist-in-charge shall ensure that any prescription-only drugs and controlled substances received in an area outside the pharmacy area are immediately

transferred unopened to the pharmacy area. The pharmacist-in-charge shall ensure that any prescription-only drug and controlled substance shipments are opened and marked by pharmacy personnel in the pharmacy area under the supervision of a pharmacist, graduate intern, or pharmacy intern.

- F.** A pharmacy permittee or pharmacist-in-charge may provide a small opening or slot through which a written prescription order or prescription medication container to be refilled may be left in the prescription area when the pharmacist is not present.
- G.** A pharmacist shall ensure that prescription medication is not left outside the prescription area or picked up by the patient when the pharmacist is not present by either:
- Delivering the prescription medication to the patient, or
  - Securing the prescription medication inside the locked pharmacy, except when using an automated storage and distribution system that complies with the requirements of R4-23-614.

**Historical Note**

Former Rules 6.6410, 6.6420, 6.6430, 6.6440, 6.6450, 6.6460, 6.6470, 6.6480, and 6.6490; Amended subsection (F), deleted subsection (I) effective August 9, 1983 (Supp. 83-4). Amended effective May 16, 1990 (Supp. 90-2). Amended effective November 1, 1993 (Supp. 93-4). Amended effective April 1, 1995; filed with the Secretary of State January 31, 1995 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 4441, effective November 2, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 4453, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 13 A.A.R. 2631, effective September 8, 2007 (Supp. 07-3).

**R4-23-611. Pharmacy Facilities**

- A.** Facilities. A pharmacy permittee or pharmacist-in-charge shall ensure that:
- A pharmacy's facilities are constructed according to state and local laws and ordinances;
  - A pharmacy facility's:
    - Walls, ceilings, windows, floors, shelves, and equipment are clean and in good repair and order; and
    - Counters, shelves, aisles, and open spaces are not cluttered;
  - Adequate trash receptacles are provided and emptied periodically during the day;
  - A pharmacy facility of any pharmacy permit issued or pharmacy remodeled after February 1, 2014 provides access to toilet facilities either:
    - Within the pharmacy area, or
    - No further than a walking distance of 100 feet from the pharmacy area or an alternative distance approved by the Board or its designee;
  - The toilet facilities are maintained in a sanitary condition and in good repair;
  - All professional personnel and staff of the pharmacy keep themselves and their apparel clean while in the pharmacy area;
  - No animals, except licensed assistant animals and guard animals, are allowed in the pharmacy;
  - The pharmacy facility is kept free of insects and rodents; and

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9. There is a sink with hot and cold running water, other than a sink in a toilet facility, within the pharmacy area for use in preparing drug products.
- B. Supply of drugs and chemicals. A pharmacy permittee or pharmacist-in-charge shall ensure that:
  1. A pharmacy maintains a stock of drugs and chemicals that:
    - a. Are sufficient to meet the normal demands of the trading area or patient base the pharmacy serves; and
    - b. Meet all standards of strength and purity as established by the official compendiums;
  2. All stock, materials, drugs, and chemicals held for ultimate sale or supply to the consumer are not contaminated;
  3. Policies and procedures are developed, implemented, and complied with to prevent the sale or use of a drug or chemical:
    - a. That exceeds its expiration date;
    - b. That is deteriorated or damaged by reason of age, heat, light, cold, moisture, crystallization, chemical reaction, rupture of coating, disintegration, solidification, separation, discoloration, change of odor, precipitation, or other change as determined by organoleptic examination or by other means;
    - c. That is improperly labeled;
    - d. Whose container is defective; or
    - e. That does not comply with federal law; and
  4. The policies and procedures described in subsection (B)(3):
    - a. Are made available in the pharmacy for employee reference and inspection by the Board or its designee; and
    - b. Provide the following:
      - i. Any expiration-dated drug or chemical is reviewed regularly;
      - ii. Any drug or chemical that exceeds its expiration date, is deteriorated or damaged, improperly labeled, has a defective container, or does not comply with federal law, is moved to a quarantine area and not sold or distributed; and
      - iii. Any quarantined drug or chemical is properly destroyed or returned to its source of supply.
2. A C-V controlled substance register, if C-V controlled substances are sold without an order of a medical practitioner;
3. Graduates in assorted sizes;
4. One mortar and pestle, not required if the pharmacy permittee states in the application that compounding will not be performed in the pharmacy;
5. Spatulas of assorted sizes including one nonmetallic;
6. Prescription balance, Class A with weights or an electronic balance of equal or greater accuracy, not required if the pharmacy permittee states in the application that compounding will not be performed in the pharmacy;
7. One ointment tile or equivalent, not required if the pharmacy permittee states in the application that compounding will not be performed in the pharmacy;
8. A current hard-copy or access to a current electronic-copy of the Arizona Pharmacy Act and administrative rules and Arizona Controlled Substance Act;
9. A professional reference library consisting of a minimum of one current reference or text, in hard-copy or electronic media, addressing the following subject areas:
  - a. Pharmacology or toxicology,
  - b. Therapeutics,
  - c. Drug compatibility, and
  - d. Drug product equivalency;
10. An assortment of labels, including prescription labels, transfer labels for controlled substances, and cautionary and warning labels;
11. A red C stamp as defined in R4-23-110, if C-III, C-IV, and C-V controlled substance invoices are not filed separately from other invoices;
12. Current antidote and drug interaction information; and
13. Regional poison control phone number prominently displayed in the pharmacy area.

**Historical Note**

Former Rule 6.6670; Former Section R4-23-612 repealed, new Section R4-23-612 adopted effective August 10, 1978 (Supp. 78-4). Amended effective August 9, 1983 (Supp. 83-4). Amended effective April 5, 1996 (Supp. 96-2). Amended by final rulemaking at 7 A.A.R. 4253, effective September 11, 2001 (Supp. 01-3). Amended by final rulemaking at 19 A.A.R. 4165, effective February 1, 2014 (Supp. 13-4).

**Historical Note**

Former Rules 6.6510, 6.6520, 6.6530, 6.6540, 6.6550, 6.6560, 6.6570, 6.6580, 6.6600, 6.6610, 6.6620, 6.6630, 6.6640, 6.6650, and 6.6660; Amended subsection (B) effective August 9, 1983 (Supp. 83-4). Amended effective April 1, 1995; filed with the Secretary of State January 31, 1995 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4253, effective September 11, 2001 (Supp. 01-3). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 19 A.A.R. 4165, effective February 1, 2014 (Supp. 13-4).

**R4-23-612. Equipment**

A pharmacy permittee or pharmacist-in-charge shall ensure that a pharmacy has the necessary equipment to allow a pharmacist to practice the profession of pharmacy, including the following:

1. Adequate refrigeration equipment dedicated to the storage of drugs and biologicals;

**R4-23-613. Procedure for Discontinuing a Pharmacy**

A. A pharmacy permittee or pharmacist-in-charge shall provide written notice to the Board and the Drug Enforcement Administration (D.E.A.) at least 14 days before discontinuing operation of the pharmacy. The notice shall contain the following information:

1. Name, address, pharmacy permit number, and D.E.A. registration number of the pharmacy discontinuing business;
2. Name, address, pharmacy permit number (if applicable), and D.E.A. registration number (if applicable) of the licensee, permittee, or registrant to whom any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical will be sold or transferred;
3. Name and address of the location where the discontinuing pharmacy's records of purchase and disbursement of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical,

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or regulated chemical will be kept and the person responsible for the records. These records shall be kept for a minimum of three years from the date the pharmacy is discontinued;

4. Name and address of the location where the discontinuing pharmacy's prescription files and patient profiles will be kept and the person responsible for the files and profiles. These records shall be kept for a minimum of seven years from the date the last original or refill prescription was dispensed; and
5. The proposed date of discontinuing business operations.
- B. The pharmacy permittee shall ensure that all pharmacy signs and symbols are removed from both the inside and outside of the premises.
- C. The pharmacy permittee or pharmacist-in-charge shall ensure that all state permits and certificates of registration are returned to the Board office and that D.E.A. registration certificates and unused D.E.A. Schedule II order forms are returned to the D.E.A. Regional Office in Phoenix.
- D. The pharmacist-in-charge of the pharmacy discontinuing business shall ensure that:
  1. Only a pharmacist has access to the prescription-only drugs and controlled substances until they are transferred to the licensee, permittee, or registrant listed in subsection (A)(2);
  2. All narcotics or other controlled substances, prescription-only drugs or devices, nonprescription drugs, precursor chemicals, or regulated chemicals are removed from the premises on or before the date the pharmacy is discontinued; and
  3. All controlled substances are transferred as follows:
    - a. Take an inventory of all controlled substances that are transferred using the procedures in R4-23-1003;
    - b. Include a copy of the inventory with the controlled substances that are transferred;
    - c. Keep the original of the inventory with the discontinued pharmacy's records of narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical purchase and disbursement for a minimum of three years from the date the pharmacy is discontinued;
    - d. Use a D.E.A. form 222 to transfer any Schedule II controlled substances; and
    - e. Transfer controlled substances that need destruction in the same manner as all other controlled substances.
- E. Upon receipt of outdated or damaged controlled substances from a discontinued pharmacy, the licensee, permittee, or registrant described in subsection (A)(2) shall contact a D.E.A. registered reverse distributor for proper destruction of outdated or damaged controlled substances. If there are controlled substances a reverse distributor will not accept, the licensee, permittee, or registrant shall then contact the Board office and request an inspection for the purpose of drug destruction.
- F. During the three-year record retention period specified in subsection (A)(3), the person described in subsection (A)(3) shall provide to the Board upon its request a discontinued pharmacy's records of the purchase and disbursement of narcotics or other controlled substances, prescription-only drugs or devices, nonprescription drugs, precursor chemicals, or regulated chemicals.

- G. During the seven-year record retention period specified in subsection (A)(4), the person described in subsection (A)(4) shall provide to the Board upon its request a discontinued pharmacy's records of prescription files and patient profiles.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 3825, effective August 9, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 1105, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 1912, effective July 1, 2006 (Supp. 06-2). Amended by final rulemaking at 14 A.A.R. 3670, effective November 8, 2008 (Supp. 08-3).

**R4-23-614. Automated Storage and Distribution System**

- A. Before using an automated storage and distribution system, a pharmacy permittee or pharmacist-in-charge shall:
  1. Ensure that the automated storage and distribution system and the policies and procedures comply with subsection (B); and
  2. Notify the Board in writing of the intent to use an automated storage and distribution system, including the type or name of the system.
- B. A pharmacy permittee or pharmacist-in-charge shall establish policies and procedures for appropriate performance and use of the automated storage and distribution system that:
  1. Ensure that the automated storage and distribution system is in good working order while maintaining appropriate recordkeeping and security safeguards;
  2. Ensure that an automated storage and distribution system used by the pharmacy that allows access to drugs or devices by a patient:
    - a. Only contains prescriptions that:
      - i. Do not require oral consultation as specified in R4-23-402(B); and
      - ii. Are properly labeled and verified by a pharmacist before placement into the automated storage and distribution system and subsequent release to patients;
    - b. Allows a patient to choose whether or not to use the system;
    - c. Is located either in a wall of a properly permitted pharmacy or within 20 feet of a properly permitted pharmacy if the automated storage and distribution system is secured against the wall or floor in such a manner that prevents the automated storage and distribution system's unauthorized removal;
    - d. Provides a method to identify the patient and only release that patient's prescriptions;
    - e. Is secure from access and removal of drugs or devices by unauthorized individuals;
    - f. Provides a method for a patient to obtain a consultation with a pharmacist if requested by the patient; and
    - g. Does not allow the system to dispense refilled prescriptions if a pharmacist determines that the patient requires oral counseling as specified in R4-23-402(B);
  3. Ensure that an automated storage and distribution system used by the pharmacy that allows access to drugs or devices only by authorized licensed personnel for the purposes of administration based on a valid prescription order or medication order:

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- a. Provides for adequate security to prevent unauthorized individuals from accessing or obtaining drugs or devices; and
  - b. Provides for the filling, stocking, or restocking of all drugs or devices in the system only by a Board licensee or other authorized licensed personnel; and
- 4. Implement an ongoing quality assurance program that monitors compliance with the established policies and procedures of the automated storage and distribution system and federal and state law.
- C. A pharmacy permittee or pharmacist-in-charge shall:
  - 1. Ensure that the policies and procedures required under subsection (B) are prepared, implemented, and complied with;
  - 2. Review biennially and, if necessary, revise the policies and procedures required under subsection (B);
  - 3. Document the review required under subsection (C)(2);
  - 4. Assemble the policies and procedures as a written or electronic manual; and
  - 5. Make the policies and procedures available for employee reference and inspection by the Board or its staff within the pharmacy and at any location outside the pharmacy where the automated storage and distribution system is used.
- D. The Board may prohibit a pharmacy permittee or pharmacist-in-charge from using an automated storage and distribution system if the pharmacy permittee or the pharmacy permittee's employees do not comply with the requirements of subsections (A), (B), or (C).

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 616, effective April 7, 2007 (Supp. 07-1).

**R4-23-615. Mechanical Storage and Counting Device for a Drug in Solid, Oral Dosage Form**

- A. A pharmacy permittee or pharmacist-in-charge shall ensure that a mechanical storage and counting device for a drug in a solid, oral dosage form that is used by a pharmacist or a pharmacy intern, graduate intern, pharmacy technician, or pharmacy technician trainee under the supervision of a pharmacist complies with the following method to identify the contents of the device:
  - 1. The drug name and strength are affixed to the front of each cell or cassette of the device;
  - 2. A paper or electronic log is kept for each cell or cassette that contains:
    - a. An identification of the cell or cassette by the drug name and strength or the number of the cell or cassette;
    - b. The drug's manufacturer or National Drug Code (NDC) number;
    - c. The expiration date and lot number from the manufacturer's stock bottle that is used to fill the cell or cassette. If multiple lot numbers of the same drug are added to a cell or cassette, each lot number and expiration date shall be documented, and the earliest expiration date shall become the expiration date of the mixed lot of drug in the cell or cassette;
    - d. The date the cell or cassette is filled;
    - e. Documentation of the identity of the licensee who placed the drug into the cell or cassette; and
    - f. If the licensee who filled the cell or cassette is not a pharmacist, documentation of the identity of the

pharmacist who supervised the non-pharmacist licensee who filled the cell or cassette; and

- 3. The paper or electronic log is available in the pharmacy for inspection by the Board or its designee for not less than two years.
- B. A pharmacy permittee or pharmacist-in-charge shall ensure that any drug previously counted by a mechanical storage and counting device for a drug in a solid, oral dosage form that has not left the pharmacy is not returned to the drug's cell, cassette, or stock bottle, unless the drug return method is approved by the Board or its designee as specified in subsection (G). This subsection does not prevent a pharmacy permittee or pharmacist-in-charge from using a manual or mechanical counting device to count and dispense a previously counted drug that has not left the pharmacy if the previously counted drug is dispensed before its beyond-use-date.
- C. A pharmacy permittee or pharmacist-in-charge shall ensure the accuracy of any mechanical storage and counting device for a drug in a solid, oral dosage form that is used by a pharmacist or a pharmacy intern, graduate intern, pharmacy technician, or pharmacy technician trainee under the supervision of a pharmacist by documenting completion of the following:
  - 1. Training in the maintenance, calibration, and use of the mechanical storage and counting device for each employee who uses the mechanical storage and counting device;
  - 2. Maintenance and calibration of the mechanical storage and counting device as recommended by the device's manufacturer; and
  - 3. Routine quality assurance and accuracy validation testing for each mechanical storage and counting device.
- D. A pharmacy permittee or pharmacist-in-charge shall ensure that the documentation required in subsection (C) is available for inspection by the Board or its designee.
- E. A pharmacy permittee or pharmacist-in-charge shall:
  - 1. Ensure that policies and procedures for the performance and use of a mechanical storage and counting device for a drug in a solid, oral dosage form are prepared, implemented, and complied with;
  - 2. Review biennially and, if necessary, revise the policies and procedures required under subsection (E)(1);
  - 3. Document the review required under subsection (E)(2);
  - 4. Assemble the policies and procedures as a written or electronic manual; and
  - 5. Make the policies and procedures available within the pharmacy for employee reference and inspection by the Board or its staff.
- F. The Board may prohibit a pharmacy permittee or pharmacist-in-charge from using a mechanical storage and counting device for a drug in a solid, oral dosage form if the pharmacy permittee or the pharmacy permittee's employees do not comply with the requirements of subsections (A), (B), (C), (D), or (E).
- G. Returning a drug previously counted by a mechanical storage and counting device for a drug in a solid, oral dosage form that has not left the pharmacy to the drug's cell or cassette.
  - 1. Before returning a drug previously counted by a mechanical storage and counting device that has not left the pharmacy to the drug's cell or cassette, a pharmacy permittee or pharmacist-in-charge shall:
    - a. Apply for approval from the Board or its designee for the drug return method to be used in returning the drug;

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- b. Develop a drug return method that uses technology, such as bar coding, to prevent drug return errors;
  - c. Provide documentation depicting the drug return method;
  - d. Demonstrate the drug return method for a Board Compliance Officer; and
  - e. Receive approval from the Board or its designee for the drug return method to be used in returning the drug.
2. Before approving a request to waive the drug return prohibition in subsection (B), the Board or its designee shall:
- a. Receive a request in writing from the pharmacy permittee or pharmacist-in-charge;
  - b. Review the documentation of the drug return method; and
  - c. Receive a satisfactory inspection report from a Board Compliance Officer that the drug return method uses technology to prevent drug return errors.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 616, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 3677, effective November 8, 2008 (Supp. 08-3).

**R4-23-616. Mechanical Counting Device for a Drug in Solid, Oral Dosage Form**

- A. A pharmacy permittee or pharmacist-in-charge shall ensure the accuracy of any mechanical counting device for a drug in a solid, oral dosage form that is used by a pharmacist or a pharmacy intern, graduate intern, pharmacy technician, or pharmacy technician trainee under the supervision of a pharmacist by documenting completion of the following:
  - 1. Training in the maintenance, calibration, and use of the mechanical counting device for each employee who uses the mechanical counting device;
  - 2. Maintenance and calibration of the mechanical counting device as recommended by the device's manufacturer; and
  - 3. Routine quality assurance and accuracy validation testing for each mechanical counting device.
- B. A pharmacy permittee or pharmacist-in-charge shall ensure that the documentation required in subsection (A) is available for inspection by the Board or its designee.
- C. A pharmacy permittee or pharmacist-in-charge shall:
  - 1. Ensure that policies and procedures for the performance and use of a mechanical counting device for a drug in a solid, oral dosage form are prepared, implemented, and complied with;
  - 2. Review biennially and, if necessary, revise the policies and procedures required under subsection (C)(1);
  - 3. Document the review required under subsection (C)(2);
  - 4. Assemble the policies and procedures as a written or electronic manual; and
  - 5. Make the policies and procedures available within the pharmacy for employee reference and inspection by the Board or its staff.
- D. The Board may prohibit a pharmacy permittee or pharmacist-in-charge from using a mechanical counting device for a drug in a solid, oral dosage form if the pharmacy permittee or the pharmacy permittee's employees do not comply with the requirements of subsections (A), (B), or (C).

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 616, effective April 7, 2007 (Supp. 07-1).

**R4-23-617. Temporary Pharmacy Facilities or Mobile Pharmacies**

- A. Pharmacies located in declared disaster areas, nonresident pharmacies, and pharmacies licensed or permitted in another state but not licensed or permitted in this state, if necessary to provide pharmacy services during a declared state of emergency, may arrange to temporarily locate to a temporary pharmacy facility or mobile pharmacy or relocate to a temporary pharmacy facility or mobile pharmacy if the pharmacist-in-charge of the temporary pharmacy facility or mobile pharmacy ensures that:
  - 1. The pharmacy is under the control and management of the pharmacist-in-charge or a supervising pharmacist designated by the pharmacist-in-charge;
  - 2. The pharmacy is located within or adjacent to the declared disaster area;
  - 3. The Board is notified of the pharmacy's location;
  - 4. The pharmacy is properly secured to prevent theft and diversion of drugs;
  - 5. The pharmacy's records are maintained in accordance with Arizona statutes and rules; and
  - 6. The pharmacy stops providing pharmacy services when the declared state of emergency ends, unless it possesses a current resident pharmacy permit issued by the Board under A.R.S. §§ 32-1929, 32-1930, and 32-1931.
- B. The Board shall have the authority to approve or deny temporary pharmacy facilities, mobile pharmacies, and shall make arrangements for appropriate monitoring and inspection of the temporary pharmacy facilities and mobile pharmacies on a case-by-case basis.
- C. A temporary pharmacy facility wishing to permanently operate at its temporary site shall apply for and have received a permit issued under A.R.S. §§ 32-1929, 32-1930, and 32-1931 by following the application process under R4-23-606.
- D. A mobile pharmacy, placed in operation during a declared state of emergency, shall not operate permanently.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4400, effective January 3, 2009 (Supp. 08-4).

**R4-23-618. Reserved****R4-23-619. Reserved****R4-23-620. Continuous Quality Assurance Program**

- A. Each pharmacy permittee shall implement or participate in a continuous quality assurance (CQA) program. A pharmacy permittee meets the requirements of this Section if it holds a current general, special or rural general hospital license from the Arizona Department of Health Services and is any of the following:
  - 1. Certified by the Centers for Medicare and Medicaid Services to participate in the Medicare or Medicaid programs;
  - 2. Accredited by the Joint Commission on the Accreditation of Healthcare Organizations; or
  - 3. Accredited by the American Osteopathic Association.
- B. A pharmacy permittee or the pharmacist-in-charge shall ensure that:
  - 1. The pharmacy develops, implements, and utilizes a CQ program consistent with the requirements of this Section and A.R.S. § 32-1973;

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2. The medication error data generated by the CQA program is utilized and reviewed on a regular basis, as required by subsection (D); and
  3. Training records, policies and procedures, and other program records or documents, other than medication error data, are maintained for a minimum of two years in the pharmacy or in a readily retrievable manner.
  - C. A pharmacy permittee or pharmacist-in-charge shall:
    1. Ensure that policies and procedures for the operation and management of the pharmacy's CQA program are prepared, implemented, and complied with;
    2. Review biennially and, if necessary, revise the policies and procedures required under subsection (C)(1);
    3. Document the review required under subsection (C)(2);
    4. Assemble the policies and procedures as a written or electronic manual; and
    5. Make the policies and procedures available within the pharmacy for employee reference and inspection by the Board or its staff.
  - D. The policies and procedures shall address a planned process to:
    1. Train all pharmacy personnel in relevant phases of the CQA program;
    2. Identify and document medication errors;
    3. Record, measure, and analyze data collected to:
      - a. Assess the causes and any contributing factors relating to medication errors, and
      - b. Improve the quality of patient care;
    4. Utilize the findings from subsections (D)(2) and (3) to develop pharmacy systems and workflow processes designed to prevent or reduce medication errors; and
    5. Communicate periodically, and at least annually, with pharmacy personnel to review CQA program findings and inform pharmacy personnel of any changes made to pharmacy policies, procedures, systems, or processes as a result of CQA program findings.
  - E. The Board's regulatory oversight activities regarding a pharmacy's CQA program are limited to inspection of the pharmacy's CQA policies and procedures and enforcing the pharmacy's compliance with those policies and procedures.
  - F. A pharmacy's compliance with this Section shall be considered by the Board as a mitigating factor in the investigation and evaluation of a medication error.
1. Before using shared services provided by another pharmacy, a pharmacy permittee shall:
    - a. Notify patients that their orders may be processed or filled by another pharmacy; and
    - b. Provide the name of that pharmacy or, if the pharmacy is part of a network of pharmacies under common ownership and any of the network pharmacies may process or fill the order, notify the patient of this fact. The notification may be provided through a one-time written notice to the patient or through use of a sign in the pharmacy.
  2. If an order is delivered directly to the patient by a filling pharmacy and not returned to the requesting pharmacy, the filling pharmacy permittee shall ensure that the following is placed on the prescription container or on a separate sheet delivered with the prescription container:
    - a. The local, and if applicable, the toll-free telephone number of the pharmacy utilizing shared services that has access to the patient's records; and
    - b. A statement that conveys to the patient or patient's care-giver the following information: "Written information about this prescription has been provided for you. Please read this information before you take the medication. If you have questions concerning this prescription, a pharmacist is available during normal business hours to answer these questions at (insert the local and toll-free telephone numbers of the pharmacy utilizing shared services that has access to the patient's records)."
  3. The provisions of subsection (C) do not apply to orders delivered to patients in facilities where a licensed health care professional is responsible for administering the prescription medication to the patient.
- D. A pharmacy permittee engaged in shared services shall:
    1. Maintain manual or electronic records that identify, individually for each order processed, the name, initials, or identification code of each pharmacist, graduate intern, pharmacy intern, pharmacy technician, and pharmacy technician trainee who took part in the order interpretation, order entry verification, drug utilization review, drug compatibility and drug allergy review, final order verification, therapeutic intervention, or refill authorization functions performed at that pharmacy;
    2. Maintain manual or electronic records that identify, individually for each order filled or dispensed, the name, initials, or identification code of each pharmacist, graduate intern, pharmacy intern, pharmacy technician, and pharmacy technician trainee who took part in the filling, dispensing, and counseling functions performed at that pharmacy;
    3. Report to the Board as soon as practical the results of any disciplinary action taken by another state's pharmacy regulatory agency involving shared services;
    4. Maintain a mechanism for tracking the order during each step of the processing and filling procedures performed at the pharmacy;
    5. Provide for adequate security to protect the confidentiality and integrity of patient information; and
    6. Provide for inspection of any required record or information within 72 hours of any request by the Board or its designee.
  - E. Each pharmacy permittee that provides or utilizes shared services shall develop, implement, review, revise, and comply with joint policies and procedures for shared services in the

**Historical Note**

New Section made by final rulemaking at 18 A.A.R.  
2603, effective December 2, 2012 (Supp. 12-4).

**R4-23-621. Shared Services**

- A. Before participating in shared services, a pharmacy shall have either a current resident or non-resident pharmacy permit issued by the Board.
  - B. A pharmacy may provide or utilize shared services functions only if the pharmacies involved:
    1. Have the same owner, or
    2. Have a written contract or agreement that outlines the services provided and the shared responsibilities of each party in complying with federal and state pharmacy statutes and rules, and
    3. Share a common electronic file or technology that allows access to information necessary or required to perform shared services in conformance with the pharmacy act and the Board's rules.
  - C. Notifications to patients.
- E. Each pharmacy permittee that provides or utilizes shared services shall develop, implement, review, revise, and comply with joint policies and procedures for shared services in the

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manner described in R4-23-610(A)(2). Each pharmacy permittee is required to maintain only those portions of the joint policies and procedures that relate to that pharmacy's operations. The policies and procedures shall:

1. Outline the responsibilities of each of the pharmacies;
2. Include a list of the name, address, telephone numbers, and all license and permit numbers of the pharmacies involved in shared services; and
3. Include policies and procedures for:
  - a. Notifying patients that their orders may be processed or filled by another pharmacy and providing the name of that pharmacy;
  - b. Protecting the confidentiality and integrity of patient information;
  - c. Dispensing orders when the filled order is not received or the patient comes in before the order is received;
  - d. Maintaining required manual or electronic records to identify the name, initials, or identification code and specific activity or activities of each pharmacist, graduate intern, pharmacy intern, pharmacy technician, or pharmacy technician trainee who performed any shared services;
  - e. Complying with federal and state laws; and
  - f. Operating a continuous quality improvement program for shared services, designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems.

- F. Nothing in this Section shall prohibit an individual pharmacist licensed in Arizona, who is an employee of or under contract with a pharmacy, or an Arizona-licensed graduate intern, pharmacy intern, pharmacy technician, or pharmacy technician trainee, working under the supervision of the pharmacist, from accessing that pharmacy's electronic database from inside or outside the pharmacy and performing the order processing functions permitted by the pharmacy act, if both of the following conditions are met:
1. The pharmacy establishes controls to protect the confidentiality and integrity of patient information; and
  2. None of the database is duplicated, downloaded, or removed from the pharmacy's electronic database.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 520, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 19 A.A.R. 97, effective March 10, 2013 (Supp. 13-1).

**R4-23-622. Reserved**  
**R4-23-623. Reserved**  
**R4-23-624. Reserved**  
**R4-23-625. Reserved**  
**R4-23-626. Reserved**  
**R4-23-627. Reserved**  
**R4-23-628. Reserved**  
**R4-23-629. Reserved**  
**R4-23-630. Reserved**  
**R4-23-631. Reserved**

**R4-23-632. Reserved**  
**R4-23-633. Reserved**  
**R4-23-634. Reserved**  
**R4-23-635. Reserved**  
**R4-23-636. Reserved**  
**R4-23-637. Reserved**  
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**R4-23-644. Reserved**  
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**R4-23-649. Reserved**  
**R4-23-650. Reserved**

**R4-23-651. Definitions**

The following definitions apply to R4-23-651 through R4-23-659:

"Administration" means the giving of a dose of medication to a patient as a result of an order of a medical practitioner.

"Direct copy" means an electronic, facsimile or carbonized copy.

"Dispensing for hospital inpatients" means the interpreting, evaluating, and implementing a medication order including preparing for delivery a drug or device to an inpatient or inpatient's agent in a suitable container appropriately labeled for subsequent administration to, or use by, an inpatient (hereafter referred to as "dispensing").

"Drug distribution" means the delivery of drugs other than "administering" or "dispensing."

"Emergency medical situation" means a condition of emergency in which immediate drug therapy is required for the preservation of health, life, or limb of a person or persons.

"Floor stock" means a supply of essential drugs not labeled for a specific patient and maintained and controlled by the pharmacy at a patient care area for the purpose of timely administration to a patient of the hospital.

"Formulary" means a continually revised compilation of pharmaceuticals (including ancillary information) that reflects the current clinical judgment of the medical staff.

"Hospital pharmacy" means a pharmacy, as defined in A.R.S. § 32-1901, that holds a current permit issued by the Board pursuant to A.R.S. § 32-1931, and is located in a hospital as defined in A.R.S. § 32-1901.

"Inpatient" means any patient who receives non-self-administered drugs from a hospital pharmacy for use while within a facility owned by the hospital.

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“Intravenous admixture” means a sterile parenteral solution to which one or more additional drug products have been added.

“Medication order” means a written, electronic, or verbal order from a medical practitioner or a medical practitioner’s authorized agent for administration of a drug or device.

“On-call” means a pharmacist is available to:

Consult or provide drug information regarding drug therapy or related issues; or

Dispense a medication order and review a patient’s medication order for pharmaceutical and therapeutic feasibility under R4-23-653(E)(2) before any drug is administered to a patient, except as specified in R4-23-653(E)(1).

“Patient care area” means any area for the primary purpose of providing a physical environment that is owned by or operated in conjunction with a hospital, for a patient to obtain health care services, except those areas where a physician, dentist, veterinarian, osteopath, or other medical practitioner engages primarily in private practice.

“Repackaged drug” means a drug product that is transferred by pharmacy personnel from an original manufacturer’s container to another container properly labeled for subsequent dispensing.

“Satellite pharmacy” means a work area in a hospital setting under the direction of a pharmacist that is a remote extension of a centrally licensed hospital pharmacy and owned by and dependent upon the centrally licensed hospital pharmacy for administrative control, staffing, and drug procurement.

“Single unit” means a package of medication that contains one discrete pharmaceutical dosage form.

“Supervision” means the process by which a pharmacist directs the activities of hospital pharmacy personnel to a sufficient degree to ensure that all activities are performed accurately, safely, and without risk of harm to patients.

#### Historical Note

Former Rules 6.7110, 6.7120, and 6.7130; Amended effective August 10, 1978 (Supp. 78-4). Amended subsection (B) effective April 20, 1982 (Supp. 82-2). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Amended effective November 1, 1993 (Supp. 93-4). Amended effective April 5, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4).

#### R4-23-652. Hospital Pharmacy Permit

- A. The following rules are applicable to all hospitals as defined by A.R.S. § 32-1901 and hospital pharmacies as defined by R4-23-651.
- B. Before opening a hospital pharmacy, a person shall obtain a pharmacy permit as specified in R4-23-602 and R4-23-606.
- C. Discontinued hospitals. If a hospital license is discontinued by the state Department of Health Services, the pharmacy permittee or pharmacist-in-charge shall follow the procedures described in R4-23-613 for discontinuing a pharmacy.

#### Historical Note

Former Rules 6.7210, 6.7220, 6.7230, 6.7231, 6.7232, and 6.7233. Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Amended by final rulemaking at 8 A.A.R. 4902, effective January 5,

2003 (Supp. 02-4).

#### R4-23-653. Personnel: Professional or Technician

- A. Each hospital pharmacy shall be directed by a pharmacist who is licensed to engage in the practice of pharmacy in Arizona and is referred to as the Director of Pharmacy. The Director of Pharmacy shall be the pharmacist-in-charge, as defined in A.R.S. § 32-1901 or shall appoint a pharmacist-in-charge. The Director of Pharmacy and the pharmacist-in-charge, if a different individual, shall:
  1. Be responsible for all the activities of the hospital pharmacy and for meeting the requirements of the Arizona Pharmacy Act and these rules;
  2. Ensure that the policies and procedures required by these rules are prepared, implemented, and complied with;
  3. Review biennially and, if necessary, revise the policies and procedures required under these rules;
  4. Document the review required under subsection (A)(3);
  5. Assemble the policies and procedures as a written manual or by another method approved by the Board or its designee; and
  6. Make the policies and procedures available within the pharmacy for employee reference and inspection by the Board or its designee.
- B. In all hospitals, a pharmacist shall be in the hospital during the time the pharmacy is open for pharmacy services, except for an extreme emergency as defined in R4-23-110. Pharmacy services shall be provided for a minimum of 40 hours per week, unless an exception for less than the minimum hours is made upon written request by the hospital and with express permission of the Board or its designee.
- C. In a hospital where the pharmacy is not open 24 hours per day for pharmacy services, a pharmacist shall be “on-call” as defined in R4-23-651 when the pharmacy is closed.
- D. The Director of Pharmacy may be assisted by other personnel approved by the Director of Pharmacy in order to operate the pharmacy competently, safely, and adequately to meet the needs of the hospital’s patients.
- E. Pharmacists. A pharmacist or a pharmacy intern or graduate intern under the supervision of a pharmacist shall perform the following professional practices:
  1. Verify a patient’s medication order before administration of a drug to the patient, except:
    - a. In an emergency medical situation; or
    - b. In a hospital where the pharmacy is open less than 24 hours a day for pharmacy services, a pharmacist shall verify a patient’s medication order within four hours of the time the pharmacy opens for pharmacy services;
  2. Verify a medication order’s pharmaceutical and therapeutic feasibility based upon:
    - a. The patient’s medical condition,
    - b. The patient’s allergies,
    - c. The pharmaceutical and therapeutic incompatibilities, and
    - d. The recommended dosage limits;
  3. Measure, count, pour, or otherwise prepare and package a drug needed for dispensing, except a pharmacy technician or pharmacy technician trainee may measure, count, pour, or otherwise prepare and package a drug needed for dispensing under the supervision of a pharmacist according to written policies and procedures approved by the Board or its designee;
  4. Compound, admix, combine, or otherwise prepare and package a drug needed for dispensing, except a pharmacy



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technician may compound, admix, combine, or otherwise prepare and package a drug needed for dispensing under the supervision of a pharmacist according to written policies and procedures approved by the Board or its designee;

5. Verify the accuracy, correct procedure, compounding, admixing, combining, measuring, counting, pouring, preparing, packaging, and safety of a drug prepared and packaged by a pharmacy technician or pharmacy technician trainee according to subsections (E)(3) and (4) and according to the policies and procedures in subsection (G);
  6. Supervise drug repackaging and check the completed repackaged product as specified in R4-23-402(A);
  7. Supervise training and education in aseptic technique and drug incompatibilities for all personnel involved in the admixture of parenteral products within the hospital pharmacy;
  8. Consult with the medical practitioner regarding the patient's drug therapy or medical condition;
  9. When requested by a medical practitioner, patient, patient's agent, or when the pharmacist deems it necessary, provide consultation with a patient regarding the medication order, patient's profile, or overall drug therapy;
  10. Monitor a patient's drug therapy for safety and effectiveness;
  11. Provide drug information to patients and health care professionals;
  12. Manage the activities of pharmacy technicians, pharmacy technician trainees, other personnel, and systems to ensure that all activities are performed accurately, safely, and without risk of harm to patients;
  13. Verify the accuracy of all aspects of the original, completed medication order; and
  14. Ensure compliance by pharmacy personnel with a quality assurance program developed by the hospital.
- F.** Pharmacy technicians and pharmacy technician trainees. Before working as a pharmacy technician or pharmacy technician trainee, an individual shall meet the eligibility and licensure requirements prescribed in 4 A.A.C. 23, Article 11
- G.** Pharmacy technician policies and procedures. Before employing a pharmacy technician or pharmacy technician trainee, a Director of Pharmacy or pharmacist-in-charge shall develop the policies and procedures required under R4-23-1104.
- H.** Pharmacy technician training program.
1. A Director of Pharmacy or pharmacist-in-charge shall comply with the training program requirements of R4-23-1105 based on the needs of the hospital pharmacy;
  2. A pharmacy technician or pharmacy technician trainee shall:
    - a. Perform only those tasks for which training and competency have been demonstrated; and
    - b. Not perform professional practices reserved for a pharmacist, graduate intern, or pharmacy intern in subsection (E), except as specified in subsections (E)(3) and (4).
- I.** Supervision. A hospital pharmacy's Director of Pharmacy and the pharmacist-in-charge, if a different individual, shall supervise all of the activities and operations of a hospital pharmacy. A pharmacist shall supervise all functions and activities of pharmacy technicians, pharmacy technician trainees, and other hospital pharmacy personnel to ensure that

all functions and activities are performed competently, safely, and without risk of harm to patients.

**Historical Note**

Former Rules 6.7310 and 6.7320; Amended effective August 10, 1978 (Supp. 78-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Amended effective November 1, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3).

**R4-23-654. Absence of Pharmacist**

- A.** If a pharmacist will not be on duty in the hospital, the Director of Pharmacy or pharmacist-in-charge shall arrange, before the pharmacist's absence, for the medical staff and other authorized personnel of the hospital to have access to drugs in the remote drug storage area defined in R4-23-110 or in the hospital pharmacy if a drug is not available in a remote drug storage area and is required to treat the immediate needs of a patient. A pharmacist shall be on-call during all absences.
- B.** If a pharmacist will not be on duty in the hospital pharmacy, the Director of Pharmacy or pharmacist-in-charge shall arrange, before the pharmacist's absence, for the medical staff and other authorized personnel of the hospital to have telephone access to an on-call pharmacist.
- C.** The hospital pharmacy permittee shall ensure that the hospital pharmacy is not without a pharmacist on duty in the hospital for more than 72 consecutive hours.
- D.** Remote drug storage area. The Director of Pharmacy or pharmacist-in-charge shall, in consultation with the appropriate committee of the hospital:
1. Develop and maintain an inventory listing of the drugs to be included in a remote drug storage area; and
  2. Develop, implement, review, and revise in the same manner described in R4-23-653(A) and comply with policies and procedures that ensure proper storage, access, and accountability for drugs in a remote drug storage area.
- E.** Access to hospital pharmacy. If a drug is not available from a remote drug storage area and the drug is required to treat the immediate needs of a patient whose health may be compromised, the drug may be obtained from the hospital pharmacy according to the requirements of this subsection.
1. The Director of Pharmacy or pharmacist-in-charge shall, in consultation with the appropriate committee of the hospital, develop, implement, review, and revise in the same manner described in R4-23-653(A) and comply with policies and procedures to ensure that access to the hospital pharmacy during the pharmacist's absence conforms to the following requirements:
    - a. Access is delegated to only one supervisory nurse in each shift;
    - b. The policy and name of supervisory nurse is communicated in writing to the medical staff of the hospital;
    - c. Access is delegated only to a nurse who has received training from the Director of Pharmacy, pharmacist-in-charge, or Director's designee in the procedures required for proper access, drug removal, and recordkeeping; and
    - d. Access is delegated by the supervisory nurse to another nurse only in an emergency.

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2. If a nurse to whom authority is delegated to access the hospital pharmacy removes a drug from the hospital pharmacy, the nurse shall:
  - a. Record the following information on a form or by another method approved by the Board or its designee:
    - i. Patient's name;
    - ii. Drug name, strength, and dosage form;
    - iii. Quantity of drug removed; and
    - iv. Date and time of removal;
  - b. Sign or initial, if a corresponding signature is on file in the hospital pharmacy, the form recording the drug removal;
  - c. Attach the original or a direct copy of the medication order for the drug to the form recording the drug removal; and
  - d. Place the form recording the drug removal conspicuously in the hospital pharmacy.
3. Within four hours after a pharmacist returns from an absence, the pharmacist shall verify all records of drug removal that occurred during the pharmacist's absence according to R4-23-653(E).

**Historical Note**

Former Rules 6.7410, 6.7420, 6.7430, 6.7440, 6.7450, and 6.7460; Amended subsection (A) effective Aug. 9, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Amended by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3).

**R4-23-655. Physical Facility**

- A. General. A hospital pharmacy permittee shall ensure that the hospital pharmacy has sufficient equipment and physical facilities for proper compounding, dispensing, and storage of drugs, including parenteral preparations.
- B. Minimum area of hospital pharmacy. The minimum area of a hospital pharmacy depends on the type of hospital, the number of beds, and the pharmaceutical services provided. Any hospital pharmacy permit issued or hospital pharmacy remodeled after January 31, 2003 shall provide a minimum hospital pharmacy area, the actual area primarily devoted to drug dispensing and preparation functions, exclusive of bulk drug storage, satellite pharmacy, and office areas that is not less than 500 square feet. The minimum area requirement, not including unusable area, may be varied upon approval by the Board for out-of-the-ordinary conditions or for systems that require less space.
- C. The Board may also require that a hospital pharmacy permittee or applicant provide:
  1. More than the minimum area if equipment, inventory, personnel, or other factors cause crowding to a degree that interferes with safe pharmacy practice;
  2. Additional dispensing, preparation, or storage areas because of the increased number of specific drugs prescribed per day, the increased use of intravenous and irrigating solutions, and the increased use of disposable and prepackaged products;
  3. Additional dispensing, preparation, or storage areas to handle investigational drugs, emergency drug kits, chemotherapeutics, alcohol and other flammables,

poisons, external preparations, and radioisotopes, and to accommodate quality control procedures; and

4. Additional office space to provide for an increased number of personnel, a drug information library, a poison information library, research support, teaching and conferences, and a waiting area.
- D. Hospital pharmacy area. A hospital pharmacy permittee shall ensure that the hospital pharmacy area is enclosed by a permanent barrier or partition from floor to ceiling with entry doors that can be securely locked, constructed according to R4-23-609(F).
- E. Hospital pharmacy storage areas. The hospital pharmacy permittee, Director of Pharmacy, or pharmacist-in-charge shall ensure that all undispensed or undistributed drugs are stored in designated areas within the hospital pharmacy or other locked areas under the control of a pharmacist that ensure proper sanitation, temperature, light, ventilation, moisture control, segregation, and security.

**Historical Note**

Former Rules 6.7471, 6.7472, 6.7473, 6.7474, and 6.7490; Amended effective Aug. 9, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Correction to Table 1 ("square feet" changed to "square feet") (Supp. 91-1). Amended by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4). Amended by final rulemaking at 11 A.A.R. 462, effective March 5, 2005 (Supp. 05-1).

**R4-23-656. Sanitation and Equipment**

A hospital pharmacy permittee or Director of Pharmacy shall ensure that a hospital pharmacy:

1. Has a professional reference library consisting of hard-copy or electronic media appropriate for the scope of pharmacy services provided by the hospital;
2. Has a sink, other than a sink in a toilet facility, that:
  - a. Has hot and cold running water;
  - b. Is within the hospital pharmacy area for use in preparing drug products; and
  - c. Is maintained in a sanitary condition and in good repair;
3. Maintains a room temperature within a range compatible with the proper storage of drugs;
4. Has a refrigerator and freezer with a temperature maintained within a range compatible with the proper storage of drugs requiring refrigeration or freezing; and
5. Has a designated area for a laminar air flow hood and other supplies required for the preparation of sterile products as specified in R4-23-670.

**Historical Note**

Former Rule 6.7480. Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Amended by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4).

**R4-23-657. Security**

A. Personnel security standards. A Director of Pharmacy shall ensure that:

1. No one is permitted in the pharmacy unless a pharmacist is present except as provided in this Section and R4-23-654. If only one pharmacist is on duty in the pharmacy and that pharmacist must leave the pharmacy for an emergency or patient care duties, nonpharmacist personnel may remain in the pharmacy to perform duties as outlined in R4-23-653, provided that all C-II

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controlled substances are secured to prohibit access by other than a pharmacist, and that the pharmacist remains available in the hospital;

2. All hospital pharmacy areas are kept locked by key or programmable lock to prevent access by unauthorized personnel; and
  3. Pharmacists, pharmacy or graduate interns, pharmacy technicians, pharmacy technician trainees, and other personnel working in the pharmacy wear identification badges, including name and position, whenever on duty.
- B.** Prescription blank security. The Director of Pharmacy shall develop, implement, review, and revise in the same manner described in R4-23-653(A) and comply with policies and procedures for the safe distribution and control of prescription blanks bearing identification of the hospital.

**Historical Note**

Former Rule 6.7500; Amended effective Aug. 9, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Amended by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3).

**R4-23-658. Drug Distribution and Control**

- A.** General. The Director of Pharmacy or pharmacist-in-charge shall in consultation with the medical staff, develop, implement, review, and revise in the same manner described in R4-23-653(A) and comply with written policies and procedures for the effective operation of a drug distribution system that optimizes patient safety.
- B.** Responsibility. The Director of Pharmacy is responsible for the safe and efficient procurement, dispensing, distribution, administration, and control of drugs, including the following:
1. In consultation with the appropriate department personnel and medical staff committee, develop a medication formulary for the hospital;
  2. Proper handling, distribution, and recordkeeping of investigational drugs; and
  3. Regular inspections of drug storage and preparation areas within the hospital.
- C.** Physician orders. A Director of Pharmacy or pharmacist-in-charge shall ensure that:
1. Drugs are dispensed from the hospital pharmacy only upon a written order, direct copy or facsimile of a written order, or verbal order of an authorized medical practitioner; and
  2. A pharmacist reviews the original, direct or facsimile copy, or verbal order before an initial dose of medication is administered, except as specified in R4-23-653(E)(1).
- D.** Labeling. A Director of Pharmacy or pharmacist-in-charge shall ensure that all drugs distributed or dispensed by a hospital pharmacy are packaged in appropriate containers and labeled as follows:
1. For use inside the hospital.
    - a. Labels for all single unit packages contain at a minimum, the following information:
      - i. Drug name, strength, and dosage form;
      - ii. Lot number and beyond-use-date; and
      - iii. Appropriate auxiliary labels;
    - b. Labels for repackaged preparations contain at a minimum the following information:
      - i. Drug name, strength, and dosage form;

- ii. Lot number and beyond-use-date;
  - iii. Appropriate auxiliary labels; and
  - iv. Mechanism to identify pharmacist accountable for repackaging;
- c.** Labels for all intravenous admixture preparations contain at a minimum the following information:
- i. Patient's name and location;
  - ii. Name and quantity of the basic parenteral solution;
  - iii. Name and amount of drug added;
  - iv. Date of preparation;
  - v. Beyond-use-date and time;
  - vi. Guidelines for administration;
  - vii. Appropriate auxiliary label or precautionary statement; and
  - viii. Initials of pharmacist responsible for admixture preparation; and

2. For use outside the hospital. Any drug dispensed to a patient by a hospital pharmacy that is intended for self-administration outside of the hospital is labeled as specified in A.R.S. §§ 32-1963.01(C) and 32-1968(D) and A.A.C. R4-23-402.

- E.** Controlled substance accountability. A Director of Pharmacy or pharmacist-in-charge shall ensure that effective policies and procedures are developed, implemented, reviewed, and revised in the same manner described in R4-23-653(A) and complied with regarding the use, accountability, and recordkeeping of controlled substances in the hospital, including the use of locked storage areas when controlled substances are stored in patient care areas.
- F.** Emergency services dispensing. If a hospital permits dispensing of drugs from the emergency services department when the pharmacy is unable to provide this service, the Director of Pharmacy, in consultation with the appropriate department personnel and medical staff committee shall develop, implement, review, and revise in the same manner described in R4-23-653(A) and comply with written policies and procedures for dispensing drugs for outpatient use from the hospital's emergency services department. The policies and procedures shall include the following requirements:
1. Drugs are dispensed only to patients who have been admitted to the emergency services department;
  2. Drugs are dispensed only by an authorized medical practitioner, not a designee or agent;
  3. The nature and type of drugs available for dispensing are designed to meet the immediate needs of the patients treated within the hospital;
  4. Drugs are dispensed only in quantities sufficient to meet patient needs until outpatient pharmacy services are available;
  5. Drugs are prepackaged by a pharmacist or a pharmacy intern, graduate intern, pharmacy technician, or pharmacy technician trainee under the supervision of a pharmacist in suitable containers and appropriately prelabeled with the drug name, strength, dosage form, quantity, manufacturer, lot number, beyond-use-date, and any appropriate auxiliary labels;
  6. Upon dispensing, the authorized medical practitioner completes the label on the prescription container that complies with the requirements of R4-23-658(D); and
  7. The hospital pharmacy maintains a dispensing log, hard-copy prescription, or electronic record, approved by the Board or its designee and includes the patient name and address, drug name, strength, dosage form, quantity,

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directions for use, medical practitioner's signature or identification code, and DEA registration number, if applicable.

**Historical Note**

Former Rules 6.7610, 6.7620, and 6.7710; Amended effective Aug. 9, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Correction to subsection (I)(5) ("unnecessary" changed to "necessary") (Supp. 91-1). Amended effective November 1, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3).

**R4-23-659. Administration of Drugs**

- A.** Self-administration. A hospital shall not allow self-administration of medications by a patient unless the Director of Pharmacy or pharmacist-in-charge, in consultation with the appropriate department personnel and medical staff committee, develops, implements, reviews, and revises in the same manner described in R4-23-653(A) and complies with policies and procedures for self-administration of medications by a patient. The policies and procedures shall specify that self-administration of medications, if allowed, occurs only when:

1. Specifically ordered by a medical practitioner, and
2. The patient is educated and trained in the proper manner of self-administration.

- B.** Drugs brought in by a patient. If a hospital allows a patient to bring a drug into the hospital and before a patient brings a drug into the hospital, the Director of Pharmacy or pharmacist-in-charge shall, in consultation with the appropriate department personnel and medical staff committee, develop, implement, review, and revise in the same manner described in R4-23-653(A) and comply with policies and procedures for a patient-owned drug brought into the hospital. The policies and procedures shall specify the following criteria for a patient-owned drug brought into the hospital:

1. When policy allows the administration of a patient-owned drug, the drug is not administered to the patient unless:
  - a. A pharmacist or medical practitioner identifies the drug, and
  - b. A medical practitioner writes a medication order specifying administration of the identified patient-owned drug; and
2. If a patient-owned drug will not be used during the patient's hospitalization, the hospital pharmacy's personnel shall:
  - a. Package, seal, and give the drug to the patient's agent for removal from the hospital; or
  - b. Package, seal, and store the drug for return to the patient at the time of discharge from the hospital.

- C.** Drug samples. The Director of Pharmacy or pharmacist-in-charge is responsible for the receipt, storage, distribution, and accountability of drug samples within the hospital, including developing, implementing, reviewing, and revising in the same manner described in R4-23-653(A) and complying with specific policies and procedures regarding drug samples.

**Historical Note**

Former Rules 6.7720, 6.7730, 6.7740, 6.7760, 6.7770, 6.7780, 6.7800, 6.7810, 6.7820, 6.7830, 6.7840, 6.7850,

6.7871, 6.7872, and 6.7873; Amended effective Aug. 9, 1983 (Supp. 83-4). Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1).

Correction to Section heading ("rules" changed to "roles") (Supp. 91-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3).

**R4-23-660. Investigational Drugs**

The Director of Pharmacy or pharmacist-in-charge shall ensure that:

1. The following information concerning an investigational drug is available for use by hospital personnel:
  - a. Composition,
  - b. Pharmacology,
  - c. Adverse reactions,
  - d. Administration guidelines, and
  - e. All other available information concerning the drug, and
2. An investigational drug is:
  - a. Properly stored in, labeled, and dispensed from the pharmacy, and
  - b. Not dispensed before the drug is approved by the appropriate medical staff committee of the hospital.

**Historical Note**

Former Rules 6.7881, 6.7882, and 6.7883; Amended subsection (A) effective Aug. 9, 1983 (Supp. 83-4). Repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4).

**R4-23-661. Repealed****Historical Note**

Former Rules 6.7910, 6.7920, 6.7930, 6.7940, and 6.7950. Section repealed, new Section adopted effective February 7, 1990 (Supp. 90-1). Section repealed by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4).

**R4-23-662. Repealed****Historical Note**

Adopted effective February 7, 1990 (Supp. 90-1). Section repealed by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4).

**R4-23-663. Repealed****Historical Note**

Adopted effective February 7, 1990 (Supp. 90-1). Amended effective November 1, 1993 (Supp. 93-4). Section repealed by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4).

**R4-23-664. Repealed****Historical Note**

Adopted effective February 7, 1990 (Supp. 90-1). Subsection label removed (Supp. 91-1). Section repealed by final rulemaking at 8 A.A.R. 4902, effective January 5, 2003 (Supp. 02-4).

**R4-23-665. Reserved**

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**R4-23-666. Reserved**

**R4-23-667. Reserved**

**R4-23-668. Reserved**

**R4-23-669. Reserved**

**R4-23-670. Sterile Pharmaceutical Products**

- A.** In addition to the minimum area requirement of R4-23-609(A) and R4-23-655(B) and before compounding a sterile pharmaceutical product, a pharmacy permittee, limited-service pharmacy permittee, or applicant shall provide a minimum sterile pharmaceutical product compounding area that is not less than 100 square feet of contiguous floor area, except any pharmacy permit issued or pharmacy remodeled before November 1, 2006 may continue to use a sterile pharmaceutical product compounding area that is not less than 60 square feet of contiguous floor area, until a pharmacy ownership change occurs that requires issuance of a new permit or the pharmacy is remodeled. The pharmacy permittee or the pharmacist-in-charge shall ensure that the sterile pharmaceutical product compounding area:
1. Is dedicated to the purpose of preparing and compounding sterile pharmaceutical products;
  2. Is isolated from other pharmacy functions;
  3. Restricts entry or access;
  4. Is free from unnecessary disturbances in air flow;
  5. Is made of non-porous and cleanable floor, wall, and ceiling material; and
  6. Meets the minimum air cleanliness standards of an ISO Class 7 environment as defined in R4-23-110, except an ISO class 7 environment is not required if all sterile pharmaceutical product compounding occurs within an ISO class 5 environment isolator, such as a glove box, pharmaceutical isolator, barrier isolator, pharmacy isolator, or hospital pharmacy isolator.
- B.** In addition to the equipment requirements in R4-23-611 and R4-23-612 or R4-23-656 and before compounding a sterile pharmaceutical product, a pharmacy permittee, limited-service pharmacy permittee, or applicant shall ensure that a pharmacist who compounds a sterile pharmaceutical product has the following equipment:
1. Environmental control devices capable of maintaining a compounding area environment equivalent to an "ISO class 5 environment" as defined in R4-23-110. Devices capable of meeting these standards include: laminar airflow hoods, hepa filtered zonal airflow devices, glove boxes, pharmaceutical isolators, barrier isolators, pharmacy isolators, hospital pharmacy isolators, and biological safety cabinets;
  2. Disposal containers designed for needles, syringes, and other material used in compounding sterile pharmaceutical products and if applicable, separate containers to dispose of cytotoxic, chemotherapeutic, and infectious waste products;
  3. Freezer storage units with thermostatic control and thermometer, if applicable;
  4. Packaging or delivery containers capable of maintaining official compendial drug storage conditions;
  5. Infusion devices and accessories, if applicable; and
  6. In addition to the reference library requirements of R4-23-612, a current reference pertinent to the preparation of sterile pharmaceutical products.
- C.** Before compounding a sterile pharmaceutical product, the pharmacy permittee, limited-service pharmacy permittee, or pharmacist-in-charge shall:
1. Prepare, implement, and comply with policies and procedures for compounding and dispensing sterile pharmaceutical products,
  2. Review biennially and if necessary revise the policies and procedures required under subsection (C)(1),
  3. Document the review required under subsection (C)(2),
  4. Assemble the policies and procedures as a written manual or by another method approved by the Board or its designee, and
  5. Make the policies and procedures available in the pharmacy for employee reference and inspection by the Board or its designee.
- D.** The assembled policies and procedures shall include, where applicable, the following subjects:
1. Supervisory controls and verification procedures to ensure the quality and safety of sterile pharmaceutical products;
  2. Clinical services and drug monitoring procedures for:
    - a. Patient drug utilization reviews;
    - b. Inventory audits;
    - c. Patient outcome monitoring;
    - d. Drug information; and
    - e. Education of pharmacy and other health professionals;
  3. Controlled substances;
  4. Supervisory controls and verification procedures for:
    - a. Cytotoxics handling, storage, and disposal;
    - b. Disposal of unused supplies and pharmaceutical products; and
    - c. Handling and disposal of infectious wastes;
  5. Pharmaceutical product administration, including guidelines for the first dosing of a pharmaceutical product;
  6. Drug and component procurement;
  7. Pharmaceutical product compounding, dispensing, and storage;
  8. Duties and qualifications of professional and support staff;
  9. Equipment maintenance;
  10. Infusion devices and pharmaceutical product delivery systems;
  11. Investigational drugs and their protocols;
  12. Patient profiles;
  13. Patient education and safety;
  14. Quality management procedures for:
    - a. Adverse drug reactions;
    - b. Drug recalls;
    - c. Expired pharmaceutical products;
    - d. Beyond-use-dating for both standard-risk and substantial-risk sterile pharmaceutical products consistent with the requirements of R4-23-410(B)(3)(d);
    - e. Temperature and other environmental controls;
    - f. Documented process and product validation testing; and
    - g. Semi-annual certification of the laminar air flow hood or other ISO class 5 environment, other equipment, and the ISO class 7 environment, including documentation of routine cleaning and maintenance for each laminar air flow hood or other ISO class 5 environment, other equipment, and the ISO class 7 environment; and

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15. Sterile pharmaceutical product delivery requirements for:
  - a. Shipment to the patient;
  - b. Security; and
  - c. Maintaining official compendial storage conditions.
- E. Standard-risk sterile pharmaceutical product compounding. Before compounding a standard-risk sterile pharmaceutical product, a pharmacy permittee or pharmacist-in-charge shall ensure compliance with the following minimum standards:
  1. Compounding occurs only in an ISO class 5 environment within an ISO class 7 environment, and the ISO class 7 environment may have a specified prep area inside the environment;
  2. Compounding sterile pharmaceutical products from sterile commercial drugs or sterile pharmaceutical otic or ophthalmic products from non-sterile ingredients occurs using procedures that involve only a few closed-system, basic, simple aseptic transfers and manipulations;
  3. Each person who compounds wears adequate personnel protective clothing for sterile preparation that includes gown, gloves, head cover, and booties. Each person who compounds is not required to wear personnel protective clothing when all sterile pharmaceutical compounding occurs within an ISO class 5 environment isolator, and the ISO Class 5 environment isolator is not inside an ISO Class 7 environment; and
  4. Each person who compounds completes an annual media-fill test to validate proper aseptic technique.
- F. Substantial-risk sterile pharmaceutical product compounding. Before compounding a substantial-risk sterile pharmaceutical product, a pharmacy permittee or pharmacist-in-charge shall ensure compliance with the following minimum standards:
  1. Compounding parenteral or injectable sterile pharmaceutical products from non-sterile ingredients occurs only in an ISO class 5 environment within an ISO class 7 environment and the ISO class 7 environment shall not have a prep area inside the environment;
  2. Each person who compounds wears adequate personnel protective clothing for sterile preparation that includes gown, gloves, head cover, and booties. Each person who compounds is not required to wear personnel protective clothing when all sterile pharmaceutical compounding occurs within an ISO class 5 environment isolator, and the ISO Class 5 environment isolator is not inside an ISO Class 7 environment; and
  3. Each person who compounds completes a semi-annual media-fill test that simulates the most challenging or stressful conditions for compounding using dry non-sterile media to validate proper aseptic technique.
1. Permit no one to be in the limited-service pharmacy unless the pharmacist-in-charge or a pharmacist authorized by the pharmacist-in-charge is present;
2. Require the pharmacist-in-charge to designate in writing, by name, title, and specific area, those persons who will have access to particular areas of the limited-service pharmacy;
3. Implement procedures to guard against theft or diversion of drugs, including controlled substances; and
4. Require all persons working in the limited-service pharmacy to wear badges, with their names and titles, while on duty.
- C. To obtain permission to deviate from the minimum area requirement set forth in R4-23-609, R4-23-673, or R4-23-682, a limited-service pharmacy permittee shall submit a written request to the Board and include documentation that the deviation will facilitate experimentation or technological advances in the practice of pharmacy as defined in A.R.S. § 32-1901. If the Board determines the requested deviation from the minimum area requirement will enhance the practice of pharmacy and benefit the public, the Board shall grant the requested deviation.
- D. The Board shall require more than the minimum area in a limited-service pharmacy when the Board determines that equipment, personnel, or other factors in the limited-service pharmacy cause crowding that interferes with safe pharmacy practice.
- E. Before dispensing from a limited-service pharmacy, the limited-service pharmacy permittee or pharmacist-in-charge shall:
  1. Prepare, implement, and comply with written policies and procedures for pharmacy operations and drug dispensing and distribution,
  2. Review biennially and if necessary revise the policies and procedures required under subsection (E)(1),
  3. Document the review required under subsection (E)(2),
  4. Assemble the policies and procedures as a written manual or by another method approved by the Board or its designee, and
  5. Make the policies and procedures available in the pharmacy for employee reference and inspection by the Board or its designee.

**Historical Note**

Adopted effective November 1, 1993 (Supp. 93-4).  
 Amended by final rulemaking at 10 A.A.R. 3391,  
 effective October 2, 2004 (Supp. 04-3). Amended by  
 final rulemaking at 12 A.A.R. 3981, effective December  
 4, 2006 (Supp. 06-4).

**R4-23-671. General Requirements for Limited-service Pharmacy**

- A. Before opening a limited-service pharmacy, a person shall obtain a permit in compliance with A.R.S. §§ 32-1929, 32-1930, 32-1931, and R4-23-606.
- B. The limited-service pharmacy permittee shall secure the limited-service pharmacy by conforming with the following standards:

**Historical Note**

Adopted effective April 5, 1996 (Supp. 96-2). Amended  
 by final rulemaking at 9 A.A.R. 1064, effective May 4,  
 2003 (Supp. 03-1). Amended by final rulemaking at 10  
 A.A.R. 3391, effective October 2, 2004 (Supp. 04-3).  
 Amended by final rulemaking at 12 A.A.R. 3032,  
 effective October 1, 2006 (Supp. 06-3).

**R4-23-672. Limited-service Correctional Pharmacy**

- A. The limited-service pharmacy permittee shall ensure that the limited-service correctional pharmacy complies with the standards for area, personnel, security, sanitation, equipment, drug distribution and control, administration of drugs, drug source, quality assurance, investigational drugs, and inspections as set forth in R4-23-608, R4-23-609(A) through (D) and (F) through (H), R4-23-610(A), R4-23-611, R4-23-612, R4-23-653(E), R4-23-658(B) through (E), R4-23-659, and R4-23-660.
- B. The pharmacist-in-charge of a limited-service correctional pharmacy shall authorize only pharmacists, interns, pharmacy technicians, pharmacy technician trainees, compliance officers, drug inspectors, peace officers, and correctional

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officers acting in their official capacities, other persons authorized by law, support personnel, and other designated personnel to be in the limited-service correctional pharmacy.

- C. When no pharmacist will be on duty in the correctional facility, the pharmacist-in-charge shall arrange, before there is no pharmacist on duty, for the medical staff and other authorized personnel of the correctional facility to have access to drugs in remote drug storage areas or, if a drug is not available in a remote drug storage area and is required to treat the immediate needs of a patient, in the limited-service correctional pharmacy.
1. The pharmacist-in-charge shall, in consultation with the appropriate committee of the correctional facility, develop and implement procedures to ensure that remote drug storage areas:
    - a. Contain only properly labeled drugs that might reasonably be needed and can be administered safely during the pharmacist's absence,
    - b. Contain drugs packaged only in amounts sufficient for immediate therapeutic requirements,
    - c. Are accessible only with a physician's written order,
    - d. Provide a written record of each drug withdrawn,
    - e. Are inventoried at least once each week, and
    - f. Are audited for compliance with the requirements of this rule at least once each month.
  2. The pharmacist-in-charge shall, in consultation with the appropriate committee of the correctional facility, develop and implement procedures to ensure that access to the limited-service correctional pharmacy when no pharmacist is on duty conforms to the following requirements:
    - a. Is delegated to only one nurse, who is in a supervisory position;
    - b. Is communicated in writing to medical staff of the correctional facility;
    - c. Is delegated only to a nurse who has received training from the pharmacist-in-charge in proper methods of access, removal of drugs, and recordkeeping procedures; and
    - d. Is delegated by the supervisory nurse to another nurse only in an emergency.
  3. When a nurse to whom authority to access the limited-service correctional pharmacy is delegated removes a drug from the limited-service correctional pharmacy, the nurse shall:
    - a. Record the following information on a form:
      - i. Patient's name,
      - ii. Name of the drug and its strength and dosage form,
      - iii. Dose prescribed,
      - iv. Amount of drug removed, and
      - v. Date and time of removal;
    - b. Sign the form recording the drug removal;
    - c. Attach the original or a direct copy of a physician's written order for the drug to the form recording the drug removal; and
    - d. Place the form recording the drug removal conspicuously in the limited-service correctional pharmacy.
  4. Within four hours after a pharmacist in the limited-service correctional pharmacy returns to duty following an absence in which the limited-service correctional pharmacy was accessed by a nurse to whom authority had been delegated, the pharmacist shall verify all records of drug removal according to R4-23-402.
- D. When no pharmacist will be on duty in the correctional facility, the pharmacist-in-charge shall arrange, before there is no pharmacist on duty, for the medical staff and other authorized personnel of the correctional facility to have telephone access to a pharmacist.
- E. The limited-service pharmacy permittee shall ensure that the limited-service correctional pharmacy is not without a pharmacist on duty for more than 96 consecutive hours.
- F. In addition to the requirements of R4-23-671, the limited-service pharmacy permittee shall secure the limited-service correctional pharmacy as follows:
1. Permit no one to be in the limited-service correctional pharmacy unless a pharmacist is on duty except:
    - a. As provided in subsection (C)(3) when a pharmacist is not on duty; or
    - b. A pharmacy technician or pharmacy technician trainee may remain to perform duties in R4-23-1104(A), when a pharmacist is on duty and available in the correctional facility but temporarily absent from the pharmacy, provided:
      - i. All controlled substances are secured in a manner that prohibits access by persons other than a pharmacist;
      - ii. Activities performed by a pharmacy technician or pharmacy technician trainee while the pharmacist is temporarily absent are verified by the pharmacist immediately upon returning to the pharmacy;
      - iii. Any drug measured, counted, poured, or otherwise prepared and packaged by a pharmacy technician or pharmacy technician trainee while the pharmacist is temporarily absent is verified by the pharmacist immediately upon returning to the pharmacy; and
      - iv. Any drug that has not been verified by a pharmacist for accuracy is not dispensed, supplied, or distributed while the pharmacist is temporarily absent from the pharmacy; and
  2. Provide keyed or programmable locks to all areas of the limited-service correctional pharmacy.
- G. The pharmacist-in-charge of a limited-service correctional pharmacy shall ensure that the written policies and procedures for pharmacy operations and drug distribution within the correctional facility include the following:
1. Physicians' orders, prescription orders, or both;
  2. Authorized abbreviations;
  3. Formulary system;
  4. Clinical services and drug utilization management including:
    - a. Participation in drug selection,
    - b. Drug utilization reviews,
    - c. Inventory audits,
    - d. Patient outcome monitoring,
    - e. Committee participation,
    - f. Drug information, and
    - g. Education of pharmacy and other health professionals;
  5. Duties and qualifications of professional and support staff;
  6. Products of abuse and contraband medications;
  7. Controlled substances;
  8. Drug administration;
  9. Drug product procurement;

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10. Drug compounding, dispensing, and storage;
11. Stop orders;
12. Pass or discharge medications;
13. Investigational drugs and their protocols;
14. Patient profiles;
15. Quality management procedures for:
  - a. Adverse drug reactions;
  - b. Drug recalls;
  - c. Expired and beyond-use-date drugs;
  - d. Medication or dispensing errors;
  - e. Drug storage; and
  - f. Education of professional staff, support staff, and patients;
16. Recordkeeping;
17. Sanitation;
18. Security;
19. Access to remote drug storage areas by non-pharmacists; and
20. Access to limited-service correctional pharmacy by non-pharmacists.

**Historical Note**

Adopted effective April 5, 1996 (Supp. 96-2). Amended by final rulemaking at 10 A.A.R. 4453, effective December 4, 2004 (Supp. 04-4).

**R4-23-673. Limited-service Mail-order Pharmacy**

- A. The limited-service pharmacy permittee shall design and construct the limited-service mail-order pharmacy to conform with the following requirements:
  1. A dispensing area devoted to stocking, compounding, and dispensing prescription medications, which is physically separate from a non-dispensing area devoted to non-dispensing pharmacy services;
  2. A dispensing area of at least 300 square feet if three or fewer persons work in the dispensing area simultaneously;
  3. A dispensing area that provides 300 square feet plus 60 square feet for each person in excess of three persons if more than three persons work in the dispensing area simultaneously;
  4. Space in the dispensing area permits efficient pharmaceutical practice, free movement of personnel, and visual surveillance by the pharmacist;
  5. A non-dispensing area of at least 30 square feet for each person working simultaneously in the non-dispensing area; and
  6. Space in the non-dispensing area permits free movement of personnel and visual surveillance by the pharmacist; or
- B. The limited-service pharmacy permittee shall design and construct the limited-service mail-order pharmacy to conform with the following requirements:
  1. A contiguous area in which both dispensing and non-dispensing pharmacy services are provided;
  2. A contiguous area of at least 300 square feet if three or fewer persons work in the area simultaneously;
  3. A contiguous area that provides 300 square feet plus 60 square feet for each person in excess of three persons if more than three persons work in the area simultaneously; and
  4. Space in the contiguous area permits efficient pharmaceutical practice, free movement of personnel, and visual surveillance by the pharmacist.
- C. The limited-service pharmacy permittee shall ensure that the limited-service mail-order pharmacy complies with the

standards for area, personnel, security, sanitation, and equipment set forth in R4-23-608, R4-23-609(B) through (H), R4-23-610 (A) and (C) through (F), R4-23-611, and R4-23-612.

- D. The pharmacist-in-charge of a limited-service mail-order pharmacy shall authorize only pharmacists, interns, pharmacy technicians, pharmacy technician trainees, compliance officers, drug inspectors, peace officers acting in their official capacities, support personnel, other persons authorized by law, and other designated personnel to be in the limited-service mail-order pharmacy.
- E. The pharmacist-in-charge of a limited-service mail-order pharmacy shall ensure that prescription medication is delivered to the patient or locked in the dispensing area when a pharmacist is not present in the pharmacy.
- F. In addition to the delivery requirements of R4-23-402, the limited-service pharmacy permittee shall, during regular hours of operation but not less than five days and a minimum 40 hours per week, provide toll-free telephone service to facilitate communication between patients and a pharmacist who has access to patient records at the limited-service mail-order pharmacy. The limited-service pharmacy permittee shall disclose this toll-free number on a label affixed to each container of drugs dispensed from the limited-service mail-order pharmacy.
- G. The pharmacist-in-charge of a limited-service mail-order pharmacy shall ensure that the written policies and procedures for pharmacy operations and drug distribution include the following:
  1. Prescription orders;
  2. Clinical services and drug utilization management for:
    - a. Drug utilization reviews,
    - b. Inventory audits,
    - c. Patient outcome monitoring,
    - d. Drug information, and
    - e. Education of pharmacy and other health professionals;
  3. Duties and qualifications of professional and support staff;
  4. Controlled substances;
  5. Drug product procurement;
  6. Drug compounding, dispensing, and storage;
  7. Patient profiles;
  8. Quality management procedures for:
    - a. Adverse drug reactions,
    - b. Drug recalls,
    - c. Expired and beyond-use-date drugs,
    - d. Medication or dispensing errors, and
    - e. Education of professional and support staff;
  9. Recordkeeping;
  10. Sanitation;
  11. Security;
  12. Drug delivery requirements for:
    - a. Transportation,
    - b. Security,
    - c. Temperature and other environmental controls,
    - d. Emergency provisions, and
  13. Patient education.

**Historical Note**

Adopted effective April 5, 1996 (Supp. 96-2). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 4453, effective December 4, 2004 (Supp. 04-4).



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**R4-23-674. Limited-service Long-term Care Pharmacy**

- A.** A limited-service pharmacy permittee shall ensure that the limited-service long-term care pharmacy complies with:
1. The general requirements of R4-23-671;
  2. The professional practice standards of Article 4 and Article 11; and
  3. The permits and drug distribution standards of R4-23-606 through R4-23-612, R4-23-670, and this Section.
- B.** If a limited-service long-term care pharmacy permittee contracts with a long-term care facility as a Provider Pharmacy, as defined in R4-23-110, the limited-service long-term care pharmacy permittee shall ensure that the long-term care consultant pharmacist and the pharmacist-in-charge of the limited-service long-term care pharmacy comply with R4-23-701, R4-23-701.01, R4-23-701.02, R4-23-701.03, R4-23-701.04, and this Section.
- C.** The limited-service long-term care pharmacy permittee or pharmacist-in-charge shall ensure that prescription medication is delivered to the patient's long-term care facility or locked in the dispensing area of the pharmacy when a pharmacist is not present in the pharmacy.
- D.** The pharmacist-in-charge of a limited-service long-term care pharmacy shall authorize only those individuals listed in R4-23-610(B) to be in the limited-service long-term care pharmacy.
- E.** In consultation with the long-term care facility's medical director and director of nursing, the long-term care consultant pharmacist and pharmacist-in-charge of the long-term care facility's provider pharmacy may develop, if necessary, a medication formulary for the long-term care facility that ensures the safe and efficient procurement, dispensing, distribution, administration, and control of drugs in the long-term care facility.
- F.** The limited-service long-term care pharmacy permittee or pharmacist-in-charge shall ensure that the written policies and procedures required in R4-23-671(E) include the following:
1. Clinical services and drug utilization management for:
    - a. Drug utilization reviews,
    - b. Inventory audits,
    - c. Patient outcome monitoring,
    - d. Drug information, and
    - e. Education of pharmacy and other health professionals;
  2. Controlled substances;
  3. Drug compounding, dispensing, and storage;
  4. Drug delivery requirements for:
    - a. Transportation,
    - b. Security,
    - c. Temperature and other environmental controls, and
    - d. Emergency provisions;
  5. Drug product procurement;
  6. Duties and qualifications of professional and support staff;
  7. Emergency drug supply unit procedures;
  8. Formulary, including development, review, modification, use, and documentation, if applicable;
  9. Patient profiles;
  10. Patient education;
  11. Prescription orders, including:
    - a. Approved abbreviations,
    - b. Stop-order procedures, and
    - c. Leave-of-absence and discharge prescription order procedures;
  12. Quality management procedures for:

- a. Adverse drug reactions,
  - b. Drug recalls,
  - c. Expired and beyond-use-date drugs,
  - d. Medication or dispensing errors, and
  - e. Education of professional and support staff;
13. Recordkeeping;
  14. Sanitation; and
  15. Security.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1064, effective May 4, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 2894, effective November 10, 2013 (Supp. 13-3).

**R4-23-675. Limited-service Sterile Pharmaceutical Products Pharmacy**

- A.** The limited-service pharmacy permittee or the pharmacist-in-charge shall ensure that the limited-service sterile pharmaceutical products pharmacy complies with the standards for area, personnel, security, sanitation, equipment, sterile pharmaceutical products, and limited-service pharmacies established in R4-23-608, R4-23-609, R4-23-610, R4-23-611, R4-23-612, R4-23-670, and R4-23-671.
- B.** The pharmacist-in-charge of a limited-service sterile pharmaceutical products pharmacy shall authorize only pharmacists, interns, compliance officers, peace officers acting in their official capacities, pharmacy technicians, pharmacy technician trainees, support personnel, and other designated personnel to be in the limited-service sterile pharmaceutical products pharmacy.
- C.** The pharmacist-in-charge of a limited-service sterile pharmaceutical products pharmacy shall ensure that prescription medication is delivered to the patient or locked in the dispensing area when a pharmacist is not present in the pharmacy.
- D.** In addition to the delivery requirements of R4-23-402, the limited-service pharmacy permittee shall, during regular hours of operation, but not less than a minimum 40 hours per week, provide toll-free telephone service to facilitate communication between patients and a pharmacist who has access to patient records at the limited-service sterile pharmaceutical products pharmacy. The limited-service pharmacy permittee shall disclose this toll-free number on a label affixed to each container dispensed from the limited-service sterile pharmaceutical products pharmacy.
- E.** The limited-service pharmacy permittee or the pharmacist-in-charge shall ensure development, implementation, review and revision in the same manner described in R4-23-671(E) and compliance with policies and procedures for pharmacy operations, including pharmaceutical product compounding, dispensing, and distribution, that comply with the requirements of R4-23-402, R4-23-410, R4-23-670, and R4-23-671.
- F.** The non-dispensing roles of the pharmacist may include chart reviews, audits, drug therapy monitoring, committee participation, drug information, and in-service training of pharmacy and other health professionals.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3391, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). This Section was not amended as originally stated in the historical note published in Supp.

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13-3; therefore the reference to the amendment has been removed (Supp. 18-2).

**R4-23-676. Third-party Logistics Provider Permit**

- A. A person shall not provide logistics services, as described under A.R.S. § 32-1941(A), until the Board issues a third-party logistics provider permit for the facility.
- B. A person that wants to provide logistics services shall obtain a Board-issued third-party logistics provider permit for each facility.
- C. Application. To obtain a third-party logistics provider permit for a facility, a person shall submit a completed application, using a form available on the Board's website, and the fee specified in R4-23-205.
- D. Change of ownership. A third-party logistics provider permittee shall comply with R4-23-601(F).
- E. A third-party logistics provider permittee shall renew the permit as specified under R4-23-602(D).
- F. The Board shall adhere to the time frames specified under R4-23-602(C) when processing an initial or renewal application for a third-party logistics provider permit.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-677. Automated Prescription-dispensing Kiosk Permit**

- A. General provisions.
  - 1. Only a person issued a Board permit under A.R.S. § 32-1929 to operate a pharmacy in Arizona may apply to the Board under A.R.S. § 32-1930 for a permit to operate an automated prescription-dispensing kiosk.
  - 2. A pharmacy permittee described under subsection (A)(1) shall apply for a separate permit for each automated prescription-dispensing kiosk to be operated.
  - 3. To obtain an automated prescription-dispensing kiosk permit, a pharmacy permittee shall submit a completed application, using a form available on the Board's website, and the fee specified in R4-23-205.
  - 4. A pharmacy permittee to which the Board issues an automated prescription-dispensing kiosk permit shall designate a pharmacist in charge of the automated prescription-dispensing kiosk.
  - 5. A pharmacy permittee to which the Board issues an automated prescription-dispensing kiosk permit shall not place the automated prescription-dispensing kiosk in a gas station or convenience store.
- B. Policies and procedures. A pharmacy permittee to which the Board issues an automated prescription-dispensing kiosk permit shall:
  - 1. Ensure policies and procedures are established for the appropriate performance and use of the automated prescription-dispensing kiosk. The policies and procedures shall address:
    - a. Maintaining a record of each transaction in a manner that attaches the record to the permit number of the automated prescription-dispensing kiosk;
    - b. Controlling access to the automated prescription-dispensing kiosk;
    - c. Operating the automated prescription-dispensing kiosk;
    - d. Training personnel who use the automated prescription-dispensing kiosk;
    - e. Maintaining patient services when the automated prescription-dispensing kiosk is not operating or the prescribed drug or device is not available;

- f. Securing the automated prescription-dispensing kiosk against unauthorized removal of the kiosk or access to or removal of drugs or devices from the kiosk;
  - g. Assuring a patient receives the pharmacy services necessary for appropriate pharmaceutical care including consultation with a pharmacist;
  - h. Maintaining integrity of information in the system and patient confidentiality;
  - i. Stocking and restocking the automated prescription-dispensing kiosk;
  - j. Ensuring compliance with packaging and labeling requirements; and
  - k. Removing drugs and devices from the automated prescription-dispensing kiosk without dispensing them and handling wasted or discarded drugs and devices;
- 2. Ensure the policies and procedures are implemented and complied with by all personnel using the automated prescription-dispensing kiosk;
  - 3. Maintain the policies and procedures by:
    - a. Reviewing the policies and procedures biennially and making needed revisions, if any;
    - b. Documenting the review required under subsection (B)(3)(a);
    - c. Assembling the policies and procedures as a written or electronic manual; and
    - d. Making the policies and procedures available within the pharmacy permittee to which the Board issued an automated prescription-dispensing kiosk permit for reference by pharmacy personnel and inspection by the Board; and
  - 4. Implement a quality assurance program to monitor compliance with the policies and procedures and all state and federal law.
- C. Change of ownership. An automated prescription-dispensing kiosk permittee shall comply with R4-23-601(F).
  - D. An automated prescription-dispensing kiosk permittee shall renew the permit as specified under R4-23-602(D).
  - E. The Board shall adhere to the time frames specified under R4-23-602(C) when processing an initial or renewal application for an automated prescription-dispensing kiosk permit.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1012, effective June 1, 2019 (Supp. 19-2).

**R4-23-678. Reserved**

**R4-23-679. Reserved**

**R4-23-680. Reserved**

**R4-23-681. General Requirements for Limited-service Nuclear Pharmacy**

- A. To be an authorized nuclear pharmacist, a pharmacist shall:
  - 1. Hold a current pharmacist license issued by the Board; and
  - 2. Be certified as a nuclear pharmacist by:
    - a. The Board of Pharmaceutical Specialties, or
    - b. A similar group recognized by the Arizona State Board of Pharmacy; or
  - 3. Satisfy each of the following requirements:
    - a. Meet minimal standards of training for status as an authorized user of radioactive material, as specified by the Arizona Radiation Regulatory Agency and the United States Nuclear Regulatory Commission;

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- b. Submit certification of completion of a Board-approved nuclear pharmacy training program or other training program recognized by the Arizona Radiation Regulatory Agency, with 200 hours of didactic training in the following areas:
    - i. Radiation physics and instrumentation,
    - ii. Radiation protection,
    - iii. Mathematics pertaining to the use and measurement of radioactivity,
    - iv. Radiation biology, and
    - v. Radiopharmaceutical chemistry;
  - c. Submit evidence of a minimum of 500 hours of clinical/practical nuclear pharmacy training under the supervision of an authorized nuclear pharmacist in the following areas:
    - i. Procuring radioactive materials;
    - ii. Compounding radiopharmaceuticals;
    - iii. Performing routine quality control procedures;
    - iv. Dispensing radiopharmaceuticals;
    - v. Distributing radiopharmaceuticals;
    - vi. Implementing basic radiation protection procedures; and
    - vii. Consulting and educating the nuclear medicine community, patients, pharmacists, other health professionals, and the general public; and
  - d. Submit written certification, signed by a preceptor who is an authorized nuclear pharmacist, that the above training was satisfactorily completed.
- B. Radiopharmaceuticals are prescription-only drugs that require specialized techniques in their handling and testing, to obtain optimum results and minimize hazards.**
- 1. A person shall not sell, barter, or otherwise dispose of, or be in possession of any radiopharmaceutical except under the conditions detailed in A.R.S. § 32-1929.
  - 2. A person shall not manufacture, compound, sell, or dispense any radiopharmaceutical unless the person is a pharmacist or a pharmacy intern acting under the direct supervision of a pharmacist in accordance with A.R.S. § 32-1961 and these rules, with the exception of the following, if the following are licensed by the Arizona Radiation Regulatory Agency to use radiopharmaceuticals in compliance with A.R.S. § 30-673;
    - a. A medical practitioner who administers a radiopharmaceutical to the medical practitioner's patient as provided in A.R.S. § 32-1921(A),
    - b. A hospital nuclear medicine department, and
    - c. A medical practitioner's office.
  - 3. The Board shall cooperate with the Arizona Radiation Regulatory Agency and other interested state and federal agencies, in the enforcement of these rules for the protection of the public. This cooperation may include exchange of licensing and other information, joint inspections, and other activities where indicated.
- C. In addition to compliance with all the applicable federal and state laws and rules governing drugs, whether radioactive or not, a limited-service nuclear pharmacy permittee shall comply with all laws and rules of the Arizona Radiation Regulatory Agency and the U.S. Nuclear Regulatory Commission, including emergency and safety provisions.**
- D. A limited-service nuclear pharmacy permittee shall comply with the education, experience, and licensing requirements of the Arizona Radiation Regulatory Agency.**
- E. A limited-service nuclear pharmacy permittee shall ensure that radiopharmaceuticals are transferred only to a person or firm that holds a current Radioactive Materials License issued by the Arizona Radiation Regulatory Agency.**

**Historical Note**

Adopted effective December 3, 1974 (Supp. 75-1).  
Amended subsections (A), (C) and (D) effective Aug. 12, 1988 (Supp. 88-3). Amended effective July 8, 1997 (Supp. 97-3).

**R4-23-682. Limited-service Nuclear Pharmacy**

- A.** Before operating a limited-service nuclear pharmacy, a person shall obtain a permit in compliance with A.R.S. §§ 32-1929, 32-1930, and 32-1931, and R4-23-606.
- B.** A permit to operate a limited-service nuclear pharmacy shall be issued only to a person who is or employs an authorized nuclear pharmacist and holds a current Arizona Radiation Regulatory Agency Radioactive Materials License. A limited-service nuclear pharmacy permittee that fails to maintain a current Arizona Radiation Regulatory Agency Radioactive Materials License shall be immediately suspended pending revocation by the Board. A limited-service nuclear pharmacy permittee shall have copies of Arizona Radiation Regulatory Agency inspection reports available upon request for Board inspection.
- 1. A limited-service nuclear pharmacy permittee shall designate an authorized nuclear pharmacist as the pharmacist-in-charge. The pharmacist-in-charge shall be responsible to the Board:
    - a. For the operations of the pharmacy related to the practice of pharmacy and distribution of drugs and devices;
    - b. For communicating Board directives to the management, pharmacists, interns, and other personnel of the pharmacy; and
    - c. For the pharmacy's compliance with all federal and state pharmacy laws and rules.
  - 2. An authorized nuclear pharmacist shall directly supervise all personnel performing tasks in the preparation and distribution of radiopharmaceuticals and ancillary drugs.
  - 3. An authorized nuclear pharmacist shall be present whenever the limited-service nuclear pharmacy is open for business.
- C.** A limited-service nuclear pharmacy permittee shall ensure that the limited-service nuclear pharmacy complies with the standards for personnel, area, security, sanitation, and general requirements in R4-23-608, R4-23-609, R4-23-610, R4-23-611, and R4-23-671.
- 1. A limited-service nuclear pharmacy shall contain separate areas for:
    - a. Preparing and dispensing radiopharmaceuticals,
    - b. Receiving and shipping radiopharmaceuticals,
    - c. Storing radiopharmaceuticals, and
    - d. Decaying radioactive waste.
  - 2. The Board may require more than the minimum area in instances where equipment, inventory, personnel, or other factors cause crowding to a degree that interferes with safe pharmacy practice.
- D.** The pharmacist-in-charge shall designate in writing, by title and specific area, the persons who may have access to particular pharmacy areas.
- E.** A limited-service nuclear pharmacy permittee shall maintain records of acquisition, inventory, and disposition of

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radiopharmaceuticals, other radioactive substances, and other drugs in accordance with federal and state statutes and rules.

1. A prescription order, in addition to the requirements in A.R.S. § 32-1968(C) and R4-23-407(A), shall contain:
    - a. The date and time of calibration of the radiopharmaceutical,
    - b. The name of the procedure for which the radiopharmaceutical is prescribed, and
    - c. The words "Physician's Use Only" instead of the name of the patient if the radiopharmaceutical is nontherapeutic or for a nonblood product.
  2. The lead container used to store and transport a radiopharmaceutical shall have a label that, in addition to the requirements in A.R.S. § 32-1968(D), includes:
    - a. The date and time of calibration of the radiopharmaceutical,
    - b. The name of the radiopharmaceutical,
    - c. The molybdenum 99 content to USP limits,
    - d. The name of the procedure for which the radiopharmaceutical is prescribed,
    - e. The words "Physician's Use Only" instead of the name of the patient if the radiopharmaceutical is nontherapeutic or for a nonblood product,
    - f. The words "Caution: Radioactive Material," and
    - g. The standard radiation symbol.
  3. The radiopharmaceutical container shall have a label that includes:
    - a. The date and time of calibration of the radiopharmaceutical;
    - b. The name of the patient, recorded before dispensing, if the radiopharmaceutical is therapeutic or for a blood product;
    - c. The words "Physician's Use Only" instead of the name of the patient if the radiopharmaceutical is nontherapeutic or for a nonblood product;
    - d. The name of the radiopharmaceutical;
    - e. The dose of radiopharmaceutical;
    - f. The serial number;
    - g. The words "Caution: Radioactive Material"; and
    - h. The standard radiation symbol.
- F.** The following minimum requirements are in addition to the requirements of the Arizona Radiation Regulatory Agency, the applicable U.S. Nuclear Regulatory Commission regulations, and the applicable regulations of the federal Food and Drug Administration. A limited-service nuclear pharmacy permittee shall provide:
1. In addition to the minimum pharmacy area requirements in R4-23-609:
    - a. An area for the storing, compounding, and dispensing of radiopharmaceuticals completely separate from pharmacy areas for nonradioactive drugs;
    - b. A minimum of 80 sq. ft. for a hot lab and storage area; and
    - c. A minimum of 300 sq. ft. of compounding and dispensing area;
  2. The following equipment:
    - a. Fume hood, approved by the Arizona Radiation Regulatory Agency;
    - b. Laminar flow hood;
    - c. Dose calibrator;
    - d. Refrigerator;
    - e. Prescription balance, Class A, and weights or an electronic balance of equal or greater accuracy;
    - f. Well scintillation counter;
    - g. Incubator oven;
    - h. Microscope;
    - i. An assortment of labels, including prescription labels and cautionary and warning labels;
    - j. Glassware necessary for compounding and dispensing radiopharmaceuticals as required by the Arizona Radiation Regulatory Agency;
    - k. Other equipment necessary for radiopharmaceutical quality control for products compounded or dispensed as required by the Arizona Radiation Regulatory Agency;
    - l. Current antidote and drug interaction information; and
    - m. Regional poison control phone number prominently displayed in the pharmacy area;
3. Supplies necessary for compounding and dispensing radiopharmaceuticals as required by the Arizona Radiation Regulatory Agency;
4. A professional reference library consisting of a minimum of one current reference or text addressing each of the following subject areas:
- a. Therapeutics,
  - b. Nuclear pharmacy practice, and
  - c. Imaging;
5. Current editions and supplements of:
- a. A.R.S. §§ 30-651 through 30-696 pertaining to the Arizona Radiation Regulatory Agency,
  - b. Rules of the Arizona Radiation Regulatory Agency,
  - c. Regulations of the federal Food and Drug Administration pertaining to radioactive drugs,
  - d. Arizona Pharmacy Act and rules,
  - e. Arizona Uniform Controlled Substances Act, and
  - f. Radiological Health Handbook.
- G.** The pharmacist-in-charge of a limited-service nuclear pharmacy shall prepare, implement, review, and revise in the same manner described in R4-23-671(E) and comply with written policies and procedures for pharmacy operations and drug distribution.
- H.** The written policies and procedures of a limited-service nuclear pharmacy shall include the following:
1. Prescription orders;
  2. Clinical services and drug utilization management including:
    - a. Drug utilization reviews,
    - b. Inventory audits,
    - c. Patient outcome monitoring,
    - d. Drug information, and
    - e. Education of pharmacy and other health professionals;
  3. Duties and qualifications of professional and support staff;
  4. Radioactive material handling, storage, and disposal;
  5. Drug product procurement;
  6. Drug compounding, dispensing, and storage;
  7. Investigational drugs and their protocols;
  8. Patient profiles;
  9. Quality management procedures for:
    - a. Adverse drug reaction reports;
    - b. Drug recall;
    - c. Expired and beyond-use-date drugs;
    - d. Medication or dispensing errors;
    - e. Radiopharmaceutical quality assurance;
    - f. Radiological health and safety;
    - g. Drug storage and disposition; and

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- h. Education of professional staff, support staff, and patients;
- 10. Recordkeeping;
- 11. Sanitation;
- 12. Security;
- 13. Drug delivery requirements for:
  - a. Transportation,
  - b. Security,
  - c. Radiological health and safety procedures,
  - d. Temperature and other environmental controls, and
  - e. Emergency provisions; and
- 14. Patient education.

**Historical note**

Adopted effective July 8, 1997 (Supp. 97-3). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3).

**R4-23-683. Reserved**

**R4-23-684. Reserved**

**R4-23-685. Reserved**

**R4-23-686. Reserved**

**R4-23-687. Reserved**

**R4-23-688. Reserved**

**R4-23-689. Reserved**

**R4-23-690. Reserved**

**R4-23-691. Repealed**

**Historical Note**

Adopted effective Dec. 3, 1974 (Supp. 75-1). Amended effective Aug. 12, 1988 (Supp. 88-3). Amended effective November 1, 1993 (Supp. 93-4). Repealed effective July 8, 1997 (Supp. 97-3).

**R4-23-692. Compressed Medical Gas (CMG) Distributor-Resident or Nonresident****A. Permit.**

1. A person shall not manufacture, process, transfill, package, or label a compressed medical gas in Arizona, or manufacture, process, transfill, package, or label a compressed medical gas outside Arizona and ship into Arizona without a current Board-issued resident or nonresident compressed medical gas distributor permit.
2. Before operating as a compressed medical gas distributor, a person shall register with the FDA as a medical gas manufacturer and comply with the drug listing requirements of the federal act.

**B. Application.** To obtain a resident or nonresident CMG distributor permit, a person shall submit to the Board a completed application form and the fee specified in R4-23-205.

1. A resident CMG distributor permit applicant shall include documentation of compliance with local zoning laws, if required by the Board.
2. A nonresident CMG distributor permit applicant that resides in a jurisdiction that issues an equivalent license or permit shall include a copy of the equivalent license or permit.

**C. Notification.** A resident or nonresident CMG distributor permittee shall submit using the permittee's online profile or provide written notice by mail, fax, or e-mail to the Board

office within 10 days of changes involving the telephone or fax number, e-mail or mailing address, or business name.

**D. Change of ownership.** A resident or nonresident CMG distributor permittee shall comply with R4-23-601(F).**E. Relocation.**

1. No fewer than 30 days before a resident CMG distributor permittee relocates, the permittee shall electronically or manually submit a completed application for relocation using a form furnished by the Board, and the documentation required in subsection (B). A fee is not required with an application for relocation.
2. A nonresident CMG distributor permittee shall provide written notice by mail, fax, or e-mail to the Board office no fewer than 10 days before relocating.

**F. A resident or nonresident CMG distributor permittee is authorized to sell or distribute a compressed medical gas under a compressed medical gas order only to durable medical equipment and compressed medical gas suppliers and other entities that are registered, licensed, or permitted to use, administer, or distribute compressed medical gases.****G. Facility.** A resident or nonresident CMG distributor permittee shall ensure the facility is clean, uncluttered, sanitary, temperature controlled, and secure from unauthorized access.**H. Current Good Manufacturing Practice:** A resident or nonresident CMG distributor permittee is required under federal law to follow the good manufacturing practice requirements of 21 CFR parts 210 and 211.**I. Records:** A resident or nonresident CMG distributor permittee shall:

1. Establish and implement written procedures for maintaining records pertaining to production, transfilling, process control, labeling, packaging, quality control, distribution, returns, recalls, training of personnel, complaints, and any information required by federal or state law.
2. Retain the records required by Section R4-23-601, this Section, and 21 CFR parts 210 and 211 for not fewer than three years or one year after the expiration date of the compressed medical gas, whichever is longer.
3. Make the records required by Section R4-23-601, this Section, and 21 CFR parts 210 and 211 available for inspection by the Board or its compliance officer, or if stored in a centralized recordkeeping system apart from the inspection location and not electronically retrievable, provide the records within four working days of a request by the Board or its compliance officer.

**J. Inspection.**

1. A resident CMG distributor permittee shall make the CMG distributor's facility available for inspection by the Board or its compliance officers under A.R.S. § 32-1904.
2. Within 10 days from the date of a request by the Board or its staff, a nonresident CMG distributor permittee shall provide a copy of the most recent inspection report completed by the permittee's resident licensing authority or the FDA or a copy of the most recent inspection report completed by a third-party auditor approved by the permittee's resident licensing authority or the Board or its designee. The Board may inspect, or may employ a third-party auditor to inspect, a nonresident permittee as specified in A.R.S. § 32-1904.

**K. Permit renewal.** To renew a CMG distributor permit, the permittee shall comply with R4-23-602(D).**L. Nothing in this Section shall be construed to prohibit the emergency administration of oxygen by licensed health-care**

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personnel, emergency medical technicians, first responders, fire fighters, law enforcement officers, and other emergency personnel trained in the proper use of emergency oxygen.

**Historical Note**

Adopted effective January 12, 1998 (Supp. 98-1).  
Amended by final rulemaking at 19 A.A.R. 97, effective March 10, 2013 (Supp. 13-1). Amended by final rulemaking at 20 A.A.R. 1364, effective August 2, 2014 (Supp. 14-2). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-693. Durable Medical Equipment (DME) and Compressed Medical Gas (CMG) Supplier-Resident or Nonresident**

- A.** Permit. A person shall not sell, lease, or supply durable medical equipment or a compressed medical gas to a patient or consumer in Arizona for use in a home or residence without a current Board-issued resident or nonresident durable medical equipment and compressed medical gas supplier permit.
- The permit requirements of this Section do not apply to the following unless there is a separate business entity engaged in the business of providing durable medical equipment or a compressed medical gas to a patient or consumer for use in a home or residence:
    - A medical practitioner licensed under A.R.S. Title 32;
    - A hospital, long-term care facility, hospice, or other health-care facility using durable medical equipment or a compressed medical gas in the normal course of treating a patient; and
    - A pharmacy.
  - Nothing in this Section shall be construed to prohibit a person with a current Board-issued nonprescription drug permit from the retail sale of nonprescription drugs or devices.
- B.** Application. To obtain a resident or nonresident DME and CMG supplier permit, a person shall submit a completed application form and fee specified in R4-23-205.
- A resident DME and CMG supplier permit applicant shall include documentation of compliance with local zoning laws, if required by the Board.
  - A nonresident DME and CMG supplier permit applicant that resides in a jurisdiction that issues an equivalent license or permit shall include a copy of the equivalent license or permit.
- C.** Notification. A resident or nonresident DME and CMG supplier permittee shall submit using the permittee's online profile or provide written notice by mail, fax, or e-mail to the Board office within 10 days of changes involving the telephone or fax number, email or mailing address, or business name.
- D.** Change of ownership. A resident or nonresident DME and CMG supplier permittee shall comply with R4-23-601(F).
- E.** Relocation.
- No fewer than 30 days before a resident DME and CMG supplier permittee relocates, the permittee shall submit a completed application for relocation electronically or manually on a form furnished by the Board, and the documentation required in subsection (B). A fee is not required with an application for relocation.
  - A nonresident DME and CMG supplier permittee shall provide written notice by mail, fax, or e-mail to the Board office no fewer than 10 days before relocating.
- F.** Orders. A resident or nonresident DME and CMG supplier shall sell, lease, or provide:
- Durable medical equipment that is a prescription-only device, as defined in A.R.S. § 32-1901, only under a prescription or medication order from a medical practitioner; and
  - A compressed medical gas only under a compressed medical gas order from a medical practitioner.
- G.** Restriction. A DME and CMG supplier permit authorizes the permittee to procure, possess, and provide a prescription-only device or compressed medical gas to a patient or consumer as specified in subsection (F). A DME and CMG supplier permit does not authorize the permittee to procure, possess, or provide narcotics or other controlled substances, prescription-only drugs other than compressed medical gases, precursor chemicals, or regulated chemicals.
- H.** Facility. A resident or nonresident DME and CMG supplier permittee shall ensure the facility is clean, uncluttered, sanitary, temperature controlled, and secure from unauthorized access. A permittee shall maintain separate and identified storage areas in the facility and in delivery vehicles for clean, dirty, contaminated, or damaged durable medical equipment or compressed medical gases.
- I.** A resident or nonresident DME and CMG supplier permittee shall not manufacture, process, transfill, package, or label a compressed medical gas, except as stated in subsection (K).
- J.** Records. A resident or nonresident DME and CMG supplier permittee shall establish and implement written procedures for maintaining records about acquisition, distribution, returns, recalls, training of personnel, maintenance, cleaning, and complaints.
- K.** A permittee shall:
- Ensure a prescription order, medication order, or compressed medical gas order is obtained as specified in subsection (F);
  - Ensure each compressed medical gas container supplied by the permittee contains a label bearing the name and address of the permittee;
  - Ensure all appropriate warning labels are present on the durable medical equipment or compressed medical gas;
  - Retain the records required by Section R4-23-601 and this Section for not fewer than three years, or if supplying a compressed medical gas, one year after the expiration date of the compressed medical gas, whichever is longer; and
  - Make the records required by Section R4-23-601 and this Section available for inspection by the Board or its compliance officer, or if stored in a centralized recordkeeping system apart from the inspection location and not electronically retrievable for inspection, provide the records within four working days of a request by the Board or its staff.
- L.** Inspection.
- A resident DME and CMG supplier permittee shall make the DME and CMG supplier's facility available for inspection by the Board or its compliance officers under A.R.S. § 32-1904.
  - Within 10 days from the date of a request by the Board or its staff, a nonresident DME and CMG supplier permittee shall provide a copy of the most recent inspection report completed by the permittee's resident licensing authority, or a copy of the most recent inspection report completed by a third-party auditor approved by the permittee's resident licensing authority or the Board or its designee.

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The Board may inspect, or may employ a third-party auditor to inspect, a nonresident permittee as specified in A.R.S. § 32-1904.

- M. Permit renewal. To renew a resident or nonresident DME and CMG supplier permit, the permittee shall comply with in R4-23-602(D).
- N. Nothing in this Section shall be construed to prohibit the emergency administration of oxygen by licensed health-care personnel, emergency medical technicians, first responders, fire fighters, law enforcement officers, and other emergency personnel trained in the proper use of emergency oxygen.

**Historical Note**

Adopted effective January 12, 1998 (Supp. 98-1).  
Amended by final rulemaking at 20 A.A.R. 1364,  
effective August 2, 2014 (Supp. 14-2). Amended by final  
rulemaking at 25 A.A.R. 1015, effective June 1, 2019  
(Supp. 19-2).

**ARTICLE 7. NON-PHARMACY LICENSED OUTLETS – GENERAL PROVISIONS****R4-23-701. Long-term Care Facilities Pharmacy Services: Consultant Pharmacist**

- A. The long-term care consultant pharmacist as defined in R4-23-110 shall:
  1. Possess a valid Arizona pharmacist license issued by the Board;
  2. Ensure the provision of pharmaceutical patient care services as defined in R4-23-110;
  3. Review the distribution and storage of drugs and devices and assist the facility in establishing policies and procedures for the distribution and storage of drugs and devices;
  4. Provide resident evaluation programs that relate to monitoring the therapeutic response and utilization of all drugs and devices prescribed or administered to residents, using as guidelines the most current indicators established by the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services as required in 42 CFR 483.60 (revised October 1, 2010, incorporated by reference and on file with the Board. This incorporated material contains no future editions or amendments.).
  5. Serve as a resource for pharmacy-related education services within the facility;
  6. Participate in quality management of resident care in the facility; and
  7. Communicate with the provider pharmacy regarding areas of mutual concern and resolution.
- B. A long-term care consultant pharmacist shall ensure that:
  1. When a provider pharmacy is not open for business, arrangements are made in advance by the long-term care consultant pharmacist, in cooperation with the pharmacist-in-charge of the provider pharmacy and the director of nursing and medical staff of the long-term care facility, for providing emergency drugs for the licensed nursing staff to administer to the residents of the facility using an emergency drug supply unit located at the facility;
  2. The label and packaging of prescription-only and nonprescription drugs intended for use within a long-term care facility complies with state and federal law; and
  3. The long-term care facility:
    - a. Stores controlled substances listed in A.R.S. § 36-2513 in a separately locked and permanently affixed

compartment, unless the facility uses a single-unit package medication distribution system; and

- b. Maintains accurate records of controlled substance administration or ultimate disposition.
- C. The long-term care consultant pharmacist shall:
    1. Ensure availability of records and reports designed to provide the data necessary to evaluate the drug use of each long-term care facility resident that include the following:
      - a. Provider pharmacy patient profiles and long-term care facility medication administration records;
      - b. Reports of suspected adverse drug reactions;
      - c. Inspection reports of drug storage areas with emphasis on detecting outdated drugs; and
      - d. Accountability reports, that include:
        - i. Date and time of administration,
        - ii. Name of the person who administered the drug,
        - iii. Documentation and verification of any wasted or partial doses,
        - iv. Exception reports for refused doses, and
        - v. All drug destruction forms; and
    2. Identify and report drug irregularities and dispensing errors to the prescriber, the director of nursing of the facility, and the provider pharmacy.
  - D. A long-term care consultant pharmacist or pharmacist-in-charge of a provider pharmacy shall ensure that:
    1. Discontinued or outdated drugs, including controlled substances, are destroyed or disposed of in a timely manner using methods consistent with federal, state, and local requirements and subject to review by the Board or its staff; and
    2. Drug containers with illegible or missing labels are:
      - a. Identified; and
      - b. Replaced or relabeled by a pharmacist employed by the pharmacy that dispensed the prescription medication.

**Historical Note**

Former Rules 6.8110, 6.8120, 6.8130, 6.8140, 6.8150, 6.8160, and 6.8170; Amended effective Aug. 10, 1978 (Supp. 78-4). Section repealed, new Section adopted effective December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 9 A.A.R. 1064, effective May 4, 2003 (Supp. 03-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 19 A.A.R. 2894, effective November 10, 2013 (Supp. 13-3).

**R4-23-701.01. Long-term Care Facilities Pharmacy Services: Provider Pharmacy**

The limited-service pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall ensure that:

1. A prescription medication is provided only by a valid prescription order for an individual long-term care facility resident, properly labeled for that resident, as specified in this subsection. Nothing in this Section shall prevent a provider pharmacy from supplying nonprescription drugs in a manufacturer's unopened container or emergency drugs using an emergency drug supply unit as specified in R4-23-701.02;
2. A prescription medication label for a long-term care facility resident complies with A.R.S. §§ 32-1968 and 36-2525 and contains:
  - a. The drug name, strength, dosage form, and quantity; and

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- b. The beyond-use-date;
- 3. Only a pharmacist employed by the pharmacy that dispensed the prescription medication may, through the exercise of professional judgment, relabel or alter a prescription medication label that is illegible or missing;
- 4. The provider pharmacy develops and implements drug recall policies and procedures that protect the health and safety of facility residents. The drug recall procedures shall include immediate discontinuation of any patient level recalled drug and notification of the prescriber and director of nursing of the facility; and
- 5. Drugs previously dispensed to a resident of the long-term care facility by another pharmacy, and drugs previously dispensed by the provider pharmacy, are not repackaged.

**Historical Note**

Adopted effective December 18, 1992 (Supp. 92-4).  
Amended by final rulemaking at 9 A.A.R. 1064, effective May 4, 2003 (Supp. 03-1). Amended by final rulemaking at 19 A.A.R. 2894, effective November 10, 2013 (Supp. 13-3).

**R4-23-701.02. Long-term Care Facilities Pharmacy Services: Emergency Drugs**

- A. The limited-service pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall ensure that:
  - 1. An emergency drug supply unit is available within the long-term care facility,
  - 2. Drugs contained in an emergency drug supply unit remain the property of the provider pharmacy, and
  - 3. Controlled substance drugs contained in an emergency drug supply unit are included in all inventories required under A.R.S. § 36-2523(B) and R4-23-1003(A).
- B. An emergency drug supply unit shall meet the following criteria:
  - 1. The drugs are necessary to meet the immediate and emergency therapeutic needs of long-term care facility residents as determined by the provider pharmacy's pharmacist-in-charge in consultation with the long-term care facility's medical director and nursing director;
  - 2. The purpose of the emergency drug supply unit in a long-term care facility is not to relieve a provider pharmacy of the responsibility for timely provision of the resident's routine drug needs, but to ensure that an emergency drug supply unit is available for facility residents in need of immediate and emergency therapeutic drugs; and
  - 3. The drugs are provided in a manufacturer's unit of use package or are prepackaged and labeled to include the drug name, strength, dosage form, manufacturer, lot number, and expiration date and provider pharmacy's name, address, telephone number, and pharmacist's initials.
- C. The limited-service pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall ensure that an emergency drug supply unit:
  - 1. Is stored in an area that:
    - a. Is temperature controlled; and
    - b. Prevents unauthorized access;
  - 2. Contains on the exterior of the emergency drug supply unit a label to indicate that the contents are for emergency use only;
  - 3. Contains on the exterior of the emergency drug supply unit a complete list of the contents of the unit by drug name, strength, dosage form, and quantity and the provider pharmacy's name, address, and telephone number;
- 4. Contains on the exterior of the emergency drug supply unit a label that indicates the date of the earliest drug expiration date;
- 5. Contains on the exterior of the emergency drug supply unit a label that indicates the date of and pharmacist responsible for the last inspection of the emergency drug supply unit; and
- 6. Is secured with a tamper-evident seal, or is locked and sealed in a manner that obviously reveals when the unit has been opened or tampered with.
- D. The limited-service pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall:
  - 1. Prepare, implement, review, and revise in the same manner described in R4-23-671(E) and comply with written policies and procedures for the storage and use of an emergency drug supply unit in a long-term care facility;
  - 2. Make the policies and procedures available in the provider pharmacy and long-term care facility for employee reference and inspection by the Board or its staff;
  - 3. Ensure that the written policies and procedures include the following:
    - a. Drug removal procedures that require:
      - i. The long-term care facility's personnel receive a valid prescription order for each drug removed from the emergency drug supply unit,
      - ii. The long-term care facility's personnel notify the provider pharmacy when a drug is removed from the emergency drug supply unit,
    - b. Outdated drug replacement procedures, and
    - c. Security and inspection procedures;
  - 4. Exchange or restock the emergency drug supply unit weekly, or more often as necessary, to ensure the availability of an adequate supply of emergency drugs within the long-term care facility. Restocking of the emergency drug supply unit at the facility shall be completed by an Arizona licensed pharmacist employed by the provider pharmacy, or by an Arizona licensed intern, graduate intern, technician or technician trainee under the direct onsite supervision of an Arizona licensed pharmacist; and
  - 5. Educate pharmacy and long-term care facility personnel in the storage and use of an emergency drug supply unit.
- E. In addition to the requirements of subsections (A) through (D), an automated emergency drug supply unit may be used provided:
  - 1. The pharmacy permittee or pharmacist-in-charge of the provider pharmacy notifies the Board or its staff in writing of the intent to use an automated emergency drug supply unit, including the name and type of unit;
  - 2. The provider pharmacy is notified electronically when the automated emergency drug supply unit has been accessed;
  - 3. All events involving the access of the automated emergency drug supply unit are recorded electronically and maintained for not less than two years;
  - 4. The provider pharmacy is capable of producing a report of all transactions of the automated emergency drug supply unit including a single drug usage report as required in R4-23-408(B)(5) on inspection by the Board or its staff;



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5. The provider pharmacy develops written policies and procedures for:
    - a. Accessing the automated emergency drug supply unit in the event of a system malfunction or down-time,
    - b. Authorizing and modifying user access,
    - c. An ongoing quality assurance program that includes:
      - i. Training in the use of the automated emergency drug supply unit for all authorized users,
      - ii. Maintenance and calibration of the automated emergency drug supply unit as recommended by the device manufacturer; and
  6. Documentation of the requirements of subsection (E)(5)(c)(ii) is maintained for inspection by the Board or its staff for not less than two years.
- F.** The Board may prohibit a pharmacy permittee or pharmacist-in-charge of a provider pharmacy from using an automated emergency drug supply unit if the pharmacy permittee or pharmacy permittee's employees do not comply with the requirements of subsections (A) through (E).
- Historical Note**  
 Adopted effective December 18, 1992 (Supp. 92-4).  
 Amended by final rulemaking at 9 A.A.R. 1064, effective May 4, 2003 (Supp. 03-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 19 A.A.R. 2894, effective November 10, 2013 (Supp. 13-3).
- R4-23-701.03. Long-term Care Facilities Pharmacy Services: Emergency Drug Prescription Order**  
 The limited-service pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall ensure that every emergency drug prescription order is evaluated according to the requirements of R4-23-402(A) by a pharmacist within 72 hours of the first dose of drug administered by long-term care facility personnel under the emergency drug prescription order.
- Historical Note**  
 Adopted effective December 18, 1992 (Supp. 92-4).  
 Amended by final rulemaking at 9 A.A.R. 1064, effective May 4, 2003 (Supp. 03-1).
- R4-23-701.04. Long-term Care Facilities Pharmacy Services: Automated Dispensing Systems**
- A.** Before using an automated dispensing system as defined in R4-23-110, a pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall:
1. Notify the Board or its staff in writing of the intent to use an automated dispensing system, including the name and type of system;
  2. Obtain a separate controlled substances registration at the location of each long-term care facility at which an automated dispensing system containing controlled substances will be located as required by federal law; and
  3. Maintain copies of the registrations required under subsection (A)(2) at the provider pharmacy for inspection by the Board or its staff.
- B.** A pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall ensure:
1. Drugs contained in an automated dispensing system remain the property of the provider pharmacy,
  2. Controlled substance drugs contained in an automated dispensing system are included in all inventories required under A.R.S. § 36-2523(B) and R4-23-1003(A),
  3. Schedule II drugs are not stocked in an automated dispensing system, and
  4. A separate emergency drug supply unit is available in the long-term care facility to meet the requirements of R4-23-701.02.
- C.** A pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall:
1. Ensure that policies and procedures as required in subsection (D) for the use of an automated dispensing system in a long-term care facility are prepared, implemented, and complied with;
  2. Review biennially and, if necessary, revise the policies and procedures required under subsection (D);
  3. Document the review required under subsection (C)(2);
  4. Assemble the policies and procedures as a written or electronic manual; and
  5. Make the policies and procedures available for employee reference and inspection by the Board or its staff within the pharmacy and at any location outside of the pharmacy where the automated dispensing system is used.
- D.** A pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall ensure the written policies and procedures include:
1. Drug removal procedures that include the following:
    - a. A drug is provided only by a valid prescription order for an individual long-term care facility resident;
    - b. A drug is dispensed from an automated dispensing system only after a pharmacist has:
      - i. Reviewed and verified the resident's prescription order as required by R4-23-402(A), and
      - ii. Electronically authorized the access for that drug for that particular resident, and
    - c. The automated dispensing system labels each individual drug packet with a resident specific label that complies with R4-23-701.01(2) and contains the resident's room number or facility identification number; and
  2. Security procedures that include the following:
    - a. The pharmacy permittee or pharmacist-in-charge of the provider pharmacy is responsible for authorizing user access, including adding and removing users and modifying user access;
    - b. Each authorized user is a licensee of the Board or authorized licensed personnel of the long-term care facility; and
    - c. The automated dispensing system is secured at the long-term care facility by electronic or mechanical means or a combination thereof designed to prevent unauthorized access;
  3. Drug stocking procedures that include the following:
    - a. Automated dispensing systems that use non-removable containers that do not allow prepackaging of the container as set out in subsection (D)(3)(b):
      - i. Are stocked at the long-term care facility by an Arizona licensed pharmacist employed by the provider pharmacy, or by an Arizona licensed intern, graduate intern, technician or technician trainee under the direct onsite supervision of an Arizona licensed pharmacist; and
      - ii. Utilize bar code or other technologies to ensure the correct drug is placed in the correct canister or container; and

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- b. Automated dispensing systems that use removable containers may be stocked at the long-term care facility by an authorized user provided:
      - i. The prepackaging of the container occurs at the provider pharmacy;
      - ii. A pharmacist verifies the container has been properly filled and labeled, and the container is secured with a tamper-evident seal;
      - iii. The individual containers are transported to the long-term care facility in a secure, tamper-evident shipping container; and
      - iv. The automated dispensing system uses microchip, bar-coding, or other technologies to ensure the containers are accurately loaded in the automated dispensing system; and
  - 4. Recordkeeping and report procedures that include the following:
    - a. All events involving the access of the automated dispensing system are recorded electronically and maintained for not less than two years;
    - b. The provider pharmacy is capable of producing a report of all transactions of the automated dispensing system including:
      - i. A single drug usage report that complies with R4-23-408(B)(5); and
      - ii. An authorized user history including date and time of access and type of transaction; and
    - c. The provider pharmacy has procedures to safeguard the storage, packaging, and distribution of drugs by monitoring:
      - i. Current inventory;
      - ii. Expiration dates;
      - iii. Controlled substance dispensing;
      - iv. Re-dispense requests; and
      - v. Wastage.
- E. A pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall:
  - 1. Ensure that an electronic log is kept for each container fill that includes:
    - a. An identification of the container by drug name and strength, and container number;
    - b. The drug's manufacturer or National Drug Code (NDC) number;
    - c. The expiration date and lot number from the manufacturer's stock bottle that is used to fill the container. If multiple lot numbers of the same drug are added to a container, each lot number and expiration date shall be documented;
    - d. The date the container is filled;
    - e. Documentation of the identity of the licensee who placed the drug into the container; and
    - f. If the licensee who filled the container is not a pharmacist, documentation of the identity of the pharmacist who supervised the non-pharmacist licensee; and
  - 2. Maintain the electronic log for inspection by the Board or its staff for not less than two years.
- F. A pharmacy permittee or pharmacist-in-charge of a provider pharmacy shall:
  - 1. Implement an ongoing quality assurance program that monitors performance of the automated dispensing system and compliance with the established policies and procedures that includes:
    - a. Training in the use of the automated dispensing system for all authorized users,
    - b. Maintenance and calibration of the automated dispensing system as recommended by the device manufacturer,
    - c. Routine accuracy validation testing no less than every three months, and
    - d. Downtime and malfunction procedures to ensure the timely provision of medication to the long-term care facility resident, and
  - 2. Maintain documentation of the requirements of subsections (F)(1)(b) and (F)(1)(c) for inspection by the Board or its staff for not less than two years.
- G. The Board may prohibit a pharmacy permittee or pharmacist-in-charge from using an automated dispensing system in a long-term care facility if the pharmacy permittee or the pharmacy permittee's employees do not comply with the requirements of subsections (A) through (F).

**Historical Note**

New Section made by final rulemaking at 19 A.A.R. 2894, effective November 10, 2013 (Supp. 13-3).

**R4-23-702. Hospice Inpatient Facilities**

- A. If a pharmacy permittee contracts to provide pharmacy services to the patients of a hospice inpatient facility as defined in R4-23-110, the pharmacy permittee shall ensure that:
  - 1. A prescription medication is provided only by a valid prescription order for an individual hospice inpatient facility patient, properly labeled for that patient, as specified in this subsection. Nothing in this section shall prevent a provider pharmacy from supplying non-prescription drugs in a manufacturer's unopened container;
  - 2. A prescription medication label for a hospice inpatient facility patient complies with A.R.S. §§ 32-1968 and 36-2525 and contains:
    - a. The drug name, strength, dosage form, and quantity; and
    - b. The beyond-use date; and
  - 3. If the label on the hospice inpatient facility patient's drug container becomes damaged or soiled, a pharmacist employed by the pharmacy that dispensed the drug container, through the exercise of professional judgment, may relabel the drug container. Only a pharmacist is permitted to label a drug container or alter the label of a drug container.
- B. A pharmacist may help hospice inpatient facility personnel develop written policies and procedures for the procurement, administration, storage, control, recordkeeping, and disposal of drugs in the facility.
- C. The provider pharmacy may contract with the hospice inpatient facility to provide pharmacist services at the facility that include evaluation of the patient's response to medication therapy, identification of potential adverse drug reactions, and recommended appropriate corrective action.
- D. A provider pharmacy that places an emergency drug supply unit at a hospice inpatient facility shall comply with the requirements of R4-23-701.02.
- E. A pharmacy shall not place an automated dispensing system as defined in R4-23-701.04 in a hospice inpatient facility.
- F. Drugs previously dispensed to a patient of the hospice inpatient facility by another pharmacy, and drugs previously dispensed by the provider pharmacy, shall not be repackaged.

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**Historical Note**

Former Rules 6.8210, 6.8211, 6.8212, 6.8213, 6.8214, 6.8221, 6.8222, 6.8223, 6.8824, 6.8231, 6.8232, 6.8233, 6.8241, 6.8242, and 6.8243; Amended effective August 10, 1978 (Supp. 78-4). Repealed effective December 18, 1992 (Supp. 92-4). New Section made by final rulemaking at 19 A.A.R. 2894, effective November 10, 2013 (Supp. 13-3).

**R4-23-703. Assisted Living Facilities**

- A. Before dispensing, selling, or delivering a prescription or nonprescription drug to an assisted living facility resident, a pharmacy permittee shall verify the assisted living facility has a current and active license issued by the Arizona Department of Health Services.
- B. A pharmacy permittee shall ensure that, except as provided under subsection (C):
  - 1. A controlled substance prescription drug is dispensed, sold, or delivered to an assisted living facility resident only after receiving a valid prescription order for the controlled substance prescription drug from the resident's medical practitioner; and
  - 2. The controlled substance prescription drug is labeled in accordance with A.R.S. §§ 32-1963.01, 32-1968, and 36-2525 and includes the beyond-use date on the label.
- C. A pharmacy permittee may dispense, sell, or deliver to an assisted living facility resident a Schedule III, IV, or V controlled substance prescription if the pharmacy permittee:
  - 1. Receives a written or oral prescription order for the Schedule III, IV, or V controlled substance from:
    - a. The resident's medical practitioner,
    - b. An individual licensed by the Arizona Board of Nursing who is acting within the scope of practice of the individual's license, or
    - c. The manager or a caregiver of the assisted living facility if the resident's medical practitioner has a written agreement with the assisted living facility designating a representative of the assisted living facility as an agent of the medical practitioner and a licensed medical practitioner provided the prescription order;
  - 2. Complies with subsection (D)(2); and
  - 3. Labels the Schedule III, IV, or V controlled substance as specified under subsection (B)(2).
- D. A pharmacy permittee may dispense, sell, or deliver to an assisted living facility resident a non-controlled substance prescription or non-prescription drug if the pharmacy permittee:
  - 1. Receives a written or oral prescription order for the non-controlled substance prescription or non-prescription drug from:
    - a. The resident's medical practitioner,
    - b. An individual licensed by the Arizona Board of Nursing who is acting within the scope of practice of the individual's license, or
    - c. An assisted living facility manager or caregiver acting under the authority of a licensed medical practitioner;
  - 2. Determines the written or oral prescription order:
    - a. Meets the requirements of R4-23-407, and
    - b. Includes the name and title of the individual transmitting the prescription order; and
  - 3. Labels the non-narcotic prescription or non-prescription drug in accordance with A.R.S. §§ 32-1963.01 and 32-1968 and includes the beyond-use date on the label.

- E. If the label on an assisted living facility resident's drug container becomes damaged or soiled, a pharmacist employed by the pharmacy permittee that dispensed the drug container, through the exercise of professional judgment, may relabel the drug container. Only a pharmacist is permitted to label a drug container or alter the label of a drug container.
- F. A pharmacist may help assisted living facility personnel develop written policies and procedures regarding procuring, administering, storing, controlling, keeping records, and disposing of drugs in the facility and provide information concerning safe and effective supervision of drug self-administration.
- G. A pharmacy permittee shall not place an emergency drug supply unit as described in R4-23-701.02 or an automated dispensing system as described in R4-23-701.04 in an assisted living facility.
- H. A pharmacist shall not repackage a drug previously dispensed to an assisted living facility resident.

**Historical Note**

Former Rules 6.8310, 6.8320, 6.8330, 6.8340, 6.8350, 6.8360, and 6.8370; Amended effective August 10, 1978 (Supp. 78-4). Amended by final rulemaking at 5 A.A.R. 2561, effective July 16, 1999 (Supp. 99-3). Amended by final rulemaking at 19 A.A.R. 2894, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2424, effective October 14, 2017 (Supp. 17-3).

**R4-23-704. Customized Patient Medication Packages**

In lieu of dispensing two or more prescribed drugs in separate containers, a pharmacist may, with the consent of the patient, the patient's caregiver, the prescriber, or the facility caring for the patient, provide a customized patient medication package. The pharmacist preparing a customized patient medication package shall abide by the guidelines set forth in the current edition of the official compendium for labeling, packaging, and recordkeeping, and state and federal law.

**Historical Note**

Former Rules 6.8410, 6.8411, 6.8412, 6.8413, 6.8414, 6.8415, 6.8416, and 6.8417. Section R4-23-704 repealed by final rulemaking at 5 A.A.R. 862, effective March 3, 1999 (Supp. 99-1). Amended by final rulemaking at 19 A.A.R. 2894, effective November 10, 2013 (Supp. 13-3).

**R4-23-705. Repealed****Historical Note**

Former Rules 6.8420, 6.8421, 6.8422, 6.8423, 6.8424, 6.8425, 6.8426, 6.8427, 6.8428, and 6.8429. Amended effective August 10, 1978 (Supp. 78-4). Amended effective August 24, 1992 (Supp. 92-3). Repealed effective December 18, 1992 (Supp. 92-4).

**R4-23-706. Repealed****Historical Note**

Former Rules 6.8431, 6.8432, 6.8433, 6.8434, 6.8435, 6.8436, and 6.8437; Amended effective August 10, 1978 (Supp. 78-4). Amended subsections (C), (E), (F), and (G) effective April 20, 1982 (Supp. 82-2). Section R4-23-706 repealed by final rulemaking at 5 A.A.R. 862, effective March 3, 1999 (Supp. 99-1).

**R4-23-707. Repealed**

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**Historical Note**

Former Rules 6.8441, 6.8442, 6.8450, 6.8451, 6.8452, 6.8453, 6.8454, 6.8455, 6.8456, and 6.8457. Section R4-23-707 repealed by final rulemaking at 5 A.A.R. 862, effective March 3, 1999 (Supp. 99-1).

**R4-23-708. Repealed****Historical Note**

Former Rules 6.8461, 6.8462, 6.8463, and 6.8464. Section R4-23-708 repealed by final rulemaking at 5 A.A.R. 862, effective March 3, 1999 (Supp. 99-1).

**R4-23-709. Repealed****Historical Note**

Former Rules 6.8471, 6.8472, and 6.8473. Section R4-23-709 repealed by final rulemaking at 5 A.A.R. 862, effective March 3, 1999 (Supp. 99-1).

**ARTICLE 8. DRUG CLASSIFICATION**

*Article 8, consisting of Sections R4-23-801 and R4-23-802, recodified from Article 5 at 9 A.A.R. 4011, effective August 18, 2003 (Supp. 03-3).*

**R4-23-801. Repealed****Historical Note**

Former Rules 7.1110, 7.1120, and 7.1130. Repealed effective November 4, 1998 (Supp. 98-4). Recodified from R4-23-501 at 9 A.A.R. 4011, effective August 18, 2003 (Supp. 03-3). Repealed by final rulemaking at 26 A.A.R. 223, effective March 14, 2020 (Supp. 20-1).

**R4-23-802. Veterinary**

Veterinary preparation: A veterinary drug manufacturer or supplier may distribute:

1. A prescription-only veterinary drug to:
  - a. A veterinary medical practitioner licensed under A.R.S. Title 32, Chapter 21,
  - b. A full-service drug wholesaler permitted under A.R.S. Title 32, Chapter 18, or
  - c. A pharmacy permitted under A.R.S. Title 32, Chapter 18, and
2. A nonprescription veterinary drug to:
  - a. A veterinary medical practitioner licensed under A.R.S. Title 32, Chapter 21,
  - b. A nonprescription drug retailer permitted under A.R.S. Title 32, Chapter 18,
  - c. A full-service or nonprescription drug wholesaler permitted under A.R.S. Title 32, Chapter 18, or
  - d. A pharmacy permitted under A.R.S. Title 32, Chapter 18.

**Historical Note**

Former Rules 7.1210, 7.1220, and 7.1230. Repealed effective November 4, 1998 (Supp. 98-4). Recodified from R4-23-502 at 9 A.A.R. 4011, effective August 18, 2003 (Supp. 03-3).

**R4-23-803. Repealed****Historical Note**

Former Rules 7.1300, 7.1400, 7.1500, and 7.1000. Repealed effective November 4, 1998 (Supp. 98-4).

**R4-23-804. Repealed****Historical Note**

Former Rules 7.2100, 7.2200, 7.2300, 7.2410, 7.2420, and 7.2430. Repealed effective November 4, 1998 (Supp. 98-4).

**ARTICLE 9. PENALTIES AND MISCELLANEOUS****R4-23-901. Penalty for Violations**

Any person, firm, or corporation violating any provision of 4 A.A.C. 23 is subject to the penalties in A.R.S. § 32-1996. In addition, a license or permit issued under the provisions of A.R.S. Title 32, Chapter 18 is subject to suspension or revocation for violation of 4 A.A.C. 23.

**Historical Note**

Former Rule 9.0000. Amended by final rulemaking at 6 A.A.R. 3177, effective August 3, 2000 (Supp. 00-3).

**R4-23-902. Non-disciplinary Civil Penalties**

As authorized under A.R.S. § 32-1904(D), the Board may issue the following non-disciplinary civil penalties to a licensee or permittee who engages in the specified acts or omissions without posing an imminent threat to public health or safety:

1. Failing to submit a remodel application before remodeling a permitted facility: \$250;
2. Failing to provide notice before a business is relocated: \$500;
3. Failing to update contact information: \$50/occurrence to a maximum of twice;
4. Failing to update change of employment information: \$50/occurrence to a maximum of twice;
5. Failing to complete required continuing education:
  - a. Registered pharmacist: \$100/deficient hour of continuing education for the first occurrence, \$150/deficient hour for second occurrence; and
  - b. Pharmacy technician: \$25/deficient hour of continuing education for the first occurrence, \$37.50/deficient hour for second occurrence;
6. Failing to provide notice of a new pharmacist in charge: \$100/occurrence to a maximum of twice;
7. Failing to provide notice of a new designated representative: \$100/occurrence to a maximum of twice;
8. Failing to provide notice of a new criminal charge, arrest, or conviction in any jurisdiction: \$250/occurrence to a maximum of twice;
9. Failing to provide notice of disciplinary action taken against the licensee or permittee by another jurisdiction: \$250/occurrence to a maximum of twice;
10. Failing to renew a license timely and continuing to work with an expired license:
  - a. Registered pharmacist: \$100/day worked not to exceed \$1,000; and
  - b. Pharmacy technician: \$50/day worked not to exceed \$500;
11. Failing to conduct a controlled substance inventory when there is a new pharmacist in charge: \$250/occurrence to a maximum of twice;
12. Failing to obtain a permit before shipping into Arizona anything for which a permit is required: \$100/item shipped;
13. Failing to respond timely to a subpoena: \$50;
14. Failing to provide notice before there is a change in ownership: \$250; and
15. Failing to conduct required controlled substance inventories: \$250.

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**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**ARTICLE 10. UNIFORM CONTROLLED SUBSTANCES AND DRUG OFFENSES****R4-23-1001. Repealed****Historical Note**

Adopted effective August 2, 1982 (Supp. 82-4). Section repealed by final rulemaking at 6 A.A.R. 3177, effective August 3, 2000 (Supp. 00-3).

**R4-23-1002. Repealed****Historical Note**

Adopted effective August 2, 1982 (Supp. 82-4). Repealed effective November 4, 1998 (Supp. 98-4).

**R4-23-1003. Records and Order Forms****A. Records.**

1. If the pharmacist-in-charge of a pharmacy is replaced by another pharmacist-in-charge, the new pharmacist-in-charge shall complete an inventory of all controlled substances in the pharmacy within 10 days of assuming the responsibility. This inventory and any other required controlled substance inventory shall:
  - a. Include an exact count of all Schedule II controlled substances;
  - b. Include an exact count of all Schedule III through Schedule V controlled substances or an estimated count if the stock container contains fewer than 1001 units;
  - c. Indicate the date the inventory is taken and whether the inventory is taken before opening of business or after close of business for the pharmacy;
  - d. Be signed by:
    - i. The pharmacist-in-charge; or
    - ii. For other required inventories, the pharmacist who does the inventory;
  - e. Be kept separately from all other records; and
  - f. Be available in the pharmacy for inspection by the Board or its designee for not less than three years.
2. A loss of a controlled substance shall be reported:
  - a. Within 10 days of discovery;
  - b. On a DEA form 106;
  - c. By the pharmacist-in-charge of a pharmacy or a manufacturer;
  - d. By the permittee or designated representative of a full-service wholesaler; and
  - e. To the federal Drug Enforcement Administration (DEA), the Narcotic Division of the Department of Public Safety (DPS), and the Board of Pharmacy. A copy of the DEA form 106 shall be kept on file by the pharmacy permittee. The DEA form 106 shall state whether the police investigated the loss.
3. Every person manufacturing any controlled substance, including repackaging or relabeling, shall record and retain for not less than three years the manufacturing, repackaging, or relabeling date for each controlled substance.
4. Every person receiving, selling, delivering, or disposing of any controlled substance shall record and retain for not less than three years the following information:

- a. The name, strength, dosage form, and quantity of each controlled substance received, sold, delivered, or disposed;
  - b. The name, address, and DEA registration number of the person from whom each controlled substance is received;
  - c. The name, address, and DEA registration number of the person to whom each controlled substance is sold or delivered or who disposes of each controlled substance; and
  - d. The date of each transaction.
5. A full-service drug wholesale permittee or the designated representative shall complete an inventory of all controlled substances in the manner prescribed in subsection (A)(1). The permittee or designated representative shall conduct this inventory:
    - a. On May 1 of each year or as directed by the Board; and
    - b. If there is a change of ownership, or discontinuance of business, or within 10 days of a change of a designated representative.
  6. A drug manufacturer permittee or the pharmacist-in-charge shall complete an inventory of all controlled substances in the manner prescribed in subsection (A)(1). The permittee or pharmacist-in-charge shall conduct this inventory:
    - a. On May 1 of each year or as directed by the Board; and
    - b. If there is a change of ownership, or discontinuance of business, or within 10 days of a change of a pharmacist-in-charge.
- B. Order form.** For purposes of A.R.S. § 36-2524, "Order Form" means DEA Form 222c.

**Historical Note**

Adopted effective August 2, 1982 (Supp. 82-4).  
 Amended effective November 1, 1993 (Supp. 93-4).  
 Amended effective April 1, 1995; filed January 31, 1995 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 3177, effective August 3, 2000 (Supp. 00-3). Amended by final rulemaking at 12 A.A.R. 1912, effective July 1, 2006 (Supp. 06-2). Amended by final rulemaking at 14 A.A.R. 3670, effective November 8, 2008 (Supp. 08-3).

**R4-23-1004. Schedules of Controlled Substances**

As of the effective date of this Section and as required under A.R.S. §§ 36-2512 through 36-2516, the Board adopts the following schedules of controlled substances. The schedules adopted include no later amendments. The adopted schedules are available on the Board's website:

1. Schedule I. 21 CFR, Chapter II, Part 1308.11;
2. Schedule II. 21 CFR, Chapter II, Part 1308.12;
3. Schedule III. 21 CFR, Chapter II, Part 1308.13;
4. Schedule IV. 21 CFR, Chapter II, Part 1308.14; and
5. Schedule V. 21 CFR, Chapter II, Part 1308.15.

**Historical Note**

Adopted effective August 2, 1982 (Supp. 82-4). Repealed effective November 4, 1998 (Supp. 98-4). New Section made by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1005. Products Excluded or Exempted from the Schedules of Controlled Substances**

The following lists of products are excluded or exempted from the schedules of controlled substances adopted in R4-23-1004. All lists

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are available on the Board's website and at <https://www.ecfr.gov/current/title-21/chapter-II/part-1308>:

1. Excluded nonnarcotic substances that may be lawfully sold over-the-counter without a prescription order. 21 CFR, Chapter II, Part 1308.22;
2. Exempted chemical preparations and mixtures. 21 CFR, Chapter II, Part 1308.24; and
3. Exempted prescription products containing a nonnarcotic controlled substance. 21 CFR, Chapter II, Part 1308.32.

**Historical Note**

Adopted effective August 2, 1982 (Supp. 82-4).  
Amended by final rulemaking at 6 A.A.R. 3177, effective August 3, 2000 (Supp. 00-3). Amended by final rulemaking at 18 A.A.R. 2609, effective December 2, 2012 (Supp. 12-4). Amended by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1006. Substances Excepted from Drug Offenses**

The following materials, compounds, mixtures, or preparations containing any stimulant or depressant substance included in A.R.S. §§ 13-3401(6)(b) or 13-3401(6)(c) are excepted from the definition of dangerous drugs under the authority of A.R.S. § 32-1904(B)(14):

1. Over-the-counter drugs excepted in R4-23-1005(A).
2. Chemical preparations excepted in R4-23-1005(B).
3. Prescription-only drugs excepted in R4-23-1005(C).

**Historical Note**

Adopted effective August 2, 1982 (Supp. 82-4).  
Amended by final rulemaking at 6 A.A.R. 3177, effective August 3, 2000 (Supp. 00-3).

**ARTICLE 11. PHARMACY TECHNICIANS**

*Article 11, consisting of R4-23-1101 through R4-23-1105, made by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1).*

**R4-23-1101. Licensure and Eligibility**

- A.** License required. A person shall not work as a pharmacy technician or pharmacy technician trainee in Arizona, unless the person possesses a pharmacy technician or pharmacy technician trainee license issued by the Board.
- B.** Eligibility.
  1. To be eligible for licensure as a pharmacy technician trainee, a person shall:
    - a. Be of good moral character,
    - b. Be at least 18 years of age, and
    - c. Have a high school diploma or the equivalent of a high school diploma.
  2. To be eligible for licensure as a pharmacy technician, a person shall:
    - a. Meet the requirements of subsection (B)(1),
    - b. Complete a pharmacy technician training program that meets the standards prescribed in R4-23-1105, and
    - c. Pass the Pharmacy Technician Certification Board (PTCB) examination or another Board-approved pharmacy technician examination.
- C.** A pharmacy technician delinquent license. Before an Arizona pharmacy technician license will be reinstated, a pharmacy technician whose Arizona pharmacy technician license is delinquent for five or more consecutive years shall furnish to the Board satisfactory proof of fitness to be licensed as a

pharmacy technician and pay all past due biennial renewal fees and penalty fees. Satisfactory proof includes:

1. For a person with a delinquent license who is practicing as a pharmacy technician out-of-state with a pharmacy technician license issued by another jurisdiction:
  - a. Proof of current, unrestricted pharmacy technician licensure in another jurisdiction; and
  - b. Proof of employment as a pharmacy technician during the last 12 months; or
2. For a person with a delinquent license who did not practice as a pharmacy technician within the last 12 months:
  - a. Take and pass a Board-approved pharmacy technician examination, and
  - b. Complete 20 contact hours or two CEUs of continuing education activity sponsored by an approved provider, including at least two contact hours or 0.2 CEUs of continuing education activity in pharmacy law.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 102, effective March 10, 2013 (Supp. 13-1).

**R4-23-1102. Pharmacy Technician Licensure**

- A.** Eligibility. An applicant for licensure as a pharmacy technician shall provide the Board proof the applicant is eligible under R4-23-1101(B)(2), including documentation that the applicant:
  1. Completed a pharmacy technician training program that meets the standards prescribed in R4-23-1105(B)(2); and
  2. Passed the Pharmacy Technician Certification Board (PTCB) examination or another Board-approved pharmacy technician examination; or
  3. Meets the requirements of R4-23-1105(D)(1) or (2).
- B.** Application.
  1. An applicant for licensure as a pharmacy technician shall:
    - a. Submit a completed application electronically or manually on a form furnished by the Board, and
    - b. Submit with the application form:
      - i. The documents specified in the application form,
      - ii. The initial licensure fee specified in R4-23-205, and
      - iii. The wall license fee specified in R4-23-205.
  2. The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.
- C.** Licensure.
  1. If an applicant is found to be ineligible for pharmacy technician licensure under statute and rule, the Board office shall issue a written notice of denial to the applicant.
  2. If an applicant is found to be eligible for pharmacy technician licensure under statute and rule, the Board office shall issue a certificate of licensure and a wall license. An applicant who is assigned a license number and who has been granted "open" status on the Board's license verification site may begin practice as a pharmacy technician before receiving the certificate of licensure.
  3. An applicant who is assigned a license number and who has a "pending" status on the Board's license verification site shall not practice as a pharmacy technician until the

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Board office issues a certificate of licensure as specified in subsection (C)(2).

4. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.

**D. License renewal.**

1. To renew a license, a pharmacy technician shall submit a completed license renewal application electronically or manually on a form furnished by the Board with the biennial renewal fee specified in R4-23-205.
2. If the biennial renewal fee is not paid by November 1 of the renewal year specified in A.R.S. § 32-1925, the pharmacy technician license is suspended and the licensee shall not practice as a pharmacy technician. The licensee shall pay a penalty as provided in A.R.S. § 32-1925 and R4-23-205 to vacate the suspension.
3. A licensee shall maintain the renewal certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.

**E. Time frames for pharmacy technician licensure and license renewal.** The Board office shall follow the time frames established in R4-23-202(F).

**F. Verification of license.** A pharmacy permittee or pharmacist-in-charge shall not permit a person to practice as a pharmacy technician until the pharmacy permittee or pharmacist-in-charge verifies the person is currently licensed by the Board as a pharmacy technician.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 102, effective March 10, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 2911, effective November 10, 2013 (Supp. 13-3).

Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-1103. Pharmacy Technician Trainee Licensure**

**A. Eligibility.** An applicant for licensure as a pharmacy technician trainee shall provide the Board proof the applicant is eligible under R4-23-1101(B)(1).

**B. Application.**

1. An applicant for licensure as a pharmacy technician trainee shall:
  - a. Submit a completed application electronically or manually on a form furnished by the Board, and
  - b. Submit with the application form:
    - i. The documents specified in the application form,
    - ii. The licensure fee specified in R4-23-205, and
    - iii. The wall license fee specified in R4-23-205.
2. The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.

**C. Licensure.**

1. If an applicant is found to be ineligible for pharmacy technician trainee licensure under statute and rule, the Board office shall issue a written notice of denial to the applicant.
2. If an applicant is found to be eligible for pharmacy technician trainee licensure under statute and rule, the Board office shall issue a certificate of licensure and a wall license. An applicant who is assigned a license number and who has been granted "open" status on the Board's license verification site may begin practice as a

pharmacy technician trainee before receiving the certificate of licensure.

3. An applicant who is assigned a license number and who has a "pending" status on the Board's license verification site shall not practice as a pharmacy technician trainee until the Board office issues a certificate of licensure as specified in subsection (C)(2).

4. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.

5. A pharmacy technician trainee license is valid for 36 months from the date issued. A pharmacy technician trainee who does not complete the prescribed training program and pass a Board-approved pharmacy technician examination before the pharmacy technician trainee's license expires is not eligible for licensure as a pharmacy technician and shall not practice as a pharmacy technician or pharmacy technician trainee. The Board has approved the following pharmacy technician examinations:

- a. Pharmacy Technician Certification Board (PTCB) Exam, and
- b. Exam for the Certification of Pharmacy Technicians (ExCPT).

**D. Time frames for pharmacy technician trainee licensure.** The Board office shall follow the time frames established in R4-23-202(F).

**E. Verification of license.** A pharmacy permittee or pharmacist-in-charge shall not permit a person to practice as a pharmacy technician trainee until the pharmacy permittee or pharmacist-in-charge verifies that the person is currently licensed by the Board as a pharmacy technician trainee.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 2911, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

Amended by final rulemaking at 26 A.A.R. 223, effective March 14, 2020 (Supp. 20-1).

**R4-23-1104. Pharmacy Technicians and Pharmacy Technician Trainees**

**A. Permissible tasks of a pharmacy technician trainee.** Acting in compliance with all applicable statutes and rules and under the supervision of a pharmacist, a pharmacy technician trainee licensed under R4-23-1103 may assist an intern or pharmacist with the following when applicable to the pharmacy practice site:

1. Record on the original prescription order the serial number of the prescription medication and date dispensed;
2. Initiate or accept verbal or electronic refill authorization from a medical practitioner or medical practitioner's agent and record, on the original prescription order or by an alternative method approved by the Board or its designee, the medical practitioner's name, patient name, name and quantity of prescription medication, specific refill information, and name of medical practitioner's agent, if any;
3. Record information in the refill record or patient profile;
4. Enter information for a new or refill prescription medication as required under A.R.S. § 32-1964;
5. Type and affix a label for the prescription medication. A pharmacist or intern working under the supervision of a

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- pharmacist shall verify the accuracy of the label as described under R4-23-402(A)(11);
6. Reconstitute a prescription medication, if a pharmacist checks the ingredients and procedure before reconstitution and verifies the final product after reconstitution;
  7. Retrieve, count, or pour a prescription medication, if a pharmacist verifies the contents of the prescription medication against the original prescription medication container or by an alternative drug identification method approved by the Board or its designee;
  8. Prepackage drugs in accordance with R4-23-402(A); and
  9. Measure, count, pour, or otherwise prepare and package a drug needed for hospital inpatient dispensing, if a pharmacist verifies the accuracy, measuring, counting, pouring, preparing, packaging, and safety of the drug before the drug is delivered to a patient care area.
- B.** Permissible tasks of a pharmacy technician. Acting in compliance with all applicable statutes and rules and under the supervision of a pharmacist, a pharmacy technician licensed under R4-23-1102 may:
1. Perform the tasks listed in subsection (A);
  2. After completing a pharmacy technician drug compounding training program developed by the pharmacy permittee or pharmacist-in-charge under R4-23-1105(C), assist a pharmacist or intern in compounding prescription medications and sterile or non-sterile pharmaceuticals in accordance with written policies and procedures, if the preparation, accuracy, and safety of the final product is verified by a pharmacist before dispensing;
  3. Perform a final technology-assisted verification of product if the pharmacy technician is qualified under R4-23-1104.01(D);
  4. If technology-assisted verification is performed, type and affix a label for the prescription medication. A pharmacist or intern shall verify the accuracy of the label as described under R4-23-402(A)(12);
  5. Administer a vaccine when:
    - a. Administration of the vaccine is done under an order that complies with A.R.S. § 32-1974 and R4-23-411;
    - c. Administration of the vaccine is delegated by and done under the supervision of a pharmacist on duty who is certified under A.R.S. § 32-1974 to administer vaccines; and
    - d. There is documentation by the permittee that the pharmacy technician has completed the following:
      - i. A practical training program that is approved by the Accreditation Council for Pharmacy Education and includes hands-on injection technique and recognition and treatment of emergency reactions to vaccines; and
      - ii. Current certification in basic cardiopulmonary resuscitation.
  6. Perform a task not related to professional judgment if the task is delegated to the pharmacy technician by the pharmacist on duty after the pharmacist on duty ensures the pharmacy technician is trained to do the task and there is documentation by the permittee of the training; and
  7. A pharmacist on duty shall not delegate or attempt to delegate the following tasks to a pharmacy technician:
    - a. Administering an emergency medication,
    - b. Counseling a patient,
    - c. Conducting a drug utilization review,
    - d. Performing any task that requires the exercise of clinical judgment,
    - e. Issuing a prescription order,
    - f. Receiving a new prescription order for a controlled substance, or
    - g. Transferring by telephone an existing prescription order for a controlled substance.
- C.** A trained and licensed pharmacy technician or pharmacy technician trainee who performs a task as authorized under subsections (A) and (B) shall ensure the task is performed accurately.
- D.** Prohibited activities. A pharmacy technician or pharmacy technician trainee shall not perform a professional practice reserved for a pharmacist or intern in accordance with R4-23-402 or R4-23-653 unless otherwise allowed by rule.
- E.** A pharmacy technician or pharmacy technician trainee shall wear a badge indicating name and title while on duty.
- F.** Before employing a pharmacy technician or pharmacy technician trainee, a pharmacy permittee or pharmacist-in-charge shall develop, implement, review, and revise in the manner described in R4-23-653(A) and comply with policies and procedures outlined in subsection (G) for pharmacy technician and pharmacy technician trainee tasks.
- G.** A pharmacy permittee or pharmacist-in-charge shall ensure policies and procedures required under subsection (F) include the following:
1. For all practice sites:
    - a. Supervisory controls and verification procedures to ensure the quality and safety of pharmaceutical service;
    - b. Employment performance expectations for a pharmacy technician and pharmacy technician trainee;
    - c. The tasks a pharmacy technician or pharmacy technician trainee may perform as specified under subsections (A) and (B);
    - d. Pharmacist and patient communication;
    - e. Reporting, correcting, and avoiding medication and dispensing errors;
    - f. Security procedures for:
      - i. Confidentiality of patient prescription records, and
      - ii. The pharmacy area;
    - g. Automated medication distribution system;
    - h. Compounding procedures for pharmacy technicians; and
    - i. Brief overview of state and federal pharmacy statutes and rules;
  2. For community and limited-service pharmacy practice sites:
    - a. Prescription dispensing procedures for:
      - i. Accepting a new written prescription order,
      - ii. Accepting a refill request,
      - iii. Selecting a drug product,
      - iv. Counting and pouring,
      - v. Labeling, and
      - vi. Obtaining refill authorization; and
    - b. Computer data-entry procedures for:
      - i. New and refill prescriptions,
      - ii. Patient's drug allergies,
      - iii. Drug-drug interactions,
      - iv. Drug-food interactions,
      - v. Drug-disease state contraindications,
      - vi. Refill frequency,



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- vii. Patient's disease and medical condition,
  - viii. Patient's age or date of birth and gender, and
  - ix. Patient profile maintenance; and
3. For hospital pharmacy practice sites:
- a. Medication order procurement and data entry,
  - b. Drug preparation and packaging,
  - c. Outpatient and inpatient drug delivery, and
  - d. Inspection of drug storage and preparation areas and patient care areas.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 19 A.A.R. 102, effective March 10, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 3257, effective January 8, 2018 (Supp. 17-4). Amended by final rulemaking at 28 A.A.R. 994 (May 13, 2022), effective July 2, 2022 (Supp. 22-2). Section made by emergency rulemaking at 29 A.A.R. 1196 (May 26, 2023), with an immediate effective date of May 4, 2023; effective for 180 days (Supp. 23-2). Amended by final rulemaking at 29 A.A.R. 2191 (September 22, 2023), with an immediate effective date of September 6, 2023 (Supp. 23-3).

**R4-23-1104.01 Technology-assisted Verification of Product**

- A.** By complying with this Section, the permittee of a retail, institutional, or limited-service pharmacy may implement a technology-assisted verification of product program that allows a pharmacy technician licensed under R4-23-1102 and qualified under subsection (D) to perform final product verification.
- B.** Written program description required. Before implementing a technology-assisted verification of product program the permittee of a retail, institutional, or limited-service pharmacy shall prepare a written program description that includes the following:
- 1. Responsibility of both the pharmacist in charge and permittee to ensure compliance with this Section;
  - 2. Responsibility of the permittee to design, implement, and monitor a process that ensures the accuracy and safety of the product dispensed;
  - 3. Duties of a verification technician;
  - 4. The training necessary to qualify and remain qualified as a verification technician;
  - 5. The monitoring and evaluation procedures to be used to ensure competency of the verification technician; and
  - 6. Prohibition of a verification technician performing a final accuracy check of a completed prescription label.
- C.** The permittee of a retail, institutional, or limited-service pharmacy implementing a technology-assisted verification of product program shall:
- 1. Post the written program description required under subsection (B) in the pharmacy area;
  - 2. Provide a copy of the written program description to the pharmacist in charge and verification technician;
  - 3. Obtain the signature of the pharmacist in charge and verification technician on a copy of the written program description and place the signed copy in the personnel file of the pharmacist in charge and verification technician;
  - 4. Ensure scanning technology used in the technology-assisted verification program captures both product and patient information; and
- 5. Update the written program description as needed and repeat subsections (C)(1) through (4) after each update.
- D.** Verification technician training: The permittee of a retail, institutional, or limited-service pharmacy implementing a technology-assisted verification of product program shall ensure a pharmacy technician does not perform the duties of a verification technician unless the pharmacy technician has the following qualifications:
- 1. Is licensed under R4-23-1102;
  - 2. Has at least 1,000 hours of pharmacy technician work experience in the same kind of pharmacy practice site in which the technology-assisted verification of product will be performed;
  - 3. Completes a training program that includes at least the following:
    - a. Role of a verification technician in the dispensing process,
    - b. Legal requirements of a verification technician,
    - c. How to use the technology-assisted verification system,
    - d. Primary causes of medication errors, and
    - e. Identifying and resolving dispensing errors; and
  - 4. Completes at least four hours of the continuing education required under R4-23-1106 on patient safety.
- E.** The permittee of a retail, institutional, or limited-service pharmacy implementing a technology-assisted verification of product program shall ensure the pharmacy practice site has a computer data storage and retrieval system that meets the standards in R4-23-408(B).
- F.** The permittee of a retail, institutional, or limited-service pharmacy implementing a technology-assisted verification of product program shall ensure a verification technician verifies only the following:
- 1. A product with scanning technology that identifies product, or
  - 2. A robotically prepared unit-dose product.
- G.** The permittee of a retail, institutional, or limited-service pharmacy implementing a technology-assisted verification of product program shall ensure a verification technician does not verify the following:
- 1. A product that involves a combination of drugs resulting from compounding or mixing two or more ingredients or products,
  - 2. A product that involves or results from an alteration of a drug, or
  - 3. A DEA schedule II controlled substance.
- H.** The permittee of a retail, institutional, or limited-service pharmacy implementing a technology-assisted verification of product program shall perform an unannounced evaluation of the competency of a verification technician at least twice a year and take steps to remediate any deficiencies identified including removing verification duties from the technician.
- I.** The permittee of a retail, institutional, or limited-service pharmacy implementing a technology-assisted verification of product program shall maintain the following records:
- 1. Date the pharmacy technician was designated as a verification technician,
  - 2. Date the pharmacy technician completed the training required under subsection (D)(3),
  - 3. Dates and results of the evaluations conducted under subsection (H), and
  - 4. Date and reason for any disciplinary action against the verification technician arising from performing the duties of a verification technician.

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- J.** A verification technician shall wear identification that includes the title “Verification Technician” while on duty.
- K.** As used in this Section, the term “verification technician” means an individual who:
1. Is qualified under subsection (D),
  2. Uses a combination of scanning technology and visual confirmation to verify a product prepared to be dispensed is the product prescribed and indicated on the prescription label, and
  3. Performs verification of work performed by other pharmacy technicians before a pharmacist or graduate or pharmacy intern working under the supervision of a pharmacist performs the final accuracy check required under R4-23-402(A).
- Historical Note**  
New Section made by final rulemaking at 23 A.A.R. 3257, effective January 8, 2018 (Supp. 17-4).
- R4-23-1105. Pharmacy Technician Trainee Training Program, Pharmacy Technician Drug Compounding Training Program, and Alternative Pharmacy Technician Training**
- A.** Nothing in this Section prevents additional offsite training of a pharmacy technician.
- B.** Pharmacy technician trainee training program.
1. A pharmacy permittee or pharmacist-in-charge shall develop, implement, review, revise in the same manner described in R4-23-653(A), and comply with a pharmacy technician trainee training program based on the needs of the individual pharmacy.
  2. A pharmacy permittee or pharmacist-in-charge shall ensure the pharmacy technician trainee training program includes training guidelines that:
    - a. Define the specific tasks a pharmacy technician trainee is expected to perform,
    - b. Specify how and when the pharmacist-in-charge will assess the pharmacy technician trainee’s competency, and
    - c. Address the policies and procedures specified in R4-23-1104(G) and the permissible activities specified in R4-23-1104(A).
  3. A pharmacist-in-charge shall:
    - a. Document the date a pharmacy technician trainee successfully completed the training program, and
    - b. Maintain the documentation required in this subsection for inspection by the Board or its designee.
  4. A pharmacy technician trainee shall perform only those tasks, listed in R4-23-1104(A), for which training and competency has been demonstrated.
- C.** Pharmacy technician drug compounding training program.
1. A pharmacy permittee or pharmacist-in-charge shall develop, implement, review, revise in the same manner described in R4-23-653(A), and comply with a pharmacy technician drug compounding training program based on the needs of the individual pharmacy;
  2. A pharmacy permittee or pharmacist-in-charge shall ensure the pharmacy technician drug compounding training program includes training guidelines that:
    - a. Define the specific tasks a pharmacy technician is expected to perform,
    - b. Specify how and when the pharmacist-in-charge will assess the pharmacy technician’s competency, and
    - c. Address the following procedures and tasks:
      - i. Area preparation,
      - ii. Component preparation,
      - iii. Aseptic technique and product preparation,
      - iv. Packaging and labeling, and
      - v. Area cleanup;
- 3.** A pharmacist-in-charge shall:
- a. Document the date a pharmacy technician successfully completed the pharmacy technician drug compounding training program, and
  - b. Maintain the documentation required in this subsection for inspection by the Board or its designee.
- D.** Alternative pharmacy technician training.
1. An individual who has passed the required Board-approved pharmacy technician examination, but has not followed the normal path to pharmacy technician licensure by obtaining a pharmacy technician trainee license and working while completing a pharmacy technician trainee training program as specified in subsection (B), may obtain a pharmacy technician license, if the individual has employment in pharmacy and completes an on-the-job training program as part of the individual’s employment orientation that includes: reading and discussing with the pharmacist-in-charge of the pharmacy where employed, the Board rules concerning pharmacy technicians and pharmacy technician trainees, the pharmacy technician and pharmacy technician trainee job description, and the policies and procedures manual of that pharmacy.
  2. An individual who has completed a pharmacy technician certificate program and has passed the required Board-approved pharmacy technician examination, but has not followed the normal path to pharmacy technician licensure by obtaining a pharmacy technician trainee license and working while completing a pharmacy technician trainee training program as specified in subsection (B), may obtain a pharmacy technician license, if the individual has employment in pharmacy and completes an on-the-job training program as part of the individual’s employment orientation that includes: reading and discussing with the pharmacist-in-charge of the pharmacy where employed, the Board rules concerning pharmacy technicians and pharmacy technician trainees, the pharmacy technician and pharmacy technician trainee job description, and the policies and procedures manual of that pharmacy.
  3. A pharmacist-in-charge shall:
    - a. Document the date an individual licensed under subsection (D)(1) or (2) successfully completed the on-the-job training program as part of the individual’s employment orientation as required under subsection (D)(1) or (2), and
    - b. Maintain the documentation required in this subsection for inspection by the Board or its designee.
- E.** A pharmacy technician shall perform only those tasks, listed in R4-23-1104(B), for which training and competency has been demonstrated.
- F.** If a pharmacy technician leaves a training program described under subsection (B), (C), or (D) before successfully completing the training program, the pharmacist-in-charge shall provide the pharmacy technician with written documentation of the hours of training completed and the tasks for which competence was demonstrated by the pharmacy technician.
- Historical Note**  
New Section made by final rulemaking at 10 A.A.R. 1192, effective May 1, 2004 (Supp. 04-1). Amended by

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final rulemaking at 12 A.A.R. 3032, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 19 A.A.R. 102, effective March 10, 2013 (Supp. 13-1). Amended by final rulemaking at 25 A.A.R. 1015, effective June 1, 2019 (Supp. 19-2).

**R4-23-1106. Continuing Education Requirements**

- A.** General. According to A.R.S. § 32-1925(H), the Board shall not renew a pharmacy technician license unless the licensee has during the two years preceding the application for renewal:
1. Participated in 20 contact hours or two CEUs of continuing education activity sponsored by an Approved Provider, as defined in R4-23-110, and
  2. A pharmacy technician licensee is exempt from the continuing education requirement in subsection (A)(1) between the time of initial licensure and first renewal.
- B.** Special continuing education requirement. During each license renewal period, a pharmacy technician shall not administer a vaccine under R4-23-1104(B)(5) unless the pharmacy technician has participated in at least two contact hours of continuing education activity approved by the Accreditation Council for Pharmacy Education and related to administration of vaccines.
- C.** Valid CEUs. The Board shall:
1. Accept CEUs for continuing education activities sponsored only by an Approved Provider;
  2. Accept CEUs accrued during only the two-year period immediately before licensure renewal;
  3. Not allow CEUs accrued in a biennial renewal period to be carried forward to the succeeding biennial renewal period;
  4. Allow a pharmacy technician who leads, instructs, or lectures to a group of health professionals on pharmacy-related topics in a continuing education activity sponsored by an Approved Provider to receive CEUs for a presentation by following the same attendance procedures as any other attendee of the continuing education activity; and
  5. Not accept as a CEU a pharmacy technician's normal teaching duties within a learning institution if the pharmacy technician's primary responsibility is the education of health professionals.
- D.** Continuing education records and reporting CEUs. A pharmacy technician shall:
1. Maintain continuing education records that:
    - a. Verify the continuing education activities the pharmacy technician participated in during the preceding five years; and
    - b. Consist of a statement of credit or a certificate issued by an Approved Provider at the conclusion of a continuing education activity;
  2. At the time of licensure renewal, attest to the number of CEUs the pharmacy technician participated in during the renewal period on the biennial renewal form; and
  3. When requested by the Board office, submit proof of continuing education participation within 20 days of the request.
- E.** The Board shall deem a pharmacy technician's failure to comply with the continuing education participation, recording, or reporting requirements of this Section as unprofessional conduct and grounds for disciplinary action by the Board under A.R.S. § 32-1927.01.
- F.** A pharmacy technician who is aggrieved by any decision of the Board concerning continuing education units may request a hearing before the Board.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1105, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 26 A.A.R. 223, effective March 14, 2020 (Supp. 20-1). Section made by emergency rulemaking at 29 A.A.R. 1196 (May 26, 2023), with an immediate effective date of May 4, 2023; effective for 180 days (Supp. 23-2). Amended by final rulemaking at 29 A.A.R. 2191 (September 22, 2023), with an immediate effective date of September 6, 2023 (Supp. 23-3).

**ARTICLE 12. DONATED MEDICINE PROGRAM****R4-23-1201. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1202. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1203. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1204. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1205. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1206. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1207. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1208. Handling Fee**

- A.** The definitions at A.R.S. § 32-1909(U) apply to this Section.

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- B.** As specified under A.R.S. § 32-1909(N), an authorized recipient shall not sell a medicine received from a donor.
- C.** An authorized recipient may charge a fee to an eligible patient to whom a donated medicine is dispensed. The authorized recipient shall ensure any fee charged to an eligible patient:
1. Does not exceed the reasonable cost of receiving, handling, and dispensing the donated medicine; and
  2. Is consistent with the purpose of the donated medicine program. A fee consistent with the purpose of the donated medicine program includes an adjustment for the quantity and retail cost of the medicine dispensed.
- D.** An authorized recipient may charge a fee to a donor or other authorized recipient for usual and customary expenses incurred in receiving and handling donated medicine.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Amended by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1209. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1210. Repealed****Historical Note**

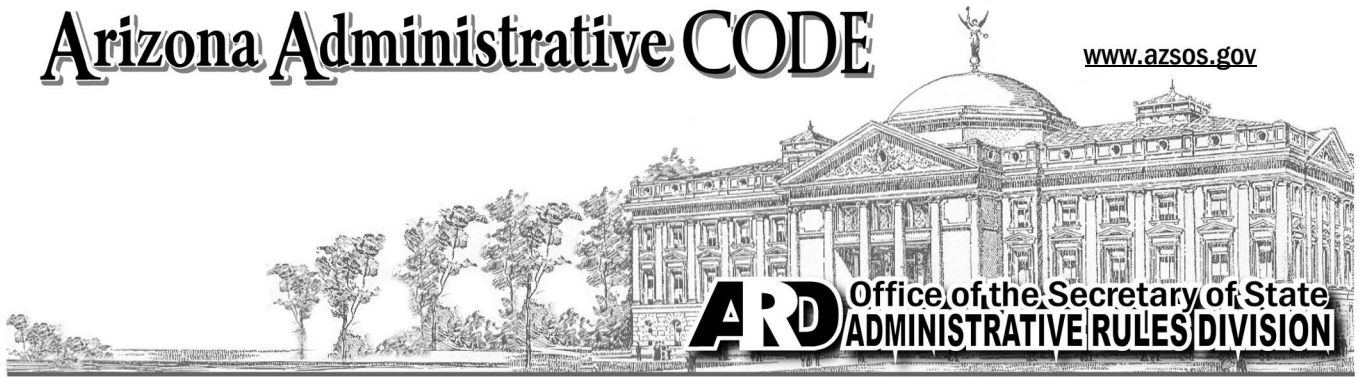
New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

**R4-23-1211. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4320, effective January 3, 2009 (Supp. 08-4). Repealed by final rulemaking at 28 A.A.R. 611 (March 18, 2022), effective May 2, 2022 (Supp. 22-1).

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7 A.A.C. 2

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## TITLE 7. EDUCATION CHAPTER 2. STATE BOARD OF EDUCATION

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

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### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 23-3 replaces Supp. 23-2, 1-180 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

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### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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*Article 6, consisting of Sections R7-2-601 through R7-2-608, repealed effective December 4, 1998 (Supp. 98-4).*

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**ARTICLE 1. STATE BOARD OF EDUCATION MEETINGS****R7-2-101. Governance****A. Officers**

1. The elective officers of the State Board of Education (Board) shall be a President and a Vice President.
2. The State Superintendent of Public Instruction shall serve as the Secretary and as the Executive Officer of the Board.
3. The President shall preside over all meetings of the Board, call meetings as herein provided and perform such other special duties as may be vested in him or her by the Board.
4. In the absence of the President, the Vice President shall preside over all meetings and shall perform such other special duties as may be vested in him or her by the Board.
5. The President shall appoint a nominating committee that will prepare a slate of candidates for presentation to the Board at the first regular meeting following January 1 of each year. Other candidates may be nominated from the floor. The two elected officers shall be elected by written ballot and shall serve for one year, or until their successors are elected.
6. If a vacancy occurs in the office of President, the Vice President shall immediately become the President. As soon as practicable, the Board shall elect a new Vice President.

**B. Regular and special meetings**

1. Unless otherwise agreed upon by a majority of the Board, meetings shall be held on the fourth Monday of each month.
2. The place of the meeting shall be designated by the President. In the absence of the President, the place of meeting shall be designated by the Vice President.

**C. Public input to the Board**

1. Requests for matters to be placed on the agenda.
  - a. When any person wishes to have a matter placed on the agenda, that person shall submit a written request to the President of the Board not less than 21 days prior to the Board meeting.
  - b. The President of the Board may choose not to place an item submitted by a person other than a Board member on the agenda.
2. Public comment on agenda items.
  - a. Any member of the public who wishes to address the Board regarding a matter on the agenda for Board action may submit a written request to be heard on forms provided by the Board.
  - b. The President of the Board or a majority of the Board may allot a reasonable time for members of the public to address the Board with respect to agenda items.

**Historical Note**

Former Section R7-2-101 repealed, new Section R7-2-101 adopted effective December 4, 1978 (Supp. 78-6). Amended effective February 27, 1980 (Supp. 80-1). Former Section R7-2-101 repealed, new Section R7-2-101 adopted effective June 17, 1985 (Supp. 85-3).

**R7-2-102. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-103. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES****R7-2-201. Advisory Committees**

- A.** The State Board of Education (Board) may create an advisory committee for the purpose of providing advice and recommendations as assigned by the Board. In this Section, unless the context otherwise requires, the following definitions shall apply:
  1. "Ad Hoc Advisory Committee" means a committee, established by the Board, for a limited time and scope, for the purpose of providing advice and recommendations to the Board.
  2. "Executive Committee" means a committee, whose members consist of the President and Vice-President of the Board, established for the purpose of appointing ad hoc advisory committee members.
  3. "Standing Advisory Committee" means the Certification Advisory Committee, the Professional Practices Advisory Committee, or any other designated permanent committee, established by the Board, for the specific purpose of providing ongoing advice and recommendations as assigned by the Board.
- B.** Any advisory committee or similar body that has been created by either the Board or statute shall be appointed and conduct its business in accordance with this Section except as otherwise required by law.
- C.** The Board shall determine the structure, membership, and tasks of any standing advisory committee the Board has created.
- D.** The Board's Appointments Subcommittee, whose members are appointed by the President of the Board, shall review nominations submitted by the Board members for appointment to a standing advisory committee and shall provide a recommendation to the Board for consideration. A vacancy on a standing advisory committee shall be filled in the manner described in this Section.
- E.** The Board shall determine the structure and task of an ad hoc advisory committee it has created and may make suggestions as to members. The Executive Committee shall appoint the members of an ad hoc advisory committee. An ad hoc advisory committee shall exist for the time necessary to accomplish its assigned task or for one year from the date it is created, whichever is less. An ad hoc advisory committee may continue to function beyond a one-year period only with the express approval of the Executive Committee. A vacancy on an ad hoc advisory committee shall be filled in the manner prescribed by the Executive Committee.
- F.** The Board may in its discretion remove any member from and dissolve any standing advisory committee that the Board has created. The Executive Committee may in its discretion remove any member from and dissolve any ad hoc advisory committee that the Executive Committee has created.
- G.** An advisory committee shall not conduct a meeting of its members without prior acknowledgment from the Executive Director of the Board that the notice and agenda for the meeting have been approved by the President of the Board and posted and that there are sufficient funds to meet all expenses that would be incurred in connection with such meeting. An advisory committee member shall not obligate the payment of Board funds.

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- H. The meetings of a committee shall be held at the offices of the Board or any other facility for which no charges would be incurred for use of the facility.
- I. Activities of an advisory committee are limited to preparation of advice and recommendations to be presented to the Board for issues which relate directly to the task assigned by the Board.
- J. Advisory committees are not authorized the use of Board letterhead stationery without the express approval of the President of the Board and are not authorized the use of Department of Education letterhead stationery without the express approval of the Superintendent of Public Instruction.
- K. An advisory committee shall:
  1. Annually select from its members a chair and vice chair;
  2. Request information, assistance, or opinions from the Department of Education necessary to accomplish its task. An advisory committee shall convey any such request through the Department liaison designated pursuant to this Section.
- L. A quorum of an advisory committee shall be a majority of the voting members of the advisory committee. Voting members shall be only those members specifically appointed by the Board or Executive Committee. A quorum of an advisory committee is necessary to conduct its business. An affirmative vote of the majority of voting members present is necessary for an advisory committee to take action.
- M. The Superintendent shall designate an employee of the Department of Education to serve as a liaison to each advisory committee. The President of the Board may appoint a member of the Board to serve as an additional liaison to each advisory committee as the President deems appropriate.

**Historical Note**

Amended effective July 1, 1977 (Supp. 77-4). Former Section R7-2-201 repealed, new Section R7-2-201 adopted effective December 4, 1978 (Supp. 78-6). Amended effective February 25, 1987 (Supp. 87-1). Section repealed, new Section adopted effective March 18, 1994 (Supp. 94-1). Amended by final exempt rulemaking at 22 A.A.R. 2239, effective August 1, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 25 A.A.R. 98, effective December 17, 2018 (Supp. 18-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-202. Repealed****Historical Note**

Former Section R7-2-202 repealed, new Section R7-2-202 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-202 repealed, new Section R7-2-202 adopted effective June 21, 1979 (Supp. 79-3). Amended effective June 12, 1989 (Supp. 89-2). Amended effective December 12, 1990 (90-4). Amended effective August 28, 1992 (Supp. 92-3). Repealed effective March 18, 1994 (Supp. 94-1).

**R7-2-203. Repealed****Historical Note**

Former Section R7-2-203 repealed, new Section R7-2-203 adopted effective April 9, 1984 (Supp. 84-2). Amended subsections (A) and (B) effective December 30, 1988 (Supp. 88-4). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-204. Repealed****Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-204 repealed, new Section R7-2-204 adopted effective December 31, 1984 (Supp. 84-6). Amended effective August 28, 1992 (Supp. 92-3). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-205. Professional Practices Advisory Committee**

- A. Professional Practices Advisory Committees (Committees) shall act in an advisory capacity to the State Board of Education (Board) in regard to certification or recertification matters related to immoral conduct, unprofessional conduct, unfitness to teach, revocation, suspension, censure, or surrender of certificates, and matters related to immoral or unprofessional conduct, unfitness to teach and the discipline of noncertificated individuals.
- B. Committees shall each consist of nine members comprised of the following:
  1. One elementary classroom teacher,
  2. One secondary classroom teacher,
  3. One principal,
  4. One superintendent or assistant/associate superintendent,
  5. Three lay members, one lay member who shall be a parent of a student currently attending public school in Arizona,
  6. One local governing board member, and
  7. One charter school teacher, principal, or administrator.
- C. Members appointed under subsections (B)(1) through (4) shall meet at least the following requirements:
  1. Certified to teach in Arizona.
  2. Currently employed in or retired from the education profession in the specific category of their appointment.
- D. Terms of the members
  1. All regular terms shall be for four years except as set forth in subsection (E).
  2. A member may be reappointed with Board approval.
- E. The Board may remove any member from the Committee. All vacancies shall be filled as prescribed in subsections (C)(1) and (2), and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.
- F. The Committee shall:
  1. Select from its members a Chairman and Vice-Chairman,
  2. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
  3. Hold meetings as needed to conduct hearings or other Committee business by call of the Chairman of the Committee. If the Chairman neglects or declines to call a meeting, then a majority of the Committee may call a meeting. The Board may call a meeting as required to conduct necessary business. Notice of any meeting shall be given to Committee members seven days prior to the meeting.
  4. Recommend the removal of any member who is absent from three consecutive meetings.
  5. Refer to R7-2-1308 to assist in determining whether the acts complained of constitute unprofessional conduct.
  6. Conduct its business pursuant to R7-2-1301 et seq. and hearings pursuant to R7-2-701 et seq.

**Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-205 repealed, new Section R7-2-205 adopted effective February 24, 1982 (Supp. 82-1). For-

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mer Section R7-2-205 repealed, new Section R7-2-205 adopted effective August 30, 1984 (Supp. 84-4).

Amended effective February 21, 1986 (Supp. 86-1). Amended subsections (H), (I), and (J) effective February 3, 1987 (Supp. 87-1). Amended effective December 15, 1989 (Supp. 89-4). Amended effective May 31, 1991 (Supp. 91-2). Amended effective April 9, 1993 (Supp. 93-2). Amended effective December 3, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). The word “rule” has been changed to “Section,” the words “above” and “below” have been removed to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-206. Certification Denial Appeals Process for Applications for Certification that Do Not Involve Allegations of Immoral or Unprofessional Conduct**

**A.** Request for hearing. A person who has had an application for certification denied by the Department of Education pursuant to A.R.S. § 15-534.01(B) may file a written request for a hearing with the Board within 15 days after being served notice of the denial pursuant to subsection (C). Intermediate Saturdays, Sundays and legal holidays shall be included in the computation of the 15 days. If the final day of the 15 day deadline falls on a Saturday, Sunday or legal holiday, the next business day is the final day of the deadline. Applications for certification that involve allegations of immoral or unprofessional conduct shall be reviewed by the Professional Practices Advisory Committee pursuant to R7-2-205.

**B.** Notice of hearing

1. If an applicant requests a hearing to appeal the denial of an application for certification, a notice of hearing shall be given at least 20 days prior to the date set for the hearing.
2. The notice shall include:
  - a. A statement of the time, place and nature of the hearing.
  - b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
  - c. A reference to the particular sections of the statutes and rules involved.
  - d. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

**C.** Service of documents; change of address notice requirement

1. Every notice or decision issued by the Board or the Department pertaining to the denial of an application for initial certification or renewal of a certificate shall be served by personal delivery, first class mail or certified mail, return receipt requested, to the applicant or certificated person's last address of record with the Department of Education or by any other method that is reasonably calculated to give actual notice to the applicant or the certificated person. A document is filed with the Board on the date it is received by the Board, as established by the

Board's date stamp on the face of the document. A document issued by the Board or the Department pursuant to this Section is served on a party as follows:

- a. On the date it is personally served.
- b. Five days after it is mailed by first class mail.
- c. On the date of the return receipt if it is mailed by certified mail.

2. Each applicant or certificated person shall inform the Department of Education and the Board of any change of address within 30 days of the change of address.

**D.** Hearing process

1. All hearings shall be conducted before the Board or a hearing officer pursuant to A.R.S. Title 41, Chapter 6, Article 6 and this Section.
2. Parties may participate in the hearing in person or through an attorney.
3. Upon request of either party, the hearing officer may schedule a prehearing conference. The purpose of a prehearing conference shall be to narrow issues, attempt settlement, address evidentiary issues or for any other purpose deemed necessary by the hearing officer.
4. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
5. The Board may dispose of any certification appeal by decision or approved stipulation, agreed settlement, consent agreement or by default.
6. A hearing shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.
7. The hearing may be rescheduled, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.
8. The record in an appeal of a certification denial shall include:
  - a. All pleadings, motions and interlocutory rulings;
  - b. Evidence received or considered;
  - c. A statement of matters officially noticed;
  - d. Objections and offers of proof and rulings thereon;
  - e. Proposed findings of fact and conclusions of law and exceptions thereto;
  - f. Any decision, opinion, recommendation or report of the hearing officer;
  - g. All staff memoranda, other than privileged communications, or data submitted to the hearing officer in connection with its consideration of the case.
9. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
10. A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order, providing the evidence supporting such decision or order is substantial, reliable, and probative. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Every person who is a party to such proceedings shall have the right to be represented by counsel, to submit evidence in open hearing and shall have the right of cross-examination. Unless otherwise provided by law, hearings may be held at any place determined by the Board. At such hear-

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ing such applicant shall be the moving party and have the burden of proof.

11. Copies of documentary evidence may be received in the discretion of the hearing officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.
12. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing officer. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

**E. Subpoenas**

1. The hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on the hearing officer's own volition or at the request of a party.
2. A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
  - a. The name of the case, the case number, and the date, time and place where the witness is expected to appear and testify;
  - b. The name and address of the witness subpoenaed;
  - c. The documents, if any, sought to be provided; and
  - d. A brief statement of the relevance of the testimony or documents.
3. On application of a party or the agency and for use as evidence, the hearing officer may permit a deposition to be taken, in the manner and upon the terms designated by the hearing officer, of a witness who cannot be subpoenaed or is unable to attend the hearing.
4. The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the hearing officer grants a written request to quash or modify the subpoena. The request shall state the reasons why it should be granted. The hearing officer shall grant or deny such request by order.
5. The hearing officer shall quash or modify the subpoena if:
  - a. It is unreasonable or oppressive; or
  - b. The desired testimony or evidence may be obtained by an alternative method.
6. The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the Board.

**F. Conduct of hearing**

1. The hearing officer may conduct all or part of the hearing by telephone or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
2. Except for those hearings which may involve presentation of evidence protected by law as confidential, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.

3. Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

**G. Evidence**

1. All witnesses shall testify under oath or affirmation.
2. The hearing officer shall have the power to administer oaths and affirmations.
3. All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.
4. The hearing officer shall receive evidence, rule upon offers of proof, and exclude evidence the hearing officer has determined to be irrelevant, immaterial, or unduly repetitious.
5. Unless otherwise ordered by the hearing officer, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of each exhibit to each party present. One additional copy shall be furnished to the hearing officer unless the hearing officer otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

- H. Stipulations.** Parties to an appeal of a certification denial may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the hearing officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. The hearing officer may require presentation of evidence for proof of stipulated facts for the hearing officer's consideration. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

**I. Recommendations**

1. A recommended decision shall be prepared for the Board by the hearing officer and shall include findings of fact and conclusions of law, separately stated.
2. Parties shall be notified either personally or by mail to their last known address of any decision or order.
3. A recommended decision shall be delivered to the Board within 30 days after the close of the hearing unless the Board extends the period for good cause.

**J. Decisions and orders**

1. Any final decision or order adverse to a party shall be in writing or stated in the record.
2. When the Board is the hearing body, the decision shall be rendered within 60 days following the final day of the hearing.
3. Within 30 days after receipt of any recommended decision from the hearing officer, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the recommendation and may remand the matter to the hearing officer with instructions, or may convene itself as the hearing body.

**K. Rehearing and review of decisions**



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1. After a hearing is held, a party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 days after service of such motion by any other party. The Board may require the filing of written briefs on the issues raised in the motion or response and may provide for oral argument.
2. A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
  - a. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  - b. Misconduct of the hearing body or the prevailing party.
  - c. Accident or surprise which could not have been prevented by ordinary prudence.
  - d. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
  - e. Excessive or insufficient penalties.
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  - g. That the decision is not justified by the evidence or is contrary to the law.
3. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection (K)(2). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
4. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.
5. Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.
6. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within 10 days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.
8. Any party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.

**Historical Note**

Former Section R7-2-206 adopted effective December 4, 1978 (Supp. 78-6). Repealed effective February 24, 1982. See R7-2-205 adopted effective February 24, 1982 (Supp. 82-1). New Section R7-2-206 adopted effective August 9, 1989 (Supp. 89-3). Repealed effective March 18, 1994 (Supp. 94-1). New Section made by exempt rulemaking at 16 A.A.R. 156, effective December 7, 2009 (Supp. 09-4). Amended by final exempt rulemaking at 25 A.A.R. 98, effective December 17, 2018 (Supp. 18-4).

**R7-2-207. Repealed****Historical Note**

Adopted effective August 9, 1989 (Supp. 89-3). Repealed effective March 18, 1994 (Supp. 94-1).

**ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS****R7-2-300. Adoption of Assessments**

As required in A.R.S. § 15-741, the Board shall adopt statewide assessments in order to measure pupil achievement of the state board adopted academic standards as follows:

1. In English language arts and mathematics, annually in grades three through eight and at least once in high school.
2. In science, once in grades three through five and grades six through eight and at least once in high school.
3. In other subjects and for other students, at the direction of the Board.

**Historical Note**

New Section made by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-301. Minimum Course of Study and Competency Goals for Students in the Common Schools**

- A. Students shall demonstrate competency as defined by the State Board-adopted academic standards, at the grade levels specified, in the following required subject areas. District and charter school instructional programs shall include an ongoing assessment of student progress toward meeting the competency requirements. These shall include the successful completion of the academic standards in at least reading, writing, mathematics, science and social studies, as determined by district and/or statewide assessments.
  1. English language arts;
  2. Mathematics;
  3. Science;
  4. Social Studies; including:
    - a. Civics; and
    - b. Instruction on the Holocaust and other genocides at least once in either grade seven or grade eight;
  5. The Arts, which may consist of two or more of the following: visual arts, dance, theatre, music or media arts;
  6. Health/Physical Education, including mental health. Mental health instruction may be included as part of other subject areas and shall comply with A.R.S. § 15-701.02.
- B. The local governing board or charter school may prescribe course of study and competency requirements for promotion that are in addition to or higher than the course of study and competency requirements the State Board of Education prescribes. Additional subjects may be offered by the local gov-

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erning board or charter school as options and may include, but are not limited to:

1. Career and Technical Education,
  2. Computer Science,
  3. Educational Technology,
  4. World and Native Languages.
- C. Prior to the issuance of a standard certificate of promotion from the eighth grade, each student shall demonstrate competency, as defined by the local governing board, of the State Board of Education adopted academic standards for grade eight in the subject areas listed in subsections (A)(1) through (6).
- D. Special education and promotion from the eighth grade.
1. The charter school or local governing board of each school district shall be responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with R7-2-401 et seq.
  2. Students placed in special education classes in grades K through eight are eligible to receive the standard certificate of promotion without meeting State Board of Education competency requirements.
- E. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. § 15-808.
- F. Alternative Demonstration of Competency. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for a student in grades seven and eight to demonstrate competency in the subject areas listed in subsections (A)(1) through (6) in lieu of classroom time.

**Historical Note**

Former Section R7-2-301 repealed, new Section R7-2-301 adopted effective December 4, 1978 (Supp. 78-6). Amended subsections (A) and (B) effective May 4, 1982 (Supp. 82-3). Amended subsection (B) by adding subsection (10) effective July 26, 1982 (Supp. 82-4). Section repealed, new Section adopted effective April 12, 1993 (Supp. 93-2). Amended effective May 3, 1993 (Supp. 93-2). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013 (the making of subsection (F)); filed in the Office January 15, 2016, with historical note added for clarification as the Board adopted the same amendment June 23, 2014 (Supp. 16-2). Amended by final exempt rulemaking at 21 A.A.R. 1778, effective June 23, 2014; filed in the Office August 4, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 691, effective February 26, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 2897, effective October 26, 2020 (Supp. 20-4). The hyphen between “K-8” has been changed to the word “through,” the numeral “8” has been changed to “eight,” the ordinal “8th” was corrected to “eighth” for consistency in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2694 (November 19, 2021), effective October 25, 2021 (Supp. 21-4).

**R7-2-301.01. Repealed****Historical Note**

R7-2-301(A), (B), and (C) repeated and numbered as R7-2-301.01(A), (B), and (C); R7-2-301(D) and (E) repeated

and numbered as R7-2-301.01(D) and (E) and amended; the text of R7-2-301.01 as amended is effective January 1, 1989 (Supp. 86-2). Complete text printed and historical note added (Supp. 89-3). Repealed effective April 12, 1993 (Supp. 93-2).

**R7-2-301.02. Repealed****Historical Note**

Adopted effective March 26, 1990 (Supp. 90-1). Amended effective December 18, 1991; amended effective December 20, 1991 (Supp. 91-4). Repealed effective March 18, 1994 (Supp. 94-1).

**R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School**

The Board prescribes the minimum course of study and competency requirements as outlined in subsections (1) through (5) and, through the graduating class of 2025, receipt of a passing score of 60 correct answers out of one hundred questions on a civics test identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services as prescribed in A.R.S. § 15-701.01. Beginning with the graduating class of 2026, students shall obtain a passing score of at least 70 correct answers out of one hundred questions on a civics test identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services prescribed in A.R.S. § 15-701.01.

1. Subject area course requirements. The Board establishes 22 credits as the minimum number of credits necessary for high school graduation. Students shall obtain credits for required subject areas as specified in subsections (1)(a) through (e) based on completion of subject area course requirements or competency requirements. At the discretion of the local school district governing board or charter school, credits may be awarded for completion of elective subjects specified in subsection (1)(f) based on completion of subject area course requirements or competency requirements. The awarding of a credit toward the completion of high school graduation requirements shall be based on successful completion of the subject area requirements prescribed by the State Board and local school district governing board or charter school as follows:
  - a. Four credits of English or English as a Second Language, which shall include but not be limited to the following: reading American and other world literature, reading informational text, writing, research methods, speaking and listening skills, grammar, and vocabulary.
  - b. Three credits in social studies to minimally include the following:
    - i. One credit of American history, including Arizona history;
    - ii. One credit of world history/geography, to include instruction on the Holocaust and other genocides;
    - iii. One-half credit of American government, including civics and Arizona government; and
    - iv. One-half credit in economics.
  - c. Four credits of mathematics to minimally include:
    - i. Three credits containing course content in preparation for proficiency at the high school level on the statewide assessment and aligned to the Arizona Mathematics Standards for Algebra I, Geometry, and Algebra II. These three credits shall be taken beginning with the

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- ninth grade unless a student meets these requirements prior to the ninth grade pursuant to subsection (1)(c)(iii). The requirement for the third credit covering Algebra II, may be met by, but is not limited to the following: a math course comparable to Algebra II course content; computer science, career and technical education and vocational education, economics, science and arts courses as determined by the local school district governing board or charter school.
- ii. A fourth credit that includes significant mathematics content as determined by the local school district governing board or charter school.
  - iii. Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements may be applied toward satisfying those requirements.
  - iv. The mathematics requirements may be modified for students using a Personal Curriculum pursuant to R7-2-302.03.
- d. Three credits of science in preparation for proficiency at the high school level on the statewide assessment.
  - e. One credit of the Arts or career and technical education and vocational education.
  - f. Seven credits of additional courses prescribed by the local school district governing board or charter school.
    - i. Health instruction, regardless of the course it is provided in, shall include instruction on mental health;
    - ii. Mental health instruction may be included in other courses; and
    - iii. All mental health instruction shall comply with A.R.S. § 15-701.03.
  - g. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.
2. Credits earned through correspondence courses to meet graduation requirements shall be taken from an accredited institution as defined in R7-2-601. Credits earned thereby shall be limited to four, and only one credit may be earned in each of the following subject areas:
    - a. English as described in subsection (1)(a) of this Section,
    - b. Social Studies,
    - c. Mathematics, and
    - d. Science.
  3. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. § 15-808.
  4. Local school district governing boards or charter schools may grant to career and technical education and vocational education program completers a maximum of 5 1/2 credits to be used toward the Board English, mathematics, science, and economics credit requirements for graduation, subject to the following restrictions:
    - a. The Board has approved the career and technical education and vocational education program for equivalent credit to be used toward the Board English, mathematics, science, and economics credit requirements for graduation.
    - b. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.
    - c. A student who satisfies any part of the Board English, mathematics, science, and economics requirements through the completion of a career and technical education and vocational education program shall still be required to earn 22 total credits to meet the graduation requirements prescribed in this Section.
  5. Competency requirements.
    - a. The awarding of a credit toward the completion of high school graduation requirements shall be based on the requirements outlined in A.R.S. § 15-701.01 and the successful completion of State Board-adopted academic standards for subject areas listed in subsections (1)(a) through (1)(e) and the successful completion of the competency requirements for the elective subjects specified in subsection (1)(f). Competency requirements for elective subjects as specified in subsection (1)(f) shall be the academic standards adopted by the State Board. If there are no adopted academic standards for an elective subject, the local school district governing board or charter school shall be responsible for developing and adopting competency requirements for the successful completion of the elective subject. The school district governing board or charter school shall be responsible for developing and adopting the method and manner in which to administer a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services. School districts and charter schools shall document and report student outcome data on the test pursuant to A.R.S. § 15-701.01 and based on procedures adopted by the Arizona Department of Education. Schools may administer the test to students beginning in the seventh grade and any pupil who does not obtain a passing score on the test may retake the test until the pupil obtains a passing score.
    - b. The determination and verification of student accomplishment and performance shall be the responsibility of the subject area teacher.
    - c. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for the student to demonstrate competency in the subject areas listed in subsections (1)(a) through (1)(f) in lieu of classroom time. In appropriate courses, a school district governing board or charter school shall include as a mechanism to demonstrate competency a score determined by the State Board as college and career ready on the appropriate assessment adopted by the State Board pursuant to A.R.S. §§ 15-741 or 15-741.01.
  6. The local school district governing board or charter school shall be responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with A.R.S. Title 15, Chapter 7, Article 4 and R7-2-401 et seq. Students placed in special education classes, through 12, are

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eligible to receive a high school diploma upon completion of graduation requirements.

**Historical Note**

Former Section R7-2-302 repealed, new Section R7-2-302 adopted effective December 4, 1978 (Supp. 78-6). Amended effective July 8, 1983 (Supp. 83-4). Amended subsections (1) and (5) effective January 1, 1987 (Supp. 84-3). See R7-2-302.01 and R7-2-302.02 for minimum credits for graduating classes of 1987 forward (Supp. 86-5). Repealed effective August 28, 1992; Inadvertently omitted from Supp. 92-3; corrected Supp. 93-4. Amended effective November 17, 1994 (Supp. 94-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section adopted by final rulemaking at 7 A.A.R. 1255, effective February 20, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 3893, effective August 21, 2002 (Supp. 02-3). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; since the Board did not file the amendments until January 15, 2016, subsection (3)(a) through (b) was already repealed at the time of publishing the Section in Supp. 15-3; therefore, there is no record of the amendments in the Administrative Code; these amendments can be viewed at 21 A.A.R. 1778 (Supp. 16-2). Amended by final exempt rulemaking at 21 A.A.R. 1778, effective June 23, 2014; filed in the Office August 4, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 197, effective October 26, 2015; filed in the Office January 15, 2016 (Supp. 16-3). Amended by final rulemaking at 24 A.A.R. 691, effective February 26, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 2897, effective October 26, 2020 (Supp. 20-4). The word “sixty” has been changed to the numeral “60,” the hyphen between “9-12” was replaced with the word “through” and the numeral “9” has been changed to “nine,” the phrase “of this Section” was removed, and “one hundred” was changed to the numeral “100” to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2694 (November 19, 2021), effective October 25, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-302.01. Repealed****Historical Note**

Section R7-2-302 repeated and amended effective January 1, 1987, filed September 24, 1986 (Supp. 86-5). Amended as an emergency by adding a new subsection (B) effective May 3, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Filing date for January 1, 1987, amendments corrected to September 24, 1986 (Supp. 89-3). Emergency expired. Adopted as a permanent rule effective February 7, 1990 (Supp. 90-1). Repealed effective August 28, 1992; Inadvertently omitted from Supp. 92-3; corrected Supp. 93-4. New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.02. Repealed****Historical Note**

Adopted effective January 1, 1991, filed September 24, 1986 (Supp. 86-5). Amended effective May 9, 1988 (Supp. 88-2). Amended effective June 12, 1989 (Supp. 89-2). Amended effective March 26, 1990 (Supp. 90-1). Repealed effective March 18, 1994 (Supp. 94-1). New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.03. Personal Curriculum****A. Definitions.**

1. “Personal Curriculum” means a documented process that may be used to modify the high school graduation requirements for mathematics delineated in R7-2-302.02(1)(c). A student may use a personal curriculum to modify the Algebra II requirement delineated in R7-2-302.02(1)(c)(ii) and reduce the credit requirements for mathematics from four to three credits. A student who successfully completes the student’s personal curriculum meets the requirements for high school graduation.
2. “Development Team” means a team that develops a personal curriculum for a student and consists of the student, the parent or legal guardian of the student, and a school counselor or principal or their designee. A school principal may add additional members to the development team as the principal deems appropriate.

**B. A student is eligible for a personal curriculum if the student meets the following criteria:**

1. The student has successfully completed the mathematics requirements delineated in R7-2-302.02(1)(c)(i); and
2. Despite the student’s successful completion of the mathematics requirements delineated in R7-2-302.02(1)(c)(i), the development team determines that the student demonstrates a need to modify the requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content.

**C. The requirements for a personal curriculum are as follows:**

1. An eligible student may only modify the mathematics requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content;
2. In lieu of successfully completing Algebra II or its equivalent course content, an eligible student shall successfully complete at least one credit in mathematics that shall include significant mathematics content as determined by the local school district governing board or charter school; and
3. An eligible student shall successfully complete a course in mathematics in the student’s senior year.

**D. The procedures for developing and implementing a personal curriculum are as follows:**

1. The parent or legal guardian of a student, an emancipated student, or a student with permission from the student’s parent or legal guardian may request a personal curriculum in a manner prescribed by the local school district governing board or charter school.
2. Upon receipt of a request for a personal curriculum made pursuant to subsection (D)(1), the local school district or charter school shall verify that the student successfully completed the mathematics requirements delineated in R7-2-302.02(1)(c)(i) and, upon verification, shall convene a development team.
3. The development team shall:

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- a. Verify that the student demonstrates a need to modify the requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content,
  - b. Identify an appropriate alternative mathematics course or courses to modify the requirement for Algebra II or its equivalent course content,
  - c. Develop a written personal curriculum plan that includes the alternative mathematics course or courses identified in subsection (D)(3)(b) and a plan for monitoring student progress toward successfully completing the alternative mathematics course or courses. In developing the personal curriculum plan the development team shall consider how the proposed modifications maintain the integrity of the high school diploma and enable the student to achieve the student's post-secondary education and career goals.
4. The development team may modify the personal curriculum plan based upon the development team's evaluation of the student's progress.
- E. The Superintendent of Public Instruction shall monitor a school district or charter school if there is reason to believe that the school district or charter school is allowing modifications inconsistent with the requirements delineated in this Section.

**Historical Note**

Adopted effective November 1, 1989 (Supp. 89-4).  
 Amended effective December 12, 1990 (Supp. 90-4).  
 Repealed effective February 20, 1997 (Supp. 97-1). New  
 Section made by exempt rulemaking at 14 A.A.R. 195,  
 effective December 10, 2007 (Supp. 08-1).

**R7-2-302.04. Repealed****Historical Note**

Adopted effective July 10, 1992 (Supp. 92-3). Amended  
 effective May 3, 1993 (Supp. 93-2). Amended effective  
 December 17, 1998 (Supp. 98-4). Section repealed by  
 final exempt rulemaking at 22 A.A.R. 143, effective  
 August 26, 2013; filed in the Office on January 15, 2016  
 (Supp. 16-2).

**R7-2-302.05. Arizona Education and Career Action Plan for Students in Grades nine through 12**

- A. Effective for the graduation class of 2013, schools shall complete for every student in grades nine through 12 an Arizona Education and Career Action Plan ("ECAP") prior to graduation. Schools shall develop an Education and Career Action Plan in consultation with the student, the student's parent or guardian and the appropriate school personnel as designated by the school principal or chief administrative officer. Schools shall monitor, review and update each Education and Career Action Plan at least annually. Completion of an Education and Career Action Plan shall be verified by appropriate school personnel.
- B. An Arizona Education and Career Action Plan shall at a minimum allow students to enter, track and update the following information:
  1. Academic Goals that include identifying and planning the coursework necessary to achieve the high school graduation requirements and pursue postsecondary education and career options; analyzing assessment results to determine progress and identify needs for intervention and advisement; and documenting academic achievement;

2. Career Goals that include identifying career plans, options, interests and skills; exploring entry level opportunities; and evaluating educational requirements;
3. Postsecondary Education Goals that include identifying progress toward meeting admission requirements, completing application forms and creating financial assistance plans; and
4. Extracurricular Activity Goals that include documenting participation in clubs, organizations, athletics, fine arts, community service, recreational activities, volunteer activities, work-related activities, leadership opportunities, and other activities.

**Historical Note**

New Section made by exempt rulemaking at 12 A.A.R. 876, effective August 22, 2005 (Supp. 06-1). Section R7-2-302.05 renumbered to R7-2-302.06; new Section R7-2-302.05 made by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). The hyphen between "9-12" has been changed to the word "through" and the numeral 9 has been changed to "nine," to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-302.06. Repealed****Historical Note**

New Section made by exempt rulemaking at 12 A.A.R. 876, effective August 22, 2005 (Supp. 06-1). Amended by exempt rulemaking at 15 A.A.R. 1570, effective September 25, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 2031, effective August 25, 2008 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.06 renumbered to R7-2-302.07; new Section R7-2-302.06 renumbered from Section R7-2-302.05 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.07. Repealed****Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.07 renumbered to R7-2-302.08; new Section R7-2-302.07 renumbered from Section R7-2-302.06 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.08. Repealed****Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.08 renumbered to R7-2-302.09; new Section R7-2-302.08 renumbered from Section R7-2-302.07 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22

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A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.09 Repealed****Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). R7-2-302.09 renumbered to R7-2-302.10; new Section R7-2-302.09 renumbered from Section R7-2-302.08 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

**R7-2-302.10. Repealed****Historical Note**

New Section R7-2-302.10 renumbered from Section R7-2-302.09 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2). Repealed by final exempt rulemaking at 22 A.A.R. 197, effective October 26, 2015; filed in the Office January 15, 2016 (Supp. 16-3).

**R7-2-302.11. Minimum Course of Study and Competency Requirements During Public Health Emergency in the 2019-2020 School Year**

- A. Notwithstanding any other rule, local education agencies shall not refuse to withhold academic credit or a diploma from a student solely because the student missed instructional time due to a school closure issued by the governor.
- B. Local education agencies may issue academic credit and a diploma to a student if the student meets competency requirements pursuant to Article 3. When determining if a student meets competency requirements in a school year during which the governor issues a school closure, local education agencies may consider the educational opportunities provided to the student during the school closure. Educational opportunities, as determined by the local education agency, may include, but are not limited to the following:
  - 1. Independent study provided online or through printed materials; and
  - 2. Online instruction.
- C. If a local education agency is unable to consider or unable to provide the educational opportunities pursuant to subsection (B), the local education agency may award academic credit or a diploma if the student was on track to earn the academic credit or diploma prior to the school closure. Evidence that a student was on track to earn academic credit or a diploma, as determined by the local education agency, may include, but is not limited to, passing grades issued by the student's teacher or passing scores on locally or nationally administered assessments. It is the intent of the Board that all schools attempt, to the extent possible, to provide educational opportunities to students during a school closure issued by the governor.
- D. Local education agencies that issue academic credit and a diploma to a student pursuant to subsections (B) and (C) shall issue transcripts and diplomas to students in the same manner as the local education agency would for students that did not miss instructional time due to a school closure caused issued by the governor.

- E. This Section applies only to the 2019-2020 school year and the graduating class of 2020.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 966, effective March 31, 2020 (Supp. 19-2).

**R7-2-303. Sex Education**

- A. Instruction in sex education in the public schools of Arizona, including instruction provided after hours, shall be offered only in conformity with the following requirements. Nothing in this Section shall be construed to require a school district or charter school provide sex education instruction to pupils.
  - 1. Common schools: Nature of instruction; approval; format.
    - a. Supplemental/elective nature of instruction. The common schools of Arizona may provide a specific elective lesson or lessons concerning sex education as a supplement to the health course of study.
      - i. This supplement may only be taken by the student at the written request of the student's parent or guardian. When the school district or charter school seeks consent pursuant to this subsection, the school district or charter school shall inform the parent or guardian of their right to review the instructional materials and activities.
      - ii. Alternative elective lessons from the state-adopted optional subjects shall be provided for students who do not enroll in elective sex education.
      - iii. School districts and charter schools may not provide sex education lessons or instruction before grade five.
      - iv. Elective sex education lessons shall not exceed the equivalent of one class period per day for 1/4 of the school year for grades five through eight.
    - b. Local governing board approval. All elective sex education lessons to be offered shall first be approved by the local governing board.
      - i. Each local governing board contemplating the offering of elective sex education shall establish an advisory committee with membership representative of district size and the racial and ethnic composition of the community to assist in the development of lessons and advise the local governing board on an ongoing basis. All meetings of committees that are authorized for the purposes of reviewing and selecting the sex education course of study shall be publicly noticed at least two weeks before occurring and be open to the public according to A.R.S. Title 38, Chapter 3, Article 3.1.
      - ii. The local governing board shall review the total instructional materials and approve all lessons and curricula in the course of study to be offered in sex education.
      - iii. The local governing board shall make any proposed sex education course of study available and accessible for review and public comment for at least 60 days before the governing board or governing body decides whether to approve that course of study. The local governing board shall publicize and hold at least two public

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- hearings within the 60-day period for the purpose of receiving public input at least one week prior to the local governing board meeting at which the elective sex education lessons will be considered for approval. Public input may include written comments, oral comments and comments submitted electronically.
- iv. The local governing board shall maintain for viewing by the public, both online and in-person according to A.R.S. § 15-102(A)(2), the total instructional materials to be used in approved elective sex education lessons within the school district or charter school at least two weeks before any instruction is offered.
  - c. Format of instruction.
    - i. Lessons shall be taught to boys and girls separately.
    - ii. Lessons shall be ungraded, require no homework, and any evaluation administered for the purpose of self-analysis shall not be retained or recorded by the school or the teacher in any form.
    - iii. Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about the student's or the student's parents' personal beliefs or practices in sex, family life, morality, values or religion.
  2. High schools: Course offering; approval; format.
    - a. A course in sex education may be provided in the high schools of Arizona.
    - b. This course may only be taken by the student at the written request of the student's parent or guardian.
    - c. Alternative elective lessons from the state-adopted optional subjects shall be provided for students who do not enroll in elective sex education.
    - d. All meetings of committees that are authorized for the purposes of reviewing and selecting the sex education course of study shall be publicly noticed at least two weeks before occurring and be open to the public according to A.R.S. Title 38, Chapter 3, Article 3.1.
    - e. The local governing board shall review the total instructional materials and approve all lessons and curricula in the course of study to be offered in sex education.
    - f. The local governing board shall make any proposed sex education course of study available and accessible for review and public comment for at least sixty days before the governing board or governing body decides whether to approve that course of study. The local governing board shall publicize and hold at least two public hearings within the sixty-day period for the purpose of receiving public input at least one week prior to the local governing board meeting at which the elective sex education lessons will be considered for approval. Public input may include written comments, oral comments and comments submitted electronically.
    - g. Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about the student's or the student's parents' personal beliefs or practices in sex, family life, morality, values or religion.
  - h. Local governing boards shall maintain for viewing by the public, both online and in-person according to A.R.S. § 15-102(A)(2), the total instructional materials to be used in all sex education courses to be offered in high schools within the school district or charter school at least two weeks before any instruction is offered.
  3. Content of instruction: Common schools and high schools.
    - a. All sex education materials and instruction shall be age appropriate, recognize the needs of exceptional students, meet the needs of the district, recognize local community standards and sensitivities, shall not include the teaching of abnormal, deviate, or unusual sexual acts and practices, and shall include the following:
      - i. Emphasis upon the power of individuals to control their own personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control and ethical considerations such as respect for self and others; and
      - ii. Instruction on how to say "no" to unwanted sexual advances and to resist negative peer pressure. Pupils shall be taught that it is wrong to take advantage of, or to exploit, another person.
    - b. All sex education materials and instruction which discuss sexual intercourse shall:
      - i. Stress that pupils should abstain from sexual intercourse until they are mature adults;
      - ii. Emphasize that abstinence from sexual intercourse is the only method for avoiding pregnancy that is 100 percent effective;
      - iii. Stress that sexually transmitted diseases have severe consequences and constitute a serious and widespread public health problem;
      - iv. Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse and the consequences of preadolescent and adolescent pregnancy;
      - v. Advise pupils of Arizona law pertaining to the financial responsibilities of parenting, and legal liabilities related to sexual intercourse with a minor.
  - B. Certification of compliance. All districts and charter schools offering a local governing board-approved sex education course or lesson shall certify, under the notarized signature of both the president of the local governing board and the chief administrator of the school district or charter school, compliance with this Section except as specified in subsection (C). Acknowledgment of receipt of the compliance certification from the State Board of Education is required as a prerequisite to the initiation of instruction. Certification of compliance shall be in a format and with such particulars as shall be specified by the Department of Education.
  - C. School districts and charter schools shall make any existing sex education course of study available and accessible for review both online and in person by June 30, 2021.

**Historical Note**

Former Section R7-2-303 repealed, new Section R7-2-303 adopted effective December 4, 1978 (Supp. 78-6).  
 Former Section R7-2-303 repealed, new Section R7-2-

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303 adopted effective June 12, 1989 (Supp. 89-2). Amended by final exempt rulemaking at 25 A.A.R. 1551, effective May 20, 2019 (Supp. 19-2). The hyphens between grades in this Section have been replaced with the word “through,” the word “rule” was corrected to “Section,” the numeral “4” was corrected to “four,” the numeral “5” was corrected to “five,” and the numeral “8” was corrected to “eight” to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 1107, effective June 28, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 27 A.A.R. 2340 (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**R7-2-304. Extended School Year**

The governing board of a common high school considering the adoption of an extended school year shall:

1. Prepare a comparative cost analysis of the extended school year program versus the cost of new facilities and sites.
2. Hold at least one public hearing, publicized a week in advance, to present the alternatives, including the results of the comparative cost analysis.
3. Determine faculty, community, and parental support prior to making a final determination.

**Historical Note**

Former Section R7-2-304 repealed, new Section R7-2-304 adopted effective December 4, 1978 (Supp. 78-6). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-305. Declaration of Independence**

The governing board of each common school district shall adopt policies that:

1. Require pupils to recite the following passage from the Declaration of Independence for pupils in grades four through six at the commencement of the first class of the day in the schools: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”; and
2. Enable the pupil or the parent or legal guardian of the pupil to object to reciting the passage of the Declaration of Independence, and that specify that a pupil shall not be required to participate if the pupil or the pupil’s parent or guardian objects.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). Adopted effective February 15, 1979 (Supp. 79-1). Repealed effective February 20, 1997 (Supp. 97-1). New Section made by final rulemaking at 7 A.A.R. 5363, effective November 7, 2001 (Supp. 01-4). The numeral “4” was corrected to “four,” the numeral “6” was corrected to “six” to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-306. English Language Learner Programs**

**A.** Definitions. All terms defined in A.R.S. § 15-751 are applicable, with the following additions:

1. “Statewide assessment” means the test prescribed by A.R.S. § 15-741 or an assessment approved by the Board

pursuant to A.R.S. § 15-741.02 to administer to students instead of the statewide assessment.

2. “Arizona Academic Standards” means the standards adopted by the State Board of Education pursuant to A.R.S. §§ 15-203, 15-701, and 15-701.01.
3. “Board” means the State Board of Education.
4. “Compensatory instruction” means instruction given in addition to regular classroom instruction, such as individual or small group instruction, extended day classes, summer school or intersession school.
5. “Department” means the Department of Education.
6. “EL” means English learner.
7. “FEP” means fluent English language proficient, a student who has met the requirements for exit from an English language learner program.
8. “Federal EL grant monies” means federal grants or funds awarded to an LEA to educate ELs or to improve the LEA’s capacity to educate ELs, including but not limited to grants awarded under Title III of the Every Student Succeeds Act of 2015.
9. “IEP” means individualized education program, a written statement specifying special education services to be provided to a child with a disability.
10. “LEA” means local education agency, the school district or charter school that provides educational services.
11. “PHLOTE” means primary or home language other than English.
12. “Reassessment for reclassification” means the process of determining whether an English language learner may be reclassified as fluent English proficient (FEP).
13. “Superintendent” means the State Superintendent of Public Instruction.
14. “WICP” means written individualized compensatory plan that documents the scope and type of services provided to an EL to overcome the identified language and academic deficiencies.

**B. Identification of students to be assessed.**

1. The primary or home language of all students shall be identified by the students’ parent or legal guardian on the home language survey. These documents shall inform parents that the responses to these questions will determine whether their student will be assessed for English language proficiency.
2. A student shall be considered as a PHLOTE student if the home language survey indicates that one or more of the following are true:
  - a. The primary language used in the home is a language other than English, regardless of the language spoken by the student.
  - b. The language most often spoken by the student is a language other than English.
  - c. The student’s first acquired language is a language other than English.
3. The English language proficiency of all PHLOTE students shall be assessed as provided in subsection (C).

**C. English language proficiency assessment.**

1. PHLOTE students in kindergarten shall be administered an English language proficiency test. Students in grades one through 12 shall be administered an English language proficiency test. Students who score below the designated score for fluent English language proficiency, adopted by the Department and based on the test publishers’ designated scores, shall be classified as ELs.



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2. English language proficiency assessments shall be conducted by individuals who are proficient in English and trained in language proficiency testing to administer and, when applicable, score the tests.
  3. The LEA shall assess the English language proficiency of all new PHLOTE students as prescribed above within 60 days of the beginning of the school year or within 30 school days of a student's enrollment in school, whichever is later, unless the LEA receives funds under Title III of the Every Student Succeeds Act of 2015 or another federal grant that requires assessment and parental notification within 30 calendar days from the start of the school year or within two calendar weeks of a student enrolling at a school.
- D.** Screening and assessment of students in gifted education. ELs who meet the qualifications for placement in a gifted educational program shall receive programmatic services designed to develop their specific areas of potential and academic ability and may be concurrently enrolled in gifted programs and English language learner programs.
- E.** English language learner programs.
1. All ELs shall be provided daily instruction in English language development appropriate to their level of English language proficiency and consistent with A.R.S. §§ 15-751, 15-752, and, as applicable, § 15-753. The English language instruction shall include listening and speaking skills, reading and writing skills, and cognitive and academic development in English.
  2. ELs shall be provided daily instruction in subject areas required under the minimum course of study adopted by the Board pursuant to R7-2-301 and R7-2-302 that is understandable and appropriate to the level of academic achievement of the EL and is in conformity with accepted strategies for teaching ELs. This subsection does not require an LEA to provide daily instruction in every subject area required pursuant to R7-2-301 and R7-2-302 if those subject areas are not provided daily to English proficient students.
  3. The curriculum of all English language learner programs shall incorporate the Academic Standards adopted by the Board and shall be comparable in amount, scope and quality to that provided to English language proficient students.
  4. ELs who are not progressing toward achieving proficiency of the Arizona Academic Standards adopted by the Board, as evidenced by the failure to improve scores on the statewide assessment, shall be provided compensatory instruction to assist them in achieving those Arizona Academic Standards. A WICP describing the compensatory instruction provided shall be kept in the student's academic file.
  5. On request of a parent or legal guardian of an EL the principal of the EL's school shall require a meeting with the principal or principal's designee, the parent or legal guardian and the classroom teacher to review the student's progress in achieving proficiency in the English language or in making progress toward the Arizona Academic Standards adopted by the Board, to identify any problems, to determine appropriate solutions and to identify the person or persons responsible for implementing the changes and determining their effectiveness.
- F.** Reassessment for reclassification.
1. The purpose of reassessment is to determine if an EL has developed the English language skills necessary to succeed in the English language curricula.
  2. An EL in grades one through 12 may be reassessed for reclassification during test windows established by the Department if the mid-year test requirements are met, but shall be reassessed for reclassification at least once per year. ELs that score at or above the designated score for fluent English language proficiency, adopted by the Department and based on the test publishers' designated scores, shall be reclassified as FEP.
  3. LEAs shall notify the parents or legal guardians in writing that their child has been reclassified as FEP when the student meets the criteria for such reclassification.
- G.** Evaluation of FEP students after exit from EL programs.
1. The LEA shall monitor exited students based on the criteria provided in this Section during each of the two years after being reclassified as FEP to determine whether these students are performing satisfactorily in achieving the Arizona Academic Standards adopted by the Board. Such students will be monitored in reading, writing and mathematics skills and mastery of academic content areas, including science and social studies. The criteria shall be grade-appropriate and uniform throughout the LEA, and upon request, is subject to Board review. Students who are not making satisfactory progress shall, with parent consent, be provided compensatory instruction or shall be re-enrolled in an EL program. A WICP describing the compensatory instruction provided shall be maintained in the students' EL files.
  2. The LEA shall use statewide assessment scores to determine progress toward achieving the Arizona Academic Standards in monitoring FEP students after exit from an EL program unless no score is available. Performing satisfactorily will be measured by whether a student meets or exceeds the state standards in reading, writing, and mathematics as measured by the statewide assessment.
  3. If a statewide assessment score is not available because the test is not administered in the students' grade or to assess progress in academic subjects not assessed by the statewide assessment, the LEA shall use one or more of the following criteria in its evaluation to determine progress toward achieving the Arizona Academic Standards in monitoring FEP students after exit from an EL program:
    - a. LEA-developed criterion-referenced tests of academic achievement that demonstrate alignment to the Arizona Academic Standards; or
    - b. Standardized tests measuring academic achievement that demonstrate alignment to the Arizona Academic Standards; or
    - c. Nationally norm-referenced test scores; or
    - d. Teacher recommendations based on classroom assessments that demonstrate alignment to the Arizona Academic Standards.
- H.** Monitoring of EL programs.
1. Each year the Department shall monitor at least 32 LEAs, as follows:
    - a. At least 12 of the 50 LEAs with the highest EL enrollment;
    - b. At least 10 LEAs with ELs that are not included in the 50 described above;
    - c. At least 10 LEAs that have reported that they have 25 or fewer EL students in their schools; and

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- d. Other LEAs upon receipt of a documented written complaint from any Arizona resident, the U.S. Department of Education, or the U.S. Office for Civil Rights, alleging that the LEA is not complying with state or federal law regarding ELs.
  2. All of the 50 LEAs in subsection (H)(1)(a) shall be monitored by the Department at least once every four years.
  3. The monitoring shall be on-site monitoring and shall include classroom observations, curriculum reviews, faculty interviews, student records reviews, and review of EL programs. The Department may use personnel from other schools to assist in the monitoring.
  4. The Department shall issue a report on the results of its monitoring within 45 days after completing the monitoring. If the Department determines that an LEA is not complying with state or federal laws applicable to EL students, the LEA shall prepare and submit to the Department, within 60 days of the Department's determination, a corrective action plan that sets forth steps that the LEA will take to correct the deficiencies noted in the report.
  5. The Department shall review and return such corrective action plan to the LEA within 30 days, noting any required changes. No later than 30 days after receiving its corrective action plan back from the Department, the LEA shall begin implementing the measures set forth in the plan, including any revisions required by the Department.
  6. The Department shall conduct a follow-up evaluation of the LEA within one year after returning the corrective action plan to the LEA.
  7. If the Department finds continued non-compliance during the follow-up evaluation, the LEA shall be referred to the Board for a determination of non-compliance. If the Board determines the LEA to be out of compliance with state or federal laws applicable to EL students, it may take one or more of the following actions:
    - a. Temporarily withhold cash payments of federal EL grant monies;
    - b. Disallow (that is deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
    - c. Wholly or partly suspend or terminate the current award of federal EL grant monies;
    - d. Withhold further awards of federal EL grant monies for the program.
  8. The Department shall monitor all LEAs that the Board has determined to be non-compliant and which have had federal EL grant monies withheld or terminated to ensure that such LEAs do not reduce the amount of funds spent on their EL programs as the result of its loss of funds.
- A. For the purposes of this Section, the following definitions shall apply:
    1. "DANTES" means the Defense Activity for Non-Traditional Education Support.
    2. "Department" means the Adult Education Services Division of the Arizona Department of Education.
    3. "Equivalency Test" means a High School Equivalency Test approved by the State Board of Education.
    4. "High School Equivalency Testing Center" means a testing center established by the Department for the purpose of administering High School Equivalency tests and providing High School Equivalency testing services pursuant to the requirements established by a State Board approved testing provider and state jurisdictional rules.
    5. "USAFI" means the United States Armed Forces Institute.
  - B. Eligibility requirements. Any individual who is 16 years of age or older and who has officially been withdrawn from school may take a High School Equivalency Test.
    1. Individuals shall be required to provide the High School Equivalency Testing Center with positive identification and proof of age, and
    2. Individuals who are at least 16 years of age and under 18 years of age shall also be required to provide:
      - a. A signed and notarized statement of consent from a parent or legal guardian, and
      - b. A letter from the last school attended verifying that the individual has officially withdrawn from the school.
  - C. Issuance of a diploma. The Department shall issue a high school equivalency diploma to any individual who has not received a high school diploma or high school equivalency certificate or diploma if the individual:
    1. Meets the eligibility requirements specified in subsection (B) and has received passing scores on a High School Equivalency Test; or
    2. Is a member of the U.S. Armed Forces and has received passing scores on a High School Equivalency Test through USAFI or DANTES provided that the individual's last high school enrollment was in an Arizona high school. Individuals who have taken a High School Equivalency Test through USAFI or DANTES shall send their military permanent record and application card to DANTES with a request that the official High School Equivalency Test scores and application card be forwarded to the Department; or
    3. Has received passing scores on a High School Equivalency Test taken at an approved testing provider's site, provided that the Department receives an official transcript directly from the approved testing provider.
  - D. The Department shall keep a record of test scores for each individual who has taken a High School Equivalency Test.
  - E. The Arizona Department of Education may collect fees for the issuance of High School Equivalency Diplomas and Transcripts. Fees established pursuant to this Section shall not exceed \$20.
    1. The State Board of Education will deposit, pursuant to A.R.S. §§ 35-146 and 35-147, fees collected under this Section in the High School Equivalency Testing Revenue Account within the Arizona Department of Education budget, to be used to offset costs of providing these services.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). New Section R7-2-306 adopted effective July 10, 1979 (Supp. 79-4). Amended effective August 20, 1981 (Supp. 81-4). Former Section R7-2-306 repealed, new Section R7-2-306 adopted effective November 14, 1984 (Supp. 84-6). Amended by final rulemaking at 10 A.A.R. 353, effective March 8, 2004 (Supp. 04-1). Amended by final exempt rulemaking at 26 A.A.R. 66, effective December 13, 2019 (Supp. 19-4). The word "twelve" was changed to the numeral "12" for consistency in Chapter style and format (Supp. 21-2).

**R7-2-307. High School Equivalency Diplomas**

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2. If the state fee for General High School Equivalency Diplomas and/or Transcripts presents a financial hardship for the examinee, the examinee may request a fee waiver.
3. A fee waiver shall be granted if all of the following apply:
  - a. Applicant presents documented proof of Arizona residency.
  - b. Applicant submits a completed Fee Waiver Request Form, available from the State High School Equivalency Testing Office or from any official High School Equivalency Testing Center.
  - c. Applicant demonstrates sufficient need for a fee waiver. This may include, but is not limited to the following:
    - i. Proof of eligibility for public assistance and/or federally subsidized housing,
    - ii. Residence in a foster home,
    - iii. Enrollment in a program for the economically disadvantaged such as Upward Bound, or
    - iv. Participation in a free or reduced lunch program.
3. Applications shall include budgets and be submitted according to the standard procurement and grants management policies of the Department of Education for the awarding of competitive grants.
- C. Board priorities and criteria for application approval
  1. Priority shall be given to projects funded during the previous fiscal year which:
    - a. Adhered to all applicable state and federal rules and regulations.
    - b. Operated in an efficient and effective manner demonstrating high levels of student educational gains as measured by standardized assessments and student retention as compared with the state average for these projects.
    - c. Completed and submitted all required state and federal reports.
    - d. Utilized volunteers where possible.
  2. Equal opportunity for project application approval will be given to eligible applicants who demonstrate previous comparable experience and performance in another adult literacy program.
  3. Criteria for approval shall include a determination by the project review committee that the application meets state and federal rules and regulations and the policies and procedures contained in the Arizona State Plan for Adult Education.

**Historical Note**

Adopted effective August 20, 1981 (Supp. 81-4). Amended subsections (A), (C), and (G) effective October 2, 1984 (Supp. 84-5). Amended effective December 22, 1997 (Supp. 97-4). Amended effective December 31, 1998 (Supp. 98-4). Amended by exempt rulemaking at 18 A.A.R. 1023, effective October 24, 2011 (Supp. 12-2). Amended by final exempt rulemaking at 21 A.A.R. 1781, effective September 23, 2013 (Supp. 15-3). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-308. Adult Education**

- A. For the purposes of this Section the following definitions apply:
  1. "Adult Basic Education" (ABE) means instruction in reading, writing and math equivalent to grades one through eight, speaking and citizenship skills.
  2. "Adult Secondary Education" (ASE) means instruction in reading, writing, math, science and social studies equivalent to the completion of high school.
  3. "Eligible applicants" may include local educational agencies, community based organizations, volunteer literacy organizations, institutions of higher education, public or private nonprofit organizations, institutions of higher education, public or private nonprofit agencies, libraries, public housing authorities, and consortiums of any of the aforementioned entities.
  4. "English Language Acquisition for Adults" (ELAA) means a program of instruction designed to help individuals of limited English proficiency achieve competency in the English language, including reading, writing, listening and speaking.
  5. "Literacy" means an individual's ability to read, write and speak in English, compute and solve problems at levels of proficiency necessary to function on the job, in the family and in society.
  6. "Project" means the approved and funded application which is administered by the eligible applicant.
- B. Application for funding
  1. Only eligible applicants may apply for funding.
  2. Contracts shall be awarded through a competitive funding process.
- D. Use of funds and student reporting
  1. Federal and state funds shall not be co-mingled.
  2. Projects shall not assess students a tuition charge for instruction or fees for books, instructional supplies, or materials used in the program.
  3. Student attendance hours reported to the Adult Education Division shall not be used in securing financing from any other source. Classes taught by volunteers are not to be reported unless they are administered and supervised by the local project.
- E. An adult education certificate issued by the Board shall be required to teach in the Adult Education Program.
- F. Students enrolled in adult education classes must be at least 16 years of age and officially withdrawn from school.
- G. Course of study
  1. Adult Basic Education (A.B.E.) students shall be functioning academically below the eighth grade level. The sequential course of study shall:
    - a. Develop and improve communication and computational skills of students.
    - b. Raise the general educational level of students.
    - c. Improve the student's ability to benefit from occupational training.
    - d. Increase opportunities for more productive and profitable employment.
    - e. Assist students to be better able to meet their adult responsibilities as parents, citizens and as co-workers.
  2. Adult Secondary Education (A.S.E.) students shall be functioning below the 12th grade level. The course of study shall:
    - a. Give the students a foundation in the areas of English, social studies, literature, science and math.
    - b. Enable students, through the development of critical thinking, to utilize new learning experiences in recognizing, evaluating and solving problems of daily life.

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- c. Attempt to motivate students to continue their education through more advanced study and to become more proficient in observing and adopting new skills in a changing society.
  - d. Equip students with the knowledge prerequisite for satisfactory achievement on a High School Equivalency Test approved by the State Board of Education.
3. English Language Acquisition for Adults (ELAA) and citizenship students shall be resident aliens. The course of study shall:
- a. Develop an increasing ability to speak, understand, read, and write English.
  - b. Encourage the student to become a participating citizen and give insight into the values of such participation.
  - c. Help the student prepare for the Naturalization Test for U.S. Citizenship by developing a background in American history and government.
  - d. Create a desire for continued learning and self-realization.

**H. Reports**

- 1. Each project shall maintain bookkeeping records and must be able to substantiate expenditures.
- 2. A financial report shall be filed quarterly for each project with the Adult Education Division within 30 days after the close of the quarter.
- 3. Projects shall be completed by June 30. A fiscal completion report which has been reconciled with the County School Superintendent's Office, or if another agency, that agency's comparable administrative office, shall be filed with the Adult Education Division within 60 days after the project ending date.
- 4. Participation in the project reporting system designed to collect student and staff attendance, demographic information and student performance data is required. These reports shall be filed with the Adult Education Division monthly.
- 5. An annual written report on the year's activities, including internal written monitoring reports, shall be submitted to the Adult Education Division, no later than August 15.

- I. If changes in the approved program or budget are desired, an amendment shall be submitted to the Adult Education Division for review and approval prior to expending any funds for the proposed changes.

**Historical Note**

Adopted effective December 14, 1984 (Supp. 84-6).  
Amended by exempt rulemaking at 15 A.A.R. 1292, effective June 26, 2006 (Supp. 09-1). Amended by final exempt rulemaking at 21 A.A.R. 1781, effective September 23, 2013 (Supp. 15-3). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-309. Completion of Grade 10**

Completion of grade 10 is accomplished when a student has earned 10 credits which shall include:

- 1. Two credits of English.
- 2. One credit of mathematics.
- 3. One credit of science.
- 4. Six credits of additional courses prescribed by the local Governing Board.

**Historical Note**

Adopted effective March 13, 1986 (Supp. 86-2). The Section heading has been updated to title case, governing board has been changed to lowercase to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-310. Pupil Achievement Testing**

- A. The statewide assessments adopted by the Board shall be administered annually during the testing windows established by the Department. By June 1 of each year, the Department shall designate the window for testing for the next school year and all school districts and charter schools shall administer the test during the windows designated.
- B. The superintendent or head of the local education agency shall be responsible for:
  - 1. Reviewing, and attesting to have reviewed, the policies, procedures and guidance provided by the Department regarding administration of statewide assessments.
  - 2. Providing school district enrollment data to the Department annually for purposes of test material distribution.
  - 3. Verifying the count of test materials received and distributing the test materials to each public school in the local education agency.
  - 4. Securing the test materials prior to distribution to pupils or persons administering the tests at the time of testing, as well as after the time of testing. Test materials shall be kept in locked storage.
  - 5. Advising all district and school employees that the test materials are not to be reproduced in any manner.
  - 6. Familiarizing each person who will administer the test with the test publishers' directions for administering the tests, the timing of the tests and the testing schedule. This is to be accomplished through meetings which shall be held near the window for testing.
  - 7. Distributing actual test materials to persons administering the tests on the day of testing and collecting test materials at the end of the day of testing.
  - 8. Training persons administering the tests on how to properly complete the identification information and how to code the information required on the variables being collected according to A.R.S. § 15-741, et seq.
  - 9. Properly packaging all scorable and nonscorable materials which are to be returned to the scoring contractor. Packaging shall comply with instructions furnished by the scoring contractor or the Department.
  - 10. Forwarding all scorable and nonscorable materials which are to be returned to the scoring contractor per instructions. Materials for the entire local education agency should be forwarded in one shipment.
  - 11. Retaining all unused and reusable test materials, reporting them in the school's inventory, storing them in a safe and secure manner and returning the test materials at the end of the testing window per instructions.
  - 12. Immediately reporting to the Department any losses of test materials or other irregularities.
  - 13. The superintendent or head of the local education agency may designate a testing coordinator to act on their behalf.
- C. Persons designated by the superintendent or head of the local education agency to administer the test shall:
  - 1. Keep all test materials in locked storage.
  - 2. Not reproduce any test materials in any manner.
  - 3. Not disclose any actual test items to pupils prior to testing.
  - 4. Not provide answers of any test items to any pupils.

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5. Administer only sample tests which are provided by the test publishers. Previous editions of the test series being used in the statewide testing program may not be used as sample tests.
  6. Strictly observe all timed statewide assessments, if the assessments are timed. The test publishers' suggested time limits for untimed subtests shall be followed as closely as possible in order to maintain uniformity in test administration.
  7. Follow directions for administering the test explicitly. No test item may be repeated unless otherwise indicated in the directions.
  8. Not change a pupil's answer.
  9. Return all test materials to the superintendent or head of the local education agency immediately upon completion of testing.
- D.** Local education agencies shall administer the statewide assessment to all students in the grades designated by the Board. Failure to administer a statewide assessment to at least 95 percent of all students will be factored into the statewide accountability system.
- E.** All violations of this Section shall be referred by the superintendent or head of the local education agency to the State Superintendent of Public Instruction, for appropriate action.

**Historical Note**

Adopted effective March 13, 1986 (Supp. 86-2). Amended subsections (A) and (B) effective February 25, 1987 (Supp. 87-1). Amended effective October 22, 1991; amended effective December 20, 1991 (Supp. 91-4). The Section heading has been updated to title case, the numeral "3" has been changed to "three," the numeral "7" has been changed to "seven," the numeral "8" has been changed to "eight," and the word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-311. Pupil Testing Variable Information**

Persons designated by the superintendent or head of the local education agency to administer the State Board approved statewide assessments shall assure that information requested by the Department is properly completed for each pupil that is administered a statewide assessment.

**Historical Note**

Adopted effective June 25, 1986 (Supp. 86-3). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-1). Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-312. Honorary High School Diploma**

- A.** An honorary high school diploma shall be provided to an individual who has never obtained a high school diploma and who meets both of the following requirements:
1. Currently resides in Arizona; and
  2. Provides documented evidence from the Arizona Department of Veterans' Services that the individual enlisted in the armed forces of the United States and served in World War I, World War II, the Korean conflict or the Vietnam conflict.
- B.** All high schools shall provide for the presentation of an honorary high school diploma to an individual eligible pursuant to

subsection (A). The individual shall not be required to reside within the school boundaries. The Arizona Department of Education may issue an honorary high school diploma to an individual eligible pursuant to subsection (A).

**Historical Note**

Adopted effective December 15, 1989 (Supp. 89-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section made by final rulemaking at 9 A.A.R. 1125, effective May 10, 2003 (Supp. 03-1). Amended by final exempt rulemaking at 27 A.A.R. 241, effective January 25, 2021 (Supp. 21-1).

**R7-2-313. Academic Contests Fund**

The State Board of Education establishes an academic contests fund consisting of monies appropriated by the legislature or received as gifts or grants for deposit in the academic contests fund pursuant to A.R.S. § 15-1241.

1. The Superintendent of Public Instruction shall, at least annually, compile a list of national contests to be presented to the State Board of Education for approval. Contest requirements are:
  - a. Shall be sponsored by a recognized national organization.
  - b. Shall be academic in nature, motivate pupils to be creative and demonstrate excellence.
  - c. Shall be open to all pupils, regardless of race, creed, sex or national origin. Contests may separate pupils by age or grade level.
2. School districts shall submit an application for academic contest funds to the Superintendent of Public Instruction for student and chaperone expenses. Requirements are:
  - a. No other sponsoring agency is assuming the total costs.
  - b. The participation of the students shall be the result of successfully competing at the local or state level, or both, of that contest.
  - c. The governing board of the school district in which the students attend shall approve the participation and travel of the students.
  - d. The fiscal agent applying for academic contest funds shall be an authorized district representative and responsible for the disbursement of travel funds.
  - e. A school district receiving academic contest funds shall submit a completion report and return any unused portion within 90 days after completion of travel to the Department of Education.
3. Application review and approval; funding limitations.
  - a. The State Board of Education shall annually set expenditure limitations for expenses of students and chaperones. These limitations shall be based on the number of applicants, monies available and current state travel regulations.
  - b. The Superintendent of Public Instruction shall review applications for academic contest funds and shall approve applications based upon the criteria set forth in this Section and the availability of funds.

**Historical Note**

Adopted effective December 15, 1989 (Supp. 89-4). The Section heading has been updated to title case, the word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-314. Definitions**

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The following definitions apply to Sections R7-2-315 and R7-2-315.01:

1. "Board examination system" means a complete instructional system that includes all of the following components:
  - a. A coherent group of courses that collectively constitutes a core curriculum at the high school level,
  - b. A comprehensive syllabus for each course,
  - c. Appropriate instructional and teaching materials for each course,
  - d. High quality examinations that are closely aligned with the course syllabus,
  - e. Professional scoring of examinations, and
  - f. Teacher education that is designed to train teachers to properly teach those courses.
2. "Grand Canyon Diploma" means a high school diploma that is offered to any student who demonstrates readiness for college level mathematics and English according to standards prescribed by an interstate compact on board examination systems, who has passing grades on an additional set of required approved board examinations in core academic courses as determined by the State Board of Education.
3. "Readiness for college level mathematics and English" means that a student has the mathematics and English skills and knowledge needed to succeed in college level courses that count toward a degree or certificate without taking remedial or developmental coursework.

#### Historical Note

Adopted effective August 14, 1991 (Supp. 91-4).  
 Repealed effective February 20, 1997 (Supp. 97-1). New  
 Section made by exempt rulemaking at 18 A.A.R. 1025,  
 effective January 24, 2011 (Supp. 12-2).

#### R7-2-315. Board Examination Systems; Offerings; Procedures

- A. The State Board of Education shall select board examination systems that may be used by traditional public schools and charter schools in accordance with the requirements of this Section. Board examination systems selected by the State Board of Education shall:
  1. Be approved by an interstate compact on board examination systems,
  2. Be periodically modified to reflect core standards selected by an interstate compact on board examination systems,
  3. Be aligned to State Board of Education approved academic standards,
  4. Have common passing scores that are prescribed by an interstate compact on board examination systems that are set to the level of literacy required to succeed in college-level courses offered by community colleges in this state that count toward a degree or certificate without taking remedial or developmental coursework.
- B. The State Board of Education shall contract with a private organization to act as primary administrator of approved board examination systems. The private organization shall:
  1. Identify, select and contract with a national organization that is devoted to issues concerning education and the economy and that is selected by the State Board of Education to provide technical services to develop and maintain an interstate system of approved board examination systems.
  2. Provide data and other information to a national organization that is devoted to issues concerning education and the economy and that is selected by the State Board of Education to provide technical services the national organization deems necessary to set appropriate performance standards for students in this state. The Department of Education shall provide data and other information to the private organization, as necessary.
  3. Conduct technical studies required by the State Board of Education to compare the scores on approved board examinations by the students in this state to scores on the Arizona Instrument to Measure Standards Test and other measures deemed necessary to ensure the efficacy of the approved board examinations. The private organization may contract with other entities that are selected by the State Board of Education for the purpose of conducting technical studies.
  4. In cooperation with the Superintendent of Public Instruction and the State Board of Education, solicit monies from all lawful private and public sources, including federal monies, to offset the costs of instruction provided to students pursuant to this Section.
  5. Exercise general supervision over the implementation of the approved board examination systems in this state.
  6. Prepare an annual report for the State Board of Education, which shall forward it to the legislature and the governor, on the progress made toward the goals established in A.R.S. Title 15, Chapter 7, Article 6. Participating schools and the Department of Education shall provide data to the private organization as needed in order to complete the annual report.
  7. Identify, select and represent this state on the national governing body of an interstate compact on board examination systems, as approved by the State Board of Education.
  8. Select this state's representatives in an interstate compact on board examination systems in accordance with the policies prescribed by that interstate compact.
  9. Develop the Grand Canyon Diploma to be approved and adopted by the State Board of Education.
- C. The Department of Education shall develop a system, subject to State Board of Education approval, to track the academic progress of pupils who participate in board examination systems.
- D. School districts or charter schools wishing to implement an approved board examination in one or more schools shall:
  1. Send written notice to the private organization described in this Section indicating that school district's or charter school's interest in implementing an approved board examination system,
  2. Submit an implementation plan to the private organization described in this Section that includes at least the following elements:
    - a. The specific approved board examination system the school district wishes to implement;
    - b. A proposed timeline for the implementation of an approved board examination system;
    - c. A description of the funding model that will be employed to ensure the sustainability of the approved board examination system offering;
    - d. A communication plan for students and parents that provides an overview of the selected approved board examination system, potential course offerings, a description of student support systems, and contact

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information for students and parents to obtain more detailed information regarding board examination systems and the Grand Canyon Diploma option, as defined in R7-2-315.01.

- E. Upon receipt of an implementation plan described in this Section the private organization shall work cooperatively with the applicable school district or charter school to ensure that the plan is feasible and to modify any elements of the plan deemed necessary for successful implementation of the approved board examination system.

**Historical Note**

Adopted effective November 17, 1994 (Supp. 94-4).  
Repealed effective February 20, 1997 (Supp. 97-1). New  
Section made by exempt rulemaking at 18 A.A.R. 1025,  
effective January 24, 2011 (Supp. 12-2).

**R7-2-315.01. Grand Canyon Diploma**

- A. School districts and charter schools in this state may choose to offer a Grand Canyon Diploma beginning in the 2012 – 2013 school year. A high school student who is enrolled in a school district or charter school that offers a Grand Canyon Diploma may choose to pursue a Grand Canyon Diploma.
- B. A student may be awarded a Grand Canyon Diploma at the end of grade 10 or during or at the end of grade 11 or 12 provided that the student has passed both the mathematics and English assessments for the applicable approved board examination system, and the student has successfully completed the following subject area requirements within board examination system curriculum:
1. Two credits of English;
  2. Two credits of mathematics;
  3. Two credits of science, including lab-based science, engineering or information technologies;
  4. One credit of American History;
  5. One credit of World History;
  6. One credit of fine arts or career and technical education and vocational education; and
  7. One-half credit of economics.
- C. A student that satisfies all the criteria for issuance of a Grand Canyon Diploma is exempt from the minimum course of study requirements delineated in R7-2-302.02.
- D. Students who earn a Grand Canyon Diploma shall have multiple pathways available to them and may:
1. Enroll the following semester in a community college under the jurisdiction of a community college in this state. Students who take community college courses on high school campuses pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
  2. Remain in high school and enroll in additional advanced preparation board examination programs that are designed to prepare students for admission to high quality postsecondary institutions that offer baccalaureate degree programs. These board examination programs shall be selected from a list provided by an interstate compact for board examination systems and approved by the State Board of Education. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
  3. Enroll in a full-time career and technical education program offered on a community college campus, a high school campus or a joint technical education district campus, or any combination of these campuses. Students who

elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.

4. Return to a traditional academic program without completing the next level of board examination systems curriculum through the end of grade 12. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
- E. Students who pursue but do not earn a Grand Canyon Diploma at the end of grade 10 or 11 shall receive a customized program of assistance during the next school year that addresses the areas in which the student demonstrated deficiencies in the approved board examinations. These students may retake the board examinations at the next available examination administration. Students may choose to return to a traditional academic program without completing the board examination system curriculum.
- F. A student who remains in a board examination system curriculum through grade 12 and does not pass the board examination may graduate with a standard diploma provided that the student meets the following requirements:
1. The student has passed the Arizona Instrument to Measure Standards assessments in mathematics and English or received a sufficient score as determined by the State Board of Education on the ACT, SAT, or an approved board examination in mathematics and English.
  2. The student has earned at least 22 credits and has passed a State Board of Education approved sequence of courses within the board examination system curriculum. For the purpose of this requirement the private organization and the Department of Education shall recommend for State Board of Education approval a sequence of courses for each approved board examination system. The sequence of courses for each board examination system shall ensure that students receive instruction in all State Board of Education approved academic standards encompassed in R7-2-302.02(1)(a) through (e).
- G. A student who is enrolled in a school district or charter school that does not offer a board examination system curriculum may earn a Grand Canyon Diploma by:
1. Obtaining a passing score on the assessments of an approved board examination system in each of the subject areas delineated in R7-2-315.01(B)(1) through (6), and
  2. Completing a high school course in economics.

**Historical Note**

New Section made by exempt rulemaking at 18 A.A.R.  
1025, effective January 24, 2011 (Supp. 12-2).

**Appendix A. Repealed****Historical Note**

Adopted effective November 17, 1994 (Supp. 94-4).  
Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-316. Charter Schools Stimulus Fund**

- A. "Start-up costs" mean those costs associated with developing or implementing the following essential components of a charter school:
1. The hiring of teachers and other essential staff members;
  2. The hiring of a chief administrative officer and other costs associated with instituting the administrative structure of the school;

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3. Curriculum development and implementation;
  4. The leasing of physical facilities or equipment and costs associated with establishment of utility services and accounts;
  5. Operational expenses incurred prior to the date on which the charter school begins operations;
  6. The development and implementation of an accounting system which complies with the uniform system of financial records requirements;
  7. Obtaining insurance, including prepayment of premiums which will effectuate insurance coverage during the first year of operation;
  8. Costs associated with licensing and compliance with other health, safety and civil rights requirements.
- B.** "Costs associated with renovating or remodeling existing buildings and structures" means those costs associated with the following essential components:
1. Modifications affecting the structural integrity of the building, including those changes needed to meet building code and zoning standards.
  2. Modifications needed to meet non-structural building code requirements, such as those related to plumbing, electrical wiring and fire safety.
  3. Modifications needed to meet state health standards, such as those related to rest rooms and food preparation and service.
  4. Adjusting the size of rooms to accommodate the number of students to be served.
  5. Construction-related finish work, such as exterior and interior replastering and painting, carpeting, flooring, baseboards and door hanging.
  6. Roofing and air conditioning/heating installation or repair required prior to operation of the school.
  7. Access requirements for persons with disabilities.
- C.** The State Board of Education shall, subject to legislative appropriation, provide an initial grant or an additional grant from the charter schools stimulus fund to applicants who have a charter or application that has been approved by a sponsor pursuant to A.R.S. § 15-183 and who meet the requirements of A.R.S. § 15-188 and this Section. The grant may be in any amount up to \$100,000 per charter school applicant or charter school.
- D.** The application for an initial grant shall include:
1. A copy of the applicant's charter;
  2. The identity of the sponsor which approved the charter;
  3. The total amount of funding requested;
  4. An itemization of the specific start-up costs and costs associated with renovating or remodeling existing building and structures for which the funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested;
  5. The number of students to be served at the school;
  6. The dimensions of the facility in which the school is to be operated;
  7. A description of the extent to which the facility must be remodeled or renovated in order to meet applicable health and safety standards, unless this information is included in the applicant's charter.
- E.** The application for an additional grant shall be in a format approved by the State Board of Education and shall include:
1. The date and amount of the initial grant award.
  2. A copy of any amendments or other modifications to the charter or application which formed the basis for the initial grant.
  3. The identity of the current sponsor of the charter school.
  4. An itemized accounting of the expenditures made with the initial grant monies.
  5. The total amount of additional funding requested.
  6. An itemization of the specific start-up costs associated with renovating or remodeling existing buildings and structures for which the additional funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested.
- F.** In its review of an application for a stimulus fund grant, the State Board of Education may receive information concerning the application from the Department of Education, an advisory committee, and any other source. The State Board may award a grant in an amount different from that requested by the applicant. No grant shall be awarded pursuant to this Section unless the State Board determines that:
1. Every amount requested in the applicant's itemization of costs is for the essential component with which the amount is associated; and
  2. Based on all of the information before the State Board concerning the application, there is a rational basis for the award of funds.
- G.** No applicant or charter school shall be eligible for more than one initial grant and one additional grant, regardless of the amount awarded.
- H.** An applicant who receives an initial grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the initial 18-month period.
- I.** An applicant who receives an additional grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the applicable 18-month period and is in addition to any amounts required by subsection (H).
- J.** An applicant for a grant pursuant to this Section shall be notified of the date at which the State Board of Education shall consider the application no less than 10 days in advance thereof. Written notification of the Board's decision concerning an application for a grant shall be mailed to the applicant within 10 days following such decision.

**Historical Note**

Adopted effective April 20, 1995 (Supp. 95-2). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-317. State Seal of Biliteracy Program**

- A.** Definitions. For purposes of this Section, "foreign language" means any language other than English.
- B.** School districts and charter schools in this state may choose to participate in the State Seal of Biliteracy Program (Program) which recognizes students who have attained a high level of proficiency in one or more foreign languages, in addition to English. School districts and charter schools participating in the Program may award the State Seal of Biliteracy to any high school student who graduates from a school operated by the



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school district or charter school and who meets the requirements of subsections (B)(1) or (2), and subsection (B)(3).

1. **Assessment Method.** To demonstrate language proficiency through the assessment method, the student must attain the required score on a language assessment as adopted by the State Board of Education, upon recommendation by the Arizona Department of Education, for purposes of demonstrating language proficiency for the Program in the four domains of speaking, writing, listening, and reading.
2. **Alternative evidence model.** A school district or charter school may choose to award the State Seal of Biliteracy through an alternative evidence method.
  - a. An alternative evidence method may be used in any of the following circumstances:
    - i. No standardized assessment exists for the targeted foreign language;
    - ii. Evaluating the language proficiency of a student with disabilities for whom the standardized assessment is inappropriate as determined by the student's Individualized Education Program team or a student on a 504 plan as determined by the student's 504 plan committee; or
    - iii. The standardized assessment for the targeted foreign language does not assess one or more of the four domains of speaking, writing, listening and reading.
  - b. Any alternative evidence method used shall consist of a student portfolio that contains evidence of experience in the targeted foreign language, as well as work samples, test results and other accomplishments that demonstrate proficiency, as established in the guidelines developed by the Arizona Department of Education, in the targeted foreign language in the four domains of speaking, writing, listening and reading. Student portfolios shall comply with guidelines adopted by the Department.
  - c. A school district or charter school that uses an alternative evidence model must notify the Arizona Department of Education.
3. To be eligible to be awarded the State Seal of Biliteracy, each student shall also demonstrate proficiency in English by meeting the following requirements:
  - a. The student must successfully complete all English Language Arts requirements for graduation, pursuant to R7-2-302, with an overall grade point average in those classes of 2.0 or higher on a 4.0 scale, or the equivalent; and
  - b. The student receives a passing score in English Language Arts on one of the following:
    - i. The statewide assessment adopted pursuant to A.R.S. § 15-741, an assessment approved by the Board pursuant to A.R.S. § 15-741.02, or another state's statewide assessment;
    - ii. A nationally recognized college entrance exam;
    - iii. An exam that is accepted for credit or admission by at least one university under the jurisdiction of the Arizona Board of Regents; or
    - iv. An end of course exam administered as part of a dual enrollment or concurrent enrollment course.
  - c. If the student has a primary home language other than English, the student shall obtain a score of pro-

ficient based on the English language proficiency standards pursuant to A.R.S. § 15-756.

- C. By October 1 of each year, the Arizona Department of Education shall make an electronic facsimile of the State Seal of Biliteracy available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Biliteracy to the student's diploma upon graduation, and shall note the receipt of the State Seal of Biliteracy on the transcript of the student.
- D. The Arizona Department of Education shall post on its website by July 1 of each year, the list of acceptable language assessments and the score to be achieved on each, as approved by the Board, which qualifies the student as proficient in a foreign language. The Arizona Department of Education shall ensure that all approved assessments are aligned to the Arizona world and native languages standards adopted by the Board.
- E. Each school district and charter school that chooses to participate in the Program shall meet the following requirements:
  1. Notify the Arizona Department of Education of its intent to participate in the Program at least 30 days prior to issuing the seal by filling out the form provided on the Arizona Department of Education's website.
  2. Designate at least one individual to serve as coordinator of the Program and provide that individual's name and contact information to the Arizona Department of Education.
  3. Using a format prescribed by the Arizona Department of Education, submit a report no later than 90 days after the end of the school year with the total number of students awarded the State Seal of Biliteracy, the number of seals for each targeted foreign language and the method used to determine proficiency in the foreign language.
  4. Make available to parents and students information regarding the Program and the name and contact information for the coordinator of the Program.
- F. The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.

**Historical Note**

New Section made by final exempt rulemaking at 22 A.A.R. 3367, effective October 24, 2016 (Supp. 16-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 1529, effective August 27, 2021 (Supp. 21-3).

**R7-2-318. K through Three Reading Program**

- A. In this Section, unless the context otherwise requires:
  1. "Intensive reading instruction" is a proactive instructional approach used to reduce the likelihood of future reading problems by addressing severe and persistent difficulties with learning to read through the use of evidence-based instruction in smaller-group settings, increased instructional time, and increased intensity that is aligned to individual student needs or deficiencies and is driven by ongoing student performance data from a valid assessment tool.
  2. "Interventions" are instructional supports provided to students with the purpose of preventing and remediating reading difficulties. These supports are organized in tiers which provide increasing instructional intensity and support with each level.

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3. "Motivational assessments" are measures of motivation or attitudes toward reading and produce information to monitor student progress.
  4. "Prevention" is instructional support provided to students before students have experienced failure in learning to read.
  5. "Remediation" is instructional support provided to students after a student has experienced significant and persistent difficulties in learning to read.
  6. "Universal screeners" are very brief measures based on established standardized benchmarks or performance targets developed through extensive research designed to improve accuracy of identifying students who will likely need additional support for meeting grade level reading standards.
- B.** Prior to the release of monies generated by the K through three reading support level weight, each school district or charter school shall submit to the Department on or before October 1, a comprehensive local education agency K through three reading program plan, using the format prescribed by the Department.
- C.** Pursuant to A.R.S. §§ 15-211, 15-701 and 15-704, the K through three reading program plan submission shall contain the following components for pupils in half-day and full-day kindergarten programs and grades one through three:
1. School literacy contacts, literacy team members and master K through three school schedules, to include all subject areas, with a clear emphasis on literacy instruction and displaying all levels of reading support;
  2. A list of the staff who reviewed and approved the individual school K through three reading program plan, including special education directors/staff and staff directly involved with reading instruction;
  3. Program expenditures for the prior school year and a budget for the current school year regarding the monies used only on instructional purposes intended to improve reading proficiency from the K through three support level weight and the K through three reading support level weight;
  4. An analysis of the effectiveness of the local education agency's K through three reading program for the previous school year and plans for improvement for the current school year, including the specific strategies being employed to support populations currently eligible for exemption from retention, such as struggling readers, English language learners, and students with disabilities;
  5. Core reading programs which teach the essential components of reading instruction including explicit and systematic phonics pursuant to A.R.S. § 15-704(H)(1), with a description of the frequency and duration of the instruction;
  6. Date of last K through three reading curriculum review for standards alignment;
  7. Tier II and Tier III intensive reading intervention programs including reading programs used for students with disabilities (separate from specially designed instruction outlined within a child with a disability's individualized education program), including frequency and duration;
  8. A sample template of a parental notification letter;
  9. Evidence-based intervention and remedial services provided to students,
  10. Evidence of ongoing teacher training based on evidence-based reading research; and
  11. Assurance that all parts of the assessment system are accessible to all students as required by federal law.
- D.** The local education agency shall submit universal screening data by October 1, winter data by February 1 and spring data by June 1 for pupils in kindergarten programs and grades one through three. Beginning with school year 2025-2026, reported data to the Arizona Department of Education will include third grade statewide ELA exam data disaggregated by subgroups.
1. Student counts of subgroups that are less than 11 are to be reviewed by the LEA, but are to be redacted for reporting purposes by the Arizona Department of Education.
  2. Subgroups:
    - a. All,
    - b. English Learners,
    - c. American Indian or Alaska Native,
    - d. Asian,
    - e. African American/Black,
    - f. Hispanic or Latino,
    - g. Multiple Races,
    - h. Native Hawaiian or Pacific Islander,
    - i. White,
    - j. Income Eligibility 1 and 2, and
    - k. Students with Disabilities.
- E.** Each school district or charter school governing body shall submit data for the prior school year on the total number of pupils that were subject to retention, the total number that were promoted, the total number actually retained and the interventions administered pursuant to A.R.S. § 15-701 to the Department no later than October 1 and prior to the release of monies generated by the K through three reading support level weight.
- F.** The State Board prescribes competency requirements for the promotion of pupils from the eighth grade and competency requirements for the promotion of pupils from the third grade incorporating the academic standards in at least the areas of reading, writing, mathematics, science and social studies. The competency requirements for the promotion of pupils from the third grade include the following:
1. A pupil shall not be promoted from the third grade if the pupil obtains a score on the reading portion of the statewide assessment that does not demonstrate sufficient reading skills as established by the state board. A pupil may not be retained pursuant to this subsection if data regarding the pupil's performance on the statewide assessment is not available before the end of the current academic year and may not be retained due to Move On When Reading more than once. A pupil who is not retained due to the unavailability of test data must receive evidence-based intervention and remedial strategies pursuant to A.R.S. § 15-701(A)(2)(c) if the third-grade assessment data subsequently does not demonstrate sufficient reading skills.
    - a. Each school district shall continue to provide targeted reading interventions and supports for students who are promoted to fourth grade due to one of the good-cause exemptions. As an example, implementing the following evidence-based practices:
      - i. Placement with a highly-effective teacher, as determined by teacher evaluations;
      - ii. Use of a valid literacy assessment to determine specific areas of struggle with reading;
      - iii. High-dose tutoring targeted to the specific areas of struggle, including:

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- (1) Continued development of phonological awareness skills;
      - (2) Continued development of decoding skills;
      - (3) Continued development of fluency skills;
    - iv. Use of a valid and reliable literacy assessment for regular progress monitoring;
    - v. Regular communication with the parents/guardians of students receiving supports to detail the reports received at school and specific strategies that parents can use to support students in the home.
  - b. Each school district or charter school governing body shall use a valid and reliable literacy assessment to collect and provide updated data on the progress of students who are promoted to fourth grade due to one of the good-cause exemptions.
  2. A school district governing board or the governing body of a charter school may promote a pupil from the third grade who does not demonstrate sufficient reading skills pursuant to subsection (F)(1) if the pupil:
    - a. Is an English learner or a limited English proficient student as defined in A.R.S. § 15-751 and has had fewer than three years of English language instruction.
    - b. Is in the process of a special education referral or evaluation for placement in special education, has been diagnosed as having a significant reading impairment, including dyslexia, or is a child with a disability as defined in A.R.S. § 15-761 if the pupil's individualized education program team and the pupil's parent or guardian agree that promotion is appropriate based on the pupil's individualized education program.
    - c. Has demonstrated or subsequently demonstrates sufficient reading skills or adequate progress toward sufficient reading skills of the third grade reading standards as evidenced through a collection of valid and reliable reading assessments approved by the State Board of Education, which includes an alternative standardized reading assessment approved by the state board. The approved alternative standardized reading assessment shall be a re-administration of the statewide third-grade English language arts exam, which shall be administered by the Arizona Department of Education, and shall use the same State Board approved K through three reading program (Move On When Reading) cut score.
    - d. Receives intervention and remedial services during the summer or a subsequent school year pursuant to A.R.S. § 15-701(A)(2)(c) and demonstrates sufficient progress based on guidelines issued in A.R.S. § 15-701(B)(7). Sufficient progress toward reading may be demonstrated by meeting the State Board of Education approved cut score for the K through three reading program (Move On When Reading) on a readministration of the statewide third-grade English language arts exam as administered by the Arizona Department of Education.
- G.** On or before December 15, the Department of Education shall submit an annual report on the K through three reading program to the governor, the president of the Senate and the speaker of the House of Representatives and shall provide a copy of this annual report to the secretary of state, the State Board of Education and the chairpersons of the education committees of the Senate and the House of Representatives. The report shall contain all of the following:
1. Information on the improvement of K through three reading in this state, including achievement data statewide and achievement data at the school district and charter school level. The information pursuant to this paragraph shall include data and information on continued proficiency on the statewide assessment in subsequent grades.
  2. A description of the activities of the department to support school districts and charter schools in improving K through three reading.
  3. Specific findings on methods by which the department may continue to improve support and assistance for school districts and charter schools in the administration of K through three reading program plans.
  4. Information and data on K through three reading program plans throughout this state and the expenditure of K through three reading monies by school districts and charter schools.
  5. Information on the progress towards reading at grade level of students who were promoted in the previous year due to a good cause exemption, including strategies used to support these students and the progress they have made towards grade-level reading.
    - a. Example Strategies:
      - i. Placement with a highly-effective teacher, as determined by teacher evaluations;
      - ii. Use of a valid literacy assessment to determine specific areas of struggle with reading;
      - iii. High-dose tutoring targeted to the specific areas of struggle, including:
        - (1) Continued development of phonological awareness skills;
        - (2) Continued development of decoding skills;
        - (3) Continued development of fluency skills;
      - iv. Use of a valid literacy assessment for regular progress monitoring;
      - v. Regular communication with the parents/guardians of students receiving supports to detail the reports received at school and specific strategies that parents can use to support students in the home.
  6. Data reported pursuant to A.R.S. § 15-701(A)(2)(d).
    1. Beginning with school year 2025/2026, the Arizona Department of Education shall disaggregate and report the data submitted by local education agencies by subgroup by grade level for each of the three data submission windows. Student counts of subgroups that are less than 11 are to be redacted for reporting purposes.
    2. Subgroups:
      - i. All,
      - ii. English Learners,
      - iii. American Indian or Alaska Native,
      - iv. Asian,
      - v. African American/Black,
      - vi. Hispanic or Latino,
      - vii. Multiple Races,
      - viii. Native Hawaiian or Pacific Islander,
      - ix. White,
      - x. Income Eligibility 1 and 2,
      - xi. Students with Disabilities;

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- (1) Autism,
- (2) Developmental delay,
- (3) Emotional disability,
- (4) Hearing impairment,
- (5) Other health impairment,
- (6) Specific learning disability,
- (7) Mild, moderate, or severe intellectual disability,
- (8) Multiple disabilities,
- (9) Multiple disabilities with severe sensory impairment,
- (10) Orthopedic impairment,
- (11) Preschool severe delay,
- (12) Speech/language impairment,
- (13) Traumatic brain injury,
- (14) Visual impairment.

**Historical Note**

New Section made by final exempt rulemaking at 23 A.A.R. 1637, effective May 22, 2017 (Supp. 17-2). The hyphen between “K-3” and the numeral “3” have been corrected to the words “through three” for consistency in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 29 A.A.R. 2532 (October 10, 2023), effective September 25, 2023 (Supp. 23-3).

**R7-2-319. State Seal of Personal Finance Proficiency**

A. School districts and charter schools may participate in the State Seal of Personal Finance Proficiency Program (Program), which recognizes students who have attained a high level of proficiency in personal finance. School districts and charter schools participating in the Program may award the State Seal of Personal Finance Proficiency to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of the Program outlined in subsections (A)(1) and (A)(2) of this subsection. To be eligible to be awarded the State Seal of Personal Finance Proficiency, each student shall do each of the following:

1. Complete all Social Studies requirements for graduation with GPA of 3.0 or higher on a 4.0 scale, or the equivalent; and
2. Complete all of the following activities:
  - a. Passage of an assessment. The student shall attain the required score on one personal finance assessment as adopted by the State Board of Education, defined by the Arizona Department of Education, for purposes of demonstrating personal finance proficiency;
  - b. Completion of an approved Personal Finance Program. The student shall complete one of the personal finance programs as adopted by the State Board of Education, defined by the Arizona Department of Education, for purposes of demonstrating personal finance proficiency;
  - c. Participation in a curricular or extracurricular program. The student shall complete one personal finance curricular or extracurricular program as adopted by the State Board of Education, defined by the Arizona Department of Education, for purposes of demonstrating personal finance proficiency; and
  - d. Demonstrated college and/or career readiness plan. The student shall complete one college and career readiness plan as adopted by the State Board of Education, defined by the Arizona Department of Edu-

cation, for purposes of demonstrating personal finance proficiency.

- B. By October 1 of each year, the Arizona Department of Education shall make an electronic facsimile of the State Seal of Personal Finance Proficiency available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Personal Finance Proficiency to the student's diploma upon graduation, and shall note the receipt of the State Seal of Personal Finance Proficiency on the transcript of the student.
- C. The Arizona Department of Education shall post on its website by July 1 of each year:
  1. The list of acceptable personal finance assessments and the score to be achieved on each, as approved by the Board, which meet the requirements of R7-2-319(A)(2)(a);
  2. The list of acceptable personal finance programs, as approved by the Board, which meet the requirements of R7-2-319(A)(2)(b);
  3. The list of acceptable personal finance curricular or extra-curricular programs, as approved by the Board, which meet the requirements of R7-2-319(A)(2)(c); and
  4. The list of acceptable college and/or career readiness plans, as approved by the Board, which meet the requirements of R7-2-319(A)(2)(d).
- D. Each school district and charter school that participates in the Program shall meet the following requirements:
  1. Notify the Arizona Department of Education of its intent to participate in the Program at least 30 days prior to issuing the seal by filling out the form provided on the Arizona Department of Education's website;
  2. Designate at least one individual to serve as coordinator of the Program and provide that individual's name and contact information to the Arizona Department of Education;
  3. Using a format prescribed by the Arizona Department of Education, submit a report no later than 90 days after the end of the school year with the total number of students awarded the State Seal of Personal Finance Proficiency; and
  4. Make available to parents and students information regarding the Program and the name and contact information for the coordinator of the Program.
- E. The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.

**Historical Note**

New Section made by final exempt rulemaking at 25 A.A.R. 962, effective March 25, 2019 (Supp. 19-1).

**R7-2-320. State Seal of Civics Literacy**

- A. School districts and charter schools may participate in the State Seal of Civics Literacy Program (Program), which recognizes students who have attained a high level of proficiency in Civics. School districts and charter schools participating in the Program may award the State Seal of Civics Literacy to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of the Program outlined in subsections (A)(1), (2) and (3) of this subsection. To be eligible, each student shall do all of the following:

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1. Complete all Social Studies requirements for graduation with GPA of 3.0 or higher on a 4.0 scale, or the equivalent;
2. Pass the Civics test prescribed in R7-2-302; and
3. Complete all of the following activities:
  - a. Civic Learning Programs. The student shall complete the required number of civic learning programs for purposes of demonstrating civic literacy.
    - i. Students graduating in school year 2019-2020 shall complete at least two approved civic learning programs.
    - ii. Students graduating in school year 2020-2021 and thereafter shall complete at least three approved civic learning programs.
  - b. Civic Engagement Activities. The student shall complete the required number of civic engagement activities as for purposes of demonstrating civic literacy.
    - i. Students graduating in school year 2019-2020 shall complete at least one approved civic engagement activity.
    - ii. Students graduating in school year 2020-2021 and thereafter shall complete at least two approved civic engagement activities.
  - c. Service Learning and/or Community Service for a public agency or charitable organization that serves the public good. The student shall complete the required number of hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good for purposes of demonstrating civic literacy proficiency.
    - i. Students graduating in school year 2019-2020 shall complete at least 30 hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good.
    - ii. Students graduating in school year 2020-2021 shall complete at least 45 hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good.
    - iii. Students graduating in school year 2021-2022 shall complete at least 60 hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good.
    - iv. Students graduating in school year 2022-2023 and thereafter shall complete at least 75 hours engaged in Service Learning and/or Community Service for a public agency or charitable organization that serves the public good.
  - d. Written Reflection. The student shall complete a writing assignment as adopted by the State Board of Education for purposes of demonstrating civic literacy proficiency.
- B. By October 1 of each year, the Arizona Department of Education shall make an electronic facsimile of the State Seal of Civics Literacy available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Civics Literacy to the student's diploma upon graduation, and shall note the receipt of the State Seal of Civics Literacy on the transcript of the student.
- C. The Arizona Department of Education shall post on its website by July 1 of each year:
  1. The list of acceptable civic learning programs, as approved by the Board, which meet the requirements of R7-2-320(A)(3)(a);
  2. The list of acceptable civic engagement activities, as approved by the Board, which meet the requirements of R7-2-320(A)(3)(b);
  3. The defined number of hours of service learning and/or community service for a public agency or charitable organization that serves the public good, as approved by the Board, which meet the requirements of R7-2-320(A)(3)(c); and
  4. The list of written assignments, as approved by the Board, which meet the requirements of R7-2-320(A)(3)(d).
- D. Each school district and charter school that chooses to participate in the Program shall meet the following requirements:
  1. Notify the Arizona Department of Education of its intent to participate in the Program at least 30 days prior to issuing the seal by filling out the form provided on the Arizona Department of Education's website;
  2. Designate at least one individual to serve as coordinator of the Program and provide that individual's name and contact information to the Arizona Department of Education;
  3. Using a format prescribed by the Arizona Department of Education, submit a report no later than 90 days after the end of the school year with the total number of students awarded the State Seal of Civics Literacy; and
  4. Make available to parents and students information regarding the Program and the name and contact information for the coordinator of the Program.
- E. The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.

**Historical Note**

New Section made by final exempt rulemaking at 25 A.A.R. 962, effective March 25, 2019 (Supp. 19-1).

**R7-2-321. State Seal of Arts Proficiency**

- A. School districts and charter schools in this state may choose to participate in the State Seal of Arts Proficiency Program, which recognizes students who have attained a high level of proficiency in the Arts. School districts and charter schools participating in the Program may award the State Seal of Arts Proficiency to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of the Program outlined in subsections (A)(1) and (2). To be eligible, a student shall do both of the following:
  1. Complete all qualifying Arts and Career and Technical Education (CTE) courses with GPA of 3.0 or better on a 4.0 scale, or the equivalent.
  2. Complete the required activities from each of the following three categories:
    - a. Minimum Credit Requirements. The student shall complete one of the following credit pathways of Arts and CTE classes as follows:
      - i. A minimum of 4 credits in one artistic discipline; or

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- ii. 3 credits in one artistic discipline, and 1 qualifying creative industries CTE credit or separate artistic discipline; or
    - iii. 2 credits in one artistic discipline, and 2 credits in a qualifying creative industries CTE credits or separate artistic discipline.
  - b. Arts related extracurricular activities. The student shall complete the required number of hours engaged in arts related extracurricular activity for purposes of demonstrating arts proficiency as follows:
    - i. Students graduating in school year 2019-2020 must complete at least 30 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
    - ii. Students graduating in school year 2020-2021 must complete at least 45 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
    - iii. Students graduating in school year 2021-2022 must complete at least 60 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
    - iv. Students graduating in school year 2022-2023 and beyond must complete at least 80 hours engaged in arts related extracurricular activities as identified by the school district or charter school.
  - c. Student Capstone Project. The student shall complete a Capstone Project, as defined by the Arizona Department of Education, for purposes of demonstrating arts proficiency.
- B.** By October 1 of each year, the Arizona Department of Education shall make the State Seal of Arts Proficiency available to each school district or charter school participating in the Program. Each participating school district or charter school shall identify each student who has met the requirements of the Program, affix the State Seal of Arts Proficiency to the student's diploma upon graduation, and shall note the receipt of the State Seal of Arts Proficiency on the transcript of the student.
- C.** The Arizona Department of Education shall post on its website by July 1 of each year:
- 1. A list of arts and CTE classes which meet the requirements of R7-2-321(A)(2)(a);
  - 2. A list of extracurricular arts activities which meet the requirements of R7-2-321(A)(2)(b);
  - 3. A list of student capstone examples which meet the requirements of R7-2-321(A)(2)(c).
- D.** Each school district and charter school that chooses to participate in the Program shall meet the following requirements:
- 1. Notify the Arizona Department of Education of its intent to participate in the Program by September 15 by filling out the form provided on the Arizona Department of Education's website.
  - 2. Designate at least one individual to serve as coordinator of the Program and provide that individual's name and contact information to the Arizona Department of Education.
  - 3. Using a format prescribed by the Arizona Department of Education, submit a list of qualifying students who have met graduation and Arts Seal pathway requirements to the Arizona Department of Education by April 15 of each year.
  - 4. Make information available to parents and students regarding the Program and the name and contact information for the coordinator of the Program.
- E.** The Arizona Department of Education shall establish guidelines and procedures to assist school districts and charter schools in the administration of the Program.

**Historical Note**

New Section made by final exempt rulemaking at 25 A.A.R. 3399, effective October 28, 2019 (Supp. 19-4).

**ARTICLE 4. SPECIAL EDUCATION**

Authority: Laws 2017, Ch. 337

**R7-2-401. Special Education Standards for Public Agencies Providing Educational Services**

- A.** For the purposes of this Article, the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. 1400 et seq. and its implementing regulations, 34 CFR 300.1 et seq., are incorporated herein by reference. Copies of the incorporated material can be obtained from the U.S. Government Printing Office, <https://bookstore.gpo.gov/catalog/law-regulations> or the Arizona Department of Education, Exceptional Student Services, 1535 West Jefferson Street, Phoenix, Arizona 85007.
- B.** Definitions. All terms defined in the IDEA, its implementing regulations and A.R.S. § 15-761 are applicable, with the following additions:
- 1. "Accommodations" means the provisions made to allow a student to access the general education curriculum and demonstrate learning. Accommodations do not substantially change the instructional level, content or performance criteria, but are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known. Accommodations shall not alter the content of the curriculum or a test, or provide inappropriate assistance to the student within the context of the test.
  - 2. "Administrator" means the chief administrative official or designee authorized to act on behalf of a public education agency.
  - 3. "Boundaries of responsibility" means for:
    - a. A school district, the geographical area within its legally designated boundaries.
    - b. A charter school, the population of students enrolled in the charter school.
    - c. A public education agency other than a school district or charter school, the population of students receiving educational services from a public education agency.
  - 4. "Child with a disability," has the same meaning prescribed in A.R.S. § 15-761.
  - 5. "Department" means the Arizona Department of Education.
  - 6. "Exceptional Student Services" means the Exceptional Student Services Division of the Arizona Department of Education.
  - 7. "Evaluator" means a person trained and knowledgeable in a field relevant to the child's disability who administers specific and individualized assessment for the purpose of special education evaluation and placement.
  - 8. "Full and individual evaluation" means procedures used in accordance with the IDEA to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This evaluation includes:

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- a. A review of existing information about the child;
  - b. A decision regarding the need for additional information;
  - c. If necessary, the collection of additional information; and
  - d. A review of all information about the child and a determination of eligibility for special education services and needs of the child.
9. "Independent educational evaluation" means an evaluation conducted by an evaluator who is not employed by the public education agency responsible for the education of the child in question.
10. "Informed written consent" means a person has been fully informed of all information relevant to the activity for which consent is sought, in the person's native language or through another mode of communication; the person understands and agrees in writing to the carrying out of the activity for which consent is sought; and the person understands that the granting of consent is voluntary and may be revoked at any time.
11. "Interpreter" means a person trained to translate orally or in sign language in matters pertaining to special education identification, evaluation, placement, the provision of free appropriate public education (FAPE), or assurance of procedural safeguards for parents and students who converse in a language other than spoken English. Each student's IEP team determines the level of interpreter skill necessary for the provision of FAPE.
12. "Multidisciplinary Evaluation Team" has the same meaning prescribed in A.R.S. § 15-761.
13. "Modifications" means substantial changes in what a student is expected to learn and to demonstrate. Changes may be made in the instructional level, the content or the performance criteria. Such changes are made to provide a student with meaningful and productive learning experiences, environments, and assessments based on individual needs and abilities.
14. "Private school" means any nonpublic educational institution where academic instruction is provided, including nonsectarian and parochial schools, that are not under the jurisdiction of the state or a public education agency.
15. "Private special education school" means a nonpublic educational institution where instruction is provided primarily to students with disabilities. The school may also serve students without disabilities.
16. "Public education agency" or "PEA" means a school district, charter school, accommodation school, state supported institution, or other political subdivision of the state that is responsible for providing education to children with disabilities.
17. "Qualified professionals" means individuals who have met state approved or recognized degree, certification, licensure, registration or other requirements that apply in the areas in which the individuals are providing services such as screening, identification, evaluation, general education, special education or related services, including supplemental aids and services.
18. "Specially designed instruction" has the same meaning prescribed in A.R.S. § 15-761.
19. "Special education teacher" means a teacher holding a special education certificate from the Arizona Department of Education.
20. "Suspension" has the same meaning prescribed in A.R.S. § 15-840.
- C. Public Awareness.
1. Each public education agency shall inform the general public and all parents, within the public education agency's boundaries of responsibility, of the availability of special education services for students aged 3 through 21 years and how to access those services. This includes information regarding early intervention services for children aged birth through 2 years.
  2. School districts are responsible for public awareness in private schools located within their boundaries of responsibility.
- D. Child Identification and Referral.
1. Each public education agency shall establish, implement, and make available, either in writing or electronically, to its school-based personnel and all parents, within the public education agency boundaries of responsibility, written procedures for the identification and referral of all children with disabilities, aged birth through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability.
  2. Each public education agency shall require appropriate school-based personnel to review the written procedures related to child identification and referral on an annual basis. The public education agency shall maintain documentation of school-based personnel review.
  3. Procedures for child identification and referral shall meet the requirements of the IDEA and regulations, A.R.S. Title 15, Chapter 7, Article 4 and these rules.
  4. The public education agency responsible for child identification activities is the school district in which the parents reside unless:
    - a. The student is enrolled in a charter school or public education agency that is not a school district. In that event, the charter school or public education agency is responsible for child identification activities;
    - b. The student is enrolled in a non-profit private school. In that event, the school district within whose boundaries the private school is located is responsible for child identification activities.
  5. Identification (screening for possible disabilities) shall be completed within 45 calendar days after:
    - a. Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or
    - b. Notification to the public education agency by parents of concerns regarding developmental or educational progress by their child aged 3 years through 21 years.
  6. Screening procedures shall include vision and hearing status and consideration of the following areas: cognitive or academic, communication, motor, social or behavioral, and adaptive development. Screening does not include detailed individualized comprehensive evaluation procedures.
  7. For a student transferring into a school; the public education agency shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.

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8. If a concern about a student is identified through screening procedures or through review of records, the public education agency shall notify the parents of the student of the concern within 10 school days and inform them of the public education agency procedures to follow-up on the student's needs.
  9. Each public education agency shall maintain documentation of the identification procedures utilized, the dates of entry into school or notification by parents made pursuant to subsection (D)(5), and the dates of screening. The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator.
  10. If the identification process indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. For parentally-placed private school students the school district within whose boundaries the non-profit private school is located is responsible for such evaluation.
  11. If, after consultation with the parent, the responsible public education agency determines that a full and individual evaluation is not warranted, the public education agency shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.
- E. Evaluation/re-evaluation.**
1. Each public education agency shall establish, implement, and make available to school-based personnel and parents within its boundaries of responsibility written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the re-evaluation of students previously identified as being eligible for special education.
  2. Procedures for the initial full and individual evaluation of children suspected of having a disability and for the re-evaluation of students with disabilities shall meet the requirements of IDEA and its regulations, state statutes and State Board of Education rules.
  3. The initial evaluation of a child being considered for special education, or the re-evaluation per a parental request of a student already receiving special education services, shall be conducted within 60 calendar days from the public education agency's receipt of the parent's informed written consent and shall conclude with the date of the Multidisciplinary Evaluation Team (MET) determination of eligibility.
  4. If the parent requests the evaluation the PEA must, within a reasonable amount of time not to exceed 15 school days from the date it receives a parent's written request for an evaluation, either begin the evaluation by reviewing existing data, or provide prior written notice refusing to conduct the requested evaluation. The 60-day evaluation period shall commence upon the PEA's receipt of the parent's informed written consent.
  5. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child, and the parent and PEA agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the timelines for a re-evaluation within three years of the previous evaluation.
  6. The public education agency may accept current information about the student from another state, public agency, public education agency, or through an independent educational evaluation. In such instances, the Multidisciplinary Evaluation Team shall be responsible for reviewing and approving or supplementing an evaluation to meet the requirements identified in subsections (E)(1) through (7).
  7. For the following disabilities, the full and individual initial evaluation shall include:
    - a. Emotional disability: verification of a disorder by a qualified professional.
    - b. Hearing impairment:
      - i. An audiological evaluation by a qualified professional, and
      - ii. An evaluation of communication/language proficiency.
    - c. Other health impairment: verification of a health impairment by a qualified professional.
    - d. Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets the public education agency criteria through one of the following methods:
      - i. A discrepancy between achievement and ability;
      - ii. The child's response to scientific, research-based interventions; or
      - iii. Other alternative research-based procedures.
    - e. Orthopedic impairment: verification of the physical disability by a qualified professional.
    - f. Speech/language impairment: an evaluation by a qualified professional.
    - g. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:
      - i. An audiometric screening within the past calendar year,
      - ii. A review of academic history and classroom functioning,
      - iii. An assessment of the speech problem by a speech therapist, or
      - iv. An assessment of the student's functional communication skills.
    - h. Traumatic brain injury: verification of the injury by a qualified professional.
    - i. Visual impairment: verification of a visual impairment by a qualified professional.
  8. The Department shall develop a list, subject to review and approval of the State Board of Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in subsection (E)(7).
  9. The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(7)(a) through (i) are required for a student's re-evaluation.
- F. Parental Consent.**
1. A public education agency shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child.



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2. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public education agency may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.
  3. If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public education agency:
    - a. Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and
    - b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these rules.
  4. If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public education agency:
    - a. May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;
    - b. May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
    - c. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
    - d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.
  5. If a parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.
- G. Individualized Education Program (IEP).**
1. Each public education agency shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.
  2. Procedures for IEPs shall meet the requirements of the IDEA and its regulations, state statutes and State Board of Education rules.
  3. Procedures shall include the incorporation of Arizona academic standards as adopted by the State Board of Education into the development of each IEP and address grade-level expectations and grade-level content instruction.
  4. Each IEP of a student with a disability shall be developed in accordance with IDEA and its regulations, state statutes and State Board of Education rules. If appropriate to meet the needs of a student and to ensure access to the general curriculum, an IEP team may include specially designed instruction in the IEP that may be delivered in a variety of educational settings by a general education teacher or other certificated personnel provided that certificated special education personnel are involved in the planning, progress monitoring and when appropriate, the delivery of the specially designed instruction.
  5. Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without accommodations or modifications as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessment as determined by the IEP team.
  6. A meeting of the IEP team shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting. After the annual review, the public education agency and parent may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the student's current IEP.
  7. A parent or public education agency may request in writing a review of the IEP, and shall identify the basis for requesting review. Such review shall take place within 45 school days of the receipt of the request at a mutually agreed upon date and time.
- H. Least Restrictive Environment.**
1. Each public education agency shall establish, implement, and make available to its school-based personnel and parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and its regulations, state statutes and State Board of Education rules.
  2. A continuum of services and supports for students with disabilities shall be available through each public education agency.
- I. Procedural Safeguards.**
1. Each public education agency shall establish, implement, and make available to school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination to parents information about the public education agency's and state's dispute resolution options.
  2. In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after the PEA proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child, but before the decision is implemented.
- J. Confidentiality.**
1. Each public education agency shall establish, implement, and make available to its personnel and parents written policies and procedures to ensure the confidentiality of records and information in accordance with the IDEA and its regulations, the Family Educational Rights and Privacy Act (FERPA) and its regulations, and state statutes.
  2. Parents shall be fully informed about the requirements of the IDEA and regulations, including an annual notice of

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- the policies and procedures that the PEA shall follow regarding storage, disclosure to a third party, retention, and destruction of personally identifiable information.
3. The rights of parents regarding education records are transferred to the student at age 18, unless the student has been adjudicated incapacitated, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. § 15-773.
  4. Upon receiving a written request, each public education agency shall forward special education records to any other public education agency in which a student has enrolled or is seeking to enroll. Records shall be forwarded within the time-frame specified in A.R.S. § 15-828(F). The public education agency shall also forward records to any other person or agency for which the parents have given signed consent.
- K. Preschool Programs.** Each public education agency responsible for serving preschool children with disabilities shall establish, implement, and make available to its personnel and parents, written procedures for:
1. The operation of the preschool program, in accordance with federal statute and regulation, and state statute, that provides a continuum of placements to students;
  2. The smooth and effective transition from the Arizona Early Intervention Program to a public school preschool program in accordance with the agreement between the Department of Economic Security and the Department; and
  3. The provision of a minimum of 360 minutes per week of instruction in a program that meets at least 216 hours over the minimum number of days.
- L. Children in Private Schools.** Each education agency shall establish, implement, and make available to its personnel and parents written procedures regarding the access to special education services to students enrolled in private schools by their parents as identified by the IDEA and its regulations, state statutes and State Board of Education rules.
- M. Department Responsible for General Supervision and Obligations Related to and Methods of Ensuring Services.**
1. The Department is responsible for the general supervision of services to children with disabilities aged 3 through 21 served through a public education agency.
  2. The Department shall ensure through fund allocation, monitoring, dispute resolution, and technical assistance that all eligible students receive FAPE in conformance with the IDEA and its regulations, A.R.S. Title 15, Chapter 7, Article 4, and these rules.
  3. In exercising its general supervision responsibilities, the Department shall ensure that when it identifies noncompliance with the requirements of the IDEA Part B, the noncompliance is corrected as soon as possible, and in no case later than one year after the Department's written notification to the PEA of its identification of the noncompliance.
- N. Procedural Requirements Relating to Public Education Agency Eligibility.**
1. Each public education agency shall establish eligibility for funding with the Department in accordance with the IDEA and its regulations, state statutes and with schedules and methods prescribed by the Department.
  2. In the event the Department determines that a public education agency does not meet eligibility for funding requirements, the public education agency has a right to a hearing before such funding is withheld.
  3. The Department may suspend payments during any time period when a public education agency has not corrected deficiencies in eligibility for federal funds as a result of fiscal requirements of monitoring, auditing, complaint and due process findings.
  4. Each public education agency shall, on an annual basis, determine the number of children within each disability category who have been identified, located, evaluated, and/or receiving special education services. This includes children residing within the boundaries of responsibility of the public education agency who have been placed by their parents in private schools or who are home schooled.
- O. Public Participation.**
1. Each public education agency shall establish, implement, and make available to personnel and parents written procedures to ensure that, prior to the adoption of any policies and procedures needed to comply with federal and state statutes and regulations, there are:
    - a. Public hearings;
    - b. Notice of the hearings; and
    - c. An opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.
  2. This requirement does not pertain to day-to-day operating procedures.
- P. Suspension and Expulsion.**
1. Each public education agency shall establish, implement, and make available to personnel and parents written procedures for the suspension and expulsion of students with disabilities.
  2. Each public education agency shall require all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. The public education agency shall maintain documentation of staff review.
  3. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its regulations, and state statutes.

**Historical Note**

Amended effective December 11, 1974. Amended effective July 14, 1975 (Supp. 75-1). Amended effective July 1, 1977 (Supp. 77-4). Amended effective April 26, 1978 (Supp. 78-2). Former Section R7-2-401 repealed, new Section R7-2-401 adopted effective December 4, 1978 (Supp. 78-6). Amended by adding subsection (H) as an emergency effective July 20, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Amended (D)(11), (E)(5)(b) and added (H) effective December 14, 1984 (Supp. 84-6). Amended as an emergency effective June 18, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-3). Emergency expired. Amended subsection (D) by adding subsection (12) effective March 13, 1986 (Supp. 86-2). Amended subsection (G) effective July 8, 1986 (Supp. 86-4). Amended subsections (D) and (H) and added subsection (I) effective June 22, 1987 (Supp. 87-2). Amended effective August 2, 1988 (Supp. 88-3). Amended effective December 6, 1995 (Supp. 95-4). Amended by final rulemaking at 7 A.A.R. 1541, effective March 19, 2001 (Supp. 01-1). Amended to correct a manifest typographical error in subsection (D)(1) (Supp. 01-3). Subsections (D)(9), (E)(4), and (E)(6) amended under A.R.S. § 41-1011 to correct subsection cross-references

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(Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). Amended by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 24 A.A.R. 140, effective October 23, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

#### **R7-2-402. Standards for Approval of Special Education Programs in Private Schools**

- A.** Definitions. All terms defined in the regulations for the Individuals with Disabilities Education Improvement Act (IDEA) Amendments, A.R.S. § 15-761, and State Board of Education Section R7-2-401 are applicable.
- B.** No student may be placed by a public education agency in a private special education school program unless the facility has been approved as meeting the standards as outlined in this Section, and the public education agency is unable to provide satisfactory education and services through its own facilities and personnel.
- C.** In order for a private special education school to be approved by the Department for the purpose of contracting with a public education agency, the private facility shall:
  1. Provide special education instructional programs for students with disabilities that are at least comparable to those provided by the public schools of Arizona and meet the requirements of IDEA.
  2. Provide the following documentation:
    - a. Policies and procedures based on IDEA and state statutes;
    - b. Curriculum that is aligned with the Arizona Academic Standards;
    - c. A completed application;
    - d. Copies of all teacher and related service personnel certifications and licenses; and
    - e. If applicable, a copy of North Central Accreditation.
  3. Provide certificated special education teachers in each classroom to implement the IEPs of those students assigned to that classroom.
  4. Provide related services to meet the needs of the students as indicated on their IEPs.
  5. Provide administration personnel such as head teacher, principal, or other administrator certificated in an administrative area or experienced and certificated in the appropriate area of special education.
  6. Provide an education that meets the standards that apply to education provided by the public education agency.
  7. Maintain student records in accordance with the statutory requirements.
  8. Accept all responsibilities concerning instructional programs to the disabled student and parent or guardian that are required of the public schools of Arizona. Ultimate responsibility for any student under contract in a private special education school rests with the public education agency contracting for the students' education.
  9. Administer all required statewide assessments to those students placed in the private facility by a PEA or through the educational voucher system.
  10. Maintain adequate liability insurance.
  11. Maintain an accounting system and budget which includes the costs of operation, maintenance, transporta-

tion, and capital outlay, and which is open to review upon request.

12. Maintain an attendance reporting system that provides public education agencies and the Department with required information.
13. Provide notification to contracting public education agencies and the Department of any changes in staff or deletion of programs within 10 school days of the change or deletion.
14. Provide notification to the contracting PEA of any intent to discontinue, suspend, or terminate services to a student for longer than 10 days. Services to the student must be continued by the private school until an IEP meeting with the PEA is convened to determine an appropriate alternative placement. The PEA must be given up to 10 school days to arrange for the transition of the student after the IEP determination.
15. Permit onsite evaluation of the program by the Department or its designees, and the representatives of the public education agencies.
16. Request approval to contract with public education agencies from the Department in accordance with the prescribed procedures.

#### **Historical Note**

Former Section R7-2-402 repealed, new Section R7-2-402 adopted effective December 4, 1978 (Supp. 78-6). Amended by final rulemaking at 7 A.A.R. 1541, effective March 19, 2001 (Supp. 01-1). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

#### **R7-2-403. Repealed**

#### **Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6). Amended as an emergency effective September 26, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-5). Former emergency adoption now adopted effective December 4, 1979 (Supp. 79-6). Section repealed by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

#### **R7-2-404. Special Education Voucher Program Policies and Procedures**

- A.** Institutional vouchers. Students residing and attending special education programs at the Arizona Schools for the Deaf and the Blind (ASDB) or the Arizona State Hospital (ASH) or students attending special education day programs provided by ASDB may be eligible for special education institutional voucher funding.
  1. Eligibility criteria.
    - a. Student shall be between the ages of 3 and 22 years.
    - b. Student shall have a recognized disability as documented by a current educational evaluation. Evaluations shall be completed by the institution or the student's home school district (HSD), as determined by a multidisciplinary evaluation team (MET).
    - c. Student shall have a current individualized education program (IEP) identifying the placement as the most appropriate and least restrictive educational environment.
  2. Institutional voucher application/approval.

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- a. Applications for special education institutional vouchers shall be completed by the institution and submitted to the Exceptional Student Services Division of the Department of Education. The institution shall provide all student information requested on the institutional voucher application.
- b. Institutions shall sign a Statement of Assurance guaranteeing their maintenance of and ability to produce all supporting documentation for each application.
- c. Institutional voucher applications shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Institutional voucher payments will not be made for student attendance prior to voucher approval date.
- d. Voucher identification numbers shall be assigned for each new student approval, and shall be used by the institution to complete claims for payment and the special education census form.
- e. Institutional vouchers are approved for the current year only; therefore the application process shall be repeated each school year for each student.
- f. Institutions shall report any changes in student status, including withdrawals, transfers, current evaluation dates and changes in disability categories to the Exceptional Student Services Division of the Department of Education. Changes shall be submitted within ten days of the occurrence.
3. Institutional voucher claim for payment.
  - a. The special education institutional voucher claim for payment form shall be completed by the institution at the end of each calendar month. The claim shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education.
  - b. Claims for payment shall be submitted to the School Finance Division of the Department of Education.
4. Special education census.  
All institutional voucher students shall be reported on the special education census in accordance with procedures established by the School Finance Division of the Department of Education.
5. Review of placement.
  - a. It is the responsibility of the HSD to review student progress at least once a semester.
  - b. The IEP may be completed by the institution but is ultimately the responsibility of the student's HSD to ensure that it is reviewed and revised annually.
  - c. It is the responsibility of the HSD to ensure that re-evaluations are conducted on a tri-annual basis or more frequently as needed.
- B. Residential vouchers:** Students placed in private residential treatment facilities (PRF) may be eligible for residential voucher funding for the educational portion of the placement.
  1. Eligibility Criteria.
    - a. Students shall be enrolled in and eligible for educational services from a Public Education Agency (PEA).
    - b. Placement shall be made by one of the State Placing Agencies. They are the Department of Economic Security (DES), the Department of Health Services (DHS), the Administrative Office of the Courts (AOC), or the Department of Juvenile Corrections (ADJC).
  - c. Residential facilities shall be licensed by the Department of Health Services or Department of Economic Security and approved by the Department of Education for the specific educational needs of each student placed there.
  - d. The following conditions invalidate eligibility.
    - i. Placement by any agency other than those noted in subsection (B)(1)(b).
    - ii. Placement in facilities not appropriately licensed by DHS or DES or approved by the Department of Education.
    - iii. Student attendance at a PEA while residing in a residential facility.
  - e. Eligible students are divided into three categories.
    - i. Non-special education (NSE): Students not eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment.
    - ii. Care special education (CSE): Students eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment.
    - iii. Residential special education (RSE): Students requiring residential placement to benefit from educational programming who are placed by an IEP team.
2. Voucher application/approval process. The process differs depending on category.
  - a. NSE and CSE options:
    - i. When a placement decision is reached, the State Placing Agency (SPA) shall complete a SPA Application for Voucher Funding, and forward a copy to the student's Home School District (HSD) for appropriate signatures within five days of placement.
    - ii. Upon placement, copies of the completed voucher shall be provided to the PRF and the Exceptional Student Services of the Department of Education (ESS).
    - iii. Upon receipt and review of the application and verification of facility approval, the SPA application will be approved for the initial 60 days of placement. An approval memo is sent to the PRF and the HSD. The Exceptional Student Services shall assign a student identification number to each approved voucher student. This number shall be used by the private facility when completing the special education census form and the claim for payment form.
    - iv. The HSD shall submit the HSD Application for Education Voucher Funding packet and submit it to the Exceptional Student Services of the Department of Education. Appropriate documentation of eligibility for special education and provision of services, if applicable, shall be included.
    - v. The HSD voucher application packet shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Approvals are granted from the date of receipt

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through the end of the school year. An approval memo is sent to the PRF and the HSD.

- vi. If the HSD cannot complete the requirements for the HSD application packet within the initial 60-day approval period, they shall submit an Application For Extension Of Education Voucher Funding.
- b. RSE option.  
The HSD shall follow statutory requirements and procedures agreed upon by the ADE, DHS, and DES when considering placement in a PRF for educational reasons. If a need for such a placement is determined, the HSD shall complete and submit the HSD Application for Education Voucher Funding packet to the ESS. Documentation of the necessity for PRF placement, measurable exit criteria, and a reintegration plan shall be required.
- 3. Changes in placement/Discharge.
  - a. If a student is discharged or is absent without leave for more than ten days from the PRF, the facility shall notify the State Placing Agency, Home School District and the Exceptional Student Services Division of the Department of Education in writing within five days.
  - b. Students returning to a facility after a discharge or students transferred from one facility to another require a new SPA voucher application.
  - c. Students placed under the RSE option shall not be discharged without the consent of the IEP team.
- 4. Voucher claim for payment.
  - a. A special education voucher claim for payment shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education.
  - b. Claim for payment shall be submitted to the School Finance Division of the Department of Education.
- 5. Special education census.  
A special education census form shall be completed for all voucher students in accordance with procedures established by the School Finance Division of the Department of Education.
- 6. Review and continuation of placement.
  - a. The Home School District (HSD) shall regularly monitor the progress of students, ensure the annual review and revision of IEPs, and complete three-year re-evaluations as applicable.
  - b. Voucher approval is for one school year only. Students remaining in an PRF from the end of one school year to the beginning of the next year require new voucher applications. Prior to the beginning of the new school year, the PRF shall submit an Application for Continuing Voucher funding, signed by both the SPA and the HSD. For a student who is eligible for special education services, a current IEP shall accompany the continuing application if the IEP has been reviewed or revised after the original voucher was approved.

**Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6).  
Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

*Editor's Note: The following Section was erroneously published in Supp. 04-2 with amendments that were not approved by*

*the Attorney General's Office. It is republished with the text in effect before Supp. 04-2. The correct notice was published at 10 A.A.R. 3274 (Supp. 04-3).*

**R7-2-405. Special Education Dispute Resolution; Due Process**

**A.** Definitions. The following definitions are applicable to this Section:

1. "Due process hearing" means a fair and impartial administrative hearing conducted by the State Education Agency by an impartial hearing officer through the Arizona Office of Administrative Hearings in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and its implementing regulations (34 CFR 300).
2. "Impartial hearing officer" or "hearing officer" means an Administrative Law Judge ("ALJ") of the Arizona Office of Administrative Hearings ("OAH") and who is knowledgeable in the laws governing special education and administrative hearings.
3. "Public agency" ("PEA") has the same definition as provided in R7-2-401.
4. "State Education Agency" ("SEA") means the Department of Education, Exceptional Student Services Section.

**B.** The due process procedures specified in this Section apply to all public agencies dealing with the identification, evaluation, special education placement of, and the provision of a free appropriate public education ("FAPE") for children with disabilities.

**C.** The SEA shall establish procedures concerning:

1. Impartial due process hearings, and
2. Confidentiality and access to student records.

**D.** An impartial hearing officer shall be:

1. Unbiased - not prejudiced for or against any party in the hearing;
2. Disinterested - not having any personal or professional interest that would conflict with objectivity in the hearing;
3. Independent - may not be an officer, employee, or agent of a public agency involved in the education or care of the child or the SEA. A person who otherwise qualifies to conduct a hearing is not an employee of the public agency or the SEA solely because the person is paid by the public agency to serve as a hearing officer;
4. Trained by the SEA as to the state and federal laws pertaining to the identification, evaluation, placement of, and the provision of FAPE for children with disabilities.

**E.** Hearing officer qualifications and training.

1. All hearing officers shall participate in all required training conducted by the SEA as to the state and federal laws pertaining to the identification, evaluation, educational placement, and the provision of FAPE for children with disabilities.
2. A hearing officer shall meet the requirements set forth by OAH regarding ALJs. A hearing officer shall not have represented a parent in a special education matter during the preceding 12 months, and shall not have represented a school district in any matter during the preceding 12 months.

**F.** Selection of hearing officers.

1. The SEA shall prepare and maintain a list of individuals who meet the qualifications specified in subsection (E) to serve as hearing officers. This list shall also include the qualifications of each hearing officer.

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2. A hearing officer shall be assigned in accordance with the procedures of the Office of Administrative Hearings.
- G. Request for due process hearing.
  1. The due process complaint must allege a violation that occurred not more than two years before the date the parent or public education agency knew or should have known about the alleged action that forms the basis of the due process complaint.
  2. A parent shall submit a written request for a due process hearing to the public education agency and the SEA. The SEA shall provide a model form that a parent may use in requesting a due process hearing. Upon receipt of a written request, there shall be no change in the educational placement of the child except under the applicable provisions of IDEA, unless the PEA and parents agree. If a parent requests a due process hearing, the public education agency shall advise the parents of any free or low-cost legal services available, and provide a copy of the procedural safeguards notice. All correspondence to the parent shall be provided in English and the primary language of the home. If the written request involves an application for initial admission, the child, with the consent of the parent, shall be placed in the public school until the completion of all proceedings.
  3. If the public education agency requests a due process hearing, such request may be made on a model form, as noted in subsection (G)(2), and a copy shall be provided to the parent and the SEA. Upon receipt of a written request, there shall be no change in the educational placement of the child except under the applicable provisions of IDEA, unless the PEA and the parents agree. In conjunction with its request for due process hearing, the public education agency shall advise the parents of any free or low-cost legal services available and provide a copy of the procedural safeguards notice. All correspondence to the parent, including the due process request, shall be provided in English and the primary language of the home. If the written request involves an application for initial admission, the child, with the consent of the parent, shall be placed in the public school until the completion of all proceedings.
- H. An impartial due process hearing shall be conducted in accordance with the following procedures:
  1. The hearing officer shall hold a pre-hearing conference, either telephonically or at a location that is reasonably convenient to the parents and the child involved, to determine if the complaint is a legitimate due process complaint, to ensure that all matters are clearly defined, to establish the proceedings that will be used for the hearing, to determine who will represent and/or advise each party, and to set the time and dates for the hearing.
  2. The hearing officer shall conduct the hearing at a location that is reasonably convenient to the parents and the child involved.
  3. The hearing officer shall preside at the hearing and shall conduct the proceedings in a fair and impartial manner, and shall ensure that all parties involved have an opportunity to:
    - a. Present their evidence and confront, cross-examine, and compel the attendance of witnesses;
    - b. Object to the introduction of any evidence at the hearing that has not been disclosed to all parties at least five business days before the hearing;
    - c. Produce outside expert witnesses;
    - d. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.
4. The parent involved in the hearing shall be given the right to:
  - a. Have the child who is the subject of the hearing present,
  - b. Have the hearing conducted in public,
  - c. Have an interpreter provided by the public agency.
5. The hearing officer shall review all relevant facts concerning the identification, evaluation, the educational placement, and the provision of FAPE. This shall include any Independent Education Evaluation secured by the parent.
  - a. The hearing officer shall determine whether the public agency has met all requirements of federal and state law, rules, and regulations.
  - b. The hearing officer shall render findings of fact and a decision, which shall be binding on all parties unless appealed pursuant to this Section.
6. The hearing officer's findings of fact and decision shall be in writing and shall be provided to the parent, the public education agency, the SEA, and their respective representatives. The parent may choose to receive an electronic verbatim record of the hearing and electronic findings of fact and decision relative to the hearing in addition to the written findings of fact and decision. The hearing officer's findings of fact and decision shall be delivered by certified mail or by hand within 45 calendar days after notification to the hearing officer that the parties have been unable to resolve the matter in accordance with 20 U.S.C. 1415(f)(1)(B). A hearing officer may grant specific extensions of time beyond the 45 calendar days for good cause shown at the request of either party.
7. The findings of fact and decision of the hearing officer shall be final at the administrative level. The notification of the findings of fact and decision shall contain notice to the parties that they have a right to judicial review.
8. Any party to the proceeding has the right to appeal a final administrative decision to a court of competent jurisdiction within 35 calendar days after receipt of the decision.
9. The SEA, after deleting any personally identifiable information, shall make such written findings of fact and decision available to the public.
- I. Expedited hearing.
  1. An expedited hearing regarding disciplinary matters may be requested in accordance with federal law as set forth in 20 U.S.C. 1415(k).
  2. Hearing officers for an expedited hearing shall be assigned by the Office of Administrative Hearings.
  3. The expedited hearing shall be conducted within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

**Historical Note**

Adopted effective December 4, 1978 (Supp. 78-6).  
 Amended subsection (V) effective May 1, 1987 (Supp. 87-2). Amended effective July 20, 1990 (Supp. 90-3).  
 Emergency amendment adopted effective November 21, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendment readopted effective March 21, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1).  
 Amended effective May 2, 1991 (Supp. 91-2). Amended

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effective November 17, 1994 (Supp. 94-4). Amended effective December 6, 1995 (Supp. 95-4). Amended by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Supp. 04-2 Historical Note entry is in error. R7-2-405 was erroneously included in Supp. 04-2 with amendments that were not approved by the Attorney General's Office. It is republished with the text in effect before Supp. 04-2. The correct notice was published at 10 A.A.R. 3274 (Supp. 04-3). Amended by exempt rulemaking at 15 A.A.R. 1732, effective January 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). Amended by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1). The word "rule" has been replaced with "Section" to reflect current standards in Chapter style and format (Supp. 21-1).

#### **R7-2-405.01. Special Education Dispute Resolution; State Administrative Complaints**

- A.** Notwithstanding any other provision of law, a state administrative complaint filed with the Department regarding any alleged violations of Part B of the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.) or its implementing regulations (34 CFR 300) shall be investigated in accordance with the Code of Federal Regulations Title 34.
1. The party filing the complaint shall forward a copy of the state administrative complaint to the public education agency serving the child at the same time the party files the complaint with the Department.
  2. A written decision shall be issued to the complainant and the public education agency that is the subject of the state administrative complaint in accordance with the 60-day time limit specified in the Code of Federal Regulations Title 34.
- B.** The Department shall accept and investigate state administrative complaints that allege a violation that occurred not more than one year prior to the date that the complaint is received by the Department.
- C.** The state administrative complaint shall include all of the following:
1. A statement that a public education agency has violated a requirement of Part B of the IDEA or its implementing regulations.
  2. The facts on which the statement is based.
  3. The signature and contact information for the complainant.
  4. If alleging violations with respect to a specific child, all of the following:
    - a. The name and address of the child.
    - b. The name of the school the child is attending.
    - c. In the case of a homeless child or youth (within the meaning of Section 725(2) of the McKinney-Vento Homeless Assistance Act (20 U.S.C. 11434a(2))), available contact information for the child, and the name of the school the child is attending.
    - d. A description of the nature of the problem of the child, including facts relating to the problem.
    - e. A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
  5. The Department shall develop a model form to assist parents and public agencies in filing a state administrative complaint under this Section.

#### **Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

#### **R7-2-405.02. Special Education Dispute Resolution; Mediation**

In accordance with the Individuals with Disabilities Education Act, the Department shall provide parents of students with disabilities and public education agencies the opportunity to resolve disputes involving any matter under IDEA, including matters arising prior to the filing of a request for due process, through a mediation process.

1. The mediation process shall:
  - a. Be voluntary on the part of both parties,
  - b. Not be used to deny or delay a parent's right to a due process hearing or any other rights afforded under Part B of the IDEA,
  - c. Be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.
2. The Department shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.
3. The Department shall select mediators on a random or rotational basis.
4. The Department shall bear the cost of the mediation process.
5. Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to both the parent and the public education agency.
6. If the parties resolve a dispute through the mediation process, the parties shall execute a legally binding agreement that:
  - a. States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings,
  - b. Is signed by both the parent and a representative of the public education agency who has the authority to bind the agency, and
  - c. Is enforceable in any state court of competent jurisdiction or in a district court of the United States.
7. Whether or not the dispute is resolved through mediation, discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any federal court or state court.
8. Impartiality of the Mediator. An individual who serves as a mediator:
  - a. May not be an employee of the Department or of the public education agency that is involved in the education or care of the student.
  - b. Shall not have a personal or professional interest that conflicts with the person's objectivity.
  - c. Is not an employee of the Department or of a public education agency solely because the mediator is paid by the Department of Education to serve as a mediator.

#### **Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

#### **R7-2-406. Gifted Education Programs and Services**

- A.** Governing boards shall adopt policies for the education of gifted students which shall include:

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1. Procedures for identification and placement of students to be placed in gifted programs.
  - a. Students shall be served who score at or above the 97th percentile on national norms in any one of three areas - verbal, nonverbal, or quantitative reasoning - on any test from the State Board-approved list. Students who score below the 97th percentile also may be served.
  - b. Local educational agencies (LEAs) shall accept, as valid for placement, scores at or above the 97th percentile on any State Board-approved test submitted by other LEAs or by qualified professionals.
  - c. LEAs shall place transfer students as soon as they have verified eligibility.
2. Curriculum, differentiated instruction, and supplemental services for gifted students.
  - a. Expanded academic course offerings may include, for example, one or more of the following: acceleration, enrichment, flexible pacing, interdisciplinary curriculum, and seminars.
  - b. Differentiated instruction, which emphasizes the development of higher order thinking, may include critical thinking, creative thinking, and problem solving skills.
  - c. Supplemental services, which may be offered to meet the individual needs of each gifted student, may include, for example, guidance and counseling, mentorships, independent study, correspondence courses, and concurrent enrollment.
3. Parent involvement.
  - a. Each LEA shall provide the following information to all parents or legal guardians:
    - i. Definition of a gifted child;
    - ii. Services mandated for gifted students by the state of Arizona;
    - iii. Services available from the LEA;
    - iv. Written criteria of the LEA for referral, screening, selection and placement.
  - b. Each LEA shall develop policies and procedures which ensure that parents or legal guardians are:
    - i. Given the opportunity to have their children tested;
    - ii. Given advance notice of the week that their children are to be tested;
    - iii. Given the opportunity to withhold permission for testing;
  - c. Each LEA shall:
    - i. Make testing available for students K through 12 on a periodic basis but not less than three times per year;
    - ii. Inform parents or legal guardians of the results of the district-administered test within 30 school days of determining the test results;
    - iii. Upon request, explain test results to parents or legal guardians.
4. The scope and sequence shall be a written program description which demonstrates articulation across all grades and schools to ensure opportunities for continuous progress and shall include:
  - a. Statement of purpose;
  - b. General population description;
  - c. Identification process and placement criteria including provisions for special populations;
  - d. Goals and objectives;
  - e. Curriculum, differentiated instruction, and supplemental services;
  - f. Program models;
  - g. Time allocations for services;
  - h. Procedures and criteria for evaluation of student and program outcomes.
- B. The Arizona Department of Education shall develop and make available model policies for the development, implementation, and evaluation of services for gifted students.

**Historical Note**

Adopted effective December 12, 1990 (Supp. 90-4). The hyphen between “K-12” has been changed to the word “through” for consistency in Chapter style and format (Supp. 21-2).

**R7-2-407. Special Education Standards and Assistance for Providing Educational Services and Materials for Visually Impaired Students**

- A. All requirements in this Section are in addition to the general special education standards in R7-2-401 for public education agencies providing special education.
- B. For the purposes of this Section, the following definitions apply:
  1. “Accessible Electronic File” means, until the effective date of a nationally adopted file format, a digital file in a mutually agreed upon electronic file format that has been prepared using a markup language that maintains the structural integrity of the information and can be processed by Braille conversion software. Upon the effective date of a nationally adopted file format, such as the Instructional Materials Accessibility Standard (IMAS), “Accessible Electronic File” shall mean an electronic file conforming to the specifications of the nationally adopted file format, including future technical revisions and versions of this nationally adopted file format.
  2. “Individualized Braille literacy assessment” means the Learning Media Assessment or other standardized or individualized assessments that pertain to the child’s reading medium.
  3. “Non-printed instructional materials” means non-printed textbooks and related core materials, including those that require the availability of electronic equipment in order to be used as a learning resource, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. These materials shall be available to the extent technologically available, and may include software programs, CD-ROMs and internet-based materials.
  4. “Printed instructional materials” means textbooks and related printed core materials, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. This may include workbooks, practice tests, and tests.
  5. “Publisher” means an individual, firm, partnership or corporation that publishes or manufactures printed instructional materials for students attending public schools in Arizona, including an on-line service, a software developer, or a distributor of an electronic textbook.



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6. "Specialized format" means Braille, audio or digital text which is exclusively for use by blind or other persons with disabilities.
  7. "Structural integrity" means the structure of all parts of the printed instructional material will be kept intact to the extent feasible and as mutually agreed upon by the publisher and the local educational agency. This may include appropriate representation of graphic illustrations.
- C. Upon determination of a student having a visual impairment as assessed by a full and initial evaluation defined in R7-2-401(E)(6)(i), a visually impaired student who is determined to be blind as defined by A.R.S. § 15-214(B) shall receive an individualized Braille literacy assessment.
- D. Individualized Education Programs (IEP) for blind students. In addition to the requirements for establishing and implementing an IEP consistent with R7-2-401(F) for a student determined to have a disability, each IEP for a student determined to be "blind" as assessed by R7-2-401(E)(6)(i) and defined by A.R.S. § 15-214(B), shall presume that proficiency in Braille is essential in achieving academic success unless otherwise determined by the IEP team established consistent with the regulations for the most recent reauthorization of the Individuals with Disabilities Education Act (IDEA) and in the manner provided by the most recent reauthorization of the IDEA Act for developing an IEP. An IEP developed under this Section for a student determined to be blind shall include all required provisions of A.R.S. § 15-214(A)(3), including the following:
1. The results of the individualized Braille literacy assessment.
  2. The date on which Braille instruction will begin, the methods to be used and the frequency and duration of the Braille instruction.
  3. The level of competency expected to be achieved within specified time-frames and the objective measures to be used for evaluation.
  4. The Braille materials and equipment necessary to achieve the stated expected competency gains, including ordering instructional materials to achieve the IEP-stated goals.
  5. The rationale for not providing Braille instruction if Braille is not determined to be an appropriate medium by the IEP team and is not included in the IEP.
- E. The Arizona Department of Education shall designate a central repository for publishers to, upon request, provide accessible electronic files for instructional materials used by public schools in Arizona as defined in subsection (B)(1). The central repository shall be responsible for maintaining a complete list of available accessible electronic files for instructional materials and instructional materials in specialized formats, processing requests from PEAs for instructional materials in specialized formats and providing access to these materials in specialized formats to schools throughout Arizona that are providing services to blind or other students with disabilities.
1. Upon receipt of a written request certifying to the requirements set forth in subsections (E)(1)(a) through (c) publishers shall deliver to the repository, at no additional cost and consistent with the time-frame for providing materials for students without disabilities, accessible electronic files for printed instructional materials and non-printed instructional materials. Certification shall include all of the following:
    - a. The PEA purchased a copy of the printed instructional material or non-printed instructional material for use by a student who is blind or has a visual impairment in a course that the student is attending or registered to attend;
    - b. The student who will utilize the instructional materials in a specialized format has an IEP stating that such materials and/or equipment are necessary for the student to achieve stated expected competency gains; and
    - c. The instructional materials are for use by the student in connection with a course in which he or she is enrolled, as verified by the person overseeing the education of students who are blind or visually impaired.
  2. A PEA may access the materials maintained by the central repository, upon written request, for instructional use with a student with a visual impairment, as identified by R7-2-401(E)(6)(i), who requires the use of instructional materials in a specialized format pursuant to the student's IEP.
  3. Nothing in this Section shall be construed to prohibit the central repository from assisting a student with a disability by using the electronic format version of instructional material provided pursuant to this Section solely to transcribe or arrange for the transcription of the printed instructional material into Braille or large print. In the event a Braille transcription is made, the central repository has the right to share the Braille copy of the printed instructional material with other eligible students with disabilities. The PEA will be required to return the specialized format version of the instructional material to the central repository when the student no longer needs the instructional material. The central repository may share the copies of the specialized format of the instructional material with other PEAs who have met the requirements of subsections (B) and (D) to provide services to students who require such services pursuant to R7-2-401(F)(5).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). The word "rule" has been changed to "Section," and "of this Section" was removed to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-408. Extended School Year Programs for Children with Disabilities**

- A. "Extended school year" (ESY) shall be as defined in A.R.S. § 15-881.
- B. Eligibility. Eligibility shall be determined by the Individualized Education Program (IEP) Team. Criteria for determining eligibility in an extended school year program shall be as defined in A.R.S. § 15-881.
- C. For a student with a disability currently enrolled in special education, eligibility for ESY services shall be determined no later than 45 calendar days prior to the last day of the school year.
- D. The availability of an extended school year program is required for all students for whom the IEP team has determined that it is necessary in order to ensure a free appropriate public education. Student participation in an ESY program is not compulsory. ESY services are not required for all students with a disability.
- E. Factors that are inappropriate for consideration. Eligibility for participation shall not be based on need or desire for any of the following:

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1. A day care or respite care service for students with a disability;
2. A program to maximize the academic potential of a student with a disability; and
3. A summer recreation program for students with a disability.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

**ARTICLE 5. CAREER AND VOCATIONAL EDUCATION****R7-2-501. Repealed****Historical Note**

Not in original publication, correction, Section R7-2-501. Adopted effective July 2, 1974. Amended effective November 8, 1974. Amended effective August 11, 1975 (Supp. 75-1). Former Section R7-2-501 repealed, new Section R7-2-501 adopted effective December 4, 1978 (Supp. 78-6). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-502. Vocational Education Provisions and Standards**

All eligible recipients receiving federal or state monies or services in support of vocational and technical education programs, courses, or classes shall comply with the applicable provisions and standards of the following plans, which are filed with the Secretary of State, which plans are incorporated herein by reference.

1. 1986-1988 Arizona State Plan for Vocational Education for Federal Funding as required by A.R.S. § 15-784; and
2. Arizona State Plan for Vocational Education for State Funding approved April 22, 1985, as required by A.R.S. § 15-787(C).

**Historical Note**

Adopted (FY 76) effective July 14, 1975 (Supp. 75-1). Adopted (FY 77) effective June 25, 1976 (Supp. 76-3). Former Section R7-2-502 repealed, new Section R7-2-502 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-502 repealed, new Section R7-2-502 adopted effective March 13, 1986 (Supp. 86-2). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2)

**R7-2-503. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-504. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-505. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-506. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-507. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-508. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-509. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-510. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-511. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-512. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-513. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-514. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-515. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-516. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-517. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-518. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-519. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**R7-2-520. Repealed****Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6).

**ARTICLE 6. CERTIFICATION****R7-2-601. Definitions**

In this Article, the following definitions apply unless the context otherwise requires:

1. "Accredited institution" means a postsecondary institution that has accreditation that is recognized by the U.S. Department of Education. An institution based outside the United States shall be considered accredited if a

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Department-approved foreign document evaluation firm verifies that it has accreditation in the foreign country that is comparable to accreditation that is recognized by the U.S. Department of Education.

2. "Accredited training" means training provided by an organization that has accreditation from an association approved by the Board.
3. "Appropriately certified" means holding the certificate, endorsement and approved area that is required for a teaching assignment.
4. "Approved area" means a subject area denoted on a teaching certificate that is taught in Arizona public schools.
5. "Board" means the State Board of Education.
6. "Capstone experience" means a culminating professional experience in a PreK through 12 setting that may include student teaching or internships in administration, counseling, or school psychology, or alternative path PreK through 12 teaching.
7. "CTE" means Career and Technical Education.
8. "Department" means the Arizona Department of Education.
9. "Practicum" means a period of structured observation and practice of the skills being learned, supervised by an individual trained in that area. The commonly used terms "student teaching," "internship," "residency," or "observation course" are included in this definition.
10. "Professional development" means training to increase skills related to the occupation of education.
11. "Self-contained classroom" means a classroom in which the teacher teaches multiple subjects to one class of students.
12. "Single subject classroom" means a classroom in which the teacher teaches one subject to one class of students.
13. "Teaching experience" means full-time employment which included full responsibility for the planning and delivery of instruction and evaluation of student learning. Except for meeting the capstone experience requirement when applying for a standard teaching certificate, substitute teaching is not considered full-time teaching experience.

**Historical Note**

Former Section R7-2-601 repealed, new Section R7-2-601 adopted effective December 4, 1978 (Supp. 78-6). Amended subsection (C) effective May 31, 1983 (Supp. 83-3). Amended subsection (I) effective September 12, 1989 (Supp. 89-3). Amended effective August 14, 1991 (Supp. 91-3). Amended effective July 30, 1992 (Supp. 92-3). Section repealed, new Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective July 25, 1994 (Supp. 94-3). Amended effective September 20, 1996 (Supp. 96-3). Amended effective March 6, 1997 (Supp. 97-1). Typographical error corrected in subsection (A) (Supp. 97-3). Section repealed; new Section adopted effective December 3, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-602. Professional Teaching Standards**

- A. The standards presented in this Section shall be the basis for approved teacher preparation programs, described in R7-2-

604, and the Arizona Teacher Proficiency Assessment, described in R7-2-606.

- B. Standard 1. Learner Development: The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences. The teacher:
1. Regularly assesses individual and group performance in order to design and modify instruction to meet learners' needs in each area of development (cognitive, linguistic, social, emotional, and physical) and scaffolds the next level of development.
  2. Creates developmentally appropriate instruction that takes into account individual learners' strengths, interests, and needs and that enables each learner to advance and accelerate his/her learning.
  3. Collaborates with families, communities, colleagues, and other professionals to promote learner growth and development.
  4. Understands how learning occurs – how learners construct knowledge, acquire skills, and develop disciplined thinking processes – and knows how to use instructional strategies that promote student learning.
  5. Understands that each learner's cognitive, linguistic, social, emotional, and physical development influences learning and knows how to make instructional decisions that build on learners' strengths and needs.
  6. Identifies readiness for learning, and understands how development in any one area may affect performance in others.
  7. Understands the role of language and culture in learning and, consistent with Arizona law, knows how to modify instruction to make language comprehensible and instruction relevant, accessible, and challenging.
  8. Respects learners' differing strengths and needs and is committed to using this information to further each learner's development.
  9. Is committed to using learners' strengths as a basis for growth, and their misconceptions as opportunities for learning.
  10. Takes responsibility for promoting learners' growth and development.
- C. Standard 2. Learning Differences: The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards. The teacher:
1. Designs, adapts, and delivers instruction to address each student's diverse learning strengths and needs and creates opportunities for students to demonstrate their learning in different ways.
  2. Makes appropriate and timely provisions (e.g., pacing for individual rates of growth, task demands, communication, assessment, and response modes) for individual students with particular learning differences or needs.
  3. Designs instruction to build on learners' prior knowledge and experiences, allowing learners to accelerate as they demonstrate their understandings.
  4. Brings multiple perspectives to the discussion of content, including attention to learners' personal, family, and community experiences and cultural norms.
  5. Incorporates tools of language development into planning and instruction, including strategies for making content

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- accessible to English language learners and for evaluating and supporting their development of English proficiency.
6. Accesses resources, supports, and specialized assistance and services to meet particular learning differences or needs.
  7. Understands and identifies differences in approaches to learning and performance and knows how to design instruction that uses each learner's strengths to promote growth.
  8. Understands students with exceptional needs, including those associated with disabilities and giftedness, and knows how to use strategies and resources to address these needs.
  9. Knows about second language acquisition processes and knows how to incorporate instructional strategies and resources to support language acquisition.
  10. Understands that learners bring assets for learning based on their individual experiences, abilities, talents, prior learning, and peer and social group interactions, as well as language, culture, family, and community values.
  11. Knows how to access information about the values of diverse cultures and communities and how to incorporate learners' experiences, cultures, and community resources into instruction.
  12. Believes that all learners can achieve at high levels and persists in helping each learner reach his/her full potential.
  13. Respects learners as individuals with differing personal and family backgrounds and various skills, abilities, perspectives, talents, and interests.
  14. Makes learners feel valued and helps them learn to value each other.
  15. Values diverse languages and dialects and seeks to integrate them into his/her instructional practice to engage students in learning.
- D. Standard 3. Learning Environments:** The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self motivation. The teacher:
1. Collaborates with learners, families, and colleagues to build a safe, positive learning climate of openness, mutual respect, support, and inquiry.
  2. Develops learning experiences that engage learners in collaborative and self-directed learning and that extend learner interaction with ideas and people locally and globally.
  3. Collaborates with learners and colleagues to develop shared values and expectations for respectful interactions, rigorous academic discussions, and individual and group responsibility for quality work.
  4. Manages the learning environment to actively and equitably engage learners by organizing, allocating, and coordinating the resources of time, space, and learners' attention.
  5. Uses a variety of methods to engage learners in evaluating the learning environment and collaborates with learners to make appropriate adjustments.
  6. Communicates verbally and nonverbally in ways that demonstrate respect for and responsiveness to the cultural backgrounds and differing perspectives learners bring to the learning environment.
7. Promotes responsible learner use of interactive technologies to extend the possibilities for learning locally and globally.
  8. Intentionally builds learner capacity to collaborate in face-to-face and virtual environments through applying effective interpersonal communication skills.
  9. Understands the relationship between motivation and engagement and knows how to design learning experiences using strategies that build learner self-direction and ownership of learning.
  10. Knows how to help learners work productively and cooperatively with each other to achieve learning goals.
  11. Knows how to collaborate with learners to establish and monitor elements of a safe and productive learning environment including norms, expectations, routines, and organizational structures.
  12. Understands how learner diversity can affect communication and knows how to communicate effectively in differing environments.
  13. Knows how to use technologies and how to guide learners to apply them in appropriate, safe, and effective ways.
  14. Is committed to working with learners, colleagues, families, and communities to establish positive and supportive learning environments.
  15. Values the role of learners in promoting each other's learning and recognizes the importance of peer relationships in establishing a climate of learning.
  16. Is committed to supporting learners as they participate in decision making, engage in exploration and invention, work collaboratively and independently, and engage in purposeful learning.
  17. Seeks to foster respectful communication among all members of the learning community.
  18. Is a thoughtful and responsive listener and observer.
- E. Standard 4. Content Knowledge:** The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make these aspects of the discipline accessible and meaningful for learners to assure mastery of the content. The teacher:
1. Effectively uses multiple representations and explanations that capture key ideas in the discipline, guide learners through learning progressions, and promote each learner's achievement of content standards.
  2. Engages students in learning experiences in the discipline(s) that encourage learners to understand, question, and analyze ideas from diverse perspectives so that they master the content.
  3. Engages learners in applying methods of inquiry and standards of evidence used in the discipline.
  4. Stimulates learner reflection on prior content knowledge, links new concepts to familiar concepts, and makes connections to learners' experiences.
  5. Recognizes learner misconceptions in a discipline that interfere with learning, and creates experiences to build accurate conceptual understanding.
  6. Evaluates and modifies instructional resources and curriculum materials for their comprehensiveness, accuracy for representing particular concepts in the discipline, and appropriateness for his or her learners.
  7. Uses supplementary resources and technologies effectively to ensure accessibility and relevance for all learners.
  8. Creates opportunities for students to learn, practice, and master academic language in their content.

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9. Accesses school and/or district-based resources to evaluate the learner's content knowledge in his or her primary language.
  10. Understands major concepts, assumptions, debates, processes of inquiry, and ways of knowing that are central to the discipline(s) he or she teaches.
  11. Understands common misconceptions in learning the discipline and how to guide learners to accurate conceptual understanding.
  12. Knows and uses the academic language of the discipline and knows how to make it accessible to learners.
  13. Knows how to integrate culturally relevant content to build on learners' background knowledge.
  14. Has a deep knowledge of student content standards and learning progressions in the discipline(s) he or she teaches.
  15. Realizes that content knowledge is not a fixed body of facts but is complex, culturally situated, and ever evolving. The teacher keeps abreast of new ideas and understandings in the field, and ensures instruction is consistent with Arizona's adopted academic standards.
  16. Appreciates multiple perspectives within the discipline and facilitates learners' critical analysis of these perspectives.
  17. Recognizes the potential of bias in his or her representation of the discipline and seeks to appropriately address problems of bias.
  18. Commits to work toward each learner's mastery of disciplinary content and skills.
- F. Standard 5. Application of Content:** The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues. The teacher:
1. Develops and implements projects that guide learners in analyzing the complexities of an issue or question using perspectives from varied disciplines and cross-disciplinary skills (e.g., a water quality study that draws upon biology and chemistry to look at factual information and social studies to examine policy implications).
  2. Engages learners in applying content knowledge to real world problems through the lens of interdisciplinary themes (e.g., financial literacy, environmental literacy).
  3. Facilitates learners' use of current tools and resources to maximize content learning in varied contexts.
  4. Engages learners in questioning and challenging assumptions and approaches in order to foster innovation and problem solving in local and global contexts.
  5. Develops learners' communication skills in disciplinary and interdisciplinary contexts by creating meaningful opportunities to employ a variety of forms of communication that address varied audiences and purposes.
  6. Engages learners in generating and evaluating new ideas and novel approaches, seeking inventive solutions to problems, and developing original work.
  7. Facilitates learners' ability to develop diverse social and cultural perspectives that expand their understanding of local and global issues and create novel approaches to solving problems.
  8. Develops and implements supports for learner literacy development across content areas.
  9. Understands the ways of knowing in his/her discipline, how it relates to other disciplinary approaches to inquiry, and the strengths and limitations of each approach in addressing problems, issues, and concerns.
- G. Standard 6. Assessment:** The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making. The teacher:
1. Balances the use of formative and summative assessment as appropriate to support, verify, and document learning.
  2. Designs assessments that match learning objectives with assessment methods and minimizes sources of bias that can distort assessment results.
  3. Works independently and collaboratively to examine test and other performance data to understand each learner's progress and to guide planning.
  4. Engages learners in understanding and identifying quality work and provides them with effective descriptive feedback to guide their progress toward that work.
  5. Engages learners in multiple ways of demonstrating knowledge and skill as part of the assessment process.
  6. Models and structures processes that guide learners in examining their own thinking and learning as well as the performance of others.
  7. Effectively uses multiple and appropriate types of assessment data to identify each student's learning needs and to develop differentiated learning experiences.
  8. Prepares all learners for the demands of particular assessment formats and makes appropriate accommodations in assessments or testing conditions, especially for learners with disabilities and language learning needs.
  9. Continually seeks appropriate ways to employ technology to support assessment practice both to engage learners more fully and to assess and address learner needs.
  10. Understands the differences between formative and summative applications of assessment and knows how and when to use each.

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11. Understands the range of types and multiple purposes of assessment and how to design, adapt, or select appropriate assessments to address specific learning goals and individual differences, and to minimize sources of bias.
  12. Knows how to analyze assessment data to understand patterns and gaps in learning, to guide planning and instruction, and to provide meaningful feedback to all learners.
  13. Knows when and how to engage learners in analyzing their own assessment results and in helping to set goals for their own learning.
  14. Understands the positive impact of effective descriptive feedback for learners and knows a variety of strategies for communicating this feedback.
  15. Knows when and how to evaluate and report learner progress against standards.
  16. Understands how to prepare learners for assessments and how to make accommodations in assessments and testing conditions, especially for learners with disabilities and language learning needs.
  17. Is committed to engaging learners actively in assessment processes and to developing each learner's capacity to review and communicate about their own progress and learning.
  18. Takes responsibility for aligning instruction and assessment with learning goals.
  19. Is committed to providing timely and effective descriptive feedback to learners on their progress.
  20. Is committed to using multiple types of assessment processes to support, verify, and document learning.
  21. Is committed to making accommodations in assessments and testing conditions, especially for learners with disabilities and language learning needs.
  22. Is committed to the ethical use of various assessments and assessment data to identify learner strengths and needs to promote learner growth.
- H. Standard 7. Planning for Instruction:** The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context. The teacher:
1. Individually and collaboratively selects and creates learning experiences that are appropriate for curriculum goals and content standards, and are relevant to learners.
  2. Plans how to achieve each student's learning goals, choosing appropriate strategies and accommodations, resources, and materials to differentiate instruction for individuals and groups of learners.
  3. Develops appropriate sequencing of learning experiences and provides multiple ways to demonstrate knowledge and skill.
  4. Plans for instruction based on formative and summative assessment data, prior learner knowledge, and learner interest.
  5. Plans collaboratively with professionals who have specialized expertise (e.g., special educators, related service providers, language learning specialists, librarians, media specialists) to design and jointly deliver as appropriate learning experiences to meet unique learning needs.
  6. Evaluates plans in relation to short- and long-range goals and systematically adjusts plans to meet each student's learning needs and enhance learning.
  7. Understands content and content standards and how these are organized in the curriculum.
8. Understands how integrating cross-disciplinary skills in instruction engages learners purposefully in applying content knowledge.
  9. Understands learning theory, human development, cultural diversity, and individual differences and how these impact ongoing planning.
  10. Understands the strengths and needs of individual learners and how to plan instruction that is responsive to these strengths and needs.
  11. Knows a range of evidence-based instructional strategies, resources, and technological tools and how to use them effectively to plan instruction that meets diverse learning needs.
  12. Knows when and how to adjust plans based on assessment information and learner responses.
  13. Knows when and how to access resources and collaborate with others to support student learning (e.g., special educators, related service providers, language learner specialists, librarians, media specialists, community organizations).
  14. Respects learners' diverse strengths and needs and is committed to using this information to plan effective instruction.
  15. Values planning as a collegial activity that takes into consideration the input of learners, colleagues, families, and the larger community.
  16. Takes professional responsibility to use short- and long-term planning as a means of assuring student learning.
  17. Believes that plans must always be open to adjustment and revision based on learner needs and changing circumstances.
- I. Standard 8. Instructional Strategies:** The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways. The teacher:
1. Uses appropriate strategies and resources to adapt instruction to the needs of individuals and groups of learners.
  2. Continuously monitors student learning, engages learners in assessing their progress, and adjusts instruction in response to student learning needs.
  3. Collaborates with learners to design and implement relevant learning experiences, identify their strengths, and access family and community resources to develop their areas of interest.
  4. Varies his/her role in the instructional process (e.g., instructor, facilitator, coach, audience) in relation to the content and purposes of instruction and the needs of learners.
  5. Provides multiple models and representations of concepts and skills with opportunities for learners to demonstrate their knowledge through a variety of products and performances.
  6. Engages all learners in developing higher order questioning skills and metacognitive processes.
  7. Engages learners in using a range of learning skills and technology tools to access, interpret, evaluate, and apply information.
  8. Uses a variety of instructional strategies to support and expand learners' communication through speaking, listening, reading, writing, and other modes.
  9. Asks questions to stimulate discussion that serves different purposes (e.g., probing for learner understanding,

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helping learners articulate their ideas and thinking processes, stimulating curiosity, and helping learners to question).

10. Understands the cognitive processes associated with various kinds of learning (e.g., critical and creative thinking, problem framing and problem solving, invention, memorization and recall) and how these processes can be stimulated.
  11. Knows how to apply a range of developmentally, culturally, and linguistically appropriate instructional strategies to achieve learning goals.
  12. Knows when and how to use appropriate strategies to differentiate instruction and engage all learners in complex thinking and meaningful tasks.
  13. Understands how multiple forms of communication (oral, written, nonverbal, digital, visual) convey ideas, foster self expression, and build relationships.
  14. Knows how to use a wide variety of resources, including human and technological, to engage students in learning.
  15. Understands how content and skill development can be supported by media and technology and knows how to evaluate these resources for quality, accuracy, and effectiveness.
  16. Is committed to deepening awareness and understanding the strengths and needs of diverse learners when planning and adjusting instruction.
  17. Values the variety of ways people communicate and encourages learners to develop and use multiple forms of communication.
  18. Is committed to exploring how the use of new and emerging technologies can support and promote student learning.
  19. Values flexibility and reciprocity in the teaching process as necessary for adapting instruction to learner responses, ideas, and needs.
- J. Standard 9. Professional Learning and Ethical Practice:** The teacher engages in ongoing professional learning and uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner. The teacher:
1. Engages in ongoing learning opportunities to develop knowledge and skills in order to provide all learners with engaging curriculum and learning experiences based on local and state standards.
  2. Engages in meaningful and appropriate professional learning experiences aligned with his/her own needs and the needs of the learners, school, and system.
  3. Independently and in collaboration with colleagues, uses a variety of data (e.g., systematic observation, information about learners, research) to evaluate the outcomes of teaching and learning and to adapt planning and practice.
  4. Actively seeks professional, community, and technological resources, within and outside the school, as supports for analysis, reflection, and problem-solving.
  5. Reflects on his/her personal biases and accesses resources to deepen his/her own understanding of cultural, ethnic, gender, and learning differences to build stronger relationships and create more relevant learning experiences.
  6. Advocates, models, and teaches safe, legal, and ethical use of information and technology including appropriate documentation of sources and respect for others in the use of social media.
7. Understands and knows how to use a variety of self-assessment and problem-solving strategies to analyze and reflect on his/her practice and to plan for adaptations/adjustments.
  8. Knows how to use learner data to analyze practice and differentiate instruction accordingly.
  9. Understands how personal identity, worldview, and prior experience affect perceptions and expectations, and recognizes how they may bias behaviors and interactions with others.
  10. Understands and adheres to laws related to learners' rights and teacher responsibilities (e.g., for educational equity, appropriate education for learners with disabilities, confidentiality, privacy, appropriate treatment of learners, reporting in situations related to possible child abuse).
  11. Knows how to build and implement a plan for professional growth directly aligned with his/her needs as a growing professional using feedback from teacher evaluations and observations, data on learner performance, and school- and system-wide priorities.
  12. Takes responsibility for student learning and uses ongoing analysis and reflection to improve planning and practice.
  13. Is committed to deepening understanding of his/her own frames of reference (e.g., culture, gender, language, abilities, ways of knowing), the potential biases in these frames, and their impact on expectations for and relationships with learners and their families.
  14. Sees him/herself as a learner, continuously seeking opportunities to draw upon current education policy and research as sources of analysis and reflection to improve practice.
  15. Understands the expectations of the profession including codes of ethics, professional standards of practice, and relevant law and policy.
- K. Standard 10. Leadership and Collaboration:** The teacher seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession. The teacher:
1. Takes an active role on the instructional team, giving and receiving feedback on practice, examining learner work, analyzing data from multiple sources, and sharing responsibility for decision making and accountability for each student's learning.
  2. Works with other school professionals to plan and jointly facilitate learning on how to meet diverse needs of learners.
  3. Engages collaboratively in the schoolwide effort to build a shared vision and supportive culture, identify common goals, and monitor and evaluate progress toward those goals.
  4. Works collaboratively with learners and their families to establish mutual expectations and ongoing communication to support learner development and achievement.
  5. Working with school colleagues, builds ongoing connections with community resources to enhance student learning and well being.
  6. Engages in professional learning, contributes to the knowledge and skill of others, and works collaboratively to advance professional practice.

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7. Uses technological tools and a variety of communication strategies to build local and global learning communities that engage learners, families, and colleagues.
8. Uses and generates meaningful research on education issues and policies.
9. Seeks appropriate opportunities to model effective practice for colleagues, to lead professional learning activities, and to serve in other leadership roles.
10. Strives to meet the needs of learners and to strengthen the learning environment.
11. Takes on leadership roles at the school, district, state, and/or national levels.
12. Understands schools as organizations within a historical, cultural, political, and social context and knows how to work with others across the system to support learners.
13. Understands that alignment of family, school, and community spheres of influence enhances student learning and that discontinuity in these spheres of influence interferes with learning.
14. Knows how to work with other adults and has developed skills in collaborative interaction appropriate for both face-to-face and virtual contexts.
15. Knows how to contribute to a common culture that supports high expectations for student learning.
16. Actively shares responsibility for shaping and supporting the mission of his/her school as one of advocacy for learners and accountability for their success.
17. Respects families' beliefs, norms, and expectations and seeks to work collaboratively with learners and families in setting and meeting challenging goals.
18. Takes initiative to grow and develop with colleagues through interactions that enhance practice and support student learning.
19. Takes responsibility for contributing to and advancing the profession.
20. Embraces the challenge of continuous improvement and change.

**Historical Note**

Former Section R7-2-602 repealed, new Section R7-2-602 adopted effective December 4, 1978 (Supp. 78-6). Amended by adding a new subsection (B) effective August 29, 1988 (Supp. 88-3). Amended effective December 15, 1989 (Supp. 89-4). Amended effective July 10, 1992 (Supp. 92-3). Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 3, 1998 (Supp. 98-4). Amended by exempt rulemaking at 18 A.A.R. 1029, effective December 5, 2011 (Supp. 12-2).

**R7-2-602.01. Induction Program Standards for New Teachers**

- A.** For the purposes of this Section, the following definitions apply:
1. "Induction" and "mentoring and retention programming" means a program of regular, job-embedded, in-person, one-on-one feedback that is focused on instruction and ensuring new classroom teacher quality, success and retention.
  2. "New classroom teacher" means a classroom teacher who is in the first, second, or third year of teaching.
- B.** The Arizona Teacher Induction Standards, and substantially similar programs developed by local education agencies, shall serve as the form and format of mentoring and retention programming for school districts, charter schools, the State Education System for Committed Youth, and the Arizona State

Schools for the Deaf and the Blind who receive grant funds established pursuant to A.R.S. § 15-1281(D)(3). The standards and programs developed by local education agencies shall require that the equivalent of one full-time mentor may be assigned to not more than 15 new classroom teachers employed by the school district or charter school.

**C.** The Department shall:

1. Develop the induction program standards in consultation with state educators and experts in instruction and educator quality, success, and retention.
2. Present the induction program standards and the development process to the Board for review and approval.

**D.** The Board shall adopt the Arizona Teacher Induction Standards in a meeting following the presentation of the standards to the Board.**Historical Note**

New Section made by final exempt rulemaking at 27 A.A.R. 743, effective April 26, 2021 (Supp. 21-2).

**R7-2-602.02. Teacher Leader Professional Standards**

- A.** For the purposes of this Section, the following definition applies: "Teacher leadership" means practices and professional capacities in which teachers act or fulfill duties and roles that support school-system faculty, staff, and administrators to improve instruction and teaching practices to improve educator and student development and performance.
- B.** The Arizona Teacher Leader Professional Standards are established. Teacher leader professional roles and professional learning programs developed by Arizona school districts, charter schools, the State Education System for Committed Youth, and the Arizona State Schools for the Deaf and the Blind who receive grant funds pursuant to A.R.S. § 15-1281(D)(3) may use the Arizona Teacher Leader Professional Standards to establish and align professional duties, plans, pathways, and development programs.
- C.** The Board shall adopt Arizona Teacher Leader Professional Standards as follows:
1. The Department shall develop teacher leader professional standards and guidance and resources in consultation with state educators and experts in instruction, educator quality, educator workforce development, success, leadership and retention;
  2. The Department shall present the teacher leader standards and the development process to the Board at a regularly scheduled Board meeting; and
  3. The Board shall adopt the Arizona Teacher Leader Professional Standards at a subsequent meeting.

**Historical Note**

New Section made by final exempt rulemaking at 29 A.A.R. 1401 (June 23, 2023), effective May 22, 2023 (Supp. 23-2).

**R7-2-603. Professional Administrative Standards**

- A.** The standards presented in this Section shall be the basis for approved administrative preparation programs, described in R7-2-604. The Arizona Administrator Proficiency Assessment shall assess proficiency in the standards as a requirement for certification of supervisors, principals, and superintendents, as set forth in R7-2-616.
- B.** Standard 1: Effective educational leaders develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student. Effective leaders:



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1. Develop an educational mission for the school to promote the academic success and well-being of each student.
  2. In collaboration with members of the school and the community and using relevant data, develop and promote a vision for the school on the successful learning and development of each child and on instructional and organizational practices that promote such success.
  3. Articulate, advocate, and cultivate core values that define the school's culture and stress the imperative of child-centered education; high expectations and student support; equity, inclusiveness, and social justice; openness, caring, and trust; and continuous improvement.
  4. Strategically develop, implement, and evaluate actions to achieve the vision for the school.
  5. Review the school's mission and vision and adjust them to changing expectations and opportunities for the school, and changing needs and situations of students.
  6. Develop shared understanding of and commitment to mission, vision, and core values within the school and the community.
  7. Model and pursue the school's mission, vision, and core values in all aspects of leadership.
- C.** Standard 2: Effective educational leaders act ethically and according to professional norms to promote each student's academic success and well-being. Effective leaders:
1. Act ethically and professionally in personal conduct, relationships with others, decision-making, stewardship of the school's resources, and all aspects of school leadership.
  2. Act according to and promote the professional norms of integrity, fairness, transparency, trust, collaboration, perseverance, learning, and continuous improvement.
  3. Place children at the center of education and accept responsibility for each student's academic success and well-being.
  4. Safeguard and promote the values of democracy, individual freedom and responsibility, equity, social justice, community, and diversity.
  5. Lead with interpersonal and communication skill, social-emotional insight, and understanding of all students' and staff members' backgrounds and cultures.
  6. Provide moral direction for the school and promote ethical and professional behavior among faculty and staff.
- D.** Standard 3: Effective educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being. Effective leaders:
1. Ensure that each student is treated fairly, respectfully, and with an understanding of each student's culture and context.
  2. Recognize, respect, and employ each student's strengths, diversity, and culture as assets for teaching and learning.
  3. Ensure that each student has equitable access to effective teachers, learning opportunities, academic and social support, and other resources necessary for success.
  4. Develop student policies and address student misconduct in a positive, fair, and unbiased manner.
  5. Confront and alter institutional biases of student marginalization, deficit-based schooling, and low expectations associated with race, class, culture and language, gender and sexual orientation, and disability or special status.
  6. Promote the preparation of students to live productively in and contribute to the diverse cultural contexts of a global society.
  7. Act with cultural competence and responsiveness in their interactions, decision making, and practice.
  8. Address matters of equity and cultural responsiveness in all aspects of leadership.
- E.** Standard 4: Effective educational leaders develop and support intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being. Effective leaders:
1. Implement coherent systems of curriculum, instruction, and assessment that promote the mission, vision, and core values of the school, embody high expectations for student learning, align with academic standards, and are culturally responsive.
  2. Align and focus systems of curriculum, instruction, and assessment within and across grade levels to promote student academic success, love of learning, the identities and habits of learners, and healthy sense of self.
  3. Promote instructional practice that is consistent with knowledge of child learning and development, effective pedagogy, and the needs of each student.
  4. Ensure instructional practice that is intellectually challenging, authentic to student experiences, recognizes student strengths, and is differentiated and personalized.
  5. Promote the effective use of technology in the service of teaching and learning.
  6. Employ valid assessments that are consistent with knowledge of child learning and development and technical standards of measurement.
  7. Use assessment data appropriately and within technical limitations to monitor student progress and improve instruction.
- F.** Standard 5: Effective educational leaders cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student. Effective leaders:
1. Build and maintain a safe, caring, and healthy school environment that meets that the academic, social, emotional, and physical needs of each student.
  2. Create and sustain a school environment in which each student is known, accepted and valued, trusted and respected, cared for, and encouraged to be an active and responsible member of the school community.
  3. Provide coherent systems of academic and social supports, services, extracurricular activities, and accommodations to meet the range of learning needs of each student.
  4. Promote adult-student, student-peer, and school-community relationships that value and support academic learning and positive social and emotional development.
  5. Cultivate and reinforce student engagement in school and positive student conduct.
  6. Infuse the school's learning environment with the cultures and languages of the school's community.
- G.** Standard 6: Effective educational leaders develop the professional capacity and practice of school personnel to promote each student's academic success and well-being. Effective leaders:
1. Recruit, hire, support, develop, and retain effective and caring teachers and other professional staff and form them into an educationally effective faculty.
  2. Plan for and manage staff turnover and succession, providing opportunities for effective induction and mentoring of new personnel.

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3. Develop teachers' and staff members' professional knowledge, skills, and practice through differentiated opportunities for learning and growth, guided by understanding of professional and adult learning and development.
  4. Foster continuous improvement of individual and collective instructional capacity to achieve outcomes envisioned for each student.
  5. Deliver actionable feedback about instruction and other professional practice through valid, research-anchored systems of supervision and evaluation to support the development of teachers' and staff members' knowledge, skills, and practice.
  6. Empower and motivate teachers and staff to the highest levels of professional practice and to continuous learning and improvement.
  7. Develop the capacity, opportunities, and support for teacher leadership and leadership from other members of the school community.
  8. Promote the personal and professional health, well-being, and work-life balance of faculty and staff.
  9. Tend to their own learning and effectiveness through reflection, study, and improvement, maintaining a healthy work-life balance.
- H.** Standard 7: Effective educational leaders foster a professional community of teachers and other professional staff to promote each student's academic success and well-being. Effective leaders:
1. Develop workplace conditions for teachers and other professional staff that promote effective professional development, practice, and student learning.
  2. Empower and entrust teachers and staff with collective responsibility for meeting the academic, social, emotional, and physical needs of each student, pursuant to the mission, vision, and core values of the school.
  3. Establish and sustain a professional culture of engagement and commitment to shared vision, goals, and objectives pertaining to the education of the whole child; high expectations for professional work; ethical and equitable practice; trust and open communication; collaboration, collective efficacy, and continuous individual and organizational learning and improvement.
  4. Promote mutual accountability among teachers and other professional staff for each student's success and the effectiveness of the school as a whole.
  5. Develop and support open, productive, caring, and trusting working relationships among leaders, faculty, and staff to promote professional capacity and the improvement of practice.
  6. Design and implement job-embedded and other opportunities for professional learning collaboratively with faculty and staff.
  7. Provide opportunities for collaborative examination of practice, collegial feedback, and collective learning.
  8. Encourage faculty-initiated improvement of programs and practices.
- I.** Standard 8: Effective educational leaders engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being. Effective leaders:
1. Are approachable, accessible, and welcoming to families and members of the community.
2. Create and sustain positive, collaborative, and productive relationships with families and the community for the benefit of students.
  3. Engage in regular and open two-way communication with families and the community about the school, students, needs, problems, and accomplishments.
  4. Maintain a presence in the community to understand its strengths and needs, develop productive relationships, and engage its resources for the school.
  5. Create means for the school community to partner with families to support student learning in and out of school.
  6. Understand, value, and employ the community's cultural, social, intellectual, and political resources to promote student learning and school improvement.
  7. Develop and provide the school as a resource for families and the community.
  8. Advocate for the school and district, and for the importance of education and student needs and priorities to families and the community.
  9. Advocate publicly for the needs and priorities of students, families, and the community.
  10. Build and sustain productive partnerships with public and private sectors to promote school improvement and student learning.
- J.** Standard 9: Effective educational leaders manage school operations and resources to promote each student's academic success and well-being. Effective leaders:
1. Institute, manage, and monitor operations and administrative systems that promote the mission and vision of the school.
  2. Strategically manage staff resources, assigning and scheduling teachers and staff to roles and responsibilities that optimize their professional capacity to address each student's learning needs.
  3. Seek, acquire, and manage fiscal, physical, and other resources to support curriculum, instruction, and assessment; student learning community; professional capacity and community; and family and community engagement.
  4. Are responsible, ethical, and accountable stewards of the school's monetary and non-monetary resources, engaging in effective budgeting and accounting practices.
  5. Protect teachers' and other staff members' work and learning from disruption.
  6. Employ technology to improve the quality and efficiency of operations and management.
  7. Develop and maintain data and communication systems to deliver actionable information for classroom and school improvement.
  8. Know, comply with, and help the school community understand local, state, and federal laws, rights, policies, and regulations so as to promote student success.
  9. Develop and manage relationships with feeder and connecting schools for enrollment management and curricular and instructional articulation.
  10. Develop and manage productive relationships with the central office and school board.
  11. Develop and administer systems for fair and equitable management of conflict among students, faculty and staff, leaders, families, and community.
  12. Manage governance processes and internal and external politics toward achieving the school's mission and vision.
- K.** Standard 10: Effective educational leaders act as agents of continuous improvement to promote each student's academic success and well-being. Effective leaders:

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1. Seek to make school more effective for each student, teachers and staff, families, and the community.
2. Use methods of continuous improvement to achieve the vision, fulfill the mission, and promote the core values of the school.
3. Prepare the school and the community for improvement, promoting readiness, an imperative for improvement, instilling mutual commitment and accountability, and developing the knowledge, skills, and motivation to succeed in improvement.
4. Engage others in an ongoing process of evidence-based inquiry, learning, strategic goal setting, planning, implementation, and evaluation for continuous school and classroom improvement.
5. Employ situationally-appropriate strategies for improvement, including transformational and incremental, adaptive approaches and attention to different phases of implementation.
6. Assess and develop the capacity of staff to assess the value and applicability of emerging educational trends and the findings of research for the school and its improvement.
7. Develop technically appropriate systems of data collection, management, analysis, and use, connecting as needed to the district office and external partners for support in planning, implementation, monitoring, feedback, and evaluation.
8. Adopt a systems perspective and promote coherence among improvement efforts and all aspects of school organization, programs, and services.
9. Manage uncertainty, risk, competing initiatives, and politics of change with courage and perseverance, providing support and encouragement, and openly communicating the need for, process for, and outcomes of improvement efforts.
10. Develop and promote leadership among teachers and staff for inquiry, experimentation and innovation, and initiating and implementing improvement.

**Historical Note**

Former Section R7-2-603 repealed, new Section R7-2-603 adopted effective December 4, 1978 (Supp. 78-6). Amended effective July 21, 1980 (Supp. 80-4). Amended subsection (J) effective August 20, 1981 (Supp. 81-4). Amended subsections (D) and (E) effective April 10, 1984 (Supp. 84-2). Amended subsection (J)(8) and (9) effective October 10, 1984 (Supp. 84-5). Amended subsection (G) effective December 13, 1985. Amended subsection (J)(6), (7), (8) and (9) effective December 18, 1985 (Supp. 85-6). Editorial correction, amendment to subsections (D) and (E) shown effective April 10, 1984 should read Amended subsections (D) and (E) effective October 1, 1985. Amended by adding subsection (G)(9) and (10) effective January 31, 1986 (Supp. 86-1). Amended by adding subsection (R) effective April 24, 1986 (Supp. 86-2). Amended subsection (G), filed May 5, 1986, effective July 1, 1987 (Supp. 86-3). Amended by adding subsection (J)(10) and (11) effective July 2, 1986; amended by adding subsection (J)(12), (13) and (14), filed August 7, 1986, effective July 1, 1987 (Supp. 86-4). Amended subsection (H) effective September 16, 1987 (Supp. 87-3). Correction: subsection (G)(3), "Provisional" is corrected to read: "Principal" as certified effective December 3, 1985; amended subsection (B) effective July 13, 1988; amended subsection (J)(2) effective

August 10, 1988; amended subsection (R)(2)(b) effective August 15, 1988 (Supp. 88-3). Amended effective August 9, 1989, and amended effective September 12, 1989 (Supp. 89-3). Amended effective December 15, 1989 (Supp. 89-4). Amended effective November 6, 1990; Amended effective December 12, 1990 (Supp. 90-4). Amended effective March 21, 1991 (Supp. 91-1). Amended effective May 2, 1991 (Supp. 91-2). Amended effective October 22, 1991 (Supp. 91-4). Section repealed, new Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective December 19, 1996 (Supp. 96-4). Amended effective March 6, 1997 (Supp. 97-1). Typographical error corrected in subsection (J) (Supp. 97-4). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 18 A.A.R. 1029, effective December 5, 2011 (Supp. 12-2). Amended by final exempt rulemaking at 22 A.A.R. 3369, effective October 24, 2016 (Supp. 16-4).

**R7-2-604. Definitions**

In R7-2-604 through R7-2-604.05, unless the context otherwise requires:

1. "Accreditation" means a professional preparation institution's recognition by a national or regional agency or organization acknowledged for meeting identified standards or criteria.
2. "Alternative educator preparation program" means a program designed for individuals who are working as a PreK through 12 teacher or administrator while certified under an alternative teaching certificate or interim administrative certificate. Alternative educator preparation programs may have substantially different program sequences, designs, and/or formats than that of a traditional education preparation program.
3. "Biennial report" means a report submitted every two years to the Department by all Arizona State Board approved professional preparation institutions for each approved educator preparation program.
4. "Biennial status letter" means correspondence issued by the Department to the professional preparation institution within 30 days upon completion of the review of the biennial report, indicating the status of the educator preparation program(s).
5. "Board approved program" means a course of study that is approved by the Board and meets all relevant standards for teachers, administrators, school guidance counselors, or school psychologists.
6. "Capstone experience" means a culminating professional experience in a PreK through 12 setting. This experience may include student teaching or internships in administration, counseling, or school psychology, or alternative path PreK through 12 teaching.
7. "Classroom-based educator preparation program" means a program administered through a school district or charter school that is approved pursuant to R7-2-604.05.
8. "Educator preparation program" means a traditional or alternative educator preparation program that prepares PreK through 12 teachers, administrators, school counselors, and school psychologists for an institutional recommendation for an Arizona certificate.
9. "Field experience" means scheduled, directed, structured, supervised, frequent experiences in a PreK through 12 setting that occurs prior to the capstone experience. Field

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- experiences must assist educator candidates in developing the knowledge, skills, and dispositions necessary to ensure all students learn, and provide evidence in meeting standards described in the Board approved professional teaching standards or professional administrative standards, and relevant Board approved academic standards.
10. "Institutional recommendation" means a form developed by the Department and issued by a professional preparation institution, that indicates an individual has completed a Board approved educator preparation program.
  11. "Internship" means significant opportunities for candidates to practice and develop the skills identified in relevant state and national standards as measured by substantial and sustained work in real settings, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor.
  12. "Locally based school leadership preparation program" means a program administered through a school district or charter school that is approved pursuant to R7-2-604.06.
  13. "National standards" means written expectations for meeting a specified level of performance that are established by, but not limited to, the following organizations: Council for Accreditation of Counseling and Related Education Program (CACREP), Council for the Accreditation of Educator Preparation (CAEP), Council for Exceptional Children (CEC), The National Educational Leadership Preparation (NELP), Interstate New Teacher Assessment and Support Consortium (InTASC), Professional Standards for Educational Leadership (PSEL), International Society for Technology in Education (ISTE), National Association for the Education of Young Children (NAEYC), National Association of School Psychologists (NASP), National Council for Accreditation of Teacher Education (NCATE) or Teacher Education Accreditation Council (TEAC).
  14. "Probationary educator preparation program" means a program with at least one deficiency identified in the biennial status letter issued by the Department, as a result of a Department review of the biennial report. Programs with the same deficiency(s) in two consecutive biennial status letters are subject to revocation of Board approval. A deficiency may include, but is not limited to, stakeholder surveys, completer data and student achievement data.
  15. "Professional preparation institutions" means organizations that include, but are not limited to, universities and colleges, school districts, not for profit organizations, professional organizations, private businesses, charter schools, and regional training centers that oversee one or more educator preparation programs.
  16. "Program completer" means a student who has met all the professional program institution's requirements of a Board approved educator preparation program necessary to obtain an institutional recommendation.
  17. "Program supervisor" means an educator from the professional preparation institution under whose supervision the candidate for licensure practices during a capstone experience. The program supervisor's professional work experiences must be relevant to the license the candidate is seeking. Program supervisors must also have adequate training from the professional preparation institution.
  18. "Review Team" means a committee that reviews educator preparation programs seeking Board approval that consists of representatives from the Department and at least three of the following entities: institutions under the jurisdiction of the Arizona Board of Regents, Arizona private institutions of higher education, Arizona community colleges, other organizations with a Board approved educator preparation program, professional educator associations, PreK through 12 administrators from local education agencies, National Board Certified Teachers, and a graduate or representative from an Arizona educator preparation program. For alternative educator preparation program applications, the review team shall include at least one graduate or representative from an Arizona alternative educator preparation program.
  19. "Student teaching" means a minimum of 12 weeks of rigorous field-based experiences, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor. The student teaching placement must be appropriate for the certification that the applicant is seeking.
  20. "Supervising practitioner" means a standard certified educator, currently employed by a local education agency, private agency or other PreK through 12 setting who supervises the candidate during a capstone experience. Supervising practitioners must have:
    - a. A minimum of three full years of experience relevant to the license the candidate is seeking.
    - b. A current classification of highly effective or effective pursuant to A.R.S. §§ 15-341(A)(41), 15-189.06, when applicable.
    - c. Adequate training from the professional preparation institution.
  21. "Traditional educator preparation program" means a program that includes courses, field experiences, and a capstone experience that is designed to prepare preservice PreK through 12 teachers, administrators, school counselors, and school psychologists."

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 26 A.A.R. 66, effective December 13, 2019 (Supp. 19-4). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2). The word "twelve" has been changed to the numeral "12," the hyphen between "PreK-12" has been changed to the word "through" for consistency in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

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

- A. Professional preparation institutions shall include evidence that the educator preparation program is aligned to standards described in the Board approved professional teaching standards or professional administrative standards and relevant national standards, and provides field experiences, and a capstone experience.

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- B. Educator preparation programs of professional preparation institutions requesting Board approval shall be reviewed by the Department, and the Department shall recommend Board action. Upon the recommendation of the Department, the Board shall evaluate and may approve an educator preparation program. The Board may grant program approval for a period not to exceed six years.
- C. All educator preparation programs that lead to an Arizona certification must be approved by the Board pursuant to these rules. Board approval of educator preparation programs may be granted following the successful evaluation of the program. Board rules in effect at the time of the submission of a program for evaluation shall be the rules upon which the educator preparation program is evaluated.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). This Section was inadvertently removed when Supp. 19-4 was published. It has been reinstated as last amended in Supp. 15-3 (Supp. 21-2).

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

- A. Professional preparation institutions with no Board approved educator preparation programs, seeking initial approval for an educator preparation program shall submit to the Department the information necessary to conduct a readiness review of the professional preparation institution. The Department shall prescribe forms to assist professional preparation institutions with providing all information required as part of the readiness review process. The required information, includes the following:
  1. An institutional profile demonstrating program and financial stability, a description of the educator preparation program seeking approval, a listing of national or regional accreditations the institution's governance and administrative structures and student demographic data.
  2. A description of the professional preparation institution's vision, mission, philosophy and goals, and a description of how this information is shared with students, relevant staff and other relevant stakeholders.
  3. Data regarding the professional preparation institution's relevant staff, including the following:
    - a. Demographic data relating to the relevant staff for each educator preparation program seeking approval, including, at a minimum, educational degrees, staff to student ratio, experience teaching in a PreK through 12 setting, and, if available, ethnicity and gender data.
    - b. Definitions of titles and clarification of roles of individuals responsible for courses, seminars, or modules of study; field experiences; capstone experiences; and administration.
    - c. A description of the professional preparation institution's employment policies, including procedures for determining staff assignments, evaluation procedures and professional development opportunities and requirements.
- B. The Department shall provide professional preparation institutions written notification, within 60 days of receiving readiness review materials, either indicating readiness to submit educator preparation programs for review or specifying any deficiencies. The institution has 30 days from receipt of the notice to supply the Department with all required information regarding identified deficiencies.
- C. The Department shall initiate a review of the specific educator preparation programs being considered for Board approval. The Department shall prescribe forms to assist institutions with providing all information required as part of the educator preparation programs review. Professional Preparation Institutions with accreditation may submit accreditation documentation to be considered as part of the review process. To facilitate this review, institutions shall provide the Department with the following:
  1. A description of the educator preparation programs being considered for Board approval. This shall include, at a minimum, the criteria for student entry into the program; a summary of the program courses, seminars, or modules of study; field experiences; and capstone experiences. The professional preparation institution must verify that it requires courses, seminars, or modules of study necessary to obtain a full Structured English Immersion endorsement if required for the certificate the candidate is seeking.
  2. A description of the field experience and capstone experience policies for the educator preparation programs being considered for Board approval. The review team shall verify that the field experience and capstone experience includes evidence of engagement in the application of relevant standards as articulated in the Board approved professional teaching standards or professional administrative standards and relevant national standards. Educator preparation programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
  3. Evidence that candidates are provided instruction and practice in how to gather, evaluate, and synthesize multiple data sources and how to effectively use data in educational and classroom instructional decisions.
  4. Provide the Department with evidence that candidates are provided instruction and practice in how to appropriately integrate technology when working with students.
  5. A description of the assessment plan for measuring each candidate's competencies as they progress through courses, seminars, or modules of study and field experiences to ensure readiness for a capstone experience. The plan shall require, at a minimum, that candidates demonstrate competencies as articulated in the Board approved professional teaching standards or professional administrative standards, relevant Board approved academic standards, and relevant national standards. The plan shall also describe processes for utilizing performance-based assessments and for providing candidates with necessary remediation. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with relevant national standards.
  6. A description of the procedures used to monitor and evaluate the operation, scope and quality of the educator preparation program being considered for approval. This shall include the use of internal and external evaluations, and may include stakeholder surveys, program completion employment information, and PreK through 12 student achievement data.

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7. An educator preparation program matrices demonstrating that program course, seminar, or module assessments, field experiences and capstone experiences measure candidates' success in meeting the Board approved professional teaching standards or professional administrative standards, and relevant national standards. Educator preparation programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with relevant national standards.
8. A plan for how the education preparation program will notify and assist program participants and partner schools if the educator preparation program closes.
- D. The Department may schedule and conduct an onsite visit upon completion of the educator preparation programs review for professional preparation institutions seeking initial approval. The onsite visit may include a tour of the professional preparation institution; a review of documentation and related evidence; and interviews of relevant staff, educator candidates, and local education agency, private agency or other PreK through 12 administrators who employ program completers.
- E. Upon completion of the review, and onsite review if applicable, the Department shall, within 90 days, provide the professional preparation institution with a program report of the Department's findings. This report shall cite any evidence showing deviation from each relevant standard Board approved professional teaching standard, professional administrative standard, and relevant national standard that applies to the educator preparation program. The professional preparation institution shall have 30 days from receipt of the Department's program report to submit a response addressing any identified deficiencies.
- F. Based upon the Department's program report, the Department shall recommend to the Board that the educator preparation program be approved or denied.
- G. The Board may grant educator preparation program approval for a period not to exceed six years or deny program approval.
- H. Within 60 days of the Board's action, a professional preparation institution may request reconsideration of the Board's decision to deny an educator preparation program.
- I. Professional preparation institutions with Board approval shall make available to the public a statement indicating the valid period for which the educator preparation program has been approved.
- J. Professional preparation institutions with Board approved educator preparation programs shall comply with the reporting requirements established by Title II of the Higher Education Act (P.L. 110-315).
- K. Each approved professional preparation institution shall submit a biennial report with the Department documenting educator preparation program activities for the previous two years. The biennial report shall include the following:
  1. A description of any substantive changes in courses, seminars, modules, assessments, field experiences or capstone experiences in Board approved educator preparation programs;
  2. Electronic access to relevant educator preparation program information;
  3. The name, title and original signature of the certification officer for the professional preparation institution;
  4. Relevant data on the educator preparation program, relevant staff, and candidates, which may include, but is not limited to, stakeholder surveys, completer data, and student achievement data required as a condition of initial or continuing program approval.
- L. The Department shall provide annual updates to the Board and make publicly available information summarizing the biennial reports to include, but not limited to, program status, deficiencies, and commendations.
- M. Board approved educator preparation programs shall provide their program completers with an institutional recommendation for issuance of the appropriate Arizona certification within 45 days.
- N. To maintain Board educator preparation program approval, the professional preparation institution shall be in continuous operation and training candidates in accordance with its mission and program objectives, fulfill all reporting requirements, and maintain compliance with all applicable local, state, tribal and federal requirements.
- O. The Department shall provide a timeline for professional preparation institutions to submit educator preparation programs for approval.
- P. Professional preparation Institutions seeking renewal of educator preparation program approval shall submit the required preliminary documents for review at least six month prior to the program expiration date.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). The hyphen between "PreK-12" was replaced with the word "through" for consistency in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-604.03. Alternative Educator Preparation Program Approval Process**

- A. An organization that includes, but is not limited to, universities under the jurisdiction of the Arizona Board of Regents, community colleges in this state, private postsecondary institutions licensed by this state, school districts, charter schools, professional organizations, nonprofit organizations, private entities and regional training centers that oversee one or more educator preparation program which wishes to offer a program for an alternative route for the certification of teachers and administrators in this State shall apply to the Department of Education for review to become an approved provider of such a program. The Department of Education shall convene a review team to review the application, using a rubric approved by the Board, and submit a recommendation to the Board. The application shall include:
  1. The name and location of the applicant;
  2. The name of the program;
  3. If the applicant is accredited, the name of the regional accrediting body and the accreditation status of the applicant;
  4. If the applicant is a private postsecondary educational institution, evidence that the applicant is licensed to operate by the State Board of Private Postsecondary Education pursuant to A.R.S. § 32-3021;
  5. A description of the budget of the program;
  6. A list of all staff members responsible for the administration of the program, the roles and responsibilities of each person and his or her credentials;

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7. The areas of certification for which the applicant will offer the program;
  8. A description of the program, which shall include:
    - a. The way in which the elements of the program will comply with the requirements of this Section and R7-2-602, R7-2-603 as applicable and A.R.S. § 15-501.01;
    - b. The application and review process for persons to enroll in the program, including a copy of all forms that will be used in the process;
    - c. A summary of the program courses, seminars, or modules of study; and
    - d. The supervised, school-based experiences the applicant will provide, including:
      - i. The name of each school and school district that will participate in the supervised, school-based experience, evidenced by a letter or other communication from the school or school district that demonstrates interest in participating;
      - ii. The length of time for which a candidate will be required to participate in the supervised, school-based experience, including any orientation that the candidate must complete;
      - iii. The manner by which candidates will be mentored by an effective or highly effective teacher and evaluated during the supervised, school-based experience;
      - iv. How the supervised, school-based experience will promote the effectiveness of teachers and administrators, as appropriate; and
      - v. A copy of all forms that will be used for the supervised, school-based experience process;
  9. If available, data on the efficacy of its preparation program which may include stakeholder surveys, completer data, and student achievement data;
  10. A statement of the estimated time it will take a candidate enrolled in the program to complete the program, which shall allow for completion of the program within one year but not more than three years;
  11. A description of the manner by which the applicant will evaluate the success or failure of each candidate enrolled in the program and track the progress of each such candidate, including a copy of all forms that will be used for the evaluation and tracking;
  12. A description of how the applicant will evaluate the success of the program, which must include the information required for the evaluation pursuant to R7-2-604.02(K)(4);
  13. A plan for how the education preparation program will notify and assist program participants and partner schools if the educator preparation program closes.
- B.** Upon receipt of an application for approval as an approved provider pursuant to subsection (A), the Department of Education shall convene a review team that shall:
1. Examine the application;
  2. Determine whether to recommend that the State Board of Education grant its approval of the application based upon the requirements of this Section and the Board-approved rubric without any additional requirements; and
  3. Submit its recommendation to the State Board of Education within 90 days of receipt of the application.
- C.** The State Board of Education shall review the recommendation of the review team and provide to the applicant written notice of its approval or denial. The State Board of Education may grant provisional approval to an applicant pursuant to subsection (D). If the State Board of Education denies an application, the applicant may correct any deficiencies identified in the notice of denial and resubmit the application for review by the Department within 30 days of the denial. The review team shall review the resubmitted application and submit its recommendation to the Board within 60 days of receipt of the resubmitted application.
- D.** If the State Board of Education grants an applicant provisional approval, the applicant may offer the program for an alternative route to certification described in the application for the period prescribed by the State Board of Education. The applicant must remove all the provisions under which the approval was issued before the expiration of the provisional approval. If the applicant removes the provisions within the prescribed time, the State Board of Education will grant nonprovisional approval to the applicant as an approved provider. Provisional approval is valid for two years after the date on which the State Board of Education granted provisional approval. If an applicant does not remove all the provisions within the prescribed time, the provisional approval is automatically revoked.
- E.** Except as otherwise provided in subsection (D), if an applicant is approved as an approved provider pursuant to this Section, the approval is valid for six years after the date of approval. To continue the approval, the qualified provider must submit an application for renewal before the expiration of the approval to the Department of Education. If the application for renewal is approved by the State Board of Education, the renewal is valid for six years after the date of the approval.
- F.** If an approved provider intends to offer a program for an alternative route to certification for an area of certification that is different from the area of certification for which the qualified provider has been approved, the qualified provider must submit a new application pursuant to subsection (A) to offer a program for an alternative route to certification for that area of certification.
- G.** An approved provider shall provide its program completers with an institutional recommendation for issuance of the appropriate Arizona alternative path certification within 45 days. An approved provider seeking renewal of its program approval shall submit the required renewal application for review at least 90 days prior to the program expiration date.
- H.** Each qualified provider must submit a report once every two years which includes:
1. A description of any substantive changes in courses, seminars, modules or assessments in the Board approved educator preparation programs;
  2. The name, title and original signature of the certification officer for the professional preparation institution; and
  3. Relevant data on the educator preparation program, relevant staff, and candidates, which may include, but is not limited to, stakeholder surveys, completer data, and student achievement data required as a condition of continuing program approval.
- I.** The Department shall:
1. Present the results of the report to the State Board of Education; and
  2. After the results have been presented to the State Board of Education, post the report on the Department's website.
- J.** Each qualified provider shall cooperate with the State Board of Education and the Department in the evaluation of the effectiveness of this Section.

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**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 25 A.A.R. 965, effective March 25, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2). Amended by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-604.04. Revocation of Approval of Qualified Provider: Notification of Intent; Requirements of Exit Plan**

- A. The State Board of Education may revoke its approval of an approved provider if the Board determines that the program for an alternative route to certification offered by the qualified provider does not meet the applicable requirements of R7-2-604.03.
- B. Before the Board revokes its approval of an approved provider, the Board will notify the qualified provider of its intent to revoke approval. The notice must include the specific reasons upon which the Board is basing its decision. Not later than 30 days after the date on which the qualified provider receives the notice, the qualified provider may submit a written response to the Board which sets forth the reasons why approval should not be revoked. The Board will review the notice and any response submitted by the qualified provider and will determine whether to:
  1. Revoke the approval of the qualified provider;
  2. Allow the qualified provider to continue providing the program for an alternative route to certification if certain enumerated conditions are met; or
  3. Allow the continued approval of the qualified provider without conditions.
- C. If the Board revokes its approval of an approved provider, the qualified provider must provide an exit plan which includes a description of how the qualified provider will assist candidates enrolled in the program for an alternative route to certification in completing another program with a different qualified provider at no cost to the candidate.

**Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-604.05. Classroom-Based Alternative Preparation Program Approval Process**

- A. A school district or charter school may apply to the Board for approval as a classroom-based alternative preparation program provider. The Department shall facilitate the Board approval process and prescribe an application form that shall include the following:
  1. The name of the program and the school district or charter school applying;
  2. The areas of certification for which the applicant will offer the program;
  3. Verification that individuals enrolled in the program will have a bachelor's degree from an accredited institution, or will meet all of the following criteria:
    - a. Will be currently enrolled in an accredited public or private postsecondary institution's bachelor's degree program;
    - b. Will not be a contracted or permanent full-time teacher or teacher of record for any classroom of students, except those enrollees may be employed by the school district or charter school; and
    - c. Will not regularly instruct students without the presence of a full-time teacher, certificated teacher, instructional coach or instructional mentor unless the individual possesses other means of certification.

4. Verification that individuals to be enrolled in the program will meet the background requirements and have a valid fingerprint card issued by the Arizona Department of Public Safety pursuant to A.R.S. § 15-534;
5. Data supporting the efficacy of its teacher preparation program, which may include stakeholder surveys, completer data and student achievement data. The school district or charter school may contract with a third party provider to provide the classroom-based alternative preparation program and may use that program's efficacy data to meet this requirement.
6. A list of all staff members responsible for administering the program and the roles and responsibilities of each person;
7. A description of the program, which shall include the following:
  - a. A program sequence or training schedule; and
  - b. Information regarding the mentoring and coaching of teacher candidates.
8. The school district or charter school may provide information on professional expectations, professional requirements, or student achievement requirements that exceed expectations and requirements of this Section, including requiring candidates to complete specified coursework or trainings.
9. A plan for how the program will notify and assist program participants if the program or school closes.
- B. Upon receipt of an application for approval as a classroom-based preparation program provider, the Department shall convene a review team that shall:
  1. Examine the application;
  2. Determine whether to recommend that the Board grant its approval of the application based upon the requirements of this Section and a Board-approved rubric; and
  3. Submit its recommendation to the State Board of Education within 90 days of receipt of the application.
- C. The State Board of Education shall review the recommendation of the review team and provide to the applicant written notice of its approval or denial.
- D. If the Board denies an applicant for program approval, the applicant may correct any deficiencies identified in the notice of denial and resubmit the application for review by the Department within 30 days of the denial. The review team shall review the resubmitted application and submit its recommendation to the Board within 60 days of receipt of the resubmitted application.
- E. If the Board approves an applicant as a classroom-based preparation program provider, the approval is valid for six years after the date of approval. To continue as a program provider, the school district or charter school shall apply for renewal before the expiration of its current approval. If the application for renewal is approved by the Board, the renewal is valid for six years after the date of the approval.



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- F. Approved classroom-based alternative preparation program providers shall submit a new application pursuant to subsection (A) to offer a program in an additional certification area.
- G. Each qualified provider shall submit a report once every two years that includes:
  1. A description of any substantive changes in courses, seminars, modules or assessments in the Board approved classroom-based preparation programs;
  2. The name, title and original signature of the certification officer for the approved program provider;
  3. Relevant data on the educator preparation program, relevant staff, and candidates, which may include, but is not limited to, stakeholder surveys, completer data, and student achievement data required as a condition of continuing program approval.
- H. Classroom-based preparation program providers shall provide program completers with an institutional recommendation for the appropriate Classroom-Based Standard Teaching Certificate within 45 days of program completion.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2). Amended by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-604.06. Locally Based School Leadership Preparation Program Approval Process**

- A. A school district or charter school may apply to the Board for approval as a locally based school leadership preparation program provider. The Department shall administer the Board approval process and prescribe an application form, which shall include the following:
  1. The name of the program and the school district or charter school applying;
  2. A list of all staff members responsible for administering the program and the roles and responsibilities of each person;
  3. The areas of certification for which the applicant will offer the program;
  4. A description of the program, which shall include the following:
    - a. A program sequence or training schedule; and
    - b. Information regarding the learning experiences, mentoring and coaching of school leader candidates.
  5. Evidence supporting the efficacy of the school district's or charter school's preparation program. A school district or charter school may contract with a third party provider to provide or assist in the preparation in the preparation program and may use that program's efficacy evidence to meet this requirement.
  6. Verification that individuals enrolled in the program will have a bachelor's degree from an accredited institution;
  7. Verification that individuals enrolled in the program will meet the background requirements and have a valid fingerprint card issued by the Arizona Department of Public Safety pursuant to A.R.S. § 15-534.
  8. A plan for how the program will notify and assist program participants if the program or school closes.
- B. Upon receipt of an application for approval as a locally-based school leadership preparation program provider, the Department shall convene a review team that shall:
  1. Examine the application;
  2. Determine whether to recommend that the Board grant its approval of the application based upon the requirements of this Section and a Board-approved rubric; and
  3. Submit its recommendation to the State Board of Education within 90 days of receipt of the application.
- C. The State Board of Education shall review the recommendation of the review team and provide to the applicant written notice of its approval or denial.
- D. If the Board denies an applicant for program approval, the applicant may correct any deficiencies identified in the notice of denial and resubmit the application for review by the Department within 30 days of the denial. The review team shall review the resubmitted application and submit its recommendation to the Board within 60 days of receipt of the resubmitted application.
- E. If the Board approves an applicant as a locally based school leadership preparation program provider, the approval is valid for six years after the date of approval. To continue as a locally based school leadership program provider, the school district or charter school shall apply for renewal before the expiration of its current approval. If the application for renewal is approved by the Board, the renewal is valid for six years after the date of the approval.
- G. Locally based leadership program providers shall provide program completers with an institutional recommendation for the appropriate locally based pathway standard administrative certificate within 45 days of program completion.

**Historical Note**

New Section made by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-605. Certification Responsibility**

The Superintendent of Public Instruction or the Superintendent's designee shall be responsible for the issuance and evaluation of the appropriate certificates based on the applicant's compliance with the statutes and rules.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). New Section R7-2-605 adopted effective April 10, 1984 (Supp. 84-2). Editorial correction, new Section R7-2-605 shown adopted effective April 10, 1984 should read new Section R7-2-605 adopted effective October 1, 1985. Amended by adding a new subsection (B) effective December 18, 1985 (Supp. 85-6). Amended by adding subsection (C), filed May 5, 1986, effective July 1, 1987; amended by adding subsection (D) effective June 30, 1986 (Supp. 86-3). Correction to Historical Note dated June 30, 1986, second part should have read: "...amended by adding subsections (D), (E), (F), (G) and (H) effective June 30, 1986"; amended subsection (A) effective August 10, 1988 (Supp. 88-3). Amended effective September 12, 1989 (Supp. 89-3). Amended effective November 6, 1990; Amended effective December 12, 1990 (Supp. 90-4). Amended effective March 10, 1994 (Supp. 94-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

**R7-2-606. Proficiency Assessments**

- A. The Arizona Teacher Proficiency Assessment is adopted as the proficiency assessment for applicants for teaching certificates. The Arizona Administrator Proficiency Assessment is adopted

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as the proficiency assessment for applicants for administrative certificates.

- B. The subject knowledge portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602 related to the teacher's knowledge of the certification subject area or areas.
- C. The professional knowledge portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602 related to the teacher's pedagogical knowledge.
- D. The Arizona Administrator Proficiency Assessment shall assess professional knowledge as described in R7-2-603 as a requirement for certification of administrators, supervisors, principals, and superintendents.
- E. The passing score for each assessment shall be determined by the Board using the results of validity and reliability studies. The passing score for each assessment shall be reviewed by the Board at least every three years.
- F. The proficiency assessments for professional knowledge and subject knowledge for a certificate, endorsement, or approved area shall be approved by the Board.

**Historical Note**

Repealed effective December 4, 1978 (Supp. 78-6). New Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-606 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). Emergency Section R7-2-606 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3739, effective August 5, 2002 for a period of 180 days (Supp. 02-3). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 for a period of 180 days (Supp. 02-4). August 5, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 9 A.A.R. 522, effective January 31, 2003 for a period of 180 days (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 24 A.A.R. 1427, effective April 23, 2018 (Supp. 18-2).

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

- A. The evaluation to determine qualification for certification shall not begin until an institutional recommendation or application for certification and official transcripts, and the appropriate fees have been received by the Department. Course descriptions, verification of employment, and other documents may also be required for the evaluation.
- B. Unless otherwise specified, a standard certificate shall be issued for 12 years and may be issued with deficiencies. Applicants may receive a standard certificate with the following deficiencies of requirements to be completed within three years: research-based phonics; reading instruction including for students with dyslexia; professionalism and ethics; and U.S. and Arizona Constitutions. If an applicant fails to meet these requirements within the prescribed time period, the Department of Education or the Board shall temporarily suspend the standard certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.

- C. The effective date of a new certificate shall be the date the evaluation is completed by the Department. The effective date of a renewed certificate shall be the date the evaluation for renewal is completed by the Department.
- D. Unless otherwise specified, all certificates and provisional endorsements issued for three years or less shall expire on the date of issuance in the year of expiration. All certificates issued for more than three years shall expire on the holder's birth date in the year of expiration.
- E. Only those degrees awarded by an accredited institution shall be considered to satisfy the requirements for certification.
- F. Professional preparation programs, courses, practica, and examinations required for certification shall be taken at an accredited institution or a Board-approved teacher preparation program.
- G. Only those courses in which the applicant received a passing grade or credit shall be considered to satisfy the requirements for certification.
- H. All certificates issued by the Department are considered to have been issued in conformance with these rules, except on a finding that an applicant submitted falsified or misrepresented documents, records, or facts in an application for certification or on a finding that a certificate was issued in error due to an error by the verifying authority or issuing authority. If the Department makes a finding pursuant to this subsection, the Department shall provide notice to the applicant of the finding. Within 60 days of the date of the notice, the applicant shall submit proof to the Department that the applicant meets the requirements for the certification. If the applicant is unable to provide proof they meet the requirements within 60 days of receipt of notice, the Department shall reclaim the certificate. Reclaiming a certificate pursuant to this subsection is not considered a disciplinary action but the Department shall refer the case for investigation pursuant to R7-2-1308 for findings that an applicant submitted falsified or misrepresented documents, records, or facts.
- I. The Department shall issue a comparable standard Arizona certificate described in R7-2-608, R7-2-609, R7-2-610, R7-2-611, R7-2-612 or R7-2-613 to an applicant who holds a valid certification from the National Board for Professional Teaching Standards, possess a valid fingerprint clearance card issued by the Arizona Department of Public Safety, and holds a bachelor's, master's or doctoral degree from an accredited institution. These applicants are exempt from all portions of the Arizona Teacher Proficiency Assessment.
- J. An applicant is not required to take any portion of the Arizona Teacher Proficiency Assessment if the applicant has at least three years of full-time teaching experience in any state, including this state, in the comparable area of certification or endorsement in which the person is applying for certification, regardless of whether the applicant was certified or uncertified. An applicant is not required to take any portion of the Arizona Administrator Proficiency Assessment if the person has at least three years of full-time experience in a school leadership position in any state, including this state, regardless of whether the applicant was certified or uncertified.
- K. An applicant is exempt from the testing requirements for Arizona certificates if the applicant passed corresponding portions of a professional or subject knowledge examinations, or administrator examination adopted by a state agency in another state that are similar to the Arizona Teacher Proficiency Assessments or the Arizona Administrator Proficiency Assessment.

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- L.** An applicant is exempt from the subject knowledge portion of the Arizona Teacher Proficiency Assessment if:
1. The applicant provides verification of teaching courses relevant to a content area or subject matter for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions; or
  2. The applicant obtained a bachelor's, master's or doctoral degree from an accredited institution in a relevant subject area; or
  3. The applicant provides verification of a minimum of five years of work experience that is relevant to a subject area of certification.
- M.** Unless otherwise specified, individuals who hold a valid Arizona elementary, middle grades or secondary certificate, or a special education certificate that includes grades six through 12, may add an approved area to their certificate by passing the appropriate subject area portion of the Arizona Teacher Proficiency Assessment or as provided in subsections (J), (K) and (L). Any approved area shall be specified on the certificate. If a proficiency assessment is not offered in a subject area, an approved area shall consist of a minimum of 24 semester hours of courses in the subject.
- N.** If a language assessment is not offered through the Arizona Teacher Proficiency Assessment, a passing score on a nationally accredited test of a foreign language approved by the Board may demonstrate proficiency of that foreign language in lieu of the 24 semester hours of courses in that subject.
- O.** A teacher's language proficiency in a Native American language shall be verified by a person, persons, or entity designated by the appropriate tribe in lieu of the 24 semester hours of courses in that subject.
- P.** Teachers of homebound students shall hold the same certificate that is required of a classroom teacher.
- Q.** Fingerprint clearance cards shall be issued by the Arizona Department of Public Safety.
- R.** A person who surrenders their teaching certificate for any reason shall not submit an application for certification with the Board for a period of five years. A person re-applying after the five-year ban must apply under the current rules at the time of re-application.
- S.** Notwithstanding any other provision, an individual with a deficiency in the Arizona and U.S. Constitutions who teaches an academic course that focuses primarily on history, government, social studies, citizenship, law or civics shall be issued a standard certificate subject to suspension in one year if that deficiency is not removed. The suspension is not considered a disciplinary action and the individual shall be allowed to correct that deficiency within the remaining time of the standard certification.
- T.** As used in this Article, unless otherwise provided, "work experience" means paid or unpaid work, including teaching experience as a certificated or noncertificated educator at a public or private school, which demonstrates knowledge or skill relevant to a subject area. Work experience, and its relevance to a subject area, shall be verified with one of the following:
1. A letter from a superintendent or personnel director that the applicant demonstrates knowledge or skill in the subject area that is comparable to holding a bachelor's degree, master's degree, or doctoral degree in that subject area, as identified in a resume;
  2. A letter from a public or private school superintendent or personnel director, in this state or in another state, that the applicant has the requisite experience teaching the most advanced Arizona academic standards, or comparable out-of-state standards, in the subject area sought; or
  3. If an applicant is unable to obtain a letter described in subsections (T)(1) or (2), the applicant may submit a letter from a current or former supervisor verifying that the applicant demonstrates knowledge or skill in the subject area that is comparable to holding a bachelor's degree, master's degree, or doctoral degree in that subject area, as determined by the Department.
- U.** Single subject classroom teachers in grades six through 12 are required to be appropriately certified for the subject they teach for the greater part of their instructional schedule. If a teacher is assigned to two or more subjects for equal parts of their instructional schedule, the teacher is required to be appropriately certified in each subject.
- V.** The requirements to be considered appropriately certified for a self-contained, single subject, or other classroom shall be established in the Certification Guidelines for Teaching Assignments, which shall be approved by the Board and on file with the Department.

**Historical Note**

Adopted effective December 5, 1977 (Supp. 77-6).  
 Repealed effective December 4, 1978 (Supp. 78-6). New  
 Section adopted effective May 3, 1993 (Supp. 93-2).  
 Amended effective March 6, 1997 (Supp. 97-1). Section  
 repealed; new Section adopted effective December 4,  
 1998 (Supp. 98-4). Amended by final rulemaking at 6  
 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).  
 Amended by exempt rulemaking at 16 A.A.R. 102, effective  
 May 1, 2009 (Supp. 10-1). Amended by exempt  
 rulemaking at 16 A.A.R. 160, effective October 26, 2009  
 (Supp. 10-2). Amended by exempt rulemaking at 16  
 A.A.R. 324, effective January 25, 2010 (Supp. 10-3).  
 Amended by exempt rulemaking at 16 A.A.R. 1249,  
 effective May 24, 2010 (Supp. 10-4). Amended by final  
 exempt rulemaking at 21 A.A.R. 2054, effective December  
 8, 2014 (Supp. 15-3). Amended by final exempt  
 rulemaking at 22 A.A.R. 648, effective January 25, 2016  
 (Supp. 16-1). Amended by final exempt rulemaking at 24  
 A.A.R. 195, effective August 9, 2017; filed in the Office  
 on January 2, 2018 (Supp. 18-1). Amended by final  
 exempt rulemaking at 27 A.A.R. 2353, (October 22,  
 2021), effective September 27, 2021 (Supp. 21-4).  
 Amended by final exempt rulemaking at 29 A.A.R. 183  
 (January 13, 2023), effective December 9, 2022 (Supp.  
 22-4).

**R7-2-607.01 Subject Areas – Waiver**

Notwithstanding any other provision in this Article, any individual with a valid Elementary or Secondary certificate, or a Special Education certificate that includes grades six through 12, issued prior to August 1, 2016 may add one or more approved areas to the certificate prior to August 1, 2017 without any additional requirements provided the individual received an evaluation in the top two levels of performance on the most recent teacher evaluation related to one or more of the subject areas and meets one of the following requirements:

1. The individual was teaching in one or more subject areas based on a verified Arizona High, Objective, Uniform, State Standard of Evaluation (HOUSSE) rubric as highly qualified to teach the subject area(s) as defined under the No Child Left Behind Act; or
2. The individual has completed of a minimum of 24 semester hours of courses in the subject area(s).

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**Historical Note**

New Section made by final exempt rulemaking at 23  
A.A.R. 725, effective January 23, 2017 (Supp. 17-1).

**R7-2-608. Early Childhood Teaching Certificates**

- A. A standard early childhood education certificate shall be required for individuals teaching in public school early childhood education programs, except as provided in R7-2-611 or in R7-2-615(N). For individuals teaching in grades kindergarten through three, this certificate is optional. An Early Childhood Special Education certificate as described in R7-2-611 is not required for individuals who hold the Early Childhood Teaching Certificate as described in this Section in combination with an Arizona cross-categorical mild-moderate disabilities, specialized special education, or moderate to severe disabilities teaching certificate as described in R7-2-611.
- B. For the purposes of this Section, public school early childhood education programs means education programs provided by local education agencies, including their sub-grantees and contracted providers, for children birth through age 8 for the purpose of providing academically and developmentally appropriate learning opportunities that are standards-based with defined curriculum and comprehensive in content to include all appropriate developmental and academic areas as defined by the Arizona Early Childhood Education Standards or the Arizona K through 12 Academic Standards approved by the Board.
- C. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- D. Standard Professional Early Childhood Education Certificate – birth through age 8 or through grade three. The requirements are:
  1. A bachelor's degree, and
  2. One of the following:
    - a. Completion of a teacher preparation program in early childhood education from an accredited institution or a teacher preparation program approved by the Board, or
    - b. Early childhood education coursework and practicum experience which teaches the knowledge and skills described in R7-2-602 and includes both of the following:
      - i. Thirty-seven semester hours of early childhood education courses to include all of the following areas of study:
        - (1) Foundations of early childhood education;
        - (2) Child guidance and classroom management;
        - (3) Characteristics and quality practices for typical and atypical behaviors of young children;
        - (4) Child growth and development, including health, safety and nutrition;
        - (5) Child, family, cultural and community relationships;
        - (6) Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
        - (7) Early language and literacy development;
        - (8) Assessing, monitoring and reporting progress of young children; and
      - ii. A minimum of eight semester hours of practicum, including:
        - (1) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children birth through preschool. One year of full-time verified teaching experience with children in birth through preschool may substitute for this student teaching experience. This verification may come from a school-based education program or center-based program licensed by the Department of Health Services or regulated by tribal or military authorities; and
        - (2) A minimum of four semester hours in a supervised student teaching setting serving children in kindergarten through grade three. One year of full-time verified teaching experience with children in kindergarten through grade three in an accredited school may substitute for this student teaching experience; or
- E. Standard Professional Early Childhood Education Certificate – birth through age 8 or through grade three for applications received on and after August 1, 2018.
  1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in early childhood education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics, including early language and literacy development;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Foundations of early childhood education;
      - iv. Teaching students with exceptionalities;
      - v. Child guidance and classroom management, including characteristics and quality practices for typical and atypical behaviors of young children;
      - vi. Child growth and development, including health, safety and nutrition;
      - vii. Child, family, cultural and community relationships;
      - viii. Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;

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- ix. Assessing, monitoring and reporting progress of young children;
  - x. Instructional design and lesson planning, including modifications and accommodations;
  - xi. Practicum as described in R7-2-604 serving children birth through preschool;
  - xii. Professional responsibility and ethical conduct; and
  - xiii. Twelve-week capstone experience as described in R7-2-604 children in kindergarten through grade three, which may be completed during the valid period of a teaching intern or student teaching intern certificate. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A valid Fingerprint Clearance Card issued by the Arizona Department of Public Safety;
  - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  - e. A passing score on the early childhood subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge examination.
2. Applicants may meet the requirements in subsection (E)(1)(b) with the submission of an application for the Standard Professional Elementary Education certificate that includes evidence of two years of verified full-time teaching experience serving children birth through grade three, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (E)(1)(b)(i) through (xii). One year of verified full-time teaching experience serving children in kindergarten through grade three may be substituted for the capstone experience.

**Historical Note**

Adopted effective May 20, 1994 (Supp. 94-2). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-608 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Former Section R7-2-608 recodified to R7-2-609 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). New Section R7-2-608 made by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-609. Elementary Teaching Certificates**

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Elementary Certificate – grades K through eight. The requirements are:
  - 1. A bachelor's degree,
  - 2. One of the following:
    - a. Completion of a teacher preparation program in elementary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
    - b. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of practicum in grades K through eight. Two years of verified teaching experience in grades Prekindergarten through eight may be substituted for the eight semester hours of practicum; or
    - c. A valid elementary certificate from another state.
  - 3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - 4. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment;
  - 5. A valid fingerprint card issued by the Arizona Department of Public Safety; and
  - 6. Forty-five hours or three semester hours of instruction in research-based systematic phonics. An accredited institution or other provider may provide this instruction.
- C. Standard Professional Elementary Certificate – grades kindergarten through eight for applications received on and after August 1, 2018.
  - 1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in elementary education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. At least forty-five hours or three semester hours of instruction in research-based systematic phonics, including language and literacy development;
      - ii. For applications received on and after October 15, 2020, at least forty-five hours or three semester hours of instruction in research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Developmentally appropriate instructional delivery, facilitation and methodologies for teaching language, math, science, social studies and the arts;
      - iv. Instructional design and lesson planning, including modifications, and accommodations;
      - v. The learning environment, including classroom management;
      - vi. Assessing, monitoring and reporting progress;
      - vii. Teaching students with exceptionalities;

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- viii. Professional responsibility and ethical conduct; and
  - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades kindergarten through eight, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades kindergarten through eight may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment; and
  - e. A valid fingerprint card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (C)(1)(b) with the submission of an application for the Standard Professional Elementary certificate that includes evidence of two years of verified full-time teaching experience in grades kindergarten through eight, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (C)(1)(b)(i) through (viii).

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
 Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-609 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Former R7-2-609 recodified to R7-2-610; new R7-2-609 recodified from R7-2-608 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-609 "Pre-kindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3).  
 Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 2947, effective September 24, 2018 (Supp. 18-3).

**R7-2-609.01. Middle Grades Teaching Certificate**

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Middle Grades Certificate – grades five through nine
  - 1. The requirements include all of the following:
    - a. A bachelor's degree;

- b. Completion of a teacher preparation program in middle grades education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
    - i. Early adolescent psychology;
    - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
    - iii. Instructional design and lesson planning, including modifications and accommodations;
    - iv. The learning environment, including classroom management;
    - v. Developmentally appropriate instructional delivery, facilitation and methodologies;
    - vi. Assessing, monitoring and reporting progress;
    - vii. Teaching students with exceptionalities;
    - viii. Professional responsibility and ethical conduct; and
  - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades five through nine, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades five through nine may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on at least one subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in the relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment; and
  - e. A valid fingerprint card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (B)(1)(b) with the submission of an application for the Standard Professional Middle Grades certificate that includes evidence of two years of verified full-time teaching experience in grades five through nine, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (B)(1)(b)(i) through (viii).

**Historical Note**

New Section by final exempt rulemaking at 24 A.A.R. 791, effective March 26, 2018 (Supp. 18-1).

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

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Secondary Certificate – grades six through 12. The requirements are:
  - 1. A bachelor's degree,
  - 2. One of the following:

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- a. Completion of a teacher preparation program in secondary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
  - b. Thirty semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of practicum in grades six through 12. Two years of verified teaching experience in grades six through postsecondary may substitute for the eight semester hours of practicum; or
  - c. A valid secondary certificate from another state.
3. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant subject area or otherwise qualifies for a waiver of the subject knowledge exam;
  4. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- C. Standard Professional Secondary Certificate – grades six through 12 for applications received on and after August 1, 2018.**
1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in secondary education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - ii. Instructional design and lesson planning, including modifications and accommodations;
      - iii. The learning environment, including classroom management;
      - iv. Developmentally appropriate instructional delivery, facilitation and methodologies;
      - v. Assessing, monitoring and reporting progress;
      - vi. Teaching students with exceptionalities;
      - vii. Professional responsibility and ethical conduct;
      - viii. Twelve weeks of capstone experience as described in R7-2-604 in grades six through postsecondary, which may be completed during the valid period of a teaching intern or student teaching intern certificate; one year of verified full-time teaching experience in grades six through postsecondary may substitute for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
    - c. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in a relevant subject area or otherwise qualifies for a waiver of the subject knowledge exam;
    - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  2. Applicants may meet the requirements in subsection (C)(1)(b) with the submission of an application for the Standard Professional Secondary certificate that includes evidence of two years of verified full-time teaching experience in grades six through postsecondary, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (C)(1)(b)(i) through (vii). One year of verified full-time teaching experience in grades six through postsecondary may be substituted for the capstone experience.
- D. Notwithstanding any other provision, individuals seeking a secondary certificate with an approved area in science, technology, engineering or mathematics are exempted from the requirements of a passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment based on:**
1. Verified work experience of five or more years in science, technology, engineering or mathematics; and
  2. Demonstrated adequate knowledge of science, technology, engineering or mathematics by:
    - a. A master's or a doctoral degree in an academic subject that is specific to science, technology, engineering or mathematics; or
    - b. Twenty-four semester hours of relevant coursework in an academic subject that is specific to science, technology, engineering or mathematics.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-610 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Former R7-2-610 recodified to R7-2-611; new R7-2-610 recodified from R7-2-609 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2054, effective December 8, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-610.01. Specialized Secondary Teaching Certificates**

Specialized Secondary Certificate – Science, Technology, Engineering or Mathematics – grades six through 12

**A. The requirements are:**

1. One of the following:
  - a. Demonstrate expertise in the subject matter knowledge through:

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- i. A bachelor's, master's or a doctoral degree and 24 semester hours of relevant coursework in an academic subject that is specific to science, technology, engineering or mathematics; or
  - ii. Verified teaching experience for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions in science, technology, engineering or mathematics
- 2. Verified work experience of five or more years in science, technology, engineering or mathematics
  - 3. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

- B.** An individual who meets the requirements of this Section is exempt from the competency requirements of the United States and Arizona Constitutions, and the professional knowledge and the subject knowledge portions of the Arizona Teacher Proficiency Assessments.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-610.02. Subject Matter Expert Standard Teaching Certificate**

Subject Matter Expert Standard Teaching Certificate – grades six through 12

**A.** The requirements are:

- 1. A bachelor's degree and one of the following:
  - a. Verified teaching experience for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions in the relevant subject area of certification. An individual seeking certification pursuant to this subdivision is exempt from passing the professional knowledge portion of the Arizona Teacher Proficiency Assessment; or
  - b. A bachelor's, master's or doctoral degree from an accredited postsecondary institution in the specific subject area of certification that is directly relevant to a content area or subject matter taught in public schools; or
  - c. Verification of expertise through work experience of a minimum of five years in the relevant area of certification.
- 2. A passing score on the professional knowledge Arizona Teacher Proficiency Assessment within two years except as provided by subsection (A)(1)(a). If an applicant fails to meet this requirement within two years, the Department of Education or the Board shall temporarily suspend the standard certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.
- 3. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- 4. Verification that the applicant has reviewed and attests to reviewing the best practices for social media and cellular telephone use between students and school personnel adopted by the Board.
- 5. Completion of Board-approved training in professionalism and ethics within two years. If an applicant fails to meet this requirement within two years, the Department or the Board shall temporarily suspend the standard cer-

tificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.

- B.** An individual who meets the requirements of this Section is exempt from the competency requirements of the United States and Arizona Constitutions and the subject knowledge portion of the Arizona Teacher Proficiency Assessment.

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 2947, effective September 24, 2018 (Supp. 18-3). Amended by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

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

- A.** Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619. An Early Childhood Special Education certificate as described in this Section is not required for individuals who hold the Early Childhood endorsement as described in R7-2-615 in combination with an Arizona cross-categorical, specialized special education, or moderate/severe disabilities teaching certificate as described in this Section. An Early Childhood Special Education certificate as described in this Section is not required for individuals who hold the Early Childhood Teaching Certificate as described in R7-2-608 in combination with an Arizona cross-categorical, specialized special education, or moderate/severe disabilities teaching certificate as described in this Section.

- B.** Terms used in this Section are defined in A.R.S. § 15-761.

- C.** Standard Professional Mild/Moderate Disabilities Certificate - grades K through 12.

- 1. The holder is qualified to teach students with mild/moderate disabilities as documented by student needs in the individualized education program and the following categories, including: autism, mild/moderate intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments, developmental delay and/or other health impairments.
- 2. The requirements are:
  - a. A bachelor's degree,
  - b. One of the following:
    - i. Completion of a teacher preparation program in special education from an accredited institution which included courses in the instruction and behavior management of students with mild/moderate disabilities; or
    - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including a minimum of 37 semester hours of special education courses and eight semester hours of practicum with students with mild/moderate disabilities. Special education courses shall include foundations of special education, legal aspects, effective collaboration and communication practices, research-based instruction in mathematics, research-based instruction in English language arts, classroom management and behavior analysis, assessment and eligibility, language development and disorders, and electives. Two years of verified



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teaching experience in mild/moderate special education, grades K through 12 may substitute for the eight semester hours of practicum.

- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in mild/moderate special education or otherwise qualifies for a waiver of the subject knowledge examination, and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- D. Standard Professional Mild/Moderate Disabilities Certificate - grades K through 12 for applications received on or after August 1, 2018.**
1. The holder is qualified to teach students with mild/moderate disabilities as documented by student needs in the individualized education program and the following categories, including: autism, mild/moderate intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments, developmental delay and/or other health impairments.
  2. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in mild/moderate disabilities special education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Instructional design and lesson planning, including specially designed instruction;
      - iv. The learning environment, including classroom and behavioral management;
      - v. Instructional delivery, facilitation and methodologies;
      - vi. Legal aspects of special education, including individualized education programs and transition planning;
      - vii. Effective collaboration and communication practices, including modifications and accommodations;
      - viii. Research-based instruction in math;
      - ix. Research-based instruction in English language arts;
      - x. Assessment and eligibility, including monitoring and reporting requirements;
      - xi. Language development and disorders;
      - xii. Professional responsibility and ethical conduct;
      - xiii. Twelve weeks of capstone experience as described in R7-2-604 in mild/moderate special education in grades K through 12, which may be completed during the valid period of a teaching intern certificate. One year of verified teaching experience in mild/moderate special education in grades K through 12 may substitute for the capstone experience requirement.
- For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
3. Applicants may meet the requirements in subsection (D)(2)(b) with the submission of an application for the Standard Professional Mild/Moderate Disabilities Certificate grades K through 12 that includes evidence of two years of verified full-time teaching experience in mild/moderate disabilities special education in grades K through 12 and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (D)(2)(b)(i) through (xii).
  4. Board approved educator preparation programs leading to dual certification in mild/moderate disabilities and elementary, middle school, or secondary education may exempt a student from the mild/moderate special education capstone experience upon the completion of the following:
    - a. Verification from the applicable district or charter school administrator that the student was employed continuously as a paraprofessional whose primary responsibility was working with students in mild/moderate special education classrooms for the two years preceding commencement of the capstone experience in elementary, middle school, or secondary education;
    - b. Verification from the applicable district or charter school administrator that the student received evaluations, in each of the preceding two years of employment as a paraprofessional, indicating effectiveness in performance; and
    - c. Completion of the capstone experience in elementary, middle school or secondary education and demonstration of all of the following competencies during the dual certification educator preparation program:
      - i. Participation on a multi-disciplinary evaluation team;
      - ii. Participation in and drafting of an acceptable individualized education program; and
      - iii. Planning and delivery of specially designed instruction for a class of students.
- E. Provisional Specialized Special Education Certificate – grades K through 12.**
1. The certificate is valid for three years and is not renewable.
  2. No new applications for a Provisional Specialized Education Certificate will be accepted after December 31, 2015.
  3. The holder is qualified to teach students with intellectual disabilities, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
- F. Standard Professional Specialized Special Education Certificate – grades K through 12.**
1. The certificate is valid for 12 years and may be renewed.
  2. The holder is qualified to teach students with intellectual disabilities, emotional disability, specific learning disability,

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ity, orthopedic impairments or other health impairments, as specified on the certificate.

3. The requirements are:

- a. A valid Arizona Provisional Specialized Special Education certificate, or a Provisional Specialized Special Education certificate which has not expired for more than one year;
- b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**G. Standard Professional Moderate/Severe Disabilities Certificate – grades K through 12.**

1. The holder is qualified to teach students with moderate/severe disabilities as documented by student needs in the individualized education program and the following categories, including: autism, moderate/severe intellectual disabilities, traumatic brain injury, emotional disability, orthopedic impairments, and/or other health impairments.
2. The requirements are:

- a. A bachelor's degree,
- b. One of the following:
  - i. Completion of a teacher preparation program in moderate/severe disabilities education from an accredited institution; or
  - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including a minimum of 37 semester hours of special education courses and eight semester hours of practicum with students with moderate/severe disabilities. Special education courses shall include foundations of low incidence disabilities, legal aspects, effective collaboration and communication practices, adaptive communication, instructional strategies across the curriculum, classroom management and behavior analysis, assessment and eligibility, and electives. Two years of verified special education teaching experience in with students with moderate/severe disabilities, grades K through 12 may substitute for the eight semester hours of practicum.
- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
- d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in moderate/severe special education or otherwise qualifies for a waiver of the subject knowledge examination, and
- e. A valid fingerprint card issued by the Arizona Department of Public Safety.

**H. Standard Professional Moderate/Severe Disabilities Certificate – grades K through 12 for applications received on or after August 1, 2018.**

1. The holder is qualified to teach students with moderate/severe disabilities as documented by student needs in the individualized education program and the following categories, including: autism, moderate/severe intellectual disabilities, traumatic brain injury, emotional disability, orthopedic impairments, and/or other health impairments.
2. The requirements include all of the following:
  - a. A bachelor's degree;
  - b. Completion of a teacher preparation program in moderate/severe disabilities education from a Board-approved educator preparation program or

from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:

- i. Research-based systematic phonics;
- ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
- iii. Instructional design and lesson planning, including specially designed instruction;
- iv. The learning environment, including classroom and individual behavioral management;
- v. Instructional delivery, facilitation and methodologies for teaching research-based instruction in math and English language arts;
- vi. Legal aspects of special education, including individualized education programs and transition planning;
- vii. Effective collaboration and communication practices, including modifications and accommodations;
- viii. Adaptive communication, including language development and disorders;
- ix. Assessment and eligibility, including monitoring and reporting requirements;
- x. Professional responsibility and ethical conduct;
- xi. Twelve weeks of capstone experience as described in R7-2-604 in special education in moderate/severe disabilities grades K through 12, which may be completed during the valid period of a teaching intern certificate. One year of verified full-time teaching experience in special education in moderate/severe disabilities grades K through 12 may substitute for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
- d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in moderate/severe special education or otherwise qualifies for a waiver of the subject knowledge examination, and
- e. A valid fingerprint card issued by the Arizona Department of Public Safety.

3. Applicants may meet the requirements in subsection (H)(2)(b) with the submission of an application for the Standard Professional Moderate/Severe Disabilities Certificate grades K through 12 that includes evidence of two years of verified full-time teaching experience in moderate/severe disabilities special education in grades K through 12 and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (H)(2)(b)(i) through (x).

**I. Standard Professional Hearing Impaired Certificate – birth through grade 12. The requirements are:**

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1. A bachelor's degree;
  2. One of the following:
    - a. Completion of a teacher preparation program in hearing impaired education from an accredited institution; or
    - b. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the hearing impaired and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with hearing impairment, foundations of instruction of students with hearing impairment, and diagnostic and assessment procedures for the hearing impaired. Two years of verified teaching experience in the area of hearing impaired in grade PreK through 12 may be substituted for the eight semester hours of practicum.
  3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  4. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in hearing impaired special education or otherwise qualifies for a waiver of the subject knowledge examination; and
  5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- J.** Standard Professional Hearing Impaired Certificate – birth through grade 12 for applications received on or after August 1, 2018.
1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in hearing impaired education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Survey of exceptional students;
      - iv. Teaching methodologies for students with hearing impairment;
      - v. Foundations of instruction of students with hearing impairment;
      - vi. Diagnostic and assessment procedures for the hearing impaired;
      - vii. Professional responsibility and ethical conduct;
      - viii. Twelve weeks of capstone experience as described in R7-2-604 in hearing impaired special education birth through grade 12, which may be completed during the valid period of a teaching intern certificate. One year of verified full-time teaching experience in the area of hearing impaired in birth through grade 12 may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in hearing impaired special education or otherwise qualifies for a waiver of the subject knowledge examination; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (J)(1)(b) with the submission of an application for the Standard Professional Hearing Impaired Certificate – birth through grade 12 that includes evidence of receipt of two years of verified full-time teaching experience in hearing impaired special education birth through grade 12 and training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (J)(1)(b)(i) through (vii).
- K.** Standard Professional Visually Impaired Certificate – birth through grade 12. The requirements are:
1. A bachelor's degree;
  2. One of the following:
    - a. Completion of a teacher preparation program in visual impairment from an accredited institution; or
    - b. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the visually impaired and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with visual impairment, foundations of instruction of students with visual impairment, and diagnostic and assessment procedures for the visually impaired. Two years of verified teaching experience in the area of visually impaired in grades PreK through 12 may be substituted for the eight semester hours of practicum.
  3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  4. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment; and
  5. Demonstration of competency in Braille through one of the following:
    - a. A passing score on the original version of the National Library of Congress certification exam; or
    - b. A valid certificate for a literary Braille transcriber issued by the National Library of Congress; or
    - c. A passing score on a Braille exam administered by another state; or
    - d. A passing score on the Braille exam developed and administered by the University of Arizona. Individuals who take this test and are not students at the University of Arizona may be assessed a fee.
  6. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- L.** Standard Professional Visually Impaired Certificate – birth through grade 12 for applications received on or after August 1, 2018.
1. The requirements include all of the following:
    - a. A bachelor's degree;

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- b. Completion of a teacher preparation program in visual impairment from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
    - i. Research-based systematic phonics;
    - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
    - iii. Survey of exceptional students;
    - iv. Teaching methodologies for students with visual impairment;
    - v. Foundations of instruction of students with visual impairment;
    - vi. Diagnostic and assessment procedures for the visually impaired;
    - vii. Professional responsibility and ethical conduct;
    - viii. Twelve weeks of capstone experience as described in R7-2-604 in visually impaired special education birth through grade 12, which may be completed during the valid period of a teaching intern certificate. One year of verified full-time teaching experience in the area of visually impaired in birth through grade 12 may be substituted for the capstone experience requirement. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
  - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment,
  - e. Demonstration of competency in Braille through one of the following:
    - i. A passing score on the original version of the National Library of Congress certification exam, or
    - ii. A valid certificate for a literary Braille transcriber issued by the National Library of Congress, or
    - iii. A passing score on a Braille exam administered by another state, or
    - iv. A passing score on the Braille exam developed and administered by the University of Arizona. Individuals who take this test and are not students at the University of Arizona may be assessed a fee.
  - f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (L)(1)(b) with the submission of an application for the Standard Professional Visually Impaired Certificate – birth through grade 12 that includes evidence of two years of verified full-time teaching experience in visually impaired special education birth through grade 12 and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (L)(1)(b)(i) through (vii).
- M. Standard Professional Early Childhood Special Education Certificate – Birth through age 8 or grade three.
    - 1. The requirements are:
      - a. A bachelor's degree,
      - b. Completion of a teacher preparation program in early childhood special education from an accredited institution,
      - c. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in early childhood special education or otherwise qualifies for a waiver of the subject knowledge examination,
      - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
      - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
    - 2. Applicants may meet the requirements in subsection (M)(1)(b) with completion of the following:
      - a. Thirty-seven semester hours of early childhood education which teach the standards described in R7-2-602 which include the following areas of study:
        - i. Foundations early childhood education and special education;
        - ii. Behavioral interventions for children with and without disabilities;
        - iii. Characteristics and quality practices for typical and atypical behaviors of young children;
        - iv. Typical and atypical child growth and development, including health, safety and nutrition with an emphasis on special health care needs for children birth through grade three;
        - v. Child, family, cultural and community relationships including community organizations that support and assist children with disabilities and their families;
        - vi. Developmentally appropriate instructional and inclusive methodologies for teaching social and emotional development, language arts, math, science, social studies, and the arts;
        - vii. Diagnosis and remediation of learning difficulties;
        - viii. Early language and literacy development including communication methods in early childhood education/special education;
        - ix. Assessment and evaluation for early childhood special education to include observing, assessing, monitoring and reporting on the progress of young children;
        - x. A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children with identified special needs birth through preschool or one year of full-time teaching experience with children identified with special needs birth through preschool; and
        - xi. A minimum of four semester hours in a supervised student teaching setting serving children with identified special needs in kindergarten through grade three or one year of full time teaching experience with children identified with special needs kindergarten through grade three.

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- N. Standard Professional Early Childhood Special Education Certificate – birth through age 8 or grade three for applications received on or after August 1, 2018.
1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in early childhood special education from a Board-approved educator preparation program or from an accredited institution offering substantially similar training addressing the following topics and any others as required by law:
      - i. Research-based systematic phonics;
      - ii. Research-based instructional strategies for delivering differentiated reading instruction, assessment, intervention and remediation to support readers of varying ages and ability levels, including students with dyslexia;
      - iii. Teaching students with exceptionalities;
      - iv. Characteristics and quality practices for typical and atypical behaviors of young children, including behavioral interventions for children with and without disabilities;
      - v. Typical and atypical child growth and development, including health, safety and nutrition with an emphasis on special health care needs for children birth through grade three;
      - vi. Child, family, cultural and community relationships including community organizations that support and assist children with disabilities and their families;
      - vii. Developmentally appropriate instructional and inclusive methodologies for teaching social and emotional development, language arts, math, science, social studies, the arts and diagnosis and remediation of learning difficulties;
      - viii. Early language and literacy development including communication methods in early childhood education/special education;
      - ix. Assessment and evaluation for early childhood special education to include observing, assessing, monitoring and reporting on the progress of young children;
      - x. Substantial experience in practicum as described in R7-2-604 serving children with exceptionalities birth through preschool and kindergarten through grade three;
      - xi. Professional responsibility and ethical conduct; and
      - xii. Twelve weeks of capstone experience as described in R7-2-604 serving children with exceptionalities in birth through grade three, which may be completed during the valid period of a teaching intern certificate. For individuals seeking dual certification, any capstone experience requirements may be met through separate eight-week capstone experiences in each of the certification areas sought.
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
    - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment unless the applicant has a bachelor's, master's or doctoral degree in early childhood special education or otherwise qualifies for a waiver of the subject knowledge examination; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  2. Applicants may meet the requirements in subsection (N)(1)(b) with the submission of an application for the Standard Professional Early Childhood Special Education Certificate – birth through age 8 or grade three that includes two years of verified full-time teaching experience in early childhood special education serving children birth through prekindergarten and kindergarten through grade three and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (N)(1)(b)(i) through (xi).
  3. Board approved educator preparation programs leading to dual certification in early childhood special education and early childhood teaching may exempt a student from the early childhood special education capstone experience upon completion of the following:
    - a. Verification from the applicable district or charter school administrator that the student was employed continuously as a paraprofessional whose primary responsibility was working with students in early childhood special education for two years preceding commencement of the early childhood teaching capstone experience;
    - b. Verification from the applicable district or charter school administrator that the student received evaluations, in each of the preceding two years of employment as a paraprofessional, indicating effectiveness in performance; and
    - c. Completion of the capstone experience in early childhood education and demonstration of all of the following competencies during the dual certification educator preparation program:
      - i. Participation on a multi-disciplinary evaluation team;
      - ii. Participation in and drafting of an acceptable individualized education program; and
      - iii. Planning and delivery of specially designed instruction for a class of students.
- O. Provisional Cross-Categorical Special Education Certificate – grades K through 12
1. No new applications for the Provisional Cross-Categorical Special Education certificate are accepted as of December 31, 2015.
  2. Individuals who hold a valid Provisional Cross-Categorical Special Education certificate are qualified to teach students with mild to moderate autism, intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments, developmental delay and/or other health impairments.
  3. The Provisional certificate may not be renewed or extended. Individuals who hold a valid Provisional Cross-Categorical Special Education certificate, or a Provisional Cross-Categorical certificate which has not expired for more than one year, may apply for a Standard Professional Cross-Categorical Special Education certificate.
- P. Standard Professional Cross-Categorical Special Education Certificate – grades K through 12.
1. The Standard Professional Cross-Categorical is valid for 12 years and may be renewed.

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2. Individuals who hold a valid Standard Professional Cross-Categorical Special Education certificate are qualified to teach students with autism, intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments, developmental delay and/or other health impairments.
3. The requirements are:
  - a. An Arizona Provisional Cross-Categorical Special Education Certificate that is either valid or has not expired for more than one year.
  - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
3. “Verified Work Experience” means written documentation from a current or former supervisor for paid or unpaid work, a current school superintendent, or the Department of Education Career and Technical Education Programmatic State Supervisor indicating that an applicant for a career and technical education certificate performed work in a business or industry setting related to an approved CTE program occupational area.
- C. Standard Career and Technical Education (CTE) Certificate – CTE Field of Study – grades K through 12
  1. The requirements include all of the following:
    - a. Within three years, obtain a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment or qualification for a waiver of this assessment.
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
    - c. At least one of the following options:
      - i. Option A – Bachelor’s degree in the specified CTE field of study – requirements include all of the following:
        - (1) A bachelor’s or more advanced degree in the specified CTE field of study from an accredited institution.
        - (2) Thirty semester hours of courses in the specified CTE field of study.
        - (3) Two hundred forty clock hours of verified work experience in the specified CTE occupational area. Hours may have been accumulated before obtaining a certification.
        - (4) Within three years, complete 15 semester hours of courses in professional knowledge in career and technical education, to include any of the following areas: principles/philosophy of career and technical education, developmentally appropriate instructional delivery, facilitation and methodologies, instructional technology, instructional design and lesson planning, including modifications and accommodations, assessing, monitoring and reporting progress, the learning environment, including classroom management, teaching students with exceptionalities, or professional responsibility and ethical conduct. Hours may be obtained prior to issuance of the standard career and technical education certificate in the specified CTE field of study. Fifteen semester hours may be obtained through Department or Board-CTE approved professional development. Fifteen clock hours equals one semester hour.
      - ii. Option B – Valid non-CTE Arizona Provisional or Standard teaching certificate or an Arizona CTE teaching certificate in another CTE field of study – requirements include all of the following:
        - (1) A valid Arizona provisional or standard teaching certificate for teachers in birth through grade 12 issued pursuant to this Article.
        - (2) One year of the most recent teacher evaluation.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 5139, effective November 19, 2002 for a period of 180 days (Supp. 02-4). Emergency rulemaking renewed under A.R.S. § 41-1026(D) at 9 A.A.R. 1547, effective April 29, 2003 for a period of 180 days (Supp. 03-2). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent R7-2-611 amended by final rulemaking at 9 A.A.R. 3950, effective October 21, 2003 (Supp. 03-3). Former R7-2-611 recodified to R7-2-612; new R7-2-611 recodified from R7-2-610 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-611 “Prekindergarten” corrected to “PreK” at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2056, effective December 2, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 1427, effective April 23, 2018 (Supp. 18-2). The word “kindergarten” has been changed to the letter “K,” the term, “grade 3” has been changed to “grade three,” the word “twelve” has been changed to the numeral “12,” and “age eight” has been changed to “age 8” for consistency in this Section at the request of the Board (Supp. 21-2).

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

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607, and the renewal requirements in R7-2-619.
- B. For purposes of this Section, the following definitions apply:
  1. “Career and Technical Education means a field of study in any area relating to a CTE program approved by the Arizona Department of Education as described in the Guidance on CTE Teacher Certification, which is on file with the Arizona Department of Education.
  2. “Occupational Area” means employment in any area relating to a CTE program approved by the Department as described in the Guidance on CTE Teacher Certification, which is on file with the Arizona Department of Education.

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- ation(s) approved by a certificated administrator, or the administrator's designee, in a grades PreK through 12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom.
- (3) Three semester hours of courses in professional knowledge in career and technical education to include any of the following areas: principles/philosophy of career and technical education, developmentally appropriate instructional delivery, facilitation and methodologies for career and technical education, or instructional technology. Three semester hours may be obtained through Department or Board-CTE approved professional development. Fifteen clock hours equals one semester hour.
  - (4) Two hundred forty clock hours of verified work experience in the specified CTE occupational area. Hours may have been accumulated before obtaining a certification.
  - (5) Within three years, complete nine semester hours of subject knowledge courses in the CTE field of study.
- iii. Option C – Business and industry professional - requirements include 6,000 clock hours of verified work experience in an occupational area. Within three years, complete 15 semester hours of courses in professional knowledge in career and technical education to include any of the following areas: principles/philosophy of career and technical education, developmentally appropriate instructional delivery, facilitation and methodologies, instructional design and lesson planning, including modifications and accommodations, assessing, monitoring and reporting progress, instructional technology, the learning environment, including classroom management, teaching students with exceptionalities, or professional responsibility and ethical conduct. Fifteen semester hours may be obtained through Department or Board-CTE approved professional development. Fifteen clock hours equals one semester hour; and
  - iv. Option D – Bachelor's degree in the specified CTE field of study teacher preparation program – requirements include both of the following:
    - (1) A bachelor's or more advanced degree that included completion of a Board approved teacher preparation program in the CTE field of study or from an accredited institution offering substantially similar training, addressing the following topics in career and technical education and any others as required by law: Principles/philosophy of career and technical education, instructional design and lesson planning, including modifications and accommodations; the learning environment, including classroom management; developmentally appropriate instructional delivery, facilitation and methodologies; assessing, monitoring and reporting progress; teaching students with exceptionalities; professional responsibility and ethical conduct; and
    - (2) Two hundred forty clock hours of verified work experience in the specified occupational area. Hours shall have been accumulated before obtaining a certification.
2. If an applicant fails to meet these requirements within the prescribed time period, the Department of Education or the Board shall temporarily suspend the standard certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining time of the standard certification.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-612 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by final rulemaking at 11 A.A.R. 1885, effective June 26, 2005 (Supp. 05-2). Amended by exempt rulemaking at 15 A.A.R. 1292, effective June 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1893, effective September 25, 2006 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 2086, effective May 19, 2008 (Supp. 09-3). Former R7-2-612 recodified to R7-2-613 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). New Section made by exempt rulemaking at 15 A.A.R. 2143, effective August 25, 2008 (Supp. 09-4). Former R7-2-612 recodified to R7-2-613; new R7-2-612 recodified from R7-2-611 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 102, effective May 1, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 21 A.A.R. 2063, effective August 26, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 23 A.A.R. 694, effective February 26, 2018 (Supp. 18-1). The word "fifteen" has been changed to the numeral "15," the words "six thousand" have been changed to the numeral "6,000," and the word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-612.01. Standard Specialized Career and Technical Education (CTE) Certificates – grades K through 12**

- A. Standard Specialized CTE certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. The holder is qualified to teach in an area that is specified on the certificate relating to a CTE program approved by the Arizona Department of Education as described in Guidance on CTE Teacher Certification which is on file with the Arizona Department of Education.

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## C. The requirements are:

1. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Demonstration of expertise in the specified CTE area through one of the following:
  - a. A Bachelor's, master's or doctoral degree in the specified CTE area; or
  - b. A Bachelor's or more advanced degree and completion of 24 semester hours of coursework in the specified CTE area; or
  - c. An Associate's degree in the specified CTE area; or
  - d. An industry certification, license, or credential in the specified CTE area approved by the appropriate Department of Education Career and Technical Education Program Specialist or Career and Technical Education Program Services Director; or
  - e. Verified teaching experience for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions in a subject that is specific to the CTE course being taught.
3. Verification of five years of work experience in the specified CTE occupational area.
4. An individual who meets the requirements of this Section is exempt from the competency requirements of the United States and Arizona Constitutions, the professional knowledge and subject knowledge portions of the Arizona Teacher Proficiency Assessments, and structured English immersion endorsement requirements.

**Historical Note**

New Section made by final exempt rulemaking at 22 A.A.R. 2617, effective August 22, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 23 A.A.R. 694, effective February 26, 2018 (Supp. 18-1). The term "twenty-four" has been changed to the numeral "24," the hyphen between "PreK-12" has been replaced with the word "through" in the Section heading for consistency in Chapter style and format (Supp. 21-1).

**R7-2-613. PreK through 12 Teaching Certificates**

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional PreK through 12 Arts Education Certificate: art, dance, dramatic arts or music. The requirements are:
  1. A bachelor's degree.
  2. One of the following:
    - a. Completion of a teacher preparation program in PreK through 12 arts education in one of the following approved areas: art, dance, dramatic arts or music from a Board-approved teacher preparation program, described in R7-2-604; or
    - b. Completion of a teacher preparation program in PreK through 12 arts education in one of the following approved areas: art, dance, dramatic arts or music from an institution accredited by the National Association of Schools of Art and Design, National Association of Schools of Dance, National Association of Schools of Theatre, the National Association of Schools of Music, or National Council for Accreditation of Teacher Education; or
    - c. Thirty semester hours of education or arts education courses which teach the knowledge and skills described in R7-2-602, including at least eight

semester hours of elementary and secondary methods in the certificate area and 12 semester hours of practicum in the certificate area grades PreK through 12. Two years of verified full-time teaching experience in the certificate area in grades PreK through 12 may substitute for the 12 semester hours of practicum; or

- d. A valid PreK through 12 arts education certificate from another state.

3. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment. If a proficiency assessment is not offered in a subject area, an approved area shall consist of a minimum of 24 semester hours of courses in the subject.
4. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

## C. Standard Professional PreK through 12 Arts Education Certificate for applications received on or after August 1, 2018.

1. The requirements include all of the following:
  - a. A bachelor's degree;
  - b. Completion of a teacher preparation program in PreK through 12 arts education from a Board-approved teacher educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
    - i. Studio art;
    - ii. Art history and analysis;
    - iii. Advanced work in studio or art application areas;
    - iv. Technical processes;
    - v. Instructional design and lesson planning, including modifications, and accommodations;
    - vi. The learning environment, including classroom management;
    - vii. Assessing, monitoring and reporting progress;
    - viii. Professional responsibility and ethical conduct;
    - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK through 12 arts education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in the certificate area in grades PreK through 12 arts education may substitute for the capstone experience requirement;
  - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
  - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (C)(1)(b) with the submission of an application for the



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Standard Professional PreK through 12 Arts Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK through 12 arts education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (C)(1)(b)(i) through (vii). One year of verified full-time teaching experience in grades PreK through 12 arts education may be substituted for the capstone experience.

**D. Standard Professional PreK through 12 Dance Education Certificate**

1. The requirements include all of the following:
  - a. A bachelor's degree;
  - b. Completion of a teacher preparation program in PreK through 12 dance education from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
    - i. Performance;
    - ii. Choreography;
    - iii. Theoretical and historical studies of dance;
    - iv. Technical processes;
    - v. Instructional design and lesson planning, including modifications, and accommodations;
    - vi. The learning environment, including classroom management;
    - vii. Assessing, monitoring and reporting progress;
    - viii. Professional responsibility and ethical conduct; and
    - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK through 12 dance education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades PreK through 12 dance education may substitute for the capstone experience requirement; and
  - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
  - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (D)(1)(b) with the submission of an application for the Standard Professional PreK through 12 Dance Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK through 12 dance education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (D)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK through 12 dance education may be substituted for the capstone experience.

**E. Standard Professional PreK through 12 Theatre Education Certificate**

1. The requirements include all of the following:
  - a. A bachelor's degree;

- b. Completion of a teacher preparation program in PreK through 12 theatre education from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
    - i. Foundations of production;
    - ii. Aesthetics, theatre history, literature, theory and criticism;
    - iii. Advanced work in theatre performance;
    - iv. Instructional design and lesson planning, including modifications, and accommodations;
    - v. The learning environment, including classroom management;
    - vi. Assessing, monitoring and reporting progress;
    - vii. Professional responsibility and ethical conduct and;
    - viii. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK through 12 theatre education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades PreK through 12 theatre education may substitute for the capstone experience requirement; and
  - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
  - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (E)(1)(b) with the submission of an application for the Standard Professional PreK through 12 Theatre Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK through 12 theatre education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (E)(1)(b)(i) through (vii). One year of verified full-time teaching experience in grades PreK through 12 theatre education may be substituted for the capstone experience.

**F. Standard Professional PreK through 12 Music Education Certificate**

1. The requirements include all of the following:
  - a. A bachelor's degree;
  - b. Completion of a teacher preparation program in PreK through 12 music education from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
    - i. Performance;
    - ii. Musicianship skills and analysis;
    - iii. Composition and improvisation;
    - iv. Music history and repertoire;
    - v. Instructional design and lesson planning, including modifications, and accommodations;

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- vi. The learning environment, including classroom management;
  - vii. Assessing, monitoring and reporting progress;
  - viii. Professional responsibility and ethical conduct; and
  - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK through 12 music education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in grades PreK through 12 music education may substitute for the capstone experience requirement; and
  - c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
  - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (F)(1)(b) with the submission of an application for the Standard Professional PreK through 12 Music Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK through 12 music education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (F)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK through 12 music education may be substituted for the capstone experience.
- G.** Standard Professional PreK through 12 Physical Education Certificate. The requirements are:
- 1. A bachelor's degree.
  - 2. One of the following:
    - a. Completion of a teacher preparation program in PreK through 12 physical education, including 12 semester practicum hours evenly split between elementary and secondary physical education from an accredited institution or a Board-approved teacher preparation program; or
    - b. Thirty-three semester hours of education or physical education courses, including:
      - i. At least nine semester hours of elementary, secondary and adaptive physical education methods;
      - ii. Foundational coursework in the areas of Growth and Motor Development, Movement Activities, Lifelong Physical Fitness and Comprehensive School Physical Activity Programming; and
      - iii. Twelve semester hours of practicum in physical education in PreK through 12 grades, evenly split between elementary and secondary physical education, and supervised by a licensed or certified physical education teacher. Two years of verified full-time teaching experience in the certificate area in grades PreK through 12 may substitute for the 12 semester hours of practicum; or
- substitute for the 12 semester hours of practicum; or
- c. A valid PreK through 12 physical education certificate from another state.
3. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
4. A passing score on the Physical Education subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment.
5. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- H.** Standard Professional PreK through 12 Physical Education Certificate for applications received on or after August 1, 2018.
- 1. The requirements include all of the following:
    - a. A bachelor's degree;
    - b. Completion of a teacher preparation program in PreK through 12 physical education a Board-approved educator preparation program or from an accredited institution offering substantially similar training, addressing the following topics and any others as required by law:
      - i. Elementary, secondary and adaptive physical education methods;
      - ii. Foundational coursework in the areas of Growth and Motor Development;
      - iii. Movement Activities;
      - iv. Lifelong Physical Fitness;
      - v. Instructional design and lesson planning, including modifications, and accommodations;
      - vi. The learning environment, including classroom management;
      - vii. Assessing, monitoring and reporting progress;
      - viii. Professional responsibility and ethical conduct and;
    - ix. Twelve weeks of capstone experience as described in R7-2-604 in grades PreK through 12 physical education, serving students in elementary and secondary physical education, which may be completed during the valid period of a teaching intern or student teaching intern certificate. One year of verified full-time teaching experience in the certificate area in grades PreK through 12 physical education may substitute for the capstone experience requirement;
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on the Physical Education subject knowledge portion of the Arizona Teacher Proficiency Assessment, unless the applicant has a bachelor's, master's or doctoral degree in a relevant content area or otherwise qualifies for a waiver of the subject knowledge assessment; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
2. Applicants may meet the requirements in subsection (H)(1)(b) with the submission of an application for the Standard Professional PreK through 12 Physical Education certificate that includes evidence of two years of verified full-time teaching experience in grades PreK

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through 12 physical education, and Board-approved or accredited training or coursework which teaches the knowledge and skills described in R7-2-602 and subsections (H)(1)(b)(i) through (viii). One year of verified full-time teaching experience in grades PreK through 12 physical education may be substituted for the capstone experience.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 4581, effective December 18, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 1885, effective June 26, 2005 (Supp. 05-2). Amended by exempt rulemaking at 15 A.A.R. 1225, effective December 5, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1259, effective March 26, 2007 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 1298, effective July 18, 2007 (Supp. 09-3). Former R7-2-613 recodified to R7-2-614; new R7-2-613 recodified from R7-2-612 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-613 recodified to R7-2-614; new R7-2-613 recodified from R7-2-612 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2073, effective June 22, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). The hyphen between "PreK-12" has been changed to the word "through" in the Section heading and subsections for consistency in Chapter style and format (Supp. 21-1).

**R7-2-614. Other Teaching Certificates**

- A.** Except as noted, all certificates are subject to the general certification provisions in R7-2-607.
- B.** Substitute Certificate - PreK through 12
  1. The certificate is valid for six years and renewable by reapplication.
  2. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only a substitute certificate shall not be assigned a contract teaching position.
  3. An individual who holds a valid teaching or administrator certificate shall not be required to hold a substitute certificate to be employed as a substitute teacher.
  4. The requirements for issuance are:
    - a. A bachelor's degree, and
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  5. Substitute certificates previously issued as valid for life under this Section shall remain valid for life.
- C.** Emergency Substitute Certificate - PreK through 12
  1. The certificate is valid for two school years or part thereof. The expiration date shall be July 1 in the year of expiration.
  2. The certificate entitles the holder to substitute only in the district that has a verified emergency employment situation.
  3. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only an emergency substitute certificate shall not be assigned a contract teaching position.

4. The holder of an emergency substitute certificate shall be limited to 120 days of substitute teaching in the same school each school year. A person holding an emergency substitute certificate may be exempt from the limit on teaching 120 days in the same school each school year if the school district superintendent provides verification to the Department that the position has been continuously advertised on a statewide basis at a minimum of three sites with at least one being a higher education institution and that an employable candidate was not found. An exemption from teaching 120 days shall not be granted to the same individual more than three times.
5. The requirements for initial issuance are:
  - a. A high school diploma, General Education diploma, or associate's degree;
  - b. Verification from the school district superintendent that an emergency employment situation exists; and
  - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
6. The requirements for each reissuance are:
  - a. Two semester hours of academic courses completed since the last issuance of the Emergency Substitute Certificate. District in-service programs designed for professional development may substitute for academic courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Academic courses and in-service programs completed pursuant to this Section may include classroom management and professionalism and ethics. Individuals who have earned 30 or more semester hours are exempt from this requirement,
  - b. Verification from the school district superintendent that an emergency employment situation exists, and
  - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- D.** Emergency Teaching Certificate - birth through grade 12
  1. The emergency teaching certificate is valid one school year or part thereof. The expiration date shall be the following July 1. Excluding an emergency teaching certificate issued under subsection (D)(6), an emergency teaching certificate shall not be issued more than three times to an individual.
  2. The emergency teaching certificate entitles the holder to enter into a teaching contract.
  3. Emergency teaching certificates shall be issued for early childhood, elementary and secondary certificates required by A.R.S. § 15-502(B) and required endorsements.
  4. The emergency teaching certificate entitles the holder to teach only in the district or charter school that verifies that an emergency employment situation exists.
  5. The requirements for initial issuance are:
    - a. A bachelor's degree,
    - b. Verification from the school district superintendent or charter school administrator that an emergency employment situation exists, and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. Notwithstanding this subsection, an emergency teaching certificate entitling the holder to teach in any Arizona school district or charter school may be issued for early childhood, elementary, middle grades, secondary, special

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education, and PreK through 12 teaching certificates for applicants who meet the following requirements:

- a. A bachelor's degree,
  - b. Completion of a teacher preparation program in the certification area, as described in R7-2-608, R7-2-609, R7-2-609.01, R7-2-610, R7-2-611 and R7-2-613, from a Board-approved educator preparation program or from an accredited institution offering substantially similar training,
  - c. Verification that the applicant was unable to take one or all portions of the proficiency assessments required for the requested certificate as the result of a public health emergency declared by the governor or a public health official, and
  - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
7. Emergency teaching certificates issued pursuant to subsection (D)(6) shall not be renewed or re-issued.
- E. Alternative Teaching Certificate - PreK through 12**
1. The certificate is valid for two years from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (E)(5) are met.
  2. The alternative teaching certificate entitles the holder to enter into a teaching contract while completing the requirements for an Arizona teaching certificate. During the valid period of the alternative teaching certificate the holder may teach in a Structured English Immersion classroom, or in any subject area in which the holder has passed the appropriate Arizona Teacher Proficiency Assessment. Alternative Teaching certificate holders who teach in a Structured English Immersion classroom shall hold a valid Provisional or full Structured English Immersion Endorsement, an English as a Second Language Endorsement, or a Bilingual Endorsement, if applicable. The candidate shall be enrolled in a Board authorized alternative path to certification program or a Board approved teacher educator preparation program.
  3. An individual is not eligible to hold the alternative teaching certificate more than once in a five year period.
  4. The requirements for initial issuance of the alternative teaching certificate are:
    - a. A bachelor's degree or higher from an accredited institution;
    - b. Verification of enrollment in a Board approved alternative path to certification program, or a Board approved educator preparation program; and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  5. The requirements for the extension of the alternative teaching certificate are:
    - a. The alternative teaching certificate outlined in subsection (E)(4),
    - b. Verification from the educator preparation program in which the alternative teaching certificate holder is enrolled, that the certificate holder has made adequate progress toward completion of the program,
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  6. The holder of the alternative teaching certificate may apply for a Standard teaching certificate upon completion of the following:
    - a. Successful completion of a Board authorized alternative path to certification program or a Board-approved educator preparation program.
    - b. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment as applicable;
    - c. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment that corresponds to the Board approved alternative path to certification program in which the applicant is enrolled, unless the applicant has a bachelor's, master's or doctoral degree in the corresponding content area;
    - d. The submission of an application for a Standard teaching certificate to the Department;
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
7. Placement decisions of alternative teaching certificate holders shall only be based on agreements between the educator preparation provider, the provider's partner organizations and the local education agency except as otherwise provided in this subsection.
- F. Standard Adult Education Certificate**
1. The holder is qualified to teach Adult Basic Education, Adult Secondary Education, English Language Acquisition for Adults, or Citizenship.
  2. The requirements are:
    - a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
    - b. A bachelor's degree.
  3. The renewal requirements are completion of a professional development program, described in R7-2-619.
- G. Junior Reserve Officer Training Corps Teaching Certificate - grades nine through 12**
1. The standard certificate is valid at any local education agency which conducts an approved Junior Reserve Officer Training Corps program of the Air Force, Army, Navy, or Marine Corps.
  2. The requirements are:
    - a. Verification by the district of an approved Junior Reserve Officer Training Corps program of instruction in which the applicant will be teaching,
    - b. Verification by the district that the applicant meets the work experience required by the respective military service, and
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- H. Athletic coaching certificate - grades seven through 12**
1. The standard certificate entitles the holder to perform coaching duties in interscholastic and extracurricular athletic activities. It is not required for teachers who hold a valid elementary, secondary or special education certificate.
  2. The requirements are:
    - a. Valid certification in first aid and Coronary and Pulmonary Resuscitation (CPR);
    - b. Completion of courses, Board-approved or accredited seminars or modules of study which shall include the following:
      - i. Methods of coaching,
      - ii. Anatomy and physiology,
      - iii. Sports psychology,
      - iv. Adolescent psychology,

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- v. The prevention and treatment of athletic injuries; and
  - vi. Signs of physical abuse, emotional abuse, sexual abuse, neglect, bullying, hazing and cyberbullying.
- c. Two hundred fifty hours of verified coaching experience in the sport to be coached. Coaching experience may include experience as a head coach or assistant coach in a school program or in an organized athletic league; and
- d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- 4. Renewal requirements are:
  - a. Completion of a professional development program described in R7-2-619,
  - b. Valid certification in first aid and CPR.
- I. International Teaching Certificate**
  - 1. The International Teaching certificate is issued to teachers from foreign countries who are contracted through the foreign teacher program as authorized by federal statutes enacted by the Congress of the United States or other foreign teacher recruitment programs approved by the United States Department of State or the United States Citizenship and Immigration Services.
  - 2. This certificate is valid for the length of the certificate holder's visa, not to exceed 12 years.
  - 3. The requirements are:
    - a. Verification that the applicant has completed teacher preparation in the home country or country of legal residence that is comparable to the requirements to qualify for an Arizona teaching certificate as provided in R7-2-608, R7-2-609, R7-2-610, R7-2-610.01, R7-2-610.02, R7-2-611 and R7-2-613.
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
    - c. A valid non-immigrating visa issued by the United States Department of State or the United States Citizenship and Immigration Services for international teachers.
    - d. Verification that the applicant has been contracted by an Arizona school through a foreign teacher program.
  - 4. An individual with an international teaching certificate may qualify for a certificate to instruct students in a language other than English with submission of a letter from a department chair or dean of an accredited institution in another country or in the United States verifying that the applicant is proficient in the language.
  - 5. The international teaching certificate may be extended with the following:
    - a. Verification of an extended visa issued by the United States Department of State or the United States Citizenship and Immigration Services for international teachers. The certificate may be extended to the new expiration date of the visa not to exceed 12 years.
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- J. Native American Language Certificate**
  - 1. The standard certificate is optional and issued to individuals to teach only a Native American language in grades PreK through 12.
  - 2. The requirements are:
    - a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
    - b. Language proficiency in a Native American Language. Proficiency shall be verified on official letterhead by a person, persons, or entity designated by the appropriate tribe.
  - 3. The certificate may be renewed upon completion of professional development, as prescribed in R7-2-619.
- K. Student Teaching Intern Certificate - PreK through 12**
  - 1. The student teaching intern certificate is optional and is not a requirement for participation in a student teaching capstone experience.
  - 2. The certificate entitles the holder to perform teaching duties under the supervision of a program supervisor as defined in R7-2-604(14) and is only valid in the school district or charter school requesting the certificate.
  - 3. The certificate is valid for one year from date of initial issuance and may be extended for one year at no cost to the applicant if the provisions in subsection (K)(4) are met.
  - 4. The requirements are:
    - a. Verification of enrollment in the culminating student teaching capstone experience of a Board approved educator preparation program pursuant to R7-2-604.01,
    - b. Verification documenting completed coursework with a minimum GPA of 3.0 on a 4.0 scale or the equivalent,
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
    - d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
    - e. A request for issuance of the student teaching intern certificate from the district superintendent or charter school superintendent and the educator preparation program.
    - f. Verification from the educator preparation provider that a written supervision plan, approved by the Board, includes the following:
      - i. The educator preparation provider's roles and responsibilities for the Program Supervisor, and
      - ii. The onsite mentorship and induction provided by the Local Education Agency.
    - g. A valid fingerprint card issued by the Arizona Department of Public Safety.
  - 5. Placement decisions of student teaching intern certificate holders shall only be based on collaborative agreements between the Board approved educator preparation provider and the local education agency. Notwithstanding any other provision, a student teaching intern certificate holder may not teach in a special education classroom unless the certificate holder has a bachelor's degree.
  - 6. The holder of the student teaching certificate may apply for an Arizona Teaching Certificate upon completion of the following:
    - a. Successful completion of a Board approved educator preparation program.
    - b. The submission of an application, and all required documentation including an institutional recommendation, for the Arizona teaching certificate to the Department.
- L. Classroom-Based Standard Teaching Certificate**

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1. The requirements are:
  - a. A bachelor's degree;
  - b. Successful completion of a Board-approved Classroom-Based Alternative Preparation Program;
  - c. Verification of satisfactory progress and achievement with students;
  - d. Demonstration of subject knowledge proficiency with:
    - i. Verification of teaching courses relevant to a content area or subject matter for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions; or
    - ii. A bachelor's, master's or doctoral degree from an accredited institution in the applicable subject area; or
    - iii. Verification of a minimum of five years of work experience in the applicable subject area of certification; or
    - iv. Three years of verified teaching experience in the same area of certification in which the individual is applying for certification; or
    - v. A passing score on the applicable subject knowledge portion of the Arizona Teacher Proficiency Assessment;
  - e. Demonstration of professional knowledge proficiency with:
    - i. Three years of verified teaching experience in the same area of certification in which the individual is applying for certification; or
    - ii. A passing score on the applicable professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - f. An individual seeking certification who was teaching courses or subjects tested by the statewide assessment must also provide:
    - i. Verified evidence of two years of full-time teaching; and
    - ii. Verified evidence that the individual's students performed at grade level; or
    - iii. Verified evidence that the individual's students achieved at least one year of academic growth at a rate equivalent to the state average for the students' associated peer groups;
  - g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-614 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3739, effective August 5, 2002 for a period of 180 days (Supp. 02-3). Emergency rulemaking renewed under A.R.S. § 41-1026 at 9 A.A.R. 522, effective January 31, 2003 for a period of 180 days (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by exempt rulemaking at 15 A.A.R. 1304, effective June 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1898, effective April 28, 2008 (Supp. 09-2). Former R7-2-614 recodified to R7-2-615; new R7-2-614 recodified from R7-2-613 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-614 recodified to R7-2-615; new R7-2-614 recodified from R7-2-613 at 16 A.A.R. 68,

effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 63, effective June 22, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). R7-2-614(J) amended by final exempt rulemaking at 21 A.A.R. 2073, effective August 27, 2012; R7-2-614(I) amended by final exempt rulemaking at 21 A.A.R. 2073, effective June 24, 2013; R7-2-614(B)(C)(E) amended by final exempt rulemaking at 21 A.A.R. 2073, effective January 26, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 667, effective January 25, 2016; filed in the Office March 1, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 22 A.A.R. 2617, effective August 22, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 2947, effective September 24, 2018 (Supp. 18-3). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2). The hyphen between "PreK-12" has been changed to the word "through," and the word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 28 A.A.R. 366 (February 11, 2022), with an immediate effective date of January 24, 2022 (Supp. 22-1).

**R7-2-615. Endorsements**

- A. An endorsement shall be automatically renewed with the certificate on which it is posted.
- B. Except as noted, all endorsements are subject to the general certification provisions in R7-2-607.
- C. Endorsements which are optional as specified herein may be required by local governing boards.
- D. Special subject endorsements, grades Pre-K through 12
  1. Special subject endorsements shall be issued in the area of art, computer science, dance, dramatic arts, music, or physical education.
  2. Special subject endorsements are optional.
  3. The requirements are:
    - a. An Arizona elementary, secondary, or special education certificate;
    - b. One course in the methods of teaching the subject at the elementary level and one course in the methods of teaching the subject at the secondary level; and
    - c. One of the following:
      - i. Thirty semester hours of courses in the subject area which may include the courses listed in subsection (D)(3)(b);
      - ii. A passing score on the subject area portion of the Arizona Teacher Proficiency Assessment, if an assessment has been adopted by the Board; or
      - iii. A passing score on a comparable out-of-state subject area assessment.
- E. Mathematics Specialist Endorsement, grades K through eight. This subsection is valid until June 30, 2011.
  1. The mathematics specialist endorsement is optional.
  2. The requirements are:

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- a. An Arizona elementary or special education certificate,
  - b. Three semester hours of courses in the methods of teaching elementary school mathematics, and
  - c. Fifteen semester hours of courses in mathematics education for teachers of elementary or middle school mathematics.
- F. Mathematics Endorsement, grades K through eight.** This subsection becomes effective on July 1, 2011.
  - 1. The mathematics endorsement is optional for all K through eight teachers, but recommended for an individual in the position of mathematics specialist, consultant, interventionist, or coach. Nothing in this Section prevents school districts from requiring certified staff to obtain a mathematics endorsement as a condition of employment. The mathematics endorsement does not waive the requirements set forth in R7-2-607.
  - 2. The requirements are:
    - a. An Arizona elementary or special education certificate;
    - b. Three years of full-time teaching experience in grades K through eight; and
    - c. Eighteen semester hours to include:
      - i. Three semester hours of data analysis, probability, and discrete mathematics;
      - ii. Three semester hours of geometry and measurement;
      - iii. Six semester hours of patterns, algebra, and functions; and
      - iv. Six semester hours of number and operations.
    - d. Six semester hours to include:
      - i. Three semester hours of mathematics classroom assessment;
      - ii. Three semester hours of research-based practices, pedagogy, and instructional leadership in mathematics.
    - e. A passing score on the middle school mathematics knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 18 semester hours described in subsection (F)(2)(c).
    - f. Completion of a comparable valid mathematics specialist certificate or endorsement from another state may be substituted for the requirements described in subsection (F)(2)(c) and (d).
- G. Reading Specialist Endorsement, grades K through 12.** This subsection is valid until June 30, 2011.
  - 1. The reading specialist endorsement shall be required of an individual in the position of reading specialist, reading consultant, remedial reading teacher, special reading teacher, or in a similar position.
  - 2. The requirements are:
    - a. An Arizona elementary, secondary, or special education certificate; and
    - b. Fifteen semester hours of courses to include decoding, diagnosis and remediation of reading difficulties, and practicum in reading.
- H. Reading Endorsement.** This subsection becomes effective on July 1, 2011.
  - 1. A reading endorsement shall be required of an individual in the position of reading or literacy specialist, reading or literacy coach, and reading or literacy interventionist.
  - 2. Reading Endorsement for grades K through eight. The requirements are:
    - a. A valid Arizona elementary special education or early childhood certificate,
    - b. Three years of full-time teaching experience,
    - c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through eight, and
    - d. One of the following:
      - i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
        - (1) Three semester hours in the theoretical and research foundations of language and literacy;
        - (2) Three semester hours in the essential elements of elementary reading and writing instruction (grades K through eight);
        - (3) Three semester hours in the elements of elementary content area reading and writing (grades K through eight);
        - (4) Six total semester hours in reading assessment systems;
        - (5) Three semester hours in leadership; and
        - (6) Three semester hours of elective courses in an area of focus that will deepen knowledge in the teaching of reading to elementary students, such as children's literature, or teaching reading to English Language Learners.
      - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(2)(c) and (d)(i).
  - 3. Reading Endorsement for grades six through 12. The requirements are:
    - a. A valid Arizona elementary, secondary, or special education certificate;
    - b. Three years of full-time teaching experience;
    - c. Three semester hours of supervised field experience or practicum in reading completed for the grades six through 12; and
    - d. One of the following:
      - i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
        - (1) Three semester hours in the theoretical and research foundations of language and literacy;
        - (2) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12);
        - (3) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12);
        - (4) Six total semester hours in reading assessment systems;
        - (5) Three semester hours in leadership; and
        - (6) Three semester hours of elective courses in an area of focus that will deepen knowl-

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- edge in the teaching of reading such as adolescent literature, or teaching reading to English Language Learners.
- ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(3)(c) and (d)(i).
  - e. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 21 semester hours of reading endorsement coursework as described in subsection (H)(3)(d)(i).
4. Reading Endorsement, grades K through 12. The requirements are:
    - a. A valid Arizona elementary, secondary, special education certificate or early childhood certificate;
    - b. Three years of full-time teaching experience;
    - c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through five;
    - d. Three semester hours of a supervised field experience or practicum in reading completed for the grades six through 12; and
    - e. One of the following:
      - i. Twenty-four semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
        - (1) Three semester hours in the theoretical and research foundations of language and literacy,
        - (2) Three semester hours in the essential elements of elementary reading and writing instruction (grades K through eight),
        - (3) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12),
        - (4) Three semester hours in the elements of elementary content area reading and writing (grades K through eight),
        - (5) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12),
        - (6) Six total semester hours in reading assessment systems, and
        - (7) Three semester hours in leadership,
      - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(4)(c), (d) and (e)(i).
    - f. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades K through eight and a passing score on the reading endorsement professional knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 24 semester hours of reading endorsement coursework as described in subsection (H)(4)(e)(i).
- I. Elementary Foreign Language Endorsement, grades K through eight
    1. The elementary foreign language endorsement is optional.
  2. The requirements are:
    - a. An Arizona elementary, secondary or special education certificate.
    - b. Proficiency in speaking, reading, and writing a language other than English, verified by the appropriate language department of an accredited institution. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.
    - c. Three semester hours of courses in the methods of teaching a foreign language at the elementary level.
- J. Bilingual Endorsements, PreK through 12
    1. A provisional bilingual endorsement or a bilingual endorsement is required of an individual who is a bilingual classroom teacher, bilingual resource teacher, bilingual specialist, or otherwise responsible for providing bilingual instruction.
    2. The provisional bilingual endorsement is valid for three years and is not renewable. The requirements are:
      - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate; and
      - b. Proficiency in a spoken language other than English, verified by one of the following:
        - i. A passing score on the Arizona Classroom Spanish Proficiency exam;
        - ii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state;
        - iii. If an exam in the language is not offered through the Arizona Teacher Proficiency Assessment or the American Council on the Teaching of Foreign Languages, proficiency may be verified by the language department of an accredited institution. A minimum passing score of "Advanced Low" is required on the American Council on the Teaching of Foreign Languages for Speaking and Writing Exams in the foreign language;
        - iv. Proficiency in American Indian languages shall be verified by an official designated by the appropriate tribe; or
      - c. Proficiency in sign language is verified through 24 hours of coursework from an accredited institution.
    3. The holder of the bilingual endorsement is also authorized to teach English as a Second Language.
    4. The requirements are:
      - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate;
      - b. Completion of a bilingual education program from an accredited institution or the following courses:
        - i. Three semester hours of foundations of instruction for non-English-language-background students;
        - ii. Three semester hours of bilingual methods;
        - iii. Three semester hours of English as a Second Language for bilingual settings;
        - iv. Three semester hours of courses in bilingual materials and curriculum, assessment of limited-English-proficient students, teaching reading and writing in the native language, or



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- English as a Second Language for bilingual settings;
- v. Three semester hours of linguistics to include psycholinguistics, sociolinguistics, first language acquisition, and second language acquisition for language minority students, or American Indian language linguistics;
  - vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction for non-English-language-background students; and
  - vii. Three semester hours of courses in methods of teaching and evaluating handicapped children from non-English-language backgrounds. These hours are only required for bilingual endorsements on special education certificates.
- c. A valid bilingual certificate or endorsement from another state may be substituted for the courses described in subsection (J)(4)(b);
  - d. Practicum in a bilingual program or two years of verified bilingual teaching experience; and
  - e. Proficiency in a spoken language other than English, verified by one of the following:
    - i. A passing score on the Arizona Classroom Spanish Proficiency exam;
    - ii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state;
    - iii. If an exam in the language is not offered through the Arizona Teacher Proficiency Assessment or the American Council on the Teaching of Foreign Languages, proficiency may be verified by the language department of an accredited institution. A minimum passing score of "Advanced Low" is required on the American Council on the Teaching of Foreign Languages for Speaking and Writing Exams in the foreign language;
    - iv. Proficiency in American Indian languages shall be verified by an official designated by the appropriate tribe; or
  - f. Proficiency in sign language is verified through 24 hours of coursework from an accredited institution.
- K. English as a Second Language (ESL) Endorsements, grades Pre-K through 12**
- 1. An ESL or bilingual endorsement is required of an individual who is an ESL classroom teacher, ESL specialist, ESL resource teacher, or otherwise responsible for providing ESL instruction.
  - 2. The provisional ESL endorsement is valid for three years and is not renewable. The requirements are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate; and
    - b. Six semester hours of courses specified in subsection (K)(3)(b), including at least one course in methods of teaching ESL students.
  - 3. The requirements for the ESL endorsement are:
    - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate;
- b. Completion of an ESL education program from an accredited institution or the following courses:
    - i. Three semester hours of courses in foundations of instruction for non-English-language-background students. Three semester hours of courses in the nature and grammar of the English language, taken before January 1, 1999, may be substituted for this requirement;
    - ii. Three semester hours of ESL methods;
    - iii. Three semester hours of teaching of reading and writing to limited-English-proficient students;
    - iv. Three semester hours of assessment of limited-English-proficient students;
    - v. Three semester hours of linguistics; and
    - vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction for non-English-language-background students.
    - vii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state; or
  - c. Three semester hours of a practicum or two years of verified ESL or bilingual teaching experience, verified by the district superintendent;
  - d. Second language learning experience, which may include sign language. Second language learning experience may be documented by any of the following:
    - i. Six semester hours of courses in a single second language, or the equivalent, verified by the department of language, education, or English at an accredited institution;
    - ii. Completion of intensive language training by the Peace Corps, the Foreign Service Institute, or the Defense Language Institute;
    - iii. Placement by the language department of an accredited institution in a third-semester level;
    - iv. Placement at level 1-intermediate/low or more advanced score on the Oral Proficiency Interview, verified by the American Council for the Teaching of Foreign Languages;
    - v. Passing score on the Arizona Classroom Spanish Proficiency Examination approved by the Board; or
    - vi. Proficiency in an American Indian language, verified by an official designated by the appropriate tribe.
    - vii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state; or
  - e. A valid ESL certificate or endorsement from another state may be substituted for the requirements described in subsection (K)(3)(b), (c) and (d).
- L. Structured English Immersion (SEI) Endorsement, Pre-K through 12.** A Provisional or full Structured English Immersion (SEI) endorsement, or an English as a Second Language or Bilingual endorsement, shall be required of a teacher who is

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instructing students in a sheltered English immersion or structured English immersion model.

1. The provisional SEI endorsement is valid for three years and is not renewable. The requirements are:
  - a. An Arizona elementary, secondary, special education, CTE, early childhood, Pre-K through 12 teaching, supervisor, principal or superintendent certificate; and
  - b. One semester hour or 15 clock hours of professional development in Structured English Immersion methods of teaching English Language Learner (ELL) students, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
2. The requirements for the SEI endorsement are: an Arizona elementary, secondary, special education, CTE, early childhood, Pre-K through 12 teaching, supervisor, principal, or superintendent certificate; and one of the following:
  - a. Three semester hours of courses related to the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools; or
  - b. Completion of 45 clock hours of professional development in the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
  - c. A passing score on the Structured English Immersion portion of the Arizona Teacher Proficiency Assessment.
3. Nothing in this Section prevents a school district or charter school from requiring certified staff to obtain an SEI, ESL or bilingual endorsement as a condition of employment.

**M. Gifted Endorsements, grades Pre-K through 12**

1. The gifted endorsements authorize the holder to teach gifted students within the grade range and subject area of the prerequisite certificate. A gifted endorsement is required for all district teachers who have primary responsibility for teaching gifted pupils.
2. The provisional gifted endorsement is valid for three years and is not renewable. The requirements are:
  - a. A valid Arizona International or Standard Professional teaching certificate.
  - b. One of the following:
    - i. Six semester hours of courses in gifted education; or
    - ii. Verification from a public school superintendent or personnel director that the applicant completed a minimum of 90 clock hours of in-service training in gifted education, or the equivalent through competency-based credentials, that is aligned to the Teacher Preparation

Standards in Gifted and Talented Education adopted by the National Association for Gifted Children and the Council for Exceptional Children.

3. Requirements for the gifted endorsement are:
    - a. A valid Arizona International or Standard Professional teaching certificate;
    - b. One of the following:
      - i. Verification from a public school superintendent or personnel director that the applicant completed a minimum of 180 clock hours of in-service training in gifted education, or the equivalent through competency-based credentials, that is aligned to the Teacher Preparation Standards in Gifted and Talented Education adopted by the National Association for Gifted Children and the Council for Exceptional Children; or
      - ii. Completion of 12 semester hours of courses in gifted education. No more than six semester hours of courses in gifted education may be obtained through completion of in-service training that is aligned to the Teacher Preparation Standards in Gifted and Talented Education adopted by the National Association for Gifted Children and the Council for Exceptional Children. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director.
- N. Early Childhood Education Endorsements, birth through age eight**
1. When combined with an Arizona elementary education teaching certificate or an Arizona special education teaching certificate, the early childhood endorsement may be used in lieu of an early childhood education certificate as described in R7-2-608. When combined with an Arizona cross-categorical, specialized special education, or severe and profound teaching certificate as described in R7-2-611, the early childhood endorsement may be used in lieu of an Early Childhood Special Education certificate.
  2. The provisional early childhood endorsement is valid for three years and is not renewable. The requirements are:
    - a. A valid Arizona elementary teaching certificate as provided in R7-2-609 or a valid Arizona special education teaching certificate as provided in R7-2-611, and
    - b. A passing score on the early childhood subject knowledge portion of the Arizona Teacher Proficiency Assessment.
  3. The requirements for the early childhood endorsement are:
    - a. A valid Arizona elementary education teaching certificate as provided in R7-2-609 or a valid Arizona special education teaching certificate as provided in R7-2-611, and
    - b. Early childhood education coursework and practicum experience which includes both of the following:
      - i. Twenty-one semester hours of early childhood education courses to include all of the following areas of study:
        - (1) Foundations of early childhood education;

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- (2) Child guidance and classroom management;
- (3) Characteristics and quality practices for typical and atypical behaviors of young children;
- (4) Child growth and development, including health, safety and nutrition;
- (5) Child, family, cultural and community relationships;
- (6) Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
- (7) Early language and literacy development;
- (8) Assessing, monitoring and reporting progress of young children; and
- ii. A minimum of eight semester hours of practicum including:
  - (1) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children birth through preschool. One year of full-time verified teaching experience with children in birth through preschool may substitute for this student teaching experience. This verification may come from a school-based education program or center-based program licensed by the Department of Health Services or regulated by tribal or military authorities; and
  - (2) A minimum of four semester hours in a supervised student teaching setting serving children in kindergarten through grade three. One year of full-time verified teaching experience with children in kindergarten through grade three in an accredited school may substitute for this student teaching experience;
- c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety; and
- d. A passing score on the early childhood professional knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 21 semester hours of early childhood education courses as described in subsection (N)(3)(b)(i); and
- e. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.
- 4. Teachers with a valid Arizona elementary education certificate or Arizona special education certificate meet the requirements of this Section with evidence of the following:
  - a. A minimum of three years infant/toddler, preschool or kindergarten through grade three classroom teaching experience; and
  - b. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.
- O. Library-Media Specialist Endorsement, grades Pre-K through 12**
  - 1. The library-media specialist endorsement is optional.
  - 2. Requirements are:
    - a. An Arizona elementary, secondary, early childhood or special education certificate;
    - b. A passing score on the Library Media Specialist portion of the Arizona Teacher Proficiency Assessment. A master's degree in Library Science may be substituted for a passing score on the assessment; and
    - c. One year of teaching experience.
- P. Middle Grade Endorsement, grades five through nine**
  - 1. The middle grade endorsement is optional. The middle grade endorsement may expand the grades a teacher is authorized to teach on an elementary or secondary certificate.
  - 2. The requirements are:
    - a. An Arizona elementary or secondary certificate; and
    - b. Six semester hours of courses in middle grade education to include:
      - i. One course in early adolescent psychology;
      - ii. One course in middle grade curriculum; and
      - iii. A practicum or one year of verified teaching experience, in grades five through nine.
- Q. Drivers Education Endorsement**
  - 1. The drivers education endorsement is optional.
  - 2. The requirements are:
    - a. An Arizona teaching certificate;
    - b. A valid Arizona driver's license;
    - c. One course in each of the following:
      - i. Safety education;
      - ii. Driver and highway safety education; and
      - iii. Driver education laboratory experience; and
    - d. A driving record with less than seven violation points and no revocation or suspension of driver's license within the two years preceding application.
  - 3. For the purposes of this Section, a course is defined as a three hour semester course offered by an accredited institution of higher learning or 45 clock hours of educational classes approved by the Department. Each semester hour of courses shall be equivalent to 15 clock hours of training. If semester hours are used, the required documentation for the semester hours shall be an official transcript.
- R. Cooperative Education Endorsement, grades K through 12**
  - 1. The cooperative education endorsement is required for individuals who coordinate or teach CTE.
  - 2. The requirements are:
    - a. A provisional or standard CTE certificate in the areas of agriculture, business, family and consumer sciences, health occupations, marketing, or industrial technology; and
    - b. One course in CTE.
- S. Computer Science, PreK through eight Endorsement**
  - 1. The computer science, PreK through eight endorsement authorizes the holder to teach computer science in prekindergarten through grade eight.
  - 2. The requirements are:
    - a. An Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Special Education, or PreK through 12 Teaching certificate;
    - b. Three semester hours in foundations for teaching computer science which addresses the following topics:
      - i. Introduction to computer science;
      - ii. Inclusive recruitment, retention, and pedagogical strategies in computing education;
      - iii. Computational thinking;
      - iv. Instructional planning based on the Arizona state standards for computer science, or comparable computer science standards.

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- c. Six semester hours in computer science to include the following:
      - i. Three semester hours in teaching and learning programming for educators; and
      - ii. Three semester hours in a computer science elective which may include, but is not limited to, physical computing or mobile computing.
  - 3. Completion of a training program through an Arizona public local education agency or an accredited institution may substitute for the semester hours required in subsections (S)(2)(b) and (c). Fifteen clock hours of training, or the equivalent competency-based credential, is equivalent to one semester hour of college coursework. Training programs shall be verified by a superintendent or personnel director of the Arizona local education agency or the appropriate administrator of an accredited institution.
- T. Computer Science, grades six through 12 Endorsement
  - 1. The computer science, grades six through 12 endorsement authorizes the holder to teach computer science in grades six through 12.
  - 2. The requirements are:
    - a. A valid Arizona Standard Professional Elementary, Middle Grades, Secondary, Hearing Impaired, Visually Impaired, Mild/Moderate Disabilities, Moderate/Severe Disabilities, or PreK through 12 Teaching certificate;
    - b. Three semester hours in foundations for teaching computer science which addresses the following topics:
      - i. Introduction to computer science;
      - ii. Inclusive recruitment, retention, and pedagogical strategies in computing education;
      - iii. Computational thinking;
      - iv. Instructional planning based on the Arizona state standards for computer science or comparable computer science standards.
    - c. Nine semester hours of courses in computer science to include the following:
      - i. Three semester hours in teaching and learning programming for educators; and
      - ii. Six semester hours in computer science electives which may include, but is not limited to, computer programming, cybersecurity, algorithms and data structures, operating systems, artificial intelligence, machine learning, database development and management, computer networks, and data mining and analytics.
  - 3. Completion of a training program through an Arizona public local education agency or an accredited institution may substitute for the semester hours required in subsections (T)(2)(b) and (c). Fifteen clock hours of training, or the equivalent competency-based credential, is equivalent to one semester hour of college coursework. Training programs shall be verified by a superintendent or personnel director of the Arizona local education agency or the appropriate administrator of an accredited institution.
- U. Literacy, K through five Endorsement
  - 1. For the purposes of this Section, the following definitions apply:
    - a. "Literacy instruction" means instruction in English language arts provided by a teacher.
    - b. "Science of reading instruction" means instruction which includes a focus on the elements of structured literacy, to include oral language, phonological awareness, phonics, fluency, vocabulary, comprehension, and foundational writing skills, including spelling and handwriting.
  - c. "Teaching certificate" means an Alternative Teaching certificate, International Teaching certificate, Classroom-Based Standard Teaching certificate, or Standard Professional teaching certificate.
- 2. An individual who receives a teaching certificate in early childhood education, elementary education, middle grades education, or special education issued on or before August 1, 2025, and who provides literacy instruction in kindergarten programs or in any of grades one through five must obtain a Literacy, K through five endorsement, a Reading Specialist endorsement, grades K through 12, a Reading endorsement for grades K through 12, or a Reading endorsement for grades K through eight by August 1, 2028.
- 3. An individual who receives a teaching certificate in early childhood education, elementary education, middle grades education, or special education issued after August 1, 2025, and who provides literacy instruction in kindergarten or in any of grades one through five must obtain a Literacy, K through five endorsement, a Reading Specialist endorsement, grades K through 12, a Reading endorsement for grades K through 12, or a Reading endorsement for grades K through eight within three years after the teaching certificate is issued.
- 4. Literacy, K through Five Endorsement
  - a. The Literacy, K through five Endorsement authorizes the holder to provide literacy instruction within the grade range and subject area of the teaching certificate it endorses. The requirements are:
    - i. A valid teaching certificate in early childhood education, elementary education, middle grades education, or special education;
    - ii. Three semester hours in the science of reading instruction, including systematic phonics instruction;
    - iii. Three semester hours in reading instruction, including assessments, instructional practices, and interventions to improve student reading proficiency for struggling readers, including students with the characteristics of dyslexia;
    - iv. A passing score on a literacy instruction assessment approved by the Board for the Literacy, K through five endorsement.
  - b. Completion of Department-approved training may substitute for the semester hours required in subsections (U)(4)(a)(ii) and (iii). Fifteen clock hours of training, or the equivalent competency-based credential, is equivalent to one semester hour.
- 5. Applicants may meet the requirements described in subsections (U)(4)(a)(ii), (iii), and (iv) with verification from an Arizona public school superintendent, principal or personnel director that the applicant meets the following requirements: The applicant is a teacher who provides literacy instruction in kindergarten through grade five and has demonstrated through classroom observations and student achievement data across subgroups using evidence-based measures for at least three consecutive years, based on criteria established by the Board, that the teacher possesses the instructional knowledge and skills to:

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- a. Effectively teach foundational reading skills, phonological awareness, phonics, fluency, vocabulary, and comprehension; and
- b. Implement reading instruction using high-quality instructional materials; and
- c. Provide effective instruction and interventions for students with reading deficiencies, including students with characteristics of dyslexia.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1306, effective September 26, 2006 (Supp. 09-1). Former R7-2-615 recodified to R7-2-616; new R7-2-615 recodified from R7-2-614 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-615 recodified to R7-2-616; new R7-2-615 recodified from R7-2-614 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 129, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 734, effective July 1, 2011 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 16 A.A.R. 1496, effective July 1, 2011 (Supp. 11-1). Amended by final exempt rulemaking at 22 A.A.R. 227, effective June 23, 2014; filed in the Office January 20, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 22 A.A.R. 1912, effective October 1, 2011; filed in the Office July 1, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 22 A.A.R. 219, effective June 5, 2015; filed in the Office January 20, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 22 A.A.R. 233, effective September 28, 2015 and filed in the Office January 20, 2016 (Supp. 17-1). Amended by final exempt rulemaking at 22 A.A.R. 670, effective January 1, 2016, filed in the Office March 2, 2016; amended by final exempt rulemaking at 22 A.A.R. 2241, effective August 6, 2016, filed in the Office August 5, 2016 (Supp. 17-2). Amended by final exempt rulemaking at 25 A.A.R. 1552, effective May 20, 2019 (Supp. 19-2). The hyphen between “6-12,” “PreK-8,” and “PreK-12” have been corrected to the word “through,” the numeral “6” has been changed to “six,” and the numeral “8” has been changed to “eight” for consistency in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021; amended by final exempt rulemaking at 28 A.A.R. 180, (January 14, 2022) effective January 25, 2022 (Supp. 21-4).

**R7-2-615.01 Special Education Endorsements**

- A. Except as noted, special education endorsements are subject to the general certification provisions in R7-2-607.
- B. Mild/Moderate Disabilities Endorsement:
  1. The endorsement authorizes the holder to teach students with mild/moderate disabilities in preschool through grade 12.

2. A provisional mild/moderate disabilities endorsement is valid for three years and is not renewable. The requirements are:

- a. A valid Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Visually Impaired, Hearing Impaired, Early Childhood Special Education, or Moderate/Severe Disabilities certificate;
- b. Three years of full-time teaching experience in preschool through grade 12;
- c. Six semester hours of special education courses to include both of the following:
  - i. Behavior management for students with disabilities; and
  - ii. Special education assessment and individualized education program planning.
- d. Completion of 15 clock hours of practicum in mild/moderate disabilities special education that may be included in the courses listed in (B)(2)(c).

3. The requirements for the mild/moderate disabilities endorsement are:

- a. A valid Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Visually Impaired, Hearing Impaired, Early Childhood Special Education, or Moderate/Severe Disabilities certificate;
- b. Three years of full-time teaching experience in preschool through grade 12;
- c. Fifteen semester hours of special education courses to include all of the following:
  - i. Methods for teaching students with disabilities;
  - ii. Behavior management for students with disabilities;
  - iii. Special education law;
  - iv. Special education assessment and individualized education program planning;
  - v. Language development and disorders.
- d. Completion of 45 clock hours of practicum in mild/moderate disabilities special education that may be included in the courses listed in (B)(3)(c).

**C. Moderate/Severe Disabilities Endorsement**

1. The endorsement authorizes the holder to teach students with moderate/severe disabilities in preschool through grade 12.
2. A provisional moderate/severe disabilities endorsement is valid for three years and is not renewable. The requirements are:
  - a. A valid Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Visually Impaired, Hearing Impaired, Early Childhood Special Education, or Mild/Moderate Disabilities certificate;
  - b. Three years of full-time teaching experience in preschool through grade 12; and
  - c. Six semester hours of special education courses to include both of the following:
    - i. Behavior management for students with disabilities; and
    - ii. Special education assessment and individualized education program planning.
  - d. Completion of 15 clock hours of practicum in moderate/severe disabilities special education that may be included in the courses listed in (C)(2)(c).

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3. The requirements are for the moderate/severe disabilities endorsement are:
    - a. A valid Arizona Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Visually Impaired, Hearing Impaired, Early Childhood Special Education, or Mild/Moderate Disabilities certificate;
    - b. Three years of full-time teaching experience in pre-school through grade 12;
    - c. Fifteen semester hours of special education courses to include all of the following:
      - i. Behavior management for students with disabilities;
      - ii. Special education law;
      - iii. Special education assessment and individualized education program planning;
      - iv. Methods for teaching students with severe disabilities;
      - v. Adaptive communication, including language development and disorders.
    - d. Completion of 45 clock hours of practicum in moderate/severe disabilities special education that may be included in the courses listed in (C)(3)(c).
- D. Deaf/Hard of Hearing Endorsement**
1. The endorsement authorizes the holder to teach students who are deaf or hard of hearing from birth through grade 12.
  2. The requirements are:
    - a. A valid Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Mild/Moderate Disabilities, Moderate/Severe Disabilities, Early Childhood Special Education, Specialized Special Education, Cross-Categorical Special Education, or Hearing Impaired teaching certificate.
    - b. Three years of full-time teaching experience in pre-school through grade 12.
    - c. Six semester hours of special education courses to include all of the following:
      - i. Special education law and individualized education program planning,
      - ii. Behavior management for students with disabilities,
      - iii. The use of instructional and assistive technologies in the classroom.
    - d. Fifteen semester hours of courses in deaf/hard of hearing education that adhere to a guidance document approved by the Board and include all of the following:
      - i. Methods for facilitating language acquisition and literacy development in children who are deaf or hard of hearing;
      - ii. Auditory skill development for students who are deaf or hard of hearing;
      - iii. Assessment of students who are deaf or hard of hearing;
      - iv. Principles of audiology;
      - v. Social and cultural foundations and family involvement for students who are deaf or hard of hearing;
      - vi. Early intervention and parental involvement to enhance the early language skills of students who are deaf or hard of hearing;
      - vii. Methods for teaching students who are deaf or hard of hearing with multiple disabilities, including deaf-blindness.
- E. Visually Impaired Endorsement**
1. The endorsement authorizes the holder to teach students who are blind or visually impaired in birth through grade 12.
  2. The requirements are:
    - a. A valid Standard Professional Early Childhood, Elementary, Middle Grades, Secondary, Mild/Moderate Disabilities, Moderate/Severe Disabilities, Early Childhood Special Education, Specialized Special Education, Cross-Categorical Special Education, or Hearing Impaired teaching certificate.
    - b. Three years of full-time teaching experience in pre-school through grade 12.
    - c. Six semester hours of special education courses to include all of the following:
      - i. Special education law and individualized education program planning,
      - ii. Behavior management for students with disabilities,
      - iii. The use of instructional and assistive technologies in the classroom.
    - d. Fifteen semester hours of courses in visually impaired special education that adhere to a guidance document approved by the Board and include all of the following:
      - i. Instructional approaches for teaching students who have vision impairments;
      - ii. Methods for facilitating literacy development in children who are blind or low vision;
      - iii. Assistive technologies for students with vision impairments;
      - iv. Assessment of students with vision impairment;
      - v. Early intervention and parental involvement to enhance early skills of students with vision impairment;
      - vi. Anatomy and physiology of the eye;
      - vii. Methods for teaching orientation and mobility to students who have visual impairments;
      - viii. Methods for teaching students who have visual impairments with multiple disabilities, including deaf-blindness.
    - e. Completion of a minimum of 90 clock hours of supervised practicum in teaching students who have

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visual impairments, which may be included in the courses listed under subsections (2)(c) or (d).

- f. Proficiency in braille verified by one of the following:
  - i. Successful completion of a nationally validated braille test approved by the Board; or
  - ii. Successful completion of a braille test developed in the program in visual impairment at the University of Arizona.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 595, effective February 24, 2020 (Supp. 20-1).  
Amended by final exempt rulemaking at 27 A.A.R. 743, effective April 26, 2021 (Supp. 21-2).

**R7-2-616. Standard Professional Administrative Certificates**

- A. All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Professional Supervisor Certificate – grades PreK through 12
  1. Except for individuals who hold a valid Arizona principal or superintendent certificate, the supervisor certificate is required for all personnel, except for superintendents pursuant to R7-2-616(D), whose primary responsibility is administering instructional programs, supervising certified personnel, or similar administrative duties.
  2. The requirements are:
    - a. A valid Arizona Standard Professional teaching certificate, Career and Technical Education certificate, Classroom-Based Standard Teaching Certificate, Subject Matter Expert Standard Teaching Certificate, or Specialized Secondary Teaching Certificate or an other professional certificate established in R7-2-617 issued by the Department;
    - b. A master's or more advanced degree;
    - c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
    - d. Completion of a program in educational administration which shall consist of a minimum of 18 graduate semester hours of educational administration courses which teach the knowledge and skills described in R7-2-603 to include three semester hours in school law and three semester hours in school finance;
    - e. A practicum in educational administration or two years of verified educational administrative experience in grades PreK through 12;
    - f. A passing score on the Supervisor, Principal, or Superintendent portion of the Arizona Administrator Proficiency Assessment; and
    - g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- C. Standard Professional Principal Certificate – grades PreK through 12
  1. The principal certificate is required for all personnel who hold the title of principal, assistant principal, or perform the duties of principal or assistant principal as delineated in A.R.S. Title 15.
  2. The requirements are:
    - a. A master's or more advanced degree;
    - b. Three years of verified teaching experience in grades PreK through 12;

- c. Completion of a program in educational administration for principals including at least 30 graduate semester hours of educational administration courses teaching the knowledge and skills described in R7-2-603 to include three semester hours in school law and three semester hours in school finance;
- d. A practicum as a principal or two years of verified experience as a principal or assistant principal under the supervision of a certified principal in grades PreK through 12;
- e. A passing score on either the Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment; and
- f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**D. Standard Professional Superintendent Certificate – grades PreK through 12**

1. The superintendent certificate is optional, but may be required by local governing boards for individuals who hold the title or perform the duties of a superintendent, assistant superintendent or associate superintendent and who perform duties directly relevant to curriculum, instruction, certified employee evaluations, and instructional supervision.
2. The requirements are:
  - a. A master's or more advanced degree including at least 60 graduate semester hours;
  - b. Completion of a program in educational administration for superintendents, including at least 36 graduate semester hours of educational administrative courses which teach the standards described in R7-2-603 to include three semester hours in school law and three semester hours in school finance;
  - c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
  - d. A practicum as a superintendent or two years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades PreK through 12;
  - e. A passing score on the Superintendent portion of the Arizona Administrator Proficiency Assessment; and
  - f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Former R7-2-616 recodified to R7-2-617; new R7-2-616 recodified from R7-2-615 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-616 recodified to R7-2-617; new R7-2-616 recodified from R7-2-615 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 326, effective January 25, 2010 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 16 A.A.R. 2034, effective October 1, 2010 (Supp. 11-1). Amended by final exempt rulemaking at 22 A.A.R. 219, effective June 5, 2015; filed in the Office January 20, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2). Amended by final exempt

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rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-616.01. Standard Administrative Certificates – Locally Based Leadership Program Pathway**

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard Site-Based Supervisor Certificate – grades PreK through 12.
  - 1. The certificate authorizes the holder to administer instructional programs, supervise certified personnel, or perform similar administrative duties at the school-level.
  - 2. The requirements are:
    - a. A bachelor's or more advanced degree; and
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety; and
    - c. Verification from the superintendent of a school district or the principal of a charter school that the applicant has made satisfactory progress in the program sequence and model, which may include professional evaluations, observations of the applicant, student achievement data and demonstration of competencies, skills and knowledge associated with the relevant school leadership position; and
    - d. Verification of successful completion of a Board-approved locally based school leadership preparation program for supervisors; and
    - e. A passing score on the Supervisor, Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment.
- C. Standard Site-Based Principal Certificate – grades PreK through 12.
  - 1. The certificate authorizes the holder to administer instructional programs, supervise certified personnel, or perform similar administrative and leadership duties at the school-level, and perform the duties and hold the title of principal, assistant principal as delineated in A.R.S. Title 15.
  - 2. The requirements are:
    - a. A bachelor's or more advanced degree; and
    - b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety; and
    - c. Verification from the superintendent of a school district or the principal of a charter school that the applicant has made satisfactory progress in the program sequence and model, which may include professional evaluations, observations of the applicant, student achievement data and demonstration of competencies, skills and knowledge associated with the relevant school leadership position; and
    - d. Verification of successful completion of a Board-approved locally based school leadership preparation program for principals; and
    - e. A passing score on the Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment.

**Historical Note**

New Section made by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-616.02. Interim Administrative Certificates**

- A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607.

- B. The certificate authorizes the holder to serve an administrator while completing the requirements for a standard administrator certificate.
- C. Interim administrative certificates are valid for one year and may be extended yearly for no more than two consecutive years at no cost to the certificate holder if the requirements in subsection (I) are met.
- D. An individual is not eligible for issuance of an interim administrative certificate more than once in a five-year period.
- E. Interim administrative certificate holders shall be enrolled in a Board approved alternative administrator preparation program, a Board approved locally based leadership preparation program, or a Board approved traditional administrator preparation program.
- F. Interim Supervisor Certificate – grades PreK through 12:
  - 1. The Interim Supervisor Certificate authorizes the holder for a position in which the primary responsibility is administering instructional programs, supervising certified personnel, or similar administrative duties. An individual who is enrolled in a locally-based school leadership program shall be limited to a supervisor position at the school-level.
  - 2. The requirements are:
    - a. A valid Arizona Standard Professional teaching certificate, Career and Technical Education Certificate, Classroom-Based Standard Teaching Certificate, Subject Matter Expert Standard Teaching Certificate, Specialized Secondary Teaching Certificate or another professional certificate established in R7-2-617; and
    - b. A bachelor's or more advanced degree; and
    - c. Verification of three years of full-time teaching or related education services experience in a PreK through grade 12 setting; and
    - d. Verification of enrollment in a Board approved alternative administrator preparation program, a Board approved locally based school leadership program, or a Board approved administrator preparation program; and
    - e. Verification that the certificate holder will be employed as an administrator and will be under the direct supervision of an Arizona certified administrator or the appropriate county school superintendent; and
    - f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- G. Interim Principal Certificate – grades PreK through 12
  - 1. The Interim Principal certificate authorizes the holder to administer instructional programs, supervise certified personnel, perform the duties, hold the title of principal or assistant principal as delineated in A.R.S. Title 15, and perform similar administrative duties. An individual who is enrolled in a locally-based school leadership program shall be limited to an administrative position at the school-level.
  - 2. The requirements are:
    - a. A bachelor's or more advanced degree; and
    - b. Verification of three years of full-time teaching in grades PreK through 12; and
    - c. Verification of enrollment in a Board approved alternative administrator preparation program, a Board approved locally based school leadership program, or a Board approved administrator preparation program; and



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- d. Verification that the certificate holder will be employed as a principal or assistant principal under the direct supervision of an Arizona certified principal, an Arizona certified superintendent, or the appropriate county school superintendent; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- H. Interim Superintendent Certificate – Grades PreK through 12:**
- 1. The superintendent certificate is optional, but may be required by local governing boards for individuals who hold the title or perform the duties of a superintendent, assistant superintendent or associate superintendent and who perform duties directly relevant to curriculum, instruction, certified employee evaluations, and instructional supervision
  - 2. The requirements are:
    - a. A master's degree or more advanced degree;
    - b. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
    - c. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;
    - d. Verification that the holder of the interim certificate shall be employed as a superintendent, assistant superintendent, or associate superintendent and working under the direct supervision of an Arizona certified superintendent or the appropriate county school superintendent; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- I. Interim Administrative Certificate Extension**
- 1. The Interim Administrative certificate may be extended yearly for no more than two consecutive years at no cost to the applicant.
  - 2. The requirements to extend an Interim Administrative Certificate are:
    - a. Qualification and issuance of the initial Interim Administrative certificate;
    - b. Verification from the Board approved program provider that the applicant is enrolled and has made adequate progress towards completion of the Board approved alternative administrator preparation program, Board approved locally based leadership preparation program, or Board approved traditional administrator preparation program;
    - c. Verification that the holder meets the employment and supervision requirements for the Interim Administrative certificate as described in subsection (F)(2)(e), (G)(2)(d), and (H)(2)(d); and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- J. The holder of an interim administrative certificate may apply for the appropriate Arizona standard administrative certificate with verification of the following:**
- 1. Successful completion of the Board approved alternative path to administrator certification program, Board approved locally based leadership program, or Board approved administrator preparation program; and
  - 2. A passing score on the required portion of the Arizona Administrator Proficiency Assessment; and
  - 3. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- 4. Individuals who have completed a locally based leadership program shall also submit verification from the superintendent of a school district or the principal of a charter school that the applicant has made satisfactory progress in the program sequence and model, which may include professional evaluations, observations of the applicant, student achievement data and demonstration of competencies, skills and knowledge associated with the relevant school leadership position.
- K. Interim Administrative Certificates – Public Health Emergency**
- 1. Notwithstanding this Section, an Interim Administrative Certificate entitling the holder to serve as a supervisor, principal, or superintendent may be issued to an applicant who meets the following requirements:
    - a. Completion of all requirements for the Standard Professional Supervisor, Standard Professional Principal, or Standard Professional Superintendent certificate, as described in subsection (B)(2), (C)(2), and (D)(2), with the exception of a passing score on the Arizona Administrator Proficiency Assessment.
    - b. Verification that the applicant was unable to take the Arizona Administrator Proficiency Assessment required for the Standard Professional Administrative certificate as the result of a public health emergency declared by the governor or a public health official.
  - 2. A certificate issued pursuant to this subsection shall be issued for one year and shall not be renewed or extended.

**Historical Note**

New Section made by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-617. Other Professional Certificates**

- A.** All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
- B. Standard School Counselor Certificate - grades PreK through 12.**
- 1. The school counselor certificate is optional but may be required by local governing boards.
  - 2. The requirements are:
    - a. A master's or more advanced degree,
    - b. Completion of a graduate program in guidance and counseling,
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
    - d. One of the following:
      - i. Completion of a supervised counseling practicum in school counseling;
      - ii. Two years of verified, full-time experience as a school counselor; or
      - iii. Three years of verified teaching experience.
  - 3. The certificate may be renewed consistent with the provisions of R7-2-619 that may include continuing education in the area of college and career readiness.
  - 4. Applicants may meet the requirements in subsection (B)(2)(b) with completion of one of the following:
    - a. Completion of a graduate program in counseling, social work, or psychology and six semester hours of courses in any of the following areas: school counseling, college and career guidance, or academic advising; or

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- b. A valid license as an associate counselor, professional counselor, master or clinical social worker, or marriage and family therapist issued by the Arizona Board for Behavioral Health Examiners and six semester hours of courses in any of the following areas: school counseling, college and career guidance, or academic advising; or
    - c. Completion of a graduate program in academic advising and six semester hours of courses in school counseling to include any of the following areas: social and emotional development, mental health counseling, trauma and disaster counseling, multiculturalism in counseling, theories of counseling, foundations of school counseling, or child and adolescent counseling.
  - 5. Applicants who otherwise qualify but are deficient in the required six semester hours of courses described in subsections (B)(4)(a), (b), or (c) may receive a Standard School Counselor certificate with a deficiency in the required courses to be completed within three years. If an applicant fails to meet this requirement within the prescribed time, the Department of Education shall temporarily suspend the certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining timeframe of the certificate.
  - 6. Applicants who otherwise qualify but are deficient in the requirements prescribed in subsection (B)(2)(d) may receive a Standard School Counselor certificate with a deficiency in the required experience or practicum to be completed within three years. If an applicant fails to meet this requirement within the prescribed time, the Department of Education shall temporarily suspend the certificate, but the suspension is not considered a disciplinary action and the individual shall be allowed to correct the deficiency within the remaining timeframe of the certificate.
- C. Standard School Psychologist Certificate - grades PreK through 12
  - 1. A standard school psychologist certificate is required for all personnel whose primary responsibility is in the role of a school psychologist providing services that include but are not limited to the duties of student psychoeducational assessment, therapeutic consultation and intervention, and involvement in the process of determination of student disabilities or disorders.
  - 2. The requirements are:
    - a. A master's or more advanced degree;
    - b. Completion of a graduate program in school psychology consisting of at least 60 graduate semester hours, or completion of a doctoral program in psychology and completion of a re-training program in school psychology from an accredited institution or Board approved program with a letter of institutional endorsement from the head of the school psychology program;
    - c. A supervised internship of at least 1200 clock hours with a minimum of 600 of those hours in a school setting. Three years experience as a certified school psychologist within the last 10 years may be substituted for the internship requirement; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 3. Any of the following may be substituted for the requirement described in subsection (C)(3)(b):
    - a. Five years experience within the last 10 years working full time in the capacity of a school psychologist in a school setting serving any portion of grades kindergarten through 12; or
    - b. A Nationally Certified School Psychologist Credential; or
    - c. A diploma in school psychology from the American Board of School Psychology.
- D. Standard Speech-Language Pathologist Certificate - grades PreK through 12
  - 1. The standard speech-language pathologist certificate is required for school-based speech-language pathologists.
  - 2. The certificate may be renewed consistent with the provisions of R7-2-619 with relevant professional development in the field of speech pathology, or professional development in the areas of articulation, voice, fluency, language, low incidence disabilities, curriculum and instruction, professional issues and ethics, or service delivery models.
  - 3. The requirements are:
    - a. A master's or more advanced degree, from an accredited institution, in speech pathology or communication disorders;
    - b. A minimum of 250 clinical clock hours supervised by a university or a speech-language pathologist with a certificate of clinical competence;
    - c. A certificate of clinical competence, or a passing score on the national exam, or a passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- E. Standard Speech-Language Technician - grades PreK through 12
  - 1. The standard speech-language technician certificate is required for school-based speech-language professionals.
  - 2. No new applications for a speech-language technician certificate will be accepted after June 30, 2014.
  - 3. The certificate may be renewed consistent with the provisions of R7-2-619 with professional development in the areas of articulation, voice, fluency, language disorders, low incidence disabilities, professional issues and ethics, or service delivery models.
  - 4. The requirements are:
    - a. A bachelor's degree from an accredited program in Speech-Language Pathology, Speech Hearing Sciences, or Communication Disorders;
    - b. A minimum of 50 hours of university supervised observation;
    - c. A minimum of 150 university clinical clock hours, or 150 clock hours supervised by a master's level licensed speech-language pathologist, or two years' experience as a school speech-language therapist or technician;
    - d. A passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- F. Standard School Social Worker Certificate - grades PreK through 12

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1. The standard School Social Worker certificate is optional but may be required by local governing boards.
2. The requirements are:
  - a. Master's or more advanced degree in social work from an accredited institution or completion of a Board approved school social worker program;
  - b. A valid fingerprint clearance issued by the Arizona Department of Public Safety; and
  - c. One of the following:
    - i. Completion of at least six semester hours of practicum in social work in a school setting completed through an accredited institution; or
    - ii. One year of full time experience as a social worker in a setting which primarily serves children in preschool through grade 12.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 5139, effective November 19, 2002 for a period of 180 days (Supp. 02-4). Emergency rulemaking renewed under A.R.S. § 41-1026(D) at 9 A.A.R. 1547, effective April 29, 2003 for a period of 180 days (Supp. 03-2). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent R7-2-617 amended by final rulemaking at 9 A.A.R. 3950, effective October 21, 2003 (Supp. 03-3). Amended by exempt rulemaking at 15 A.A.R. 1264, effective May 22, 2006 (Supp. 09-1). Former R7-2-617 recodified to R7-2-618; new R7-2-617 recodified from R7-2-616 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-617 recodified to R7-2-618; new R7-2-617 recodified from R7-2-616 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-617 "Prekindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Office corrected labeling error in subsection (C) under A.R.S. § 41-1011 and A.A.C. R1-1-108 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2077, effective October 28, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 231, effective December 19, 2016 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 2947, effective September 24, 2018 (Supp. 18-3). The hyphen between "PreK-12" has been changed to the word "through" for consistency in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 28 A.A.R. 276 (January 28, 2022), effective April 29, 2019; filed January 11, 2022 (Supp. 22-1).

**R7-2-618. Fees**

- A. The Superintendent of Public Instruction or the Superintendent's designee shall collect proper fees for certification services and shall transmit the fees to the state Treasurer. The following fees are established for certification services:
  1. Evaluation of qualification for a certificate: \$30.
  2. Evaluation of qualification for an endorsement: \$30.
  3. Issuance of a certificate, endorsement, or letter of non-qualification: \$30.
  4. Renewal of a certificate: \$20.
  5. Name change, duplicate copy, or changes of coding to existing files or certificates: \$20.

- B. Fees shall be paid by credit or debit card, money order, cashier's check, certified check, business check, or personal check and shall be made payable to the order of the Arizona Department of Education. If a check offered in payment for services is not cleared by the financial institution, the applicant shall be notified to pay the fees by money order or certified check. If a certificate has been issued or renewed and payment is not received within two weeks of notification to the applicant, the Department may file a statement of complaint pursuant to R7-2-1302. If a certificate or renewal has not been issued, no certificate or renewal shall be issued until the fees are paid by cashier's check or money order.
- C. Fees paid pursuant to this Section are not refundable.
- D. Notwithstanding this Section and pursuant to A.R.S. § 41-1080.01, the Superintendent or the Superintendent's designee shall waive any certification fee for initial certification, including for endorsements, for any of the following individuals if the individual is applying for the specific certification or endorsement in this state for the first time:
  1. Any individual applicant whose family income does not exceed 200 percent of the federal poverty guidelines;
  2. Any active duty military service member's spouse.
  3. Any honorably discharged veteran who has been discharged not more than two years before application.
- E. Applicants who are requesting a waiver of a certification fee shall submit an attestation and appropriate documentation verifying that they meet the criteria as described in subsection (D).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2002, effective May 27, 1999 (Supp. 99-2). Former R7-2-618 recodified to R7-2-619; new R7-2-618 recodified from R7-2-617 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-618 recodified to R7-2-619; new R7-2-618 recodified from R7-2-617 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-619. Renewal Requirements**

- A. A certificate may be renewed within six months of its expiration date except that an individual holding multiple valid certificates may renew all certificates at one time in order to align the expiration dates of each certificate. Certificates being aligned shall be renewed at the same time as the certificate that will expire first. Individuals seeking to align certificates shall meet the renewal requirements for each certificate being aligned. Certificates that are renewed or aligned pursuant to this Section shall be valid for 12 years.
- B. A certificate may be renewed within ten years after it expires. Individuals whose certificates have been expired for more than ten years shall reapply for certification under the requirements in effect at the time of reapplication. Nothing in this Section shall imply that an individual may be employed in a position that requires certification after the expiration of the relevant certificate.
- C. Renewal of certificates requires the completion of continuing education credits after the most recent issuance or renewal of the certificate, except that continuing education credits completed during the valid term of the certificate that expires first meets the requirement of certificates being aligned. Fifteen hours of continuing education credits are required each year of

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the certificate term to renew a certificate, which may be accumulated in various increments per year prior to renewal. One hour of continuing education credit shall be equivalent to one clock hour of a professional development activity. Continuing education credits must relate to Arizona academic or professional educator standards or apply toward the attainment of an additional Arizona certificate, endorsement, or approved area, and may include training regarding suicide awareness and prevention; child abuse, human trafficking of children and the sexual abuse of children, including warning signs that a child may be a victim of child abuse, human trafficking, or sexual abuses; screening, intervention, accommodation, use of technology and advocacy for students with reading impairments, including dyslexia; or other training programs explicitly permitted or required by state law. Professional development that may be counted toward the required hours of continuing education credit shall consist of any of the following activities:

1. Courses related to education or a subject area taught in Arizona schools, taken from an accredited institution. Each semester hour of courses shall be equivalent to 15 clock hours of professional development. The required documentation shall be an official transcript.
  2. Professional activities such as conferences and workshops related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by attendance at professional conferences and workshops. The required documentation shall be a conference agenda and a statement or certificate from the sponsoring organization noting the clock hours earned.
  3. District-sponsored or school-sponsored in-services or activities which are specifically designed for professional development. The required documentation shall be written verification from the sponsoring district or school stating the dates of participation and the number of clock hours earned.
  4. Internships in business settings. The internship shall be based on an agreement between a business and a district or school with the stated objective of aligning teaching curriculum with workplace skills. A maximum of 80 clock hours may be earned through business internships. The required documentation shall be written verification by the sponsoring business and district or school stating the dates of participation and number of clock hours earned.
  5. Educational research. The research shall be sponsored by a research facility or an accredited institution or funded by a grant. The required documentation shall be the published report of the research or verification by the sponsoring agency; and a statement of the dates of participation and the number of clock hours earned.
  6. Serving in a leadership role of a professional organization that provides training, activities, or projects related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by serving in a leadership role of a professional organization. The required documentation shall be written verification by the governing body of the professional organization of the dates of service and clock hours earned.
  7. Serving on a visitation team for a school accreditation agency. A maximum of 60 clock hours per year may be earned by serving on a visitation team. The required documentation shall be written verification from the accreditation agency of the dates of service and clock hours earned.
- D.** An individual holding a Standard teaching certificate, a standard administrative certificate, or other professional certificate may renew the certificate for 12 years upon completion of 15 hours of continuing education credits each year of the certificate term which may be accumulated in various increments per year prior to renewal or with one of the following:
1. A valid professional license as a counselor, social worker, psychologist, or speech pathologist issued by the appropriate state agency in this state or in another state;
  2. A valid certificate issued by the National Board of Professional Teaching Standards;
  3. A valid Certificate of Clinical Competence in Speech-Language Pathology issued by the American Speech-Language Hearing Association; or
  4. A Nationally Certified School Psychologist credential issued by the National Association of School Psychologists.
- E.** An individual who is employed by a school or school district at the time of renewal shall submit the required documentation of professional development to the district superintendent, director of personnel, or other designated administrator for verification. A certified individual who is not employed by a school or school district at the time of renewal shall submit the required documentation of professional development to a county school superintendent, the dean of a college of education, or the Department for verification. The school or district official, county school superintendent, or the dean of a college of education shall verify on forms provided by the Department the number of hours of professional development completed by the individual during the valid period of the certificate being renewed.
- F.** The Department shall issue a Standard teaching certificate of the same type.
- G.** Notwithstanding any other provision in this Section, an individual with a valid fingerprint clearance card who has had a certificate or certificates expire for at least two years but not more than 10 years may renew the expired certificate or certificates and any endorsements or approved areas if the individual is in good standing. Individuals who apply for renewal under this provision are exempt from the continuing education requirements described in subsections (C) and (D). Standard certificates issued to that individual pursuant to this subsection shall be identical to the expired certificate or certificates.

**Historical Note**

New Section made by exempt rulemaking at 8 A.A.R. 2396, effective May 10, 2002 (Supp. 02-2). Amended by exempt rulemaking at 15 A.A.R. 1225, effective December 5, 2006 (Supp. 09-1). Former R7-2-619 recodified to R7-2-620; new R7-2-619 recodified from R7-2-618 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-619 recodified to R7-2-620; new R7-2-619 recodified from R7-2-618 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 242, effective December 7, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 22 A.A.R. 648, effective January 25, 2016 (Supp. 16-1). Amended by final exempt rulemaking at 22 A.A.R. 2246, effective August 6, 2016 (Supp. 16-3). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 26 A.A.R. 214, effective January 27, 2020 (Supp. 20-1). Amended by

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final exempt rulemaking at 27 A.A.R. 2694 (November 19, 2021), effective October 25, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 183 (January 13, 2023), effective December 9, 2022 (Supp. 22-4).

**R7-2-620. Certification Time-frames**

- A.** For certification by the State Board of Education (Board), Certification Division (Division), the time-frames required by A.R.S. § 41-1072 et seq are:
  - 1. Overall time-frame: 165 days.
  - 2. Administrative review time-frame: 45 days.
  - 3. Substantive review time-frame: 120 days.
- B.** Administrative completeness review time-frame. The Division shall issue a written notice of administrative completeness or deficiency to an applicant for certification within 45 days of receipt of the application.
  - 1. If the Division determines that an application for certification is not administratively complete, the Division shall include a comprehensive list of the specific deficiencies in the written notice.
  - 2. If the Division issues a written notice of deficiency, the administrative completeness review time-frame and the overall time-frame are suspended from the date the notice is issued until the date that the Division receives the missing information from the applicant.
  - 3. If the Division does not issue a notice of administrative completeness or deficiency within 45 days of receipt of the application, the application is deemed administratively complete.
- C.** Substantive review time-frame. Within 120 days after the administrative completeness review time-frame is complete, the Division shall determine whether an applicant for certification meets all substantive criteria required by statute or rule.
  - 1. During the substantive review time-frame, the Division may make one comprehensive written request for additional information. If the Division issues a comprehensive written request for additional information, the substantive review time-frame and the overall time-frame are suspended from the date the request is issued until the date that the Division receives the additional information from the applicant.
  - 2. The Division and the applicant may mutually agree in writing to allow the Division to submit supplemental requests for additional information. If the Division issues a supplemental request by mutual written agreement for additional information, the substantive review time-frame and the overall time-frame are suspended from the date the request is issued until the date that the Division receives the additional information from the applicant.
- D.** Overall time-frame. The Division shall issue a written notice that the Board has granted or denied a certificate no later than 165 days after receipt of an application for certification, or no later than the time-frame extension allowed under subsection (E).
  - 1. Written notice denying an applicant certification shall include justification for the denial with references to the statutes or rules on which the denial is based and an explanation of the applicant's right to appeal the denial.
  - 2. The explanation of an applicant's right to appeal the denial shall include the number of days the applicant has to file an appeal challenging the denial and the name and telephone number of the Executive Director of the Board as the contact person who can answer questions regarding the appeals process.

- E.** By mutual written agreement, the Division and an applicant for certification may extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 33 days.
- F.** If the Division does not issue to an applicant written notice granting or denying a certificate within the overall time-frame or any extension mutually agreed upon in writing, the Division shall refund to the applicant all fees charged, excuse payment of any fees that have not yet been paid, and pay all penalties required by A.R.S. § 41-1077.
- G.** The Division shall issue all written notices under this Section to the last known address of the applicant by regular, 1st-class mail. The written notices are deemed "issued" on the postmark date.
- H.** By August 1 of each year, the Division shall report to the Executive Director of the Board the Division's compliance with the overall time-frames for the prior fiscal year. The Division shall include the number of certificates issued or denied within the time-frames specified in this Section and the dollar amount of all fees returned or excused. The Division shall also include the amount of all penalties paid to the state general fund due to the Division's failure to comply with the time-frames.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Former R7-2-620 recodified to R7-2-621; new R7-2-620 recodified from R7-2-619 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-620 recodified to R7-2-621; new R7-2-620 recodified from R7-2-619 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1).

**R7-2-621. Reciprocity**

- A.** The Board shall issue a comparable standard Arizona certificate or endorsement as applicable, if one is established pursuant to this Article, to an applicant who holds a valid certificate or endorsement from another state and is in good standing with that other state. These applicants are exempt from all provisions of the Arizona Teacher proficiency examinations.
- B.** Standard certificates shall be valid for 12 years and are renewable.
- C.** The applicant shall possess a valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- D.** The applicant shall have completed the required class or passed a satisfactory examination on the provisions and principles of the Constitutions of the United States and Arizona.
- E.** Notwithstanding any other provision, the deficiencies allowed pursuant to Arizona Revised Statutes in Arizona Constitution and United States Constitution shall be satisfied prior to the issuance of the same type of certificate prescribed in this Article, but are subject to suspension as follows:
  - 1. An applicant's standard Arizona teaching certificate shall be suspended three years from the date of issuance if the applicant has not completed the required class or passed a satisfactory examination on the provisions and principles of the Constitutions of the United States and Arizona.
  - 2. An applicant's standard Arizona teaching certificate shall be suspended one year from the date of issuance if the applicant has not completed the required class or passed a satisfactory examination on the provisions and principles of the Constitutions of the United States and Arizona if the applicant applies for a certificate authorizing the person to teach an academic course that focuses predomi-

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nantly on history, government, social studies, citizenship, law or civics.

3. The suspension for a deficiency in the Constitutions of the United States and Arizona is not considered a disciplinary action and the applicant shall be allowed to correct that deficiency within the remaining time of the standard certification.

**Historical Note**

New Section recodified from R7-2-620 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-621 recodified to R7-2-622; new R7-2-621 recodified from R7-2-620 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 135, effective September 21, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 22 A.A.R. 227, effective June 23, 2014; filed in the Office January 20, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 22 A.A.R. 219, effective June 5, 2015; filed in the Office January 20, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 22 A.A.R. 2248, effective August 6, 2016 (Supp. 17-1). Amended by final exempt rulemaking at 24 A.A.R. 195, effective August 9, 2017; filed in the Office on January 2, 2018 (Supp. 18-1).

**R7-2-622. Qualification Requirements of Professional, Non-Teaching School Personnel****A. Definitions:**

1. "Educational Interpreter." For the purposes of this Section, "educational interpreter" means a person trained to translate in sign language for students identified to require such services through an Individualized Education Program (IEP) or a 504 accommodation plan in order to access academic instruction. This does not in any way restrict the provisions of R7-2-401(B)(14) which defines "interpreter" and provides that each student's IEP team determines the level of interpreter skill necessary for the provision of FAPE, nor does it restrict a school district's ability to develop a job description for someone in a position of "educational interpreter" that requires additional job responsibilities.
2. "Accommodation plan developed to comply with Section 504 of the Rehabilitation Act of 1973, 29 USC 794, et seq. ("504 accommodation plan")." For the purposes of this Section, "504 accommodation plan" means a plan developed for the purpose of specifying accommodations and/or services that will be implemented by classroom teachers and other school personnel so that students will benefit from their educational program.

**B. Educational Interpreters for the Hearing Impaired.**

1. Persons employed by or contracting with schools and school districts to provide educational interpreting services for hearing impaired students must meet the following qualifications from and after January 1, 2005:
  - a. Have a high school diploma or GED;
  - b. Hold a valid fingerprint clearance card, and
  - c. Show proficiency in interpreting skills through one of the following:
    - i. A minimum passing score of 3.5 or higher on the Educational Interpreter Performance Assessment (EIPA), or
    - ii. Hold a valid Certificate of Interpretation (CI) and/or Certificate of Transliteration (CT) from the Registry of Interpreters for the Deaf (RID), or

- iii. Hold a valid certificate from the National Association of the Deaf (NAD) at level 3 or higher.

2. If a public education agency (PEA) is unable to find an individual meeting the above qualifications, the PEA may hire an individual with lesser qualifications, but the PEA is required to provide a professional development plan for the individual they employ to provide educational interpreting services. This professional development plan must include the following:

- a. Proof of at least 24 hours of training in interpreting each year that a valid certification is not held or EIPA passing score is not attained, and
- b. Documentation of a plan for the individual to meet the required qualifications within three years of employment. If the qualifications are not attained within three years, but progress toward attainment is demonstrated, the plan shall be modified to include an intensive program for up to one year to meet the provisions of subsection (B)(1).

3. An individual employed under the provisions of subsection (B)(2) must also have the following:

- a. A valid fingerprint clearance card, and
- b. A high school diploma or GED.

- C. Compliance with these rules will be reviewed at the same time as a PEA is monitored for compliance with the requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, et seq.

**Historical Note**

New Section recodified from R7-2-621 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1).

**R7-2-623. Certification Requirements in a Public Health Emergency**

- A. As the result of a public health emergency declared by the governor, the Department may temporarily modify certification requirements established in this Article, subject to review and approval by the Board.
- B. A modification made pursuant to this Section shall:
  1. Not be more restrictive than requirements in effect at the time the public health emergency is declared.
  2. Comply with statutory requirements.
  3. Be limited to requirements that cannot be feasibly completed as the result of the public health emergency.
  4. Be in effect for no more than one year after Board approval.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 1311, effective May 18, 2020 (Supp. 20-2).

**ARTICLE 7. ADJUDICATIONS****R7-2-701. Definitions**

In this Article, unless the context otherwise specifies:

1. "Board" means the State Board of Education.
2. "Chairman" means the chairperson of the Professional Practices Advisory Committee, established pursuant to R7-2-205.
3. "Contested case" means any proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by the State Board of Education after an opportunity for hearing.
4. "Department" means the Department of Education.
5. "Document" includes papers such as complaints, petitions, motions, responses and notices.

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6. "Hearing body" means the Board or the Professional Practices Advisory Committee.
7. "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
8. "PPAC" means the Professional Practices Advisory Committee, established pursuant to R7-2-205.
9. "Presiding officer" means a hearing officer, with either a minimum of three years of verified experience in the practice of law or a minimum of one year of verified experience in conducting hearings, who shall oversee hearings pursuant to this Article.
10. "Pupil" means any student enrolled in an Arizona public or private school defined in A.R.S. § 15-101. "Pupil" also means any student who was enrolled in an Arizona public or private school at the time of the events which are the subject of a proceeding.
11. "Victim" means any person who has been previously identified pursuant to state law as a victim in a criminal proceeding which is the basis for a contested case.

**Historical Note**

Adopted effective May 25, 1978 (Supp. 78-3). Former Section R7-2-701 repealed, new Section R7-2-701 adopted effective December 4, 1978 (Supp. 78-6). Amended effective June 27, 1979 (Supp. 79-3). Amended subsection (A) effective October 7, 1980 (Supp. 80-5). Amended by adding subsection (A)(6) effective April 6, 1984 (Supp. 84-2). Amended effective October 19, 1984 (Supp. 84-5). Section R7-2-701 repealed as an emergency, new Section R7-2-701 adopted as an emergency effective January 2, 1985 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-1). Emergency expired. Repealed effective December 17, 1987 (Supp. 87-4). New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-702. Filing; Computation of Time; Extension of Time**

- A. All documents concerning a contested case shall be filed within the time limit, if any, for such filing.
- B. All documents filed in any contested case shall be typewritten or legibly written on paper 8 1/2 by 11 inches in size, shall contain the name and address of the party or other correspondent, shall be properly captioned and designate the title and case number, shall state the name and address of each party served with a copy and how service was made, and shall be signed by the party or, if represented, by the party's attorney. The signature constitutes a certification that the signer has read the document, has a good faith basis for submission of the document, and that it is not filed for the purpose or delay or harassment.
- C. In computing any period of time prescribed or allowed by this Article, or any notice or order concerning a contested case, the day of the act, event, or default from which the designated period of time begins to run shall not be included. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation. When that period of time is 11 days or more, intermediate Saturdays, Sundays and legal holi-

days shall be included in the computation. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday.

- D. Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon the party by another party, and the notice or other document is served by mail, five days shall be added to the prescribed period.
- E. For good cause shown, the presiding officer may grant continuances and extensions of time for filing notices or other documents.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-703. Contested Cases; Notice; Hearing Records**

- A. In a contested case, the parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall be given at least 20 days prior to the date set for the hearing.
- B. The notice shall include:
  1. A statement of the time, place and nature of the hearing.
  2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
  3. A reference to the particular sections of the statutes and rules involved.
  4. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
- C. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
- D. The Board may dispose of any contested case by decision or approved stipulation, agreed settlement, consent agreement or by default.
- E. A hearing before a hearing body in a contested case or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.
- F. The Board or the presiding officer may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.
- G. The record in a contested case shall include:
  1. All pleadings, motions and interlocutory rulings.
  2. Evidence received or considered, including confidential evidence received in executive session.
  3. A statement of matters officially noticed.
  4. Objections and offers of proof and rulings thereon.
  5. Proposed findings of fact, conclusions of law and recommendations of the hearing body.
  6. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.
  7. A victim impact statement, if submitted by the victim.

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- H. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-704. Service; Proof of Service**

- A. The Board shall serve notices of hearing, findings of fact, conclusions of law, and recommendations of the hearing body, and decisions and final orders of the Board, either by personal service or by certified mail. All other documents required to be served by the Board may be served by regular or certified mail or may be personally served.
- B. After service of a notice of hearing in a contested case, a copy of every document filed by a party, or individual seeking to intervene, shall be served on all parties to the contested case, or their lawyers if represented, at the same time the document is filed. Filing with the Board and service shall be completed by personal delivery, first-class mail or email.
- C. The following evidences completed service:
1. If personally served, an affidavit of personal service, sworn to by the individual serving the document and stating the name of the individual upon whom it was served, where service was made, and the date of such service; or
  2. If served by certified mail, proof of delivery; or
  3. If served by email or regular mail, either a statement subscribed on the document filed, or an affidavit indicating the date mailed and listing those to whom it was mailed.
- D. When a party is represented by an attorney, service shall be made on the attorney. If a notice of hearing shows service on the Attorney General, all documents served thereafter shall be served on the Assistant Attorney General named on the notice of hearing or who later appears on behalf of the Attorney General, or if no Assistant Attorney General is named, then on the Attorney General, Education and Health Section, Education Unit.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-705. Hearings and Evidence**

- A. Parties may participate in the hearing in person or through an attorney.
- B. The parties may submit proposed findings of fact and conclusions of law prior to the hearing. The presiding officer or hearing body may require that the parties submit proposed findings of fact and conclusions of law prior to the hearing or at the close of evidence.
- C. A hearing in a contested case shall be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A party to such proceedings may be represented by counsel and shall have the right to submit evidence in open hearing and conduct cross examination. Hearings may be held in any location or manner determined by the Board.

- D. Copies of documentary evidence may be received in the discretion of the presiding officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.
- E. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing body. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing body's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.
- F. If a party fails to appear at a hearing, the hearing body may proceed with the presentation of the evidence of the appearing party.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-706. Request for Hearing**

When a request for a hearing is filed with the Board, the request shall be in writing and shall state the specific grounds which are the basis of the hearing request and the statute, rule or other legal basis entitling the person to a hearing.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

**R7-2-707. Denial of Request for Hearing**

If the Board denies the request for a hearing, the denial shall be in writing and shall state the reasons therefor. A denial of a request for hearing is final and not subject to further administrative review.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-708. Repealed****Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Section repealed by final rulemaking at 11 A.A.R. 696, effective March 29, 2005 (Supp. 05-1).

**R7-2-709. Rehearing and Review of Decisions**

- A. After a hearing is held, a party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A response may be filed within 15 days after service of such motion by any other party. The Board may require the filing of written briefs on the issues raised in the motion or response and may provide for oral argument.
- B. A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:



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1. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  2. Misconduct of the hearing body or the prevailing party.
  3. Accident or surprise which could not have been prevented by ordinary prudence.
  4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
  5. Excessive or insufficient penalties.
  6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  7. That the decision is not justified by the evidence or is contrary to the law.
- C. The Board may affirm or modify the decision or grant a rehearing before a hearing body to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection (B). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
- D. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.
- E. Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.
- F. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within ten days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.
- H. Any party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than 20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-710. Repealed****Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Repealed by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-711. Consolidation and Severance**

- A. When proceedings involving a common question of law or fact or common parties are pending before the hearing body, the presiding officer may, upon the presiding officer's own volition or upon request of any party, order a consolidated hearing on any or all the matters at issue.
- B. In furtherance of convenience, to avoid prejudice, or when separate hearings will be conducive to expedition and economy, the presiding officer may, upon the presiding officer's own volition or upon request of any party, order any proceeding severed with respect to some or all issues or parties.
- C. The presiding officer shall send a written ruling granting or denying consolidation or severance to all parties, identifying the cases, and the reasons for the decision.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-712. Subpoenas**

- A. The Board may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on its own volition or at the request of a party. The subpoena shall be signed by a Board employee designated by the Board.
- B. A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
1. The name of the contested case, the case number, and the time and place where the witness is expected to appear and testify;
  2. The name and address of the witness subpoenaed;
  3. The documents, if any, sought to be provided; and
  4. A brief statement of the relevance of testimony or documents.
- C. On application of a party or the agency and for use as evidence, the presiding officer may permit a deposition to be taken, in the manner and upon the terms designated by the presiding officer, of a witness who cannot be subpoenaed or is unable to attend the hearing.
- D. The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the presiding officer grants a written request to quash or modify the subpoena. The request shall be submitted to the Board and state the reasons why it should be granted. The presiding officer shall grant or deny such request by order.
- E. The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed and on all parties in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the Board.
- F. A party, or the person served with a subpoena who objects to the subpoena, or any portion of it, may file an objection with the presiding officer. The objection shall be filed within five days after service of the subpoena, or at the outset of the hearing, if the subpoena is served fewer than five days before the hearing.
- G. If a subpoena issued for the Board is disobeyed, the Board may petition the superior court to enforce the subpoena pursuant to A.R.S. § 15-203.

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- H.** If a subpoena issued for a party other than the Board is disobeyed, the party may petition the superior court in the manner provided by law for the enforcement of subpoenas in a civil action.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-713. Conduct of Hearing**

- A.** The presiding officer may conduct all or part of the hearing by telephone, or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
- B.** Except for those hearings which may involve presentation of evidence protected by A.R.S. § 15-350, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.
- C.** Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-714. Testimony of Pupils**

- A.** All individuals present at a hearing regarding an action against a certificate shall:
1. Keep confidential the name and identifying information of any pupil involved in the hearing, unless disclosure is with the consent of the pupil's parent or guardian or the pupil if the pupil is at least 18 years of age at the time of the hearing, or by order of the superior court. This action does not prevent disclosure of the pupil's name to any party to the hearing.
  2. Keep confidential the testimony of any pupil, all of which shall be taken in executive session, except that the Board office shall be furnished a confidential copy of the pupil's testimony as part of the complete transcript of the hearing. The individuals present during the executive session shall be determined by the presiding officer in consultation with the Attorney General's office except that the respondent and counsel shall always be permitted to be present. The transcripts of testimony taken during executive session shall be maintained by the Board.
- B.** The Board of Education or its designee shall:
1. Make available a consent form which requires the signature of the pupil's parent or guardian or the pupil if the pupil is at least 18 years of age at the time of the hearing, prior to disclosure of the pupil's name;
  2. Assign a fictitious name to all witnesses identified as pupils on the witness lists provided by the complainant and respondent if not in receipt of written parental or guardian consent for disclosure;
  3. Notify hearing participants, prior to and during the hearing, of any fictitious names to be used.

- C.** The presiding officer shall instruct all individuals present at the hearing of the confidentiality requirements of A.R.S. § 15-551 and this Section.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). The Section heading has been updated to title case to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-715. Evidence**

- A.** All witnesses shall testify under oath or affirmation. At the request of a party, or at the discretion of the presiding officer, the presiding officer may exclude witnesses who are not parties from the hearing room so that they cannot hear the testimony of other witnesses.
- B.** The presiding officer shall have the power to administer oaths and affirmations.
- C.** All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.
- D.** The presiding officer shall make rulings necessary to prevent argumentative, repetitive, or irrelevant questioning, to exclude evidence the presiding officer determines to be irrelevant, immaterial, or unduly repetitious, and to expedite the examination to the extent consistent with the disclosure of all relevant testimony and information.
- E.** Unless otherwise ordered by the hearing body, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of each exhibit to each party present. One additional copy shall be furnished to the hearing body unless the hearing body otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**R7-2-716. Stipulations**

Parties to any contested case may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the presiding officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**R7-2-717. Recommended Decisions**

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- A. A recommended decision, findings of fact and conclusions of law shall be prepared for the Board by the PPAC.
- B. A recommended decision, findings of fact and conclusions of law shall be delivered to the Board within 90 days after the close of the hearing or the date ordered for submission of proposed findings or legal memoranda, whichever comes last, unless the Board extends the period for good cause.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353, (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-718. Decisions and Orders**

- A. Any final decision or order adverse to a party in a contested case shall be in writing or stated in the record. Any final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail to their last known address of any decision or order.
- B. When the Board is the hearing body, the decision shall be rendered within 120 days following the final day of the hearing or the date ordered for submission of proposed findings of fact and conclusions of law or legal memoranda, whichever comes last.
- C. Within 30 days after receipt of any recommended decision from the PPAC, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the findings of fact, conclusions of law and recommendations in whole or in part, may remand the matter to the hearing body with instructions, or may convene itself as the hearing body.
- D. If no request for rehearing or review has been timely filed by a party, a decision in a contested case is effective and final ten days from the date served on that party.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**ARTICLE 8. COMPLIANCE****R7-2-801. Compliance**

- A. Procedures governing noncompliance with laws and rules by school districts.
  - 1. Scope. Except as may be otherwise directed by federal or state statute or by rules adopted by the State Board of Education, this Section shall govern the procedure for determining noncompliance by school districts with laws and rules concerning school districts, the enforcement of which is the statutory responsibility of the State Board of Education or the Department of Education.
  - 2. Preliminary notice of noncompliance and response:
    - a. The Department of Education, upon its own initiative or at the direction of the State Board of Education, shall inform school districts by written notice that the district is in possible noncompliance with laws or rules, the enforcement of which is the statutory responsibility of the Board or the Department.
    - b. A preliminary notice of possible noncompliance shall detail in writing the nature of the possible noncompliance and shall identify:
      - i. The law or rule which the school district may be violating; and
      - ii. The manner in which the school district may be in noncompliance with the identified law or rule.

- c. A school district may submit a written response to the Department of Education within 20 days of receipt of a preliminary notice of noncompliance.
- d. Nothing contained in this Section is intended to preclude a reasonable attempt between Department of Education personnel and school district personnel to resolve administratively possible noncompliance prior to sending a written preliminary notice of noncompliance.

## 3. Scheduling a formal hearing

- a. Recommendation by the Department of Education
  - i. After giving a school district preliminary notice as provided in this Section, the Department of Education shall submit a written recommendation to the State Board of Education. This recommendation shall be submitted within 10 days after receipt of a written response from the school district or if no response is received within 30 days of the issuance of the preliminary notice. The Department shall recommend one of the following courses of action to be taken by the Board.
    - (1) A formal hearing should be scheduled before noncompliance is probable and achieving voluntary compliance within a reasonable period of time under the circumstances is unlikely; or
    - (2) A formal hearing should not be scheduled at this time because, although noncompliance is probable, achieving voluntary compliance within a reasonable period of time is likely; or
    - (3) A formal hearing should not be scheduled because the school district is in compliance with the law or rule in question.
  - ii. Any written response of the school district to the preliminary notice of noncompliance shall accompany the written recommendation of the Department of Education.
- b. Within 30 days of receipt of the recommendation of the Department of Education, the State Board of Education shall either:
  - i. Schedule formal hearing;
  - ii. Postpone the decision to schedule a hearing for a stated time period not to exceed six months, or
  - iii. Dismiss the matter.
- c. When the State Board of Education determines that a formal hearing is necessary, it shall be scheduled within 30 days after such determination, unless an extension of time is granted by the Board.
- d. When a formal hearing is scheduled, the Board or its designee shall give notice of the hearing as provided in A.R.S. § 41-1009(A) and (B).
- e. When the Board decides to postpone scheduling a formal hearing, the Board shall specify the extent of the postponement and the Department of Education shall report periodically, at least every 30 days, unless otherwise directed, with respect to progress

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- by the school district toward compliance with the law or rule in question. At the end of the postponement period, the Board shall again make a determination whether to schedule a hearing, further postpone the determination, or dismiss the matter.
- f. The Board may order further investigation by the Department of Education at any time, and admit into evidence any such report at any subsequent formal hearing.
4. Hearings held pursuant to this Section shall be conducted as provided in A.R.S. § 41-1010.
  5. The Board's decision
    - a. A decision by the State Board of Education shall be determined by a majority of the members of the Board and shall be based upon substantial evidence.
    - b. A decision shall be rendered within 30 days after the hearing.
    - c. Within 30 days after a decision is reached, copies of the written decision shall be delivered to the parties personally or by certified mail.
    - d. The parties shall have the opportunity to provide proposed findings of fact and conclusions of law to the Board no later than five days after the decision of the Board is received.
  6. Rehearing procedure
    - a. Any party aggrieved by a decision rendered by the Board may file with the Board, not later than 15 days after service of the decision, a written motion for rehearing or review of the decision, specifying the particular grounds therefor.
    - b. A motion to alter or amend a decision or order shall be filed not later than 15 days after service of the decision.
    - c. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board.
    - d. A response may be filed within 10 days after service of such motion by any other party or by the Attorney General.
    - e. The Board may require the filing of written memoranda upon the issues raised in the motion and may provide for oral argument.
    - f. The Board may consolidate the hearing to consider the motion for rehearing with the requested rehearing.
    - g. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
      - i. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party, or any order, or abuse of discretion, whereby the moving party was deprived of a fair hearing;
      - ii. Misconduct of the Board of the prevailing party.
      - iii. Accident or surprise which could not have been prevented by ordinary prudence;
      - iv. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
      - v. Excessive or insufficient penalty;
      - vi. Error in the admission or rejection of evidence or other errors of law occurring in the administrative hearing;
      - vii. The decision is not justified by the evidence or is contrary to law.
    - h. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (A)(6). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
    - i. Not later than 15 days after a decision is rendered, the Board may on its own initiative order a rehearing or a review of its decision for any reason for which it might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds on which the order is based.
    - j. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 10 days after such service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown, or by the parties by written stipulation. The Board may permit a reply affidavit by the moving party.
- B. Waiver from administrative rules.** Upon request of a school district acting either on its own behalf or on behalf of a school within the district's jurisdiction, the State Board of Education may grant a waiver exempting such district or school from specific administrative rules.
1. Requests
    - a. Requests for exemption from any State Board of Education rule shall include:
      - i. Evidence that the school or school district is currently in compliance with all state laws and State Board of Education rules;
      - ii. A statement identifying goals that will be accomplished and how the waiver will assist in enhancing school improvement;
      - iii. A three-year plan for school improvement;
      - iv. Identification of the specific rules for which the waiver is requested;
      - v. Evidence of a public hearing held by the school or school district which provided for parental and public involvement and input into the proposed three-year plan.
    - b. Requests for waiver may be granted by the State Board of Education for a period not to exceed three years. The State Board of Education may at any time rescind approved waivers at its discretion.
    - c. Requests for waiver may be submitted by a local governing board and shall be made through the State Superintendent of Public Instruction for consideration by the State Board of Education.
    - d. Local governing boards shall adopt policies and procedures which will allow their schools to request waivers from the State Board of Education and shall submit those policies and procedures to the Superin-

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tendent of Public Instruction prior to October 1, 1993. Those policies shall be consistent with the criteria specified in subsections (B)(1)(a) and (B)(3). Additionally, those policies shall provide that:

- i. Requests for such waivers by schools be forwarded within 30 days of receipt by the governing board to the Superintendent of Public Instruction. Requests may include additional information as the governing board deems appropriate.
  - ii. Schools not be required to meet criteria other than those specified in subsection (B)(1)(a).
2. Reporting
    - a. Schools or school districts with State Board-approved waivers shall document progress obtained as a result of the waiver and report on or before June 30 of each year to the State Superintendent of Public Instruction.
    - b. A school district having a school with an approved waiver may report the effects that such waiver has had on the operation of the school district. Reports shall be submitted on or before June 30 of each year to the State Superintendent of Public Instruction.
    - c. The State Superintendent of Public Instruction shall report to the State Board of Education, on or before September 30 of each year, the status of those schools and school districts with approved waivers and, as a minimum, include the following:
      - i. The status of meeting the goals as stated in the three-year plan;
      - ii. Recommendations regarding approved continuance of the waiver, conditions for continuance of the waiver, revision of the three-year plan or rescission of the waiver.
  3. Renewal. Upon request from a school district, on behalf of itself or a school within its jurisdiction, waivers may be approved by the State Board of Education for additional three-year periods. Requests shall be made through the State Superintendent of Public Instruction and requests from schools shall be forwarded by the local governing board to the State Superintendent of Public Instruction within 30 days from receipt.

**Historical Note**

Adopted effective February 27, 1980 (Supp. 80-1).  
Amended effective April 9, 1993 (Supp. 93-2). The word "rule" has been updated to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-802. School and School District Compliance with the Uniform System of Financial Records and the Uniform System of Financial Records for Charter Schools**

- A. Upon receipt of a report from the Auditor General that a school or school district has failed to comply with the Uniform System of Financial Records ("USFR") or the Uniform System of Financial Records for Charter Schools ("USFRCS") within 90 days after having received a notice of noncompliance from the Auditor General, the State Board of Education ("Board") shall review the Auditor General's report to determine whether the school or school district is in noncompliance.
- B. When the Board determines that a school or school district is in noncompliance with the USFR or USFRCS, it shall give written notice to the school or district of its determination. The

written notice shall advise the school or district of the following:

1. The Superintendent of Public Instruction shall withhold distribution of state funds to the school or district until such time as the Auditor General reports compliance with the USFR or USFRCS unless a hearing is requested by the school or district.
  2. The school or district has 10 days from the receipt of the written notice of noncompliance by the Board to submit a written request for a hearing.
  3. If the school or district makes a timely request for a hearing, the hearing will be held pursuant to the hearing procedures specified in R7-2-701 et seq.
- C. The Board's decision
    1. The Board shall determine whether the school or school district was in compliance with the USFR or USFRCS within 90 days after having been informed of noncompliance by the Auditor General, and whether the district is in compliance with the USFR or USFRCS at the time of the hearing.
    2. A decision by the Board shall be determined by a majority of the members of the Board and shall be based upon substantial evidence.

**Historical Note**

Adopted effective February 27, 1980 (Supp. 80-1).  
Amended subsections (A) and (E)(1) and (5) effective December 17, 1981 (Supp. 81-6). Amended effective December 31, 1998 (Supp. 98-4).

**R7-2-803. Implementation of the Uniform System of Financial Records**

All school districts shall implement the current version of the Uniform System of Financial Records, as prescribed by the Auditor General, in conjunction with the Department of Education. The Uniform System of Financial Records shall include standards to ensure that enrollment is determined by all school districts on a uniform basis.

**Historical Note**

Adopted effective November 10, 1980 (Supp. 80-6).  
Amended effective February 20, 1997 (Supp. 97-1).

**R7-2-804. Compliance with Federal Statutes or Regulations**

- A. This Section prescribes procedures to be used in filing and processing written complaints alleging the failure of a public agency or school district to comply with federal statutes or regulations applicable to federal education programs conducted and subject to Title 34, Code of Federal Regulations, § 76.780.
- B. The Arizona Department of Education (Department) shall accept and investigate complaints provided that the complaint:
  1. Is written and signed by the complaining party or his or her designated representative;
  2. Sets forth the facts forming the basis of the complaint; the facts set forth in the complaint, if true, could constitute noncompliance by a public agency or school district;
- C. Upon receipt of a complaint setting forth the criteria contained in (B), the Department shall immediately begin an impartial review which may include onsite investigations. If in the course of the review it is determined that the nature of the complaint is not a matter of noncompliance, the complainant will be so informed and advised of appropriate means of resolving the complaint.
- D. A written decision with specific findings shall be issued by the Department within 60 calendar days of receipt of the written

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complaint. If corrective action is required, such action shall be designated in the decision and shall include the time line for correction and possible consequences for continued noncompliance. A copy of the written decision shall be sent to the complaining party and the agency involved on or before the expiration of the 60-day period. An extension of this timeline will be permitted only if exceptional circumstances exist with respect to a particular complaint.

- E. If there appears to be a failure or refusal to comply with the applicable law or regulations, and if the noncompliance or refusal to comply cannot be corrected or avoided by informal means, compliance shall be effected by the Superintendent and the State Board of Education by any means authorized by law or by rule and regulation. The Superintendent shall retain jurisdiction over the issue of noncompliance with the law or regulations and shall retain jurisdiction over the implementation of any corrective action required. However, nothing herein shall preclude the availability of an informal resolution between the complainant and the agency or school district involved, nor shall this Section preclude the availability of any administrative hearing remedies to resolve such disputes or judicial review of such administrative remedies.
- F. If, pursuant to an investigation by the Department, the Superintendent finds a failure to comply with applicable law or regulations, he or she shall so inform the agency or school district and compliance shall be obtained by informal means whenever possible. If corrective action is required, such action shall be designated in this decision and shall include the time lines for correction and the possible consequences for continued noncompliance.
- G. A summary of each complaint received and investigated by the Department and the decision of the Superintendent shall be submitted annually to the State Board of Education for informational purposes only. Any personally identifiable information shall be deleted from the report to the State Board of Education.
- H. The complainant may request the U.S. Department of Education to review the final decision of the Superintendent. The Department shall inform a complainant of the procedures for requesting a review by the U.S. Department of Education.

**Historical Note**

Adopted effective February 11, 1983 (Supp. 83-1). Amended subsection (B) effective March 13, 1986 (Supp. 86-2). The Section heading has been updated to title case, the word "rule" has been updated to "Section." Both changes reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-805. Education Division General Administrative Regulations**

- A. This Section prescribes procedures to be used for appealing a decision by the Arizona Department of Education (Department) relating to federal programs administered by the Department and subject to the Education Division General Administrative Regulations (EDGAR) Title 34, Code of Federal Regulations § 75 and 76.
- B. A school district or public agency may request a hearing if it alleges that the Department violated a federal statute or regulation by:
  1. Terminating further assistance for an approved project;
  2. Ordering, in accordance with a final state audit resolution determination, the repayment of misspent or misapplied federal funds;

3. Disapproving or failing to approve the application or project in whole or in part; or
  4. Failing to provide funds in amounts in accordance with the requirements of statutes and regulations.
  5. Not approving the school district or public agency's proposal for funding.
- C. When a school district or public agency requests a hearing, the Superintendent of Public Instruction (Superintendent) shall select a hearings appeals panel from Department staff other than those within the same division as the federal program area under which the appeal rose.
  - D. Hearing procedures
    1. An applicant must request a hearing by notifying the Superintendent by certified mail of its decision to appeal a decision as set forth in subsection (B). If the applicant is or represents a school district, authorization to seek a hearing must come from the Governing Board of that school district.
    2. The request for hearing must set forth the nature of the complaint and the facts on which the complaint is based.
    3. The applicant shall request a hearing within 30 days of the date notice of the Department action was sent. For purposes of this Section, the date of notice by the Department is the date of sending notice of the Department action.
    4. A hearing shall be scheduled before the appeal panel within 30 days from the receipt of the request.
    5. The appeals panel chairperson shall give at least 10 days' notice of the hearing date to the complainant.
    6. The parties may submit written materials no later than five days prior to the hearing, such materials to consist of six copies.
    7. At the hearing the parties may present evidence in writing and through witnesses and may be represented by counsel.
    8. The length and order of the presentation may be determined by the appeals panel chairperson.
    9. If the complainant or authorized representative fails to appear at the designated time, place and date of the hearing, the appeal shall be considered closed and the process terminated.
  - E. Decision. No later than five days after the hearing, the appeals panel shall forward to the Superintendent its recommendation relating to the school district or agency's request for review. Within 10 days after the hearing, the Superintendent shall issue his or her written ruling, including findings of fact and reasons for the ruling. If the Superintendent determines that the Department's action was contrary to the statutes and regulations that govern the applicable program, the Superintendent shall rescind the action.
  - F. Appeal. If the Superintendent does not rescind the Department action, the applicant may appeal to the U.S. Department of Education. The applicant shall file a notice of appeal with the U.S. Department of Education within 20 days after the applicant has been notified by the Superintendent of his or her decision by certified mail.
  - G. State Board of Education submission. The Superintendent shall annually submit to the State Board of Education as an informational item summaries of all decisions including the findings of fact of hearing procedures conducted pursuant to this Section for State Board of Education review.

**Historical Note**

Adopted effective June 24, 1983 (Supp. 83-3). The Section heading has been updated to title case, the word

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“rule” has been updated to “Section,” the phrase, “of this rule” has been removed to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-806. Repealed****Historical Note**

Adopted effective February 6, 1984 (Supp. 84-1). Section repealed by final rulemaking at 7 A.A.R. 182, effective December 15, 2000 (Supp. 00-4).

**R7-2-807. Repealed****Historical Note**

Adopted as an emergency effective August 2, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Permanent rule adopted effective November 27, 1984 (Supp. 84-6). Amended effective May 3, 1993 (Supp. 93-2). Repealed effective February 20, 1997 (Supp. 97-1).

**R7-2-808. Pupil Participation in Extracurricular Activities**

The following standards are effective for students in grade six, if part of a middle school, and grades seven through 12.

1. Definition. Extracurricular activities are:
  - a. All interscholastic activities which are of a competitive nature and involve more than one school where a championship, winner, or rating is determined; and all those endeavors of a continuous and ongoing nature for which no credit is earned in meeting graduation or promotional requirements and are organized, planned, and sponsored by the district consistent with district policy.
  - b. Activities which are an integral part of a credit class shall be excepted from the rule.
2. Eligibility requirements and ineligibility.
  - a. Eligibility. To be eligible to participate in extracurricular activities, a student shall be required to:
    - i. Earn a passing grade in each course in which the student is enrolled; and
    - ii. Maintain satisfactory progress toward promotion or graduation.
  - b. Ineligibility. When it is determined that a student has failed to meet the requirements specified for eligibility, the student shall be declared ineligible to participate in extracurricular activities and shall remain ineligible until the requirements of eligibility are met.
    - i. The governing board shall establish the criteria for a passing grade and satisfactory progress toward promotion or graduation, taking into account the needs of children placed in special education programs pursuant to R7-2-401 et seq. Passing grades shall be determined on a cumulative basis, from the beginning of instruction to the recording of a final grade for the course.
    - ii. Every nine weeks or less, as determined by the governing board, district personnel shall review the progress of students to determine their eligibility status. If a student is declared ineligible, the student shall remain ineligible until a subsequent check is performed and it is determined that the student meets the eligibility requirements specified in subsection (2)(a).
3. Each governing board shall adopt a policy and implement a program pursuant to that policy to provide:

- a. Oral or written preliminary notice to all district students and their parents or guardian of pending ineligibility;
- b. Written notice to students and their parents or guardians when ineligibility has been determined;
- c. Educational support services to students declared ineligible because of this Section, as well as those notified of pending ineligibility.

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended subsection (B) and added a new subsection (D) effective February 17, 1988 (Supp. 88-1). Amended subsection (A) effective August 15, 1988 (Supp. 88-3). Amended effective April 28, 1989 (Supp. 89-2). Amended effective December 20, 1991 (Supp. 91-4). Section R7-2-808 repealed, new Section adopted effective July 10, 1992 (Supp. 92-3). Amended effective September 20, 1996 (Supp. 96-3). Amended effective December 22, 1997 (Supp. 97-4). Numerals were corrected and the word “rule” was replaced with “Section” to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-809. Emergency Administration of Auto-Injectable Epinephrine****A. Applicability.** This Section applies to:

1. Any school district or charter school that voluntarily chooses to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.
2. All school districts and charter schools when required to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.

**B. Definitions.** The following definitions are applicable to this Section:

1. “Anaphylactic shock” is a severe systemic allergic reaction, resulting from exposure to an allergen, which may result in death.
2. “Auto-injectable epinephrine” means a disposable drug delivery device that is easily transportable and contains a premeasured single dose of epinephrine used to treat anaphylactic shock.
3. “Standing order” means a prescription protocol or instructions issued by the chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to A.R.S. Title 32, Chapter 13, a doctor of naturopathic medicine licensed pursuant to A.R.S. Title 32, Chapter 14, a doctor of osteopathic medicine licensed pursuant to A.R.S. Title 32, Chapter 17, a nurse practitioner licensed pursuant to A.R.S. Title 32, Chapter 15 or a physician assistant licensed pursuant to A.R.S. Title 32, Chapter 25 for non-individual specific epinephrine.

**C. Annual training in the administration of auto-injectable epinephrine.**

1. Each school district and charter school shall designate at least two school personnel for each school site who shall be required to receive annual training in the proper administration of auto-injectable epinephrine in cases of anaphylactic shock pursuant to standing order. One or more of the trained personnel may be a school nurse or athletic trainer if they are employed by the school.
2. Training in the administration of auto-injectable epinephrine shall be conducted in accordance with minimum standards and curriculum developed by the Arizona

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Department of Health Services in consultation with the Arizona Department of Education.

3. At a minimum, training shall include procedures to follow when responding to anaphylactic shock, including direction regarding summoning appropriate emergency care, and documenting, tracking and reporting of the event.
  4. Training shall also include standards and procedures for acquiring a supply of at least two juvenile doses and two adult doses of auto-injectable epinephrine, restocking auto-injectable epinephrine upon use or expiration, and storing all auto-injectable epinephrine at room temperature and in secure, easily accessible locations on school sites.
  5. Training shall be conducted via courses provided in collaboration with a public health organization or by a regulated health care professional, whose competencies include the administration of auto-injectable epinephrine, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.
  6. School districts and charter schools shall maintain and make available upon request a list of those school personnel authorized and trained to administer auto-injectable epinephrine pursuant to a standing order.
- D.** Annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.
1. Each school district and charter school shall require all school site personnel to receive an annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.
  2. Training shall be conducted in accordance with minimum training standards developed by the Arizona Department of Health Services in consultation with the Arizona Department of Education and shall follow the most current guidelines issued by the American Academy of Pediatrics.
  3. Training shall be conducted in collaboration with a public health organization by a regulated health care professional whose competencies include the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.
- E.** Procedures for annually requesting a standing order for auto-injectable epinephrine.
1. Each school district or charter school shall obtain a standing order from its designated district or charter school physician licensed pursuant to A.R.S. Title 32, Chapter 13, 14, 17, 15, or 25 and if no such physician is available to provide a standing order, from the chief medical officer of the Department of Health Services or the chief medical officer of a county health department.
  2. Standing orders shall be renewed annually and upon the change of any designated school district or charter school physician.
  3. Standing orders shall identify the appropriate dosage of auto-injectable epinephrine to administer based upon weight and the frequency at which auto-injectable epinephrine may be administered if symptoms persist or return.
- F.** Procedures for the administration of auto-injectable epinephrine in emergency situations.
1. All school districts and charters schools shall adopt procedures for the emergency administration of auto-injectable epinephrine by designated trained personnel.
  2. Procedures shall address, at a minimum, the following requirements:
    - a. Determining if symptoms indicate possible anaphylactic shock.
    - b. Selecting the appropriate dosage of auto-injectable epinephrine to administer pursuant to a standing order.
    - c. Injecting epinephrine via auto-injector pursuant to a standing order, noting the time and dose given.
    - d. Calling 911 to advise that anaphylactic shock is suspected and epinephrine was administered.
    - e. Keeping the person stable until emergency responders arrive.
    - f. Advising school medical personnel and administration of the incident.
    - g. Repeating dose pursuant to a standing order when symptoms persist and emergency responders have not arrived.
    - h. Providing emergency responders with used epinephrine auto-injector labeled with name, date and time administered.
    - i. Assuring that parents/guardians have been notified and advised to promptly alert student's primary care physician of the incident.
    - j. Completing written documentation of the incident, detailing who administered the injection, the rationale for administering the injection, the approximate time of the injection or injections, and notifications made to school administration, emergency responders, the student's parents or guardians, and the doctor or chief medical officer who issued the standing order.
    - k. Ordering replacement dose or doses of auto-injectable epinephrine.
    - l. Reviewing any incident involving emergency administration of epinephrine to determine the adequacy of response.
- G.** All school districts and charter schools shall report to the Arizona Department of Health Services all incidents of use of auto-injectable epinephrine pursuant to this Section in the format prescribed by the Arizona Department of Health Services.

**Historical Note**

Adopted effective July 30, 1992 (Supp. 92-3). Amended effective April 9, 1993 (Supp. 93-2). Repealed effective February 20, 1997 (Supp. 97-1). Amended by final exempt rulemaking at 21 A.A.R. 1784, effective February 24, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 24 A.A.R. 3279, effective October 22, 2018 (Supp. 18-4). The word "rule" has been updated to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 1531, effective August 27, 2021 (Supp. 21-3).

**R7-2-810. Emergency Administration of Inhalers**

- A.** Applicability. This Section applies to:
1. Any school district or charter school that voluntarily chooses to stock inhalers pursuant to A.R.S. § 15-158.
  2. All school districts when required to stock inhalers pursuant to A.R.S. § 15-158.



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**B. Definitions.** The following definitions are applicable to this Section:

1. "Authorized Entity" refers to any school district or charter school.
2. "Bronchodilator" means Albuterol or another short-acting bronchodilator that is approved by the United States Food and Drug Administration for the treatment of respiratory distress.
3. "Inhaler" means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler that includes a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.
4. "Personnel" means employees at a school district or charter school or nurses who are under contract with the school district or charter school.
5. "Respiratory distress" includes the perceived or actual presence of coughing, wheezing or shortness of breath.
6. "Standing order" means a prescription protocol or instructions issued by the chief medical officer of a county health department, physicians licensed pursuant to A.R.S. Title 32, Chapter 13, 14, or 17, or nurse practitioners licensed pursuant to A.R.S. Title 32, Chapter 15.

**C. Annual training on recognition of symptoms of respiratory distress and administration of inhalers:**

1. Each school district and charter school that elects to administer inhalers shall designate at least two personnel at each school site who shall be required to be trained in the recognition of respiratory distress symptoms, the procedures to follow when respiratory distress occurs, and the administration of inhalers, as directed on the prescription protocol. While each school is required to have two trained personnel in order to implement the stock inhaler policies, schools may train as many personnel as they feel necessary.
2. Training in the administration of inhalers shall be conducted by a nationally recognized organization or professionally certified medical professionals that are experienced in training laypersons in emergency health treatment.
3. Training may be conducted online or in person and at a minimum shall include:
  - a. How to recognize signs and symptoms of respiratory distress in accordance with good clinical practice.
  - b. Standards and procedures for the storage of inhalers.
  - c. Standards and procedures for the administration of an inhaler, as directed on the prescription protocol.
  - d. If necessary, emergency follow-up procedures after the administration of an inhaler.
4. The organization that conducts the training shall issue a certificate to each person who successfully completes the training. The personnel shall submit this certificate to the school.
5. Annual training is required for all designated personnel of the school.
6. School districts and charter schools shall maintain and make available on request a list of school personnel who are authorized to administer inhalers pursuant to a standing order.

**D. Procedures for annually requesting a standing order and the prescription for the inhaler and holding chamber**

1. Each participating school district or charter school shall obtain a standing order and prescription for inhalers and

spacers or holding chambers pursuant to A.R.S. § 15-158 from the chief medical officer of a county health department, a physician licensed pursuant to A.R.S. Title 32, Chapter 13, 14, or 17, or a nurse practitioner pursuant to A.R.S. Title 32, Chapter 15.

2. Standing orders and prescriptions shall be requested and renewed annually.

**E. Procedures for the administration of inhalers in emergency situations:**

1. School districts and charter schools that elect to administer inhalers shall:
  - a. Prescribe and enforce policies and procedures for the emergency administration of inhalers by designated and trained medical and non-medical personnel.
  - b. Designate at least two personnel at each school to be trained to recognize respiratory distress and administer inhalers.
  - c. Require designated personnel to participate in annual training and provide a certificate of successful completion to the school.
  - d. Designate personnel who have completed the required training to be responsible for the storage, maintenance, control and general oversight of the inhalers and spacers or holding chambers acquired by the school.
  - e. Acquire and stock a supply of inhalers and spacers or holding chambers pursuant to a standing order prescription.
  - f. Store medication in a secure, temperature appropriate location, unlocked and readily accessible to designated personnel.
2. Pursuant to a standing order, school district or charter school personnel who are trained in the administration of inhalers may administer or assist in the administration of an inhaler to a pupil or adult whom the personnel believes in good faith to be exhibiting symptoms of respiratory distress while at school or a school-sponsored activity.
3. Procedures adopted by school districts and charter schools shall address at a minimum, the following requirements:
  - a. Determine if symptoms indicate possible respiratory distress or emergency and determine if the use of an inhaler will properly address the respiratory distress or emergency.
  - b. Administer the correct dose of inhaler medication, as directed by the prescription protocol, regardless of whether the individual who is believed to be experiencing respiratory distress has a prescription for an inhaler and spacer or holding chamber or has been previously diagnosed with a condition requiring an inhaler.
  - c. Restrict physical activity, encourage slow breaths and allow the individual to rest.
  - d. Assure that trained personnel stay with the subject who has been administered inhaler medication until it is determined whether the medication alleviates symptoms.
  - e. If applicable, instruct office staff to notify the school nurse if the inhaler is administered by a trained but non-licensed person.
  - f. Instruct school staff to notify the parent or guardian.
  - g. Call 911 if severe respiratory distress continues. Advise that inhaler medication was administered

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- and stay with the person until emergency medical responders arrive.
  - h. If the individual shows improvement, keep the individual under supervision until breathing returns to normal, with no more chest tightness or shortness of breath, and the individual can walk and talk easily.
  - i. Allow a student to return to class if breathing has returned to normal and all symptoms have resolved.
  - j. Notify a parent or guardian once the inhaler has been administered and the student has returned to class.
  - k. Document the incident detailing who administered the inhaler, the approximate time of the incident, notifications made to the school administration, emergency responders, and parents/guardians.
  - l. Retain the incident data on file at the school pursuant to the general records retention schedule regarding health records for school districts and charter schools established by the Arizona State Library, Archives and Public Records.
  - m. Order replacement inhalers, spacers and holding chambers as needed.
4. A school district or charter school may accept monetary donations for or apply for grants for the purchase of inhalers and spacers or holding chamber or may accept donations of inhalers and spacers or holding chambers directly from the product manufacturers.

**F. Immunity from civil liability is prescribed in A.R.S. § 15-158.**

**Historical Note**

New Section made by final exempt rulemaking at 24 A.A.R. 146, effective August 9, 2018; filed in the Office on January 2, 2018 (Supp. 18-1). Amended by final exempt rulemaking at 24 A.A.R. 3279, effective October 22, 2018 (Supp. 18-4). The word “rule” has been updated to “Section” to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 1531, effective August 27, 2021 (Supp. 21-3).

**ARTICLE 9. SCHOOL DISTRICT BUDGET AND ACCOUNTING**

**R7-2-901. Teacher Experience Index Provisions**

- A.** General purpose. These guidelines are provided for local governing boards to assist in development of policies identifying activities which contribute to the instructional programs at the local school level. The policies will define what constitutes a full-time vs. a part-time teacher position for the purpose of developing a school district’s Teacher Experience Index.
- B.** Local governing boards may include the following activities in their policies as those which contribute toward an instructional program. This listing is not intended to be exclusive, and districts may utilize additional activities:
1. Classroom related:
    - a. Classroom instruction,
    - b. Preparation time,
    - c. Supervision,
    - d. Evaluation,
    - e. Curriculum development,
    - f. Housekeeping chores, i.e., daily reports, blackboard preparation, etc.
  2. School related:
    - a. Teacher conferences,
    - b. Parent conferences,
    - c. Professional association activities,
    - d. Professional days,

- e. District directed reports,
- f. Participation in activities related to education scheduled by county, state, or federal agencies.

Professional association activities must be, in the opinion of the local governing board, for a public purpose and must not be for the sole benefit of the professional association.

**3. Other district related:**

- a. Special assignments,
- b. School board approved leave,
- c. Home visitation,
- d. Home instruction,
- e. Off-site instruction,
- f. Research,
- g. In-service training.

In-service training activities are those approved by the local governing board and intended to promote the educational advancement of the youth of the district. These activities may be conducted either during the regular school day or at other times.

- C.** A local governing board may exercise its option to contract with certified personnel on a less than full-time basis in order to meet local district needs.
- D.** In those instances where a district may contract with certificated personnel, and the responsibilities specified within the contract include activities not related to instruction, then the district must define in terms of “full-time equivalencies” that portion which is instruction-related.

**Historical Note**

Adopted as an emergency effective May 21, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Former emergency adoption now adopted without change effective October 7, 1980 (Supp. 80-5).

**R7-2-902. Independent Accounting Responsibility**

- A.** The governing board of a school district applying to operate with full independence from the county school superintendent as provided in A.R.S. § 15-914.01, shall apply to the State Board of Education and submit a plan for accounting responsibility to the county school superintendent of the county in which the school district is located and the Department of Education before January 1, which documents the following:
1. Administrative and internal accounting controls designed to achieve compliance with the Uniform System of Financial Records and the following objectives:
    - a. Procedures for approving, preparing and signing vouchers and warrants;
    - b. Procedures to ensure verification of administrators’ and teachers’ certification records with the Department of Education for all classroom and administrative personnel required to hold a certificate by the State Board pursuant to A.R.S. § 15-203, before issuing warrants for their services;
    - c. Procedures to account for all revenues, including allocation of certain revenues to funds as provided in the revenues section of the Uniform Accounting Manual for Arizona County School Superintendents;
    - d. Procedures for reconciling the accounting records monthly to the county treasurer as provided in the reconciliations section of the Uniform Accounting Manual for Arizona County School Superintendents.
  2. A compilation of resources required to implement accounting responsibility, including personnel, training and equipment, and a comprehensive analysis of the bud-

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getary implications of accounting responsibility for the school district and the county treasurer.

- B.** Before January 1 of the fiscal year preceding the fiscal year of implementation and before submitting an application to assume accounting responsibility, a school district shall apply for evaluation by the Auditor General. After completing the evaluation, the Auditor General may recommend approval or denial of accounting responsibility to the State Board of Education. The evaluation by the Auditor General shall be performed contingent on staff availability and may be billed to the school district at cost. Evaluation at a minimum shall include the following:
1. The most recent financial statements audited by an independent certified public accountant.
  2. The most recent reports on internal control, compliance and uniform system of financial records compliance questionnaire prepared by an independent certified public accountant or procedural review completed by the Auditor General.
  3. The working papers of the independent certified public accountant responsible for auditing the school district, if deemed appropriate by the Auditor General.
  4. A procedural review if deemed appropriate by the Auditor General.
- C.** Before January 1 of the fiscal year preceding the fiscal year of implementation and before submitting an application to assume accounting responsibility, a school district shall apply for evaluation by the county treasurer of the county in which the school district is located. After completing the evaluation, the county treasurer may recommend approval or denial of accounting responsibility to the State Board of Education. The evaluation by the county treasurer shall be performed contingent on staff availability and may be billed to the school district at cost. Evaluation by the county treasurer at a minimum shall include an analysis of the computer programming required for the county to manage the school districts funds.
- D.** School districts that are approved by the State Board of Education to assume accounting responsibility shall contract with an independent certified public accountant for an annual financial and compliance audit. The Auditor General may reevaluate the school district annually based on the audit to determine compliance with the uniform system of financial records. If permitted by federal law, a school district may convert to a biennial audit schedule if the previous annual audit conducted pursuant to this subsection did not contain any significant negative findings. If a biennial audit of a school district conducted pursuant to this subsection contains any significant negative findings, the school district shall convert back to an annual audit schedule. If a school district is required to convert back to an annual audit schedule pursuant to this subsection because of significant negative findings, the school district may subsequently convert to a biennial audit schedule if the previous two annual audits did not contain any significant negative findings. For the purposes of this subsection, "significant negative finding" means a finding that results in the issuance of a letter of noncompliance from the Auditor General.
- E.** Upon receipt of an accounting responsibility plan as prescribed in subsection (A), the county treasurer shall establish acceptable standards for interface by school districts with the county treasurer, including specifications for computer hardware and software compatibility and procedures to ensure the capacity of each school district to reconcile accounts with those of the county treasurer.

- F.** Any school district that fails to maintain accounting standards as provided by the uniform system of financial records and that is found to be in noncompliance with the uniform system of financial records by the State Board of Education as provided in A.R.S. § 15-272 is not eligible to participate in the program provided by this Section.

**Historical Note**

Adopted effective February 4, 1988 (Supp. 88-1). The word "rule" has been updated to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 29 A.A.R. 1402 (June 23, 2023), with an effective date of May 22, 2023 (Supp. 23-2).

**ARTICLE 10. SCHOOL DISTRICT PROCUREMENT**  
**PART I. IN GENERAL**

**R7-2-1001. Definitions**

In Articles 10 and 11, unless the context otherwise requires:

1. "Acceptance period" means the period of time specified in the solicitation that a bid or proposal is irrevocable, except as specified in R7-2-1030.
2. "Actual energy production" means the actual amount of energy that flows from the energy production measure on an annual basis as measured by a meter in kilowatt hours alternating current.
3. "Advantageous to the school district" means in the best interest of the school district, but does not necessarily mean lowest bid/cost.
4. "Affiliate" means any person whose governing instruments require it to be bound by the decision of another person or whose governing board includes enough voting representatives of the other person to cause or prevent action, whether or not the power is exercised. It also may include persons doing business under a variety of names, or where there is a parent-subsidiary relationship between persons.
5. "Alternative project delivery methods for construction" means construction-manager-at-risk, design-build, and job-order-contracting construction services.
6. "Architect services," "engineer services," "land surveying services," "geologist services" and "landscape architect services" mean those professional services within the scope of the practice of those services as provided in A.R.S. Title 32, Chapter 1, Article 1.
7. "Award" means a determination by the school district that it is entering into a contract with one or more bidders or offerors.
8. "Bid" means a response to an invitation for bids and includes an offer to contract with the school district.
9. "Bidder" means a person submitting a bid in response to an invitation for bids.
10. "Brand name or equal specification" means a written description that uses one or more manufacturers' names or catalog numbers to describe the standard of quality, performance, and other characteristics needed to meet the school district's requirements, and that provides for the submission of equivalent products.
11. "Brand name specification" means a written description limited to one or more items by manufacturers' names or catalog numbers.
12. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

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13. "Change order" means a written order that is approved by the governing board and that directs the contractor to make changes that the changes clause of the contract authorizes the governing board to order.
14. "Clergy" means a minister of a religion.
15. "Coefficient" means the contractor's price adjustment to the unit price in a job order contract. Several coefficients may apply to the unit price book.
16. Construction:
  - a. Means the process of building, altering, repairing, improving or demolishing any school district structure or building, or other public improvements of any kind to any public real property.
  - b. Construction does not include:
    - i. The routine operation, routine repair or routine maintenance of existing facilities, structures, buildings or real property.
    - ii. The investigation, characterization, restoration or remediation due to an environmental issue of existing facilities, structures, buildings or real property.
17. "Construction-manager-at-risk" means a project delivery method in which:
  - a. There is a separate contract for design services and a separate contract for construction services, except that instead of a single contract for construction services, the school district may elect separate contracts for preconstruction services during the design phase, for construction during the construction phase and for any other construction services.
  - b. The contract for construction services may be entered into at the same time as the contract for design services or at a later time.
  - c. Design and construction of the project may be either:
    - i. Sequential with the entire design complete before construction commences.
    - ii. Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.
  - d. Finance services, maintenance services, operations services, preconstruction services and other related services may be included.
18. "Construction services" means either of the following for construction-manager-at-risk, design-build and job-order-contracting project delivery methods:
  - a. Construction, excluding services, through the construction-manager-at-risk or job-order-contracting project delivery methods.
  - b. A combination of construction and, as elected by the school district, one or more related services, such as finance services, maintenance services, operations services, design services and preconstruction services, as those services are authorized in the definitions of construction-manager-at-risk, design-build or job-order-contracting in this Section.
19. "Contract" means all types of agreements, including purchase orders, regardless of what they may be called, for the procurement of materials, services, construction or construction services, or the disposal of materials.
20. "Contract modification" means any written alteration in the terms and conditions of any contract accomplished by mutual action of the parties to the contract.
21. "Contractor" means any person who has a contract with a school district.
22. "Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public procurement unit.
23. "Cost" means the aggregate cost of all materials and services, including labor performed by school district employees.
24. "Cost data" means information concerning the actual or estimated cost of labor, material, overhead and other cost elements that have been actually incurred or that are expected to be incurred by the offeror or contractor in performing the contract.
25. "Cost-plus-a-percentage-of-cost contract" means a contract that, prior to completion of the work, the parties agree that the fee will be a predetermined percentage of the cost of the work.
26. "Data" means documented information, regardless of form or characteristic.
27. "Days" means calendar days and shall be computed pursuant to A.R.S. § 1-243.
28. "Defective data" means data that is inaccurate, incomplete or outdated.
29. "Dentist" means a person licensed pursuant to A.R.S. Title 32, Chapter 11.
30. "Descriptive literature" means information available in the ordinary course of business that shows the characteristics, construction or operation of an item offered in a bid or proposal.
31. "Design-bid-build" means a project delivery method in which:
  - a. There is a sequential award of two separate contracts.
  - b. The first contract is for design services.
  - c. The second contract is for construction.
  - d. Design and construction of the project are in sequential phases.
  - e. Finance services, maintenance services and operations services are not included.
32. "Design-build" means a project delivery method in which:
  - a. There is a single contract for design services and construction services, except that instead of a single contract for design services and construction services, the school district may elect separate contracts for preconstruction services and design services during the design phase, for construction and design services during the construction phase and for any other construction services.
  - b. Design and construction of the project may be either:
    - i. Sequential with the entire design complete before construction commences.
    - ii. Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.
  - c. Finance services, maintenance services, operations services, preconstruction services and other related services may be included.
33. "Design professional" means an individual or firm that is registered by the state board of technical registration pursuant to A.R.S. Title 32, Chapter 1 to practice architecture, engineering, geology, landscape architecture or land

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- surveying or any combination of those professions and any person employed by the registered individual or firm.
34. "Design professional service contract" means a written agreement relating to the planning, design, construction administration, study, evaluation, consulting, inspection, surveying, mapping, material sampling, testing or other professional, scientific or technical services furnished in connection with any actual or proposed study, planning, survey, environmental remediation, construction, improvement, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility or development or other improvement to land.
  35. "Design professional services" means architect services, engineer services, land surveying services, geologist services or landscape architect services or any combination of those services performed by or under the supervision of a design professional or an employee or subconsultant of the design professional.
  36. "Design requirements" means at a minimum:
    - a. The school district's written description of the project or service to be procured, including:
      - i. The required features, functions, characteristics, qualities and properties.
      - ii. The anticipated schedule, including start, duration and completion.
      - iii. The estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance.
    - b. May include:
      - i. Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by a design professional who is registered pursuant to A.R.S. § 32-121.
      - ii. Additional design information or documents that the school district elects to include.
  37. "Design services" means architect services, engineer services or landscape architect services.
  38. "Designee" means the governing board member or school district employee who has been delegated procurement authority by the governing board as specified by board action.
  39. "Detailed record" means minutes, that shall include the date, time, place, persons in attendance and a summary of what was said by whom and the decisions made. The minutes may be made either in writing or by a recording.
  40. "Discussions" means an exchange or series of exchanges between the school district and a person who has submitted an unpriced technical offer or a proposal, resulting in an opportunity for the person to revise the unpriced technical offer or proposal prior to final evaluation by the school district.
  41. "District representative" means a district employee or the governing board acting within the limits of the district representative's authority. There may be more than one appointed for different purposes and different procurements.
  42. "Earth-moving, material-handling, road maintenance and construction equipment" means a track-type tractor, motor grader, excavator, landfill compactor, wheel tractor scraper, off-highway truck, wheel loader or track loader, having a published manufacturer's minimum unit list price of \$50,000 or more and a minimum expected life cycle of three years.
  43. "Effective utility rate" means the average price per kilowatt hour that a school district paid to its utility provider for electricity service to the facility that is the subject of the guaranteed energy production contract over the previous twelve months.
  44. "Eligible procurement unit" means a public procurement unit, a nonprofit corporation, or an external procurement activity.
  45. "Employee" means an individual drawing a salary from a school district and any noncompensated individual performing personal services for any school district.
  46. "Energy baseline" means a calculation of the amount of energy used in an existing facility before the installation or implementation of the energy cost savings measures.
  47. "Energy cost savings" means one or both of the following:
    - a. An estimated reduction in net fuel costs, energy costs, water costs, stormwater fees or other utility costs, or related net operating costs, including costs for anticipated equipment replacement and repair, from or as compared to an established baseline of those costs.
    - b. An estimated revenue increase associated with additional facility use or the use of improved meters or other measuring devices due to improvements included in the guaranteed energy cost savings contract.
  48. "Energy cost savings measure" means a training program or facility alteration designed to reduce energy consumption, which may include one or more of the measures authorized in A.R.S. § 15-213.01, and any related meters or other measuring devices.
  49. "Energy production measure" means renewable and alternative energy projects or renewable energy power service agreements.
  50. "Established catalog price" means the price included in a catalog, price list, schedule or other form that:
    - a. Is regularly maintained by a manufacturer, distributor or contractor.
    - b. Is either published or otherwise available for inspection by customers.
    - c. States prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the materials or services involved.
  51. "Excess materials" means any materials which have a remaining useful life but which are no longer required by the using school district in possession of the materials.
  52. "External procurement activity" means any buying organization not located in this state that would qualify as a public procurement unit.
  53. "Fair market value" means the price at which sales have been consummated for materials of like type, quality, and quantity in a particular market at the time of acquisition.
  54. "Filed" means delivery to the district representative, school district or its hearing officer, whichever is applicable. A time/date stamp affixed to a document by the school district shall be determinative of the time or delivery for purposes of filing.
  55. "Finance services" means financing for a construction services project.

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56. "General Services Administration contract" means contracts awarded by the United States government General Services Administration.
57. "Gift or benefit" means a payment, distribution, expenditure, advance, deposit or donation of monies, any intangible personal property or any kind of tangible personal or real property that is not of nominal value such as a greeting card, t-shirt, mug or pen. Gift or benefit does not include either:
  - a. Food or beverage.
  - b. Expenses or sponsorships relating to a special event or function to which individuals involved in procurement and purchasing are invited.
58. "Governing board" has the meaning defined in A.R.S. § 15-101.
59. "Governing instruments" means legal documents that establish the existence of an organization and define its powers, including articles of incorporation or association, constitution, charter, by-laws, or similar documents.
60. "Guaranteed energy cost savings contract" means a contract for implementing one or more energy cost savings measures.
61. "Guaranteed energy price" means the agreed on price to be charged to the school district for each kilowatt hour alternating current of actual energy production as such may change on an annual basis as set forth in the guaranteed energy production contract.
62. "Guaranteed energy production" means the amount of energy, measured in kilowatt hours alternating current, that the qualified provider guarantees for each year of the guaranteed energy production contract.
63. "Guaranteed energy production contract" means a contract for implementing one or more energy production measures between one or more qualified providers and a school district.
64. "Guaranteed energy production shortfall" means the amount, if any, that the actual energy production is less than the guaranteed energy production in any given year.
65. "Incremental award" means an award of portions of a definite quantity requirement to more than one contractor. Each portion is for a definite quantity and the sum of the portions is the total definite quantity required.
66. "Interested party" means an actual or prospective bidder or offeror whose economic interest may be affected substantially and directly by the issuance of a solicitation, the award of a contract or by the failure to award a contract. Whether an actual or prospective bidder or offeror has an economic interest will depend upon the circumstances of each case.
67. "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.
68. "Invitation for bids" means all documents, whether attached or incorporated by reference, which are used for soliciting bids in accordance with the procedures prescribed in R7-2-1024.
69. "In writing" has the same meaning as "written" or "writing" in A.R.S. § 47-1201, which includes printing, type-writing, electronic transmission, facsimile, or any other intentional reduction to tangible form.
70. "Job-order-contracting" means a project delivery method in which:
  - a. The contract is a requirements contract for indefinite quantities of construction.
  - b. The construction to be performed is specified in job orders issued during the contract.
  - c. Finance services, maintenance services, operations services, preconstruction services, design services and other related services may be included.
71. "Legal counsel" means a person licensed as an attorney by the Arizona Supreme Court.
72. "Life cycle" means the useful life of the earth-moving, material-handling, road maintenance and construction equipment to the original using school district.
73. "Local public procurement unit" means any political subdivision, any agency, board, department or other instrumentality of such political subdivision, and any nonprofit corporation created solely for the purpose of administering a cooperative purchase under Articles 10 and 11.
74. "Maintenance services" means routine maintenance, repair and replacement of existing facilities, structures, buildings or real property.
75. "Materials" means all property, including equipment, supplies, printing, insurance and leases of property, but does not include land, a permanent interest in land or real property or leasing space.
76. "May" denotes the permissive.
77. "Minor" means mistakes, excluding judgmental errors, that have negligible effect on price, quantity, quality, delivery or other contractual terms and the waiver or correction of such mistake does not prejudice other bidders or offerors.
78. "Multiple award" means award of multiple contracts for identical or similar materials or services to more than one bidder or offeror.
79. "Multistep sealed bidding" means a 2-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the school district and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.
80. "Negotiation" means an exchange or series of exchanges between the school district and a person with a goal of establishing the terms, conditions and prices in a contract between the school district and the person, where such negotiation is authorized in Articles 10 and 11.
81. "Nonexpendable materials" means all tangible materials which have an original acquisition cost over an amount set by regulation and a probable useful life of more than one year.
82. "Nonprofit corporation" means any nonprofit corporation as designated by the Internal Revenue Service under section 501(c)(3) through 501(c)(6) or under section 115, if created by two or more local public procurement units, and includes certified nonprofit agencies that serve individuals with disabilities as defined in A.R.S. § 41-2636.
83. "Offeror" means a person submitting a proposal in response to a request for proposals.
84. "Operations services" means routine operation of existing facilities, structures, buildings or real property.
85. "Outright purchase" means the initial cost to the school district for the earth-moving, material-handling, road maintenance and construction equipment, including all vendor charges and financing costs.
86. "Owner" means the school district.

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87. "Paper" means newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, duplicator paper and related types of cellulosic material containing not more than ten percent by weight or volume of noncellulosic material such as laminates, binders, coatings or saturants.
88. "Paper product" means paper items or commodities, including paper napkins, towels, corrugated paper and related types of cellulosic products containing not more than ten percent by weight or volume of noncellulosic material such as laminates, binders, coatings or saturates.
89. "Person" means any corporation, business, individual, union, committee, club, other organization or group of individuals.
90. "Physician" means a person licensed pursuant to A.R.S. Title 32, Chapters 7, 8, 13, 14, 15.1, 16, or 17.
91. "Post-consumer material" means a discard generated by a business or residence that has fulfilled its useful life. Post-consumer material does not include discards from industrial or manufacturing processes.
92. "Posted prices" means the sale price determined by the school district to be fair market value.
93. "Preconstruction services" means services and other activities during the design phase.
94. "Pricing data" means information concerning prices, including profit, for materials, services or construction substantially similar to those being procured under a contract or subcontract. In this definition, "prices" refers to offered selling prices, historical selling prices or current selling prices of the items being purchased.
95. "Prime contractor" means a general contractor, who contracts with a property owner and, in turn, employs a subcontractor, or subcontractors, to perform some or all of the work.
96. "Procurement" means buying, purchasing, renting, leasing or otherwise acquiring any materials, services, construction or construction services. Procurement also includes all functions that pertain to the obtaining of any material, service, construction, or construction services, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.
97. "Procurement file" means the official procurement records of the school district containing the following:
- List of notified vendors.
  - Procurement disclosure statements.
  - Final solicitation.
  - Solicitation amendments.
  - Bids and offers.
  - Offer revisions and best and final offers.
  - Discussions.
  - Clarifications.
  - Final evaluation reports.
  - Additional information, as necessary.
98. "Proposal" means a response to a request for proposals and includes an offer to contract with the school district.
99. "Proprietary specification" means a specification that describes a material made and marketed by a person having the exclusive right to manufacture and sell such material and excludes other material with similar quality, performance or functional characteristics from being responsive to the solicitation.
100. "Public procurement unit" means either a local public procurement unit, the Arizona Department of Administration, any other state or an agency of the United States.
101. "Public service corporation" means all corporations other than municipal engaged in furnishing gas, electricity, or water and subject to regulation as a utility by the Arizona Corporation Commission.
102. "Purchase description" means the words used in a solicitation to describe the materials, services or construction for purchase and includes specifications attached to, or made a part of, the solicitation.
103. "Purchase requisition" means that document, or electronic transmission, whereby a school district requests that a contract be entered into for a specific need, and may include, but is not limited to, the description of the requested item, delivery schedule, transportation data, criteria for evaluation, suggested source of supply and information supplied for the making of any written determination required by Articles 10 and 11.
104. "Qualified products list" means an approved list of materials or construction items described by model or catalog numbers that, prior to competitive solicitation, the governing board has determined will meet the applicable specification requirement.
105. "Qualified select bidders list" means a selection process for establishing a list of best-qualified prime contractors or construction material suppliers for a specific, single project. The selection process is based upon listed evaluation criteria and conducted through a request for qualifications. Once the selection process is complete, the qualified bidders are invited to submit a sealed competitive bid based upon architectural/engineering plans and specifications or material specifications.
106. "Reasonably susceptible of being awarded a contract" means those proposals that the school district determines are subject to award after the initial review of all original proposals.
107. "Recycled paper" means paper products which have been manufactured from materials otherwise destined for the waste stream and which contain at least forty percent recovered wastepaper with ten percent of that being post-consumer material.
108. "Regional award" means an award of portions of the total requirement by geographic region.
109. "Request for information" means all documents issued to vendors for the sole purpose of seeking information about the availability in the commercial marketplace of materials or services.
110. "Request for proposals" means all documents, whether attached or incorporated by reference, which are used for soliciting proposals in accordance with procedures prescribed in R7-2-1042.
111. "Request for qualifications" means all documents, whether attached or incorporated by reference, which are used for soliciting statements of qualifications in accordance with procedures prescribed in R7-2-1101, R7-2-1106, R7-2-1108 or R7-2-1117.
112. "Residual value" means the guaranteed minimum market value of the earth-moving, material-handling, road maintenance and construction equipment at the end of the life cycle of the equipment being procured, as determined by a guaranteed minimum value offered by the vendor or other parties in its bid.

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113. "Responsible bidder or offeror" means a person who at the time of contract award has the capability to perform the contract requirements and the integrity and reliability which will assure good faith performance.
114. "Responsive bidder or offeror" means a person who submits a bid or proposal which conforms in all material respects to the invitation for bids or request for proposals.
115. "Reverse auction" means a procurement method in which bidders are invited to bid on supplying specified materials over the Internet in a real-time competitive bidding event.
116. "School district" has the meaning defined in A.R.S. § 15-101, whose authority is exercised by the governing board or its designee.
117. "Services" means the furnishing of labor, time or effort by a contractor or subcontractor that does not involve the delivery of a specific end product other than required reports and performance. Services does not include employment agreements or collective bargaining agreements.
118. "Shall" denotes the imperative.
119. "Solicitation" means an invitation for bids, an invitation to submit technical offers, a request for proposals, a request for qualification, or any other invitation or request by which the school district invites a person to participate in a procurement.
120. "Specification" means any description of the physical or functional characteristics, or of the nature of a material, service or construction item. Specification may include a description of any requirement for inspecting, testing or preparing a material, service or construction item for delivery.
121. "Specified professional services" means services of an architect, engineer, land surveyor, assayer, geologist and landscape architect and any combination of those services.
122. "Standard commercial material" means material that, in the normal course of business, is customarily maintained in stock or readily available by a manufacturer, distributor or dealer for the marketing of such material.
123. "Statement of qualifications" means a response to a request for qualifications issued pursuant to R7-2-1101, R7-2-1106, R7-2-1108 or R7-2-1117, or unsolicited qualifications submitted pursuant to R7-2-1062 or R7-2-1122, and does not include an offer to contract with the school district.
124. "Subcontractor" means a person who contracts to perform work or render service to a contractor or to another subcontractor as a part of a contract with a school district.
125. "Subconsultant" means any person, firm, partnership, corporation, association or other organization or a combination of any of them, that has a direct contract with a design professional or another subconsultant to perform a portion of the work under a design professional service contract.
126. "Surplus materials" means any materials that no longer have any use to the school district or materials acquired from the United States government. This includes obsolete materials, scrap materials and nonexpendable materials that have completed their useful life.
127. "Suspension" means an action taken by the governing board under R7-2-1168 temporarily disqualifying a person from participating in school district procurements.
128. "Technical offer" means unpriced written information from a prospective contractor stating the manner in which the prospective contractor intends to perform certain work, its qualifications and its terms and conditions.
129. "Total life cycle cost" means total school district costs and financing costs throughout the life cycle of the earth-moving, material-handling, road maintenance and construction equipment being purchased less residual value.
130. "Total school district costs" means costs to the school district for the earth-moving, material-handling, road maintenance and construction equipment, including repair costs, present value of monies, vendor charges, and all other identifiable school district costs that may be incurred.
131. "Unit price" means the price published in the unit price book for a specific construction or construction related task. Each unit price is comprised of labor, equipment, or material costs to accomplish a specific task, and shall be defined in the contract.
132. "Unit price book" means a comprehensive listing of specific construction related tasks together with a specific unit of measurement and a unit price.
133. "Vendor charges" means the costs of all vendor support, materials, transportation, and all other identifiable costs associated with the vendor's proposal or bid.
134. "Vendor support" means services provided by the vendor for items such as consulting, education and training.
135. "Wastepaper" means recyclable paper and paperboard, including high-grade office paper, computer paper, fine paper, bond paper, offset paper, xerographic paper, duplicator paper and corrugated paper.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

Amended effective October 22, 1992 (Supp. 92-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1). Amended by final exempt rulemaking at 27 A.A.R. 2342, (October 22, 2021) effective September 27, 2021 (Supp. 21-4).

**R7-2-1002. Applicability**

- A. Articles 10 and 11 apply to every expenditure of public monies, including federal assistance monies and grants, by a school district as specified in A.R.S. § 15-213(A) for the procurement of all construction, materials and services when the total procurement cost exceeds the aggregate dollar amount specified in A.R.S. § 41-2535(A). If procurement involves the expenditure of federal assistance or contract monies, the school district shall comply with federal law and authorized regulations which are mandatorily applicable and which are not presently reflected in Articles 10 and 11.
- B. Articles 10 and 11 apply to the disposal of school district materials regardless of value.
- C. Articles 10 and 11 do not apply to:
  1. Agreements for providing career and technological education and vocational education pursuant to A.R.S. § 15-789;
  2. Contracts between a school district and other governments, including intergovernmental agreements and contracts pursuant to A.R.S. § 11-952, except as provided by R7-2-1191 through R7-2-1196. This exemption also includes the purchase of a fee or license from a local,



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state or federal public entity required by law to collect said fees;

3. Purchases for amounts not exceeding the aggregate dollar amount specified in A.R.S. § 41-2535(A). Such procurements shall comply with the guidelines prescribed by the Auditor General in the Uniform System of Financial Records pursuant to A.R.S. § 15-271;
  4. Contracts for professional witnesses if the purpose of such contracts is to provide for professional services or testimony relating to an existing or probable judicial or administrative proceeding in which the school district is or may become a party;
  5. Agreements negotiated by legal counsel representing the school district in settlement of litigation or threatened litigation;
  6. Expenditures from student activity monies as defined in A.R.S. § 15-1121, if no district funds are involved;
  7. Expenditures for governing board adopted textbooks as defined in A.R.S. § 15-721 and A.R.S. § 15-722, if purchased from the publisher;
  8. The placement of a pupil in a private school that provides special education services if such placement is prescribed in the pupil's individualized education program and the private school has been approved by the Department of Education Division of Special Education pursuant to A.R.S. § 15-765;
  9. Purchases of any products, materials and services directly from certified nonprofit agencies that serve individuals with disabilities as defined in A.R.S. § 41-2636, and Arizona Correctional Industries if the delivery and quality of the products, materials or services meet the school district's reasonable requirements;
  10. The decision to participate in programs pursuant to A.R.S. § 15-382. A program authorized by A.R.S. § 15-382 is not required to engage in competitive bidding for the services necessary to administer the program or for the purchase of insurance or reinsurance;
  11. The purchase of water, gas or electric utilities from a public service corporation. This exemption expressly does not apply to guaranteed energy cost savings contracts and guaranteed energy production contracts subject to A.R.S. § 15-213.01 and A.R.S. § 15-213.03;
  12. Purchases of professional certifications, professional memberships, conference registrations, conference hotels and airfare that meets Arizona Department of Administration General Travel Principles and Policies;
  13. Purchases, sales or leases of real estate. This exemption expressly does not apply to the services of a real estate broker as defined in A.R.S. § 32-2101;
  14. Purchases of surplus property from the state or United States Federal Government in accordance with R7-2-1132;
  15. Purchases in compliance with the terms and conditions of any grant, gift, bequest or cooperative agreement; and
  16. The cost of special elections, including the preparation of ballots in accordance with A.R.S. § 15-406.
- D.** Unless displaced by the particular provisions of Articles 10 and 11, the principles of law and equity, including the Uniform Commercial Code of this state, the common law of contracts as applied in this state and law relative to agency, fraud, misrepresentation, duress, coercion, and mistake supplement the provisions of Articles 10 and 11.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective March 21, 1991 (Supp. 91-1).  
 Amended effective March 6, 1997 (Supp. 97-1).  
 Amended effective December 4, 1998 (Supp. 98-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1491, effective October 28, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1003. General Provisions**

- A.** The school district shall not award a contract or incur an obligation on behalf of the school district unless it is reasonable to believe sufficient funds will be available for the procurement. If sufficient funds are not available when a solicitation is issued, the solicitation shall include a statement that funds are not currently available and that any contract awarded will be conditioned upon the availability of funds.
- B.** Projects and purchases shall not be divided or sequenced into separate projects or purchases in order to avoid the limits prescribed in Articles 10 and 11.
- C.** Any bid or proposal that is conditioned upon award to the bidder or offeror of both the particular contract being solicited and another school district contract shall be deemed nonresponsive or unacceptable.
- D.** Except by mutual consent of the parties to the contract, rules in Articles 10 and 11 shall not change any commitment, right or obligation of a school district or of a contractor under a contract in existence on the effective date of the Section.
- E.** If a contractor requests to change the name in which it holds a school district contract, the school district may, upon receipt of a document indicating the name change, enter into a contract modification with the contractor to effect the name change. The contract modification shall provide that no other terms and conditions of the contract are changed.
- F.** The school district may allow electronic media transactions, including an electronic record or electronic signature, if consistent with state law and advantageous to the school district.
- G.** Rights and duties arising from a school district contract may only be transferred, waived or assigned upon the express written consent of both parties.
- H.** School district employees and public officers shall not purchase construction, materials or services for their own personal or business use from contracts entered into by the school district.
- I.** A person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or who supervises or participates in the planning, recommending, selecting or contracting for materials, services, goods, construction, or construction services of a school district or school purchasing cooperative is subject to the penalties prescribed in A.R.S. § 15-213(N) if the person solicits, accepts or agrees to accept any personal gift or benefit from a person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with a school district or school purchasing cooperative.
- J.** Any person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with a school district or school purchasing cooperative that offers, confers or agrees to confer any personal gift or benefit on a person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or on a person who supervises or participates in planning, recom-

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mending, selecting or contracting for materials, services, goods, construction or construction services of a school district or school purchasing cooperative is subject to the penalties prescribed in A.R.S. § 15-213(O).

- K. A person who serves on an evaluation committee for a procurement is subject to A.R.S. § 41-2616(C).
- L. A person who contracts for or purchases materials, services, goods, construction or construction services shall be subject to the penalties prescribed in A.R.S. § 15-213 and A.R.S. § 41-2616 for violations of and attempts to avoid Articles 10 and 11.
- M. Pursuant to A.R.S. § 15-213 and A.R.S. Title 41, Chapter 23, the Attorney General shall enforce the provisions of Articles 10 and 11 and may take action prescribed therein.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4). Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1004. Written Determinations**

- A. Written determinations required by Articles 10 and 11, including for any specified professional services, construction, construction services or materials to an entity selected from a qualified select bidders list or through a school purchasing cooperative, shall specify the reasons for the determination, including how the determination was made.
- B. The school district is authorized to prescribe methods and operational procedures to be used in preparing written determinations.
- C. The school district shall place the written determination into the school district's procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4).

**R7-2-1005. Change orders and contract modifications**

Any change order or contract modification that exceeds \$100,000 or five percent, whichever is greater, may be executed only if the governing board determines in writing that the change order or contract modification is advantageous to the school district and the price is determined to be fair and reasonable.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1006. Confidential Information**

- A. If a person believes that a bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest contains confidential trade secrets or other proprietary data not to be disclosed as otherwise required by A.R.S. § 39-121, a statement advising the school district of

this fact shall accompany the submission and the information shall be so identified wherever it appears. Contract terms and conditions, pricing, and information generally available to the public are not considered confidential information under this Section.

- B. Until a determination is made under subsection (C), the school district shall not disclose information designated as confidential under subsection (A) except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.
- C. Upon receipt of a submission designating information as confidential, the school district shall make one of the following written determinations:
  1. The designated information is confidential and the school district shall not disclose the information except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.
  2. The designated information is not confidential.
- D. The school district may request additional information, if necessary to make the determination required by subsection (C).
- E. If the school district determines that information submitted is not confidential, the person who made the submission shall be notified in writing. The notice shall specify that a request for review of the district representative's determination may be filed within 10 days of the date of the district representative's determination.
- F. A request for review of the district representative's determination shall be filed in writing with the district representative. The request for review shall state the precise legal or factual errors in the district representative's decision. If a request for review is received:
  1. The district representative shall consider the alleged legal or factual errors in the request for review of the district representative's determination and issue a final written determination to the person filing the request.
  2. Until the final determination is made under subsection (C)(2), the school district shall not disclose information designated as confidential under subsection (A) except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.
- G. The school district may release information determined to not be confidential under subsection (C)(2) if:
  1. A request for review is not received by the district representative within the time period specified in the notice; or
  2. The district representative issues a final written determination under subsection (F)(1) that the designated information is not confidential.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended effective March 21, 1991 (Supp. 91-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1007. Delegation of Procurement Authority**

- A. The governing board may, in a public meeting held in conformity with A.R.S. Title 38, Chapter 3, Article 3.1, delegate pro-

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curement authority to a designee. Any delegation shall be accomplished by adopting a governing board policy for this purpose.

1. Delegated procurement authority may include, but is not limited to the following:
    - a. Authority to make determinations required by Articles 10 and 11;
    - b. Authority to award contracts;
    - c. Authority to make sole source and emergency procurements; and
    - d. Authority to approve change orders and contract modifications.
  2. Delegated activities and functions shall be adequately separated among individuals so that one individual does not have complete authority over an entire procurement.
- B.** Any delegation shall specify:
1. The title of the school district employee or employees to whom authority is delegated;
  2. The activity or function authorized;
  3. Any limits or restrictions on the exercise of the delegated authority, including the maximum cost of any procurement;
  4. Whether the authority may be further delegated;
  5. The duration of the delegation; and
  6. The conditions and procedures for revocation and modification of the delegation.
- C.** No person delegated such authority may participate in any aspect of a specific procurement if the person would receive any benefit directly or indirectly from a contract for such procurement. Violation of this prohibition may result in termination or other disciplinary action.
- D.** Delegation of procurement authority does not abrogate the responsibility of the governing board to ensure compliance with Articles 10 and 11 notwithstanding the fact that school district personnel were authorized to make procurement decisions.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1008. Procurement Consultants and Procurement Advisory Groups**

- A.** The school district may contract with a procurement consultant to assist in drafting specifications, in the development of solicitations, or in the management of the procurement process. A procurement consultant may provide guidance or advice to a procurement evaluation committee, but shall not serve as a voting member of such committee. For the purposes of this Section, a school district employee or a contracted business manager or purchasing director for the school district is not a procurement consultant.
- B.** The school district may appoint procurement advisory groups or evaluation committees to assist with respect to specifications, solicitation evaluations or procurement in specific areas. Members of such procurement advisory groups or evaluation committees are not procurement consultants as set forth in this Section. Non-school district employees serving on such procurement advisory groups or evaluation committees are not eligible to receive compensation but are eligible for reimbursement of expenses consistent with the school district's travel policy adopted pursuant to A.R.S. § 15-342(5).

- C.** A procurement consultant, a member of a procurement advisory group, or a member of an evaluation committee who participates in any aspect of a specific procurement shall be prohibited from receiving any benefit directly or indirectly from a contract for such procurement, and shall sign a procurement disclosure statement that the person has no interest in the procurement other than that of a disclosed remote interest, as defined in A.R.S. § 38-502, will have no contact with any representative of a competing vendor related to the particular procurement except those contacts specifically authorized by these rules, and has not accepted any personal gift or benefit from a person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with the school district or school purchasing cooperative. The procurement disclosure statements shall be retained in the procurement file.
- D.** Specifications prepared by a procurement consultant or a procurement advisory group shall comply with R7-2-1010 through R7-2-1016.
- E.** The school district shall not delegate to a procurement consultant, a procurement advisory group, or an evaluation committee the authority for the award or administration of any particular contract, or over any dispute, claim or litigation pertaining thereto, and a procurement consultant or a procurement advisory group shall not be authorized to obligate the school district in any manner.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1009. Repealed****Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**PART II. SPECIFICATIONS****R7-2-1010. Preparation of Specifications**

- A.** Specifications shall be prepared only by the school district or by contract pursuant to R7-2-1014 and R7-2-1015. Regardless of who prepares the specifications, the governing board retains the authority to disapprove all specifications.
- B.** In an emergency under R7-2-1055, any necessary specifications may be utilized by the person designated in R7-2-1055 (C) without regard to the provisions of this Section.
- C.** Content of specifications.
1. A specification may provide alternate descriptions of materials, services, or construction items where two or more design, functional, or performance criteria will satisfactorily meet the school district's requirements.
  2. To the extent practicable, a specification shall not include any solicitation term or condition or any contract term or condition.
  3. If a specification for a common or general use item has been developed in accordance with R7-2-1011(A) or a qualified products list has been developed in accordance with R7-2-1011(D) for a particular material, service, or construction item, it shall be used unless the school district makes a written determination that its use is not

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advantageous to the school district and that another specification shall be used.

4. To the extent practicable, specifications shall emphasize functional or performance criteria. To facilitate the use of such criteria, the school district shall use reasonable efforts to include the principle functional or performance requirements as a part of their purchase requisitions.
5. All procurement solicitations for volatile organic compound containing commodities shall include a request for substitute commodities with lower or no volatile organic content. Substitute products shall not have increased toxicity compared to the original commodity.

**Historical Note**

Adopted effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1011. Types of Specifications**

- A. Specification for common or general use items. To the extent practicable, a specification for common or general use item shall be prepared and utilized when:
  1. A material, service or construction item is used repeatedly by the school district, and the characteristics of the material, service, or construction item, as commercially produced or provided, remain relatively stable while the frequency or volume of procurements is significant;
  2. The school district's recurring needs require uniquely designed or specially produced items; or
  3. The school district finds it to be advantageous to the school district.
- B. Brand name or equal specification. A brand name or equal specification may be used when the school district determines that use of a brand name or equal specification is advantageous to the school district.
- C. Brand name specification. A brand name specification may be prepared and utilized only if the school district makes a determination that only the identified brand name item will satisfy the school district's needs. If only one source can supply the requirement, the procurement shall be made pursuant to R7-2-1053.
- D. Qualified products list. A qualified products list may be prepared and utilized when:
  1. The school district determines that testing or examination of the materials or construction items prior to issuance of the solicitation is desirable or necessary in order to best satisfy the school district's requirements.
  2. The school district shall solicit as many potential suppliers as practicable to submit products for testing and examination to determine acceptability for inclusion on a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration in accordance with the schedule or procedure established for this purpose. The qualified products list shall not be modified after the solicitation is issued.
  3. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with requirements established by the school district.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1012. Proprietary Specifications**

The school district shall not use specifications in any way proprietary to one supplier unless the specification includes a statement of the reasons why no other specification is practicable, a description of the essential characteristics of the specified product and a statement specifically permitting an acceptable alternative product to be supplied.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1013. Recycled Products Use**

- A. If the price of a recycled paper product that conforms to specifications is within five percent of a low bid product that is not recycled and the recycled product bidder is otherwise the lowest responsible and responsive bidder, the award shall be made to the bidder offering the recycled product. The governing board may adopt rules requiring a five percent preference for other products made from recycled materials.
- B. Specifications shall emphasize functional or performance criteria which, to the extent practicable, do not discriminate against the use of recycled materials.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1014. Maximum Practicable Competition**

- A. Procurement of any materials, services, goods, construction or construction services pursuant to Article 10 or Article 11, shall seek to achieve maximum practicable competition.
- B. All specifications, including those prepared by architects, engineers, consultants and others for public contracts, shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the school district's needs and shall not be unduly restrictive.
- C. Unless otherwise permitted by R7-2-1010 through R7-2-1016, all specifications shall describe the school district's requirements in a manner that does not unreasonably exclude a material, service, or construction item. Proprietary specifications shall be used only as provided in R7-2-1012.
- D. To the extent practicable, the school district shall use accepted commercial specifications and shall procure standard commercial materials.
- E. Contracts for the preparation of specifications by persons other than the school district shall require the specification writer to adhere to R7-2-1010 through R7-2-1016.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4).

**R7-2-1015. Conflict of Interest**

- A. No person preparing specifications pursuant to R7-2-1014 shall receive any direct or indirect benefit from the utilization of such specifications.
- B. The governing board may contract for the preparation of specifications with persons, including, but not limited to, consultants, architects, engineers, designers, and other draftsmen of specifications.

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- C. If a person prepares a specification pursuant to subsection (B) of this Section, such person shall comply with the requirements of R7-2-1010 through R7-2-1016.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1016. Confidentiality**

- A. Specifications and any written determination or other document generated or used in the development of a specification shall be available for public inspection pursuant to A.R.S. § 39-121, except to the extent that the withholding of such information is permitted or required by law.
- B. If the supplier believes that the specifications contain confidential trade secrets, test data, or similar information, a statement advising the school district of this fact shall accompany the specification in accordance with R7-2-1006.
- C. Qualified products lists test results shall be made available in a manner to protect the identity of the supplier.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1017. Reserved****PART III. REVERSE AUCTIONS****R7-2-1018. Reverse Auctions**

- A. Using reverse auctions
1. If a governing board determines in writing that use of reverse auctions is more advantageous to the school district than other procurement methods prescribed by Articles 10 and 11, the school district may use reverse auctions for the purchase of materials.
  2. The written determination shall include, but is not limited to the following information:
    - a. An estimate of the number of prospective bidders;
    - b. An explanation of how reverse auctions will foster competition;
    - c. An explanation of why reverse auctions is more advantageous to the school district than other prescribed procurement methods; and
    - d. The scope and estimated total dollar value of the proposed procurement.
- B. Reverse auction procedures
1. The school district shall develop and implement procedures prior to conducting procurement via reverse auctions. The procedures shall include:
    - a. The method or methods to ensure the integrity and security of the reverse auctions;
    - b. The method or methods for registering bidders for reverse auctions;
    - c. The method or methods for notifying vendors of reverse auction opportunities;
    - d. The method or methods for receiving reverse auction bids; and
    - e. The school district official or officials authorized to conduct reverse auctions.
  2. School districts may require bidders to register before the date and time for opening the reverse auction for submission of bids and, as part of that registration, require bidders to agree to any terms, conditions or other requirements of the invitation for bids.
3. Notice of a reverse auction shall be issued at least 14 days before the date and time for opening the reverse auction for submission of bids, unless a shorter time is determined necessary by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file. The reverse auction notice shall include:
    - a. The school district's requirements for registering prior to the opening date and time, if any;
    - b. The designated site on the Internet for bidder registration and bid submission;
    - c. A link to the designated site on the Internet;
    - d. The scheduled date and time for opening the reverse auction for bid submission; and
    - e. The scheduled date and time for closing the reverse auction for bid submission.
  4. The school district shall issue the notice of reverse auction as follows:
    - a. Mail or otherwise furnish the notice of reverse auctions to all prospective bidders registered with the school district for the specific material being solicited.
    - b. Notice of reverse auction shall be given by the school district pursuant to R7-2-1022.
    - c. In addition to the notice provided in subsections (B)(4)(a) and (b), the school district may give such additional notice as the school district deems appropriate, including posting on a designated site on the Internet.
  5. The school district shall prepare an invitation for bids that includes:
    - a. Notice that all information submitted by bidders will be made available for public inspection following the award of the contract, except for bid prices which will be made available to other bidders and the public when submitted by the bidder;
    - b. Information for submitting bids, including:
      - i. The date and time for opening the reverse auction for bid submission;
      - ii. The date and time for closing the reverse auction for bid submission;
      - iii. The provisions for extending the period for bid submission, if any;
      - iv. Instructions for submitting bids and other required information, including the designated site on the Internet for submitting bids;
      - v. Notice that bids shall be accepted electronically at the time and in the manner designated in the invitation for bids;
      - vi. Notice that bidders' prices shall be disclosed electronically to other bidders and the public on a real time basis;
      - vii. Notice that bidders may submit multiple prices and may reduce their bid prices until the reverse auction bidding is closed;
      - viii. Notice that the lowest price offered shall become the official bid price;
      - ix. Notice that the bidder is required to certify that submission of the bid did not involve collusion or other anticompetitive practices;
      - x. Notice that the bidder is required to declare whether the bidder has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activ-

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- ity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
- c. The purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements, as applicable. If a brand name or equal specification is used, instructions that use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The invitation for bids shall state that products substantially equivalent to the brands designated qualify for consideration;
  - d. The factors to be used in bid evaluations, including criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Only objectively measurable evaluation criteria shall be included in the invitation for bids. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs. Evaluation factors need not be precise predictors, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the school district has available concerning future use.
  - e. The contract terms and conditions, including:
    - i. Warranty and bonding or other security requirements, as applicable;
    - ii. The length of the contract and whether the contract will include an option for extension; and
    - iii. Any other contract terms and conditions;
  - f. The name of the district representative or district representatives;
  - g. The manner by which the bidder is required to acknowledge amendments;
  - h. The minimum required information in the bid;
  - i. The specific requirements for designating trade secrets and other proprietary data as confidential;
  - j. Any specific responsibility criteria;
  - k. A statement specifying where documents incorporated by reference may be obtained;
  - l. A statement that the school district may cancel the solicitation or reject a bid in whole or in part if deemed advantageous to the school district;
  - m. The date, time and location of bid opening;
  - n. A description of all information that will be recorded and available for public inspection at bid opening; and
  - o. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as price evaluation criteria the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, outright purchase.
6. Amendments to invitations for bids shall be made in accordance with R7-2-1026.
- C. The school district shall accept reverse auction bids as follows:
1. At the date and time for opening the reverse auction for bid submission, the school district shall begin accepting on-line bids and shall continue accepting bids until the reverse auction is officially closed.
  2. Bids shall be accepted electronically in the manner designated in the invitation for bids.
  3. All reverse auction on-line bids shall be posted electronically and updated on a real-time basis. Bidders' prices shall be disclosed to other bidders and the public.
  4. The identity of competing bidders shall not be disclosed until the reverse auction bidding is closed.
  5. Bidders shall have the opportunity to submit multiple prices and to reduce their bid prices.
  6. The lowest price offered shall become the official bid price.
- D. Bids made through a reverse auction are considered to be opened when a computer generated record of the information contained in all bids that were received by the designated site on the Internet not later than the scheduled or final closing date and time are reviewed publicly by the school district in the presence of one or more witnesses at the time and place designated in the invitation for bids. Bid opening shall not be later than 24 hours after the scheduled or final closing date and time.
- E. The contract shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and evaluation criteria set forth in the invitation for bids. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder.
- F. The school district shall not modify evaluation criteria after the closing date and time.
- G. In the event that multiple bidders submit identical prices for the same materials, bids will be considered in the order received with the first being considered to be the lowest bid.
- H. If only one bid is received in response to an invitation for bids, the school district shall proceed according to R7-2-1032.
- I. The date and time for closing a reverse auction for bid submission may be fixed or remain open depending on the materials being bid.
- J. After the reverse auction bidding has closed, a bidder may withdraw a bid or correct a mistake in accordance with R7-2-1030. Withdrawal of bids shall also be permitted as provided in R7-2-1028.
- K. The school district shall notify all bidders of an award.
- L. A copy of the invitation for bids shall be made available for public inspection at the school district office.
- M. A record of the bid prices received and the name of each bidder shall be open to public inspection following bid opening.
- N. A record of the reverse auction shall be maintained by the school district that will include all prices offered by all bidders. This record will become part of the procurement file.
- O. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all bids, available for public inspection.
1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
  2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

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**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1019. Reserved****R7-2-1020. Reserved****PART IV. COMPETITIVE SEALED BIDDING****R7-2-1021. Method of Source Selection**

- A. Unless otherwise authorized by law, all school district contracts shall be awarded by competitive sealed bidding as provided in R7-2-1021 through R7-2-1032, except as provided in R7-2-1018, R7-2-1033 through R7-2-1068, R7-2-1100 through R7-2-1123, and R7-2-1196.
- B. A school district may conduct competitive sealed bidding electronically, provided that the electronic competitive sealed bidding process complies with the requirements of R7-2-1021 through R7-2-1032. A determination that conducting competitive sealed bidding electronically is advantageous to the school district shall be in writing and retained in the procurement file.
- C. When using electronic competitive sealed bidding, the school district shall determine whether electronic submission of bids is required or optional and state the electronic submission requirements in the public notice and the invitation for bids.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective October 22, 1992 (Supp. 92-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1022. Notice of Competitive Sealed Bidding**

- A. Adequate public notice of the invitation for bids shall be given as provided in R7-2-1024. Notice also may be given as provided in subsection (B). In the event there are four or fewer prospective bidders on the bidders list, then notice also shall be given as provided in subsection (B). If the invitation for bids is for the procurement of services other than those described in R7-2-1061 through R7-2-1068 and R7-2-1100 through R7-2-1123, notice also shall be given as provided in subsection (B).
- B. If required by subsection A, the notice shall include publication in the official newspaper of the county, within which the school district is located, as prescribed in A.R.S. § 11-255. The publication, shall occur in a reasonable time before bid opening, which shall not be less than 14 days before bid opening. The time of publication may be altered if deemed necessary pursuant to R7-2-1024(A).
- C. In addition to the notice provided in subsections (A) and (B), the school district may give such additional notice as the school district deems appropriate, including posting on a designated site on the Internet.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1023. Prospective Bidders Lists**

- A. The school district shall compile and maintain a prospective bidders list. Inclusion of the name of a person shall not indicate whether the person is responsible concerning a particular procurement or otherwise capable of successfully performing a school district contract.
- B. Persons desiring to be included on the prospective bidders list shall notify the school district. Upon notification, the school district shall mail or otherwise provide the person with the school district procedures for inclusion on the bidders list. Within 30 days after receiving the required information, the school district shall add the person to the prospective bidders list unless the school district makes a determination that inclusion is not advantageous to the school district.
- C. Persons who fail to respond to invitations for bids for two consecutive procurements of similar items may be removed from the applicable bidders list after notifying the person in writing. This notice shall not be required if the two invitations for bids which were not responded to both contained the notice that bidders' names may be removed from the bidders list if they fail to respond to invitations for bids for two consecutive procurements of similar items. Persons may be reinstated upon request.
- D. Prospective bidders lists shall be available for public inspection, unless the school district makes a written determination that it is advantageous to the school district that they be kept confidential or private and should not be open for inspection pursuant to A.R.S. § 39-121.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1024. Invitation for Bids**

- A. Invitation for bids shall be issued at least 14 days before the due date and time in the invitation for bids unless a shorter time is deemed necessary for a particular procurement as determined by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file.
- B. Content.
  1. The invitation for bids shall include the following:
    - a. Notice that all information and bids submitted by bidders will be made available for public inspection following the award of the contract;
    - b. Instructions and information to bidders concerning bid submission requirements, including the means for bid submission such as, hand delivery, U.S. mail, electronic mail, facsimile, or other acceptable means, the bid due date and time, the address of the office at which bids or other documents are to be received, the bid acceptance period, and any other special information or requirements;
    - c. Whether the school district will consider partial bids for award of a contract;
    - d. Notification of whether the school district may award multiple contracts and the school district's basis for determining whether to award multiple contracts. If multiple contracts may be awarded, the invitation for bids shall include the criteria the school district will use for selecting vendors for each contract under the multiple award, including, as applicable, whether contracts will be awarded by individual line items, groups of line items, or category.

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- ries, whether contracts will be awarded incrementally, and whether contracts will be awarded by designated regions or locations;
- e. The basis for determining the lowest bidder or bidders;
  - f. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as price evaluation criteria the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, the cost of outright purchase;
  - g. The purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements, as applicable. If a brand name or equal specification is used, instructions that use of a brand name is for the purpose of describing the standard of quality, performance, and other characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The invitation for bids shall state that products substantially equivalent to the brands designated qualify for consideration;
  - h. The factors to be used in bid evaluations, including criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Only objectively measurable evaluation criteria shall be included in the invitation for bids. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs. Evaluation factors need not be precise predictors, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the school district has available concerning future use;
  - i. The contract terms and conditions, including:
    - i. Warranty and bonding or other security requirements, as applicable;
    - ii. The length of the contract and whether the contract will include an option for extension; and
    - iii. Any other contract terms and conditions;
  - j. The name of the district representative or district representatives;
  - k. The manner by which the bidder is required to acknowledge amendments;
  - l. The minimum information required in the bid;
  - m. The specific requirements for designating trade secrets and other proprietary data as confidential;
  - n. Any specific responsibility criteria;
  - o. A statement specifying where documents incorporated by reference may be obtained;
  - p. A statement that the school district may cancel the solicitation or reject a bid in whole or in part if deemed advantageous to the school district;
  - q. Notice that the bidder is required to certify that submission of the bid did not involve collusion or other anticompetitive practices and that the bidder has taken steps and exercised due diligence to ensure that no violation of A.R.S. § 15-213(O) has occurred;
  - r. Notice that the bidder is required to declare whether the bidder has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
  - s. Any bid security required;
  - t. A description of all information that will be recorded and available for public inspection at bid opening; and
  - u. The date, time and location of any pre-bid conference.
2. When using electronic competitive sealed bidding, the invitation for bids shall specify whether electronic submission of bids is required or optional, the electronic submission requirements, and the electronic signature requirements.
- C. The school district shall mail or otherwise furnish invitation for bids or notices of the availability of invitation for bids to all prospective bidders registered with the school district for the specific material, service or construction being bid.
  - D. A copy of the invitation for bids shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective October 22, 1992 (Supp. 92-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1025. Pre-bid Conferences**

- A. The school district may conduct a pre-bid conference to explain the procurement requirements.
- B. If a pre-bid conference is conducted, it shall be not less than seven days before the bid due date and time, unless the school district makes a written determination that the specific needs of the procurement justify a shorter time. Statements made during a pre-bid conference are not amendments to the solicitation.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1026. Amendments to Invitation for Bids**

- A. An amendment to an invitation for bids shall be issued if necessary to:
  1. Make changes in the invitation for bids;
  2. Correct defects or ambiguities;
  3. Furnish to other bidders information given to one bidder if the information will assist the other bidders in submitting bids or if the lack of the information will prejudice the other bidders;
  4. Provide additional information or instructions; or
  5. Set a later bid due date and time if the school district determines that an extension is advantageous to the school district.
- B. Amendments to an invitation for bids shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original invitation for bids was distributed or made available. The school district shall make a copy of the amendments to an invitation for bids available for public inspection at the school district office. If the school district posted the invitation for bids



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or a notice of the availability of an invitation for bids on a designated site on the Internet, then the school district shall post any amendments to the invitation for bids on the same designated site on the Internet. The school district shall also do one or more of the following:

1. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all prospective bidders to whom the invitation for bids was distributed;
2. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all prospective bidders to whom the invitation for bids was distributed. Upon receipt of such notice of amendment, it is the responsibility of the prospective bidder to obtain the amendment.

- C. Amendments to invitation for bids shall be issued within a reasonable time before bid opening to allow prospective bidders to consider them in preparing their bids. If the school district determines that the bid due date and time does not permit sufficient time for bid preparation, the bid due date and time shall be extended in the amendment or, if necessary, by telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
- D. A bidder shall acknowledge receipt of an amendment in the manner specified in the invitation for bids or the amendment on or before the bid due date and time.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1027. Pre-opening Modification or Withdrawal of Bids**

- A. A bidder may modify or withdraw a bid in writing at any time before bid opening if the modification or withdrawal is received before the bid due date and time at the location designated in the invitation for bids for receipt of bids.
- B. All documents concerning a modification or withdrawal of a bid shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1028. Late Bids, Late Withdrawals and Late Modifications**

- A. A bid, modification or withdrawal is late if it is received at the location designated in the invitation for bids for receipt of bids after the bid due date and time.
- B. A late bid, late modification, or late withdrawal shall be rejected, unless the late bid, late modification, or late withdrawal would have been timely received but for the action or inaction of school district personnel and is received before contract award.
- C. Upon receiving a late bid, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send written notice of late receipt to the bidder. The school district may discard the document 30 days after the date on the notice unless the bidder requests and provides funding for the document to be returned.

- D. All documents concerning acceptance of a late bid, late modification, or late withdrawal shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1029. Receipt, Opening and Recording of Bids**

- A. A school district shall maintain a record of bids and modifications received for each invitation for bids, shall record the time and date when each bid or modification is received, and shall store each unopened bid or modification in a secure place until the bid due date and time.
1. If required to confirm a vendor's inquiry regarding receipt of its bid prior to the due date and time, a school district may open a bid to identify the vendor. If this occurs, the school district shall record the reason for opening the bid, the date and time the bid was opened, and the solicitation number. The school district shall secure the bid and retain it for public opening.
  2. One or more witnesses shall be present for the opening of a bid under subsection (A)(1).
- B. Bids and modifications shall be opened publicly at the date, time and place designated in the invitation for bids in the presence of one or more witnesses. The name of each bidder, the amount of each bid, and other relevant information deemed appropriate by the school district shall be recorded. The person opening the bids and all witnesses shall sign the record.
1. The record created in subsection (B) shall be available for public inspection.
  2. The bids shall not be open for public inspection until after a contract is awarded.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1030. Mistakes in Bids**

- A. If an apparent mistake in a bid, relevant to the award determination, is discovered after opening and before award, a school district shall contact the bidder for written confirmation of the bid. If the bidder fails to act, the bidder is considered nonresponsive and the school district shall place a written determination that the bidder is nonresponsive in the procurement file. The school district shall designate a time-frame within which the bidder shall either:
1. Confirm that no mistake was made and assert that the bid stands as submitted; or
  2. Acknowledge that a mistake was made and include all of the following in a written response:
    - a. An explanation of the mistake and any other relevant information;
    - b. A request for correction including the corrected bid or a request for withdrawal; and
    - c. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.
- B. A bidder who discovers a mistake in its bid after bid opening and before award, may request correction or withdrawal in

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writing and shall include all of the following in the written request:

1. An explanation of the mistake and any other relevant information;
  2. A request for correction including the corrected bid or a request for withdrawal; and
  3. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.
- C.** After bid opening and before award, a bid mistake based on an error in judgment may not be corrected or withdrawn. Other bid mistakes may be corrected or withdrawn pursuant to subsections (D) through (F).
- D.** After bid opening and before award, the school district shall either waive minor informalities in a bid or allow the bidder to correct them if correction is advantageous to the school district.
- E.** After bid opening and before award, the bid may not be withdrawn and shall be corrected to the intended bid if a bid mistake and the intended bid are evident on the face of the bid.
- F.** After bid opening and before award, the school district may permit a bidder to withdraw a bid if:
1. A nonjudgmental mistake is evident on the face of the bid but the intended bid is not evident; or
  2. The bidder establishes by clear and convincing evidence that a nonjudgmental mistake was made.
- G.** If correction or withdrawal of a bid after bid opening is permitted or denied under subsections (D), (F) and (J), the school district shall prepare a written determination showing that the relief was permitted or denied under this Section.
- H.** Notwithstanding other provisions of this Section, after bid opening and before award, no corrections in bid prices or other provisions of bids prejudicial to the interest of the school district or fair competition shall be permitted.
- I.** If a mistake in the bid is discovered after the award, the bidder may request withdrawal or correction in writing and shall include all of the following in the written request:
1. An explanation of the mistake and any other relevant information;
  2. A request for correction including the corrected bid or a request for withdrawal; and
  3. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.
- J.** Based on the considerations of fair competition and the best interest of the school district, the school district may take one of the following actions regarding a bid mistake discovered after the award:
1. Allow correction of the mistake, if the corrected bid amount is less than the next lowest bid;
  2. Cancel all or part of the award; or
  3. Deny correction or withdrawal.
- K.** After cancellation of all or part of an award in accordance with subsection (J)(2), if the bid acceptance period has not expired, the school district may award all or part of the contract to the next lowest responsible and responsive bidder, based on the considerations of fair competition and the best interest of the school district.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,

effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1031. Bid Evaluation and Award**

- A.** As provided in subsection (C), the contract or contracts shall be awarded to the lowest responsible and responsive bidder or bidders whose bid or bids conform in all material respects to the requirements and evaluation criteria set forth in the invitation for bids. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder.
- B.** A product acceptability evaluation shall be conducted solely to determine whether a bidder's product is acceptable as set forth in the invitation for bids and not whether one bidder's product is superior to another bidder's product. Any bidder's offering that does not meet the acceptability requirements shall be rejected as nonresponsive.
- C.** The school district shall award the contract to the single lowest responsible and responsive bidder for all materials or services, except that the school district may make a multiple award if the invitation for bids included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.
- D.** Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to offer the lowest cost in satisfying the school district's requirements. A multiple award shall be limited to the least number of suppliers the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:
1. Awards to the lowest responsible and responsive bidder for individual line items, groups of line items, or categories.
  2. Awards to the lowest responsible and responsive bidders for similar or identical line items, groups of line items, or categories only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of bidders necessary to meet the school district's requirements.
  3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the lowest responsible and responsive bidder, then the next lowest responsible and responsive bidder or bidders until the total definite quantity required is awarded.
  4. A regional award to the lowest responsible and responsive bidder in designated regions or locations only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.
- E.** The procurement file shall contain the basis on which the award or awards are made.
- F.** The school district shall not modify evaluation criteria after the bid due date and time.
- G.** A school district may appoint an evaluation committee to assist in the evaluation of bids. If bids are evaluated by an

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evaluation committee, the evaluation committee shall prepare an evaluation report for the school district. The school district may:

1. Accept the findings of the evaluation committee;
  2. Request additional information from the evaluation committee; or
  3. Reject the findings of the evaluation committee, in which case the school district shall appoint a new evaluation committee to evaluate the existing bids or cancel the solicitation.
- H.** The school district may contact a bidder to confirm the school district's understanding of the bid. Such contact shall be prior to award. The school district shall obtain written confirmation from the bidder and shall retain the confirmation in the procurement file.
- I.** The contract or contracts shall be awarded during the bid acceptance period. If the bid acceptance period expires prior to award of the contract or contracts, the procurement shall be canceled, unless the bid acceptance period is extended in accordance with subsection (J).
- J.** To extend the bid acceptance period, a school district shall notify all bidders in writing of an extension and request written concurrence from each bidder. To be eligible for a contract award, a bidder shall submit a written concurrence to the extension. The school district shall reject a bid as nonresponsive if written concurrence is not provided as requested.
- K.** A contract may not be awarded to a bidder submitting a higher quality item than that designated in the invitation for bids unless the bidder is also the lowest bidder as determined under subsection (A). This Section does not permit negotiations with any bidder, except as provided in subsection (L).
- L.** If all bids for a construction project exceed available monies as certified by the school district, and the lowest responsive bid from a responsible bidder does not exceed such monies by more than five percent, the school district may in situations in which time or economic considerations preclude resolicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsible and responsive bidder, to bring the bid within the amount of available monies.
- M.** If there are two or more low responsive bids from responsible bidders that are identical in price and that meet all the requirements and criteria set forth in the invitation for bids, award shall be made by drawing lots in the presence of one or more witnesses.
- N.** A record showing the basis for determining the successful bidder shall be retained in the procurement file.
- O.** The school district shall notify all bidders of an award.
- P.** After a contract is awarded, the school district shall return any bid security provided by unsuccessful bidders.
- Q.** Upon execution of the contract, if performance and payment bonds were not required, or upon receipt of the specified bonds, if performance and payment bonds were required, the school district shall return any bid security provided by the successful bidder.
- R.** Within 10 days after a contract is awarded, the school district shall make the procurement file, including all bids, available for public inspection.
1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.

2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective October 22, 1992 (Supp. 92-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1032. Only One Bid Received**

If only one responsive bid is received in response to an invitation for bids, an award may be made to the single bidder if the school district determines in writing that the bidder is responsible, that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise the bid may be rejected in whole or in part as may be specified in the invitation for bids if it is advantageous to the school district. The reasons for cancellation or rejection shall be made part of the procurement file and:

1. New bids may be solicited;
2. The proposed procurement may be canceled; or
3. If the school district determines that the need for the material or service continues and the acceptance of the one bid is not advantageous to the school district, the procurement may then be conducted as follows:
  - a. The school district may follow the sole source procurement procedure if R7-2-1053 applies.
  - b. Notwithstanding any other provision of Articles 10 and 11, the school district may make emergency procurements pursuant to R7-2-1055 and R7-2-1056 if an emergency condition exists pursuant to R7-2-1055.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1033. Simplified School Construction Procurement Program**

- A.** The simplified school construction procurement program is applicable to construction projects which do not exceed the maximum amount specified in A.R.S. § 15-213(A)(2).
- B.** To participate in the simplified school construction procurement program:
1. Each county school superintendent shall maintain a prospective bidders list of persons who desire to receive solicitations to bid on school district construction projects within that county. The prospective bidders list shall be maintained in accordance with R7-2-1023;
  2. The prospective bidders list maintained pursuant to subsection (B)(1) shall be available for public inspection;
  3. A performance bond and a payment bond, as required by A.R.S. § 34-222, shall be provided for contracts for construction by contractors;
  4. All bids for construction shall be opened at a public opening and the bids shall remain confidential until the public opening;
  5. All persons desiring to submit bids shall be treated equitably and the information related to each project shall be available to all eligible persons; and

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6. Competition for construction projects under the simplified school construction procurement program shall be encouraged to the maximum extent possible. School districts shall submit information on each project to all persons listed on the prospective bidders list maintained by the county school superintendent pursuant to subsection (B)(1).

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1034. Reserved****PART V. MULTISTEP SEALED BIDDING****R7-2-1035. Multistep Sealed Bidding**

- A. The multistep sealed bidding method may be used if:
  1. Available specifications or purchase descriptions are not sufficiently complete to permit full competition without technical evaluations and discussions to ensure mutual understanding between each bidder and the school district;
  2. Definite criteria exist for evaluation of technical offers;
  3. More than one technically qualified source is expected to be available; and
  4. A fixed-price contract will be used.
- B. The multistep sealed bidding method may not be used for construction contracts.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1036. Phase 1 of Multistep Sealed Bidding**

- A. Multistep sealed bidding shall be initiated by the issuance of an invitation to submit technical offers. The invitation to submit technical offers shall be issued according to R7-2-1022 and R7-2-1024(A).
- B. The invitation to submit technical offers shall include the following information:
  1. Notice that the procurement shall be conducted in two phases;
  2. The best description of the material or services desired;
  3. A statement that unpriced technical offers only shall be considered in phase 1;
  4. The requirements for the technical offers, such as drawings and descriptive literature;
  5. The criteria for evaluating technical offers;
  6. The due date and time for receipt of technical offers and the location where technical offers shall be delivered or mailed;
  7. A statement that discussions may be held;
  8. A statement that only bids based on technical offers determined to be acceptable in phase 1 shall be considered for award;
  9. The name of the district representative or district representatives;
  10. Notice that all technical offers submitted will be made available for public inspection following the award of the contract; and
  11. The date, time and location of any pre-technical offer conference.
- C. A school district may conduct a pre-technical offer conference open to all persons. If a pre-technical offer conference is conducted, it shall be not less than seven days before the technical offer due date and time, unless the school district makes a written determination that the specific needs of the procurement justify a shorter time. Statements made during the pre-technical offer conference shall not be considered modifications to the invitation to submit technical offers.
- D. The invitation to submit technical offers may be amended before or after the submission of the unpriced technical offers. Amendments to an invitation to submit technical offers shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original invitation to submit technical offers was distributed or made available. The school district shall make a copy of the amendments to an invitation to submit technical offers available for public inspection at the school district office. If the school district posted the invitation to submit technical offers or a notice of the availability of an invitation to submit technical offers on a designated site on the Internet, then the school district shall post any amendments to the invitation to submit technical offers on the same designated site on the Internet. The school district shall also do one or more of the following:
  - a. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all persons to whom the invitation to submit technical offers was distributed;
  - b. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all persons to whom the invitation to submit technical offers was distributed. Upon receipt of such notice of amendment, it is the responsibility of the person to obtain the amendment.
2. Amendments shall be issued within a reasonable time before technical offer opening to allow persons to consider them in preparing their technical offers. If the school district determines that the technical offer due date and time does not permit sufficient time for technical offer preparation, the technical offer due date and time shall be extended in the amendment or, if necessary, telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
3. A person shall acknowledge receipt of an amendment in the manner specified in the invitation to submit technical offers or the amendment on or before the technical offer due date and time.
- E. Unpriced technical offers shall not be opened publicly, but shall be opened in the presence of two or more district officials designated by the school district. The contents of unpriced technical offers shall not be disclosed to unauthorized persons. Late technical offers shall not be considered except under the circumstances set forth in R7-2-1028(B).
- F. Unpriced technical offers shall be evaluated solely in accordance with the criteria set forth in the invitation to submit technical offers and shall be determined to be either acceptable for further consideration or unacceptable. A determination that an unpriced technical offer is unacceptable shall be in writing, state the basis for the determination and be retained in the procurement file. If the school district determines a person's unpriced technical offer is unacceptable, the school district

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shall notify that person of the determination and that the person shall not be afforded an opportunity to amend the technical offer.

- G. The school district may conduct discussions with any person who submits an acceptable or potentially acceptable technical offer. During discussions, the school district shall not disclose any information derived from one unpriced technical offer to any other person. After discussions, the school district shall establish a due date and time for receipt of final technical offers and shall notify, in writing, persons submitting acceptable or potentially acceptable technical offers of the due date and time. The school district shall keep a detailed record of all discussions.
- H. At any time during phase 1, technical offers may be withdrawn.
- I. A copy of the invitation to submit technical offers shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1037. Phase 2 of Multistep Sealed Bidding**

- A. Upon completion of phase 1, the school district shall issue an invitation for bids and conduct phase 2 under R7-2-1024 through R7-2-1032 as a competitive sealed bidding procurement, except that the invitation for bids shall be issued only to persons whose technical offers were determined to be acceptable in phase 1.
- B. Unpriced technical offers of unsuccessful persons shall be open to public inspection after contract award, except to the extent set forth in R7-2-1006.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1038. Reserved****R7-2-1039. Reserved****R7-2-1040. Reserved****PART VI. COMPETITIVE SEALED PROPOSALS****R7-2-1041. Competitive Sealed Proposals**

- A. This Section does not apply to procurement of services of clergy, certified public accountants, physicians, dentists, and legal counsel, construction, construction services, or specified professional services. Services of clergy, certified public accountants, physicians, dentists and legal counsel shall be procured pursuant to R7-2-1061 through R7-2-1068. Construction and construction services shall be procured as provided in R7-2-1100. Specified professional services shall be procured pursuant to R7-2-1117 through R7-2-1123.
- B. As an alternative to competitive sealed bidding, competitive sealed proposals may be used in order to:
  - 1. Use a contract other than a fixed-price type;
  - 2. Conduct oral or written discussions with offerors concerning technical and price aspects of their proposals;
  - 3. Afford offerors an opportunity to revise their proposals;
  - 4. Compare the different price, quality, and contractual factors of the proposals submitted; or

- 5. Award a contract in which price is not the determining factor.

- C. A school district may conduct competitive sealed proposals electronically, provided that the electronic competitive sealed proposals process complies with the requirements of R7-2-1041 through R7-2-1050. A determination that conducting competitive sealed proposals electronically is advantageous to the school district shall be in writing and retained in the procurement file.
- D. When using electronic competitive sealed proposals, the school district shall determine whether electronic submission of proposals is required or optional and state the electronic submission requirements in the public notice and the request for proposals.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended effective March 21, 1991 (Supp. 91-1).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1042. Request for Proposals**

- A. Competitive sealed proposals shall be solicited through a request for proposals. A request for proposals shall include the following:
  - 1. Instructions to offerors, including:
    - a. Instructions and information to offerors concerning proposal submission requirements, including the means for proposal submission such as, hand delivery, U.S. mail, electronic mail, facsimile, or other acceptable means, the proposal due date and time, the address of the office at which proposals or other documents are to be received, the proposal acceptance period, and any other special information or requirements;
    - b. The manner by which the offeror is required to acknowledge amendments;
    - c. Notification of whether the school district may award multiple contracts and the school district's basis for determining whether to award multiple contracts. If multiple contracts may be awarded, the request for proposals shall include the criteria the school district will use for selecting vendors for each contract under the multiple award, including as applicable, whether contracts will be awarded by individual line items, groups of line items, or categories, whether contracts will be awarded incrementally, and whether contracts will be awarded by designated regions or locations;
    - d. The minimum information required in the proposal;
    - e. The specific requirements for designating trade secrets and other proprietary data as confidential;
    - f. Any specific responsibility criteria;
    - g. Whether the offeror is required to submit samples, descriptive literature, and technical data with the proposal;
    - h. Evaluation factors and the relative importance of price and other evaluation factors. Specific numerical weighting is not required;
    - i. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as evaluation factors the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction

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- equipment and, to the extent practicable, the cost of outright purchase;
- j. A statement specifying where documents incorporated by reference may be obtained;
  - k. A statement that the school district may cancel the solicitation or reject a proposal in whole or in part if deemed advantageous to the school district;
  - l. Notice that the offeror is required to certify that submission of the proposal did not involve collusion or other anticompetitive practices and that the offeror has taken steps and exercised due diligence to ensure that no violation of A.R.S. § 15-213(O) has occurred;
  - m. Notice that the offeror is required to declare whether the offeror has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
  - n. Any bid security required;
  - o. Any cost or pricing data required;
  - p. The type of contract to be used;
  - q. A statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being awarded a contract;
  - r. The date, time and location of any pre-proposal conference;
  - s. The name of the district representative or district representatives;
  - t. A description of all information that will be recorded and available for public inspection at proposal opening;
  - u. Notice that all information and proposals submitted by offerors will be made available for public inspection following the award of the contract; and
  - v. Whether the school district will consider partial proposals for award of a contract.
2. Specifications, including:
    - a. The purchase description, delivery or performance schedule, and inspection and acceptance requirements, as applicable;
    - b. If a brand name or equal specification is used, instructions that the use of a brand name is for the purpose of describing the standard of quality, performance, and other characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The solicitation shall state that products substantially equivalent to those brands designated shall qualify for consideration; and
    - c. Any other specification requirements specific to the solicitation.
  3. Contract terms and conditions, including:
    - a. Warranty and bonding or other security requirements, as applicable;
    - b. The length of the contract and whether the contract will include an option for extension; and
    - c. Any other contract terms and conditions.
  4. When using electronic competitive sealed proposals, the request for proposals shall specify whether electronic submission of proposals is required or optional, the electronic submission requirements, and the electronic signature requirements.
- B. A request for proposals shall be issued at least 14 days before the due date and time for receipt of proposals unless a shorter time is determined necessary by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file.
  - C. Notice of the request for proposals shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C).
  - D. Before submission of initial proposals, amendments to requests for proposals shall be made in accordance with R7-2-1026. After submission of proposals, amendments may be made in accordance with R7-2-1036(D).
  - E. A copy of the request for proposals shall be made available for public inspection at the school district office.
- Historical Note**
- Adopted effective December 17, 1987 (Supp. 87-4).  
 Amended effective October 22, 1992 (Supp. 92-4).  
 Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).
- R7-2-1043. Pre-proposal Conferences**
- Pre-proposal conferences may be convened in accordance with R7-2-1025.
- Historical Note**
- Adopted effective December 17, 1987 (Supp. 87-4).
- R7-2-1044. Late Proposals, Modifications or Withdrawals**
- A. An offeror may modify or withdraw a proposal in writing at any time before proposal opening if the modification or withdrawal is received before the proposal due date and time at the location designated in the request for proposals for receipt of proposals.
  - B. Withdrawal of a proposal after proposal opening is permissible only in accordance with R7-2-1049.
  - C. A proposal received after the due date and time for receipt of proposals is late and shall not be considered except under the circumstances set forth in R7-2-1028(B). A best and final offer received after the due date and time for receipt of best and final offers is late and shall not be considered except under the circumstances set forth in R7-2-1028(B).
  - D. A modification of a proposal received after the due date and time for receipt of proposals is late and shall not be considered except under the circumstances set forth in R7-2-1028(B).
  - E. A modification of a proposal resulting from an amendment issued after the due date and time for receipt of proposals or a modification of a proposal resulting from discussions shall be considered if received by the due date and time set forth in the amendment or by the due date and time for submission of best and final offers, whichever is applicable. If the modifications described in this subsection are received after the respective date and time described in this subsection, the modifications are late and shall not be considered except under the circumstances set forth in R7-2-1028(B).
  - F. Upon receiving a late proposal, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send written notice of late receipt to the offeror. The school district may discard the document 30 days after the date on the notice unless the offeror requests and provides funding for the document to be returned.
  - G. All documents concerning acceptance of a late proposal, late modification, or late withdrawal shall be retained in the procurement file.

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Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year cor-  
rected in Supp. 18-2. Amended by final exempt rulemak-  
ing at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1045. Receipt, Opening and Recording of Proposals**

- A.** A school district shall maintain a record of proposals and modifications received for each solicitation, shall record the time and date when each proposal or modification is received, and shall store each unopened proposal or modification in a secure place until the proposal due date and time.
1. If required to confirm a vendor's inquiry regarding receipt of its proposal prior to the due date and time, a school district may open a proposal to identify the vendor. If this occurs, the school district shall record the reason for opening the proposal, the date and time the proposal was opened, and the solicitation number. The school district shall secure the proposal and retain it for public opening.
  2. One or more witnesses shall be present for the opening of a proposal under subsection (A)(1).
- B.** Proposals and modifications shall be opened publicly at the date, time and place designated in the request for proposals in the presence of one or more witnesses. The name of each offeror and other relevant information deemed appropriate by the school district shall be recorded. The person opening the proposals and all witnesses shall sign the record. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing offerors during the evaluation of proposals. Proposals and modifications shall be shown only to school district personnel having a legitimate interest in them or persons assisting the school district in evaluation.
1. The record created in subsection (B) shall be available for public inspection.
  2. The proposals shall not be open for public inspection until after a contract is awarded.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year cor-  
rected in Supp. 18-2.

**R7-2-1046. Evaluation of Proposals**

- A.** Evaluation of proposals and best and final offers shall be based on the evaluation factors set forth in the request for proposals. Specific numerical weighting may be used.
1. If only one proposal is received in response to a request for proposals, the school district shall proceed according to R7-2-1032.
  2. The school district shall not modify evaluation factors or the relative importance of price and other evaluation factors after the proposal due date and time.
  3. A school district may appoint an evaluation committee to assist in the evaluation of proposals. If proposals are evaluated by an evaluation committee, the evaluation committee shall prepare an evaluation report for the school district. The school district may:
    - a. Accept the findings of the evaluation committee;
    - b. Request additional information from the evaluation committee; or
    - c. Reject the findings of the evaluation committee, in which case the school district shall appoint a new

evaluation committee to evaluate the existing proposals or cancel the solicitation.

- B.** As part of its initial evaluation, the school district may contact an offeror to confirm the school district's understanding of the proposal. Such contact shall be prior to the determination that a proposal is acceptable for further consideration. The school district shall obtain written confirmation from the offeror and shall retain the confirmation in the procurement file.
- C.** The contract or contracts shall be awarded during the proposal acceptance period. If the proposal acceptance period expires prior to award of the contract or contracts, the procurement shall be canceled, unless the proposal acceptance period is extended in accordance with subsection (D).
- D.** To extend the proposal acceptance period, a school district shall notify all offerors in writing of an extension and request written concurrence from each offeror. To be eligible for a contract award, an offeror shall submit a written concurrence to the extension. The school district shall reject a proposal as nonresponsive if written concurrence is not provided as requested.
- E.** For the purpose of conducting discussions, the school district shall determine that proposals are either acceptable for further consideration or unacceptable.
- F.** A proposal is acceptable if it is determined to be reasonably susceptible of being awarded a contract in accordance with the evaluation criteria and a comparison and ranking of original proposals. Proposals to be considered reasonably susceptible of being awarded a contract shall, at a minimum, demonstrate the following:
  1. Affirmative compliance with mandatory requirements designated in the solicitation.
  2. An ability to deliver goods or services on terms advantageous to the school district sufficient to be entitled to continue in the competition.
  3. That the proposal is technically acceptable as submitted.
- G.** A proposal is unacceptable if it is determined to not be reasonably susceptible of being awarded a contract. Those proposals that have no reasonable chance for award when compared on a relative basis with more highly ranked proposals will not be reasonably susceptible of being awarded a contract. The determination shall be in writing, state the basis for the determination and be retained in the procurement file. When there is doubt as to whether a proposal is reasonably susceptible of being awarded a contract, the proposal shall be considered acceptable.
- H.** If the school district determines an offeror's proposal is unacceptable, the school district shall notify that offeror of the determination and that the offeror shall not be afforded an opportunity to amend its proposal.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year cor-  
rected in Supp. 18-2.

**R7-2-1047. Discussions with Individual Offerors**

- A.** Discussions may be conducted with responsible offerors who submit proposals determined to be acceptable for further consideration. Discussions may be conducted to assure full understanding of the proposal in order to obtain the most advantageous contract for the school district based upon the requirements and evaluation factors in the request for proposals. Offerors shall be afforded fair treatment with respect to any opportunity for discussion and revision of proposals.

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- B. A school district shall establish procedures and schedules for conducting discussions. The school district shall ensure there is no disclosure of one offeror's price or any information derived from competing proposals to another offeror.
- C. Discussions may be conducted orally or in writing. If oral discussions are conducted, the offeror shall confirm the discussions in writing.
- D. If discussions are conducted, they shall be conducted with all offerors who submit proposals determined to be acceptable for further consideration. Proposals may not be revised during discussions.
- E. The school district shall keep a detailed record of all discussions in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1048. Best and Final Offers**

- A. Only if discussions are conducted pursuant to R7-2-1047, the school district shall issue a written request for best and final offers to all offerors who submitted proposals determined to be acceptable pursuant to R7-2-1046(E). The request shall set forth the date, time and place for the submission of best and final offers.
- B. Best and final offers shall be requested only once, unless the school district makes a determination that it is advantageous to the school district to conduct further discussions or change the school district's requirements.
- C. The request for best and final offers shall inform offerors that, if they do not submit a notice of withdrawal or a best and final offer, their immediate previous offer will be construed as their best and final offer.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1049. Mistakes in Proposals**

- A. Prior to the due date and time for receipt of best and final offers, any offeror may withdraw a proposal in writing or correct any mistake by modifying the proposal.
- B. After receipt of best and final offers, an offeror may withdraw a proposal or correct a mistake in accordance with R7-2-1030.
- C. The offeror shall withdraw or correct its proposal in writing. The school district shall retain the written withdrawal or correction in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1050. Contract Award**

- A. As provided in subsection (B), the school district shall award a contract or contracts to the responsible offeror or offerors whose proposal or proposals are determined in writing to be most advantageous to the school district based on the factors set forth in the request for proposals. No factors or criteria may be used in proposal evaluation that are not set forth in the request for proposals. The amount of any applicable transac-

tion privilege or use tax of a political subdivision of this state is not a factor in determining the most advantageous proposal.

- B. The school district shall award the contract to the offeror whose proposal is deemed most advantageous to the school district for all materials or services, except that the school district may make a multiple award if the request for proposals included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.
- C. Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to be most advantageous to the school district in satisfying the school district's requirements. A multiple award shall be limited to the least number of contracts the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:
  1. Awards to the offerors most advantageous to the school district for individual line items, groups of line items, or categories.
  2. Awards to the offerors most advantageous to the school district for similar or identical line items, groups of line items, or categories only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of offerors necessary to meet the school district's requirements.
  3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the offeror whose proposal is determined to be the most advantageous to the school district, then to the offeror with the next most advantageous proposal, etc., until the total definite quantity required is reached.
  4. Regional awards to the offerors most advantageous to the school district in designated regions or locations only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.
- D. The school district shall notify all offerors of an award.
- E. The procurement file shall contain the basis on which the award or awards are made.
- F. After a contract is awarded, the school district shall return any bid security provided by the unsuccessful offerors.
- G. Upon execution of the contract, if performance and payment bonds were not required, or upon receipt of the specified bonds, if performance and payment bonds were required, the school district shall return any bid security provided by the successful offeror.
- H. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all proposals, available for public inspection.
  1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
  2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appro-



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priate container, identified as confidential information, and maintained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective October 22, 1992 (Supp. 92-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1051. Reserved**

**R7-2-1052. Reserved**

## PART VII. SOLE SOURCE PROCUREMENTS

**R7-2-1053. Sole Source Procurements**

- A. A contract may be awarded for a material, service or construction item without competition if the governing board determines in writing that there is only one source for the required material, service or construction item. The school district may require the submission of cost or pricing data in connection with an award under this Section. Sole source procurement shall be avoided, except when no reasonable alternative source exists.
- B. The governing board's determination shall be made before entering the contract and shall include the following information:
  1. A description of the procurement need and the reason why there is only a single source available or why no reasonable alternative exists;
  2. The name of the proposed supplier;
  3. The duration and estimated total dollar value of the proposed procurement;
  4. Documentation that the price submitted is fair and reasonable; and
  5. A description of efforts made to seek other sources.
- C. The school district shall, to the extent practicable, negotiate with the single supplier a contract advantageous to the school district.
- D. A copy of the written determination of the basis for the sole source procurement and any cost or pricing data shall be retained in the procurement file by the school district. The school district shall keep a record of all sole source procurements pursuant to R7-2-1086.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1054. Reserved**

## PART VIII. EMERGENCY PROCUREMENTS

**R7-2-1055. Emergency Procurement Procedure**

- A. An emergency condition creates an immediate and serious need for materials, services, or construction that cannot be met through normal procurement methods and seriously threatens the functioning of the school district, the preservation or protection of property or the public health, welfare or safety. Some examples of emergency conditions are floods, epidemics, or other natural disasters, riots, fire or equipment failures.
- B. An emergency procurement shall be limited to the materials, services, or construction necessary to satisfy the emergency need.

- C. The governing board shall designate a board member or members or school district official or officials authorized to make emergency procurements, and may prescribe limiting factors including maximum spending limits with regard to emergency procurements.
- D. The designated board member or district official shall:
  1. Select the contractor to perform the emergency work with as much competition as practicable under the circumstances;
  2. Obtain a price that is fair and reasonable under the circumstances;
  3. Prepare a written statement documenting the basis for the emergency, the basis for the selection of the particular contractor, and why the price paid was fair and reasonable. The statement shall be signed by the designated governing board member or district official authorized to initiate emergency procurements; and
  4. Convene a meeting of the governing board to approve the emergency procurement, unless the nature of the emergency requires that the procurement be made prior to governing board approval.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1056. Emergency Procurement Reporting**

- A. If the nature of the emergency does not permit convening a meeting of the governing board to approve the emergency procurement, the designated board member or district official who makes an emergency procurement shall, at the first scheduled governing board meeting following the procurement, provide to the governing board a report concerning the emergency procurement including the following information:
  1. The written statement documenting the basis for the emergency, the basis for the selection of the particular contractor, and why the price paid was fair and reasonable; and
  2. Why it was impracticable to convene a meeting of the governing board.
- B. The information and documentation required in this Section shall be included in the procurement file.
- C. The school district shall keep a record of all emergency procurements pursuant to R7-2-1086.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1057. Repealed**

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

## PART IX. REQUEST FOR INFORMATION

**R7-2-1058. Request for Information**

- A. The school district may issue a request for information to obtain data about services or materials available to meet a specific need. Notice of the request for information shall be issued in accordance with R7-2-1024(A) and R7-2-1024(C).

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- B. Responses to a request for information are not offers and cannot be accepted to form a binding contract.
- C. Information contained in a response to a request for information may be withheld from public inspection until the subsequent procurement is awarded or terminated, two years from the date of the vendor's response, or upon commencement of a new procurement, whichever occurs first.
- D. There is no required format to be used for requests for information.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1059. Reserved****R7-2-1060. Reserved**

**PART X. SERVICES OF CLERGY, CERTIFIED PUBLIC ACCOUNTANTS, PHYSICIANS, DENTISTS AND LEGAL COUNSEL**

**R7-2-1061. Competitive Selection Procedures for Clergy, Certified Public Accountants, Physicians, Dentists and Legal Counsel**

- A. The services of clergy, certified public accountants, physicians, dentists, or legal counsel shall be procured in accordance with R7-2-1061 through R7-2-1068, except as authorized pursuant to R7-2-1002, R7-2-1053, or R7-2-1055.
- B. Pursuant to A.R.S. § 15-914, contracts for financial and compliance audits and completed audits shall be approved by the Auditor General as provided in A.R.S. § 41-1279.21.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1062. Statement of Qualifications**

- A. If the services specified in R7-2-1061(A) are needed, persons may submit and the school district may solicit persons engaged in providing the services to submit statements of qualifications on a prescribed form that shall include the following information:
  1. Technical education and training;
  2. General or special experience, certifications, licenses, and memberships in professional associations, societies, or boards;
  3. An expression of interest in providing a particular service; and
  4. Any other pertinent information requested by the school district.
- B. Persons who have submitted statements of qualifications may amend those statements at any time by filing a new statement.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1063. Request for Proposals**

- A. Adequate notice of the need for services specified in R7-2-1061(A) shall be given by the school district through a request

for proposals. The request for proposals shall be in accordance with R7-2-1042.

- B. In addition to providing notice of the request for proposals pursuant to R7-2-1022 and R7-2-1024(C), the school district shall provide notice to all persons who submitted statements of qualifications for the particular services solicited.
- C. If required to evaluate proposals, the request for proposals shall require all offerors who have not already done so to submit a statement of qualifications pursuant to R7-2-1062.
- D. Pre-proposal conferences may be convened in accordance with R7-2-1025.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1064. Receipt of Proposals**

Proposals shall be received and opened in accordance with R7-2-1045. Late proposals, modifications, or withdrawals shall be considered in accordance with R7-2-1044.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1065. Evaluation of Proposals**

Proposals shall be evaluated in accordance with R7-2-1046.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1066. Discussions with Individual Offerors**

- A. As part of its initial evaluation, the school district may contact an offeror to confirm the school district's understanding of the proposal. Such contact shall be prior to the determination that a proposal is acceptable for further consideration. The school district shall obtain written confirmation from the offeror and shall retain the confirmation in the procurement file.
- B. The school district may conduct discussions with any offeror in accordance with R7-2-1047. If such discussions are conducted, the school shall issue a request for best and final offers pursuant to R7-2-1048.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1067. Mistakes in Proposals**

Mistakes in proposals shall be addressed pursuant to R7-2-1049.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1068. Contract Award**

- A. As provided in subsection (B), the school district shall award a contract or contracts to the responsible offeror or offerors best qualified based on the evaluation factors set forth in the request for proposal and after making a written determination that the price is fair and reasonable. The school district shall not award a contract based solely on price. No factors or criteria may be used in proposal evaluation that are not set forth in the request for proposals.

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- B. The school district shall award the contract to the best qualified offeror whose price is determined to be fair and reasonable for all services, except that the school district may make a multiple award if the request for proposals included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.
- C. Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to be most advantageous to the school district in satisfying the school district's requirements. A multiple award shall be limited to the least number of contracts the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:
  1. Award to the best qualified offeror whose price is determined to be fair and reasonable for individual line items, groups of line items, or categories.
  2. Awards to the best qualified offerors whose prices are determined to be fair and reasonable for similar or identical line items, groups of line items, or categories only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of offerors necessary to meet the school district's requirements.
  3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the best qualified person whose price is determined to be fair and reasonable, then to the next best qualified person whose price is determined to be fair and reasonable, etc., until the total definite quantity required is reached.
  4. Regional awards to the best qualified offerors whose prices are determined to be fair and reasonable in designated regions or locations only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.
- D. The school district shall notify all offerors of an award.
- E. The procurement file shall contain the basis on which the award or awards are made.
- F. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all proposals, available for public inspection.
  1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
  2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**PART XI. GUARANTEED ENERGY CONTRACTS****R7-2-1069. Guaranteed Energy Cost Savings Contracts**

- A. A school district may procure a guaranteed energy cost savings contract with a qualified provider through competitive sealed proposals in accordance with R7-2-1041 through R7-2-1050.
  1. The request for proposal evaluation factors required by R7-2-1042(A)(1)(h) shall include objective criteria for selecting the qualified provider, including the cost of the contract, the energy cost savings, the net projected energy savings, the quality of the technical approach, the quality of the project management plan, the financial solvency of the qualified provider and the experience of the qualified provider with projects of similar size and scope.
  2. Notwithstanding R7-2-1042(A)(1)(h), the request for proposals shall set forth the respective numerical weighting for each evaluation criterion.
  3. At the qualified provider's expense, the proposal shall include an independent third-party validation of cost savings calculations associated with each proposed energy cost savings measure by a licensed, registered professional engineer, with credentials from the national association of energy engineers, who has demonstrated experience in energy analysis. The school district shall approve the selection of the independent third party.
  4. A school district may enter into a guaranteed energy cost savings contract with a qualified provider if the school district determines that the energy savings project will pay for itself within the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or 25 years, whichever is shortest, if the recommendations in the proposal are followed. Notwithstanding this subsection, a school district may elect to use a shorter capital cost repayment schedule than required pursuant to this subsection. The school district shall retain the cost savings achieved by a guaranteed energy cost savings contract, and these cost savings may be used to pay for the contract and project implementation.
  5. A qualified provider is a person that is experienced in designing, implementing or installing energy cost savings measures, that has a record of established projects or measures of similar size and scope, that has demonstrated technical, operational, financial and managerial capabilities to design and operate cost savings measures and projects and that has the financial ability to satisfy guarantees for energy cost savings.
- B. In selecting a contractor to perform any construction work related to performing the guaranteed energy cost savings contract, the qualified provider may:
  1. Develop and use a prequalification process for contractors.
  2. Require the contractor to demonstrate that the contractor is adequately bonded to perform the work and that the contractor has not failed to perform on a prior job.
- C. A study shall be performed by the selected qualified provider in order to establish the exact scope of the guaranteed energy cost savings contract, the fixed cost savings guarantee amount and the methodology for determining actual savings. The selected qualified provider will provide the school district with a final study report which validates that the fixed cost savings

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guarantee amount will meet or exceed the cost savings calculations contained within the original proposal. The study report shall be reviewed and approved by the school district before the actual installation of any equipment. The qualified provider shall transmit a copy of the approved study report to the division of school facilities within the department of administration and the governor's office.

- D. The information to develop the energy baseline shall be derived from historical energy costs or actual energy measurements or shall be calculated from energy measurements at the facility where energy cost savings measures are to be installed or implemented. The baseline shall be established before the installation or implementation of energy cost savings measures.
- E. One or more school districts may enter into a financing agreement with a qualified provider or a financial institution, trustee or paying agent for the purchase and installation or implementation of energy cost savings measures. Any required financing may be obtained as part of the original competitive sealed proposal process from the qualified provider, or from a third-party financing institution that is procured separately in accordance with Articles 10 and 11.
- F. The selected qualified provider shall provide a performance bond in accordance with R7-2-1103(A)(1)(c).
- G. The selected qualified provider shall make public the information in the subcontractor's bids.
- H. The guaranteed energy cost savings contract shall include the following:
  1. A requirement that, in determining whether the projected energy savings calculations have been met, the energy savings shall be computed by comparing the energy baseline before installation or implementation of the energy cost savings measures with the energy consumed after installation or implementation of the energy cost savings measures. The qualified provider and the school district may agree to make modifications to the energy baseline only for any of the following:
    - a. Changes in utility rates.
    - b. Changes in the number of days in the utility billing cycle.
    - c. Changes in the square footage of the facility.
    - d. Changes in the operational schedule of the facility.
    - e. Changes in facility temperature.
    - f. Significant changes in the weather.
    - g. Significant changes in the amount of equipment or lighting used in the facility.
    - h. Significant changes in the nature or intensity of energy use such as the change of classroom space to laboratory space.
  2. A payment schedule, with payments over a period of not more than the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or 25 years, whichever is shortest, except a school district may elect to use a shorter capital cost repayment schedule than required pursuant to this subsection.
  3. A requirement that all payments, except obligations on termination of the contract before its expiration, be made pursuant to the terms of the financing agreement.
  4. A written guarantee from the qualified provider that the energy savings will meet or exceed the costs of the energy cost savings measures over the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the

financial agreement or 25 years, whichever is shortest, except a school district may elect to use a shorter capital cost repayment schedule than required pursuant to this subsection. The school district shall ensure that the contractor:

- a. For the term of the guaranteed energy cost savings contract, prepares a measurement and verification report on an annual basis in addition to an annual reconciliation of savings.
- b. Reimburses the school district for any shortfall of guaranteed energy cost savings on an annual basis.
- c. Uses the international performance and measurement and verification protocol standards or the federal energy management program standards to validate the savings guarantee.
- I. A school district may use a simplified energy performance contract for projects that are less than \$500,000. Simplified energy performance contracts are not required to include an energy savings guarantee and shall comply with all requirements in this Section except for subsections (D), (H)(1)(a) through (h) and (H)(4)(a) through (c).
- J. This Section does not apply to the construction of new buildings.
- K. For all projects under this Section, the school district shall report to the division of school facilities within the department of administration and the governor's office:
  1. The name of the project.
  2. The name of the qualified provider.
  3. The total cost of the project.
  4. The expected energy cost savings and relevant escalators.
  5. The agreed-on baseline in the measurement and verification agreement in both kilowatt hours and dollars.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1). Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1070. Guaranteed Energy Production Contracts**

- A. A school district may procure a guaranteed energy production contract with a qualified provider through competitive sealed proposals in accordance with R7-2-1041 through R7-2-1050.
  1. The request for proposals evaluation factors required by R7-2-1042(A)(1)(h) shall include objective criteria for selecting the qualified provider, including the guaranteed energy price, the guaranteed energy production, the quality of the technical approach, the quality of the project management plan, the financial solvency of the qualified provider and the experience of the qualified provider with projects of similar size and scope.
  2. Notwithstanding R7-2-1042(A)(1)(h), the request for proposals shall set forth the respective numerical weighting for each evaluation criterion.
  3. The school district may obtain any required financing as part of the original competitive sealed proposal process from the qualified provider, or from a third-party financing institution procured separately in accordance with Articles 10 and 11.
  4. When submitting a proposal for the installation of equipment, the qualified provider shall include information containing the guaranteed energy production associated

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with each proposed energy production measure. The school district shall review and approve this guarantee before the actual installation of any equipment. The qualified provider shall transmit a copy of the approved guarantee to the division of school facilities within the department of administration and the governor's office.

5. A qualified provider is a person that is experienced in designing, implementing or installing energy cost savings measures, that has demonstrated technical, operational, financial and managerial capabilities to design and operate cost savings measures and projects and that has the financial ability to satisfy guarantees for guaranteed energy production, financial solvency and experience for projects of similar size and scope.
- B. In selecting a contractor to perform any construction work related to performing the guaranteed energy production contract, the qualified provider may:
  1. Develop and use a prequalification process for contractors.
  2. Require the contractor to demonstrate that the contractor is adequately bonded to perform the work and that the contractor has not failed to perform on a prior job.
- C. A guaranteed energy production contract shall include a guaranteed energy price, and a written guaranteed energy production as measured on an annual basis over the expected life of the energy production measures implemented or within 25 years, whichever is shorter. The school district shall ensure that the contractor:
  1. Prepares a measurement and verification report on an annual basis in addition to an annual reconciliation of any guaranteed energy production shortfall.
  2. Reimburses the school district for any guaranteed energy production shortfall on an annual basis by multiplying any energy production shortfall by either the difference between the guaranteed energy price and the effective utility rate, or an alternative method as mutually agreed on by the school district and the qualified provider.
- D. The selected qualified provider shall provide a performance bond in accordance with R7-2-1103(A)(1)(c).
- E. The selected qualified provider shall make public information in the subcontractor's bids.
- F. For all projects under this Section, the school district shall report to the governor's office and the division of school facilities within the department of administration:
  1. The name of the project.
  2. The name of the qualified provider.
  3. The total cost of the project.
  4. The expected guaranteed energy production and guaranteed energy price, including relevant escalators, if applicable, over the term of the guaranteed energy production contract.
- G. For all projects under this Section, the school district shall annually report the actual energy production and guaranteed energy price to the division of school facilities within the department of administration no later than October 15.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

## PART XII. GENERAL CONTRACT REQUIREMENTS

**R7-2-1071. Reserved****R7-2-1072. Cancellation of Solicitations; Rejection of Bids and Proposals**

Each solicitation issued by the school district shall state that the solicitation may be canceled or bids or proposals rejected if it is advantageous to the school district.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1073. Cancellation of Solicitation Before the Due Date and Time**

- A. Before the due date and time, a solicitation may be canceled in whole or in part if the school district determines that cancellation is advantageous to the school district. The reasons for the cancellation shall be made part of the procurement file.
- B. The school district shall notify in writing all persons to whom the original notice or solicitation was distributed by the school district. Notice shall be in the same manner as the original notice or solicitation, including posting on a designated site on the Internet, as applicable.
- C. The school district shall not open bids or proposals after cancellation. The school district may discard the bid or proposal 30 days after notice is given in accordance with subsection (B), unless the bidder or offeror requests the bid or proposal be returned.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1074. Cancellation of Solicitation After Bid or Proposal Opening and Before Award**

- A. After opening of bids or proposals but before award, a solicitation may be canceled in whole or in part if the school district determines that cancellation is advantageous to the school district. The reasons for the cancellation shall be made part of the procurement file.
- B. The school district shall notify bidders or offerors of the cancellation in writing.
- C. The school district shall retain bids or proposals received under the canceled solicitation in the procurement file. If the school district intends to issue another solicitation within six months after cancellation of the procurement, the school district shall withhold the bids or proposals from public inspection. After award of a contract under the subsequent solicitation, the school district shall make bids or proposals submitted in response to the canceled solicitation available for public inspection except for information determined to be confidential pursuant to R7-2-1006.
- D. In the event of cancellation, the school district shall promptly return any bid security provided by a bidder or offeror.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1075. Rejection of Individual Bids and Proposals**

- A. A bid or proposal may be rejected in whole or in part if:
  1. The person responding to the solicitation is determined to be nonresponsible pursuant to R7-2-1076;

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2. It is nonresponsive or unacceptable;
  3. The proposed price is unreasonable; or
  4. It is otherwise not advantageous to the school district.
- B.** Bidders or offerors whose bids or proposals are rejected shall be notified. A record of the rejection shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1076. Responsibility of Bidders and Offerors**

- A.** The school district shall make a written determination that a bidder or offeror is responsible before awarding a contract to that bidder or offeror.
- B.** If the school district determines a bidder or offeror is nonresponsive, the school district shall promptly send a determination to the bidder or offeror stating the basis for the determination. The school district shall file a copy of the determination in the procurement file.
- C.** A finding of nonresponsibility shall not be construed as a violation of the rights of any person.
- D.** If the school district included specific responsibility criteria in the solicitation, such criteria shall be considered in determining if a bidder or offeror is responsible.
- E.** Factors to be considered in determining if a bidder or offeror is responsible may include:
1. The bidder or offeror's financial, material, personnel or other resources, including subcontracts;
  2. The bidder or offeror's record of performance and integrity;
  3. Whether the bidder or offeror has been debarred or suspended; and
  4. Whether the bidder or offeror is qualified legally to contract with the school district.
- F.** The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility shall be grounds for a determination of nonresponsibility with respect to the bidder or offeror.
- G.** As required by A.R.S. § 41-2540(B), information furnished by a bidder or offeror pursuant to this Section shall not be disclosed outside of the school district without prior written consent by the bidder or offeror except to law enforcement agencies.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1077. Prequalification of Contractors for Materials, Services and Construction**

- A.** Prospective contractors may be prequalified for particular types of materials, services and construction. Prospective contractors have a continuing duty to provide the school district with information on any material change affecting the basis of prequalification. Solicitation mailing lists of prospective contractors shall include the prequalified contractors.
- B.** A prospective contractor need not be prequalified to be awarded a contract. Prequalification does not represent a determination of responsibility.

- C.** The existence of a qualified product list pursuant to R7-2-1011(D) does not constitute prequalification of any prospective supplier of that product.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1078. Bid and Contract Security**

- A.** Bid and performance bonds or other security may be required for material or service contracts to guarantee faithful bid and contract performance if the governing board determines that such requirement is advantageous to the school district. In determining the amount and type of security required for each contract, the governing board shall consider the nature of the performance and the need for future protection to the school district. The requirement for bonds or other security shall be included in the solicitation.
- B.** Bid or performance bonds shall not be used as a substitute for a determination of bidder or offeror responsibility.
- C.** If a bid or proposal is withdrawn at any time before bid or proposal opening, any bid security shall be returned to the bidder or offeror.
- D.** After the contract is awarded, any bid security shall be returned to the unsuccessful bidders or offerors. Upon execution of the contract, if performance bonds or other security were not required, or upon receipt of the specified bonds, if performance bonds or other security were required, the school district shall return any bid security provided by the successful bidder or offeror.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1079. Cost or Pricing Data**

- A.** The submission of current cost or pricing data may be required in connection with an award in situations in which analysis of the proposed price is essential to determine that the price is fair and reasonable. A contractor shall, except as provided in subsection (C), submit current cost or pricing data and shall certify that, to the best of the contractor's knowledge and belief, the cost or pricing data submitted is accurate, complete and current as of a mutually determined specified date before the date of either:
1. The pricing of any contract awarded by competitive sealed proposals or pursuant to the sole source procurement authority, if the total contract price is expected to exceed \$100,000.
  2. The pricing of any change order or contract modification which is expected to increase the total contract price which will then exceed \$100,000.
- B.** Any contract, change order or contract modification for which certified cost or pricing data is required shall contain a provision that the price to the school district shall be adjusted to exclude any significant amounts by which the school district finds that the price was increased because the contractor-furnished cost or pricing data was inaccurate, incomplete or not current as of the date agreed on between the parties. Such adjustment by the school district may include profit or fee. The school district may reduce the contract price pursuant to R7-2-1081.

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- C. The requirements of this Section may be waived if any of the following apply:
1. The contract price is based on adequate price competition.
  2. The contract price is based on established catalog prices or market prices.
  3. Contract prices are set by law or regulation.
  4. It is determined in writing by the school district that the waiver is advantageous to the school district. The determination shall include the reasons why the waiver is advantageous to the school district.
- D. When applicable, the solicitation shall include a notice that certified cost or pricing data shall be submitted.
- E. In an emergency, cost or pricing data may be submitted at a reasonable time after the contract is awarded.
- F. A copy of all determinations by the school district that pertain to the submission of cost or pricing data shall be retained in the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1080. Refusal to Submit Cost or Pricing Data**

- A. If the offeror fails to submit cost or pricing data in the required form, the school district may reject the proposal.
- B. If a contractor fails to submit data to support a price adjustment in the form required, the school district may:
1. Reject the price adjustment; or
  2. Set the amount of the price adjustment subject to the contractor's rights under R7-2-1141 through R7-2-1185.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1081. Defective Cost or Pricing Data**

- A. The school district may reduce the contract price if, upon determination, the cost or pricing data are defective.
- B. The contract price shall be reduced in the amount of the defect plus related overhead and profit or fee if the school district relied upon the defective data in awarding the contract.
- C. Any dispute as to the existence of defective cost or pricing data or the amount of an adjustment due to defective cost or pricing data may be appealed as a contract controversy under R7-2-1141 through R7-2-1185. Pending appeal, the adjusted contract price shall remain in effect.
- D. If certification of either current cost or pricing data is required, the awarded contract shall include notice of the right of the school district to a reduction in price if certified cost or pricing data are subsequently determined to be defective.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1082. Right to Inspect Plant**

The school district may at reasonable times inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by the school district.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1083. Right to Audit Records**

- A. The school district may, at reasonable times and places, audit the books and records of any person who submits cost or pricing data as provided in R7-2-1079 to the extent that the books and records relate to the cost or pricing data. Any person who receives a contract, change order or contract modification for which cost or pricing data is required shall maintain the books and records that relate to the cost or pricing data for five years after completion of the contract.
- B. The school district is entitled to audit the books and records of a contractor or any subcontractor under any contract or subcontract to the extent that the books and records relate to the performance of the contract or subcontract. The books and records shall be maintained by the contractor for a period of five years after completion of the contract and by the subcontractor for a period of five years after completion of the subcontract.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1084. Anticompetitive Practices**

- A. If for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice or the relevant facts shall be transmitted to the governing board and the attorney general. This Section does not require a law enforcement agency conducting an investigation into such practices to convey such notice to the school district.
- B. Upon submitting a bid or proposal, the bidder or offeror shall certify on a form prescribed by the school district that the submission of the bid or proposal did not involve collusion or other anticompetitive practices.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1085. Retention of Procurement Records**

All procurement records shall be retained and disposed of in accordance with records retention guidelines and schedules approved by the Arizona State Library, Archives and Public Records.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1086. Record of Procurement Actions**

- A. The school district shall maintain a record listing all contracts made under R7-2-1053, Sole source procurements, or R7-2-1055, Emergency procurements, for a minimum of five years. The record shall contain:
1. Each contractor's name.
  2. The amount and type of each contract.
  3. A listing of the materials, services or construction procured under each contract.
- B. The record shall be available for public inspection.

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Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final exempt rulemaking at 21 A.A.R. 1525,  
effective July 1, 2014 (Supp. 15-3); effective year cor-  
rected in Supp. 18-2.

**R7-2-1087. Contract Clauses**

- A. The school district shall include in solicitations and contracts all contract clauses necessary to ensure the school district's interests are addressed. The school district may modify clauses for inclusion in any particular school district contract, provided that any variations are supported by a written determination that states the circumstances justifying the variation and provided that notice of any material variation is stated in the solicitation.
- B. All contract clauses shall be consistent with the provisions of Articles 10 and 11.
- C. The school district may permit or require the inclusion of clauses providing for appropriate remedies, adjustments in prices, time of performance or other contract provisions.
- D. A contract for the procurement of construction or construction services shall include a provision for the recovery of damages related to expenses incurred by the contractor for a delay for which the school district is responsible, that is unreasonable under the circumstances and that was not within the contemplation of the parties to the contract. This subsection does not void any provision in the contract that requires notice of delays, provides for arbitration or any other procedure for settlement or provides for liquidated damages.
- E. A provision, covenant, clause or understanding in, collateral to or affecting a construction contract or design professional service contract that makes the contract subject to the laws of another state or that requires any litigation, arbitration or other dispute resolution proceeding arising from the contract to be conducted in another state is against the public policy of this state and is void and unenforceable.
- F. A provision or clause for contract termination in accordance with A.R.S. § 38-511. The school district may cancel the Contract within three years after Contract execution without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the school district is or becomes at any time while the Contract, or an extension of the Contract is in effect an employee of or a consultant to any party to the Contract with respect to the subject matter of the Contract. The cancellation shall be effective when the Contractor receives written notice of the cancellation unless the notice specifies a later time.
- G. A provision or clause for contract termination if it appears that any person has not complied with A.R.S. § 15-213(O). The school district or school purchasing cooperative may, by written notice, terminate the Contract, in whole or in part, if the school district or school purchasing cooperative determines that any person or vendor has offered, conferred or agreed to confer any personal gift or benefit on any employee of the school district or school purchasing cooperative who supervised or participated in the planning, recommending, selecting or contracting of the Contract.
- H. A provision or clause for contract termination for gratuities. The school district or school purchasing cooperative may, by written notice, terminate the Contract in whole or in part, if the school district or school purchasing cooperative determines that employment or a gratuity was offered or made by the Contractor or a representative of the Contractor to any officer or employee of the school district or school purchasing cooperative for the purpose of influencing the outcome of the procurement or securing the Contract, an amendment to the Contract, or favorable treatment concerning the Contract, including making of any determination or decision about contract performance.
- I. A covenant, clause or understanding in, collateral to or affecting a construction contract or subcontract or a design professional services contract or subcontract that purports to indemnify, to hold harmless or to defend the promisee of, from or against liability for loss or damage resulting from the negligence of the promisee or the promisee's agents, employees or indemnitee is against the public policy of this state and is void.
- J. If a design professional provides work, services, studies, planning, surveys or other preparatory work in connection with a public building or improvement, the school district or property owner may require that the design professional services contract or subcontract require the design professional to indemnify and hold harmless the school district or property owner, and its officers and employees, from liabilities, damages, losses and costs, including reasonable attorney fees and court costs, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of such design professional or other persons employed or used by such design professional in the performance of the contract or subcontract.
- K. A design professional services subcontract entered into in connection with a public building or improvement may also require any design professional to indemnify and hold harmless the school district or property owner and the indemnified design professional who executed the subcontract, and their respective owners, officers and employees, from liabilities, damages, losses and costs, including reasonable attorney fees and court costs, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of such design professional, or persons employed or used by the indemnifying design professional in connection with the subcontract.
- L. Nothing in this Section shall prohibit the requirement of insurance coverage that complies with this Section, including the designation of the school district or property owner as an additional insured on a general liability insurance policy or as a designated insured on an automobile liability policy provided in connection with a construction contract or subcontract or design professional services contract or subcontract.
- M. Notwithstanding subsection (I), a contractor who is responsible for the performance of a construction contract or subcontract may fully indemnify a person, firm, corporation, state or other agency for whose account the construction contract or subcontract is not being performed and that, as an accommodation, enters into an agreement with the contractor that permits the contractor to enter on or adjacent to its property to perform the construction contract or subcontract for others.
- N. Except as provided in subsections (J), (K) and (L), a design professional services contract or subcontract entered into in connection with a public building or improvement shall not require that a design professional defend, indemnify, insure or hold harmless the school district or property owner or its employees, officers, directors, agents, contractors or subcontractors from any liability, damage, loss, claim, action or proceeding, and any contract provision that is not permitted by subsections (J), (K) and (L) is against the public policy of this state and is void.
- O. If any provision or condition contained in this Section conflicts with any provision of a contract between the school district and the federal government, such provision shall not



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apply to any construction contract or subcontract, or design professional services contract or subcontract to the extent such conflict exists, but all provisions of this Section with which there is no such conflict, shall apply.

**P.** In this Section:

1. "Construction contract or subcontract" means a written or oral agreement relating to the construction, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility, development, or other improvement to land.
2. "Design professional services" means architect services, engineer services, land surveying services, geologist services or landscape architect services or any combination of those services performed by or under the supervision of a design professional or any person employed by the design professional.
3. "Design professional services contract or subcontract" means a written or oral agreement relating to the planning, design, construction administration, study, evaluation, consulting, inspection, surveying, mapping, material sampling, testing or other professional, scientific or technical services furnished in connection with any actual or proposed study, planning, survey, environmental remediation, construction, improvement, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility, development or other improvement to land.
4. "Other persons employed or used" means a subcontractor to a contractor or design professional in any tier, or any other person or entity who performs work or design professional services, or provides labor, services, materials or equipment in connection with a construction contract or subcontract or design professional service contract or subcontract subject to this Section.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1088. Reserved****R7-2-1089. Reserved****R7-2-1090. Reserved****PART XIII. CONTRACT TYPES****R7-2-1091. Repealed****Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1092. Authority to Use Contract Types**

Subject to the limitations of this Section, any type of contract that would be advantageous to the school district may be used, except that the use of a cost-plus-a-percentage-of-cost contract is prohibited.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section amended by final exempt

rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1093. Multiterm Contracts**

- A.** Unless otherwise provided by law, multiterm contracts for materials or services and contracts for job-order-contracting construction services may be entered into if the duration of the contract and the conditions of renewal or extension, if any, are included in the invitation for bids or the request for proposals and if monies are available for the first fiscal period at the time the contract is executed. The duration of contracts for materials or services and contracts for job-order-contracting construction services shall be limited to no more than five years unless the governing board determines in writing before the procurement solicitation is issued that a contract of longer duration would be advantageous to the school district. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies.
- B.** Before the use of a multiterm contract, it shall be determined in writing by the governing board that:
  1. Estimated requirements cover the period of the contract and are reasonable and continuing.
  2. Such a contract will be advantageous to the school district by encouraging effective competition or otherwise promoting economies in school district procurement.
- C.** The school district shall include in all multiterm contracts a clause specifying that the contract shall be canceled if monies are not appropriated or otherwise made available to support the continuation of performance in a subsequent fiscal year.
- D.** If monies are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled and the contractor may only be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the materials or services delivered under the contract or which are otherwise not recoverable. The cost of cancellation may be paid from any appropriations available for such purposes.
- E.** A contract for specified professional services shall have a term not to exceed five years after the date of contract award by the school district of the first contract under the procurement, except that the contract may continue in effect after the five year term for projects on which the rendering of specified professional services commences within the five year term.
- F.** Notwithstanding this Section, contracts for auditors and auditing firms shall have a term as prescribed in A.R.S. § 15-213.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4).

**R7-2-1094. Reserved****R7-2-1095. Reserved****R7-2-1096. Reserved****R7-2-1097. Reserved****R7-2-1098. Reserved****R7-2-1099. Reserved**

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**ARTICLE 11. SCHOOL DISTRICT PROCUREMENT  
(CONTINUED)****PART XIV. PROCUREMENT OF CONSTRUCTION****R7-2-1100. Construction Project Delivery Methods**

- A.** For the design-bid-build project delivery method, the school district shall procure:
1. Design services pursuant to R7-2-1117 through R7-2-1123, except as authorized by R7-2-1053 and R7-2-1055.
  2. Construction by competitive sealed bidding pursuant to R7-2-1021 through R7-2-1032 and R7-2-1102 through R7-2-1105, except as authorized by R7-2-1033, R7-2-1053, R7-2-1055, and R7-2-1101.
- B.** For construction-manager-at-risk, design-build and job-order-contracting project delivery methods, the school district shall procure construction services pursuant to R7-2-1102 through R7-2-1115.
- C.** For construction-manager-at-risk project delivery method, the school district shall purchase design services pursuant to R7-2-1117 through R7-2-1123.
- D.** For job-order-contracting project delivery method, the school district may include design services in the job-order-contracting construction services contract, but if the school district does not include design services in the contract, the school district shall procure any design services relating to construction services projects under the contract pursuant to R7-2-1117 through R7-2-1123.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1101. Qualified Select Bidders List**

- A.** The school district may use the qualified select bidders list method to determine the vendors who receive the notice of competitive sealed bidding for a construction contract. The qualified select bidders list shall be determined in accordance with this Section.
- B.** Sealed prime contractor or construction materials supplier statements of qualifications shall be solicited through requests for qualifications.
1. Notice of the request for qualifications shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C).
  2. Requests for qualifications shall be issued at least 21 days before the due date and time for submission.
  3. Use of the qualified select bidders list shall be restricted to the specific project identified in the request for qualifications.
  4. The qualified select bidders list shall consist of at least three prime contractors when a contractor is solicited or three construction material suppliers when material suppliers are solicited.
  5. The qualified select bidders list for any specific project is valid for one year but may be extended for an additional year, at the option of the school district.
- C.** The request for qualifications shall include the following:
1. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection following the establishment of a qualified select bidders list.
  2. Instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for submission, the address of the office at which the statements of qualifica-

tions are to be received, and any other special information.

3. The anticipated evaluation period and selection of a qualified select bidders list.
  4. General information on the project site or sites, scope of work, schedule, evaluation criteria, project design and construction budget, or life cycle budget for a procurement that includes maintenance, operations, and finance services.
  5. The weight prescribed by the school district for each of the criteria to be used in making the evaluation.
  6. The criteria to be used in making the evaluation, which shall include at a minimum:
    - a. Person's capabilities and qualifications for performing the scope of work;
    - b. Person's project team, and key members' education, training and qualifications;
    - c. Method of approach, including subcontractor plan, safety plan;
    - d. Safety record and worker's compensation rate;
    - e. Projected construction schedule;
    - f. Current workload;
    - g. Five most recent representative examples of similar work along with references for each example;
    - h. Current bonding availability and capacity;
    - i. Any judgment or liens against the person within the last three years;
    - j. Any current unresolved bond claims against the person;
    - k. Any deficiency orders issued against the prime contractor by the Arizona Registrar of Contractors within the last three years; and
    - l. Any filing under the United States Bankruptcy Code, assignments for the benefit of creditors, or other measures taken for the protection against creditors during the last three years.
  7. The type of contract to be used.
  8. The name of the district representative or district representatives.
  9. The expiration date of the qualified select bidders list if less than one year.
  10. A statement that the school district reserves the right to conduct interviews as part of the evaluation process.
  11. The date, time and location of any pre-submittal conference.
- D.** The school district may conduct a pre-submittal conference not less than 14 days prior to the statement of qualifications due date and time for the purposes of explaining the requirements of the request for qualifications.
- E.** Amendments to request for qualifications.
1. An amendment to a request for qualifications shall be issued if necessary to do any of the following:
    - a. Make changes in the request for qualifications;
    - b. Correct defects or ambiguities;
    - c. Furnish to persons information given to any other person, if the information will assist the persons in submitting their statements of qualifications or if the lack of the information will prejudice the persons;
    - d. Provide additional information or instructions; or
    - e. Extend the due date and time if the school district determines that an extension is advantageous to the school district.
  2. Amendments to a request for qualifications shall be so identified and the school district shall ensure that the

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amendments are distributed or made available to all persons to whom the original request for qualifications was distributed or made available. The school district shall make a copy of the amendments to a request for qualifications available for public inspection at the school district office. If the school district posted the request for qualifications on a designated site on the Internet, then the school district shall post any amendments to the request for qualifications on the same designated site on the Internet. The school district shall also do one or more of the following:

- a. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all persons to whom the request for qualifications was distributed;
  - b. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all persons to whom the request for qualifications was distributed. Upon receipt of such notice of amendment, it is the responsibility of the person to obtain the amendment.
3. Amendments to request for qualifications shall be issued within a reasonable time before the due date and time to allow persons to consider them in preparing their statements of qualifications. If the school district determines that the due date and time in the request for qualifications does not permit sufficient time for statement of qualifications preparation, the due date and time shall be extended in the amendment or, if necessary, by telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
  4. A person shall acknowledge receipt of an amendment in the manner specified in the request for qualifications or the amendment on or before the due date and time.
- F. Pre-submittal modification or withdrawal of statements of qualifications**
1. A person may modify or withdraw a statement of qualifications in writing at any time before the prescribed due date and time if the modification or withdrawal is received before the due date and time at the location designated in the request for qualifications for receipt of statements of qualifications.
  2. All documents concerning a modification or withdrawal of a statement of qualifications shall be retained in the procurement file.
- G. Late statements of qualifications, late withdrawals and late modifications**
1. A statement of qualifications, modification or withdrawal is late if it is received at the location designated in the request for qualifications for receipt of statements of qualifications after the due date and time.
  2. A late statement of qualifications, late modification, or late withdrawal shall be rejected, unless the statement of qualifications, modification or withdrawal would have been timely received but for the action or inaction of school district personnel and is received before the qualified select bidders list is established.
  3. Upon receiving a late statement of qualifications, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send notice of late receipt to the person. The school district may discard the document 30 days after the date on the notice unless the person requests the document be returned.
4. All documents concerning acceptance of a late statement of qualifications, late modification, or late withdrawal shall be retained in the procurement file.
- H. Receipt, opening and recording statements of qualifications**
1. A school district shall maintain a record of statements of qualifications and modifications received for each solicitation, shall record the time and date when each statement of qualifications or modification is received, and shall store each unopened statement of qualifications or modification in a secure place until the due date and time.
    - a. If required to confirm a vendor's inquiry regarding receipt of its statement of qualifications prior to the due date and time, a school district may open a statement of qualifications to identify the vendor. If this occurs, the school district shall record the reason for opening the statement of qualifications, the date and time the statement of qualifications was opened, and the solicitation number. The school district shall secure the statement of qualifications and retain it for public opening.
    - b. One or more witnesses shall be present for the opening of a statement of qualifications under subsection (H)(1)(a).
  2. Statements of qualifications and modifications shall be opened publicly at the date, time and location designated in the request for qualifications in the presence of one or more witnesses. The name of each person and any other relevant information deemed appropriate by the school district shall be recorded. The person opening the statements of qualifications and all witnesses shall sign the record.
    - a. The record created in subsection (H)(2) shall be available for public inspection.
    - b. The statements of qualifications shall not be open for public inspection until after the qualified select bidders list has been established.
- I. Establishing the qualified select bidders list.**
1. The qualified select bidders list shall be established by determining the highest rated persons from the statements of qualifications received. This will be a minimum of three and a maximum of five.
  2. For each qualified select bidders list process there will be established by the school district an evaluation committee composed of five members. These members shall include the project designer or construction material specifier, one member from the prime contracting or construction material supplier community that performs commensurate level work and is disinterested in this project, a school district facilities representative and two other members as designated by the school district.
  3. The evaluation committee shall review and score each statement of qualifications received according to the established evaluation criteria. The committee shall rank the statements of qualifications in accordance with the scores.
  4. The committee may conduct interviews before making the final determination of the qualified select bidders list. The committee shall document the interviews in writing.
  5. The committee shall select at least three and not more than five of the highest scoring persons for the qualified select bidders list.

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6. The district representative shall review the committee's qualified select bidders list. The district representative shall:
    - a. Accept the list as submitted;
    - b. Return the list for additional committee review;
    - c. Reject the list and terminate the process.
  7. A one-year eligibility period for the qualified select bidders list shall begin on the date the district representative accepts it. The qualified select bidders list may be extended one year at the option of the school district.
  8. Once the qualified select bidders list is established, a written notice of the selected persons shall be sent to all the persons that submitted statements of qualifications.
  9. After the establishment of the qualified select bidders list, a written record showing the basis for determining the qualified select bidders list shall be prepared by the district representative and retained in the procurement file. Within 10 days after the qualified select bidders list has been established, the school district shall make the procurement file, including all statements of qualifications, available for public inspection.
    - a. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
    - b. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.
  10. The qualified select bidders shall be provided an invitation for bids in accordance with R7-2-1024 to R7-2-1032. For any projects not identified in the request for qualifications, the school district may not solicit bids on those projects under the qualified select bidders list either in the initial one-year period or the one-year extension period.
  11. The project identified in the request for qualifications shall have invitation for bids issued within the initial one-year period, or in the one-year extension period, to be awarded a contract under that qualified select bidders list.
- J. Terminating the process for insufficient response or selection**
1. In the event that less than three statements of qualifications are received, this procurement process shall cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.
  2. In the event that less than three persons are identified by the selection committee as being the most highly qualified, this procurement process shall cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.
- K. A copy of the request for qualifications shall be made available for public inspection at the school district office.**

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1102. Bid Security**

- A.** Bid security shall be required for all competitive sealed bidding for construction contracts, and for all competitive sealed

proposals for design-build construction services or job-order-contracting construction services procured pursuant to R7-2-1111, if the price, excluding the cost of any finance services, maintenance services, operations services, design services, preconstruction services, or other related services included in the contract, is estimated by the school district to exceed the amount established by R7-2-1002(A).

- B.** Invitations for bid on school district construction contracts and requests for proposals for design-build construction services or job-order-contracting construction services, shall require submission of bid security as follows:
1. For design-bid-build construction services, ten percent of the contractor's bid.
  2. For design-build construction services awarded by competitive sealed proposals pursuant to R7-2-1111, ten percent of the school district's construction budget for the project as stated in the request for proposals, excluding finance services, maintenance services, operations services, design services, preconstruction services or any other related services included in the contract.
  3. For job-order-contracting construction services awarded by competitive sealed proposals pursuant to R7-2-1111, the amount prescribed by the school district in the request for proposals, but not more than ten percent of the school district's reasonably estimated budget for construction that the school district believes is likely to actually be done during the first year under the contract, excluding any finance services, maintenance services, operations services, design services, preconstruction services or other related services included in the contract.
- C.** Acceptable bid security shall be limited to:
1. An annual or one-time bid bond executed and furnished as required by A.R.S. Title 34, Chapter 2 or 6, as applicable; or
  2. A certified check.
- D.** The school district may issue a written determination to accept the bid security if the bid security fails to comply in a nonsubstantial manner when:
1. Only one bid or proposal is received and there is not sufficient time to rebid or resolicit proposals;
  2. The amount of the bid security submitted, although less than the amount required by the invitation for bids or request for proposals, is equal to or greater than the difference between the apparent low bid or highest scoring proposal and the next higher acceptable bid or next highest scoring proposal; or
  3. The bid security is inadequate as a result of modifying or correcting a bid in accordance with R7-2-1027 or R7-2-1030, if the bidder increases the amount of security to required limits within two days after notification.
- E.** After the bids and proposals are opened, they are irrevocable for the period specified in the invitation for bids or request for proposals, except as provided in R7-2-1030. If a bidder or offeror is permitted to withdraw its bid before award, no action may be had against the bidder or offeror or the bid security.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1103. Contract Performance and Payment Bonds**

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- A. The following bonds or security is required and is binding on the parties to the contract if the value of a construction or construction services award exceeds the amount established by R7-2-1002(A):
1. A performance bond that is executed and furnished as required under Arizona Revised Statutes Title 34, Chapter 2, Article 2 or Chapter 6, as applicable, in an amount equal to 100 percent of the price specified in the contract conditioned on the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract, except that:
    - a. For job-order-contracting construction services, the performance bond shall cover the full amount of construction under the job-order-contracting construction services contract, shall not include any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract, may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the school district, and, if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the school district's reasonable estimate of the amount of construction that the school district believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract, as applicable.
    - b. For construction-manager-at-risk construction services and design-build construction services, the amount of the performance bond shall be the price of construction and shall not include the cost of any design services, preconstruction services, finance services, maintenance services, operations services and other related services included in the contract. This bond is solely for the protection of the school district. The conditions and provisions of the performance bond regarding the surety's obligations shall follow the form required under A.R.S. § 34-222(G) or A.R.S. § 34-610(G), as applicable.
    - c. For guaranteed energy cost savings contracts and guaranteed energy production contracts, the amount of the performance bond shall be one hundred percent of the project amount to the school district for its faithful performance of the equipment installment.
  2. A payment bond that is executed and furnished as required by Arizona Revised Statutes Title 34, Chapter 2, Article 2 or Chapter 6, as applicable, in an amount equal to one hundred percent of the price specified in the contract for the protection of all persons supplying labor or material to the contractor or its subcontractors for the performance of the construction provided for in the contract, except that:
    - a. For job-order-contracting construction services, the payment bond shall cover the full amount of construction under the job-order-contracting construction services contract, shall not include any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract, may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the school district, and, if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the school district's reasonable estimate of the amount of construction that the school district believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract, as applicable.
    - b. For construction-manager-at-risk construction services and design-build construction services, the amount of the payment bond shall be the price of construction and shall not include the cost of any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract. The conditions and provisions of the payment bond regarding the surety's obligations shall follow the form required under A.R.S. § 34-222(F) or A.R.S. § 34-610(F), as applicable.
- B. For design-bid-build construction, the bonds prescribed in subsection (A) shall be provided on and at the same time as execution of the construction contract. For construction-manager-at-risk, design-build and job-order-contracting construction services, the bonds prescribed in subsection (A) shall be provided only on and at the same time as execution of a contract or contract modification that commits the contractor to provide construction for a fixed price, guaranteed maximum price or other fixed amount within a designated time frame.
- C. If the prime contract or specifications require any persons supplying labor or materials in the prosecution of the work to furnish payment or performance bonds, these bonds shall be executed solely by a surety company or companies holding a certificate of authority to transact surety business in this state issued by the director of the Department of Insurance pursuant to Arizona Revised Statutes Title 20, Chapter 2, Article 1. Notwithstanding the provisions of any other statute, the bonds shall not be executed by an individual surety or sureties, even if the requirements of A.R.S. § 7-101 are satisfied.
- D. If a contractor fails to deliver the required performance bond or payment bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made pursuant to Articles 10 and 11.
- E. This Section shall not be construed to limit the authority of the school district to require a performance bond or other security in addition to those bonds or in circumstances other than specified in subsection (A).
- F. Any person who furnishes labor or material to the contractor or its subcontractors for the work provided in the contract, in respect of which a payment bond is furnished under this Section, and who has not been paid in full within 90 days from the date on which the last of the labor was performed or material was supplied by the person for whom the claim is made has the right to sue on the payment bond for any amount unpaid at the time the suit is instituted and to prosecute the action for the amount due the person. However, any person who has a contract with a subcontractor of the contractor, but no express or implied contract with the contractor furnishing the payment bond, has a right of action on the payment bond on giving the contractor, only, a written preliminary 20-day notice as provided for in A.R.S. § 33-992.01, subsection (C)(1), (2), (3), and (4) and subsections (D), (E), and (H), and upon giving written notice to the contractor within 90 days from the date on which the last of the labor was performed or material was supplied.

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plied by the person for whom the claim is made. The person shall state in the notice the amount claimed and the name of the party for whom the labor was performed or to whom the material was supplied. The notice shall be personally served or sent by registered mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts business.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. The term "one hundred" was changed to "100" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1104. Contract Payment Retention and Substitute Security**

- A. Ten percent of all construction contract payments shall be retained by the school district as insurance of proper performance of the contract or, at the option of the contractor, a substitute security may be provided by the contractor pursuant to this Section. The contractor is entitled to all interest from any such substitute security. When the contract is fifty percent completed, one-half of the amount retained or securities substituted pursuant to this Section shall be paid to the contractor upon the contractor's request provided the contractor is making satisfactory progress on the contract and there is no specific cause or claim requiring a greater amount to be retained. After the contract is fifty percent completed, no more than five percent of the amount of any subsequent progress payments made under the contract shall be retained providing the contractor is making satisfactory progress on the project, except if at any time the governing board determines satisfactory progress is not being made, ten percent retention shall be reinstated for all progress payments made under the contract subsequent to the determination.
- B. Notwithstanding subsection (A), there shall be no retention for job-order-contracting construction services contracts. The school district may elect to have no retention for construction-manager-at-risk and design-build construction services contracts. If the school district elects to have retention, then payment retention for construction-manager-at-risk and design-build contracts shall be in accordance with this Section.
- C. Retention applies only to amounts payable for construction and does not apply to amounts payable for design services, preconstruction services, finance services, maintenance services, operations services, or any other related services included in the contract.
- D. The form of substitute security is limited to the following:
  1. An assignment of time certificates of deposit by financial institutions licensed by this state;
  2. Share certificate of a financial institution or credit union authorized to transact business in this state; or
  3. Security issued or guaranteed as to principal and interest by:
    - a. The United States;
    - b. The state;
    - c. Counties, municipalities and school districts within this state.
- E. Conditions for use of substitute security.
  1. A contractor may submit substitute security to replace contract payment retention if:
    - a. The use of substitute security is requested of the school district or designee for work performed under

the contract. The contractor shall have the option of submitting the substitute security:

- i. Prior to each progress payment in an amount of no less than five percent of each progress payment; or
  - ii. Once, prior to the first progress payment in an amount no less than five percent of the total contract amount.
  - b. The interest earned on such security shall accrue to the benefit of the contractor, but shall be retained until the school district has approved completion and acceptance of all work to be performed under the contract;
  - c. The term of such security shall not mature until after the estimated contract completion date; and
  - d. The security shall mature no later than one year after the estimated contract completion date.
2. The substitute security shall not be released without written approval by the school district.
  3. A contractor may submit a single substitute security for more than one project provided that:
    - a. The amount of such security is sufficient to cover the aggregate retention amount;
    - b. The school district determines that such single substitute security is advantageous to the school district; and
    - c. Such security complies with the requirements of subsection (E)(1).
  - F. Any retention shall be paid or substitute security shall be returned to the contractor within 60 days after final completion and acceptance of work under the contract. Retention of payments by a school district longer than 60 days after final completion and acceptance requires a specific written finding by the governing board of the reasons justifying the delay in payment. No school district may retain any monies after 60 days which are in excess of the amount necessary to pay the expenses the governing board reasonably expects to incur in order to pay or discharge the expenses determined in the finding justifying the retention of monies.
  - G. The school district shall not accept any substitute security unless accompanied by a signed and acknowledged waiver of any right or power of the obligor to set off any claim against either the school district or the contractor in relationship to the security assigned. In any instance in which the school district accepts substitute security as provided in this Section, any subcontractor undertaking to perform any part of the contract is entitled to provide such security to the contractor.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1105. Progress Payments**

- A. Progress payments may be made by the school district to the contractor on the basis of a duly certified and approved estimate of the work performed during the preceding month if the contractor agrees to adhere to the provisions of A.R.S. § 41-2577(B), (D), and (F). Payment shall be made within 14 days after the estimate of the work is certified and approved, except that a percentage of all estimates shall be retained as provided in R7-2-1104. The estimate of the work shall be deemed received by the school district on submission of the estimate of the work to the school district or a person designated by the

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school district for the submission, review or approval of the estimate of the work. An estimate of the work submitted under this Section shall be considered approved and certified after seven days from the date of submission unless before that time the school district or designee prepares and issues a specific written finding detailing those items in the estimate of the work that are not approved and certified under the contract or design professional service contract. The school district may withhold an amount from the progress payment sufficient to pay the expenses the school district reasonably expects to incur in correcting the deficiency set forth in the written finding. No contract for construction or design professional service contract may materially alter the rights of any contractor, subcontractor, design professional or material supplier to receive prompt and timely payment as provided under this Section. On completion and acceptance of separate divisions of the contract or design professional service contract on which the price is stated separately in the contract, payment may be made in full including retained percentages, less deductions, unless a substitute security has been provided pursuant to R7-2-1104.

- B. Progress payments pursuant to subsection (A) are authorized for construction services and design professional services contracts. The requirements of subsection (A) apply only to amounts payable in a construction services contract for construction and in a contract for design services and do not apply to amounts payable in a contract for preconstruction services, finance services, maintenance services, operations services or any other related services included in the contract.
- C. A subcontractor or design professional may notify the school district, in writing, requesting that the subcontractor or design professional be notified by the school district in writing within five days from payment of each progress payment made to the contractor. The subcontractor's or design professional's request remains in effect for the duration of the subcontractor's or design professional's work on the project.
- D. If any payment to a contractor is delayed after the date due, interest shall be paid at the rate of one percent per calendar month, or a fraction of a calendar month, on such unpaid balance as may be due.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1106. Procurement of Construction Using Alternative Project Delivery Methods**

- A. A school district may use an alternative project delivery method if it determines in writing that such alternative project delivery method is advantageous to the school district. The following factors may be used for such determination:
    - 1. Cost and cost control method;
    - 2. Value engineering;
    - 3. Market conditions;
    - 4. Schedule;
    - 5. Required specialized expertise;
    - 6. Technical complexity of the project; or
    - 7. Project management.
  - B. Use of alternative project delivery methods
    - 1. Alternative project delivery methods for construction services shall be procured as provided in R7-2-1100.
- 2. For design-build construction services and construction-manager-at-risk construction services, the school district is limited to one contract per procurement.
    - a. Alternatively, for construction-manager-at-risk construction services, a school district may elect separate contracts for preconstruction services during the design phase, for construction during the construction phase and for any other construction services.
    - b. Alternatively, for design-build construction services, a school district may elect separate contracts for preconstruction services and design services during the design phase, for construction and design services during the construction phase and for any other construction services.
    - c. If the school district enters into the first contract for preconstruction services or construction services the procurement ends. After execution of that first contract the school district may not use the procurement or the existing final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
  - 3. For job-order-contracting construction services, the school district may award a single contract, or multiple contracts for similar job-order-contracting construction services to be awarded to separate persons. If the school district enters into the number of contracts specified under the request for qualifications, the procurement ends. After that time the school district may not use the procurement or any existing final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
  - 4. All construction-manager-at-risk construction services or design-build construction services included in a procurement shall be limited to construction services to be performed at a single location, a common location or, if the construction services are all for a similar purpose, multiple locations. For construction-manager-at-risk construction services and design-build construction services to be performed at multiple locations:
    - a. At the time the request for qualifications is issued, the school district shall intend to commence all construction at each location within thirty months after execution of the first contract for preconstruction services or other construction services at any of the locations.
    - b. The request for qualifications shall include the information described in R7-2-1108(B)(2).
  - 5. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section and R7-2-1107, R7-2-1108, R7-2-1110, and R7-2-1111, including the selection of persons to be interviewed, the selection of persons to be on the final list, in determining the order of preference of persons on the final list or for any other purpose in the selection process, except as provided in R7-2-1110(D) and R7-2-1111.
  - 6. In determining the persons to participate in any interviews, in determining the persons to be on the final list, and in determining the order on the final list, the selection committee shall use and consider only the criteria and weighting of criteria in the request for qualifications. No other factors or criteria may be used in the evaluation, determinations and other actions.

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7. Notwithstanding any other provision specifying the number of persons to be interviewed, the number of persons to be on a final list, or any other numerical specification in R7-2-1106 through R7-2-1115:

- a. If a smaller number of persons respond to the request for qualifications or if one or more persons drop out of the procurement so there is a smaller number of persons participating in the procurement, the school district, as the school district determines necessary and appropriate, may elect to proceed with the participating persons if there are at least two participating responsive and responsible persons. Alternatively, the school district may elect to terminate the procurement.
- b. As to a request for qualifications to be negotiated pursuant to R7-2-1110(D), if only one responsive and responsible person responds to the request for qualifications or if one or more persons drop out of the procurement so that only one responsive and responsible person remains in the procurement, the school district may elect to proceed with the procurement with only one person if the governing board determines in writing that the negotiated fee is fair and reasonable and that either other prospective persons had reasonable opportunity to respond or there is not adequate time for a resolicitation.
- c. If a person on the final list withdraws or is removed from the procurement and the selection committee determines that it is advantageous to the school district, the selection committee may replace that person on the final list with another person that submitted qualifications in the procurement and that is selected as the next most qualified.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1107. Selection Committee**

- A. The school district shall initiate an appropriately qualified selection committee for each request for qualifications. The school district shall ensure that selection committee members are competent to serve on the selection committee.
- B. Each selection committee shall include at least one school district representative appointed by the school district.
- C. The selection committee shall not have more than seven members and shall include at least one person who is a senior management employee of a licensed contractor and one person who is an architect or an engineer who is registered pursuant to A.R.S. § 32-121.
- D. Non-school district employees serving on a selection committee shall not receive compensation from the school district for performing this service, but the school district may elect to reimburse non-school district members for travel, lodging and other expenses incurred in connection with service on a selection committee.
- E. A person who is a member of a selection committee shall not be a contractor or subcontractor under a contract awarded under the procurement or provide any specified professional services, construction, construction services, materials or other services under the contract.
- F. For the procurement of multiple contracts for job-order-contracting, the same selection committee shall be used for all contracts in the procurement.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1108. Request for Qualifications**

- A. Notice of the need for construction services shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C). Such notice shall be issued not less than 14 days in advance of when responses shall be received. The notice shall:
  1. Contain a statement of the construction services required that adequately describes the procurement and specifies how a request for qualifications containing specific information on the procurement may be obtained;
  2. Specify whether the procurement is for a single contract or, for job-order-contracting construction services only, for multiple contracts; and
  3. If the procurement is for multiple job-order-contracting construction services contracts:
    - a. Specify that multiple contracts may or will be awarded;
    - b. Specify the number of contracts that may or will be awarded; and
    - c. Describe the construction services to be performed under each contract.
- B. The request for qualifications shall include the following:
  1. Instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for receipt of statements of qualifications, the address of the office at which the statements of qualifications are to be received, and any other special information.
  2. In a procurement of construction-manager-at-risk construction services or design-build construction services to be performed at multiple locations, include:
    - a. A brief description of the construction services to be performed at each location;
    - b. The estimated budget for the construction services to be performed at each location; and
    - c. A schedule for the construction services to be performed at each location that shows the school district's intent to commence all construction at each location within thirty months after execution of the first contract for preconstruction services or other construction services at any of the locations.
  3. General information on the project site, scope of work, schedule, selection criteria, project design and construction budget, or life cycle budget for a procurement that includes maintenance, operations, and finance services.
  4. The criteria and the weight prescribed by the school district for each of the criteria to be used in making the evaluation.
    - a. All selection criteria shall be factors that demonstrate competence and qualifications for the type of construction services included in the procurement.
    - b. One of the criteria shall be the person's subcontractor selection plan or procedures to implement the school district's subcontractor selection plan.
    - c. If interviews will be held, state the selection criteria and relative weights to be used in selecting the persons to be interviewed. The request for qualifications may state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list. The final list selection criteria and relative



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- weights may be different than the selection criteria and relative weights used to determine the persons to be interviewed. The request for qualifications also shall state whether the school district will select the persons on the final list and their order on the final list solely through the results of the interview process or through the combined results of both the interview process and the evaluation of statements of qualifications and performance data submitted in response to the school district's request for qualifications.
- d. If interviews will not be held, state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list.
5. Whether one contract or multiple contracts may or will be awarded.
    - a. For design-build construction services, construction-manager-at-risk construction services, and a single contract for job-order-contracting construction services, state that one person may or will be awarded the contract.
    - b. For multiple contracts for similar job-order-contracting construction services, state the number of contracts that may or will be awarded, the job-order-contracting construction services to be performed under each of the contracts, and that each of the multiple contracts will be awarded to a separate person.
  6. In a procurement where the contract is to be negotiated under R7-2-1110(D):
    - a. State that there will be a single final list of at least three and not more than five persons for a design-build, construction-manager-at-risk, or single job-order-contracting construction services award.
    - b. In a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, state that there will be a single final list and the number of persons on the final list, which shall be the sum of the number of contracts that may or will be awarded, plus another number that is determined by the school district and that is not more than five.
  7. In a procurement in which the contract will be awarded under R7-2-1111:
    - a. State that there will be a single final list and that the number of persons on the final list will be three for a design-build or single job-order-contracting construction services award.
    - b. In a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, state that there will be a single final list and the number of persons on the final list, which shall be the sum of the number of contracts that may or will be awarded, plus another number that is determined by the school district and that is not more than five.
  8. The type of contract to be used.
  9. The name of the district representative or district representatives and the publicly available location of the school district's protest policy and procedures.
  10. If the school district will hold interviews as part of the selection process:
    - a. State that interviews will be held and that the interviews will be with at least three and not more than five persons for a design-build, construction-manager-at-risk, or single job-order-contracting construction services procurement.
    - b. In a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, state that interviews will be held and that the interviews will be with a specified number of persons. The specified number shall be stated in the request for qualifications, shall be determined by the school district and shall be the sum of the number of contracts that may or will be awarded, plus another number that is determined by the school district and that is not more than five.
  11. The manner in which subcontractors shall be selected, either:
    - a. A requirement that each person submit a proposed subcontractor selection plan and a requirement that the proposed subcontractor selection plan shall select subcontractors based on qualifications alone or on a combination of qualifications and price and shall not select subcontractors based on price alone; or
    - b. A subcontractor selection plan adopted by the school district that applies to the person that is selected to perform the construction services and that requires subcontractors to be selected based on qualifications alone or on a combination of qualifications and price and not based on price alone and a requirement that each person shall submit a description of the procedures it proposes to use to implement the school district's subcontractor selection plan.
  12. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.
  - C. A copy of the request for qualifications shall be made available for public inspection at the school district office.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1109. Receipt and Opening of Statements of Qualifications, Technical Proposals and Price Proposals for Design-build and Job-order-contracting**

- A. Statements of qualifications, technical proposals and price proposals shall be received and opened in accordance with R7-2-1045. Late statements of qualifications, proposals, modifications, or withdrawals shall be considered in accordance with R7-2-1044 and R7-2-1049.
- B. A school district may cancel a request for qualifications or a request for proposals, reject in whole or in part any or all statements of qualifications or proposals or determine not to enter into a contract as specified in the solicitation if it is advantageous to the school district. The school district shall make the reasons for cancellation, rejection or determination not to enter into a contract part of the procurement file.

**Historical Note**

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed; new Section made by final exempt rulemaking

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at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3);  
effective year corrected in Supp. 18-2.

**R7-2-1110. Committee Evaluation and Contract Award**

- A.** If interviews are specified in the request for qualifications:
1. The selection committee shall determine the persons to be interviewed by evaluating the statements of qualifications and performance data submitted based solely on the selection criteria and relative weights in the request for qualifications to be used to determine the persons to be interviewed.
  2. If the selection criteria and relative weights to be used by the selection committee to select the persons on the final list and to determine their order on the final list are not included in the request for qualifications:
    - a. Before the interviews are held the school district shall distribute to the persons to be interviewed the selection criteria and relative weights to be used to select the persons on the final list and to determine their order on the final list.
    - b. These selection criteria and relative weights may be different than the selection criteria and relative weight used to determine the persons to be interviewed.
  3. The selection committee shall conduct interviews with the number of persons specified in the request for qualifications.
- B.** Based solely on the selection criteria and relative weights for selection of the persons on the final list and their order on the final list, the selection committee shall select the persons for the final list and, in the case of a final list for a contract that will be negotiated under subsection (D), rank the persons in order of preference.
- C.** The school district shall make the following notifications regarding the final lists:
1. If the contract will be negotiated under subsection (D) before or at the same time as the school district notifies the highest ranking person on the final list that it is the highest ranking person, the school district shall send actual notice to each of the following that it is not the highest ranking person or that another person is the highest ranking person:
    - a. If interviews were held, the other persons interviewed.
    - b. If interviews were not held, the other persons that made submittals.
  2. If the contract will be awarded under R7-2-1111, before or at the same time as the school district notifies the persons on the final list that they are on the final list, the school district shall send actual notice to each of the following persons that they are not on the final list or that other persons are on the final list:
    - a. If interviews were held, the other persons interviewed.
    - b. If interviews were not held, the other persons that made submittals.
- D.** The school district shall conduct negotiations with persons on the final list as follows:
1. The negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this decision, the school district shall take into account the estimated value, the scope, the complexity and the nature of the construction services to be rendered.

2. If the procurement is for a single contract, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
3. If the procurement is for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, there is one final list and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on the final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.
4. If the school district terminates negotiations with a person and commences negotiations with another person on the final list, the school district shall not recommence negotiations or enter into a contract for the construction services covered by the final list with any person with whom the school district terminated negotiations.

**Historical Note**

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1111. Alternative Procedure for Design-build or Job-order-contracting Construction Services**

- A.** As an alternative to R7-2-1110(D), the school district may award a single contract for design-build construction services or a single or multiple contracts for similar job-order-contracting construction services pursuant to this Section.
- B.** The school district shall use the selection committee appointed for the request for qualifications pursuant to R7-2-1107.
- C.** The school district shall issue a request for proposals to the persons on the final list developed pursuant to R7-2-1110(A) through (C). The request for proposals shall be issued at least 14 days before the due date and time for receipt of proposals unless a shorter time is determined necessary by the school district.
- D.** The request for proposals shall include the following:
1. A statement that the procurement is for a single contract or, for similar job-order-contracting construction services only, for multiple contracts.
  2. If the procurement is for multiple contracts for similar job-order-contracting construction services, the notice shall specify that multiple contracts will be awarded,

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- shall specify the number of contracts that will be awarded, shall specify the number of offerors to whom contracts will be awarded which shall be the number of contracts in the procurement, and shall describe the job-order-contracting services to be performed under each contract.
3. Instructions and information to persons concerning the proposal submission requirements, including the due date and time for receipt of proposals, the address of the office at which proposals are to be received, the proposal acceptance period, and any other special information.
  4. The school district's project schedule and project final budget for design and construction or life cycle budget for a procurement that includes maintenance services or operations services.
  5. If a single contract will be awarded, a statement that the contract will be awarded to the person whose proposal receives the highest number of points under a scoring method. If multiple contracts for similar job-order-contracting services will be awarded, a statement that the multiple contracts will be awarded to a specified number of offerors whose proposals receive the highest number of points under a scoring method. The specified number of offerors will be the number of contracts included in the procurement.
  6. A description of the scoring method, including a list of the factors in the scoring method and the number of points allocated to each factor.
  7. For design-build construction services only, the design requirements, including the required features, functions, characteristics, qualities and properties, the anticipated schedule, including start, duration and completion, and the estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance. Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by an architect or engineer, as appropriate, and additional design information or documents specified by the school district, may also be included.
  8. A requirement that each offeror submit separately a technical proposal and a price proposal and that the offeror's entire proposal is responsive to the requirements in the request for proposals. For design-build construction services, the price in the price proposal shall be a fixed price or a guaranteed maximum price.
  9. A statement that in applying the scoring method, the selection committee will separately evaluate and score the technical proposal before opening, evaluating, and scoring the price proposal.
  10. If the school district desires to conduct discussions with offerors, a statement that discussions may be held and a requirement that each offeror submit a preliminary technical proposal before the discussions are held.
  11. Type of contract to be used.
  12. That offerors may designate as proprietary portions of the proposal.
  13. Notice that all information and proposals submitted by offerors, except as stated in subsection (D)(12), will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.
  14. The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
  15. The name of the district representative or district representatives.
  16. If the request for proposals incorporates documents by reference, the request for proposals shall specify where such documents may be obtained.
- E.** The factors in the scoring method described in the request for proposals may include:
1. For design-build construction services only, demonstrated compliance with the design requirements.
  2. Offeror qualifications.
  3. Offeror financial capacity.
  4. Compliance with the school district's project schedule.
  5. For design-build construction services only, if the request for proposals specifies that the school district will spend its project budget and not more than its project budget and is seeking the best proposal for the project budget, compliance of the offeror's price or life cycle price for procurements that include maintenance services, operations services or finance services with the school district's budget as prescribed in the request for proposals.
  6. For design-build construction services if the request for proposals does not contain the specifications prescribed in subsection (E)(5) and for job-order-contracting construction services, the price or life cycle price for procurements that include maintenance services, operations services or finance services.
  7. An offeror quality management plan.
  8. Other evaluation factors that demonstrate competence and qualifications for the type of construction services in the request for proposals as determined by the school district, if any.
- F.** If determined by the school district and included in the request for proposals, the selection committee shall conduct discussions with all offerors that submit preliminary technical proposals. Discussions shall be for the purpose of clarification to ensure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair treatment with respect to any opportunity for discussion and for clarification by the school district. Revision of preliminary technical proposals shall be permitted after submission of preliminary technical proposals and before award for the purpose of obtaining best and final proposals. In conducting any discussions, information derived from proposals submitted by competing offerors shall not be disclosed to other competing offerors.
- G.** After completion of any discussions pursuant to subsection (F) or if no discussions are held, each offeror shall submit separately its final technical proposal and its price proposal.
- H.** Before opening any price proposal, the selection committee shall open and evaluate the final technical proposals and score the final technical proposals using the scoring method in the request for proposals. No other factors or criteria may be used in evaluation and scoring.
- I.** After completion of the evaluation and scoring of all final technical proposals, the selection committee shall open, evaluate and score the price proposals, and complete scoring of the entire proposals using the scoring method in the request for proposals. No other factors or criteria may be used in evaluation and scoring.
- J.** The school district shall award the contract to the responsive and responsible offeror whose proposal receives the highest score under the method of scoring in the request for proposals. No other factors or criteria may be used in evaluation and award.

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- K. For procurements of multiple contracts for similar job-order-contracting construction services, the school district may award up to the number of contracts specified in the request for proposals.
  - L. Before or at the same time as the school district notifies the selected offeror of contract award, the school district shall notify all other offerors of the award.
  - M. For design-build construction services only, the school district shall award a stipulated fee equal to a percentage of the school district's project final budget for design and construction, as prescribed in the request for proposals, but not less than two-tenths of one percent of the project final budget for design and construction to each final list offeror who provides a responsive, but unsuccessful, proposal. If the school district does not award a contract, all responsive final list offerors shall receive the stipulated fee based on the school district's project final budget for design and construction as included in the request for proposals. The school district shall pay the stipulated fee to each offeror within 90 days after the award of the initial contract or the decision not to award a contract. In consideration for paying the stipulated fee, the school district may use any ideas or information contained in the proposals in connection with any contract awarded for the project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the offerors. Notwithstanding the other provisions of this subsection, an offeror may elect to waive the stipulated fee. If an offeror elects to waive the stipulated fee, the school district may not use ideas and information contained in the offeror's proposal, except that this restriction does not prevent the school district from using any idea or information if the idea or information is also included in a proposal of an offeror that accepts the stipulated fee.
  - N. The procurement file shall contain the basis on which the award is made, including at a minimum the information and documents required under R7-2-1115.
  - O. A copy of the request for proposals shall be made available for public inspection at the school district office.
- licensure for professions that are not licensed pursuant to A.R.S. Title 32, Chapter 10.
- B. In a procurement for construction-manager-at-risk construction services or design-build construction services, except for design-build contracts awarded pursuant to R7-2-1111, the school district shall enter into a written contract with the contractor for preconstruction services under which the school district shall pay the contractor a fee for preconstruction services in an amount agreed by the school district and the contractor, and the school district shall not request or obtain a fixed price or a guaranteed maximum price for the construction from the contractor or enter into a construction contract with the contractor until after the school district has entered into the written contract for preconstruction services and a preconstruction services fee.
  - C. Construction shall not commence under a construction services contract until the school district and contractor agree in writing on either a fixed price that the school district will pay or a guaranteed maximum price for the construction to be commenced. The construction to be commenced may be the entire project or may be one or more phased parts of the project.
  - D. For negotiated construction-manager-at-risk and design-build contracts, preconstruction services, general conditions, schedules, construction contingency, and construction fees shall be part of the contract. For design-build contracts awarded pursuant to a request for proposals, the fees shall be included in the vendor's proposal and shall become part of the awarded contract.
  - E. For job-order-contracting construction services only:
    1. The maximum dollar amount of an individual job order for job-order-contracting construction services shall be one million dollars or a higher or lower amount prescribed by the governing board in a policy adopted in a public meeting held pursuant to A.R.S. Title 38, Chapter 3, Article 3.1. Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies the requirements of this subsection.
    2. If the contractor subcontracts or intends to subcontract part or all of the work under a job order and if the job-order-contracting construction services contract includes descriptions of standard individual tasks, standard unit prices for standard individual tasks and pricing of job orders based on the number of units of standard individual tasks in the job order:
      - a. The contractor has a duty to deliver promptly to each subcontractor invited to bid a coefficient to the contractor to do all or part of the work under one or more job orders a copy of the descriptions of all standard individual tasks on which the subcontractor is invited to bid and a copy of the standard unit prices for the individual tasks on which the subcontractor is invited to bid.
      - b. If not previously delivered to the subcontractor, the contractor has a duty to promptly deliver to each subcontractor invited to or that has agreed to do any of the work included in any job order a copy of the description of each standard individual task that is included in the job order and that the subcontractor is invited to perform, the number of units of each standard individual task that is included in the job order and that the subcontractor is invited to perform, and the standard unit price for each standard

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1112. Contractor Licenses, Contract and Performance Requirements**

- A. Notwithstanding any other Section:
  1. The contractor for design-build or job-order-contracting construction services is not required to be registered to perform design services pursuant to A.R.S. Title 32, Chapter 1 if the person actually performing the design services on behalf of the contractor is appropriately registered.
  2. The contractor for construction-manager-at-risk, design-build or job-order-contracting construction services shall be licensed to perform construction pursuant to A.R.S. Title 32, Chapter 10.
  3. The school district shall obtain and maintain a record of proof in the procurement file that a construction or construction services provider that has been awarded a contract with the school district, or through a cooperative purchasing agreement, has a license in good standing to perform construction work pursuant to A.R.S. Title 32, Chapter 10. The license shall be active on the day the contract is awarded. This subsection does not require

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individual task that is included in the job order and that the subcontractor is invited to perform.

- F.** For all construction services contracts, the contractor performing the construction services is permitted to self-perform part of the construction work, if and to the extent agreed in writing by the school district and the contractor. The school district may use methods other than competitive bidding to assure itself that the price the school district pays to the contractor for self-performed work is fair and reasonable. Permitted methods to evaluate fairness and reasonableness of the price of self-performed work include evaluation of the contractor's proposed scope of work and price for self-performed work by an estimator who is hired and paid by the school district, who is independent of the contractor and who may be an employee of the school district. Although the school district may elect to so require, nothing in Articles 10 and 11 shall be construed or interpreted to require the school district to require a contractor desiring to self-perform part of the construction work to competitively bid that part of the construction work against other contractors in a bid competition.
- G.** For all construction services contracts, the following requirements apply to the construction work to be performed by subcontractors and do not apply to construction work that the school district and the contractor agree in writing will be self-performed by the contractor:
1. The person selected to perform the construction services shall select subcontractors based on qualifications alone or on a combination of qualifications and price and shall not select subcontractors based on price alone. A qualifications and price selection may be a single-step selection based on a combination of qualifications and price or a two-step selection. In a two-step selection, the first step shall be based on qualifications alone and the second step may be based on a combination of qualifications and price or on price alone.
  2. The school district shall include in each contract:
    - a. If the school district included its subcontractor selection plan in the request for qualifications, the school district's subcontractor selection plan and the procedures to implement the school district's subcontractor selection plan proposed by the awarded contractor in submitting its qualifications with those modifications to the procedures as the school district and the contractor agree.
    - b. If the school district did not include its subcontractor selection plan in the request for qualifications, the subcontractor selection plan proposed by the awarded contractor in submitting its qualifications with those modifications as the school district and the contractor agree.
  3. In making the selection of subcontractors, the contractor shall use the subcontractor selection plan and any procedures included in its contract.
- H.** The school district shall include in each contract for construction services the full street or physical address of each separate location at which the construction will be performed and a requirement that the contractor and each subcontractor at any level include in each of its subcontracts the same address information. The contractor and each subcontractor at any level shall include in each subcontract the full street or physical address of each separate location at which construction work will be performed.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 24 A.A.R. 3283, effective October 22, 2018 (Supp. 18-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1113. Prohibitions**

- A.** Notwithstanding any contrary provision of Articles 10 and 11, a school district shall not enter into a contract to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services.
- B.** The prohibitions prescribed in subsection (A) do not prohibit a school district from providing construction for itself as provided by law.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1114. Bid Security, Contract Performance and Payment Bonds, and Payment and Retention**

- A.** Bid security shall be provided pursuant to R7-2-1102.
- B.** Contract performance and payment bonds shall be provided pursuant to R7-2-1103.
- C.** Contract payment retention and substitute security shall be in accordance with R7-2-1104.
- D.** Progress payments shall be in accordance with R7-2-1105.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended effective March 21, 1991 (Supp. 91-1). Amended effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1115. Procurement File Contents and Review**

- A.** At a minimum, the school district shall retain the following for each procurement under R7-2-1106 through R7-2-1114:
1. For each request for qualifications procurement process:
    - a. If interviews were not held:
      - i. The submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract.
      - ii. The final list.
      - iii. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list and to determine their order on the final list.
      - iv. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score.
      - v. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
    - b. If interviews were held:

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- i. All submittals of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract.
  - ii. The final list.
  - iii. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list and to determine their order on the final list.
  - iv. A list that contains the name of each person that was interviewed and that shows the person's final overall rank or score.
  - v. Documents that show the final score or rank on each selection criteria of each person that was interviewed and that support the final overall rankings and scores of the persons that were interviewed. The school district shall retain the individual scoring sheets for individual selection committee members.
  - vi. A list of the selection criteria and relative weight of the selection criteria used to select the persons for the short list to be interviewed.
  - vii. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score in the selection of the persons to be on the short list to be interviewed.
  - viii. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
2. For each request for proposals procurement process under R7-2-1111:
- a. The entire proposal submitted by the person that received the highest score in the scoring method in the request for proposals and the entire proposal submitted by each person with whom the school district enters into a contract.
  - b. The description of the scoring method, the list of factors in the scoring method and the number of points allocated to each factor, all as included in the request for proposals.
  - c. A list that contains the name of each offeror that submitted a proposal and that shows the offeror's final overall score.
  - d. Documents that show the final score or rank on each factor in the scoring method in the request for proposals of each offeror that submitted a proposal and that support the final overall scores of the offerors that submitted proposals. The school district shall retain the individual scoring sheets for individual selection committee members.
- B. Information relating to each procurement under R7-2-1106 through R7-2-1114 shall be made available to the public as follows:
1. Until the school district awards a single contract or all of the multiple contracts or terminates the procurement, only the name of each person on the final list may be made available to the public. All other information received by the school district in response to the request for qualifications shall be confidential in order to avoid

disclosure of the contents that may be prejudicial to competing respondents during the selection process.

2. After the school district awards a single contract or all of the multiple contracts or terminates the procurement, the school district shall make the contents of the procurement file, except the proposals and statements of qualifications submitted in response to a solicitation and the documents described in subsections (A)(1)(a)(v), (A)(1)(b)(v), (A)(1)(b)(viii), and (A)(2)(d), available to the public.
  3. After the school district has entered into a single contract or all of the multiple contracts or has terminated the procurement, the school district shall make the proposals and statements of qualifications and the documents described in subsections (A)(1)(a)(v), (A)(1)(b)(v), (A)(1)(b)(viii), and (A)(2)(d) available to the public.
  4. To the extent that an offeror designates and the school district concurs, trade secrets and other proprietary data contained in a proposal or statement of qualifications shall remain confidential.
  5. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.
- C. The school district shall retain the records of a procurement under R7-2-1106 through R7-2-1114 in accordance with R7-2-1085.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

Amended effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1116. Repealed****Historical Note**

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**PART XV. PROCUREMENT OF SPECIFIED PROFESSIONAL SERVICES**

**R7-2-1117. Procurement of Specified Professional Services**

- A. Specified professional services, which is defined in R7-2-1001(120), as services of an architect, engineer, land surveyor, assayer, geologist and landscape architect, shall be procured as provided in R7-2-1117 through R7-2-1123, except as authorized in R7-2-1033, R7-2-1053, R7-2-1055, and R7-2-1122.
- B. Prior to public notice of the need for specified professional services, the school district shall determine that the services to be acquired are specified professional services.
- C. In the procurement of specified professional services:
  1. The school district shall specify whether the procurement is for a single contract or for multiple contracts. Multiple contracts may be awarded to separate persons or may be awarded to a single person as specified in the request for qualifications.

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2. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section and R7-2-1120 or R7-2-1121, including the selection of persons to be interviewed, the selection of persons to be on the final list, in determining the order of preference of persons on a final list or for any other purpose in the selection process except as provided in R7-2-1121.
  3. In determining the persons to participate in any interviews, in determining the persons to be on the final list, and in determining the order on the final list, the selection committee shall use and consider only the criteria and weighting of criteria in the request for qualifications. No other factors or criteria may be used in the evaluation, determinations and other actions.
  4. If the school district enters into the number of contracts specified in the request for qualifications, the procurement ends. After that time the school district may not use the procurement or any final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
  5. Notwithstanding any other provision specifying the number of persons to be interviewed, the number of persons to be on a final list, or any other numerical specification in this Section or R7-2-1121:
    - a. If a smaller number of persons respond to the request for qualifications or if one or more persons drop out of the procurement so that there is a smaller number of persons participating in the procurement, the school district, as the school district determines necessary and appropriate, may elect to proceed with the participating persons if there are at least two participating responsive and responsible persons. Alternatively, the school district may elect to terminate the procurement.
    - b. As to a request for qualifications to be negotiated pursuant to R7-2-1121(D), if only one responsive and responsible person responds to the request for qualifications, or if one or more persons drop out of the procurement so that only one responsive and responsible person remains in the procurement, the school district may elect to proceed with the procurement with only one person if the governing board determines in writing that the negotiated fee is fair and reasonable and that either other prospective persons had reasonable opportunity to respond or there is not adequate time for a resolicitation.
    - c. If a person on the final list withdraws or is removed from the procurement and the selection committee determines that it is advantageous to the school district, the selection committee may replace that person on the final list with another person that submitted qualifications in the procurement and that is selected as the next most qualified.
- D.** The request for qualifications shall:
1. Provide instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for receipt of statements of qualifications, the address of the office at which the statements of qualifications are to be received, and any other special information.
  2. State whether one contract or multiple contracts may or will be awarded.
    - a. If one contract will be awarded, state that one contract may or will be awarded, describe the services to be performed under the contract and state that one person may or will be awarded the contract.
    - b. If multiple contracts may or will be awarded, state the number of contracts that may or will be awarded, the services to be performed under each of the multiple contracts, and either that each contract will be awarded to a separate person or that all of the contracts will be awarded to the same person.
  3. State the number of persons to be included on the final list.
    - a. If a single contract will be awarded, state that there will be a single final list of at least three and not more than five persons.
    - b. If multiple contracts will be awarded to a single person, state that there will be a single final list of at least three and not more than five persons.
    - c. In a procurement for multiple contracts for similar specified professional services to be awarded to separate persons, state that there will be a single final list and the number of persons on the final list, which shall be the sum of the number of contracts that may or will be awarded plus another number that is determined by the school district and that is not more than five.
    - d. If multiple contracts for different specified professional services will be awarded to separate persons, state that there will be a separate final list for each type of specified professional services and that the number of persons on each final list will be equal to the number of contracts that may or will be awarded for each type of specified professional services plus a number determined by the school district not to exceed five.
  4. State the selection criteria and relative weight to be used. All selection criteria shall be factors that demonstrate competence and qualifications for the type of specified professional services included in the procurement.
    - a. If interviews will be held, state the selection criteria and relative weights to be used in selecting the persons to be interviewed. The request for qualifications may state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list. The final list selection criteria and relative weights may be different than the selection criteria and relative weights used to determine the persons to be interviewed. The request for qualifications also shall state whether the school district will select the persons on the final list and their order on the final list solely through the results of the interview process or through the combined results of both the interview process and the evaluation of statements of qualifications and performance data submitted in response to the request for qualifications.
    - b. If interviews will not be held, state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list.
  5. State whether interviews will be held.
    - a. If a single contract will be awarded, state that there will be interviews with at least three and not more than five persons.

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- b. If multiple contracts will be awarded to a single person, state that there will be interviews with at least three and not more than five persons.
  - c. In a procurement for multiple contracts for similar specified professional services to be awarded to separate persons, state that interviews will be held and that the interviews will be with a specified number of persons. The specified number shall be stated in the request for qualifications, shall be determined by the school district and shall be the sum of the number of contracts that may or will be awarded, plus another number that is determined by the school district and that is not more than five.
  - d. If multiple contracts for different specified professional services will be awarded to separate persons, state that interviews will be held and that the interviews will be with a specified number of persons. The specified number shall be stated in the request for qualifications, shall be determined by the school district, shall be at least three times the number of contracts that may or will be awarded and shall not be more than five times the number of contracts that may or will be awarded.
6. The name of the district representative or district representatives and the publicly available location of the school district's protest policy or procedure.
7. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.
- E. Statements of qualifications shall be received and opened in accordance with R7-2-1045. Late statements of qualifications, late modifications, or late withdrawals shall be considered in accordance with R7-2-1044 and R7-2-1049.
- F. A copy of the request for qualifications shall be made available for public inspection at the school district office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1118. Public Notice of Specified Professional Services**

- A. Notice of the need for specified professional services shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C). Such notice shall be issued not less than 14 days in advance of when responses shall be received.
- B. The notice shall:
  - 1. Contain a statement of the services required that adequately describes the procurement and specifies how a request for qualifications containing specific information on the procurement may be obtained.
  - 2. Specify whether the procurement is for a single contract or for multiple contracts; and
  - 3. If the procurement is for multiple contracts:
    - a. Specify that multiple contracts may or will be awarded;
    - b. Specify the number of contracts that may or will be awarded; and
    - c. Describe the specified professional services to be performed under each contract.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1119. Cancellation or Rejection of the Solicitation**

A school district may cancel a request for qualifications, reject in whole or in part any or all statements of qualifications or determine not to enter into a contract as specified in the solicitation if it is advantageous to the school district. The school district shall make the reasons for cancellation, rejection or determination not to enter into a contract part of the procurement file.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1120. Specified Professional Services Selection Committee**

- A. The school district shall initiate an appropriately qualified selection committee for each request for qualifications. The school district shall ensure that selection committee members are competent to serve on the selection committee.
- B. Each selection committee shall include at least one school district representative appointed by the school district.
- C. The school district shall determine the number and qualifications of the selection committee members. These members may be employees of the school district or non-school district appointees.
- D. Non-school district employees serving on a selection committee shall not receive compensation from the school district for performing this service, but the school district may elect to reimburse non-school district members for travel, lodging and other expenses incurred in connection with service on a selection committee.
- E. A person who is a member of a selection committee shall not be a contractor or subcontractor under a contract awarded under the procurement or provide any specified professional services or other services under the contract.
- F. For the procurement of multiple contracts for specified professional services, the same selection committee shall be used for all contracts in the procurement.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1121. Committee Evaluation and Selection**

- A. If interviews are specified in the request for qualifications:
  - 1. The selection committee shall determine the persons to be interviewed by evaluating the statements of qualifications and performance data submitted based solely on the selection criteria and relative weights in the request for qualifications to be used to determine the persons to be interviewed.
  - 2. If the selection criteria and relative weights to be used by the selection committee to select the persons on the final list or final lists and to determine their order on the final list or final lists are not included in the request for qualifications:
    - a. Before the interviews are held the school district shall distribute to the persons to be interviewed the



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selection criteria and relative weights to be used to select the persons on the final list and to determine their order on the final list.

- b. These selection criteria and relative weight may be different than the selection criteria and relative weight used to determine the persons to be interviewed.
3. The selection committee shall conduct interviews with the number of persons specified in the request for qualifications.
- B.** Based solely on the selection criteria and relative weights for selection of the persons on the final list or final lists and their order on the final list or final lists, the selection committee shall select the persons for the final list or final lists and rank the persons on the final list or final lists in order of preference. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, and if a person submitted qualifications for more than one type of specified professional services, the person may be on more than one final list.
- C.** Before or at the same time as the school district notifies the highest ranking person on the final list or final lists that it is the highest ranking person, the school district shall send actual notice to each of the following that it is not the highest ranking person or that another person is the highest ranking person:
  1. If interviews were held, the other persons interviewed.
  2. If interviews were not held, the other persons that made submittals.
- D.** The school district shall conduct negotiations with persons on the final list or final lists as follows:
  1. The school district shall negotiate a contract with the highest qualified person for the required specified professional services at compensation determined in writing to be fair and reasonable to the school district. Contract negotiations shall be directed toward:
    - a. Making certain that the person has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
    - b. Determining that the person will make available the necessary personnel and facilities to perform the services within the required time; and
    - c. Agreeing upon compensation that is fair and reasonable.
  2. The negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this decision, the school district shall take into account the estimated value, the scope, the complexity and the nature of the specified professional services to be rendered.
  3. If the procurement is for a single contract, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.

4. If the procurement is for multiple contracts for specified professional services to be awarded to a single person on the final list, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
5. If the procurement is for multiple contracts for similar specified professional services to be awarded to separate persons, there is one final list and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on the final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.
6. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, there is a separate final list for each type of specified professional services and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on each final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the applicable final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.
7. If the school district terminates negotiations with a person and commences negotiations with another person on the final list, the school district shall not recommence negotiations or enter into a contract for the specified professional services covered by the final list with any person with whom the school district terminated negotiations.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1122. Specified Professional Services Contracts Not**

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**Exceeding Certain Amounts**

- A. A school district may procure a single contract or multiple contracts for specified professional services under this Section if the contract is for specified professional services by an architect or architect firm and the contract amount is \$250,000 or less or if the contract is for specified professional services by a person other than an architect and the contract amount is \$500,000 or less. For such procurements, the school district shall encourage persons engaged in the lawful practice of the profession to submit annually a statement of qualifications and experience.
- B. For each procurement of specified professional services under this Section, the school district shall establish a selection committee pursuant to R7-2-1120.
- C. The selection committee shall evaluate current statements of qualifications and experience on file with the school district, together with those that may be submitted by other persons regarding the procurement.
- D. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section, including the selection of the persons to be interviewed, the selection of persons to be on a final list, in determining the order of preference of persons on a final list or for any other purpose in the selection process, except as provided in subsection (F).
- E. If possible and practicable, the selection committee shall conduct interviews regarding the procurement and the relative methods of furnishing the required specified professional services and, if possible, shall select, in order of preference and based on criteria established and published by the selection committee, one or more final lists of the persons deemed to be the most qualified to provide the specified professional services required. The selection committee shall base the selection of each final list and the order of preference on demonstrated competence and qualifications only.
  1. If the procurement is for a single contract or if the procurement is for multiple contracts to be awarded to a single person, there shall be one final list of three persons.
  2. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, there shall be a separate final list of three persons for each contract.
  3. In a procurement for multiple contracts for similar specified professional services to be awarded to separate persons, there shall be one final list and the number of persons on the final list shall be the number of contracts, plus another number that is determined by the school district and that is not more than five.
- F. The school district shall enter into negotiations with the highest qualified person on each final list or, in the case of a single final list for multiple contracts for the same specified professional services to be awarded to separate persons, the school district shall enter into negotiations with a number of the highest qualified persons on the final list equal to the number of contracts that may or will be awarded.
  1. Negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this determination, the school district shall take into account the estimated value, the scope, the complexity and the nature of the specified professional services to be rendered.

2. If the school district is unable to negotiate a satisfactory contract with a person with whom the school district is negotiating at a price and on other contract terms the school district determines to be fair and reasonable to the school district, the school district shall formally terminate negotiations with that person.
3. The school district may undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
4. If the school district terminates negotiations with a person on a final list and commences negotiations with another person on the final list, the school district shall not in that procurement recommence negotiations or enter into a contract or contracts with any person with whom the school district has terminated negotiations.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1123. Procurement File Contents and Review for Procurements Conducted under R7-2-1117 through R7-2-1121**

- A. At a minimum, the school district shall retain the following for each procurement under R7-2-1117 through R7-2-1121:
  1. If interviews were not held:
    - a. The submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract. If the procurement has multiple final lists, the school district shall retain the submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract, for each final list.
    - b. The final list or final lists.
    - c. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list or final lists and to determine their order on the final list or final lists.
    - d. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score.
    - e. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
  2. If interviews were held:
    - a. All submittals of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract. If the procurement has multiple final lists, the school district shall retain the submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract, for each final list.
    - b. The final list or final lists.
    - c. A list of the selection criteria and relative weight of selection criteria used to select the persons for the

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final list or final lists and to determine their order on the final list or final lists.

- d. A list that contains the name of each person that was interviewed and that shows the person's final overall rank or score.
- e. Documents that show the final score or rank on each selection criteria of each person that was interviewed and that support the final overall rankings and scores of the persons that were interviewed. The school district shall retain the individual scoring sheets for individual selection committee members.
- f. A list of the selection criteria and relative weight of the selection criteria used to select the persons for the short list or short lists to be interviewed.
- g. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score in the selection of the persons to be on the short list or short lists to be interviewed.
- h. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.

**B.** Information relating to each procurement under R7-2-1117 through R7-2-1121 shall be made available to the public as follows:

- 1. Until the school district awards a single contract or all of the multiple contracts or terminates the procurement, only the name of each person on the final list may be made available to the public. All other information received by the school district in response to the request for qualifications shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing respondents during the selection process.
- 2. After the school district awards a single contract or all of the multiple contracts or terminates the procurement, the school district shall make the contents of the procurement file, except the statements of qualifications and the documents described in subsections (A)(1)(e), (A)(2)(e), and (A)(2)(h), available to the public.
- 3. After the school district has entered into a single contract or all of the multiple contracts or has terminated the procurement, the school district shall make the statements of qualifications and the documents described in subsections (A)(1)(e), (A)(2)(e), and (A)(2)(h) available to the public.
- 4. To the extent that a person designates and the school district concurs, trade secrets and other proprietary data contained in a statement of qualifications shall remain confidential.
- 5. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

**C.** The school district shall retain the records of a procurement under R7-2-1117 through R7-2-1121 in accordance with R7-2-1085.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1124. Reserved**

**PART XVI. COST PRINCIPLES**

**R7-2-1125. Cost Principles**

The cost principles adopted by the director of the Department of Administration pursuant to A.R.S. § 41-2591 shall be used to determine the allowability of incurred costs for the purpose of reimbursing costs under contract provisions that provide for the reimbursement of costs.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1126. Reserved**

**R7-2-1127. Reserved**

**R7-2-1128. Reserved**

**R7-2-1129. Reserved**

**R7-2-1130. Reserved**

**PART XVII. MATERIALS MANAGEMENT**

**R7-2-1131. Material Management and Disposition**

- A.** The school district shall ascertain or verify that materials, services, or construction items procured by the school district conform to specifications as set forth in the solicitation.
- B.** The school district shall determine the fair market value of excess and surplus material.
- C.** Disposition of surplus materials.
  - 1. Except as provided in A.R.S. § 15-342(7) related to sales or leases to the state, a county, a city, another school district, or a tribal government agency, and A.R.S. § 15-342(18) related to the disposition of surplus or outdated learning materials, educational equipment and furnishings, surplus materials, regardless of value, shall be offered through competitive sealed bids, public auction, on-line sales, established markets, trade in, posted prices or state surplus property. If unusual circumstances render the above methods impractical, the school district may employ other disposition methods, including appraisal or barter, provided the school district makes a written determination that such procedure is advantageous to the school district. Only United States Postal Money Orders, certified checks, cashiers' checks or cash shall be accepted for sales of surplus material unless otherwise approved by the school district.
  - 2. Competitive sealed bidding.
    - a. Notice for sale bids shall be publicly available from the school district at least 10 days before the due date set for bids. Notice of the sale bids shall be provided to prospective bidders, including those bidders on lists maintained by the school district pursuant to R7-2-1023. The notice for sale bids shall list the materials offered for sale, their location, availability for inspection, the terms and conditions of sale and instructions to bidders including the bid due date and

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time. Bids shall be opened publicly pursuant to the requirements of R7-2-1029.

- b. The award shall be made in accordance with the provisions of the notice for sale bids to the highest responsive and responsible bidder, provided that the price offered by such bidder is acceptable to the school district. If the school district determines that the bid is not advantageous to the school district, the school district may reject the bids in whole or in part and may resolicit bids or the school district may negotiate the sale, provided that the negotiated sale price is higher than the highest responsive and responsible bidder's price.
3. Auctions shall be advertised in the official newspaper of the county as prescribed in A.R.S. § 11-255 or a newspaper of general circulation, in accordance with A.R.S. § 41-2533. The publication shall not be less than 14 days before the auction date. All the terms and conditions of any sale shall be available to the public at least 24 hours prior to the auction date. The school district or any agent acting on the school district's behalf may also advertise the auction in any other manner determined advantageous to the school district.
4. Internet-based on-line sales shall not be subject to the advertisement requirements in subsection (C)(3). For such disposal services, the school district shall post and maintain a notice explaining the use of Internet-based on-line sales on a designated site on the Internet. The notice shall include:
  - a. The name of the on-line sales provider and the designated site on the Internet where potential buyers may obtain information or participate in the on-line auctions;
  - b. A link to the Internet-based on-line sales service;
  - c. A link to the terms and conditions of sale;
  - d. Instructions for bidding on the Internet-based on-line sales site; and
  - e. A period of not less than 14 days for each Internet-based on-line sale during which persons may submit offers to purchase the specified materials.
5. Before surplus materials are disposed of by trade-in to a vendor for credit on an acquisition, the school district shall approve such disposal. The school district shall base this determination on whether the trade-in value is expected to exceed the value realized through the sale or other disposition of such materials.
6. An employee of the school district or a governing board member, or an employee of a school district's agent conducting an auction on behalf of the school district, shall not directly or indirectly purchase or agree with another person to purchase surplus property if said employee or board member is, or has been, directly or indirectly involved in the purchase, disposal, maintenance, or preparation for sale of the surplus material.
7. State surplus property manager. The school district may enter into an agreement with the State Surplus Property Manager for the disposition of materials pursuant to Article 8 of the Arizona Procurement Code (A.R.S. § 41-2601 et seq.) and the rules adopted thereunder.
8. Pursuant to A.R.S. § 15-342(35), a school district may offer to sell outdated learning materials, educational equipment or furnishings at a posted price commensurate with the value of the items to pupils who are currently

enrolled in that school district before those materials are offered for public sale.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

Amended effective October 22, 1992 (Supp. 92-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1132. State and Federal Surplus Materials Program**

- A. The governing board may acquire surplus materials from the state and the United States government.
- B. The governing board may enter into an agreement with the State Surplus Property Manager for the purpose of acquiring surplus materials from the United States government pursuant to A.R.S. § 41-2603 and the rules adopted thereunder.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended effective March 21, 1991 (Supp. 91-1).

**R7-2-1133. Authority for Transfer of Material**

Notwithstanding any law to the contrary, the governing board may secure the transfer of surplus materials and obligate its monies to the extent necessary to comply with the laws and conditions of such transfers.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1134. Reserved****R7-2-1135. Reserved****R7-2-1136. Reserved****R7-2-1137. Reserved****R7-2-1138. Reserved****R7-2-1139. Reserved****R7-2-1140. Reserved****PART XVIII. BID PROTESTS****R7-2-1141. Resolution of Bid Protests**

- A. Informal resolution of bid protests. Nothing in Articles 10 and 11 are intended to eliminate the informal resolution of problems by school district personnel.
- B. Formal resolution of bid protests. The governing board pursuant to R7-2-1007 shall designate a district representative, as defined in R7-2-1001, to resolve bid protests. All solicitations issued by the school district shall include the name of the district representative and shall indicate that any bid protest shall be filed with the district representative. Appeal from the decision of the district representative may be made to the hearing officer pursuant to R7-2-1147 and R7-2-1181.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt

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rulemaking at 27 A.A.R. 2342 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1142. Filing of a Protest**

- A. Any interested party may protest a solicitation issued by the school district, a determination that a proposal is unacceptable, or the proposed award or the award of a school district contract. Protests shall be filed with the district representative.
- B. Content of protest. The protest shall be in writing and shall include the following information:
  1. The name, address and telephone number of the interested party;
  2. The signature of the interested party or the interested party's representative;
  3. Identification of the solicitation or contract number;
  4. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
  5. The form of relief requested.
- C. The interested party shall supply any other information requested by the district representative within 10 days of the request.
- D. The interested party may file a written request with the district representative for an extension of the time limit for providing additional information set forth in subsection (C). The written request shall be filed before the expiration of the time limit set forth in subsection (C) and shall set forth good cause as to the specific reason that the interested party is unable to provide the additional information with the 10 days. The district representative shall approve or deny the request in writing, state the reasons for the determination, and if an extension is granted, set forth a new date for submission of the filing.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1143. Time for Filing Protests**

- A. Protests based upon alleged improprieties in a solicitation that are apparent before the due date and time for responses to the solicitation, shall be filed before the due date and time for responses to the solicitation.
- B. In cases other than those covered in subsection (A), the interested party shall file the protest within 10 days after the school district makes the procurement file available for public inspection.
- C. The interested party may file a written request with the district representative for an extension of the time limit for protest filing set forth in subsection (B). The written request shall be filed before the expiration of the time limit set forth in subsection (B) and shall set forth good cause as to the specific action or inaction of the school district that resulted in the interested party being unable to file the protest within the 10 days. The district representative shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for submission of the filing.
- D. If the interested party shows good cause and it is advantageous to the school district, the district representative may consider any protest that is not filed timely.
- E. The district representative shall immediately give notice of the protest to the successful contractor if award has been made or, if no award has been made, to all interested parties.

- F. At any time the district representative or hearing officer may refer the protest to the governing board for resolution in accordance with R7-2-1152.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1144. Stay of Procurements During the Protest**

The district representative may stay all or part of the procurement or contract if it is determined that there is a reasonable probability the protest will be upheld or that a stay is advantageous to the school district. The district representative shall notify the successful contractor if award has been made or, if no award has been made, all interested parties of the stay in writing no later than the time of issuance of the district representative's decision in accordance with R7-2-1145.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1145. Decision by the District Representative**

- A. The district representative shall have the authority granted to the district representative by the governing board to settle and resolve a protest.
- B. The district representative shall issue a written decision within 14 days after a protest has been filed, or after additional information requested by the district representative has been submitted, pursuant to R7-2-1142. The decision shall include:
  1. A statement of the decision of the district representative with supporting rationale; and
  2. A paragraph substantially as follows: "This is the decision of the district representative of the \_\_\_\_\_ School District. The decision may be appealed to a hearing officer. If you appeal, you must file a written notice of appeal with the district representative within 30 days from the date of the decision."
- C. The district representative shall furnish a copy of the decision to the interested party by any method that provides evidence of receipt.
- D. On agreement of all interested parties, the time limit for decisions set forth in subsection (B) may be extended by the district representative for good cause for a reasonable time not to exceed an additional 30 days. The district representative shall notify the interested party in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.
- E. If the district representative fails to issue a decision within the time limits set forth in subsections (B) or (D), the interested party may proceed as if the district representative had issued an adverse decision.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt

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rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1146. Remedies**

- A. If the district representative sustains the protest in whole or part and determines that a solicitation, a determination that a proposal is unacceptable, proposed contract award, or contract award does not comply with Articles 10 and 11, the school district shall implement an appropriate remedy.
- B. In determining an appropriate remedy, the district representative shall consider all the circumstances surrounding the procurement or proposed procurement including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, costs to the school district, the urgency of the procurement, the impact of the relief on the mission of the school district, and other relevant issues.
- C. An appropriate remedy may include one or more of the following:
  1. Decline to exercise an option to renew under the contract;
  2. Terminate the contract;
  3. Amend the solicitation;
  4. Issue a new solicitation;
  5. Award a contract consistent with procurement statutes and regulations; or
  6. Such other relief as is determined necessary to ensure compliance with Articles 10 and 11.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1147. Appeals to a Hearing Officer**

- A. An appeal to a hearing officer from a decision entered or deemed to be entered by the district representative shall be filed with the district representative within 30 days from the date of decision.
- B. Content of appeal. The appeal shall contain:
  1. The information set forth in R7-2-1142(B); and
  2. The precise factual or legal error in the decision of the district representative from which an appeal is taken.
- C. All costs associated with conducting a hearing, including the costs of the hearing officer, shall be paid by the school district. If the hearing officer decides in favor of the school district, the other party shall reimburse the school district for the costs of the hearing within 30 days of receipt of a copy of the hearing officer's invoice.
- D. The Executive Director of the State Board of Education ("Executive Director") shall prepare and maintain a list of individuals who meet the qualifications specified in R7-2-1185 to serve as hearing officers.
- E. A hearing officer may be selected by mutual agreement of both parties. If the parties are unable to mutually agree on a hearing officer, three hearing officers shall be selected randomly by the Executive Director and shall be screened to determine availability and possible bias. Once the Executive Director has selected three hearing officers who are available and show no evidence of bias, the three names shall be provided to both parties. Both parties have the opportunity to strike one name from the list provided, but shall do so within 14 calendar days from the date on which the Executive Director provided the list to the parties. If after the time period for striking a hearing officer has passed and more than one person

remains on the list, the Executive Director shall select one of the remaining individuals on the list as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. If after the time period for striking a hearing officer has passed and there is only one person remaining on the list, the remaining individual shall be named as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. Objections for cause shall require specific evidence that the individual does not meet the criteria specified in R7-2-1185. The Executive Director shall review the evidence submitted and determine the qualifications of the individual. If the Executive Director determines that the individual is not qualified to serve as the hearing officer, the Executive Director shall repeat the process and select three additional hearing officers to be provided to the parties.

- F. Issuance of a school district purchase order shall constitute the official selection date of the hearing officer.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1148. Notice of Appeal**

The district representative shall within three working days give notice of the filing of the appeal to the governing board and the successful contractor if award has been made.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1149. Stay of Procurement During Appeal**

If an appeal is filed and the procurement or contract was stayed by the district representative pursuant to R7-2-1144, the filing of an appeal shall automatically continue the stay unless the hearing officer makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the school district. If no such determination is made, the stay shall automatically end upon written decision of the hearing officer pursuant to R7-2-1151 or R7-2-1181.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1150. District Representative's Response**

- A. The district representative shall file a complete response to the appeal within 21 days from the date the appeal is filed or within five days after the hearing officer has been selected, whichever is later. At the same time, the district representative shall furnish a copy of the response to the appellant and to any interested party.
- B. The district representative may submit a written request to the hearing officer for an extension of the period for submission of response, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state

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the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing a response. The hearing officer shall notify the district representative and the interested party of any extension.

- C. The interested party shall file comments on the district representative's response with the hearing officer within 10 days after receipt of the response. The interested party shall provide copies of the comments to the district representative and other interested parties.
- D. The interested party may submit a written request to the hearing officer for an extension of the period for submission of comments, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing comments. The hearing officer shall notify the district representative and the interested party of any extension.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1151. Dismissal Before Hearing**

- A. The hearing officer shall dismiss, upon a written determination, an appeal before scheduling a hearing if:
  - 1. The appeal does not state a valid basis for protest;
  - 2. The appeal is untimely pursuant to R7-2-1147(A); or
  - 3. The appeal attempts to raise issues not raised in the protest.
- B. The hearing officer shall notify the interested party and the district representative in writing of a determination to dismiss an appeal before hearing.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1152. Hearing**

Hearings on appeals of bid protest decisions shall be conducted pursuant to R7-2-1181 and A.R.S. § 41-1092.07 as contested cases.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1153. Remedies**

If the hearing officer sustains the appeal in whole or part and determines that a solicitation, a determination that a proposal is unacceptable, proposed award, or award does not comply with Articles 10 and 11, remedies shall be implemented pursuant to R7-2-1146.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1154. Reserved****PART XIX. CONTRACT CLAIMS AND CONTROVERSIES****R7-2-1155. Resolution of Contract Claims and Controversies**

- A. The district representative shall have the authority granted to the district representative by the governing board to settle and resolve contract claims and controversies including claims relating to assignees of the contractor.
- B. The district representative shall receive prior written approval of the governing board for the settlement or resolution of a claim exceeding the dollar amount specified in A.R.S. § 41-2535.
- C. Appeals from decisions of the district representative may be made to the hearing officer pursuant to R7-2-1158.
- D. A claimant shall file a contract claim with the district representative within 180 days after the claim arises. The claim shall include the following:
  - 1. The name, address, and telephone number of the claimant;
  - 2. The signature of the claimant or claimant's representative;
  - 3. Identification of the solicitation or contract number;
  - 4. A detailed statement of the legal and factual grounds of the claim including copies of the relevant documents; and
  - 5. The form and dollar amount of the relief requested.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1156. District Representative's Decision**

- A. If a controversy cannot be resolved by mutual agreement, the district representative shall issue a written decision within no more than 60 days from receipt of the contractor's written request for a decision. Before issuing a written decision, the district representative shall review the facts pertinent to the claim and secure any necessary assistance from legal, fiscal, and other advisors.
- B. Decision of the district representative. The district representative shall furnish a copy of the decision to the contractor by any method that provides evidence of receipt. The decision shall include:
  - 1. A description of the claim;
  - 2. A reference to the pertinent contract provision;
  - 3. A statement of the factual areas of agreement or disagreement;
  - 4. A statement of the district representative's decision, with supporting rationale; and
  - 5. A paragraph substantially as follows:  
 "This is the decision of the district representative of the \_\_\_\_\_ School District. This decision may be appealed to a hearing officer. If you appeal, you must file a written notice of appeal with the district representative within 30 days from the date of decision."

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in

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Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1157. Issuance of a Timely Decision**

- A. On agreement of all interested parties, the time limit for decisions set forth in R7-2-1156(A) may be extended for good cause for a reasonable time not to exceed 14 days. The district representative shall notify the contractor in writing that the time for the issuance of a decision has been extended and the date by which a decision shall be issued.
- B. If the district representative fails to issue a decision within 60 days after the request is filed or within the time prescribed under subsection (A), the contractor may proceed as if the district representative had issued an adverse decision.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1158. Appeals to a Hearing Officer**

- A. An appeal from a decision entered or deemed to be entered by the district representative on a contract claim or controversy shall be filed with the district representative within 30 days from the date of decision.
- B. The appeal shall contain the basis for the precise factual or legal error in the decision of the district representative from which an appeal is taken.
- C. The district representative shall file a complete response to the appeal within 21 days from the date the appeal is filed or within five days after the hearing officer has been selected, whichever is later. At the same time, the district representative shall furnish a copy of the response to the appellant and to any interested party.
- D. The district representative may submit a written request to the hearing officer for an extension of the period for submission of response, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing a response. The hearing officer shall notify the district representative and the interested party of any extension.
- E. The interested party shall file comments on the district representative's response with the hearing officer within 10 days after receipt of the response. The interested party shall provide copies of the comments to the district representative and other interested parties.
- F. The interested party may submit a written request to the hearing officer for an extension of the period for submission of comments, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing comments. The hearing officer shall notify the district representative and the interested party of any extension.
- G. All costs associated with conducting a hearing, including the costs of the hearing officer, shall be paid by the school district. If the hearing officer decides in favor of the school district, the other party shall reimburse the school district for the costs of the hearing within 30 days of receipt of a copy of the hearing officer's invoice.

- H. The Executive Director of the State Board of Education ("Executive Director") shall prepare and maintain a list of individuals who meet the qualifications specified in R7-2-1185 to serve as hearing officers.
- I. A hearing officer may be selected by mutual agreement of both parties. If the parties are unable to mutually agree on a hearing officer, three hearing officers shall be selected randomly by the Executive Director and shall be screened to determine availability and possible bias. Once the Executive Director has selected three hearing officers who are available and show no evidence of bias, the three names shall be provided to both parties. Both parties have the opportunity to strike one name from the list provided, but shall do so within 14 calendar days from the date on which the Executive Director provided the list to the parties. If after the time period for striking a hearing officer has passed and more than one person remains on the list, the Executive Director shall select one of the remaining individuals on the list as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. If after the time period for striking a hearing officer has passed and there is only one person remaining on the list, the remaining individual shall be named as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. Objections for cause shall require specific evidence that the individual does not meet the criteria specified in R7-2-1185. The Executive Director shall review the evidence submitted and determine the qualifications of the individual. If the Executive Director determines that the individual is not qualified to serve as the hearing officer, the Executive Director shall repeat the process and select three additional hearing officers to be provided to the parties.
- J. Issuance of a school district purchase order shall constitute the official selection date of the hearing officer.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1159. Hearing**

Hearings on appeals of contract claim and controversy decisions shall be conducted pursuant to R7-2-1181 and A.R.S. § 41-1092.07 as contested cases.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1160. Reserved****PART XX. DEBARMENT AND SUSPENSION****R7-2-1161. Authority to Debar or Suspend**

- A. Except as provided in A.R.S. § 41-1279.21(B), the governing board has the sole authority to debar or suspend a person from participating in school district procurements.
- B. The causes for debarment or suspension include the following:
  - 1. Conviction of any person or any subsidiary or affiliate of any person for commission of a criminal offense arising out of obtaining or attempting to obtain a public or pri-



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vate contract or subcontract, or in the performance of such contract or subcontract.

2. Conviction of any person or any subsidiary or affiliate of any person under any statute of the federal government, this state or any other state for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a school district contractor.
3. Conviction or civil judgment finding a violation by any person or any subsidiary or affiliate of any person under state or federal antitrust statutes.
4. Violations of contract provisions of a character which are deemed to be so serious as to justify debarment action, such as either of the following:
  - a. Knowingly fails without good cause to perform in accordance with the specification or within the time limit provided in the contract.
  - b. Failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, except that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
5. Any other cause deemed to affect responsibility as a school district contractor, including suspension or debarment of such person or any subsidiary or affiliate of such person by another governmental entity for any cause.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1162. Initiation of Debarment**

Upon receipt of information concerning a possible cause for debarment, the school district shall investigate the possible cause. If the school district has a reasonable basis to believe that a cause for debarment exists, the school district may propose debarment under R7-2-1164.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1163. Period of Debarment**

- A. The period of time for a debarment shall not exceed three years from the date of the debarment determination.
- B. If debarment is based solely upon debarment by another governmental agency including another school district, the period of debarment may run concurrently with the period established by that other debarring agency.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1164. Notice**

- A. If the school district proposes debarment, the school district shall notify the person and affected affiliates in writing within seven days of the proposed debarment by any means evidencing receipt, which notice shall indicate that a hearing shall be scheduled, if requested, in accordance with R7-2-1181 as contested cases.
- B. The notice of debarment shall state:
  1. The basis for debarment;

2. The period, including dates, of the debarment;
3. That bids or proposals shall not be solicited or accepted from the person and, if received, will not be considered; and
4. That the person is entitled to a hearing on the suspension if the person files a written request for a hearing with a designated district representative within 10 days after receipt of the notice.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1165. Notice to Affiliates**

- A. If the school district proposes to debar an affiliate, the affiliate shall have a right to appear in any hearing on the proposed debarment to show mitigating circumstances.
- B. The affiliate shall in writing advise the school district within 10 days of receipt of the notice under R7-2-1164 of its intention to appear under subsection (A). Failure to provide written notice of appearance within the 10-day period shall be a waiver of the right to appear in the hearing.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1166. Imputed Knowledge**

- A. Improper conduct may be imputed to an affiliate for purposes of debarment where the impropriety occurred in connection with the affiliate's duties for or on behalf of, or with the knowledge, approval, or acquiescence of, the contractor.
- B. The improper conduct of a person or its affiliate having a contract with a contractor may be imputed to the contractor for purposes of debarment where the impropriety occurred in connection with the person's duties for or on behalf of, or with the actual or constructive knowledge, approval, or acquiescence of, the contractor.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1167. Reinstatement**

- A. The governing board may at any time reinstate a debarred person or rescind the debarment upon a determination that the cause upon which the debarment is based no longer exists or upon a determination that such reinstatement or rescission is advantageous to the school district. The governing board's determination shall include any limitations on the debarred person's ability to contract with the school district.
- B. Any debarred person may request reinstatement by submitting a petition to the school district supported by documentary evidence showing that the cause for debarment no longer exists or has been substantially mitigated.
- C. The school district may require a hearing on the request for reinstatement.
- D. The school district shall make a written decision on reinstatement within 30 days after the request is filed and specify the factors on which it is based.

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**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1168. Suspension**

- A. If adequate grounds for debarment exist, the governing board may suspend a person from participating in any procurement or receiving any award in accordance with the procedures in R7-2-1170.
- B. The governing board shall not suspend a person pending debarment unless compelling reasons require suspension to protect school district interests.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1169. Period and Scope of Suspension**

- A. Unless otherwise agreed to by the parties, the period of suspension shall not exceed 35 days without satisfying the notice requirements of R7-2-1170. If the notice requirements are satisfied the period of suspension shall not exceed six months.
- B. For purpose of suspension, a person's conduct may be imputed to an affiliate or another person in accordance with R7-2-1166.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1170. Notice and Hearing**

- A. The school district shall notify the person suspended by any means evidencing receipt.
- B. The notice of suspension shall state:
  1. The basis for suspension;
  2. The period, including dates, of the suspension;
  3. That bids or proposals shall not be solicited or accepted from the person and, if received, will not be considered; and
  4. That the person is entitled to a hearing on the suspension if the person files a written request for a hearing, including the basis for the request, with a designated district representative within 10 days after receipt of the notice.
- C. A hearing requested under this Section shall be conducted pursuant to R7-2-1181.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1171. List of Debarments, Suspensions and Voluntary Exclusions**

The school district shall maintain a list of debarment, suspensions, and voluntary exclusions. It is recommended that the school district provide notice of any debarments, suspensions and voluntary exclusions to the state purchasing office.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1172. Reserved****R7-2-1173. Reserved****R7-2-1174. Reserved****R7-2-1175. Reserved****R7-2-1176. Reserved****R7-2-1177. Reserved****R7-2-1178. Reserved****R7-2-1179. Reserved****R7-2-1180. Reserved**

## PART XXI. HEARING PROCEDURES

**R7-2-1181. Hearing Procedures**

- A. If a hearing is required or permitted under Articles 10 and 11, this Section shall apply. Hearing officers shall be selected pursuant to R7-2-1147(D) and (E) or R7-2-1158(E) and (F).
- B. The Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) shall apply where the Act is not inconsistent with Articles 10 and 11.
- C. The hearing officer shall arrange for a hearing to be held within 30 days of receiving required responses and comments from both parties and notify the parties in writing of the time and place of the hearing.
- D. The hearing officer may:
  1. Hold pre-hearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;
  2. Require parties to state their positions concerning the various issues in the proceeding;
  3. Require parties to produce for examination those relevant witnesses and documents under their control;
  4. Rule on motions and other procedural items on matters pending before such officer;
  5. Regulate the course of the hearing and conduct of participants;
  6. Establish time limits for submission of motions or memoranda;
  7. Impose appropriate sanctions against any person failing to obey an order under these procedures, which may include:
    - a. Refusing to allow the person to assert or oppose designated claims or defenses, or prohibiting that person from introducing designated matters in evidence;
    - b. Excluding all testimony of an unresponsive or evasive witness; and
    - c. Expelling person from further participation in the hearing;
  8. Take official notice of any material fact not appearing in evidence in the record, if the fact is among the traditional matters of judicial notice; and
  9. Administer oaths or affirmations.
- E. A transcribed record of the hearing shall be made available at cost to any requesting party.
- F. Decision by the hearing officer. A decision by the hearing officer shall be sent within 30 days after the conclusion of the hearing to all parties by any means evidencing receipt. A decision shall contain:
  1. A statement of facts;
  2. A statement of the decision with supporting rationale; and

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3. A statement that the parties may file a motion for rehearing within 15 days from the date a copy of this decision is served upon the party.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2. Amended by final exempt rulemaking at 26 A.A.R. 597, effective July 1, 2020 (Supp. 20-1).

**R7-2-1182. Rehearing of Decisions**

- A.** Procedure; grounds. A decision of the hearing officer may be vacated and new hearing granted on motion of the aggrieved party for any of the following causes materially affecting the party's rights:
  1. Irregularity in the proceedings of the hearing officer or prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  2. Misconduct of the prevailing party.
  3. Accident or surprise not preventable by ordinary prudence.
  4. Material evidence, newly discovered, which despite reasonable diligence was not discovered and produced at the hearing.
  5. Excessive or insufficient damages or penalties.
  6. Error of law occurring at the hearing or during the progress of the proceeding.
  7. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- B.** Scope. A rehearing may be granted to all or any of the parties and on all or part of the issues in the proceeding for any of the reasons for which rehearings are authorized by law or rule of court. On a motion for a rehearing, the hearing officer may open the decision, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new decision.
- C.** Contents of motion; amendment; rulings reviewable.
  1. The motion for rehearing shall be in writing, shall specify generally the grounds upon which the motion is based, and may be amended at any time before it is ruled upon by the hearing officer.
  2. Upon the general ground that the hearing officer erred in admitting or rejecting evidence, the hearing officer shall review all rulings during the hearing upon objections to evidence.
  3. Upon the general ground that the findings of fact or decision are not justified by the evidence, the hearing officer shall review the sufficiency of the evidence.
- D.** Time for motion for rehearing. A motion for rehearing shall be filed not later than 15 days after service of the decision upon the party.
- E.** Time for serving affidavits. When a motion for rehearing is based upon affidavits they shall be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the hearing officer for good cause shown or by the parties by written stipulation. The hearing officer may permit reply affidavits.
- F.** On initiative of hearing officer. Not later than 15 days after the date of the decision, the hearing officer may order a rehearing for any reason for which it might have granted a rehearing on

motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the hearing officer may grant a motion for a rehearing, timely served, for a reason not stated in the motion. In either case, the hearing officer shall specify in the order the grounds therefor.

- G.** Questions to be considered in rehearing. A rehearing, if granted, shall be only a rehearing of the question or questions with respect to which the decision is found erroneous, if separable. If a rehearing is ordered because the damages or penalties are excessive or inadequate and granted solely for that reason, the decision shall be set aside only in respect of the damages or penalties, and shall stand in all other respects.
- H.** Motion on ground of excessive or inadequate damages. When a motion for rehearing is made upon the ground that the damages or penalties awarded are either excessive or insufficient, the hearing officer may grant the rehearing conditionally upon the filing within a fixed period of time, not to exceed 15 days, of a statement by the party adversely affected by reduction or increase of damages or penalties accepting that amount of damages or penalties which the hearing officer shall designate. If such a statement is filed with the prescribed time, the motion for rehearing shall be regarded as denied as of the date of such filing. If no statement is filed, the motion for rehearing shall be regarded as granted as of the date of the expiration of the time period within which a statement may have been filed. No further written order shall be required to make an order granting or denying the rehearing final. If the conditional order of the hearing officer requires a reduction of or increase in damages or penalties, then the rehearing will be granted in respect of the damages or penalties only and the decision shall stand in all other respects.
- I.** Number of motions for rehearing. Not more than two motions for rehearing shall be granted to any party in the same action.
- J.** Specifications of grounds of rehearing in order. An order granting a motion for rehearing shall specify with particularity the ground or grounds on which the rehearing is granted.
- K.** Final decision.
  1. If a motion for rehearing is denied, the final decision denying the motion for rehearing shall be sent within five days after the denial to all parties by any means evidencing receipt. A final decision shall contain a paragraph substantially as follows: "This is the final decision of the hearing officer in the matter of \_\_\_\_\_."
  2. If the motion for rehearing was granted, after the rehearing is completed, a final decision shall be made and shall be sent within five days after the conclusion of the rehearing to all parties as required in subsection (K)(1). A final decision shall contain:
    - a. A statement of facts;
    - b. A statement of the decision with supporting rationale; and
    - c. A paragraph substantially as stated in subsection (K)(1).

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).  
Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1183. Judicial Review**

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Any final decision made as a result of a hearing held pursuant to Articles 10 and 11 are subject to judicial review in accordance with A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1184. Exclusive Remedy**

Articles 10 and 11 (R7-2-1001 et seq.) provide the exclusive procedure for asserting a cause against the school district and its governing board arising in relation to any procurement conducted under Articles 10 and 11.

**Historical Note**

Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1185. Qualifications for Hearing Officers**

- A. A "hearing officer" means a person assigned to preside at a hearing held pursuant to Articles 10 and 11 and whose duty it is to assure that proper procedures are followed and that the rights of the parties are protected.
- B. A hearing officer shall be:
  - 1. Unbiased - not prejudiced for or against any party in the hearing;
  - 2. Disinterested - not having any personal or professional interest which would conflict with his/her objectivity in the hearing; and
  - 3. Independent - may not be an officer, employee or agent of the contractor or governing board, or of any other public agency involved in the dispute to be settled. A person who otherwise qualifies to conduct a hearing is not an employee of the contractor or governing board solely because he or she is paid by the parties to serve as a hearing officer.
- C. A hearing officer shall have:
  - 1. A minimum of three years of verified experience in the practice of law; or
  - 2. A minimum of three years of verified experience in school procurement or school facilities management and a minimum of one year of verified experience in conducting hearings. Completion of a course or program in conducting a hearing or arbitration may substitute for the one year of verified experience in conducting hearings.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1186. Reserved****R7-2-1187. Reserved****R7-2-1188. Reserved****R7-2-1189. Reserved****R7-2-1190. Reserved****PART XXII. INTERGOVERNMENTAL PROCUREMENTS****R7-2-1191. Cooperative Purchasing Authorized**

- A. A school district may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any materials, services, specified professional services, construction, or construction services with one or more eligible procurement units in accordance with an agreement entered into between the participants. An agreement entered into as provided in R7-2-1191 through R7-2-1195 is exempt from A.R.S. § 11-952(D) and (E). Parties under a cooperative purchasing agreement may:
  - 1. Sponsor, conduct, or administer a cooperative purchasing agreement for the procurement or disposal of any materials, services or construction.
  - 2. Cooperatively use materials or services.
  - 3. Commonly use or share warehousing facilities, capital equipment and other facilities.
  - 4. Provide personnel, except that the requesting public procurement unit shall pay the public procurement unit providing the personnel the direct and indirect cost of providing the personnel, in accordance with the agreement.
  - 5. On request, make available to other public procurement units informational, technical or other services or software that may assist in improving the efficiency or economy of procurement. The public procurement unit furnishing the informational, technical, or other services or software has the right to request reimbursement for the reasonable and necessary costs of providing such services or software.
- B. The activities described in subsections (A)(1) through (A)(5) do not limit what parties may do under a cooperative purchasing agreement.
- C. A nonprofit corporation shall comply with Articles 10 and 11 in any cooperative purchasing agreement the nonprofit corporation administers in which a school district participates.
- D. Whether administering or purchasing from the agreement, this Section does not abrogate the responsibility of each school district to perform due diligence in order to ensure compliance with Articles 10 and 11 notwithstanding the fact that the cooperative purchase is administered by another eligible procurement unit.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1192. Contract Provisions in a Cooperative Purchasing Agreement**

Any contract entered pursuant to R7-2-1191 shall provide that:

- 1. Payment for materials and services and inspection and acceptance of materials or services ordered by an eligible procurement unit under a cooperative purchasing agreement shall be the exclusive obligation of such procurement unit;
- 2. The exercise of any rights or remedies by a using eligible procurement unit shall be the exclusive obligation of such procurement unit. The administering public procurement unit, as the contract administrator and without subjecting itself to any liability, may join in the resolution of any controversy;
- 3. Any school district may terminate without notice any cooperative purchasing agreement if another eligible procurement unit fails to comply with the terms of the contract;

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4. Failure of an eligible procurement unit to secure performance from the contractor in accordance with the terms and conditions of its purchase order does not necessarily require any other eligible procurement unit to exercise its own rights or remedies; and
5. An eligible procurement unit shall not use a cooperative purchasing contract as a method for obtaining concessions or reduced prices for non-contract purchases of similar materials or services.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1193. Use of Payments Received by a Supplying Public Procurement Unit**

All payments received by a public procurement unit supplying personnel or services shall be available to the supplying public procurement unit to defray the cost of the cooperative program.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4).

**R7-2-1194. Public Procurement Units in Compliance with Article Requirements**

- A. If the eligible procurement unit administering a cooperative purchase complies with the requirements of Articles 10 and 11, any public procurement unit participating in such a purchase is deemed to have complied with Articles 10 and 11. Public procurement units may not enter into a cooperative purchasing agreement for the purpose of circumventing Articles 10 and 11.
- B. A participating public procurement unit using a contract awarded by another eligible procurement unit shall only purchase awarded materials, services, specified professional services, construction, or construction services in compliance with the terms, conditions and prices in the contract.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1195. Contract Controversies**

- A. Under a cooperative purchasing agreement in which a school district is a party, controversies arising between an administering public procurement unit and its bidders, offerors or contractors shall be resolved in accordance with Articles 10 and 11.
- B. Any local public procurement unit which is not subject to R7-2-1181 through R7-2-1185 may enter into an agreement with a school district to establish procedures or use such school district's existing procedures to resolve controversies with contractors, whether or not such controversy arose from a cooperative purchasing agreement.

**Historical Note**

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1196. General Services Administration Contracts**

- A. The governing board may authorize purchases under a current General Services Administration contract for materials or ser-

vices without complying with the requirements of Articles 10 and 11 if the governing board determines in writing before proceeding with a General Services Administration contract procurement that all of the following apply:

1. The price for materials or services is equal to or less than the contractor's current federal supply contract price with the General Services Administration and is fair and reasonable.
  2. The contractor has indicated in writing that the contractor is willing to extend the current federal supply contract pricing, terms and conditions to the school district.
  3. The purchase order adequately identifies the federal supply contract on which the order is based, including the name of the contractor, contract number and procurement description.
  4. The purchase contract is cost effective based on price, quality and other relevant factors, and is advantageous to the school district.
- B. The school district shall only purchase materials or services awarded under the applicable General Services Administration contract.
  - C. The governing board shall comply with all federal requirements applicable to state and local government use of General Services Administration contracts.

**Historical Note**

Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2014 (Supp. 15-3); effective year corrected in Supp. 18-2.

**R7-2-1197. Reserved**

**R7-2-1198. Reserved**

**R7-2-1199. Reserved**

**R7-2-1200. Reserved**

**ARTICLE 12. REPEALED**

**R7-2-1201. Repealed**

**Historical Note**

Adopted effective April 27, 1989 (Supp. 89-2). Repealed effective February 20, 1997 (Supp. 97-1).

**ARTICLE 13. CONDUCT****R7-2-1301. Definitions**

In this Article, unless the context otherwise specifies:

1. "Alleging party" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or other agency who completes a statement alleging immoral or unprofessional conduct against a certificated individual.
2. "Applicant" means a noncertificated person who has been disciplined by the Board and who has submitted an application requesting reinstatement of the person's legal right to work in a public school, or a person who has submitted an application to the Department requesting an evaluation of the requirements set forth in R7-2-601 et seq., requesting issuance of a certificate pursuant to R7-2-601 et seq., requesting renewal of a certificate issued pursuant to R7-2-601 et seq. or requesting changes of coding to existing files or certificates pursuant to R7-2-601 et seq.
3. "Board" means the State Board of Education.

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4. "Certificated individual" means an individual who holds or has held an Arizona certificate issued pursuant to R7-2-601 et seq.
5. "Complaint" means the filing of a charge by the Board against a certificated individual alleging immoral or unprofessional conduct.
6. "Department" means the Arizona Department of Education.
7. "Hearing" means an adjudicative proceeding held pursuant to A.R.S. Title 41, Chapter 6 and R7-2-701 et seq.
8. "Noncertificated individual" means a noncertificated person defined in A.R.S. § 15-505, as determined by the Board.
9. "PPAC" means the Professional Practices Advisory Committee established pursuant to R7-2-205.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1302. Statement of Allegations**

- A. Any person may file, with the Board, a statement of allegations against a certificated or noncertificated individual on forms provided by the Board.
- B. A statement of allegations shall state the facts under which a party is alleging immoral or unprofessional conduct and shall be signed and notarized.
- C. The facts in a statement of allegations shall clearly state the details of the alleged immoral or unprofessional conduct.
- D. A statement of allegations shall contain the names, addresses and telephone numbers of individuals who can be contacted to provide information regarding the allegations contained in the statement. The list of individuals shall also include a brief summary of the substance and extent of each individual's knowledge regarding the allegations contained in the statement.
- E. The alleging party may attach written or other evidence to a statement of allegations at the time that the statement is filed with the Board.
- F. A statement of allegations may be returned to the alleging party if the statement is not complete or not legible.
- G. The Board shall conduct an investigation of all statements of allegations filed pursuant to this Article.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1303. Complaint**

- A. Upon completion of an investigation resulting from a statement of allegations, the Board may file a complaint against a certificated or noncertificated individual, may issue or deny certification to an applicant, or may reinstate a noncertificated individual's legal right to work in a public school and matters related to immoral or unprofessional conduct, unfitness to

teach, and the discipline of noncertificated individuals pursuant to A.R.S. § 15-505.

- B. The Board may, at its own discretion, investigate any matter and file a complaint against a certificated or noncertificated individual upon receiving any information, from any source, indicating immoral or unprofessional conduct has occurred.
- C. A hearing shall be held on a complaint before the PPAC.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-1303 renumbered to R7-2-1304; new Section R7-2-1303 renumbered from R7-2-1304 and amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1304. Notification; Investigation**

The certificated or noncertificated individual shall have 20 days from service by U.S. mail and email of the notice of investigation to file a written response with the Board.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-1304 renumbered to R7-2-1303; new Section R7-2-1304 renumbered from R7-2-1303 and amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1305. Investigation**

- A. Applicants shall certify on forms that are provided by the Department whether the applicant:
  1. Has ever received any disciplinary action, including revocation, suspension or reprimand, involving any professional certification or license;
  2. Is currently under investigation or has ever been the subject of any investigation by the Department of Child Safety or a similar department in this state or another jurisdiction;
  3. Has ever been convicted of a felony offense;
  4. Has ever been arrested, cited and released, or received a criminal summons for any offense, regardless if eventually convicted of a crime or if a conviction was set aside or expunged; or
  5. Has ever been arrested, cited and released, or received a criminal summons for any offense involving a child, regardless if eventually convicted of a crime or if a conviction was set aside or expunged.
- B. Upon receipt of notification that an applicant, certificated, or noncertificated individual has engaged in unprofessional or immoral conduct pursuant to R7-2-1308, conduct that would warrant disciplinary action if the person had been certified at the time that the alleged conduct occurred, or conduct listed in subsections (A)(1) through (5), the Board shall initiate an investigation.
- C. Applicants, certificated, and noncertificated individuals who are alleged to have engaged in unprofessional or immoral conduct pursuant to R7-2-1308, conduct that would warrant disciplinary action if the person had been certified at the time that

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the alleged conduct occurred, or conduct listed in subsections (A)(1) through (5) shall provide the Board with copies of court records and law enforcement reports pertaining to the offense.

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1306. Repealed****Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Repealed by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1).

**R7-2-1307. Criminal Offenses**

**A.** The Board shall revoke, not issue, or not renew the certification of a person who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit any of the following criminal offenses in this state or similar offenses in another jurisdiction:

1. Sexual abuse of a minor;
2. Incest;
3. First-degree murder;
4. Second-degree murder;
5. Manslaughter;
6. Sexual assault;
7. Sexual exploitation of a minor;
8. Commercial sexual exploitation of a minor;
9. A dangerous crime against children as defined in A.R.S. § 13-705;
10. Armed robbery;
11. Aggravated assault;
12. Sexual conduct with a minor;
13. Molestation of a child;
14. Exploitation of minors involving drug offenses;
15. Sexual abuse of a vulnerable adult;
16. Sexual exploitation of a vulnerable adult;
17. Commercial sexual exploitation of a vulnerable adult;
18. Child sex trafficking as prescribed in A.R.S. § 13-3212;
19. Child abuse;
20. Abuse of a vulnerable adult;
21. Molestation of a vulnerable adult;
22. Taking a child for the purpose of prostitution as prescribed in A.R.S. § 13-3206;
23. Neglect or abuse of a vulnerable adult;
24. Sex trafficking;
25. Sexual abuse;
26. Production, publication, sale, possession and presentation of obscene items as prescribed in A.R.S. § 13-3502;
27. Furnishing harmful items to minors as prescribed in A.R.S. § 13-3506;
28. Furnishing harmful items to minors by internet activity as prescribed in A.R.S. § 13-3506.01;
29. Obscene or indecent telephone communications to minors for commercial purposes as prescribed in A.R.S. § 13-3512;
30. Luring a minor for sexual exploitation;
31. Enticement of persons for purposes of prostitution;

32. Procurement by false pretenses of person for purposes of prostitution;
33. Procuring or placing persons in a house of prostitution;
34. Receiving earnings of a prostitute;
35. Causing one's spouse to become a prostitute;
36. Detention of persons in a house of prostitution for debt;
37. Keeping or residing in a house of prostitution or employment in prostitution;
38. Pandering;
39. Transporting persons for the purpose of prostitution, polygamy and concubinage;
40. Portraying adult as a minor as prescribed in A.R.S. § 13-3555;
41. Admitting minors to public displays of sexual conduct as prescribed in A.R.S. § 13-3558;
42. Unlawful sale or purchase of children;
43. Child bigamy; or
44. Trafficking of persons for forced labor or services.

**B.** Upon notification by the clerk of the court, magistrate or court of competent jurisdiction, the Board shall immediately and permanently revoke the certificate of a person who has been convicted of any of the following offenses:

1. A dangerous crime against children as defined in A.R.S. § 13-705;
2. Sexual abuse as prescribed in A.R.S. § 13-1404 in which the victim was a minor;
3. Sexual assault as prescribed in A.R.S. § 13-1406 in which the victim was a minor;
4. Sexual conduct with a minor as prescribed A.R.S. § 13-1405;
5. A preparatory offense as prescribed in A.R.S. § 13-1001 of any of the offenses listed in subsections (B)(1), (2), (3), or (4);
6. Any crime that requires the person to register as a sex offender; or
7. An act committed in another state or territory that if committed in this state would have been one of the offenses listed in subsections (B)(1), (2), (3), or (4).

**C.** If the Board takes disciplinary action against a noncertificated individual, does not issue, does not renew, or revokes a certificate due to a person's conviction or admission of an offense listed in subsections (A)(1) through (44), but which is not an offense listed in subsections (B)(1) through (7), the notice of non-issuance, non-renewal or revocation shall inform the person of that person's right to request a hearing within 20 days of service of the notice.

**D.** The Board shall prohibit from employment at a public school a noncertificated individual who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit any of the criminal offenses in this state or similar offenses in another jurisdiction listed in subsections (A)(1) through (44).

**E.** Upon notification by the clerk of the court, magistrate or court of competent jurisdiction, the Board shall immediately and permanently prohibit a noncertificated individual from employment at a public school if the individual has been convicted of any offense listed in subsections (B)(1) through (7).

**Historical Note**

Adopted effective December 4, 1998 (Supp. 98-4).  
Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 25 A.A.R. 967, effective March 27, 2019 (Supp. 19-1).

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The phrase “paragraphs one, two, three or four” was changed to “subsections (B)(1), (2), (3) or (4)” to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1308. Unprofessional and Immoral Conduct**

- A.** Noncertificated individuals and individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall:
1. Make reasonable efforts to protect pupils from conditions harmful to learning, health, or safety;
  2. Account for all funds collected from pupils, parents, or school personnel;
  3. Adhere to provisions of the Uniform System of Financial Records related to use of school property, resources, or equipment; and
  4. Abide by copyright restrictions, security, or administration procedures for a test or assessment.
- B.** Noncertificated individuals and individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall not:
1. Discriminate against or harass any pupil or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age;
  2. Deliberately suppress or distort information or facts relevant to a pupil’s academic progress;
  3. Misrepresent or falsify pupil, classroom, school, or district-level data from the administration of a test or assessment;
  4. Engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or disparaging a pupil;
  5. Use professional position or relationships with pupils, parents, or colleagues for improper personal gain or advantage;
  6. Falsify or misrepresent documents, records, or facts related to professional qualifications or educational history or character;
  7. Assist in the professional certification or employment of a person the certificate holder knows to be unqualified to hold a position;
  8. Accept gratuities or gifts that influence judgment in the exercise of professional duties;
  9. Possess, consume, or be under the influence of alcohol on school premises or at school-sponsored activities;
  10. Illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs, as each is defined in A.R.S. § 13-3401;
  11. Make any sexual advance towards a pupil or child, either verbal, written, or physical;
  12. Engage in sexual activity, a romantic relationship, or dating of a pupil or child;
  13. Submit fraudulent requests for reimbursement of expenses or for pay;
  14. Use school equipment to access pornographic, obscene, or illegal materials; or
  15. Engage in conduct which would discredit the teaching profession.
- C.** Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may be disciplined by, the Board.

- D.** Procedures for making allegations, complaints, and investigation of unprofessional or immoral conduct shall be as set forth in this Article.
- E.** Application forms and certificates shall include the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law.
- F.** Individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq shall certify:
1. That they have read and understood the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law; and
  2. Whether they have been disciplined or are under investigation in another state for engaging in conduct that is immoral or unprofessional.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1544, effective June 28, 2003 (Supp. 03-2). Amended by final exempt rulemaking at 23 A.A.R. 725, effective January 23, 2017 (Supp. 17-1). Amended by final exempt rulemaking at 27 A.A.R. 2353 (October 22, 2021), effective September 27, 2021 (Supp. 21-4).

**R7-2-1309. Summary Suspension**

- A.** If a certificate holder is arrested, cited and released, or received a criminal summons for an offense listed in R7-2-1307 and if the Board finds the public health, safety or welfare imperatively requires emergency action, the Board may proceed under A.R.S. § 41-1064(C) ordering a summary suspension of a certificate while other proceedings are pending. The Board shall provide notice to the certificate holder of the meeting pursuant to R7-2-703 and R7-2-704.
- B.** Summary suspensions issued by the Board shall remain in effect pending a public hearing and final decision by the Board pursuant to Article 7.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 66, effective December 13, 2019 (Supp. 19-4).

**R7-2-1400. Reserved****ARTICLE 14. CHARTER SCHOOLS****R7-2-1401. Definitions**

For the purpose of this Article the following definitions shall apply:

1. “Applicant” means a person, public body, or private organization that has applied to the State Board of Education to establish a charter school under the provisions of A.R.S. § 15-181 et seq.
2. “Background check” means a report received related to an applicant and the identified governing board members regarding the status of each person’s credit and credit history, and any criminal activity identified by the law enforcement agency processing the applicant and governing board member’s fingerprints.
3. “Committee” means the Charter School Committee established pursuant to this Article.
4. “Charter School” means a school chartered pursuant to A.R.S. § 15-181 et seq. and sponsored by the Board of Education.
5. “Contract” means a document outlining the terms and conditions of an agreement between the parties.



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6. "Governing board" means the governing body responsible for the policy and operational decisions of the charter school formed pursuant to A.R.S. § 15-183 et seq.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1402. Charter School Committee**

- A. The Board of Education shall establish a Charter School Committee that shall have the responsibility of reviewing applications and preparing a recommendation for the Board of Education's consideration.
- B. The Board of Education shall appoint the members of the committee. The committee shall consist of seven members as follows:
1. An individual knowledgeable in building construction or renovation;
  2. An individual knowledgeable in finance and accounting and in generally accepted accounting practices;
  3. An individual representing a city in this state who is knowledgeable about zoning and operating permit requirements;
  4. An individual knowledgeable about elementary and high school curricula and the development and evaluation of curricula;
  5. An individual knowledgeable about assessments and the administration of assessments;
  6. An individual representing the Board of Education;
  7. A current operator of a charter school sponsored by the Board of Education.
- C. Terms of each member of the committee shall be for three years. Members may be appointed for subsequent terms upon approval by the Board of Education.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1403. Application**

- A. Interested parties or individuals may submit an application for approval by the Board of Education pursuant to A.R.S. § 15-181 et seq. Applications shall be on forms approved by the Board of Education.
- B. Applications shall be evaluated by the committee. The committee shall prepare a recommendation for the Board of Education's consideration. The recommendation shall be based upon a review of all aspects of the application, including, for example, completeness of the application, the viability of the school including the financial viability, the projected funding sources, the number and population to be served, including school-aged students who are deemed to be unserved or underserved.
1. The committee may request additional information as needed to assist in evaluating the application and preparing a recommendation for the Board of Education's consideration.
  2. Recommendations of the committee to the Board of Education may include approval of the application, denial of the application, or deferral of the application pending further information or clarification.
  3. Applicants shall be notified in writing at least 10 days prior to the Board of Education meeting of the date, time, and place of the meeting at which the Board of Education shall consider the charter school committee's recommendation related to the application.

4. Action by the Board of Education may include approval of the application, denial of the application, or deferral of the application pending further information or clarification. The Board of Education shall state the reasons for denial or deferral of the application.
  5. Applicants shall be notified in writing of the decision of the Board of Education. Written notification that the Board of Education has denied an application shall include reasons for denial. Written notification shall be provided to applicants within 15 days following a decision of the Board of Education.
- C. An approved application does not constitute an approved contract, and approval of an application shall not be construed to imply that a contract will be issued.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1404. Contract**

- A. A contract shall be on forms approved by the Board of Education.
- B. At least once per year, the Board of Education shall consider issuance of a contract to approved applicants.
- C. Upon review and recommendation from the committee, the Board of Education may approve the issuance of a contract, approve the issuance of a contract pending receipt of specific information or completion of requirements, defer the issuance of a contract, or deny the issuance of a contract. The Board of Education shall state the reasons for denial or deferral of issuance of a contract.
- D. Applicants shall be notified in writing at least 10 days prior to the Board of Education meeting of the date, time, and place of the meeting at which the Board of Education shall consider the charter school committee's recommendation related to issuance of a charter.
- E. Applicants shall be notified in writing of the decision of the Board of Education. Written notification that the Board of Education has denied issuance of a contract shall include reasons for denial. Written notification shall be provided to applicants within 15 days following a decision of the Board of Education.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1405. Execution of a Contract**

- A. Contracts shall be signed by the applicant, or a person with signatory authority for the applicant, within six months from the date of approval of issuance of the contract by the Board of Education, unless an extension of time is granted by the Board of Education. If issuance of a contract was approved by the Board of Education pending receipt of additional information, the contract shall be signed by the applicant or a person with signatory authority for the applicant within six months of receipt of the additional information by the Board of Education.
- B. Contracts which have not been signed pursuant to this Section shall require reapplication and approval during a subsequent application cycle.
- C. The following items shall be submitted to the Board of Education prior to signing of a contract:
1. Background check, including fingerprint clearance for all authorized signatories and all governing board members approved;

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2. Certificate of Occupancy or a written exemption from the local municipality or county that the certificate is not required for operation of a public school. A set of architectural plans approved by the local planning and zoning office may be submitted in lieu of a certificate of occupancy for the purposes of this subsection for construction of new buildings or renovation of existing buildings. A certificate of occupancy will be required to be submitted prior to opening of the school.
3. A lease agreement or proof of building availability;
4. Executed statement of assurances;
5. Written verification that the facility meets the requirements established by the state and local fire marshal;
6. Written verification from an insurance company authorized to do business in the state of Arizona that arrangements have been finalized to provide the required amount of insurance;
7. Proof of local County Health Department approval.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). The word “rule” has been changed to “Section” to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1406. Amendments to a Contract**

- A. Any changes to the contract shall be submitted on forms approved the Board of Education.
- B. All amendments to the contract shall be accompanied by a signed governing board resolution or an official copy of the minutes of a governing board meeting that the amendment was approved by the governing board.
- C. No amendment shall be effective or implemented prior to being approved by the governing board, submitted to and approved by the Board of Education.
- D. Amendments requesting a change in the membership of the governing board shall, in addition to the requirements specified in subsection (B), include a completed fingerprint application and a signed affidavit authorizing a background check.
- E. If an extension of time was granted pursuant to R7-2-1405(A), amendments to update the application shall be submitted at the time the contract is executed.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**R7-2-1407. Revocation of a Contract**

- A. The Board of Education may issue a Notice of Intent to Revoke a Contract and Notice of Hearing to any contract holder who is alleged to be in violation of the contract and the governing board.
- B. Within 10 days of receipt of a Notice of Intent to Revoke a Contract and Notice of Hearing, the governing board shall:
  1. Notify the parents or guardians of the students enrolled in the charter school that a Notice of Intent to Revoke a Contract and Notice of Hearing has been received;
  2. Hold a public meeting to inform the public and discuss the specific charges outlined in the Notice of Intent to Revoke a Contract;
  3. Provide the Board of Education with copies of all correspondence and communications used to comply with subsection (B)(1) and minutes of the meeting as evidence of compliance with subsection (B)(2);
  4. Provide the Board of Education with the names and mailing addresses of parents or guardians of all students

enrolled in the charter school at the time the Notice of Intent to Revoke a Contract and Notice of Hearing was received.

- C. Hearings held pursuant to a Notice of Intent to Revoke a Contract and Notice of Hearing shall be held in accordance with Sections R7-2-701 through R7-2-709.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). The word “above” was removed from subsection (3) to reflect current standards in Chapter style and format (Supp. 21-2).

**R7-2-1408. Renewal of Contract**

When considering renewal of a contract, the following, as a minimum, shall be provided to the Board of Education:

1. Assessment results, including scores of the norm-referenced achievement test, the scores of the Arizona’s Instrument to Measure Standards (AIMS), and scores of any school assessment programs;
2. Results of any audits conducted, including independent audits, Uniform System of Financial Records or Uniform System of Financial Records for Charter Schools compliance audits, or any audits conducted by the Auditor General’s Office;
3. Enrollment reports that include enrollment figures, funding sources, budget updates, and financial reporting of expenditures;
4. All complaints received;
5. Copies of Board of Education minutes where consideration and action was taken on all issues related to the charter school;
6. Any other reports, information, or materials pertinent to the charter school.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

**ARTICLE 15. EMPOWERMENT SCHOLARSHIP ACCOUNTS****R7-2-1501. Definitions**

In this Article, unless the context otherwise specifies:

1. “Administratively complete” means an ESA application that contains all components required by statute or this Article.
2. “Board” means the State Board of Education.
3. “Curriculum” means a course of study for content areas or grade levels, including any supplemental materials required or recommended by the curriculum, approved by the Department.
4. “Department” means the Arizona Department of Education.
5. “Eligible postsecondary institution” means a community college as defined in A.R.S. § 15-1401, a university under the jurisdiction of the Arizona Board of Regents, or an accredited private postsecondary institution.
6. “Empowerment scholarship account” or “ESA” means an account administered by the Department and funded by the state to provide options for the education of qualified students pursuant to A.R.S. § 15-2401 et seq.
7. “Hearing Officer” means a non-partial representative with either at least three years of verified experience in the practice of law or at least one year of verified experience in conducting hearings, who oversees hearings pursuant to this Article.

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8. "Informal Settlement Conference" means a meeting between the Department and the Parent in an attempt to settle the appeal prior to an appeal hearing. The Board and the Hearing Officer do not attend.
9. "Misuse of funds" means the use of ESA funds on goods or services not permitted by A.R.S. § 15-2402, this Article or the Department pursuant to R7-2-1507.
10. "Parent" means a resident of this state who is the parent, stepparent, legal guardian, or account holder of a qualified student.
11. "Program" means the Empowerment Scholarship Account Program.
12. "Qualified school" means a nongovernmental primary or secondary school or a preschool for pupils with disabilities that is located in this state or, for qualified students who reside within the boundaries of an Indian reservation in this state, and that is located in an adjacent state and that is within two miles of the border of the state in which the qualified student resides, and that does not discriminate on the basis of race, color or national origin.
13. "Qualified student" means a resident of this state who:
  - a. Is any of the following:
    - i. Identified as having a disability under section 504 of the rehabilitation act of 1973 (29 U.S.C. 794);
    - ii. Identified by a school district or by an independent third party pursuant to A.R.S. § 15-2403(J) as a child with a disability as defined in A.R.S. § 15-731 or § 15-761;
    - iii. A child with a disability who is eligible to receive services from a school district under A.R.S. § 15-763;
    - iv. Attending a school or school district that was assigned a letter grade of D or F pursuant to A.R.S. § 15-241 for the most recent year in which letter grades were assigned or is currently eligible to attend kindergarten and who resides within the attendance boundary of a school that was assigned a letter grade of D or F pursuant to A.R.S. § 15-241 for the most recent year in which letter grades were assigned. A child who meets the requirements of this item and who meets the income eligibility requirements for free and reduced-price lunches under the National School Lunch and Child Nutrition Acts (42 U.S.C. 1751 through 1793) is not subject to R7-2-1501(12)(b);
    - v. A previous recipient of a scholarship issued pursuant to A.R.S. § 15-891 or this Section, unless the qualified student's parent has been removed from eligibility in the Program for failure to comply pursuant to A.R.S. § 15-2403(C);
    - vi. A child of a parent who is a member of the armed forces of the United States and who is on active duty or was killed in the line of duty. A child who meets the requirements of this subsection is not subject to R7-2-1501(12)(b);
    - vii. A child who is a ward of the juvenile court and who is residing with a prospective permanent placement pursuant to A.R.S. § 8-862 and the case plan is adoption or permanent guardianship;
    - viii. A child who was a ward of the juvenile court and who achieved permanency through adoption or permanent guardianship;
    - ix. A child who is the sibling of a current or previous ESA recipient or of an eligible qualified student who accepts the terms of and enrolls in an ESA;
    - x. A child who resides within the boundaries of an Indian reservation in this state as determined by the Department or a tribal government; or
    - xi. A child of a parent who is legally blind or deaf or hard of hearing as defined in A.R.S. § 36-1941.
  - b. And, except as provided in R7-2-1501(12)(a)(iv) and R7-2-1501(12)(a)(vi), who meets any of the following requirements:
    - i. Attended a governmental primary or secondary school as a full-time student as defined in A.R.S. § 15-901 for at least 45 days of the current or prior fiscal year and who transferred from a governmental primary or secondary school under a contract to participate in an ESA. Kindergarten students who are enrolled in Arizona online instruction must receive 100 hours of logged instruction to be eligible pursuant to this subsection. First, second and third grade students who are enrolled in Arizona online instruction must receive 200 hours of logged instruction to be eligible pursuant to this subsection. Fourth, fifth and sixth grade students who are enrolled in Arizona online instruction must receive 250 hours of logged instruction to be eligible pursuant to this subsection. Seventh and eighth grade students who are enrolled in Arizona online instruction must receive 275 hours of logged instruction to be eligible pursuant to this subsection. High school students who are enrolled in Arizona online instruction must receive 250 hours of logged instruction to be eligible pursuant to this subsection. For the purposes of this subsection, students may accumulate days of enrollment and hours of instruction in the current or prior fiscal year, or a combination thereof;
    - ii. Previously participated in an ESA;
    - iii. Received a scholarship under A.R.S. § 43-1505 and who continues to attend a qualified school if the student attended a governmental primary or secondary school as a full-time student as defined in A.R.S. § 15-901 for at least 90 days of the prior fiscal year or one full semester before attending a qualified school;
    - iv. Was eligible for an Arizona scholarship for pupils with disabilities and received monies from a school tuition organization pursuant to A.R.S. § 43-1505 or received an Arizona scholarship for pupils with disabilities but did not receive monies from a school tuition organization pursuant to A.R.S. § 43-1505 and who continues to attend a qualified school if the student attended a governmental primary or secondary school as a full-time student as defined in A.R.S. § 15-901 for at least 90 days of the

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- prior fiscal year or one full semester prior to attending a qualified school;
- v. Attended a nonpublic school for pupils with disabilities in the prior year if placement at the school was approved by the Department and contracted for by a public school district;
  - vi. Has not previously attended a governmental primary or secondary school but is currently eligible to enroll in a kindergarten program in a school district or charter school in this state or attended a program for preschool children with disabilities. For the purposes of this item, a child is eligible to enroll in a kindergarten program if the child is at least five years of age on January 1 of the current school year, is under seven years of age, and has not already completed a kindergarten program and is not enrolled in grade one of a private or governmental school in the current year; or
  - vii. Has not previously attended a governmental primary or secondary school but is currently eligible to enroll in a program for preschool children with disabilities in this state.
14. "Stay" means a Parent may have access to a terminated ESA account pending the resolution of their appeal.
  15. "Substantively complete" means an ESA application that meets all substantive criteria required by statute or this Article.
  16. "Supplemental materials" referenced in A.R.S. § 15-2401(2), means relevant materials directly related to the course of study for which they are being used that introduce content and instructional strategies or that enhance, complement, enrich, extend or support the curriculum.
  17. "Treasurer" means the Office of the State Treasurer.
  18. Unless otherwise specifically defined herein, all defined terms shall have the same meaning as those ascribed to them in the A.R.S., Title 41.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective November 1, 2020 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).

**R7-2-1501.01. Expanded Qualified Student Definition**

Notwithstanding A.R.S. § 15-2401 and R7-2-1501, beginning in the 2022-2023 school year, unless the context otherwise requires, "Qualified Student" includes a resident of this state who both:

1. Is eligible to enroll in a public school in this state in any of the following:
  - a. A preschool program for children with disabilities,
  - b. A kindergarten program, or
  - c. Any of grades 1 through 12.
2. Does not otherwise qualify for an Arizona Empowerment Scholarship Account pursuant to this Article.

**Historical Note**

New Section made by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).

**R7-2-1502. General Provisions**

- A. This Section is adopted pursuant to A.R.S. § 15-2403.

- B. The Department and the Treasurer shall administer and provide general supervision and oversight of the Program pursuant to A.R.S. § 15-2401 et seq and this Article.
- C. The Department and the Board shall include intermediate Saturday, Sundays, and legal holidays when computing days under this Article. If the final day of a deadline established pursuant to this Article falls on a Saturday, Sunday or legal holiday, the next business day is the final day of the deadline.
- D. Unless otherwise specified, the Department shall serve a notice or decision that removes a parent from the Program, through personal delivery, first class mail, or certified mail to the parent's last address with the Department, and also by any other method or methods that are reasonably determined to give actual notice to the parent, including electronic mail, text message, phone call, or through an online portal. Each parent shall provide the Department with the parent's mailing address, home address, phone number and email and shall inform the Department of any change of mailing address, home address, phone number or email within 30 days of the change. For all other communications that do not contain notice of removal from the Program, the Board and the Department may communicate through any method or methods, including first class mail, certified mail, electronic mail, text message, phone call or through an online portal.
- E. A document is filed with the Board or the Department on the date it is received by the Board or the Department, as established by the Board's or the Department's date stamp on the face of the document. A notice or decision containing an appealable action issued by the Board or the Department pursuant to this Article is served on a party as follows:
  1. On the date it is personally served,
  2. Five days after it is mailed by first class mail, or
  3. On the date of the return receipt if it is mailed by certified mail.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1503. Department Responsibilities**

The Department shall:

1. On or before March 1 of each year, provide the Board with a handbook, developed in consultation with parents of children on the Program, that includes information relating to policies and processes of ESAs and complies with A.R.S. § 15-2401 et seq and this Article. The Board shall adopt the handbook on or before May 1 of each year. The Board shall limit substantive changes to the handbook to once every three years. The Board may approve changes to the handbook more frequently than every three years to conform and comply with changes to statute or this Article or at the Board's discretion. The handbook shall be posted on the Department's website and distributed to parents and shall clearly identify changes from the prior version, and include the date and time the new handbook was changed:
  - a. The yearly handbook, when adopted, shall become effective July 1st of each fiscal year.

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- b. If the yearly handbook is adopted after July 1st, the newly adopted handbook would become effective immediately following adoption.
- 2. Establish a dedicated call center for exclusive use for the ESA Program that works in conjunction with the Exceptional Student Services division of the Department or its successor division. Subject to review and approval by the Board, the Department may contract with a third party to operate the call center;
- 3. Implement customer service performance management policies, procedures, and metrics;
- 4. Provide training to parents who use the private financial management firm contracted to assist with financial management of the program;
- 5. Provide a quarterly report to the Board on the ESA Program, including:
  - a. The number of students in the program disaggregated by eligibility, grade level and the school district or charter school associated with each student:
    - i. The total number of special needs students by grade level,
    - ii. The number of special needs students by disability category, and
  - b. The annual award amount associated with each student;
  - c. The number of ESA applications received, approved and denied in the preceding quarter, including the justification for the denied applications;
  - d. The number of applications processed within 30 days of receipt and the number of administratively incomplete applications. Provide the reasons the administratively incomplete applications were not approved;
  - e. A summary of any parent input or feedback collected pursuant to R7-2-1503(6) and how the Department is responding to concerns submitted as part of the process;
  - f. Information on the private financial management firm contracted to assist with financial management of the Program, including:
    - i. The number and eligibility type of accounts utilizing the firm,
    - ii. The number of providers and vendors on the firm's platform,
    - iii. Communications and training provided to parents,
    - iv. Concerns from parents submitted to the Department, the Treasurer and the private financial management firm and how the Department, Treasurer and private financial management firm are addressing the concerns, and
  - g. Information regarding appeals filed with the Board that were resolved prior to a hearing;
  - h. Information related to the audits completed, including:
    - i. Scope of the audit,
    - ii. Data and narratives on audit findings from the Quarter,
    - iii. Data and narratives of finding outcomes from the Quarter, and
  - i. Summary of all outages within the Department, private financial management firm, Department of Treasury, GAO, ADOA, etc. that cause a delay of the ESA program;
- j. Information related to MCC Codes, including:
    - i. Cumulative list of all MCC code expansions requested and specific reason for each denial,
    - ii. Cumulative list of all MCC code expansions and exceptions granted by the Department, and
  - k. Data related reimbursement submissions, including:
    - i. The average number of days it takes a reimbursement submission to be assigned to a Department staffer,
    - ii. The average number of days it takes a reimbursement submission to be reviewed by a Department staffer,
    - iii. The average number of days it takes a reimbursements submission to be approved by a Department staffer, and
  - l. Provide data related to Help Desk Tickets, including:
    - i. The quantity of help desk tickets not responded to within three business days,
    - ii. The quantity of help desk tickets prematurely closed and reopened, and
  - m. Provide data related to the escalation of Help Desk Tickets, including:
    - i. The quantity of escalated help desk tickets by category type,
    - ii. The average number of days to resolution,
    - iii. A summary of resolutions, and
  - n. Provide updates on the bidding process for all eligible Department contracts, including:
    - i. A.R.S. § 15-2403(A): The treasurer may contract with private financial management firms to manage Arizona empowerment scholarship accounts,
    - ii. A.R.S. § 15-2403(B): The Department shall conduct or contract for annual audits of Arizona empowerment scholarship accounts to ensure compliance with A.R.S. § 15-2402(B)(4),
    - iii. A.R.S. § 15-2403(B): The Department shall also conduct or contract for random, quarterly and annual audits of Arizona empowerment scholarship accounts as needed to ensure compliance with A.R.S. § 15-2402(B)(4),
    - iv. A.R.S. § 15-2403(J): The Department shall contract with an independent third party for the purposes of determining whether a qualified student is eligible to receive educational therapies or services pursuant to A.R.S. § 15-2402(B)(4)(c),
    - v. R7-2-1503(2): Subject to review and approval by the Board, the Department may contract with a third party to operate the call center,
    - vi. Any other eligible Department contracts, and
  - o. The date of the most recent update to the online database of approved expenses and disallowed expenses. A summarization of the changes made.
  - p. An approximation of the most common award amount. Provide the method or methods and Formula utilized to calculate award amounts.
  - q. Any other information the Board requests.
- 6. Establish and provide to the Board a process to collect parent input and feedback regarding the Program.

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**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4).  
Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).

**R7-2-1504. Application and Account Activation**

- A. The Department shall accept applications to participate in the Program between July 1 and June 30 of each year.
- B. The Department shall provide information for prospective applicants on eligibility.
- C. The Department shall enroll and issue an award letter to eligible applicants within 30 days after receipt of a completed application and all required documentation. The award letter shall include information on how to activate the account and the amount of ESA funding the student will receive.
- D. Within 30 days of issuing the award letter, the Department shall issue the contract to eligible applicants.
- E. Prior to issuing a notice of a denied application, the Department shall provide notice describing the administrative or substantive incompleteness of the application and provide the applicant 30 days to provide the missing documentation or information. The Department shall include the justification for the denial and, if the application was substantively incomplete, the Department shall include the applicant's right to appeal.
- F. Pursuant to R7-2-1511, a person who has had an application denied due to being substantively incomplete may file a written request for a hearing within 30 days after being served the notice of denial. Administratively incomplete applications are not appealable.
- G. If the Board finds in favor of a parent who appealed a denied application, the Department shall expedite the contract and funding to the parent to the extent possible.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4).  
Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4).

**R7-2-1505. Contract Between Parent and Department**

- A. To enroll a qualified student in an ESA, a parent of the qualified student shall sign a contract with the Department. The parent:
  1. Shall use a portion of the ESA monies allocated annually to provide an education for the qualified student in at least the subjects of reading, grammar, mathematics, social studies and science, unless the ESA is allocated monies according to a transfer schedule other than quarterly transfers pursuant to A.R.S. § 15-2403(F). This subsection does not require a parent to spend a portion of ESA monies on each subject every quarter;
  2. Shall not enroll the qualified student in a school district or charter school, and shall release the school district from all obligations to educate the qualified student. This subsection does not:
    - a. Relieve the school district or charter school that the qualified student previously attended from the obligation to conduct an evaluation pursuant to A.R.S. § 15-766, or
    - b. Require a qualified student to withdraw from a school district or charter school before enrolling for

an ESA if the qualified student withdraws from the school district or charter school before receiving any monies in the qualified student's ESA.

- c. Prevent a qualified student from applying in advance for an ESA to be funded beginning the following school year.
3. Shall not accept a scholarship from a school tuition organization pursuant to A.R.S., Title 43 concurrently with an ESA for the qualified student in the same year a parent signs the contract pursuant to this Section;
4. Shall use the monies deposited in the qualified student's ESA only for the expenses listed in A.R.S. § 15-2402(B)(4);
5. Shall not file an affidavit of intent to homeschool pursuant to A.R.S. § 15-802(B)(2) or (3);
6. Shall not use monies deposited in the qualified student's account for any of the following:
  - a. Computer hardware or other technological devices, except as provided in R7-2-1505(B) and A.R.S. § 15-2402(B)(4)(p); or
  - b. Transportation of the pupil, except for transportation services described in A.R.S. § 15-2402(B)(4)(o).
7. Shall submit expenses and documentation as required in R7-2-1508.
- B. If a qualified student meets any of the criteria specified in A.R.S. § 15-2401(7)(a)(i), (ii), or (iii), as determined by a school district or by an independent third party under A.R.S. § 15-2403(J), the qualified student may use the following additional services:
  1. Educational therapies from a licensed or accredited practitioner or provider including and up to any amount not covered by insurance if the expense is partially paid by a health insurance policy for the qualified students,
  2. A licensed or accredited paraprofessional or educational aide,
  3. Tuition for vocational and life skills education approved by the Department, and
  4. Associated goods and services that include, but are not limited to, educational and psychological evaluations, assistive technology rentals and braille translation goods and services approved by the Department. Associated goods as described in this subsection may include computer hardware or technological devices that assist in accessing educational materials or services and that are associated with the qualified student's needs. Parents that are seeking to use Program funds for an associated good or service pursuant to this subsection shall provide to the Department the special education course of study, service or educational need that the good or service is associated with or may provide the Department with the most current individualized education program, evaluation, or a letter from a qualified service provider. Parents are not advised to contact their districts seeking to update or change their students' individualized education programs or request special education reevaluations in order to make ESA purchases.
  5. Pursuant to A.R.S. § 15-2403(J)(2), the Department shall accept independent educational evaluations that are obtained by the parent of a student and performed by a qualified examiner. A "qualified examiner" is defined in A.R.S. § 15-2403(J)(2). A "parent" is defined in R7-2-1501. Such evaluations shall not be denied based solely on the age of the evaluation.

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**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective November 1, 2020 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).

**R7-2-1506. Contract Renewal**

- A. A parent is eligible to renew an ESA if:
1. Pursuant to R7-2-1508, the parent submitted expenses and documentation or submitted quarterly attestations;
  2. If required, the Department approved expenses pursuant to R7-2-1508;
  3. The parent spent monies to provide an education in at least reading, grammar, mathematics, social studies, and science for the contract year pursuant to R7-2-1505(A)(1); and
  4. The parent does not owe the Department monies for disallowed expenses. A parent remains eligible to renew an ESA if the parent has an unresolved appeal regarding a disallowed expense.
- B. A student with a disability as defined in A.R.S. § 15-2401(7)(a)(i), (ii), or (iii), as determined by a school district or by an independent third party under A.R.S. § 15-2403(J), may continue on the Program until the end of the school year in which the student reaches the age of 22, if the student or the parent provides documentation to the Department that demonstrates the student has not finished high school.
- C. A parent shall renew ESAs on an annual basis as follows:
1. The Department shall provide renewal contracts on or before May 1 to each parent who meets R7-2-1506(A) of this Section;
  2. Each parent shall submit the renewal contract to the Department on or before June 30; and
  3. Within 30 days of receipt, the Department shall notify each parent of the renewal of the contract. The Department may provide notification through an online portal.
- D. If a parent does not submit a renewal contract pursuant to R7-2-1506(C), the Department shall temporarily close the account and cease funding to the ESA until the parent submits the appropriate signed renewal contract. During the temporary closure, funding shall remain in the account until the parent signs the appropriate renewal contract in a format provided by the Department or the Department closes the ESA pursuant to R7-2-1506(E).
- E. After an ESA has been temporarily closed for non-renewal pursuant to R7-2-1506(D), a parent may submit the appropriate signed renewal contract in a format provided by the Department to reactivate the ESA. If a parent does not submit a renewal contract for a period of three academic years, the Department shall provide notice through certified mail, email and telephone, if applicable, that the ESA will be closed. To renew the ESA, the parent shall submit a renewal contract within 60 days of receipt of the notification. If the parent does not submit a renewal contract within 60 days, the Department shall close the ESA and return any remaining monies in the ESA to the state general fund. Notwithstanding R7-2-1506(C)(1) and (2), a parent may submit the appropriate signed renewal contract between July 1 and June 30 for the purposes of this subsection.
- F. Notwithstanding R7-2-1506(E), on the qualified student's graduation from a postsecondary institution or after any period of four consecutive years after high school graduation in

which the student is not enrolled in an eligible postsecondary institution, but not before this time as long as the account holder continues using a portion of account monies for eligible expenses each year and is in good standing, the qualified student's Arizona empowerment scholarship account shall be closed and any remaining monies shall be returned to the state general fund.

- G. Pursuant to R7-2-1511, a parent whose contract was not renewed by the Department may file a written request for a hearing within 30 days after being served the notice of the non-renewal.
- H. At the written request of a parent, the Department shall extend the renewal contract timeframe for up to 30 days from the deadline prescribed in this Section if the parent demonstrates hardship, including an act of God or similar circumstance that prevented the parent from responding by the deadline.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).

**R7-2-1507. Use of Funds**

- A. The Department shall establish and maintain a database of approved expenses and disallowed expenses for the current and upcoming fiscal years pursuant to A.R.S. § 15-2401 et seq. and this Article. The Department shall make the database available to parents online and disaggregate the approved expenses by eligibility category.
- B. The Department shall establish a process to review an expense before making an administrative decision to deny the expense. The Department shall provide a copy of the process to the Board and include the process in the handbook adopted pursuant to R7-2-1503.
- C. The Department shall not request repayment for an expense it has approved for a specific ESA. The Department shall treat similar expenditures by similarly situated account holders in the same manner. This Section does not create authorization for an account holder to expend funds in a manner not permitted by statute.
- D. The Department shall consider all account holder requests for MCC Code expansions. Any MCC code exceptions granted to one parent, shall be extended to all parents within five business days.
- E. Pursuant to R7-2-1511, a parent who has had an expense disallowed by the Department may file a written request for a hearing within 30 days after being served the notice of the disallowed expense.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).

**R7-2-1508. Review of Expenses**

- A. The Department may conduct or contract for random or annual audits as needed to ensure monies are used only for expenses that were approved or allowed at the time the expense was

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made. The Department shall use record retention requirements that were in place at the time the expense was made to determine compliance. The Department may only audit account activity from the last two fiscal years, including the current fiscal year.

- B. The Department shall provide annual notice to each parent of when and how the Department will conduct reviews of expenses and audits. The notice may be provided in the handbook adopted pursuant to R7-2-1503. Notwithstanding any other Section, the Department may review expenses less frequently using a risk-based approach, if the Department provides notice to parents and the Board pursuant to this Section.
- C. Parents shall submit expenses that shall include, but are not limited to, the following:
  - 1. Invoices for each vendor, individual or product;
  - 2. Invoices for private schools, which shall include the following:
    - a. The name of the qualified student,
    - b. The name of the private school,
    - c. The transaction date,
    - d. Tuition or fee amounts, and
    - e. Total charged to the card, and for reimbursements, proof of method of payment;
  - 3. Invoices for tutors, paraprofessionals, service type or therapists which shall include:
    - a. Name of the qualified student,
    - b. The name of one of the following: the vendor, facility, therapist or tutor,
    - c. A description of the services,
    - d. The transaction date,
    - e. The rate amounts,
    - f. Any processing fees, and
    - g. Total charged to the card, and for reimbursements, proof of method of payment.
- D. For debit card transactions, a parent shall submit all debit card transaction expense receipts to the Department as follows:
  - 1. On or before October 31 for quarter one,
  - 2. On or before January 31 for quarter two,
  - 3. On or before April 30 for quarter three, and
  - 4. On or before July 31 for quarter four.
- E. The Department shall review and approve expenses and make its next quarterly disbursement of funds within 30 days of the deadlines prescribed in R7-2-1508(D).
- F. On receipt and approval of debit card transaction expense receipts or reimbursements, the Department shall notify the parent through electronic mail or through an online portal. The Department shall not withhold funds for a subsequent quarter if it fails to review expenses, debit card transaction expense receipts or reimbursements within 30 days of the deadline. A parent may submit corrected debit card transaction expense receipts any time prior to the quarterly submission deadline.
- G. If a parent fails to submit debit card transaction expense receipts, if required, by the deadlines prescribed in R7-2-1508(D) or submits incomplete debit card transaction expense receipts or reimbursements, the Department shall:
  - 1. Serve notice to the parent of the deficiencies,
  - 2. Provide the parent 15 days from the date of receipt of the notice to submit complete debit card transaction expense receipts or reimbursements, and
  - 3. Review debit card transaction expense receipts or reimbursements submitted pursuant to this subsection within five days of receipt from the parent.
- H. Following the 15 day period provided in R7-2-1508(G)(2), the Department may remove a parent from the Program for failing

to submit required debit card transaction expense receipts or failing to correct the deficiencies of a debit card transaction expense receipt.

- I. Pursuant to R7-2-1511, a parent that has been removed from the Program may file a written request for a hearing within 30 days after being served the notice of removal. Except in cases in which the Board has found misuse of funds or fraud pursuant to R7-2-1509, the Department shall not withhold funding to one qualified student's ESA due to deficiencies in the expense reporting of a sibling's account.
- J. At the written request of a parent, the Department shall extend the deadlines prescribed in R7-2-1508(D) for up to 30 days from the deadlines prescribed in this Section if the parent demonstrates hardship, including an act of God or similar circumstance that prevented the parent from responding by the deadline.
- K. If a parent does not make any expenses in a quarter, the parent shall submit attest to that fact in a format provided by the Department.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).

**R7-2-1509. Misuse of Funds**

- A. Based on a finding that a parent knowingly misuses funds, the Department shall temporarily suspend the account and provide notice to the parent. The notice shall:
  - 1. Include the reason for the temporary suspension and a detailed description of the disallowed expense; and
  - 2. Provide the parent 15 days, not including weekends, to either:
    - a. Present documentation that demonstrates the expense is allowable or that the parent was victim to identity theft or fraud; or
    - b. Agree to repay the amount.
- B. The Department shall review the documentation submitted pursuant to R7-2-1509(A)(2)(a) within five days of receipt to determine if the expense is allowable or if the parent was victim to identity theft or fraud. If the Department determines the expense is allowable or that the parent was victim to identity theft or fraud, the Department shall lift the temporary suspension, reinstate the account and make any disbursements that were withheld during the suspension.
- C. If the Department determines the documentation fails to demonstrate the expense is allowable or that the parent was victim to identity theft or fraud, the Department shall provide notification to the parent that the amount must be repaid. The Department shall withhold the disbursement of any additional ESA funds until repayment is made. The Department may agree to a gradual repayment plans at the request of the parent and shall reinstate additional ESA funding once repayment has begun. The Department may remove a parent from the Program that fails to repay an amount or agree to a repayment plan.
- D. Once a parent agrees to a gradual repayment plan or repays an amount pursuant to R7-2-1509(A)(2)(b) or R7-2-1509(C), the Department shall lift the temporary suspension, reinstate the



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account and make any disbursements that were withheld during the suspension as follows:

1. Within one day, if the repayment is made by cashier's check or money order; or
  2. Within seven days, if repayment is made by personal check.
- E.** Except in cases which the Attorney General determines that a parent or account holder has committed fraud, any expenditure from an Arizona Empowerment Scholarship Account for a purchase that is deemed ineligible pursuant to A.R.S. § 15-2402 and that is subsequently repaid by the parent or account holder shall be credited back to the Arizona Empowerment Scholarship Account balance within 30 days after the receipt of payment.
- F.** Pursuant to R7-2-1511, a parent who has been removed from the Program pursuant to this Section may file a written request for a hearing within 30 days after being served the notice of removal.
- G.** The Department shall refer a case to the Board if a parent does not file an appeal pursuant to R7-2-1511 and either:
1. Fails to repay the amount of a disallowed expense; or
  2. Fails to make a payment on a gradual repayment plan.
- H.** On a finding of misuse of monies, the Board may refer the case to the Attorney General who may bring an action to recover the monies. Upon obtaining evidence of fraudulent use of an account, the Board may refer the case to the Attorney General for the purpose of a criminal investigation.
- I.** A parent or qualified student is not eligible to enroll a qualified student in the ESA Program if that parent was an account holder on an account that was referred to the Attorney General for misuse of monies unless the parent's expense was subsequently found to be allowable or the parent was the victim of identity theft or fraud.
- J.** If a parent commits fraud, the Department shall withhold funds from all accounts in the parent's name and close the accounts.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).

**R7-2-1510. Corrective Action**

- A.** Except for misuse of funds or failing to submit debit card transaction expense receipts pursuant to R7-2-1508, if the Department finds that a parent violated A.R.S. § 15-2401 et seq, this Article or the terms and conditions set forth by the Department in the contract signed by the parent, the Department shall:
1. Temporarily suspend the account;
  2. Provide notice to the parent of the violation, including an explanation of the violation; and
  3. Provide the parent 15 days to correct the violation.
- B.** The Department may remove a parent or qualified student from the Program for failing to correct a violation pursuant to this Section.
- C.** Pursuant to R7-2-1511, a parent or qualified student who has been removed from the Program pursuant to this Section may file a written request for a hearing within 30 days after being served the notice of removal.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective December 13, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).

**R7-2-1511. Appeals**

- A.** A parent may appeal to the Board any administrative decision the Department makes pursuant to A.R.S. Title 15, Chapter 19, Article 1, including determinations of allowable expenses, removal from the Program or enrollment eligibility.
- B.** Stay
1. Pending the resolution of an appeal during which an account is suspended, a parent may request a stay on the account suspension.
    - a. Included in the request for a hearing filed pursuant to R7-2-1511(F), a parent may file a request to the Board to stay an account suspension. Such request shall be in writing and shall address the matters stated in the Department's notice in R7-2-1511(E).
    - b. The Department may file a response to the parent's request to stay the suspension of the account. Such response shall be filed with the Board within five business days of receipt of the parent's request to stay the suspension. Such response shall be in writing and shall address the matters stated in the parent's request.
    - c. Within 10 business days after receipt of the Department's response, the executive director of the Board or the executive director's designee shall make a written determination to either:
      - i. Proceed with suspension of the account, or
      - ii. Stay all or part of the suspension of the account if there is a reasonable probability that the appeal will be upheld or that the stay is in the best interest of the State. If a stay is issued, the Department may not withhold funding or contract renewal for the account holder on account of the appealed administrative decision during the stay unless directed by the Board to do so.
    - d. The executive director or the executive director's designee shall provide the parent and the Department with a written copy of the stay determination including the basis for the determination.
- C.** Notwithstanding any other Section, the Department may, with the agreement of the account holder on the resolution, informally resolve a disputed administrative action at any time without a formal appeal pursuant to this Article.
- D.** The Department, on its website and in the parent handbook, shall provide information on the Board's appeals process.
- E.** The Department shall provide parents with written notice of an appealable action taken by the Department. Such written notice shall inform the parents of his/her right to request a hearing on the action and shall include the following:
1. The statute or rule that is alleged to have been violated or on which the action is based;
  2. Identify, with reasonable particularity, the nature of any alleged violation or action;
  3. Include a description of the parent's right to request a hearing on the appealable agency action; and
  4. Include a description of the parent's right to request an informal settlement conference.

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- F.** Within 30 days after being served with notice of an appealable action, a parent may file a request for a hearing. The notice must be in writing and shall state the following:
1. The identity of the party requesting the hearing,
  2. The mailing address of the party requesting the hearing,
  3. The agency that rendered the decision related to the appealable action,
  4. Identification of the action being appealed,
  5. A concise statement of the reasons for the request for hearing,
  6. A copy of the administrative decision issued by the Department, and
  7. Any other information or documentation requested by the Board applicable to the appeal process.
- G.** If good cause is submitted, the Board may accept a request for a hearing that is not filed in a timely manner. Such request must be made in writing and state the basis for not filing the request on time.
- H.** If a parent requests a hearing pursuant to R7-2-1511(F) and includes all of the items listed in R7-2-1511(F)(1) through (7), the Board shall schedule a hearing.
- I.** The Board shall provide all parties with a written notice at least 20 days prior to the date set for the hearing. The notice shall include:
1. A statement of the time, place and nature of the hearing;
  2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
  3. A reference to the particular sections of the statutes and rules involved; and
  4. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
- J.** All notices shall be served via personal delivery or certified mail, return receipt requested or by any other method reasonably calculated to effect actual notice on the agency and all parties to the action at each party's last address of record.
- K.** A hearing on the appealable action shall be held after a complete appeal is filed and may be advanced or delayed on the agreement of the parties or on a showing of good cause.
- L.** Informal Settlement Conference
1. A parent may request an informal settlement conference be held with the Department. The request shall be in writing and shall be filed with the Department, and a copy provided to the Board, no later than 10 days after the Board provides notice that the appeal is complete. The Department shall hold an informal settlement conference within seven days after receiving the request. The Department shall notify the Board of the result of the informal settlement conference within five days of the conclusion of the informal settlement conference or prior to the hearing date, whichever is first. The request for an informal settlement conference does not alter the date the hearing is to be held.
  2. If an informal settlement conference is held, a person with the authority to act on behalf of the Department must represent the Department at the conference. The Department representative shall notify the parent in writing that statements, either written or oral, made at the conference, including a written document, created or expressed solely for the purpose of settlement negotiations are inadmissible in any subsequent administrative hearing.
- M.** Informal disposition may be made by stipulation, agreed settlement, consent order or default.
- N.** Hearing Process
1. All hearings shall be conducted before a hearing officer pursuant to this Section.
  2. The parties to the appealable agency action have the right to be represented by legal counsel or to proceed without counsel, to submit evidence and to cross-examine witnesses.
    - a. Pursuant to A.R.S. § 15-2403(E), a parent may designate a representative, not necessarily an attorney, before any hearing held pursuant to this Section. Any designated representative who is not an attorney admitted to practice may not charge for any services rendered in connection with such a hearing.
    - b. The fact that a representative participated in the hearing or assisted the account holder is not grounds for reversing any administrative decision or order if the evidence supporting the decision or order is substantial, reliable and probative.
  3. The Board shall schedule a prehearing conference on request of any party. A prehearing conference may be held for the following purposes:
    - a. Clarify or limit procedural, legal or factual issues;
    - b. Consider amendments to any pleading;
    - c. Identify and exchange lists of witnesses and exhibits intended to be introduced at the hearing;
    - d. Obtain stipulations or rulings regarding testimony, exhibits, facts or law;
    - e. Schedule deadlines, hearing dates and locations if not previously set; or
    - f. Allow the parties opportunity to discuss settlement.
  4. The record in a contested case shall include:
    - a. All pleadings, motions and interlocutory rulings.
    - b. Evidence received or considered.
    - c. A statement of matters officially noticed.
    - d. Objections and offers of proof and rulings thereon.
    - e. Proposed findings of fact and conclusions of law and exceptions thereto.
    - f. Any decision, opinion, recommendation or report of the hearing officer.
    - g. All staff memoranda, other than privileged communications, or data submitted to the hearing officer in connection with its consideration of the case.
  5. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
  6. A participant of record shall not communicate, either directly or indirectly, with the Hearing Officer about any substantive issue in a pending matter unless:
    - a. All participants of record are present;
    - b. Communication is during a scheduled proceeding, where an absent participant of record fails to appeal after proper notice; or
    - c. Communication is by written motion with copies to all participants of record.
  7. The Hearing Officer may postpone, continue, or cancel a hearing for good cause upon the written request of either party. The participant of record must establish good cause for the written request.
  8. For good cause shown, the hearing officer may grant continuances and extensions of time for filing notices or other documents.
  9. The Hearing Officer may direct a party to submit additional memorandum or information within a reasonable

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period of time. The Hearing Officer shall grant the opposing party a reasonable period of time to respond to the additional memorandum or information.

10. Upon written request, any party may request an opportunity to compare a document copy with the original. The Hearing Officer may grant the request if the record establishes good cause.

**O. Conduct of Hearing**

1. All hearings shall be recorded. The Board shall secure either a court reporter or an electronic means of producing a clear and accurate record of the proceeding.
2. A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order if the evidence supporting the decision or order is substantial, reliable and probative.
3. The parties may submit proposed findings of fact and conclusions of law prior to the hearing. The hearing officer may require that the parties submit proposed findings of fact and conclusions of law prior to the hearing or at the close of evidence.
4. All interested parties shall be ready and present with all witnesses and documents at the time and place specified in the notice of hearing and shall be prepared at such time to dispose of all issues and questions involved in the appeal. An interested party shall arrange for the presence of that party's witnesses at a hearing.
5. If a party fails to appear at a hearing, the hearing body may proceed with the presentation of the evidence of the appearing party.
6. The Hearing Officer conducting the hearing may close the hearing to other than interested parties to the extent necessary to protect the interests and rights of the interested parties, within the requirements of A.R.S. §§ 38-431.01, and 38-431.03.
7. The Hearing Officer may conduct all or part of the hearing by telephone other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
8. Conduct at any hearing that is disruptive or shows contempt for the proceeding shall be grounds for exclusion from further participation.

**P. Evidence**

1. All witnesses shall testify under oath or affirmation. The hearing officer shall administer oaths and affirmations.
2. The hearing officer shall afford interested parties an opportunity either to present oral or documentary evidence, or both, and to conduct such cross-examination as may be required for a full and fair disclosure of the facts. The hearing officer may limit the time of oral argument.
3. The hearing officer may choose to admit evidence, a witness' deposition, or a witness' affidavit and determine evidentiary weight of all submitted evidence. The party taking a witness' deposition or affidavit shall bear all deposition-related or affidavit-related costs. The hearing officer shall make rulings necessary to prevent argumentative, repetitive, or irrelevant questioning, to exclude evidence the hearing officer determines to be irrelevant, immaterial or unduly repetitious, and to expedite the examination to the extent consistent with the disclosure of all relevant testimony and information.

- Q. Stipulations.** Parties to any contested case may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the hearing officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

**R. Final Administrative Decision**

1. The hearing officer shall issue a written recommendation within 20 days after the hearing is concluded. The written recommendation shall contain a concise explanation of the reasons supporting the recommendation, including the findings of fact and conclusions of law.
2. The hearing officer shall serve a copy of the recommendation on the Board. On request of the Board, the hearing officer shall also transmit to the Board the record of the hearing as described in A.R.S. § 12-904.
3. At one of the following two regularly scheduled meetings of the Board after the hearing officer sends a copy of the recommendation to the Board, the Board may review the recommendation and accept, reject or modify it.
  - a. If the Board declines to review the hearing officer's recommendation, the Board shall serve a copy of the recommendation on all parties.
  - b. If the Board rejects or modifies the recommendation, the Board shall serve on all parties, a copy of the hearing officer's recommendation with the rejection or modification and a written justification setting forth the reasons for the rejection or modification of each finding of fact or conclusion of law.
4. The Board shall provide all parties with at least 20 days written notice of the date, time and location of the public meeting at which the Board will consider the hearing officer's recommendation.

**S. Rehearing and Review of Decisions**

1. A party may file a motion for rehearing or review within 10 days after service of the final administrative decision. The motion shall be in writing and state the basis upon which the rehearing or review is requested. The motion shall be filed with the Board and a copy provided to the opposing party. When a motion of rehearing is based on new evidence, the new evidence shall be served to the Board with the written motion.
2. The opposing party may file a response to the motion for rehearing within 15 days after the date the motion for rehearing is filed. The response shall be in writing and address the basis upon which the rehearing or review is requested. The motion shall be filed with the Board and a copy provide to the moving party.
3. A rehearing of a final administrative decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
  - a. Except as provided for in R7-2-1511(O)(2), irregularity in the administrative proceedings of the hearing, or abuse of discretion, whereby the moving party was deprived of a fair hearing;
  - b. Misconduct of the hearing officer; or
  - c. Newly discovered materials which could not with reasonable diligence have been discovered and produced at the hearing.
4. The filed motion shall be considered at one of the following two regularly scheduled meetings of the Board.

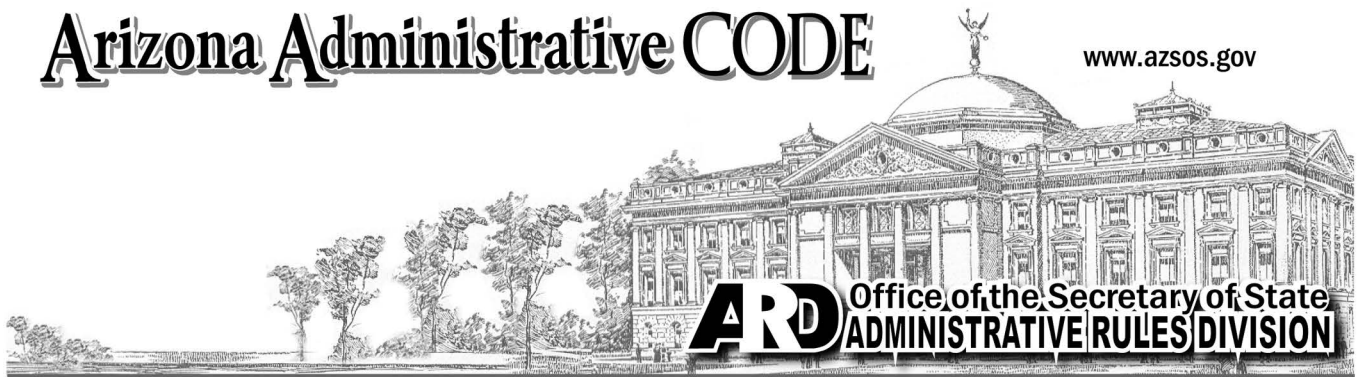
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5. Service is complete on personal service or five days after the date the final administrative decision is mailed to the party's last known address.
6. After a hearing has been held and a final administrative decision has been entered a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2900, effective January 1, 2021 (Supp. 20-4). The word "rule" has been changed to "Section" to reflect current standards in Chapter style and format (Supp. 21-2). Amended by final exempt rulemaking at 28 A.A.R. 187 (January 14, 2022), effective January 1, 2022 (Supp. 21-4). Amended by final exempt rulemaking at 29 A.A.R. 542 (February 10, 2023), effective January 23, 2023 (Supp. 23-1).



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Supp. 23-3

## TITLE 9. HEALTH SERVICES

### CHAPTER 6. DEPARTMENT OF HEALTH SERVICES - COMMUNICABLE DISEASES AND INFESTATIONS

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

<a href="#">R9-6-303.</a>	<a href="#">Isolation, Quarantine, Exclusion, and Other Control Measures</a>	<a href="#">R9-6-338.</a>	<a href="#">Gonorrhea</a>	<a href="#">30</a>
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	<a href="#">22</a>	<a href="#">R9-6-381.</a>	<a href="#">Syphilis</a>	<a href="#">44</a>

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**The release of this Chapter in Supp. 23-3 replaces Supp. 21-3, 1-81 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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## Administrative Rules Division

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## TITLE 9. HEALTH SERVICES

## CHAPTER 6. DEPARTMENT OF HEALTH SERVICES - COMMUNICABLE DISEASES AND INFESTATIONS

Authority: A.R.S. §§ 36-132(A)(1) and 36-136(G)

## Supp. 23-3

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ARTICLE 2. COMMUNICABLE DISEASE AND  
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*Article 2, consisting of Section R9-6-201 and R9-6-202, renumbered from Article 5, Sections R9-6-601 and R9-6-602 effective October 19, 1993 (Supp. 93-4).*

*Article 2, consisting of Sections R9-6-201 through R9-6-203, renumbered to Article 5, Sections R9-6-501 through R9-6-503 effective October 19, 1993 (Supp. 93-4).*

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*Article 3, consisting of Section R9-6-311, repealed (Supp. 91-2).*

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**ARTICLE 5. RABIES CONTROL**

*Article 5, consisting of Sections R9-6-501 through R9-6-503, renumbered from Article 2, Sections R9-6-201 through R9-6-203 effective October 19, 1993 (Supp. 93-4).*

*Article 5, consisting of Sections R9-6-501 through R9-6-506 and Tables 1 and 2, renumbered to Article 7, Sections R9-6-701 through R9-6-706 and Tables 1 and 2 effective October 19, 1993 (Supp. 93-4).*

*Article 5, consisting of Sections R9-6-501 through R9-6-506 and Tables 1 and 2, adopted effective January 20, 1992 (Supp. 92-1).*

*Article 5, consisting of Sections R9-6-501 through R9-6-504, repealed effective January 20, 1992 (Supp. 92-1).*

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*Article 6, consisting of Sections R9-6-601 through R9-6-603, adopted effective October 19, 1993 (Supp. 93-4).*

*Article 6, Sections R9-6-601 and R9-6-602, renumbered to Article 2, Sections R9-6-201 and R9-6-202, and Article 6, Sections R9-6-602 through R9-6-605 repealed effective October 19, 1993 (Supp. 93-4).*

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*Article 7, consisting of Sections R9-6-701 through R9-6-706, renumbered from Article 5 effective October 19, 1993 (Supp. 93-4).*

*Article 7 renumbered to Article 3 effective October 19, 1993 (Please refer to the individual Sections for the appropriate actions and new locations) (Supp. 93-4).*

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*Article 8 heading corrected as amended by final expedited rulemaking at 24 A.A.R. 2758, effective September 11, 2018 (Supp. 19-4).*

*New Article 8, consisting of Sections R9-6-801 through R9-6-803, made by final rulemaking at 8 A.A.R. 5214, effective February 1, 2003 (Supp. 02-4).*

*Article 8, consisting of Sections R9-6-801 through R9-6-808, renumbered to Article 4, Sections R9-6-401 through R9-6-408 (Supp. 93-4).*

*Article 8 consisting of Sections R9-6-801 through R9-6-808 adopted as permanent rules effective May 22, 1989.*

*Article 8 consisting of Sections R9-6-801 through R9-6-808 readopted as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

*Article 8 consisting of Sections R9-6-801 through R9-6-808 readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

*Article 8 consisting of Sections R9-6-801 through R9-6-809 readopted as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days.*

*Article 8 consisting of Sections R9-6-801 through R9-6-809 adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.*

Section	
R9-6-801.	Definitions .....
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#### ARTICLE 9. HEALTH PROFESSIONAL EXPOSURES

*Article 9, consisting of Sections R9-6-901 through R9-6-903 and Exhibits A and B, recodified to Article 10, Sections R9-6-1001 through R9-6-1003 and Exhibits A and B, at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2).*

*Article 9, consisting of Sections R9-6-901 through R9-6-903 and Exhibits A and B, made by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2).*

Section	
R9-6-901.	Definitions .....
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#### ARTICLE 10. HIV-RELATED TESTING AND NOTIFICATION

*Article 10, consisting of Sections R9-6-1001 through R9-6-1003 and Exhibits A and B, recodified from Article 9, Sections R9-6-901 through R9-6-903 and Exhibits A and B, at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2).*

Section	
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R9-6-1002.	Local Health Agency Requirements .....
R9-6-1003.	Expired .....
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#### ARTICLE 11. STD-RELATED TESTING AND NOTIFICATION

*Article 11, consisting of Sections R9-6-1101 through R9-6-1104 made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).*

Section	
R9-6-1101.	Definitions .....
R9-6-1102.	Health Care Provider Requirements .....
R9-6-1103.	Local Health Agency Requirements .....
R9-6-1104.	Court-ordered STD-related Testing .....

#### ARTICLE 12. TUBERCULOSIS CONTROL

*Article 12, consisting of Sections R9-6-1201 through R9-6-1204, renumbered from Article 6, Sections R9-6-601 through R9-6-604, by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4).*

Section	
R9-6-1201.	Definitions .....
R9-6-1202.	Local Health Agency Reporting Requirements .....
R9-6-1203.	Tuberculosis Control in Correctional Facilities .....
R9-6-1204.	Standards of Medical Care .....

#### ARTICLE 13. IMMUNIZATIONS OR VACCINES REQUIRING PRESCRIPTIONS FOR PHARMACIST ADMINISTRATION

*Article 13, consisting of new Section R9-6-1301 made by exempt rulemaking at 15 A.A.R. 1793, effective October 5, 2009 (Supp. 09-4).*

Section	
R9-6-1301.	Immunizations or Vaccines Requiring a Prescription Order for Pharmacist Administration .....

## TITLE 9. HEALTH SERVICES

## CHAPTER 6. DEPARTMENT OF HEALTH SERVICES - COMMUNICABLE DISEASES AND INFESTATIONS

## ARTICLE 1. GENERAL

**R9-6-101. Definitions**

In this Chapter, unless otherwise specified:

1. "Active tuberculosis" means the same as in A.R.S. § 36-711.
2. "Administrator" means the individual who is the senior leader at a child care establishment, health care institution, correctional facility, school, pharmacy, or shelter.
3. "Agency" means any board, commission, department, office, or other administrative unit of the federal government, the state, or a political subdivision of the state.
4. "Agent" means an organism that may cause a disease, either directly or indirectly.
5. "AIDS" means Acquired Immunodeficiency Syndrome.
6. "Airborne precautions" means, in addition to use of standard precautions:
  - a. Either:
    - i. Placing an individual in a private room with negative air-pressure ventilation, at least six air exchanges per hour, and air either:
      - (1) Exhausted directly to the outside of the building containing the room, or
      - (2) Recirculated through a HEPA filtration system before being returned to the interior of the building containing the room; or
    - ii. If the building in which an individual is located does not have an unoccupied room meeting the specifications in subsection (6)(a)(i):
      - (1) Placing the individual in a private room, with the door to the room kept closed when not being used for entering or leaving the room, until the individual is transferred to a health care institution that has a room meeting the specifications in subsection (6)(a)(i) or to the individual's residence, as medically appropriate; and
      - (2) Ensuring that the individual is wearing a mask covering the individual's nose and mouth; and
  - b. Ensuring the use by other individuals, when entering the room in which the individual is located, of a device that is:
    - i. Designed to protect the wearer against inhalation of an atmosphere that may be harmful to the health of the wearer, and
    - ii. At least as protective as a National Institute for Occupational Safety and Health-approved N-95 respirator.
7. "Approved test for tuberculosis" means a Mantoux skin test or other test for tuberculosis recommended by the Centers for Disease Control and Prevention or the Tuberculosis Control Officer appointed under A.R.S. § 36-714.
8. "Arizona State Laboratory" means the part of the Department authorized by A.R.S. Title 36, Chapter 2, Article 2, and A.R.S. § 36-132(A)(11) that performs serological, microbiological, entomological, and chemical analyses.
9. "Average window period" means the typical time between exposure to an agent and the ability to detect infection with the agent in human blood.
10. "Barrier" means a mask, gown, glove, face shield, face mask, or other membrane or filter to prevent the transmission of infectious agents and protect an individual from exposure to body fluids.
11. "Body fluid" means semen, vaginal secretion, tissue, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, amniotic fluid, urine, blood, lymph, or saliva.
12. "Carrier" means an infected individual without symptoms who can spread the infection to a susceptible individual.
13. "Case" means an individual:
  - a. With a communicable disease whose condition is documented:
    - i. By laboratory results that support the presence of the agent that causes the disease;
    - ii. By a health care provider's diagnosis based on clinical observation; or
    - iii. By epidemiologic associations with the communicable disease, the agent that causes the disease, or toxic products of the agent;
  - b. Who has experienced diarrhea, nausea, or vomiting as part of an outbreak; or
  - c. Who has experienced a vaccinia-related adverse event.
14. "Case definition" means the disease-specific criteria that must be met for an individual to be classified as a case.
15. "Chief medical officer" means the senior health care provider in a correctional facility or that individual's designee who is also a health care provider.
16. "Child" means an individual younger than 18 years of age.
17. "Child care establishment" means:
  - a. A "child care facility," as defined in A.R.S. § 36-881;
  - b. A "child care group home," as defined in A.R.S. § 36-897;
  - c. A child care home registered with the Arizona Department of Education under A.R.S. § 46-321; or
  - d. A child care home certified by the Arizona Department of Economic Security under A.R.S. Title 46, Chapter 7, Article 1.
18. "Clinical signs and symptoms" means evidence of disease or injury that can be observed by a health care provider or can be inferred by the health care provider from a patient's description of subjective complaints.
19. "Cohort room" means a room housing only individuals infected with the same agent and no other agent.
20. "Communicable disease" means an illness caused by an agent or its toxic products that arises through the transmission of that agent or its products to a susceptible host, either directly or indirectly.
21. "Communicable period" means the time during which an agent may be transmitted directly or indirectly:
  - a. From an infected individual to another individual;
  - b. From an infected animal, arthropod, or vehicle to an individual; or
  - c. From an infected individual to an animal.
22. "Confirmatory test" means a laboratory analysis approved by the U.S. Food and Drug Administration to be used after a screening test to diagnose or monitor the progression of HIV infection.
23. "Contact" means an individual who has been exposed to an infectious agent in a manner that may have allowed transmission of the infectious agent to the individual during the communicable period.
24. "Correctional facility" means any place used for the confinement or control of an individual:
  - a. Charged with or convicted of an offense,

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- b. Held for extradition, or
- c. Pursuant to a court order for law enforcement purposes.
- 25. "Court-ordered subject" means a subject who is required by a court of competent jurisdiction to provide one or more specimens of blood or other body fluids for testing.
- 26. "Dentist" means an individual licensed under A.R.S. Title 32, Chapter 11, Article 2.
- 27. "Department" means the Arizona Department of Health Services.
- 28. "Designated service area" means the same as in R9-18-101.
- 29. "Diagnosis" means an identification of a disease by an individual authorized by law to make the identification.
- 30. "Disease" means a condition or disorder that causes the human body to deviate from its normal or healthy state.
- 31. "Emerging or exotic disease" means:
  - a. A new disease resulting from change in an existing organism;
  - b. A known disease not usually found in the geographic area or population in which it is found;
  - c. A previously unrecognized disease appearing in an area undergoing ecologic transformation; or
  - d. A disease reemerging as a result of a situation such as antimicrobial resistance in a known infectious agent, a breakdown in public health measures, or deliberate release.
- 32. "Entity" has the same meaning as "person" in A.R.S. § 1-215.
- 33. "Epidemiologic investigation" means the application of scientific methods to ascertain a diagnosis; identify risk factors for a disease; determine the potential for spreading a disease; institute control measures; and complete forms and reports such as communicable disease, case investigation, and outbreak reports.
- 34. "Fever" means a temperature of 100.4° F or higher.
- 35. "Food establishment" has the same meaning as in the document incorporated by reference in A.A.C. R9-8-107.
- 36. "Food handler" means:
  - a. A paid or volunteer full-time or part-time worker who prepares or serves food or who otherwise touches food in a food establishment; or
  - b. An individual who prepares food for or serves food to a group of two or more individuals in a setting other than a food establishment.
- 37. "Foodborne" means that food serves as a mode of transmission of an infectious agent.
- 38. "Guardian" means an individual who is invested with the authority and charged with the duty of caring for an individual by a court of competent jurisdiction.
- 39. "HBsAg" means hepatitis B surface antigen.
- 40. "Health care institution" has the same meaning as in A.R.S. § 36-401.
- 41. "Health care provider" means the same as in A.R.S. § 36-661.
- 42. "Health education" means supplying to an individual or a group of individuals:
  - a. Information about a communicable disease or options for treatment of a communicable disease, and
  - b. Guidance about methods to reduce the risk that the individual or group of individuals will become infected or infect other individuals.
- 43. "HIV" means Human Immunodeficiency Virus.
- 44. "HIV-related test" has the same meaning as in A.R.S. § 36-661.
- 45. "Infected" or "infection" means when an individual has an agent for a disease in a part of the individual's body where the agent may cause a disease.
- 46. "Infectious active tuberculosis" means pulmonary or laryngeal active tuberculosis in an individual, which can be transmitted from the infected individual to another individual.
- 47. "Infectious agent" means an agent that can be transmitted to an individual.
- 48. "Infant" means a child younger than 12 months of age.
- 49. "Isolate" means:
  - a. To separate an infected individual or animal from others to limit the transmission of infectious agents, or
  - b. A pure strain of an agent obtained from a specimen.
- 50. "Isolation" means separation, during the communicable period, of an infected individual or animal from others to limit the transmission of infectious agents.
- 51. "Laboratory report" means a document that:
  - a. Is produced by a laboratory that conducts a test or tests on a subject's specimen; and
  - b. Shows the outcome of each test, including personal identifying information about the subject.
- 52. "Local health agency" means a county health department, a public health services district, a tribal health unit, or a U.S. Public Health Service Indian Health Service Unit.
- 53. "Local health officer" means an individual who has daily control and supervision of a local health agency or the individual's designee.
- 54. "Medical evaluation" means an assessment of an individual's health by a physician, physician assistant, or registered nurse practitioner.
- 55. "Medical examiner" means an individual:
  - a. Appointed as a county medical examiner by a county board of supervisors under A.R.S. § 11-592, or
  - b. Employed by a county board of supervisors under A.R.S. § 11-592 to perform the duties of a county medical examiner.
- 56. "Multi-drug resistant tuberculosis" means active tuberculosis that is caused by bacteria that are not susceptible to the antibiotics isoniazid and rifampin.
- 57. "Officer in charge" means the individual in the senior leadership position in a correctional facility or that individual's designee.
- 58. "Outbreak" means an unexpected increase in incidence of a disease, infestation, or sign or symptom of illness.
- 59. "Parent" means a biological or adoptive mother or father.
- 60. "Person" has the same meaning as in A.R.S. § 1-215.
- 61. "Petition" means a formal written application to a court requesting judicial action on a matter.
- 62. "Pharmacy" has the same meaning as in A.R.S. § 32-1901.
- 63. "Physician" means an individual licensed as a doctor of:
  - a. Allopathic medicine under A.R.S. Title 32, Chapter 13;
  - b. Naturopathic medicine under A.R.S. Title 32, Chapter 14;
  - c. Osteopathic medicine under A.R.S. Title 32, Chapter 17; or
  - d. Homeopathic medicine under A.R.S. Title 32, Chapter 29.

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64. "Physician assistant" has the same meaning as in A.R.S. § 32-2501.
65. "Pupil" means a student attending a school.
66. "Quarantine" means the restriction of activities of an individual or animal that has been exposed to a case or carrier of a communicable disease during the communicable period, to prevent transmission of the disease if infection occurs.
67. "Registered nurse practitioner" has the same meaning as in A.R.S. § 32-1601.
68. "Respiratory disease" means a communicable disease with acute onset of fever and symptoms such as cough, sore throat, or shortness of breath.
69. "Risk factor" means an activity or circumstance that increases the chances that an individual will become infected with or develop a communicable disease.
70. "School" means:
- An "accommodation school," as defined in A.R.S. § 15-101;
  - A "charter school," as defined in A.R.S. § 15-101;
  - A "private school," as defined in A.R.S. § 15-101;
  - A "school," as defined in A.R.S. § 15-101;
  - A college or university;
  - An institution that offers a "private vocational program," as defined in A.R.S. § 32-3001; or
  - An institution that grants a "degree," as defined in A.R.S. § 32-3001, for completion of an educational program of study.
71. "Screening test" means a laboratory analysis approved by the U.S. Food and Drug Administration as an initial test to indicate the possibility that an individual is infected with a communicable disease.
72. "Sexual contact" means vaginal intercourse, anal intercourse, fellatio, cunnilingus, or other deliberate interaction with another individual's genital area for a non-medical or non-hygienic reason.
73. "Shelter" means:
- A facility or home that provides "shelter care," as defined in A.R.S. § 8-201;
  - A "homeless shelter," as defined in A.R.S. § 16-121; or
  - A "shelter for victims of domestic violence," as defined in A.R.S. § 36-3001.
74. "Significant exposure" means the same as in A.R.S. § 32-3207.
75. "Standard precautions" means the use of barriers by an individual to prevent parenteral, mucous membrane, and nonintact skin exposure to body fluids and secretions other than sweat.
76. "Subject" means an individual whose blood or other body fluid has been tested or is to be tested.
77. "Submitting entity" means the same as in A.R.S. § 13-1415.
78. "Suspect case" means an individual whose medical history, signs, or symptoms indicate that the individual:
- May have or is developing a communicable disease;
  - May have experienced diarrhea, nausea, or vomiting as part of an outbreak; or
  - May have experienced a vaccinia-related adverse event.
79. "Syndrome" means a pattern of signs and symptoms characteristic of a disease.
80. "Test" means an analysis performed on blood or other body fluid to evaluate for the presence or absence of a disease.
81. "Test result" means information about the outcome of a laboratory analysis of a subject's specimen and does not include personal identifying information about the subject.
82. "Treatment" means a procedure or method to cure, improve, or palliate an illness or a disease.
83. "Tuberculosis control officer" means the same as in A.R.S. § 36-711.
84. "Vaccine" means a preparation of a weakened or killed agent, a portion of the agent's structure, or a synthetic substitute for a portion of the agent's structure that, upon administration into the body of an individual or animal, stimulates a response in the body to produce or increase immunity to a particular disease.
85. "Vaccinia-related adverse event" means a reaction to the administration of a vaccine against smallpox that requires medical evaluation of the reaction.
86. "Victim" means an individual on whom another individual is alleged to have committed a sexual offense, as defined in A.R.S. § 13-1415.
87. "Viral hemorrhagic fever" means disease characterized by fever and hemorrhaging and caused by a virus.
88. "Waterborne" means that water serves as a mode of transmission of an infectious agent.
89. "Working day" means the period from 8:00 a.m. to 5:00 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday.

**Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1).  
 Amended effective September 14, 1990 (Supp. 90-3).  
 Amended effective October 19, 1993 (Supp. 93-4).  
 Amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 15 A.A.R. 215, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-102. Release of Information**

A person shall release information, including protected health information as defined in 45 CFR 160.103, to the Department or a local health agency upon request if the information is:

- Requested by the Department or the local health agency for the purpose of:
  - Detecting, preventing, or controlling a communicable disease; or
  - Preventing injury or disability that may result from a communicable disease; and
- In the possession of the person.

**Historical Note**

Adopted effective May 2, 1991 (Supp. 91-2). Former Section R9-6-102 renumbered to R9-6-105, new Section R9-6-102 renumbered from R9-6-106 and amended effective October 19, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-102 renumbered to R9-6-201; new R9-6-102 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3).

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Amended by final rulemaking at 14 A.A.R. 4522, effective December 2, 2008 (Supp. 08-4).

**R9-6-103. Disclosure of Communicable Disease-Related Information to a Good Samaritan**

**A.** In this Section, unless otherwise specified, the following definitions apply:

1. "Affidavit" means a voluntary declaration or statement of facts that is made in writing and under oath or affirmation.
2. "Assisted person" means the individual with whom a Good Samaritan alleges interaction constituting a significant exposure risk.
3. "Available" means in the possession of or accessible by the Designated Officer who is reviewing a disclosure request.
4. "Communicable disease-related information" has the same meaning as in A.R.S. § 36-661.
5. "Designated Officer" means an individual appointed by the Director or a local health officer to:
  - a. Review a disclosure request from a Good Samaritan;
  - b. Determine whether disclosure of communicable disease-related information is required under A.R.S. § 36-664(E) and this Section; and
  - c. Respond to the Good Samaritan.
6. "Director" has the same meaning as in A.R.S. § 36-101.
7. "Disclosure request" means the information submitted by a Good Samaritan according to A.R.S. § 36-664(E) and subsection (C) or (D).
8. "Emergency care or assistance" means actions performed by an individual on or for another individual, which are necessary to prevent death or impairment of the health of the other individual.
9. "Emergency department" has the same meaning as in A.A.C. R9-11-101.
10. "Good Samaritan" has the same meaning as in A.R.S. § 36-661.
11. "In writing" means:
  - a. An original document,
  - b. A photocopy,
  - c. A facsimile, or
  - d. An e-mail.
12. "Medical consultation" means discussion between a Good Samaritan and:
  - a. A physician or a registered nurse practitioner working in an emergency department or urgent care unit;
  - b. An occupational health provider as defined in A.A.C. R9-6-801; or
  - c. Any other health care provider knowledgeable in determining circumstances when post-exposure prophylaxis is necessary.
13. "Mucous membrane" means a thin, pliable layer of tissue that lines passageways and cavities in the human body that lead to the outside, such as the mouth, gastrointestinal tract, nose, vagina, and urethra.
14. "Notarized" means signed and dated by a notary.
15. "Notary" means any individual authorized to perform the acts specified under A.R.S. § 41-313.
16. "Post-exposure prophylaxis" means treatment provided to an individual who may have been exposed to a communicable disease, which is intended to prevent infection of the individual.
17. "Significant exposure risk" has the same meaning as in A.R.S. § 36-661.

18. "Under oath or affirmation" means a sworn or affirmed statement made by a Good Samaritan to a notary under the penalty of perjury.

19. "Urgent care unit" has the same meaning as in A.A.C. R9-11-201.

**B.** A significant exposure risk may occur when a Good Samaritan's interaction with an individual results in:

1. A transfer of blood or body fluids from the individual onto the mucous membranes or into breaks in the skin of the Good Samaritan; or
2. A sharing of airspace between the Good Samaritan and the individual.

**C.** If a Good Samaritan makes a disclosure request to the Department or a local health agency 72 hours or less after an alleged significant exposure risk, the disclosure request shall include:

1. The Good Samaritan's name;
2. The Good Samaritan's mailing address or e-mail address;
3. The telephone number at which the Good Samaritan may be reached during a working day;
4. A description of the accident, fire, or other life-threatening emergency, in which the Good Samaritan rendered emergency care or assistance;
5. A description of the:
  - a. Emergency care or assistance rendered by the Good Samaritan at the accident, fire, or other life-threatening emergency; and
  - b. Circumstances that the Good Samaritan believes constitute a significant exposure risk;
6. If known, the name of the assisted person;
7. If known, the date of birth of the assisted person; and
8. Any additional information that may identify the assisted person.

**D.** If a Good Samaritan makes a disclosure request to the Department or a local health agency more than 72 hours after an alleged significant exposure risk, the disclosure request shall include:

1. A statement in writing that the Good Samaritan is requesting communicable disease-related information for an assisted person as allowed under A.R.S. § 36-664(E);
2. Documentation concerning the accident, fire, or other life-threatening emergency in which the Good Samaritan rendered emergency care or assistance; and
3. A notarized affidavit that contains:
  - a. The information specified in subsections (C)(1) through (8);
  - b. A statement that the Good Samaritan understands that the Good Samaritan may seek medical consultation to determine whether post-exposure prophylaxis for a communicable disease is needed;
  - c. A statement that the Good Samaritan certifies that the declarations contained within the affidavit are truthful to the best of the Good Samaritan's knowledge; and
  - d. The Good Samaritan's signature.

**E.** Within two working days after the Department or a local health agency receives a disclosure request from a Good Samaritan, the Designated Officer shall:

1. If the Designated Officer determines that the information provided as specified in subsection (C) or (D) indicates a significant exposure risk to the Good Samaritan and communicable disease-related information is available for the assisted person:

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- a. Attempt to contact the Good Samaritan by telephone and provide the Good Samaritan with the communicable disease-related information:
    - i. For the assisted person;
    - ii. Pertaining to the specific communicable disease or diseases that may be transmitted through the interaction between the Good Samaritan and the assisted person; and
    - iii. Without revealing the assisted person's name;
  - b. Attempt to contact the Good Samaritan by telephone and notify the Good Samaritan that disclosure of communicable disease-related information for one communicable disease does not rule out the possibility that the Good Samaritan was exposed to other communicable diseases about which information is not available to the Designated Officer;
  - c. Attempt to contact the Good Samaritan by telephone and provide to the Good Samaritan information concerning the agent causing the communicable disease for which the Designated Officer is disclosing communicable disease-related information, including:
    - i. A description of the disease or syndrome caused by the agent, including its symptoms;
    - ii. A description of how the agent is transmitted to others;
    - iii. The average window period for the agent;
    - iv. An explanation that exposure to an individual with a communicable disease does not mean that infection has occurred or will occur;
    - v. Measures to reduce the likelihood of transmitting the agent to others and that it is necessary to continue the measures until a negative test result is obtained after the average window period has passed or until an infection, if detected, is eliminated;
    - vi. That it is necessary to notify others that they may be or may have been exposed to the agent through interaction with the Good Samaritan; and
    - vii. The availability of assistance from the Department, local health agencies, or other resources; and
  - d. Send to the Good Samaritan in writing:
    - i. The information specified in subsection (E)(1)(a);
    - ii. The notification specified in subsection (E)(1)(b);
    - iii. The information specified in subsection (E)(1)(c); and
    - iv. A statement that the confidentiality of the disclosed communicable disease-related information is protected by A.R.S. §§ 36-664(G) and 36-666(A)(2);
2. If the Designated Officer determines that the information provided as specified in subsection (C) or (D) indicates a significant exposure risk to the Good Samaritan, but the Designated Officer is unable to provide communicable disease-related information for the assisted person:
    - a. Attempt to contact the Good Samaritan by telephone and notify the Good Samaritan that either:
      - i. Communicable disease-related information, pertaining to the specific communicable disease or diseases that may be transmitted through the interaction between the Good Samaritan and the assisted person, is not available to the Designated Officer; or
      - ii. The Designated Officer is unable to identify the assisted person from the information provided in the Good Samaritan's disclosure request, as specified in subsection (C) or (D);
    - b. Attempt to contact the Good Samaritan by telephone and notify the Good Samaritan that:
      - i. The Good Samaritan's interaction with the assisted person may pose a significant exposure risk to the Good Samaritan; and
      - ii. The Good Samaritan may seek medical consultation on the need for post-exposure prophylaxis; and
    - c. Send to the Good Samaritan in writing the notifications specified in subsections (E)(2)(a) and (b); and
  3. If the Designated Officer determines that the information provided as specified in subsection (C) or (D) does not indicate a significant exposure risk to the Good Samaritan:
    - a. Attempt to contact the Good Samaritan by telephone and notify the Good Samaritan that the Designated Officer will not disclose any available communicable disease-related information for the assisted person; and
    - b. Send to the Good Samaritan in writing:
      - i. The notification specified in subsection (E)(3)(a);
      - ii. A statement that the Designated Officer's decision not to disclose communicable disease-related information to the Good Samaritan is based on A.R.S. § 36-664(E) and this Section;
      - iii. The Designated Officer's reasons for not disclosing communicable disease-related information to the Good Samaritan; and
      - iv. A statement that the Good Samaritan has the right to obtain a hearing as specified in A.R.S. § 41-1092.03(B).

**Historical Note**

Renumbered from R9-6-107 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Section renumbered to R9-6-301 by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). New Section made by final rulemaking at 14 A.A.R. 4641, effective January 31, 2009 (Supp. 08-4).

**R9-6-104. Repealed****Historical Note**

Renumbered from R9-6-108 and amended effective October 19, 1993 (Supp. 93-4). Section repealed by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2).

**R9-6-105. Renumbered****Historical Note**

Adopted effective January 20, 1992 (Supp. 92-1). Former Section R9-6-105 renumbered to R9-6-107, new Section R9-6-105 renumbered from R9-6-102 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Section renumbered to

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R9-6-501 by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3).

**R9-6-106. Renumbered****Historical Note**

Amended effective June 4, 1980 (Supp. 80-3). Former Section R9-6-112 renumbered and amended as Section R9-6-106 effective January 28, 1987 (Supp. 87-1). Former Section R9-6-106 renumbered to R9-6-102, new Section R9-6-106 adopted effective October 19, 1993 (Supp. 93-4). Section renumbered to R9-6-601 by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3).

**Exhibit I-A. Repealed****Historical Note**

New Exhibit I-A made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit I-A repealed by final rulemaking at 15 A.A.R. 215, effective March 7, 2009 (Supp. 09-1).

**R9-6-107. Repealed****Historical Note**

Adopted effective September 14, 1990 (Supp. 90-3). Former Section R9-6-107 renumbered to R9-6-103, new Section R9-6-107 renumbered from R9-6-105 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 496, effective January 19, 1999 (Supp. 99-1). Section repealed by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3).

**R9-6-108. Renumbered****Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2). Amended and readopted as an emergency effective August 8, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired. Readopted as an emergency and Paragraph (9) corrected effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2). Renumbered to R9-6-104 effective October 19, 1993 (Supp. 93-4).

**R9-6-109. Reserved****R9-6-110. Reserved****R9-6-111. Repealed****Historical Note**

Corrected Departmental reference in subsection (C) (Supp. 76-5). Amended effective June 4, 1980 (Supp. 80-3). Repealed effective January 28, 1987 (Supp. 87-1).

**R9-6-112. Renumbered****Historical Note**

Amended effective June 4, 1980 (Supp. 80-3). Former Section R9-6-112 renumbered and amended as Section R9-6-106 effective January 28, 1987 (Supp. 87-1).

**R9-6-113. Repealed****Historical Note**

Former Section R9-6-113 repealed, new Section R9-6-113 adopted effective June 4, 1980 (Supp. 80-3). Amended paragraph 4, effective January 31, 1983 (Supp. 83-1). Repealed effective January 28, 1987 (Supp. 87-1).

**R9-6-114. Repealed****Historical Note**

Corrected Departmental reference in subsections (B) and (C) (Supp. 76-5). Former Section R9-6-114 repealed, new Section R9-6-114 adopted effective June 4, 1980 (Supp. 80-3). Repealed effective January 28, 1987 (Supp. 87-1).

**ARTICLE 2. COMMUNICABLE DISEASE AND INFESTATION REPORTING****R9-6-201. Definitions**

In this Article, unless otherwise specified:

1. "Clinical laboratory" has the same meaning as in A.R.S. § 36-451.
2. "Drug" has the same meaning as in A.R.S. § 32-1901.
3. "Epidemiologic curve" means a graphic display of the number of cases over time.
4. "Normally sterile site" means an anatomic location, or tissue or body fluid from an anatomic location, in which microorganisms are not found in the absence of disease and includes:
  - a. The lower respiratory tract;
  - b. Blood;
  - c. Bone marrow;
  - d. Cerebrospinal fluid;
  - e. Pleural fluid;
  - f. Peritoneal fluid;
  - g. Synovial fluid;
  - h. Pericardial fluid;
  - i. Amniotic fluid;
  - j. Lymph;
  - k. A closed abscess; or
  - l. Another anatomic location other than the skin, mouth, eyes, upper respiratory tract, middle ear, urogenital tract, or gastrointestinal tract.
5. "Health care provider required to report" means a physician, physician assistant, registered nurse practitioner, or dentist who diagnoses, treats, or detects a case or suspect case of a communicable disease listed in Table 2.1 or detects an occurrence listed in Table 2.1.
6. "Pharmacist" has the same meaning as in A.R.S. § 32-1901.
7. "Point of contact" means an individual through whom the Department or a local health agency can obtain information upon request.
8. "Whole blood" means human blood from which plasma, erythrocytes, leukocytes, and thrombocytes have not been separated.

**Historical Note**

Former Section R9-6-211 renumbered and amended and subsection (C) renumbered from R9-6-212 and amended effective May 2, 1991 (Supp. 91-2). Former Section R9-



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6-201 renumbered to R9-6-501, new Section R9-6-201 renumbered from R9-6-601, repealed, and a new Section R9-6-201 adopted effective October 19, 1993 (Supp. 93-4). Former R9-6-201 repealed; new R9-6-201 renumbered from R9-6-102 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-202. Reporting Requirements for a Health Care Provider Required to Report or an Administrator of a Health Care Institution or Correctional Facility**

- A. A health care provider required to report shall, either personally or through a representative, submit a report, in a Department-provided format, to the local health agency within the time limitation in Table 2.1 and as specified in subsection (C) or (D).
- B. An administrator of a health care institution or correctional facility in which a case or suspect case of a communicable disease listed in Table 2.1 is diagnosed, treated, or detected or an occurrence listed in Table 2.1 is detected shall, either personally or through a representative, submit a report, in a Department-provided format, to the local health agency within the time limitation in Table 2.1 and as specified in subsection (C) or (D).
- C. Except as described in subsection (D), for each case, suspect case, or occurrence for which a report on an individual is required by subsection (A) or (B) and Table 2.1, a health care provider required to report or an administrator of a health care institution or correctional facility shall submit a report that includes:
  1. The following information about the case or suspect case:
    - a. Name;
    - b. Residential and mailing addresses;
    - c. County of residence;
    - d. Whether the individual is living on a reservation and, if so, the name of the reservation;
    - e. Whether the individual is a member of a tribe and, if so, the name of the tribe;
    - f. Telephone number and, if available, email address;
    - g. Date of birth;
    - h. Race and ethnicity;
    - i. Gender;
    - j. If known, whether the individual is pregnant;
    - k. If known, whether the individual is alive or dead;
    - l. If known, the individual's occupation;
    - m. If the individual is attending or working in a school or child care establishment or working in a health care institution or food establishment, the name and address of the school, child care establishment, health care institution, or food establishment; and
    - n. For a case or suspect case who is a child requiring parental consent for treatment, the name, residential address, telephone number, and, if available, email address of the child's parent or guardian, if known;
  2. The following information about the disease:
    - a. The name of the disease;
    - b. The date of onset of symptoms;
    - c. The date of diagnosis;
    - d. The date of specimen collection;
    - e. Each type of specimen collected;
    - f. Each type of laboratory test completed;
    - g. The date of the result of each laboratory test; and
  - h. A description of the laboratory test results, including quantitative values if available;
3. If reporting a case or suspect case of tuberculosis:
  - a. The site of infection;
  - b. A description of the treatment prescribed, if any, including:
    - i. The name of each drug prescribed,
    - ii. The dosage prescribed for each drug, and
    - iii. The date of prescription for each drug; and
  - c. Whether the diagnosis was confirmed by a laboratory and, if so, the name, address, and phone number of the laboratory;
4. If reporting a case or suspect case of chancroid, gonorrhea, or *Chlamydia trachomatis* infection:
  - a. The gender of the individuals with whom the case or suspect case had sexual contact;
  - b. A description of the treatment prescribed, if any, including:
    - i. The name of each drug prescribed,
    - ii. The dosage prescribed for each drug, and
    - iii. The date of prescription for each drug;
  - c. The site of infection; and
  - d. Whether the diagnosis was confirmed by a laboratory and, if so, the name, address, and phone number of the laboratory;
5. If reporting a case or suspect case of syphilis:
  - a. The information required under subsection (C)(4); and
  - b. Identification of:
    - i. The stage of the disease, or
    - ii. Whether the syphilis is congenital;
6. If reporting a case of congenital syphilis in an infant, and in addition to the information required under subsection (C)(5) and A.R.S. § 36-694(A), the following information:
  - a. The name and date of birth of the infant's mother;
  - b. The residential address, mailing address, telephone number, and, if available, email address of the infant's mother;
  - c. The date and test results for the infant's mother of the prenatal syphilis test required in A.R.S. § 36-693; and
  - d. If the prenatal syphilis test of the infant's mother indicated that the infant's mother was infected with syphilis:
    - i. Whether the infant's mother received treatment for syphilis,
    - ii. The name and dosage of each drug prescribed to the infant's mother for treatment of syphilis and the date each drug was prescribed, and
    - iii. The name and phone number of the health care provider required to report who treated the infant's mother for syphilis;
7. The name, address, telephone number, and, if available, email address of the individual making the report; and
8. The name, address, telephone number, and, if available, email address of the:
  - a. Health care provider, if reporting under subsection (A) and different from the individual specified in subsection (C)(7); or
  - b. Health care institution or correctional facility, if reporting under subsection (B).
- D. For each outbreak for which a report is required by subsection (A) or (B) and Table 2.1, a health care provider required to

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report or an administrator of a health care institution or correctional facility shall submit a report that includes:

1. A description of the signs and symptoms;
  2. If possible, a diagnosis and identification of suspected sources;
  3. The number of known cases and suspect cases;
  4. A description of the location and setting of the outbreak;
  5. The name, address, telephone number, and, if available, email address of the individual making the report; and
  6. The name, address, telephone number, and, if available, email address of the:
    - a. Health care provider, if reporting under subsection (A) and different from the individual specified in subsection (D)(5); or
    - b. Health care institution or correctional facility, if reporting under subsection (B).
- E.** When an HIV-related test is ordered for an infant who was perinatally exposed to HIV to determine whether the infant is infected with HIV, the health care provider who orders the HIV-related test or the administrator of the health care institution in which the HIV-related test is ordered shall:
1. Report the results of the infant's HIV-related test to the Department, either personally or through a representative, within five working days after receiving the results of the HIV-related test;
  2. Include the following information in the report specified in subsection (E)(1):
    - a. The name and date of birth of the infant;
    - b. The residential address, mailing address, and telephone number of the infant;
    - c. The name and date of birth of the infant's mother;
    - d. The date of the last medical evaluation of the infant;
    - e. The types of HIV-related tests ordered for the infant;
    - f. The dates of the infant's HIV-related tests;
    - g. The results of the infant's HIV-related tests; and
    - h. The ordering health care provider's name, address, and telephone number; and
  3. Include with the report specified in subsection (E)(1) a report for the infant's mother including the following information:
    - a. The name and date of birth of the infant's mother;
    - b. The residential address, mailing address, and telephone number of the infant's mother;
    - c. The date of the last medical evaluation of the infant's mother;
    - d. The types of HIV-related tests ordered for the infant's mother;
    - e. The dates of the HIV-related tests for the infant's mother;
    - f. The results of the HIV-related tests for the infant's mother;
    - g. What HIV-related risk factors the infant's mother has;
    - h. Whether the infant's mother delivered the infant vaginally or by C-section;
    - i. Whether the infant's mother was receiving HIV-related drugs prior to the infant's birth to reduce the risk of perinatal transmission of HIV; and
    - j. The name, address, and telephone number of the health care provider who ordered the HIV-related tests for the infant's mother.

**Historical Note**

Renumbered from R9-6-213 and amended effective May 2, 1991 (Supp. 91-2). Former Section R9-6-202 renumbered to R9-6-502, new Section R9-6-202 renumbered from R9-6-602 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 8 A.A.R. 4467, effective December 1, 2002 (Supp. 02-4). Amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

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

New Table 1 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Table 1 amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Table 1 repealed by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**Table 2.1. Reporting Requirements for a Health Care Provider Required to Report or an Administrator of a Health Care Institution or Correctional Facility**

☐*,O Amebiasis	☎ Glanders	O Respiratory disease in a health care institution or correctional facility
☐ Anaplasmosis	☐ Gonorrhea	☐* Rubella (German measles)
☎ Anthrax	☐ <i>Haemophilus influenza</i> , invasive disease	☐ Rubella syndrome, congenital
☐ Arboviral infection	☐ Hansen's disease (Leprosy)	☐*,O Salmonellosis
☐ Babesiosis	☐ Hantavirus infection	O Scabies
☐ Basidiobolomycosis	☐ Hemolytic uremic syndrome	☐*,O Shigellosis
☎ Botulism	☐*,O Hepatitis A	☎ Smallpox
☐ Brucellosis	☐ Hepatitis B and Hepatitis D	☐ Spotted fever rickettsiosis (e.g., Rocky Mountain spotted fever)
☐*,O Campylobacteriosis	☐ Hepatitis C	☐ Streptococcal group A infection, invasive disease
☐ Chagas infection and related disease (American trypanosomiasis)	☐*,O Hepatitis E	☐ Streptococcal group B infection in an infant younger than 90 days of age, invasive disease
☐ Chancroid	☐ HIV infection and related disease	☐ <i>Streptococcus pneumoniae</i> infection (pneumococcal invasive disease)

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① Chikungunya	① Influenza-associated mortality in a child	☒1 Syphilis
☒ Chlamydia trachomatis infection	① Legionellosis (Legionnaires' disease)	☒*,O Taeniasis
①* Cholera	① Leptospirosis	☒ Tetanus
☒ Coccidioidomycosis (Valley Fever)	① Listeriosis	☒ Toxic shock syndrome
☒ Colorado tick fever	☒ Lyme disease	① Trichinosis
O Conjunctivitis, acute	① Lymphocytic choriomeningitis	① Tuberculosis, active disease
☒ Creutzfeldt-Jakob disease	☒ Malaria	① Tuberculosis latent infection in a child 5 years of age or younger (positive screening test result)
①*,O Cryptosporidiosis	☎ Measles (rubeola)	☎ Tularemia
① Cyclospora infection	① Melioidosis	① Typhoid fever
☒ Cysticercosis	☎ Meningococcal invasive disease	① Typhus fever
① Dengue	① Mumps	① Vaccinia-related adverse event
O Diarrhea, nausea, or vomiting	☎ Novel coronavirus infection (e.g., SARS or MERS)	☎ Vancomycin-resistant or Vancomycin-intermediate Staphylococcus aureus
☎ Diphtheria	① Pertussis (whooping cough)	☒ Varicella (chickenpox)
☒ Ehrlichiosis	☎ Plague	①*,O Vibrio infection
☎ Emerging or exotic disease	☎ Poliomyelitis (paralytic or non-paralytic)	☎ Viral hemorrhagic fever
☎ Encephalitis, parasitic	☒ Psittacosis (ornithosis)	☒ West Nile virus infection
① Encephalitis, viral	① Q fever	☎ Yellow fever
① Escherichia coli, Shiga toxin-producing	☎ Rabies in a human	①*,O Yersiniosis (enteropathogenic Yersinia)
☒*,O Giardiasis	① Relapsing fever (borreliosis)	① Zika virus infection

**Key:**

- ☎ Submit a report by telephone or through an electronic reporting system authorized by the Department within 24 hours after a case or suspect case is diagnosed, treated, or detected, or an occurrence is detected.
- \* Submit a report within 24 hours after a case or suspect case is diagnosed, treated, or detected, instead of reporting within the general reporting deadline, if the case or suspect case is a food handler or works in a child care establishment or a health care institution.
- 1 Submit a report within one working day if the case or suspect case is a pregnant woman.
- ① Submit a report within one working day after a case or suspect case is diagnosed, treated, or detected.
- ☒ Submit a report within five working days after a case or suspect case is diagnosed, treated, or detected.
- O Submit a report within 24 hours after detecting an outbreak.

**Historical Note**

New Table 2.1 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-203. Reporting Requirements for an Administrator of a School, Child Care Establishment, or Shelter**

- A.** An administrator of a school, child care establishment, or shelter shall, either personally or through a representative, submit a report, in a Department-provided format, to the local health agency within the time limitation in Table 2.2 and as specified in subsection (B).
- B.** For each individual with a disease, infestation, or symptoms of a communicable disease or infestation listed in Table 2.2, or an outbreak of the communicable disease or infestation, an administrator of a school, child care establishment, or shelter shall submit a report that includes:
1. The name and address of the school, child care establishment, or shelter;
  2. The number of individuals with the disease, infestation, or symptoms;
  3. The date and time that the disease or infestation was detected or that the symptoms began;
  4. The number of rooms, grades, or classes affected and the name of each;
  5. The following information about each individual with the disease, infestation, or symptoms:
    - a. Name;
    - b. Date of birth or age;

- c. If the individual is a child, name and contact information for the individual's parent or guardian;
  - d. Residential address and telephone number; and
  - e. Whether the individual is a staff member, a student, a child in care, or a resident;
6. The number of individuals attending or residing at the school, child care establishment, or shelter; and
  7. The name, address, telephone number, and, if available, email address of the individual making the report.

**Historical Note**

Renumbered from R9-6-214 and amended effective May 2, 1991 (Supp. 91-2). Former Section R9-6-203 renumbered to R9-6-503, new Section R9-6-202 adopted effective October 19, 1993 (Supp. 93-4). Former R9-6-203 renumbered to R9-6-206; new R9-6-203 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**Table 2. Renumbered****Historical Note**


















New Table 2 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Table 2,

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renumbered to Table 2.2 by final rulemaking at 23 A.A.R.  
2605, effective January 1, 2018 (Supp. 17-3).

**Table 2.2. Reporting Requirements for an Administrator of a School, Child Care Establishment, or Shelter**

 Campylobacteriosis	 Mumps
 Conjunctivitis, acute	 Pertussis (whooping cough)
 Cryptosporidiosis	 Rubella (German measles)
 Diarrhea, nausea, or vomiting	 Salmonellosis
 <i>Escherichia coli</i> , Shiga toxin-producing	 Scabies
 <i>Haemophilus influenzae</i> , invasive disease	 Shigellosis
 Hepatitis A	 Streptococcal group A infection
 Measles	 Varicella (chickenpox)
 Meningococcal invasive disease	

**Key:**

-  Submit a report within 24 hours after detecting a case or suspect case.
-  Submit a report within five working days after detecting a case or suspect case.
-  Submit a report within 24 hours after detecting an outbreak.

**Historical Note**

New Table 2.2 renumbered from Table 2 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-204. Clinical Laboratory Director Reporting Requirements**

- A.** Except as specified in subsection (D), a director of a clinical laboratory that obtains a test result described in Table 2.3 or that receives a specimen for detection of an infectious agent or toxin listed in Table 2.3 shall, either personally or through a representative, submit a report, in a Department-provided format, and, if applicable, an isolate or a specimen to the Department within the time limitation and as specified in Table 2.3 and subsection (B) or (C).
- B.** For each specimen for which an immediate report is required by subsection (A) and Table 2.3, a clinical laboratory director shall ensure the report includes:
1. The name and address of the laboratory;
  2. The name and telephone number of the director of the clinical laboratory;
  3. The name and, as available, the address, telephone number, and email address of the subject;
  4. The date of birth of the subject;
  5. The gender of the subject;
  6. The laboratory identification number;
  7. The specimen type;
  8. The date of collection of the specimen;
  9. The type of test ordered on the specimen; and
  10. The ordering health care provider's name, address, telephone number, and, if available, email address.
- C.** Except as provided in Table 2.3 and as specified in subsection (D), for each test result for a subject for which a report is required by subsection (A) and Table 2.3, a clinical laboratory director shall ensure the report includes:
1. The name and address of the laboratory;
  2. The name and telephone number of the director of the clinical laboratory;
  3. The name and, as available, the address, telephone number, and email address of the subject;
  4. The date of birth of the subject;
  5. The gender of the subject;
  6. The laboratory identification number;
  7. The specimen type;
  8. The date of collection of the specimen;

9. The date of the result of the test;
  10. The type of test completed on the specimen;
  11. The test result, including quantitative values and reference ranges, if applicable; and
  12. The ordering health care provider's name, address, telephone number, and, if available, email address.
- D.** When the Arizona State Laboratory obtains a test result from anonymous HIV testing sent to the Arizona State Laboratory as described in R9-6-1005, the director of the Arizona State Laboratory shall, either personally or through a representative:
1. Submit a report to the Department within five working days after obtaining a positive test result; and
  2. Include in the report the following information:
    - a. The laboratory identification number of the subject;
    - b. The date of birth, gender, race, and ethnicity of the subject;
    - c. The date the specimen was collected;
    - d. The type of tests completed on the specimen;
    - e. The test results, including quantitative values if available; and
    - f. The name, address, and telephone number of the person who submitted the specimen to the Arizona State Laboratory.

**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4). Former R9-6-204 renumbered to R9-6-302; new R9-6-204 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**Table 3. Repealed****Historical Note**

















New Table 3 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Table 3 amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Table 3 repealed by final

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rulemaking at 23 A.A.R. 2605, effective January 1, 2018  
(Supp. 17-3).

Table 2.3. Clinical Laboratory Director Reporting Requirements

	<i>Anaplasma</i> spp.	 ①,*	<i>Francisella tularensis</i>		<i>Plasmodium</i> spp.
①,* <sup>4</sup>	Arboviruses	①,* <sup>4,5</sup>	<i>Haemophilus influenzae</i> , from a normally sterile site	①,*	Rabies virus from a human
	<i>Babesia</i> spp.	①	Hantavirus	①,* <sup>4</sup>	Rabies virus from an animal
  *	<i>Bacillus anthracis</i>	① <sup>1</sup>	Hepatitis A virus (anti-HAV-IgM serologies, detection of viral nucleic acid, or genetic sequencing)		Respiratory syncytial virus
①,* <sup>4</sup>	<i>Bordetella pertussis</i>	 <sup>1</sup>	Hepatitis B virus (anti-Hepatitis B core-IgM serologies, Hepatitis B surface or envelope antigen serologies, detection of viral nucleic acid, or genetic sequencing)	①,* <sup>4</sup>	<i>Rickettsia</i> spp. – any test result
①,*	<i>Brucella</i> spp.	 <sup>1</sup>	Hepatitis C virus	① <sup>1</sup> ,*	Rubella virus and anti-rubella-IgM serologies
①,*	<i>Burkholderia mallei</i> and <i>B. pseudomallei</i>	 <sup>1</sup>	Hepatitis D virus	①,*	<i>Salmonella</i> spp.
 *, <sup>4</sup>	<i>Campylobacter</i> spp.	 <sup>1</sup> ,*, <sup>4</sup>	Hepatitis E virus	①,* <sup>4</sup>	<i>Shigella</i> spp.
 *, <sup>4</sup>	Carbapenem-resistant Enterobacteriaceae (CRE)		HIV—any test result (by culture, antigen, antibodies to the virus, detection of viral nucleic acid, or genetic sequencing), except from a negative screening test	 *, <sup>4</sup>	<i>Streptococcus</i> group A, from a normally sterile site
	CD <sub>4</sub> -T-lymphocyte count		HIV—any test result for an infant (by culture, antigen, antibodies to the virus, detection of viral nucleic acid, or genetic sequencing)		<i>Streptococcus</i> group B, from a normally sterile site in an infant younger than 90 days of age
①,* <sup>4</sup>	Chikungunya virus	 *, <sup>4</sup>	Influenza virus	 *, <sup>4</sup>	<i>Streptococcus pneumoniae</i> and its drug sensitivity pattern, from a normally sterile site
	<i>Chlamydia trachomatis</i>	①,+	<i>Legionella</i> spp. (excluding single serological results)	 <sup>1</sup>	<i>Treponema pallidum</i> (syphilis) or rapid plasma reagin
	<i>Chlamydia psittaci</i> / <i>Chlamydophila psittaci</i>	①	<i>Leptospira</i> spp.		<i>Trypanosoma cruzi</i> (Chagas disease)
 	<i>Clostridium botulinum</i> toxin (botulism)	①	<i>Lymphocytic choriomeningitis</i> virus	①,*	Vancomycin-resistant or Vancomycin-intermediate <i>Staphylococcus aureus</i>
 *, <sup>4</sup>	<i>Coccidioides</i> spp.	①,*	<i>Listeria</i> spp., from a normally sterile site	  *,*	Variola virus (smallpox)
①	<i>Coxiella burnetii</i>	 <sup>1</sup> ,*	Measles virus and anti-measles-IgM serologies	①,*	<i>Vibrio</i> spp.
①	<i>Cryptosporidium</i> spp.	 <sup>2</sup>	Methicillin-resistant <i>Staphylococcus aureus</i> , from a normally sterile site	  *,*	Viral hemorrhagic fever agent
①	<i>Cyclospora</i> spp.	① <sup>1</sup> ,*	Mumps virus and anti-mumps-IgM serologies		West Nile virus
①,* <sup>4</sup>	Dengue virus	①,* <sup>3</sup>	<i>Mycobacterium tuberculosis</i> complex and its drug sensitivity pattern	 *,*	Yellow fever virus
	<i>Ehrlichia</i> spp.	 *, <sup>4</sup>	<i>Neisseria gonorrhoeae</i> and, if performed, the drug sensitivity pattern	  *,*	<i>Yersinia pestis</i> (plague)
 	Emerging or exotic disease agent	 *,*	<i>Neisseria meningitidis</i> , from a normally sterile site	①,*	<i>Yersinia</i> spp. (other than <i>Y. pestis</i> )
	<i>Entamoeba histolytica</i>	①	Norovirus	①,*	Zika virus
①,*	<i>Escherichia coli</i> , <i>Shiga</i> toxin-producing		Novel coronavirus infection (e.g., SARS or MERS)		

Key:

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- 📄 Submit a report immediately after receiving one specimen for detection of the agent. Report the receipt of subsequent specimens within five working days after receipt.
  - 📞 Submit a report within 24 hours after obtaining a positive test result.
  - 🕒 Submit a report within one working day after obtaining a positive test result.
  - 📋 Submit a report within five working days after obtaining a positive test result or a test result specified in Table 2.3.
  - ✳️ Submit an isolate of the organism for each positive culture, if available, or a specimen for each positive test result to the Arizona State Laboratory within one working day.
  - ✚ Submit an isolate of the organism for each positive culture to the Arizona State Laboratory within one working day.
- When appearing after one of the symbols above, the following modify the requirement:
- <sup>1</sup> When reporting a positive result for any of the specified tests, report the results of all other tests performed for the subject as part of the disease panel or as a reflex test.
  - <sup>2</sup> Submit a report only when an initial positive result is obtained for an individual.
  - <sup>3</sup> Submit an isolate or specimen of the organism, as applicable, only when an initial positive result is obtained for an individual, when a change in resistance pattern is detected, or when a positive result is obtained  $\geq 12$  months after the initial positive result is obtained for an individual.
  - <sup>4</sup> Submit an isolate or specimen, as applicable, only by request.
  - <sup>5</sup> Submit an isolate of the organism, if available, or a specimen when a positive result is obtained for an individual  $< 5$  years of age.

**Historical Note**

Table 2.3 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-205. Reporting Requirements for a Pharmacist or an Administrator of a Pharmacy**

- A. A pharmacist who fills an individual's initial prescription for two or more of the drugs listed in subsection (B) or an administrator of a pharmacy in which an individual's initial prescription for two or more of the drugs listed in subsection (B) is filled shall, either personally or through a representative, submit a report, in a Department-provided format, that complies with subsection (C) to the Department within five working days after the prescription is filled.
- B. Any combination of two or more of the following drugs when initially prescribed for an individual triggers the reporting requirement of subsection (A):
  1. Isoniazid,
  2. Streptomycin,
  3. Any rifamycin,
  4. Pyrazinamide, or
  5. Ethambutol.
- C. A pharmacist or an administrator of a pharmacy shall submit a report required under subsection (A) that includes:
  1. The following information about the individual for whom the drugs are prescribed:
    - a. Name,
    - b. Address,
    - c. Telephone number, and
    - d. Date of birth; and
  2. The following information about the prescription:
    - a. The name of the drugs prescribed,
    - b. The date of prescription, and
    - c. The name and telephone number of the prescribing health care provider.
- D. Except as specified in Table 2.4 and Article 3, a local health agency shall submit to the Department a report, in a Department-provided format, of an epidemiologic investigation conducted by the local health agency:
  1. In response to a report of a case, suspect case, or occurrence:
    - a. Submitted under R9-6-202 or R9-6-203, or
    - b. About which the local health agency was notified by the Department;
  2. Within 30 calendar days after receiving the report submitted under R9-6-202 or R9-6-203 or notification by the Department;
  3. If an epidemiologic investigation is required for the reported disease under Article 3; and

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-206. Local Health Agency Responsibilities Regarding Communicable Disease Reports**

- A. The Department shall notify each local health agency of the format to be used by:
  1. A health care provider required to report when making a report required under R9-6-202(A) and Table 2.1;

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4. Including in the report of the epidemiologic investigation:
- The information described in:
    - R9-6-202(C) for a report submitted under R9-6-202,
    - R9-6-203(B) for a report submitted under R9-6-203, or
    - R9-6-202(C) for a report about which the Department notified the local health agency;
  - A description of all laboratory or other test results, performed in addition to the laboratory tests described in R9-6-202(C) and contributing to the diagnosis;
  - A description of the case's symptoms of the disease and other signs that may be observed that indicate that the individual may have the disease, if applicable;
  - A classification of the case according to the case definition;
  - A description of the condition or status of the case at the end of the epidemiologic investigation;
  - A description of the case's specific risk factors for acquiring the disease or other epidemiologic evidence of how the case acquired the infection that resulted in the disease;
  - A description of how the local health agency provided or arranged for the case to receive health education about the nature of the disease and how to prevent transmission or limit disease progression;
  - A description of the case's specific risk factors for transmitting the disease considered by the local health agency when conducting an assessment of contacts;
  - A description of the control measures used by the local health agency to reduce the spread of the disease; and
  - The date the report of the case, suspect case, or occurrence was submitted or the Department notified the local health agency.
- E. For each instance when the local health agency receives a report or reports indicating an outbreak or possible outbreak, the local health agency shall:
- Within 24 hours after receiving the report or reports, provide to the Department, in a Department-provided format, the following information:
    - The location of the outbreak or possible outbreak;
    - If known, the number of cases and suspect cases;
    - The date that the outbreak was reported or the dates that cases suggestive of an outbreak were reported;
    - The setting of the outbreak or possible outbreak;
    - The name of the disease suspected or known to be the cause of the outbreak or possible outbreak; and
  - The name and telephone number of an individual at the local health agency who can serve as a point of contact regarding the outbreak or possible outbreak; and
2. Within 30 calendar days after receiving the last report or reports associated with the outbreak, submit to the Department a report, in a Department-provided format, of the epidemiologic investigation conducted by the local health agency in response to the outbreak or possible outbreak, including:
- A description of the outbreak location and setting;
  - The date that the local health agency was notified of the outbreak;
  - A description of how the local health agency verified the outbreak;
  - The number of individuals reported to be ill during the outbreak;
  - The number of individuals estimated to be at risk for illness as a result of the outbreak;
  - The specific case definition used;
  - A summary profile of the signs and symptoms;
  - An epidemiologic curve;
  - A copy of the laboratory evidence collected, including all laboratory test results, for all specimens submitted for testing to a laboratory other than the Arizona State Laboratory;
  - Hypotheses of how the outbreak occurred;
  - A description of the control measures used and the dates the control measures were implemented;
  - The conclusions drawn based upon the results of the epidemiologic investigation;
  - Recommendations for preventing future outbreaks; and
  - The name, address, and telephone number of the individual making the report to the Department.

**Historical Note**

Section renumbered from R9-6-203 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**Table 4. Repealed****Historical Note**

New Table 4 made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Table 4 repealed by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**Table 2.4. Local Health Agency Reporting Requirements**

☑, ➔	Amebiasis	☑	Gonorrhea	①, ➔, *	Rubella (German measles)
☑, ➔	Anaplasmosis	①, ➔	<i>Haemophilus influenza</i> , invasive disease	☎, ➔, *	Rubella syndrome, congenital
☎, ➔, *	Anthrax	☑, ➔	Hansen's disease (Leprosy)	①, ➔	Salmonellosis
☑, ➔	Arboviral infection	①, ➔	Hantavirus infection	①, ➔	Shigellosis
☑, ➔	Babesiosis	①, ➔	Hemolytic uremic syndrome	☎, ➔, *	Smallpox
☑, ➔	Basidiobolomycosis	①, ➔	Hepatitis A	①, ➔	Spotted fever rickettsiosis (e.g., Rocky Mountain spotted fever)
☎, ➔, *	Botulism	☑, ➔	Hepatitis B and Hepatitis D	☑	<i>Streptococcal</i> group A infection, invasive disease

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☒, ➔, *	Brucellosis	☒, ➔	Hepatitis E	☒	<i>Streptococcal</i> group B infection in an infant younger than 90 days of age, invasive disease
☒, ➔	Campylobacteriosis	☒, ➔	HIV infection and related disease	☒	<i>Streptococcus pneumoniae</i> infection, (pneumococcal invasive disease)
☒, ➔	Chagas infection and related disease (American Trypanosomiasis)	①, ➔	Influenza-associated mortality in a child	☒, ➔	Syphilis
☒, ➔	Chancroid ( <i>Haemophilus ducreyi</i> )	①, ➔	Legionellosis (Legionnaires' disease)	☒, ➔	Taeniasis
☒, ➔	Chikungunya	①, ➔	Leptospirosis	☒, ➔	Tetanus
☒	<i>Chlamydia trachomatis</i> infection	①, ➔, *	Listeriosis	☒, ➔	Toxic shock syndrome
①, ➔	Cholera	☒, ➔	Lyme disease	①, ➔	Trichinosis
☒	Coccidioidomycosis (Valley Fever)	①, ➔	Lymphocytic choriomeningitis	①, ➔, *	Tuberculosis, active disease
☒, ➔	Colorado tick fever	☒, ➔	Malaria	①, ➔	Tuberculosis latent infection in a child five years of age or younger (positive screening test result)
☒, ➔	Creutzfeldt-Jakob disease	☎, ➔, *	Measles (rubeola)		
☒, ➔	Cryptosporidiosis	①, ➔, *	Melioidosis	☎, ➔, *	Tularemia
☒, ➔	<i>Cyclospora</i> infection	☎, ➔, *	Meningococcal invasive disease	①, ➔	Typhoid fever
☒, ➔	Cysticercosis	①, ➔, *	Mumps	①, ➔	Typhus fever
①, ➔	Dengue	☎, ➔	Novel coronavirus (e.g., SARS or MERS)	①, ➔	Vaccinia-related adverse event
☎, ➔	Diphtheria	①, ➔	Pertussis (whooping cough)	①, ➔, *	Vancomycin-resistant or Vancomycin-intermediate <i>Staphylococcus aureus</i>
☒, ➔	Ehrlichiosis	☎, ➔, *	Plague	☒, ➔ <sup>1</sup>	Varicella (chickenpox)
☎, ➔	Emerging or exotic disease	☎, ➔, *	Poliomyelitis (paralytic or non-paralytic)	①, ➔	<i>Vibrio</i> infection
☎, ➔	Encephalitis, parasitic	☒, ➔	Psittacosis (ornithosis)	☎, ➔, *	Viral hemorrhagic fever
①, ➔	Encephalitis, viral	①, ➔	Q Fever	☒, ➔	West Nile virus infection
①, ➔	<i>Escherichia coli</i> , Shiga toxin-producing	☎, ➔, *	Rabies in a human	☎, ➔, *	Yellow fever
☒, ➔	Giardiasis	①, ➔	Relapsing fever (borreliosis)	①, ➔, *	Yersiniosis (enteropathogenic <i>Yersinia</i> )
①, ➔, *	Glanders			①, ➔, *	Zika virus infection

## Key:

☎ Notify the Department within 24 hours after receiving a report under R9-6-202 or R9-6-203.

① Notify the Department within one working day after receiving a report under R9-6-202 or R9-6-203.

☒ Notify the Department within five working days after receiving a report under R9-6-202 or R9-6-203.

➔ Submit an epidemiologic investigation report within 30 calendar days after receiving a report under R9-6-202 or R9-6-203 or notification by the Department.

\* Ensure that an isolate of the organism for each positive culture, if available, or a specimen for each positive test result is submitted to the Arizona State Laboratory within one working day.

<sup>1</sup> Submit an epidemiologic investigation report only if a case or suspect case has died as a result of the communicable disease.

## Historical Note

New Table 2.4 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-207. Federal or Tribal Entity Reporting**

A. To the extent permitted by law, a federal or tribal entity shall comply with the reporting requirements in this Article as follows:

1. If the federal or tribal entity is participating in the diagnosis or treatment of an individual, the federal or tribal entity shall comply with the reporting requirements in R9-6-202 and Table 2.1 for a health care provider;

2. If the federal or tribal entity is operating a facility that provides health care services, the federal or tribal entity shall comply with the reporting requirements in R9-6-202 and Table 2.1 for an administrator of a health care institution;
3. If the federal or tribal entity is operating a correctional facility, the federal or tribal entity shall comply with the



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reporting requirements in R9-6-202 and Table 2.1 for an administrator of a correctional facility;

4. If the federal or tribal entity is operating a facility that provides child care services, the federal or tribal entity shall comply with the reporting requirements in R9-6-203 and Table 2.2 for an administrator of a child care establishment;
  5. If the federal or tribal entity is operating a facility that offers instruction to students in a grade level from kindergarten through grade 12, a college or university, a "private vocational program" as defined in A.R.S. § 32-3001, or an institution that grants a "degree" as defined in A.R.S. § 32-3001, the federal or tribal entity shall comply with the reporting requirements in R9-6-203 and Table 2.2 for an administrator of a school;
  6. If the federal or tribal entity is operating a clinical laboratory, the federal or tribal entity shall comply with the reporting requirements in R9-6-204 and Table 2.3 for a clinical laboratory director; and
  7. If the federal or tribal entity is operating a facility that provides pharmacy services, the federal or tribal entity shall comply with the reporting requirements in R9-6-205 for an administrator of a pharmacy.
- B.** For the purposes of this Section, "federal or tribal entity" means a person operating within this state, whether on federal or tribal land or otherwise, under the authority of an agency or other administrative subdivision of the federal government or a tribal nation and who is:
1. Licensed as a doctor of allopathic, naturopathic, osteopathic, or homeopathic medicine under the laws of this or another state;
  2. Licensed as a physician assistant under the laws of this or another state;
  3. Licensed as a registered nurse practitioner under the laws of this or another state;
  4. Licensed as a dentist under the laws of this or another state;
  5. Operating a facility that provides health care services;
  6. Operating a correctional facility;
  7. Operating a facility that provides child care services;
  8. Operating a facility that offers instruction to students in a grade level from kindergarten through grade 12, a college or university, a "private vocational program" as defined in A.R.S. § 32-3001, or an institution that grants a "degree" as defined in A.R.S. § 32-3001;
  9. Operating a clinical laboratory; or
  10. Operating a facility that provides pharmacy services.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-208. Reserved**

**R9-6-209. Reserved**

**R9-6-210. Reserved**

**R9-6-211. Renumbered**

**Historical Note**

Renumbered to R9-6-201 effective May 2, 1991 (Supp. 91-2).

**R9-6-212. Renumbered**

**Historical Note**

Renumbered to R9-6-201(C) effective May 2, 1991 (Supp. 91-2).

**R9-6-213. Renumbered**

**Historical Note**

Renumbered to R9-6-202 effective May 2, 1991 (Supp. 91-2).

**R9-6-214. Renumbered**

**Historical Note**

Renumbered to R9-6-203 effective May 2, 1991 (Supp. 91-2).

**ARTICLE 3. CONTROL MEASURES FOR COMMUNICABLE DISEASES AND INFESTATIONS****R9-6-301. Definitions**

In this Article, unless otherwise specified:

1. "Aquatic venue" means an artificially constructed structure or modified natural structure that:
  - a. Is used:
    - i. For water contact recreation, as defined in A.A.C. R9-8-801; or
    - ii. To treat a diagnosed injury, illness, or medical condition under the supervision of a health professional, as defined in A.R.S. § 32-3201;
  - b. Is open to all individuals or to all residents of a community, members of a club or camp, individuals being treated by a specific health professional, or patrons of other such establishments; and
  - c. Includes a:
    - i. Natural bathing place as defined in A.A.C. R18-5-201,
    - ii. Public spa as defined in A.A.C. R18-5-201,
    - iii. Public swimming pool as defined in A.A.C. R18-5-201,
    - iv. Semi-artificial bathing place as defined in A.A.C. R18-5-201,
    - v. Semi-public spa as defined in A.A.C. R18-5-201,
    - vi. Semi-public swimming pool as defined in A.A.C. R18-5-201, and
    - vii. Water-play area, an artificially constructed depression in which water issues from showers or other nozzles and drains away to leave little or no standing water.
2. "Blood bank" means a facility where human whole blood or a blood component is collected, prepared, tested, processed, or stored, or from which human whole blood or a blood component is distributed.
3. "Blood center" means a mobile or stationary facility that procures human whole blood or a blood component that is transported to a blood bank.
4. "Contact precautions" means, in addition to use of standard precautions:
  - a. Placing an individual in a private room or a cohort room with a distance of three or more feet separating the individual's bed from the bed of another individual; and
  - b. Ensuring the use of a gown and gloves by other individuals when entering the room in which the individual is located.
5. "Contaminated" means to have come in contact with a disease-causing agent or toxin.

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6. "Disinfection" means killing or inactivating communicable-disease-causing agents on inanimate objects by directly applied chemical or physical means.
7. "Disinfestation" means any physical, biological, or chemical process to reduce or eliminate undesired arthropod or rodent populations.
8. "Droplet precautions" means, in addition to use of standard precautions:
  - a. Placing an individual in a private room or a cohort room with a distance of three or more feet and a curtain separating the individual's bed from the bed of another individual;
  - b. Ensuring that the individual wears a mask covering the individual's mouth and nose, if medically appropriate, when not in the room described in subsection (8)(a); and
  - c. Ensuring the use of a mask covering the mouth and nose by other individuals when entering the room in which the individual is located.
9. "Follow-up" means the practice of investigating and monitoring cases, carriers, contacts, or suspect cases to detect, treat, or prevent disease.
10. "Incapacitated adult" means an individual older than 18 years of age for whom a guardian has been appointed by a court of competent jurisdiction.
11. "Isolation precautions" means methods to limit the transmission of an infectious agent, based on the infectious agent and the location of infection in or on the infected individual or animal, that includes isolation of the infected individual or animal and may include any one or combination of the following:
  - a. Standard precautions,
  - b. Contact precautions,
  - c. Droplet precautions, or
  - d. Airborne precautions.
12. "Midwife" has the same meaning as in A.R.S. § 36-751.
13. "Multi-drug-resistant organism" means a bacterial agent on a Department-provided list that is known to not be killed or whose growth is not slowed by specific classes of antibiotics.
14. "Pediculocide" means a shampoo or cream rinse manufactured and labeled for controlling head lice.
15. "Person in charge" means the individual present at a food establishment who is responsible for the food establishment's operation at the time in question.
16. "Plasma center" means a facility where the process of plasmapheresis or another form of apheresis is conducted.
17. "State health officer" means the Director of the Department or the Director's designee.
18. "Vector" means a living animal, usually a mosquito, tick, flea, or other arthropod, that may transmit an infectious agent to an individual.

**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Former R9-6-301 repealed; new R9-6-301 renumbered from R9-6-103 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-302. Local Health Agency Control Measures**

A local health agency shall:

1. Review each report received under Article 2 for completeness and accuracy;
2. Confirm each diagnosis;
3. Conduct epidemiologic and other investigations required by this Chapter or in cooperation with the Department;
4. Facilitate notification of known contacts;
5. Conduct surveillance;
6. Determine trends;
7. Implement control measures, quarantines, isolations, and exclusions as required by the Arizona Revised Statutes and this Chapter;
8. Disseminate surveillance information to health care providers;
9. Provide health education to a disease case or contact to reduce the risk of transmission of the respective disease; and
10. Report to the Department, as specified in R9-6-206 and this Article.

**Historical Note**

Renumbered from R9-6-702 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-302 renumbered to R9-6-304; new R9-6-302 renumbered from R9-6-204 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-303. Isolation, Quarantine, Exclusion, and Other Control Measures**

- A. When a local health agency is required by this Article to isolate or quarantine an individual or group of individuals, the local health agency:
  1. Shall issue a written order:
    - a. For isolation or quarantine and other control measures;
    - b. To each individual or group of individuals and, for each individual who is a minor or incapacitated adult, the individual's parent or guardian, except as provided in subsection (A)(2);
    - c. That specifies:
      - i. The isolation or quarantine and other control measure requirements being imposed, including, if applicable, requirements for physical examinations and medical testing to ascertain and monitor each individual's health status;
      - ii. The identity of each individual or group of individuals subject to the order;
      - iii. The premises at which each individual or group of individuals is to be isolated or quarantined;
      - iv. The date and time at which isolation or quarantine and other control measure requirements begin; and
      - v. The justification for isolation or quarantine and other control measure requirements, including, if known, the disease for which the individual or individuals are believed to be cases, suspect cases, or contacts; and
    - d. That may provide information about existing medical treatment, if available and necessary to render an individual less infectious, and the consequences of an individual's failure to obtain the medical treatment; and

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2. May post the written order in a conspicuous place at the premises at which a group of individuals is to be isolated or quarantined if:
  - a. The written order applies to the group of individuals, and
  - b. It would be impractical to provide a copy to each individual in the group.
- B.** A local health agency may issue a written order for additional control measures:
  1. Except as provided in subsection (A)(2), to each affected individual, group of individuals, or person and, for each individual who is a minor or incapacitated adult, the individual's parent or guardian;
  2. That specifies:
    - a. The control measure requirements being imposed, including, if applicable, requirements for:
      - i. Being excluded from working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a school or child care establishment;
      - ii. Avoiding other locations where the individual or an individual in the group of individuals may pose a health risk to other individuals;
      - iii. Observing airborne precautions, droplet precautions, or contact precautions and the methods by which the individual shall comply with the requirement;
      - iv. Prophylaxis or immunization, as applicable, as an alternative to or to reduce the length of exclusion;
      - v. Physical examinations and medical testing to ascertain and monitor the individual's health status; or
      - vi. Not creating a situation where additional individuals may be exposed to the communicable disease;
    - b. The identity of each individual, group of individuals, or person subject to the order;
    - c. The date and time at which the control measure requirements begin; and
    - d. The justification for the control measure requirements, including:
      - i. If known, the disease for which the individual or individuals are believed to be cases, suspect cases, or contacts; and
      - ii. If applicable, the possible consequences of the individual, group of individuals, or person failing to follow the recommendations of the Department or the local health agency to control the spread of the communicable disease; and
  3. That may provide information about the disease, existing medical treatment, if applicable, and the consequences of an individual's failure to comply with the order.
- C.** Within 10 calendar days after the issuing of a written order described in subsection (A) or (B), if a local health agency determines that isolation, quarantine, or other control measure requirements need to continue for more than 10 calendar days after the date of the order, the local health agency shall file a petition for a court order that:
  1. Authorizes the continuation of isolation, quarantine, or other control measure requirements pertaining to an individual, a group of individuals, or a person;
  2. Includes the following:
    - a. The isolation, quarantine, or other control measure requirements being imposed, including, if applicable, requirements for physical examinations and medical testing to ascertain and monitor an individual's health status;
    - b. The identity of each individual, group of individuals, or person subject to isolation, quarantine, or other control measure requirements;
    - c. If applicable, the premises at which each individual or group of individuals is isolated or quarantined;
    - d. The date and time at which isolation, quarantine, or other control measure requirements began; and
    - e. The justification for isolation, quarantine, or other control measure requirements, including, if applicable and known, the disease for which the individual or individuals are believed to be cases, suspect cases, or contacts; and
  3. Is accompanied by the sworn affidavit of a representative of the local health agency or the Department attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.
- D.** A local health agency that files a petition for a court order under subsection (C) shall provide notice to each individual, group of individuals, or person identified in the petition according to the Arizona Rules of Civil Procedure, except that notice shall be provided within 24 hours after the petition is filed.
- E.** In the event of noncompliance with a written order issued under subsection (A) or (B), a local health agency may contact law enforcement to request assistance in enforcing the order.
- F.** If the Department determines that isolation, quarantine, or other control measure requirements are necessary, the Department, under A.R.S. § 36-136(H), may take any of the actions specified in subsections (A) through (E).

**Historical Note**

Renumbered from R9-6-703 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-303 renumbered to R9-6-305; new R9-6-303 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-303 renumbered to R9-6-304; new R9-6-303 renumbered from R9-6-388 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 29 A.A.R. 1890 (August 25, 2023), with an immediate effective date of August 2, 2023 (Supp. 23-3).

**R9-6-304. Food Establishment Control Measures**

The person in charge of a food establishment shall ensure compliance with all food handler exclusion requirements in this Article or as ordered by a local health agency or the Department.

**Historical Note**

Renumbered from R9-6-704 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-304 renumbered to R9-6-306; new R9-6-304 renumbered from R9-6-302 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-304 renumbered to R9-6-305; new R9-6-304 renumbered from R9-6-303 by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by

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final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

### R9-6-305. Control Measures for Multi-drug-resistant Organisms

Case control measures:

1. A diagnosing health care provider or an administrator of a health care institution transferring a case with active infection or colonization of a bacterial or fungal disease, for which the agent is known to be a multi-drug-resistant organism, to another health care provider or health care institution or to a correctional facility shall, either personally or through a representative, ensure that the receiving health care provider, health care institution, or correctional facility is informed that the case is infected or colonized with a multi-drug-resistant organism and the type of isolation precautions being used for the case.
2. An administrator of the correctional facility transferring a case with active infection or colonization of a bacterial disease or fungal, for which the agent is known to be a multi-drug-resistant organism, to another correctional facility or to a health care institution shall, either personally or through a representative, ensure that the receiving correctional facility or health care institution is informed that the case is infected or colonized with a multi-drug-resistant organism and the type of isolation precautions being used for the case.

#### Historical Note

Renumbered from R9-6-705 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-305 renumbered to R9-6-308; new R9-6-305 renumbered from R9-6-303 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-305 renumbered to R9-6-306; new R9-6-305 renumbered from R9-6-304 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-305 renumbered to R9-6-306; new Section R9-6-305 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 29 A.A.R. 1890 (August 25, 2023), with an immediate effective date of August 2, 2023 (Supp. 23-3).

### R9-6-306. Amebiasis

Case control measures: A local health agency shall:

1. Exclude an amebiasis case or suspect case with diarrhea from:
  - a. Working as a food handler, caring for children in or attending a child care establishment, or caring for patients or residents in a health care institution until:
    - i. Either:
      - (1) Treatment with an amebicide is initiated, and
      - (2) A stool specimen negative for amoebae is obtained from the amebiasis case or suspect case; or
    - ii. The local health agency has determined that the amebiasis case or suspect case is unlikely to infect other individuals; and
  - b. Using an aquatic venue for two weeks after diarrhea has resolved;
2. Conduct an epidemiologic investigation of each reported amebiasis case or suspect case; and

3. For each amebiasis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

#### Historical Note

Renumbered from R9-6-706 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-306 renumbered to R9-6-309; new R9-6-306 renumbered from R9-6-304 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-306 renumbered to R9-6-307; new R9-6-306 renumbered from R9-6-305 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-306 renumbered to R9-6-308; new Section R9-6-306 renumbered from R9-6-305 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

### R9-6-307. Anaplasmosis

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported anaplasmosis case or suspect case; and
2. For each anaplasmosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

#### Historical Note

Former Section R9-6-115, Paragraph (5), renumbered and amended as R9-6-707 effective January 28, 1987 (Supp. 87-1). Former R9-6-307 renumbered to R9-6-310; new R9-6-307 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-307 renumbered to R9-6-308; new R9-6-307 renumbered from R9-6-306 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-307 repealed; new Section R9-6-307 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

### R9-6-308. Anthrax

A. Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of an anthrax case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported anthrax case or suspect case;
3. For each anthrax case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
4. Ensure that an isolate or a specimen, as available, from each anthrax case or suspect case is submitted to the Arizona State Laboratory.

B. Environmental control measures: A local health agency shall, in conjunction with the Department and applicable federal agencies, provide or arrange for disinfection of areas or objects contaminated by *Bacillus anthracis* through sterilization by dry heating, incineration of objects, or other appropriate means.

#### Historical Note

Adopted effective October 19, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-308 renumbered to R9-6-311; new R9-6-308 renumbered from R9-6-305 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-

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6-308 renumbered to R9-6-309; new R9-6-308 renumbered from R9-6-307 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-308 renumbered to R9-6-311; new Section R9-6-308 renumbered from R9-6-306 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-309. Arboviral Infection**

A. Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported arboviral infection case or suspect case;
2. For each arboviral infection case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
3. Ensure that each arboviral infection case is provided with health education that includes measures to:
  - a. Avoid mosquito bites, and
  - b. Reduce mosquito breeding sites.

B. Environmental control measures: In cooperation with the Department, a local health agency or another local agency responsible for vector control within a jurisdiction shall conduct an assessment of the environment surrounding each arboviral infection case or suspect case and implement vector control measures as necessary.

**Historical Note**

Renumbered from R9-6-708 and amended effective October 19, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-309 renumbered to R9-6-312; new R9-6-309 renumbered from R9-6-306 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-309 renumbered to R9-6-310; new R9-6-309 renumbered from R9-6-308 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-309 renumbered to R9-6-312; new Section R9-6-309 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-310. Babesiosis**

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported babesiosis case or suspect case; and
2. For each babesiosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-709 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Former R9-6-310 renumbered to R9-6-313; new R9-6-310 renumbered from R9-6-307 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-310 renumbered to R9-6-311; new R9-6-310 renumbered from R9-6-309 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-310 renumbered to R9-6-313; new Section R9-6-310 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-311. Basidiobolomycosis**

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported basidiobolomycosis case or suspect case; and

2. For each basidiobolomycosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Repealed effective May 2, 1991 (Supp. 91-2). New Section R9-6-311 renumbered from R9-6-710 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-311 renumbered to R9-6-314; new R9-6-311 renumbered from R9-6-308 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-311 renumbered to R9-6-313; new R9-6-311 renumbered from R9-6-310 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-311 renumbered to R9-6-314; new Section R9-6-311 renumbered from R9-6-308 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-312. Botulism**

A. Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a botulism case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported botulism case or suspect case; and
3. For each botulism case or suspect case:
  - a. Submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - b. Ensure that one or more specimens from each botulism case or suspect case are submitted to the Arizona State Laboratory.

B. Environmental control measures: An individual in possession of:

1. Food known to be contaminated by *Clostridium botulinum* or *Clostridium botulinum* toxin shall boil the contaminated food for 10 minutes and then discard it, and
2. Utensils known to be contaminated by *Clostridium botulinum* or *Clostridium botulinum* toxin shall boil the contaminated utensils for 10 minutes before reuse or disposal.

**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4). Former R9-6-312 renumbered to R9-6-315; new R9-6-312 renumbered from R9-6-309 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-312 renumbered to R9-6-314; new R9-6-312 made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-312 renumbered to R9-6-316; new Section R9-6-312 renumbered from R9-6-309 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-313. Brucellosis**

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported brucellosis case or suspect case;
2. For each brucellosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
3. Ensure that an isolate or a specimen, as available, from each brucellosis case is submitted to the Arizona State Laboratory.

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**Historical Note**

Renumbered from R9-6-711 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Former R9-6-313 renumbered to R9-6-316; new R9-6-313 renumbered from R9-6-310 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-313 renumbered to R9-6-315; new R9-6-313 renumbered from R9-6-311 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-313 renumbered to R9-6-317; new Section R9-6-313 renumbered from R9-6-310 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-314. Campylobacteriosis**

Case control measures: A local health agency shall:

1. Exclude a campylobacteriosis case or suspect case with diarrhea from:
  - a. Working as a food handler, caring for children in or attending a child care establishment, or caring for patients or residents in a health care institution until:
    - i. Diarrhea has resolved,
    - ii. A stool specimen negative for *Campylobacter* spp. is obtained from the campylobacteriosis case or suspect case, or
    - iii. The local health agency has determined that the case or suspect case is unlikely to infect other individuals; and
  - b. Using an aquatic venue until diarrhea has resolved;
2. Conduct an epidemiologic investigation of each reported campylobacteriosis case or suspect case; and
3. For each campylobacteriosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Former R9-6-314 renumbered to R9-6-318; new R9-6-314 renumbered from R9-6-311 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-314 renumbered to R9-6-316; new R9-6-314 renumbered from R9-6-312 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-314 renumbered to R9-6-319; new Section R9-6-314 renumbered from R9-6-311 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-315. Carbapenem-resistant Enterobacteriaceae**

A. Case control measures:

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall:
  - a. Institute isolation precautions as necessary for a carbapenem-resistant enterobacteriaceae case or carrier to prevent transmission; and
  - b. If a carbapenem-resistant enterobacteriaceae case or carrier is being transferred to another health care provider or health care institution or to a correctional facility, comply with R9-6-305.
2. An administrator of a correctional facility, either personally or through a representative, shall:

- a. Institute isolation precautions as necessary for a carbapenem-resistant enterobacteriaceae case or carrier to prevent transmission; and
  - b. If a carbapenem-resistant enterobacteriaceae case or carrier is being transferred to another correctional facility or to a health care institution, comply with R9-6-305.
3. A local health agency, in consultation with the Department, shall:
    - a. Ensure that a case or carrier of carbapenem-resistant enterobacteriaceae is isolated as necessary to prevent transmission; and
    - b. Upon request, ensure that an isolate or a specimen, as available, from each case or carrier of carbapenem-resistant enterobacteriaceae is submitted to the Arizona State Laboratory.

B. Outbreak control measures: A local health agency shall:

1. Conduct an epidemiologic investigation for each outbreak or suspected outbreak of carbapenem-resistant enterobacteriaceae; and
2. For each outbreak or suspected outbreak of carbapenem-resistant enterobacteriaceae, submit to the Department the information required under R9-6-206(E).

**Historical Note**

Renumbered from R9-6-712 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-315 renumbered to R9-6-321; new R9-6-315 renumbered from R9-6-312 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-315 renumbered to R9-6-317; new R9-6-315 renumbered from R9-6-313 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-315 renumbered to R9-6-320; new Section R9-6-315 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-316. Chagas Infection and Related Disease (*American Trypanosomiasis*)**

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported Chagas infection or disease case or suspect case; and
2. For each Chagas infection or disease case:
  - a. Submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - b. Provide to the Chagas infection or disease case or ensure that another person provides to the Chagas infection or disease case health education that includes:
    - i. The treatment options for Chagas infection or disease,
    - ii. Where the Chagas infection or disease case may receive treatment for Chagas infection or disease, and
    - iii. For women of childbearing age, the risks of transmission of Chagas infection or disease to a fetus.

**Historical Note**

Renumbered from R9-6-713 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Former R9-6-316 repealed; new R9-6-316 renumbered from R9-6-313 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-316 renumbered to R9-6-318; new R9-6-316 renumbered from R9-6-314 and

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amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-316 renumbered to R9-6-322; new Section R9-6-316 renumbered from R9-6-312 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-317. Chancroid (*Haemophilus ducreyi*)**

- A.** Case control measures: A local health agency shall:
1. Conduct an epidemiologic investigation of each reported chancroid case or suspect case;
  2. For each chancroid case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  3. Comply with the requirements specified in R9-6-1103 concerning treatment and health education for a chancroid case.
- B.** Contact control measures: When a chancroid case has named a contact, a local health agency shall comply with the requirements specified in R9-6-1103 concerning notification, testing, treatment, and health education for the contact.

**Historical Note**

Renumbered from R9-6-714 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-317 renumbered to R9-6-323; new R9-6-317 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-317 renumbered to R9-6-319; new R9-6-317 renumbered from R9-6-315 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-317 renumbered to R9-6-323; new Section R9-6-317 renumbered from R9-6-313 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-318. Chikungunya**

- A.** Case control measures: A local health agency shall:
1. Upon receiving a report under R9-6-202 of a chikungunya case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
  2. Conduct an epidemiologic investigation of each reported chikungunya case or suspect case;
  3. For each chikungunya case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  4. Ensure that each chikungunya case is provided with health education that includes measures to:
    - a. Avoid mosquito bites, and
    - b. Reduce mosquito breeding sites.
- B.** Environmental control measures: In cooperation with the Department, a local health agency or another local agency responsible for vector control within a jurisdiction shall conduct an assessment of the environment surrounding each chikungunya case or suspect case and implement vector control measures as necessary.

**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4). Former R9-6-318 renumbered to R9-6-324; new R9-6-318 renumbered from R9-6-314 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-318 renumbered to R9-6-320; new R9-6-318 renumbered from R9-6-316 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-318 renumbered to R9-6-324; new Section R9-6-318 made by final rulemaking

at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-319. Chlamydia trachomatis Infection**

- A.** Case control measures: A local health agency shall comply with the requirements specified in R9-6-1103 concerning treatment and health education for a *Chlamydia trachomatis* infection case that seeks treatment from the local health agency.
- B.** Contact control measures: If an individual who may have been exposed to chlamydia through sexual contact with a *Chlamydia trachomatis* infection case seeks treatment for symptoms of chlamydia infection from a local health agency, the local health agency shall comply with the requirements specified in R9-6-1103 concerning treatment and health education for the individual.

**Historical Note**

Renumbered from R9-6-715 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-319 renumbered to R9-6-326; new R9-6-319 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-319 renumbered to R9-6-321; new R9-6-319 renumbered from R9-6-317 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-319 renumbered to R9-6-325; new Section R9-6-319 renumbered from R9-6-314 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-320. Cholera**

- A.** Case control measures: A local health agency shall:
1. Upon receiving a report under R9-6-202 of a cholera case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
  2. Exclude a cholera case or suspect case from:
    - a. Working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a child care establishment until a stool specimen negative for toxigenic *Vibrio cholerae* is obtained from the cholera case or suspect case; and
    - b. Using an aquatic venue until diarrhea has resolved;
  3. Conduct an epidemiologic investigation of each reported cholera case or suspect case; and
  4. For each cholera case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).
- B.** Contact control measures: A local health agency shall provide follow-up for each cholera contact for five calendar days after exposure.

**Historical Note**

Renumbered from R9-6-716 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-320 renumbered to Section R9-6-321; new Section R9-6-320 adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-320 renumbered to R9-6-322; new R9-6-320 renumbered from R9-6-318 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-320 renumbered to R9-6-326; new Section R9-6-320 renumbered from R9-6-315 and

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amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-321. *Clostridium difficile***

Case control measures:

1. A diagnosing health care provider or an administrator of a health care institution transferring a known *Clostridium difficile* case with active infection and diarrhea to another health care provider or health care institution or to a correctional facility shall, either personally or through a representative, ensure that the receiving health care provider, health care institution, or correctional facility is informed that the patient is a known *Clostridium difficile* case.
2. If a known *Clostridium difficile* case with active infection and diarrhea is being transferred from a correctional facility to another correctional facility or to a health care institution, an administrator of the correctional facility, either personally or through a representative, shall ensure that the receiving correctional facility or health care institution is informed that the individual is a known *Clostridium difficile* case.

**Historical Note**

Renumbered from R9-6-717 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-321 renumbered to R9-6-322; new Section R9-6-321 renumbered from R9-6-320 effective April 4, 1997 (Supp. 97-2). Former R9-6-321 renumbered to R9-6-322; new R9-6-321 renumbered from R9-6-315 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-321 renumbered to R9-6-323; new R9-6-321 renumbered from R9-6-319 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-321 renumbered to R9-6-327; new Section R9-6-321 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-322. *Coccidioidomycosis (Valley Fever)***

Outbreak control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported outbreak of coccidioidomycosis; and
2. For each outbreak of coccidioidomycosis, submit to the Department the information required under R9-6-206(E).

**Historical Note**

Renumbered from R9-6-718 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-322 renumbered to R9-6-323; new Section R9-6-322 renumbered from R9-6-321 effective April 4, 1997 (Supp. 97-2). Former R9-6-322 renumbered to R9-6-329; new R9-6-322 renumbered from R9-6-321 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-322 renumbered to R9-6-324; new R9-6-322 renumbered from R9-6-320 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-322 renumbered to R9-6-328; new Section R9-6-322 renumbered from R9-6-316 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-323. *Colorado Tick Fever***

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported Colorado tick fever case or suspect case; and

2. For each Colorado tick fever case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-719 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-323 renumbered to R9-6-324; new Section R9-6-323 renumbered from R9-6-322 and amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-323 renumbered to R9-6-330; new R9-6-323 renumbered from R9-6-317 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-323 renumbered to R9-6-325; new R9-6-323 renumbered from R9-6-321 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-323 renumbered to R9-6-329; new Section R9-6-323 renumbered from R9-6-317 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-324. *Conjunctivitis: Acute***

- A. Case control measures: An administrator of a school or child care establishment, either personally or through a representative, shall exclude an acute conjunctivitis case from attending the school or child care establishment until the symptoms of acute conjunctivitis subside or treatment for acute conjunctivitis is initiated and maintained for 24 hours.
- B. Outbreak control measures: A local health agency shall:
  1. Conduct an epidemiologic investigation of each reported conjunctivitis outbreak; and
  2. For each conjunctivitis outbreak, submit to the Department the information required under R9-6-206(E).

**Historical Note**

Renumbered from R9-6-720 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-324 renumbered to R9-6-326; new Section R9-6-324 renumbered from R9-6-323, effective April 4, 1997 (Supp. 97-2). Former R9-6-324 renumbered to R9-6-331; new R9-6-324 renumbered from R9-6-318 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-324 renumbered to R9-6-326; new R9-6-324 renumbered from R9-6-322 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-324 renumbered to R9-6-330; new Section R9-6-324 renumbered from R9-6-318 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-325. *Creutzfeldt-Jakob Disease***

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported Creutzfeldt-Jakob disease case or suspect case; and
2. For each Creutzfeldt-Jakob disease case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-721 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-325 renumbered to R9-6-327; new Section R9-6-325 adopted effective April 4, 1997 (Supp. 97-2). Former R9-6-325 renumbered to R9-6-333; new R9-6-325 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-325 renumbered to R9-6-327;



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new R9-6-325 renumbered from R9-6-323 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-325 renumbered to R9-6-331; new Section R9-6-325 renumbered from R9-6-319 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-326. Cryptosporidiosis**

**A.** Case control measures: A local health agency shall:

1. Exclude a cryptosporidiosis case or suspect case with diarrhea from:
  - a. Working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a child care establishment until diarrhea has resolved; and
  - b. Using an aquatic venue for two weeks after diarrhea has resolved;
2. Conduct an epidemiologic investigation of each reported cryptosporidiosis case or suspect case; and
3. For each cryptosporidiosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**B.** Environmental control measures: A local health agency shall conduct a sanitary inspection or ensure that a sanitary inspection is conducted of each facility or location regulated under 9 A.A.C. 8 that is associated with an outbreak of cryptosporidiosis.

**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4). Former Section R9-6-326 renumbered to R9-6-329; new Section R9-6-326 renumbered from R9-6-324 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-326 renumbered to R9-6-335; new R9-6-326 renumbered from R9-6-319 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-326 renumbered to R9-6-328; new R9-6-326 renumbered from R9-6-324 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-326 renumbered to R9-6-332; new Section R9-6-326 renumbered from R9-6-320 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-327. Cyclospora Infection**

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported *Cyclospora* infection case or suspect case; and
2. For each *Cyclospora* infection case submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-722 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-327 renumbered to R9-6-330; new Section R9-6-327 renumbered from R9-6-325 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-327 renumbered to R9-6-336; new R9-6-327 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-327 renumbered to R9-6-329; new R9-6-327 renumbered from R9-6-325 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-327 renumbered to R9-6-333; new Section R9-6-327 renumbered from R9-6-321 and

amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-328. Cysticercosis**

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported cysticercosis case or suspect case; and
2. For each cysticercosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-701 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-328 renumbered to R9-6-331; new Section R9-6-328 adopted effective April 4, 1997 (Supp. 97-2). Former R9-6-328 renumbered to R9-6-337; new R9-6-328 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-328 renumbered to R9-6-330; new R9-6-328 renumbered from R9-6-326 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-328 renumbered to R9-6-334; new Section R9-6-328 renumbered from R9-6-322 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-329. Dengue**

**A.** Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a dengue case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported dengue case or suspect case;
3. For each dengue case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
4. Ensure that each dengue case is provided with health education that includes measures to:
  - a. Avoid mosquito bites, and
  - b. Reduce mosquito breeding sites.

**B.** Environmental control measures: In cooperation with the Department, a local health agency or another local agency responsible for vector control within a jurisdiction shall conduct an assessment of the environment surrounding each dengue case or suspect case and implement vector control measures as necessary.

**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4). Section R9-6-329 renumbered to R9-6-332; new Section R9-6-329 renumbered from R9-6-326 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-329 repealed; new R9-6-329 renumbered from R9-6-322 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-329 renumbered to R9-6-331; new R9-6-329 renumbered from R9-6-327 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-329 renumbered to R9-6-335; new Section R9-6-329 renumbered from R9-6-323 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-330. Diarrhea, Nausea, or Vomiting**

**A.** Outbreak control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported outbreak of diarrhea, nausea, or vomiting;

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2. Submit to the Department the information required under R9-6-206(E); and
3. Exclude each case that is part of an outbreak of diarrhea, nausea, or vomiting from:
  - a. Working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a child care establishment until:
    - i. Diarrhea and vomiting have resolved, or
    - ii. The local health agency has determined that the case is unlikely to infect other individuals; and
  - b. Using an aquatic venue for two weeks after diarrhea has resolved.

- B.** Environmental control measures: A local health agency shall conduct a sanitary inspection or ensure that a sanitary inspection is conducted of each facility or location regulated under 9 A.A.C. 8 that is associated with an outbreak of diarrhea, nausea, or vomiting.

**Historical Note**

Renumbered from R9-6-723 and amended effective October 19, 1993 (Supp. 93-4). Section R9-6-330 renumbered to R9-6-333; new Section R9-6-330 renumbered from R9-6-327 effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-330 repealed; new R9-6-330 renumbered from R9-6-323 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-330 renumbered to R9-6-332; new R9-6-330 renumbered from R9-6-328 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 1928, effective April 30, 2013 (Supp. 13-3). New Section R9-6-330 renumbered from R9-6-324 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-331. Diphtheria****A.** Case control measures:

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall:
  - a. Isolate and institute droplet precautions for a pharyngeal diphtheria case or suspect case until two successive sets of cultures negative for *Corynebacterium diphtheriae* are obtained from nose and throat specimens collected from the case or suspect case at least 24 hours apart and at least 24 hours after cessation of treatment; and
  - b. Isolate and institute contact precautions for a cutaneous diphtheria case or suspect case until two successive sets of cultures negative for *Corynebacterium diphtheriae* are obtained from skin specimens collected from the case or suspect case at least 24 hours apart and at least 24 hours after cessation of treatment.
2. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 of a diphtheria case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported diphtheria case or suspect case; and

- c. For each diphtheria case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**B.** Contact control measures: A local health agency shall:

1. Exclude each diphtheria contact from working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a school or child care establishment until a set of cultures negative for *Corynebacterium diphtheriae* is obtained from the contact's nose and throat specimens;
2. In consultation with the Department, quarantine a contact of a diphtheria case, if indicated, until two successive sets of cultures negative for *Corynebacterium diphtheriae* are obtained from nose and throat specimens collected from the contact at least 24 hours apart;
3. Offer each previously immunized diphtheria contact prophylaxis and a vaccine containing diphtheria toxoid; and
4. Offer each unimmunized diphtheria contact prophylaxis and the primary vaccine series.

**Historical Note**

Renumbered from R9-6-724 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-331 renumbered to R9-6-334; new Section R9-6-331 renumbered from R9-6-328 effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-331 renumbered to R9-6-339; new R9-6-331 renumbered from R9-6-324 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-331 renumbered to R9-6-333; new R9-6-331 renumbered from R9-6-329 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-331 renumbered to R9-6-336; new Section R9-6-331 renumbered from R9-6-325 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-332. Ehrlichiosis**

## Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported ehrlichiosis case or suspect case; and
2. For each ehrlichiosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-725 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-332 renumbered to R9-6-335; new Section R9-6-332 renumbered from R9-6-329 effective April 4, 1997 (Supp. 97-2). Former R9-6-332 repealed; new R9-6-332 renumbered from R9-6-334 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-332 renumbered to R9-6-334; new R9-6-332 renumbered from R9-6-330 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-332 renumbered to R9-6-338; new Section R9-6-332 renumbered from R9-6-326 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-333. Emerging or Exotic Disease****A.** Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of an emerging or exotic disease case or suspect case, notify the Department

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ment within 24 hours after receiving the report and provide to the Department the information contained in the report;

2. In consultation with the Department, isolate an emerging or exotic disease case or suspect case as necessary to prevent transmission;
3. Conduct an epidemiologic investigation of each reported emerging or exotic disease case or suspect case; and
4. For each emerging or exotic disease case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

- B.** Contact control measures: A local health agency, in consultation with the Department, shall quarantine or exclude an emerging or exotic disease contact as necessary, according to R9-6-303, to prevent transmission.

**Historical Note**

Renumbered from R9-6-726 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-333 renumbered to R9-6-336; new Section R9-6-333 renumbered from R9-6-330 effective April 4, 1997 (Supp. 97-2). Former R9-6-333 renumbered to R9-6-341; new R9-6-333 renumbered from R9-6-325 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-333 renumbered to R9-6-335; new R9-6-333 renumbered from R9-6-331 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-333 renumbered to R9-6-339; new Section R9-6-333 renumbered from R9-6-327 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-334. Encephalitis, Viral or Parasitic**

Case control measures: A local health agency shall:

1. Upon receiving a report of encephalitis under R9-6-202, notify the Department:
  - a. For a case or suspect case of parasitic encephalitis, within 24 hours after receiving the report and provide to the Department the information contained in the report; and
  - b. For a case or suspect case of viral encephalitis, within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported viral or parasitic encephalitis case or suspect case; and
3. For each encephalitis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-727 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-334 renumbered to R9-6-337; new Section R9-6-334 renumbered from R9-6-331 effective April 4, 1997 (Supp. 97-2). Former R9-6-334 renumbered to R9-6-332; new R9-6-334 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-334 renumbered to R9-6-336; new R9-6-334 renumbered from R9-6-332 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-334 renumbered to R9-6-340; new Section R9-6-334 renumbered from R9-6-328 and amended by final

rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-335. Escherichia coli, Shiga Toxin-producing**

**A.** Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 or R9-6-203 of a Shiga toxin-producing *Escherichia coli* case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Exclude a Shiga toxin-producing *Escherichia coli* case or suspect case with diarrhea from:
  - a. Working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a child care establishment until:
    - i. Two successive stool specimens, collected from the Shiga toxin-producing *Escherichia coli* case or suspect case at least 24 hours apart, are negative for Shiga toxin-producing *Escherichia coli*;
    - ii. Diarrhea has resolved; or
    - iii. The local health agency has determined that the case or suspect case is unlikely to infect other individuals; and
  - b. Using an aquatic venue for two weeks after diarrhea has resolved;
3. Conduct an epidemiologic investigation of each reported Shiga toxin-producing *Escherichia coli* case or suspect case; and
4. For each Shiga toxin-producing *Escherichia coli* case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**B.** Environmental control measures: A local health agency shall:

1. If an animal located in a private residence is suspected to be the source of infection for a Shiga toxin-producing *Escherichia coli* case or outbreak, provide health education for the animal's owner about Shiga toxin-producing *Escherichia coli* and the risks of becoming infected with Shiga toxin-producing *Escherichia coli*; and
2. If an animal located in a setting other than a private residence is suspected to be the source of infection for a Shiga toxin-producing *Escherichia coli* case or outbreak:
  - a. Provide health education for the animal's owner about Shiga toxin-producing *Escherichia coli* and the risks of becoming infected with Shiga toxin-producing *Escherichia coli*, and
  - b. Require the animal's owner to provide information to individuals with whom the animal may come into contact about Shiga toxin-producing *Escherichia coli* and methods to reduce the risk of transmission.

**Historical Note**

Renumbered from R9-6-728 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-335 renumbered to R9-6-338; new Section R9-6-335 renumbered from R9-6-332 effective April 4, 1997 (Supp. 97-2). Former R9-6-335 renumbered to R9-6-342; new R9-6-335 renumbered from R9-6-326 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-335 renumbered to R9-6-337; new R9-6-335 renumbered from R9-6-333 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-335 renumbered to R9-6-341; new Section R9-6-335 renumbered from R9-6-329

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and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-336. Giardiasis**

Case control measures: A local health agency shall:

1. Exclude a giardiasis case or suspect case with diarrhea from:
  - a. Working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a child care establishment until:
    - i. Treatment for giardiasis is initiated and diarrhea has resolved, or
    - ii. The local health agency has determined that the case or suspect case is unlikely to infect other individuals; and
  - b. Using an aquatic venue for two weeks after diarrhea has resolved;
2. Conduct an epidemiologic investigation of each reported giardiasis case or suspect case; and
3. For each giardiasis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-729 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-336 renumbered to R9-6-339; new Section R9-6-336 renumbered from R9-6-333 effective April 4, 1997 (Supp. 97-2). Former R9-6-336 renumbered to R9-6-343; new R9-6-336 renumbered from R9-6-327 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-336 renumbered to R9-6-338; new R9-6-336 renumbered from R9-6-334 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-336 renumbered to R9-6-342; new Section R9-6-336 renumbered from R9-6-331 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-337. Glanders**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a glanders case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported glanders case or suspect case;
3. For each glanders case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
4. Ensure that an isolate or a specimen, as available, from each glanders case or suspect case is submitted to the Arizona State Laboratory.

**Historical Note**

Renumbered from R9-6-730 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-337 renumbered to R9-6-340; new Section R9-6-337 renumbered from R9-6-334 effective April 4, 1997 (Supp. 97-2). Former R9-6-337 renumbered to R9-6-344; new R9-6-337 renumbered from R9-6-328 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-337 renumbered to R9-6-339; new R9-6-337 renumbered from R9-6-335 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-337 renumbered to R9-

6-343; new Section R9-6-337 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-338. Gonorrhea**

A. Case control measures:

1. For the prevention of gonorrheal ophthalmia, a physician, physician assistant, registered nurse practitioner, or midwife attending the birth of an infant in this state shall treat the eyes of the infant immediately after the birth with one of the following, unless treatment is refused by the parent or guardian:
  - a. Erythromycin ophthalmic ointment 0.5%; or
  - b. If erythromycin ophthalmic ointment is not available, another appropriate antibiotic.
2. A local health agency shall comply with the requirements specified in R9-6-1103 concerning treatment and health education for a gonorrhea case that seeks treatment from the local health agency.

B. Contact control measures: If an individual who may have been exposed to gonorrhea through sexual contact with a gonorrhea case seeks treatment for symptoms of gonorrhea from a local health agency, the local health agency shall comply with the requirements specified in R9-6-1103 concerning treatment and health education for the individual.

**Historical Note**

Renumbered from R9-6-731 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-338 renumbered to R9-6-341; new Section R9-6-338 renumbered from R9-6-335 effective April 4, 1997 (Supp. 97-2). Former R9-6-338 renumbered to R9-6-346; new R9-6-338 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-338 renumbered to R9-6-340; new R9-6-338 renumbered from R9-6-336 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-338 renumbered to R9-6-344; new Section R9-6-338 renumbered from R9-6-332 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 29 A.A.R. 1890 (August 25, 2023), with an immediate effective date of August 2, 2023 (Supp. 23-3).

**R9-6-339. *Haemophilus influenzae*: Invasive Disease**

A. Case control measures:

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and institute droplet precautions for a *Haemophilus influenzae* meningitis or epiglottitis case or suspect case for 24 hours after the initiation of treatment.
2. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 or R9-6-203 of a *Haemophilus influenzae* invasive disease case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported *Haemophilus influenzae* invasive disease case or suspect case; and
  - c. For each *Haemophilus influenzae* invasive disease case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

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- B.** Contact control measures: A local health agency shall evaluate the level of risk of transmission from each contact's exposure to a *Haemophilus influenzae* invasive disease case and, if indicated, shall provide or arrange for each contact to receive immunization or treatment.

**Historical Note**

Renumbered from R9-6-732 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-339 renumbered to R9-6-342; new Section R9-6-339 renumbered from R9-6-336 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-339 renumbered to R9-6-347; new R9-6-339 renumbered from R9-6-331 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-339 renumbered to R9-6-341; new R9-6-339 renumbered from R9-6-337 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-339 renumbered to R9-6-345; new Section R9-6-339 renumbered from R9-6-333 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-340. Hansen's Disease (Leprosy)**

- A.** Case control measures: A local health agency shall:
1. Conduct an epidemiologic investigation of each reported Hansen's disease case or suspect case; and
  2. For each Hansen's disease case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).
- B.** Contact control measures: In consultation with the Department, a local health agency shall examine contacts of a Hansen's disease case, if indicated, for signs and symptoms of leprosy at six-to-twelve month intervals for five years after the last exposure to an infectious case.

**Historical Note**

Renumbered from R9-6-733 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-340 renumbered to R9-6-343; new Section R9-6-340 renumbered from R9-6-337 effective April 4, 1997 (Supp. 97-2). Former R9-6-340 renumbered to R9-6-348; new R9-6-340 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-340 renumbered to R9-6-343; new R9-6-340 renumbered from R9-6-338 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-340 renumbered to R9-6-346; new Section R9-6-340 renumbered from R9-6-334 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-341. Hantavirus Infection**

- A.** Case control measures: A local health agency shall:
1. Upon receiving a report under R9-6-202 of a hantavirus infection case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
  2. Ensure that a hantavirus infection case or, if the case is a child or incapacitated adult, the parent or guardian of the case receives health education about reducing the risks of becoming reinfecting with or of having others become infected with hantavirus;
  3. Conduct an epidemiologic investigation of each reported hantavirus infection case or suspect case; and

4. For each hantavirus infection case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

- B.** Environmental control measures: A local health agency shall conduct an environmental assessment for each hantavirus infection case or suspect case.

**Historical Note**

Renumbered from R9-6-734 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-341 renumbered to R9-6-344; new Section R9-6-341 renumbered from R9-6-338 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-341 renumbered to R9-6-349; new R9-6-341 renumbered from R9-6-333 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-341 renumbered to R9-6-344; new R9-6-341 renumbered from R9-6-339 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-341 renumbered to R9-6-347; new Section R9-6-341 renumbered from R9-6-335 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-342. Hemolytic Uremic Syndrome**

- A.** Case control measures: A local health agency shall:
1. Upon receiving a report under R9-6-202 of a hemolytic uremic syndrome case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
  2. Conduct an epidemiologic investigation of each reported hemolytic uremic syndrome case or suspect case; and
  3. For each hemolytic uremic syndrome case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).
- B.** Contact control measures: A local health agency shall exclude a hemolytic uremic syndrome contact with diarrhea of unknown cause from working as a food handler until diarrhea has resolved.

**Historical Note**

Renumbered from R9-6-735 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-342 renumbered to R9-6-345; new Section R9-6-342 renumbered from R9-6-339 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-342 renumbered to R9-6-350; new R9-6-342 renumbered from R9-6-335 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-342 renumbered to R9-6-345; new R9-6-342 made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-342 renumbered to R9-6-348; new Section R9-6-342 renumbered from R9-6-336 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-343. Hepatitis A**

- A.** Case control measures: A local health agency shall:
1. Upon receiving a report under R9-6-202 or R9-6-203 of a hepatitis A case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
  2. Exclude a hepatitis A case or suspect case from working as a food handler, caring for patients or residents in a

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health care institution, or caring for children in or attending a child care establishment during the first 14 calendar days of illness or for seven calendar days after onset of jaundice;

3. Conduct an epidemiologic investigation of each reported hepatitis A case or suspect case; and
4. For each hepatitis A case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**B. Contact control measures: A local health agency shall:**

1. Exclude a hepatitis A contact with symptoms of hepatitis A from working as a food handler during the first 14 calendar days of illness or for seven calendar days after onset of jaundice;
2. For 45 calendar days after exposure, monitor a food handler who was a contact of a hepatitis A case during the infectious period for symptoms of hepatitis A; and
3. Evaluate the level of risk of transmission from each contact's exposure to a hepatitis A case and, if indicated, provide or arrange for each contact to receive prophylaxis and immunization.

**Historical Note**

Renumbered from R9-6-736 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-343 renumbered to R9-6-346; new Section R9-6-343 renumbered from R9-6-340 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-343 renumbered to R9-6-351; new R9-6-343 renumbered from R9-6-336 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-343 renumbered to R9-6-346; new R9-6-343 renumbered from R9-6-340 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 1928, effective April 30, 2013 (Supp. 13-3). New Section R9-6-343 renumbered from R9-6-337 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-344. Hepatitis B and Hepatitis D**

**A. Case control measures:**

1. A local health agency shall:
  - a. Evaluate a health care provider identified as the source of hepatitis B virus transmission in the work place and, if indicated, ensure reassignment of the health care provider to a position where the occupational risk of transmission is eliminated;
  - b. Conduct an epidemiologic investigation of each reported case or suspect case of hepatitis B or hepatitis B co-infected with hepatitis D; and
  - c. For each acute case of hepatitis B or hepatitis B co-infected with hepatitis D or case of perinatal hepatitis B, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).
2. The operator of a blood bank, blood center, or plasma center shall notify a donor of a test result with significant evidence suggestive of hepatitis B, as required under A.R.S. § 32-1483 and 21 CFR 630.6.

**B. Contact control measures: A local health agency shall:**

1. Refer each non-immune hepatitis B contact to a health care provider for prophylaxis and initiation of the hepatitis B vaccine series, and
2. Provide health education related to the progression of hepatitis B disease and the prevention of transmission of

hepatitis B infection to each non-immune hepatitis B contact.

**Historical Note**

Renumbered from R9-6-737 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-344 renumbered to R9-6-347; new Section R9-6-344 renumbered from R9-6-341 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-344 renumbered to R9-6-352; new R9-6-344 renumbered from R9-6-337 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-344 renumbered to R9-6-347; new R9-6-344 renumbered from R9-6-341 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-344 renumbered to R9-6-349; new Section R9-6-344 renumbered from R9-6-338 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-345. Hepatitis C**

Outbreak control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported hepatitis C outbreak;
2. For each hepatitis C outbreak, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(E);
3. Evaluate a health care provider identified as the source of hepatitis C virus transmission in the work place and, if indicated, ensure reassignment of the health care provider to a position where the occupational risk of transmission is eliminated; and
4. Ensure that health education related to the progression of hepatitis C disease and the prevention of transmission of hepatitis C infection is provided to each individual who may have been exposed to hepatitis C during the outbreak.

**Historical Note**

Renumbered from R9-6-738 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-345 renumbered to R9-6-348; new Section R9-6-345 renumbered from R9-6-342 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-345 renumbered to R9-6-353; new R9-6-345 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-345 renumbered to R9-6-348; new R9-6-345 renumbered from R9-6-342 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-345 renumbered to R9-6-350; new Section R9-6-345 renumbered from R9-6-339 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-346. Hepatitis E**

Case control measures: A local health agency shall:

1. Exclude a hepatitis E case or suspect case from working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a child care establishment during the first 14 calendar days of illness or for seven calendar days after onset of jaundice;
2. Conduct an epidemiologic investigation of each reported hepatitis E case or suspect case; and

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For each hepatitis E case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-739 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-346 renumbered to R9-6-349; new Section R9-6-346 renumbered from R9-6-343 effective April 4, 1997 (Supp. 97-2). Former R9-6-346 renumbered to R9-6-354; new R9-6-346 renumbered from R9-6-338 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-346 renumbered to R9-6-349; new R9-6-346 renumbered from R9-6-343 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-346 renumbered to R9-6-351; new Section R9-6-346 renumbered from R9-6-340 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-347. HIV Infection and Related Disease****A. Case control measures:**

1. A local health agency shall:
  - a. Conduct an epidemiologic investigation, including a review of medical records, of each reported HIV-infected individual or suspect case; and
  - b. For each HIV-infected individual, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).
2. The operator of a blood bank, blood center, or plasma center shall notify a donor of a test result with significant evidence suggestive of HIV infection, as required under A.R.S. § 32-1483 and 21 CFR 630.6.
3. The Department and a local health agency shall offer anonymous HIV-testing to an individual as specified in R9-6-1005.

**B. Contact control measures:** The Department or the Department's designee shall confidentially notify an individual reported to be at risk for HIV infection under A.R.S. § 36-664(I) as specified in R9-6-1006(A).**C. Environmental control measures:** An employer, as defined under A.R.S. § 23-401, or health care provider shall comply with the requirements specified in A.R.S. § 23-403 and A.A.C. R20-5-602.**Historical Note**

Renumbered from R9-6-740 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-347 renumbered to R9-6-350; new Section R9-6-347 renumbered from R9-6-344 effective April 4, 1997 (Supp. 97-2). Former R9-6-347 renumbered to R9-6-355; new R9-6-347 renumbered from R9-6-339 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-347 renumbered to R9-6-350; new R9-6-347 renumbered from R9-6-344 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-347 renumbered to R9-6-352; new Section R9-6-347 renumbered from R9-6-341 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-348. Influenza-Associated Mortality in a Child**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a case or suspect case of an influenza-associated death of a child, notify the Department within one working day after

receiving the report and provide to the Department the information contained in the report;

2. Conduct an epidemiologic investigation of each reported case or suspect case of influenza-associated mortality in a child; and
3. For each case of influenza-associated mortality in a child, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-741 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-348 renumbered to R9-6-351; new Section R9-6-348 renumbered from R9-6-345 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-348 renumbered to R9-6-356; new R9-6-348 renumbered from R9-6-340 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-348 renumbered to R9-6-352; new R9-6-348 renumbered from R9-6-345 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-348 renumbered to R9-6-353; new Section R9-6-348 renumbered from R9-6-342 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-349. Legionellosis (Legionnaires' Disease)****A. Case control measures:** A local health agency shall:

1. Upon receiving a report under R9-6-202 of a legionellosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported legionellosis case or suspect case; and
3. For each legionellosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**B. Environmental control measures:** The owner of a water, cooling, or ventilation system or equipment that is determined by the Department or a local health agency to be associated with a case of *Legionella* infection shall comply with the environmental control measures recommended by the Department or local health agency to prevent the exposure of other individuals.**Historical Note**

Renumbered from R9-6-742 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-349 renumbered to R9-6-352; new Section R9-6-349 renumbered from R9-6-346 effective April 4, 1997 (Supp. 97-2). Former R9-6-349 renumbered to R9-6-357; new R9-6-349 renumbered from R9-6-341 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-349 renumbered to R9-6-353; new R9-6-349 renumbered from R9-6-346 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-349 renumbered to R9-6-354; new Section R9-6-349 renumbered from R9-6-344 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-350. Leptospirosis**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a leptospirosis case or suspect case, notify the Department within one

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- working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported leptospirosis case or suspect case; and
  3. For each leptospirosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-743 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-350 renumbered to R9-6-353; new Section R9-6-350 renumbered from R9-6-347 effective April 4, 1997 (Supp. 97-2). Former R9-6-350 renumbered to R9-6-358; new R9-6-350 renumbered from R9-6-342 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-350 renumbered to R9-6-355; new R9-6-350 renumbered from R9-6-347 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-350 renumbered to R9-6-355; new Section R9-6-350 renumbered from R9-6-345 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-351. Listeriosis**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a listeriosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported listeriosis case or suspect case;
3. For each listeriosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
4. Ensure that an isolate or a specimen, as available, from each listeriosis case is submitted to the Arizona State Laboratory.

**Historical Note**

Renumbered from R9-6-744 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-351 renumbered to R9-6-354; new Section R9-6-351 renumbered from R9-6-348 effective April 4, 1997 (Supp. 97-2). Former R9-6-351 renumbered to R9-6-359; new R9-6-351 renumbered from R9-6-343 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-351 renumbered to R9-6-356; new R9-6-351 made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-351 renumbered to R9-6-356; new Section R9-6-351 renumbered from R9-6-346 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-352. Lyme Disease**

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported Lyme disease case or suspect case; and
2. For each Lyme disease case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-745 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-352 renumbered to R9-6-355; new Section R9-6-352 renum-

bered from R9-6-349 effective April 4, 1997 (Supp. 97-2). Former R9-6-352 renumbered to R9-6-360; new R9-6-352 renumbered from R9-6-344 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-352 renumbered to R9-6-357; new R9-6-352 renumbered from R9-6-348 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-352 renumbered to R9-6-357; new Section R9-6-352 renumbered from R9-6-347 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-353. Lymphocytic Choriomeningitis**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a lymphocytic choriomeningitis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported lymphocytic choriomeningitis case or suspect case; and
3. For each lymphocytic choriomeningitis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Renumbered from R9-6-746 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-353 renumbered to R9-6-356; new Section R9-6-353 renumbered from R9-6-350 effective April 4, 1997 (Supp. 97-2). Former R9-6-353 renumbered to R9-6-361; new R9-6-353 renumbered from R9-6-345 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-353 renumbered to R9-6-358; new R9-6-353 renumbered from R9-6-349 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-353 renumbered to R9-6-359; new Section R9-6-353 renumbered from R9-6-348 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-354. Malaria**

A. Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported malaria case or suspect case; and
2. For each malaria case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

B. Environmental control measures: In cooperation with the Department, a local health agency or another local agency responsible for vector control within a jurisdiction shall conduct an assessment of the environment surrounding each malaria case or suspect case and implement vector control measures as necessary.

**Historical Note**

Renumbered from R9-6-748 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-354 renumbered to R9-6-357; new Section R9-6-354 renumbered from R9-6-351 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-354 renumbered to R9-6-362; new R9-6-354 renumbered from R9-6-346 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-354 renumbered to R9-6-359; new R9-6-354 made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008



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(Supp. 08-2). Section R9-6-354 renumbered to R9-6-360; new Section R9-6-354 renumbered from R9-6-349 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-355. Measles (Rubeola)****A. Case control measures:**

1. An administrator of a school or child care establishment, either personally or through a representative, shall:
  - a. Exclude a measles case from the school or child care establishment and from school- or child-care-establishment-sponsored events from the onset of illness through the fourth calendar day after the rash appears; and
  - b. Exclude a measles suspect case from the school or child care establishment and from school- or child-care-establishment-sponsored events until the local health agency has determined that the suspect case is unlikely to infect other individuals.
2. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and institute airborne precautions for a measles case from onset of illness through the fourth calendar day after the rash appears.
3. An administrator of a health care institution, either personally or through a representative, shall exclude a measles:
  - a. Case from working at the health care institution from the onset of illness through the fourth calendar day after the rash appears; and
  - b. Suspect case from working at the health care institution until the local health agency has determined that the suspect case may return to work.
4. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 or R9-6-203 of a measles case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported measles case or suspect case;
  - c. For each measles case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - d. Ensure that one or more specimens from each measles case or suspect case, as required by the Department, are submitted to the Arizona State Laboratory.
5. An administrator of a correctional facility or shelter, either personally or through a representative, shall comply with the measles control measures recommended by a local health agency or the Department.

**B. Contact control measures:**

1. When a measles case has been at a school or child care establishment, the administrator of the school or child care establishment, either personally or through a representative, shall:
  - a. Consult with the local health agency to determine who shall be excluded and how long each individual shall be excluded from the school or child care establishment, and
  - b. Comply with the local health agency's recommendations for exclusion.
2. A local health agency shall:

- a. Determine which measles contacts will be quarantined or excluded, according to R9-6-303, to prevent transmission; and
  - b. Provide or arrange for immunization of each non-immune measles contact within 72 hours after last exposure, if possible.
3. An administrator of a health care institution shall ensure that a paid or volunteer full-time or part-time worker at a health care institution does not participate in the direct care of a measles case or suspect case unless the worker is able to provide evidence of immunity to measles through one of the following:
    - a. A record of immunization against measles with two doses of live virus vaccine given on or after the first birthday and at least one month apart;
    - b. A statement signed by a physician, physician assistant, registered nurse practitioner, state health officer, or local health officer affirming serologic evidence of immunity to measles; or
    - c. Documentary evidence of birth before January 1, 1957.

**Historical Note**

Renumbered from R9-6-749 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-355 renumbered to R9-6-358; new Section R9-6-355 renumbered from R9-6-352 effective April 4, 1997 (Supp. 97-2). Former R9-6-355 renumbered to R9-6-363; new R9-6-355 renumbered from R9-6-347 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-355 renumbered to R9-6-360; new R9-6-355 renumbered from R9-6-350 by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-355 renumbered to R9-6-362; new Section R9-6-355 renumbered from R9-6-350 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-356. Melioidosis**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a melioidosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported melioidosis case or suspect case;
3. For each melioidosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
4. Ensure that an isolate or a specimen, as available, from each melioidosis case or suspect case is submitted to the Arizona State Laboratory.

**Historical Note**

Former Section R9-6-115, Paragraph (38), renumbered and amended as R9-6-750 effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-750 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-356 renumbered to R9-6-360; new Section R9-6-356 renumbered from R9-6-353 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-356 renumbered to R9-6-365; new R9-6-356 renumbered from R9-6-348 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-356 renumbered to R9-6-361; new R9-6-356 renumbered from R9-6-351 and amended by final rulemaking at

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14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).  
Section R9-6-356 renumbered to R9-6-363; new Section  
R9-6-356 renumbered from R9-6-351 and amended by  
final rulemaking at 23 A.A.R. 2605, effective January 1,  
2018 (Supp. 17-3).

**R9-6-357. Meningococcal Invasive Disease****A. Case control measures:**

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and institute droplet precautions for a meningococcal invasive disease case for 24 hours after the initiation of treatment.
2. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 or R9-6-203 of a meningococcal invasive disease case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported meningococcal invasive disease case or suspect case;
  - c. For each meningococcal invasive disease case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - d. Ensure that an isolate or a specimen, as available, from each meningococcal invasive disease case is submitted to the Arizona State Laboratory.

- B. Contact control measures:** A local health agency shall evaluate the level of risk of transmission from each contact's exposure to a meningococcal invasive disease case and, if indicated, provide or arrange for each contact to receive prophylaxis.

**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4). Former Section R9-6-357 renumbered to R9-6-361; new Section R9-6-357 renumbered from R9-6-354 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-357 repealed; new R9-6-357 renumbered from R9-6-349 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-357 renumbered to R9-6-362; new R9-6-357 renumbered from R9-6-352 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-357 renumbered to R9-6-364; new Section R9-6-357 renumbered from R9-6-352 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-358. Methicillin-resistant *Staphylococcus aureus* (MRSA)****A. Case control measures:**

1. A diagnosing health care provider or an administrator of a health care institution transferring a known methicillin-resistant *Staphylococcus aureus* case with active infection to another health care provider or health care institution or to a correctional facility shall, either personally or through a representative, ensure that the receiving health care provider, health care institution, or correctional facility is informed that the patient is a known methicillin-resistant *Staphylococcus aureus* case.
2. If a known methicillin-resistant *Staphylococcus aureus* case with active infection is being transferred from a correctional facility to another correctional facility or to a health care institution, an administrator of the correctional facility, either personally or through a representa-

tive, shall ensure that the receiving correctional facility or health care institution is informed that the individual is a known methicillin-resistant *Staphylococcus aureus* case.

**B. Outbreak control measures:**

1. A local health agency, in consultation with the Department, shall:
  - a. Conduct an epidemiologic investigation of each reported outbreak of methicillin-resistant *Staphylococcus aureus* in a health care institution or correctional facility; and
  - b. For each outbreak of methicillin-resistant *Staphylococcus aureus* in a health care institution or correctional facility, submit to the Department the information required under R9-6-206(E).
2. When an outbreak of methicillin-resistant *Staphylococcus aureus* occurs in a health care institution or correctional facility, the administrator of the health care institution or correctional facility, either personally or through a representative, shall comply with the control measures recommended by a local health agency or the Department.

**Historical Note**

Former Section R9-6-115, Paragraph (39), renumbered and amended as R9-6-751 effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-751 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-358 renumbered to R9-6-362; new Section R9-6-358 renumbered from R9-6-355 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-358 renumbered to R9-6-367; new R9-6-358 renumbered from R9-6-350 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-358 renumbered to R9-6-363; new R9-6-358 renumbered from R9-6-353 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-358 renumbered to R9-6-365; new Section R9-6-358 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-359. Mumps****A. Case control measures:**

1. An administrator of a school or child care establishment, either personally or through a representative, shall:
  - a. Exclude a mumps case from the school or child care establishment for five calendar days after the onset of glandular swelling; and
  - b. Exclude a mumps suspect case from the school or child care establishment and from school- or child-care-establishment-sponsored events until evaluated and determined to be noninfectious by a physician, physician assistant, registered nurse practitioner, or local health agency.
2. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and institute droplet precautions with a mumps case for five calendar days after the onset of glandular swelling.
3. An administrator of a health care institution, either personally or through a representative, shall exclude a mumps:
  - a. Case from working at the health care institution for five calendar days after the onset of glandular swelling; and
  - b. Suspect case from working at the health care institution until evaluated and determined to be noninfectious.

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tious by a physician, physician assistant, registered nurse practitioner, or local health agency.

4. A local health agency shall:
    - a. Upon receiving a report under R9-6-202 or R9-6-203 of a mumps case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
    - b. Conduct an epidemiologic investigation of each reported mumps case or suspect case;
    - c. For each mumps case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
    - d. Ensure that one or more specimens from each mumps case or suspect case, as required by the Department, are submitted to the Arizona State Laboratory.
  5. An administrator of a correctional facility or shelter, either personally or through a representative, shall comply with the mumps control measures recommended by a local health agency or the Department.
- B. Contact control measures:**
1. When a mumps case has been at a school or child care establishment, the administrator of the school or child care establishment, either personally or through a representative, shall:
    - a. Consult with the local health agency to determine who shall be excluded and how long each individual shall be excluded from the school or child care establishment, and
    - b. Comply with the local health agency's recommendations for exclusion.
  2. An administrator of a health care institution shall ensure that a paid or volunteer full-time or part-time worker at a health care institution does not participate in the direct care of a mumps case or suspect case unless the worker is able to provide evidence of immunity to mumps through one of the following:
    - a. A record of immunization against mumps with two doses of live virus vaccine given on or after the first birthday and at least one month apart; or
    - b. A statement signed by a physician, physician assistant, registered nurse practitioner, state health officer, or local health officer affirming serologic evidence of immunity to mumps.
  3. A local health agency shall determine which mumps contacts will be:
    - a. Quarantined or excluded, according to R9-6-303, to prevent transmission; and
    - b. Advised to obtain an immunization against mumps.

**Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-752 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-359 renumbered to R9-6-363; new Section R9-6-359 adopted effective April 4, 1997 (Supp. 97-2). Former R9-6-359 repealed; new R9-6-359 renumbered from R9-6-351 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-359 renumbered to R9-6-364; new R9-6-359 renumbered from R9-6-354 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-359 renumbered to R9-6-366; new Section R9-6-359 renumbered from R9-6-353 and amended by final

rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-360. Norovirus**

- A. Outbreak control measures:** A local health agency shall:
1. Conduct an epidemiologic investigation of each reported norovirus outbreak;
  2. Submit to the Department the information required under R9-6-206(E); and
  3. Exclude each case that is part of a norovirus outbreak from working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a child care establishment until:
    - a. Diarrhea has resolved, or
    - b. The local health agency has determined that the case or suspect case is unlikely to infect other individuals.
- B. Environmental control measures:** A local health agency shall conduct a sanitary inspection or ensure that a sanitary inspection is conducted of each facility or location regulated under 9 A.A.C. 8 that is associated with a norovirus outbreak.

**Historical Note**

Former Section R9-6-115, Paragraph (40), renumbered and amended as R9-6-753 effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-753 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-360 renumbered to R9-6-364; new Section R9-6-360 renumbered from R9-6-356 and amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-360 renumbered to R9-6-368; new R9-6-360 renumbered from R9-6-352 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-360 renumbered to R9-6-365; new R9-6-360 renumbered from R9-6-355 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-360 renumbered to R9-6-367; new Section R9-6-360 renumbered from R9-6-354 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-361. Novel Coronavirus (e.g., SARS or MERS)**

- A. Case control measures:**
1. In consultation with the Department or the applicable local health agency, a diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and institute both airborne precautions and contact precautions for a novel coronavirus case or suspect case, including a case or suspect case of severe acute respiratory syndrome or Middle East respiratory syndrome, until evaluated and determined to be noninfectious by a physician, physician assistant, or registered nurse practitioner or otherwise advised by the Department or the applicable local health agency.
  2. A local health agency shall:
    - a. Upon receiving a report under R9-6-202 of a novel coronavirus case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
    - b. In consultation with the Department, ensure that isolation and both airborne precautions and contact precautions have been instituted for a novel coronavirus

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case or suspect case to prevent transmission, unless otherwise advised by the Department;

- c. Conduct an epidemiologic investigation of each reported novel coronavirus case or suspect case, unless otherwise advised by the Department; and
- d. For each novel coronavirus case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

- B. Contact control measures: A local health agency, in consultation with the Department, shall determine which novel coronavirus contacts will be quarantined or excluded, according to R9-6-303, to prevent transmission.

**Historical Note**

Former Section R9-6-115, Paragraph (41), renumbered and amended as R9-6-754 effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-754 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-361 renumbered to R9-6-365; new Section R9-6-361 renumbered from R9-6-357 effective April 4, 1997 (Supp. 97-2). Former R9-6-361 renumbered to R9-6-369; new R9-6-361 renumbered from R9-6-353 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-361 renumbered to R9-6-366; new R9-6-361 renumbered from R9-6-356 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-361 renumbered to R9-6-368; new Section R9-6-361 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 29 A.A.R. 1890 (August 25, 2023), with an immediate effective date of August 2, 2023 (Supp. 23-3).

**R9-6-362. Pediculosis (Lice Infestation)****A. Case control measures:**

1. An administrator of a school or child care establishment, either personally or through a representative, may exclude a pediculosis case from the school or child care establishment until the case is treated with a pediculocide.
2. An administrator of a shelter shall ensure that a pediculosis case is treated with a pediculocide and that the case's clothing and personal articles are disinfested.

- B. Contact control measures: An administrator of a school or child care establishment that has knowledge of a pediculosis case from the school or child care establishment, either personally or through a representative, shall ensure that a parent or guardian of a child who is a contact is notified that a pediculosis case was identified at the school or child care establishment.

**Historical Note**

Former Section R9-6-115, Paragraph (42), renumbered and amended as R9-6-755 effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-755 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-362 renumbered to R9-6-366; new Section R9-6-362 renumbered from R9-6-358 effective April 4, 1997 (Supp. 97-2). Former R9-6-362 renumbered to R9-6-370; new R9-6-362 renumbered from R9-6-354 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-362 renumbered to R9-6-367; new R9-6-362 renumbered from R9-6-357 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-362 renumbered to R9-6-369; new Section R9-6-362 renumbered

from R9-6-355 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

Amended by final expedited rulemaking at 29 A.A.R. 1890 (August 25, 2023), with an immediate effective date of August 2, 2023 (Supp. 23-3).

**R9-6-363. Pertussis (Whooping Cough)****A. Case control measures:**

1. An administrator of a school or child care establishment, either personally or through a representative, shall:
  - a. Exclude a pertussis case from the school or child care establishment for 21 calendar days after the date of onset of cough or for five calendar days after the date of initiation of antibiotic treatment for pertussis; and
  - b. Exclude a pertussis suspect case from the school or child care establishment until evaluated and determined to be noninfectious by a physician, physician assistant, registered nurse practitioner, or local health agency.
2. An administrator of a health care institution, either personally or through a representative, shall:
  - a. Exclude a pertussis case from working at the health care institution for 21 calendar days after the date of onset of cough or for five calendar days after the date of initiation of antibiotic treatment for pertussis; and
  - b. Exclude a pertussis suspect case from working at the health care institution until evaluated and determined to be noninfectious by a physician, physician assistant, registered nurse practitioner, or local health agency.
3. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and initiate droplet precautions for a pertussis case for five calendar days after the date of initiation of antibiotic treatment for pertussis.
4. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 or R9-6-203 of a pertussis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported pertussis case or suspect case; and
  - c. For each pertussis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).
5. An administrator of a correctional facility or shelter, either personally or through a representative, shall comply with the pertussis control measures recommended by a local health agency or the Department.

**B. Contact control measures:**

1. When a pertussis case has been at a school or child care establishment, the administrator of the school or child care establishment, either personally or through a representative, shall:
  - a. Consult with the local health agency to determine who shall be excluded and how long each individual shall be excluded from the school or child care establishment, and
  - b. Comply with the local health agency's recommendations for exclusion.
2. A local health agency shall identify contacts of a pertussis case and shall:

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- a. Determine which pertussis contacts will be quarantined or excluded, according to R9-6-303, to prevent transmission; and
- b. If indicated, provide or arrange for a pertussis contact to receive antibiotic prophylaxis.

**Historical Note**

Former Section R9-6-115, Paragraph (43), renumbered and amended as R9-6-756 effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-756 and amended effective October 19, 1993 (Supp. 93-4). Section R9-6-363 renumbered to R9-6-367; new Section R9-6-363 renumbered from R9-6-359 effective April 4, 1997 (Supp. 97-2). Former R9-6-363 renumbered to R9-6-371; new R9-6-363 renumbered from R9-6-355 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-363 renumbered to R9-6-368; new R9-6-363 renumbered from R9-6-358 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 1928, effective April 30, 2013 (Supp. 13-3). New Section R9-6-363 renumbered from R9-6-356 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-364. Plague****A. Case control measures:**

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and institute droplet precautions for a pneumonic plague case or suspect case until 72 hours of antibiotic therapy have been completed with favorable clinical response.
2. An individual handling the body of a deceased plague case shall use droplet precautions.
3. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 of a plague case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported plague case or suspect case;
  - c. For each plague case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - d. Ensure that an isolate or a specimen, as available, from each plague case or suspect case is submitted to the Arizona State Laboratory.

- B. Contact control measures:** A local health agency shall provide follow-up to pneumonic plague contacts for seven calendar days after last exposure to a pneumonic plague case.

**Historical Note**

Former Section R9-6-115, Paragraph (44), renumbered and amended as R9-6-757 effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-757 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-364 renumbered to R9-6-368; new Section R9-6-364 renumbered from R9-6-360 effective April 4, 1997 (Supp. 97-2). Former R9-6-364 renumbered to R9-6-372; new R9-6-364 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-364 renumbered to R9-6-369; new R9-6-364 renumbered from R9-6-359 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-364 repealed; new Section R9-6-364

renumbered from R9-6-357 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-365. Poliomyelitis (Paralytic or Non-paralytic)**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a poliomyelitis case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported poliomyelitis case or suspect case;
3. For each poliomyelitis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
4. Ensure that one or more specimens from each poliomyelitis case or suspect case, as required by the Department, are submitted to the Arizona State Laboratory.

**Historical Note**

Former Section R9-6-115, Paragraph (4), renumbered and amended as R9-6-758 effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-758 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-365 renumbered to R9-6-372; new Section R9-6-365 renumbered from R9-6-361 effective April 4, 1997 (Supp. 97-2). Former R9-6-365 renumbered to R9-6-373; new R9-6-365 renumbered from R9-6-356 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-365 renumbered to R9-6-370; new R9-6-365 renumbered from R9-6-360 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-365 renumbered to R9-6-371; new Section R9-6-365 renumbered from R9-6-358 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-366. Psittacosis (Ornithosis)**

**A. Case control measures:** A local health agency shall:

1. Conduct an epidemiologic investigation of each reported psittacosis case or suspect case; and
2. For each psittacosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**B. Environmental control measures:** A local health agency shall:

1. If a bird infected with *Chlamydia psittaci* or *Chlamydophila psittaci* is located in a private residence:
  - a. Provide health education for the bird's owner about psittacosis and the risks of becoming infected with psittacosis, and
  - b. Advise the bird's owner to obtain treatment for the bird; and
2. If a bird infected with *Chlamydia psittaci* or *Chlamydophila psittaci* is located in a setting other than a private residence:
  - a. Provide health education for the bird's owner about psittacosis and the risks of becoming infected with psittacosis,
  - b. Ensure that the bird is treated or destroyed and any contaminated structures are disinfected, and
  - c. Require the bird's owner to isolate the bird from contact with members of the public and from other birds until treatment of the bird is completed or the bird is destroyed.

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**Historical Note**

Former Section R9-6-115, Paragraph (46), renumbered and amended as R9-6-759 effective January 28, 1987 (Supp. 87-1). Renumbered from R9-6-759 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-366 renumbered to R9-6-374; new Section R9-6-366 renumbered from R9-6-362 effective April 4, 1997 (Supp. 97-2). Former R9-6-366 renumbered to R9-6-374; new R9-6-366 made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-366 renumbered to R9-6-371; new R9-6-366 renumbered from R9-6-361 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-366 renumbered to R9-6-372; new Section R9-6-366 renumbered from R9-6-359 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-367. Q Fever**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a Q fever case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported Q fever case or suspect case; and
3. For each Q fever case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Section R9-6-367 renumbered from R9-6-363 effective April 4, 1997 (Supp. 97-2). Former R9-6-367 renumbered to R9-6-375; new R9-6-367 renumbered from R9-6-358 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-367 renumbered to R9-6-372; new R9-6-367 renumbered from R9-6-362 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-367 renumbered to R9-6-373; new Section R9-6-367 renumbered from R9-6-360 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-368. Rabies in a Human**

A. Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a human rabies case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported human rabies case or suspect case;
3. For each human rabies case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
4. Ensure that a specimen from each human rabies case or suspect case, as required by the Department, is submitted to the Arizona State Laboratory.

B. Contact control measures: A local health agency shall evaluate the level of risk of transmission from each contact's exposure to a human rabies case and, if indicated, provide or arrange for each contact to receive prophylaxis.

**Historical Note**

Section R9-6-368 renumbered from R9-6-364 effective April 4, 1997 (Supp. 97-2). Former R9-6-368 renum-

bered to R9-6-376; new R9-6-368 renumbered from R9-6-360 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-368 renumbered to R9-6-375; new R9-6-368 renumbered from R9-6-363 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-368 renumbered to R9-6-374; new Section R9-6-368 renumbered from R9-6-361 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-369. Relapsing Fever (Borreliosis)**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a borreliosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported borreliosis case or suspect case; and
3. For each borreliosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Former R9-6-369 renumbered to R9-6-379; new R9-6-369 renumbered from R9-6-361 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-369 renumbered to R9-6-376; new R9-6-369 renumbered from R9-6-364 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-369 repealed; new Section R9-6-369 renumbered from R9-6-362 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-370. Respiratory Disease in a Health Care Institution or Correctional Facility**

Outbreak control measures:

1. A local health agency shall:
  - a. Conduct an epidemiologic investigation of each reported outbreak of respiratory disease in a health care institution or correctional facility; and
  - b. For each outbreak of respiratory disease in a health care institution or correctional facility, submit to the Department the information required under R9-6-206(E).
2. When an outbreak of respiratory disease occurs in a health care institution or correctional facility, the administrator of the health care institution or correctional facility, either personally or through a representative, shall comply with the control measures recommended by a local health agency.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Former R9-6-370 renumbered to R9-6-380; new R9-6-370 renumbered from R9-6-362 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-370 renumbered to R9-6-377; new R9-6-370 renumbered from R9-6-365 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-370 renumbered to R9-6-375; new Section R9-6-370 made by final rulemaking

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at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-371. Rubella (German Measles)****A. Case control measures:**

1. An administrator of a school or child care establishment, either personally or through a representative, shall:
  - a. Exclude a rubella case from the school or child care establishment and from school- or child-care-establishment-sponsored events from the onset of illness through the seventh calendar day after the rash appears; and
  - b. Exclude a rubella suspect case from the school or child care establishment and from school- or child-care-establishment-sponsored events until evaluated and determined to be noninfectious by a physician, physician assistant, registered nurse practitioner, or local health agency.
2. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative and in consultation with the local health agency, shall isolate and institute droplet precautions for a rubella case through the seventh calendar day after the rash appears.
3. An administrator of a health care institution, either personally or through a representative, shall exclude a rubella:
  - a. Case from working at the health care institution from the onset of illness through the seventh calendar day after the rash appears; and
  - b. Suspect case from working at the health care institution until evaluated and determined to be noninfectious by a physician, physician assistant, registered nurse practitioner, or local health agency.
4. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 or R9-6-203 of a rubella case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported rubella case or suspect case;
  - c. For each rubella case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - d. Ensure that one or more specimens from each rubella case or suspect case, as required by the Department, are submitted to the Arizona State Laboratory.
5. An administrator of a correctional facility or shelter, either personally or through a representative, shall comply with the rubella control measures recommended by a local health agency or the Department.

**B. Contact control measures:**

1. An administrator of a health care institution shall ensure that a paid or volunteer full-time or part-time worker at a health care institution does not participate in the direct care of a rubella case or suspect case or of a patient who is or may be pregnant unless the worker first provides evidence of immunity to rubella consisting of:
  - a. A record of immunization against rubella given on or after the first birthday; or
  - b. A statement signed by a physician, physician assistant, registered nurse practitioner, state health officer,

cer, or local health officer affirming serologic evidence of immunity to rubella.

2. When a rubella case has been at a school or child care establishment, the administrator of the school or child care establishment, either personally or through a representative, shall:
  - a. Consult with the local health agency to determine who shall be excluded and how long each individual shall be excluded from the school or child care establishment, and
  - b. Comply with the local health agency's recommendations for exclusion.
3. A local health agency shall:
  - a. Determine which rubella contacts will be quarantined or excluded, according to R9-6-303, to prevent transmission; and
  - b. Provide or arrange for immunization of each non-immune rubella contact within 72 hours after last exposure, if possible.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Former R9-6-371 renumbered to R9-6-381; new R9-6-371 renumbered from R9-6-363 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-371 renumbered to R9-6-378; new R9-6-371 renumbered from R9-6-366 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-371 renumbered to R9-6-376; new Section R9-6-371 renumbered from R9-6-365 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-372. Rubella Syndrome, Congenital****A. Case control measures:**

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and implement contact precautions for an infant congenital rubella syndrome case until:
  - a. The infant congenital rubella syndrome case reaches one year of age; or
  - b. Two successive negative virus cultures, from specimens collected at least one month apart, are obtained from the infant congenital rubella syndrome case after the infant congenital rubella syndrome case reaches three months of age.
2. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 of a congenital rubella syndrome case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported congenital rubella syndrome case or suspect case;
  - c. For each congenital rubella syndrome case, as specified in Table 2.4, the information required under R9-6-206(D); and
  - d. Ensure that one or more specimens from each congenital rubella syndrome case or suspect case, as required by the Department, are submitted to the Arizona State Laboratory.

- B. Contact control measures:** An administrator of a health care institution shall ensure that a paid or volunteer full-time or part-time worker at a health care institution who

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is known to be pregnant does not participate in the direct care of a congenital rubella syndrome case or suspect case unless the worker first provides evidence of immunity to rubella that complies with R9-6-371(B)(1).

**Historical Note**

Section R9-6-372 renumbered from R9-6-365 and amended effective April 4, 1997 (Supp. 97-2). Former R9-6-372 renumbered to R9-6-382; new R9-6-372 renumbered from R9-6-364 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-372 renumbered to R9-6-379; new R9-6-372 renumbered from R9-6-367 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-372 renumbered to R9-6-378; new Section R9-6-372 renumbered from R9-6-366 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-373. Salmonellosis****A. Case control measures:** A local health agency shall:

1. Upon receiving a report under R9-6-202 or R9-6-203 of a salmonellosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Exclude a salmonellosis case or suspect case with diarrhea from:
  - a. Working as a food handler, caring for children in or attending a child care establishment, or caring for patients or residents in a health care institution until:
    - i. Diarrhea has resolved,
    - ii. A stool specimen negative for *Salmonella* spp. is obtained from the salmonellosis case or suspect case, or
    - iii. The local health agency has determined that the case or suspect case is unlikely to infect other individuals; and
  - b. Using an aquatic venue until diarrhea has resolved;
3. Conduct an epidemiologic investigation of each reported salmonellosis case or suspect case; and
4. For each salmonellosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**B. Environmental control measures:** A local health agency shall:

1. If an animal infected with *Salmonella* spp. is located in a private residence, provide health education for the animal's owner about salmonellosis and the risks of becoming infected with *Salmonella* spp.; and
2. If an animal infected with *Salmonella* spp. is located in a setting other than a private residence:
  - a. Provide health education for the animal's owner about salmonellosis and the risks of becoming infected with *Salmonella* spp., and
  - b. Require the animal's owner to provide information to individuals with whom the animal may come into contact about salmonellosis and methods to reduce the risk of transmission.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Former R9-6-373 renumbered to R9-6-383; new R9-6-373 renumbered from R9-6-365 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-373 renumbered to R9-6-380; new R9-6-373 made by final rulemaking at 14 A.A.R.

1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-373 renumbered to R9-6-379; new Section R9-6-373 renumbered from R9-6-367 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-374. Scabies****A. Case control measures:**

1. An administrator of a school or child care establishment, either personally or through a representative, shall exclude a scabies case from the school or child care establishment until treatment for scabies is completed.
2. An administrator of a health care institution or shelter, either personally or through a representative, shall exclude a scabies case from participating in the direct care of a patient or resident until treatment for scabies is completed.
3. An administrator of a shelter, either personally or through a representative, shall ensure that a scabies case receives treatment for scabies and that the case's clothing and personal articles are disinfested.
4. An administrator of a correctional facility, either personally or through a representative, shall ensure that a scabies case receives treatment for scabies and that the case's clothing and personal articles are disinfested.

**B. Contact control measures:** An administrator of a school, child care establishment, health care institution, or shelter, either personally or through a representative, shall advise a scabies contact with symptoms of scabies to obtain examination and, if necessary, treatment.**C. Outbreak control measures:** A local health agency shall:

1. Provide health education regarding prevention, control, and treatment of scabies to individuals affected by a scabies outbreak;
2. When a scabies outbreak occurs in a health care institution, notify the licensing agency of the outbreak; and
3. For each scabies outbreak, submit to the Department the information required under R9-6-202(D).

**Historical Note**

Section R9-6-374 renumbered from R9-6-366 effective April 4, 1997 (Supp. 97-2). Former R9-6-374 renumbered to R9-6-386; new R9-6-374 renumbered from R9-6-366 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-374 renumbered to R9-6-381; new R9-6-374 made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-374 renumbered to R9-6-380; new Section R9-6-374 renumbered from R9-6-368 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-375. Shigellosis****Case control measures:** A local health agency shall:

1. Upon receiving a report under R9-6-202 or R9-6-203 of a shigellosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Exclude a shigellosis case or suspect case with diarrhea from:
  - a. Working as a food handler, caring for children in or attending a child care establishment, or caring for patients or residents in a health care institution until:
    - i. Diarrhea has resolved,



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- ii. A stool specimen negative for *Shigella* spp. is obtained from the shigellosis case or suspect case, or
- iii. The local health agency has determined that the case or suspect case is unlikely to infect other individuals; and
- b. Using an aquatic venue for one week after diarrhea has resolved;
- 3. Conduct an epidemiologic investigation of each reported shigellosis case or suspect case; and
- 4. For each shigellosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Former R9-6-375 renumbered to R9-6-387; new R9-6-375 renumbered from R9-6-367 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-375 renumbered to R9-6-382; new R9-6-375 renumbered from R9-6-368 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-375 renumbered to R9-6-381; new Section R9-6-375 renumbered from R9-6-370 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-376. Smallpox****A. Case control measures:**

- 1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and institute both airborne precautions and contact precautions for a smallpox case or suspect case, until evaluated and determined to be noninfectious by a physician, physician assistant, or registered nurse practitioner.
- 2. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 of a smallpox case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
  - b. In consultation with the Department:
    - i. Ensure that isolation and both airborne precautions and contact precautions have been instituted for a smallpox case or suspect case to prevent transmission, and
    - ii. Conduct an epidemiologic investigation of each reported smallpox case or suspect case;
  - c. For each smallpox case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - d. Ensure that a specimen from each smallpox case or suspect case, as required by the Department, is submitted to the Arizona State Laboratory.

**B. Contact control measures:** A local health agency, in consultation with the Department, shall:

- 1. Quarantine or exclude a smallpox contact as necessary, according to R9-6-303, to prevent transmission; and
- 2. Monitor the contact for smallpox symptoms, including fever, each day for 21 calendar days after last exposure.

**Historical Note**

Section renumbered from R9-6-368 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-376 renumbered to R9-6-383;

new R9-6-376 renumbered from R9-6-369 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-376 renumbered to R9-6-382; new Section R9-6-376 renumbered from R9-6-371 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-377. Spotted Fever Rickettsiosis (e.g., Rocky Mountain Spotted Fever)****A. Case control measures:** A local health agency shall:

- 1. Upon receiving a report under R9-6-202 of a spotted fever rickettsiosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
- 2. Ensure that a spotted fever rickettsiosis case or, if the case is a child or incapacitated adult, the parent or guardian of the case receives health education about reducing the risks of becoming reinfecting with or of having others become infected with spotted fever rickettsiosis;
- 3. Conduct an epidemiologic investigation of each reported spotted fever rickettsiosis case or suspect case; and
- 4. For each spotted fever rickettsiosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**B. Environmental control measures:** In cooperation with the Department, a local health agency or another local agency responsible for vector control within a jurisdiction shall conduct an assessment of the environment surrounding each spotted fever rickettsiosis case or suspect case and implement vector control measures as necessary.**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-377 renumbered to R9-6-384; new R9-6-377 renumbered from R9-6-370 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-377 renumbered to R9-6-383; new Section R9-6-377 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-378. Streptococcal Group A Infection****A. Streptococcal group A infection, invasive or non-invasive:** Case control measures: An administrator of a school, child care establishment, or health care institution or a person in charge of a food establishment, either personally or through a representative, shall exclude a streptococcal group A infection case with streptococcal lesions or streptococcal sore throat from working as a food handler, attending or working in a school, caring for children in or attending a child care establishment, or caring for patients or residents in a health care institution for 24 hours after the initiation of treatment for streptococcal group A infection.**B. Invasive streptococcal group A infection:** Outbreak control measures: A local health agency shall:

- 1. Conduct an epidemiologic investigation of each reported outbreak of streptococcal group A invasive infection;
- 2. For each streptococcal group A invasive infection case involved in an outbreak, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
- 3. For each outbreak of streptococcal group A invasive infection, submit to the Department the information required under R9-6-206(E).

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**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-378 renumbered to R9-6-385; new R9-6-378 renumbered from R9-6-371 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-378 renumbered to R9-6-384; new Section R9-6-378 renumbered from R9-6-372 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-379. Streptococcal Group B Invasive Infection in an Infant Younger Than 90 Days of Age**

Case control measures: A local health agency shall:

1. Confirm the diagnosis of streptococcal group B invasive infection for each reported case or suspect case of streptococcal group B invasive infection in an infant younger than 90 days of age; and
2. For each case of streptococcal group B infection in an infant younger than 90 days of age, submit to the Department the information required under R9-6-202(C).

**Historical Note**

Section renumbered from R9-6-369 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Section repealed; new Section renumbered from R9-6-372 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-379 renumbered to R9-6-385; new Section R9-6-379 renumbered from R9-6-373 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-380. Streptococcus pneumoniae Invasive Infection**

Outbreak control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported outbreak of *Streptococcus pneumoniae* invasive infection; and
2. For each outbreak of *Streptococcus pneumoniae* invasive infection, submit to the Department the information required under R9-6-206(E).

**Historical Note**

Section renumbered from R9-6-370 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-380 renumbered to R9-6-386; new R9-6-380 renumbered from R9-6-373 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-380 renumbered to R9-6-386; new Section R9-6-380 renumbered from R9-6-374 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-381. Syphilis**

A. Case control measures:

1. A syphilis case shall obtain serologic testing for syphilis three months, six months, and one year after initiating treatment, unless more frequent or longer testing is recommended by a local health agency.
2. A health care provider for a pregnant syphilis case shall order serologic testing for syphilis at 28 to 32 weeks gestation and at delivery.
3. A local health agency shall:
  - a. Conduct an epidemiologic investigation, including a review of medical records, of each reported syphilis case or suspect case, confirming the stage of the disease;

- b. For each syphilis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D);
- c. If the syphilis case is pregnant, ensure that the syphilis case obtains the serologic testing for syphilis required in subsections (A)(1) and (A)(2); and
- d. Comply with the requirements specified in R9-6-1103 concerning treatment and health education for a syphilis case.

4. The operator of a blood bank, blood center, or plasma center shall notify a donor of a test result with significant evidence suggestive of syphilis, as required under A.R.S. § 32-1483 and 21 CFR 630.6.

B. Contact control measures: When a syphilis case has named a contact, a local health agency shall comply with the requirements specified in R9-6-1103 concerning notification, testing, treatment, and health education for the contact.

C. Outbreak control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported syphilis outbreak; and
2. For each syphilis outbreak, submit to the Department the information required under R9-6-206(E).

**Historical Note**

Section renumbered from R9-6-371 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-381 renumbered to R9-6-387; new R9-6-381 renumbered from R9-6-374 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-381 renumbered to R9-6-387; new Section R9-6-381 renumbered from R9-6-375 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 29 A.A.R. 1890 (August 25, 2023), with an immediate effective date of August 2, 2023 (Supp. 23-3).

**R9-6-382. Taeniasis**

Case control measures: A local health agency shall:

1. Exclude a taeniasis case with *Taenia* spp. from working as a food handler, caring for children in or attending a child care establishment, or caring for patients or residents in a health care institution until free of infestation;
2. Conduct an epidemiologic investigation of each reported taeniasis case; and
3. For each taeniasis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Section renumbered from R9-6-372 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-382 renumbered to R9-6-388; new R9-6-382 renumbered from R9-6-375 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-382 renumbered to R9-6-388; new Section R9-6-382 renumbered from R9-6-376 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-383. Tetanus**

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported tetanus case or suspect case; and

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2. For each tetanus case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Section renumbered from R9-6-373 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-383 renumbered to R9-6-389; new R9-6-383 renumbered from R9-6-376 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-383 renumbered to R9-6-389; new Section R9-6-383 renumbered from R9-6-377 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-384. Toxic Shock Syndrome**

Case control measures: A local health agency shall:

1. Conduct an epidemiologic investigation of each reported toxic shock syndrome case or suspect case; and
2. For each toxic shock syndrome case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-384 renumbered to R9-6-390; new R9-6-384 renumbered from R9-6-377 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 1928, effective April 30, 2013 (Supp. 13-3). New Section R9-6-384 renumbered from R9-6-378 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-385. Trichinosis**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a trichinosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported trichinosis case or suspect case; and
3. For each trichinosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-385 renumbered to R9-6-391; new R9-6-385 renumbered from R9-6-378 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-385 renumbered to R9-6-390; new Section R9-6-385 renumbered from R9-6-379 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-386. Tuberculosis**

A. Case control measures:

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and institute airborne precautions for:
  - a. An individual with infectious active tuberculosis until:

- i. At least three successive sputum smears collected at least eight hours apart, at least one of which is taken first thing in the morning as soon as possible after the individual awakens from sleep, are negative for acid-fast bacilli;
  - ii. Anti-tuberculosis treatment is initiated with multiple antibiotics; and
  - iii. Clinical signs and symptoms of active tuberculosis are improved;
- b. A suspect case of infectious active tuberculosis until:
    - i. At least two successive tests for tuberculosis, using a product and methodology approved by the U.S. Food and Drug Administration for use when making decisions whether to discontinue isolation and airborne precautions, for the suspect case are negative; or
    - ii. At least three successive sputum smears collected from the suspect case as specified in subsection (A)(1)(a)(i) are negative for acid-fast bacilli, anti-tuberculosis treatment of the suspect case is initiated with multiple antibiotics, and clinical signs and symptoms of active tuberculosis are improved; and
  - c. A case or suspect case of multi-drug resistant active tuberculosis until a tuberculosis control officer has approved the release of the case or suspect case.
2. An administrator of a health care institution, either personally or through a representative, shall notify a local health agency at least one working day before discharging a tuberculosis case or suspect case.
  3. A local health agency shall:
    - a. Upon receiving a report under R9-6-202 of a tuberculosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
    - b. Exclude an individual with infectious active tuberculosis or a suspect case from working, unless the individual's work setting has been approved by a tuberculosis control officer, until the individual with infectious active tuberculosis or suspect case is released from airborne precautions according to the applicable criteria in subsection (A)(1);
    - c. Conduct an epidemiologic investigation of each reported tuberculosis case, suspect case, or latent infection in a child five years of age or younger;
    - d. For each tuberculosis case or suspect case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D);
    - e. Ensure that an isolate or a specimen, as available, from each tuberculosis case is submitted to the Arizona State Laboratory; and
    - f. Comply with the requirements specified in R9-6-1202.

B. Contact control measures:

1. A contact of an individual with infectious active tuberculosis shall allow a local health agency to evaluate the contact's tuberculosis status.
2. A local health agency shall comply with the tuberculosis contact control measures specified in R9-6-1202.

C. An individual is not a tuberculosis case if the individual has a positive result from an approved test for tuberculosis but does not have clinical signs or symptoms of disease.

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**Historical Note**

Section renumbered from R9-6-374 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-386 renumbered to R9-6-392; new R9-6-386 renumbered from R9-6-380 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-386 renumbered to R9-6-391; new Section R9-6-386 renumbered from R9-6-380 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-387. Tularemia**

Case control measures:

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate a pneumonic tularemia case until 72 hours of antibiotic therapy have been completed with favorable clinical response.
2. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 of a tularemia case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported tularemia case or suspect case;
  - c. For each tularemia case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - d. Ensure that an isolate or a specimen, as available, from each tularemia case or suspect case is submitted to the Arizona State Laboratory.

**Historical Note**

Section renumbered from R9-6-375 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-387 renumbered to R9-6-393; new R9-6-387 renumbered from R9-6-381 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-387 repealed; new Section R9-6-387 renumbered from R9-6-381 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-388. Typhoid Fever**

A. Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a typhoid fever case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported typhoid fever case or suspect case;
3. For each typhoid fever case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D);
4. Exclude a typhoid fever case or suspect case from working as a food handler, caring for children in or attending a child care establishment, or caring for patients or residents in a health care institution until:
  - a. At least one month after the date of onset of illness; and
  - b. After two successive stool specimens, collected from the typhoid fever case at least 24 hours apart and at least 48 hours after cessation of antibiotic therapy, are negative for *Salmonella typhi*;

5. If a stool specimen from a typhoid fever case who has received antibiotic therapy is positive for *Salmonella typhi*, enforce the exclusions specified in subsection (A)(4) until two successive stool specimens, collected from the typhoid fever case at least one month apart and 12 or fewer months after the date of onset of illness, are negative for *Salmonella typhi*;
6. If a positive stool specimen, collected at least 12 months after onset of illness, is obtained from a typhoid fever case who has received antibiotic therapy, redesignate the case as a carrier; and
7. Exclude a typhoid fever carrier from working as a food handler, caring for children in or attending a child care establishment, or caring for patients or residents in a health care institution until three successive stool specimens, collected from the typhoid fever carrier at least one month apart, are negative for *Salmonella typhi*.

B. Contact control measures: A local health agency shall exclude a typhoid fever contact from working as a food handler, caring for children in or attending a child care establishment, or caring for patients or residents in a health care institution until two successive stool specimens, collected from the typhoid fever contact at least 24 hours apart, are negative for *Salmonella typhi*.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former R9-6-388 renumbered to R9-6-303; new R9-6-388 renumbered from R9-6-382 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-388 renumbered to R9-6-392; new Section R9-6-388 renumbered from R9-6-382 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-389. Typhus Fever**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a typhus fever case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported typhus fever case or suspect case; and
3. For each typhus fever case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

New Section recodified from R9-19-313 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Former R9-6-389 renumbered to R9-6-394; new R9-6-389 renumbered from R9-6-383 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-389 renumbered to R9-6-393; new Section R9-6-389 renumbered from R9-6-383 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-390. Vaccinia-related Adverse Event**

Case control measures: A local health agency shall:

1. Upon receiving a report under R9-6-202 of a case or suspect case of a vaccinia-related adverse event, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;

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2. Conduct an epidemiologic investigation of each reported case or suspect case of a vaccinia-related adverse event; and
3. For each case of a vaccinia-related adverse event, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**Historical Note**

Section R9-6-390 renumbered from R9-6-384 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-390 renumbered to R9-6-394; new Section R9-6-390 renumbered from R9-6-385 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-391. Vancomycin-Resistant or Vancomycin-Intermediate *Staphylococcus aureus*****Case control measures:**

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and implement contact precautions for a case or suspect case of vancomycin-resistant or vancomycin-intermediate *Staphylococcus aureus*.
2. A diagnosing health care provider or an administrator of a health care institution transferring a known case with active infection or a known carrier of vancomycin-resistant or vancomycin-intermediate *Staphylococcus aureus* to another health care provider or health care institution shall, either personally or through a representative, comply with R9-6-305.
3. A local health agency, in consultation with the Department, shall:
  - a. Upon receiving a report under R9-6-202 of a case or suspect case of vancomycin-resistant or vancomycin-intermediate *Staphylococcus aureus*, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
  - b. Ensure that a case or suspect case of vancomycin-resistant or vancomycin-intermediate *Staphylococcus aureus* is isolated as necessary to prevent transmission;
  - c. Conduct an epidemiologic investigation of each reported case or suspect case of vancomycin-resistant or vancomycin-intermediate *Staphylococcus aureus*;
  - d. For each case of vancomycin-resistant or vancomycin-intermediate *Staphylococcus aureus*, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - e. Ensure that an isolate or a specimen, as available, from each case of vancomycin-resistant or vancomycin-intermediate *Staphylococcus aureus* is submitted to the Arizona State Laboratory.

**Historical Note**

Section R9-6-391 renumbered from R9-6-385 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-391 renumbered to R9-6-395; new Section R9-6-391 renumbered from R9-6-386 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-392. Varicella (Chickenpox)****A. Case control measures:**

1. An administrator of a school or child care establishment, either personally or through a representative, shall exclude a varicella case from the school or child care establishment and from school- or child-care-establishment-sponsored events until lesions are dry and crusted.
2. An administrator of a health care institution, either personally or through a representative, shall isolate and implement airborne precautions for a varicella case until the case is no longer infectious.
3. A local health agency shall:
  - a. Conduct an epidemiologic investigation of each reported case of death due to primary varicella infection; and
  - b. For each reported case of death due to varicella infection, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

**B. Contact control measures:**

1. When a varicella case has been at a school or child care establishment, the administrator of the school or child care establishment, either personally or through a representative, shall:
  - a. Consult with the local health agency to determine who shall be excluded and how long each individual shall be excluded from the school or child care establishment, and
  - b. Comply with the local health agency's recommendations for exclusion.
2. A local health agency shall determine which contacts of a varicella case will be:
  - a. Excluded from a school or child care establishment, and
  - b. Advised to obtain an immunization against varicella.

**Historical Note**

Section R9-6-392 renumbered from R9-6-386 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-392 renumbered to R9-6-396; new Section R9-6-392 renumbered from R9-6-388 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-393. *Vibrio* Infection****Case control measures: A local health agency shall:**

1. Upon receiving a report under R9-6-202 of a *Vibrio* infection case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Exclude a *Vibrio* infection case or suspect case with diarrhea from:
  - a. Working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a child care establishment until:
    - i. Diarrhea has resolved, or
    - ii. The local health agency has determined that the case or suspect case is unlikely to infect other individuals; and
  - b. Using an aquatic venue until diarrhea has resolved;
3. Conduct an epidemiologic investigation of each reported *Vibrio* infection case or suspect case; and
4. For each *Vibrio* infection case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D).

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**Historical Note**

Section R9-6-393 renumbered from R9-6-387 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section R9-6-393 renumbered to R9-6-397; new Section R9-6-393 renumbered from R9-6-389 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-394. Viral Hemorrhagic Fever****A. Case control measures:**

1. A diagnosing health care provider or an administrator of a health care institution, either personally or through a representative, shall isolate and implement both droplet precautions and contact precautions for a viral hemorrhagic fever case or suspect case for the duration of the illness.
2. A local health agency shall:
  - a. Upon receiving a report under R9-6-202 of a viral hemorrhagic fever case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
  - b. Conduct an epidemiologic investigation of each reported viral hemorrhagic fever case or suspect case;
  - c. For each viral hemorrhagic fever case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
  - d. Ensure that one or more specimens from each viral hemorrhagic fever case or suspect case are submitted to the Arizona State Laboratory.

**B. Contact control measures:** A local health agency, in consultation with the Department, shall quarantine a viral hemorrhagic fever contact as necessary to prevent transmission.**Historical Note**

Section R9-6-394 renumbered from R9-6-389 by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 1928, effective April 30, 2013 (Supp. 13-3). New Section R9-6-394 renumbered from R9-6-390 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-395. West Nile Virus Infection****A. Case control measures:** A local health agency shall:

1. Conduct an epidemiologic investigation of each reported West Nile virus infection case or suspect case;
2. For each case of West Nile virus infection, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
3. Ensure that each West Nile virus infection case is provided with health education that includes measures to:
  - a. Avoid mosquito bites, and
  - b. Reduce mosquito breeding sites.

**B. Environmental control measures:** In cooperation with the Department, a local health agency or another local agency responsible for vector control within a jurisdiction shall conduct an assessment of the environment surrounding each West Nile virus infection case or suspect case and implement vector control measures as necessary.**Historical Note**

New Section R9-6-395 renumbered from R9-6-391 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-396. Yellow Fever****A. Case control measures:** A local health agency shall:

1. Upon receiving a report under R9-6-202 of a yellow fever case or suspect case, notify the Department within 24 hours after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported yellow fever case or suspect case;
3. For each yellow fever case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D);
4. Ensure that each yellow fever case is provided with health education that includes measures to:
  - a. Avoid mosquito bites, and
  - b. Reduce mosquito breeding sites; and
5. Ensure that an isolate or a specimen, as available, from each yellow fever case or suspect case is submitted to the Arizona State Laboratory.

**B. Environmental control measures:** In cooperation with the Department, a local health agency or another local agency responsible for vector control within a jurisdiction shall conduct an assessment of the environment surrounding each yellow fever case or suspect case and implement vector control measures as necessary.**Historical Note**

New Section R9-6-396 renumbered from R9-6-392 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-397. Yersiniosis (Enteropathogenic *Yersinia*)****Case control measures:** A local health agency shall:

1. Upon receiving a report under R9-6-202 of a yersiniosis case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Exclude a yersiniosis case or suspect case with diarrhea from:
  - a. Working as a food handler, caring for patients or residents in a health care institution, or caring for children in or attending a child care establishment until:
    - i. Diarrhea has resolved,
    - ii. A stool specimen negative for enteropathogenic *Yersinia* is obtained from the case or suspect case, or
    - iii. The local health agency has determined that the case or suspect case is unlikely to infect other individuals; and
  - b. Using an aquatic venue for two weeks after diarrhea has resolved;
3. Conduct an epidemiologic investigation of each reported yersiniosis case or suspect case;
4. For each yersiniosis case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D); and
5. Ensure that an isolate or a specimen, as available, from each yersiniosis case is submitted to the Arizona State Laboratory.

**Historical Note**

New Section R9-6-397 renumbered from R9-6-393 and amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-398. Zika Virus Infection****A. Case control measures:** A local health agency shall:

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1. Upon receiving a report under R9-6-202 of a Zika virus infection case or suspect case, notify the Department within one working day after receiving the report and provide to the Department the information contained in the report;
2. Conduct an epidemiologic investigation of each reported Zika virus infection case or suspect case;
3. For each Zika virus infection case, submit to the Department, as specified in Table 2.4, the information required under R9-6-206(D);
4. Ensure that one or more specimens from each Zika virus infection case or suspect case, as required by the Department, are submitted to the Arizona State Laboratory; and
5. Provide to the Zika virus infection case or ensure that another person provides to the Zika virus infection case health education that includes measures to:
  - a. Avoid mosquito bites,
  - b. Reduce mosquito breeding sites, and
  - c. Reduce the risk of sexual or congenital transmission of Zika virus.

- B.** Environmental control measures: In cooperation with the Department, a local health agency or another local agency responsible for vector control within a jurisdiction shall conduct an assessment of the environment surrounding each Zika virus infection case or suspect case and implement vector control measures as necessary.

**Historical Note**

New Section R9-6-398 made by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**Exhibit III-A. Repealed****Historical Note**

Exhibit III-A made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-A repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-B. Repealed****Historical Note**

Exhibit III-B made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-B repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-C. Repealed****Historical Note**

Exhibit III-C made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-C repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-D. Repealed****Historical Note**

Exhibit III-D made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-D repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-E. Repealed****Historical Note**

Exhibit III-E made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-E repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-F. Repealed****Historical Note**

Exhibit III-F made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-F repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-G. Repealed****Historical Note**

Exhibit III-G made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-G repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-H. Repealed****Historical Note**

Exhibit III-H made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-H repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-I. Repealed****Historical Note**

Exhibit III-I made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-I repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-J. Repealed****Historical Note**

Exhibit III-J made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-J repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-K. Repealed****Historical Note**

Exhibit III-K made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-K repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-L. Repealed****Historical Note**

Exhibit III-L made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-L repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-M. Repealed****Historical Note**

Exhibit III-M made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-M repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit III-N. Repealed****Historical Note**

Exhibit III-N made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Exhibit III-N repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

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**ARTICLE 4. AIDS DRUG ASSISTANCE PROGRAM (ADAP)****R9-6-401. Definitions**

In this Article, unless otherwise specified:

1. "ADAP" means the AIDS Drug Assistance Program.
2. "Adult" means an individual who is:
  - a. Eighteen or more years old;
  - b. Married; or
  - c. Emancipated, as specified in A.R.S. Title 12, Chapter 15.
3. "AHCCCS" means the Arizona Health Care Cost Containment System.
4. "Annual household income" means the adjusted gross income of all adult individuals within a household, as would be reported on the federal income tax return for an individual in the household, modified to include:
  - a. Federal taxable wages,
  - b. Tips,
  - c. Unemployment compensation,
  - d. Social security income,
  - e. Self-employment income,
  - f. Social security disability income,
  - g. Retirement or pension income,
  - h. Capital gains,
  - i. Investment income,
  - j. Rental and royalty income,
  - k. Excluded (untaxed) foreign income, and
  - l. Alimony.
5. "Applicant" means an individual for whom a request for initial enrollment in ADAP is submitted to the Department, as specified in R9-6-404.
6. "Applying for a low-income subsidy" means submitting forms and supporting documentation to the Social Security Administration for determining eligibility for receiving a low-income subsidy.
7. "Calendar day" means any day of the week, including a Saturday, Sunday, or legal holiday.
8. "Case manager" means an individual who:
  - a. Assesses the needs of a person living with HIV for:
    - i. Medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401;
    - ii. Services not related to the treatment of HIV infection, intended to maintain or improve the physical, mental, or psychosocial capabilities of a person living with HIV or an individual in the person living with HIV's household;
    - iii. Housing; or
    - iv. Financial assistance;
  - b. If applicable, assists the person living with HIV with obtaining housing, financial assistance, or the services specified in subsection (8)(a)(i) and (ii);
  - c. Coordinates the interaction of the person living with HIV with individuals providing the services specified in subsection (8)(a)(i) and (ii); and
  - d. Monitors the interaction of the person living with HIV with individuals providing the services specified in subsection (8)(a)(i) and (ii) to:
    - i. Determine the effects of the activities of individuals providing the services specified in subsection (8)(a)(i) and (ii) on the needs of the person living with HIV, and
    - ii. Develop strategies to reduce unmet needs.
9. "CD4-T-lymphocyte count" means the number of a specific type of white blood cell in a cubic millimeter of blood.
10. "Contract pharmacy" means an entity that has a legally binding agreement with the Department to dispense drugs through ADAP to enrolled individuals.
11. "Current" means within the six months before the date on which an:
  - a. Individual submits the documents specified in R9-6-404 to the Department as an application for initial enrollment in ADAP, or
  - b. Enrolled individual submits to the Department the documents required in R9-6-407 for continuing enrollment.
12. "Date of application" means the month, day, and year that the Department receives the documents specified in R9-6-404 for enrollment in ADAP.
13. "Drug" means a chemical substance or a compound made by or derived from a plant or animal source that:
  - a. Has been determined by the U.S. Food and Drug Administration to be useful in the treatment of individuals with HIV infection, and
  - b. Is available through a prescription order.
14. "Formulary" means a list of drugs that are available to an individual through the individual's health insurance or ADAP.
15. "Health insurance enrollment period" means an interval of time during which an individual may apply for health insurance coverage, including:
  - a. An annual interval of time, and
  - b. Any additional intervals of time due to a change in the individual's situation or circumstances.
16. "HIV infection" means the same as in A.R.S. § 36-661.
17. "HIV-care provider" means the physician, registered nurse practitioner, or physician assistant who is treating an applicant or enrolled individual for HIV infection.
18. "Household" means an applicant or enrolled individual and any of the following individuals, as applicable, residing with the applicant or enrolled individual:
  - a. The applicant's or enrolled individual's spouse;
  - b. A dependent parent;
  - c. A parent of a child who is:
    - i. The applicant or enrolled individual, and
    - ii. Claimed as a dependent by the parent;
  - d. A dependent sibling or other relative;
  - e. A dependent child of the applicant or enrolled individual, regardless of age and including an adopted child or a foster child;
  - f. A non-dependent child or other relative if claimed or could be claimed as a dependent on the applicant's or enrolled individual's taxes; and
  - g. A child who is a part of a shared custody agreement of the applicant or enrolled individual, in years for which the child is claimed or could be claimed as a dependent on the applicant's or enrolled individual's taxes.
19. "Job" means a position in which an individual is employed.
20. "Low-income subsidy" means Medicare-provided assistance that may partially or fully cover the costs of drugs and is based on the annual household income for an individual.
21. "Medicare" means a federal health insurance program established under Title XVIII of the Social Security Act.



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22. "Medicare drug plan" means insurance approved by Medicare to cover some of the costs of drugs for individuals enrolled in Medicare.
23. "Non-permanent housing" means a situation in which an individual is:
  - a. Living in a place that is not designed to be a sleeping place for human beings or ordinarily used as a primary nighttime sleeping place for human beings, or
  - b. Living in a shelter or other temporary living arrangement.
24. "Person living with HIV" means an individual who is HIV-infected.
25. "Physician" means an individual licensed as a:
  - a. Doctor of allopathic medicine under A.R.S. Title 32, Chapter 13, or through a similar licensing board in another state; or
  - b. Doctor of osteopathic medicine under A.R.S. Title 32, Chapter 17, or through a similar licensing board in another state.
26. "Physician assistant" means an individual licensed under A.R.S. Title 32, Chapter 25, or through a similar licensing board in another state.
27. "Poverty level" means the annual household income for a household of a particular size, as specified in the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services.
28. "Pre-approved enrollment status" means that an applicant may receive drugs or other services through ADAP on a temporary basis.
29. "Prescription order" means the same as in A.R.S. § 32-1901.
30. "Registered nurse practitioner" means an individual who meets the definition of registered nurse practitioner in A.R.S. § 32-1601 and is licensed under A.R.S. Title 32, Chapter 15, or through a similar licensing board in another state.
31. "Regular" means recurring at fixed intervals.
32. "Representative" means the:
  - a. Guardian of an individual;
  - b. Parent of an individual who is not an adult; or
  - c. Person designated as an agent for an individual through a power of attorney, as specified in A.R.S. Title 14, Chapter 5, Article 5.
33. "Resident" means an individual who has a place of habitation in Arizona and is living in Arizona.
34. "Self-employed" means receiving money as a direct result of the work performed by an individual rather than from wages or a salary paid to the individual.
35. "Valid" means still in effect or having legal force.
36. "Viral load" means the amount of HIV circulating in the body of an individual.

**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2). Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired. Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Adopted without change as a permanent rule effective

May 22, 1989. Amended as an emergency effective June 26, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Emergency amendment readopted without change effective October 17, 1989 (Supp. 89-4). Amended effective September 19, 1990 (Supp. 90-3). Renumbered from R9-6-801 effective October 19, 1993 (Supp. 93-4). Former Section R9-6-401 renumbered to R9-6-402; new Section R9-6-401 made by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3329, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 25 A.A.R. 3614, effective December 3, 2019 (Supp. 19-4).

**R9-6-402. Limitations and Termination of Program**

ADAP ceases to provide drugs when available funding is exhausted or terminated. ADAP is not an entitlement program and does not create a right to assistance absent available funding.

**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2). Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired. Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2). Amended effective September 19, 1990 (Supp. 90-3). Amended as an emergency effective August 8, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Emergency amendments re-adopted without change effective November 19, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendments re-adopted without change effective February 28, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Renumbered from R9-6-802 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-402 renumbered to R9-6-403; new Section R9-6-402 renumbered from R9-6-401 and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2).

**R9-6-403. Eligibility Requirements**

An individual is eligible to enroll in ADAP if the individual:

1. Has a diagnosis of HIV infection from a physician, registered nurse practitioner, or physician assistant;
2. Is a resident of Arizona, as established by documentation that complies with R9-6-404(A)(8);
3. Has an annual household income that is less than or equal to 400% of the poverty level; and
4. Satisfies one of the following:
  - a. Has no health insurance coverage;
  - b. Has inadequate health insurance coverage, which may include Medicare or an AHCCCS health plan, limiting the ability of the individual to obtain drugs, such as health insurance coverage that:
    - i. Does not cover drugs,
    - ii. Does not include on its formulary at least one of the drugs prescribed for the individual, or

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- iii. Requires the use of specific pharmacies or higher co-payments for obtaining a drug;
- c. Has health insurance that is unaffordable because premiums exceed 9.5% of the applicant's annual household income;
- d. Is an American Indian or Alaska Native who:
  - i. Is eligible for, but chooses not to use, the Indian Health Service or a clinic operated by a sovereign tribal nation to receive drugs; and
  - ii. Either has no other health insurance coverage or has other health insurance coverage that is inadequate or unaffordable, as described in subsections (4)(b) and (c); or
- e. Is an individual who has served in the United States Armed Forces and who:
  - i. Is eligible for, but chooses not to use, Veterans Health Administration benefits to receive drugs; and
  - ii. Either has no other health insurance coverage or has other health insurance coverage that is inadequate or unaffordable, as described in subsections (4)(b) and (c).

**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired.

Amended subsection (B) and adopted as a permanent rule effective May 22, 1989 (Supp. 89-2). Amended as an emergency effective August 8, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Emergency amendments re-adopted without change effective November 19, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendments re-adopted without change effective February 28, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Renumbered from R9-6-803 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-403 renumbered to R9-6-404; new Section R9-6-403 renumbered from R9-6-402 and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3329, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 25 A.A.R. 3614, effective December 3, 2019 (Supp. 19-4).

**R9-6-404. Initial Application Process**

- A. An applicant for initial enrollment in ADAP or the applicant's representative shall submit to the Department the following application packet:
  - 1. An application in a Department-provided format, completed by the applicant or the applicant's representative, containing:
    - a. The applicant's name, date of birth, and gender;
    - b. Except as provided in subsection (A)(1)(c), the applicant's residential address and mailing address;

- c. If the applicant is in non-permanent housing, the address of a person that has agreed to receive written communications for the applicant;
- d. If applicable, the address in Arizona to which the applicant would want drugs to be shipped;
- e. If applicable, the name of the applicant's representative and the mailing address of the applicant's representative, if different from the applicant's mailing address;
- f. Either:
  - i. The telephone number of the applicant or a person that has agreed to receive telephone communications for the applicant, or
  - ii. An email address for the applicant;
- g. The number of individuals in the applicant's household that can be claimed on the applicant's income taxes and the names and ages of the individuals;
- h. The names of individuals, other than the persons specified in subsection (A)(1)(s)(v), with whom the applicant authorizes the Department to speak about the applicant's enrollment in ADAP;
- i. The applicant's annual household income;
- j. The applicant's race and ethnicity;
- k. Whether the applicant or an adult in the applicant's household:
  - i. Is employed;
  - ii. Is self-employed;
  - iii. Is receiving regular monetary payments from a source not specified in subsection (A)(1)(k)(i) or (ii) and, if so, an identification of the source of the monetary payments; or
  - iv. Is using a source not specified in subsections (A)(1)(k)(i) through (iii) or savings to assist the applicant in obtaining food, water, housing, or clothing for the applicant and if so, an identification of the source;
- l. Whether the applicant is receiving health insurance coverage from AHCCCS and:
  - i. If so, the name of the AHCCCS health plan and the date enrolled; and
  - ii. If the applicant's eligibility determination for AHCCCS is pending, the date the application for AHCCCS was submitted;
- m. Whether the applicant is eligible for Medicare health insurance coverage and, if not, the date on which the applicant will be eligible for Medicare health insurance coverage;
- n. If the applicant is eligible for Medicare health insurance coverage, whether:
  - i. The applicant, or the applicant's representative has applied for a low-income subsidy for the applicant and, if so, the date of the application for the low-income subsidy; and
  - ii. Either:
    - (1) The applicant or the applicant's representative has applied for a Medicare drug plan for the applicant and, if so, the date of the application for the Medicare drug plan; or
    - (2) The applicant is enrolled in a Medicare drug plan;
- o. Whether the applicant or the applicant's spouse has or is eligible to enroll in health insurance coverage other than AHCCCS or Medicare that would pay for drugs on the ADAP formulary;

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- p. If the applicant or the applicant's spouse is eligible to enroll in health insurance coverage other than Medicare that would pay for drugs on the ADAP formulary but enrollment is closed, the date the next health insurance enrollment period begins;
  - q. Whether the applicant is eligible to receive benefits from:
    - i. The Indian Health Service or a clinic operated by a sovereign tribal nation, or
    - ii. The Veterans Health Administration;
  - r. Whether the applicant is living in non-permanent housing or is in another situation in which the applicant's financial records to verify annual household income, as specified in subsection (A)(6), are not available to the applicant;
  - s. A statement by the applicant or the applicant's representative confirming that the applicant or the applicant's representative:
    - i. Understands that, if the annual household income of the applicant is at an amount that may make the applicant eligible for enrollment in AHCCCS, the applicant or the applicant's representative is required to submit to the Department documentation stating the applicant's status for enrollment in AHCCCS before the end of the month after the month in which the applicant applied for ADAP, if not provided to the Department with the application;
    - ii. Except as provided in R9-6-405(E), if the applicant is eligible for Medicare, understands that the applicant or the applicant's representative is required to submit to the Department proof of enrollment in a Medicare drug plan before the end of the month after the month in which the applicant applied for ADAP, if not provided to the Department with the application;
    - iii. Except as provided in R9-6-405(E), if the applicant is eligible for Medicare and the annual household income of the applicant is less than 175% of the poverty level, understands that the applicant or the applicant's representative is required to submit to Department documentation of the applicant's status for a low-income subsidy before the end of the month after the month in which the applicant applied for ADAP, if not provided to the Department with the application;
    - iv. Except as provided in R9-6-405(E), if the applicant or the applicant's spouse has or is eligible for health insurance coverage other than AHCCCS or Medicare, understands that the applicant or the applicant's representative is required to submit to the Department information about the health insurance coverage to enable the Department to determine if the health insurance coverage is inadequate, according to R9-6-403(4)(b), or unaffordable, according to R9-6-403(4)(c), before the end of the month after the month in which the applicant applied for ADAP, if not provided to the Department with the application;
  - v. Grants permission to the Department to discuss the information provided to the Department under subsection (A) with:
    - (1) AHCCCS, for the purpose of determining AHCCCS eligibility;
    - (2) Medicare and the Social Security Administration, for the purpose of determining eligibility for a low-income subsidy and enrollment in a Medicare drug plan;
    - (3) The applicant's HIV-care provider or designee;
    - (4) The contract pharmacy or a pharmacy at which the applicant or the applicant's representative may request a drug through ADAP, to assist with drug distribution;
    - (5) Other providers of services for persons living with HIV that are funded through Ryan White;
    - (6) Other providers of HIV-related services, as applicable to the applicant; and
    - (7) Any other entity as necessary to establish eligibility for enrollment in ADAP or assist with drug distribution to the applicant or payment of prescription co-payment costs;
  - vi. Understands that the applicant or the applicant's representative is required to submit to the Department proof of the applicant's annual household income as part of the application; and
  - vii. Understands that the applicant or the applicant's representative is required to notify the Department of changes specified in R9-6-406(A);
  - t. A statement by the applicant or the applicant's representative attesting that:
    - i. To the best of the knowledge and belief of the applicant or the applicant's representative, the information and documents provided to the Department in the application packet is accurate and complete;
    - ii. The applicant meets the eligibility criteria specified in R9-6-403; and
    - iii. The applicant or applicant's representative understands that eligibility does not guarantee that the Department will be able to provide drugs and understands that an individual's enrollment in ADAP may be terminated as specified in R9-6-408; and
  - u. The dated signature of the applicant or the applicant's representative;
2. The information specified in subsection (B), completed by the applicant's HIV-care provider in a Department-provided format;
  3. If the annual household income of the applicant is an amount that may make the applicant eligible for enrollment in AHCCCS, a copy of documentation from AHCCCS, dated within 60 calendar days before the date of application, stating the status of the applicant's eligibility for enrollment in AHCCCS;
  4. If the applicant is eligible for Medicare, a copy of valid documentation stating:
    - a. The applicant's enrollment in a Medicare drug plan; and

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- b. If the applicant's annual household income is at or below 175% of the poverty level, the status of the applicant's eligibility for a low-income subsidy;
- 5. If the applicant or the applicant's spouse has or is eligible for health insurance coverage other than AHCCCS or Medicare:
  - a. Information about the health insurance coverage to enable the Department to determine whether the health insurance coverage is inadequate, according to R9-6-403(4)(b), or unaffordable, according to R9-6-403(4)(c); and
  - b. If the applicant has other health insurance coverage, documentation confirming the health insurance coverage;
- 6. Except as provided in subsection (C), proof of the applicant's annual household income, including the following items as applicable to the applicant's household:
  - a. An income tax return submitted by the applicant for the previous tax year to the U.S. Internal Revenue Service or the Arizona Department of Revenue;
  - b. If an income tax return in subsection (A)(6)(a) is not available, for each job held by an adult in the household:
    - i. Paycheck stubs from within 60 calendar days before the date of application, or
    - ii. A statement from the employer listing gross wages for the 30 calendar days before the date of application;
  - c. If an income tax return in subsection (A)(6)(a) is not available, from each self-employed adult in the household, documentation of the net income from self-employment, such as:
    - i. The Internal Revenue Service Forms 1099 prepared for the previous tax year for the self-employed adult in the household;
    - ii. A profit and loss statement for the self-employed adult's business, covering a period ending no earlier than three months before the date of application; or
    - iii. Bank statements from the self-employed adult's checking and savings accounts, covering a period ending no earlier than three months before the date of application; and
  - d. Documentation showing the amount and source of any regular monetary payments received by an adult in the household from sources other than those specified in subsection (A)(6)(a) through subsection (A)(6)(c);
- 7. If the applicant or the applicant's representative has stated according to subsection (A)(1)(k)(v) that the applicant has no source of regular monetary payments and is unable to provide any of the documentation specified in subsection (A)(6), the following, in a Department-provided format, completed and signed within 30 calendar days before the date of application, containing:
  - a. Information completed by the applicant or the applicant's representative stating whether:
    - i. An adult in the applicant's household receives money from intermittent work performed by the adult in the household for which no paycheck stub is received and, if so, the average monthly earnings, and the adult's occupation;
    - ii. The applicant is living in non-permanent housing;
    - iii. The applicant is receiving assistance from another individual; and
    - iv. The applicant has another source of assistance for obtaining food, water, housing, and clothing, and, if so, an identification of the source;
  - b. A statement by the applicant or the applicant's representative attesting that, to the best of the knowledge and belief of the applicant or the applicant's representative, the information submitted under subsection (A)(7)(a) is accurate and complete; and
  - c. The dated signature of the applicant or the applicant's representative;
- 8. Proof that the applicant is a resident of Arizona that includes:
  - a. One of the following that shows the Arizona residential address specified according to subsection (A)(1)(b) and the name of the applicant or an adult in the applicant's household:
    - i. Documentation issued by a governmental entity related to the applicant's eligibility for benefits, dated within 60 calendar days before the date of application;
    - ii. Valid documentation from the Social Security Administration or the Department of Veterans Affairs related to the applicant's eligibility for benefits;
    - iii. A property tax statement for the most recent tax year issued by a governmental entity;
    - iv. A homeowners' association assessment or fee statement, dated within 60 calendar days before the date of application;
    - v. A valid lease agreement;
    - vi. A mortgage statement for the most recent tax year;
    - vii. A letter issued by an entity providing non-permanent housing to the applicant, dated within 30 calendar days before the date of application;
    - viii. Any document or mail dated within 60 calendar days before the date of application and received by the applicant, including a utility bill, check stub, or statement of direct deposit issued by an employer, a bank or credit union statement, a credit card statement, a mobile telephone company billing statement, a billing statement or receipt from an HIV-care provider's office, or a document from an insurance company;
    - ix. A non-expired Arizona driver license issued by the Arizona Department of Transportation's Motor Vehicle Division within the previous 12 months;
    - x. A non-expired Arizona vehicle registration issued by the Arizona Department of Transportation's Motor Vehicle Division within the previous 12 months;
    - xi. A non-expired Arizona identification card issued by the Arizona Department of Transportation's Motor Vehicle Division within the previous 12 months; or
    - xii. A tribal enrollment card or other type of tribal identification; or
  - b. If the applicant is unable to produce documentation that satisfies subsection (A)(8)(a), one of the following that includes the name of the applicant or an adult in the applicant's household and is dated

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within 30 calendar days before the date of application:

- i. A written statement issued by the applicant's case manager verifying that the applicant is living in non-permanent housing and a resident of Arizona;
- ii. A written statement issued by the applicant's case manager indicating that the case manager has conducted a home visit with the applicant at the Arizona residential address specified according to subsection (A)(1)(b); or
- iii. A written statement issued by the applicant's HIV-care provider, verifying that the applicant is a resident of Arizona; and

9. If the applicant or the applicant's representative has stated according to subsection (A)(7) that the applicant receives assistance from another individual, a letter from the individual to support the statement of the applicant or the applicant's representative.

**B.** The HIV-care provider of an applicant for initial enrollment in ADAP shall provide:

1. The following information for the applicant in a Department-provided format:
  - a. The applicant's name;
  - b. The HIV-care provider's name, business address, telephone number, email address, fax number, and professional license number;
  - c. A statement that the applicant has been diagnosed with HIV infection;
  - d. A list of each drug prescribed for the applicant by the HIV-care provider;
  - e. A statement by the HIV-care provider attesting that, to the best of the HIV-care provider's knowledge and belief, the information provided to the Department as specified in subsection (B) is accurate and complete; and
  - f. The dated signature of the HIV-care provider;
2. Documentation confirming HIV-infection of the applicant; and
3. A copy of the most recent laboratory report of a test for viral load and, if available, CD4-T-lymphocyte count conducted for the applicant.

- C.** If an applicant or the applicant's representative stated in subsection (A)(1)(r) that the applicant is in a situation in which the applicant's financial records to verify annual household income, as required in subsection (A)(6), are not available to the applicant, the applicant or the applicant's representative may submit to the Department a statement describing the applicant's situation and provide whatever documentation the applicant has available to demonstrate the applicant's annual household income.

**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted as an emergency and subsection (A) corrected effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Amended subsection (B) and adopted as a per-

manent rule effective May 22, 1989 (Supp. 89-2).

Renumbered from R9-6-804 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-404 renumbered to R9-6-405; new Section R9-6-404 renumbered from R9-6-403 and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2).

Amended by final rulemaking at 13 A.A.R. 3329, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 25 A.A.R. 3614, effective December 3, 2019 (Supp. 19-4).

**R9-6-405. Enrollment Process; Pre-approved Enrollment Status**

**A.** The Department shall:

1. Review the documents submitted by an applicant as required in R9-6-404(A);
2. Determine whether the applicant is eligible under R9-6-403;
3. Grant or deny enrollment based on applicant eligibility, the date of application, and the availability of funds; and
4. Notify the applicant or the applicant's representative of the Department's decision within five working days after receiving the documents specified in R9-6-404(A).

**B.** An applicant or the applicant's representative shall execute any consent forms or releases of information necessary for the Department to verify eligibility.

**C.** The Department shall send an applicant or the applicant's representative a written notice of denial, setting forth the information required under A.R.S. § 41-1092.03, if:

1. The applicant does not qualify for enrollment in ADAP, based on the documentation provided to establish eligibility;
2. The documentation submitted to the Department under R9-6-404 is found to contain false information; or
3. The Department does not have funds available to enroll the applicant in ADAP.

**D.** The Department shall grant pre-approved enrollment status in ADAP to an applicant, lasting until the end of the month after the month in which an applicant applied for ADAP, if:

1. The Department determines that the applicant meets the requirement in R9-6-403(1);
2. The applicant, whose annual household income is an amount that may make the applicant eligible for enrollment in AHCCCS, or the applicant's representative attests in writing that the applicant has applied for AHCCCS enrollment but is unable to provide documentation that states the status of the applicant's enrollment in AHCCCS;
3. Except as provided in subsection (E), the applicant, who is eligible for Medicare or other health insurance coverage, or the applicant's representative attests in writing that the applicant has applied for, but is unable to provide documentation of, enrollment in Medicare and a Medicare drug plan or in other health insurance coverage, as applicable; and
4. The applicant or the applicant's representative attests in writing that the applicant or the applicant's representative will provide, before the end of the period during which the applicant has pre-approved enrollment status, a missing component of:
  - a. Proof of the applicant's annual household income, according to R9-6-404(A)(6) or (7); or
  - b. Proof of residency, according to R9-6-404(A)(8).

**E.** The Department shall grant pre-approved enrollment status in ADAP, lasting until the end of the month after the month in

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which an applicant may apply for Medicare or other health insurance, if the applicant or the applicant's representative provides documentation that the applicant would be eligible for Medicare or other health insurance coverage during the next health insurance enrollment period, but that enrollment was closed on the date of application for ADAP.

- F. The Department shall provide an applicant to whom the Department has granted pre-approved enrollment status in ADAP with the drugs on the ADAP formulary during the period during which the applicant has pre-approved enrollment status.
- G. Except as specified in subsection (I), to continue ADAP enrollment beyond the period in subsection (D) or (E) during which the applicant has pre-approved enrollment status, an applicant or the applicant's representative shall provide to the Department, before the end of the period, documentation that establishes eligibility according to R9-6-403.
- H. Except as specified in subsection (I), if an applicant with pre-approved enrollment status or the applicant's representative fails to provide documentation as required in subsection (G) to the Department before the end of the period during which the applicant has pre-approved enrollment status, the Department shall send the applicant or the applicant's representative a written notice of denial, setting forth the information required under A.R.S. § 41-1092.03.
- I. The Department may grant an extension of pre-approved enrollment status to an applicant beyond the period in subsection (D) or (E) if the applicant or the applicant's representative provides a justification for needing more time to obtain the required documentation to verify eligibility because of missing:
  1. Documentation of health insurance coverage;
  2. Financial records to verify annual household income, specified in R9-6-404(A)(6);
  3. Proof of residency, specified in R9-6-404(A)(8); or
  4. Viral load test results on the laboratory report required in R9-6-404(B)(2).
- J. Based on the information provided by an applicant about the applicant's health insurance coverage and except as provided in R9-6-409(F), the Department shall:
  1. For an applicant with no health insurance coverage, provide a drug on the ADAP formulary through the contract pharmacy;
  2. For an applicant with health insurance coverage that is inadequate, according to R9-6-403(4)(b), provide a drug on the ADAP formulary that is not covered by the applicant's health insurance, as documented according to R9-6-409(E), through the contract pharmacy; or
  3. For an applicant with health insurance coverage that is unaffordable, according to R9-6-403(4)(c), provide a drug on the ADAP formulary with no copayment cost to the applicant when requesting the filling of a prescription for the drug or obtaining a refill of the drug through ADAP.

**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted as an emergency and subsection (B), Para-

graph (2) corrected effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2).

Renumbered from R9-6-805 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-405 renumbered to R9-6-406; new Section R9-6-405 renumbered from R9-6-404 and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2).

Amended by final rulemaking at 13 A.A.R. 3329, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 25 A.A.R. 3614, effective December 3, 2019 (Supp. 19-4).

**R9-6-406. Notification Requirements**

- A. An enrolled individual or the enrolled individual's representative shall notify the Department in writing or by telephone and comply with the applicable requirements specified in R9-6-407 within 30 calendar days after any of the following occurs:
  1. The residential or mailing address or the telephone number of the enrolled individual changes from that provided to the Department under R9-6-404(A)(1) or R9-6-407;
  2. The enrolled individual adds or removes an individual with whom the Department may speak about the enrolled individual's ADAP enrollment from the list specified in R9-6-404(A)(1)(h);
  3. The enrolled individual has:
    - a. Lost health insurance coverage;
    - b. Been determined eligible for and enrolled to receive drug coverage through AHCCCS;
    - c. Been determined eligible for or obtained health insurance coverage, other than through AHCCCS, the Indian Health Service, the Veterans Health Administration, or the health insurance coverage previously used by the enrolled individual; or
    - d. Been determined eligible for a low-income subsidy;
  4. The enrolled individual's annual household income has changed; or
  5. The enrolled individual establishes residency outside Arizona.
- B. Within 30 calendar days after an enrolled individual loses health insurance coverage, the enrolled individual shall provide to the Department documentation stating the loss of health insurance coverage.
- C. An enrolled individual's case manager shall notify the Department in writing or by telephone within 30 calendar days after the case manager learns that:
  1. The residential or mailing address or the telephone number of the enrolled individual has changed from that provided to the Department under R9-6-404(A)(1) or R9-6-407;
  2. The enrolled individual:
    - a. Has been determined eligible for and enrolled to receive drug coverage through AHCCCS;
    - b. Obtained health insurance coverage other than AHCCCS, the Indian Health Service, or the Veterans Health Administration; or
    - c. Has been determined eligible for a low-income subsidy;
  3. The enrolled individual's annual household income has changed;
  4. The enrolled individual has established residency outside Arizona; or
  5. The enrolled individual has died.

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**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired.

Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2). Amended effective September 19, 1990 (Supp. 90-3). Renumbered from R9-6-806 effective October 19, 1993 (Supp. 93-4). Former Section R9-6-406 renumbered to R9-6-407; new Section R9-6-406 renumbered from R9-6-405 and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-406 renumbered to R9-6-407; new R9-6-406 made by final rulemaking at 13 A.A.R. 3329, effective November 10, 2007 (Supp. 07-3).

Amended by final rulemaking at 25 A.A.R. 3614, effective December 3, 2019 (Supp. 19-4).

**R9-6-407. Continuing Enrollment**

**A.** To continue enrollment in ADAP, an enrolled individual or the enrolled individual's representative shall:

1. When the enrolled individual's residential address changes, comply with subsection (B);
2. When the enrolled individual's annual household income changes, comply with subsection (C);
3. When the enrolled individual becomes eligible for Medicare or other health insurance coverage, comply with subsection (D);
4. Before the end of the month that is six months after the enrolled individual's month of birth, comply with subsection (E); and
5. Before the end of the enrolled individual's month of birth each year after an individual's initial enrollment, comply with subsection (F).

**B.** When an enrolled individual's residential address changes, the enrolled individual or the enrolled individual's representative shall submit to the Department:

1. The following information for the enrolled individual in a Department-provided format:
  - a. The enrolled individual's name and date of birth;
  - b. The new residential address and mailing address for the enrolled individual;
  - c. If the enrolled individual is in non-permanent housing, the address of a person that has agreed to receive written communications for the enrolled individual; and
  - d. If applicable, the address in Arizona to which the enrolled individual would want drugs to be shipped; and
2. Proof of Arizona residency, as specified in R9-6-404(A)(8), showing the new Arizona residential address specified in subsection (B)(1)(b).

**C.** When an enrolled individual's annual household income changes, the enrolled individual or the enrolled individual's representative shall:

1. Submit to the Department, within 30 calendar days after the change, documentation of the enrolled individual's

annual household income, as specified in R9-6-404(A)(6) or (7); and

2. If the enrolled individual's annual household income has decreased to an amount that may make the individual eligible for enrollment in AHCCCS:

- a. Apply for enrollment in AHCCCS within 30 calendar days after the change in annual household income; and
- b. Submit to the Department, within 30 calendar days after the change, documentation that states the status of the enrolled individual's enrollment in AHCCCS.

**D.** When an enrolled individual becomes eligible for Medicare or other health insurance coverage, the enrolled individual or the enrolled individual's representative shall, within 30 calendar days after the enrolled individual becomes eligible for Medicare or other health insurance coverage:

1. If eligible for Medicare:
  - a. Enroll in a Medicare drug plan; and
  - b. If the enrolled individual's annual household income is at or below 175% of the poverty level, apply for a low-income subsidy; and
  - c. Submit to the Department a copy of valid documentation stating:
    - i. The enrolled individual's enrollment in a Medicare drug plan; and
    - ii. If the enrolled individual's annual household income is at or below 175% of the poverty level, the status of the enrolled individual's eligibility for a low-income subsidy; and
2. If eligible for other health insurance coverage, submit to the Department information about the health insurance coverage to enable the Department to determine if the health insurance coverage is inadequate, according to R9-6-403(4)(b), or unaffordable, according to R9-6-403(4)(c).

**E.** Before the end of the month that is six months after the enrolled individual's month of birth, the enrolled individual or the enrolled individual's representative shall:

1. Either:
  - a. Submit to the Department an attestation, in a Department-provided format, that there have been no changes specified in subsection (A)(1), (2), or (3); or
  - b. Comply with subsections (B), (C), and (D), as applicable; and
2. Obtain from the enrolled individual's HIV-care provider and submit to the Department a copy of the most recent laboratory report of a test for viral load, and, if available, CD4-T-lymphocyte count conducted for the applicant.

**F.** Before the end of an enrolled individual's month of birth each year, an enrolled individual or the enrolled individual's representative shall submit to the Department the application packet required in R9-6-404(A).

**G.** The Department shall:

1. Review information about an enrolled individual and determine eligibility for continuing enrollment for the enrolled individual:
  - a. At the end of the enrolled individual's month of birth each year,
  - b. At the end of the month that is six months after the enrolled individual's month of birth each year,
  - c. When the Department receives information from the enrolled individual or the enrolled individual's representative under subsection (A), or

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- d. When the Department no longer has sufficient funds to provide continuing enrollment to all enrolled individuals;
- 2. Grant continuing enrollment to an enrolled individual, subject to the availability of funds, when:
  - a. The enrolled individual or the enrolled individual's representative complies with subsection (A); and
  - b. The Department determines that:
    - i. The information in the documents submitted to the Department is accurate and complete, and
    - ii. The enrolled individual is eligible under R9-6-403; and
- 3. Notify the enrolled individual or the enrolled individual's representative of the Department's decision within five working days after receipt of the documents required in subsection (A).
- H. The Department may grant pre-approved enrollment status in ADAP, according to R9-6-405(D) or (E) and ending according to R9-6-405(G), to an enrolled individual who is missing documentation to establish eligibility under R9-6-403.
- I. If the Department denies continuing enrollment to an enrolled individual, the Department shall send to the enrolled individual or the enrolled individual's representative a written notice of denial setting forth the information required under A.R.S. § 41-1092.03.

**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2). Emergency not renewed. Former Section R9-6-808 renumbered as Section R9-6-807, amended, and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired. Readopted as an emergency and subsection (C) corrected effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2). Renumbered from R9-6-807 effective October 19, 1993 (Supp. 93-4). Former Section R9-6-407 repealed; new Section R9-6-407 renumbered from R9-6-406 and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-407 renumbered to R9-6-409; new R9-6-407 renumbered from R9-6-406 and amended by final rulemaking at 13 A.A.R. 3329, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 25 A.A.R. 3614, effective December 3, 2019 (Supp. 19-4).

**R9-6-408. Termination from ADAP Services**

- A. The Department may terminate an enrolled individual's enrollment in ADAP if:
  - 1. The Department learns that information submitted to the Department by the enrolled individual or the enrolled individual's representative under R9-6-404(A) or (C), R9-6-407(A), or R9-6-409(E) or (F) is inaccurate or incomplete;
  - 2. The enrolled individual or the enrolled individual's representative does not request a refill of any drug through ADAP for a period of 90 calendar days; or
  - 3. The enrolled individual or the enrolled individual's representative exhibits violent or threatening behavior to an

employee of the Department, the contract pharmacy, or a pharmacy in which the enrolled individual or the enrolled individual's representative is filling a prescription for a drug or requesting a refill of a drug through ADAP, as established by documentation such as a police report or a written document from the individual.

- B. The Department may terminate approval of a drug approved under R9-6-409(E) or (F) for an enrolled individual if funding is no longer available to pay for the drug approved under R9-6-409(E) or (F).
- C. The Department shall send to an enrolled individual or the enrolled individual's representative a written notice of termination setting forth the information required under A.R.S. § 41-1092.03 if the Department terminates:
  - 1. The enrolled individual's enrollment in ADAP, or
  - 2. Approval of a drug approved under R9-6-409(E) or (F) for the enrolled individual.

**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2). Former Section R9-6-809 renumbered as Section R9-6-808, amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired.

Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2). Renumbered from R9-6-808 effective October 19, 1993 (Supp. 93-4). Former Section R9-6-408 renumbered to R9-6-409; new Section R9-6-408 made by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 3329, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 25 A.A.R. 3614, effective December 3, 2019 (Supp. 19-4).

**R9-6-409. Drug Prescription and Distribution Requirements**

- A. A HIV-care provider shall:
  - 1. Issue a prescription order:
    - a. For each drug on the ADAP formulary prescribed for an applicant or enrolled individual by the HIV-care provider; and
    - b. For dispensing up to a 30-day supply of the drug; and
  - 2. Provide a written prescription order to the applicant or enrolled individual or an electronic prescription order to the contract pharmacy or a pharmacy at which the applicant or enrolled individual may request a drug through ADAP.
- B. The Department shall:
  - 1. Except as specified in subsection (D), provide up to a 30-day supply of a drug to an enrolled individual; and
  - 2. Ensure that a drug to be shipped to an enrolled individual is sent to the address in Arizona provided by the enrolled individual according to R9-6-404(A)(1)(d) or R9-6-407(B)(1)(d).
- C. The Department may authorize replacement of a drug when:



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1. The drug has been dispensed by the contract pharmacy or a pharmacy in which the enrolled individual or the enrolled individual's representative requested a refill of the drug through ADAP; and
  2. The enrolled individual or the enrolled individual's representative claims the dispensed drug was lost, stolen, or damaged.
- D.** The Department may authorize an enrolled individual to receive more than a 30-day supply of a drug if the enrolled individual:
1. Submits to the Department:
    - a. The enrolled individual's name and date of birth;
    - b. The number of days for which the enrolled individual is requesting a supply of the drug; and
    - c. A justification for receiving more than a 30-day supply of a drug, such as that:
      - i. The enrolled individual will be out of Arizona for more than 30 days without changing residency, or
      - ii. The enrolled individual's health insurance coverage will allow for more than a 30-day supply of a drug; and
  2. Is expected to continue to be enrolled in ADAP:
    - a. Past the number of days for which the enrolled individual is requesting a supply of the drug, and
    - b. Without needing to submit information or documentation for continuing enrollment, according to R9-6-407(E) or (F), during the time period.
- E.** For an enrolled individual who has health insurance coverage, the HIV-care provider of the enrolled individual, independently or through the contract pharmacy, may request approval of a drug on the ADAP formulary that is not covered by the enrolled individual's health insurance by submitting to the Department documentation that:
1. The drug is not covered by the enrolled individual's health insurance,
  2. A request for health insurance coverage of the drug as a medical exception has been denied by the enrolled individual's health insurance, and
  3. An appeal of the denial of the request in subsection (E)(2) has been denied by the enrolled individual's health insurance.
- F.** The HIV-care provider of an enrolled individual, independently or through the contract pharmacy, may request approval of a drug that is not covered by health insurance and not on the ADAP formulary for the enrolled individual by:
1. Providing to the Department the following information, in a Department-provided format, for each requested drug:
    - a. The name, business address, email address, and telephone number of the HIV-care provider;
    - b. The date of the request;
    - c. The enrolled individual's name and date of birth;
    - d. The name and any other identifier of the drug;
    - e. The cost of the drug, if available;
    - f. The expected duration of the enrolled individual's use of the drug, including whether:
      - i. Use of the drug is expected to be a one-time occurrence, or
      - ii. The enrolled individual is expected to need multiple refills of the drug and the expected number of refills;
    - g. A justification for use of the drug that is not on the ADAP formulary by the enrolled individual;
  - h. Whether the Department should consider adding the drug to the ADAP formulary and the reasons for the recommendation; and
  - i. The dated signature of the HIV-care provider;
- G.** When the Department receives a request under subsection (E) or (F) for an enrolled individual, the Department shall:
1. Review the documents submitted according to subsection (E) or (F), as applicable;
  2. Determine whether the information submitted to the Department:
    - a. Is complete; and
    - b. Substantiates that the enrolled individual's use of the drug is indicated; and
  3. Notify, through the contract pharmacy, the following of the Department's decision within five working days after receiving the request:
    - a. The enrolled individual or the enrolled individual's representative, and
    - b. The enrolled individual's HIV-care provider.
- H.** If the Department denies a request under subsection (E) or (F) for an enrolled individual, the Department shall send to the enrolled individual or the enrolled individual's representative a written notice of denial setting forth the information required under A.R.S. § 41-1092.03.
- I.** The Department shall only authorize the distribution of drugs that are included on the ADAP formulary or approved for an enrolled individual according to subsection (F).

**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4).  
 Amended effective April 4, 1997 (Supp. 97-2). Former Section R9-6-409 renumbered to R9-6-902; new Section R9-6-409 renumbered from R9-6-408 and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Former R9-6-409 renumbered to R9-6-410; new R9-6-409 renumbered from R9-6-407 and amended by final rulemaking at 13 A.A.R. 3329, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 25 A.A.R. 3614, effective December 3, 2019 (Supp. 19-4).

**Exhibit A. Renumbered****Historical Note**

Exhibit A "Consent for HIV Testing" (English) form adopted effective April 4, 1997 (Supp. 97-2). Exhibit A renumbered to Article 9 by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2).

**Exhibit B. Renumbered****Historical Note**

Exhibit B "Consentimiento Para la Prueba de VIH" (Consent for HIV Testing-Spanish) form adopted effective April 4, 1997 (Supp. 97-2). Exhibit B renumbered to Article 9 by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2).

**R9-6-410. Confidentiality**

In administering ADAP, the Department shall comply with all applicable federal and state laws relating to confidentiality of information.

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**Historical Note**

Adopted effective October 19, 1993 (Supp. 93-4). Section renumbered to R9-6-903 by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Section R9-6-410 renumbered from R9-6-409 and amended by final rulemaking at 13 A.A.R. 3329, effective November 10, 2007 (Supp. 07-3).

**R9-6-411. Repealed****Historical Note**

Amended effective February 25, 1976 (Supp. 76-1).  
Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-412. Repealed****Historical Note**

Correction, adding Historical Note: Amended effective February 25, 1976 (Supp. 87-1). Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-413. Repealed****Historical Note**

Amended effective February 25, 1976 (Supp. 76-1).  
Amended effective June 4, 1980 (Supp. 80-3). Amended effective January 28, 1987 (Supp. 87-1). Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-414. Repealed****Historical Note**

Amended effective February 25, 1976 (Supp. 76-1).  
Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-415. Repealed****Historical Note**

Amended effective February 25, 1976 (Supp. 76-1).  
Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-416. Repealed****Historical Note**

Amended effective February 25, 1976 (Supp. 76-1).  
Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-417. Repealed****Historical Note**

Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-418. Repealed****Historical Note**

Amended effective February 25, 1976 (Supp. 76-1).  
Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-419. Repealed****Historical Note**

Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-420. Reserved****R9-6-421. Reserved****R9-6-422. Reserved****R9-6-423. Reserved****R9-6-424. Reserved****R9-6-425. Reserved****R9-6-426. Reserved****R9-6-427. Reserved****R9-6-428. Reserved****R9-6-429. Reserved****R9-6-430. Reserved****R9-6-431. Repealed****Historical Note**

Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-432. Repealed****Historical Note**

Amended effective February 25, 1976 (Supp. 76-1).  
Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-433. Repealed****Historical Note**

Repealed effective October 19, 1993 (Supp. 93-4).

**ARTICLE 5. RABIES CONTROL****R9-6-501. Definitions**

In this Article, unless otherwise specified:

1. "Animal control agency" means a board, commission, department, office, or other administrative unit of federal or state government or of a political subdivision of the state that has the responsibility for controlling rabies in animals in a particular geographic area.
2. "Approved rabies vaccine" means a rabies vaccine authorized for use in this state by the state veterinarian under A.A.C. R3-2-409.
3. "Cat" means an animal of the genus species *Felis domesticus*.
4. "Currently vaccinated" means that an animal was last immunized against rabies with an approved rabies vaccine:
  - a. At least 28 days and no longer than one year before being exposed, if the animal has only received an initial dose of approved rabies vaccine;
  - b. No longer than one year before being exposed, if the approved rabies vaccine is approved for annual use under A.A.C. R3-2-409; or
  - c. No longer than three years before being exposed, if the approved rabies vaccine is approved for triennial use under A.A.C. R3-2-409.
5. "Dog" means an animal of the genus species *Canis familiaris*.
6. "Euthanize" means to kill an animal painlessly.
7. "Exposed" means bitten by or having touched a rabid animal or an animal suspected of being rabid.
8. "Ferret" means an animal of the genus species *Mustela putorius*.
9. "Not currently vaccinated" means that an animal does not meet the definition of "currently vaccinated."

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10. "Rabid" means infected with rabies virus, a rhabdovirus of the genus *Lyssavirus*.
11. "Suspect case" means an animal whose signs or symptoms indicate that the animal may be rabid.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5).  
Correction, this Section shown as amended effective December 22, 1976 should read amended effective May 12, 1977 (Supp. 77-3). Corrections, subsections (A), (B) and (C) (Supp. 77-5). Amended effective April 10, 1980 (Supp. 80-2). Former Section R9-6-116 renumbered without change as R9-6-501 effective January 28, 1987 (Supp. 87-1). Section R9-6-501 repealed, new Section adopted effective January 20, 1992 (Supp. 92-1). Former Section R9-6-501 renumbered to R9-6-701, new Section R9-6-501 renumbered from R9-6-201 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Former R9-6-501 renumbered to R9-6-502; new R9-6-501 renumbered from R9-6-105 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3).

**R9-6-502. Management of Exposed Animals**

- A. An animal control agency shall manage an exposed dog, cat, or ferret as follows:
  1. If the exposed dog, cat, or ferret is currently vaccinated, the animal control agency shall:
    - a. Revaccinate the animal with an approved rabies vaccine within seven days after the date that the animal is exposed; and
    - b. Confine and observe the animal in the owner's home or, at the owner's expense, in a veterinary hospital or the animal control agency's facility, as determined by the animal control agency, for 45 days after the animal is exposed; or
  2. If the exposed dog, cat, or ferret is not currently vaccinated, the animal control agency shall:
    - a. Euthanize the animal; or
    - b. At the owner's request, confine the animal for 120 days, at the owner's expense, in a veterinary hospital or the animal control agency's facility, as determined by the animal control agency, and vaccinate the animal with an approved rabies vaccine 28 days before it is released from confinement.
- B. An animal control agency that is aware of an exposed animal, other than a cat, dog, ferret, or livestock, shall:
  1. Make every effort to capture the exposed animal as soon as it is identified, and
  2. Euthanize the animal as soon as it is captured.
- C. An animal control agency shall release from confinement a dog, cat, or ferret exposed to a suspect case when the animal control agency receives a negative rabies report on the suspect case from the Department.
- D. Livestock shall be handled according to A.A.C. R3-2-408.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5).  
Correction, this Section shown as amended effective December 22, 1976 should read amended effective May 12, 1977 (Supp. 77-3). Amended effective April 10, 1980 (Supp. 80-2). Amended as an emergency effective August 31, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-4). Emergency expired. Former R9-6-117 amended as a permanent rule by adding a new subsection (C) and repealing the former subsections (C),

(D) and (E) effective January 21, 1983 (Supp. 83-1). Former Section R9-6-117 renumbered without change as R9-6-502 effective January 28, 1987 (Supp. 87-1). Section R9-6-502 repealed, new Section adopted effective January 20, 1992 (Supp. 92-1). Former Section R9-6-502 renumbered to R9-6-702, new Section R9-6-502 renumbered from R9-6-202 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-502 renumbered to R9-6-503; new R9-6-502 renumbered from R9-6-501 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Amended by final expedited rulemaking at 27 A.A.R. 1329, with an immediate effective date of August 4, 2021 (Supp. 21-3).

**R9-6-503. Suspect Cases**

- A. An animal control agency shall ensure confinement of a dog, cat, or ferret that is a suspect case until:
  1. The animal dies,
  2. The animal is euthanized, or
  3. A veterinarian determines that the animal is not rabid.
- B. When an animal control agency euthanizes a suspect case, the animal control agency shall avoid damaging the brain, so that rabies testing can be performed.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5).  
Correction, this Section shown as amended effective December 22, 1976 should read amended effective May 12, 1977 (Supp. 77-3). Amended effective April 10, 1980 (Supp. 80-2). Amended as an emergency effective August 31, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-4). Emergency expired. Former R9-6-118 amended as a permanent rule by repealing subsection (C) and renumbering subsections (D) through (I) effective January 21, 1983 (Supp. 83-1). Former Section R9-6-118 renumbered without change as R9-6-503 effective January 28, 1987 (Supp. 87-1). Section R9-6-503 repealed, new Section adopted effective January 20, 1992 (Supp. 92-1). Former Section R9-6-503 renumbered to R9-6-703, new Section R9-6-503 renumbered from R9-6-203 and amended effective October 19, 1993 (Supp. 93-4). Former R9-6-503 renumbered to R9-6-504; new R9-6-503 renumbered from R9-6-502 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3).

**R9-6-504. Animal Control Agency Reporting Requirements**

By April 30 of each year, an animal control agency shall submit a report to the Department that contains the number of animal bites to humans reported as occurring in the animal control agency's jurisdiction during the preceding calendar year and a breakdown of the bites by:

1. Species of animal,
2. Age of victim, and
3. Month of occurrence.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5).  
Correction, this Section shown as amended effective December 22, 1976 should read amended effective May 12, 1977 (Supp. 77-3). Amended effective April 10, 1980 (Supp. 80-2). Amended as an emergency effective August 31, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-4). Emergency expired. Former R9-6-119 amended as a permanent rule by repealing subsections (A) and (B), renumbering and amending subsec-

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tions (C) through (I) effective January 21, 1983 (Supp. 83-1). Former Section R9-6-119 renumbered without change as R9-6-504 effective January 28, 1987 (Supp. 87-1). Section R9-6-504 repealed, new Section adopted effective January 20, 1992 (Supp. 92-1). Former Section R9-6-504 renumbered to R9-6-704 effective October 19, 1993 (Supp. 93-4). Section renumbered from R9-6-503 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3).

**R9-6-505. Renumbered****Historical Note**

Adopted effective January 20, 1992 (Supp. 92-1). Former Section R9-6-505 renumbered to R9-6-705 effective October 19, 1993 (Supp. 93-4).

**R9-6-506. Renumbered****Historical Note**

Adopted effective January 20, 1992 (Supp. 92-1). Former Section R9-6-506 renumbered to R9-6-706 effective October 19, 1993 (Supp. 93-4).

**Table 1. Renumbered****Historical Note**

Adopted effective January 20, 1992 (Supp. 92-1). Former Section R9-6-506, Table 1 renumbered to R9-6-706 Table 1 effective October 19, 1993 (Supp. 93-4).

**Table 2. Renumbered****Historical Note**

Adopted effective January 20, 1992 (Supp. 92-1). Former Section R9-6-506, Table 2 renumbered to R9-6-706, Table 2 effective October 19, 1993 (Supp. 93-4).

**ARTICLE 6. REPORTING POST-EXPOSURE RABIES PROPHYLAXIS****R9-6-601. Reporting Requirements**

A physician or an authorized designee shall submit a written or electronic report to the Department for each individual exposed who receive post-exposure rabies prophylaxis that includes:

1. Name, age, address, and telephone number of the individual exposed;
2. Date of report;
3. Reporting institution or physician;
4. Date of exposure;
5. Body part exposed;
6. Type of exposure: Bite or saliva contact (non-bite);
7. Species of animal;
8. Animal disposition: quarantined, euthanized, died, unable to locate;
9. Animal rabies test results, if any: positive or negative;
10. Treatment regimen; and
11. Date treatment was initiated.

**Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Former Section R9-6-601 renumbered to R9-6-201, new Section R9-6-601 adopted effective October 19, 1993 (Supp. 93-4). Section renumbered from R9-6-106 and amended by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former Section R9-6-601 renumbered to R9-6-1201; new Section R9-6-601 made by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Section amended by final expedited

rulemaking at 24 A.A.R. 261, effective January 9, 2018 (Supp. 18-1).

**R9-6-602. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Former Section R9-6-602 renumbered to R9-6-202, new Section R9-6-601 adopted effective October 19, 1993 (Supp. 93-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former Section R9-6-602 renumbered to R9-6-1202 by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4).

**R9-6-603. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Amended effective September 14, 1990 (Supp. 90-3). Repealed effective October 19, 1993 (Supp. 93-4), new Section R9-6-603 adopted effective October 19, 1993 (Supp. 93-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former Section R9-6-603 renumbered to R9-6-1203 by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4).

**R9-6-604. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Amended effective September 14, 1990 (Supp. 90-3). Repealed effective October 19, 1993 (Supp. 93-4). New Section made by final rulemaking at 10 A.A.R. 3559, effective October 2, 2004 (Supp. 04-3). Former Section R9-6-604 renumbered to R9-6-1204 by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4).

**R9-6-605. Repealed****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Amended effective September 14, 1990 (Supp. 90-3). Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-606. Emergency Expired****Historical Note**

Adopted as an emergency effective October 12, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency rule readopted without change effective February 22, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Emergency rule readopted with changes effective July 3, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired.

**ARTICLE 7. REQUIRED IMMUNIZATIONS FOR CHILD CARE OR SCHOOL ENTRY****R9-6-701. Definitions**

In addition to the definitions in A.R.S. § 36-671 and R9-6-101, the following definitions apply in this Article, unless otherwise specified:

1. "Child" means:
  - a. An individual 18 years of age or less, or

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- b. An individual more than 18 years of age attending school.
2. "Child care" means:
  - a. A child care facility as defined in A.R.S. § 36-881; or
  - b. A child care group home as defined in A.R.S. § 36-897.
3. "Child care administrator" means an individual, or the individual's designee, having daily control and supervision of a child care.
4. "Day" means a calendar day, and excludes the:
  - a. Day of the act or event from which a designated period of time begins to run, and
  - b. Last day of the period if a Saturday, Sunday, or official state holiday.
5. "Document" means information in written, photographic, electronic, or other permanent form.
6. "Enroll" means to accept for attendance at a school or child care.
7. "Entry" means the first day of attendance at a child care or at a specific grade level in a school.
8. "Immunization registry" means an electronic database maintained by a governmental health agency for the storage of immunization data for vaccines.
9. "In writing" means on paper or in a printable electronic format.
10. "Medical exemption" means the written certification described in A.R.S. § 15-873(A)(2).
11. "Nurse" means a:
  - a. Registered nurse, as defined in A.R.S. § 32-1601; or
  - b. Practical nurse, as defined in A.R.S. § 32-1601.
12. "Parent" means:
  - a. A natural or adoptive mother or father,
  - b. A legal guardian appointed by a court of competent jurisdiction, or
  - c. A "custodian" as defined in A.R.S. § 8-201.
13. "Physician" has the same meaning as in A.R.S. § 15-871.
14. "Registered nurse practitioner" has the same meaning as in A.R.S. § 32-1601.
15. "School-based or child care-based vaccination information system" means an electronic database used and maintained by a school, child care, or group of schools or child cares for the storage of immunization data for vaccines.
16. "Signature" means:
  - a. A handwritten or stamped representation of an individual's name or a symbol intended to represent an individual's name, or
  - b. An electronic signature as defined in A.R.S. § 44-7002.

**Historical Note**

Former Section R9-6-115, Paragraph (47), renumbered and amended as R9-6-701 effective January 28, 1987

(Supp. 87-1). Amended effective September 14, 1990 (Supp. 90-3). Former Section R9-6-701 renumbered to Section R9-6-328, new Section R9-6-701 renumbered from R9-6-501 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 496, effective January 19, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 1310, effective March 17, 2000 (Supp. 00-1). Former Section R9-6-701 renumbered to R9-6-702; new Section R9-6-701 made by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 2283, effective June 7, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

**R9-6-702. Required Immunizations for Child Care or School Entry**

Except as provided in R9-6-706, documentary proof of immunization, according to Table 7.1 or Table 7.2, for each of the following diseases is required for child care or school entry:

1. Diphtheria;
2. Tetanus;
3. Pertussis;
4. Hepatitis A, for a child 1 through 5 years of age in child care in Maricopa County;
5. Hepatitis B;
6. Poliomyelitis;
7. Measles (rubeola);
8. Mumps;
9. Rubella (German Measles);
10. *Haemophilus influenzae* type b, for a child two months through 59 months of age;
11. Varicella; and
12. Meningococcal disease.

**Historical Note**

Former Section R9-6-115, Paragraph (1), renumbered and amended as R9-6-702 effective January 28, 1987 (Supp. 87-1). Former Section R9-6-702 renumbered to Section R9-6-302, new Section R9-6-702 renumbered from R9-6-502 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-702 renumbered to R9-6-703; new Section R9-6-702 renumbered from R9-6-701 and amended by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 2283, effective June 7, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

**Table 7.1. Immunization Requirements for Child Care or School Entry**

Key:	
DTaP	= Diphtheria, tetanus, and acellular pertussis vaccine
DTP	= Diphtheria, tetanus, and pertussis vaccine
Hep A	= Hepatitis A vaccine
Hep B	= Hepatitis B vaccine
Hib	= <i>Haemophilus influenzae</i> type b vaccine
MMR	= Measles, mumps, and rubella vaccine
MCV4	= Quadrivalent meningococcal vaccine

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Polio = Inactivated poliomyelitis vaccine (IPV) or trivalent oral poliomyelitis vaccine (tOPV)  
 Td = Tetanus and diphtheria vaccine  
 Tdap = Tetanus, diphtheria, and acellular pertussis vaccine  
 VAR = Varicella vaccine  
 Kindergarten = The grade level in a school that precedes first grade

## A. Vaccine Doses Required for Child Care Attendance

Vaccine Against ↓	Age →	2 months	4 months	6 months	12 months	15 months	18 months	19-59 months
Diphtheria, Tetanus, Pertussis		DTaP 1	DTaP 2	DTaP 3	---	DTaP 4	---	Documented 4 DTaP
Hepatitis B		Hep B 1	Hep B 2	---	Hep B 3	---	---	Documented 3 Hep B
<i>Haemophilus influenzae</i> type b		Hib 1	Hib 2	Hib 3 <sup>1</sup>	---	Hib 3 or 4 <sup>1</sup>	---	Documented 3-4 Hib, as specified in Note 3
Poliomyelitis		Polio 1 <sup>2</sup>	Polio 2 <sup>2</sup>	---	Polio 3 <sup>2</sup>	---	---	Documented 3 Polio
Measles, Mumps, Rubella		---	---	---	MMR 1	---	---	Documented 1 MMR
Varicella		---	---	---	VAR 1	---	---	Documented 1 VAR
Hepatitis A (Maricopa County only)		---	---	---	Hep A 1	---	Hep A 2	Documented 2 Hep A

- <sup>1</sup> The recommended schedule for a four-dose Hib vaccine is two, four, and six months of age with a booster dose at 12-15 months of age. The recommended schedule for a three-dose Hib vaccine is two and four months of age with a booster dose at 12-15 months of age.
- <sup>2</sup> Bivalent and monovalent oral poliomyelitis vaccines do not meet these immunization requirements. An oral poliomyelitis vaccine received before April 2016 is assumed to be trivalent oral poliomyelitis vaccine, unless otherwise specified, and to satisfy immunization requirements.

## B. Vaccine Doses Required for School Attendance. A child at any age within the range designated by the black bar is required to have documentation of the indicated number of doses of the specified vaccine.

Vaccine Against ↓	Age →	4 - 6 years and attendance in Kindergarten or 1st grade	7 - 10 years	11 years or older
Diphtheria, Tetanus, Pertussis		4 to 6 DTP/DTaP <sup>1</sup>	3 or 4 tetanus-diphtheria-containing vaccines <sup>2</sup>	3 to 5 tetanus-diphtheria-containing vaccines, including 1 Tdap <sup>2, 3</sup>
Meningococcal invasive disease		---	---	1 MCV4
Hepatitis B		3 to 4 Hep B <sup>4</sup>		2 to 4 Hep B <sup>4, 5</sup>
Poliomyelitis		3 or 4 Polio <sup>6</sup>		
Measles, Mumps, Rubella		2 MMR		
Varicella zoster		1-2 VAR <sup>7</sup>		

- <sup>1</sup> Only four doses of DTP/DTaP are required if the fourth dose of DTP/DTaP was received after the child's fourth birthday; otherwise an additional dose is required after the child's fourth birthday, up to a maximum of six doses.
- <sup>2</sup> Only three doses of tetanus-diphtheria-containing vaccine are required if the first dose of tetanus-diphtheria-containing vaccine was received on or after the child's first birthday; otherwise four are required.
- <sup>3</sup> One dose of Tdap is required if five years have passed since the date of the child's last dose of tetanus-diphtheria-containing vaccine and the child has not received Tdap. At least one dose of a tetanus-diphtheria-containing vaccine is required to have been administered within the previous 10 years.
- <sup>4</sup> Only three doses are required if the third dose was received at or after the child was 24 weeks of age; otherwise four are required.
- <sup>5</sup> Only two doses, at least four months apart, are required if the child received the adolescent series using the Merck Recombivax HB Adult Formulation vaccine when the child was 11-15 years of age.
- <sup>6</sup> Bivalent and monovalent oral poliomyelitis vaccines do not meet these immunization requirements. An oral poliomyelitis vaccine received before April 2016 is assumed to be trivalent oral poliomyelitis vaccine, unless otherwise specified, and to satisfy immunization requirements. Only three doses are required if the third dose was received after the child's fourth birthday and at least six months after the second dose; otherwise four doses are required, with the last received after the child's fourth birthday. Poliomyelitis vaccine is not required for individuals 18 years of age or older.
- <sup>7</sup> One dose is required if received by a child between 12 months and 12 years of age. A child who received a first dose of VAR at 13 years of age or older is required to receive a second dose if at least four weeks have passed since the date of the first dose.

## Historical Note

Table 7.1 made by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

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**Table 7.2. Immunization Schedule for a Child Who Has Not Completed the Vaccine Series Required in Table 7.1 before Entry into a Child Care or School**

- A.** If a child does not meet the applicable requirements in Table 7.1, the child is required to have the first dose of vaccine for each of the diseases indicated in R9-6-702 before school entry or no later than 15 calendar days after child care entry.
- B.** If a child does not meet the applicable requirements in Table 7.1, the child is required to have the second and subsequent doses of vaccine for each of the diseases indicated in R9-6-702 either:
1. Before school entry or no later than 15 calendar days after child care entry, or
  2. At the intervals specified below.

Intervals between Doses					
Vaccine Against ↓	Dose ➔	2nd Dose	3rd Dose	4th Dose	5th Dose
Diphtheria, Tetanus, Pertussis					
Child < 7 years of age  (DTP or a combination of DTP and DTaP)		No sooner than four weeks after the first dose	No sooner than four weeks after the second dose	No sooner than six months after the third dose	No sooner than six months after the fourth dose, if the fourth dose was received at < 4 years of age
Child 7 through 10 years of age  (Tetanus-diphtheria containing vaccines)		No sooner than four weeks after the first dose	No sooner than six months after the second dose	No sooner than six months after the third dose, if the first dose was received at < 12 months of age	---
Child > 10 years of age  (Tetanus-diphtheria containing vaccine, including one Tdap)		No sooner than four weeks after the first dose	No sooner than six months after the second dose	No sooner than six months after the third dose, if the first dose was received at < 12 months of age	---
Poliomyelitis					
Child < 4 years of age		No sooner than four weeks after the first dose	No sooner than four weeks after the second dose	No sooner than six months after the third dose, if the third dose was received at < 4 years of age	---
Child between 4 and 18 years of age		No sooner than four weeks after the first dose	No sooner than six months after the second dose	No sooner than six months after the third dose, if the third dose was received at < 4 years of age	---
Measles, Mumps, Rubella					
Child 4 years of age or older		No sooner than one month after the first dose	---	---	---
Haemophilus influenzae type b					
Child 7-11 months of age		No sooner than two months after the first dose	---	---	---
Child 12-14 months of age		No sooner than two months after the first dose	No sooner than two months after the second dose if the first or second dose was received at < 12 months of age	---	---
Child 15-59 months of age		---	---	---	---
		(A child 15 through 59 months of age is required to have one dose of vaccine.)			

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<b>Hepatitis B</b>	No sooner than four weeks after the first dose  (Only two doses, at least four months apart, are required if the child received the adolescent series using the Merck Recombivax HB Adult Formulation vaccine when the child was 11-15 years of age.)	No sooner than four months after the first dose and two months after the second dose for a child $\geq$ 24 weeks of age who did not receive the adolescent series.	---	---
<b>Hepatitis A</b> (Maricopa County only)	No sooner than six months after the first dose	---	---	---
<b>Varicella</b> (A child 12 months through 12 years of age is required to have one dose of vaccine.)	No sooner than one month after the first dose for a child 13 years of age or older	---	---	---

**Historical Note**

Table 7.2 made by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

**R9-6-703. Responsibilities of Individuals and Local Health Agencies for Administering Vaccines**

- A.** Upon request of a parent, a local health agency shall provide for the immunization of a child against any disease listed in R9-6-702.
- B.** An individual administering a vaccine shall ensure that the dosage and route by which the vaccine is administered is:
  1. As recommended by the Centers for Disease Control and Prevention, or
  2. According to the manufacturer's recommendations.
- C.** Before administering a vaccine to a child, the individual administering the vaccine shall:
  1. Provide the child's parent with the following information in writing:
    - a. A description of the disease,
    - b. A description of the vaccine,
    - c. A statement of the risks of the disease and the risks and benefits of immunization, and
    - d. Contraindications for administering the vaccine; and
  2. Obtain documentation from the child's parent confirming that the child's parent:
    - a. Was provided the information described in subsection (C)(1),
    - b. Was provided an opportunity to read the information described in subsection (C)(1),
    - c. Was provided an opportunity to ask questions, and
    - d. Requests that the designated vaccine be administered to the child.
- D.** Following the administration of a vaccine, the individual administering the vaccine shall provide to the child's parent or, if a child is immunized at school, to the child to give to the child's parent:
  1. Information in writing about:
    - a. The vaccine administered,
    - b. The reactions to the vaccine that might be expected, and
    - c. The course of action if a reaction to the vaccine occurs that may require medical attention; and
  2. Documentary proof of immunization, according to A.R.S. § 36-674 and R9-6-704(A).
  3. A document from a school in another state recording the

**Historical Note**

Former Section R9-6-115, Paragraph (2), renumbered and amended as R9-6-703 effective January 28, 1987 (Supp. 87-1). Former Section R9-6-703 renumbered to Section R9-6-303, new Section R9-6-703 renumbered from R9-6-503 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-703 renumbered to R9-6-704; new Section R9-6-703 renumbered from R9-6-702 and amended by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

**R9-6-704. Standards for Documentary Proof of Immunization or Immunity**

- A.** An administrator of a school or a child care administrator shall accept any of the following as documentary proof of immunization for a child:
    1. A copy of a document recording the immunizations administered to the child that contains:
      - a. The child's name;
      - b. The child's date of birth;
      - c. The type of vaccine administered;
      - d. The month, day, and year of each immunization; and
      - e. The name of the individual administering the vaccine or the name of the entity that the individual administering the vaccine represents;
    2. A document from an Arizona school or child care recording the child's immunizations, including a print-out from a school-based or child care-based vaccination information system, that contains, in a Department-provided format:
      - a. The child's name;
      - b. The child's date of birth;
      - c. The type of vaccine administered;
      - d. The month, day, and year of each immunization;
      - e. The name and address of the school or child care; and
      - f. The name and signature of the individual at the school or child care providing the document to the child's parent and the date signed;
- child's immunizations; or



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4. A printout from an immunization registry containing the information in subsections (A)(1)(a) through (e).
- B.** An administrator of a school or a child care administrator shall accept a certification of medical exemption from immunization due to immunity, as specified in R9-6-706(D), as documentary proof of immunity for a child.

**Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Former Section R9-6-704 renumbered to Section R9-6-304, new Section R9-6-704 renumbered from R9-6-504 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-704 renumbered to R9-6-705; new Section R9-6-704 renumbered from R9-6-703 and amended by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 2283, effective June 7, 2005 (Supp. 05-2). Amended by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

**R9-6-705. Responsibilities of Administrators of Schools, Child Care Administrators, and the Department**

- A.** An administrator of a school or a child care administrator shall ensure that:
- For each child attending the school or child care, one of the following is maintained at the school or child care for each disease listed in R9-6-702:
    - Documentary proof of immunization, as specified in R9-6-704(A), according to Table 7.1;
    - Documentary proof of immunization, as specified in R9-6-704(A), demonstrating compliance with Table 7.2;
    - Documentary proof of immunity, as specified in R9-6-704(B) and according to R9-6-706(D); or
    - A statement of exemption from immunization, as specified in R9-6-706(A) through (C);
  - Lists are maintained at the school or child care of children who:
    - Do not have documentary proof of:
      - Immunization for each disease listed in R9-6-702, according to Table 7.1; or
      - Immunity for each disease listed in R9-6-702, according to R9-6-706(D);
    - Do not have documentary proof according to subsection (A)(1)(a) or (c) but are in compliance with Table 7.2; or
    - Have a statement of exemption from immunization, according to R9-6-706(A), (B), or (C), for any of the diseases listed in R9-6-702;
  - Except as provided in subsection (D), for a child enrolled in school who does not have one of the documents in subsection (A)(1) for each disease listed in R9-6-702:
    - The child's parent is notified in writing at the time of school enrollment or, for an enrolled child, at the time of review of immunization documentation that the child:
      - Is not in compliance with Arizona immunization requirements; and
      - Except as required by 42 U.S.C. 11301, will be excluded from school entry, according to A.R.S. § 15-872(B), unless the documentation required in subsection (A)(1) is provided for each disease listed in R9-6-702 before school entry; and
    - The child is excluded from school entry if the required documentation is not provided before school entry; and
  - Except as provided in subsection (D), for a child enrolled in a child care who does not have one of the documents in subsection (A)(1) for each disease listed in R9-6-702:
    - The child's parent is notified in writing before or at the time of child care entry or, for an enrolled child, at the time of review of immunization documentation that the child:
      - Is not in compliance with Arizona immunization requirements; and
      - May attend the child care for not more than 15 days from the date of child care entry without providing one of the documents in subsection (A)(1) for each disease listed in R9-6-702; and
    - The child is excluded from child care entry if the required documentation is not provided for the child within 15 days following child care entry.
- B.** If an administrator of a school or a child care administrator questions the accuracy of a document provided for a child as documentary proof of immunization or immunity and is unable to verify the accuracy of the document, the administrator of the school or the child care administrator shall notify the child's parent in writing that:
- For a child attending a school:
    - The administrator of the school cannot verify compliance with Arizona immunization requirements on the basis of the documents provided; and
    - Except as required by 42 U.S.C. 11301, the child will be excluded from school entry, according to A.R.S. § 15-872(B), until the child's parent provides to the school documentation that meets the requirements in R9-6-704 or R9-6-706;
  - For a child attending a child care:
    - The child care administrator cannot verify compliance with Arizona immunization requirements on the basis of the documents provided; and
    - The child may attend the child care for not more than 15 days after the date of child care entry without the child's parent providing to the child care documentation that meets the requirements in R9-6-704 or R9-6-706; and
  - The child's parent may bring the child to a physician, a registered nurse practitioner, a local health agency, or, as authorized under A.R.S. § 32-1974, a pharmacist as defined in A.R.S. § 32-1901 to:
    - Review the child's immunization history,
    - Provide needed immunizations, and
    - Provide the required documentation.
- C.** An administrator of a school or a child care administrator shall not allow a child to attend the school or child care during an outbreak of a disease listed in R9-6-702, as determined by the Department or a local health agency, for which the child lacks:
- Documentary proof of immunization, according to R9-6-704(A); or
  - Documentary proof of immunity, according to R9-6-704(B).
- D.** If the Department receives notification from the Centers for Disease Control and Prevention that there is a shortage of a vaccine for a disease listed in R9-6-702, or that the amount of a vaccine for a disease listed in R9-6-702 is being limited, the Department shall:
- Determine whether:

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- a. Compliance with exclusion requirements in subsections (A)(3) and (4) is suspended for the vaccine in limited supply, or
  - b. A different vaccine or a combination of different vaccines may substitute for the vaccine in limited supply;
  2. Provide notification in writing to each school and child care in this state:
    - a. Of the shortage or limitation of the vaccine;
    - b. Whether the Department is:
      - i. Suspending compliance with exclusion requirements in subsections (A)(3) and (4) on the basis of the vaccine in limited supply; or
      - ii. Recommending an alternative vaccine or combination of vaccines to satisfy the requirement R9-6-702 for the vaccine in limited supply and, if so, the Department's recommendation; and
    - c. If known, when the shortage or limitation of the vaccine is expected to end and the vaccine to be available; and
  3. Upon receiving notification from the Centers for Disease Control and Prevention that the vaccine is available, notify each school and child care in this state:
    - a. That the vaccine is available, and
    - b. If applicable, the date that compliance with exclusion requirements in subsections (A)(3) and (4) will be reinstated.
  - E. The Department shall notify each school and child care in this state if the Department no longer requires compliance with subsection (A) for a disease listed in R9-6-702.
- Historical Note**
- Adopted effective January 28, 1987 (Supp. 87-1). Former Section R9-6-705 renumbered to Section R9-6-305, new Section R9-6-705 renumbered from R9-6-505 and amended effective October 19, 1993 (Supp. 93-4). Former Section R9-6-705 renumbered to R9-6-706; new Section R9-6-705 renumbered from R9-6-704 and amended by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).
- R9-6-706. Exemptions from Immunizations**
- A. For a child attending a school, the child is exempt from the applicable immunization requirements in R9-6-702 for personal beliefs, as allowed by A.R.S. § 15-873(A)(1), if the child's parent submits to the school a statement of exemption from immunization for personal beliefs, in a Department-provided format, that contains:
    1. The parent's name,
    2. The child's name,
    3. The child's date of birth,
    4. The immunizations from which the child's parent is requesting an exemption,
    5. A statement that the parent is requesting the exemption based on personal beliefs, and
    6. The signature of the child's parent and the date signed.
  - B. For a child attending a child care, the child is exempt from the applicable immunization requirements in R9-6-702 for religious beliefs, as allowed in A.R.S. § 36-883(C), if the child's parent submits to the child care a statement of exemption from immunization for religious beliefs, in a Department-provided format, that contains:
    1. The parent's name,
    2. The child's name;
    3. The child's date of birth;
    4. The immunizations from which the child's parent is requesting an exemption;
    5. A statement that the parent is requesting the exemption based on religious beliefs, and
    6. The signature of the child's parent and the date signed.
  - C. A child is exempt from the applicable immunization requirements in R9-6-702, as allowed by A.R.S. § 15-873(A)(2), if the child's parent submits to a school or child care a certification of medical exemption from immunization, in a Department-provided format, that contains:
    1. The parent's name;
    2. The child's name;
    3. The child's date of birth;
    4. The immunizations from which the child's parent is requesting an exemption;
    5. A statement that the parent is requesting a medical exemption according to A.R.S. § 15-873(A)(2);
    6. Statements from a physician or registered nurse practitioner that:
      - a. The immunizations specified according to subsection (C)(4) may be harmful to the child's health;
      - b. Indicate the specific nature of the medical condition or circumstance that precludes immunization;
      - c. Indicate whether the medical exemption is permanent or temporary; and
      - d. If the medical exemption is temporary, provide the date the medical exemption ends;
    7. The signature of the physician or registered nurse practitioner providing the medical exemption and the date signed; and
    8. The signature of the child's parent and the date signed;
  - D. A child is exempt from the applicable immunization requirements in R9-6-702 due to immunity if the child's parent submits to a school or child care:
    1. A certification of medical exemption from immunization due to immunity, in a Department-provided format, that contains:
      - a. The parent's name;
      - b. The child's name;
      - c. The child's date of birth;
      - d. The name of each disease for which the child's parent is requesting an exemption from immunization requirements;
      - e. A statement that the parent is requesting a medical exemption from immunization due to the child's immunity to a disease;
      - f. A statement from a physician or registered nurse practitioner that the physician or registered nurse practitioner has determined that the child is immune to the disease specified according to subsection (D)(1)(d), for which an exemption from immunization requirements is being requested, based on:
        - i. For measles, rubella, or varicella, a review by the physician or registered nurse practitioner of laboratory evidence of immunity for the child; or
        - ii. For a disease other than measles, rubella, or varicella, a review by the physician or registered nurse practitioner of either:
          - (1) Laboratory evidence of immunity for the child, or
          - (2) The medical records of the physician or

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- registered nurse practitioner;
    - g. The signature of the physician or registered nurse practitioner providing the medical exemption and the date signed; and
    - h. The signature of the child's parent and the date signed; and
  - 2. If applicable, a copy of the laboratory evidence of immunity.
- E. An administrator of a school or a child care administrator shall:
  1. Include a child's exemption from the requirements in R9-6-702 in the documentation required in R9-6-705(A)(1); and
  2. If a child has a temporary medical exemption:
    - a. Allow the child to attend a school or child care until the date the temporary exemption ends; and
    - b. At least 30 calendar days before the temporary medical exemption ends, notify the child's parent in writing of the date by which the child is required to complete all immunizations.

**Historical Note**

Former Section R9-6-115, Paragraph (3), renumbered and amended as R9-6-706 effective January 28, 1987 (Supp. 87-1). Former Section R9-6-706 renumbered to Section R9-6-306, new Section R9-6-706 renumbered from R9-6-506 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Former Section R9-6-706 renumbered to R9-6-707; new Section R9-6-706 renumbered from R9-6-705 and amended by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 2283, effective June 7, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

**Table 1. Renumbered****Historical Note**

Adopted effective January 20, 1992 (Supp. 92-1). Article 7, Table 1 renumbered from Article 5, Table 1 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 496, effective January 19, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 1310, effective March 17, 2000 (Supp. 00-1). Table 1 renumbered to follow R9-6-707 by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3).

**Table 2. Renumbered****Historical Note**

Adopted effective January 20, 1992 (Supp. 92-1). Article 7, Table 2 renumbered from Article 5, Table 2 and amended effective October 19, 1993 (Supp. 93-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 496, effective January 19, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 1310, effective March 17, 2000 (Supp. 00-1). Table 2 renumbered to follow R9-6-707 by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3).

**R9-6-707. Reporting Requirements**

- A. By November 15 of each year, an administrator of a school shall submit to the Department a report, in a Department-provided format, that contains:
  1. The name, the physical address, and, if different, the mailing address of the school;
  2. The date of the report;
  3. Whether the school is a:
    - a. Charter school, as defined in A.R.S. § 15-101;
    - b. Private school, as defined in A.R.S. § 15-101; or
    - c. Public school, as defined in A.R.S. § 15-101;
  4. The name, email address, and telephone number of an individual to contact for the school;
  5. The name and district number of the school district, if applicable;
  6. The county in which the school is located;
  7. The number of children enrolled at the school in designated grades, as of the date of the report; and
  8. The number of children in each of the designated grades who:
    - a. Have received each immunization required according to Table 7.1;
    - b. Have received an immunization required according to Table 7.1 or submitted a certification of medical exemption from immunization due to immunity, according to R9-6-706(D), for each of the diseases in R9-6-702, including the number for each disease for which certification of medical exemption from immunization due to immunity was submitted;
    - c. Have an exemption from immunization for personal beliefs, according to R9-6-706(A), for one or more of the diseases in R9-6-702, including the number for each disease;
    - d. Have a medical exemption from immunization, according to R9-6-706(C) for one or more of the diseases in R9-6-702, including:
      - i. The number for each disease, and
      - ii. Whether the medical exemption is temporary or permanent; or
    - e. Are receiving immunizations required according to Table 7.2, and the number of doses of each vaccine received.
- B. By November 15 of each year, a child care administrator shall submit to the Department a report, in a Department-provided format, that contains:
  1. The name, the physical address, and, if different, the mailing address of the child care;
  2. The date of the report;
  3. The name, email address, and telephone number of an individual to contact for the child care;
  4. The Department license or certificate number of the child care, as applicable;
  5. The name of the child care administrator; and
  6. The number of children attending the child care who are at least 18 months of age and not attending a school, as of the date of submission of the report, in each of the following categories:
    - a. Children who have received each immunization required according to Table 7.1;
    - b. Children who have received an immunization required according to Table 7.1 or submitted a certification of medical exemption from immunization due to immunity, according to R9-6-706(D), for each of the diseases in R9-6-702, including the num-

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ber for each disease for which laboratory evidence of immunity was submitted;

- c. Children who have an exemption from immunization for religious beliefs, according to R9-6-706(B), for one or more of the diseases in R9-6-702, including the number for each disease;
- d. Children who have a medical exemption from immunization, according to R9-6-706(C), for one or more of the diseases in R9-6-702, including:
  - i. The number for each disease, and
  - ii. Whether the medical exemption is temporary or permanent; or
- e. Children who are receiving immunizations required according to Table 7.2, and the number of doses of each vaccine received.

**Historical Note**

Former Section R9-6-115, Paragraph (5), renumbered and amended as R9-6-707 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-307 effective October 19, 1993 (Supp. 93-4). Adopted effective April 4, 1997 (Supp. 97-4). Former Section R9-6-707 renumbered to R9-6-708; new Section R9-6-707 renumbered from R9-6-706 and amended by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

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

Table 1 renumbered from placement after R9-6-706 and amended by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 2283, effective June 7, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Table 1 repealed by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

**Table 2. Repealed****Historical Note**

Table 2 renumbered from placement after R9-6-706 and amended by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 2283, effective June 7, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Table 2 repealed by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

**R9-6-708. Release of Immunization Information**

In addition to the persons who have access to immunization information according to A.R.S. § 36-135(D), and consistent with the limitations in A.R.S. § 36-135(E) and (H), the Department may release immunization information to:

1. An authorized representative of a local health agency for the control, investigation, analysis, or follow-up of disease;
2. A child care administrator, to determine the immunization status of a child in the child care;
3. An authorized representative of the federal Women, Infants, and Children Program administered by the Department, to determine the immunization status of

children enrolled in the federal Women, Infants, and Children Program;

4. An individual or organization authorized by the Department to conduct medical research to evaluate medical services and health-related services, as defined in A.R.S. § 36-401, health quality, immunizations data quality, and efficacy; or
5. An authorized representative of an out-of-state agency, including:
  - a. A state health department,
  - b. A health agency,
  - c. A school or child care,
  - d. A health care provider, or
  - e. A state agency that has legal custody of a child.

**Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-309 effective October 19, 1993 (Supp. 93-4). New Section R9-6-708 renumbered from R9-6-707 and amended by final rulemaking at 8 A.A.R. 4274, effective September 16, 2002 (Supp. 02-3). Amended by final expedited rulemaking at 24 A.A.R. 2682, effective September 4, 2018 (Supp. 18-3).

**R9-6-709. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (6), renumbered and amended as R9-6-709 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-310 effective October 19, 1993 (Supp. 93-4).

**R9-6-710. Renumbered****Historical Note**

Former Section R9-115, Paragraph (7), renumbered and amended as R9-6-710 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-311 effective October 19, 1993 (Supp. 93-4).

**R9-6-711. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (8), renumbered and amended as R9-6-711 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-313 effective October 19, 1993 (Supp. 93-4).

**R9-6-712. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-315 effective October 19, 1993 (Supp. 93-4).

**R9-6-713. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (9), renumbered and amended as R9-6-713 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-316 effective October 19, 1993 (Supp. 93-4).

**R9-6-714. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (10), renumbered and amended as R9-6-714 effective January 28, 1987

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(Supp. 87-1). Renumbered to Section R9-6-317 effective October 19, 1993 (Supp. 93-4).

**R9-6-715. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (11), renumbered and amended as R9-6-715 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-319 effective October 19, 1993 (Supp. 93-4).

**R9-6-716. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-320 effective October 19, 1993 (Supp. 93-4).

**R9-6-717. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (12), renumbered and amended as R9-6-717 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-321 effective October 19, 1993 (Supp. 93-4).

**R9-6-718. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (13), renumbered and amended as R9-6-718 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-322 effective October 19, 1993 (Supp. 93-4).

**R9-6-719. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1) Renumbered to Section R9-6-323 effective October 19, 1993 (Supp. 93-4).

**R9-6-720. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (14), renumbered and amended as R9-6-720 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-324 effective October 19, 1993 (Supp. 93-4).

**R9-6-721. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (15), renumbered and amended as R9-6-721 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-325 effective October 19, 1993 (Supp. 93-4).

**R9-6-722. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (18), renumbered and amended as R9-6-722 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-327 effective October 19, 1993 (Supp. 93-4).

**R9-6-723. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (16), renumbered and amended as R9-6-723 effective January 28, 1987

(Supp. 87-1). Renumbered to Section R9-6-330 effective October 19, 1993 (Supp. 93-4).

**R9-6-724. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (17), renumbered and amended as R9-6-724 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-331 effective October 19, 1993 (Supp. 93-4).

**R9-6-725. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-332 effective October 19, 1993 (Supp. 93-4).

**R9-6-726. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-333 effective October 19, 1993 (Supp. 93-4).

**R9-6-727. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-334 effective October 19, 1993 (Supp. 93-4).

**R9-6-728. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (19), renumbered and amended as R9-6-728 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-335 effective October 19, 1993 (Supp. 93-4).

**R9-6-729. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (20), renumbered and amended as R9-6-729 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-336 effective October 19, 1993 (Supp. 93-4).

**R9-6-730. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (21), renumbered and amended as R9-6-730 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-337 effective October 19, 1993 (Supp. 93-4).

**R9-6-731. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (22), renumbered and amended as R9-6-731 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-338 effective October 19, 1993 (Supp. 93-4).

**R9-6-732. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (23), renumbered and amended as R9-6-732 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-339 effective October 19, 1993 (Supp. 93-4).

**R9-6-733. Renumbered**

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**Historical Note**

Former Section R9-6-115, Paragraph (45), renumbered and amended as R9-6-733 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-340 effective October 19, 1993 (Supp. 93-4).

**R9-6-734. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (24), renumbered and amended as R9-6-734 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-341 effective October 19, 1993 (Supp. 93-4).

**R9-6-735. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (25), renumbered and amended as R9-6-735 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-342 effective October 19, 1993 (Supp. 93-4).

**R9-6-736. Renumbered****Historical Note**

Former R9-6-115, Paragraph (26), renumbered and amended as R9-6-736 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-343 effective October 19, 1993 (Supp. 93-4).

**R9-6-737. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-344 effective October 19, 1993 (Supp. 93-4).

**R9-6-738. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (27), renumbered and amended as R9-6-738 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-345 effective October 19, 1993 (Supp. 93-4).

**R9-6-739. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-346 effective October 19, 1993 (Supp. 93-4).

**R9-6-740. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (28), renumbered and amended as R9-6-740 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-347 effective October 19, 1993 (Supp. 93-4).

**R9-6-741. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (29), renumbered and amended as R9-6-741 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-348 effective October 19, 1993 (Supp. 93-4).

**R9-6-742. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (30), renumbered and amended as R9-6-742 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-349 effective October 19, 1993 (Supp. 93-4).

**R9-6-743. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (31), renumbered and amended as R9-6-743 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-350 effective October 19, 1993 (Supp. 93-4).

**R9-6-744. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (32), renumbered and amended as R9-6-744 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-351 effective October 19, 1993 (Supp. 93-4).

**R9-6-745. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (33), renumbered and amended as R9-6-745 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-352 effective October 19, 1993 (Supp. 93-4).

**R9-6-746. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (34.) renumbered and amended as R9-6-746 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-353 effective October 19, 1993 (Supp. 93-4).

**R9-6-747. Repealed****Historical Note**

Former Section R9-6-115, Paragraph (35), renumbered and amended as R9-6-747 effective January 28, 1987 (Supp. 87-1). Repealed effective October 19, 1993 (Supp. 93-4).

**R9-6-748. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (36), renumbered and amended as R9-6-748 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-354 effective October 19, 1993 (Supp. 93-4).

**R9-6-749. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (37), renumbered and amended as R9-6-749 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-355 effective October 19, 1993 (Supp. 93-4).

**R9-6-750. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (38), renumbered and amended as R9-6-750 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-356 effective October 19, 1993 (Supp. 93-4).

**R9-6-751. Renumbered**

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**Historical Note**

Former Section R9-6-115, Paragraph (39), renumbered and amended as R9-6-751 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-358 effective October 19, 1993 (Supp. 93-4).

**R9-6-752. Renumbered****Historical Note**

Adopted effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-359 effective October 19, 1993 (Supp. 93-4).

**R9-6-753. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (40), renumbered and amended as R9-6-753 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-360 effective October 19, 1993 (Supp. 93-4).

**R9-6-754. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (41), renumbered and amended as R9-6-754 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-361 effective October 19, 1993 (Supp. 93-4).

**R9-6-755. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (42), renumbered and amended as R9-6-755 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-362 effective October 19, 1993 (Supp. 93-4).

**R9-6-756. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (43), renumbered and amended as R9-6-756 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-363 effective October 19, 1993 (Supp. 93-4).

**R9-6-757. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (44), renumbered and amended as R9-6-757 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-364 effective October 19, 1993 (Supp. 93-4).

**R9-6-758. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (4), renumbered and amended as R9-6-758 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-365 effective October 19, 1993 (Supp. 93-4).

**R9-6-759. Renumbered****Historical Note**

Former Section R9-6-115, Paragraph (46), renumbered and amended as R9-6-759 effective January 28, 1987 (Supp. 87-1). Renumbered to Section R9-6-366 effective October 19, 1993 (Supp. 93-4).

**ARTICLE 8. ASSAULTS ON HOSPITAL EMPLOYEES, PUBLIC SAFETY EMPLOYEES AND VOLUNTEERS, OR STATE HOSPITAL EMPLOYEES**

*Article 8 heading corrected as amended by final expedited rulemaking at 24 A.A.R. 2758, effective September 11, 2018 (Supp. 19-4).*

*New Article 8, consisting of Sections R9-6-801 through R9-6-803, made by final rulemaking at 8 A.A.R. 5214, effective February 1, 2003 (Supp. 02-4).*

**R9-6-801. Definitions**

In addition to the definitions in A.R.S. § 13-1210 and R9-6-101, the following definitions apply in this Article unless otherwise specified:

1. "Employer" means an individual in the senior leadership position with an agency or entity for which a named employee or volunteer works or that individual's designee.
2. "Named employee or volunteer" means one of the following who is listed as the assaulted individual in a petition, filed under A.R.S. § 13-1210 and granted by a court:
  - a. Hospital employee,
  - b. Public safety employee or volunteer, or
  - c. Arizona State Hospital employee.
3. "Occupational health provider" means a physician, physician assistant, registered nurse practitioner, or registered nurse, as defined in A.R.S. § 32-1601, who provides medical services for work-related health conditions for an agency or entity for which a named employee or volunteer works.

**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2). Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired. Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Adopted without change as a permanent rule effective May 22, 1989. Amended as an emergency effective June 26, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Emergency amendment readopted without change effective October 17, 1989 (Supp. 89-4). Amended effective September 19, 1990 (Supp. 90-3). Renumbered to R9-6-401 effective October 19, 1993 (Supp. 93-4). New Section made by final rulemaking at 8 A.A.R. 5214, effective February 1, 2003 (Supp. 02-4). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final expedited rulemaking at 24 A.A.R. 2758, effective September 11, 2018 (Supp. 18-3). Amended by final expedited rulemaking at 26 A.A.R. 1065, with an immediate effective date of May 7, 2020 (Supp. 20-2).

**R9-6-802. Notice of Test Results**

- A. Within 10 working days after the date of receipt of a laboratory report for a test ordered by a health care provider as a

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result of a court order issued under A.R.S. § 13-1210, the ordering health care provider shall:

1. If the test is conducted on the blood of a court-ordered subject who is incarcerated or detained:
    - a. Provide a written copy of the laboratory report to the chief medical officer of the correctional facility in which the court-ordered subject is incarcerated or detained; and
    - b. Notify the occupational health provider in writing of the results of the test; and
  2. If the test is conducted on the blood of a court-ordered subject who is not incarcerated or detained:
    - a. Unless the court-ordered subject is deceased, notify the court-ordered subject as specified in subsection (D);
    - b. If requested by the court-ordered subject, provide a written copy of the laboratory report to the court-ordered subject; and
    - c. Notify the occupational health provider in writing of the results of the test.
- B.** Within five working days after the date of receipt of a laboratory report for a court-ordered subject who is incarcerated or detained, the chief medical officer of the correctional facility in which the court-ordered subject is incarcerated or detained shall:
1. Notify the court-ordered subject as specified in subsection (D);
  2. If requested by the court-ordered subject, provide a written copy of the laboratory report to the court-ordered subject; and
  3. Notify the officer in charge of the correctional facility as specified in subsection (E).
- C.** Within five working days after an occupational health provider receives written notice of test results as required in subsection (A), the occupational health provider shall notify:
1. The named employee or volunteer as specified in subsection (D); and
  2. The employer as specified in subsection (E).
- D.** An individual who provides notice to a court-ordered subject or named employee or volunteer as required under subsection (A), (B), or (C) shall describe the test results and provide or arrange for the court-ordered subject or named employee or volunteer to receive the following information about each agent for which the court-ordered subject was tested:
1. A description of the disease or syndrome caused by the agent, including its symptoms;
  2. A description of how the agent is transmitted to others;
  3. The average window period for the agent;
  4. An explanation that a negative test result does not rule out infection and that retesting for the agent after the average window period has passed is necessary to rule out infection;
  5. Measures to reduce the likelihood of transmitting the agent to others and that it is necessary to continue the measures until a negative test result is obtained after the average window period has passed or until an infection, if detected, is eliminated;
  6. That it is necessary to notify others that they may be or may have been exposed to the agent by the individual receiving notice;
  7. The availability of assistance from local health agencies or other resources; and
  8. The confidential nature of the court-ordered subject's test results.
- E.** An individual who provides notice to the officer in charge of a correctional facility, as required under subsection (B), or to an employer, as required under subsection (C), shall describe the test results and provide or arrange for the officer in charge of the facility or the employer to receive the following information about each agent for which a court-ordered subject's test results indicate the presence of infection:
1. A description of the disease or syndrome caused by the agent, including its symptoms;
  2. A description of how the agent is transmitted to others;
  3. Measures to reduce the likelihood of transmitting the agent to others;
  4. The availability of assistance from local health agencies or other resources; and
  5. The confidential nature of the court-ordered subject's test results.
- F.** An individual who provides notice under this Section shall not provide a copy of the laboratory report to anyone other than the court-ordered subject and, if the court-ordered subject is incarcerated or detained, the chief medical officer of the correctional facility in which the court-ordered subject is incarcerated or detained.
- G.** An individual who provides notice under this Section shall protect the confidentiality of the court-ordered subject's personal identifying information and test results.
- H.** A health care provider who orders a test on the blood of a court-ordered subject who is not incarcerated or detained may, at the time the court-ordered subject is seen by the ordering health care provider, present the court-ordered subject with a telephone number and instruct the court-ordered subject to contact the ordering health care provider after a stated period of time for notification of the test results.
- I.** A health care provider who orders a test has not satisfied the obligation of the health care provider to notify under subsection (A) if:
1. The health care provider provides a telephone number and instructions, as allowed by subsection (H), for a court-ordered subject to contact the ordering health care provider and receive the information specified in subsection (D); and
  2. The court-ordered subject does not contact the ordering health care provider.
- J.** A health care provider who orders a test on a court-ordered subject's blood shall comply with all applicable reporting requirements contained in this Chapter.

**Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired.

Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2). Amended effective September 19, 1990 (Supp. 90-3). Amended as an emergency effective August 8, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired.

Emergency amendments re-adopted without change effective November 19, 1990, pursuant to A.R.S. § 41-



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1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendments re-adopted without change effective February 28, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Renumbered to R9-6-402 effective October 19, 1993 (Supp. 93-4). New Section made by final rulemaking at 8 A.A.R. 5214, effective February 1, 2003 (Supp. 02-4). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final expedited rulemaking at 24 A.A.R. 2758, effective September 11, 2018 (Supp. 18-3).

**R9-6-803. Repealed****Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired.

Amended subsection (B) and adopted as a permanent rule effective May 22, 1989 (Supp. 89-2). Amended as an emergency effective August 8, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired.

Emergency amendments re-adopted without change effective November 19, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired.

Emergency amendments re-adopted without change effective February 28, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired.

Renumbered to R9-6-403 effective October 19, 1993 (Supp. 93-4). New Section made by final rulemaking at 8 A.A.R. 5214, effective February 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**R9-6-804. Renumbered****Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted as an emergency and subsection (A) corrected effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Amended subsection (B) and adopted as a permanent rule effective May 22, 1989 (Supp. 89-2).

Renumbered to R9-6-404 effective October 19, 1993 (Supp. 93-4).

**R9-6-805. Renumbered****Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without

change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted as an emergency and subsection (B), Paragraph (2) corrected effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2).

Renumbered to R9-6-405 effective October 19, 1993 (Supp. 93-4).

**R9-6-806. Renumbered****Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired.

Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2). Amended effective September 19, 1990 (Supp. 90-3). Renumbered to R9-6-406 effective October 19, 1993 (Supp. 93-4).

**R9-6-807. Renumbered****Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2).

Emergency not renewed. Former Section R9-6-808 renumbered as Section R9-6-807, amended, and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired. Readopted as an emergency and subsection (C) corrected effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2). Renumbered to R9-6-407 effective October 19, 1993 (Supp. 93-4).

**R9-6-808. Renumbered****Historical Note**

Adopted as an emergency effective January 12, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Readopted without change as an emergency effective May 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2). Former Section R9-6-809 renumbered as Section R9-6-808, amended and readopted as an emergency effective August 8, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Emergency expired.

Readopted without change as an emergency effective November 16, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired.

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Adopted without change as a permanent rule effective May 22, 1989 (Supp. 89-2). Renumbered to R9-6-408 effective October 19, 1993 (Supp. 93-4).

**ARTICLE 9. HEALTH PROFESSIONAL EXPOSURES****R9-6-901. Definitions**

In this Article, unless otherwise specified:

1. "Employer" means an individual in the senior leadership position with the agency or entity for which a health professional works or that individual's designee.
2. "Health professional" means the same as in A.R.S. § 32-3201.
3. "Occupational health provider" means a physician, physician assistant, registered nurse practitioner, or registered nurse, as defined in A.R.S. § 32-1601, who provides medical services for work-related health conditions for an agency or entity for which a health professional works.
4. "Petitioner" means a health professional who petitions a court, under A.R.S. § 32-3207, to order testing of an individual.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Section R9-6-901 recodified to R9-6-1001 at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2). New Section made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**R9-6-902. Notice of Test Results**

- A. Within 10 working days after the date of receipt of a laboratory report for a test ordered by a health care provider as a result of a court order issued under A.R.S. § 32-3207, the ordering health care provider shall:
  1. If the test is conducted on the blood of a court-ordered subject who is incarcerated or detained:
    - a. Provide a written copy of the laboratory report to the chief medical officer of the correctional facility in which the court-ordered subject is incarcerated or detained; and
    - b. Notify the petitioner's occupational health provider in writing of the results of the test; and
  2. If the test is conducted on the blood of a court-ordered subject who is not incarcerated or detained:
    - a. Unless the court-ordered subject is deceased, notify the court-ordered subject as specified in subsection (D);
    - b. If requested by the court-ordered subject, provide a written copy of the laboratory report to the court-ordered subject; and
    - c. Notify the petitioner's occupational health provider in writing of the results of the test.
- B. Within five working days after the date of receipt of a laboratory report for a court-ordered subject who is incarcerated or detained, the chief medical officer of the correctional facility in which the court-ordered subject is incarcerated or detained shall:
  1. Notify the court-ordered subject as specified in subsection (D);
  2. If requested by the court-ordered subject, provide a written copy of the laboratory report to the court-ordered subject; and
  3. Notify the officer in charge of the correctional facility as specified in subsection (E).
- C. Within five working days after the petitioner's occupational health provider receives written notice of test results as required in subsection (A), the petitioner's occupational health provider shall notify the petitioner, as specified in subsection (D), and the petitioner's employer, as specified in subsection (E).
- D. An individual who provides notice to a court-ordered subject or petitioner as required under subsection (A), (B) or (C) shall describe the test results and provide or arrange for the court-ordered subject or petitioner to receive the following information about each agent for which the court-ordered subject was tested:
  1. A description of the disease or syndrome caused by the agent, including its symptoms;
  2. A description of how the agent is transmitted to others;
  3. The average window period for the agent;
  4. An explanation that a negative test result does not rule out infection and that retesting for the agent after the average window period has passed is necessary to rule out infection;
  5. Measures to reduce the likelihood of transmitting the agent to others and that it is necessary to continue the measures until a negative test result is obtained after the average window period has passed or until an infection, if detected, is eliminated;
  6. That it is necessary to notify others that they may be or may have been exposed to the agent by the individual receiving notice;
  7. The availability of assistance from local health agencies or other resources; and
  8. The confidential nature of the court-ordered subject's test results.
- E. An individual who provides notice to the officer in charge of a correctional facility, as required under subsection (B), or to the petitioner's employer, as required under subsection (C), shall describe the test results and provide or arrange for the officer in charge of the facility or the employer to receive the following information about each agent for which a court-ordered subject's test results indicate the presence of infection:
  1. A description of the disease or syndrome caused by the agent, including its symptoms;
  2. A description of how the agent is transmitted to others;
  3. Measures to reduce the likelihood of transmitting the agent to others;
  4. The availability of assistance from local health agencies or other resources; and
  5. The confidential nature of the court-ordered subject's test results.
- F. An individual who provides notice under this Section shall not provide a copy of the laboratory report to anyone other than the court-ordered subject and, if the court-ordered subject is incarcerated or detained, the chief medical officer of the correctional facility in which the court-ordered subject is incarcerated or detained.
- G. An individual who provides notice under this Section shall protect the confidentiality of the court-ordered subject's personal identifying information and test results.
- H. A health care provider who orders a test on the blood of a court-ordered subject who is not incarcerated or detained may, at the time the court-ordered subject is seen by the ordering health care provider, present the court-ordered subject with a telephone number and instruct the court-ordered subject to contact the ordering health care provider after a stated period of time for notification of the test results.

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- I.** A health care provider who orders a test has not satisfied the obligation of the health care provider to notify under subsection (A) if:
1. The health care provider provides a telephone number and instructions, as allowed by subsection (H), for a court-ordered subject to contact the ordering health care provider and receive the information specified in subsection (D); and
  2. The court-ordered subject does not contact the ordering health care provider.
- J.** A health care provider who orders a test on a court-ordered subject's blood shall comply with all applicable reporting requirements contained in this Chapter.

**Historical Note**

Section renumbered from R9-6-409 and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Section R9-6-902 recodified to R9-6-1002 at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2). New Section made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**Exhibit A. Recodified****Historical Note**

Exhibit A renumbered from Article 4, Exhibit A and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Exhibit A recodified to Article 10, Exhibit A at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2).

**Exhibit B. Recodified****Historical Note**

Exhibit A renumbered from Article 4, Exhibit A and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Exhibit B recodified to Article 10, Exhibit B at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2).

**R9-6-903. Recodified****Historical Note**

Section renumbered from R9-6-410 and amended by final rulemaking at 8 A.A.R. 1953, effective April 3, 2002 (Supp. 02-2). Section R9-6-903 recodified to R9-6-1003 at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2).

**ARTICLE 10. HIV-RELATED TESTING AND NOTIFICATION****R9-6-1001. Definitions**

In this Article, unless otherwise specified:

1. "Governing board" means a group of individuals, elected as specified in A.R.S. Title 15, Chapter 4, Article 2, to carry out the duties and functions specified in A.R.S. Title 15, Chapter 3, Article 3.
2. "School district" means the same as in A.R.S. § 15-101.
3. "Superintendent of a school district" means an individual appointed by the governing board of a school district to oversee the operation of schools within the school district.

**Historical Note**

New Section recodified from R9-6-901 at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2). Amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final expedited rulemak-

ing at 24 A.A.R. 2761, effective September 11, 2018 (Supp. 18-3).

**R9-6-1002. Local Health Agency Requirements**

For each HIV-infected individual or suspect case, a local health agency shall comply with the requirements in R9-6-347.

**Historical Note**

New Section recodified from R9-6-902 at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2). Former R9-6-1002 renumbered to R9-6-1003; new R9-6-1002 made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-1003. Expired****Historical Note**

New Section recodified from R9-6-903 at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2). Former R9-6-1003 renumbered to R9-6-1004; new R9-6-1003 renumbered from R9-6-1002 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 1928, effective April 30, 2013 (Supp. 13-3).

**Exhibit A. Expired****Historical Note**

Exhibit A recodified from Article 9, Exhibit A at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2). Exhibit A repealed; new Exhibit A made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Exhibit A expired under A.R.S. § 41-1056(J) at 19 A.A.R. 1928, effective April 30, 2013 (Supp. 13-3).

**Exhibit B. Repealed****Historical Note**

Exhibit B recodified from Article 9, Exhibit B at 13 A.A.R. 1745, effective April 27, 2007 (Supp. 07-2). Exhibit B repealed by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**R9-6-1004. Court-ordered HIV-related Testing**

- A.** A health care provider who receives the results of a test, ordered by the health care provider to detect HIV infection and performed as a result of a court order issued under A.R.S. § 13-1210, shall comply with the requirements in 9 A.A.C. 6, Article 8.
- B.** A health care provider who receives the results of a test, ordered by the health care provider to detect HIV infection and performed as a result of a court order issued under A.R.S. § 32-3207, shall comply with the requirements in 9 A.A.C. 6, Article 9.
- C.** When a court orders a test under A.R.S. § 8-341 or 13-1415 to detect HIV infection, the prosecuting attorney who petitioned the court for the order shall provide to the Department:
1. A copy of the court order, including an identifying number associated with the court order;
  2. The name and address of the victim; and
  3. The name and telephone number of the prosecuting attorney or the prosecuting attorney's designee.
- D.** A person who tests a specimen of blood or another body fluid from a subject to detect HIV infection as authorized by a court order issued under A.R.S. § 8-341 or 13-1415 shall:
1. Use a screening test; and

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2. If the test results from a screening test on the specimen indicate a positive result, retest the specimen using a confirmatory test.
- E. A person who performs a test described in subsection (D) shall report the test results for each subject to the submitting entity within five working days after obtaining the test results.
- F. A submitting entity that receives the results of a test to detect HIV infection that was performed for a subject as a result of a court order issued under A.R.S. § 8-341 or 13-1415 shall:
  1. Notify the Department within five working days after receiving the results of the test to detect HIV infection;
  2. Provide to the Department:
    - a. A written copy of the court order,
    - b. A written copy of the results of the test to detect HIV infection, and
    - c. The name and telephone number of the submitting entity or submitting entity's designee; and
  3. Either:
    - a. Comply with the requirements in:
      - i. R9-6-802(A)(2)(a) and (b), R9-6-802(D), and R9-6-802(F) through (J) for a subject who is not incarcerated or detained; and
      - ii. R9-6-802(B), R9-6-802(D) through (G), and R9-6-802(J) for a subject who is incarcerated or detained; or
    - b. Provide to the Department or the local health agency in whose designated service area the subject is living:
      - i. The name and address of the subject;
      - ii. A written copy of the results of the test to detect HIV infection, if not provided as specified in subsection (F)(2)(b); and
      - iii. Notice that the submitting entity did not provide notification as specified in subsection (F)(3)(a).
- G. If the Department or a local health agency is notified by a submitting entity as specified in subsection (F)(3)(b), the Department or local health agency shall comply with the requirements in:
  1. R9-6-802(A)(2)(a) and (b), R9-6-802(D), and R9-6-802(F) through (J) for a subject who is not incarcerated or detained; and
  2. R9-6-802(B), R9-6-802(D) through (G), and R9-6-802(J) for a subject who is incarcerated or detained.
- H. When the Department receives a written copy of the results of a test to detect HIV infection that was performed for a subject as a result of a court order issued under A.R.S. § 8-341 or 13-1415, the Department shall either:
  1. Provide to the victim:
    - a. A description of the results of the test to detect HIV infection;
    - b. The information specified in R9-6-802(D); and
    - c. A written copy of the test results; or
  2. Provide to the local health agency in whose designated service area the victim is living:
    - a. The name and address of the victim,
    - b. A written copy of the results of the test to detect HIV infection, and
    - c. Notice that the Department did not provide notification as specified in subsection (H)(1).
- I. If a local health agency is notified by the Department as specified in subsection (H)(2), the local health agency shall:
  1. Provide to the victim:
    - a. A description of the results of the test to detect HIV infection;
    - b. The information specified in R9-6-802(D); and
    - c. A written copy of the test results; or
  2. If the local health agency is unable to locate the victim, notify the Department that the local health agency did not inform the victim of the results of the test to detect HIV infection.

**Historical Note**

Section R9-6-1004 renumbered from R9-6-1003 and amended by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final expedited rulemaking at 24 A.A.R. 2761, effective September 11, 2018 (Supp. 18-3).

**R9-6-1005. Anonymous HIV Testing**

- A. A local health agency and the Department shall offer anonymous HIV testing to individuals.
- B. If an individual requests anonymous HIV testing, the Department or a local health agency shall:
  1. Provide to the individual requesting anonymous HIV testing:
    - a. Health education about HIV,
    - b. The meaning of HIV test results, and
    - c. The risk factors for becoming infected with HIV or transmitting HIV to other individuals;
  2. Collect a specimen of blood from the individual;
  3. Record the following information in a Department-provided format:
    - a. The individual's date of birth;
    - b. The individual's race and ethnicity;
    - c. The individual's gender;
    - d. The date and time the blood specimen was collected;
    - e. The type of screening test;
    - f. Information about the individual's risk factors for becoming infected with or transmitting HIV; and
    - g. The name, address, and telephone number of the person collecting the blood specimen;
  4. Before the individual leaves the building occupied by the Department or local health agency:
    - a. Test the individual's specimen of blood using the screening test for HIV specified in subsection (B)(3);
    - b. Provide the results of the screening test to the individual;
    - c. Enter the test results in the record established according to subsection (B)(3); and
    - d. If the test results from the screening test on the specimen of blood indicate that the individual may be HIV-infected:
      - i. Assist the individual to connect with persons that may have additional resources available for the individual; and
      - ii. Provide confirmatory testing or submit the specimen of blood to the Arizona State Laboratory for confirmatory testing by:
        - (1) Assigning to the blood specimen an identification number corresponding to the record established according to subsection (B)(3);
        - (2) Giving the individual requesting anonymous HIV testing the identification number assigned to the blood specimen and information about how to obtain the

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results of the confirmatory test; and

- (3) Sending the blood specimen and the record specified in subsection (B)(3) to the Arizona State Laboratory for confirmatory testing; and
5. If anonymous HIV testing is provided by a local health agency, submit the record specified in subsection (B)(3) to the Department.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final expedited rulemaking at 24 A.A.R. 2761, effective September 11, 2018 (Supp. 18-3).

**R9-6-1006. Notification**

- A. The Department or the Department's designee shall confidentially notify an individual reported to be at risk for HIV infection, as required under A.R.S. § 36-664(I), if all of the following conditions are met:
  1. The Department receives the report of risk for HIV infection in a document that includes the following:
    - a. The name and address of the individual reported to be at risk for HIV infection or enough other identifying information about the individual to enable the individual to be recognized and located,
    - b. The name and address of the HIV-infected individual placing the individual named under subsection (A)(1)(a) at risk for HIV infection,
    - c. The name and address of the individual making the report, and
    - d. The type of exposure placing the individual named under subsection (A)(1)(a) at risk for HIV infection;
  2. The individual making the report is in possession of confidential HIV-related information; and
  3. The Department determines that the information provided in the report is accurate and contains sufficient detail to:
    - a. Indicate that the exposure described as required in subsection (A)(1)(d) constitutes a significant exposure for the individual reported to be at risk for HIV infection, and
    - b. Enable the individual reported to be at risk for HIV infection to be recognized
- B. As authorized under A.R.S. § 36-136(M), the Department shall notify the superintendent of a school district in a confidential document that a pupil of the school district tested positive for HIV if the Department determines that:
  1. The pupil places others in the school setting at risk for HIV infection; and
  2. The school district has an HIV policy that includes the following provisions:
    - a. That a school shall not exclude a pupil who tested positive for HIV from attending school or school functions or from participating in school activities solely due to HIV infection;
    - b. That school district personnel who are informed that a pupil tested positive for HIV shall keep the information confidential; and
    - c. That the school district shall provide HIV-education programs to pupils, parents or guardians of pupils, and school district personnel through age-appropriate curricula, workshops, or in-service training sessions.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final expedited rulemaking at 24 A.A.R. 2761, effective September 11, 2018 (Supp. 18-3).

**ARTICLE 11. STD-RELATED TESTING AND NOTIFICATION****R9-6-1101. Definitions**

In this Article, unless otherwise specified:

1. "Primary syphilis" means the initial stage of syphilis infection characterized by the appearance of one or more open sores in the genital area, anus, or mouth of an infected individual.
2. "Secondary syphilis" means the stage of syphilis infection occurring after primary syphilis and characterized by a rash that does not itch, fever, swollen lymph glands, and fatigue in an infected individual.
3. "Sexually transmitted diseases" means the same as in A.R.S. § 13-1415.
4. "STD" means a sexually transmitted disease or other disease that may be transmitted through sexual contact.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**R9-6-1102. Health Care Provider Requirements**

When a laboratory report for a test ordered by a health care provider for a subject indicates that the subject is infected with an STD, the ordering health care provider or the ordering health care provider's designee shall:

1. Describe the test results to the subject;
2. Provide or arrange for the subject to receive the following information about the STD for which the subject was tested:
  - a. A description of the disease or syndrome caused by the STD, including its symptoms;
  - b. Treatment options for the STD and where treatment may be obtained;
  - c. A description of how the STD is transmitted to others;
  - d. A description of measures to reduce the likelihood of transmitting the STD to others and that it is necessary to continue the measures until the infection is eliminated;
  - e. That it is necessary for the subject to notify individuals who may have been infected by the subject that the individuals need to be tested for the STD;
  - f. The availability of assistance from local health agencies or other resources; and
  - g. The confidential nature of the subject's test results;
3. Report the information required in R9-6-202 to a local health agency; and
4. If the subject is pregnant and is a syphilis case, inform the subject of the requirement that the subject obtain serologic testing for syphilis according to R9-6-381.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-1103. Local Health Agency Requirements**

- A. For each STD case, a local health agency shall:

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1. Comply with the requirements in:
    - a. R9-6-317(A)(1) and (2) for each chancroid case reported to the local health agency, and
    - b. R9-6-381(A)(3)(a) through (c) for each syphilis case reported to the local health agency;
  2. Offer or arrange for treatment for each STD case that seeks treatment from the local health agency for symptoms of:
    - a. Chancroid,
    - b. Chlamydia infection,
    - c. Gonorrhea, or
    - d. Syphilis;
  3. Provide information about the following to each STD case that seeks treatment from the local health agency:
    - a. A description of the disease or syndrome caused by the applicable STD, including its symptoms;
    - b. Treatment options for the applicable STD;
    - c. A description of measures to reduce the likelihood of transmitting the STD to others and that it is necessary to continue the measures until the infection is eliminated; and
    - d. The confidential nature of the STD case's test results; and
  4. Inform the STD case that:
    - a. A chlamydia or gonorrhea case must notify each individual, with whom the chlamydia or gonorrhea case has had sexual contact within 60 days preceding the onset of chlamydia or gonorrhea symptoms up to the date the chlamydia or gonorrhea case began treatment for chlamydia or gonorrhea infection, of the need for the individual to be tested for chlamydia or gonorrhea; and
    - b. The Department or local health agency will notify, as specified in subsection (B), each contact named by a chancroid or syphilis case.
- B.** For each contact named by a chancroid or syphilis case, the Department or a local health agency shall:
1. Notify the contact named by a chancroid or syphilis case of the contact's exposure to chancroid or syphilis and of the need for the contact to be tested for:
    - a. Chancroid, if the chancroid case has had sexual contact with the contact within 10 days preceding the onset of chancroid symptoms up to the date the chancroid case began treatment for chancroid infection; or
    - b. Syphilis, if the syphilis case has had sexual contact with the contact within:
      - i. 90 days preceding the onset of symptoms of primary syphilis up to the date the syphilis case began treatment for primary syphilis infection;
      - ii. Six months preceding the onset of symptoms of secondary syphilis up to the date the syphilis case began treatment for secondary syphilis infection; or
      - iii. 12 months preceding the date the syphilis case was diagnosed with syphilis if the syphilis case cannot identify when symptoms of primary or secondary syphilis began;
  2. Offer or arrange for each contact named by a chancroid or syphilis case to receive testing and, if appropriate, treatment for chancroid or syphilis; and
  3. Provide information to each contact named by a chancroid or syphilis case about:
    - a. The characteristics of the applicable STD,
    - b. The syndrome caused by the applicable STD,
    - c. Measures to reduce the likelihood of transmitting the applicable STD, and
    - d. The confidential nature of the contact's test results.
- C.** For each contact of a chlamydia or gonorrhea case who seeks treatment from a local health agency for symptoms of chlamydia or gonorrhea, the local health agency shall:
1. Offer or arrange for treatment for chlamydia or gonorrhea;
  2. Provide information to each contact of a chlamydia or gonorrhea case about:
    - a. The characteristics of the applicable STD,
    - b. The syndrome caused by the applicable STD,
    - c. Measures to reduce the likelihood of transmitting the applicable STD, and
    - d. The confidential nature of the contact's test results.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3).

**R9-6-1104. Court-ordered STD-related Testing**

- A.** A health care provider who receives the results of a test, ordered by the health care provider to detect an STD and performed as a result of a court order issued under A.R.S. § 13-1210, shall comply with the requirements in 9 A.A.C. 6, Article 8.
- B.** A health care provider who receives the results of a test, ordered by the health care provider to detect an STD and performed as a result of a court order issued under A.R.S. § 32-3207, shall comply with the requirements in 9 A.A.C. 6, Article 9.
- C.** When a court orders a test under A.R.S. § 13-1415 to detect a sexually-transmitted disease, the prosecuting attorney who petitioned the court for the order shall provide to the Department:
1. A copy of the court order, including an identifying number associated with the court order;
  2. The name and address of the victim; and
  3. The name and telephone number of the prosecuting attorney or the prosecuting attorney's designee.
- D.** A person who tests a specimen of blood or another body fluid from a subject to detect a sexually-transmitted disease as authorized by a court order issued under A.R.S. § 13-1415 shall:
1. Be a certified laboratory, as defined in A.R.S. § 36-451;
  2. Use a test approved by the U.S. Food and Drug Administration for use in STD-related testing; and
  3. Report the test results for each subject to the submitting entity within five working days after obtaining the test results.
- E.** A submitting entity that receives the results of a test to detect a sexually-transmitted disease that was performed as a result of a court order issued under A.R.S. § 13-1415 shall:
1. Notify the Department within five working days after receiving the results of the test to detect a sexually-transmitted disease;
  2. Provide to the Department:
    - a. A written copy of the court order,
    - b. A written copy of the results of the test to detect a sexually-transmitted disease, and
    - c. The name and telephone number of the submitting entity or submitting entity's designee; and

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3. Either:
  - a. Comply with the requirements in:
    - i. R9-6-802(A)(2)(a) and (b), R9-6-802(D), and R9-6-802(F) through (J) for a subject who is not incarcerated or detained; and
    - ii. R9-6-802(B), R9-6-802(D) through (G), and R9-6-802(J) for a subject who is incarcerated or detained; or
  - b. Provide to the Department or the local health agency in whose designated service area the subject is living:
    - i. The name and address of the subject;
    - ii. A written copy of the results of the test to detect a sexually-transmitted disease, if not provided as specified in subsection (E)(2)(b); and
    - iii. Notice that the submitting entity did not provide notification as specified in subsection (E)(3)(a).

F. If the Department or a local health agency is notified by a submitting entity as specified in subsection (E)(3)(b), the Department or local health agency shall comply with the requirements in:

1. R9-6-802(A)(2)(a) and (b), R9-6-802(D), and R9-6-802(F) through (J) for a subject who is not incarcerated or detained; and
2. R9-6-802(B), R9-6-802(D) through (G), and R9-6-802(J) for a subject who is incarcerated or detained.

G. When the Department receives the results of a test to detect a sexually-transmitted disease that was performed for a subject as a result of a court order issued under A.R.S. § 13-1415, the Department shall:

1. Provide to the victim:
  - a. A description of the results of the test to detect the sexually-transmitted disease,
  - b. The information specified in R9-6-802(D), and
  - c. A written copy of the test results for the sexually-transmitted disease; or
2. Provide to the local health agency in whose designated service area the victim is living:
  - a. The name and address of the victim,
  - b. A written copy of the results of the test to detect the sexually-transmitted disease, and
  - c. Notice that the Department did not provide notification as specified in subsection (G)(1).

H. If a local health agency is notified by the Department as specified in subsection (G)(2), the local health agency shall:

1. Provide to the victim:
  - a. A description of the results of the test to detect the sexually-transmitted disease;
  - b. The information specified in R9-6-802(D); and
  - c. A written copy of the test results for the sexually-transmitted disease; or
2. If the local health agency is unable to locate the victim, notify the Department that the local health agency did not inform the victim of the results of the test to detect the sexually-transmitted disease.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 1502, effective April 1, 2008 (Supp. 08-2).

**ARTICLE 12. TUBERCULOSIS CONTROL****R9-6-1201. Definitions**

In addition to the definitions in A.R.S. § 36-711, the following definitions apply in this Article, unless otherwise specified:

1. "Inmate" means an individual who is incarcerated in a correctional facility.
2. "Latent tuberculosis infection" means the presence of *Mycobacterium tuberculosis*, as evidenced by a positive result from an approved test for tuberculosis, in an individual who:
  - a. Has no symptoms of active tuberculosis,
  - b. Has no clinical signs of tuberculosis other than the positive result from the approved test for tuberculosis, and
  - c. Is not infectious to others.
3. "Symptoms suggestive of tuberculosis" means any of the following that cannot be attributed to a disease or condition other than tuberculosis:
  - a. A productive cough that has lasted for at least three weeks;
  - b. Coughing up blood; or
  - c. A combination of at least three of the following:
    - i. Fever,
    - ii. Chills,
    - iii. Night sweats,
    - iv. Fatigue,
    - v. Chest pain, and
    - vi. Weight loss.

**Historical Note**

Section R9-6-1201 renumbered from R9-6-601 by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 25 A.A.R. 255, effective January 8, 2019 (Supp. 19-1).

**R9-6-1202. Local Health Agency Reporting Requirements**

A local health agency shall report to the Department:

1. Regarding each individual in its jurisdiction who:
  - a. Has been diagnosed with active tuberculosis,
  - b. Is suspected of having active tuberculosis, or
  - c. Is believed to have been exposed to an individual with infectious active tuberculosis;
2. According to R9-6-206:
  - a. After receiving information according to R9-6-202; and
  - b. After conducting an epidemiologic investigation of a case, suspect case, or contact;
3. Within 30 days after receiving the information needed to complete an initial summary for a case of active tuberculosis, in a Department-provided format, containing:
  - a. Demographic information about the case,
  - b. Information specific to the case's diagnosis of active tuberculosis,
  - c. Information about the case's risk factors for tuberculosis, and
  - d. Information specific to the treatment being provided to the case;
4. As applicable, within 30 days after receiving the information needed to complete a summary of laboratory test results for a case of active tuberculosis, in a Department-provided format, including:
  - a. The results from the analysis of the agent causing tuberculosis in the case, and
  - b. The drug sensitivity pattern of the agent causing tuberculosis in the case;
5. Within 30 days after determining the final disposition of a case or, except for a case still receiving treatment, two

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years after the case's initial diagnosis of active tuberculosis, whichever is earlier, in a Department-provided format, including:

- a. Whether the case:
  - i. Completed treatment, including confirmation of the case's freedom from active tuberculosis;
  - ii. Refused treatment;
  - iii. Was lost to follow-up before completing treatment;
  - iv. Left the jurisdiction of the local health agency before completing treatment; or
  - v. Died;
- b. If applicable, the method by which the local health agency has knowledge of completion of treatment;
- c. If the period of treatment was longer than 12 months, the reason for the extended treatment; and
- d. A description of each course or method of treatment provided to the case, including the date each treatment was initiated.

**Historical Note**

Section R9-6-1202 renumbered from R9-6-602 by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2605, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 25 A.A.R. 255, effective January 8, 2019 (Supp. 19-1).

**R9-6-1203. Tuberculosis Control in Correctional Facilities**

- A. An administrator of a correctional facility shall ensure that:
  1. Each new inmate in the correctional facility undergoes a symptom screening for tuberculosis while processing into the correctional facility;
  2. An inmate in whom symptoms suggestive of tuberculosis are detected during screening:
    - a. Is immediately:
      - i. Placed in airborne infection isolation, or
      - ii. Required to wear a surgical mask and retained in an environment where exposure to the general inmate population is minimal and the inmate can be observed at all times to be wearing the mask;
    - b. If not immediately placed in airborne infection isolation, is within 24 hours after screening:
      - i. Given a medical evaluation for active tuberculosis, or
      - ii. Transported to a health care institution to be placed in airborne infection isolation; and
    - c. Is given a medical evaluation for active tuberculosis before being released from airborne infection isolation or permitted to stop wearing a surgical mask and released from the environment described in subsection (A)(2)(a)(ii).
  3. Except as provided in subsection (A)(5), each new inmate who does not have a documented history of a positive result from an approved test for tuberculosis or who has not received an approved test for tuberculosis within the previous 12 months is given an approved test for tuberculosis within seven days after processing into the correctional facility;
  4. Except as provided in subsection (A)(8), each new inmate who has a positive result from an approved test for tuberculosis or who has a documented history of a positive result from an approved test for tuberculosis is given a chest x-ray and a medical evaluation, within 14 days after

processing into the correctional facility, to determine whether the inmate has active tuberculosis;

5. Each new inmate who is HIV-positive, in addition to receiving an approved test for tuberculosis, is given a chest x-ray and a medical evaluation within seven days after processing into the correctional facility, to determine whether the inmate has active tuberculosis;
  6. Each inmate who had a negative result from an approved test for tuberculosis when tested according to subsection (A)(3) during processing has a repeat approved test for tuberculosis after 12 months of incarceration and every 12 months thereafter during the inmate's term of incarceration;
  7. Each inmate who has a positive result on a repeat approved test for tuberculosis after a negative result on a previous approved test for tuberculosis is given a chest x-ray and a medical evaluation within 14 days after the date of the positive result on the repeat approved test to determine whether the inmate has active tuberculosis;
  8. An inmate is not required to have another chest x-ray unless the inmate has symptoms suggestive of tuberculosis if the inmate has had a documented negative chest x-ray;
  9. Each inmate with active tuberculosis is:
    - a. Provided medical treatment that meets accepted standards of medical practice, and
    - b. Placed in airborne infection isolation until no longer infectious; and
  10. All applicable requirements in 9 A.A.C. 6, Articles 2 and 3 are complied with.
- B. The requirements of subsection (A) apply to each correctional facility that houses inmates for 14 days or longer and to each inmate who will be incarcerated for 14 days or longer.
  - C. An administrator of a correctional facility, either personally or through a representative, shall:
    1. Unless unable to provide prior notification because of security concerns, notify the local health agency at least one working day before releasing a tuberculosis case or suspect case;
    2. If unable to provide prior notification because of security concerns, notify the local health agency within 24 hours after releasing a tuberculosis case or suspect case;
    3. Provide to a local health agency, within three working days after the local health agency's request, the information required by the local health agency to comply with R9-6-1202(5); and
    4. Provide a tuberculosis case or suspect case or an inmate being treated for latent tuberculosis infection the name and address of the local health agency before the case, suspect case, or inmate is released.

**Historical Note**

Section R9-6-1203 renumbered from R9-6-603 by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 25 A.A.R. 255, effective January 8, 2019 (Supp. 19-1).

**R9-6-1204. Standards of Medical Care**

- A. Unless a health care provider believes, based on the health care provider's professional judgment, that deviation is medically necessary, a health care provider caring for an afflicted person shall comply with the recommendations for treatment of tuberculosis in the Official American Thoracic Society/Centers for Disease Control and Prevention/Infectious Diseases Society of America Clinical Practice Guidelines: Treat-



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ment of Drug-Susceptible Tuberculosis (October 2016), which is incorporated by reference, on file with the Department, and available from the American Thoracic Society, 25 Broadway, New York, NY 10004 or at [www.atsjournals.org](http://www.atsjournals.org).

- B.** If a health care provider caring for an afflicted person deviates from the recommendations for treatment of tuberculosis specified in subsection (A), the health care provider shall, upon request, explain to the Department or a local health agency the rationale for the deviation.
- C.** If the tuberculosis control officer determines that deviation from the recommendations for treatment of tuberculosis specified in subsection (A) is inappropriate and that the public health and welfare require intervention, the tuberculosis control officer may take charge of the afflicted person's treatment as authorized under A.R.S. § 36-723(C).

**Historical Note**

Section R9-6-1204 renumbered from R9-6-604 by final rulemaking at 13 A.A.R. 4106, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 25 A.A.R. 255, effective January 8, 2019 (Supp. 19-1).

**ARTICLE 13. IMMUNIZATIONS OR VACCINES  
REQUIRING PRESCRIPTIONS FOR PHARMACIST  
ADMINISTRATION****R9-6-1301. Immunizations or Vaccines Requiring a Prescrip-****tion Order for Pharmacist Administration**

- A.** In this Section, unless otherwise specified, the following definitions apply:
  - 1. "Certified pharmacist" means an individual licensed under A.R.S. Title 32, Chapter 18, who is authorized under A.A.C. R4-23-411 to administer immunizations or vaccines.
  - 2. "Immunization" has the same meaning as in A.R.S. § 36-671.
  - 3. "Prescription order" has the same meaning as in A.R.S. § 32-1901.
- B.** The following immunizations or vaccines require a prescription order before the immunization or vaccine may be administered under A.A.C. R4-23-411 by a certified pharmacist:
  - 1. Japanese Encephalitis vaccine,
  - 2. Rabies vaccine,
  - 3. Typhoid vaccines,
  - 4. Yellow fever vaccine, and
  - 5. Cholera vaccine.

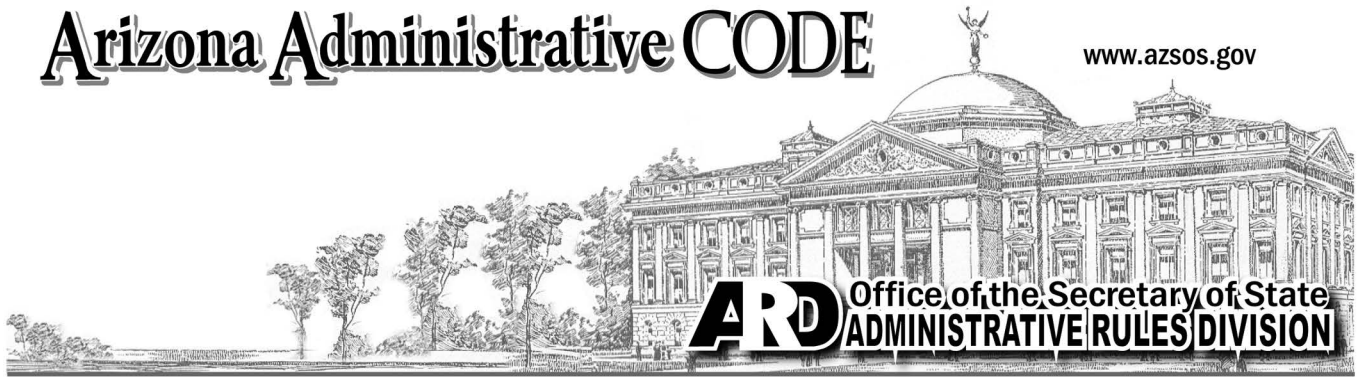
**Historical Note**

New Section made by exempt rulemaking at 15 A.A.R. 1793, effective October 5, 2009 (Supp. 09-4). Amended by exempt rulemaking at 23 A.A.R. 3360, effective November 14, 2017 (Supp. 17-4).

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### CHAPTER 17. DEPARTMENT OF HEALTH SERVICES - MEDICAL MARIJUANA PROGRAM

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

This Chapter has amendments made to Sections too numerous to list on this cover page.  
Refer to the historical notes for amendments made in Supplement 23-3.

#### Questions about these rules? Contact:

Department: Department of Health Services  
Address: Public Health Licensing Services  
150 N. 18th Ave., Suite 400  
Phoenix, AZ 85007  
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**The release of this Chapter in Supp. 23-3 replaces Supp. 22-3, 1-61 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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Administrative Rules Division  
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**TITLE 9. HEALTH SERVICES****CHAPTER 17. DEPARTMENT OF HEALTH SERVICES - MEDICAL MARIJUANA PROGRAM**

Authority: A.R.S. §§ 36-136(G), 36-2803 and 36-2854

**Supp. 23-3**

*Editor's Note: Under A.R.S. 41-1011(C) Table 3.1 referenced in this Chapter now includes the table name Analytes for clarity. This change did not alter the sense, meaning or effect of any rule in this Chapter (Supp. 21-2).*

*Editor's Note: To assist with compliance of exempt rules filed and effective January 15, 2021, the Administrative Rules Division has expedited the publication of this Chapter and released it in Supp. 20-4. Multiple notice filings were received with amendments to the same Sections in this supplement release. For versioning of these Sections, refer to the published notice in the Arizona Administrative Register (Supp. 20-4).*

*Editor's Note: Section R9-17-102 and its historical note were inadvertently removed in Supp. 20-2; the Section and historical note have been restored as last amended in Supp. 19-3 (Supp. 20-3).*

*Editor's Note: This Chapter was adopted under a one-year exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Proposition 203 passed by the voters in November 2010. Although exempt from certain provisions of the rulemaking process, Section 6 of the Proposition required the Department to provide the public with an opportunity to comment on these rules before publishing the exempted rules. The Department posted proposed rules for comment on its web site, conducted statewide public meetings and also posted public comments received on its web site. (Supp. 11-2).*

*Editor's Note: 9 A.A.C. 17, formerly contained the rules of the Department of Health Services - Pure Food Control. This Chapter expired under A.R.S. § 41-1056(E) at 13 A.A.R. 3531, effective August 31, 2007 (Supp. 07-3).*

**ARTICLE 1. GENERAL**

*Article 1, consisting of Sections R9-17-101 through R9-17-109, made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2).*

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## ARTICLE 1. GENERAL

**R9-17-101. Definitions**

In addition to the definitions in A.R.S. § 36-2801, the following definitions apply in this Chapter unless otherwise stated:

1. "Accreditation" means being deemed as technically competent under ISO 17025 by the:
  - a. American Association of Laboratory Accreditation,
  - b. Perry Johnson Laboratory Accreditation,
  - c. ANSI National Accreditation Board,
  - d. International Accreditation Services, or
  - e. Commission on Office Laboratory Accreditation.
2. "Acquire" means to obtain through any type of transaction and from any source.
3. "Activities of daily living" means ambulating, bathing, dressing, grooming, eating, toileting, and getting in and out of bed.
4. "Amend" means adding or deleting information on an individual's registry identification card that affects the individual's ability to perform or delegate a specific act or function.
5. "Analyte" means a specific substance for which testing is performed by a laboratory.
6. "Applicant" means:
  - a. An individual submitting an application for a registry identification card or to amend, change, or replace a registry identification card for a qualifying patient, designated caregiver, dispensary agent, or laboratory agent;
  - b. An entity submitting an application for a dispensary registration certificate or approval to operate a dispensary; or
  - c. An individual or entity submitting an application for a laboratory registration certificate, approval to test, or approval to change parameters.
7. "Batch" means:
  - a. When referring to cultivated medical marijuana, a specific lot of medical marijuana that is uniform in strain, grown from one or more seeds or cuttings that are planted and harvested at the same time, and cultivated under the same conditions;
  - b. When referring to marijuana products, a specific amount of a marijuana product infused, manufactured, or prepared for sale from the same set of ingredients at the same time; and
  - c. When referring to a laboratory testing medical marijuana or a marijuana product according to R9-17-404.03, a specific set of no more than 20 samples prepared and tested during the same run using the same equipment.
8. "Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a dispensary when:
  - a. The batch of medical marijuana is planted, or
  - b. The batch of a marijuana product is infused, manufactured, or prepared for sale.
9. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
10. "Change" means:
  - a. When used in relation to a registry identification card, adding or deleting information on an individual's registry identification card that does not substantively affect the individual's ability to perform or delegate a specific act or function;
  - b. When used in relation to a place, moving to a different location;
  - c. When used in relation to an individual, selecting a different individual to perform specific actions;
  - d. When used in relation to parameters, revising a laboratory's standard operating procedures or quality assurance plan, required in R9-17-404.06, due to:
    - i. Adding or removing a parameter,
    - ii. Altering a testing method, or
    - iii. Using a different instrument for performing a test; and
  - e. When used in relation to testing results, altering the testing results in any way and for any reason.
11. "Commercial device" means a "commercial device," as defined in A.R.S. § 3-3401, that is licensed or certified according to A.R.S. § 3-3451.
12. "Contaminant" means matter, pollutant, hazardous substance, or other substance that is not intended to be part of dispensed medical marijuana or a marijuana product.
13. "Cultivation site" means the one additional location where marijuana may be cultivated, infused, or prepared for sale by and for a dispensary.
14. "Current photograph" means an image of an individual, taken no more than 60 calendar days before the submission of the individual's application, in a Department-approved electronic format capable of producing an image that:
  - a. Has a resolution of at least 600 x 600 pixels but not more than 1200 x 1200 pixels;
  - b. Is 2 inches by 2 inches in size;
  - c. Is in natural color;
  - d. Is a front view of the individual's full face, without a hat or headgear that obscures the hair or hairline;
  - e. Has a plain white or off-white background; and
  - f. Has between 1 and 1 3/8 inches from the bottom of the chin to the top of the head.
15. "Denial" means the Department's final decision not to issue a registry identification card, a dispensary registration certificate, a laboratory registration certificate, or an approval of a change of dispensary or a dispensary's cultivation site location, to an applicant because the applicant or the application does not comply with the applicable requirements in A.R.S. Title 36, Chapter 28.1 or this Chapter.
16. "Dispensary" means the same as "nonprofit medical marijuana dispensary" as defined in A.R.S. § 36-2801.
17. "Dispensary agent" means the same as "nonprofit medical marijuana dispensary agent" as defined in A.R.S. § 36-2801.
18. "Dual licensee" means the same as in A.R.S. § 36-2850.
19. "Edible food product" means a substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human oral consumption.
20. "Enclosed area" when used in conjunction with "enclosed, locked facility" means outdoor space surrounded by solid, 10-foot walls, constructed of metal, concrete, or stone that prevent any viewing of the marijuana plants, and a 1-inch thick metal gate.
21. "Entity" means the same as in A.R.S. § 29-2102.
22. "Generally accepted accounting principles" means the set of financial reporting standards established by the Finan-

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- cial Accounting Standards Board, the Governmental Accounting Standards Board, or another specialized body dealing with accounting and auditing matters.
23. "Geographic area" means the same as in A.R.S. § 36-2803.01.
  24. "In-state financial institution" means the same as in A.R.S. § 6-101.
  25. "Inhalable" means intended for use through intake into the lungs of an individual.
  26. "Laboratory" means the same as "independent third-party laboratory" as defined in A.R.S. § 36-2801.
  27. "Laboratory agent" means the same as "independent third-party laboratory agent" as defined in A.R.S. § 36-2801.
  28. "Legal guardian" means an adult who is responsible for a minor:
    - a. Through acceptance of guardianship of the minor through a testamentary appointment or an appointment by a court pursuant to A.R.S. Title 14, Chapter 5, Article 2; or
    - b. As a "custodian" as defined in A.R.S. § 8-201.
  29. "Manufacture" or "manufactured" means the same as in A.R.S. § 36-2850.
  30. "Marijuana establishment" means the same as in A.R.S. § 36-2850.
  31. "Marijuana facility agent" means the same as in A.R.S. § 36-2850.
  32. "Marijuana product" means the same as in A.R.S. § 36-2850.
  33. "Matrix" means the specific components of a sample, other than the analyte being tested for.
  34. "Medical record" means the same as:
    - a. "Adequate records" as defined in A.R.S. § 32-1401,
    - b. "Adequate medical records" as defined in A.R.S. § 32-1501,
    - c. "Adequate records" as defined in A.R.S. § 32-1800, or
    - d. "Adequate records" as defined in A.R.S. § 32-2901.
  35. "Out-of-state financial institution" means the same as in A.R.S. § 6-101.
  36. "Parameter" means the combination of a particular type of sample with a specific instrument or equipment by which the sample will be tested for a specific analyte or characteristic.
  37. "Proficiency testing" means a mechanism to determine a laboratory agent's ability to analyze samples within specific acceptance criteria in which the characteristics of the samples are known by the source of the samples but are unknown to a laboratory receiving the samples from the source.
  38. "Proficiency testing service" means an independent company or other person acceptable to the Department, based on ISO/IEC 17043:2010 certification, that:
    - a. Is the source for samples with known characteristics for proficiency testing, and
    - b. Assesses the acceptability of a laboratory agent's results from the samples with known characteristics during proficiency testing.
  39. "Private school" means the same as in A.R.S. § 15-101.
  40. "Public school" means the same as "school" as defined in A.R.S. § 15-101.
  41. "Registry identification number" means the random 20-digit alphanumeric identifier generated by the Department, containing at least four numbers and four letters, issued by the Department to a qualifying patient, designated caregiver, dispensary, dispensary agent, laboratory, or laboratory agent.
  42. "Revocation" means the Department's final decision that an individual's registry identification card, a dispensary registration certificate, or a laboratory registration certificate is rescinded because the individual, the dispensary, or the laboratory does not comply with the applicable requirements in A.R.S. Title 36, Chapter 28.1 or this Chapter.
  43. "Sample" means:
    - a. A representative portion of a larger quantity of medical marijuana or a marijuana product,
    - b. A specific quantity of a substance or set of substances to be used for testing purposes, or
    - c. To collect the representative portion in subsection (39)(a).
  44. "Time/temperature control for safety food" means the same as in the Food Code: 2017 Recommendations of the United States Public Health Service, Food and Drug Administration, § 1-201.10.
  45. "Topical" means intended for use through application to the surface of the skin of an individual.
  46. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday or a state-wide furlough day.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2). Subsection reference to (39)(a) in subsection (41)(c) corrected to (41)(a); Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-102. Fees**

- A. An applicant submitting an application to the Department shall submit the following nonrefundable fees:
  1. For registration of a dispensary, \$4,000;
  2. To renew the registration of a dispensary, \$1,000;
  3. To change the location of a dispensary, \$2,500;
  4. To change the location of a dispensary's cultivation site or add a cultivation site, \$2,500;
  5. To change activities conducted at the current location of a dispensary or add activities at a new location for a dispensary, \$2,500;
  6. For a registry identification card for a:
    - a. Qualifying patient, except as provided in subsection (B), \$150;
    - b. Designated caregiver, \$200;
    - c. Dispensary agent, \$500; and
    - d. Laboratory agent, \$500;
  7. For renewing a registry identification card for a:



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- a. Qualifying patient, except as provided in subsection (B), \$150;
- b. Designated caregiver, \$200;
- c. Dispensary agent, \$500; and
- d. Laboratory agent, \$500;
8. For amending or changing a registry identification card, \$10;
9. For requesting a replacement registry identification card, \$10;
10. For registration of a laboratory, \$5,000; and
11. To renew the registration of a laboratory, \$1,000.

**B.** A qualifying patient may pay a reduced fee of \$75 if the qualifying patient submits, with the qualifying patient's application for a registry identification card or the qualifying patient's application to renew the qualifying patient's registry identification card, a copy of an eligibility notice or electronic benefits transfer card demonstrating current participation in the U.S. Department of Agriculture, Food and Nutrition Services, Supplemental Nutrition Assistance Program.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Section R9-17-102 and its historical note were inadvertently removed in Supp. 20-2; the Section and historical note have been restored as last amended in Supp. 19-3 (Supp. 20-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-103. Repealed****Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Repealed by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).

**R9-17-104. Changing Information on a Registry Identification Card**

Except as provided in R9-17-203(B) and (C), to make a change to a cardholder's name or address on the cardholder's registry identification card, the cardholder shall submit to the Department, within 10 working days after the change, a request for the change that includes:

1. The cardholder's name and the registry identification number on the cardholder's current registry identification card;
2. The cardholder's new name or address, as applicable;
3. For a change in the cardholder's name, one of the following with the cardholder's new name:
  - a. An Arizona driver's license,
  - b. An Arizona identification card, or
  - c. The photograph page in the cardholder's U.S. passport or a U.S. passport card;

4. For a change in address, the county where the new address is located;
5. The effective date of the cardholder's new name or address; and
6. The applicable fee in R9-17-102 for changing a registry identification card.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-105. Requesting a Replacement Registry Identification Card**

To request a replacement card for a cardholder's registry identification card that has been lost, stolen, or destroyed, the cardholder shall submit to the Department, within 10 working days after the cardholder's registry identification card was lost, stolen, or destroyed, a request for a replacement card that includes:

1. The cardholder's name and date of birth;
2. If known, the registry identification number on the cardholder's lost, stolen, or destroyed registry identification card;
3. If the cardholder cannot provide the registry identification number on the cardholder's lost, stolen, or destroyed registry identification card, a copy of one of the following documents that the cardholder submitted when the cardholder obtained the registry identification card:
  - a. Arizona driver's license,
  - b. Arizona identification card,
  - c. Arizona registry identification card, or
  - d. Photograph page in the cardholder's U.S. passport or a U.S. passport card; and
4. The applicable fee in R9-17-102 for requesting a replacement registry identification card.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-106. Adding a Debilitating Medical Condition**

**A.** An entity may request the addition of a medical condition to the list of debilitating medical conditions in R9-17-201 by submitting to the Department, at the times specified in subsection (C), the following in writing:

1. The entity's name;
2. The entity's mailing address, name of contact individual, telephone number, and, if applicable, e-mail address;
3. The name of the medical condition the entity is requesting be added;
4. A description of the symptoms and other physiological effects experienced by an individual suffering from the medical condition or a treatment of the medical condition that may impair the ability of the individual to accomplish activities of daily living;
5. The availability of conventional medical treatments to provide therapeutic or palliative benefit for the medical condition or a treatment of the medical condition;
6. A summary of the evidence that the use of marijuana will provide therapeutic or palliative benefit for the medical condition or a treatment of the medical condition; and
7. Articles, published in peer-reviewed scientific journals, reporting the results of research on the effects of mari-

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juana on the medical condition or a treatment of the medical condition supporting why the medical condition should be added.

**B.** The Department shall:

1. Acknowledge in writing the Department's receipt of a request for the addition of a medical condition to the list of debilitating medical conditions listed in R9-17-201 within 30 calendar days after receiving the request;
2. Review the request to determine if the requester has provided evidence that:
  - a. The specified medical condition or treatment of the medical condition impairs the ability of the individual to accomplish activities of daily living, and
  - b. Marijuana usage provides a therapeutic or palliative benefit to an individual suffering from the medical condition or treatment of the medical condition;
3. Within 90 calendar days after receiving the request, notify the requester that the Department has determined that the information provided by the requester:
  - a. Meets the requirements in subsection (B)(2) and the date the Department will conduct a public hearing to discuss the request; or
  - b. Does not meet the requirements in subsection (B)(2), the specific reason for the determination, and the process for requesting judicial review of the Department's determination pursuant to A.R.S. Title 12, Chapter 7, Article 6;
4. If applicable:
  - a. Schedule a public hearing to discuss the request;
  - b. Provide public notice of the public hearing by submitting a Notice of Public Information to the Office of the Secretary of State, for publication in the *Arizona Administrative Register* at least 30 calendar days before the date of the public hearing;
  - c. Post a copy of the request on the Department's web site for public comment at least 30 calendar days before the date of the public hearing; and
  - d. Hold the public hearing no more than 150 calendar days after receiving the request; and
5. Within 180 calendar days after receiving the request:
  - a. Add the medical condition to the list of debilitating medical conditions, or
  - b. Provide written notice to the requester of the Department's decision to deny the request that includes:
    - i. The specific reasons for the Department's decision; and
    - ii. The process for requesting judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

**C.** The Department shall accept requests for the addition of a medical condition to the list of debilitating medical conditions in R9-17-201 in January and July of each calendar year starting in January 2012.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2).

**R9-17-107. Time-frames**

- A.** Within the administrative completeness review time-frame for each type of approval in Table 1.1, the Department shall:
1. Issue a registry identification card, a dispensary registration certificate, an approval to operate a dispensary, an approval of a change to a dispensary registration certificate,

a laboratory registration certificate, an approval for testing, or an approval to add a parameter;

2. Provide a notice of administrative completeness to an applicant; or
  3. Provide a notice of deficiencies to an applicant, including a list of the information or documents needed to complete the application.
- B.** An application for approval to operate a dispensary or for a change to a dispensary registration certificate is not complete until the date the applicant states on a written notice provided to the Department according to R9-17-305 or R9-17-307, as applicable, that the dispensary is ready for an inspection by the Department.
- C.** A laboratory's application for approval for testing or to add a parameter is not complete until the date the applicant states on a written notice provided to the Department according to R9-17-402.01 or R9-17-404.07, as applicable, that the laboratory is ready for an inspection by the Department.
- D.** If the Department provides a notice of deficiencies to an applicant:
1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant; and
  2. The Department shall consider the application withdrawn if the applicant does not submit the missing information or documents to the Department within the time-frame in Table 1.1.
- E.** Within the substantive review time-frame for each type of approval in Table 1.1, the Department:
1. According to subsection (H), shall issue or deny:
    - a. A registry identification card, dispensary registration certificate, or laboratory registration certificate; or
    - b. Approval to operate a dispensary, approval for a change to a dispensary registration certificate, approval for testing, or approval to add a parameter;
  2. May complete an inspection that may require more than one visit to a dispensary and, if applicable, the dispensary's cultivation site;
  3. May complete an inspection that may require more than one visit to a laboratory; and
  4. May make one written comprehensive request for more information, unless the Department and the applicant agree in writing to allow the Department to submit supplemental requests for information.
- F.** If the Department issues a written comprehensive request or a supplemental request for information:
1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives all of the information requested, and
  2. The applicant shall submit to the Department all of the information and documents listed in the written comprehensive request or supplemental request for information within the time-frame in Table 1.1.
- G.** If an applicant for an initial dispensary registration certificate is allocated a dispensary registration certificate as provided in R9-17-303, the Department shall provide a written notice to the applicant of the allocation of the dispensary registration certificate and issue the dispensary registration certificate.

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- H.** If an application for an initial laboratory registration certificate is approved, the Department shall review the information and documents submitted according to R9-17-402(A)(4) and:
1. If the information and documents for at least one of the owners comply with the A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue:
    - a. A laboratory agent registry identification card to any owner who complies with A.R.S. Title 36, Chapter 28.1 and this Chapter; and
    - b. The laboratory registration certificate; and
  2. If the information and documents submitted according to R9-17-402(A)(4) for an owner do not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall deny the owner a laboratory agent registry identification card and provide notice to the owner and to the laboratory that includes:
    - a. The specific reasons for the denial; and
    - b. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- I.** The Department shall issue:
1. A registry identification card, renewal of a dispensary registration certificate, an approval to operate a dispensary, an approval for a change to a dispensary registration certificate, a renewal of a laboratory registration certificate, an approval for testing, or an approval to add a parameter, as applicable, if the Department determines that the applicant complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
  2. For an applicant for a registry identification card, a denial that includes the reason for the denial and the process for requesting judicial review if:
    - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information;
  3. For an applicant for an initial dispensary registration certificate, if the Department determines that the dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter:
    - a. A dispensary registration certificate, if not all available dispensary registration certificates have been allocated according to the criteria and processes in R9-17-303; or
    - b. Written notice that:
      - i. The dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
      - ii. The applicant was not allocated a dispensary registration certificate according to the criteria and processes in R9-17-303 because all available dispensary registration certificates have been allocated according to the criteria and processes in R9-17-303; and
      - iii. The written notice is not a denial and is not considered a final decision of the Department subject to administrative review; or
  4. For an applicant for a dispensary registration certificate, an approval to operate, an approval for a change to a dispensary registration certificate, a laboratory registration certificate, an approval for testing, or an approval to add a parameter, a denial that includes the reason for the denial and the process for administrative review if:
    - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 968, effective April 20, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**Table 1.1 Time-frames**

Type of approval	Authority (A.R.S. § or A.A.C.)	Overall Time-frame (in working days)	Time-frame for applicant to complete application (in working days)	Administrative Completeness Time-frame (in working days)	Substantive Review Time-frame (in working days)	Response Time for Request in R9-17-107(F)(2) (in working days)
Changing a registry identification card	§ 36-2808	10	10	5	5	10
Requesting a replacement registry identification card	§ 36-2804.06	5	5	2	3	10

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Applying for a registry identification card for a qualifying patient or a designated caregiver	§ 36-2804.02(A)	15	30	5	10	10
Amending a registry identification card for a qualifying patient or a designated caregiver	§ 36-2808	10	30	5	5	10
Renewing a qualifying patient's or designated caregiver's registry identification card	§§ 36-2804.02(A) and 36-2804.06	15	30	5	10	10
Applying for a dispensary registration certificate	§ 36-2804	30	10	5	25	10
Applying for approval to operate a dispensary	R9-17-305	45	90	15	30	60
Changing a dispensary registration certificate	§ 36-2804 and R9-17-307	90	90	30	60	60
Renewing a dispensary registration certificate	§ 36-2804.06	15	30	5	10	10
Applying for a dispensary agent registry identification card	§§ 36-2804.01 and 36-2804.03	15	30	5	10	10
Renewing a dispensary agent's registry identification card	§ 36-2804.06	15	30	5	10	10
Applying for a laboratory registration certificate	§ 36-2804.07	90	90	30	60	60
Applying for approval for testing	R9-17-402.01	90	90	30	60	120
Renewing a laboratory registration certificate	§ 36-2804.06	15	30	5	10	60
Applying to add a parameter	R9-17-404.07	90	90	30	60	120
Applying for a laboratory agent registry identification card	§ 36-2804.01	15	30	5	10	10
Renewing a laboratory agent's registry identification card	§ 36-2804.06	15	30	5	10	10

**Historical Note**

New Table 1.1 made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Table 1.1 amended by emergency rulemaking at 18 A.A.R. 1010, effective April 11, 2012 for 180 days (Supp. 12-2). Emergency expired; Table 1.1 amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Section symbols added to A.R.S. citations (Supp. 17-2). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 968, effective April 20, 2020 (Supp. 20-2). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).

Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

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**R9-17-108. Expiration of a Registry Identification Card, Dispensary Registration Certificate, or Laboratory Registration Certificate**

- A. Except as provided in subsection (B), a registry identification card issued to a qualifying patient, designated caregiver, dispensary agent, or laboratory agent is valid for two years after the date of issuance.
- B. If the Department issues a registry identification card to a qualifying patient, designated caregiver, dispensary agent, or laboratory agent based on a request for a replacement registry identification card or an application to change or amend a registry identification card, the replacement, changed, or amended registry identification card shall have the same expiration date as the registry identification card being replaced, changed, or amended.
- C. Except as provided in subsection (D), a dispensary registration certificate is valid for two years after the date of issuance.
- D. If the Department issues an amended dispensary registration certificate based on a change of location or an addition of a cultivation site, the dispensary registration certificate shall have the same expiration date as the dispensary registration certificate previously held by the dispensary.
- E. An approval to operate a dispensary shall have the same expiration date as the dispensary registration certificate associated with the approval to operate the dispensary.
- F. A laboratory registration certificate is valid for two years after the original date of issuance.
- G. A laboratory's approval for testing shall have the same expiration date as the laboratory registration certificate associated with the laboratory's approval to test.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3).

**R9-17-109. Notifications and Void Registry Identification Cards**

- A. The Department shall provide written notice that a cardholder's registry identification card is void and no longer valid under A.R.S. Title 36, Chapter 28.1 and this Chapter to a:
  - 1. Qualifying patient when the Department receives notification from:
    - a. The qualifying patient that the qualifying patient no longer has a debilitating medical condition, or
    - b. The physician who provided the qualifying patient's written certification that the:
      - i. Qualifying patient no longer has a debilitating medical condition,
      - ii. Physician no longer believes that the qualifying patient would receive therapeutic or palliative benefit from the medical use of marijuana, or
      - iii. Physician believes that the qualifying patient is not using the medical marijuana as recommended;
  - 2. Designated caregiver when:
    - a. The Department receives notification from the designated caregiver's qualifying patient that the designated caregiver no longer assists the qualifying patient with the medical use of marijuana, or

- b. The registry identification card for the qualifying patient that is listed on the designated caregiver's registry identification card is no longer valid;
  - 3. Dispensary agent when:
    - a. The Department receives the written notification, required in R9-17-310(A)(10), that the dispensary agent:
      - i. No longer serves as a principal officer, board member, or medical director for the dispensary;
      - ii. Is no longer employed by the dispensary; or
      - iii. No longer provides volunteer service at or on behalf of the dispensary; or
    - b. The registration certificate for the dispensary that is listed on the dispensary agent's registry identification card is no longer valid; or
  - 4. Laboratory agent when:
    - a. The Department receives the written notification, required in R9-17-404(10), that the laboratory agent no longer:
      - i. Serves as an owner for the laboratory,
      - ii. Is employed by the laboratory, or
      - iii. Provides volunteer service at or on behalf of the laboratory; or
    - b. The registration certificate for the laboratory that is listed on the laboratory agent's registration identification card is no longer valid.
- B. The Department shall void a qualifying patient's registry identification card:
  - 1. When the Department receives notification that the qualifying patient is deceased; or
  - 2. For a qualifying patient under 18 years of age, when the qualifying patient's designated caregiver's registry identification card is revoked.
- C. The written notice required in subsection (A) that a registry identification card is void is not a revocation and is not considered a final decision of the department subject to judicial review.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS****R9-17-201. Debilitating Medical Conditions**

An individual applying for a qualifying patient registry identification card shall have a diagnosis from a physician of at least one of the following debilitating medical conditions:

- 1. Cancer;
- 2. Glaucoma;
- 3. Human immunodeficiency virus;
- 4. Acquired immune deficiency syndrome;
- 5. Hepatitis C;
- 6. Amyotrophic lateral sclerosis;
- 7. Crohn's disease;
- 8. Agitation of Alzheimer's disease;
- 9. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or med-

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- ical condition that produces cachexia or wasting syndrome;
10. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that produces severe and chronic pain;
  11. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that produces severe nausea;
  12. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that produces seizures, including those characteristic of epilepsy;
  13. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that produces severe or persistent muscle spasms, including those characteristic of multiple sclerosis;
  14. Post-traumatic stress disorder for which the individual is receiving treatment; or
  15. A debilitating medical condition approved by the Department under A.R.S. § 36-2801.01 and R9-17-106.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-202. Applying for a Registry Identification Card for a Qualifying Patient or a Designated Caregiver**

- A. Except for a qualifying patient who is under 18 years of age, a qualifying patient is not required to have a designated caregiver.
- B. A qualifying patient may have only one designated caregiver at any given time.
- C. Except for a qualifying patient who is under 18 years of age, if the information submitted for a qualifying patient complies with A.R.S. Title 36, Chapter 28.1 and this Chapter but the information for the qualifying patient's designated caregiver does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue the registry identification card for the qualifying patient separate from issuing a registry identification card for the qualifying patient's designated caregiver.
- D. If the Department issues a registry identification card to a qualifying patient under subsection (C), the Department shall continue the process for issuing or denying the qualifying patient's designated caregiver's registry identification card.
- E. The Department shall not issue a designated caregiver's registry identification card before the Department issues the designated caregiver's qualifying patient's registry identification card.
- F. Except as provided in subsection (G), to apply for a registry identification card, a qualifying patient shall submit to the Department the following:
  1. An application in a Department-provided format that includes:
    - a. The qualifying patient's:
      - i. First name; middle initial, if applicable; last name; and suffix, if applicable;
      - ii. Date of birth; and
      - iii. Gender;
    - b. Except as provided in subsection (F)(1)(i), the qualifying patient's Arizona residence address and Arizona mailing address;
    - c. The county where the qualifying patient resides;
    - d. The qualifying patient's email address;
    - e. The identifying number on the applicable card or document in subsection (F)(2)(a) through (e);
    - f. The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;
    - g. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
    - h. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
    - i. If the qualifying patient is homeless, an address where the qualifying patient can receive mail;
    - j. Whether the qualifying patient would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
    - k. An attestation that the information provided in the application is true and correct; and
    - l. The signature of the qualifying patient and date the qualifying patient signed;
  2. A copy of the qualifying patient's:
    - a. Arizona driver's license issued on or after October 1, 1996;
    - b. Arizona identification card issued on or after October 1, 1996;
    - c. Arizona registry identification card;
    - d. Photograph page in the qualifying patient's U.S. passport or a U.S. passport card; or
    - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the qualifying patient:
      - i. Birth certificate verifying U.S. citizenship,
      - ii. U.S. Certificate of Naturalization, or
      - iii. U.S. Certificate of Citizenship;
  3. A current photograph of the qualifying patient;
  4. A statement in a Department-provided format signed by the qualifying patient pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  5. A physician's written certification in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's application that includes:
    - a. The physician's:
      - i. Name,
      - ii. License number including an identification of the physician license type,
      - iii. Office address on file with the physician's licensing board,
      - iv. Telephone number on file with the physician's licensing board, and
      - v. Email address;
    - b. The qualifying patient's name and date of birth;
    - c. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;

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- d. An identification, initialed by the physician, of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
  - e. If the debilitating medical condition identified in subsection (F)(5)(d) is a condition in:
    - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
    - ii. R9-17-201(14), the debilitating medical condition;
  - f. A statement, initialed by the physician, that the physician:
    - i. Has established a medical record for the qualifying patient, and
    - ii. Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
  - g. A statement, initialed by the physician, that the physician has conducted a physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
  - h. The date the physician conducted the physical examination of the qualifying patient;
  - i. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
    - i. Medical records including medical records from other treating physicians from the previous 12 months,
    - ii. Response to conventional medications and medical therapies, and
    - iii. Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
  - j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
  - k. A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
  - l. A statement, initialed by the physician, that, if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
  - m. A statement, initialed by the physician, that the physician has provided information to the qualifying patient, if the qualifying patient is female, that warns about:
    - i. The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
    - ii. The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
  - n. An attestation that the information provided in the written certification is true and correct; and
  - o. The physician's signature and the date the physician signed;
6. If the qualifying patient is designating a caregiver, the following in a Department-provided format:
    - a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - b. The designated caregiver's date of birth;
    - c. The designated caregiver's Arizona residence address and Arizona mailing address;
    - d. The county where the designated caregiver resides;
    - e. The identifying number on the applicable card or document in subsection (F)(6)(h)(i) through (v);
    - f. An attestation signed and dated by the designated caregiver that the designated caregiver:
      - i. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
      - ii. Is deemed to not have been convicted of an excluded felony offense through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
    - g. A statement signed by the designated caregiver:
      - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
      - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
    - h. A copy of the designated caregiver's:
      - i. Arizona driver's license issued on or after October 1, 1996;
      - ii. Arizona identification card issued on or after October 1, 1996;
      - iii. Arizona registry identification card;
      - iv. Photograph page in the designated caregiver's U.S. passport or a U.S. passport card; or
      - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
        - (1) Birth certificate verifying U.S. citizenship,
        - (2) U.S. Certificate of Naturalization, or
        - (3) U.S. Certificate of Citizenship;
    - i. A current photograph of the designated caregiver; and
    - j. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
      - i. The designated caregiver's fingerprints on a fingerprint card that includes:
        - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
        - (2) The designated caregiver's signature;
        - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
        - (4) The designated caregiver's address;
        - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
        - (6) The designated caregiver's date of birth;
        - (7) The designated caregiver's Social Security number;
        - (8) The designated caregiver's citizenship status;

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- (9) The designated caregiver's gender;
      - (10) The designated caregiver's race;
      - (11) The designated caregiver's height;
      - (12) The designated caregiver's weight;
      - (13) The designated caregiver's hair color;
      - (14) The designated caregiver's eye color; and
      - (15) The designated caregiver's place of birth;
    - ii. If the designated caregiver's fingerprints and information required in subsection (F)(6)(j)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; or
    - iii. Documentation that the designated caregiver has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
  - 7. The applicable fees in R9-17-102 for applying for:
    - a. A qualifying patient registry identification card; and
    - b. If applicable, a designated caregiver registry identification card.
- G.** To apply for a registry identification card for a qualifying patient who is under 18 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:
1. An application in a Department-provided format that includes:
    - a. The qualifying patient's:
      - i. First name; middle initial, if applicable; last name; and suffix, if applicable;
      - ii. Date of birth; and
      - iii. Gender;
    - b. The qualifying patient's Arizona residence address and Arizona mailing address;
    - c. The county where the qualifying patient resides;
    - d. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - e. The identifying number on the applicable card or document in subsection (G)(5)(a) through (e);
    - f. The qualifying patient's custodial parent's or legal guardian's Arizona residence address and Arizona mailing address;
    - g. The county where the qualifying patient's custodial parent or legal guardian resides;
    - h. The qualifying patient's custodial parent's or legal guardian's email address;
    - i. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
    - j. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the patient's medical record, maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
  - k. The qualifying patient's custodial parent's or legal guardian's date of birth;
  - l. Whether the qualifying patient's custodial parent or legal guardian is requesting authorization for cultivating medical marijuana plants for the qualifying patient's medical use because the qualifying patient's custodial parent or legal guardian believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
  - m. Whether the qualifying patient's custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
  - n. Whether the individual submitting the application on behalf of the qualifying patient under 18 years of age is the qualifying patient's custodial parent or legal guardian;
  - o. An attestation that the information provided in the application is true and correct; and
  - p. The signature of the qualifying patient's custodial parent or legal guardian and the date the qualifying patient's custodial parent or legal guardian signed;
2. A current photograph of the:
    - a. Qualifying patient, and
    - b. Qualifying patient's custodial parent or legal guardian serving as the qualifying patient's designated caregiver;
  3. An attestation in a Department-provided format signed and dated by the qualifying patient's custodial parent or legal guardian that the qualifying patient's custodial parent or legal guardian:
    - a. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
    - b. Is deemed to not have been convicted of an excluded felony offense through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
  4. A statement in a Department-provided format signed by the qualifying patient's custodial parent or legal guardian who is serving as the qualifying patient's designated caregiver:
    - a. Allowing the qualifying patient's medical use of marijuana;
    - b. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - c. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  5. A copy of one of the following for the qualifying patient's custodial parent or legal guardian:
    - a. Arizona driver's license issued on or after October 1, 1996;
    - b. Arizona identification card issued on or after October 1, 1996;
    - c. Arizona registry identification card;
    - d. Photograph page in the qualifying patient's custodial parent or legal guardian U.S. passport or a U.S. passport card; or
    - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the qualifying patient's custodial parent or legal guardian:
      - i. Birth certificate verifying U.S. citizenship,
      - ii. U. S. Certificate of Naturalization, or



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- iii. U. S. Certificate of Citizenship;
- 6. If the individual submitting the application on behalf of a qualifying patient is the qualifying patient's legal guardian, a copy of documentation establishing the individual as the qualifying patient's legal guardian;
- 7. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
  - a. The qualifying patient's custodial parent or legal guardian's fingerprints on a fingerprint card that includes:
    - i. The qualifying patient's custodial parent or legal guardian's first name; middle initial, if applicable; and last name;
    - ii. The qualifying patient's custodial parent or legal guardian's signature;
    - iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
    - iv. The qualifying patient's custodial parent's or legal guardian's address;
    - v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
    - vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
    - vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
    - viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
    - ix. The qualifying patient's custodial parent's or legal guardian's gender;
    - x. The qualifying patient's custodial parent's or legal guardian's race;
    - xi. The qualifying patient's custodial parent's or legal guardian's height;
    - xii. The qualifying patient's custodial parent's or legal guardian's weight;
    - xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
    - xiv. The qualifying patient's custodial parent's or legal guardian's eye color; and
    - xv. The qualifying patient's custodial parent's or legal guardian's place of birth;
  - b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (G)(7)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the qualifying patient's custodial parent or legal guardian as a result of the application;
  - c. Documentation that the qualifying patient's custodial parent or legal guardian has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
- 8. A written certification from the physician in subsection (G)(1)(i) and a separate written certification from the physician in (G)(1)(j) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's application that includes:
  - a. The physician's:
    - i. Name,
    - ii. License number including an identification of the physician license type,
    - iii. Office address on file with the physician's licensing board,
    - iv. Telephone number on file with the physician's licensing board, and
    - v. Email address;
  - b. The qualifying patient's name and date of birth;
  - c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
  - d. If the debilitating medical condition identified in subsection (G)(9)(c) is a condition in:
    - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
    - ii. R9-17-201(14), the debilitating medical condition;
  - e. For the physician listed in subsection (G)(1)(i):
    - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
    - ii. A statement, initialed by the physician, that the physician:
      - (1) Has established a medical record for the qualifying patient, and
      - (2) Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
    - iii. A statement, initialed by the physician, that the physician has conducted a physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
    - iv. The date the physician conducted the physical examination of the qualifying patient;
    - v. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
      - (1) Medical records, including medical records from other treating physicians from the previous 12 months,
      - (2) Response to conventional medications and medical therapies, and
      - (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
    - vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient; and
    - vii. A statement, initialed by the physician, that the physician has provided information to the qualifying patient's custodial parent or legal guard-

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ian responsible for health care decisions for the qualifying patient, if the qualifying patient is female, that warns about:

- (1) The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
  - (2) The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
- f. For the physician listed in subsection (G)(1)(j), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient's medical records from other treating physicians;
  - g. A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
  - h. A statement, initialed by the physician, that, if the physician has referred the qualifying patient's custodial parent or legal guardian to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
  - i. An attestation that the information provided in the written certification is true and correct; and
  - j. The physician's signature and the date the physician signed; and
9. The applicable fees in R9-17-102 for applying for a:
    - a. Qualifying patient registry identification card, and
    - b. Designated caregiver registry identification card.
- H.** For purposes of this Article, "25 miles" includes the area contained within a circle that extends for 25 miles in all directions from a specific location.
- I.** For purposes of this Article, "residence address" when used in conjunction with a qualifying patient means:
1. The street address including town or city and zip code assigned by a local jurisdiction; or
  2. For property that does not have a street address assigned by a local jurisdiction, the legal description of the property on the title documents recorded by the assessor of the county in which the property is located.
- Historical Note**
- New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by final rulemaking 23 A.A.R. 970, effective June 6, 2017 (Supp. 17-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).
- R9-17-203. Amending a Qualifying Patient's or Designated Caregiver's Registry Identification Card**
- A. To add a designated caregiver or to request a change of a qualifying patient's designated caregiver, the qualifying patient shall submit to the Department, within 10 working days after the addition or the change, the following:
    1. An application in a Department-provided format that includes:
      - a. The qualifying patient's name and the registry identification number on the qualifying patient's current registry identification card;
      - b. If applicable, the name of the qualifying patient's current designated caregiver and the date the designated caregiver last provided or will last provide assistance to the qualifying patient;
      - c. The name of the individual the qualifying patient is designating as caregiver; and
      - d. The signature of the qualifying patient and date the qualifying patient signed;
    2. For the caregiver the qualifying patient is designating:
      - a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
      - b. The designated caregiver's date of birth;
      - c. The designated caregiver's Arizona residence address and Arizona mailing address;
      - d. The county where the designated caregiver resides;
      - e. The identifying number on the applicable card or document in subsection (A)(2)(h)(i) through (v);
      - f. An attestation in a Department-provided format signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
      - g. A statement in a Department-provided format signed by the designated caregiver:
        - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
        - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
      - h. A copy the designated caregiver's:
        - i. Arizona driver's license issued on or after October 1, 1996;
        - ii. Arizona identification card issued on or after October 1, 1996;
        - iii. Arizona registry identification card;
        - iv. Photograph page in the designated caregiver's U.S. passport or a U.S. passport card; or
        - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
          - (1) Birth certificate verifying U.S. citizenship,
          - (2) U.S. Certificate of Naturalization, or
          - (3) U.S. Certificate of Citizenship;
      - i. A current photograph of the designated caregiver; and
      - j. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
        - i. The designated caregiver's fingerprints on a fingerprint card that includes:
          - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
          - (2) The designated caregiver's signature;
          - (3) If different from the designated caregiver, the signature of the individual physically

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- rolling the designated caregiver's fingerprints;
- (4) The designated caregiver's address;
  - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
  - (6) The designated caregiver's date of birth;
  - (7) The designated caregiver's Social Security number;
  - (8) The designated caregiver's citizenship status;
  - (9) The designated caregiver's gender;
  - (10) The designated caregiver's race;
  - (11) The designated caregiver's height;
  - (12) The designated caregiver's weight;
  - (13) The designated caregiver's hair color;
  - (14) The designated caregiver's eye color; and
  - (15) The designated caregiver's place of birth;
- or
- ii. If the designated caregiver's fingerprints and information required in subsection (A)(2)(j)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; and
3. The applicable fee in R9-17-102 for applying for a designated caregiver registry identification card.
- B.** To amend a qualifying patient's address on the qualifying patient's registry identification card when the qualifying patient or the qualifying patient's designated caregiver is authorized to cultivate marijuana, the qualifying patient shall submit to the Department, within 10 working days after the change in address, the following:
1. The qualifying patient's name and the registry identification number on the qualifying patient's current registry identification card;
  2. The qualifying patient's new address;
  3. The county where the new address is located;
  4. The name of the qualifying patient's designated caregiver, if applicable;
  5. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
  6. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
  7. The effective date of the qualifying patient's new address; and
  8. The applicable fee in R9-17-102 for applying to:
    - a. Amend a qualifying patient's registry identification card; and
    - b. If the qualifying patient is designating a designated caregiver for cultivation authorization, amend a designated caregiver's registry identification card.
- C.** To request authorization to cultivate marijuana based on a qualifying patient's current address or a new address, the qualifying patient shall submit to the Department, if applicable within 10 working days after the change in address, the following:
1. The qualifying patient's name and the registry identification number on the qualifying patient's current registry identification card;
  2. If the qualifying patient's address is a new address, the qualifying patient's:
    - a. Current address,
    - b. New address,
    - c. The county where the new address is located, and
    - d. The effective date of the qualifying patient's new address;
  3. The name of the qualifying patient's designated caregiver, if applicable;
  4. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
  5. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use; and
  6. The applicable fee in R9-17-102 for applying to:
    - a. Amend a qualifying patient's registry identification card; and
    - b. If the qualifying patient is designating a designated caregiver for cultivation authorization, amend a designated caregiver's registry identification card.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). The Department made a clerical error to R19-17-203(A)(1)(c) when promulgating rules in Supp. 12-4. Remediateor clarity "that" has been moved after "individual" at the request of the Department at file number R19-242 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).

**R9-17-204. Renewing a Qualifying Patient's or Designated Caregiver's Registry Identification Card**

- A.** Except for a qualifying patient who is under 18 years of age, to renew a qualifying patient's registry identification card, the qualifying patient shall submit the following to the Department at least 30 calendar days before the expiration date of the qualifying patient's registry identification card:
1. An application in a Department-provided format that includes:
    - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - b. The qualifying patient's date of birth;
    - c. Except as provided in subsection (A)(1)(j), the qualifying patient's Arizona residence address and Arizona mailing address;
    - d. The county where the qualifying patient resides;

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- e. The qualifying patient's email address;
  - f. The registry identification number on the qualifying patient's current registry identification card;
  - g. The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;
  - h. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
  - i. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
  - j. If the qualifying patient is homeless, an address where the qualifying patient can receive mail;
  - k. Whether the qualifying patient would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
  - l. An attestation that the information provided in the application is true and correct; and
  - m. The signature of the qualifying patient and the date the qualifying patient signed;
2. If the qualifying patient's name in subsection (A)(1)(a) is not the same name as on the qualifying patient's current registry identification card, one of the following with the qualifying patient's new name:
    - a. An Arizona driver's license,
    - b. An Arizona identification card, or
    - c. The photograph page in the qualifying patient's U.S. passport or a U.S. passport card;
  3. A current photograph of the qualifying patient;
  4. A statement in a Department-provided format signed by the qualifying patient pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  5. A physician's written certification in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's renewal application that includes:
    - a. The physician's:
      - i. Name,
      - ii. License number including an identification of the physician license type,
      - iii. Office address on file with the physician's licensing board,
      - iv. Telephone number on file with the physician's licensing board, and
      - v. Email address;
    - b. The qualifying patient's name and date of birth;
    - c. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
    - d. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
    - e. If the debilitating medical condition identified in subsection (A)(5)(d) is a condition in:
      - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
      - ii. R9-17-201(14), the debilitating medical condition;
  - f. A statement, initialed by the physician, that the physician:
    - i. Has established a medical record for the qualifying patient, and
    - ii. Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
  - g. A statement, initialed by the physician, that the physician has conducted a physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
  - h. The date the physician conducted the physical examination of the qualifying patient;
  - i. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
    - i. Medical records including medical records from other treating physicians from the previous 12 months,
    - ii. Response to conventional medications and medical therapies, and
    - iii. Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
  - j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
  - k. A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
  - l. A statement, initialed by the physician, that, if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
  - m. A statement, initialed by the physician, that the physician has provided information to the qualifying patient, if the qualifying patient is female, that warns about:
    - i. The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
    - ii. The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
  - n. An attestation that the information provided in the written certification is true and correct; and
  - o. The physician's signature and the date the physician signed;
6. If the qualifying patient is designating a caregiver or if the qualifying patient's designated caregiver's registry identification card has the same expiration date as the qualifying patient's registry identification card, the following in a Department-provided format:
    - a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - b. The designated caregiver's date of birth;

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- c. The designated caregiver's Arizona residence address and Arizona mailing address;
  - d. The county where the designated caregiver resides;
  - e. If the qualifying patient is renewing the designated caregiver's registry identification card, the registry identification number on the designated caregiver's registry identification card associated with the qualifying patient;
  - f. If the qualifying patient is designating an individual not previously designated as the qualifying patient's designated caregiver, the identification number on and a copy of the designated caregiver's:
    - i. Arizona driver's license issued on or after October 1, 1996;
    - ii. Arizona identification card issued on or after October 1, 1996;
    - iii. Arizona registry identification card;
    - iv. Photograph page in the designated caregiver's U. S. passport or a U.S. passport card; or
    - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
      - (1) Birth certificate verifying U.S. citizenship,
      - (2) U. S. Certificate of Naturalization, or
      - (3) U. S. Certificate of Citizenship;
  - g. A current photograph of the designated caregiver;
  - h. An attestation signed and dated by the designated caregiver that the designated caregiver:
    - i. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
    - ii. Is deemed to not have been convicted of an excluded felony offense through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
  - i. A statement in a Department-provided format signed by the designated caregiver:
    - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
  - j. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
    - i. The designated caregiver's fingerprints on a fingerprint card that includes:
      - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
      - (2) The designated caregiver's signature;
      - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
      - (4) The designated caregiver's address;
      - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
      - (6) The designated caregiver's date of birth;
      - (7) The designated caregiver's Social Security number;
      - (8) The designated caregiver's citizenship status;
      - (9) The designated caregiver's gender;
      - (10) The designated caregiver's race;
      - (11) The designated caregiver's height;
      - (12) The designated caregiver's weight;
      - (13) The designated caregiver's hair color;
      - (14) The designated caregiver's eye color; and
      - (15) The designated caregiver's place of birth; or
    - ii. If the designated caregiver's fingerprints and information required in subsection (A)(6)(j)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; or
    - iii. Documentation that the designated caregiver has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
7. If the qualifying patient's designated caregiver's registry identification card has the same expiration date as the qualifying patient's registry identification card and the designated caregiver's name in subsection (A)(6)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:
- a. An Arizona driver's license,
  - b. An Arizona identification card, or
  - c. The photograph page in the designated caregiver's U.S. passport or a U.S. passport card; and
8. The applicable fees in R9-17-102 for applying to:
- a. Renew a qualifying patient's registry identification card; and
  - b. If applicable, issue or renew a designated caregiver's registry identification card.
- B.** To renew a registry identification card for a qualifying patient who is under 18 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:
- 1. An application in a Department-provided format that includes:
    - a. The qualifying patient's:
      - i. First name; middle initial, if applicable; last name; and suffix, if applicable; and
      - ii. Date of birth;
    - b. The qualifying patient's Arizona residence address and Arizona mailing address;
    - c. The county where the qualifying patient resides;
    - d. The registry identification number on the qualifying patient's current registry identification card;
    - e. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - f. The qualifying patient's custodial parent's or legal guardian's Arizona residence address and Arizona mailing address;
    - g. The county where the qualifying patient's custodial parent or legal guardian resides;
    - h. The qualifying patient's custodial parent's or legal guardian's email address;

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- i. The registry identification number on the qualifying patient's custodial parent's or legal guardian's current registry identification card;
- j. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
- k. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the qualifying patient's medical record maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
- l. Whether the qualifying patient's custodial parent or legal guardian is requesting approval for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient's custodial parent or legal guardian believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
- m. Whether the qualifying patient's custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
- n. A statement in a Department-provided format signed by the qualifying patient's custodial parent or legal guardian who is serving as the qualifying patient's designated caregiver:
  - i. Allowing the qualifying patient's medical use of marijuana;
  - ii. Agreeing to assist the qualifying patient with the medical use of marijuana; and
  - iii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
- o. An attestation that the information provided in the application is true and correct; and
- p. The signature of the qualifying patient's custodial parent or legal guardian and the date the qualifying patient's custodial parent or legal guardian signed;
2. If the qualifying patient's custodial parent's or legal guardian's name in subsection (B)(1)(e) is not the same name as on the qualifying patient's custodial parent's or legal guardian's current registry identification card, one of the following with the custodial parent's or legal guardian's new name:
  - a. An Arizona driver's license,
  - b. An Arizona identification card, or
  - c. The photograph page in the qualifying patient's custodial parent's or legal guardian's U.S. passport or a U.S. passport card;
3. A current photograph of the qualifying patient;
4. A written certification from the physician in subsection (B)(1)(j) and a separate written certification from the physician in subsection (B)(1)(k) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's renewal application that includes:
  - a. The physician's:
    - i. Name,
    - ii. License number including an identification of the physician license type,
  - iii. Office address on file with the physician's licensing board,
  - iv. Telephone number on file with the physician's licensing board, and
  - v. Email address;
  - b. The qualifying patient's name and date of birth;
  - c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
  - d. If the debilitating medical condition identified in subsection (B)(4)(c) is a condition in:
    - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
    - ii. R9-17-201(14), the debilitating medical condition;
  - e. For the physician listed in subsection (B)(1)(j):
    - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
    - ii. A statement, initialed by the physician, that the physician:
      - (1) Has established a medical record for the qualifying patient, and
      - (2) Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
    - iii. A statement, initialed by the physician, that the physician has conducted a physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
    - iv. The date the physician conducted the physical examination of the qualifying patient;
    - v. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
      - (1) Medical records including medical records from other treating physicians from the previous 12 months,
      - (2) Response to conventional medications and medical therapies, and
      - (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
    - vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient; and
    - vii. A statement, initialed by the physician, that the physician has provided information to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient, if the qualifying patient is female, that warns about:
      - (1) The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and

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- (2) The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
  - f. For the physician listed in subsection (B)(1)(k), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient's medical records from other treating physicians;
  - g. A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
  - h. A statement, initialed by the physician, that, if the physician has referred the qualifying patient's custodial parent or legal guardian to a dispensary, the physician has disclosed to the qualifying patient's custodial parent or legal guardian any personal or professional relationship the physician has with the dispensary;
  - i. An attestation that the information provided in the written certification is true and correct; and
  - j. The physician's signature and the date the physician signed; and
5. A current photograph of the qualifying patient's custodial parent or legal guardian;
  6. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
    - a. The qualifying patient's custodial parent's or legal guardian's fingerprints on a fingerprint card that includes:
      - i. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; and last name;
      - ii. The qualifying patient's custodial parent's or legal guardian's signature;
      - iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
      - iv. The qualifying patient's custodial parent's or legal guardian's address;
      - v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
      - vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
      - vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
      - viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
      - ix. The qualifying patient's custodial parent's or legal guardian's gender;
      - x. The qualifying patient's custodial parent's or legal guardian's race;
      - xi. The qualifying patient's custodial parent's or legal guardian's height;
      - xii. The qualifying patient's custodial parent's or legal guardian's weight;
    - xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
    - xiv. The qualifying patient's custodial parent's or legal guardian's eye color; and
    - xv. The qualifying patient's custodial parent's or legal guardian's place of birth; or
  - b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (B)(6)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the patient's custodial parent or legal guardian serving as the qualifying patient's designated caregiver as a result of the application; or
  - c. Documentation that the custodial parent or legal guardian has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
7. The applicable fees in R9-17-102 for applying to renew a:
  - a. Qualifying patient's registry identification card, and
  - b. Designated caregiver's registry identification card.
- C. Except as provided in subsection (A)(6), to renew a qualifying patient's designated caregiver's registry identification card, the qualifying patient shall submit to the Department, at least 30 calendar days before the expiration date of the designated caregiver's registry identification card, the following:
  1. An application in a Department-provided format that includes:
    - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - b. The registry identification number on the qualifying patient's current registry identification card;
    - c. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - d. The designated caregiver's date of birth;
    - e. The designated caregiver's Arizona residence address and Arizona mailing address;
    - f. The county where the designated caregiver resides;
    - g. The registry identification number on the designated caregiver's current registry identification card;
  2. If the designated caregiver's name in subsection (C)(1)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:
    - a. An Arizona driver's license,
    - b. An Arizona identification card, or
    - c. The photograph page in the designated caregiver's U.S. passport or a U.S. passport card;
  3. A current photograph of the designated caregiver;
  4. A statement in a Department-provided format signed by the designated caregiver:
    - a. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - b. Pledging not to divert marijuana to any individual or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
  5. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
    - a. The designated caregiver's fingerprints on a fingerprint card that includes:

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- i. The designated caregiver's first name; middle initial, if applicable; and last name;
- ii. The designated caregiver's signature;
- iii. If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
- iv. The designated caregiver's address;
- v. If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
- vi. The designated caregiver's date of birth;
- vii. The designated caregiver's Social Security number;
- viii. The designated caregiver's citizenship status;
- ix. The designated caregiver's gender;
- x. The designated caregiver's race;
- xi. The designated caregiver's height;
- xii. The designated caregiver's weight;
- xiii. The designated caregiver's hair color;
- xiv. The designated caregiver's eye color; and
- xv. The designated caregiver's place of birth; or
- b. If the designated caregiver's fingerprints and information required in subsection (C)(1)(j)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; or
- c. Documentation that the designated caregiver has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
6. The applicable fee in R9-17-102 for renewing a designated caregiver's registry identification card.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 23 A.A.R. 970, effective June 6, 2017 (Supp. 17-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-205. Denial or Revocation of a Qualifying Patient's or Designated Caregiver's Registry Identification Card**

- A. The Department shall deny a qualifying patient's application for or renewal of the qualifying patient's registry identification card if the qualifying patient does not have a debilitating medical condition.
- B. The Department shall deny a designated caregiver's application for or renewal of the designated caregiver's registry identification card if the designated caregiver does not meet the definition of "designated caregiver" in A.R.S. § 36-2801.
- C. The Department may deny a qualifying patient's or designated caregiver's application for or renewal of the qualifying patient's or designated caregiver's registry identification card if the qualifying patient or designated caregiver:
  1. Previously had a registry identification card revoked for not complying with A.R.S. Title 36, Chapter 28.1 or this Chapter; or
  2. Provides false or misleading information to the Department.

- D. The Department shall revoke a qualifying patient's or designated caregiver's registry identification card if the qualifying patient or designated caregiver diverts medical marijuana to an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1.
- E. The Department shall revoke a designated caregiver's registry identification card if the designated caregiver has been convicted of an excluded felony offense.
- F. The Department may revoke a qualifying patient's or designated caregiver's registry identification card if the qualifying patient or designated caregiver knowingly violates A.R.S. Title 36, Chapter 28.1 or this Chapter.
- G. If the Department denies or revokes a qualifying patient's registry identification card, the Department shall provide written notice to the qualifying patient that includes:
  1. The specific reason or reasons for the denial or revocation; and
  2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- H. If the Department denies or revokes a qualifying patient's designated caregiver's registry identification card, the Department shall provide written notice to the qualifying patient and the designated caregiver that includes:
  1. The specific reason or reasons for the denial or revocation; and
  2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3).

**ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS****R9-17-301. Principal Officers and Board Members**

- A. For the purposes of this Chapter, in addition to the individual or individuals identified in the dispensary's by-laws or other organizational governing documents as principal officers of the dispensary, if applicable, the following individuals are considered principal officers:
  1. If a corporation is applying for a dispensary registration certificate, two individuals who are officers of the corporation, including, but not limited to, the president or chief executive officer and those individuals serving in the positions of secretary and treasurer;
  2. If a partnership is applying for a dispensary registration certificate, all individuals who are general partners and the principal officers of any entity general partner;
  3. If a limited liability company is applying for a dispensary registration certificate, all managers of a manager-managed limited liability company, all members of a member-managed limited liability company, and the principal officers of an entity manager or member;
  4. If an association or cooperative is applying for a dispensary registration certificate, the chief executive officer,



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executive director, or other comparable leader of the association or cooperative; and

5. If a business organization type other than those described in subsections (A)(1) through (4) is applying for a dispensary registration certificate, two individuals who occupy the top leadership positions of the business organization.
- B.** For purposes of this Chapter, in addition to the individual or individuals identified in the dispensary's by-laws or other organizational governing documents as board members of the dispensary, if applicable, the following individuals are considered board members:
1. If a corporation is applying for a dispensary registration certificate, the members of the board of directors of the corporation;
  2. If a partnership is applying for a dispensary registration certificate, the partners who are not limited partners;
  3. If a limited liability company is applying for a dispensary registration certificate, the principal officers of the limited liability company;
  4. If an association or cooperative is applying for a dispensary registration certificate, the principal officers of the association or cooperative; and
  5. If a business organization type other than the types of business organizations in subsections (B)(1) through (4), the principal officers of the business organization.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2).

**R9-17-302. Repealed****Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by emergency rulemaking at 18 A.A.R. 1010, effective April 11, 2012 for 180 days (Supp. 12-2). Repealed by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4).

**R9-17-303. Dispensary Registration Certificate Allocation Process**

- A.** Each calendar year, the Department may review current valid dispensary registration certificates to determine if the Department may issue additional dispensary registration certificates pursuant to A.R.S. § 36-2804(C).
1. If the Department determines that the Department may issue additional dispensary registration certificates, the Department shall post, on the Department's website, the information that the Department is accepting dispensary registration certificate applications, including the deadline for accepting dispensary registration certificate applications.
    - a. The Department shall post the information in subsection (A)(1) at least 30 calendar days before the date the Department begins accepting applications.
    - b. The deadline for submission of dispensary registration certificate applications is 10 working days after the date the Department begins accepting applications.
    - c. Sixty working days after the date the Department begins accepting applications, the Department shall

determine if the Department received more dispensary registration certificate applications that are complete and in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter to participate in the allocation process than the Department is allowed to issue.

- i. If the Department received more dispensary registration certificate applications than the Department is allowed to issue, the Department shall allocate any available dispensary registration certificates according to the priorities established in subsection (B).
  - ii. If the Department is allowed to issue a dispensary registration certificate for each dispensary registration certificate application the Department received, the Department shall allocate the dispensary registration certificates to those applicants.
2. If the Department determines that the Department is not allowed to issue additional dispensary registration certificates, the Department shall, on the Department's website:
    - a. Post the information that the Department is not accepting dispensary registration certificate applications, and
    - b. Maintain the information until the next review.
- B.** If the Department determined, according to subsection (A)(1)(c), that more dispensary registration certificate applications were received that are complete and are in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter to participate in the allocation process than the number of dispensary registration certificates the Department is allowed to issue, the Department shall allocate the dispensary registration certificates according to the following criteria:
1. For dispensary registration certificate applications received for a county in which no dispensary is located:
    - a. If only one dispensary registration certificate application is received for a proposed dispensary located in the county, the Department shall allocate the dispensary registration certificate to that applicant; or
    - b. If more than one dispensary registration certificate application is received for a proposed dispensary located in the county, the Department shall prioritize and allocate a dispensary registration certificate to an applicant according to subsection (B)(2);
  2. For dispensary registration certificate applications received according to subsection (B)(1)(b), the Department shall prioritize and allocate a dispensary registration certificate to an applicant according to the following:
    - a. If only one dispensary registration certificate application is received for a proposed dispensary in a geographic area in the county, at a location that is at least 25 miles from another dispensary and from which another dispensary has moved, the Department shall allocate the dispensary registration certificate to that applicant;
    - b. If more than one dispensary registration certificate application is received for a proposed dispensary in a geographic area in the county, at a location that is at least 25 miles from another dispensary and from which another dispensary has moved, the Department shall:
      - i. Prioritize and allocate a dispensary registration certificate to an applicant based on which proposed dispensary location will provide dispen-

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- sary services to the most qualifying patients within five miles of the proposed dispensary location, as determined from the number of registry identification cards issued to qualifying patients; and
- ii. If two or more dispensary registration certificate applications specify the same location from which another dispensary has moved, comply with subsection (C); and
  - c. If no dispensary registration certificate applications are received for a proposed dispensary in a geographic area in the county, at a location that is at least 25 miles from another dispensary and from which another dispensary has moved, the Department shall allocate a dispensary registration certificate in the county as follows:
    - i. If only one dispensary registration certificate application is received for a proposed dispensary in a geographic area in the county at a location that is at least 25 miles from another dispensary, the Department shall allocate the dispensary registration certificate to that applicant;
    - ii. If more than one dispensary registration certificate application is received for a proposed dispensary in a geographic area in the county at a location that is at least 25 miles from another dispensary, the Department shall allocate a dispensary registration certificate to an applicant at a location that is at least 25 miles from another dispensary based on random drawing; and
    - iii. If no dispensary registration certificate is allocated according to subsection (B)(2)(c)(i) or (ii), the Department shall allocate a dispensary registration certificate to an applicant for a proposed dispensary located in the county based on random drawing;
  3. If additional dispensary registration certificates are available after dispensary registration certificates are allocated, for each county in which no dispensary is located, according to subsection (B)(1) or (2), the Department shall allocate the additional dispensary registration certificates for a location in any geographic area as follows:
    - a. If the number of dispensary registration certificate applications received for a proposed dispensary at a location that is at least 25 miles from another dispensary, including a dispensary allocated a dispensary registration certificate according to subsection (B)(1) or (2), and from which another dispensary has moved is less than or equal to the number of available dispensary registration certificates, the Department shall allocate the dispensary registration certificates to those applicants; or
    - b. If the number of dispensary registration certificate applications received for a proposed dispensary at a location that is at least 25 miles from another dispensary, including a dispensary allocated a dispensary registration certificate according to subsection (B)(1) or (2), and from which another dispensary has moved is greater than the number of available dispensary registration certificates, the Department shall:
      - i. Prioritize and allocate dispensary registration certificates to applicants based on which proposed dispensary location will provide dispensary services to the most qualifying patients within five miles of the proposed dispensary location, as determined from the number of registry identification cards issued to qualifying patients; and
      - ii. If two or more dispensary registration certificate applications specify the same location from which another dispensary has moved, comply with subsection (C);
  4. If additional dispensary registration certificates are available after dispensary registration certificates are allocated according to subsections (B)(1), (2), and (3), the Department shall allocate the dispensary registration certificates for a location in any geographic area as follows:
    - a. If the number of dispensary registration certificate applications received for a proposed dispensary at a location that is at least 25 miles from another dispensary, including a dispensary allocated a dispensary registration certificate according to subsection (B)(1), (2), or (3), is less than or equal to the number of available dispensary registration certificates, the Department shall allocate a dispensary registration certificate to those applicants; or
    - b. If the number of dispensary registration certificate applications received for a proposed dispensary at a location that is at least 25 miles from another dispensary, including a dispensary allocated a dispensary registration certificate according to subsection (B)(1), (2), or (3), is greater than the number of available dispensary registration certificates, the Department shall allocate a dispensary registration certificate to an applicant:
      - i. Based on random drawing; and
      - ii. If two or more dispensary registration certificate applications specify the same location, comply with subsection (C); and
  5. If additional dispensary registration certificates are available after dispensary registration certificates are allocated according to subsections (B)(1) through (4), for all dispensary registration certificate applications not allocated a dispensary registration certificate, the Department shall allocate a dispensary registration certificate to an applicant:
    - a. Based on random drawing; and
    - b. If two or more dispensary registration certificate applications specify the same location, comply with subsection (C).
  - C. The Department shall randomly select one dispensary registration certificate application for allocation of a dispensary registration certificate if:
    1. There is a tie or a margin of 0.1% or less in the scores generated by applying the criteria in subsection (B), or
    2. Two or more dispensary registration certificate applications specify the same location.
  - D. For purposes of subsection (B):
    1. "Five miles" includes the area contained within a circle that extends for five miles in all directions from a specific location, not the distance travelled from the specific location by road; and
    2. "25 miles" includes the area contained within a circle that extends for 25 miles in all directions from the center of a

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proposed dispensary location, not the distance travelled from one location to another location by road.

- E. If the Department does not allocate a dispensary registration certificate to an applicant that had submitted a dispensary registration certificate application that the Department determined was complete and in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter to participate in the allocation process, the Department shall provide a written notice to the applicant that states that, although the applicant's dispensary registration certificate application was complete and complied with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department did not allocate the applicant a dispensary registration certificate under the processes in this Section.
- F. If the Department receives a dispensary registration certificate application at a time other than the time stated in subsection (B), the Department shall return the dispensary registration certificate application, including the application fee, to the applicant.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by emergency rulemaking at 18 A.A.R. 1010, effective April 11, 2012 for 180 days (Supp. 12-2). Emergency expired (Supp. 12-4). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).

**R9-17-304. Applying for a Dispensary Registration Certificate**

- A. An individual shall not be a principal officer or board member on more than five dispensary registration certificate applications.
- B. If the Department determines that an individual is a principal officer or board member on more than five dispensary registration certificate applications, the Department shall review the applications and provide the applicant on each of the dispensary registration certificate applications with a written comprehensive request for more information that includes the specific requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter that the dispensary registration certificate application does not comply with.
1. If an applicant withdraws an application to comply with this Chapter and submits information demonstrating compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall process the applicant's remaining dispensary registration certificate applications according to this Chapter.
  2. If an applicant does not withdraw an application or submit information demonstrating compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue a denial to the applicant according to R9-17-322.
  3. An application fee submitted with a dispensary registration certificate application in subsection (B) that is withdrawn is not refunded.
- C. To apply for a dispensary registration certificate, an applicant shall submit to the Department the following:
1. An application in a Department-provided format that includes:

- a. The legal name of the proposed dispensary;
  - b. The physical address of the proposed dispensary;
  - c. The name of the geographic area;
  - d. The county in which the geographic area in subsection (C)(1)(c) is located;
  - e. If applicable, the name of the dispensary that previously held a dispensary registration certificate at the physical address of the proposed dispensary and the approximate date the dispensary left the location;
  - f. The following information for the applicant:
    - i. Name of the entity applying,
    - ii. Type of business organization,
    - iii. Arizona mailing address,
    - iv. Telephone number, and
    - v. Email address;
  - g. The name of the principal officer or board member designated to submit dispensary agent registry identification card applications on behalf of the proposed dispensary;
  - h. The name and professional license number of the proposed dispensary's medical director;
  - i. The name, residence address, and date of birth of each:
    - i. Principal officer, and
    - ii. Board member;
  - j. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
  - k. A statement that, if the applicant is issued a dispensary registration certificate, the proposed dispensary will not operate until the proposed dispensary is inspected and obtains an approval to operate from the Department;
  - l. A statement that the applicant understands that, if the applicant is issued a dispensary registration certificate, the dispensary may relocate only as specified in A.R.S. § 36-2803.01(D);
  - m. An attestation that the information provided to the Department to apply for a dispensary registration certificate is true and correct; and
  - n. The signatures of each principal officer and each board member of the proposed dispensary according to R9-17-301 and the date signed;
2. If the applicant is one of the business organizations in R9-17-301(A)(2) through (5), a copy of documentation that the applicant is in good standing with the Arizona Corporation Commission;
  3. For each principal officer and each board member:
    - a. An attestation signed and dated by the principal officer or board member that the principal officer or board member:
      - i. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
      - ii. Is deemed to not have been convicted of an excluded felony offense through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
    - b. Documentation that the principal officer or board member has a valid marijuana facility agent license;
  4. Policies and procedures that comply with the requirements in this Chapter for:
    - a. Inventory control,
    - b. Qualifying patient recordkeeping, and
    - c. Security;

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5. As required in A.R.S. § 36-2804(B)(1)(d), a sworn statement, signed and dated by each principal officer and each board member of the proposed dispensary according to R9-17-301, certifying that the proposed dispensary is in compliance with any local zoning restrictions;
  6. A statement, in a Department-provided format, signed and dated within 60 calendar days before the date of the application by a representative of the local jurisdiction:
    - a. Certifying that the proposed dispensary is in compliance with any local zoning restrictions; and
    - b. Including:
      - i. Information identifying the local jurisdiction and the local jurisdiction's representative,
      - ii. The legal name of the proposed dispensary, and
      - iii. The physical address of the proposed dispensary as specified according to subsection (C)(1)(b);
  7. Documentation, in a Department-provided format, of:
    - a. Ownership by the applicant of the physical address of the proposed dispensary, signed and dated within 60 calendar days before the date of the application; or
    - b. Permission from the owner of the physical address of the proposed dispensary for the applicant for a dispensary registration certificate to operate a dispensary at the physical address, signed, notarized, and dated within 60 calendar days before the date of the application; and
  8. The applicable fee in R9-17-102 for applying for a dispensary registration certificate.
- D.** Before an entity with a dispensary registration certificate begins operating a dispensary, the entity shall apply for and obtain an approval to operate a dispensary from the Department.
- Historical Note**
- New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by emergency rulemaking at 18 A.A.R. 1010, effective April 11, 2012 for 180 days (Supp. 12-2). Emergency expired (Supp. 12-4). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).
- R9-17-305. Applying for Approval to Operate a Dispensary**
- A.** To apply for approval to operate a dispensary, a person holding a dispensary registration certificate shall submit to the Department, and, if the dispensary registration certificate was issued on or after April 1, 2020, within 18 months after the dispensary registration certificate was issued, the following:
1. The following information in a Department-provided format:
    - a. The name and registry identification number of the dispensary;
    - b. The physical address of the dispensary;
    - c. The name, address, and date of birth of each dispensary agent;
    - d. Except as provided in R9-17-324, the name and professional license number of the dispensary's medical director;
    - e. If applicable, the physical address of the dispensary's cultivation site;
    - f. The dispensary's Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
    - g. The dispensary's proposed hours of operation during which the dispensary plans to be available to dispense medical marijuana to qualifying patients and designated caregivers;
    - h. Whether the dispensary plans to:
      - i. Cultivate marijuana;
      - ii. Manufacture marijuana products;
      - iii. Prepare marijuana-infused edible food products; or
      - iv. Sell or dispense marijuana-infused edible food products that are either:
        - (1) A time/temperature control for safety food, or
        - (2) Not prepared in individually packaged containers;
    - i. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
    - j. Whether the dispensary and, if applicable, the dispensary's cultivation site are ready for an inspection by the Department;
    - k. If the dispensary and, if applicable, the dispensary's cultivation site are not ready for an inspection by the Department, the date the dispensary and, if applicable, the dispensary's cultivation site will be ready for an inspection by the Department;
    - l. An attestation that the information provided to the Department to apply for approval to operate a dispensary is true and correct; and
    - m. The signatures of each principal officer and each board member of the dispensary according to R9-17-301 and the date signed;
  2. A copy of the dispensary's license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, if the dispensary plans to:
    - a. Prepare marijuana-infused edible food products, as specified in subsection (A)(1)(h)(iii); or
    - b. Sell or dispense marijuana-infused edible food products, as specified in subsection (A)(1)(h)(iv);
  3. A copy of documentation issued by the local jurisdiction to the dispensary authorizing occupancy of the building as a dispensary and, if applicable, as the dispensary's cultivation site, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  4. The distance to the closest private school or public school from:
    - a. The dispensary; and
    - b. If applicable, the dispensary's cultivation site;
  5. A site plan drawn to scale of the dispensary location showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
  6. A floor plan drawn to scale of the building where the dispensary is located showing the:
    - a. Layout and dimensions of each room,
    - b. Name and function of each room,
    - c. Location of each hand washing sink,
    - d. Location of each toilet room,
    - e. Means of egress,

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- f. Location of each video camera,
- g. Location of each panic button, and
- h. Location of natural and artificial lighting sources;
- 7. If applicable, a site plan drawn to scale of the dispensary's cultivation site showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
- 8. If applicable, a floor plan drawn to scale of each building at the dispensary's cultivation site showing the:
  - a. Layout and dimensions of each room,
  - b. Name and function of each room,
  - c. Location of each hand washing sink,
  - d. Location of each toilet room,
  - e. Means of egress,
  - f. Location of each video camera,
  - g. Location of each panic button, and
  - h. Location of natural and artificial lighting sources.

- B. A dispensary's cultivation site may be located anywhere in the state where a cultivation site is allowed by the local jurisdiction.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4).

Amended by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-306. Changes to a Dispensary Registration Certificate**

- A. Except as provided in R9-17-324, a dispensary may not transfer or assign the dispensary registration certificate.
- B. A dispensary may change the location of the:
  - 1. Dispensary:
    - a. If the dispensary was allocated a dispensary registration certificate on or after April 1, 2020, according to A.R.S. § 36-2803.01(D); and
    - b. If the dispensary was allocated a dispensary registration certificate before April 1, 2020:
      - i. Within the first three years after the Department issued the dispensary's registration certificate, to another location in the geographic area where the dispensary is located; or
      - ii. After the first three years after the Department issued a dispensary registration certificate to the dispensary, to another location in the state; or
  - 2. Dispensary's cultivation site to another location in the state.
- C. A dispensary or the dispensary's cultivation site shall not cultivate, manufacture, distribute, dispense, or sell medical marijuana at a new location or make a change in the activities conducted at a current location until the dispensary:
  - 1. Submits an application for a change in R9-17-307; and
  - 2. Receives an amended dispensary registration certificate or an approval for:
    - a. The dispensary's new location, including the activities to be conducted at the new location;

- b. The dispensary's cultivation site's new location, including the activities to be conducted at the new location; or
- c. The requested change in the activities conducted at a current location.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4).

Amended by exempt rulemaking at 27 A.A.R. 1587, with an immediate effective date of September 7, 2021 (Supp. 21-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).

**R9-17-307. Applying to Change a Dispensary Registration Certificate**

- A. A dispensary shall submit a separate application to the Department for each request for one of the possible changes in R9-17-306(C).
- B. To request any of the changes specified in R9-17-306(C), a dispensary shall submit to the Department:
  - 1. The following information in a Department-provided format:
    - a. The legal name of the dispensary;
    - b. The registry identification number for the dispensary;
    - c. Whether the request is for:
      - i. A change of location for the dispensary,
      - ii. A change of location for the dispensary's cultivation site,
      - iii. An addition of a cultivation site, or
      - iv. A change in the activities conducted at a current location;
    - d. The current physical address of the dispensary or the dispensary's cultivation site;
    - e. The physical address of the proposed location for the dispensary or the dispensary's cultivation site, if applicable;
    - f. For a change of location or an addition of a cultivation site, the distance to the closest public school or private school from:
      - i. The proposed location for the dispensary, or
      - ii. The proposed location for the dispensary's cultivation site;
    - g. For a request to change activities conducted at a current location or include any of the following activities at a new location, whether the dispensary plans to:
      - i. Cultivate marijuana;
      - ii. Manufacture marijuana products;
      - iii. Prepare marijuana-infused edible food products; or
      - iv. Sell or dispense marijuana-infused edible food products that are either:
        - (1) A time/temperature control for safety food, or
        - (2) Not prepared in individually packaged containers;
    - h. The name of the entity applying;
    - i. If applicable, the anticipated date of the change of location or activities;

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- j. Whether the proposed dispensary, the dispensary's proposed cultivation site, or the location of the change in activities is ready for an inspection by the Department;
  - k. If the proposed dispensary, the dispensary's proposed cultivation site, or the location of the change in activities is not ready for an inspection by the Department, the date the dispensary, the dispensary's proposed cultivation site, or the location of the change in activities will be ready for an inspection by the Department;
  - l. An attestation that the information provided to the Department to apply for a change in location is true and correct; and
  - m. The signature of each principal officer and each board member of the dispensary according to R9-17-301 and the date signed;
2. A copy of documentation issued by the local jurisdiction to the dispensary authorizing occupancy of the proposed building as a dispensary or location as the dispensary's cultivation site for the activities to be conducted at the location, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  3. A copy of the dispensary's license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, if the dispensary plans to:
    - a. Prepare marijuana-infused edible food products, as specified in subsection (B)(1)(g)(iii); or
    - b. Sell or dispense marijuana-infused edible food products, as specified in subsection (B)(1)(g)(iv);
  4. A copy of documentation, in a Department-provided format, of:
    - a. Ownership of the physical address of the proposed dispensary, proposed cultivation site, or location for the change in activities, signed and dated within 60 calendar days before the date of the request; or
    - b. Permission from the owner of the physical address of the proposed dispensary, proposed cultivation site, or location for the change in activities, for the dispensary to operate a dispensary or conduct the specified activities at the physical address, signed, notarized, and dated within 60 calendar days before the date of the request;
  5. For a change in location of the dispensary, including when any of the activities specified according to subsection (B)(1)(g) is to be conducted at the new location:
    - a. A site plan drawn to scale of the proposed dispensary location showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
    - b. A floor plan drawn to scale of the building where the proposed dispensary is located showing the:
      - i. Layout and dimensions of each room;
      - ii. Name and function of each room;
      - iii. Location of each hand washing sink;
      - iv. If applicable, location of each piece of fixed equipment required to conduct the activity;
      - v. Location of each toilet room;
      - vi. Means of egress;
      - vii. Location of each video camera;
      - viii. Location of each panic button; and
  - ix. Location of natural and artificial lighting sources;
6. For a change in location of the dispensary's cultivation site or for adding a cultivation site, including when any of the activities specified according to subsection (B)(1)(g) is to be conducted at the new or added cultivation site:
    - a. A site plan drawn to scale of the dispensary's proposed cultivation site showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
    - b. If applicable, a floor plan drawn to scale of each building used by the dispensary's proposed cultivation site showing the:
      - i. Layout and dimensions of each room;
      - ii. Name and function of each room;
      - iii. Location of each hand washing sink;
      - iv. If applicable, location of each piece of fixed equipment required to conduct the activity;
      - v. Location of each toilet room;
      - vi. Means of egress;
      - vii. Location of each video camera;
      - viii. Location of each panic button; and
      - ix. Location of natural and artificial lighting sources;
  7. For changing an activity conducted at a current location, a floor plan drawn to scale of the building where the activity will occur showing the:
    - a. Layout and dimensions of each room,
    - b. Name and function of each room,
    - c. Location of each hand washing sink,
    - d. Location of each piece of fixed equipment required to conduct the activity,
    - e. Means of egress,
    - f. Location of each video camera,
    - g. Location of each panic button, and
    - h. Location of natural and artificial lighting sources; and
  8. The applicable fee in R9-17-102 for applying for a change in location or the addition of a cultivation site, or to change activities conducted at a current location or add activities at a new location.
- C. If the information and documents submitted by the dispensary comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue an amended dispensary registration certificate that includes the new address of the new location or the new activities and retains the expiration date of the previously issued dispensary registration certificate.
  - D. An application for a change in location of a dispensary or a dispensary's cultivation site or the addition of a cultivation site may not be combined with an application for renewing a dispensary registration certificate. The Department shall process each application separately according to the applicable timeframe established in R9-17-107.
  - E. A dispensary shall submit written notification to the Department when the dispensary no longer uses a previously approved cultivation site.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 111, with

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an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-308. Renewing a Dispensary Registration Certificate**

To renew a dispensary registration certificate, a dispensary that has an approval to operate a dispensary issued by the Department, shall submit to the Department, at least 30 calendar days before the expiration date of the dispensary's current dispensary registration certificate, the following:

1. An application in a Department-provided format that includes:
  - a. The legal name of the dispensary;
  - b. The registry identification number for the dispensary;
  - c. If the dispensary is a dual licensee, the marijuana establishment license number;
  - d. The physical address of the dispensary;
  - e. The name of the entity applying;
  - f. Except as provided in R9-17-324(C), the name and license number of the dispensary's medical director;
  - g. The dispensary's hours of operation during which the dispensary is available to dispense medical marijuana to qualifying patients and designated caregivers;
  - h. The name, address, date of birth, and registry identification number of each:
    - i. Principal officer,
    - ii. Board member, and
    - iii. Dispensary agent;
  - i. For each principal officer or board member, whether the principal officer or board member:
    - i. Has served as a principal officer or board member for a dispensary that had the dispensary registration certificate revoked,
    - ii. Has served as a principal officer or board member for a marijuana establishment that had the marijuana establishment license revoked, or
    - iii. Is a physician currently providing written certifications for qualifying patients;
  - j. The dispensary's Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
  - k. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
  - l. An attestation that the information provided to the Department to renew the dispensary registration certificate is true and correct; and
  - m. The signature of each principal officer and each board member of the dispensary according to R9-17-301 and the date signed;
2. Either:
  - a. An attestation, in a Department-provided format, that the dispensary is operating on a not-for-profit basis; or
  - b. Both of the following:
    - i. A copy of an annual financial statement for the previous two years, or for the portion of the previous two years the dispensary was operational, prepared according to generally accepted accounting principles; and

- ii. A report of an audit by an independent certified public accountant of the annual financial statement required in subsection (2)(b)(i); and
3. The applicable fee in R9-17-102 for applying to renew a dispensary registration certificate.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by emergency rulemaking at 18 A.A.R. 1010, effective April 11, 2012 for 180 days (Supp. 12-2). Emergency expired (Supp. 12-4). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2). Amended by exempt rulemaking at 27 A.A.R. 1229, with an immediate effective date of July 23, 2021; amended by exempt rulemaking at 27 A.A.R. 1587, with an immediate effective date of September 7, 2021 (Supp. 21-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-309. Inspections**

- A. Submission of an application for a dispensary registration certificate constitutes permission for entry to and inspection of the dispensary and, if applicable, the dispensary's cultivation site.
- B. The Department shall not accept allegations of a dispensary's or a dispensary's cultivation site's noncompliance with A.R.S. Title 36, Chapter 28.1 or this Chapter from an anonymous source.
- C. If the Department receives an allegation of a dispensary's or a dispensary's cultivation site's noncompliance with A.R.S. Title 36, Chapter 28.1 or this Chapter, the Department may conduct an inspection of the dispensary or the dispensary's cultivation site.
- D. If the Department identifies a violation of A.R.S. Title 36, Chapter 28.1 or this Chapter during an inspection of a dispensary or the dispensary's cultivation site:
  1. The Department shall provide the dispensary with a written notice that includes the specific rule or statute that was violated; and
  2. The dispensary shall notify the Department in writing, with a postmark date within 20 working days after the date of the notice of violations, identifying the corrective actions taken and the date of the correction.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-310. Administration**

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- A. A dispensary shall:
1. Ensure that the dispensary is operating and available to dispense medical marijuana and marijuana products to qualifying patients and designated caregivers:
    - a. At least 30 hours weekly between the hours of 7:00 a.m. and 10:00 p.m.; and
    - b. For a dispensary with a dispensary registration certificate issued on or after April 1, 2020:
      - i. At the location specified according to R9-17-304(C)(1)(b), and
      - ii. Within 18 months after receiving the dispensary registration certificate;
  2. Develop, document, and implement policies and procedures regarding:
    - a. Job descriptions and employment contracts, including:
      - i. Personnel duties, authority, responsibilities, and qualifications;
      - ii. Personnel supervision;
      - iii. Training in and adherence to confidentiality requirements;
      - iv. Periodic performance evaluations; and
      - v. Disciplinary actions;
    - b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;
    - c. Inventory control, including:
      - i. Tracking;
      - ii. Packaging;
      - iii. Accepting marijuana from qualifying patients and designated caregivers;
      - iv. Acquiring marijuana or marijuana products from a marijuana establishment or another dispensary;
      - v. Providing marijuana or marijuana products to a marijuana establishment or another dispensary; and
      - vi. Either:
        - (1) Providing samples of marijuana or marijuana products to a laboratory for testing, or
        - (2) Allowing a laboratory agent access to medical marijuana or marijuana product to collect samples;
    - d. Laboratory testing, including:
      - i. The analytes, including possible contaminants, to be tested for;
      - ii. The process for separating a batch of marijuana or of a marijuana product until laboratory testing has been completed and testing results received by the dispensary;
      - iii. The process for collecting samples of medical marijuana or a marijuana product for laboratory testing, including:
        - (1) The amount to be collected from each batch,
        - (2) The method for ensuring that a sample collected is representative of the batch,
        - (3) The packaging of the sample,
        - (4) The method for documenting chain of custody for the sample, and
        - (5) Methods to deter tampering with the sample and to determine whether tampering has occurred;
      - iv. The process for submitting a sample of medical marijuana or a marijuana product to a laboratory agent or laboratory for testing, including specifying the analytes to be tested for consistent with R9-17-317.01(A);
      - v. The process for requesting retesting of the remaining portion of a sample of medical marijuana or a marijuana product; and
      - vi. Actions to be taken on the basis of laboratory testing results;
    - e. Remediation, including:
      - i. Criteria for when a batch of medical marijuana or marijuana product can be remediated;
      - ii. The process by which each type of medical marijuana or marijuana product is remediated, including the methods for remediation and subsequent retesting; and
      - iii. Documentation of the remediation process;
    - f. Disposal of medical marijuana or a marijuana product, including:
      - i. Destroying a batch of marijuana or a marijuana product that does not meet the requirements in Table 3.1 and documenting the destruction;
      - ii. Submitting marijuana that is not usable marijuana to a local law enforcement agency and documenting the submission; or
      - iii. Otherwise disposing of marijuana or a marijuana product such that the marijuana or marijuana product is unrecognizable or cannot otherwise be used and documenting the method of disposal, the dispensary agent overseeing the disposal, and the date of disposal;
    - g. Qualifying patient records, including purchases, denials of sale, any delivery options, confidentiality, and retention; and
    - h. Patient education and support, including the development and distribution of materials on:
      - i. Availability of different strains of marijuana and the purported effects of the different strains;
      - ii. Information about the purported effectiveness of various methods, forms, and routes of medical marijuana administration;
      - iii. Information about laboratory testing, the analytes for which the dispensary receives testing results, the right to receive a copy of the final report of testing specified in R9-17-404.06 upon request, and how to read and understand the final report of testing;
      - iv. Methods of tracking the effects on a qualifying patient of different strains and forms of marijuana; and
      - v. Prohibition on the smoking of medical marijuana in public places;
  3. Maintain copies of the policies and procedures at the dispensary and provide copies to the Department for review upon request;
  4. Maintain at the dispensary current and valid documentation of any certificate or permit issued by a local jurisdiction related to the operation of the dispensary or the dispensary's cultivation site and provide copies to the Department for review upon request;



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5. Review dispensary policies and procedures at least once every 12 months from the issue date of the dispensary registration certificate and update as needed;
  6. Except as provided in R9-17-324(C), employ or contract with a medical director;
  7. Ensure that each dispensary agent or marijuana facility agent associated with the dispensary has the applicable registry identification card or marijuana facility agent license in the dispensary agent's or marijuana facility agent's immediate possession when the dispensary agent or marijuana facility agent is:
    - a. Working or providing volunteer services at the dispensary or the dispensary's cultivation site, or
    - b. Transporting marijuana for the dispensary;
  8. Ensure that a dispensary agent or marijuana facility agent associated with the dispensary accompanies any individual other than another dispensary agent or marijuana facility agent associated with the dispensary when the individual is present in the enclosed, locked facility where marijuana is cultivated by the dispensary;
  9. Not allow an individual who does not possess a dispensary agent registry identification card issued under the dispensary registration certificate or marijuana facility agent license associated with the dispensary to:
    - a. Serve as a principal officer or board member for the dispensary,
    - b. Serve as the medical director for the dispensary,
    - c. Be employed by the dispensary, or
    - d. Provide volunteer services at or on behalf of the dispensary;
  10. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a dispensary agent or marijuana facility agent associated with the dispensary no longer:
    - a. Serves as a principal officer or board member for the dispensary,
    - b. Serves as the medical director for the dispensary,
    - c. Is employed by the dispensary, or
    - d. Provides volunteer services at or on behalf of the dispensary;
  11. Document and report any loss or theft of marijuana from the dispensary or the dispensary's cultivation site to the appropriate law enforcement agency;
  12. Maintain copies of any documentation required in this Chapter for at least 12 months after the date on the documentation and provide copies of the documentation to the Department for review upon request;
  13. Post the following information in a place that can be viewed by individuals entering the dispensary:
    - a. If applicable, the dispensary's approval to operate;
    - b. The dispensary's registration certificate;
    - c. Except as provided in R9-17-324(C), the name of the dispensary's medical director and the medical director's professional license number on a sign at least 20 centimeters by 30 centimeters;
    - d. The hours of operation during which the dispensary will dispense medical marijuana to a qualifying patient or a designated caregiver;
    - e. A sign in a Department-provided format that contains the following language:
      - i. "WARNING: There may be potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding," and
      - ii. "WARNING: Use of marijuana during pregnancy may result in a risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;" and
  - f. A sign stating that a qualifying patient has the right to receive the results of laboratory testing of medical marijuana or a marijuana product; and
14. Except as provided in R9-17-324(C):
- a. Not lend any part of the dispensary's income or property without receiving adequate security and a reasonable rate of interest,
  - b. Not purchase property for more than adequate consideration in money or cash equivalent,
  - c. Not pay compensation for salaries or other compensation for personal services that is in excess of a reasonable allowance,
  - d. Not sell any part of the dispensary's property or equipment for less than adequate consideration in money or cash equivalent, and
  - e. Not engage in any other transaction that results in a substantial diversion of the dispensary's income or property.
- B.** If a dispensary cultivates marijuana, the dispensary shall cultivate the marijuana in an enclosed, locked facility.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by final rulemaking at 23 A.A.R. 970, effective June 6, 2017 (Supp. 17-2). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-311. Submitting an Application for a Dispensary Agent Registry Identification Card**

Except as provided in R9-17-107(F) or R9-17-324(C), to obtain a dispensary agent registry identification card for an individual serving as a principal officer or board member for the dispensary, employed by the dispensary, or providing volunteer services at or on behalf of the dispensary, the dispensary shall submit to the Department the following for each individual:

1. An application in a Department-provided format that includes:
  - a. The individual's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The individual's residence address and Arizona mailing address;
  - c. The county where the individual resides;
  - d. The individual's date of birth;
  - e. The identifying number on the applicable card or document in subsection (4)(a) through (c);

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- f. The name and registry identification number of the dispensary; and
- g. The signature of the individual in R9-17-304(C)(1)(d) or of a principal officer or board member, as applicable, designated to submit dispensary agent applications on the dispensary's behalf and the date signed;
2. An attestation signed and dated by the individual that the individual:
  - a. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
  - b. Is deemed to not have been convicted of an excluded felony offense through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
3. A statement in a Department-provided format signed by the individual pledging not to divert marijuana to any other individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
4. A copy of the individual's:
  - a. Arizona driver's license issued on or after October 1, 1996;
  - b. Arizona identification card issued on or after October 1, 1996;
  - c. Arizona registry identification card;
  - d. Photograph page in the individual's U.S. passport or a U.S. passport card; or
  - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the individual:
    - i. Birth certificate verifying U.S. citizenship,
    - ii. U.S. Certificate of Naturalization, or
    - iii. U.S. Certificate of Citizenship;
5. A current photograph of the individual;
6. For the Department's criminal records check authorized in A.R.S. §§ 36-2804.01 and 36-2804.05:
  - a. The individual's fingerprints on a fingerprint card that includes:
    - i. The individual's first name; middle initial, if applicable; and last name;
    - ii. The individual's signature;
    - iii. If different from the individual, the signature of another individual physically rolling the individual's fingerprints;
    - iv. The individual's address;
    - v. If applicable, the individual's surname before marriage and any names previously used by the individual;
    - vi. The individual's date of birth;
    - vii. The individual's Social Security number;
    - viii. The individual's citizenship status;
    - ix. The individual's gender;
    - x. The individual's race;
    - xi. The individual's height;
    - xii. The individual's weight;
    - xiii. The individual's hair color;
    - xiv. The individual's eye color; and
    - xv. The individual's place of birth;
  - b. If the individual's fingerprints and information required in subsection (6)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card for another dispensary, or laboratory agent registry identification card

within the previous six months, the registry identification number on the registry identification card issued to the individual as a result of the application; or

- c. Documentation that the individual has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
7. The applicable fee in R9-17-102 for applying for a dispensary agent registry identification card.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by emergency rulemaking at 18 A.A.R. 1010, effective April 11, 2012 for 180 days (Supp. 12-2). Emergency expired (Supp. 12-4). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).

**R9-17-312. Submitting an Application to Renew a Dispensary Agent's Registry Identification Card**

To renew a dispensary agent's registry identification card, a dispensary shall submit to the Department, at least 30 calendar days before the expiration of the dispensary agent's registry identification card, the following:

1. An application in a Department-provided format that includes:
  - a. The dispensary agent's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The dispensary agent's residence address and Arizona mailing address;
  - c. The county where the dispensary agent resides;
  - d. The dispensary agent's date of birth;
  - e. The registry identification number on the dispensary agent's current registry identification card;
  - f. The name and registry identification number of the dispensary; and
  - g. The signature of the individual in R9-17-304(C)(1)(d) or of a principal officer or board member, as applicable, designated to submit dispensary agent applications on the dispensary's behalf and the date signed;
2. An attestation signed and dated by the dispensary agent that the dispensary agent:
  - a. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
  - b. Is deemed to not have been convicted of an excluded felony offense through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
3. If the dispensary agent's name in subsection (1)(a) is not the same name as on the dispensary agent's current registry identification card, one of the following with the dispensary agent's new name:
  - a. An Arizona driver's license,
  - b. An Arizona identification card, or
  - c. The photograph page in the dispensary agent's U.S. passport or a U.S. passport card;

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4. A statement in a Department-provided format signed by the dispensary agent pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  5. A current photograph of the dispensary agent;
  6. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
    - a. The dispensary agent's fingerprints on a fingerprint card that includes:
      - i. The dispensary agent's first name; middle initial, if applicable; and last name;
      - ii. The dispensary agent's signature;
      - iii. If different from the dispensary agent, the signature of the individual physically rolling the dispensary agent's fingerprints;
      - iv. The dispensary agent's address;
      - v. If applicable, the dispensary agent's surname before marriage and any names previously used by the dispensary agent;
      - vi. The dispensary agent's date of birth;
      - vii. The dispensary agent's Social Security number;
      - viii. The dispensary agent's citizenship status;
      - ix. The dispensary agent's gender;
      - x. The dispensary agent's race;
      - xi. The dispensary agent's height;
      - xii. The dispensary agent's weight;
      - xiii. The dispensary agent's hair color;
      - xiv. The dispensary agent's eye color; and
      - xv. The dispensary agent's place of birth;
    - b. If the dispensary agent's fingerprints and information required in subsection (6)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card for another dispensary, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the dispensary agent as a result of the application; or
    - c. Documentation that the dispensary agent has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
  7. The applicable fee in R9-17-102 for applying to renew a dispensary agent's registry identification card.
- B. During a dispensary's hours of operation, a medical director or an individual who is a physician and is designated by the medical director to serve as medical director in the medical director's absence is:
    1. Onsite; or
    2. Able to be contacted by any means possible, such as by telephone or pager.
  - C. A medical director shall:
    1. Develop and provide training to the dispensary's dispensary agents at least once every 12 months from the initial date of the dispensary's registration certificate on the following subjects:
      - a. Guidelines for providing information to qualifying patients related to risks, benefits, and side effects associated with medical marijuana;
      - b. Guidelines for providing support to qualifying patients related to the qualifying patient's self-assessment of the qualifying patient's symptoms, including a rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, and agitation;
      - c. Recognizing signs and symptoms of substance abuse; and
      - d. Guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana; and
    2. Assist in the development and implementation of review and improvement processes for patient education and support provided by the dispensary.
  - D. A medical director shall provide oversight for the development and dissemination of:
    1. Educational materials for qualifying patients and designated caregivers that include:
      - a. Alternative medical options for the qualifying patient's debilitating medical condition;
      - b. Information about possible side effects of and contraindications for medical marijuana including possible impairment with use and operation of a motor vehicle or heavy machinery, when caring for children, or of job performance;
      - c. Guidelines for notifying the physician who provided the written certification for medical marijuana if side effects or contraindications occur;
      - d. A description of the potential for differing strengths of medical marijuana strains and products;
      - e. Information about potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, non-prescription drugs, and supplements;
      - f. Techniques for the use of medical marijuana and marijuana paraphernalia;
      - g. Information about different methods, forms, and routes of medical marijuana administration;
      - h. Signs and symptoms of substance abuse, including tolerance, dependency, and withdrawal; and
      - i. A listing of substance abuse programs and referral information;
    2. A system for a qualifying patient or the qualifying patient's designated caregiver to document the qualifying patient's pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, or agitation that includes:
      - a. A log book, maintained by the qualifying patient and or the qualifying patient's designated caregiver, in which the qualifying patient or the qualifying patient's designated caregiver may track the use and

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by emergency rulemaking at 18 A.A.R. 1010, effective April 11, 2012 for 180 days (Supp. 12-2). Emergency expired (Supp. 12-4). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).

**R9-17-313. Medical Director**

- A. Except as provided in R9-17-324(C), a dispensary shall appoint an individual who is a physician to function as a medical director.

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effects of specific medical marijuana strains and products;

- b. A rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscles spasms, and agitation;
  - c. Guidelines for the qualifying patient's self-assessment or, if applicable, assessment of the qualifying patient by the qualifying patient's designated caregiver; and
  - d. Guidelines for reporting usage and symptoms to the physician providing the written certification for medical marijuana and any other treating physicians; and
3. Policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana.
- E. A medical director for a dispensary shall not provide a written certification for medical marijuana for any qualifying patient.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-314. Dispensing Medical Marijuana**

- A. Before a dispensary agent dispenses medical marijuana or a marijuana product to a qualifying patient or a designated caregiver, the dispensary agent shall:
1. Verify the qualifying patient's or the designated caregiver's identity,
  2. Offer any appropriate patient education or support materials,
  3. Make available the results of testing of the medical marijuana or marijuana product required in R9-17-317.01(A), if requested by the qualifying patient or designated caregiver,
  4. Enter the qualifying patient's or designated caregiver's registry identification number on the qualifying patient's or designated caregiver's registry identification card into the medical marijuana electronic verification system,
  5. Verify the validity of the qualifying patient's or designated caregiver's registry identification card,
  6. Verify that the amount of medical marijuana or marijuana product the qualifying patient or designated caregiver is requesting would not cause the qualifying patient to exceed the limit on obtaining no more than two and one-half ounces of medical marijuana during any 14-calendar-day period, and
  7. Enter the following information into the medical marijuana electronic verification system for the qualifying patient or designated caregiver:
    - a. The amount of medical marijuana dispensed,
    - b. Whether the medical marijuana was dispensed to the qualifying patient or to the qualifying patient's designated caregiver,
    - c. The date and time the medical marijuana was dispensed,
    - d. The dispensary agent's registry identification number, and
    - e. The dispensary's registry identification number.
- B. A dispensary shall ensure that medical marijuana or a marijuana product provided by the dispensary to a qualifying

patient or a designated caregiver is dispensed in a container made of material that will not react with or leach into the medical marijuana or marijuana product.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 26 A.A.R. 2991, with an effective date of November 1, 2020 (Supp. 20-4).

**R9-17-315. Qualifying Patient Records**

- A. A dispensary shall ensure that:
1. A qualifying patient record is established and maintained for each qualifying patient who obtains medical marijuana or a marijuana product from the dispensary;
  2. An entry in a qualifying patient record:
    - a. Is recorded only by a dispensary agent authorized by dispensary policies and procedures to make an entry,
    - b. Is dated and signed by the dispensary agent,
    - c. Includes the dispensary agent's registry identification number, and
    - d. Is not changed to make the initial entry illegible;
  3. If an electronic signature is used to sign an entry, the dispensary agent whose signature the electronic code represents is accountable for the use of the electronic signature;
  4. A qualifying patient record is only accessed by a dispensary agent authorized by dispensary policies and procedures to access the qualifying patient record;
  5. A qualifying patient record is provided to the Department for review upon request;
  6. A qualifying patient record is protected from loss, damage, or unauthorized use; and
  7. A qualifying patient record is maintained for five years after the date of the qualifying patient's or, if applicable, the qualifying patient's designated caregiver's last request for medical marijuana from the dispensary.
- B. If a dispensary maintains qualifying patient records electronically, the dispensary shall ensure that:
1. There are safeguards to prevent unauthorized access, and
  2. The date and time of an entry in a qualifying patient record is recorded electronically by an internal clock.
- C. A dispensary shall ensure that the qualifying patient record for a qualifying patient who requests or whose designated caregiver on behalf of the qualifying patient requests medical marijuana or a marijuana product from the dispensary contains:
1. Qualifying patient information that includes:
    - a. The qualifying patient's name;
    - b. The qualifying patient's date of birth; and
    - c. The name of the qualifying patient's designated caregiver, if applicable;
  2. Documentation of any patient education and support materials provided to the qualifying patient or the qualifying patient's designated caregiver, including a description of the materials and the date the materials were provided; and
  3. For each time the qualifying patient requests and does not obtain medical marijuana or a marijuana product or, if applicable, the designated caregiver requests on behalf of the qualifying patient and does not obtain medical marijuana or a marijuana product from the dispensary, the following:
    - a. The date,

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- b. The name and registry identification number of the individual who requested the medical marijuana or marijuana product, and
- c. The dispensary's reason for refusing to provide the medical marijuana or marijuana product.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3).

**R9-17-316. Inventory Control System**

- A.** A dispensary shall designate in writing a dispensary agent or marijuana facility agent associated with the dispensary who has oversight of the dispensary's medical marijuana inventory control system.
  - B.** A dispensary shall only acquire marijuana from:
    - 1. The dispensary's cultivation site,
    - 2. Another dispensary or another dispensary's cultivation site,
    - 3. A marijuana establishment licensed under 9 A.A.C. 18,
    - 4. A qualifying patient authorized by the Department to cultivate marijuana, or
    - 5. A designated caregiver authorized by the Department to cultivate marijuana.
  - C.** A dispensary shall establish and implement an inventory control system for the dispensary's medical marijuana and marijuana products that documents:
    - 1. The following amounts:
      - a. Each day's beginning inventory of medical marijuana and marijuana products,
      - b. Acquisitions according to subsection (B),
      - c. Medical marijuana harvested by the dispensary,
      - d. Medical marijuana and marijuana products provided to a marijuana establishment or another dispensary,
      - e. Medical marijuana and marijuana products dispensed to a qualifying patient or designated caregiver,
      - f. Medical marijuana and marijuana products submitted to a laboratory for testing according to R9-17-317.01,
      - g. Medical marijuana or marijuana products that were disposed of, and
      - h. The day's ending medical marijuana and marijuana products inventory;
    - 2. For acquiring medical marijuana from a qualifying patient or designated caregiver:
      - a. A description of the medical marijuana acquired including the amount and strain,
      - b. The name and registry identification number of the qualifying patient or designated caregiver who provided the medical marijuana,
      - c. The name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent receiving the medical marijuana on behalf of the dispensary, and
      - d. The date of acquisition;
    - 3. For acquiring medical marijuana or a marijuana product from another dispensary or a marijuana establishment:
      - a. A description of the medical marijuana or marijuana product acquired including:
        - i. The amount, batch number, and strain of the medical marijuana or marijuana product;
- ii. For a marijuana product, the ingredients in order of abundance; and
  - iii. For an edible food product infused with medical marijuana or a marijuana product:
    - (1) The date of manufacture,
    - (2) The total weight of the marijuana-infused edible food product, and
    - (3) The estimated amount and batch number of the medical marijuana or marijuana product infused in the edible food product;
  - b. As applicable, either:
    - i. The name and registry identification number of the dispensary providing the medical marijuana or marijuana product, or
    - ii. The name and license number of the marijuana establishment providing the medical marijuana or marijuana product;
  - c. The name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent providing the medical marijuana or marijuana product;
  - d. The name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent receiving the medical marijuana or marijuana product on behalf of the dispensary; and
  - e. The date of acquisition;
- 4. For each batch of marijuana cultivated:
    - a. The batch number;
    - b. Whether the batch originated from marijuana seeds or marijuana cuttings;
    - c. The origin and strain of the marijuana seeds or marijuana cuttings planted;
    - d. The number of marijuana seeds or marijuana cuttings planted;
    - e. The date the marijuana seeds or cuttings were planted;
    - f. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers used in the cultivation;
    - g. The number of plants grown to maturity; and
    - h. Harvest information including:
      - i. Date of harvest,
      - ii. Final usable marijuana yield weight, and
      - iii. Name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent responsible for the harvest;
  - 5. For providing medical marijuana or a marijuana product to another dispensary or a marijuana establishment:
    - a. A description of the medical marijuana or marijuana product provided including:
      - i. The amount, batch number, and strain of the medical marijuana or marijuana product;
      - ii. For a marijuana product, the ingredients in order of abundance; and
      - iii. For an edible food product infused with medical marijuana or a marijuana product:
        - (1) The date of manufacture,
        - (2) The total weight of the marijuana-infused edible food product, and
        - (3) The estimated amount and batch number of the medical marijuana or marijuana product infused in the edible food product;

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- b. The name and registry identification number or marijuana establishment license number, as applicable, of the other dispensary or the marijuana establishment;
- c. The name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent who received the medical marijuana or marijuana product on behalf of the other dispensary or the marijuana establishment; and
- d. The date the medical marijuana or marijuana product was provided;
- 6. For submitting marijuana or marijuana products to a laboratory agent or laboratory for testing:
  - a. The amount, strain, and batch number of the marijuana or marijuana product submitted;
  - b. The name and registry identification number of the laboratory;
  - c. The name and registry identification number of the laboratory agent who received the marijuana or marijuana product on behalf of the laboratory; and
  - d. The date the marijuana or marijuana product was submitted to the laboratory; and
- 7. For disposal of medical marijuana or a marijuana product that is not to be dispensed or used for making a marijuana product:
  - a. Description of and reason for the medical marijuana or marijuana product being disposed of including, if applicable:
    - i. The number of failed or other unusable plants, and
    - ii. The results of laboratory testing;
  - b. Date of disposal;
  - c. Method of disposal; and
  - d. Name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent responsible for the disposal.
- D. The individual designated in subsection (A) shall conduct and document an audit of the dispensary's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.
  - 1. If the audit identifies a reduction in the amount of medical marijuana or a marijuana product in the dispensary's inventory not due to documented causes, the dispensary shall determine and document where the loss has occurred and take and document corrective action.
  - 2. If the reduction in the amount of medical marijuana or a marijuana product in the dispensary's inventory is due to suspected criminal activity by a dispensary agent or marijuana facility agent, the dispensary shall report the dispensary agent or marijuana facility agent to the Department and to the local law enforcement authorities.
- E. A dispensary shall:
  - 1. Maintain the documentation required in subsections (C) and (D) at the dispensary for at least five years after the date on the document, and
  - 2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of

August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-317. Product Labeling and Packaging**

- A. A dispensary shall ensure that medical marijuana or a marijuana product provided by the dispensary to a qualifying patient or a designated caregiver is labeled with:
  - 1. The dispensary's registry identification number;
  - 2. The amount, strain, and batch number of the medical marijuana or marijuana product;
  - 3. The form of the medical marijuana or marijuana product;
  - 4. As applicable, the weight of the medical marijuana or marijuana product;
  - 5. In compliance with Table 3.1, the potency of the medical marijuana or marijuana product, based on laboratory testing results, including the number of milligrams per designated unit or percentage of:
    - a. Total tetrahydrocannabinol, reported according to R9-17-404.03(S)(2)(a);
    - b. Total cannabidiol, reported according to R9-17-404.03(S)(2)(b); and
    - c. Any other cannabinoid for which the dispensary is making a claim related to the effect of the cannabinoid on the human body;
  - 6. The following statement: "ARIZONA DEPARTMENT OF HEALTH SERVICES' WARNING: Marijuana use can be addictive and can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. Marijuana use may affect the health of a pregnant woman and the unborn child. KEEP OUT OF REACH OF CHILDREN";
  - 7. If not cultivated by the dispensary, whether the medical marijuana was obtained from a qualifying patient, a designated caregiver, a marijuana establishment, or another dispensary;
  - 8. If not infused or prepared for sale by the dispensary, whether the marijuana product was obtained from a marijuana establishment or another dispensary;
  - 9. For a marijuana product:
    - a. The ingredients in order of abundance; and
    - b. If the marijuana product contains ethanol, the percentage of ethanol in the marijuana product;
  - 10. The date of manufacture, harvest, or sale; and
  - 11. The registry identification number of the qualifying patient.
- B. If a dispensary provides medical marijuana cultivated, or a marijuana product infused or prepared for sale, by the dispensary to a marijuana establishment or another dispensary, the dispensary shall ensure that:
  - 1. The medical marijuana or marijuana product is labeled with:
    - a. The dispensary's registry identification number or marijuana establishment's license number, as applicable;
    - b. The amount, strain, and batch number of the medical marijuana or marijuana product; and
    - c. The date of harvest or sale; and

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2. A copy of laboratory testing results for the medical marijuana or marijuana product is provided to the receiving dispensary or marijuana establishment.
- C. A dispensary shall ensure that medical marijuana or a marijuana product provided by the dispensary to a qualifying patient or a designated caregiver is dispensed in a container made of material that will not react with or leach into the medical marijuana or marijuana product.
- D. A dispensary shall ensure that medical marijuana or a marijuana product being submitted to a laboratory for testing is labeled according to requirements in R9-17-317.01(B)(5).

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020; amended by exempt rulemaking at 26 A.A.R. 968, effective April 20, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 2991, with an effective date of November 1, 2020; amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-317.01. Analysis of Medical Marijuana or a Marijuana Product**

- A. Before offering a batch of medical marijuana or of a marijuana product for sale or dispensing to a qualifying patient or designated caregiver, a dispensary shall ensure that:
  1. Except as provided in subsection (A)(2) or (3), each batch of medical marijuana or marijuana product is tested in compliance with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1;
  2. Each batch of a marijuana product is tested according to requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 for, as applicable:
    - a. At least potency and microbial contaminants other than mycotoxins if the marijuana product was prepared from another marijuana product, such as a concentrate or tincture, that is in compliance with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, using none of the following:
      - i. A temperature above which any analyte could chemically decompose or react with a component of the marijuana product;
      - ii. A pressure above which any analyte could chemically decompose or react with a component of the marijuana product;
      - iii. A process by which any analyte in the marijuana product that is in compliance with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 may be further concentrated; or
      - iv. A solvent other than water; or
    - b. All analytes except:
      - i. Ethanol if the marijuana product is intended to contain ethanol; or
      - ii. For a marijuana product intended for topical application, isopropanol if the marijuana product is intended to contain isopropanol; and
  3. If the results of testing of the dispensary's medical marijuana and marijuana products for heavy metals, according to R9-17-404.03, indicate that the medical marijuana and marijuana products are in compliance with Table 3.1 for a period of at least six consecutive months:
    - a. Each batch of medical marijuana or a marijuana product is tested according to requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 for all analytes except heavy metals; and
    - b. At least once every three months, each batch of medical marijuana or a marijuana product is tested according to requirements in R9-17-404.03 and Table 3.1 for heavy metals.
- B. A dispensary shall ensure that:
  1. Until laboratory testing has been completed and testing results received by the dispensary that comply with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, a batch of marijuana or of a marijuana product is stored in a location away from medical marijuana and marijuana products offered for dispensing;
  2. Except as provided in subsection (D), only one sample of each batch of medical marijuana or marijuana product is collected according to ANSI/ASQ Standard Z1.4 (2018), General Inspection Level II, incorporated by reference, including no future editions, and available at <https://asq.org/quality-resources/z14-z19>, including:
    - a. Use, as applicable, of one of the following sampling methods:
      - i. Top, middle, and bottom sampling using a sample thief, a device consisting of two nested tubes with one or more aligned slots through which a sample may be collected and then sealed into the inner tube by rotating the outer tube;
      - ii. Star pattern sampling from the top, middle, and bottom of each storage container;
      - iii. Collecting discrete incremental units of a batch, such as every tenth unit or every twentieth drop; or
      - iv. Quartering until the sample reaches the size specified in subsection (B)(3); and
    - b. For sampling methods specified in subsections (B)(2)(a)(i) through (iii), quartering the volume of the aggregated portions collected to obtain the sample size specified in subsection (B)(3);
  3. The size of the sample provided to a laboratory is sufficient for testing and, if necessary, retesting;
  4. Each sample in subsection (B)(3) is packaged in a container made of:
    - a. The same material that would be used for dispensing, or
    - b. Another material that will not react with or leach into the sample;
  5. Each packaged sample is labeled with the:
    - a. The dispensary's registry identification number;
    - b. The amount, strain, and batch number of the medical marijuana or marijuana product;
    - c. The analytes for which testing is being requested;
    - d. The storage temperature for the marijuana or marijuana product; and
    - e. The date of sampling;
  6. A packaged sample in subsection (B)(4) is submitted to a laboratory that:
    - a. Has a laboratory registration certificate issued by the Department, and
    - b. Is approved for testing by the Department for an analyte for which testing is being requested;

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7. Except as specified in subsections (A)(2) and (3) and (C)(1), as applicable, the samples in subsection (B)(4) are tested for each analyte specified in Table 3.1 by a laboratory that is approved by the Department for testing the analyte;
  8. Only batches of marijuana or marijuana products for which laboratory testing results in subsection (B)(7) are in compliance with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 are offered for sale or dispensing; and
  9. Except as provided in subsection (C), any batch of marijuana or marijuana product that does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 is remediated, if applicable, or destroyed according to policies and procedures.
- C.** If a dispensary receives a final report of testing, specified in R9-17-404.06(B)(3), from a laboratory that indicates that a batch of medical marijuana or marijuana product does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, the dispensary:
1. Within seven days after receiving the final report of testing, may request retesting of the remaining portion of the sample in subsection (B)(4) for all analytes that do not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 by no more than two other laboratories that are independent of a laboratory conducting a test included in the final report of testing and that are approved by the Department for testing the analytes;
  2. If the final report of testing conducted according to subsection (C)(1) from another, independent laboratory indicates that any analyte tested for according to subsection (C)(1) does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, shall remediate, if applicable, or destroy the batch of medical marijuana or marijuana product according to policies and procedures; and
  3. If the final report of testing from each of the two other independent laboratories, allowed according to subsection (C)(1), indicates that all analytes tested for according to subsection (C)(1) comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, may offer the batch of medical marijuana or marijuana product for sale or dispensing.
- D.** A dispensary may request retesting of a batch of medical marijuana or marijuana product using a second sample if:
1. The batch of marijuana or marijuana product is still in the possession of the dispensary;
  2. The dispensary receives notification from the Department, a marijuana establishment, or another dispensary that indicates that the final report of testing from a laboratory, specified in R9-17-404.06(B)(3), for the batch of medical marijuana or marijuana product may be inaccurate;
- 3.** The dispensary:
- a. If the notification in subsection (D)(2) is from a marijuana establishment or another dispensary, informs the Department that the final report of testing may be inaccurate, providing the name of the notifying dispensary or marijuana establishment;
  - b. Collects the second sample according to subsections (B)(2) and (3);
  - c. Packages and labels the sample according to subsections (B)(4) and (5); and
  - d. Submits the sample to a second, independent laboratory that is approved by the Department for testing the analytes; and
- 4.** The dispensary follows the requirements in subsections (C)(1) through (3) in determining whether the batch of medical marijuana or marijuana product:
- a. May be offered for sale or dispensing, or
  - b. Is required to be remediated, if applicable, or destroyed.
- E.** A dispensary shall ensure that remediation of a batch of marijuana or of a marijuana product that has undergone laboratory testing and does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1:
1. Is performed according to policies and procedures,
  2. Uses a method that is appropriate to address an analyte not in compliance with Table 3.1, and
  3. Does not introduce or produce a substance in a concentration that is known to be harmful to humans.
- F.** If a batch of medical marijuana or a marijuana product is remediated, a dispensary shall submit samples from the remediated batch for laboratory testing according to subsection (B).
- G.** A dispensary shall provide to the Department upon request a sample of the dispensary's inventory of medical marijuana or a marijuana product of sufficient quantity to enable the Department to conduct an analysis of the medical marijuana or marijuana product.

**Historical Note**

New Section made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 26 A.A.R. 2991, with an effective date of November 1, 2020; amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**Table 3.1. Analytes**

Key:

CAS Number = Chemical Abstract Services Registry number

CFU = Colony-forming unit, a method to estimate the number of viable bacteria or fungal cells in a sample

\* = Required for marijuana products only

A. Microbial Contaminants		
Analyte	Maximum Allowable Contaminants	Required Action
<i>Escherichia coli</i>	10 CFU/g for edible marijuana or a marijuana-infused edible food product 100 CFU/g for all other medical marijuana and marijuana products	Remediate and retest, or Destroy
<i>Salmonella</i> spp.	Detectable in 1 gram	Destroy



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A. Microbial Contaminants		
Analyte	Maximum Allowable Contaminants	Required Action
<i>Aspergillus flavus</i> <i>Aspergillus fumigatus</i> <i>Aspergillus niger</i> <i>Aspergillus terreus</i>	Inhalable: Detectable in 1 gram	Remediate and retest, Remediate and use for preparing an extract or a concentrate, or Destroy
*Mycotoxins: Aflatoxin B1, B2, G1, and G2 Ochratoxin A	Marijuana product, except a marijuana product intended for topical application, prepared from an extract or concentrate of medical marijuana: 20 µg/kg (ppb) of total aflatoxins 20 µg/kg (ppb) of ochratoxin	Destroy

B. Heavy Metals		
Analyte	Maximum Allowable Concentration	Required Action
Arsenic	0.4 ppm	Remediate and retest, or Destroy
Cadmium	0.4 ppm	
Lead	1.0 ppm	
Mercury	0.2 ppm for inhalable medical marijuana or an inhalable marijuana product 1.2 ppm for non-inhalable medical marijuana and all other marijuana products	

C. *Residual Solvents			
Analyte	CAS Number	Maximum Allowable Concentration	Required Action
Acetone	67-64-1	1,000 ppm	Remediate and retest, or Destroy
Acetonitrile	75-05-8	410 ppm	
Benzene	71-43-2	2 ppm	
Butanes (measured as the cumulative residue of n-butane and iso-butane)	106-97-8 and 75-28-5, respectively	5,000 ppm	
Chloroform	67-66-3	60 ppm	
Dichloromethane	75-09-2	600 ppm	
Ethanol	64-17-5	5,000 ppm	
Ethyl Acetate	141-78-6	5,000 ppm	
Ethyl Ether	60-29-7	5,000 ppm	
Heptane	142-82-5	5,000 ppm	
Hexanes (measured as the cumulative residue of n-hexane, 2-methylpentane, 3-methylpentane, 2,2-dimethylbutane, and 2,3-dimethylbutane)	110-54-3, 107-83-5, 96-14-0, 75-83-2, and 79-29-8, respectively	290 ppm	
Isopropyl Acetate	108-21-4	5,000 ppm	
Methanol	67-56-1	3,000 ppm	
Pentanes (measured as the cumulative residue of n-pentane, iso-pentane, and neo-pentane)	109-66-0, 78-78-4, and 463-82-1, respectively	5,000 ppm	
2-Propanol (IPA)	67-63-0	5,000 ppm	
Toluene	108-88-3	890 ppm	
Xylenes (measured as the cumulative residue of 1,2-dimethylbenzene, 1,3-dimethylbenzene, and 1,4-dimethylbenzene, and the non-xylene, ethyl benzene)	1330-20-7 (95-47-6, 108-38-3, and 106-42- 3, respectively, and 100-41-4)	2,170 ppm	

D. Pesticides, Fungicides, Growth Regulators			
Analyte	CAS Number	Maximum Allowable Concentration	Required Action

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Abamectin (B1a)	71751-41-2	0.5 ppm	Remediate and retest, or Destroy
Acephate	30560-19-1	0.4 ppm	
Acetamiprid	135410-20-7	0.2 ppm	
Aldicarb	116-06-3	0.4 ppm	
Azoxystrobin	131860-33-8	0.2 ppm	
Bifenazate	149877-41-8	0.2 ppm	
Bifenthrin	82657-04-3	0.2 ppm	
Boscalid	188425-85-6	0.4 ppm	
Carbaryl	63-25-2	0.2 ppm	
Carbofuran	1563-66-2	0.2 ppm	
Chlorantraniliprole	500008-45-7	0.2 ppm	
Chlorfenapyr	122453-73-0	1.0 ppm	
Chlorpyrifos	2921-88-2	0.2 ppm	
Clofentezine	74115-24-5	0.2 ppm	
Cyfluthrin	68359-37-5	1.0 ppm	
Cypermethrin	52315-07-8	1.0 ppm	
Daminozide	1596-84-5	1.0 ppm	
DDVP (Dichlorvos)	62-73-7	0.1 ppm	
Diazinon	333-41-5	0.2 ppm	
Dimethoate	60-51-5	0.2 ppm	
Ethoprophos	13194-48-4	0.2 ppm	
Etofenprox	80844-07-1	0.4 ppm	
Etoxazole	153233-91-1	0.2 ppm	
Fenoxycarb	72490-01-8	0.2 ppm	
Fenpyroximate	134098-61-6	0.4 ppm	
Fipronil	120068-37-3	0.4 ppm	
Flonicamid	158062-67-0	1.0 ppm	
Fludioxonil	131341-86-1	0.4 ppm	
Hexythiazox	78587-05-0	1.0 ppm	
Imazalil	35554-44-0	0.2 ppm	
Imidacloprid	138261-41-3	0.4 ppm	
Kresoxim-methyl	143390-89-0	0.4 ppm	
Malathion	121-75-5	0.2 ppm	
Metalaxyl	57837-19-1	0.2 ppm	
Methiocarb	2032-65-7	0.2 ppm	
Methomyl	16752-77-5	0.4 ppm	
Myclobutanil	88671-89-0	0.2 ppm	
Naled	300-76-5	0.5 ppm	
Oxamyl	23135-22-0	1.0 ppm	
Pacllobutrazol	76738-62-0	0.4 ppm	
Permethrins (measured as the cumulative residue of cis- and trans- isomers)	52645-53-1 (54774-45-7 and 51877-74-8)	0.2 ppm	
Phosmet	732-11-6	0.2 ppm	
Piperonyl butoxide	51-03-6	2.0 ppm	
Prallethrin	23031-36-9	0.2 ppm	
Propiconazole	60207-90-1	0.4 ppm	
Propoxur	114-26-1	0.2 ppm	
Pyrethrins (measured as the cumulative residue of pyrethrin I and II)	8003-34-7 (121-21-1, 25402-06-6, and 4466-14-2)	1.0 ppm	
Pyridaben	96489-71-3	0.2 ppm	
Spinosad (measured as the cumulative residue of Spinosyn A and Spinosyn D)	168316-95-8	0.2 ppm	
Spiromesifen	283594-90-1	0.2 ppm	
Spirotetramat	203313-25-1	0.2 ppm	
Spiroxamine	118134-30-8	0.4 ppm	
Tebuconazole	107534-96-3	0.4 ppm	

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Thiacloprid	111988-49-9	0.2 ppm
Thiamethoxam	153719-23-4	0.2 ppm
Trifloxystrobin	141517-21-7	0.2 ppm

E. Potency		
Analyte	Labeling	Required Action
Tetrahydrocannabinolic acid (THC-A)	Label claim is not within +/- 20% of tested value	Revise label as necessary
Delta-9-tetrahydrocannabinol (Δ9-THC)		
Cannabidiolic acid (CBD-A)		
Cannabidiol (CBD)		

**Historical Note**

New Table 3.1 Analytes made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 26 A.A.R. 2848, with an immediate effective date of October 15, 2020; amended by exempt rulemaking at 26 A.A.R. 2991, with an effective date of November 1, 2020 (Supp. 20-4). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-318. Security**

- A. A dispensary shall ensure that access into areas of the dispensary or the dispensary's cultivation site where marijuana is cultivated, processed, as defined in A.R.S. § 36-2850, manufactured, or stored is limited to the dispensary's principal officers, board members, and authorized individuals, unless the individual is supervised by an individual authorized according to subsection (G)(2)(a).
- B. A dispensary agent may transport marijuana, marijuana plants, marijuana products, and marijuana paraphernalia between the dispensary and:
  1. The dispensary's cultivation site,
  2. A qualifying patient,
  3. Another dispensary,
  4. A marijuana establishment licensed according to 9 A.A.C. 18, and
  5. A laboratory that has a laboratory registration certificate issued by the Department.
- C. Before transportation, a dispensary agent shall:
  1. Complete a trip plan that includes:
    - a. The name of the dispensary agent in charge of transporting the marijuana;
    - b. The date and start time of the trip;
    - c. A description of the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia being transported;
    - d. Any anticipated stops during the trip, including the locations of the stops and arrival time and departure time for each location; and
    - e. The anticipated route of transportation; and
  2. Provide a copy of the trip plan in subsection (C)(1) to the dispensary.
- D. During transportation, a dispensary agent shall:
  1. Carry a copy of the trip plan in subsection (C)(1) with the dispensary agent for the duration of the trip;
  2. Use a vehicle:
    - a. Without any marijuana identification;
    - b. Equipped with a global positioning system or other means of tracking the location of the vehicle;
    - c. With an operational video surveillance system and recording equipment that:
      - i. Shows the interior of the vehicle, including the driver's seat and location of the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia being transported;
      - ii. Is turned on for the duration of a trip while medical marijuana or a marijuana product is in the vehicle; and
      - iii. Either stores the recording for at least 30 calendar days or transmits the recorded images at the time of recording to another location, where the recorded images are stored for at least 30 calendar days; and
- E. After transportation, a dispensary agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1).
- F. A dispensary shall:
  1. Maintain the documents required in subsection (C)(2) and (E) for at least two years after the date of the documentation;
  2. If transporting a sample to a laboratory for testing, provide a copy of the trip plan to the laboratory; and
  3. Provide a copy of the documents required in subsection (C)(2) and (E) to the Department for review upon request.
- G. To prevent unauthorized access to medical marijuana at the dispensary and, if applicable, the dispensary's cultivation site, the dispensary shall have the following:
  1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
    - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
    - b. Exterior lighting to facilitate surveillance;
    - c. Electronic monitoring including:
      - i. At least one 19-inch or greater call-up monitor;
      - ii. A printer capable of immediately producing a clear still photo from any video camera image;
      - iii. Video cameras:
        - (1) Providing coverage of all entrances to and

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- exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
- (2) Having a recording resolution of at least 704 x 480 or the equivalent;
- iv. A video camera at each point of sale location allowing for the identification of any qualifying patient or designated caregiver purchasing medical marijuana;
- v. A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions;
- vi. Storage of video recordings from the video cameras for at least 30 calendar days;
- vii. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
- viii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
- d. Panic buttons in the interior of each building; and
- 2. Policies and procedures:
  - a. That provide for the identification of authorized individuals;
  - b. That deter unauthorized removal of marijuana or marijuana products from the premises, including:
    - i. Restricting access to the areas of the dispensary that contain marijuana and, if applicable, the dispensary's cultivation site to authorized individuals only; and
    - ii. Ensuring that an individual other than an authorized individual is supervised by an authorized individual when in an area specified in subsection (G)(2)(b)(i);
  - c. That prevent loitering;
  - d. For conducting electronic monitoring; and
  - e. For the use of a panic button.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-319. Edible Food Products**

- A. A dispensary that prepares, sells, or dispenses marijuana-infused edible food products shall:
  - 1. Before preparing marijuana-infused edible food products, obtain a license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, to prepare marijuana-infused edible food products;
  - 2. If the dispensary prepares the marijuana-infused edible food products, ensure that the marijuana-infused edible food products are prepared according to the applicable requirements in 9 A.A.C. 8, Article 1;
  - 3. If the marijuana-infused edible food products are not prepared at the dispensary, obtain and maintain at the dispensary

a copy of the current license or permit as a food establishment, issued under 9 A.A.C. 8, Article 1, to prepare marijuana-infused edible food products from the dispensary or marijuana establishment that prepares the marijuana-infused edible products;

- 4. Before selling or dispensing marijuana-infused edible food products, obtain a license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, to sell or dispense marijuana-infused edible food products that are either:
  - a. A time/temperature control for safety food, or
  - b. Not prepared in individually packaged containers; and
- 5. If a dispensary sells or dispenses marijuana-infused edible food products, ensure that the marijuana-infused edible food products are sold or dispensed according to applicable requirements in 9 A.A.C. 8, Article 1.
- B. A dispensary is responsible for the content and quality of any edible food product sold or dispensed by the dispensary.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).

**R9-17-320. Cleaning and Sanitation**

- A. A dispensary shall ensure that:
  - 1. Any building or equipment used by a dispensary for the cultivation, harvest, preparation, packaging, storage, infusion, or sale of medical marijuana or marijuana products is maintained in a clean and sanitary condition;
  - 2. Medical marijuana or marijuana products, in the process of production, preparation, manufacture, packing, storage, sale, distribution, or transportation, are protected from flies, dust, dirt, and all other contamination;
  - 3. Refuse or waste products incident to the manufacture, preparation, packing, selling, distributing, or transportation of medical marijuana or marijuana products are removed from the building used as a dispensary and, if applicable, a building at the dispensary's cultivation site at least once every 24 hours or more often as necessary to maintain a clean condition;
  - 4. All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives, saws, cleavers, other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, packaging, or other processes are cleaned daily;
  - 5. Any equipment used in the preparation of marijuana products is clean, in good repair, and, if applicable, calibrated according to the manufacturer's recommendations;
  - 6. Any supplies used in the preparation of marijuana products, including flammable or volatile chemicals, are stored in a manner to avoid a hazardous condition from occurring; and
  - 7. All stored marijuana products are securely covered.
- B. A dispensary shall ensure that a dispensary agent at the dispensary or the dispensary's cultivation site:
  - 1. Cleans the dispensary agent's hands and exposed portions of the dispensary agent's arms in a hand washing sink:
    - a. Before preparing medical marijuana or marijuana products including working with food, equipment, and utensils;

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- b. During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
    - c. After handling soiled equipment or utensils;
    - d. After touching bare human body parts other than the dispensary agent's clean hands and exposed portions of arms; and
    - e. After using the toilet room;
  - 2. If working directly with the preparation of medical marijuana or the infusion of marijuana into non-edible products:
    - a. Keeps the dispensary agent's fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable;
    - b. Unless wearing intact gloves in good repair, does not have fingernail polish or artificial fingernails on the dispensary agent's fingernails; and
    - c. Wears protective apparel such as coats, aprons, gowns, or gloves to prevent contamination;
  - 3. Wears clean clothing appropriate to assigned tasks;
  - 4. Reports to the medical director any health condition experienced by the dispensary agent that may adversely affect the safety or quality of any medical marijuana or marijuana products with which the dispensary agent may come into contact; and
  - 5. If the medical director determines that a dispensary agent has a health condition that may adversely affect the safety or quality of the medical marijuana or marijuana products, is prohibited from direct contact with any medical marijuana, marijuana products, or equipment or materials for processing medical marijuana or marijuana products until the medical director determines that the dispensary agent's health condition will not adversely affect the medical marijuana or marijuana products.
- 3. At least one hand washing sink not located in a toilet room, with running water, soap contained in a dispenser, and either disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;
  - 4. Designated storage areas for medical marijuana or materials used in direct contact with medical marijuana separate from storage areas for toxic or flammable materials; and
  - 5. If preparation or packaging of medical marijuana is done in the building, a designated area for the preparation or packaging that:
    - a. Includes work space that can be sanitized, and
    - b. Is only used for the preparation or packaging of medical marijuana.
- D.** For each commercial device used at a dispensary or the dispensary's cultivation site, the dispensary shall:
- 1. Ensure that the commercial device is licensed or certified pursuant to A.R.S. § 3-3451,
  - 2. Maintain documentation of the commercial device's license or certification, and
  - 3. Provide a copy of the commercial device's license or certification to the Department for review upon request.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-322. Denial or Revocation of a Dispensary Registration Certificate**

- A.** The Department shall deny an application for a dispensary registration certificate or a renewal if:
- 1. For an application for a dispensary registration certificate, the physical address of the building or, if applicable, the physical address of the dispensary's cultivation site is within 500 feet of a private school or a public school that existed before the date the dispensary submitted the initial dispensary registration certificate application, before the date of an application to change the location of the dispensary, or before the date of an application to add a cultivation site;
  - 2. A principal officer or board member:
    - a. Has been convicted of an excluded felony offense;
    - b. Has served as a principal officer or board member for a dispensary or marijuana establishment that had the dispensary registration certificate or marijuana establishment license revoked;
    - c. Is under 21 years of age; or
    - d. Is a physician currently providing written certifications for medical marijuana for qualifying patients; or
  - 3. The application or the dispensary does not comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter.
- B.** The Department may deny an application for a dispensary registration certificate if a principal officer or board member of the dispensary:
- 1. Did not obtain an approval to operate the dispensary or marijuana establishment, as applicable, within 18 months after the dispensary registration certificate or marijuana establishment license was issued; or

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4).

**R9-17-321. Physical Plant**

- A.** A dispensary or a dispensary's cultivation site shall be located at least 500 feet from a private school or a public school that existed, as applicable:
- 1. Before the date the dispensary submitted the initial dispensary registration certificate application,
  - 2. Before the date of an application to change the location of the dispensary, or
  - 3. Before the date of an application to add a cultivation site.
- B.** A dispensary shall provide onsite parking or parking adjacent to the building used as the dispensary.
- C.** A building used as a dispensary or the location used as a dispensary's cultivation site shall have:
- 1. At least one toilet room;
  - 2. Each toilet room shall contain:
    - a. A flushable toilet;
    - b. Mounted toilet tissue;
    - c. A sink with running water;
    - d. Soap contained in a dispenser; and
    - e. Disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;

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2. Provides false or misleading information to the Department.
- C. The Department shall revoke a dispensary's registration certificate if:
  1. The dispensary:
    - a. Operates before obtaining approval to operate a dispensary from the Department;
    - b. Diverts marijuana to a person other than:
      - i. Another dispensary with a valid dispensary registration certificate issued by the Department,
      - ii. A marijuana establishment with a valid marijuana establishment license issued under 9 A.A.C. 18;
      - iii. A laboratory with a valid laboratory registration certificate issued by the Department,
      - iv. A qualifying patient with a valid registry identification card issued by the Department,
      - v. A designated caregiver with a valid registry identification card issued by the Department,
      - vi. A dispensary agent with a valid registry identification card or marijuana facility agent with a valid marijuana facility agent license issued by the Department accepting the marijuana on behalf of a dispensary or marijuana establishment, or
      - vii. A laboratory agent with a valid registry identification card issued by the Department accepting the marijuana on behalf of a laboratory;
    - c. Acquires usable marijuana or mature marijuana plants from any entity other than another dispensary with a valid dispensary registration certificate issued by the Department, a marijuana establishment with a marijuana establishment license issued under 9 A.A.C. 18, a qualifying patient with a valid registry identification card, or a designated caregiver with a valid registry identification card; or
    - d. Acquires a marijuana product from any person other than another dispensary with a valid dispensary registration certificate issued by the Department or a marijuana establishment with a marijuana establishment license issued under 9 A.A.C. 18; or
  2. A principal officer or board member has been convicted of an excluded felony offense.
- D. The Department may revoke a dispensary registration certificate if the dispensary does not:
  1. Comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter; or
  2. Implement the policies and procedures or comply with the statements provided to the Department with the dispensary's application.
- E. If the Department denies a dispensary registration certificate application, the Department shall provide notice to the applicant that includes:
  1. The specific reason or reasons for the denial, and
  2. All other information required by A.R.S. § 41-1076.
- F. If the Department revokes a dispensary registration certificate, the Department shall provide notice to the dispensary that includes:
  1. The specific reason or reasons for the revocation; and
  2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by emergency rulemaking at 18 A.A.R. 1010, effective April 11, 2012 for 180 days (Supp. 12-2). Emergency expired (Supp. 12-4). Amended by final rulemaking at 18 A.A.R. 3354, with an immediate effective date of December 5, 2012 (Supp. 12-4). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-323. Denial or Revocation of a Dispensary Agent's Registry Identification Card**

- A. The Department shall deny a dispensary agent's application for or renewal of the dispensary agent's registry identification card if the dispensary agent does not meet the definition "non-profit medical marijuana dispensary agent" in A.R.S. § 36-2801.
- B. The Department may deny a dispensary agent's application for or renewal of the dispensary agent's registry identification card if the dispensary agent:
  1. Previously had a registry identification card revoked for not complying with A.R.S. Title 36, Chapter 28.1 or this Chapter;
  2. Previously had a marijuana facility agent license revoked for not complying with A.R.S. Title 36, Chapter 28.2 or 9 A.A.C. 18; or
  3. Provides false or misleading information to the Department.
- C. The Department shall revoke a dispensary agent's registry identification card if the dispensary agent:
  1. Diverts medical marijuana to a person other than:
    - a. Another dispensary with a valid dispensary registration certificate issued by the Department,
    - b. A marijuana establishment with a valid marijuana establishment license issued under 9 A.A.C. 18;
    - c. A laboratory with a valid laboratory registration certificate issued by the Department,
    - d. A qualifying patient with a valid registry identification card issued by the Department,
    - e. A designated caregiver with a valid registry identification card issued by the Department,
    - f. A dispensary agent with a valid registry identification card or marijuana facility agent with a valid marijuana facility agent license issued by the Department accepting the marijuana on behalf of a dispensary or marijuana establishment, or
    - g. A laboratory agent with a valid registry identification card issued by the Department accepting the marijuana on behalf of a laboratory; or
  2. Except as provided in A.R.S. § 36-2804.01(D), has been convicted of an excluded felony offense.
- D. The Department may revoke a dispensary agent's registry identification card if the dispensary agent knowingly violates A.R.S. Title 36, Chapter 28.1 or this Chapter.
- E. If the Department denies or revokes a dispensary agent's registry identification card, the Department shall provide notice to the dispensary agent and the dispensary agent's dispensary that includes:

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1. The specific reason or reasons for the denial or revocation; and
2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2). Amended by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-324. Dual Licensees**

- A. If a dispensary is a dual licensee, the dispensary shall:
  1. Provide marijuana and marijuana products, according to A.A.C. R9-18-309, to consumers, as defined in A.R.S. § 36-2850, at the same location as the dispensary dispenses medical marijuana and marijuana products to qualifying patients and designated caregivers;
  2. Notify the Department within five calendar days after beginning to operate on a for-profit basis, as allowed by A.R.S. § 36-2858(D)(2), and, if applicable, provide to the Department the documents required in R9-17-304(C)(2) for the new organizational or corporate structure; and
  3. Comply with the requirements in A.R.S. § 36-2858(D)(3).
- B. If a dispensary is a dual licensee, the entity holding the valid dispensary registration certificate may:
  1. Request that the dispensary's cultivation site, specified according to R9-17-305(A)(1)(e) or R9-17-307(A)(1), be transferred under the entity's marijuana establishment license according to A.A.C. R9-18-303(E)(3);
  2. Request approval of a change in the location in subsection (A)(1) by complying with the requirements in both:
    - a. R9-17-307(A), and
    - b. A.A.C. R9-18-306; or
  3. Transfer or assign both the dispensary registration certificate and the marijuana establishment license to the same entity.
- C. A dispensary that is a dual licensee is exempt from the requirements in:
  1. R9-17-310(A)(6), (13), and (14);
  2. R9-17-313; and
  3. R9-17-320(B)(4) and (5), but shall ensure that a dispensary agent or marijuana facility agent at the dispensary or the dispensary's cultivation site:
    - a. Reports to a principal officer or board member of the dispensary any health condition experienced by the dispensary agent or marijuana facility agent that may adversely affect the safety or quality of any medical marijuana or marijuana products with which the dispensary agent or marijuana facility agent may come into contact; and
    - b. If the principal officer or board member determines that a dispensary agent or marijuana facility agent has a health condition that may adversely affect the safety or quality of the medical marijuana or marijuana products, is prohibited from direct contact

with any medical marijuana, marijuana products, or equipment or materials for processing medical marijuana, as defined in A.R.S. § 36-2850, or preparing marijuana products until the principal officer or board member determines that the dispensary agent's or marijuana facility agent's health condition will not adversely affect the medical marijuana or marijuana products.

- D. If the Department identifies an instance of noncompliance with a requirement of both this Chapter and 9 A.A.C. 18 during an inspection of a dual licensee, the Department shall note the instance of noncompliance on a notice of deficiencies associated with the dual licensee's marijuana establishment license under 9 A.A.C. 18, rather than on both the notice of deficiencies for the dispensary registration certificate and the notice of deficiencies for the marijuana establishment license.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 747, effective May 3, 2021 (Supp. 21-2). Amended by exempt rulemaking at 27 A.A.R. 1587, with an immediate effective date of September 7, 2021 (Supp. 21-3). Amended by final expedited rulemaking at 28 A.A.R. 2562 (September 30, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**ARTICLE 4. LABORATORIES AND LABORATORY AGENTS****R9-17-401. Owner**

- A. For the purposes of this Article the following individuals are considered owners:
  1. If an individual is applying for a laboratory registration certificate, the individual;
  2. If a corporation is applying for a laboratory registration certificate, two individuals who are officers of the corporation;
  3. If a partnership is applying for a laboratory registration certificate, two of the individuals who are partners;
  4. If a limited liability company is applying for a laboratory registration certificate, a manager or, if the limited liability company does not have a manager, an individual who is a member of the limited liability company;
  5. If an association or cooperative is applying for a laboratory registration certificate, two individuals who are members of the governing board of the association or cooperative;
  6. If a joint venture is applying for a laboratory registration certificate, two of the individuals who signed the joint venture agreement; and
  7. If a business organization type other than those described in subsections (A)(2) through (6) is applying for a laboratory registration certificate, two individuals who are members of the business organization.
- B. When a laboratory is required by this Chapter to provide information, sign documents, or ensure actions are taken, the individual or individuals in subsection (A) shall comply with the requirement on behalf of the laboratory.

**Historical Note**

New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended

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by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4).

**R9-17-402. Applying for a Laboratory Registration Certificate**

**A.** To apply for a laboratory registration certificate, an applicant shall submit to the Department the following:

1. An application in a Department-provided format that includes:
  - a. The physical address of the laboratory;
  - b. The distance to the closest private school or public school from the laboratory;
  - c. The following information for the laboratory applying:
    - i. The legal name of the laboratory,
    - ii. Type of business organization,
    - iii. Mailing address,
    - iv. Telephone number, and
    - v. Email address;
  - d. The name of the owner designated to submit laboratory agent registry identification card applications on behalf of the laboratory;
  - e. The name, residence address, and date of birth of each owner;
  - f. The identifying number on the applicable card or document in subsection (A)(4)(d)(i) through (v);
  - g. The name, residence address, and date of birth of the technical laboratory director designated according to R9-17-404(3);
  - h. The name, residence address, and date of birth of each laboratory agent other than an owner or the technical laboratory director, if applicable;
  - i. Whether the laboratory agrees to allow the Department to submit supplemental requests for information;
  - j. A statement that, if the applicant is issued a laboratory registration certificate, the laboratory will not begin testing marijuana pursuant to R9-17-317.01 until the laboratory has been inspected and issued an approval for testing by the Department;
  - k. An attestation that the information provided to the Department to apply for a laboratory registration certificate is true and correct; and
  - l. The signatures of the owner of the laboratory, according to R9-17-401(A), and the technical laboratory director and the date each signed;
2. Policies and procedures that comply with the requirements in this Chapter that contain:
  - a. Inventory control;
  - b. A chain of custody and sample requirement process;
  - c. A records retention process;
  - d. A secure method to transfer the portion of a sample remaining after testing to another laboratory with an approval for testing issued by the Department:
    - i. For testing of parameters or analytes that the laboratory receiving the sample from a dispensary is not approved by the Department to conduct, or
    - ii. For retesting at the request of a dispensary according to R9-17-317.01(C);
  - e. Security; and
  - f. A process for disposal of marijuana or marijuana products that are submitted to the laboratory for testing;
3. If the applicant is one of the business organizations in R9-17-401(A)(2) through (7), a copy of the business organization's articles of incorporation, articles of organization, or partnership or joint venture documents that include:
  - a. The name of the business organization,
  - b. The type of business organization, and
  - c. The names and titles of the individuals in R9-17-401(A);
4. For each owner:
  - a. An attestation signed and dated by the owner that the owner has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
  - b. An attestation signed and dated by the owner that the owner does not have a direct or indirect familial or financial relationship with or interest in a dispensary, marijuana establishment, or related medical marijuana business entity or management company;
  - c. An attestation signed and dated by the owner that the laboratory will not test marijuana or marijuana products for a designated caregiver who the owner has a direct or indirect familial or financial relationship with;
  - d. An attestation signed and dated by the owner pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  - e. A copy the owner's:
    - i. Arizona driver's license issued on or after October 1, 1996;
    - ii. Arizona identification card issued on or after October 1, 1996;
    - iii. Arizona registry identification card;
    - iv. Photograph page in the owner's U.S. passport or a U.S. passport card; or
    - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the owner:
      - (1) Birth certificate verifying U.S. citizenship,
      - (2) U. S. Certificate of Naturalization, or
      - (3) U. S. Certificate of Citizenship; and
  - f. For the Department's criminal records check authorized in A.R.S. §§ 36-2804.01 and 36-2804.07:
    - i. The owner's fingerprints on a fingerprint card that includes:
      - (1) The owner's first name; middle initial, if applicable; and last name;
      - (2) The owner's signature;
      - (3) If different from the owner, the signature of the individual physically rolling the owner's fingerprints;
      - (4) The owner's residence address;
      - (5) If applicable, the owner's surname before marriage and any names previously used by the owner;
      - (6) The owner's date of birth;
      - (7) The owner's Social Security number;
      - (8) The owner's citizenship status;
      - (9) The owner's gender;
      - (10) The owner's race;
      - (11) The owner's height;
      - (12) The owner's weight;
      - (13) The owner's hair color;
      - (14) The owner's eye color; and
      - (15) The owner's place of birth; or



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- ii. If the fingerprints and information required in subsection (A)(4)(f)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the owner as a result of the application;
  - 5. If zoning restrictions have been enacted, a statement, in a Department-provided format, signed and dated within 60 calendar days before the date of the application by a representative of the local jurisdiction:
    - a. Certifying that the laboratory is in compliance with any local zoning restrictions; and
    - b. Including:
      - i. Information identifying the local jurisdiction and the local jurisdiction's representative,
      - ii. The legal name of the laboratory, and
      - iii. The physical address of the laboratory as specified according to subsection (A)(1)(a);
  - 6. A copy of documentation issued by the local jurisdiction to the laboratory authorizing occupancy of the building as a laboratory, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  - 7. A site plan drawn to scale of the laboratory location showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
  - 8. A building plan drawn to scale of the building where the laboratory is located showing the:
    - a. Layout and dimensions of each room;
    - b. Name and function of each room;
    - c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
    - d. Location of each fire protection device;
    - e. Layout of heating, air conditioning, exhaust, and ventilation systems;
    - f. Location and layout of refrigerated rooms or freezer rooms;
    - g. Location of each sink, safety shower, other water supply, or plumbing fixture;
    - h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
    - i. Location of security measures or equipment to protect from diversion of marijuana or marijuana products; and
    - j. Means of egress;
  - 9. Documentation of accreditation of the location specified according to subsection (A)(1)(a) for which the applicant is applying for a laboratory registration certificate;
  - 10. The laboratory's Transaction Privilege Tax Number issued by the Arizona Department of Revenue, if applicable; and
  - 11. The applicable fee in R9-17-102 for applying for a laboratory registration certificate.
- B.** Within 72 hours after an owner receives a laboratory registration certificate pursuant to an application submitted according to subsection (A), the owner shall apply for a laboratory agent

registry identification card, according to R9-17-405, for each laboratory agent, including a technical laboratory director.

- C.** A change in location of the laboratory's physical address or ownership requires a new application to be submitted according to subsection (A).
- D.** A separate laboratory registration certificate is required for each noncontiguous portion of a laboratory.

**Historical Note**

New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020; amended by exempt rulemaking at 26 A.A.R. 968, effective April 20, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-402.01. Applying for Approval for Testing**

To apply for approval for testing, an applicant shall submit to the Department, at least 60 calendar days before the expiration of the initial laboratory registration certificate for the laboratory, the following:

- 1. An application in a Department-provided format that includes:
  - a. The name and registry identification number of the laboratory;
  - b. The physical address of the laboratory;
  - c. The name of the applicant;
  - d. The name of the technical laboratory director designated according to R9-17-404(3);
  - e. For each parameter for which approval for testing is being requested:
    - i. The analyte to be tested for,
    - ii. The instruments and equipment to be used for testing, and
    - iii. The software to be used at the laboratory for instrument control and data reduction interpretation;
  - f. The laboratory's proposed hours of operation;
  - g. Whether the laboratory agrees to allow the Department to submit supplemental requests for information;
  - h. Whether the laboratory is ready for an inspection by the Department;
  - i. If the laboratory is not ready for an inspection by the Department, the date the laboratory will be ready for an inspection by the Department;
  - j. An attestation that the information provided to the Department to apply for approval for testing is true and correct; and
  - k. The signatures of the owner of the laboratory, according to R9-17-401(A), and the technical laboratory director and the date each signed;
- 2. For each parameter and analyte listed according to subsection (1)(e):
  - a. A copy of current accreditation;
  - b. The limit of quantitation for each matrix, according to R9-17-404.03(I);
  - c. A copy of a proficiency testing report;
  - d. A copy of the standard operating procedure; and

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- e. Documentation of the initial demonstration of capabilities for each matrix, according to R9-17-404.03(D);
- 3. Policies and procedures that comply with the requirements in this Chapter that include:
  - a. A quality assurance program and standards,
  - b. A process to ensure marijuana or marijuana products testing results are accurate, precise, and scientifically valid before reporting the results; and
  - c. A process to compile testing results into a single laboratory report to be provided to a dispensary; and
- 4. If different from the building plan submitted according to R9-17-402(A)(8), a building plan drawn to scale of the building where the laboratory is located showing the:
  - a. Layout and dimensions of each room;
  - b. Name and function of each room;
  - c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
  - d. Location of each fire protection device;
  - e. Layout of heating, air conditioning, exhaust, and ventilation systems;
  - f. Location and layout of refrigerated rooms or freezer rooms;
  - g. Location of each sink, safety shower, other water supply, or plumbing fixture;
  - h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
  - i. Location of security equipment to protect from diversion of marijuana or marijuana products; and
  - j. Means of egress.
- e. The name, residence address, and date of birth of the technical laboratory director designated according to R9-17-404(3);
- f. The name, residence address, and date of birth of each laboratory agent, if applicable;
- g. Whether the laboratory agrees to allow the Department to submit supplemental requests for information;
- h. An attestation that the information provided to the Department to renew the laboratory registration certificate is true and correct; and
- i. The signatures of the owner of the laboratory, according to R9-17-401(A), and the technical laboratory director and the date each signed;
- 2. For each owner:
  - a. An attestation signed and dated by the owner that the owner has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801; and
  - b. An attestation signed and dated by the owner that the laboratory will not test medical marijuana and medical marijuana products for:
    - i. A dispensary, related medical marijuana business entity, or management company that the owner has a direct or indirect familial or financial relationship with or interest in; or
    - ii. A designated caregiver who the owner has a direct or indirect familial or financial relationship with;
- 3. For each current parameter and analyte, documentation of current accreditation;
- 4. If a change has been made to the standard operating procedure for a current parameter, a copy of the revised standard operating procedure;
- 5. If a change has been made in the quality assurance plan for a current parameter required in R9-17-404.03 or R9-17-404.04, a copy of the revised quality assurance plan; and
- 6. The applicable fee in R9-17-102 for applying to renew a laboratory registration certificate.

**Historical Note**

New Section made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020; amended by exempt rulemaking at 26 A.A.R. 968, effective April 20, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-403. Renewing a Laboratory Registration Certificate**

To renew a laboratory registration certificate, an applicant shall submit to the Department, at least 30 calendar days before the expiration date of the current laboratory registration certificate, but no more than 90 days before the expiration date of the current laboratory registration certificate, the following:

- 1. An application in a Department-provided format that includes:
  - a. The physical address of the laboratory;
  - b. The following information for the laboratory:
    - i. The legal name of the laboratory,
    - ii. The registry identification number for the laboratory,
    - iii. Type of business organization,
    - iv. Mailing address,
    - v. Telephone number, and
    - vi. Email address;
  - c. The name of the owner designated to submit laboratory agent registry identification card applications on behalf of the laboratory;
  - d. The name, residence address, and date of birth of each owner;

**Historical Note**

New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020; amended by exempt rulemaking at 26 A.A.R. 968, effective April 20, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3).

**R9-17-404. Administration**

An owner of a laboratory with a laboratory registration certificate shall:

- 1. Comply with the:
  - a. Quality assurance requirements in R9-17-404.05,
  - b. Operation requirements in R9-17-404.06, and
  - c. Laboratory records and reports requirements in R9-17-404;
- 2. Maintain accreditation for each approved parameter and analyte;
- 3. Designate in writing a technical laboratory director who:
  - a. Has knowledge and experience in overseeing a laboratory as documented by:
    - i. A doctoral degree in chemistry, biochemistry, microbiology, or a similar laboratory science;

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- ii. A master's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least two years of experience working in a laboratory and providing laboratory testing; or
  - iii. A bachelor's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least four years of experience working in a laboratory and providing laboratory testing; and
- b. Is responsible for:
  - i. Ensuring that all services and tests provided by the laboratory are performed in compliance with the requirements in this Article;
  - ii. Directing and supervising services and tests provided by the laboratory;
  - iii. Overseeing the work of all personnel in the laboratory;
  - iv. Providing ongoing training to laboratory agents, as applicable to the functions performed by a laboratory agent; and
  - v. Ensuring safety and hazardous substance control in the laboratory;
- 4. Notify the Department in writing within 20 business working days after any change in the technical laboratory director, providing the name and contact information for the new technical laboratory director;
- 5. Develop, document, and implement policies and procedures regarding:
  - a. Job descriptions and employment contracts, including:
    - i. Personnel duties, authority, responsibilities, and qualifications;
    - ii. Personnel supervision;
    - iii. Ongoing training, applicable to the functions performed by a laboratory agent;
    - iv. Training in and adherence to confidentiality requirements;
    - v. Periodic performance evaluations, including proficiency testing on a rotating basis among all laboratory agents performing similar functions; and
    - vi. Disciplinary actions;
  - b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;
  - c. Inventory control, including:
    - i. Tracking;
    - ii. Accepting medical marijuana or marijuana products for testing;
    - iii. Transferring a portion of a sample prepared or selected according to subsection (5)(c)(v) to another laboratory for testing of parameters or analytes that the laboratory is not approved by the Department to conduct;
    - iv. Testing medical marijuana and marijuana products;
    - v. Providing a representative portion of the sample of tested medical marijuana or a marijuana product, which had been prepared or selected according to subsection (5)(c)(v), to up to two other laboratories, with an approval for testing issued by the Department, at the request of a dispensary according to R9-17-317.01(C);
- vi. Retaining the residual portion of a sample accepted for testing from a dispensary for at least 14 days after sending the final report of testing required in R9-17-404.06(B)(3) to the dispensary; and
- vii. Disposing of medical marijuana or a marijuana product such that the marijuana or marijuana product is unrecognizable or cannot otherwise be used and documenting:
  - (1) The method of disposal;
  - (2) Whether the medical marijuana or marijuana product was tested;
  - (3) If not tested, the reason for not testing;
  - (4) The laboratory agent overseeing the disposal; and
  - (5) The date of disposal;
- d. Standard operating procedures, including:
  - i. The review and updating of standard operating procedures;
  - ii. Requirements for a laboratory agent to review current, new, or updated standard operating procedures applicable to the functions performed by the laboratory agent; and
  - iii. Documenting the review of standard operating procedures by applicable laboratory agents;
- e. Laboratory records, including:
  - i. Maintenance and monitoring of instruments and equipment;
  - ii. Acceptance of medical marijuana and marijuana products for testing, including the specification of the analytes to be tested for;
  - iii. The chain of custody and applicable trip plan, according to R9-17-408, for a sample accepted by the laboratory for testing;
  - iv. The storage of a submitted sample prior to testing to maintain the integrity of the sample and analyte;
  - v. The process for ensuring that a homogeneous portion of a submitted sample is prepared or selected for testing, including:
    - (1) The aseptic removal of a homogeneous portion of the sample for testing according to R9-17-404.04; and
    - (2) Further preparation of a homogeneous portion of the sample, if necessary, for testing according to R9-17-404.03;
  - vi. Ensuring testing results are accurate, precise, and scientifically valid before reporting the results;
  - vii. Reporting of testing results, including:
    - (1) Testing results obtained from another laboratory for testing of parameters or analytes that the laboratory is not approved by the Department to conduct, or
    - (2) Testing results provided to another laboratory from which the laboratory had received a portion of a sample for testing of parameters or analytes that the other laboratory is not approved by the Department to conduct;
  - viii. If applicable, transfer of a portion of a sample, according to subsection (5)(c)(v), to another

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laboratory with an approval for testing issued by the Department for testing of parameters or analytes that the laboratory is not approved by the Department to conduct, including:

- (1) The name and registry identification number of the dispensary from which the sample was obtained,
  - (2) The name and registry identification number of the laboratory to which the portion of the sample is being transferred,
  - (3) The date of the transfer,
  - (4) The amount of sample being transferred,
  - (5) The name and registry identification number of the laboratory agent receiving the marijuana or marijuana products on behalf of the other laboratory;
  - (6) The parameters or analytes being tested by the other laboratory, and
  - (7) The testing results obtained from the other laboratory;
- ix. If applicable, transfer of the portion of a sample remaining after testing, according to subsection (5)(c)(v), to no more than two other laboratories with an approval for testing issued by the Department at the request of a dispensary according to R9-17-317.01(C), including:
- (1) The name and registry identification number of the dispensary,
  - (2) The name and registry identification number of the dispensary agent requesting the transfer on behalf of the dispensary,
  - (3) The date of the request,
  - (4) The amount of sample being transferred,
  - (5) The name and registry identification number of each other laboratory, and
  - (6) The name and registry identification number of the laboratory agent receiving the marijuana or marijuana products on behalf of each other laboratory;
- x. Confidentiality; and
- xi. Sample retention;
- f. A quality assurance program and standards;
- g. A records retention process; and
- h. Security;
6. Review and document the review of laboratory policies and procedures at least once every 12 months after the issue date of the laboratory registration certificate and update as needed;
7. Ensure that each laboratory agent has the laboratory agent's registry identification card in the laboratory agent's immediate possession when the laboratory agent is working or providing volunteer services related to marijuana or marijuana products testing at the laboratory;
8. Ensure that a laboratory agent accompanies any individual other than another laboratory agent associated with the laboratory when the individual is present in the area of the laboratory where marijuana or marijuana products are being tested or stored for testing;
9. Not allow an individual who does not possess a laboratory agent registry identification card issued under the laboratory registration certificate to:
- a. Serve as an owner for the laboratory,
  - b. Be employed by the laboratory, or

- c. Provide volunteer services at or on behalf of the laboratory;
10. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a laboratory agent no longer:
- a. Serves as an owner for the laboratory,
  - b. Is employed by the laboratory, or
  - c. Provides volunteer services at or on behalf of the laboratory;
11. Unless otherwise specified, maintain copies of any documentation required in this Chapter for at least two years after the date on the documentation and provide copies of the documentation to the Department for review upon request.

**Historical Note**

New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-404.01. Compliance Monitoring**

- A. Submission of an application for a laboratory registration certificate constitutes permission for:
1. The Department's entry to and inspection of the laboratory, and
  2. The Department to conduct proficiency testing according to R9-17-404.02.
- B. The Department shall conduct:
1. An initial laboratory inspection; and
  2. A follow-up laboratory inspection, at least annually.
- C. The Department shall comply with A.R.S. § 41-1009 in conducting a laboratory inspection or investigation.
- D. The Department shall not accept allegations of a laboratory's noncompliance with A.R.S. Title 36, Chapter 28.1 or this Chapter from an anonymous source.
- E. If the Department receives an allegation of a laboratory's noncompliance with A.R.S. Title 36, Chapter 28.1 or this Chapter, the Department may conduct an unannounced inspection of the laboratory.
- F. If the Department determines that a laboratory is not in compliance with the requirements of A.R.S. Title 36, Chapter 28.1, or this Chapter, the Department:
1. Shall provide the owner, according to R9-17-401(A), and technical laboratory director with a written notice that includes the specific rule or statute that was violated; and
  2. May:
    - a. Take an enforcement action as described in R9-17-410; or
    - b. Require that the technical laboratory director submit to the Department, within 30 calendar days after written notice from the Department, a corrective action plan to address issues of compliance that do not directly affect the health or safety of a qualifying patient or laboratory agent that:
      - i. Describes how each identified instance of noncompliance will be corrected and reoccurrence prevented, and

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- ii. Includes a date for correcting each instance of noncompliance that is appropriate to the actions necessary to correct the instance of noncompliance.
- G. Under A.R.S. § 41-1009(G) and (I), the Department's decision regarding whether a technical laboratory director may submit a corrective action plan on behalf of a laboratory or whether a deficiency has been corrected or has been corrected within a reasonable period of time is not an appealable agency action as defined by A.R.S. § 41-1092.
  - iii. Includes a date for correcting the failure to demonstrate competency that is appropriate to the actions necessary to correct the instance of noncompliance; and
  - b. If the laboratory fails to demonstrate competency in proficiency testing for any analyte twice in a row, the laboratory does not test for the analyte until the laboratory has demonstrated competency in testing for the analyte by repeat proficiency testing.
- D. The Department may submit proficiency testing samples to a laboratory at any time during the certification period.

**Historical Note**

New Section made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2).

**R9-17-404.02. Proficiency Testing**

- A. At least once in each 12-month period, and more often if requested by the Department, a technical laboratory director shall have at least one laboratory agent, selected according to policies and procedures, participate in proficiency testing provided by the Department or a proficiency testing service that:
  - 1. Includes at least one proficiency testing sample, in a matrix similar to the medical marijuana or marijuana products accepted for testing, for each parameter and analyte for which the laboratory has been approved or is requesting approval;
  - 2. Demonstrates the laboratory agent's competence in testing for the parameter; and
  - 3. If the laboratory has been approved or has requested approval to test an analyte by different methods, may use the same proficiency testing sample for each method.
- B. To demonstrate competence in testing for a parameter, testing results reported for the parameter shall be within acceptance limits established by the Department, according to R9-17-404.03 or R9-17-404.04, or the proficiency testing service, as applicable.
- C. A technical laboratory director shall ensure that:
  - 1. Each sample for proficiency testing accepted at the laboratory is analyzed at the laboratory;
  - 2. Each sample for proficiency testing is tested according to R9-17-404.03 or R9-17-404.04, using the same procedures and techniques employed for routine sample testing;
  - 3. A proficiency testing service provides the results for each proficiency testing sample directly to the laboratory and the Department;
  - 4. If proficiency testing is provided by the Department, the laboratory submits to the Department payment for the actual costs of the materials for proficiency testing;
  - 5. If proficiency testing is not provided by the Department, the laboratory selects a proficiency testing service and contracts with and pays the proficiency testing service directly for proficiency testing; and
  - 6. For any analyte not within the acceptance limit established by the Department or the proficiency testing service in subsection (C)(5), as applicable:
    - a. A corrective action plan:
      - i. Is submitted to the Department within 10 calendar days after failing to demonstrate competency in proficiency testing,
      - ii. Describes how each identified instance of failing to demonstrate competency will be corrected, and

**Historical Note**

New Section made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-404.03. Method Criteria and References for Chemical Analyses**

- A. In addition to the definitions in A.R.S. § 36-2801 and R9-17-101, the following definitions apply in this Section unless otherwise stated:
  - 1. "Limit of quantitation" means the lowest concentration of an analyte that may be detected and the concentration of the analyte reliably and accurately determined.
  - 2. "Mid-level standard" means a standard that is between the highest concentration and lowest concentration of standards containing the same substances that are used as a reference when testing for the concentration of an analyte.
  - 3. "Response factor" means the ratio between a signal produced by an analyte relative to a signal produced by an internal standard at a specific concentration.
  - 4. "Retention time" means the length of time taken by an analyte to pass through a chromatography column.
  - 5. "Standard" means a sample of known concentration and containing specific substances that is used as a reference when testing for the concentration of an analyte.
- B. To perform laboratory testing using chemical analytical methods for any of the analytes in Table 3.1, a laboratory may use:
  - 1. An established national or international chemical method; or
  - 2. A laboratory-developed method that was validated according to:
    - a. AOAC - Appendix K: Guidelines for Dietary Supplements and Botanicals, 2013, which is incorporated by reference, includes no future editions or amendments, and is available at [http://www.eoma.aoac.org/app\\_k.pdf](http://www.eoma.aoac.org/app_k.pdf);
    - b. USDA - Guidelines for the Validation of Chemical Methods for the FDA FVM Program, 2nd Edition, April 2015, which is incorporated by reference, includes no future editions or amendments, and is available at <https://www.fda.gov/media/81810/download>; or
    - c. ICH - Validation of Analytical Procedures: Text and Methodology Q2(R1) 2005, which is incorporated by reference, includes no future editions or amendments, and is available at [https://database.ich.org/sites/default/files/Q2\\_R1\\_Guideline.pdf](https://database.ich.org/sites/default/files/Q2_R1_Guideline.pdf) or <https://www.fda.gov/regulatory-information/search-fda->

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guidance-documents/q2-r1-validation-analytical-procedures-text-and-methodology.

- C. A technical laboratory director shall ensure that all instruments and equipment used for testing medical marijuana or a marijuana product by chemical analytical methods are:
    1. Set up, tuned, and calibrated according to:
      - a. Manufacturer's acceptance criteria, or
      - b. Criteria validated according to subsection (B), as applicable;
    2. Monitored and maintained according to AOAC - Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, and Pharmaceuticals, Appendix A: Equipment, August 2018, which is incorporated by reference, includes no future editions or amendments, and is available at <https://www.aoac.org/aoac-accreditation-guidelines-for-laboratories-alacc>; and
    3. Applicable for the analytes to be tested.
  - D. A technical laboratory director shall ensure that for an initial demonstration of capability:
    1. Before implementing a method or using a new instrument, at least four replicate reference samples including each analyte that are to be tested using the method or the instrument are:
      - a. Spiked into a clean matrix that is similar to the medical marijuana or marijuana product to be tested with a mid-level standard;
      - b. Taken through the entire sample preparation and analysis process;
      - c. Have a relative standard deviation of no more than 20%; and
      - d. Have an accuracy that meets the acceptance criteria in subsection (K)(2)(d);
    2. Whenever a significant change to instrumentation or to a standard operating procedure occurs, the laboratory demonstrates, as specified in subsection (D)(1), that acceptable precision and bias can still be obtained by the changed conditions; and
    3. Whenever a new laboratory agent who will be performing testing on medical marijuana or marijuana products is being trained, the laboratory agent demonstrates, as specified in subsection (D)(1), acceptable precision and bias.
  - E. For potency testing or testing for pesticides, fungicides, growth regulators, mycotoxins, or residual solvents, a technical laboratory director shall ensure that the retention time window for each analyte is established by using the absolute retention time for each analyte and internal standard from the calibration verification standard, prepared according to subsection (H) or (J) as applicable, at the beginning of the analytical sequence.
  - F. A technical laboratory director shall ensure that:
    1. The laboratory complies with the following requirements related to calibration and standards:
      - a. Except as specified in subsection (F)(1)(c), a minimum of:
        - i. Five standards are used for an average response factor or for a linear model,
        - ii. Six standards are used for a quadratic model, and
        - iii. Seven standards are used for a cubic model;
      - b. An X-value of zero is not included as a calibration point;
    - c. A calibration curve for heavy metal testing includes a minimum of three standards and a calibration blank;
    - d. One standard is less than or equal to the limit of quantitation;
    - e. The maximum allowable concentration in Table 3.1 for an analyte, with or without dilution, is less than the concentration of the highest calibration standard for the analyte; and
    - f. As applicable, a standard is created containing a concentration of specific analytes that is a dilution factor from the maximum allowable concentration in Table 3.1 for the analyte and is used when performing multiple runs on a sample, with or without dilution, to cover the range of maximum allowable concentrations in Table 3.1;
  2. The acceptance criteria for testing is one of the following, as applicable:
    - a. The maximum relative standard deviation for the average calibration factor, for an external calibration model, or the response factor, for an internal calibration model, is no more than 20%; and
    - b. For linear and non-linear calibration models, the coefficient of determination ( $r^2$ ) is greater than or equal to 0.990 with no rounding;
  3. For chromatographic testing methods using internal standards for calibration:
    - a. The relative retention time of each analyte to the internal calibration standard is within 0.06 units;
    - b. The areas of the peaks for the internal standards in any sample are between 50 and 200% of the area of the peak of a mid-level standard used for calibration; and
    - c. The internal standards:
      - i. Have retention times similar to the analytes being tested for,
      - ii. Do not interfere with any of the analytes, and
      - iii. Have similar chemical properties as the analytes being tested for;
  4. For methods testing for heavy metals using internal standards, the internal standards:
    - a. Are appropriate for the analyte, and
    - b. Do not interfere with any of the analytes;
  5. When using a selective ion monitoring technique for data gathering, the integration window includes the entire analyte peak; and
  6. All standards included for calibration that are below the limit of quantitation have a signal-to-noise ratio of at least 3:1 according to ASTM E685-93, Standard Practice for Testing Fixed-Wavelength Photometric Detectors Used in Liquid Chromatography (2013), which is incorporated by reference, includes no future editions or amendments, and is available at <https://webstore.ansi.org/Standards/ASTM/astme685932013>.
- G. To obtain an acceptable calibration, a technical laboratory director, for each calibration event:
1. May use any of the following options:
    - a. Perform instrument maintenance to optimize analyte responses, as long as all resulting calibration models meet the acceptance criteria appropriate for the analyte;
    - b. If the problem appears to be associated with a single standard:

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- i. Reanalyze that one standard, at the time of calibration and before any samples are analyzed, to rule out problems due to random error; and
      - ii. Recalculate and reevaluate the standard against the acceptance criteria;
    - c. Narrow the calibration range by replacing one or more of the calibration standards at the upper or lower ends of the curve;
    - d. Narrow the calibration range by removing data points from either extreme end of the range and recalculating the calibration function; or
    - e. Perform a new initial calibration according to subsection (F); and
  - 2. May not:
    - a. Remove data points from within a calibration range while still retaining the extreme ends of the calibration range,
    - b. Use non-linear calibrations to compensate for detector saturation or to avoid proper instrument maintenance;
    - c. Use multiple points at the same calibration level if not also being done for all quality control samples, such as a sample required in subsection (K), and samples accepted for testing; or
    - d. Include calibration data from another calibration that was run at a different time.
- H.** A technical laboratory director shall ensure that, during each calibration event for initial calibration verification:
- 1. Standards are prepared either from a different source or from a different lot of standards from the same source than the source from which the initial calibration standards specified in subsection (F)(1) were obtained and must:
    - a. Be a mid-level standard; and
    - b. Contain all analytes being reported to comply with R9-17-317(A)(5); and
  - 2. The following acceptance criteria are used:
    - a. For potency testing, 80 to 120% recovery of true value;
    - b. For testing for pesticides, fungicides, growth regulators, mycotoxins, or residual solvents other than butanes, 70 to 130% recovery of the true value;
    - c. For butanes, 60 to 140% recovery of the true value; and
    - d. For heavy metal testing, 90 to 110% recovery of the true value.
- I.** A technical laboratory director shall ensure that for the limit of quantitation:
- 1. The limit of quantitation is initially verified by the analysis of at least seven replicate samples, spiked with all analytes at the limit of quantitation, and processed through all preparation and analysis steps for each method;
  - 2. The signal-to-noise ratio of the replicate samples in subsection (I)(1) is at least 5:1 according to ASTM E685-93, Standard Practice for Testing Fixed-Wavelength Photometric Detectors Used in Liquid Chromatography (2013), which is incorporated by reference, includes no future editions or amendments, and is available at <https://webstore.ansi.org/Standards/ASTM/astme685932013>;
  - 3. The mean recovery of the replicate samples in subsection (I)(1) is:
    - a. For potency testing,  $\pm 20\%$  of the true value;
    - b. For testing for pesticides, fungicides, growth regulators, mycotoxins, or residual solvents,  $\pm 50\%$  of the true value; and
    - c. For heavy metal testing,  $\pm 35\%$  of the true value;
  - 4. The relative standard deviation of the replicate samples in subsection (I)(1) is less than 20%;
  - 5. The limit of quantitation is, as applicable, no greater than:
    - a. Half the maximum allowable concentrations for an analyte in Table 3.1;
    - b. For chlorfenapyr, cyfluthrin, or cypermethrin, the maximum allowable concentrations for the analyte in Table 3.1; or
    - c. 1.0 mg/g for each analyte for potency testing;
  - 6. Any changes to specific sample amounts, dilutions, or volumes employed are reflected in the limit of quantitation stated on a sample report;
  - 7. The signal-to-noise ratio in subsection (I)(2) is reverified each time the instrument used for testing is calibrated; and
  - 8. Documentation of the current limit of quantitation is maintained for each analyte, matrix, and instrument.
- J.** Except as provided in subsection (P), a technical laboratory director shall ensure that for batch analysis:
- 1. Continuing calibration verification standards:
    - a. Are prepared and spiked with a mid-level concentration of all analytes from the same calibration standard source used to prepare the standards specified in subsection (F)(1); and
    - b. Have the following acceptance criteria:
      - i. For potency testing, 80 - 120% recovery of true value;
      - ii. For testing for pesticides, fungicides, growth regulators, or mycotoxins, or residual solvents other than butanes, 70 - 130% recovery of the true value;
      - iii. For butanes, 60 - 140% recovery of the true value; and
      - iv. For heavy metal testing, 90 - 110% recovery of the true value;
  - 2. If internal standards are used in continuing calibration verification, the acceptability criteria of the internal standards is determined as follows:
    - a. For testing for pesticides, fungicides, growth regulators, mycotoxins, or residual solvents by mass spectrometry, if the area of the peak for an internal standard is different by a factor of two from the area of the respective standard in subsection (F)(1)(e), for the most recent initial calibration sequence, according to subsection (F):
      - i. The mass spectrometer is inspected for malfunctions and corrected, and
      - ii. Reanalysis of the continuing calibration verification meets acceptance criteria in subsection (J)(1)(b)(ii) before any samples are tested; and
    - b. For heavy metal testing:
      - i. The intensity of an internal standard is monitored for each analysis to ensure that the intensity does not vary by more than  $\pm 30\%$ , with respect to the intensity during the initial calibration in subsection (F); and
      - ii. If the intensity of an internal standard is outside the range also observed in the calibration blank required in subsection (F)(1)(c):
        - (1) Testing is stopped until the problem is cor-

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- rected, the instrument is recalibrated, and the new calibration is verified;
- (2) Reanalysis of the continuing calibration verification meets acceptance criteria in subsection (J)(1)(b)(iii) before any samples are tested; and
  - (3) The affected samples are retested; and
3. The frequency of continuing calibration verification is as follows:
    - a. For testing by a method other than mass spectrometry:
      - i. At the beginning of the test;
      - ii. After every 20 samples, not counting a quality control sample, such as a sample required in subsection (K); and
      - iii. At the end of the test; and
    - b. For testing by mass spectrometry:
      - i. At the beginning of the testing,
      - ii. After every 12 hours of running, and
      - iii. At the end of the run.
- K.** Except as provided in subsection (P), a technical laboratory director shall ensure that for batch analysis, which may contain no more than 20 samples accepted for testing:
1. A method blank, with a matrix similar to each type of sample matrix to be tested within the batch:
    - a. Contains the same internal standards as the samples in the batch,
    - b. Is prepared and tested with each batch, and
    - c. Produces results below the limit of quantitation;
  2. Except as provided in subsection (R), a laboratory control sample and duplicate, with a matrix similar to each type of sample matrix to be tested within the batch:
    - a. Are prepared with a mid-level standard;
    - b. Are spiked before extraction;
    - c. Are carried through all stages of sample preparation and included with each analytical batch; and
    - d. Have either the following acceptance criteria:
      - i. For potency testing, 80 - 120% recovery of true value;
      - ii. For pesticides, fungicides, growth regulators, mycotoxins, or residual solvents other than butanes, 70 - 130% recovery of the true value or according to control limits derived according to R9-17-404.05(B)(10);
      - iii. For butanes, 60 - 140% recovery of the true value or acceptance criteria within statistically derived limits developed by the laboratory; and
      - iv. For heavy metal testing, 80 - 120% recovery of the true value or acceptance criteria within statistically derived limits developed by the laboratory;
  3. The relative percent difference for the laboratory control sample and duplicate for each analyte, calculated on the basis of concentration or amount, is no more than 20%; and
  4. For all new matrix types to be tested, a matrix spike derived from a dispensary submitted sample:
    - a. Is prepared for each analyte in Table 3.1 with a mid-level standard;
    - b. Is carried through all stages of sample preparation and included with each analytical batch of up to 20 samples for each matrix type; and
- c. Has either the following acceptance criteria or acceptance criteria within statistically derived limits developed by the laboratory:
    - i. For potency testing, 80 - 120% recovery of true value or according to control limits derived according to R9-17-404.05(B)(10);
    - ii. For testing for pesticides, fungicides, growth regulators, mycotoxins, or residual solvents, 70 - 130% recovery of the true value or according to control limits derived according to R9-17-404.05(B)(10); and
    - iii. For heavy metal testing, 75 - 125% recovery of the true value.
- L.** A technical laboratory director shall ensure that:
1. Except as provided in subsection (P), for potency testing or testing for pesticides, fungicides, growth regulators, mycotoxins, or residual solvents by mass spectrometry, the relative intensities of the characteristic ions agrees within 30% of the relative intensities of these ions in the reference spectrum; and
  2. For heavy metal testing, the intensity of each internal standard is monitored for each analysis to ensure that the intensity does not vary more than  $\pm 30\%$ , with respect to the intensity of the internal standard during the initial calibration specified in subsection (F).
- M.** A technical laboratory director shall ensure that:
1. In testing, by a method other than mass spectrometry, the resolution of chromatographic peaks is maintained so that the height of the valley between two chromatographic peaks is less than 50% of the lower peak height; and
  2. For testing by mass spectrometry methods, the resolution of chromatographic peaks is maintained so that the height of the valley between two chromatographic peaks is less than 50% of the average of the two peak heights.
- N.** A technical laboratory director shall ensure that confirmation for testing for pesticides, fungicides, growth regulators, or residual solvents by a method other than mass spectrometry:
1. Is performed using:
    - a. A second column:
      - i. That has a stationary phase dissimilar to the stationary phase in the primary column, and
      - ii. From which the analyte is eluted in a different order than from the primary column;
    - b. A different instrument type, such as gas chromatography followed by mass spectrometry;
    - c. Gas chromatography with two different types of detectors; or
    - d. Other recognized confirmation techniques;
  2. Meets the applicable criteria in subsections (D) through (M); and
  3. Includes as part of the confirmation of the analyte:
    - a. An evaluation of the agreement of the quantitative values of the results from both methods of testing; and
    - b. Determination of the relative percent difference between the values.
- O.** If the relative percent difference between the values obtained according to subsection (N) is more than 40%, a technical laboratory director shall ensure that:
1. The chromatograms are checked to see if an obviously overlapping peak is causing an erroneously high result, and the chromatographic conditions are reviewed; and
  2. Either:



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- a. If a problem is found with one of the tests, the result from the other test is reported; and
  - b. If there is no evidence of a chromatographic problem, the higher result is reported.
- P.** A technical laboratory director may release testing results that are scientifically valid and defensible, according to R9-17-404.06(B)(3), with the following data qualifier notations if:
1. The target analyte detected in the calibration blank required in subsection (F)(1)(c) or the method blank specified in subsection (K)(1) is at or above the limit of quantitation, but the sample result:
    - a. For potency testing, is below the limit of quantitation - B1; or
    - b. When testing for pesticides, fungicides, growth regulators, mycotoxins, heavy metals, or residual solvents, is below the maximum allowable concentration in Table 3.1 for the analyte - B2;
  2. The limit of quantitation and the sample results were adjusted to reflect sample dilution - D1;
  3. The relative intensity of a characteristic ion in a sample analyte exceeded the acceptance criteria in subsection (L)(1) with respect to the reference spectra, indicating interference - I1;
  4. When testing for pesticides, fungicides, growth regulators, mycotoxins, heavy metals, or residual solvents, the percent recovery of a laboratory control sample is greater than the acceptance limits in subsection (K)(2)(c), but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 for the analytes in the sample - L1;
  5. The recovery from the matrix spike in subsection (K)(4) was:
    - a. High, but the recovery from the laboratory control sample in subsection (K)(2) was within acceptance criteria - M1,
    - b. Low, but the recovery from the laboratory control sample in subsection (K)(2) was within acceptance criteria - M2, or
    - c. Unusable because the analyte concentration was disproportionate to the spike level, but the recovery from the laboratory control sample in subsection (K)(2) was within acceptance criteria - M3;
  6. The analysis of a spiked sample required a dilution such that the spike recovery calculation does not provide useful information, but the recovery from the associated laboratory control sample in subsection (K)(2) was within acceptance criteria - M4;
  7. The analyte concentration was determined by the method of standard addition, in which the standard is added directly to the aliquots of the analyzed sample - M5;
  8. A description of the variance is described in the final report of testing according to R9-17-404.06(B)(3)(d)(ii) - N1;
  9. The relative percent difference for the laboratory control sample and duplicate exceeded the limit in subsection (K)(3), but the recovery in subsection (K)(2) was within acceptance criteria - R1;
  10. The relative percent difference for a sample and duplicate exceeded the limit in subsection (O) - R2; or
  11. The recovery from initial or continuing calibration verification standards is greater than the acceptance limits in subsection (H)(2) or (J)(1)(b) as applicable, but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 for the analytes in the sample - V1.
- Q.** A technical laboratory director shall include in the final report of testing, according to R9-17-404.06(B)(3)(d)(iii), the following data qualifier notations if:
1. Sample integrity was not maintained - Q1;
  2. The sample is heterogeneous, and sample homogeneity could not be readily achieved using routine laboratory practices - Q2; or
  3. Testing result is for informational purposes only and cannot be used to satisfy dispensary testing requirements in R9-17-317.01(A) or labeling requirements in R9-17-317 - Q3.
- R.** For batch analysis of samples to determine potency, a technical laboratory director may check precision by using either a duplicate laboratory control sample or a duplicate sample prepared from the medical marijuana or marijuana product being tested, according to requirements in subsections (K)(2) and (3).
- S.** A technical laboratory director shall ensure that the reporting units for:
1. Pesticides, fungicides, growth regulators, heavy metals, or residual solvents are in parts per million (ppm);
  2. Mycotoxins are according to R9-17-404.04(I)(4); and
  3. Potency are:
    - a. In either:
      - i. Percent (w/w) relative to the bulk plant material or marijuana product, as applicable; or
      - ii. Number of milligrams per designated unit; and
    - b. For:
      - i. Total tetrahydrocannabinol, the sum of tetrahydrocannabinolic acid (THC-A), multiplied by 0.877, and delta-9-tetrahydrocannabinol ( $\Delta^9$ -THC); and
      - ii. Total cannabidiol, the sum of cannabidiolic acid (CBD-A), multiplied by 0.877, and cannabidiol (CBD).

**Historical Note**

New Section made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 26 A.A.R. 2848, with an immediate effective date of October 15, 2020; amended by exempt rulemaking at 26 A.A.R. 2991, effective November 1, 2020; amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-404.04. Method Criteria and References for Analyses for Microbial Contaminants**

- A.** To perform laboratory testing for the microbial contaminants in Table 3.1, a laboratory shall use an applicable method:
1. Described in:
    - a. The Bacteriological Analytical Manual (BAM), 2019, which is incorporated by reference, includes no future editions or amendments, and is available at <https://www.fda.gov/food/laboratory-methods-food/bacteriological-analytical-manual-bam>; or
    - b. AOAC Official Methods of Analysis, 21st Edition, 2019, which is incorporated by reference, includes no future editions or amendments, and is available at

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<https://www.aoac.org/official-methods-of-analysis-21st-edition-2019>;

2. Validated according to, as applicable:
    - a. AOAC - Appendix J: Guidelines for Validation of Microbiological Methods for Food and Environmental Surfaces, 2012, which is incorporated by reference, includes no future editions or amendments, and is available at [http://www.eoma.aoac.org/app\\_j.pdf](http://www.eoma.aoac.org/app_j.pdf);
    - b. AOAC - Appendix K: Guidelines for Dietary Supplements and Botanicals, 2013, which is incorporated by reference, includes no future editions or amendments, and is available at [http://www.eoma.aoac.org/app\\_k.pdf](http://www.eoma.aoac.org/app_k.pdf);
    - c. ICH - Validation of Analytical Procedures: Text and Methodology Q2(R1) 2005, which is incorporated by reference, includes no future editions or amendments, and is available at [https://database.ich.org/sites/default/files/Q2\\_R1\\_Guideline.pdf](https://database.ich.org/sites/default/files/Q2_R1_Guideline.pdf) or <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/q2-r1-validation-analytical-procedures-text-and-methodology>;
    - d. AOAC SMPR® 2019.001 - Standard Method Performance Requirements (SMPRs®) for Detection of *Aspergillus* in Cannabis and Cannabis Products, which is incorporated by reference, includes no future editions or amendments, and is available at [https://www.aoac.org/wp-content/uploads/2020/11/SMPR202019\\_001.pdf](https://www.aoac.org/wp-content/uploads/2020/11/SMPR202019_001.pdf); or
    - e. AOAC SMPR® 2020.002 - Standard Method Performance Requirements (SMPRs®) for Detection of *Salmonella* species in Cannabis and Cannabis Products, which is incorporated by reference, includes no future editions or amendments, and is available at [https://www.aoac.org/wp-content/uploads/2020/07/SMPR-2020\\_002.pdf](https://www.aoac.org/wp-content/uploads/2020/07/SMPR-2020_002.pdf);
  3. For *Escherichia coli* testing, having a limit of quantitation of at least 10 colony forming units per gram; and
  4. If applicable, meeting the requirements in subsection (I)(2) or (3).
- B.** A technical laboratory director shall ensure that all instruments and equipment used for testing medical marijuana or a marijuana product for microbial contaminants are:
1. Set up, calibrated, and verified according to:
    - a. Manufacturer's acceptance criteria; and
    - b. Requirements for the specific method, as specified in subsection (A)(1)(a) or (b), as applicable;
  2. Monitored and maintained according to AOAC - Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, and Pharmaceuticals, 6.3: Facilities and Environmental Conditions, 6.4: Equipment, 7.7: Ensuring the Validity of Results, and Appendix A: Equipment, August 2018, which is incorporated by reference, includes no future editions or amendments, and is available at <https://www.aoac.org/aoac-accreditation-guidelines-for-laboratories-alacc>; and
  3. Applicable for the analytes to be tested.
- C.** A technical laboratory director shall ensure that:
1. The organisms required as controls are checked, as appropriate for their application:
    - a. To ensure there is no contamination with other organisms,
    - b. For verification of biochemical or other biological characteristics, and
    - c. To ascertain the number of organisms; and
  2. Documentation is maintained of the:
    - a. Checking required in subsection (C)(1), and
    - b. Traceability of the organisms in subsection (C)(1) from date of possession.
- D.** A technical laboratory director shall ensure that for an initial demonstration of capability:
1. Before implementing a method, at least four replicate reference samples for each analyte are:
    - a. Spiked with control organisms at an amount allowing for quantitation, and
    - b. Taken through the entire sample preparation and analysis process;
  2. Whenever a significant change to instrumentation or to a standard operating procedure occurs, the laboratory demonstrates, as specified in subsection (D)(1), that acceptable precision and bias can still be obtained by the changed conditions; and
  3. Whenever a new laboratory agent who will be performing testing on medical marijuana or marijuana products is being trained, the laboratory agent demonstrates, as specified in subsection (D)(1), acceptable precision and bias.
- E.** A technical laboratory director shall ensure that each batch of media or reagent:
1. Is examined to ensure it is suitable for use;
  2. If externally prepared, has a certificate of meeting quality control standards, issued by the manufacturer, before the batch of media or reagent is used;
  3. If internally prepared, has documentation of:
    - a. Instructions for preparation;
    - b. Traceability to dehydrated media or reagent concentrate;
    - c. Sterility, including, as applicable:
      - i. Autoclave records showing the date, run number, autoclave identifier, nature of the material being autoclaved, time at desired temperature, and name of the laboratory agent starting the autoclave; and
      - ii. For another sterilization method, records showing the date, type of sterilization method, nature of the material being sterilized, confirmation of the sterilization as applicable to the method, and name of the laboratory agent initiating the sterilization method;
  - d. Checking for the following, as applicable, including the name of the laboratory agent who performed the check and date of the check:
    - i. pH,
    - ii. Appearance,
    - iii. Fill volumes,
    - iv. Batch size, and
    - v. Quantity; and
  4. Undergoes quality control verification, as applicable, including the name of the laboratory agent who performed the verification and date of verification, for:
    - a. The ability of media to sustain growth of the organism for which the media will be used;
    - b. If applicable, the ability of media to select for specific organisms or characteristics of an organism;
    - c. The ability of a reagent to function as intended; and
    - d. Sterility of the media or reagent before use.

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- F.** If test kits or other identification systems are used for laboratory testing, a technical laboratory director shall ensure that:
- Each lot of test kits or other identification systems undergoes quality control verification before use, including the name of the laboratory agent who performed the verification and date of verification, for:
    - Having a certificate of meeting quality control standards, issued by the manufacturer; and
    - Passing a visual inspection of physical characteristics;
  - If an identification system is intended to speciate organisms, the identification system is tested with at least one control organism appropriate for the identification system to confirm acceptability; and
  - For testing using ELISA:
    - The ELISA testing calibration curve has at least four standards;
    - The standards in subsection (F)(3)(a) bracket the maximum allowable contaminants in Table 3.1 for the analyte; and
    - For linear and non-linear calibration models, the coefficient of determination ( $r^2$ ) is greater than or equal to 0.990 with no rounding.
- G.** A technical laboratory director shall ensure that:
- For testing for *Aspergillus* with a plating method:
    - One of the following plating media is used:
      - Malt extract agar, BAM Media M182;
      - Dichloran rose bengal chloramphenicol agar, BAM Media M183; or
      - Potato dextrose agar with rose bengal and chloramphenicol; and
    - Petrifilm™, Simplate™, or another pre-made plate that is unsuitable for growing spreading molds is not used;
  - For testing for mycotoxins by any method, at least a 0.5 g sample is tested;
  - For testing for *Aspergillus* or *Salmonella*, the samples are enriched using a validated AOAC method; and
  - For samples that test “Detected” for *Aspergillus* or *Salmonella*:
    - A log is maintained identifying the samples, and
    - A sample is only retested when quality control standards have failed or when recommended by the instrument manufacturer.
- H.** A technical laboratory director shall include in the final report of testing, according to R9-17-404.06(B)(3)(d)(iii), the following data qualifier notations if:
- The limit of quantitation and the sample results were adjusted to reflect sample dilution - D1;
  - A description of the variance is described in the final report of testing according to R9-17-404.06(B)(3)(d)(ii) - N1;
  - Sample integrity was not maintained - Q1;
  - The sample is heterogeneous, and sample homogeneity could not be readily achieved using routine laboratory practices - Q2; or
  - Testing result is for informational purposes only and cannot be used to satisfy dispensary testing requirements in R9-17-317.01(A) or labeling requirements in R9-17-317 - Q3.
- I.** A technical laboratory director shall ensure that:
- The reporting units for *Escherichia coli* are colony forming units per gram (CFU/g);
  - Reporting for *Salmonella* is “Detected” or “Not detected” in one gram;
  - Reporting for *Aspergillus* is “Detected” or “Not detected” in one gram; and
  - Reporting for mycotoxins includes:
    - Total aflatoxins in units of micrograms per kilogram ( $\mu\text{g/kg}$ ), and
    - Ochratoxin A in units of micrograms per kilogram ( $\mu\text{g/kg}$ ).

**Historical Note**

New Section made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-404.05. Quality Assurance**

- A.** An owner holding a laboratory registration certificate or applicant shall ensure that the analytical data produced at the owner's or applicant's laboratory are of known and acceptable precision and accuracy, as prescribed by the method criteria for each analyte in R9-17-404.03 or R9-17-404.04, and are scientifically valid and defensible.
- B.** An owner holding a laboratory registration certificate or applicant shall establish, implement, and comply with a written quality assurance plan that contains the following and is available at the laboratory for Department review:
- A title page identifying the laboratory and date of review and including the technical laboratory director's signature of approval;
  - A table of contents;
  - An organization chart or list of the laboratory personnel, including names, lines of authority, and identification of principal quality assurance personnel;
  - A copy of the current laboratory registration certificate and a list of approved parameters;
  - A statement of quality assurance objectives, including data quality objectives with precision and accuracy goals and the criteria for determining the acceptability of each testing;
  - Specifications for preservation of samples;
  - A procedure for documenting laboratory receipt of samples and tracking of samples during laboratory testing;
  - A procedure for analytical instrument calibration, including frequency of calibration and complying with the requirements for calibration in subsection (D);
  - A procedure for testing data reduction and validation and reporting of final results, including the identification and treatment of data outliers, the determination of the accuracy of data transcription, and all calculations;
  - If using control limits derived by the laboratory as a basis for determining acceptance of a testing result, a procedure to ensure that the control limits are:
    - Statistically significant, valid, and defensible; and
    - Updated at least every 12 months;
  - A statement of the frequency of all quality control checks;
  - A statement of the acceptance criteria for all quality control checks;
  - Preventive maintenance procedures and schedules;

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14. Assessment procedures for data acceptability, including appropriate procedures for manual integration of chromatograms and when manual integration is inappropriate;
  15. Corrective action procedures to be taken when results from analytical quality control checks are unacceptable, including steps to demonstrate the presence of any interference if the precision, accuracy, or limit of quantitation of the reported testing result is affected by the interference; and
  16. Procedures for chain-of-custody documentation, including procedures for the documentation and reporting of any deviation from the sample handling or preservation requirements.
- C. An owner holding a laboratory registration certificate or applicant shall ensure that a laboratory's written quality assurance plan is a separate document available at the laboratory and includes all of the components required in subsection (B), but an owner or applicant may satisfy the components required in subsections (B)(3) through (16) through incorporating by reference provisions in separate documents, such as standard operating procedures.
- D. An owner holding a laboratory registration certificate or applicant shall:
1. Have available at the laboratory all methods, equipment, reagents, and supplies necessary for the testing for which the owner or applicant is approved or is requesting approval;
  2. Use only reagents of a grade equal to or greater than that required by the method criteria in R9-17-404.03 or R9-17-404.04, and document the use of the reagents;
  3. Maintain and require each laboratory agent performing testing on medical marijuana or a marijuana product to comply with a complete and current standard operating procedure that meets the requirements for each method, as specified in R9-17-404.03 or R9-17-404.04, which shall include at least:
    - a. A description of all procedures to be followed, including the recording of the information required according to R9-17-404.06(B)(1)(g) and (k), when the method is performed;
    - b. A list of the concentrations for calibration standards, check standards, and spikes;
    - c. Requirements for instrumental conditions and set up;
    - d. A requirement for frequency of calibration;
    - e. The quantitative methods to be used to calculate the final concentration of an analyte in samples, including any factors used in the calculations and the calibration algorithm used; and
    - f. Requirements for preventative maintenance;
  4. Calibrate each instrument as required by the standard operating procedure, as specified in R9-17-404.03 or R9-17-404.04, for which the equipment is used;
  5. Maintain calibration documentation, including documentation that demonstrates the calculations performed using each calibration model;
  6. Develop, document, and maintain a current limit of quantitation, as specified in R9-17-404.03, for each compliance parameter for each instrument;
  7. For each parameter and analyte tested at the laboratory use the quality control acceptance criteria specified according to R9-17-404.03, R9-17-404.04, and Table 3.1;
  8. Discard or segregate all expired standards or reagents;
  9. Maintain a record showing the traceability of reagents; and
  10. Ensure that a calibration model is not used or changed to avoid necessary instrument maintenance.
- E. Except as provided in subsection (F), an owner holding a laboratory registration certificate or applicant shall ensure that each laboratory standard operating procedure is a separate document available at the laboratory and includes all of the components required in subsection (D)(3).
- F. An owner holding a laboratory registration certificate or applicant may satisfy the components required in subsections (D)(3)(e) and (f) through incorporating by reference provisions in separate documents, such as other standard operating procedures.

**Historical Note**

New Section made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-404.06. Operations**

- A. A technical laboratory director shall ensure that:
1. A sample of medical marijuana or a marijuana product accepted at the technical laboratory director's laboratory is analyzed:
    - a. Either:
      - i. At the laboratory with methods approved by the Department; or
      - ii. For testing of parameters or analytes that the laboratory is not approved by the Department to conduct, at another laboratory with an approval for testing issued by the Department;
    - b. As received; and
    - c. Within 10 calendar days after receipt;
  2. If an instrument or equipment used for testing medical marijuana or a marijuana product has a mechanism to track any changes made to testing results, the tracking mechanism is installed and activated;
  3. The facility and utilities required to operate equipment and perform testing of medical marijuana or marijuana products are maintained;
  4. Environmental controls are maintained within the laboratory to ensure that laboratory environmental conditions do not affect analytical results beyond quality control limits established for the methods performed at the laboratory;
  5. Storage, handling, and disposal of hazardous materials at the laboratory are in accordance with all state and federal regulations;
  6. The laboratory complies with all applicable federal, state, and local occupational safety and health regulations; and
  7. The following information is maintained for all laboratory agents providing supervisory, quality assurance, or analytical functions related to testing of medical marijuana or a marijuana product:
    - a. A summary of each laboratory agent's education and professional experience;
    - b. Documentation of each laboratory agent's applicable certifications and specialized training;

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- c. Information related to the laboratory agent's registry identification card;
  - d. Documentation of each laboratory agent's review of the quality assurance plan required under R9-17-404.05(B) and the methods and laboratory standard operating procedures for all testing of marijuana or marijuana products performed by the laboratory agent or for which the laboratory agent has supervisory or quality assurance responsibility;
  - e. Documentation of each laboratory agent's completion of training on the use of equipment and of proper laboratory technique, including the name of the laboratory agent, the name of the instructor, the duration of the training, and the date of completion of the training;
  - f. Documentation of each laboratory agent's completion of training classes, continuing education courses, seminars, and conferences that relate to the testing procedures used by the laboratory agent for testing of marijuana or marijuana products;
  - g. Documentation of each laboratory agent's completion of initial demonstration of capability, as required in R9-17-404.03(D)(3) or R9-17-404.04(D)(3), for each approved method performed by the laboratory agent;
  - h. Documentation of each laboratory agent's performance of proficiency testing; and
  - i. Documentation of each laboratory agent's completion of training related to instrument calibration that includes:
    - i. Instruction on each calibration model that the laboratory agent will use or for which the laboratory agent will review data;
    - ii. For each calibration model in subsection (A)(7)(i)(i), description of the specific aspects of the calibration model that might compromise the data quality, such as detector saturation, lack of detector sensitivity, the calibration model's not accurately reflecting the calibration points, inappropriate extension of the calibration range, weighting factors, and dropping of mid-level calibration points without justification; and
    - iii. Instruction that a calibration model shall not be used or changed to avoid necessary instrument maintenance.
- B.** A technical laboratory director shall ensure that:
- 1. A testing record for marijuana or marijuana products contains:
    - a. Sample information, including the following:
      - i. A unique sample identification assigned at the laboratory;
      - ii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the amount, strain, and batch number;
      - iii. The sample collection date and time;
      - iv. The type of testing to be performed, including whether the testing is to satisfy the requirement in R9-17-317.01(A) or for a dispensary's information only; and
      - v. The analytes to be tested for, as specified by the dispensary, laboratory, qualifying patient, or designated caregiver, identified according to subsection (B)(1)(c), submitting the sample to the laboratory;
    - b. A color picture of the sample as submitted;
    - c. The name and registry identification number of the dispensary, qualifying patient, or designated caregiver submitting the sample to the laboratory;
    - d. If applicable, name and the registry identification number of the dispensary agent submitting the sample to the laboratory on behalf of a dispensary;
    - e. The date and time of receipt of the sample at the laboratory;
    - f. The name and registry identification number of the laboratory agent who received the sample at the laboratory;
    - g. The dates and times of testing, including the date and time of each critical step;
    - h. Whether testing results related to a sample were changed;
    - i. If testing results related to a sample were changed, what was changed, the name of the laboratory agent who changed the testing results, the time and date the data were changed, and why the testing results were changed;
    - j. If testing results were changed due to retesting:
      - i. What was used or done to the sample, and
      - ii. The original and changed testing results;
    - k. The actual results of testing, including all raw data, work sheets, and calculations performed;
    - l. The actual results of quality control data validating the testing results, including the calibration and calculations performed;
    - m. The name of each laboratory agent who performed the testing; and
    - n. A copy of the final report;
  - 2. A testing result for medical marijuana or a marijuana product that is known to be inaccurate is not reported; and
  - 3. Except as specified in subsection (C) or (D) as applicable, a final report of testing of marijuana or marijuana products contains:
    - a. The name, address, and telephone number of the laboratory;
    - b. The registry identification number assigned to the laboratory by the Department;
    - c. Actual scientifically valid and defensible results of testing of a sample of medical marijuana or a marijuana product in appropriate units of measure, obtained in accordance with R9-17-404.03, R9-17-404.04, and the quality assurance plan;
    - d. As applicable:
      - i. A statement that testing results were obtained according to requirements in the quality assurance plan in R9-17-404.05, in the applicable standard operating procedure, and in R9-17-404.03 or R9-17-404.04;
      - ii. A description of any variances from the requirements in the quality assurance plan in R9-17-404.05, the applicable standard operating procedure, R9-17-404.03, or R9-17-404.04 made to ensure scientifically valid and defensible testing results, and the reason for the variance; or
      - iii. A qualifier, according to R9-17-404.03(P) or (Q) or R9-17-404.04(H), as applicable, located

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- adjacent to the name of the analyte or testing result to which the qualifier pertains;
- e. A list of each method used to obtain the reported results;
  - f. Sample information, including the following:
    - i. The unique sample identification assigned at the laboratory;
    - ii. A color picture of the sample as submitted;
    - iii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the strain and batch number;
    - iv. The sample collection date and time;
    - v. The name and registry identification number of the dispensary, laboratory, qualifying patient, or designated caregiver submitting the sample to the laboratory; and
    - vi. Any changes made to the information recorded according to subsection (B)(1)(a) since sample submission;
  - g. The date of testing for each parameter reported;
  - h. The date of the final report; and
  - i. The technical laboratory director's or designee's signature.
- C. If a sample of medical marijuana or a marijuana product accepted at a laboratory is analyzed at another laboratory, as allowed according to R9-17-404.06(A)(1)(a)(ii), a technical laboratory director shall ensure that the final report of testing required in subsection (B)(3) includes a copy of the final report of testing from each laboratory to which the laboratory accepting the sample from a dispensary sent a portion of the sample for testing of parameters or analytes that the laboratory is not approved by the Department to conduct.
- D. If a final report of testing issued according to subsection (B)(3) needs to be changed, amended, or reissued, a technical laboratory director shall ensure that a changed, amended, or reissued report of testing is generated by the laboratory and includes:
1. The date of the changed, amended, or reissued report of testing;
  2. A statement that the changed, amended, or reissued report is an amendment to the original final report of testing, including any unique number or other designator given by the laboratory to the original final report of testing;
  3. If it is necessary to issue a completely new final report of testing, the information required in subsection (B)(3); and
  4. The change to the information provided in the original final report of testing and, where appropriate, the reason for the change, located either:
    - a. Adjacent to the testing result to which the change pertains, or
    - b. On the same page of the final report of testing with an indicator located adjacent to the testing result to which the change pertains.
- E. For a sample of marijuana or a marijuana product accepted at the technical laboratory director's laboratory, a technical laboratory director shall ensure that the final report of testing in subsection (B)(3):
1. For a sample received from a dispensary, is sent to the dispensary within 10 calendar days after receipt of the sample;
  2. For a sample received from another laboratory according to subsection (A)(1)(a)(ii), is sent to the other laboratory from which the sample was sent within seven calendar days after receipt of the sample;
  3. For a sample received from another laboratory according to R9-17-317.01(C), is sent to the dispensary requesting retesting within seven calendar days after receipt of the sample; and
  4. For a sample received from a qualifying patient or designated caregiver as recorded according to subsection (B)(1)(c), is sent to the qualifying patient or designated caregiver within 10 calendar days after receipt of the sample.

**Historical Note**

New Section made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-404.07. Adding or Removing Parameters for Testing**

- A. During the term of a laboratory registration certificate, an owner may request to have one or more parameters:
1. Added to the laboratory registration certificate, or
  2. Removed from the laboratory registration certificate.
- B. To request a change to one or more parameters, an applicant shall submit to the Department:
1. The following information in a Department-provided format:
    - a. The name, address, and telephone number of the applicant;
    - b. The name, address, and telephone number of the laboratory for which the change is requested;
    - c. If requesting the removal of a parameter, identification of the parameter to be removed;
    - d. If requesting the addition of a parameter:
      - i. The analyte to be tested for;
      - ii. The instruments and equipment to be used for testing;
      - iii. The software to be used at the laboratory for instrument control and data reduction interpretation; and
      - iv. The limit of quantitation, if applicable;
    - e. Whether the laboratory is ready for an inspection by the Department;
    - f. If the laboratory is not ready for an inspection by the Department, the date the laboratory will be ready for an inspection by the Department;
    - g. An attestation that the information provided to the Department to apply for the addition of a parameter is true and correct; and
    - h. The signatures of the owner of the laboratory, according to R9-17-401(A), and the technical laboratory director and the date each signed;
  2. The following for each parameter requested to be added:
    - a. A copy of current accreditation;
    - b. A copy of a proficiency testing report;
    - c. A copy of the standard operating procedure; and
    - d. Documentation of the initial demonstration of capabilities, according to R9-17-404.03(D); and
  3. If applicable, any changes to the quality assurance plan in R9-17-404.05(B) made due to the addition or removal of the parameter.

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- C. The Department may conduct a laboratory inspection during the substantive review period for a request to have one or more parameters added to a laboratory registration certificate.
- D. The Department shall process a request to have one or more parameters added to a laboratory registration certificate as provided in R9-17-107.

**Historical Note**

New Section made by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-405. Submitting an Application for a Laboratory Agent Registry Identification Card**

To obtain a laboratory agent registry identification card for an individual serving as an owner for the laboratory, employed by the laboratory, or providing volunteer services at or on behalf of the laboratory, the owner shall submit to the Department the following for each laboratory agent:

1. An application in a Department-provided format that includes:
  - a. The laboratory agent's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The laboratory agent's residence address and Arizona mailing address;
  - c. The county where the laboratory agent resides;
  - d. The laboratory agent's date of birth;
  - e. The identifying number on the applicable card or document in subsection (4)(a) through (e);
  - f. The name and registry identification number of the laboratory; and
  - g. The signature of the individual in R9-17-402(A)(1)(c) designated to submit laboratory agent applications on the laboratory's behalf and the date the individual signed;
2. An attestation signed and dated by the laboratory agent that the laboratory agent:
  - a. Either:
    - i. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
    - ii. Is deemed to not have been convicted of an excluded felony offense through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
  - b. Will not test medical marijuana and medical marijuana products for:
    - i. A dispensary, related medical marijuana business entity, or management company that the laboratory agent has a direct or indirect familial or financial relationship with or interest in; or
    - ii. A designated caregiver who the laboratory has a direct or indirect familial or financial relationship with;
3. A statement in a Department-provided format, signed by the laboratory agent, pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
4. A copy of the laboratory agent's:
  - a. Arizona driver's license issued on or after October 1, 1996;

- b. Arizona identification card issued on or after October 1, 1996;
- c. Arizona registry identification card;
- d. Photograph page in the laboratory agent's U.S. passport or a U.S. passport card; or
- e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the laboratory agent:
  - i. Birth certificate verifying U.S. citizenship,
  - ii. U.S. Certificate of Naturalization, or
  - iii. U.S. Certificate of Citizenship;
5. A current photograph of the laboratory agent;
6. For the Department's criminal records check authorized in A.R.S. §§ 36-2804.01 and 36-2804.07:
  - a. The laboratory agent's fingerprints on a fingerprint card that includes:
    - i. The laboratory agent's first name; middle initial, if applicable; and last name;
    - ii. The laboratory agent's signature;
    - iii. If different from the laboratory agent, the signature of the individual physically rolling the laboratory agent's fingerprints;
    - iv. The laboratory agent's address;
    - v. If applicable, the laboratory agent's surname before marriage and any names previously used by the laboratory agent;
    - vi. The laboratory agent's date of birth;
    - vii. The laboratory agent's Social Security number;
    - viii. The laboratory agent's citizenship status;
    - ix. The laboratory agent's gender;
    - x. The laboratory agent's race;
    - xi. The laboratory agent's height;
    - xii. The laboratory agent's weight;
    - xiii. The laboratory agent's hair color;
    - xiv. The laboratory agent's eye color; and
    - xv. The laboratory agent's place of birth;
  - b. If the laboratory agent's fingerprints and information required in subsection (6)(a) were submitted to the Department within the previous six months as part of an application for a designated caregiver registry identification card, a dispensary agent registry identification card, or a laboratory agent registry identification card, the registry identification number on the registry identification card issued to the laboratory agent as a result of the application; or
  - c. Documentation that the laboratory agent has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
7. The applicable fee in R9-17-102 for applying for a laboratory agent registry identification card.

**Historical Note**

New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-406. Submitting an Application to Renew a Laboratory Agent's Registry Identification Card**

To renew a laboratory agent's registry identification card for an individual serving as an owner for the laboratory, employed by the laboratory, or providing volunteer services at or on behalf of the laboratory, the laboratory shall submit to the Department, at least 30 calendar days before the expiration of the laboratory agent's registry identification card, but no more than 90 days before the expiration of the laboratory agent's registry identification card.

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tion date of the laboratory's agent's registry identification card, the following:

1. An application in a Department-provided format that includes:
  - a. The laboratory agent's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The laboratory agent's residence address and Arizona mailing address;
  - c. The county where the laboratory agent resides;
  - d. The laboratory agent's date of birth;
  - e. The registry identification number on the laboratory agent's current registry identification card;
  - f. The name and registry identification number of the laboratory; and
  - g. The signature of the individual in R9-17-402(A)(1)(c) designated to submit laboratory agent applications on the laboratory's behalf and the date the individual signed;
2. If the laboratory agent's name in subsection (1)(a) is not the same name as on the laboratory agent's current registry identification card, one of the following with the laboratory agent's new name:
  - a. An Arizona driver's license,
  - b. An Arizona identification card, or
  - c. The photograph page in the laboratory agent's U.S. passport or a U.S. passport card;
3. An attestation signed and dated by the laboratory agent that the laboratory agent:
  - a. Either:
    - i. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
    - ii. Is deemed to not have been convicted of an excluded felony offense through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
  - b. Will not test medical marijuana and medical marijuana products for:
    - i. A dispensary, related medical marijuana business entity or management company the laboratory agent has a direct or indirect familial or financial relationship with or interest in; or
    - ii. A designated caregiver the laboratory has a direct or indirect familial or financial relationship with;
4. A statement in a Department-provided format signed by the laboratory agent pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
5. A current photograph of the laboratory agent;
6. For the Department's criminal records check authorized in A.R.S. §§ 36-2804.01 and 36-2804.07:
  - a. The laboratory agent's fingerprints on a fingerprint card that includes:
    - i. The laboratory agent's first name; middle initial, if applicable; and last name;
    - ii. The laboratory agent's signature;
    - iii. If different from the laboratory agent, the signature of the individual physically rolling the laboratory agent's fingerprints;
    - iv. The laboratory agent's address;
    - v. If applicable, the laboratory agent's surname before marriage and any names previously used by the laboratory agent;
    - vi. The laboratory agent's date of birth;

- vii. The laboratory agent's Social Security number;
  - viii. The laboratory agent's citizenship status;
  - ix. The laboratory agent's gender;
  - x. The laboratory agent's race;
  - xi. The laboratory agent's height;
  - xii. The laboratory agent's weight;
  - xiii. The laboratory agent's hair color;
  - xiv. The laboratory agent's eye color; and
  - xv. The laboratory agent's place of birth;
  - b. If the laboratory agent's fingerprints and information required in subsection (6)(a) were submitted to the Department within the previous six months as part of an application for a designated caregiver registry identification card, a dispensary agent registry identification card, or a laboratory agent registry identification card, the registry identification number on the registry identification card issued to the laboratory agent as a result of the application; or
  - c. Documentation that the laboratory agent has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
7. The applicable fee in R9-17-102 for applying to renew a laboratory agent's registry identification card.

**Historical Note**

New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-407. Inventory Control System**

- A. A laboratory shall not accept submissions of marijuana or marijuana products for testing from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1.
- B. A technical laboratory director shall designate in writing a laboratory agent who has oversight of the laboratory's marijuana inventory control system.
- C. A technical laboratory director shall establish and implement an inventory control system for the laboratory's medical marijuana and marijuana products that documents:
  1. The following amounts in appropriate units:
    - a. Each day's beginning inventory of medical marijuana and marijuana products;
    - b. Medical marijuana and marijuana products accepted for testing, including verifying the amount of each sample of medical marijuana or marijuana product accepted for testing;
    - c. The portions of a sample of medical marijuana or a marijuana product removed for testing with the name of the laboratory agent removing each portion;
    - d. Medical marijuana and marijuana products transferred to or from another laboratory for testing of parameters or analytes that the laboratory receiving a sample from a dispensary is not approved by the Department to conduct;
    - e. Medical marijuana and marijuana products transferred to another laboratory at the request of a dispensary according to R9-17-317.01(C);
    - f. Medical marijuana or marijuana products that were disposed of, including verifying that the amount of medical marijuana or marijuana product being disposed of is consistent with the original amount accepted for testing minus the amounts used for testing or transferred to another laboratory; and



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- g. The day's ending medical marijuana and marijuana products inventory;
  - 2. The chain of custody for each sample of medical marijuana or a marijuana product submitted to the laboratory for testing;
  - 3. Any damage to a sample's container or possible tampering;
  - 4. As applicable, for submissions of marijuana and marijuana products for testing:
    - a. A description of the submitted marijuana or marijuana products including the amount, strain and batch number;
    - b. The name and registry identification number of the dispensary that submitted the marijuana or marijuana products;
    - c. The name and registry identification number of the dispensary agent that submitted the marijuana or marijuana products;
    - d. The name and registry identification number of the qualifying patient that submitted the marijuana or marijuana products;
    - e. The name and registry identification number of the designated caregiver that submitted the marijuana or marijuana products;
    - f. The name and registry identification number of the laboratory agent receiving the marijuana or marijuana products on behalf of the laboratory; and
    - g. The date of acquisition; and
  - 5. For disposal of the remaining sample of medical marijuana or a marijuana product after testing:
    - a. The unique sample identification assigned to the sample of medical marijuana or a marijuana product, according to R9-17-404.06(B)(1)(a);
    - b. The amount of the medical marijuana or marijuana product being disposed of;
    - c. Date of disposal;
    - d. Method of disposal; and
    - e. Name and registry identification number of the laboratory agent responsible for the disposal.
  - D. The individual designated in subsection (B) shall conduct and document an audit of the laboratory's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.
    - 1. If the audit identifies a reduction in the amount of marijuana or marijuana products in the laboratory's inventory not due to documented causes, the technical laboratory director shall determine where the loss has occurred and take and document corrective action.
    - 2. If the reduction in the amount of marijuana or marijuana products in the laboratory's inventory is due to suspected criminal activity by a laboratory agent, the technical laboratory director shall report the laboratory agent to the Department and to the local law enforcement authorities and document the report.
  - E. A laboratory shall:
    - 1. Maintain the documentation required in subsections (C) and (D) at the laboratory for at least five years after the date on the document, and
    - 2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.
- Historical Note**
- New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020; amended by exempt rulemaking at 26 A.A.R. 968, effective April 20, 2020 (Supp. 20-2). Amended by exempt rulemaking at 26 A.A.R. 1905, with an immediate effective date of August 28, 2020 (Supp. 20-3). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).
- R9-17-408. Security**
- A. Except as provided in R9-17-404(8), a laboratory shall ensure that access to the area of the laboratory where marijuana or marijuana products are being tested or stored for testing is limited to a laboratory's owners and authorized laboratory agents.
  - B. A laboratory agent may only transport marijuana or marijuana products submitted for testing to a laboratory having a registry identification number issued under this Chapter.
  - C. Before transportation to a laboratory, a laboratory agent shall:
    - 1. Complete a trip plan that includes:
      - a. The name of the laboratory agent in charge of transporting the marijuana or marijuana products;
      - b. The date and start time of the trip;
      - c. A description of the marijuana or marijuana products being transported;
      - d. Any anticipated stops during the trip, including the locations of the stops and arrival time and departure time for each location; and
      - e. The anticipated route of transportation; and
    - 2. Provide a copy of the trip plan in subsection (C)(1) to the laboratory.
  - D. During transportation to the laboratory, a laboratory agent shall:
    - 1. Carry a copy of the trip plan in subsection (C)(1) with the laboratory agent for the duration of the trip;
    - 2. Use a vehicle:
      - a. Without any marijuana identification;
      - b. Equipped with a global positioning system or other means of tracking the location of the vehicle;
      - c. With an operational video surveillance system and recording equipment that:
        - i. Shows the interior of the vehicle, including the driver's seat and location of the marijuana, marijuana plants, or marijuana products being transported;
        - ii. Is turned on for the duration of a trip while medical marijuana or a marijuana product is in the vehicle; and
        - iii. Either stores the recording for at least 30 calendar days or transmits the recorded images at the time of recording to another location, where the recorded images are stored for at least 30 calendar days; and
      - d. With a locked compartment in which any marijuana or marijuana products being transported may be stored during a trip;
    - 3. Have a means of communication with the laboratory; and
    - 4. Note the arrival time and departure time for each stop; and
    - 5. Ensure that the marijuana or marijuana products are stored in the locked compartment specified in subsection (D)(2)(d) and are not visible.
  - E. After transportation, a laboratory agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1).

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- F.** If a dispensary agent transports medical marijuana or a marijuana product to a laboratory for testing, the laboratory shall require that a copy of the trip plan be provided by the dispensary before accepting the medical marijuana or marijuana product for testing.
- G.** A laboratory shall:
1. Maintain the documents required in subsections (C)(2), (E), and (F); and
  2. Provide a copy of the documents required in subsections (C)(2), (E), and (F) to the Department for review upon request.
- H.** To prevent unauthorized access to marijuana or marijuana products at the laboratory for testing, the laboratory shall have the following:
1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
    - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
    - b. Exterior lighting to facilitate surveillance;
    - c. Electronic monitoring including:
      - i. At least one 19-inch or greater call-up monitor;
      - ii. A video printer capable of immediately producing a clear still photo from any video camera image;
      - iii. Video cameras:
        - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
        - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
      - iv. A video camera in each area of the laboratory where marijuana or marijuana products are being tested or stored for testing capable of identifying any activity occurring within the area in low light conditions;
      - v. Storage of video recordings from the video cameras for at least 30 calendar days;
      - vi. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
      - vii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
    - d. Panic buttons in the interior of each building; and  - 2. Policies and procedures that:
    - a. Restrict access to the areas of the laboratory that contain marijuana or marijuana products and, if applicable, to authorized individuals only;
    - b. Provide for the identification of authorized individuals; and
    - c. Prevent loitering.

**Historical Note**

New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended

by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-17-409. Physical Plant**

- A.** A laboratory shall ensure that designated storage areas for marijuana or marijuana products or materials used in direct contact with marijuana or marijuana products are:
1. Separate from storage areas for toxic or flammable materials; and
  2. Maintained in a manner to prevent:
    - a. Microbial contamination and proliferation, and
    - b. Contamination or infestation by insects or rodents.
- B.** A laboratory shall ensure that:
1. Storage areas are designated for:
    - a. Medical marijuana and marijuana products awaiting testing;
    - b. Reagents, standards, and other testing related chemicals or materials; and
    - c. The remaining portions of tested medical marijuana and marijuana products retained according to R9-17-404(5)(c)(vi);
  2. Designated storage areas are monitored to ensure that a:
    - a. Room temperature storage area is maintained between 20°C and 28°C,
    - b. Refrigerated storage area is maintained between 2°C and 8°C, and
    - c. Freezer storage area is maintained at or less than -20°C;
  3. A storage area for the storage of medical marijuana or marijuana product awaiting testing is labeled to indicate the temperature range and types of medical marijuana or marijuana products to be stored in the storage area;
  4. Medical marijuana or a marijuana product awaiting testing is stored at an appropriate temperature, as specified on the packaged sample;
  5. Reagents, standards, and other testing related chemicals or materials are stored according to manufacturer's directions; and
  6. The remaining portions of tested medical marijuana and marijuana products are stored in a refrigerated storage area or a freezer storage area to reduce microbial proliferation.
- C.** A laboratory shall ensure that a designated area for testing medical marijuana or a marijuana product for microbial contaminants is maintained in a manner to prevent exposure of the medical marijuana or marijuana product to external microbial contaminants.
- D.** A laboratory shall ensure that a designated area for testing medical marijuana or a marijuana product for pesticides, fungicides, growth regulators, heavy metals, or residual solvents is maintained in a manner to prevent exposure of the medical marijuana or marijuana product to external contamination.

**Historical Note**

New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by exempt rulemaking at 27 A.A.R. 111, with an immediate effective date of January 15, 2021 (Supp. 20-4). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

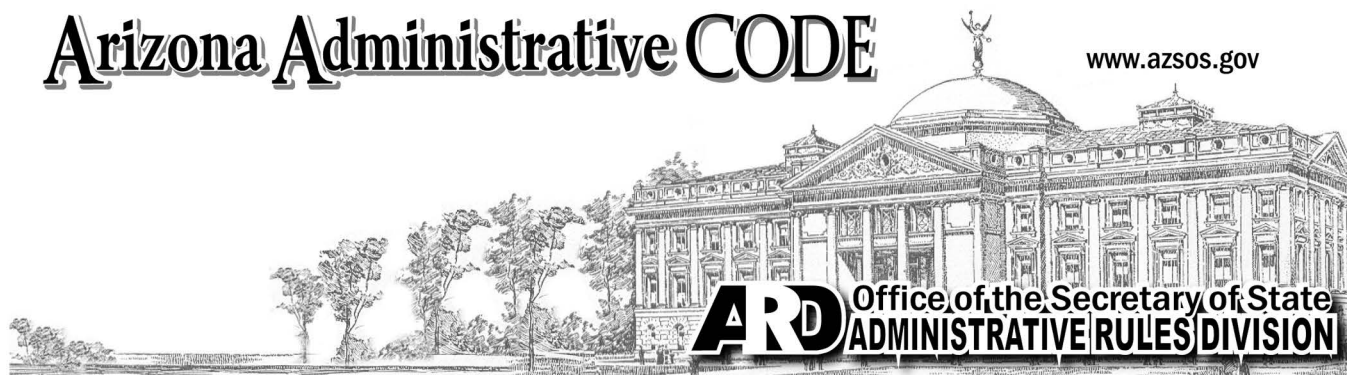
**R9-17-410. Denial or Revocation of a Laboratory Registration Certificate**

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- A. The Department shall deny an application for a laboratory registration certificate if:
1. The physical address of the laboratory is within 500 feet of a private school or a public school that existed before the date the laboratory submitted the initial laboratory registration certificate application;
  2. An owner:
    - a. Has been convicted of an excluded felony offense, or
    - b. Is under 21 years of age;
  3. The application or the laboratory does not comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter;
  4. The laboratory acquires marijuana or marijuana products from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  5. The laboratory diverts marijuana or marijuana products to an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  6. An owner has any direct or indirect familial or financial relationship with or interest in a dispensary or related medical marijuana business entity or management company, or any direct or indirect familial or financial relationship with a designated caregiver for whom the laboratory is testing marijuana and marijuana products for medical use in this state; or
  7. The laboratory fails to maintain accreditation.
- B. The Department may deny an application for a laboratory registration certificate if an owner of the laboratory provides false or misleading information to the Department.
- C. The Department may deny an application for approval of a parameter for testing, submitted according to R9-17-402.01 or R9-17-404.07, if the applicant does not demonstrate compliance with the requirements of this Article related to the parameter or testing of an analyte.
- D. The Department shall revoke a laboratory's registration certificate if:
1. The laboratory acquires marijuana or marijuana products from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  2. The laboratory diverts marijuana or marijuana products to an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  3. An owner has been convicted of an excluded felony offense;
  4. An owner has any direct or indirect familial or financial relationship with or interest in a dispensary or related medical marijuana business entity or management company, or any direct or indirect familial or financial relationship with a designated caregiver for whom the laboratory is testing marijuana and marijuana products for medical use in this state; or
  5. The laboratory fails to maintain accreditation.
- E. The Department may deny an application for a laboratory registration certificate or revoke a laboratory registration certificate if the laboratory does not:
- a. Comply with:
    - i. The requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter; or
    - ii. The provisions in a corrective action plan submitted according to R9-17-404.01(F)(2)(b) or R9-17-404.02(C)(6)(a), as applicable; or
  2. Implement the policies and procedures or comply with the statements provided to the Department with the laboratory's application.
- F. The Department may revoke a laboratory's approval of a parameter for testing if the laboratory does not continue to demonstrate compliance with the requirements of this Article related to the parameter or testing of an analyte.
- G. If the Department denies a laboratory registration certificate application, the Department shall provide notice to the applicant that includes:
1. The specific reason or reasons for the denial, and
  2. All other information required by A.R.S. § 41-1076.
- H. If the Department revokes a laboratory registration certificate, the Department shall provide notice to the laboratory that includes:
1. The specific reason or reasons for the revocation; and
  2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- Historical Note**
- New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by exempt rulemaking at 26 A.A.R. 734, with an immediate effective date of April 2, 2020 (Supp. 20-2). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).
- R9-17-411. Denial or Revocation of a Laboratory Agent's Registry Identification Card**
- A. The Department shall deny an application for or renewal of a laboratory agent's registry identification card if the laboratory agent does not meet the requirements in A.R.S. § 36-2801.
- B. The Department may deny an application for or renewal of a laboratory agent's registry identification card if the laboratory agent provides false or misleading information to the Department.
- C. The Department shall revoke a laboratory agent's registry identification card if the laboratory agent:
1. Diverts medical marijuana or marijuana products to an individual who or entity that is not allowed to possess medical marijuana pursuant to A.R.S. Title 36, Chapter 28.1; or
  2. Except as provided in A.R.S. § 36-2804.01(D), has been convicted of an excluded felony offense.
- D. The Department may revoke a laboratory agent's registry identification card if the laboratory agent knowingly violates A.R.S. Title 36, Chapter 28.1 or this Chapter.
- E. If the Department denies or revokes a laboratory agent's registry identification card, the Department shall provide notice to the laboratory agent and the laboratory agent's laboratory that includes:
1. The specific reason or reasons for the denial or revocation; and
  2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- Historical Note**
- New Section made by exempt rulemaking at 25 A.A.R. 2421, effective August 27, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 2396 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

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## TITLE 9. HEALTH SERVICES

### CHAPTER 18. DEPARTMENT OF HEALTH SERVICES - ADULT-USE MARIJUANA PROGRAM

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

This Chapter has amendments to Sections too numerous to list on this cover page.  
Refer to the historical notes for amendments made in Supplement 23-3.

#### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 23-3 replaces Supp. 22-3, 1-32 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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### HOW TO USE THE CODE

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### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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## Administrative Rules Division

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## TITLE 9. HEALTH SERVICES

## CHAPTER 18. DEPARTMENT OF HEALTH SERVICES - ADULT-USE MARIJUANA PROGRAM

Authorizing statutes: A.R.S. §§ 36-136(G) and 36-2854

Implementing statutes: A.R.S. §§ 36-2854, 36-2855, 36-2858, 36-2859, 36-2860, 36-2864 and 36-2865

## Supp. 22-3

**Editor's Note:** The rules under the Chapter named *Department of Health Services - Local Health Department Services, Article 1, Sections R9-18-101 through R9-18-107* were recodified to 9 A.A.C. 1, Article 6, Sections R9-1-601 through R9-1-607, at 26 A.A.R. 3319, with an immediate effective date of December 7, 2020. A new Chapter named *Department of Health Services - Adult-Use Marijuana Program* was adopted by exempt rulemaking at 27 A.A.R. 140 with rules made effective January 15, 2021. Although exempt from the regular rulemaking process under Proposition 207 § 8, the Department was required to accept public comments on the exempt rulemaking. To assist with compliance of these rules, the Administrative Rules Division has expedited the publication of this Chapter and released it in Supp. 20-4.

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## TITLE 9. HEALTH SERVICES

## CHAPTER 18. DEPARTMENT OF HEALTH SERVICES - ADULT-USE MARIJUANA PROGRAM

## ARTICLE 1. GENERAL

**R9-18-101. Definitions**

In addition to the definitions in A.R.S. § 36-2850, the following definitions apply in this Chapter unless otherwise stated:

1. "Accreditation" means being deemed as technically competent under ISO 17025 by the:
  - a. American Association of Laboratory Accreditation,
  - b. Perry Johnson Laboratory Accreditation,
  - c. ANSI National Accreditation Board,
  - d. International Accreditation Services, or
  - e. Commission on Office Laboratory Accreditation.
2. "Acquire" means to obtain through any type of transaction and from any source.
3. "Analyte" means a specific substance for which testing is performed by a marijuana testing facility.
4. "Applicant" means:
  - a. An individual submitting an application for a marijuana facility agent license;
  - b. An entity submitting an application for a marijuana establishment license, to change a marijuana establishment license, or for an approval to operate a marijuana establishment; or
  - c. An individual or entity submitting an application for a marijuana testing facility license, for an approval to test, or for an approval to change parameters.
5. "Batch" means:
  - a. When referring to cultivated marijuana, a specific lot of marijuana that is uniform in strain, grown from one or more seeds or cuttings that are planted and harvested at the same time, and cultivated under the same conditions;
  - b. When referring to marijuana products, a specific amount of a marijuana product infused, manufactured, or prepared for sale from the same set of ingredients at the same time; and
  - c. When referring to a laboratory testing marijuana or a marijuana product according to R9-18-408, a specific set of no more than 20 samples prepared and tested during the same run using the same equipment.
6. "Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a marijuana establishment when:
  - a. The batch of marijuana is planted; or
  - b. The batch of a marijuana product is infused, manufactured, or prepared for sale.
7. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
8. "Change" means:
  - a. When used in relation to a marijuana facility agent license, adding or deleting information about a marijuana facility agent;
  - b. When used in relation to a place, moving to a different location;
  - c. When used in relation to a marijuana establishment license, adding or removing the activities that a licensee is approved to do at the marijuana establishment's retail site, cultivation site, or manufacturing site;
  - d. When used in relation to parameters, revising a marijuana testing facility's standard operating procedures or quality assurance plan, required in R9-18-409(B), due to:
    - i. Adding or removing a parameter,
    - ii. Altering a testing method, or
    - iii. Using a different instrument for performing a test; and
  - e. When used in relation to testing results, altering the testing results in any way and for any reason.
9. "Commercial device" means a "commercial device," as defined in A.R.S. § 3-3401, that is licensed or certified according to A.R.S. § 3-3451.
10. "Contaminant" means matter, pollutant, hazardous substance, or other substance that is not intended to be part of marijuana or a marijuana product.
11. "Cultivation site" means the single off-site location where marijuana may be cultivated and processed and where marijuana products may be manufactured for a marijuana establishment.
12. "Current photograph" means an image of an individual, taken no more than 60 calendar days before the submission of the individual's application, in a Department-approved electronic format capable of producing an image that:
  - a. Has a resolution of at least 600 x 600 pixels but not more than 1200 x 1200 pixels;
  - b. Is 2 inches by 2 inches in size;
  - c. Is in natural color;
  - d. Is a front view of the individual's full face, without a hat or headgear that obscures the hair or hairline;
  - e. Has a plain white or off-white background; and
  - f. Has between 1 and 1 3/8 inches from the bottom of the chin to the top of the head.
13. "Dispensary" means the same as "nonprofit medical marijuana dispensary" in A.R.S. § 36-2801.
14. "Dispensary agent" means the same as "nonprofit medical marijuana dispensary agent" as defined in A.R.S. § 36-2801.
15. "Edible food product" means a substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human oral consumption.
16. "Entity" means the same as in A.R.S. § 29-2102.
17. "Inhalable" means intended for use through intake into the lungs of an individual.
18. "Laboratory" means a facility in which testing of a substance is performed through chemical analyses or microbial analyses to determine the level of contaminants in the substance.
19. "License" means the same as in A.R.S. § 41-1001.
20. "Manufacturing site" means the single off-site location where marijuana products may be manufactured and packaged and marijuana and marijuana products stored for a marijuana establishment.
21. "Parameter" means the combination of a particular type of sample with a specific instrument or equipment by which the sample will be tested for a specific analyte or characteristic.
22. "Proficiency testing" means a mechanism to determine the ability of a marijuana facility agent to analyze samples within specific acceptance criteria in which the characteristics of the samples are known by the source of the samples but are unknown to a marijuana testing facility receiving the samples from the source.



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## CHAPTER 18. DEPARTMENT OF HEALTH SERVICES - ADULT-USE MARIJUANA PROGRAM

23. "Proficiency testing service" means an independent company or other person with ISO/IEC 17043:2010 certification, that:
- Is the source for samples with known characteristics for proficiency testing, and
  - Assesses the acceptability of the testing results generated by a marijuana facility agent of a marijuana testing facility from the samples with known characteristics during proficiency testing.
24. "Retail site" means the single location at which a marijuana establishment may sell marijuana and marijuana products to consumers, cultivate marijuana, and manufacture marijuana products.
25. "Sample" means:
- A representative portion of a larger quantity marijuana or a marijuana product,
  - A specific quantity of a substance or set of substances to be used for testing purposes, or
  - To collect the representative portion in subsection (25)(a).
26. "Time/temperature control for safety food" means the same as in the Food Code: 2017 Recommendations of the United States Public Health Service, Food and Drug Administration, § 1-201.10.
27. "Topical" means intended for use through application to the surface of the skin of an individual.
28. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday or a state-wide furlough day.
- An application fee for an initial license, \$25,000; and
  - A license fee for license renewal, \$5,000;
- For applying for an approval to operate, \$2,500;
  - To change the location of a marijuana establishment's retail site, cultivation site, or manufacturing site, \$2,500;
  - To add a cultivation site or manufacturing site, \$2,500;
  - To change or add to the approved activities for a marijuana establishment's retail site, cultivation site, or manufacturing site, \$2,500; and
  - For a marijuana testing facility license:
    - For an initial license, \$25,000; and
    - For license renewal, \$5,000.
- B.** An applicant for an initial marijuana facility agent license is not required to submit the applicable fee in subsection (A)(1) if the applicant, as part of the application packet in R9-18-201, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 27 A.A.R. 2604, with an immediate effective date of October 13, 2021 (Supp. 21-4). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-103. Time-frames**

- A.** Within the administrative completeness review time-frame for each type of approval in Table 1.1, the Department shall:
- Issue:
    - A marijuana facility agent license;
    - An initial marijuana establishment license;
    - Renewal of a marijuana establishment license;
    - An approval to operate a marijuana establishment;
    - An approval to change the location of a marijuana establishment's retail site;
    - An approval to add or change the location of a marijuana establishment's cultivation site or manufacturing site;
    - An approval to change the activities that a licensee may do at the marijuana establishment's retail site, cultivation site, or manufacturing site;
    - An initial marijuana testing facility license;
    - Renewal of a marijuana testing facility license;
    - An approval for testing; or
    - An approval to add a parameter;
  - Provide a notice of administrative completeness to an applicant; or
  - Provide a notice of deficiencies to an applicant, including a list of the information or documents needed to complete the application.
- B.** An application for approval to operate a marijuana establishment is not complete until the date the applicant states on a written notice provided to the Department according to R9-18-304 that the marijuana establishment is ready for an inspection by the Department.
- C.** An application for approval to make a change to a marijuana establishment license is not complete until the date the applicant states on a written notice provided to the Department according to R9-18-306 that the marijuana establishment is ready for an inspection by the Department.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 28 A.A.R. 2481 (September 23, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-102. Fees**

- A.** An applicant submitting an application to the Department shall submit the following nonrefundable fees:
- Except as specified in subsection (B), for a marijuana facility agent license:
    - For an initial license for an applicant submitting the applicant's fingerprints on a fingerprint card, \$300;
    - For renewal of a license for an applicant submitting the applicant's fingerprints on a fingerprint card, \$300;
    - For an initial license for an applicant submitting a copy of the applicant's current level 1 fingerprint clearance card issued pursuant to A.R.S. § 41-1758.07, \$150; and
    - For renewal of a license for an applicant submitting a copy of the applicant's current level 1 fingerprint clearance card issued pursuant to A.R.S. § 41-1758.07, \$150;
  - For changing information on a marijuana facility agent's license, \$10;
  - For requesting a replacement marijuana facility agent license, \$10;
  - For a marijuana establishment license:

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## CHAPTER 18. DEPARTMENT OF HEALTH SERVICES - ADULT-USE MARIJUANA PROGRAM

- D.** A marijuana testing facility's application for approval for testing or to add a parameter is not complete until the date the applicant states on a written notice provided to the Department according to R9-18-403 or R9-18-411, as applicable, that the marijuana testing facility is ready for an inspection by the Department.
- E.** If the Department provides a notice of deficiencies to an applicant:
1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant, and
  2. The Department shall consider the application withdrawn if the applicant does not submit the missing information or documents to the Department within the time-frame in Table 1.1.
- F.** Within the substantive review time-frame for each type of approval in Table 1.1, the Department:
1. According to subsection (H), shall issue or deny:
    - a. A marijuana facility agent license, marijuana establishment license renewal, or marijuana testing facility license; or
    - b. Approval to operate a marijuana establishment, approval to make a change to the marijuana establishment license, approval for testing, or approval to add a parameter;
  2. Shall notify an applicant for an initial marijuana establishment license according to subsection (H)(3)(b)(i) or (4), as applicable;
  3. May complete an inspection that may require more than one visit to a marijuana establishment;
  4. May complete an inspection that may require more than one visit to a marijuana testing facility; and
  5. May make one written comprehensive request for more information, unless the Department and the applicant agree in writing to allow the Department to submit supplemental requests for information.
- G.** If the Department issues a written comprehensive request or a supplemental request for information:
1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives all of the information requested, and
  2. The applicant shall submit to the Department all of the information and documents listed in the written comprehensive request or supplemental request for information within the time-frame in Table 1.1.
- H.** The Department shall issue:
1. The following, as applicable, if the Department determines that the applicant complies with A.R.S. Title 36, Chapter 28.2, and this Chapter:
    - a. A marijuana facility agent license;
    - b. Renewal of a marijuana establishment license;
    - c. An approval to operate a marijuana establishment;
    - d. An approval to change the location of a marijuana establishment's retail site;
    - e. An approval to add or change the location of a marijuana establishment's cultivation site or manufacturing site;
    - f. An approval to change an activity that a licensee may do at the marijuana establishment's retail site, cultivation site, or manufacturing site;
    - g. An initial marijuana testing facility license;
    - h. Renewal of a marijuana testing facility license;
    - i. An approval for testing; or
    - j. An approval to add a parameter;
  2. For an applicant for a marijuana facility agent license, a denial that includes the reason for the denial and the process for requesting review if:
    - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.2, or this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within the time-frame in Table 1.1 after the date of the comprehensive written request or supplemental request for information;
  3. For an applicant for an initial marijuana establishment license, if the Department determines that the marijuana establishment license application complies with A.R.S. Title 36, Chapter 28.2, and this Chapter:
    - a. A marijuana establishment license, if not all available marijuana establishment licenses have been allocated according to the criteria and processes in R9-18-302; or
    - b. Written notice that:
      - i. The marijuana establishment license application complies with A.R.S. Title 36, Chapter 28.2, and this Chapter;
      - ii. The applicant was not allocated a marijuana establishment license according to the criteria and processes in R9-18-302 because all available marijuana establishment licenses have been allocated according to the criteria and processes in R9-18-302; and
      - iii. The written notice is not a denial and is not considered a final decision of the Department subject to administrative review; or
  4. For an applicant for a marijuana establishment license, an approval to operate, an approval to change the location of a marijuana establishment's retail site, an approval to add or change the location of a marijuana establishment's cultivation site or manufacturing site, an approval to change an activity, a marijuana testing facility license, an approval for testing, or an approval to add a parameter, a denial that includes the reason for the denial and the process for administrative review if:
    - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.2, or this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within the time-frame in Table 1.1 after the date of the comprehensive written request or supplemental request for information.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 28 A.A.R. 2481 (September 23, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by exempt rulemaking at 29 A.A.R. 2453

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(October 13, 2023), effective October 1, 2023 (Supp. 23-3).

Table 1.1. Time-frames

Type of approval	Authority (A.R.S. § or A.A.C.)	Overall Time-frame (in working days)	Time-frame for applicant to complete application (in working days)	Administrative Completeness Time-frame (in working days)	Substantive Review Time-frame (in working days)	Response Time for Request in R9-18-103(G)(2) (in working days)
Applying for a marijuana facility agent license	§ 36-2855 R9-18-201	15	30	5	10	10
Renewing a marijuana facility agent license	§ 36-2855 R9-18-202	15	30	5	10	10
Applying for a marijuana establishment license	§ 36-2854 R9-18-303	90	10	30	60	10
Applying for approval to operate a marijuana establishment	§ 36-2854 R9-18-304	45	90	15	30	60
Changing the location of a marijuana establishment's retail site or adding or changing a marijuana establishment's cultivation site or manufacturing site location	§ 36-2854 R9-18-306	90	90	30	60	60
Requesting approval to change an activity	§ 36-2854 R9-18-306	90	90	30	60	60
Renewing a marijuana establishment license	§ 36-2854 R9-18-307	15	30	5	10	10
Applying for a marijuana testing facility license	§ 36-2854	90	90	30	60	60
Applying for approval for testing	§ 36-2854	90	90	30	60	120
Renewing a marijuana testing facility license	§ 36-2854	15	30	5	10	60
Applying to add a parameter	§ 36-2854	90	90	30	60	120

**Historical Note**

Table 1. Time-frames made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 2604, with an immediate effective date of October 13, 2021 (Supp. 21-4). Amended by exempt rulemaking at 28 A.A.R. 2481 (September 23, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**ARTICLE 2. MARIJUANA FACILITY AGENTS****R9-18-201. Initial Application for a Marijuana Facility Agent License**

To apply for a marijuana facility agent license, an applicant who is at least 21 years of age shall submit to the Department in a Department-provided format:

1. The following:
  - a. The applicant's first name, middle initial if applicable, last name, and suffix if applicable;
  - b. The applicant's date of birth;
  - c. The applicant's residence address and Arizona mailing address;
  - d. The county where the applicant resides;
  - e. The identifying number on the applicable card or document in subsection (2); and
  - f. The signature of the individual and the date the individual signed;
2. A copy of the applicant's:
  - a. Arizona driver's license issued on or after October 1, 1996;
  - b. Arizona identification card issued on or after October 1, 1996;
  - c. Arizona registry identification card issued according to 9 A.A.C. 17;
  - d. Marijuana facility agent license;
  - e. Photograph page in the applicant's U.S. passport or a U.S. passport card; or
  - f. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the applicant:
    - i. Birth certificate verifying U.S. citizenship,
    - ii. U.S. Certificate of Naturalization, or
    - iii. U.S. Certificate of Citizenship;
3. A current photograph of the applicant;

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4. For the Department's criminal records check authorized in A.R.S. § 36-2855(B)(2):
  - a. The applicant's fingerprints on a fingerprint card that includes:
    - i. The applicant's first name; middle initial, if applicable; and last name;
    - ii. The applicant's signature;
    - iii. If different from the applicant, the signature of another individual physically rolling the applicant's fingerprints;
    - iv. The applicant's address;
    - v. If applicable, the applicant's surname before marriage and any names previously used by the applicant;
    - vi. The applicant's date of birth;
    - vii. The applicant's Social Security number;
    - viii. The applicant's citizenship status;
    - ix. The applicant's gender;
    - x. The applicant's race;
    - xi. The applicant's height;
    - xii. The applicant's weight;
    - xiii. The applicant's hair color;
    - xiv. The applicant's eye color; and
    - xv. The applicant's place of birth;
  - b. If the applicant's fingerprints and information required in subsection (4)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card, within the previous six months, the registry identification number on the registry identification card issued to the applicant as a result of the application; or
  - c. Documentation that the applicant has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
5. An attestation that the applicant has not been convicted of an excluded felony offense;
6. An attestation that the information provided in the application is true and correct; and
7. The applicable fee in R9-18-102 for applying for an initial license as a marijuana facility agent.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-202. Application to Renew a Marijuana Facility Agent License**

To renew a license as a marijuana facility agent, an applicant shall submit to the Department, at least 30 calendar days before the expiration of the license as a marijuana facility agent and in a Department-provided format:

1. The applicant's license number on the marijuana facility agent license;
2. A current photograph of the applicant;
3. For the Department's criminal records check authorized in A.R.S. § 36-2855(B)(2):
  - a. The applicant's fingerprints on a fingerprint card that includes:
    - i. The applicant's first name; middle initial, if applicable; and last name;
    - ii. The applicant's signature;
    - iii. If different from the applicant, the signature of another individual physically rolling the applicant's fingerprints;
    - iv. The applicant's address;
    - v. If applicable, the applicant's surname before marriage and any names previously used by the applicant;
    - vi. The applicant's date of birth;
    - vii. The applicant's Social Security number;
    - viii. The applicant's citizenship status;
    - ix. The applicant's gender;
    - x. The applicant's race;
    - xi. The applicant's height;
    - xii. The applicant's weight;
    - xiii. The applicant's hair color;
    - xiv. The applicant's eye color; and
    - xv. The applicant's place of birth; or
  - b. If the applicant's fingerprints and information required in subsection (3)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card, within the previous six months, the registry identification number on the registry identification card issued to the applicant as a result of the application; or
  - c. Documentation that the applicant has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
4. An attestation that the applicant has not been convicted of an excluded felony offense;
5. An attestation that the information provided in the application is true and correct; and
6. The applicable fee in R9-18-102 for renewal of a license as a marijuana facility agent.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-203. Updating Information for a Marijuana Facility Agent****A.** A marijuana facility agent shall:

1. Notify the Department, in a Department-provided format and within 10 working days, if any of the following information submitted to the Department changes:
  - a. The marijuana facility agent's name,
  - b. The marijuana facility agent's residential address or mailing address, or
  - c. The marijuana facility agent's e-mail address; and
2. Submit to the Department, in a Department-provided format:
  - a. For a change in the marijuana facility agent's name, one of the following with the marijuana facility agent's new name:
    - i. An Arizona driver's license,
    - ii. An Arizona identification card, or
    - iii. The photograph page in the marijuana facility agent's U.S. passport or a U.S. passport card;
  - b. For a change in address, the new address and the county where the new address is located;
  - c. For a change in e-mail address, the new e-mail address;

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- d. The effective date of the marijuana facility agent's new name or address; and
  - e. The fee in R9-18-102 for changing marijuana facility agent information.
- B.** A marijuana facility agent shall notify the Department within 48 hours after the following:
- 1. Beginning employment or other association with a marijuana establishment or marijuana testing facility, or
  - 2. Ending employment or other association with a marijuana establishment or marijuana testing facility.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-204. Requesting a Replacement Marijuana Facility Agent License**

To request a replacement marijuana facility agent license for a license that has been lost, stolen, or destroyed, a marijuana facility agent shall submit to the Department, in a Department-provided format and within 10 working days after the marijuana facility agent license was lost, stolen, or destroyed, a request for a replacement marijuana facility agent license that includes:

- 1. The marijuana facility agent's name and date of birth;
- 2. If known, the license number on the lost, stolen, or destroyed marijuana facility agent license;
- 3. If the marijuana facility agent cannot provide the license number on the lost, stolen, or destroyed marijuana facility agent license, a copy of one of the following documents that the marijuana facility agent submitted with an application for the license or to renew the license:
  - a. Arizona driver's license,
  - b. Arizona identification card, or
  - c. Photograph page in the marijuana facility agent's U.S. passport or a U.S. passport card; and
- 4. The fee in R9-18-102 for requesting a replacement marijuana facility agent license.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-205. Denial, Suspension, or Revocation of a Marijuana Facility Agent License**

- A.** The Department shall deny an application for or renewal of a marijuana facility agent license if a marijuana facility agent does not meet the definition "marijuana facility agent" in A.R.S. § 36-2850.
- B.** The Department may deny an application for or renewal of a license of a marijuana facility agent if the marijuana facility agent:
- 1. Previously had a registry identification card revoked for not complying with A.R.S. Title 36, Chapter 28.1 or 9 A.A.C. 17;
  - 2. Previously had a marijuana facility agent license revoked for not complying with A.R.S. Title 36, Chapter 28.2 or this Chapter; or
  - 3. Provides false or misleading information to the Department.
- C.** The Department may suspend or revoke the license of a marijuana facility agent and may assess a civil penalty if the marijuana facility agent:

- 1. Diverts marijuana to an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2;
  - 2. Has been convicted of an excluded felony offense;
  - 3. Provides false or misleading information to the Department; or
  - 4. Knowingly violates A.R.S. Title 36, Chapter 28.2, or this Chapter.
- D.** If the Department denies, suspends, or revokes the license of a marijuana facility agent, the Department shall provide notice to a marijuana facility agent that includes:
- 1. The specific reason or reasons for the denial, suspension, or revocation; and
  - 2. The process for requesting a review of the Department's decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**ARTICLE 3. MARIJUANA ESTABLISHMENTS****R9-18-301. Principal Officers and Board Members**

- A.** For the purposes of this Chapter, in addition to the individual or individuals identified in the marijuana establishment's by-laws or other organizational governing documents as principal officers of the marijuana establishment, if applicable, the following individuals are considered principal officers:
- 1. If a corporation is applying for a marijuana establishment license, two individuals who are officers of the corporation, including, but not limited to, the president or chief executive officer and those individuals serving in the positions of secretary and treasurer;
  - 2. If a partnership is applying for a marijuana establishment license, all individuals who are general partners and the principal officers of any entity general partner;
  - 3. If a limited liability company is applying for a marijuana establishment license, all managers of a manager-managed limited liability company, all members of a member-managed limited liability company, and the principal officers of an entity manager or member;
  - 4. If an association or cooperative is applying for a marijuana establishment license, the chief executive officer, executive director, or other comparable leader of the association or cooperative; and
  - 5. If a business organization type other than those described in subsections (A)(1) through (4) is applying for a marijuana establishment license, two individuals who occupy the top leadership positions of the business organization.
- B.** For purposes of this Chapter, in addition to the individual or individuals identified in the marijuana establishment's by-laws or other organizational governing documents as board members of the marijuana establishment, if applicable, the following individuals are considered board members:
- 1. If a corporation is applying for a marijuana establishment license, the members of the board of directors of the corporation;
  - 2. If a partnership is applying for a marijuana establishment license, the partners who are not limited partners;
  - 3. If a limited liability company is applying for a marijuana establishment license, the principal officers of the limited liability company;

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4. If an association or cooperative is applying for a marijuana establishment license, the principal officers of the association or cooperative; and
5. If a business organization type other than the types of business organizations in subsections (B)(1) through (4), the principal officers of the business organization.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-302. Marijuana Establishment License Allocation Process**

- A. The Department may periodically review current valid marijuana establishment licenses to determine if the Department may issue additional marijuana establishment licenses pursuant to A.R.S. § 36-2854(A)(1)(b).
  1. If the Department determines that the Department may issue additional marijuana establishment licenses, the Department shall post, on the Department's website, the information that the Department is accepting marijuana establishment license applications, including the deadline for accepting marijuana establishment license applications.
    - a. The Department shall post the information in subsection (A)(1) at least 30 calendar days before the date the Department begins accepting applications.
    - b. The deadline for submission of marijuana establishment license applications is 10 working days after the date the Department begins accepting applications.
    - c. Ninety working days after the date the Department begins accepting applications, the Department shall determine if the Department received more marijuana establishment license applications that are complete and in compliance with A.R.S. Title 36, Chapter 28.2 and this Chapter to participate in the allocation process than the Department is allowed to issue.
      - i. If the Department received more marijuana establishment license applications than the Department is allowed to issue, the Department shall allocate any available marijuana establishment licenses according to the priorities established in subsection (B).
      - ii. If the Department is allowed to issue a marijuana establishment license for each marijuana establishment license application the Department received, the Department shall allocate the marijuana establishment licenses to those applicants.
  2. If the Department determines that the Department is not allowed to issue additional marijuana establishment licenses, the Department shall, on the Department's website:
    - a. Post the information that the Department is not accepting marijuana establishment license applications, and
    - b. Maintain the information until the next review.
- B. If the Department receives more marijuana establishment license applications according to R9-18-303 that are complete and compliant with A.R.S. Title 36, Chapter 28.2, and this Chapter to participate in the allocation process than the number of licenses the Department is allowed to issue, the Department

shall allocate the marijuana establishment licenses based on random drawing.

- C. If an entity is allocated a marijuana establishment license under subsection (A)(1)(c)(ii) or (B), the entity shall ensure that each principal officer and each board member, specified according to R9-18-301, obtains a marijuana facility agent license according to R9-18-201 before the entity submits an application for an approval to operate according to R9-18-304.
- D. If the Department does not allocate a marijuana establishment license to an applicant that had submitted a marijuana establishment license application according to R9-18-303 that the Department determined was complete and compliant with A.R.S. Title 36, Chapter 28.2, and this Chapter to participate in the allocation process, the Department shall provide a written notice to the applicant that states that, although the applicant's marijuana establishment license application was complete and compliant with A.R.S. Title 36, Chapter 28.2, and this Chapter, the Department did not allocate the applicant a marijuana establishment license under the processes in this Section.
- E. If the Department receives a marijuana establishment license application at a time other than during the application period stated in subsection (A)(1), the Department shall return the application, including the application fee, to the entity that submitted the application.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-303. Applying for an Initial Marijuana Establishment License**

- A. To apply for an initial marijuana establishment license, an applicant shall electronically submit to the Department, during the application period specified according to R9-18-302(A)(1):
  1. The following information in a Department-provided format:
    - a. The legal name of the proposed marijuana establishment;
    - b. The physical address of the proposed marijuana establishment's retail site;
    - c. The county in which the proposed marijuana establishment's retail site is located;
    - d. The following information for the applicant:
      - i. Name of the entity applying,
      - ii. Type of business organization,
      - iii. Arizona mailing address,
      - iv. Telephone number, and
      - v. Email address;
    - e. The name, residence address, and date of birth of each principal officer and each board member, according to R9-18-301;
    - f. The name, residence address, and, if applicable, date of birth of any person who is entitled to 10% or more of the profits of the proposed marijuana establishment;
    - g. Whether the applicant agrees to allow the Department to submit supplemental requests for information;

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- h. An attestation that, if the applicant is issued a marijuana establishment license, the proposed marijuana establishment will not operate until the proposed marijuana establishment is inspected and obtains an approval to operate from the Department;
  - i. An attestation that the applicant understands and will comply with the requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter;
  - j. An attestation that information provided to the Department to apply for a marijuana establishment license is true and correct; and
  - k. The signatures of each principal officer and each board member of the proposed marijuana establishment according to R9-18-301 and the date signed;
2. Documentation that the applicant is in good standing with the Arizona Corporation Commission;
  3. For each principal officer and each board member listed according to subsection (A)(1)(e), documentation of the principal officer's or board member's marijuana facility agent license;
  4. An attestation, in a Department-provided format, from each principal officer and each board member listed according to subsection (A)(1)(e) that the principal officer or board member:
    - a. Does not have an excluded felony offense, as defined in A.R.S. § 36-2801;
    - b. Does not have a direct or indirect familial or financial relationship with a marijuana testing facility; and
    - c. Has not had an ownership interest in a licensed marijuana business that had the license revoked in another state; and
  5. The application fee in R9-18-102(C) for a marijuana establishment license.
- B.** An applicant shall ensure that no principal officer or board member of the applying entity is a principal officer or board member on more than four other marijuana establishment license applications, for a total of no more than five marijuana establishment license applications, submitted according to subsection (A).
- C.** Before an entity with a marijuana establishment license begins operating a marijuana establishment, the entity shall apply for and obtain an approval to operate a marijuana establishment from the Department.
- Historical Note**
- New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 27 A.A.R. 2604 (November 5, 2021), with an immediate effective date of October 13, 2021; amended by exempt rulemaking at 27 A.A.R. 2764 (November 26, 2021) with an immediate effective date of November 5, 2021; amended by exempt rulemaking at 27 A.A.R. 2862 (December 10, 2021) with an effective date of November 5, 2021. Refer to Register publication dates to view versioning of amendments of this Section in the fourth quarter of 2021 (Supp. 21-4). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).
- R9-18-304. Applying for Approval to Operate a Marijuana Establishment**
- A.** To apply for approval to operate a marijuana establishment, a principal officer or board member of the entity holding a marijuana establishment license shall electronically submit to the Department, within 18 months after the marijuana establishment license was issued:
1. The following information in a Department-provided format:
    - a. The name and license number of the marijuana establishment;
    - b. The physical address of the marijuana establishment's retail site;
    - c. The county in which the marijuana establishment's retail site is located;
    - d. The marijuana establishment's Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
    - e. The marijuana establishment's proposed hours of operation;
    - f. Which of the following activities the marijuana establishment plans to provide at the retail site:
      - i. Cultivate marijuana;
      - ii. Manufacture marijuana products;
      - iii. Prepare marijuana-infused edible food products; or
      - iv. Sell marijuana-infused edible food products that are either:
        - (1) A time/temperature control for safety food, or
        - (2) Not prepared in individually packaged containers;
    - g. Whether the marijuana establishment agrees to allow the Department to submit supplemental requests for information;
    - h. Whether the marijuana establishment's retail site is ready for an inspection by the Department;
    - i. If the marijuana establishment's retail site is not ready for an inspection by the Department, the date the marijuana establishment's retail site will be ready for an inspection by the Department;
    - j. An attestation that the information provided to the Department to apply for approval to operate a marijuana establishment is true and correct; and
    - k. The signature of each principal officer and each board member of the marijuana establishment according to R9-18-301 and the date signed;
  2. A copy of documentation issued by the local jurisdiction to the marijuana establishment authorizing occupancy of the building as a marijuana establishment's retail site, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  3. Documentation, in a Department-provided format, of:
    - a. Ownership of the physical address of the marijuana establishment's retail location, signed and dated within 60 calendar days before the date of application; or
    - b. Permission from the owner of the physical address of the marijuana establishment's retail location for the applicant to operate a marijuana establishment at the physical address, signed, notarized, and dated within 60 calendar days before the date of application;
  4. A copy of the marijuana establishment's license or permit of the location as a food establishment, issued under 9

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A.A.C. 8, Article 1, if the marijuana establishment plans to:

- a. Prepare marijuana-infused edible food products, as specified in subsection (A)(1)(f)(iii); or
  - b. Sell marijuana-infused edible food products, as specified in subsection (A)(1)(f)(iv);
5. A site plan drawn to scale of the marijuana establishment's retail site showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
  6. A floor plan drawn to scale of the building where the marijuana establishment's retail site is located showing the:
    - a. Layout and dimensions of each room,
    - b. Name and function of each room,
    - c. Location of each hand washing sink,
    - d. If planning to conduct any of the activities specified according to subsection (A)(1)(f), location of each piece of fixed equipment required to conduct the activity;
    - e. Location of each toilet room,
    - f. Means of egress,
    - g. Location of each video camera,
    - h. Location of each panic button, and
    - i. Location of natural and artificial lighting sources;
  7. Documentation of the marijuana facility agent license for each principal officer and each board member according to R9-18-301; and
  8. The applicable fee in R9-18-102 for applying for an approval to operate.

- B. The Department shall process, as provided in R9-18-103, a request submitted according to subsection (A) for approval to operate a marijuana establishment.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 28 A.A.R. 2481 (September 23, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-305. Changes to a Marijuana Establishment License**

- A. A marijuana establishment that is a dual licensee may not separately transfer or assign the dispensary registration certificate or the marijuana establishment license.
- B. Except as provided in subsection (C), a marijuana establishment may change the location of the marijuana establishment's retail site, manufacturing site, or cultivation site to another location in the state.
- C. For a marijuana establishment that received a marijuana establishment license under A.R.S. § 36-2854(A)(1)(c), the marijuana establishment may only change the location of the marijuana establishment's retail site to another location in the same county for which the original marijuana establishment license was issued.
- D. A marijuana establishment shall not cultivate, manufacture, distribute, dispense, or sell marijuana or a marijuana product at a new location of the marijuana establishment's retail site, manufacturing site, or cultivation site or make a change in the

activities conducted at a current location until the marijuana establishment:

1. Submits an application for a change in R9-18-306; and
2. Receives from the Department an amended marijuana establishment license or an approval for:
  - a. The new location of the marijuana establishment's retail site, manufacturing site, or cultivation site; or
  - b. The requested change in the activities conducted at a current location.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2).

**R9-18-306. Applying to Change a Marijuana Establishment License**

- A. A marijuana establishment may submit an application to the Department according to subsections (B) and (C) to request any of the following:
  1. To change the location of the marijuana establishment's retail site, manufacturing site, or cultivation site;
  2. To add a manufacturing site or cultivation site; or
  3. To change what the marijuana establishment is approved to do at the retail site, cultivation site, or manufacturing site.
- B. A marijuana establishment shall submit a separate application to the Department for each request for one of the possible changes in subsection (A).
- C. To request any of the changes specified in subsection (A), a marijuana establishment shall submit to the Department:
  1. The following information in a Department-provided format:
    - a. The legal name of the marijuana establishment;
    - b. The marijuana establishment license number for the marijuana establishment;
    - c. Whether the request is for a change in the location of the marijuana establishment's:
      - i. Retail site,
      - ii. Cultivation site, or
      - iii. Manufacturing site;
    - d. As applicable, the anticipated date of the change of location;
    - e. Whether the marijuana establishment is requesting to add a:
      - i. Cultivation site and, if so, the physical address of the proposed cultivation site; or
      - ii. Manufacturing site and, if so, the physical address of the proposed manufacturing site;
    - f. The current physical address of the marijuana establishment's retail site, cultivation site, or manufacturing site, as applicable to the request;
    - g. Whether the marijuana establishment's proposed retail site or the marijuana establishment's proposed cultivation site or manufacturing site, as applicable, is ready for an inspection by the Department;
    - h. If the marijuana establishment's proposed retail site or the marijuana establishment's proposed cultivation site or manufacturing site, as applicable, is not ready for an inspection by the Department, the date the marijuana establishment's retail site or the marijuana establishment's proposed cultivation site or manufacturing site will be ready for an inspection by the Department;



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- i. Whether the marijuana establishment is requesting approval for a change in any of the following activities at a current location or include any of the following activities at a new location and, if so, whether the activity is planned to occur at the retail site, or cultivation site:
    - i. On-site cultivation;
    - ii. Manufacturing of marijuana products on-site;
    - iii. Preparation of marijuana-infused edible food products; or
    - iv. Sale of marijuana-infused edible food products that are either:
      - (1) A time/temperature control for safety food, or
      - (2) Not prepared in individually packaged containers;
  - j. Whether the marijuana establishment is requesting approval for a change in any of the following activities at the current location of the manufacturing site or include any of the following activities at a new location of a manufacturing site:
    - i. Packaging and storing marijuana or marijuana products,
    - ii. Manufacturing of marijuana products on-site, or
    - iii. Preparation of marijuana-infused edible food products;
  - k. If applicable, the anticipated date of the change of activities;
  - l. An attestation that the information provided to the Department as part of the application is true and correct; and
  - m. The signatures of each principal officer and each board member of the marijuana establishment according to R9-18-301 and the date signed;
2. A copy of documentation issued by the local jurisdiction to the marijuana establishment authorizing occupancy, as applicable, of the building as a marijuana establishment's proposed retail site or of the location as the marijuana establishment's proposed cultivation site or manufacturing site, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  3. If requesting to change the location of a marijuana establishment's retail site, cultivation site, or manufacturing site, or when requesting to add a cultivation site or manufacturing site, documentation, in a Department-provided format, of:
    - a. Ownership of the physical address of the proposed marijuana establishment location, signed and dated within 60 calendar days before the days of application; or
    - b. Permission from the owner of the physical address of the proposed location for the marijuana establishment to operate a retail site, cultivation site, or manufacturing site, as applicable, at the physical address, signed, notarized, and dated within 60 calendar days before the days of application;
  4. For a change in location of the marijuana establishment's retail site, cultivation site, or manufacturing site, including when any of the activities specified according to subsection (C)(1)(i) or (j) is to be conducted at the new location:
    - a. A site plan drawn to scale of the proposed marijuana establishment location showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
  - b. A floor plan drawn to scale of the building of the proposed retail site, cultivation site, or manufacturing site, as applicable, showing the:
    - i. Layout and dimensions of each room;
    - ii. Name and function of each room;
    - iii. Location of each hand washing sink;
    - iv. If applicable, location of each piece of fixed equipment required to conduct the activity;
    - v. Location of each toilet room;
    - vi. Means of egress;
    - vii. Location of each video camera;
    - viii. Location of each panic button; and
    - ix. Location of natural and artificial lighting sources, as applicable;
  5. For changing an activity conducted at a current location, a floor plan drawn to scale of the building where the activity will occur showing the:
    - a. Layout and dimensions of each room,
    - b. Name and function of each room,
    - c. Location of each hand washing sink,
    - d. Location of each piece of fixed equipment required to conduct the activity,
    - e. Means of egress,
    - f. Location of each video camera,
    - g. Location of each panic button, and
    - h. Location of natural and artificial lighting sources;
  6. A copy of the marijuana establishment's license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, if the marijuana establishment plans to:
    - a. Prepare marijuana-infused edible food products, as specified in subsection (C)(1)(i)(iii) or (C)(1)(j)(iii); or
    - b. Sell marijuana-infused edible food products, as specified in subsection (C)(1)(i)(iv); and
  7. The applicable fee in R9-18-102 for applying for:
    - a. A change in location,
    - b. The addition of a cultivation site or manufacturing site, or
    - c. A change in approved activities at a location.
- D.** If the information and documents submitted by the marijuana establishment comply with A.R.S. Title 36, Chapter 28.2, and this Chapter, the Department shall issue an amended marijuana establishment license that includes the new address of the new location or amended approved activities, as applicable, and retains the expiration date of the previous marijuana establishment license.
  - E.** An application to request any of the possible changes in subsection (A) may not be combined with an application for renewing a marijuana establishment license. A separate application is required for each change, and the Department shall process each application separately according to the applicable time-frame established in R9-18-103 and Table 1.1.
  - F.** A marijuana establishment shall submit written notification to the Department when the marijuana establishment no longer uses a previously approved cultivation site or manufacturing site.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended

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by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 28 A.A.R. 2481 (September 23, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3).

Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-307. Renewing a Marijuana Establishment License**

To renew a marijuana establishment license, a marijuana establishment that has an approval to operate a marijuana establishment issued by the Department shall submit to the Department, at least 30 calendar days before the expiration date of the marijuana establishment's current marijuana establishment license, the following:

1. An application in a Department-provided format that includes:
  - a. The legal name of the marijuana establishment,
  - b. The marijuana establishment license number for the marijuana establishment,
  - c. An attestation that the information provided to the Department to renew the marijuana establishment license is true and correct, and
  - d. The signature of each principal officer and each board member of the marijuana establishment according to R9-18-301 and the date signed; and
2. The license fee in R9-18-102 for applying to renew a marijuana establishment license.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-308. Administration****A.** A marijuana establishment shall:

1. Ensure that the marijuana establishment's retail site is operating and available to provide marijuana and marijuana products to consumers:
  - a. At least 30 hours weekly between the hours of 7:00 a.m. and 10:00 p.m.; and
  - b. Within 18 months after receiving the marijuana establishment license;
2. Develop, document, and implement policies and procedures regarding:
  - a. Job descriptions and employment contracts, including:
    - i. Personnel duties, authority, responsibilities, and qualifications; and
    - ii. Supervision;
  - b. Training of marijuana facility agents, including the requirements of A.R.S. Title 36, Chapter 28.2, and this Chapter;
  - c. Inventory control, including:
    - i. Tracking,
    - ii. Packaging,
    - iii. Acquiring marijuana or marijuana products from a dispensary or another marijuana establishment, and
    - iv. Providing marijuana or marijuana products to another marijuana establishment or a dispensary;
  - d. Laboratory testing, including:
    - i. The analytes, including possible contaminants, to be tested for;
    - ii. The process for separating a batch of marijuana or of a marijuana product until laboratory test-

ing has been completed and testing results received by the marijuana establishment;

- iii. The process for collecting samples of marijuana or a marijuana product for laboratory testing, including:
  - (1) The amount to be collected from each batch,
  - (2) The method for ensuring that a sample collected is representative of the batch,
  - (3) The packaging of the sample,
  - (4) The method for documenting chain of custody for the sample, and
  - (5) Methods to deter tampering with the sample and to determine whether tampering has occurred;
- iv. The process for specifying the analytes to be tested for, consistent with R9-18-311(A), and either:
  - (1) Providing samples of marijuana or marijuana products to a marijuana testing facility for testing, or
  - (2) Allowing a marijuana facility agent associated with a marijuana testing facility access to marijuana or marijuana product to collect samples;
- v. The process for requesting retesting of the remaining portion of a sample of marijuana or a marijuana product; and
- vi. Actions to be taken on the basis of laboratory testing results;
- e. Remediation, including:
  - i. Criteria for when a batch of marijuana or marijuana product can be remediated;
  - ii. The process by which each type of marijuana or marijuana product is remediated, including the methods for remediation and subsequent retesting; and
  - iii. Documentation of the remediation process;
- f. Disposal of marijuana or a marijuana product, including:
  - i. Destroying a batch of marijuana or a marijuana product that does not meet the requirements in Table 3.1 and documenting the destruction;
  - ii. Submitting marijuana that is not usable marijuana to a local law enforcement agency and documenting the submission; or
  - iii. Otherwise disposing of marijuana or a marijuana product such that the marijuana or marijuana product is unrecognizable or cannot otherwise be used and documenting the method of disposal, the marijuana facility agent overseeing the disposal, and the date of disposal;
- g. For a marijuana establishment that received the marijuana establishment license under A.R.S. § 36-2854(A)(1)(f), how the marijuana establishment will provide a benefit to one or more communities disproportionately affected by the enforcement of Arizona's previous marijuana laws, such as through:
  - i. Specific hiring or interning practices; or
  - ii. Donation of a percentage of gross profits to one or more non-profit, community-based organizations, not affiliated directly or indirectly with the marijuana establishment, that focus on social or health inequities in a community; and

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- h. Advertising that complies with the requirements in A.R.S. § 36-2859;
  - 3. Maintain copies of the policies and procedures at the marijuana establishment's retail site and provide copies to the Department for review upon request;
  - 4. Maintain at the marijuana establishment current and valid documentation of any certificate or permit issued by a local jurisdiction related to the operation of the marijuana establishment and provide copies to the Department for review upon request;
  - 5. Review marijuana establishment policies and procedures at least once every 12 months from the issue date of the marijuana establishment license and update as needed;
  - 6. Ensure that all principal officers, board members, employees and volunteers providing services for the marijuana establishment maintain valid marijuana facility agent licenses with the Department and that the marijuana facility agent licenses are linked to the marijuana establishment through the Department's electronic system;
  - 7. Ensure that no principal officer or board member:
    - a. Has a direct or indirect familial or financial relationship with a marijuana testing facility, or
    - b. Had or has an ownership interest in a licensed marijuana business that had the license revoked in another state;
  - 8. Ensure that each marijuana facility agent has the marijuana facility agent's license in the marijuana facility agent's immediate possession when the marijuana facility agent is:
    - a. Working or providing volunteer services at the marijuana establishment's retail site or the marijuana establishment's cultivation site or manufacturing site, or
    - b. Transporting marijuana for the marijuana establishment;
  - 9. Not allow an individual who does not possess a marijuana facility agent license or who does not meet the requirements in A.R.S. § 36-2855(E) to:
    - a. Serve as a principal officer or board member for the marijuana establishment,
    - b. Be employed by the marijuana establishment, or
    - c. Provide volunteer services at or on behalf of the marijuana establishment;
  - 10. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a marijuana facility agent no longer:
    - a. Serves as a principal officer or board member for the marijuana establishment,
    - b. Is employed by the marijuana establishment, or
    - c. Provides volunteer services at or on behalf of the marijuana establishment;
  - 11. Document and report any loss or theft of marijuana or a marijuana product from the marijuana establishment's retail site, cultivation site, or manufacturing site to the appropriate law enforcement agency;
  - 12. Maintain copies of any documentation required in this Chapter for at least 12 months after the date on the documentation and provide copies of the documentation to the Department for review upon request; and
  - 13. Post the following information in a place that can be viewed by individuals entering the marijuana establishment's retail site:
    - a. If applicable, the marijuana establishment's approval to operate;
    - b. The marijuana establishment license;
    - c. A sign in a Department-provided format that contains the following language:
      - i. "WARNING: There may be potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding," and
      - ii. "WARNING: Use of marijuana during pregnancy may result in a risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;" and
    - d. The hours of operation during which the marijuana establishment will sell or otherwise transfer marijuana or a marijuana product to a consumer.
- B.** If a marijuana establishment cultivates marijuana, the marijuana establishment shall cultivate the marijuana in a secure location according to R9-18-312.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 897, effective June 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-309. Selling or Otherwise Transferring Marijuana or a Marijuana Product**

- A.** Before a marijuana facility agent of a marijuana establishment sells or otherwise transfers marijuana or a marijuana product to a consumer, the marijuana facility agent shall:
- 1. Verify the consumer's age through one of the documents in A.R.S. § 4-241(K);
  - 2. Make available the results of testing of the marijuana or marijuana product required in R9-18-311, if requested by the consumer; and
  - 3. Ensure that the amount of marijuana or marijuana product to be sold or otherwise transferred to the consumer does not exceed one ounce of marijuana, with not more than five grams being in the form of a marijuana concentrate.
- B.** A marijuana establishment shall ensure that marijuana or a marijuana product provided by the marijuana establishment to a consumer is sold or otherwise transferred in a container made of material that will not react with or leach into the marijuana or marijuana product.
- C.** A marijuana establishment shall ensure that any marijuana or marijuana products sold to a consumer meets the requirements in A.A.C. R9-17-317.01.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4).

**R9-18-310. Product Labeling and Packaging**

- A.** A marijuana establishment shall ensure that marijuana or a marijuana product provided by the marijuana establishment's retail site to a consumer:
- 1. Complies with packaging and labeling requirements in A.R.S. §§ 36-2854.01 and 36-2860(A);
  - 2. Is labeled with:
    - a. The marijuana establishment license number;
    - b. The amount, strain, and batch number of the marijuana or marijuana product;
    - c. The form of the marijuana or marijuana product;

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- d. As applicable, the weight of the marijuana or marijuana product;
  - e. In compliance with Table 3.1, the potency of the marijuana or marijuana product, based on the results of testing by a marijuana testing facility, including the number of milligrams per designated unit or percentage of:
    - i. Total tetrahydrocannabinol, reported according to R9-18-408(F)(2)(a);
    - ii. Total cannabidiol, reported according to R9-18-408(F)(2)(b); and
    - iii. Any other cannabinoid for which the marijuana establishment is making a claim related to the effect of the cannabinoid on the human body;
  - f. The following statement: "ARIZONA DEPARTMENT OF HEALTH SERVICES' WARNING: Marijuana use can be addictive and can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. Marijuana use may affect the health of a pregnant woman and the unborn child. KEEP OUT OF REACH OF CHILDREN";
  - g. For a marijuana product, the ingredients in order of abundance; and
  - h. As required by A.R.S. § 36-2854.01, a quick response code linking to a webpage that contains the following:
    - i. The information in subsections (A)(2)(a) through (f);
    - ii. The following statement: Using marijuana during pregnancy could cause birth defects or other health issues to your unborn child;
    - iii. If not cultivated by the marijuana establishment, whether the marijuana was obtained from another marijuana establishment or a dispensary;
    - iv. If not infused or prepared for sale by the marijuana establishment, whether the marijuana product was obtained from another marijuana establishment or a dispensary;
    - v. A link to the final report of testing marijuana or a marijuana product, specified in R9-18-410(B)(3), from a marijuana testing facility;
    - vi. For a marijuana product:
      - (1) The ingredients in order of abundance; and
      - (2) If applicable, the method used to extract tetrahydrocannabinol from the marijuana; and
    - vii. The date of harvest or manufacture, as applicable; and
3. Is placed in child-resistant packaging on exit from the marijuana establishment.
- B.** If a marijuana establishment provides marijuana cultivated, or a marijuana product infused or prepared for sale, by the marijuana establishment to another marijuana establishment or to a dispensary, the marijuana establishment shall ensure that:
1. The marijuana or marijuana product is labeled with:
    - a. The marijuana establishment license number;
    - b. The amount, strain, and batch number of the marijuana or marijuana product; and
    - c. The dates of:
      - i. Harvest or sale; and
      - ii. If applicable, manufacture; and
  2. A copy of results of testing by a marijuana testing facility for the marijuana or marijuana product is provided to the receiving marijuana establishment or dispensary.
- Historical Note**
- New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).
- R9-18-311. Analysis of Marijuana or a Marijuana Product**
- A.** Before offering a batch of marijuana or of a marijuana product for sale or otherwise transferring marijuana or a marijuana product to a consumer, a marijuana establishment shall ensure that:
1. Except as provided in subsection (A)(2) or (3), each batch of marijuana is tested in compliance with requirements in R9-18-408 and Table 3.1;
  2. Each batch of a marijuana product is tested according to requirements in R9-18-408 and Table 3.1 for, as applicable:
    - a. At least potency and microbial contaminants other than mycotoxins if the marijuana product was prepared from another marijuana product, such as a marijuana concentrate or tincture, that is in compliance with requirements in R9-18-408 and Table 3.1, using none of the following:
      - i. A temperature above which any analyte could chemically decompose or react with a component of the marijuana product;
      - ii. A pressure above which any analyte could chemically decompose or react with a component of the marijuana product;
      - iii. A process by which any analyte in the marijuana product that is in compliance with requirements in R9-18-408 and Table 3.1 may be further concentrated; or
      - iv. A solvent other than water; or
    - b. All analytes except:
      - i. Ethanol if the marijuana product is intended to contain ethanol; or
      - ii. For a marijuana product intended for topical application, isopropanol if the marijuana product is intended to contain isopropanol; and
  3. If the results of testing of the marijuana establishment's marijuana and marijuana products for heavy metals, according to R9-18-408, indicate that the marijuana and marijuana products are in compliance with Table 3.1 for a period of at least six consecutive months:
    - a. Each batch of marijuana or a marijuana product is tested according to requirements in R9-18-408 and Table 3.1 for all analytes except heavy metals; and
    - b. At least once every three months, each batch of marijuana or a marijuana product is tested according to requirements in R9-17-408 and Table 3.1 for heavy metals.
- B.** A marijuana establishment shall ensure that:
1. Until testing of the marijuana or marijuana product has been completed and testing results received by the marijuana establishment that comply with requirements in R9-18-408 and Table 3.1, a batch of marijuana or of a mari-

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juana product is stored in a location away from marijuana and marijuana products offered for sale or transfer;

2. Except as provided in subsection (D), only one sample of each batch of marijuana or marijuana product is collected according to ANSI/ASQ Standard Z1.4 (2018), General Inspection Level II, incorporated by reference, including no future editions, and available at <https://asq.org/quality-resources/z14-z19>, including:
    - a. Use, as applicable, of one of the following sampling methods:
      - i. Top, middle, and bottom sampling using a sample thief, a device consisting of two nested tubes with one or more aligned slots through which a sample may be collected and then sealed into the inner tube by rotating the outer tube;
      - ii. Star pattern sampling from the top, middle, and bottom of each storage container;
      - iii. Collecting discrete incremental units of a batch, such as every 10th unit or every 20th drop; or
      - iv. Quartering until the sample reaches the size specified in subsection (B)(3); and
    - b. For sampling methods specified in subsections (B)(2)(a)(i) through (iii), quartering the volume of the aggregated portions collected to obtain the sample size specified in subsection (B)(3);
  3. The size of the sample provided to a marijuana testing facility is sufficient for testing and, if necessary, retesting;
  4. Each sample in subsection (B)(3) is packaged in a container made of:
    - a. The same material that would be used for sale or transfer, or
    - b. Another material that will not react with or leach into the sample;
  5. Each packaged sample is labeled with:
    - a. The marijuana establishment's license number;
    - b. The amount, strain, and batch number of the marijuana or marijuana product;
    - c. The analytes for which testing is being requested;
    - d. The storage temperature for the marijuana or marijuana product; and
    - e. The date of sampling;
  6. A packaged sample in subsection (B)(4) is submitted to a marijuana testing facility that:
    - a. Has a marijuana testing facility license issued by the Department, and
    - b. Is approved for testing by the Department for each analyte for which testing is being requested;
  7. Except as specified in subsections (A)(2) and (3) and (C)(1), as applicable, the samples in subsection (B)(4) are tested for each analyte specified in Table 3.1 by a marijuana testing facility that is approved by the Department for testing the analyte;
  8. Only batches of marijuana or marijuana products for which testing results in subsection (B)(7) are in compliance with the requirements in R9-18-408 and Table 3.1 are offered for sale or transfer; and
  9. Except as provided in subsection (C), any batch of marijuana or marijuana product that does not comply with the requirements in R9-18-408 and Table 3.1 is remediated, if applicable, or destroyed according to policies and procedures.
- C. If a marijuana establishment receives a final report of testing, specified in R9-18-410(B)(3), from a marijuana testing facility that indicates that a batch of marijuana or marijuana product does not comply with the requirements in R9-18-408 and Table 3.1, the marijuana establishment:
1. Within seven days after receiving the final report of testing, may request retesting of the remaining portion of the sample in subsection (B)(4) for all analytes that do not comply with the requirements in R9-18-408 and Table 3.1 by no more than two other marijuana testing facilities that are independent of a marijuana testing facility conducting a test included in the final report of testing and that are approved by the Department for testing the analytes;
  2. If the final report of testing conducted according to subsection (C)(1) from another, independent marijuana testing facility indicates that any analyte tested for according to subsection (C)(1) does not comply with the requirements in R9-18-408 and Table 3.1, shall remediate, if applicable, or destroy the batch of marijuana or marijuana product according to policies and procedures; and
  3. If the final report of testing from each of the two other independent marijuana testing facilities, allowed according to subsection (C)(1), indicates that all analytes tested for according to subsection (C)(1) comply with the requirements in R9-18-408 and Table 3.1, may offer the batch of marijuana or marijuana product for sale or transfer.
- D. A marijuana establishment may request retesting of a batch of marijuana or marijuana product using a second sample if:
1. The batch of marijuana or marijuana product is still in the possession of the marijuana establishment;
  2. The marijuana establishment receives notification from the Department, another marijuana establishment, or a dispensary that indicates that the final report of testing from a marijuana testing facility, specified in R9-18-410(B)(3), or laboratory, specified in A.A.C. R9-17-404.06(B)(3), for the batch of marijuana or marijuana product may be inaccurate;
  3. The marijuana establishment:
    - a. If the notification in subsection (D)(2) is from another marijuana establishment or a dispensary, informs the Department that the final report of testing may be inaccurate;
    - b. Collects the second sample according to subsections (B)(2) and (3);
    - c. Packages and labels the sample according to subsections (B)(4) and (5); and
    - d. Submits the sample to a second, independent marijuana testing facility that is approved by the Department for testing the analytes; and
  4. The marijuana establishment follows the requirements in subsections (C)(1) through (3) in determining whether the batch of marijuana or marijuana product:
    - a. May be offered for sale or transfer; or
    - b. Is required to be remediated, if applicable, or destroyed.
- E. A marijuana establishment shall ensure that remediation of a batch of marijuana or of a marijuana product that has undergone testing and does not comply with the requirements in R9-18-408 and Table 3.1:
1. Is performed according to policies and procedures,
  2. Uses a method that is appropriate to address an analyte not in compliance with Table 3.1, and
  3. Does not introduce or produce a substance in a concentration that is known to be harmful to humans.

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- F. If a batch of marijuana or a marijuana product is remediated, a marijuana establishment shall submit samples from the remediated batch for testing according to subsection (B).
- G. A marijuana establishment shall provide to the Department upon request a sample of the marijuana establishment's inventory of marijuana or a marijuana product of sufficient quantity to enable the Department to conduct an analysis of the marijuana or marijuana product.

**Historical Note**

Section reserved by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**Table 3.1 Analytes**

Key:

CAS Number = Chemical Abstract Services Registry number

CFU = Colony-forming unit, a method to estimate the number of viable bacteria or fungal cells in a sample

\* = Required for marijuana products only

<b>A. Microbial Contaminants</b>		
<b>Analyte</b>	<b>Maximum Allowable Contaminants</b>	<b>Required Action</b>
<i>Escherichia coli</i>	10 CFU/g for edible marijuana or a marijuana-infused edible food product 100 CFU/g for all other medical marijuana and marijuana products	Remediate and retest, or Destroy
<i>Salmonella spp.</i>	Detectable in 1 gram	Destroy
<i>Aspergillus flavus</i> <i>Aspergillus fumigatus</i> <i>Aspergillus niger</i> <i>Aspergillus terreus</i>	Inhalable: Detectable in 1 gram	Remediate and retest Remediate and use for preparing an extract or a concentrate, or Destroy
Mycotoxins: Aflatoxin B1, B2, G1, and G2 Ochratoxin A	Marijuana product, except a marijuana product intended for topical application, prepared from an extract or concentrate of marijuana: 20 µg/kg (ppb) of total aflatoxins 20 µg/kg (ppb) of ochratoxin	Destroy

<b>B. Heavy Metals</b>		
<b>Analyte</b>	<b>Maximum Allowable Contaminants</b>	<b>Required Action</b>
Arsenic	0.4 ppm	Remediate and retest, or Destroy
Cadmium	0.4 ppm	
Lead	1.0 ppm	
Mercury	0.2 ppm for inhalable medical marijuana or an inhalable marijuana product 1.2 ppm for non-inhalable medical marijuana and all other marijuana products 1.2 ppm	

<b>C. *Residual Solvents</b>			
<b>Analyte</b>	<b>CAS Number</b>	<b>Maximum Allowable Concentration</b>	<b>Required Action</b>
Acetone	67-64-1	1,000 ppm	Remediate and retest, or Destroy
Acetonitrile	75-05-8	410 ppm	
Benzene	71-43-2	2 ppm	
Butanes (measured as the cumulative residue of n-butane and iso-butane)	106-97-8 and 75-28-5, respectively	5,000 ppm	
Chloroform	67-66-3	60 ppm	
Dichloromethane	75-09-2	600 ppm	
Ethanol	64-17-5	5,000 ppm	
Ethyl Acetate	141-78-6	5,000 ppm	
Ethyl Ether	60-29-7	5,000 ppm	
Heptane	142-82-5	5,000 ppm	
Hexanes (measured as the cumulative residue of n-hexane, 2-methylpentane, 3-methylpentane, 2,2-dimethylbutane, and 2,3-dimethylbutane)	110-54-3, 107-83-5, 96-14-0, 75-83-2, and 79-29-8, respectively	290 ppm	
Isopropyl Acetate	108-21-4	5,000 ppm	
Methanol	67-56-1	3,000 ppm	
Pentanes (measured as the cumulative residue of n-pentane, iso-pentane, and neo-pentane)	109-66-0, 78-78-4, and 463-82-1, respectively	5,000 ppm	
2-Propanol (IPA)	67-63-0	5,000 ppm	
Toluene	108-88-3	890 ppm	

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Xylenes (measured as the cumulative residue of 1,2-dimethylbenzene, 1,3-dimethylbenzene, and 1,4-dimethylbenzene, and the non-xylene, ethyl benzene)	1330-20-7 (95-47-6, 108-38-3, and 106-42-3, respectively, and 100-41-4)	2,170 ppm
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D. Pesticides, Fungicides, Growth Regulators			
Analyte	CAS Number	Maximum Allowable Concentration	Required Action
Abamectin (B1a)	71751-41-2	0.5 ppm	Remediate and retest, or Destroy
Acephate	30560-19-1	0.4 ppm	
Acetamiprid	135410-20-7	0.2 ppm	
Aldicarb	116-06-3	0.4 ppm	
Azoxystrobin	131860-33-8	0.2 ppm	
Bifenazate	149877-41-8	0.2 ppm	
Bifenthrin	82657-04-3	0.2 ppm	
Boscalid	188425-85-6	0.4 ppm	
Carbaryl	63-25-2	0.2 ppm	
Carbofuran	1563-66-2	0.2 ppm	
Chlorantraniliprole	500008-45-7	0.2 ppm	
Chlorfenapyr	122453-73-0	1.0 ppm	
Chlorpyrifos	2921-88-2	0.2 ppm	
Clofentezine	74115-24-5	0.2 ppm	
Cyfluthrin	68359-37-5	1.0 ppm	
Cypermethrin	52315-07-8	1.0 ppm	
Daminozide	1596-84-5	1.0 ppm	
DDVP (Dichlorvos)	62-73-7	0.1 ppm	
Diazinon	333-41-5	0.2 ppm	
Dimethoate	60-51-5	0.2 ppm	
Ethoprophos	13194-48-4	0.2 ppm	
Etofenprox	80844-07-1	0.4 ppm	
Etiozazole	153233-91-1	0.2 ppm	
Fenoxycarb	72490-01-8	0.2 ppm	
Fenpyroximate	134098-61-6	0.4 ppm	
Fipronil	120068-37-3	0.4 ppm	
Flonicamid	158062-67-0	1.0 ppm	
Fludioxonil	131341-86-1	0.4 ppm	
Hexythiazox	78587-05-0	1.0 ppm	
Imazalil	35554-44-0	0.2 ppm	
Imidacloprid	138261-41-3	0.4 ppm	
Kresoxim-methyl	143390-89-0	0.4 ppm	
Malathion	121-75-5	0.2 ppm	
Metalaxyl	57837-19-1	0.2 ppm	
Methiocarb	2032-65-7	0.2 ppm	
Methomyl	16752-77-5	0.4 ppm	
Myclobutanil	88671-89-0	0.2 ppm	
Naled	300-76-5	0.5 ppm	
Oxamyl	23135-22-0	1.0 ppm	
Paclobutrazol	76738-62-0	0.4 ppm	
Permethrins (measured as the cumulative residue of cis- and trans- isomers)	52645-53-1 (54774-45-7 and 51877-74-8)	0.2 ppm	
Phosmet	732-11-6	0.2 ppm	
Piperonyl butoxide	51-03-6	2.0 ppm	
Prallethrin	23031-36-9	0.2 ppm	
Propiconazole	60207-90-1	0.4 ppm	
Propoxur	114-26-1	0.2 ppm	
Pyrethrins (measured as the cumulative residue of pyrethrin I and II)	8003-34-7 (121-21-1, 25402-06-6, and 4466-14-2)	1.0 ppm	
Pyridaben	96489-71-3	0.2 ppm	

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Spinosad (measured as the cumulative residue of Spinosyn A and Spinosyn D)	168316-95-8	0.2 ppm
Spiromesifen	283594-90-1	0.2 ppm
Spirotetramat	203313-25-1	0.2 ppm
Spiroxamine	118134-30-8	0.4 ppm
Tebuconazole	107534-96-3	0.4 ppm
Thiacloprid	111988-49-9	0.2 ppm
Thiamethoxam	153719-23-4	0.2 ppm
Trifloxystrobin	141517-21-7	0.2 ppm

E. Potency		
Analyte	Labeling	Required Action
Tetrahydrocannabinolic acid (THC-A)	Label claim is not within +/- 20% of tested value	Revise label as necessary
Delta-9-tetrahydrocannabinol ( $\Delta$ 9-THC)		
Cannabidiolic acid (CBD-A)		
Cannabidiol (CBD)		

**Historical Note**

New Table 3.1 Analytes made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 28 A.A.R. 2481 (September 23, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-312. Security**

- A.** A marijuana establishment shall ensure that, if the marijuana establishment cultivates marijuana:
- If cultivation takes place indoors, the marijuana is cultivated in a closed, locked room; and
  - If cultivation takes place outdoors, the location:
    - Is surrounded by solid, 10-foot walls that are constructed of metal, concrete, or stone that prevent viewing of the marijuana plants; and
    - Has a one-inch thick metal gate.
- B.** A marijuana establishment shall ensure that access to the marijuana establishment's cultivation site or manufacturing site or to the portion of the marijuana establishment's retail site where marijuana is cultivated, processed, manufactured, or stored is limited to the marijuana establishment's principal officers, board members, and authorized marijuana facility agents, unless the individual is supervised by a marijuana facility agent associated with the marijuana establishment.
- C.** A marijuana facility agent may transport marijuana, marijuana plants, marijuana products, and marijuana paraphernalia between the marijuana establishment and:
- The marijuana establishment's cultivation site or manufacturing site,
  - Another marijuana establishment,
  - A dispensary with a dispensary registration certificate issued under 9 A.A.C. 17, and
  - A marijuana testing facility that has a marijuana testing facility license issued by the Department.
- D.** Before transportation, a marijuana facility agent of a marijuana establishment shall:
- Complete a trip plan that includes:
    - The name of the marijuana facility agent in charge of transporting the marijuana;
    - The date and start time of the trip;
    - A description of the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia being transported;
    - Any anticipated stops during the trip, including the locations of the stops and estimated arrival time and departure time for each location; and
    - The anticipated route of transportation; and
  - Provide a copy of the trip plan in subsection (D)(1) to the marijuana establishment.
- E.** During transportation, a marijuana facility agent shall:
- Carry a copy of the trip plan in subsection (D)(1) with the marijuana facility agent for the duration of the trip;
  - Use a vehicle:
    - Without any marijuana identification;
    - Equipped with a global positioning system or other means of tracking the location of the vehicle;
    - With operational video surveillance and recording equipment that:
      - Shows the interior of the vehicle, including the driver's seat and location of the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia being transported;
      - Is turned on for the duration of a trip while marijuana or a marijuana product is in the vehicle; and
      - Either stores the recording for at least 30 calendar days or transmits the recorded images at the time of recording to another location, where the recorded images are stored for at least 30 calendar days; and
    - With a locked compartment in which any marijuana or marijuana products being transported may be stored during a trip;
  - Have a means of communication with the marijuana establishment;
  - Notate the arrival time and departure time for each stop; and
  - Ensure that the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia are stored in the locked compartment specified in subsection (E)(2)(d) and are not visible.
- F.** After transportation, a marijuana facility agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (D)(1).
- G.** A marijuana establishment shall:
- Maintain the documents required in subsection (D)(2) and (F) for at least two years after the date of the documentation;



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2. If transporting a sample to a marijuana testing facility for testing, provide a copy of the trip plan in subsection (D)(1) to the marijuana testing facility; and
  3. Provide a copy of the documents required in subsection (D)(2) and (F) to the Department for review upon request.
- H.** A marijuana establishment shall not transport marijuana, marijuana plants, marijuana products, or marijuana paraphernalia to a consumer.
- I.** To prevent unauthorized access to marijuana or a marijuana product at the marijuana establishment's retail site and, if applicable, the marijuana establishment's cultivation site or manufacturing site, the marijuana establishment shall have the following:
1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
    - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
    - b. Exterior lighting to facilitate surveillance;
    - c. Electronic monitoring including:
      - i. At least one 19-inch or greater call-up monitor;
      - ii. A printer capable of immediately producing a clear still photo from any video camera image;
      - iii. Video cameras:
        - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
        - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
      - iv. A video camera at each point of sale location allowing for the identification of any consumer purchasing marijuana or a marijuana product;
      - v. A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions;
      - vi. Storage of video recordings from the video cameras for at least 30 calendar days;
      - vii. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
      - viii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
    - d. Panic buttons in the interior of each building; and
  2. Policies and procedures:
    - a. That provide for the identification of authorized individuals;
    - b. That deter unauthorized removal of marijuana or marijuana products from the premises, including:
      - i. Restricting access to the areas of the marijuana establishment's retail site where marijuana is cultivated, processed or stored and, if applicable, the marijuana establishment's cultivation site or manufacturing site; and
      - ii. Ensuring that an individual other than a principal officer, board member, or marijuana facility agent associated with the marijuana facility is supervised by a marijuana facility agent associated with the marijuana establishment when in an area specified in subsection (I)(2)(b)(i);
    - c. That prevent loitering;
    - d. For conducting electronic monitoring; and
    - e. For the use of a panic button.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-313. Edible Food Products**

- A.** A marijuana establishment that prepares, sells, or otherwise transfers marijuana-infused edible food products shall:
1. Before preparing, selling, or otherwise transferring a marijuana-infused edible food product, obtain a license or permit as a food establishment under 9 A.A.C. 8, Article 1;
  2. If the marijuana establishment prepares the marijuana-infused edible food products, ensure that the marijuana-infused edible food products are prepared according to the applicable requirements in 9 A.A.C. 8, Article 1;
  3. If the marijuana-infused edible food products are not prepared at the marijuana establishment, ensure that the other marijuana establishment or dispensary that prepares the marijuana-infused edible products for the marijuana establishment has a current license or permit as a food establishment under 9 A.A.C. 8, Article 1, to prepare marijuana-infused edible food products; and
  4. If a marijuana establishment sells or otherwise transfers marijuana-infused edible food products, ensure that the marijuana-infused edible food products:
    - a. Are sold or otherwise transferred according to applicable requirements in 9 A.A.C. 8, Article 1;
    - b. In compliance with A.R.S. § 36-2854(A)(7), contain no more total tetrahydrocannabinol than:
      - i. 10 mg of per serving; or
      - ii. 100 mg per package; and
    - c. If packaged as more than one serving, are:
      - i. Scored or otherwise delineated into standard serving size, and
      - ii. Of homogeneous consistency to ensure uniform disbursement of total tetrahydrocannabinol throughout the edible food product.
- B.** A marijuana establishment is responsible for the content and quality of any edible food product sold or dispensed by the marijuana establishment.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). Amended by exempt rulemaking at 28 A.A.R. 2481 (September 23, 2022), with an immediate effective date of September 8, 2022 (Supp. 22-3). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-314. Inventory Control System**

- A.** A marijuana establishment shall designate in writing a marijuana facility agent associated with the marijuana establishment who has oversight of the marijuana establishment's marijuana inventory control system.
- B.** A marijuana establishment shall only acquire marijuana from:

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1. The marijuana establishment's cultivation site or manufacturing site,
  2. Another marijuana establishment, or
  3. A dispensary with a dispensary registration certificate issued under 9 A.A.C. 17.
- C. A marijuana establishment shall establish and implement an inventory control system for the marijuana establishment's marijuana and marijuana products that documents:
1. The following amounts:
    - a. Each day's beginning inventory of marijuana and marijuana products,
    - b. Acquisitions according to subsection (B),
    - c. Marijuana harvested by the marijuana establishment,
    - d. Marijuana and marijuana products provided to a dispensary or another marijuana establishment,
    - e. Marijuana and marijuana products sold,
    - f. Marijuana and marijuana products submitted to a marijuana testing facility for testing according to R9-18-311,
    - g. Marijuana and marijuana products that were disposed of, and
    - h. The day's ending marijuana and marijuana products inventory;
  2. For acquiring marijuana or a marijuana product from another marijuana establishment or a dispensary:
    - a. A description of the marijuana or marijuana product acquired including:
      - i. The amount, batch number, and strain of the marijuana or marijuana product;
      - ii. For a marijuana product, the ingredients in order of abundance; and
      - iii. For an edible food product infused with marijuana or a marijuana product:
        - (1) The date of manufacture,
        - (2) The total weight of the marijuana-infused edible food product, and
        - (3) The estimated amount and batch number of the marijuana or marijuana product infused in the edible food product;
    - b. As applicable, either:
      - i. The name and license number of the marijuana establishment providing the marijuana or marijuana product, or
      - ii. The name and registry identification number of the dispensary providing the marijuana or marijuana product;
    - c. The name and license number or registry identification number, as applicable, of the marijuana facility agent or dispensary agent providing the marijuana or marijuana product;
    - d. The name and license number of the marijuana facility agent receiving the marijuana or marijuana product on behalf of the marijuana establishment; and
    - e. The date of acquisition;
  3. For each batch of marijuana cultivated:
    - a. The batch number;
    - b. Whether the batch originated from marijuana seeds or marijuana cuttings;
    - c. The origin and strain of the marijuana seeds or marijuana cuttings planted;
    - d. The number of marijuana seeds or marijuana cuttings planted;
    - e. The date the marijuana seeds or cuttings were planted;
    - f. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers used in the cultivation;
    - g. The number of plants grown to maturity; and
    - h. Harvest information including:
      - i. Date of harvest,
      - ii. Final processed usable marijuana yield weight, and
      - iii. Name and license number of the marijuana facility agent responsible for the harvest;
  4. For transferring marijuana or a marijuana product to another marijuana establishment or a dispensary:
    - a. A description of the marijuana or marijuana product provided including:
      - i. The amount, batch number, and strain of the marijuana or marijuana product;
      - ii. For a marijuana product, the ingredients in order of abundance; and
      - iii. For an edible food product infused with marijuana or a marijuana product:
        - (1) The date of manufacture,
        - (2) The total weight of the marijuana-infused edible food product, and
        - (3) The estimated amount and batch number of the marijuana or marijuana product infused in the edible food product;
    - b. The name and marijuana establishment license number or registry identification number, as applicable, of the other marijuana establishment or the dispensary;
    - c. The name and license number or registry identification number, as applicable, of the marijuana facility agent or dispensary agent who received the marijuana or marijuana product on behalf of the other marijuana establishment or the dispensary; and
    - d. The date the marijuana or marijuana product was provided;
  5. For submitting marijuana or marijuana products to a marijuana testing facility for testing:
    - a. The amount, strain, and batch number of the marijuana or marijuana product submitted;
    - b. The name and registry identification number of the marijuana testing facility;
    - c. The name and registry identification number of the marijuana facility agent who received the marijuana or marijuana product on behalf of the marijuana testing facility; and
    - d. The date the marijuana or marijuana product was submitted to the marijuana testing facility; and
  6. For disposal of marijuana or a marijuana product that is not to be sold, transferred, or used for making a marijuana product:
    - a. Description of and reason for the marijuana or marijuana product being disposed of including, if applicable:
      - i. The number of failed or other unusable plants, and
      - ii. The results of laboratory testing;
    - b. Date of disposal;
    - c. Method of disposal; and
    - d. Name and license number of the marijuana facility agent responsible for the disposal.

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- D.** The individual designated in subsection (A) shall conduct and document an audit of the marijuana establishment's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.
1. If the audit identifies a reduction in the amount of marijuana or a marijuana product in the marijuana establishment's inventory not due to documented causes, the marijuana establishment shall determine and document where the loss has occurred and take and document corrective action.
  2. If the reduction in the amount of marijuana or a marijuana product in the marijuana establishment's inventory is due to suspected criminal activity by a marijuana facility agent, the marijuana establishment shall report the marijuana facility agent to the Department and to the local law enforcement authorities.
- E.** A marijuana establishment shall:
1. Maintain the documentation required in subsections (C) and (D) at the marijuana establishment for at least five years after the date on the document, and
  2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). R9-18-314 renumbered to R9-18-315; new Section made by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-315. Cleaning and Sanitation**

- A.** A marijuana establishment shall ensure that:
1. Any building or equipment used by a marijuana establishment for the cultivation, harvest, preparation, packaging, storage, infusion, or sale of marijuana or marijuana products is maintained in a clean and sanitary condition;
  2. Marijuana or marijuana products, in the process of production, preparation, manufacture, packing, storage, sale, distribution, or transportation, are protected from flies, dust, dirt, and all other contamination;
  3. Refuse or waste products incident to the manufacture, preparation, packing, selling, distributing, or transportation of marijuana or marijuana products are removed from the building used as a marijuana establishment's retail site and, if applicable, a building at the marijuana establishment's cultivation site or manufacturing site at least once every 24 hours or more often as necessary to maintain a clean condition;
  4. All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives, saws, cleavers, other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, packaging, or other processes are cleaned daily;
  5. Any equipment used in the preparation of marijuana products is clean, in good repair, and, if applicable, calibrated according to the manufacturer's recommendations;
  6. Any supplies used in the preparation of marijuana products, including flammable or volatile chemicals, are stored in a manner to avoid a hazardous condition from occurring; and
  7. All stored marijuana products are securely covered.
- B.** A marijuana establishment shall ensure that a marijuana facility agent at the marijuana establishment or the marijuana establishment's cultivation site or manufacturing site:

1. Cleans the marijuana facility agent's hands and exposed portions of the marijuana facility agent's arms in a hand washing sink:
  - a. Before preparing marijuana or marijuana products, including working with food, equipment, and utensils;
  - b. During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
  - c. After handling soiled equipment or utensils;
  - d. After touching bare human body parts other than the marijuana facility agent's clean hands and exposed portions of arms; and
  - e. After using the toilet room;
2. If working directly with the preparation of marijuana or the infusion of marijuana into non-edible products:
  - a. Keeps the marijuana facility agent's fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable;
  - b. Unless wearing intact gloves in good repair, does not have fingernail polish or artificial fingernails on the marijuana facility agent's fingernails; and
  - c. Wears protective apparel such as coats, aprons, gowns, or gloves to prevent contamination;
3. Wears clean clothing appropriate to assigned tasks;
4. Reports to the marijuana establishment, according to policies and procedures, any health condition experienced by the marijuana facility agent that may adversely affect the safety or quality of any marijuana or marijuana products with which the marijuana facility agent may come into contact; and
5. If, according to the marijuana establishment's policies and procedures, a marijuana facility agent has a health condition that may adversely affect the safety or quality of the marijuana or marijuana products, the marijuana facility agent is prohibited from direct contact with any marijuana, marijuana products, or equipment or materials for processing marijuana or manufacturing marijuana products until the marijuana facility agent's health condition will not adversely affect the medical marijuana or marijuana products.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). R9-18-315 renumbered to R9-18-316; new Section R9-18-315 renumbered from R9-18-314 by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-316. Physical Plant**

- A.** A marijuana establishment shall ensure that the licensed premises are maintained free from hazards.
- B.** A marijuana establishment shall provide on-site parking or parking adjacent to the building used as the marijuana establishment's retail site.
- C.** A building used as a marijuana establishment's retail site or the location used as a marijuana establishment's cultivation site or manufacturing site shall have:
1. At least one toilet room;
  2. Each toilet room shall contain:
    - a. A flushable toilet;
    - b. Mounted toilet tissue;
    - c. A sink with running water;
    - d. Soap contained in a dispenser; and

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- e. Disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;
- 3. At least one hand washing sink not located in a toilet room, with running water, soap contained in a dispenser, and either disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;
- 4. Designated storage areas for marijuana or materials used in direct contact with marijuana, separate from storage areas for toxic or flammable materials; and
- 5. If preparation or packaging of marijuana is done in the building, a designated area for the preparation or packaging that:
  - a. Includes work space that can be sanitized, and
  - b. Is only used for the preparation or packaging of marijuana.
- D. For each commercial device used at a marijuana establishment retail site, cultivation site, or manufacturing site, the marijuana establishment shall:
  - 1. Ensure that the commercial device is licensed or certified pursuant to A.R.S. § 3-3451,
  - 2. Maintain documentation of the commercial device's license or certification, and
  - 3. Provide a copy of the commercial device's license or certification to the Department for review upon request.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 140, effective January 15, 2021 (Supp. 20-4). R9-18-316 renumbered to R9-18-317; new Section R9-18-316 renumbered from R9-18-315 and amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-317. Denial, Suspension, or Revocation of a Marijuana Establishment License**

- A. The Department shall deny an application for a marijuana establishment license or a renewal if:
  - 1. A principal officer or board member:
    - a. Has been convicted of an excluded felony offense, or
    - b. Is under 21 years of age; or
  - 2. The application or the marijuana establishment does not comply with the requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter.
- B. The Department may deny an application for or renewal of a marijuana establishment license if a principal officer or board member of the marijuana establishment:
  - 1. Did not obtain an approval to operate the marijuana establishment or a dispensary, as applicable, within 18 months after the dispensary registration certificate or marijuana establishment license was issued;
  - 2. Has served as a principal officer or board member for a dispensary or marijuana establishment that had the dispensary registration certificate or marijuana establishment license, as applicable, revoked; or
  - 3. Provides false or misleading information to the Department.
- C. The Department may suspend or revoke a marijuana establishment license if:
  - 1. The marijuana establishment:
    - a. Provides false or misleading information to the Department;
    - b. Operates before obtaining approval to operate a marijuana establishment from the Department;

- c. Diverts marijuana to an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2; or
- d. Acquires marijuana from an entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2;
- 2. A principal officer or board member:
  - a. Has been convicted of an excluded felony offense, or
  - b. Provides false or misleading information to the Department; or
- 3. The marijuana establishment does not:
  - a. Comply with the requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter; or
  - b. Implement the policies and procedures or comply with the statements provided to the Department with the marijuana establishment's application.
- D. If the Department denies a marijuana establishment license application, the Department shall provide notice to the applicant that includes:
  - 1. The specific reason or reasons for the denial, and
  - 2. All other information required by A.R.S. § 41-1076.
- E. If the Department suspends or revokes a marijuana establishment license, the Department shall provide notice to the marijuana establishment that includes:
  - 1. The specific reason or reasons for the suspension or revocation; and
  - 2. The process for requesting a review of the Department's decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section R9-18-317 renumbered from R9-18-316 and amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**ARTICLE 4. MARIJUANA TESTING FACILITIES****R9-18-401. Owner**

- A. For the purposes of this Article the following individuals are considered owners:
  - 1. If an individual is applying for a marijuana testing facility license, the individual;
  - 2. If a corporation is applying for a marijuana testing facility license, two individuals who are officers of the corporation;
  - 3. If a partnership is applying for a marijuana testing facility license, two of the individuals who are partners;
  - 4. If a limited liability company is applying for a marijuana testing facility license, a manager or, if the limited liability company does not have a manager, an individual who is a member of the limited liability company;
  - 5. If an association or cooperative is applying for a marijuana testing facility license, two individuals who are members of the governing board of the association or cooperative; and
  - 6. If a business organization type other than those described in subsections (A)(2) through (5) is applying for a marijuana testing facility license, two individuals who are members of the business organization.
- B. When a marijuana testing facility is required by this Chapter to provide information, sign documents, or ensure actions are taken, the individual or individuals in subsection (A) shall comply with the requirement on behalf of the marijuana testing facility.

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**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-402. Applying for a Marijuana Testing Facility License**

A. To apply for a marijuana testing facility license, an applicant that does not have a current laboratory registration certificate issued under 9 A.A.C. 17, Article 4, shall submit to the Department the following:

1. An application in a Department-provided format that includes:
  - a. The following information for the applicant:
    - i. The legal name of the proposed marijuana testing facility,
    - ii. Type of business organization,
    - iii. Arizona mailing address,
    - iv. Telephone number, and
    - v. E-mail address;
  - b. The physical address of the proposed marijuana testing facility;
  - c. The county in which the proposed marijuana testing facility is located;
  - d. For a business organization that is not a publicly traded corporation, the name, residence address, and date of birth of each owner;
  - e. For a business organization that is a publicly traded corporation, the name, residence address, and date of birth of each owner who is entitled to 10% or more of the profits of the proposed marijuana testing facility;
  - f. The name, residence address, and date of birth of the technical laboratory director designated according to R9-18-405(3);
  - g. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
  - h. A statement that, if the applicant is issued a marijuana testing facility license, the marijuana testing facility will not begin testing marijuana pursuant to R9-18-311 until the marijuana testing facility has been inspected and issued an approval for testing by the Department;
  - i. An attestation that the applicant understands and will comply with the requirements in A.R.S. Title 36, Chapter 28.2 and this Chapter;
  - j. An attestation that the information provided to the Department to apply for a marijuana testing facility license is true and correct; and
  - k. The signatures of the owner of the proposed marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
2. Policies and procedures that comply with the requirements in this Chapter that contain:
  - a. Inventory control;
  - b. A chain of custody and sample requirement process;
  - c. A records retention process;
  - d. A secure method to transfer the portion of a sample remaining after testing to another marijuana testing facility with an approval for testing issued by the Department:
    - i. For testing of parameters or analytes that the marijuana testing facility receiving the sample

- from a marijuana establishment is not approved by the Department to conduct, or
    - ii. For retesting at the request of a marijuana establishment according to R9-18-311(C);
  - e. Security; and
  - f. A process for disposal of marijuana or marijuana products that are submitted to the marijuana testing facility for testing;
3. If the applicant is one of the business organizations in R9-18-401(A)(2) through (6), a copy of the business organization's articles of incorporation, articles of organization, or partnership documents that include:
  - a. The name of the business organization,
  - b. The type of business organization, and
  - c. The names and titles of the individuals in R9-18-401(A);
4. For each owner:
  - a. The owner's marijuana facility agent license number; and
  - b. An attestation signed and dated by the owner that the owner does not have a direct or indirect familial or financial relationship with or interest in a dispensary, marijuana establishment, or related marijuana business entity or management company;
5. A statement, in a Department-provided format, signed and dated within 60 calendar days before the date of the application by a representative of the local jurisdiction:
  - a. Certifying that the proposed marijuana testing facility is in compliance with any local zoning restrictions; and
  - b. Including:
    - i. Information identifying the local jurisdiction and the local jurisdiction's representative,
    - ii. The legal name of the proposed marijuana testing facility, and
    - iii. The physical address of the proposed marijuana testing facility as specified according to subsection (A)(1)(b);
6. A copy of documentation issued by the local jurisdiction to the applicant authorizing occupancy of the building as a marijuana testing facility, such as a certificate of occupancy, a special use permit, or a conditional use permit;
7. A site plan drawn to scale of the location of the proposed marijuana testing facility showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
8. A building plan drawn to scale of the building where the proposed marijuana testing facility is located showing the:
  - a. Layout and dimensions of each room;
  - b. Name and function of each room;
  - c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
  - d. Location of each fire protection device;
  - e. Layout of heating, air conditioning, exhaust, and ventilation systems;
  - f. Location and layout of refrigerated rooms or freezer rooms;
  - g. Location of each sink, safety shower, other water supply, or plumbing fixture;

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- h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
  - i. Location of security measures or equipment to protect from diversion of marijuana or marijuana products; and
  - j. Means of egress;
  - 9. Documentation of accreditation of the location specified according to subsection (A)(1)(b) for which the applicant is applying for a marijuana testing facility license;
  - 10. The applicant's Transaction Privilege Tax Number issued by the Arizona Department of Revenue, if applicable; and
  - 11. The fee in R9-18-102 for applying for a marijuana testing facility license.
  - B.** An entity holding a valid laboratory registration certificate issued by the Department under 9 A.A.C. 17, Article 4, may apply for an initial marijuana testing facility license by electronically submitting to the Department, in a Department-provided format:
    - 1. An attestation from each owner listed according to subsection (A)(1)(d) approving the application for a marijuana testing facility license;
    - 2. The license number on the applicant's laboratory registration certificate; and
    - 3. The applicable fee in R9-18-102 for applying for a marijuana testing facility license.
  - C.** A change in location of the marijuana testing facility's physical address or ownership requires a new application to be submitted according to subsection (A).
  - D.** A separate marijuana testing facility license is required for each noncontiguous portion of a marijuana testing facility.
  - E.** A marijuana testing facility license is valid for two years after the original date of issuance.
- Historical Note**
- New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).
- R9-18-403. Applying for Approval for Testing**
- A.** Except as provided in subsection (C), to apply for approval for testing, an applicant shall submit to the Department, at least 60 calendar days before the expiration of the applicant's initial marijuana testing facility license, the following:
    - 1. An application in a Department-provided format that includes:
      - a. The name and license number of the marijuana testing facility;
      - b. The physical address of the marijuana testing facility;
      - c. The name of the applicant;
      - d. The name of the technical laboratory director designated according to R9-18-405(3);
      - e. For each parameter for which approval for testing is being requested:
        - i. The analyte to be tested for,
        - ii. The instruments and equipment to be used for testing, and
        - iii. The software to be used at the marijuana testing facility for instrument control and data reduction interpretation;
      - f. The marijuana testing facility's proposed hours of operation;
    - g. Whether the marijuana testing facility agrees to allow the Department to submit supplemental requests for information;
    - h. Whether the marijuana testing facility is ready for an inspection by the Department;
    - i. If the marijuana testing facility is not ready for an inspection by the Department, the date the marijuana testing facility will be ready for an inspection by the Department;
    - j. An attestation that the information provided to the Department to apply for approval for testing is true and correct; and
    - k. The signatures of the owner of the marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
  - 2. For each parameter and analyte listed according to subsection (A)(1)(e):
    - a. A copy of current accreditation;
    - b. The limit of quantitation for each matrix, according to A.A.C. R9-17-404.03(I);
    - c. A copy of a proficiency testing report;
    - d. A copy of the standard operating procedure; and
    - e. Documentation of the initial demonstration of capabilities for each matrix, according to A.A.C. R9-17-404.03(D);
  - 3. Policies and procedures that comply with the requirements in this Chapter that include:
    - a. A quality assurance program and standards,
    - b. A process to ensure marijuana or marijuana products testing results are accurate, precise, and scientifically valid before reporting the results; and
    - c. A process to compile testing results into a single report to be provided to a marijuana establishment; and
  - 4. If different from the building plan submitted according to R9-18-402(A)(8), a building plan drawn to scale of the building where the marijuana testing facility is located showing the:
    - a. Layout and dimensions of each room;
    - b. Name and function of each room;
    - c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
    - d. Location of each fire protection device;
    - e. Layout of heating, air conditioning, exhaust, and ventilation systems;
    - f. Location and layout of refrigerated rooms or freezer rooms;
    - g. Location of each sink, safety shower, other water supply, or plumbing fixture;
    - h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
    - i. Location of security equipment to protect from diversion of marijuana or marijuana products; and
    - j. Means of egress.
  - B.** The Department shall process, as provided in R9-18-103, a request submitted according to subsection (A) for approval to test.
  - C.** If an entity receives a marijuana testing facility license according to R9-18-402(B), the entity may begin testing marijuana pursuant to R9-18-311 for any parameters for which the Department has given the entity an approval for testing under A.A.C. R9-17-402.01.

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- D. A marijuana testing facility's approval for testing shall have the same expiration date as the marijuana testing facility license associated with the marijuana testing facility's approval to test.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-404. Renewing a Marijuana Testing Facility License**

To renew a marijuana testing facility license, an applicant shall submit to the Department, at least 30 calendar days before the expiration date of the current marijuana testing facility license, but no more than 90 days before the expiration date of the current marijuana testing facility license, the following:

1. An application in a Department-provided format that includes:
  - a. The legal name of the marijuana testing facility;
  - b. The marijuana testing facility license number;
  - c. The name of each owner;
  - d. The name of the technical laboratory director designated according to R9-18-405(3);
  - e. Whether the marijuana testing facility agrees to allow the Department to submit supplemental requests for information;
  - f. An attestation that the information provided to the Department to renew the marijuana testing facility license is true and correct; and
  - g. The signatures of the owner of the marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
2. For each current parameter and analyte, documentation of current accreditation;
3. If a change has been made to the standard operating procedure for a current parameter, a copy of the revised standard operating procedure;
4. If a change has been made in the quality assurance plan, required in R9-18-409(B), for a current parameter, a copy of the revised quality assurance plan; and
5. The fee in R9-18-102 for applying to renew a marijuana testing facility license.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-405. Administration**

An owner of a marijuana testing facility shall:

1. Comply with the:
  - a. Quality assurance requirements in R9-18-409,
  - b. Operation requirements in R9-18-410, and
  - c. Laboratory records and reports requirements in R9-18-410(B) and (C);
2. Maintain accreditation for each approved parameter and analyte;
3. Designate in writing a technical laboratory director who:
  - a. Has knowledge and experience in overseeing a marijuana testing facility as documented by:
    - i. A doctoral degree in chemistry, biochemistry, microbiology, or a similar laboratory science;
    - ii. A master's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least two years of experience working in a laboratory and providing testing; or

- iii. A bachelor's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least four years of experience working in a laboratory and providing testing; and
- b. Is responsible for:
  - i. Ensuring that all services and tests provided by the marijuana testing facility are performed in compliance with the requirements in this Article;
  - ii. Directing and supervising services and tests provided by the marijuana testing facility;
  - iii. Overseeing the work of all personnel in the marijuana testing facility;
  - iv. Providing ongoing training to marijuana facility agents, as applicable to the functions performed by a marijuana facility agent; and
  - v. Ensuring safety and hazardous substance control in the marijuana testing facility;
4. Notify the Department in writing within 20 business working days after any change in the technical laboratory director, providing the name and contact information for the new technical laboratory director;
5. Develop, document, and implement policies and procedures regarding:
  - a. Job descriptions and employment contracts, including:
    - i. Personnel duties, authority, responsibilities, and qualifications;
    - ii. Personnel supervision;
    - iii. Ongoing training, applicable to the functions performed by a marijuana facility agent;
    - iv. Training in and adherence to confidentiality requirements;
    - v. Periodic performance evaluations, including proficiency testing on a rotating basis among all marijuana facility agent performing similar functions; and
    - vi. Disciplinary actions;
  - b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;
  - c. Inventory control, including:
    - i. Tracking;
    - ii. Accepting marijuana or marijuana products for testing;
    - iii. Transferring a portion of a sample prepared or selected according to subsection (5)(e)(v) to another marijuana testing facility for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct;
    - iv. Testing marijuana and marijuana products;
    - v. Providing a representative portion of the sample of tested marijuana or a marijuana product, which had been prepared or selected according to subsection (5)(e)(v), to up to two other marijuana testing facilities, with an approval for testing issued by the Department, at the request of a marijuana establishment according to R9-18-311(C);
    - vi. Retaining the residual portion of a sample accepted for testing from a marijuana establish-

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- ment for at least 14 days after sending the final report of testing required in R9-18-410(B)(3) to the marijuana establishment; and
- vii. Disposing of marijuana or a marijuana product such that the marijuana or marijuana product is unrecognizable or cannot otherwise be used and documenting:
    - (1) The method of disposal;
    - (2) Whether the marijuana or marijuana product was tested;
    - (3) If not tested, the reason for not testing;
    - (4) The marijuana facility agent overseeing the disposal; and
    - (5) The date of disposal;
  - d. Standard operating procedures, including:
    - i. The review and updating of standard operating procedures;
    - ii. Requirements for a marijuana facility agent to review current, new, or updated standard operating procedures applicable to the functions performed by the marijuana facility agent; and
    - iii. Documenting the review of standard operating procedures by applicable marijuana facility agents;
  - e. Marijuana testing facility records, including:
    - i. Maintenance and monitoring of instruments and equipment;
    - ii. Acceptance of marijuana and marijuana products for testing, including the specification of the analytes to be tested for;
    - iii. The chain of custody and applicable trip plan, according to R9-18-413, for a sample accepted by the marijuana testing facility for testing;
    - iv. The storage of a submitted sample prior to testing to maintain the integrity of the sample and analyte;
    - v. The process for ensuring that a homogeneous portion of a submitted sample is prepared or selected for testing, including:
      - (1) The aseptic removal of a homogeneous portion of the sample for testing according to R9-18-408; and
      - (2) Further preparation of a homogeneous portion of the sample, if necessary, for testing according to R9-18-408;
    - vi. Ensuring testing results are accurate, precise, and scientifically valid before reporting the results;
    - vii. Reporting of testing results, including:
      - (1) Testing results obtained from another marijuana testing facility for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct, or
      - (2) Testing results provided to another marijuana testing facility from which the marijuana testing facility had received a portion of a sample for testing of parameters or analytes that the other marijuana testing facility is not approved by the Department to conduct;
    - viii. If applicable, transfer of a portion of a sample, according to subsection (5)(c)(v), to another marijuana testing facility with an approval for testing issued by the Department for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct, including:
      - (1) The name and marijuana establishment license number of the marijuana establishment from which the sample was obtained,
      - (2) The name and marijuana testing facility license number of the marijuana testing facility to which the portion of the sample is being transferred,
      - (3) The date of the transfer,
      - (4) The amount of sample being transferred,
      - (5) The name and marijuana facility agent license number of the marijuana facility agent receiving the marijuana or marijuana products on behalf of the other marijuana testing facility;
      - (6) The parameters or analytes being tested by the other marijuana testing facility, and
      - (7) The testing results obtained from the other marijuana testing facility;
    - ix. If applicable, transfer of the portion of a sample remaining after testing, according to subsection (5)(c)(v), to no more than two other marijuana testing facilities with an applicable approval for testing issued by the Department at the request of a marijuana establishment according to R9-18-311(C), including:
      - (1) The name and marijuana establishment license number of the marijuana establishment,
      - (2) The name and marijuana facility agent license number of the marijuana facility agent requesting the transfer on behalf of the marijuana establishment,
      - (3) The date of the request,
      - (4) The amount of sample being transferred,
      - (5) The name and marijuana testing facility license number of each other marijuana testing facility, and
      - (6) The name and marijuana facility agent license number of the marijuana facility agent receiving the marijuana or marijuana products on behalf of each receiving marijuana testing facility;
    - x. Confidentiality; and
    - xi. Sample retention;
  - f. A quality assurance program and standards;
  - g. A records retention process; and
  - h. Security;
  - 6. Review and document the review of marijuana testing facility policies and procedures at least once every 12 months after the issue date of the marijuana testing facility license and update as needed;
  - 7. Ensure that each marijuana facility agent has the marijuana facility agent's license in the marijuana facility agent's immediate possession when the marijuana facility agent is working or providing volunteer services related to marijuana or marijuana products testing at the marijuana testing facility;
  - 8. Ensure that a marijuana facility agent accompanies any individual other than another marijuana facility agent



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associated with the marijuana testing facility when the individual is present in the area of the marijuana testing facility where marijuana or marijuana products are being tested or stored for testing;

9. Not allow an individual who does not possess a marijuana facility agent license to:
  - a. Serve as an owner for the marijuana testing facility,
  - b. Be employed by the marijuana testing facility, or
  - c. Provide volunteer services at or on behalf of the marijuana testing facility;
10. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a marijuana facility agent no longer:
  - a. Serves as an owner for the marijuana testing facility,
  - b. Is employed by the marijuana testing facility, or
  - c. Provides volunteer services at or on behalf of the marijuana testing facility; and
11. Unless otherwise specified, maintain copies of any documentation required in this Chapter for at least two years after the date on the documentation and provide copies of the documentation to the Department for review upon request.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-406. Compliance Monitoring**

- A. Submission of an application for a marijuana testing facility license constitutes permission for:
  1. The Department's entry to and inspection of the marijuana testing facility, and
  2. The Department to conduct proficiency testing according to R9-18-407.
- B. The Department shall conduct:
  1. Except for a marijuana testing facility licensed pursuant to R9-18-402(B), an initial marijuana testing facility inspection; and
  2. A follow-up marijuana testing facility inspection, at least annually.
- C. The Department shall comply with A.R.S. § 41-1009 in conducting a marijuana testing facility inspection or investigation.
- D. The Department shall not accept allegations of a marijuana testing facility's noncompliance with A.R.S. Title 36, Chapter 28.2 or this Chapter from an anonymous source.
- E. If the Department receives an allegation of a marijuana testing facility's noncompliance with A.R.S. Title 36, Chapter 28.2 or this Chapter, the Department may conduct an unannounced inspection of the marijuana testing facility.
- F. If the Department determines that a marijuana testing facility is not in compliance with the requirements of A.R.S. Title 36, Chapter 28.2, or this Chapter, the Department:
  1. Shall provide the owner, according to R9-18-401(A), and technical laboratory director with a written notice that includes the specific rule or statute that was violated; and
  2. May:
    - a. Take an enforcement action as described in R9-18-415; or
    - b. Require that the technical laboratory director submit to the Department, within 30 calendar days after written notice from the Department, a corrective action plan to address issues of compliance that do

not directly affect the health or safety of a consumer or marijuana facility agent that:

- i. Describes how each identified instance of non-compliance will be corrected and reoccurrence prevented, and
  - ii. Includes a date for correcting each instance of noncompliance that is appropriate to the actions necessary to correct the instance of noncompliance.
- G. Under A.R.S. § 41-1009(G) and (I), the Department's decision regarding whether a technical laboratory director may submit a corrective action plan on behalf of a marijuana testing facility or whether a deficiency has been corrected or has been corrected within a reasonable period of time is not an appealable agency action as defined by A.R.S. § 41-1092.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2).

**R9-18-407. Proficiency Testing**

- A. At least once in each 12-month period, and more often if requested by the Department, a technical laboratory director shall have at least one marijuana facility agent, selected according to policies and procedures, participate in proficiency testing provided by the Department or a proficiency testing service that:
  1. Includes at least one proficiency testing sample, in a matrix similar to the marijuana or marijuana products accepted for testing, for each parameter and analyte for which the marijuana testing facility has been approved or is requesting approval;
  2. Demonstrates the marijuana facility agent's competence in testing for the parameter; and
  3. If the marijuana testing facility has been approved or has requested approval to test an analyte by different methods, may use the same proficiency testing sample for each method.
- B. To demonstrate competence in testing for a parameter, testing results reported for the parameter shall be within acceptance limits established by the Department, according to R9-18-408, or the proficiency testing service, as applicable.
- C. A technical laboratory director shall ensure that:
  1. Each sample for proficiency testing accepted at the marijuana testing facility is analyzed at the marijuana testing facility;
  2. Each sample for proficiency testing is tested according to R9-18-408, using the same procedures and techniques employed for routine sample testing;
  3. A proficiency testing service provides the results for each proficiency testing sample directly to the marijuana testing facility and the Department;
  4. If proficiency testing is provided by the Department, the marijuana testing facility submits to the Department payment for the actual costs of the materials for proficiency testing;
  5. If proficiency testing is not provided by the Department, the marijuana testing facility selects a proficiency testing service and contracts with and pays the proficiency testing service directly for proficiency testing; and
  6. For any analyte not within the acceptance limit established by the Department or the proficiency testing service in subsection (C)(5), as applicable:
    - a. A corrective action plan:

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- i. Is submitted to the Department within 10 calendar days after failing to demonstrate competency in proficiency testing,
    - ii. Describes how each identified instance of failing to demonstrate competency will be corrected, and
    - iii. Includes a date for correcting the failure to demonstrate competency that is appropriate to the actions necessary to correct the instance of noncompliance; and
  - b. If the marijuana testing facility fails to demonstrate competency in proficiency testing for any analyte twice in a row, the marijuana testing facility does not test for the analyte until the marijuana testing facility has demonstrated competency in testing for the analyte by repeat proficiency testing.
- D.** The Department may submit blind proficiency testing samples to a marijuana testing facility at any time during the certification period.
- Historical Note**
- New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).
- R9-18-408. Method Criteria and References for Laboratory Analyses**
- A.** In addition to the definitions in A.R.S. § 36-2850 and R9-18-101, the definitions in A.A.C. R9-17-404.03(A) apply in this Section unless otherwise stated.
  - B.** A technical laboratory director shall ensure that the marijuana testing facility complies with the requirements in A.A.C. R9-17-404.03(B) through (O) when using chemical analytical methods for any of the analytes in Table 3.1.
  - C.** A technical laboratory director may release testing results that are scientifically valid and defensible from analyses using chemical analytical methods, according to R9-18-410(B)(3) and (C), with the following data qualifier notations if:
    - 1. The target analyte detected in the calibration blank required in A.A.C. R9-17-404.03(F)(1)(c) or the method blank specified in A.A.C. R9-17-404.03(K)(1) is at or above the limit of quantitation, but the sample result:
      - a. For potency testing, is below the limit of quantitation – B1; or
      - b. When testing for pesticides, fungicides, growth regulators, mycotoxins, heavy metals, or residual solvents, is below the maximum allowable concentration in Table 3.1 for the analyte – B2;
    - 2. The limit of quantitation and the sample results were adjusted to reflect sample dilution – D1;
    - 3. The relative intensity of a characteristic ion in a sample analyte exceeded the acceptance criteria in A.A.C. R9-17-404.03(L)(1) with respect to the reference spectra, indicating interference – I1;
    - 4. When testing for pesticides, fungicides, growth regulators, mycotoxins, heavy metals, or residual solvents, the percent recovery of a laboratory control sample is greater than the acceptance limits in A.A.C. R9-17-404.03(K)(2)(d), but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 for the analytes in the sample – L1;
    - 5. The recovery from the matrix spike in A.A.C. R9-17-404.03(K)(4) was:
      - a. High, but the recovery from the laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M1,
      - b. Low, but the recovery from the laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M2, or
      - c. Unusable because the analyte concentration was disproportionate to the spike level, but the recovery from the laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M3;
    - 6. The analysis of a spiked sample required a dilution such that the spike recovery calculation does not provide useful information, but the recovery from the associated laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M4;
    - 7. The analyte concentration was determined by the method of standard addition, in which the standard is added directly to the aliquots of the analyzed sample – M5;
    - 8. A description of the variance is described in the final report of testing according to R9-18-410(B)(3) and (C) – N1;
    - 9. The relative percent difference for the laboratory control sample and duplicate exceeded the limit in A.A.C. R9-17-404.03(K)(3), but the recovery in A.A.C. R9-17-404.03(K)(2)(d) was within acceptance criteria – R1;
    - 10. The relative percent difference for a sample and duplicate exceeded the limit in A.A.C. R9-17-404.03(O) – R2; or
    - 11. The recovery from continuing initial calibration verification standards or continuing calibration verification standards is greater than the acceptance limits in A.A.C. R9-17-404.03(H)(2) or (J)(1)(b) as applicable, but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 for the analytes in the sample – V1.
  - D.** A technical laboratory director shall include in the final report of testing from analyses using chemical analytical methods, according to R9-18-410(B)(3) and (C), the following data qualifier notations if:
    - 1. Sample integrity was not maintained – Q1;
    - 2. The sample is heterogeneous, and sample homogeneity could not be readily achieved using routine laboratory practices – Q2; or
    - 3. Testing result is for informational purposes only and cannot be used to satisfy marijuana establishment testing requirements in R9-18-311(A) or labeling requirements in R9-18-310 – Q3.
  - E.** For batch analysis of samples to determine potency, a technical laboratory director may check precision by using either a duplicate laboratory control sample or a duplicate sample prepared from the marijuana or marijuana product being tested, according to requirements in A.A.C. R9-17-404.03(K)(2) and (3).
  - F.** A technical laboratory director shall ensure that the reporting units for:
    - 1. Pesticides, fungicides, growth regulators, heavy metals, or residual solvents is in parts per million (ppm);
    - 2. Mycotoxins are according to A.A.C. R9-17-404.04(I)(4); and
    - 3. Potency are:
      - a. In either:
        - i. Percent (w/w) relative to the bulk plant material or marijuana product, as applicable; or
        - ii. Number of milligrams per designated unit; and
      - b. For:

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- i. Total tetrahydrocannabinol, the sum of tetrahydrocannabinolic acid (THC-A), multiplied by 0.877, and delta-9-tetrahydrocannabinol ( $\Delta^9$ -THC); and
    - ii. Total cannabidiol, the sum of cannabidiolic acid (CBD-A), multiplied by 0.877, and cannabidiol (CBD).
  - G.** To perform testing for the microbial contaminants in Table 3.1, a marijuana testing facility shall:
    - 1. Use an applicable method described in A.A.C. R9-17-404.04(A)(1) and validated according to A.A.C. R9-17-404.04(A)(2), and
    - 2. Comply with A.A.C. R9-17-404.04(A)(3) and (4), as applicable.
  - H.** A technical laboratory director shall ensure that the marijuana testing facility complies with the requirements in A.A.C. R9-17-404.04(B) through (G) when performing testing for the microbial contaminants in Table 3.1.
  - I.** A technical laboratory director shall include in the final report of testing for the microbial contaminants in Table 3.1, according to R9-18-410(B)(3) and (C), the following data qualifier notations if:
    - 1. The limit of quantitation and the sample results were adjusted to reflect sample dilution – D1;
    - 2. A description of the variance is described in the final report of testing according to A.A.C. R9-17-410(B)(3) and (C) – N1;
    - 3. Sample integrity was not maintained – Q1;
    - 4. The sample is heterogeneous, and sample homogeneity could not be readily achieved using routine laboratory practices – Q2; or
    - 5. Testing result is for informational purposes only and cannot be used to satisfy marijuana establishment testing requirements R9-18-311(A) or labeling requirements in R9-18-310 – Q3.
  - J.** A technical laboratory director shall ensure that:
    - 1. The reporting units for *Escherichia coli* are colony forming units per gram (CFU/g);
    - 2. Reporting for *Salmonella* is “Detected” or “Not detected” in one gram; and
    - 3. Reporting for mycotoxins includes:
      - a. Total aflatoxins in units of micrograms per kilogram ( $\mu\text{g/kg}$ ), and
      - b. Ochratoxin A in units of micrograms per kilogram ( $\mu\text{g/kg}$ ).
- Historical Note**
- New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).
- R9-18-409. Quality Assurance**
- A.** An owner of a marijuana testing facility or applicant shall ensure that the analytical data produced at the owner’s or applicant’s marijuana testing facility are of known and acceptable precision and accuracy, as prescribed by the method criteria for each analyte in R9-18-408, and are scientifically valid and defensible.
  - B.** An owner holding a marijuana testing facility license or applicant shall establish, implement, and comply with a written quality assurance plan that contains the following and is available at the marijuana testing facility for Department review:
    - 1. A title page identifying the marijuana testing facility and date of review and including the technical laboratory director’s signature of approval;
    - 2. A table of contents;
    - 3. An organization chart or list of the marijuana testing facility personnel, including names, lines of authority, and identification of principal quality assurance personnel;
    - 4. A copy of the current marijuana testing facility license and a list of approved parameters;
    - 5. A statement of quality assurance objectives, including data quality objectives with precision and accuracy goals and the criteria for determining the acceptability of each testing;
    - 6. Specifications for the preservation of samples;
    - 7. A procedure for documenting receipt of samples by the marijuana testing facility and tracking of samples during testing;
    - 8. A procedure for analytical instrument calibration, including frequency of calibration and complying with the requirements for calibration in subsection (D);
    - 9. A procedure for testing data reduction and validation and reporting of final results, including the identification and treatment of data outliers, the determination of the accuracy of data transcription, and all calculations;
    - 10. If using control limits derived by the marijuana testing facility as a basis for determining acceptance of a testing result, a procedure to ensure that the control limits are:
      - a. Statistically significant, valid, and defensible; and
      - b. Updated at least every 12 months;
    - 11. A statement of the frequency of all quality control checks;
    - 12. A statement of the acceptance criteria for all quality control checks;
    - 13. Preventive maintenance procedures and schedules;
    - 14. Assessment procedures for data acceptability, including appropriate procedures for manual integration of chromatograms and when manual integration is inappropriate;
    - 15. Corrective action procedures to be taken when results from analytical quality control checks are unacceptable, including steps to demonstrate the presence of any interference if the precision, accuracy, or limit of quantitation of the reported testing result is affected by the interference; and
    - 16. Procedures for chain-of-custody documentation, including procedures for the documentation and reporting of any deviation from the sample handling or preservation requirements.
  - C.** An owner holding a marijuana testing facility license or applicant shall ensure that the written quality assurance plan is a separate document available at the marijuana testing facility and includes all of the components required in subsection (B), but an owner or applicant may satisfy the components required in subsections (B)(3) through (16) through incorporating by reference provisions in separate documents, such as standard operating procedures.
  - D.** An owner holding a marijuana testing facility license or applicant shall:
    - 1. Have available at the marijuana testing facility all methods, equipment, reagents, and supplies necessary for the testing for which the owner or applicant is approved or is requesting approval;

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2. Use only reagents of a grade equal to or greater than that required by the applicable method criteria in R9-18-408, and document the use of the reagents;
  3. Maintain and require each marijuana facility agent performing testing on marijuana or a marijuana product to comply with a complete and current standard operating procedure that meets the requirements for each method, as specified in R9-18-408, which shall include at least:
    - a. A description of all procedures to be followed, including the recording of the information required according to R9-18-410(B)(1)(g) and (k), when the method is performed;
    - b. A list of the concentrations for calibration standards, check standards, and spikes;
    - c. Requirements for instrumental conditions and set up;
    - d. A requirement for frequency of calibration;
    - e. The quantitative methods to be used to calculate the final concentration of an analyte in samples, including any factors used in the calculations and the calibration algorithm used; and
    - f. Requirements for preventative maintenance;
  4. Calibrate each instrument as required by the standard operating procedure, as specified in R9-18-408, for which the equipment is used;
  5. Maintain calibration documentation, including documentation that demonstrates the calculations performed using each calibration model;
  6. Develop, document, and maintain a current limit of quantitation, as specified in R9-18-408, for each compliance parameter for each instrument;
  7. For each parameter and analyte tested at the marijuana testing facility, use the quality control acceptance criteria specified according to R9-18-408 and Table 3.1;
  8. Discard or segregate all expired standards or reagents;
  9. Maintain a record showing the traceability of reagents; and
  10. Ensure that a calibration model is not used or changed to avoid necessary instrument maintenance.
- E.** Except as provided in subsection (F), an owner holding a marijuana testing facility license or applicant shall ensure that each standard operating procedure is a separate document available at the marijuana testing facility and includes all of the components required in subsection (D)(3).
- F.** An owner holding a marijuana testing facility license or applicant may satisfy the components required in subsections (D)(3)(e) and (f) through incorporating by reference provisions in separate documents, such as other standard operating procedures.
- Historical Note**
- New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).
- R9-18-410. Operations**
- A.** A technical laboratory director shall ensure that:
1. A sample of marijuana or a marijuana product accepted at the technical laboratory director's marijuana testing facility is analyzed:
    - a. Either:
      - i. At the marijuana testing facility with methods approved by the Department; or
      - ii. For testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct, at another marijuana testing facility with an approval for testing issued by the Department;
    - b. As received; and
    - c. Within 10 calendar days after receipt;
  2. If an instrument or equipment used for testing marijuana or a marijuana product has a mechanism to track any changes made to testing results, the tracking mechanism is installed and activated;
  3. The facility and utilities required to operate equipment and perform testing of marijuana or marijuana products are maintained;
  4. Environmental controls are maintained within the marijuana testing facility to ensure that marijuana testing facility environmental conditions do not affect analytical results beyond quality control limits established for the methods performed at the marijuana testing facility;
  5. Storage, handling, and disposal of hazardous materials at the marijuana testing facility are in accordance with all state and federal regulations;
  6. The marijuana testing facility complies with all applicable federal, state, and local occupational safety and health regulations; and
  7. The following information is maintained for all marijuana facility agents providing supervisory, quality assurance, or analytical functions related to testing of marijuana or a marijuana product:
    - a. A summary of each marijuana facility agent's education and professional experience;
    - b. Documentation of each marijuana facility agent's applicable certifications and specialized training;
    - c. Information related to the marijuana facility agent's license;
    - d. Documentation of each marijuana facility agent's review of the quality assurance plan required under R9-18-409(B) and the methods and standard operating procedures for all testing of marijuana or marijuana products performed by the marijuana facility agent or for which the marijuana testing facility agent has supervisory or quality assurance responsibility;
    - e. Documentation of each marijuana facility agent's completion of training on the use of equipment and of proper laboratory technique, including the name of the marijuana facility agent, the name of the instructor, the duration of the training, and the date of completion of the training;
    - f. Documentation of each marijuana facility agent's completion of training classes, continuing education courses, seminars, and conferences that relate to the testing procedures used by the marijuana facility agent for testing of marijuana or marijuana products;
    - g. Documentation of each marijuana facility agent's completion of initial demonstration of capability, as required according to R9-18-408, for each approved method performed by the marijuana facility agent;
    - h. Documentation of each marijuana facility agent's performance of proficiency testing; and
    - i. Documentation of each marijuana facility agent's completion of training related to instrument calibration that includes:

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- i. Instruction on each calibration model that the marijuana facility agent will use or for which the marijuana facility agent will review data;
  - ii. For each calibration model in subsection (A)(7)(i)(i), description of the specific aspects of the calibration model that might compromise the data quality, such as detector saturation, lack of detector sensitivity, the calibration model's not accurately reflecting the calibration points, inappropriate extension of the calibration range, weighting factors, and dropping of mid-level calibration points without justification; and
  - iii. Instruction that a calibration model shall not be used or changed to avoid necessary instrument maintenance.
- B.** A technical laboratory director shall ensure that:
  - 1. A testing record for marijuana or marijuana products contains:
    - a. Sample information, including the following:
      - i. A unique sample identification assigned at the marijuana testing facility;
      - ii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the amount, strain, and batch number;
      - iii. The sample collection date and time;
      - iv. The type of testing to be performed, including whether the testing is to satisfy the requirement in R9-18-311(A) or for a marijuana establishment's information only; and
      - v. The analytes to be tested for, as specified by the marijuana establishment or individual submitting the sample to the marijuana testing facility according to subsection (B)(1)(c);
    - b. A color picture of the sample as submitted;
    - c. The name and one of the following, as applicable, for the marijuana establishment or individual submitting the sample to the marijuana testing facility:
      - i. The marijuana establishment license number, or
      - ii. The number on the document used to identify the individual;
    - d. If applicable, name and the marijuana facility agent license number of the marijuana facility agent submitting the sample to the marijuana testing facility on behalf of a marijuana establishment;
    - e. The date and time of receipt of the sample at the marijuana testing facility;
    - f. The name and registry identification number of the marijuana facility agent who received the sample at the marijuana testing facility;
    - g. The dates and times of testing, including the date and time of each critical step;
    - h. Whether testing results related to a sample were changed;
    - i. If testing results related to a sample were changed, what was changed, the name of the marijuana facility agent who changed the testing results, the time and date the data were changed, and why the testing results were changed;
    - j. If testing results were changed due to retesting:
      - i. What was used or done to the sample, and
      - ii. The original and changed testing results;
    - k. The actual results of testing, including all raw data, work sheets, and calculations performed;
    - l. The actual results of quality control data validating the testing results, including the calibration and calculations performed;
    - m. The name of each marijuana facility agent who performed the testing; and
    - n. A copy of the final report;
  - 2. A testing result for marijuana or a marijuana product that is known to be inaccurate is not reported; and
  - 3. Except as specified in subsection (C) or (D) as applicable, a final report of testing of marijuana or marijuana products contains:
    - a. The name, address, and telephone number of the marijuana testing facility;
    - b. The marijuana testing facility license number issued by the Department;
    - c. Actual scientifically valid and defensible results of testing of a sample of marijuana or a marijuana product in appropriate units of measure, obtained in accordance with R9-18-408, and the quality assurance plan;
    - d. As applicable:
      - i. A statement that testing results were obtained according to requirements in the quality assurance plan in R9-18-409(B), in the applicable standard operating procedure, and in R9-18-408;
      - ii. A description of any variances from the requirements in the quality assurance plan in R9-18-409(B), the applicable standard operating procedure, or R9-18-408 made to ensure scientifically valid and defensible testing results, and the reason for the variance; or
      - iii. A qualifier, according to R9-18-408(C), (D), or (I), as applicable, located adjacent to the name of the analyte or testing result to which the qualifier pertains;
    - e. A list of each method used to obtain the reported results;
    - f. Sample information, including the following:
      - i. The unique sample identification assigned at the marijuana testing facility;
      - ii. A color picture of the sample as submitted;
      - iii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the strain and batch number;
      - iv. The sample collection date and time;
      - v. The name and identifying number recorded for the marijuana establishment or individual submitting the sample to the marijuana testing facility according to subsection (B)(1)(c); and
      - vi. Any changes made to the information recorded according to subsection (B)(1)(a) since sample submission;
    - g. The date of testing for each parameter reported;
    - h. The date of the final report; and
    - i. The technical laboratory director's or designee's signature.
  - C.** If a sample of marijuana or a marijuana product accepted at a marijuana testing facility is analyzed at another marijuana testing facility, as allowed according to subsection (A)(1)(a)(ii), a technical laboratory director shall ensure that the final report of testing required in subsection (B)(3) includes a copy of the

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final report of testing from each marijuana testing facility to which the marijuana testing facility accepting the sample from a marijuana establishment sent a portion of the sample for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct.

- D.** If a final report of testing issued according to subsection (B)(3) needs to be changed, amended, or reissued, a technical laboratory director shall ensure that a changed, amended, or reissued report of testing is generated by the marijuana testing facility and includes:
1. The date of the changed, amended, or reissued report of testing;
  2. A statement that the changed, amended, or reissued report is an amendment to the original final report of testing, including any unique number or other designator given by the marijuana testing facility to the original final report of testing;
  3. If it is necessary to issue a completely new final report of testing, the information required in subsection (B)(3); and
  4. The change to the information provided in the original final report of testing and, where appropriate, the reason for the change, located either:
    - a. Adjacent to the testing result to which the change pertains, or
    - b. On the same page of the final report of testing with an indicator located adjacent to the testing result to which the change pertains.
- E.** For a sample of marijuana or a marijuana product accepted at the technical laboratory director's marijuana testing facility, a technical laboratory director shall ensure that the final report of testing in subsection (B)(3):
1. For a sample received from a marijuana establishment, is sent to the marijuana establishment within 10 calendar days after receipt of the sample;
  2. For a sample received from a marijuana testing facility according to subsection (A)(1)(a)(ii), is sent to the marijuana testing facility from which the sample was sent within seven calendar days after receipt of the sample;
  3. For a sample received from a marijuana testing facility according to R9-18-311(C), to the marijuana establishment within seven calendar days after receipt of the sample; and
  4. For a sample received from an individual as recorded according to subsection (B)(1)(c), is sent to the individual within 10 calendar days after receipt of the sample.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-411. Adding or Removing Parameters for Testing**

- A.** During the term of a marijuana testing facility license, an owner may request to have one or more parameters:
1. Added to the marijuana testing facility license, or
  2. Removed from the marijuana testing facility license.
- B.** To request a change to one or more parameters, an applicant shall submit to the Department:
1. The following information in a Department-provided format:
    - a. The name, address, and telephone number of the applicant;

- b. The name, address, and telephone number of the marijuana testing facility for which the change is requested;
  - c. If requesting the removal of a parameter, identification of the parameter to be removed;
  - d. If requesting the addition of a parameter:
    - i. The analyte to be tested for;
    - ii. The instruments and equipment to be used for testing;
    - iii. The software to be used at the marijuana testing facility for instrument control and data reduction interpretation; and
    - iv. The limit of quantitation, if applicable;
  - e. Whether the marijuana testing facility is ready for an inspection by the Department;
  - f. If the marijuana testing facility is not ready for an inspection by the Department, the date the marijuana testing facility will be ready for an inspection by the Department;
  - g. An attestation that the information provided to the Department to apply for the addition of a parameter is true and correct; and
  - h. The signatures of the owner of the marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
2. The following for each parameter requested to be added:
    - a. A copy of current accreditation;
    - b. A copy of a proficiency testing report;
    - c. A copy of the standard operating procedure; and
    - d. Documentation of the initial demonstration of capabilities, according to A.A.C. R9-17-404.03(D); and
  3. If applicable, any changes to the quality assurance plan in R9-18-409(B) made due to the addition or removal of the parameter.
- C.** The Department may conduct an inspection of the marijuana testing facility during the substantive review period for a request to have one or more parameters added to a marijuana testing facility license.
- D.** The Department shall process a request to have one or more parameters added to a marijuana testing facility license as provided in R9-18-103.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-412. Inventory Control System**

- A.** A marijuana testing facility shall not accept submissions of marijuana or marijuana products for testing from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1 or Chapter 28.2.
- B.** A technical laboratory director shall designate in writing a marijuana facility agent who has oversight of the marijuana testing facility's inventory control system.
- C.** A technical laboratory director shall establish and implement an inventory control system for the marijuana testing facility's marijuana and marijuana products that documents:
1. The following amounts in appropriate units:
    - a. Each day's beginning inventory of marijuana and marijuana products;
    - b. Marijuana and marijuana products accepted for testing, including verifying the amount of each sample

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of marijuana or marijuana product accepted for testing;

- c. The portions of a sample of marijuana or a marijuana product removed for testing with the name of the marijuana facility agent removing each portion;
  - d. Marijuana and marijuana products transferred to or from another marijuana testing facility for testing of parameters or analytes that the marijuana testing facility receiving a sample from a marijuana establishment is not approved by the Department to conduct;
  - e. Marijuana and marijuana products transferred to another marijuana testing facility at the request of a marijuana establishment according to R9-18-311(C);
  - f. Marijuana or marijuana products that were disposed of, including verifying that the amount of marijuana or marijuana product being disposed of is consistent with the original amount accepted for testing minus the amounts used for testing or transferred to another marijuana testing facility; and
  - g. The day's ending marijuana and marijuana products inventory;
2. The chain of custody for each sample of marijuana or a marijuana product submitted to the marijuana testing facility for testing;
  3. Any damage to a sample's container or possible tampering;
  4. As applicable, for submissions of marijuana and marijuana products for testing:
    - a. A description of the submitted marijuana or marijuana products including the amount, strain and batch number;
    - b. The name and marijuana establishment license number of the marijuana establishment that submitted the marijuana or marijuana products;
    - c. The name and marijuana facility agent license number of the marijuana facility agent that submitted the marijuana or marijuana products;
    - d. The name and identifying number recorded for the individual that submitted the marijuana or marijuana products according to R9-18-410(B)(1)(c);
    - e. The name and marijuana facility agent license number of the marijuana facility agent receiving the marijuana or marijuana products on behalf of the marijuana testing facility; and
    - f. The date of acquisition; and
  5. For disposal of the remaining sample of marijuana or a marijuana product after testing:
    - a. The unique sample identification assigned to the sample of medical marijuana or a marijuana product, according to R9-410(B)(1)(a);
    - b. The amount of the marijuana or marijuana product being disposed of;
    - c. Date of disposal;
    - d. Method of disposal; and
    - e. Name and marijuana facility agent license number of the marijuana facility agent responsible for the disposal.
- D.** The individual designated in subsection (B) shall conduct and document an audit of the marijuana testing facility's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.
1. If the audit identifies a reduction in the amount of marijuana or marijuana products in the marijuana testing facility's inventory not due to documented causes, the technical laboratory director shall determine where the loss has occurred and take and document corrective action.

2. If the reduction in the amount of marijuana or marijuana products in the marijuana testing facility's inventory is due to suspected criminal activity by a marijuana facility agent, the technical laboratory director shall report the marijuana facility agent to the Department and to the local law enforcement authorities and document the report.

**E.** A marijuana testing facility shall:

1. Maintain the documentation required in subsections (C) and (D) at the marijuana testing facility for at least five years after the date on the document, and
2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-413. Security**

- A.** Except as provided in R9-18-405(8), a marijuana testing facility shall ensure that access to the area of the marijuana testing facility where marijuana or marijuana products are being tested or stored for testing is limited to a marijuana testing facility's owners and authorized marijuana facility agents.
- B.** A marijuana facility agent associated with a marijuana testing facility may only transport marijuana or marijuana products submitted for testing to a marijuana testing facility licensed under this Chapter.
- C.** Before transportation to a marijuana testing facility, a marijuana facility agent associated with the marijuana testing facility shall:
1. Complete a trip plan that includes:
    - a. The name of the marijuana facility agent in charge of transporting the marijuana or marijuana products;
    - b. The date and start time of the trip;
    - c. A description of the marijuana or marijuana products being transported;
    - d. Any anticipated stops during the trip, including the locations of the stops and arrival time and departure time for each location; and
    - e. The anticipated route of transportation; and
  2. Provide a copy of the trip plan in subsection (C)(1) to the marijuana testing facility.
- D.** During transportation to the marijuana testing facility, a marijuana facility agent associated with the marijuana testing facility shall:
1. Carry a copy of the trip plan in subsection (C)(1) with the marijuana facility agent for the duration of the trip;
  2. Use a vehicle:
    - a. Without any marijuana identification;
    - b. Equipped with a global positioning system or other means of tracking the location of the vehicle;
    - c. With an operational video surveillance system and recording equipment that:
      - i. Shows the interior of the vehicle, including the driver's seat and location of the marijuana, marijuana plants, or marijuana products being transported;

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- ii. Is turned on for the duration of a trip while marijuana or a marijuana product is in the vehicle; and
  - iii. Either stores the recording for at least 30 calendar days or transmits the recorded images at the time of recording to another location, where the recorded images are stored for at least 30 calendar days; and
  - d. With a locked compartment in which any marijuana or marijuana products being transported may be stored during a trip;
- 3. Have a means of communication with the marijuana testing facility;
- 4. Notate the arrival and departure time for each stop; and
- 5. Ensure that the marijuana or marijuana products are stored in the locked compartment specified in subsection (D)(2)(d) and are not visible.
- E. After transportation, a marijuana facility agent associated with a marijuana testing facility shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1).
- F. If a marijuana facility agent associated with a marijuana establishment transports marijuana or a marijuana product to a marijuana testing facility for testing, the marijuana testing facility shall require that a copy of the trip plan be provided by the marijuana establishment before accepting the marijuana or marijuana product for testing.
- G. A marijuana testing facility shall:
  - 1. Maintain the documents required in subsections (C)(2), (E), and (F); and
  - 2. Provide a copy of the documents required in subsections (C)(2), (E), and (F) to the Department for review upon request.
- H. To prevent unauthorized access to marijuana or marijuana products at the marijuana testing facility for testing, the marijuana testing facility shall have the following:
  - 1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
    - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
    - b. Exterior lighting to facilitate surveillance;
    - c. Electronic monitoring including:
      - i. At least one 19-inch or greater call-up monitor;
      - ii. A printer capable of immediately producing a clear still photo from any video camera image;
      - iii. Video cameras:
        - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
        - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
    - iv. A video camera in each area of the marijuana testing facility where marijuana or marijuana products are being tested or stored for testing capable of identifying any activity occurring within the area in low light conditions;
    - v. Storage of video recordings from the video cameras for at least 30 calendar days;
    - vi. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
    - vii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
  - d. Panic buttons in the interior of each building; and
  - 2. Policies and procedures that:
    - a. Restrict access to the areas of the marijuana testing facility that contain marijuana or marijuana products and, if applicable, to authorized individuals only;
    - b. Provide for the identification of authorized individuals; and
    - c. Prevent loitering.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-18-414. Physical Plant**

- A. A marijuana testing facility shall ensure that designated storage areas for marijuana or marijuana products or materials used in direct contact with marijuana or marijuana products are:
  - 1. Separate from storage areas for toxic or flammable materials; and
  - 2. Maintained in a manner to prevent:
    - a. Microbial contamination and proliferation, and
    - b. Contamination or infestation by insects or rodents.
- B. A marijuana testing facility shall ensure that:
  - 1. Storage areas are designated for:
    - a. Marijuana and marijuana products awaiting testing;
    - b. Reagents, standards, and other testing related chemicals or materials; and
    - c. The remaining portions of tested marijuana and marijuana products retained according to R9-18-405(5)(c)(vi);
  - 2. Designated storage areas are monitored to ensure that a:
    - a. Room temperature storage area is maintained between 20°C and 28°C,
    - b. Refrigerated storage area is maintained between 2°C and 8°C, and
    - c. Freezer storage area is maintained at or less than -20°C;
  - 3. A storage area for the storage of marijuana or marijuana product awaiting testing is labelled to indicate the temperature range and types of marijuana or marijuana products to be stored in the storage area;
  - 4. Marijuana or a marijuana product awaiting testing is stored at an appropriate temperature, as specified on the packaged sample;
  - 5. Reagents, standards, and other testing related chemicals or materials are stored according to manufacturer's directions; and
  - 6. The remaining portions of tested marijuana and marijuana products are stored in a refrigerated storage area or a freezer storage area to reduce microbial proliferation.
- C. A marijuana testing facility shall ensure that a designated area for testing marijuana or a marijuana product for microbial contaminants is maintained in a manner to prevent exposure of the marijuana or marijuana product to external microbial contaminants.



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- D.** A marijuana testing facility shall ensure that a designated area for testing marijuana or a marijuana product for pesticides, fungicides, mycotoxins, growth regulators, heavy metals, or residual solvents is maintained in a manner to prevent exposure of the marijuana or marijuana product to external contamination.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

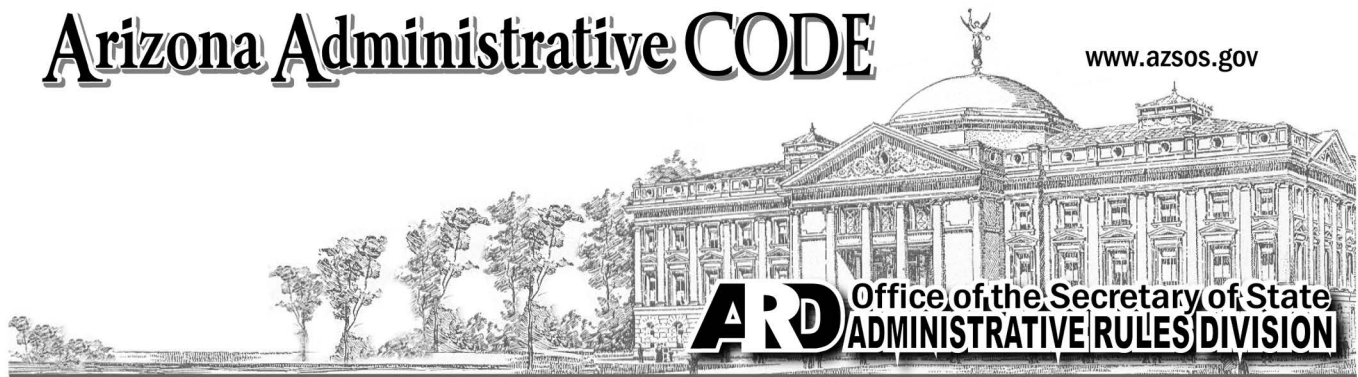
**R9-18-415. Denial, Suspension, or Revocation of a Marijuana Testing Facility License**

- A.** The Department shall deny an application for or renewal of a marijuana testing facility license if:
1. An owner:
    - a. Has been convicted of an excluded felony offense, or
    - b. Is under 21 years of age; or
  2. The application or the marijuana testing facility does not comply with the requirements in A.R.S. Title 36, Chapter 28.2 and this Chapter.
- B.** The Department may deny an application for or renewal of a marijuana testing facility license if an owner of the marijuana testing facility provides false or misleading information to the Department.
- C.** The Department may deny an application for approval of a parameter for testing, submitted according to R9-18-403 or R9-18-411, if the applicant does not demonstrate compliance with the requirements of this Article related to the parameter or testing of an analyte.
- D.** The Department may suspend or revoke a marijuana testing facility license if:
1. The marijuana testing facility:
    - a. Provides false or misleading information to the Department;
    - b. Begins testing marijuana to satisfy requirements in R9-18-311 before obtaining approval for testing from the Department;
  2. Diverts marijuana to an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2; or
  3. Acquires marijuana from an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2;
- E.** An owner:
- a. Has been convicted of an excluded felony offense, or
  - b. Provides false or misleading information to the Department; or
- F.** The marijuana testing facility does not:
- a. Comply with:
    - i. The requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter; or
    - ii. The provisions in a corrective action plan submitted according to R9-18-406(F)(6)(b); or
  - b. Implement the policies and procedures or comply with the statements provided to the Department with the marijuana testing facility's application.
- G.** The Department may revoke a marijuana testing facility's approval of a parameter for testing if the marijuana testing facility does not continue to demonstrate compliance with the requirements of this Article related to the parameter or testing of an analyte.
- H.** If the Department denies a marijuana testing facility license application, the Department shall provide notice to the applicant that includes:
1. The specific reason or reasons for the denial, and
  2. All other information required by A.R.S. § 41-1076.
- I.** If the Department suspends or revokes a marijuana testing facility license, the Department shall provide notice to the marijuana testing facility that includes:
1. The specific reason or reasons for the revocation; and
  2. The process for requesting a review of the Department's decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by exempt rulemaking at 27 A.A.R. 696, effective May 1, 2021 (Supp. 21-2). Amended by exempt rulemaking at 29 A.A.R. 2453 (October 13, 2023), effective October 1, 2023 (Supp. 23-3).

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### CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

<a href="#">R9-22-711.</a>	<a href="#">Copayments.....</a>	<a href="#">59</a>	<a href="#">R9-22-1428.</a>	<a href="#">Postpartum Extended Eligibility .....</a>	<a href="#">126</a>
<a href="#">R9-22-730.</a>	<a href="#">Hospital Assessment Fund - Hospital Assessment .....</a>	<a href="#">101</a>			

*Editor's note: This Chapter contains rules that were made under emergency rulemaking. Since an emergency rulemaking is effective for 180 days, the "Reserved" Article heading shall remain in the Chapter before the emergency rule text until the AHCCCS either:*

- 1. Renews the emergency for an additional 180 days; or*
- 2. Makes, amends, repeals, and renumbers the emergency rules under the regular rulemaking process; or*
- 3. Lets the emergency rulemaking expire after the initial 180 days, or expire after the additional 180 days, in which case the Article heading revert back to "Reserved."*

EMERGENCY RULEMAKING	
<a href="#">R9-22-1801.</a>	<a href="#">Definitions ..... 137</a>
EMERGENCY RULEMAKING	
<a href="#">R9-22-1802.</a>	<a href="#">Basis for Exclusion ..... 137</a>
EMERGENCY RULEMAKING	
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<a href="#">R9-22-1805.</a>	<a href="#">Reinstatement of Participation ..... 138</a>
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<a href="#">R9-22-1806.</a>	<a href="#">Denial of Reinstatement ..... 138</a>

#### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 23-3 replaces Supp. 23-1, 1-144 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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## Administrative Rules Division

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## TITLE 9. HEALTH SERVICES

## CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

Authority: A.R.S. § 36-2901.08

## Supp. 23-3

*Editor's Note: Historical notes for Sections made, repealed or amended in Supp. 14-1 were updated to reflect the effective date as immediate per the original notice filed by the agency. A number of other publication errors have been corrected in Supplement 20-4 that should have been made in Supp. 14-1. These include: adding new Sections R9-22-301 and R9-22-302; correcting a punctuation error in R9-22-1401; repealing Sections R9-22-1407 and R9-22-1443; and the amending of R9-22-1501 (Supp. 20-4).*

*Editor's Note: The Office of the Secretary of State prints all Code Chapters on white paper (Supp 01-3).*

*Editor's Note: This Chapter contains rules which were adopted or amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), under Laws 1992, Ch. 301, § 61 and Ch. 302, § 13, and Laws 1993, Ch. 6, § 34. Exemption from A.R.S. Title 41, Chapter 6 means that AHCCCS did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Governor's Regulatory Review Council did not review these rules; AHCCCS was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

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*Article 6, consisting of Sections R9-22-601 through R9-22-605, repealed by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1).*

*Article 6, consisting of Sections R9-22-601 through R9-22-604, adopted effective July 16, 1985.*

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*Article 8, consisting of Sections R9-22-801 through R9-22-804 and Exhibit A, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 8 is now in 9 A.A.C. 34 (Supp. 04-1).*

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*Article 22, consisting of Sections R9-22-901 through R9-22-909, repealed by final rulemaking at 12 A.A.R. 4484, January 6, 2007 (Supp. 06-4).*

*Article 22, consisting of Sections R9-22-901 through R9-22-908, adopted effective August 29, 1985.*

*Former Article 22, consisting of Section R9-22-901, repealed effective October 1, 1983.*

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*Article 10, consisting of Section R9-22-1001 through R9-22-1002, adopted effective November 7, 1997 (Supp. 97-4).*

*Article 10, consisting of Section R9-22-1001 through R9-22-1002, repealed effective November 7, 1997 (Supp. 97-4).*

*Article 10 consisting of Sections R9-22-1001 and R9-22-1002 adopted effective October 1, 1985.*

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*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Exemption to promulgate rules repealed under Laws 2012, Chapter 299, Section 7 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1309, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 13 is now in 9 A.A.C. 34 (Supp. 04-1).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1309, adopted effective September 9, 1998 (Supp. 98-3).*



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*Article 14, consisting of Sections R9-22-1401 through R9-22-1436, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

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*Article 15, consisting of Sections R9-22-1501 through R9-22-1508, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

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*Article 16, consisting of Section R9-22-1601 made by final rulemaking at 20 A.A.R. 3436, effective January 1, 2015 (Supp. 14-4).*

*Article 16, consisting of Sections R9-22-1601 through R9-22-1612, R9-22-1614 through R9-22-1616, and R9-22-1618 through R9-22-1619, expired at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).*

*Article 16, consisting of Sections R9-22-1601 through R9-22-1636, repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).*

*Article 16, consisting of Sections R9-22-1601 through R9-22-1613, R9-22-1615 through R9-22-1620, R9-22-1622 through R9-22-1631, R9-22-1633, R9-22-1634, and R9-22-1636, adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).*

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*Article 21, consisting of Sections R9-22-2101 through R9-22-2103, made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).*

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## ARTICLE 1. DEFINITIONS

**R9-22-101. Location of Definitions**

- A. Location of definitions. Definitions applicable to this Chapter are found in the following:

Definition	Section or Citation
"Accommodation"	R9-22-701
"Active treatment"	R9-22-1301
"ADHS"	R9-22-101
"Administration"	A.R.S. § 36-2901
"Adult behavioral health therapeutic home"	9 A.A.C. 10, Article 1
"Adverse action"	R9-22-101
"Affiliated corporate organization"	R9-22-101
"Aged"	42 U.S.C. 1382c(a)(1)(A) and R9-22-1501
"Agency"	R9-22-1201
"Aggregate"	R9-22-701
"AHCCCS"	R9-22-101
"AHCCCS inpatient hospital day or days of care"	R9-22-701
"AHCCCS registered provider"	R9-22-101
"Ambulance"	A.R.S. § 36-2201
"Ancillary service"	R9-22-101
"Anticipatory guidance"	R9-22-201
"Annual enrollment choice"	R9-22-1701
"APC"	R9-22-701
"Applicant"	R9-22-101 or R9-22-301
"Application"	R9-22-101
"Assessment"	R9-22-1101 or R9-22-1201
"Assignment"	R9-22-101
"Attending physician"	R9-22-101 or R9-22-202
"Authorized representative"	R9-22-101
"Authorization"	R9-22-202
"Auto-assignment algorithm"	R9-22-1701
"AZ-NBCCEDP"	R9-22-2001
"Behavior management services"	R9-22-1201
"Behavioral health therapeutic home care services"	R9-22-1201
"Behavioral health paraprofessional"	R9-22-101
"Behavioral health professional"	R9-22-101
"Behavioral health recipient"	R9-22-201
"Behavioral health services"	R9-22-1201
"Behavioral health technician"	R9-22-1201
"Benefit year"	R9-22-201
"BHS"	R9-22-301
"Billed charges"	R9-22-701
"Blind"	R9-22-1501
"Burial plot"	R9-22-1401
"Business agent"	R9-22-701
"Calculated inpatient costs"	R9-22-712.07
"Capital costs"	R9-22-701
"Capped fee-for-service"	R9-22-101
"Caretaker relative"	R9-22-1401
"Case management"	R9-22-1201
"Case record"	R9-22-101
"Cash assistance"	R9-22-1401
"Certified psychiatric nurse practitioner"	R9-22-1201
"Charge master"	R9-22-712
"Child"	R9-22-1503
"Children's Rehabilitative Services" or "CRS"	R9-22-101 or R9-22-301
"Chronic"	R9-22-1301
"Claim"	R9-22-1101
"Claims paid amount"	R9-22-712.07
"Clean claim"	A.R.S. § 36-2904
"Clinical oversight"	9 A.A.C. 10
"CMDP"	R9-22-1701
"CMS"	R9-22-101
"Continuous stay"	R9-22-101
"Contract"	R9-22-101
"Contract year"	R9-22-101
"Contractor"	A.R.S. § 36-2901 or R9-22-210.01

"Copayment"	R9-22-701
"Cost avoid"	R9-22-1201
"Cost-To-Charge Ratio" or "CCR"	R9-22-701 or R9-22-712
"Court-ordered evaluation"	R9-22-1201
"Court-ordered pre-petition screening"	R9-22-1201
"Court-ordered treatment"	R9-22-1201
"Covered charges"	R9-22-701
"Covered services"	R9-22-101
"CPT"	R9-22-701
"Creditable coverage"	R9-22-2003 and 42 U.S.C. 300gg(c)
"Crisis services"	R9-22-1201
"Critical Access Hospital"	R9-22-701
"CRS application"	R9-22-1301
"CRS condition"	R9-22-1301
"CRS provider"	R9-22-1301
"Cryotherapy"	R9-22-2001
"Customized DME"	R9-22-212
"Day"	R9-22-101 and R9-22-1101
"Date of the Notice of Adverse Action"	R9-22-1441
"DBHS"	R9-22-101
"DCSS"	R9-22-301
"Department"	A.R.S. § 36-2901
"Dependent child"	A.R.S. § 46-101 or R9-22-1401
"DES"	R9-22-101
"Diagnostic services"	R9-22-101
"Direct graduate medical education costs" or "direct program costs"	R9-22-701
"Direct supervision"	R9-22-1201
"Director"	R9-22-101
"Disabled"	R9-22-1501
"Discussion"	R9-22-101
"Disenrollment"	R9-22-1701
"DME"	R9-22-101
"DRI inflation factor"	R9-22-701
"E.P.S.D.T. services"	42 CFR 440.40(b)
"Eligibility posting"	R9-22-701
"Eligible person"	A.R.S. § 36-2901
"Emergency behavioral health condition for a non-FES member"	R9-22-201
"Emergency behavioral health services for a non-FES member"	R9-22-201
"Emergency medical condition for a non-FES member"	R9-22-201
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"Emergency medical services provider"	R9-22-1201
"Emergency medical or behavioral health condition for a FES member"	R9-22-217
"Emergency services costs"	A.R.S. § 36-2903.07
"Emergency services for a FES member"	R9-22-217
"Encounter"	R9-22-701
"Enrollment"	R9-22-1701
"Equity"	R9-22-101
"Experimental services"	R9-22-203
"Existing outpatient service"	R9-22-701
"Expansion funds"	R9-22-701
"FAA"	R9-22-301
"Facility"	R9-22-101
"Factor"	R9-22-701 and 42 CFR 447.10
"FBR"	R9-22-101
"Federal financial participation" or "FFP"	42 CFR 400.203
"Federal poverty level" or "FPL"	A.R.S. § 36-2981
"Fee-For-Service" or "FFS"	R9-22-101
"FES member"	R9-22-101
"FESP"	R9-22-101
"First-party liability"	R9-22-1001
"File"	R9-22-1101
"Fiscal agent"	R9-22-210
"Fiscal intermediary"	R9-22-701
"Foster care maintenance payment"	42 U.S.C. 675(4)(A)
"FQHC"	R9-22-101

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"Freestanding Children's Hospital"	R9-22-701	"Ownership change"	R9-22-701
"Functionally limiting"	R9-22-1301	"Ownership interest"	42 CFR 455.101
"Fund"	R9-22-712.07	"Partial Care"	R9-22-1201
"Graduate medical education (GME) program"	R9-22-701	"Participating institution"	R9-22-701
"GME program approved by the Administration"		"Peer group"	R9-22-701
or "approved GME program"	R9-22-701	"Peer-reviewed study"	R9-22-2001
"Grievance"	A.A.C. Chapter 34	"Penalty"	R9-22-1101
"GSA"	R9-22-101	"Person"	R9-22-1101
"HCAC"	R9-22-701	"Pharmaceutical service"	R9-22-201
"HCPSCS"	R9-22-701	"Physical therapy"	R9-22-201
"Health care institution"	A.R.S. § 36-401	"Physician"	R9-22-101
"Health care practitioner"	R9-22-1201	"Physician assistant"	R9-22-1201
"Hearing aid"	R9-22-201	"Post-stabilization services"	R9-22-201 or 42 CFR 422.113
"HIPAA"	R9-22-701	"PPS bed"	R9-22-701
"Home health services"	R9-22-201	"Practitioner"	R9-22-101
"Hospital"	R9-22-101	"Pre-enrollment process"	R9-22-301
"ICU"	R9-22-701	"Prescription"	R9-22-101
"IHS"	R9-22-101	"Primary care provider" or "PCP"	R9-22-101
"IHS enrolled" or "enrolled with IHS"	R9-22-708	"Primary care provider services"	R9-22-201
"IMD" or "Institution for Mental Diseases"	42 CFR 435.1010	"Prior authorization"	R9-22-101
	and R9-22-101	"Prior period coverage" or "PPC"	R9-22-101
"Income"	R9-22-301	"Procedure code"	R9-22-701
"Indirect program costs"	R9-22-701	"Procurement file"	R9-22-601
"Individual"	R9-22-211	"Proposal"	R9-22-101
"In-kind income"	R9-22-1420	"Prospective rates"	R9-22-701
"Inmate of a public institution"	42 CFR 435.1010	"Psychiatrist"	R9-22-1201
"Inpatient covered charges"	R9-22-712.07	"Psychologist"	R9-22-1201
"Intermediate Care Facility for the		"Psychosocial rehabilitation services"	R9-22-201
Mentally Retarded" or "ICF-MR"	42 U.S.C. 1396d(d)	"Public hospital"	R9-22-701
"Intern and Resident Information System"	R9-22-701	"Qualified alien"	A.R.S. § 36-2903.03
"LEEP"	R9-22-2001	"Qualified behavioral health service provider"	R9-22-1201
"Legal representative"	R9-22-101	"Quality management"	R9-22-501
"Level I trauma center"	R9-22-2101	"Radiology"	R9-22-101
"License" or "licensure"	R9-22-101	"RBHA" or "Regional Behavioral	
"Licensee"	R9-22-1201	Health Authority"	R9-22-201
"MAGI-based income"	R9-22-1401	"Reason to know" or "had reason to know"	R9-22-1101
"Mailing date"	R9-22-101	"Rebase"	R9-22-701
"Medical education costs"	R9-22-701	"Redetermination"	R9-22-1301
"Medical expense deduction" or "MED"	R9-22-1401	"Referral"	R9-22-101
"Medical practitioner"	R9-22-1201	"Rehabilitation services"	R9-22-101
"Medical record"	R9-22-101	"Reinsurance"	R9-22-701
"Medical review"	R9-22-701	"Remittance advice"	R9-22-701
"Medical services"	A.R.S. § 36-401	"Resident"	R9-22-701
"Medical supplies"	R9-22-101	"Residual functional deficit"	R9-22-201
"Medical support"	R9-22-301	"Resources"	R9-22-301
"Medically eligible"	R9-22-1301	"Respiratory therapy"	R9-22-201
"Medically necessary"	R9-22-101	"Respite"	R9-22-1201
"Medicare claim"	R9-22-101	"Responsible offeror"	R9-22-101
"Medicare Urban or Rural Cost-to-Charge		"Responsive offeror"	R9-22-101
Ratio (CCR)"	R9-22-701	"Revenue Code"	R9-22-701
"Member"	A.R.S. § 36-2901 or R9-22-301	"Review"	R9-22-101
"Mental disorder"	A.R.S. § 36-501	"Review month"	R9-22-101
"Milliman study"	R9-22-712.07	"RFP"	R9-22-101
"Monthly equivalent"	R9-22-1401	"Rural Contractor"	R9-22-718
"Monthly income"	R9-22-1401	"Rural Hospital"	R9-22-718
"National Standard code sets"	R9-22-701		R9-22-712.07 and R9-22-718
"New hospital"	R9-22-701	"Scope of services"	R9-22-201
"NICU"	R9-22-701	"Section 1115 Waiver"	A.R.S. § 36-2901
"Noncontracted Hospital"	R9-22-718	"Service location"	R9-22-101
"Noncontracting provider"	A.R.S. § 36-2901	"Service site"	R9-22-101
"Non-FES member"	R9-22-101	"SOBRA"	R9-22-101
"Non-IHS Acute Hospital"	R9-22-701	"Specialist"	R9-22-101
"Nursing facility" or "NF"	42 U.S.C. 1396r(a)	"Specialty facility"	R9-22-701
"Observation day"	R9-22-701	"Speech therapy"	R9-22-201
"Occupational therapy"	R9-22-201	"Spendthrift restriction"	R9-22-1401
"Offeror"	R9-22-101	"Sponsor"	R9-22-301
"Operating costs"	R9-22-701	"Sponsor deemed income"	R9-22-301
"OPPC"	R9-22-701	"Sponsoring institution"	R9-22-701
"Organized health care delivery system"	R9-22-701	"Spouse"	R9-22-101
"Outlier"	R9-22-701	"SSA"	42 CFR 1000.10
"Outpatient hospital service"	R9-22-701	"SSI"	42 CFR 435.4
		"SSN"	R9-22-101

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"Stabilize"	42 U.S.C. 1395dd
"Standard of care"	R9-22-101
"Sterilization"	R9-22-201
"Subcontract"	R9-22-101
"Submitted"	A.R.S. § 36-2904
"Substance abuse"	R9-22-201
"SVES"	R9-22-301
"Tax dependent"	42 CFR 435.4
"Taxi"	A.R.S. § 28-101(53)
"Taxpayer"	R9-22-1401
"Third-party"	R9-22-1001
"Third-party liability"	R9-22-1001
"Tier"	R9-22-701
"Tiered per diem"	R9-22-701
"Title IV-D"	R9-22-1401
"Title IV-E"	R9-22-1401
"Total Inpatient payments"	R9-22-712.07
"Trauma and Emergency Services Fund"	A.R.S. § 36-2903.07
"TRBHA" or "Tribal Regional Behavioral Health Authority"	R9-22-1201
"Treatment"	R9-22-2004
"Tribal Facility"	A.R.S. § 36-2981
"Unrecovered trauma center readiness costs"	R9-22-2101
"Urban Contractor"	R9-22-718
"Urban Hospital"	R9-22-718
"USCIS"	R9-22-301
"Utilization management"	R9-22-501
"WWHP"	R9-22-2001

**B. General definitions.** In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

"ADHS" means the Arizona Department of Health Services.

"Adverse action" means an action taken by the Department or Administration to deny, discontinue, or reduce medical assistance.

"Affiliated corporate organization" means any organization that has ownership or control interests as defined in 42 CFR 455.101, and includes a parent and subsidiary corporation.

"AHCCCS" means the Arizona Health Care Cost Containment System, which is composed of the Administration, contractors, and other arrangements through which health care services are provided to a member.

"AHCCCS registered provider" means a provider or non-contracting provider who:

Enters into a provider agreement with the Administration under R9-22-703(A), and

Meets license or certification requirements to provide covered services.

"Ancillary service" means all hospital services for patient care other than room and board and nursing services, including but not limited to, laboratory, radiology, drugs, delivery room (including maternity labor room), operating room (including postanesthesia and postoperative recovery rooms), and therapy services (physical, speech, and occupational).

"Applicant" means a person who submits or whose authorized representative submits a written, signed, and dated application for AHCCCS benefits.

"Application" means an official request for AHCCCS medical coverage made under this Chapter.

"Assignment" means enrollment of a member with a contractor by the Administration.

"Attending physician" means a licensed allopathic or osteopathic doctor of medicine who has primary responsibility for providing or directing preventive and treatment services for a Fee-For-Service member.

"Authorized representative" means a person who is authorized to apply for medical assistance or act on behalf of another person.

"Behavioral health paraprofessional" means an individual who is not a behavioral health professional who provides behavioral health services at or for a health care institution according to the health care institution's policies and procedures that:

If the behavioral health services were provided in a setting other than a licensed health care institution,

If the individual would be required to be licensed as a behavioral professional under A.R.S. Title 32, Chapter 33,

If the behavioral health services were provided in a setting other than a licensed health care institution; and

Are provided under supervision by a behavioral health professional R9-10-101.

"Behavioral Health Professional" has the same meaning as defined A.A.C. R9-10-101 excluding subsection (g).

"Capped fee-for-service" means the payment mechanism by which a provider of care is reimbursed upon submission of a valid claim for a specific covered service or equipment provided to a member. A payment is made in accordance with an upper or capped limit established by the Director. This capped limit can either be a specific dollar amount or a percentage of billed charges.

"Case record" means an individual or family file retained by the Department that contains all pertinent eligibility information, including electronically stored data.

"Children's Rehabilitative Services" or "CRS" means the program that provides covered medical services and covered support services in accordance with A.R.S. § 36-261.

"CMS" means the Centers for Medicare and Medicaid Services.

"Continuous stay" means a period during which a member receives inpatient hospital services without interruption beginning with the date of admission and ending with the date of discharge or date of death.

"Contract" means a written agreement entered into between a person, an organization, or other entity and the Administration to provide health care services to a member under A.R.S. Title 36, Chapter 29, and this Chapter.

"Contract year" means the period beginning on October 1 of a year and continuing until September 30 of the following year.

"Covered services" means the health and medical services described in Articles 2 and 12 of this Chapter as being eligible for reimbursement by AHCCCS.

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“Day” means a calendar day unless otherwise specified.

“DBHS” means the Division of Behavioral Health Services within the Arizona Department of Health Services.

“DES” means the Department of Economic Security.

“Diagnostic services” means services provided for the purpose of determining the nature and cause of a condition, illness, or injury.

“Director” means the Director of the Administration or the Director’s designee.

“Discussion” means an oral or written exchange of information or any form of negotiation.

“DME” means durable medical equipment, which is an item or appliance that can withstand repeated use, is designed to serve a medical purpose, and is not generally useful to a person in the absence of a medical condition, illness, or injury.

“Equity” means the county assessor full cash value or market value of a resource minus valid liens, encumbrances, or both.

“Facility” means a building or portion of a building licensed or certified by the Arizona Department of Health Services as a health care institution under A.R.S. Title 36, Chapter 4, to provide a medical service, a nursing service, or other health care or health-related service.

“FBR” means Federal Benefit Rate, the maximum monthly Supplemental Security Income payment rate for a member or a married couple.

“Fee-For-Service” or “FFS” means a method of payment by the AHCCCS Administration to a registered provider on an amount-per-service basis for a member not enrolled with a contractor.

“FES member” means a person who is eligible to receive emergency medical and behavioral health services through the FESP under R9-22-217.

“FESP” means the federal emergency services program under R9-22-217 which covers services to treat an emergency medical or behavioral health condition for a member who is determined eligible under A.R.S. § 36-2903.03(D).

“FQHC” means federally qualified health center.

“GSA” means a geographical service area designated by the Administration within which a contractor provides, directly or through a subcontract, a covered health care service to a member enrolled with the contractor.

“Hospital” means a health care institution that is licensed as a hospital by the Arizona Department of Health Services under A.R.S. Title 36, Chapter 4, Article 2, and certified as a provider under Title XVIII of the Social Security Act, as amended, or is currently determined, by the Arizona Department of Health Services as the CMS designee, to meet the requirements of certification.

“IHS” means Indian Health Service.

“IMD” or “Institution for Mental Diseases” means an Institution for Mental Diseases as described in 42 CFR 435.1010 that is licensed by ADHS.

“Legal representative” means a custodial parent of a child under 18, a guardian, or a conservator.

“License” or “licensure” means a nontransferable authorization that is granted based on established standards in law by a state or a county regulatory agency or board and allows a health care provider to lawfully render a health care service.

“Mailing date” when used in reference to a document sent first class, postage prepaid, through the United States mail, means the date:

Shown on the postmark;

Shown on the postage meter mark of the envelope, if no postmark; or

Entered as the date on the document, if there is no legible postmark or postage meter mark.

“Medical record” means a document that relates to medical or behavioral health services provided to a member by a physician or other licensed practitioner of the healing arts and that is kept at the site of the provider.

“Medical supplies” means consumable items that are designed specifically to meet a medical purpose.

“Medically necessary” means a covered service is provided by a physician or other licensed practitioner of the healing arts within the scope of practice under state law to prevent disease, disability, or other adverse health conditions or their progression, or to prolong life.

“Medicare claim” means a claim for Medicare-covered services for a member with Medicare coverage.

“Non-FES member” means an eligible person who is entitled to full AHCCCS services.

“Offeror” means an individual or entity that submits a proposal to the Administration in response to an RFP.

“Physician” means a person licensed as an allopathic or osteopathic physician under A.R.S. Title 32, Chapter 13 or Chapter 17.

“Practitioner” means a physician assistant licensed under A.R.S. Title 32, Chapter 25, or a registered nurse practitioner certified under A.R.S. Title 32, Chapter 15.

“Prescription” means an order to provide covered services that is signed or transmitted by a provider authorized to prescribe the services.

“Primary care provider” or “PCP” means an individual who meets the requirements of A.R.S. § 36-2901 (14), and who is responsible for the management of a member’s health care.

“Prior authorization” means the process by which the Administration or contractor, whichever is applicable, authorizes, in advance, the delivery of covered services based on factors including but not limited to medical necessity, cost effectiveness, compliance with this Article and any applicable contract provisions. Prior authorization is not a guarantee of payment.

“Prior period coverage” means the period prior to the member’s enrollment during which a member is eligible for covered services. PPC begins on the first day of the month of application or the first eligible month, which-

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ever is later, and continues until the day the member is enrolled with a contractor.

“Proposal” means all documents, including best and final offers, submitted by an offeror in response to an RFP by the Administration.

“Radiology” means professional and technical services rendered to provide medical imaging, radiation oncology, and radioisotope services.

“Referral” means the process by which a member is directed by a primary care provider or an attending physician to another appropriate provider or resource for diagnosis or treatment.

“Rehabilitation services” means physical, occupational, and speech therapies, and items to assist in improving or restoring a person’s functional level.

“Responsible offeror” means an individual or entity that has the capability to perform the requirements of a contract and that ensures good faith performance.

“Responsive offeror” means an individual or entity that submits a proposal that conforms in all material respects to an RFP.

“Review” means a review of all factors affecting a member’s eligibility.

“Review month” means the month in which the individual’s or family’s circumstances and case record are reviewed.

“RFP” means Request for Proposals, including all documents, whether attached or incorporated by reference, that are used by the Administration for soliciting a proposal under 9 A.A.C. 22, Article 6.

“Service location” means a location at which a member obtains a covered service provided by a physician or other licensed practitioner of the healing arts under the terms of a contract.

“Service site” means a location designated by a contractor as the location at which a member is to receive covered services.

“S.O.B.R.A.” means Section 9401 of the Sixth Omnibus Budget Reconciliation Act, 1986, amended by the Medicare Catastrophic Coverage Act of 1988, 42 U.S.C. 1396a(a)(10)(A)(i)(IV), 42 U.S.C. 1396a(a)(10)(A)(i)(VI), and 42 U.S.C. 1396a(a)(10)(A)(i)(VII).

“Specialist” means a Board-eligible or certified physician who declares himself or herself as a specialist and practices a specific medical specialty. For the purposes of this definition, Board-eligible means a physician who meets all the requirements for certification but has not tested for or has not been issued certification.

“Spouse” means a person who has entered into a contract of marriage recognized as valid by this state.

“SSN” means Social Security number.

“Standard of care” means a medical procedure or process that is accepted as treatment for a specific illness, injury, or medical condition through custom, peer review, or consensus by the professional medical community.

“Subcontract” means an agreement entered into by a contractor with any of the following:

A provider of health care services who agrees to furnish covered services to a member,

A marketing organization, or

Any other organization or person that agrees to perform any administrative function or service for the contractor specifically related to securing or fulfilling the contractor’s obligation to the Administration under the terms of a contract.

“Taxi” is as defined in A.R.S. § 28-101(53).

### Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-101 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-101 repealed, former Sections R9-22-102 and R9-22-301 renumbered as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency by adding new paragraphs (24), (46), (84) and (91) and renumbering accordingly effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Amended as an emergency by adding new paragraphs (2) and (15) and renumbering accordingly effective October 25, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Permanent amendment added paragraphs (2) and (15) and renumbered accordingly effective February 1, 1985 (Supp. 85-1). Amended effective October 1, 1985 (Supp. 85-5). Amended paragraphs (10) and (15) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987; amended effective December 22, 1987 (Supp. 87-4). Amended by deleting paragraphs (39) and (62) and renumbering accordingly effective July 1, 1988 (Supp. 88-3). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective December 13, 1993 (Supp. 93-4). Amended effective January 14, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 8, 1997 (Supp. 97-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking

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at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4).

Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 3830, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 461, effective April 1, 2012 (Supp. 12-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-102. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-102 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1092 (Supp. 82-4). Former Section R9-22-102 renumbered together with former Section R9-22-301 as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). New Section adopted effective December 8, 1997 (Supp. 97-4). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Section repealed by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3).

**R9-22-103. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-104. Reserved****R9-22-105. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final

rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-106. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4).

**R9-22-107. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Section repealed by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-108. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-109. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. effective 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-110. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**R9-22-111. Reserved****R9-22-112. Repealed****Historical Note**

Adopted effective December 8, 1997 (Supp. 97-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Repealed by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1).

**R9-22-113. Reserved****R9-22-114. Repealed****Historical Note**



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New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4).

**R9-22-115. Repealed****Historical Note**

Final Section adopted at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 11 A.A.R. 5467, effective December 6, 2005 (Supp. 05-4).

**R9-22-116. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-117. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-118. Reserved****R9-22-119. Reserved****R9-22-120. Repealed****Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**ARTICLE 2. SCOPE OF SERVICES****R9-22-201. Scope of Services-related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

“Anticipatory guidance” means a person responsible for a child receives information and guidance of what the person should expect of the child’s development and how to help the child stay healthy.

“Behavioral health recipient” means a Title XIX or Title XXI acute care member who is eligible for, and is receiving, behavioral health services through ADHS/DBHS.

“Benefit year” means a one-year time period of October 1st through September 30th.

“Emergency behavioral health condition for a non-FES member” means a condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson who possesses an average knowledge of health

and medicine could reasonably expect the absence of immediate medical attention to result in:

Placing the health of the person, including mental health, in serious jeopardy;

Serious impairment to bodily functions;

Serious dysfunction of any bodily organ or part; or

Serious physical harm to another person.

“Emergency behavioral health services for a non-FES member” means those behavioral health services provided for the treatment of an emergency behavioral health condition.

“Emergency medical condition for a non-FES member” means treatment for a medical condition, including labor and delivery, which manifests itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

Placing the member’s health in serious jeopardy,

Serious impairment to bodily functions, or

Serious dysfunction of any bodily organ or part.

“Emergency medical services for a non-FES member” means services provided for the treatment of an emergency medical condition.

“Hearing aid” means an instrument or device designed for, or represented by the supplier as aiding or compensating for impaired or defective human hearing, and includes any parts, attachments, or accessories of the instrument or device.

“Home health services” means services and supplies that are provided by a home health agency that coordinates in-home intermittent services for curative, rehabilitative care, including home-health aide services, licensed nurse services, and medical supplies, equipment, and appliances.

“Occupational therapy” means medically prescribed treatment provided by or under the supervision of a licensed occupational therapist, to restore or improve an individual’s ability to perform tasks required for independent functioning.

“Pharmaceutical service” means medically necessary medications that are prescribed by a physician, practitioner, or dentist under R9-22-209.

“Physical therapy” means treatment services to restore or improve muscle tone, joint mobility, or physical function provided by or under the supervision of a registered physical therapist.

“Post-stabilization services” means covered services related to an emergency medical or behavioral health condition provided after the condition is stabilized.

“Primary care provider services” means healthcare services provided by and within the scope of practice, as defined by law, of a licensed physician, certified nurse practitioner, or licensed physician assistant.

“Psychosocial rehabilitation services” means services that provide education, coaching, and training to address or prevent residual functional deficits and may include services that may assist a member to secure and maintain employment. Psychosocial rehabilitation services may include:

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Living skills training,  
Cognitive rehabilitation,  
Health promotion,  
Supported employment, and

Other services that increase social and communication skills to maximize a member's ability to participate in the community and function independently.

"RBHA" or "Regional Behavioral Health Authority" means the same as in A.R.S. § 36-3401.

"Residual functional deficit" means a member's inability to return to a previous level of functioning, usually after experiencing a severe psychotic break or state of decompensation.

"Respiratory therapy" means treatment services to restore, maintain, or improve respiratory functions that are provided by, or under the supervision of, a respiratory therapist licensed according to A.R.S. Title 32, Chapter 35.

"Scope of services" means the covered, limited, and excluded services under Articles 2 and 12 of this Chapter.

"Speech therapy" means medically prescribed diagnostic and treatment services provided by or under the supervision of a certified speech therapist.

"Sterilization" means a medically necessary procedure, not for the purpose of family planning, to render an eligible person or member barren in order to:

Prevent the progression of disease, disability, or adverse health conditions; or

Prolong life and promote physical health.

"Substance abuse" means the chronic, habitual, or compulsive use of any chemical matter that, when introduced into the body, is capable of altering human behavior or mental functioning and, with extended use, may cause psychological dependence and impaired mental, social or educational functioning. Nicotine addiction is not considered substance abuse for adults who are 21 years of age or older

#### Historical Note

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-201 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B) effective May 30, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 3217, effective October 1, 2005 (Supp. 05-3). Section repealed; new Section made by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

#### R9-22-202. General Requirements

A. For the purposes of this Article, the following definitions apply:

1. "Authorization" means written, verbal, or electronic authorization by:
  - a. The Administration for services rendered to a fee-for-service member, or
  - b. The contractor for services rendered to a prepaid capitated member.
2. Use of the phrase "attending physician" applies only to the fee-for-service population.

B. In addition to other requirements and limitations specified in this Chapter, the following general requirements apply:

1. Only medically necessary, cost effective, and federally-reimbursable and state-reimbursable services are covered services.
2. Covered services for the federal emergency services program (FESP) are under R9-22-217.
3. The Administration or a contractor may waive the covered services referral requirements of this Article.
4. Except as authorized by the Administration or a contractor, a primary care provider, attending physician, practitioner, or a dentist shall provide or direct the member's covered services. Delegation of the provision of care to a practitioner does not diminish the role or responsibility of the primary care provider.
5. A contractor shall offer a female member direct access to preventive and routine services from gynecology providers within the contractor's network without a referral from a primary care provider.
6. A member may receive physical and behavioral health services as specified in Articles 2 and 12.
7. The Administration or a contractor shall provide services under the Section 1115 Waiver as defined in A.R.S. § 36-2901.
8. An AHCCCS registered provider shall provide covered services within the provider's scope of practice.
9. In addition to the specific exclusions and limitations otherwise specified under this Article, the following are not covered:
  - a. A service that is determined by the AHCCCS Chief Medical Officer to be experimental or provided primarily for the purpose of research;
  - b. Services or items furnished gratuitously, and
  - c. Personal care items except as specified under R9-22-212.
10. Medical or behavioral health services are not covered services if provided to:
  - a. An inmate of a public institution; or
  - b. A person who is in residence at an institution for the treatment of tuberculosis.

C. The Administration or a contractor may deny payment of non-emergency services if prior authorization is not obtained as specified in this Article and Article 7 of this Chapter. The Administration or a contractor shall not provide prior authorization for services unless the provider submits documentation of the medical necessity of the treatment along with the prior authorization request.

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- D. Services under A.R.S. § 36-2908 provided during the prior period coverage do not require prior authorization.
- E. Prior authorization is not required for services necessary to evaluate and stabilize an emergency medical condition. The Administration or a contractor shall not reimburse services that require prior authorization unless the provider documents the diagnosis and treatment.
- F. A service is not a covered service if provided outside the GSA unless one of the following applies:
  - 1. A member is referred by a primary care provider for medical specialty care outside the GSA. If a member is referred outside the GSA to receive an authorized medically necessary service, the contractor shall also provide all other medically necessary covered services for the member;
  - 2. There is a net savings in service delivery costs as a result of going outside the GSA that does not require undue travel time or hardship for a member or the member's family;
  - 3. The contractor authorizes placement in a nursing facility located out of the GSA; or
  - 4. Services are provided during prior period coverage or during the prior quarter coverage.
- G. If a member is traveling or temporarily residing outside of the GSA, covered services are restricted to emergency care services, unless otherwise authorized by the contractor.
- H. A contractor shall provide at a minimum, directly or through subcontracts, the covered services specified in this Chapter and in contract.
- I. The Administration shall determine the circumstances under which a FFS member may receive services, other than emergency services, from service providers outside the member's county of residence or outside the state. Criteria considered by the Administration in making this determination shall include availability and accessibility of appropriate care and cost effectiveness.
- J. The restrictions, limitations, and exclusions in this Article do not apply to a contractor electing to provide noncovered services.
  - 1. The Administration shall not consider the costs of providing a noncovered service to a member in the development or negotiation of a capitation rate.
  - 2. A contractor shall pay for noncovered services from administrative revenue or other contractor funds that are unrelated to the provision of services under this Chapter.
  - 3. If a member requests a service that is not covered or is not authorized by a contractor, or the Administration, an AHCCCS-registered service provider may provide the service according to R9-22-702.
- K. Subject to CMS approval, the restrictions, limitations, and exclusions specified in the following subsections do not apply to American Indians receiving services through IHS or a tribal health program operating under P.L. 93-638 when those services are eligible for 100 percent federal financial participation:
  - 1. R9-22-205(A)(8),
  - 2. R9-22-206,
  - 3. R9-22-207,
  - 4. R9-22-212(C),
  - 5. R9-22-212(D),
  - 6. R9-22-212(E)(8),
  - 7. R9-22-215(C)(5), (C)(6), and
  - 8. R9-22-215(C)(4).

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-202 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1987; amended effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective December 13, 1993 (Supp. 93-4). Amended effective July 1, 1995, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1994, Ch. 322, § 21; filed with the Office of the Secretary of State June 22, 1995 (Supp. 95-3). Amended effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Section repealed effective September 22, 1997 (Supp. 97-3). New Section made by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 1225, effective July 7, 2015 (Supp. 15-3).

**R9-22-203. Experimental Services**

- A. Experimental services are not covered. A service is not experimental if:
  - 1. It is generally and widely accepted as a standard of care in the practice of medicine in the United States and is a safe and effective treatment for the condition for which it is intended or used.
  - 2. The service does not meet the standard in subsection (A)(1), but the service has been demonstrated to be safe and effective for the condition for which it is intended or used based on the weight of the evidence in peer-reviewed articles in medical journals published in the United States.
  - 3. The service does not meet the standard in subsection (A)(2) because the condition for which the service is intended or used is rare, but the service has been demonstrated to be safe and effective for the condition for which it is intended or used based on the weight of opinions from specialists who provide the service or related services.
- B. The following factors shall be considered when evaluating the weight of peer-reviewed articles or the opinions of specialists:
  - 1. The mortality rate and survival rate of the service as compared to the rates for alternative non-experimental services.
  - 2. The types, severity, and frequency of complications associated with the services as compared with the complications associated with alternative non-experimental services.
  - 3. The frequency with which the service has been performed in the past.
  - 4. Whether there is sufficient historical information regarding the service to provide reliable data regarding risks and benefits.

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5. The reputation and experience of the authors and/or specialists and their record in related areas.
6. The extent to which medical science in the area develops rapidly and the probability that more definite data will be available in the foreseeable future.
7. Whether the peer reviewed article describes a random controlled trial or an anecdotal clinical case study.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-203 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1987; amended effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2).

Amended effective April 13, 1990 (Supp. 90-2).

Amended effective September 29, 1992 (Supp. 92-3).

Amended under an exemption from the provisions of the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed effective September 22, 1997 (Supp. 97-3). New Section made by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Section amended by final rulemaking at 20 A.A.R. 1956, effective September 6, 2014 (Supp. 14-3).

**R9-22-204. Inpatient General Hospital Services**

- A. The following limitations apply to inpatient general hospital services that are provided by FFS providers.
  1. Providers shall obtain prior authorization from the Administration for the following inpatient hospital services:
    - a. Nonemergency and elective admission, including psychiatric hospitalization;
    - b. Elective surgery; and
    - c. Services or items provided to cosmetically reconstruct or improve personal appearance after an illness or injury.
  2. The Administration or a contractor may deny a claim if a provider fails to obtain prior authorization.
  3. Providers are not required to obtain prior authorization from the Administration for the following inpatient hospital services:
    - a. Voluntary sterilization,
    - b. Dialysis shunt placement,
    - c. Arteriovenous graft placement for dialysis,
    - d. Angioplasties or thrombectomies of dialysis shunts,
    - e. Angioplasties or thrombectomies of arteriovenous graft for dialysis,
    - f. Hospitalization for vaginal delivery that does not exceed 48 hours,
    - g. Hospitalization for cesarean section delivery that does not exceed 96 hours, and
    - h. Other services identified by the Administration through the Provider Participation Agreement.
  4. The Administration may perform concurrent review for hospitalizations of non-FES members to determine whether there is medical necessity for the hospitalization. A provider shall notify the Administration no later than 72 hours after an emergency admission.
- B. Coverage of in-state and out-of-state inpatient hospital services is limited to 25 days per benefit year for members age 21

and older for claims with discharge dates on or before September 30, 2014. The limit applies for all inpatient hospital services with dates of service during the benefit year regardless of whether the member is enrolled in Fee for Service, is enrolled with one or more contractors, or both, during the benefit year.

1. For purposes of calculating the limit:
  - a. Inpatient days are counted towards the limit if paid by the Administration or a contractor;
  - b. Inpatient days will be counted toward the limit in the order of the adjudication date of a paid claim;
  - c. Paid inpatient days are allocated to the benefit year in which the date of service occurs;
  - d. Each 24 hours of paid observation services is counted as one inpatient day if the patient is not admitted to the same hospital directly following the observation services,
  - e. Observation services, which are directly followed by an inpatient admission to the same hospital are not counted towards the inpatient limit; and
  - f. After 25 days of inpatient hospital services have been paid as provided for in this rule Section:
    - i. Outpatient services that are directly followed by an inpatient admission to the same hospital, including observation services, are not covered.
    - ii. Continuous periods of observation services of less than 24 hours that are not directly followed by an inpatient admission to the same hospital are covered.
    - iii. For continuous periods of observation services of 24 hours or more that are not directly followed by an inpatient admission to the same hospital, 23 hours of observations services are covered.
2. The following inpatient days are not included in the inpatient hospital limitation described in this Section:
  - a. Days reimbursed under specialty contracts between AHCCCS and a transplant facility that are included within the component pricing referred to in the contract;
  - b. Days related to Behavioral Health:
    - i. Inpatient days that qualify for the psychiatric tier under R9-22-712.09 and reimbursed by the Administration or its contractors, or
    - ii. Inpatient days with a primary psychiatric diagnosis code reimbursed by the Administration or its contractors, or
    - iii. Inpatient days paid by the Arizona Department of Health Services Division of Behavioral Health Services or a RBHA or TRBHA.
  - c. Days related to treatment for burns and burn late effects at an American College of Surgeons verified burn center;
  - d. Same Day Admit Discharge services are excluded from the 25 day limit; and
  - e. Subject to approval by CMS, days for which the state claims 100% FFP, such as payments for days provided by IHS or 638 facilities.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-204 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective

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tive December 22, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1745, effective October 1, 2012 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1956, effective September 6, 2014 (Supp. 14-3). The incorrect label C was changed to B (Supp. 22-3).

#### **R9-22-205. Attending Physician, Practitioner, and Primary Care Provider Services**

- A.** A primary care provider, attending physician, or practitioner shall provide primary care provider services within the provider's scope of practice under A.R.S. Title 32. A member may receive primary care provider services in an inpatient or outpatient setting including at a minimum:
  1. Periodic health examination and assessment;
  2. Evaluation and diagnostic workup;
  3. Medically necessary treatment;
  4. Prescriptions for medication and medically necessary supplies and equipment;
  5. Referral to a specialist or other health care professional if medically necessary;
  6. Patient education;
  7. Home visits if medically necessary; and
  8. Preventive health services, such as, well visits, immunizations, colonoscopies, mammograms and PAP smears.
- B.** The following limitations and exclusions apply to attending physician and practitioner services and primary care provider services:
  1. Specialty care and other services provided to a member upon referral from a primary care provider, or to a member upon referral from the attending physician or practitioner are limited to the service or condition for which the referral is made, or for which authorization is given by the Administration or a contractor.
  2. A member's physical examination is not covered if the sole purpose is to obtain documentation for one or more of the following:
    - a. Qualification for insurance,
    - b. Pre-employment physical evaluation,
    - c. Qualification for sports or physical exercise activities,
    - d. Pilot's examination for the Federal Aviation Administration,
    - e. Disability certification to establish any kind of periodic payments,
    - f. Evaluation to establish third-party liabilities, or
    - g. Physical ability to perform functions that have no relationship to primary objectives of the services listed in subsection (A).
  3. Orthognathic surgery is covered only for a member who is less than 21 years of age;

4. The following services are excluded from AHCCCS coverage:
  - a. Infertility services, reversal of surgically induced infertility (sterilization), and gender reassignment surgeries;
  - b. Pregnancy termination counseling services;
  - c. Pregnancy terminations, unless required by state or federal law.
  - d. Services or items furnished solely for cosmetic purposes; and
  - e. Hysterectomies unless determined medically necessary.

#### **Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-205 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A), paragraph (15) and added paragraph (20) effective December 22, 1987 (Supp. 87-4). Amended subsection (C)(2) effective May 30, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

*Editor's Note: The following Section was renumbered and a new Section adopted under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not published as a proposed rule in the Arizona Administrative Register; the rule was not reviewed or approved by the Governor's Regulatory Review Council; and the agency was not required to hold public hearings on the rule. This Section was subsequently amended through the regular rulemaking process.*

#### **R9-22-206. Organ and Tissue Transplant Services**

- A.** Organ and tissue transplant services are covered for a member if prior authorized and coordinated with the member's contractor, or the Administration. Only the following transplants are covered for individuals 21 years of age or older:
  1. Heart, including transplants for the treatment of non-ischemic cardiomyopathy;
  2. Liver, including transplants for patients with hepatitis C;
  3. Kidney (cadaveric and live donor);
  4. Simultaneous Pancreas/Kidney (SPK);
  5. Autologous and Allogeneic related and unrelated Hematopoietic Cell transplants;
  6. Cornea;
  7. Bone;
  8. Lung; and
  9. Pancreas after a kidney transplant (PAK).
- B.** The following transplants are not covered for members 21 years of age or older:

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1. Pancreas only transplants if it is not performed simultaneously with or following a kidney transplant. Partial pancreas transplants and autologous and allogeneic pancreas islet cell transplants are not covered even if performed simultaneously with or following a kidney transplant.
  2. Intestine transplants, and
  3. Any other type of transplant not specifically listed in subsection (A).
- C. When there is a transplant of multiple organs, reimbursement will only be made for those covered.
- D. Organ and tissue transplant services are not covered for non-qualified aliens or noncitizens members of FESP under A.R.S. § 36-2903.03(D).

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-206 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-206 renumbered to R9-22-218, new Section R9-22-206 adopted effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by exempt rulemaking at 16 A.A.R. 1386, effective July 15, 2010 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by exempt rulemaking at 17 A.A.R. 1122, April 1, 2011 (Supp. 11-2).

**R9-22-207. Dental Services**

- A. The Administration or a contractor shall cover dental services for a member less than 21 years of age under R9-22-213.
- B. For individuals age 21 years of age or older, the Administration or a contractor shall cover medical and surgical services furnished by a dentist only to the extent such services may be performed under state law either by a physician or by a dentist and such services would be considered a physician service if furnished by a physician.
1. Except as specified in subsection (C), such services must be related to the treatment of a medical condition such as acute pain, infection, or fracture of the jaw. Covered dental services include examination of the oral cavity, radiographs, complex oral surgical procedures such as treatment of maxillofacial fractures, administration of an appropriate level of anesthesia and the prescription of pain medication and antibiotics.
  2. Such services do not include services that physicians are not generally competent to perform such as dental cleanings, routine dental examinations, dental restorations including crowns and fillings, extractions, pulpotomies, root canals, and the construction or delivery of complete or partial dentures. Diagnosis and treatment of temporomandibular joint dysfunction are not covered except for the reduction of trauma.

- C. For the purposes of this subsection, simple restorations means silver amalgam or composite resin fillings, stainless steel crowns or preformed crowns. In addition, dental services for an individual 21 years of age or older include:
1. The elimination of oral infections and the treatment of oral disease, which includes dental cleanings, treatment of periodontal disease, medically necessary extractions and the provision of simple restorations as a medically necessary pre-requisite to covered transplantation; and
  2. Prophylactic extraction of teeth in preparation for covered radiation treatment of cancer of the jaw, neck or head.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-207 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-207 repealed, new Section R9-22-207 adopted effective October 1, 1985 (Supp. 85-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3).

**R9-22-208. Laboratory, Radiology, and Medical Imaging Services**

Laboratory, radiology, and medical imaging services are covered services if:

1. Prescribed by the member's attending physician, practitioner, primary care provider or a dentist, or prescribed by a physician or practitioner upon referral from the primary care provider or dentist.
2. Provided by licensed health care providers in a:
  - a. Hospital,
  - b. Clinic,
  - c. Physician's office, or
  - d. Other health care facility.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-208 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-208 repealed, new Section R9-22-208 adopted effective October 1, 1985 (Supp. 85-5). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2).

**R9-22-209. Pharmaceutical Services**

- A. An inpatient or outpatient provider, including a hospital, clinic, other appropriately licensed health care facility, and pharmacy may provide covered pharmaceutical services.
- B. The Administration or a contractor shall require a provider to make pharmaceutical services:
1. Available during customary business hours, and
  2. Located within reasonable travel distance of a member's residence.
- C. Pharmaceutical services are covered if:

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1. Prescribed for a member by the member's primary care provider, attending physician, practitioner, or dentist;
  2. Prescribed by a specialist upon referral from the primary care provider or attending physician; or
  3. The contractor or its designee authorizes the service.
- D.** The following limitations apply to pharmaceutical services:
1. A medication personally dispensed by a physician, dentist, or a practitioner within the individual's scope of practice is not covered, except in geographically remote areas where there is no participating pharmacy or if accessible pharmacies are closed.
  2. A new prescription or refill in excess of a 30 day supply is not covered unless:
    - a. The member will be out of the provider's service area for an extended period of time and the prescription is limited to the extended time period, not to exceed a 90 day supply; or
    - b. The Contractor authorizes the prescription for an extended time period not to exceed a 90-day supply.
  3. An over-the-counter medication, in place of a covered prescription medication, is covered only if the over-the-counter medication is appropriate, equally effective, safe, and less costly than the covered prescription medication.
- E.** A contractor shall monitor and ensure sufficient services to prevent any gap in the pharmaceutical regimen of a member who requires a continuing or complex regimen of pharmaceutical treatment to restore, improve, or maintain physical well being.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-209 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective September 24, 1986 (Supp. 86-5). Amended subsections (A) and (C) effective December 22, 1987 (Supp. 87-4). Amended subsection (C)(3), effective May 30, 1989 (Supp. 89-2). Amended under an exemption from the Administrative Procedure Act effective March 22, 1993; received in the Office of the Secretary of State March 24, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-210. Emergency Medical Services for Non-FES Members****A. General provisions.**

1. Applicability. This Section applies to emergency medical services for non-FES members. Provisions regarding emergency behavioral health services for non-FES members are in R9-22-210.01. Provisions regarding emergency medical and behavioral health services for FES members are in R9-22-217.
2. Definitions.
  - a. For the purposes of this Section, "contractor" has the same meaning as in A.R.S. § 36-2901. Contractor does not include ADHS/DBHS or a subcontractor of ADHS/DBHS.

- b. For the purposes of this Section and R9-22-210.01, "fiscal agent" means a person who bills and accepts payment for a hospital or emergency room provider.
  3. Verification. A provider of emergency medical services shall verify a person's eligibility status with AHCCCS, and if eligible, determine whether the person is enrolled with AHCCCS as non-FES FFS or is enrolled with a contractor.
  4. Prior authorization.
    - a. Emergency medical services. A provider is not required to obtain prior authorization for emergency medical services.
    - b. Non-emergency medical services. If a non-FES member's medical condition does not require emergency medical services, the provider shall obtain prior authorization as required by the terms of the provider agreement under R9-22-714(A) or the provider's subcontract with the contractor, whichever is applicable.
  5. Prohibition against denial of payment. Neither the Administration nor a contractor shall:
    - a. Limit what constitutes an emergency medical condition on the basis of lists of diagnoses or symptoms,
    - b. Deny or limit payment because the provider failed to obtain prior authorization for emergency services,
    - c. Deny or limit payment because the provider does not have a subcontract.
  6. Grounds for denial. The Administration and a contractor may deny payment for emergency medical services for reasons including but not limited to:
    - a. The claim was not a clean claim;
    - b. The claim was not submitted timely; and
    - c. The provider failed to provide timely notification under subsection (B)(4) to the contractor or the Administration, as appropriate, and the contractor does not have actual notice from any other source that the member has presented for services.
- B.** Additional requirements for emergency medical services for non-FES members enrolled with a contractor.
1. Responsible entity. A contractor is responsible for the provision of all emergency medical services to non-FES members enrolled with the contractor.
  2. Prohibition against denial of payment. A contractor shall not limit or deny payment for emergency medical services when an employee of the contractor instructs the member to obtain emergency medical services.
  3. Contractor notification. A contractor shall not deny payment to a hospital, emergency room provider, or fiscal agent for an emergency medical service rendered to a non-FES member based on the failure of the hospital, emergency room provider, or fiscal agent to notify the member's contractor within 10 days from the day that the member presented for the emergency medical service.
  4. Contractor notification. A hospital, emergency room provider, or fiscal agent shall notify the contractor no later than the 11th day after presentation of the non-FES member for emergency inpatient medical services. A contractor may deny payment for a hospital's, emergency room provider's, or fiscal agent's failure to provide timely notice, under this subsection.
- C.** Post-stabilization services for non-FES members enrolled with a contractor.
1. After the emergency medical condition of a member enrolled with a contractor is stabilized, a provider shall

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request prior authorization from the contractor for post-stabilization services.

2. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that have been prior authorized by the contractor.
3. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, but are administered to maintain the member's stabilized condition within one hour of a request to the contractor for prior authorization of further post-stabilization services;
4. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, but are administered to maintain, improve, or resolve the member's stabilized condition if:
  - a. The contractor does not respond to a request for prior authorization within one hour;
  - b. The contractor authorized to give the prior authorization cannot be contacted; or
  - c. The contractor representative and the treating physician cannot reach an agreement concerning the member's care and the contractor physician is not available for consultation. In this situation, the contractor shall give the treating physician the opportunity to consult with a contractor physician. The treating physician may continue with care of the member until the contractor physician is reached or:
    - i. A contractor physician with privileges at the treating hospital assumes responsibility for the member's care,
    - ii. A contractor physician assumes responsibility for the member's care through transfer,
    - iii. The contractor's representative and the treating physician reach agreement concerning the member's care, or
    - iv. The member is discharged.
5. Transfer or discharge. The attending physician or practitioner actually treating the member for the emergency medical condition shall determine when the member is sufficiently stabilized for transfer or discharge and that decision shall be binding on the contractor.

**D. Additional requirements for FFS members.**

1. Responsible entity. The Administration is responsible for the provision of all emergency medical services to non-FES FFS members.
2. Grounds for denial. The Administration may deny payment for emergency medical services if a provider fails to provide timely notice to the Administration.
3. Notification. A provider shall notify the Administration no later than 72 hours after a FFS member receiving emergency medical services presents to a hospital for inpatient services. The Administration may deny payment for failure to provide timely notice.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-210 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-210 repealed, new Section R9-22-210 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), para-

graph (1) effective October 1, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 5 A.A.R. 867, effective March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-210.01. Emergency Behavioral Health Services for Non-FES Members**

**A. General provisions.**

1. Applicability. This Section applies to emergency behavioral health services for non-FES members. Provisions regarding emergency medical services for non-FES members are in R9-22-210. Provisions regarding emergency medical and behavioral health services for FES members are in R9-22-217.
2. Definition. For the purposes of this Section, "contractor" has the same meaning as in A.R.S. § 36-2901. Contractor does not include ADHS/DBHS, a subcontractor of ADHS/DBHS, or Children's Rehabilitative Services.
3. Responsible entity for inpatient emergency behavioral health services.
  - a. Members enrolled with a contractor. ADHS/DBHS. ADHS/DBHS or a subcontractor of ADHS/DBHS is responsible for providing all inpatient emergency behavioral health services to non-FES members with psychiatric or substance abuse diagnoses who are enrolled with the contractor.
  - b. FFS members. ADHS/DBHS or a subcontractor of ADHS/DBHS is responsible for providing all inpatient emergency behavioral health services for non-FES FFS members with psychiatric or substance abuse diagnoses unless services are provided in an IHS or tribally operated 638 facility.
4. Responsible entity for non-inpatient emergency behavioral health services for non-FES members. ADHS/DBHS or a subcontractor of ADHS/DBHS is responsible for providing all non-inpatient emergency behavioral health services for non-FES members.
5. Verification. A provider of emergency behavioral health services shall verify a person's eligibility status with AHCCCS, and if eligible, determine whether the person is a member enrolled with AHCCCS as non-FES FFS or is enrolled with a contractor, and determine whether the member is a behavioral health recipient as defined in R9-22-201.
6. Prior authorization.
  - a. Emergency behavioral health services. A provider is not required to obtain prior authorization for emergency behavioral health services.
  - b. Non-emergency behavioral health services. When a non-FES member's behavioral health condition is determined by the provider not to require emergency behavioral health services, the provider shall follow the prior authorization requirements of a contractor



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and ADHS/DBHS or a subcontractor of ADHS/DBHS.

7. Prohibition against limitation or denial of payment. A contractor, TRBHA, the Administration, ADHS/DBHS, or a subcontractor of ADHS/DBHS shall not limit or deny payment to an emergency behavioral health provider for emergency behavioral health services to a non-FES member for the following reasons:
  - a. On the basis of lists of diagnoses or symptoms;
  - b. Prior authorization was not obtained;
  - c. The provider does not have a contract;
  - d. An employee of the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS instructs the member to obtain emergency behavioral health services; or
  - e. The failure of a hospital, emergency room provider, or fiscal agent to notify the member's contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS within 10 days from the day the member presented for the emergency service.
8. Grounds for denial. A contractor, the Administration, ADHS/DBHS, or a subcontractor of ADHS/DBHS may deny payment for emergency behavioral health services for reasons including but not limited to the following:
  - a. The claim was not a clean claim;
  - b. The claim was not submitted timely; or
  - c. The provider failed to provide timely notification under subsection (A)(9) to the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS or the Administration.
9. Notification.
  - a. A hospital, emergency room provider, or fiscal agent shall notify a contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, whichever is appropriate, no later than the 11th day from presentation of the non-FES member for emergency inpatient behavioral health services.
  - b. A hospital, emergency room provider, or fiscal agent shall notify the Administration no later than 72 hours after a FFS member receiving emergency behavioral health services presents to a hospital for inpatient services.
10. Transfer or discharge. The attending physician or the provider actually treating the non-FES member for the emergency behavioral health condition shall determine when the member is sufficiently stabilized for transfer or discharge and that decision shall be binding on the contractor and ADHS/DBHS or a subcontractor of ADHS/DBHS.

**B. Post-stabilization requirements for non-FES members.**

1. A contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that have been prior authorized by the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS.
2. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, but are administered to maintain the member's stabilized condition within one hour of a request to the contractor, ADHS/DBHS, or a subcontractor for prior authorization of further post-stabilization services;

3. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, but are administered to maintain, improve, or resolve the member's stabilized condition if:
  - a. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS, does not respond to a request for prior authorization within one hour;
  - b. The contractor, ADHS/DBHS, or a subcontractor of ADHS/DBHS authorized to give the prior authorization cannot be contacted; or
  - c. The representative of the contractor, ADHS/DBHS, or the subcontractor and the treating physician cannot reach an agreement concerning the member's care and the contractor's, ADHS/DBHS' or the subcontractor's physician, is not available for consultation. The treating physician may continue with care of the member until ADHS/DBHS', the contractor's, or the subcontractor's physician is reached, or:
    - i. A contracted physician with privileges at the treating hospital assumes responsibility for the member's care;
    - ii. ADHS/DBHS', a contractor's, or a subcontractor's physician assumes responsibility for the member's care through transfer;
    - iii. A representative of the contractor, ADHS/DBHS, or the subcontractor and the treating physician reach agreement concerning the member's care; or
    - iv. The member is discharged.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-211. Transportation Services**

- A. Emergency ambulance services.**
1. A member shall receive medically necessary emergency transportation in a ground or air ambulance:
    - a. To the nearest appropriate provider or medical facility capable of meeting the member's medical needs, and
    - b. If no other appropriate means of transportation is available.
  2. The Administration or a member's contractor shall reimburse a ground or air ambulance transport that originates in response to a 911 call or other emergency response system:
    - a. If the member's medical condition justifies the medical necessity of the type of ambulance transportation received,
    - b. The transport is to the nearest appropriate provider or medical facility capable of meeting the member's medical needs, and
    - c. No prior authorization is required for reimbursement of these transports.
  3. The member's medical condition at the time of transport determines whether the transport is medically necessary.

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4. A ground or air ambulance provider furnishing transport in response to a 911 call or other emergency response system shall notify the member's contractor within 10 working days from the date of transport. Failure of the provider to provide notification is cause for denial.
  5. Notification to the Administration of emergency transportation provided to a FFS member is not required, but the provider shall submit documentation with the claim that justifies the service.
- B.** The Administration or a contractor covers air ambulance services only if at least one criterion in subsection (B)(1) is met and at least one criterion in subsection (B)(2), or the criterion in subsection (B)(3) is met. The criteria are:
1. The air ambulance transport is initiated at the request of:
    - a. An emergency response unit,
    - b. A law enforcement official,
    - c. A clinic or hospital medical staff member, or
    - d. A physician or practitioner, and
  2. The point of pickup:
    - a. Is inaccessible by ground ambulance, or
    - b. Is a great distance from the nearest hospital or other provider with appropriate facilities to treat the member's condition and ground ambulance service will not suffice, or
  3. The medical condition of the member requires immediate intervention from emergency ambulance personnel or providers with the appropriate facilities to treat the member's condition.
- C.** Coverage of medically necessary nonemergency transportation is limited to the cost of transporting the member to an appropriate provider capable of meeting the member's medical needs.
1. As specified in contract, a contractor shall arrange or provide medically necessary nonemergency transportation services for a member who is unable to arrange transportation to a service site or location.
  2. For a fee-for-service member, the Administration shall authorize medically necessary nonemergency transportation for a member who is unable to arrange transportation to a service site or location.
- D.** For the purposes of this subsection, an individual means a person who is not in the business of providing transportation services such as a family or household member, friend, or neighbor. The Administration or a contractor shall cover expenses for transportation in traveling to and returning from an approved and prior authorized health care service site provided by an individual if:
1. The transportation services are authorized by the Administration or the member's contractor or designee,
  2. The individual is an AHCCCS registered provider, and
  3. No other means of appropriate transportation is available.
- E.** The Administration or a contractor shall cover expenses for meals, lodging, and transportation for a member traveling to and returning from an approved health care service site outside of the member's service area or county of residence.
- F.** The Administration or a contractor shall cover the expense of meals, lodging, and transportation for:
1. A family member accompanying a member if:
    - a. The member is traveling to or returning from an approved health care service site outside of the member's service area or county of residence; and
    - b. The meals, lodging, and transportation services are authorized by the Administration or the member's contractor or designee.
  2. An escort who is not a family member as follows:
    - a. If the member is traveling to or returning from an approved and prior authorized health care service site, including an inpatient facility, outside of the member's service area or county of residence;
    - b. If the escort services are authorized by the Administration or the member's contractor or designee; and
    - c. Wage paid to an escort as reimbursement shall not exceed the federal minimum wage.
- G.** A provider shall obtain prior authorization from the Administration for transportation services provided for a member for the following:
1. Medically necessary nonemergency transportation services not originated through a 911 call or other emergency response system when the distance traveled exceeds 100 miles (whether one way or round trip); and
  2. All meals, lodging, and services of an escort accompanying the member under this Section.
- H.** A charitable organization routinely providing transportation service at no cost to an ambulatory or chairbound person shall not charge or seek reimbursement from the Administration or a contractor for the provision of the service to a member but may enter into a subcontract with a contractor for medically necessary transportation services provided to a member.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-211 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3).

**R9-22-212. Durable Medical Equipment, Orthotic and Prosthetic Devices, and Medical Supplies**

- A.** Durable medical equipment, orthotic and prosthetic devices, and medical supplies, including incontinence briefs as specified in subsection (E), are covered services to the extent permitted in this Section if provided in compliance with requirements of this Chapter; and
1. Prescribed by the primary care provider, attending physician, or practitioner; or
  2. Prescribed by a specialist upon referral from the primary care provider, attending physician, or practitioner; and
  3. Authorized as required by the Administration, contractor, or contractor's designee.
- B.** Covered medical supplies are consumable items that are designed specifically to meet a medical purpose, are disposable, and are essential for the member's health.
- C.** Covered DME is any item, appliance, or piece of equipment that is not a prosthetic or orthotic; and
1. Is designed for a medical purpose, and is generally not useful to a person in the absence of an illness or injury, and
  2. Can withstand repeated use, and
  3. Is generally reusable by others.
- D.** Prosthetics are devices prescribed by a physician or other licensed practitioner to artificially replace missing, deformed or malfunctioning portion of the body. Only those prosthetics

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that are medically necessary for rehabilitation are covered, except as otherwise provided in R9-22-215.

E. The following limitations on coverage apply:

1. The DME is furnished on a rental or purchase basis, whichever is less expensive. The total expense of renting the DME does not exceed the cost of the DME if purchased.
2. Reasonable repair or adjustment of purchased DME is covered if necessary to make the DME serviceable and if the cost of repair or adjustment is less than the cost of renting or purchasing another unit.
3. A change in, or addition to, an original order for DME is covered if approved by the prescriber in subsection (A), or prior authorized by the Administration or contractor, and the change or addition is indicated clearly on the order and initialed by the vendor. No change or addition to the original order for DME may be made after a claim for services is submitted to the member's contractor, or the Administration, without prior written notification of the change or addition to the Administration or the contractor.
4. Reimbursement for rental fees shall terminate:
  - a. No later than the end of the month in which the prescriber in subsection (A) certifies that the member no longer needs the DME;
  - b. If the member is no longer eligible for AHCCCS services; or
  - c. If the member is no longer enrolled with a contractor, with the exception of transitions of care as specified in R9-22-509.
5. Except for incontinence briefs for persons over 3 years old and under 21 years old as provided in subsection (E)(6), personal care items including items for personal cleanliness, body hygiene, and grooming are not covered unless needed to treat a medical condition. Personal care items are not covered services if used solely for preventive purposes.
6. Incontinence briefs, including pull-ups are covered to prevent skin breakdown and enable participation in social, community, therapeutic and educational activities under the following circumstances:
  - a. The member is over 3 years old and under 21 years old;
  - b. The member is incontinent due to a documented disability that causes incontinence of bowel or bladder, or both;
  - c. The PCP or attending physician has issued a prescription ordering the incontinence briefs;
  - d. Incontinence briefs do not exceed 240 briefs per month unless the prescribing physician presents evidence of medical necessity for more than 240 briefs per month for a member diagnosed with chronic diarrhea or spastic bladder;
  - e. The member obtains incontinence briefs from providers in the contractor's network;
  - f. Prior authorization has been obtained as required by the Administration, contractor, or contractor's designee. Contractors may require a new prior authorization to be issued no more frequently than every 12 months. Prior authorization for a renewal of an existing prescription may be provided by the physician through telephone contact with the member rather than an in-person physician visit. Prior authorization will be permitted to ascertain that:

- i. The member is over age 3 and under age 21;
- ii. The member has a disability that causes incontinence of bladder or bowel, or both;
- iii. A physician has prescribed incontinence briefs as medically necessary. A physician prescription supporting medical necessity may be required for specialty briefs or for briefs different from the standard briefs supplied by the contractor; and
- iv. The prescription is for 240 briefs or fewer per month, unless evidence of medical necessity for over 240 briefs is provided.

7. First aid supplies are not covered unless they are provided in accordance with a prescription.
8. The following services are not covered for individuals 21 years of age or older:
  - a. Hearing aids;
  - b. Prescriptive lenses unless they are the sole visual prosthetic device used by the member after a cataract extraction;
  - c. Bone Anchor Hearing Aid (BAHA);
  - d. Cochlear implant;
  - e. Percussive vest;
  - f. Insulin pump;
  - g. Microprocessor-controlled lower limbs or microprocessor-controlled joints for lower limbs; and
  - h. Orthotics, which are defined as devices that are prescribed by a physician or other licensed practitioner of the healing arts to support a weak or deformed portion of the body.

F. Liability and ownership.

1. Purchased DME that is provided to a member and no longer needed by the member may be disposed of in accordance with each contractor's policy.
2. The Administration shall retain title to purchased DME provided to a member who becomes ineligible or no longer requires use of the DME.
3. If customized DME is purchased by the Administration or contractor for a member, the equipment shall remain with the person during times of transition to a different contractor, or upon loss of eligibility. For purposes of this subsection, customized DME refers to equipment that is altered or built to specifications unique to a member's medical needs and that, most likely, cannot be used or reused to meet the needs of another individual.
4. A member shall return DME obtained fraudulently to the Administration or the contractor.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-212 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-212 repealed, new Section R9-22-212 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (2), and deleted subsection (C) effective October 1, 1986 (Supp. 86-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3272, effective September 11, 2007 (Supp. 07-3). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3).

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**R9-22-213. Early and Periodic Screening, Diagnosis, and Treatment Services (E.P.S.D.T.)**

- A.** The following E.P.S.D.T. services are covered for a member less than 21 years of age:
1. Screening services including:
    - a. Comprehensive health and developmental history;
    - b. Comprehensive unclothed physical examination;
    - c. Appropriate immunizations according to age and health history;
    - d. Laboratory tests; and
    - e. Health education, including anticipatory guidance;
  2. Vision services including:
    - a. Diagnosis and treatment for defects in vision;
    - b. Eye examinations for the provision of prescriptive lenses;
    - c. Prescriptive lenses; and
    - d. Frames.
  3. Hearing services including:
    - a. Diagnosis and treatment for defects in hearing;
    - b. Testing to determine hearing impairment; and
    - c. Hearing aids;
  4. Dental services including:
    - a. Emergency dental services as specified in R9-22-207;
    - b. Preventive services including screening, diagnosis, and treatment of dental disease; and
    - c. Therapeutic dental services including fillings, crowns, dentures, and other prosthetic devices;
  5. Orthognathic surgery;
  6. Medically necessary, nutritional assessment and nutritional therapy as specified in contract to provide complete daily dietary requirements or supplement a member's daily nutritional and caloric intake;
  7. Behavioral health services under 9 A.A.C. 22, Article 12;
  8. Hospice services do not include home-delivered meals or services provided and covered through Medicare. The following hospice services are covered:
    - a. Hospice services are covered only for a member who is in the final stages of a terminal illness and has a prognosis of death within six months;
    - b. Services available to a member receiving hospice care are limited to those allowable under 42 CFR 418.202, October 1, 2006, incorporated by reference and on file with the Administration. This incorporation by reference contains no future editions or amendments;
  9. Incontinence briefs as specified under R9-22-212; and
  10. Other necessary health care, diagnostic services, treatment, and measures required by 42 U.S.C. 1396d(r)(5).
- B.** Providers of E.P.S.D.T. services shall meet the following standards:
1. Ensure that services are provided by or under the direction of the member's primary care provider, attending physician, practitioner, or dentist.
  2. Perform tests and examinations under 42 CFR 441 Subpart B, October 1, 2006, which is incorporated by reference and on file with the Administration. This incorporation by reference contains no future editions or amendments.
  3. Refer a member as necessary for dental diagnosis and treatment and necessary specialty care.
  4. Refer a member as necessary for behavioral health evaluation and treatment services.

- C.** Contractors shall meet other E.P.S.D.T. requirements as specified in contract.
- D.** A primary care provider, attending physician, or practitioner shall refer a member with special health care needs under R9-7-301 to CRS.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-213 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-213 repealed, new Section R9-22-213 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3272, effective September 11, 2007 (Supp. 07-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-214. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-214 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-214 repealed, new Section R9-22-214 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraph (4) and added subsection (C), paragraph (2) effective October 1, 1986 (Supp. 86-5). Correction to subsection (C), paragraph (2) (Supp. 87-4). Section repealed effective September 22, 1997 (Supp. 97-3).

**R9-22-215. Other Medical Professional Services**

- A.** The following medical professional services are covered services if a member receives these services in an inpatient, outpatient, or office:
1. Dialysis;
  2. The following family planning services if provided to delay or prevent pregnancy:
    - a. Medications,
    - b. Supplies,
    - c. Devices, and
    - d. Surgical procedures;
  3. Family planning services are limited to:
    - a. Contraceptive counseling, medications, supplies, and associated medical and laboratory examinations, including HIV blood screening as part of a package of sexually transmitted disease tests provided with a family planning service;
    - b. Sterilization; and
    - c. Natural family planning education or referral;
  4. Midwifery services provided by a certified nurse practitioner in midwifery;
  5. Midwifery services for low-risk pregnancies and home deliveries provided by a licensed midwife;
  6. Respiratory therapy;
  7. Ambulatory and outpatient surgery facilities services;
  8. Home health services under A.R.S. § 36-2907(D);

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9. Private or special duty nursing services;
  10. Rehabilitation services including physical therapy, occupational therapy, speech therapy, and audiology within limitations in subsection (C);
  11. Total parenteral nutrition services, which are the provision of total caloric needs by intravenous route for individuals with severe pathology of the alimentary tract; and
  12. Chemotherapy.
- B.** Prior authorization from the Administration for a member is required for services listed in subsections (A)(3)(b), and (A)(4) through (11); except for:
1. Voluntary sterilization;
  2. Dialysis shunt placement;
  3. Arteriovenous graft placement for dialysis;
  4. Angioplasties or thrombectomies of dialysis shunts;
  5. Angioplasties or thrombectomies of arteriovenous grafts for dialysis;
  6. Eye surgery for the treatment of diabetic retinopathy;
  7. Eye surgery for the treatment of glaucoma;
  8. Eye surgery for the treatment of macular degeneration;
  9. Home health visits following an acute hospitalization (limited up to five visits);
  10. Hysteroscopies (up to two, one before and one after) when associated with a family planning diagnosis code and done within 90 days of hysteroscopic sterilization;
  11. Physical therapy subject to the limitation in subsection (C);
  12. Facility services related to wound debridement,
  13. Apnea management and training for premature babies up to the age of 1; and
  14. Other services identified by the Administration through the Provider Participation Agreement.
- C.** The following are not covered services:
1. Occupational and speech therapies provided on an outpatient basis for a member age 21 or older;
  2. Abortion counseling;
  3. Services or items furnished solely for cosmetic purposes;
  4. Services provided by a podiatrist; or
  5. More than 15 outpatient physical therapy visits per benefit year for persons age 21 years or older for the purpose of restoring a skill or level of function and maintaining that skill or level of function once restored.
  6. More than 15 outpatient physical therapy visits per benefit year for persons age 21 years or older for the purpose of acquiring a new skill or a new level of function and maintaining that skill or level of function once acquired.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-215 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by exempt rulemaking at 16 A.A.R. 1638, effective October 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1949, effective September 6, 2014 (Supp. 14-3).

**R9-22-216. NF, Alternative HCBS Setting, or HCBS**

- A.** Services provided in a NF, including room and board, an alternative HCBS setting as defined in R9-28-101, or a HCBS as defined in A.R.S. § 36-2939 are covered for a maximum of 90 days per contract year if the member's medical condition would otherwise require hospitalization.
- B.** Except as otherwise provided in 9 A.A.C. 28, the following services are not itemized for separate billing if provided in a NF, alternative HCBS setting, or HCBS:
1. Nursing services, including:
    - a. Administering medication;
    - b. Tube feedings;
    - c. Personal care services, including but not limited to assistance with bathing and grooming;
    - d. Routine testing of vital signs; and
    - e. Maintenance of a catheter;
  2. Basic patient care equipment and sickroom supplies, including:
    - a. First aid supplies such as bandages, tape, ointments, peroxide, alcohol, and over-the-counter remedies;
    - b. Bathing and grooming supplies;
    - c. Identification device;
    - d. Skin lotion;
    - e. Medication cup;
    - f. Alcohol wipes, cotton balls, and cotton rolls;
    - g. Rubber gloves (non-sterile);
    - h. Laxatives;
    - i. Bed and accessories;
    - j. Thermometer;
    - k. Ice bags;
    - l. Rubber sheeting;
    - m. Passive restraints;
    - n. Glycerin swabs;
    - o. Facial tissue;
    - p. Enemas;
    - q. Heating pad; and
    - r. Incontinence briefs.
  3. Dietary services including preparation and administration of special diets, and adaptive tools for eating;
  4. Any service that is included in a NF's room and board charge or a service that is required of the NF to meet a federal or state licensure standard or county certification requirement;
  5. Physician visits made solely for the purpose of meeting state licensure standards or county certification requirements;
  6. Physical therapy prescribed only as a maintenance regimen; and
  7. Assistive devices and non-customized durable medical equipment.
- C.** A provider shall obtain prior authorization from the Administration for a NF admission for a FFS member.

**Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Subsection (C) amended to correct a typographical error (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2325, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 3272, effective September 11, 2007 (Supp. 07-3). Amended by final rulemaking at 13 A.A.R. 4122, effective November 6, 2007 (Supp. 07-4).

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**R9-22-217. Services Included in the Federal Emergency Services Program**

- A.** Definition. Notwithstanding the definition in R9-22-201, for the purposes of this Section, an emergency medical or behavioral health condition for a FES member means a medical condition or a behavioral health condition, including labor and delivery, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:
1. Placing the member's health in serious jeopardy,
  2. Serious impairment to bodily functions,
  3. Serious dysfunction of any bodily organ or part, or
  4. Serious physical harm to another person.
- B.** Services. "Emergency services for a FES member" mean those medical or behavioral health services provided for the treatment of an emergency condition. Emergency services include outpatient dialysis services for a FES member with End Stage Renal Disease (ESRD) where a treating physician has certified for the month in which services are received that in the physician's opinion the absence of receiving dialysis at least three times per week would reasonably be expected to result in:
1. Placing the member's health in serious jeopardy, or
  2. Serious impairment of bodily function, or
  3. Serious dysfunction of a bodily organ or part.
- C.** Covered services. Services are considered emergency services if all of the criteria specified in subsection (A) are satisfied at the time the services are rendered. The Administration shall determine whether an emergency condition exists on a case-by-case basis.
- D.** Prior authorization. A provider is not required to obtain prior authorization for emergency services for FES members. Prior authorization for outpatient dialysis services is met when the treating physician has completed and signed a monthly certification as described in subsection (B).
- E.** Services rendered through the Federal Emergency Services Program are subject to all exclusions and limitation on services in this Article including but not limited to the limitations on inpatient hospital services in R9-22-204.

**Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted effective September 22, 1997 (Supp. 97-3). Amended by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 3351, effective November 10, 2007 (Supp. 07-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1868, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-218. Repealed****Historical Note**

Section R9-22-218 renumbered from R9-22-206 effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to Laws 1995, Third Special Session, Ch. 1, § 5; filed with the Office of the Secretary of State December 28, 1995 (Supp. 95-4). Section repealed effective September 22, 1997 (Supp. 97-3).

**ARTICLE 3. GENERAL ELIGIBILITY REQUIREMENTS****R9-22-301. General Eligibility Definitions**

Definitions. In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article, Article 14 and Article 15 have the following meanings unless the context explicitly requires another meaning:

"Applicant," notwithstanding R9-22-101, means a person listed on an application for whom AHCCCS coverage is being sought.

"BHS" means the division of Behavioral Health Services within the Arizona Department of Health Services.

"CRS" means the program administered by the Administration or its designee that provides covered medical services and covered support services in accordance with A.R.S. 36-261.

"DCSS" means the Division of Child Support Services, which is the division within the Department that administers the Title IV-D program and includes a contract agent operating a child support enforcement program on behalf of the Department.

"FAA" means the Family Assistance Administration, the administration within the Department's Division of Benefits and Medical Eligibility with responsibility for providing cash and food stamp assistance to a member and for determining eligibility for AHCCCS medical coverage.

"Income" means combined earned and unearned income.

"Medical support" means to provide health care coverage in the form of health insurance or court-ordered payment for medical care.

"Member" means an applicant who has been determined to qualify for AHCCCS coverage by the Administration or its designee.

"Pre-enrollment process" means the process that provides an applicant the opportunity to choose an AHCCCS health plan before the determination of eligibility is completed.

"Resources" means real and personal property, including liquid assets.

"Sponsor" means an individual who signs the USCIS I-864 Affidavit of Support agreeing to support a non-citizen as a condition of the non-citizen's admission for permanent residence in the United States.

"Sponsor deemed income" means the unearned income deemed available to the applicant named on the USCIS I-864 Affidavit of Support.

"SVES" means the State Verification and Exchange System, a system through which the Department exchanges income and benefit information with the Internal Revenue Service, Social Security Administration, and State Wage and Unemployment Insurance Benefit data files.

"USCIS" means the United States Citizen and Immigration Services.

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**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-301 renumbered together with former Section R9-22-102 as Section R9-22-101 and amended effective October 1, 1983 (Supp. 83-5). New Section R9-22-301 adopted effective November 20, 1984 (Supp. 84-6).

Amended effective October 1, 1985 (Supp. 85-5).

Amended subsection (B), paragraph (8), subsection (E), paragraph (3), and subsection (J), paragraph (5) effective October 1, 1986 (Supp. 86-5). Amended subsections (C) and (E) effective January 1, 1987, filed December 31,

1986 (Supp. 86-6). Amended subsections (B) and (C) effective October 1, 1987; amended subsection (D) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

Section reserved by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). New Section made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; the adoption of this Section was slated to be codified in Supp. 14-1 but due to a clerical error, was not published. The new Section was published in Supp. 20-4 and no additional amendments have been made to this Section since January 7, 2014 (Supp. 20-4).

**R9-22-302. AHCCCS Eligibility Application****Application Process**

1. Right to apply. A person may apply for AHCCCS medical coverage by submitting an Administration-approved application to the Administration or its designee, an FAA office, or one of the following outstation locations:
  - a. A BHS site;
  - b. A Federally Qualified Health Center or disproportionate share hospital under 42 U.S.C. 1396r-4; or
  - c. Any other site, including a hospital, approved by the Administration or its designee.
2. Application. To initiate the application process, the Administration or its designee will accept an application from the applicant, an adult who is in the applicant's household, as defined in 42 CFR 435.603(f), or family, as defined in section 36B(d)(1) of the Internal Revenue Service (IRS) Code, an authorized representative, or if the applicant is a minor or incapacitated, someone acting responsibly for the applicant by submitting a written or online application under 42 CFR 435.907.
  - a. A phone or written application must contain at least the following to be submitted to the Administration or its designee:
    - i. Applicant's legible name,
    - ii. Address or location where the applicant can be reached,
    - iii. Signature of the person submitting the application,
    - iv. Date the application was signed.
    - v. The Administration or its designee shall require that a third party witness the signing and attest by signing the application if the individual signing the application signs with a mark.
  - b. An online application must be completed in full in order to be submitted to the Administration or its designee.

3. Incomplete application. If the application is incomplete, the Administration or its designee shall do at least one of the following:
  - a. Contact an applicant or an applicant's representative by telephone or electronic medium to obtain the missing information required for an eligibility determination;
  - b. Mail a request for additional information to an applicant or an applicant's representative, allowing 10 days from the date of the request to provide the required additional information; or
  - c. Meet with the applicant, representative, or household member.
4. Date of application. The date of application is the date application is received by the Administration or its designee either on-line or at a location listed in subsection (1).
5. Complete application form. The Administration or its designee shall consider an application complete when all questions are answered. The same person as listed under subsection (2) is the person that must sign the completed application. The application shall be witnessed and signed by a third party if the individual signing the application signs with a mark.
6. Assistance with application. The Administration or its designee shall allow a person of the applicant's choice to accompany, assist, and represent the applicant in the application process.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-302 repealed, new Section R9-22-302 adopted effective November 20, 1984 (Supp. 84-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section reserved by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). New Section made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; the adoption of this Section was slated to be codified in Supp. 14-1 but due to a clerical error, was not published. The new Section was published in Supp. 20-4 and no additional amendments have been made to this Section since January 7, 2014 (Supp. 20-4).

**R9-22-303. Prior Quarter Eligibility**

- A. Subject to CMS approval, prior quarter coverage eligibility shall be limited to applicants who meet the requirements in subsection (B) and who also:
  1. Are eligible during any of the three months prior to application; and
  2. Received one or more covered services described in 9 A.A.C. 22, Article 2 and Article 12, and 9 A.A.C. 28, Article 2 during the month; and
  3. Would have qualified for Medicaid at the time services were received if the person had applied regardless of whether the person is alive when the application is made.
- B. Prior quarter coverage eligibility is limited to applicants who are:
  1. Under the age of 19, or
  2. Pregnant, or

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3. In the 60 day post-partum period beginning with the last day of the pregnancy.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-303 repealed, new Section R9-22-303 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section made by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 1849, with an immediate effective date of July 1, 2019 (Supp. 19-3).

**R9-22-304. Verification of Eligibility Information**

- A. Except as provided in subsection (E), if information provided by or on behalf of an applicant or member on an application, renewal form or otherwise does not conflict with information obtained by the agency through an electronic data match, the Administration or its designee shall determine or renew eligibility based on such information.
- B. The Administration or its designee shall not require an applicant, member, or representative to provide additional verification unless the verification cannot be obtained electronically or the verification obtained electronically conflicts with information provided by or on behalf of the applicant or member.
- C. If information provided by or on behalf of an applicant or member does conflict with information obtained through an electronic data match, the applicant or member shall provide the Administration or its designee with information or documentation necessary to verify eligibility, including evidence originating from an agency, organization, or an individual with actual knowledge of the information.
- D. Income information obtained through an electronic data match shall be considered reasonably compatible with income information provided by or on behalf of an individual if both meet or both exceed the applicable income limit.
- E. The Administration or its designee shall not accept the applicant's or member's statement by itself as verification of:
1. SSN;
  2. Qualified alien status, except as described under 42 USC 1320b-7(d)(4)(A); or
  3. Citizenship, except as described under 42 USC 1396a(ee)(1).
- F. The Administration or its designee shall give an applicant or member at least 10 days from the date of a written or electronic request for information to provide required verification. The Administration or its designee may deny the application or discontinue eligibility if an applicant or a member does not provide the required information timely.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-304 repealed, new Section R9-22-304 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-304 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-305. Eligibility Requirements**

As a condition of eligibility, the Administration or its designee must require applicants, and members to do the following:

1. Take all necessary steps to obtain any annuities, pensions, retirement, disability benefits to which they are entitled, unless they can show good cause for not doing so.
2. Furnish a SSN under 42 CFR 435.910 and 435.920, or in the absence of an SSN, provide proof of a submitted application of SSN. The Administration or its designee will assist in obtaining or verifying the applicant's SSN under 42 CFR 435.910 if an applicant cannot recall the applicant's SSN or has not been issued a SSN. An applicant is not required to furnish an SSN if the applicant is not able to legally obtain a SSN. The Administration or its designee shall determine eligibility notwithstanding the applicant's lack of a SSN, if the applicant is cooperating with the Administration or its designee to obtain a SSN and obtain a SSN prior to the next scheduled review of eligibility.
3. Provide proof of residency of Arizona. An applicant or a member is not eligible unless the applicant or member is a resident of Arizona under 42 CFR 435.403 effective October 1, 2012, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
4. A written declaration, signed under penalty of perjury, must be provided for each person for whom benefits are being sought stating whether the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is a qualified alien. The declaration must be provided by the individual for whom eligibility is being sought or an adult member of the individual's family or household.
5. Each applicant who claims qualified alien status must provide either:
  - a. Alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or
  - b. Other documents that the Administration or its designee accepts as evidence of immigration status, such as:
    - i. A Form I-94 Departure Record issued by the USCIS,
    - ii. A Foreign Passport,
    - iii. A USCIS Parole Notice,
    - iv. A Victim of Trafficking Certification or Eligibility Letter issued by the US DHHS Office of Refugee Resettlement,
    - v. Other documentation consistent with 42 CFR 435.406 or 435.407.
  - c. Sufficient information for the Administration or its designee to obtain electronic verification of immigration status from the USCIS.
6. If a person for whom eligibility is being sought, states that they are an alien, that person is not required to comply with subsections (4) and (5); however, if they do not comply with those sections, and if they meet all other eligibility criteria, benefits will be limited to those necessary to treat an emergency medical condition.



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**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-305 repealed, new Section R9-22-305 adopted effective November 20, 1984 (Supp. 84-6). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-305 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-306. Administration, Administration's designee or Member Responsibilities****A.** The Administration or its designee is responsible for the following:

1. The Administration or its designee shall determine eligibility within 90 days for an applicant applying on the basis of disability and 45 days for all other applicants, unless:
  - a. The agency cannot reach a decision because the applicant or an examining physician delays or fails to take a required action, or
  - b. When there is an administrative or other emergency beyond the agency's control.
2. If an applicant dies while an application is pending, the Administration or its designee shall complete an eligibility determination for the deceased applicant.
3. The Administration or its designee shall complete an eligibility determination on an application filed on behalf of a deceased applicant.
4. During the application process the Administration or its designee shall provide information to the applicant or member explaining the requirements to:
  - a. Cooperate with DCSS in establishing paternity and enforcing medical support, except in circumstances when good cause under 42 CFR 433.147 exists for not cooperating;
  - b. Establish good cause for not cooperating with DCSS in establishing paternity and enforcing medical support, when applicable;
  - c. Report a change listed under subsection (B)(3)(c) no later than 10 days from the date the applicant or member knows of the change;
  - d. Send to the Administration or its designee any medical support payments resulting from a court order;
  - e. Cooperate with the Administration or its designee's assignment of rights and securing payments received from any liable party for a member's medical care.
5. Offer to help the applicant or member to complete the application form and to obtain the required verification;
6. Provide the applicant or member with information explaining:
  - a. The eligibility and verification requirements for AHCCCS medical coverage;
  - b. The requirement that the applicant or member obtain and provide a SSN to the Administration or its designee;
  - c. How the Administration or its designee uses the SSN;
7. Explain to the applicant or member the practice of exchange of eligibility and income information through the electronic service established by the Secretary;
8. Explain to the applicant and member the right to appeal an adverse action under R9-22-315;

9. Use any information provided by the member to complete data matches with potentially liable parties;
10. Explain the eligibility review process;
11. Explain the AHCCCS pre-enrollment process;
12. Use the Systematic Alien Verification for Entitlements (SAVE) process to verify qualified alien status;
13. Provide information regarding the penalties for perjury and fraud on the application;
14. Review any verification items provided by the applicant or member and inform the member of any additional verification items and time-frames within which the applicant or member shall provide information to the Administration or its designee;
15. Explain to the applicant or member the applicant's and member's responsibilities under subsection (B);
16. Transfer the applicant's information to other insurance affordability programs as described under 42 CFR 435.1200(e) when the applicant does not qualify for Medicaid;
17. Attain a written record of a collateral contact: such as a verbal statement from a representative of an agency or organization, or an individual with actual knowledge of the information;
18. Complete a review of eligibility:
  - a. Any time there is a change in a member's circumstance that may affect eligibility,
  - b. For a member approved for the MED program under R9-22-1435 through R9-22-1440 before the end of the six-month eligibility period,
  - c. Of each member's continued eligibility for AHCCCS medical coverage once every 12 months;
19. The Administration or its designee shall discontinue eligibility and notify the member of the discontinuance under R9-22-307 if the member:
  - a. Fails to comply with the review of eligibility,
  - b. Fails to comply under 42 CFR 433.148 with the requirements and conditions of eligibility under this Article regarding assignment of rights and cooperation of establishing paternity and obtaining medical support, or
  - c. Does not meet the eligibility requirements; and
20. Redetermine eligibility for a person terminated from the SSI cash program.
  - a. Continuation of AHCCCS medical coverage. The Administration shall continue AHCCCS medical coverage for a person terminated from the SSI cash program until a redetermination of eligibility is completed.
  - b. Coverage group screening. Before terminating a person from the SSI cash program, the Administration shall determine if the person is eligible for coverage as a person described in A.R.S. §§ 36-2901(6)(a)(i) through (vi) or 36-2934.
  - c. Eligibility decision.
    - i. If a person is eligible under this Article or 9 A.A.C. 28, Article 4, the Administration shall send a notice informing the applicant that AHCCCS medical coverage is approved.
    - ii. If a person is ineligible, the Administration shall send a notice to deny AHCCCS medical coverage.

**B.** Applicant and Member Responsibilities.

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1. An applicant or a member shall authorize the Administration or its designee to obtain verification for initial eligibility or continuation of eligibility.
  2. As a condition of eligibility, an applicant or a member shall:
    - a. Provide the Administration or its designee with complete and truthful information. The Administration or its designee may deny an application or discontinue eligibility if:
      - i. The applicant or member fails to provide information necessary for initial or continuing eligibility;
      - ii. The applicant or member fails to provide the Administration or its designee with written authorization or electronic authorization to permit the Administration or its designee to obtain necessary initial or continuing eligibility verification;
      - iii. The applicant or member fails to provide verification under R9-22-304 after the Administration or its designee made an effort to obtain the necessary verification but has not obtained the necessary information; or
      - iv. The applicant or member does not assist the Administration or its designee in resolving incomplete, inconsistent, or unclear information that is necessary for initial or continuing eligibility;
    - b. Cooperate with the Division of Child Support Services (DCSS) in establishing paternity and enforcing medical support obligations when requested unless good cause exists for not cooperating under 42 CFR 433.147 as of October 1, 2012, which is incorporated by reference, on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol St., NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments. The Administration or its designee shall not deny AHCCCS eligibility to an applicant who would otherwise be eligible, is a minor child, and whose parent or legal representative does not cooperate with the medical support requirements or first- and third-party liability requirements under Article 10 of this Chapter; and
    - c. Provide the information needed to pursue third party coverage for medical care, such as:
      - i. Name of policyholder,
      - ii. Policyholder's relationship to the applicant or member,
      - iii. Name and address of the insurance company, and
      - iv. Policy number.
  3. A member or an applicant shall:
    - a. Send to the Administration or its designee any medical support payments received while the member is eligible that result from a medical support order;
    - b. Cooperate with the Administration or its designee regarding any issues arising as a result of Eligibility Quality Control described under A.R.S. § 36-2903.01; and
    - c. Inform the Administration or its designee of the following changes within 10 days from the date the applicant or member knows of a change:
      - i. In address;
      - ii. In the household's composition;
      - iii. In income;
      - iv. In resources, when required under the Medical Expense Deduction (MED) program;
      - v. In Arizona state residency;
      - vi. In citizenship or immigrant status;
      - vii. In first- or third-party liability that may contribute to the payment of all or a portion of the person's medical costs;
      - viii. That may affect the member's or applicant's eligibility, including a change in a woman's pregnancy status;
      - ix. Death;
      - x. Change in marital status; or
      - xi. Change in school attendance.
  4. As a condition of eligibility, an applicant or a member shall cooperate with the assignment of rights as required by R9-22-311. If the applicant or member receives medical care and services for which a first or third party is or may be liable, the applicant or member shall cooperate with the Administration or its designee in assisting, identifying and providing information to assist the Administration or its designee in pursuing any first or third party who is or may be liable to pay for medical care and services.
  5. A pregnant woman under A.R.S. § 36-2901(6)(a)(ii) is not required to provide the Administration or its designee with information regarding paternity or medical support from a father of a child born out of wedlock.
- C. Administration or its designee responsibilities at Eligibility Renewal.
1. The Administration or its designee shall renew eligibility without requiring information from the individual if able to do so based on reliable information available to the agency, including through an electronic data match. If able to renew eligibility based on such information, the Administration or its designee shall send the member notice of:
    - a. The eligibility determination; and
    - b. The member's requirement to notify the Administration or its designee if any of the information contained in the renewal notice is inaccurate.
  2. If unable to renew eligibility, the Administration or its designee shall:
    - a. Send a pre-populated renewal form listing the information needed to renew eligibility,
    - b. Give the member 30 days from the date of the renewal form to submit the signed renewal form and the information needed,
    - c. Send the member notice of the renewal decision under R9-22-312 or R9-22-1413(B) as applicable.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-306 repealed, new Section R9-22-306 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B), paragraphs (1) and (6) effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (1) and added a new subsection (N) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective October 1, 1987; amended subsection (N) effective December 22, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp.

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90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-306 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-307. Approval or Denial of Eligibility**

**A.** Approval. If the applicant meets all the eligibility requirements and conditions of eligibility of this Article, the Administration or its designee shall approve the application and provide the applicant with an approval notice. The approval notice shall contain:

1. The name of each approved applicant,
2. The effective date of eligibility for each approved applicant,
3. The reason and the legal citations if a member is approved for only emergency medical services, and
4. The applicant's right to appeal the decision.

**B.** Denial. If an applicant fails to meet the eligibility requirements or conditions of eligibility of this Article, the Administration or its designee shall deny the application and provide the applicant with a denial notice. The denial notice shall contain:

1. The name of each ineligible applicant,
2. The specific reason why the applicant is ineligible,
3. The income and resource calculations for the applicant compared to the income or resource standards for eligibility when the reason for the denial is due to the applicant's income or resources exceeding the applicable standard,
4. The legal citations supporting the reason for the ineligibility,
5. The location where the applicant can review the legal citations,
6. The date of the application being denied; and
7. The applicant's right to appeal the decision and request a hearing.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsections (A) and (C), added subsection (G) and (H) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-307 repealed, new Section R9-22-307 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) as an emergency effective December 4, 1985 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-6). Permanent amendment to subsection (A) effective February 5, 1986 (Supp. 86-1). Amended subsections (E) and (F) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective February 26, 1988 (Supp. 88-1). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8,

1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-307 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-308. Reinstating Eligibility**

The Administration or its designee shall reopen an application or reinstate eligibility of a member when any of the following conditions are met:

1. The denial or discontinuance of eligibility was due to an administrative error,
2. The discontinuance of eligibility was due to noncompliance with a condition of eligibility and the applicant or member complies prior to the effective date of the discontinuance,
3. The member informs the Administration or its designee of a change of circumstances prior to the effective date of the discontinuance, that would allow for continued eligibility, or
4. Following a discontinuance, the member qualifies for continuation of medical coverage pending an appeal.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended by adding subsection (C) effective March 2, 1984 (Supp. 84-2). Former Section R9-22-308 repealed, new Section R9-22-308 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-308 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-309. Confidentiality and Safeguarding of Information**

The Administration or its designee shall maintain the confidentiality of an applicant or member's records and limit the release of safeguarded information under R9-22-512 and 6 A.A.C. 12, Article 1. In the event of a conflict between R9-22-512 and 6 A.A.C. 12, Article 1, R9-22-512 prevails.

**Historical Note**

Adopted effective August 30, 1984 (Supp. 82-4). Amended (D)(1)(d) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-309 repealed, new Section R9-22-309 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (F) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (A), (B) and (C) effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective May 30, 1989 (Supp. 89-2). Amended effective

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April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-309 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-310. Ineligible Person**

A person is not eligible for AHCCCS medical coverage if the person is:

1. An inmate of a public institution, or
2. Over age 64 and is residing in an Institution for Mental Disease under 42 CFR 435.1009 except as allowed in 42 USC 1396d(h) or as allowed under the Administration's Section 1115 waiver.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended (B)(7) and added subsections (C) and (D) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-310 repealed, new Section R9-22-310 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B) and deleted subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (7) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-310 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-311. Assignment of Rights Under Operation of Law**

By operation of law and under A.R.S. § 36-2903, a person determined eligible assigns rights to the system medical benefits to which the person is entitled.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-311 repealed, new Section R9-22-311 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-311 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-312. Member Notices**

- A.** Contents of notice. The Administration or its designee shall issue a notice by mail, personal delivery, or electronic means when an action is taken regarding a person's eligibility or premiums. The notice shall contain the following information:
1. The date of the notice issued;
  2. A statement of the action being taken;
  3. The effective date of the action;
  4. The specific reason for the intended action;
  5. If eligibility is being discontinued due to income in excess of the income standards, the actual figures used in

the eligibility determination and the amount by which the person exceeds income standards;

6. If a premium is imposed or increased, the actual figures used in determining the premium amount;
  7. The specific law or regulation that supports the action, or a change in federal or state law that requires an action;
  8. An explanation of the member's rights to an appeal and continued benefits.
- B.** Advance notice of changes in eligibility or premiums. "Advance notice" means a notice that is issued to a person at least 10 days before the effective date of the change. Except as specified in subsection (C), advance notice shall be issued whenever the following adverse action is taken:
1. To discontinue or suspend or reduce eligibility or covered services; or
  2. To impose a premium or increase a person's premium.
- C.** The Administration or its designee shall issue a Notice of Adverse Action to a member no later than the effective date of action if:
1. The Administration or its designee receives a request to withdraw;
  2. A person provides information that requires termination of eligibility or an increase or imposition of the premium and the person signs a clear written statement waiving advance notice;
  3. A person cannot be located and mail sent to that person has been returned as undeliverable;
  4. A person has been admitted to a public institution where the person is ineligible under R9-22-310;
  5. A person has been approved for Medicaid or CHIP in another state; or
  6. The Administration or its designee has information that confirms the death of the person.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended subsections (A) and (B), added subsection (D) effective October 1, 1983 (Supp. 83-5). Former Section R9-22-312 repealed, new Section R9-22-312 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-312 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-313. Withdrawal of Application**

- A.** An applicant may withdraw an application at any time before the Administration or its designee completes an eligibility determination by making an oral or written request for withdrawal to the Administration or its designee and stating the reason for withdrawal.
- B.** If an applicant orally requests withdrawal of the application, the Administration or its designee shall document the:
1. Date of the request,
  2. Name of the applicant for whom the withdrawal applies, and

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3. Reason for the withdrawal.
- C. An applicant may withdraw an application in writing by:
  1. Completing an Administration-approved voluntary withdrawal form; or
  2. Submitting a written, signed, and dated request to withdraw the application.
- D. The effective date of the withdrawal is the date of the application.
- E. If an applicant requests to withdraw an application, the Administration or its designee shall:
  1. Deny the application, and
  2. Notify the applicant of the denial following the notice requirements under R9-22-307.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4).  
Amended effective October 1, 1983 (Supp. 83-5).  
Amended subsections (C) and (D) as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended subsections (D) and (E) as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-313 repealed, new Section R9-22-313 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsections (B), (C), (E) and (G) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B) and (C) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective December 13, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-313 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-314. Withdrawal from AHCCCS Medical Coverage**

- A. A member may withdraw from AHCCCS medical coverage at any time by giving oral or written notice of withdrawal to the Administration or its designee. The member or the member's legal or authorized representative shall provide the Administration or its designee with:
  1. The reason for the withdrawal,
  2. The date the notice is effective, and
  3. The name of the member for whom AHCCCS medical coverage is being withdrawn.
- B. If a notice of withdrawal does not identify specific members the Administration or its designee shall discontinue eligibility for any members that the person submitting the withdrawal has legal authority to act on behalf of.
- C. The Administration or its designee shall notify the member of the discontinuance as required by R9-22-312.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4).  
Amended subsection (A) and added subsection (F) as an emergency effective February 28, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1).  
Amended subsection (A) and added subsection (F) as a permanent rule effective May 16, 1983; text of the amended rule identical to the emergency (Supp. 83-3).  
Former Section R9-22-314 repealed, new Section R9-22-314 adopted effective November 20, 1984 (Supp. 84-6).  
Amended effective October 1, 1985 (Supp. 85-5).  
Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-314 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-315. Notice of Adverse Action**

- A. Adverse actions. An applicant or member may appeal, as described under Chapter 34, by requesting a hearing from the Administration or its designee concerning any of the following adverse actions:
  1. Complete or partial denial of eligibility under R9-22-307 and R9-22-313(E);
  2. Suspension, termination, or reduction of AHCCCS medical coverage under R9-22-307, R9-22-312 and R9-22-314;
  3. Delay in the eligibility determination beyond the timeframes under this Article;
  4. The imposition of or increase in a premium or copayment; or
  5. The effective date of eligibility.
- B. Notice of Adverse Action. The Administration or its designee shall personally deliver or send, by mail, or electronic means a Notice of Adverse Action to the person affected by the action. For the purpose of this Section, the date of the Notice of Adverse Action shall be the date of personal delivery to the applicant or the postmark date, if mailed.
- C. Automatic change and hearing rights.
  1. An applicant or a member is not entitled to a hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.
  2. An applicant or a member is entitled to a hearing if a federal or state law requires an automatic change and the applicant or member timely files an appeal that alleges a misapplication of the facts to the law.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-315 repealed, new Section R9-22-315 adopted effective November 20, 1984 (Supp. 84-6). Repealed effective October 1, 1985 (Supp. 85-5). New Section R9-22-315 adopted effective February 5, 1986 (Supp. 86-1). Amended effective February 26, 1988 (Supp. 88-1). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-315 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-316. Exemptions from Sponsor Deemed Income**

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- A. An applicant shall provide proof to the Administration or its designee when claiming an exemption from sponsor deemed income.
- B. The Administration or its designee shall grant an exemption from deeming a sponsor's income for a Lawful Permanent Resident applicant if the applicant:
  - 1. Adjusted immigration status to Lawful Permanent Resident from status as a refugee or asylee;
  - 2. Is the spouse or dependent child of the sponsor and lives with the sponsor;
  - 3. Is indigent as specified in subsection (C);
  - 4. Is a victim of domestic violence or extreme cruelty as specified in subsection (D); or
  - 5. Has acquired 40 qualified quarters of work credit based on earnings as specified in subsection (E).
- C. Exemption from sponsor deeming based on indigence.
  - 1. The Administration or its designee shall consider the applicant indigent and grant an exemption from sponsor deemed income for an applicant, for a period of 12 months beginning with the first month of eligibility if all the following are met:
    - a. An applicant is indigent if all of the following are met:
      - i. The applicant does not reside with the applicant's sponsor;
      - ii. The applicant does not receive free room and board; and
      - iii. The applicant's total gross income including monies received from the sponsor and the value of any vendor payments received for food, utilities, or shelter does not exceed 100% of the FPL for the size of the income group.
    - 2. The Administration or its designee shall send a notice under 8 U.S.C. 1631(e)(2) to the Attorney General's Office when approving an applicant who is exempt from sponsor deemed income due to indigence.
- D. The Administration or its designee shall grant an exemption from sponsor deemed income for an applicant who is a victim of domestic violence or extreme cruelty under 8 CFR 204.2 for a period of 12 months beginning with the first month of eligibility. The Administration or its designee shall redetermine the exemption status at each renewal.
  - 1. The Administration or its designee considers an applicant to be a victim of domestic violence or extreme cruelty when all of the following are met:
    - a. The applicant is the victim, the parent of a child victim, or the child of a parent victim;
    - b. The perpetrator of the domestic violence or extreme cruelty was the spouse or parent of the victim or other family member related by blood, marriage or adoption to the victim;
    - c. The perpetrator was residing in the same household as the victim when the abuse occurred;
    - d. The abuse occurred in the United States;
    - e. The applicant did not participate in the domestic violence or cruelty; and
    - f. The victim does not currently live with the perpetrator.
  - 2. The applicant shall provide proof that the applicant or the applicant's child is a victim of domestic violence or extreme cruelty by presenting one of the following:
    - a. USCIS form I-360 Petition for Amerasian, Widow, or Special Immigrant;
    - b. USCIS form I-797 USCIS approval of the I-360 petition;
    - c. Reports or affidavits concerning the domestic violence or cruelty documented by police, judges, or other court officials, medical personnel, school officials, clergy, social workers, counseling or mental health personnel, or other social service agency personnel;
    - d. Legal documentation, such as an order of protection against the perpetrator or an order convicting the perpetrator of committing an act of domestic violence or extreme cruelty that chronicles the existence of domestic violence or extreme cruelty;
    - e. Evidence that indicates that the applicant sought safe haven in a battered women's shelter or similar refuge because of the domestic violence or extreme cruelty against the applicant or the applicant's child; or
    - f. Photographs of the applicant or applicant's child showing visible injury.
- E. The Administration or its designee shall grant an exemption from sponsor deemed income for an applicant who has reached 40 qualifying quarters of work credit.
  - 1. The Administration or its designee shall not count quarters credited after January 1, 1997 that were earned while the applicant was receiving any federal means-tested benefits.
  - 2. The Administration or its designee shall not count the 40 qualifying quarters of work credit unless the credited quarters are:
    - a. Quarters that the applicant worked;
    - b. Quarters worked by the applicant's spouse or deceased spouse during their marriage; or
    - c. Quarters worked by the applicant's parents when the applicant was under age 18.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former

Section R9-22-316 repealed, new Section R9-22-316 adopted as an emergency effective February 9, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as a permanent rule effective May 16, 1983; text of permanent rule identical to the emergency (Supp. 83-3). Amended effective October 1, 1983 (Supp. 83-5). Correction subsection (A), paragraph (1) amended effective October 1, 1983, (Supp. 83-6). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-316 repealed, new Section R9-22-316 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (C) effective October 1986 (Supp. 86-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-316 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-317. Sponsor Deemed Income**

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- A. The Administration or its designee shall use income of a USCIS sponsor to determine eligibility for a non-citizen applicant, whether or not the income is available, to the non-citizen applicant unless exempt under R9-22-316.
- B. Counting the income from a sponsor.
1. This Section applies to non-citizen applicants who:
    - a. Are Lawful Permanent Residents under 8 CFR 101.3;
    - b. Applied for Lawful Permanent Resident Status on or after December 19, 1997;
    - c. Are sponsored by an individual who signed a USCIS I-864 Affidavit of Support; and
    - d. Are eligible for full AHCCCS medical coverage.
  2. Sponsor deemed income shall be considered the income of the non-citizen applicant only.
  3. The Administration or its designee shall not use the provisions of this Section when:
    - a. The applicant becomes a naturalized U.S. citizen;
    - b. The applicant qualifies for an exemption listed in R9-22-316; or
    - c. The sponsor dies.
- C. Determining income from a sponsor.
1. For an applicant who is exempt from sponsor deeming under R9-22-316, only cash contributions actually received from the sponsor are countable income to the applicant.
  2. For an applicant to whom the sponsor's income is deemed, the Administration or its designee shall exclude any cash contributions received from the sponsor.
- D. Calculation of income from a sponsor.
1. The Administration or its designee shall include the total gross income of the sponsor and the sponsor's spouse, when living with the sponsor;
  2. The Administration or its designee shall subtract an amount equal to 100% of the FPL for the sponsor's household size from the total gross income under (D)(1); and
  3. The amount calculated under subsection (D)(2) is deemed as income to the applicant for purposes of determining eligibility.

**Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-317 repealed, new Section R9-22-317 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1986 (Supp. 86-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). New Section R9-22-317 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-318. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-318 repealed, new Section R9-22-318 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) and added subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective

January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (B) effective October 1, 1987; amended subsection (A) effective December 22, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective December 13, 1993 (Supp. 93-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-319. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-319 repealed, new Section R9-22-319 adopted effective November 20, 1984 (Supp. 84-6). Amended effective May 30, 1989 (Supp. 89-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-320. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-320 repealed, new Section R9-22-320 adopted effective November 20, 1984 (Supp. 84-6). Amended effective April 13, 1990 (Supp. 90-2). Repealed effective December 13, 1993 (Supp. 93-4).

**R9-22-321. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-321 repealed, new Section R9-22-321 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (B) through (E) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987 (Supp. 87-4). Amended subsections (B) and (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-322. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective May 27, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-3). Former Section R9-22-322 repealed, new Section R9-

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22-322 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-322 repealed, new Section R9-22-322 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective September 29, 1992 (Supp. 92-3). Amended December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-323. Repealed****Historical Note**

Adopted effective August 30, 1982 (Supp. 82-4). Former Section R9-22-323 repealed, new Section R9-22-323 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-323 repealed, new Section R9-22-323 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (B) through (D) effective October 1, 1986 (Supp. 86-5). Amended subsections (A), (B) and (D) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (B), (D) and (E) effective October 1, 1987 (Supp. 87-4). Amended subsections (B) and (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-324. Repealed****Historical Note**

Adopted as an emergency effective July 27, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R9-22-324 adopted as an emergency renumbered as Section R9-22-327. New Section R9-22-324 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-324 repealed, former Section R9-22-323 renumbered as Section R9-22-324 and adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Former Section R9-22-324 repealed, new Section R9-22-324 adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former Section R9-22-324 repealed, new Section R9-22-324 adopted effective November 20, 1984 (Supp. 84-6). Change in heading only effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-325. Repealed****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-325 repealed, new Section R9-22-325 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-326. Repealed****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-326 repealed, new Section R9-22-326 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Change in heading only effective October 1, 1987 (Supp. 87-4). Amended subsection (A) effective May 30, 1989 (Supp. 89-2). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-327. Repealed****Historical Note**

Former Section R9-22-324 adopted as an emergency effective July 27, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days renumbered as Section R9-22-327 and adopted as a permanent rule effective October 1, 1983 (Supp. 83-5). Former Section R9-22-327 repealed, new Section R9-22-327 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (A), (D), (E), (G), (H), and (I) effective October 1, 1986 (Supp. 86-5). Amended subsection (D) and added a new subsection (J) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (A) and (E) effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-328. Repealed****Historical Note**

Adopted as an emergency effective October 6, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Emergency Expired. New Section R9-22-328 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsections (A) and (E) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (D) effective October 1, 1987 (Supp. 87-4). Amended subsection (D) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-329. Repealed****Historical Note**



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Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. New Section R9-22-329 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-330. Repealed****Historical Note**

Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. New Section R9-22-330 adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (A) effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended subsection (A) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-331. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended effective October 1, 1987 (Supp. 87-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-332. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-333. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-334. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective January 1, 1987, filed December 31,

1986 (Supp. 86-6). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-335. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended by adding subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-336. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended by adding subsection (C) effective September 16, 1987 (Supp. 87-3). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-337. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Correction to subsection (B), paragraph (1) (Supp. 87-3). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-338. Repealed****Historical Note**

Adopted effective November 20, 1984 (Supp. 84-6). Heading changed effective October 1, 1985 (Supp. 85-5). Change in heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-339. Repealed****Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (B) effective October 1, 1987 (Supp. 87-4). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-340. Reserved****Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-341. Repealed**

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**Historical Note**

Adopted effective March 1, 1987, filed December 31, 1986 (Supp. 86-6). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-342. Repealed****Historical Note**

Adopted effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-343. Repealed****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**R9-22-344. Repealed****Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective October 8, 1996; filed with the Office of the Secretary of State November 6, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1).

**ARTICLE 4. PENALTY FOR OBTAINING ELIGIBILITY BY FRAUD****R9-22-401. Definitions**

Definitions. The following definitions apply specifically to terms used within this Article:

“Amounts incurred by the system” include capitation payments, costs incurred by any contractor in excess of capitation, reinsurance, and other administrative, legal or investigative costs associated with a person who obtained eligibility contrary to A.R.S. §§ 36-2905.04 and/or A.R.S. § 36-2991.

“Application for eligibility” means any request for benefits administered by AHCCCS under the authority of A.R.S. Title 36, Chapter 29, including applications for presumptive eligibility submitted to hospitals as described under Article 16 of this Chapter.

“Penalty” means an amount not to exceed the amounts incurred by the system during any time period that the person would have been ineligible for benefits but for the false or fraudulent information provided on the application for eligibility. A penalty does not include, and does not need to be reduced by, the amount of any overpayments that AHCCCS may be entitled to recoup from a person who violated A.R.S. § 36-2905.04 and/or A.R.S. § 36-2991.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-401 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 31, 1997 (Supp. 97-1). Amended by final rulemaking at 5 A.A.R. 867,

effective March 4, 1999 (Supp. 99-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-402. Determining the Amount of the Penalty**

- A. AHCCCS shall determine the amount of a penalty according to A.R.S. § 36-2905.04(B) or A.R.S. § 36-2991(B), whichever is applicable, and this Article.
- B. In addition to any penalty imposed pursuant to ARS §§ 36-2905.04 or 36-2991, and this Article, the Administration may also recoup from the person the amounts incurred by the system as a part of the notice and appeal process described in this Article.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-402 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-403. Mitigating and Aggravating Circumstances**

- A. AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a penalty for obtaining eligibility by fraud.
  1. Degree of culpability. The degree of culpability of a person is a mitigating circumstance if the person did not intend to provide or cause to be provided false information on the application for eligibility but was negligent as to the truthfulness of the information provided.
  2. Prior Offenses. At the time of the submittal of the application the person:
    - a. Did not have any prior criminal convictions; and
    - b. Had not been held civilly liable for defrauding a public assistance program.
  3. Financial condition. The financial condition of a person who violates A.R.S. §§ 36-2905.04 or 36-2991 is a mitigating circumstance if the imposition of a penalty without reduction will render the person incapable of obtaining necessities of life such as food, clothing, and shelter. AHCCCS may consider the resources available to the person when determining the amount of the penalty.
  4. Other matters as justice may require. AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice; the circumstances require a reduction of the penalty.
- B. AHCCCS shall consider any of the following to be aggravating circumstances when determining the amount of a penalty for obtaining eligibility by fraud.
  1. Degree of culpability. The degree of culpability of a person who provides or causes to be provided false information on the application for eligibility is an aggravating circumstance if the person knows or had reason to know that the information provided on the application for eligibility was false, or the person failed to correct the false information prior to AHCCCS incurring a financial loss as a result of the application for eligibility.

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2. Prior offenses. At any time before the submittal of the application for eligibility, the person was held criminally or civilly liable for committing any fraud, waste, or abuse against any public assistance program.
3. Financial Loss. The person's violation of A.R.S. §§ 36-2905.04 or 36-2991 caused a loss to the system equal to or exceeding \$5,000.00.
4. Other matters as justice may require. AHCCCS shall take into account other circumstances of an aggravating nature, if in the interest of justice; the circumstances require an increase of the penalty.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-403 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended by adding subsection (C) effective October 1, 1987 (Supp. 87-4). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-404. Notice of Intent**

- A. If AHCCCS imposes a penalty pursuant to this Article, AHCCCS shall hand deliver or send by certified mail, return receipt requested, or Federal Express to the person, a written Notice of Intent to impose a penalty.
- B. The Notice of Intent shall include:
  1. The legal and factual basis for AHCCCS' determination that there has been a violation of A.R.S. §§ 36-2905.04 and/or 36-2991;
  2. The penalty;
  3. The amounts incurred by the system as a result of the violation of A.R.S. §§ 36-2905.04 and/or 36-2991, if AHCCCS intends to recoup those amounts through this process; and
  4. The procedure for requesting a State Fair Hearing.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-404 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-405. Failure to Respond to the Notice of Intent**

If a person fails to respond to the Notice of Intent within the time-frame described in A.A.C. § R9-22-406(A), AHCCCS shall uphold the penalty and recoupment amounts described in the Notice of Intent.

**Historical Note**

Adopted as an emergency effective May 20, 1982 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-405 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a

permanent rule effective May 16, 1983; text of the amended rule similar to the emergency (Supp. 83-3).

Amended effective January 31, 1986 (Supp. 86-1).

Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-406. Request for State Fair Hearing**

- A. To dispute the agency action described in the Notice of Intent, the person shall file a written Request for State Fair Hearing with AHCCCS within sixty (60) days from the date of receipt of the Notice of Intent.
- B. If AHCCCS receives a timely request for a State Fair Hearing from the person, AHCCCS shall mail a Notice of Hearing pursuant to the Uniform Administrative Hearing Procedures described in A.R.S. Title 41, Chapter 6, Article 10.
- C. AHCCCS shall accept a written request for withdrawal of a hearing request if the written request for withdrawal is received from the person before AHCCCS mails a Notice of Hearing under the Uniform Administrative Hearing Procedures described in A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-406 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-406 repealed, new Section R9-22-406 adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Former Section R9-22-316 repealed, new Section R9-22-316 adopted as a permanent rule effective May 16, 1983; text of the Section identical to the emergency (Supp. 83-3). Amended effective January 31, 1986 (Supp. 86-1). Amended effective January 14, 1997 (Supp. 97-1). Section repealed by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-407. Burden of Proof**

- A. In any State Fair Hearing conducted under this Article, AHCCCS shall prove a violation of A.R.S. §§ 36-2905.04 and/or 36-2991, and any aggravating circumstances by a preponderance of the evidence.
- B. AHCCCS does not have to prove any specific intent to defraud.
- C. A person shall bear the burden of producing and proving by a preponderance of the evidence any affirmative defense or any circumstance that would justify reducing the amount of the penalty.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

**R9-22-408. Rescission of the Notice of Intent**

AHCCCS may rescind the Notice of Intent at any time prior to the State Fair Hearing without prejudice.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 3191, effective October 19, 2016 (Supp. 16-4).

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**ARTICLE 5. GENERAL PROVISIONS AND STANDARDS****R9-22-501. General Provisions and Standards - Related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

“Quality management” means a process used by professional health personnel through a formal program involving multiple organizational components and committees to:

- Assess the degree to which services provided conform to desired medical standards and practices; and
- Quality improvement or maintenance of care and services.

“Quality Improvement” means a process designed to achieve, through ongoing measurements and intervention, significant improvement that is sustained over time, in the areas of clinical care and non-clinical care and is expected to have a favorable effect on health outcomes and member satisfaction. Quality Improvement includes focusing organizational efforts on improving performance and utilizing data to develop intervention strategies to improve performance and outcomes.

“Utilization management/review” means a methodology used by professional health personnel to assess the medical indications, appropriateness, and efficiency of care provided. Utilization management applies to a contractor’s process to evaluate and approve or deny the medical necessity, appropriateness, efficacy and efficiency of health care services, procedures, or settings. Utilization review includes processes for prior authorization, concurrent review, retrospective review, and case management.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-501 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-501 repealed, former Section R9-22-502 renumbered and adopted without change as Section R9-22-501 effective October 1, 1983 (Supp. 83-5). Former Section R9-22-501 repealed, former Section R9-22-526 renumbered and amended as Section R9-22-501 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-502. Pre-existing Conditions**

- A. A contractor shall not impose a pre-existing condition exclusion with respect to covered services.
- B. A contractor or subcontractor shall not adopt or use any procedure to identify a person who has an existing or anticipated medical or psychiatric condition in order to discourage or exclude the person from enrolling in the contractor’s health plan or encourage the person to enroll in another health plan.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-502 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-502 renumbered without change as Section R9-22-501, former Sec-

tion R9-22-503 renumbered and amended as Section R9-22-502 effective October 1, 1983 (Supp. 83-5). Former Section R9-22-502 repealed, new Section R9-22-502 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4). Amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-503. Provider Requirements Regarding Records**

The provider shall maintain records that meet uniform accounting standards and generally accepted practices for maintenance of medical records, including detailed specification of all patient services delivered, the rationale for delivery, and the service date. A provider shall maintain and upon request, make available to a contractor and to the Administration, financial and medical records relating to payment for not less than five years from the date of final payment, or for records relating to costs and expenses to which the Administration has taken exception, five years after the date of final disposition or resolution of the exception. Providers shall provide one copy of a medical record at no cost if requested by the member.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-503 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-503 renumbered and amended as Section R9-22-502, new Section R9-22-503 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective May 30, 1986 (Supp. 86-3). Amended subsection (D) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsections (F) and (G) effective December 22, 1987 (Supp. 87-4). Amended subsection (I) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). New Section made by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-504. Marketing; Prohibition Against Inducements; Misrepresentations; Discrimination; Sanctions**

- A. A contractor or the contractor’s marketing representative shall not offer or give any form of compensation or reward, or engage in any behavior or activity that may be reasonably construed as coercive, to induce or procure AHCCCS enrollment with the contractor. Any marketing solicitation offering a benefit, good, or service in excess of the covered services in Article 2 is deemed an inducement.
- B. A marketing representative shall not misrepresent itself, the contracting health plan represented, or the AHCCCS program, through false advertising, false statements, or in any other manner to induce a member of another contractor to enroll in the represented health plan. Violations of this subsection include, but are not limited to, false or misleading claims, inferences, or representations such as:
  1. A member will lose benefits under the AHCCCS program or lose any other health or welfare benefits to which a

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member is legally entitled, if the member does not enroll in the represented contracting health plan;

2. Marketing representatives are employees of the state or representatives of the Administration, a county, or any health plan other than the health plan by which they are employed, or by which they are reimbursed; and
  3. The represented health plan is recommended or endorsed as superior to its competition by any state or county agency, or any organization, unless the organization has certified its endorsement in writing to the health plan and the Administration.
- C. A marketing representative shall not engage in any marketing or pre-enrollment practice that discriminates against a member because of race, creed, age, color, sex, religion, national origin, ancestry, marital status, sexual preference, physical or mental disability, or health status.
- D. The Administration shall hold a contractor responsible for a violation of this Section resulting from the performance of any marketing representative, subcontractor, agent, program, or process under the contractor's employ or direction and shall impose contract sanctions on the contractor as specified in contract.
- E. A contractor shall produce and distribute informational materials that are approved by the Administration to each enrolled member or designated representative after the contractor receives notification of enrollment from the Administration. The contractor shall ensure that the informational materials include, at a minimum:
1. A description of all covered services as specified in contract;
  2. An explanation of service limitations and exclusions;
  3. An explanation of the procedure for obtaining services;
  4. An explanation of the procedure for obtaining emergency services;
  5. An explanation of the procedure for filing a grievance and appeal; and
  6. An explanation of when plan changes may occur as specified in contract.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-504 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-504 repealed, former Section R9-22-505 renumbered and adopted without change as Section R9-22-504 effective October 1, 1983 (Supp. 83-5). Former Section R9-22-504 repealed, former Section R9-22-528 renumbered and amended as Section R9-22-504 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-505. Standards, Licensure, and Certification for Providers of Hospital and Medical Services**

A provider shall not provide hospital or medical services to a member unless the provider is licensed by the Arizona Department of Health Services and meets the requirements in 42 CFR 441 and 482, as of October 1, 2007, and 42 CFR 456 Subpart C, as of October 1, 2007, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation

contains no future editions or amendments. An Indian Health Service (IHS) hospital and a Veterans Administration hospital shall not provide services to a member unless accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-505 adopted as an emergency expired, former Section R9-22-506 adopted as an emergency now adopted, amended and renumbered as Section R9-22-505 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-505 renumbered without change as Section R9-22-504, new Section R9-22-505 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-505 renumbered and amended as Section R9-22-509, former Section R9-22-527 renumbered and amended as Section R9-22-505 effective October 1, 1985 (Supp. 85-5). Editorial correction, spelling of "paraphernalia" in subsection (A) (Supp. 87-4). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). New Section made by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-506. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-506 adopted as an emergency adopted, amended and renumbered as Section R9-22-505, former Section R9-22-507 adopted as an emergency now adopted, amended and renumbered as Section R9-22-506 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-506 repealed, new Section R9-22-506 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-506 repealed, new Section R9-22-506 adopted effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (D) effective December 22, 1987 (Supp. 87-4). Repealed effective April 13, 1990 (Supp. 90-2). New Section adopted effective December 13, 1993 (Supp. 93-4). Repealed effective December 8, 1997 (Supp. 97-4).

**R9-22-507. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-507 adopted as an emergency adopted, amended and renumbered as Section R9-22-506, former Section R9-22-508 adopted as an emergency now adopted, amended and renumbered as Section R9-22-507 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-507 repealed, new Section R9-22-507 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-508. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-

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3). Former Section R9-22-508 adopted as an emergency adopted, amended and renumbered as Section R9-22-507, former Section R9-22-509 adopted as an emergency now adopted, amended and renumbered as Section R9-22-508 as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-509. Transition and Coordination of Member Care**

A. A contractor shall assist in the transition of members to and from other AHCCCS contractors.

1. Both the receiving and relinquishing contractor shall:
  - a. Coordinate with the other contractor to facilitate and schedule appointments for medically necessary services for the transitioned member within the Administration's timelines specified in the contract. If requested by the Administration, a contractor shall submit the policies and procedures regarding transition of members to the Administration for review and approval;
  - b. Assist in the referral of transitioned members to other community health agencies or county medical assistance programs for medically necessary services not covered by the Administration, as appropriate; and
  - c. Develop policies and procedures to be followed when transitioning members who have significant medical conditions; are receiving ongoing services; or have, at the time of the transition, received prior authorization or approval for undelivered, specific services.
2. The relinquishing contractor shall notify the receiving contractor of relevant information about the member's medical condition and current treatment regimens within the timelines defined in contract;
3. The relinquishing contractor shall forward medical records and other relevant materials to the receiving contractor. The relinquishing contractor shall bear the cost of reproducing and forwarding medical records and other relevant materials;
4. Within the timelines specified in contract, the receiving contractor shall ensure that the member selects or is assigned to a primary care provider, and provide the member with:
  - a. Information regarding the contractor's providers,
  - b. Emergency numbers, and
  - c. Instructions about how to obtain services.

B. A contractor shall not use a county or noncontracting provider health resource alternative to diminish the contractor's contractual responsibility or accountability for providing the full scope of covered services. The Administration may impose sanctions as described in contract if a contractor makes referrals to other agencies or programs to reduce expenses incurred by the contractor on behalf of its members.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-509 adopted as an emergency adopted, amended and renumbered as Section R9-22-508, former Section R9-22-510 adopted as an emergency now adopted and renumbered as Section R9-22-509 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-509 repealed, former Section R9-22-

505 renumbered and amended as Section R9-22-509 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-510. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-510 adopted as an emergency adopted and renumbered as Section R9-22-509, former Section R9-22-511 adopted as an emergency now adopted, amended and renumbered as Section R9-22-510 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-510 repealed, new Section R9-22-510 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-511. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-511 adopted as an emergency adopted, amended and renumbered as Section R9-22-510, former Section R9-22-512 adopted as an emergency now adopted, amended and renumbered as Section R9-22-511 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-511 repealed, new Section R9-22-511 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-512. Release of Safeguarded Information**

- A. The Administration, contractors, providers, and noncontracting providers shall limit the release of safeguarded information to persons or agencies for the following purposes in accordance with 45 CFR 160 and 45 CFR 164, October 1, 2004, and 42 CFR 431.300 through 431.307, October 1, 2004, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments:
1. Official purposes directly related to the administration of the AHCCCS program including:
    - a. Establishing eligibility and post-eligibility treatment of income, as applicable;
    - b. Determining the amount of medical assistance;
    - c. Providing services for members;
    - d. Performing evaluations and analysis of AHCCCS operations;
    - e. Filing liens on property as applicable;
    - f. Filing claims on estates, as applicable; and
    - g. Filing, negotiating, and settling medical liens and claims.
  2. Law enforcement. The Administration may release safeguarded information without the applicant's or member's written or verbal consent, for the purpose of conducting or assisting an investigation, prosecution, or criminal or civil proceeding related to the administration of the AHCCCS program.

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3. The Administration may release safeguarded member information to a review committee in accordance with the provisions of A.R.S. § 36-2917, without the consent of the applicant or member.
- B. Except as provided in subsection (A), the Administration, contractors, providers, and noncontracting providers shall disclose safeguarded information only to:
  1. An applicant;
  2. A member;
  3. An unemancipated minor, with written permission of a parent, custodial relative, or designated representative, if:
    - a. An Administration employee, authorized representative, or responsible caseworker is present during the examination of the safeguarded information; or
    - b. After written notification to the provider, and at a reasonable time and place.
  4. Persons authorized by the applicant or member; or
  5. A court order or subpoena compliant with 45 CFR 164.512(e), October 1, 2004, incorporated by reference, on file with the Administration and available from the U.S. Government Printing Office, 732 N. Capitol St., N.W., Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments.
- C. The Administration, contractors, providers, and noncontracting providers shall safeguard identifiable information, protected health information as specified in 45 CFR 160, and information obtained in the course of application for or redetermination of eligibility concerning an applicant or member, that includes, but is not limited to the following:
  1. Name and address;
  2. Social Security number;
  3. Social and economic conditions or circumstances;
  4. Agency evaluation of personal information;
  5. Medical data and information concerning medical services received, including diagnosis and history of disease or disability;
  6. State Data Exchange (SDX) tapes, and other types of information received from outside sources for the purpose of verifying income eligibility and amount of medical assistance payments; and
  7. Any information received in connection with the identification of legally liable third-party resources.
- D. The restriction upon disclosure of information in this Section does not apply to:
  1. De-identified information as described by 45 CFR 164.514, October 1, 2004, incorporated by reference in subsection (A); or
  2. A disclosure, in response to a request for information, that complies with 45 CFR 160 and 45 CFR 164, October 1, 2004, and 42 CFR 431.300 through 431.307, October 1, 2004, incorporated by reference in subsection (A).
- E. A provider shall furnish records requested by the Administration or a contractor to the Administration or the contractor at no charge.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-512 adopted as an emergency adopted, amended and renumbered as Section R9-22-511, former Section R9-22-513 adopted as an emergency now adopted and renumbered as Section R9-22-512 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-512 repealed, new Section R9-22-512 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 13, 1993 (Supp. 93-4).

Amended effective December 8, 1997 (Supp. 97-4).

Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-513. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-513 adopted as an emergency adopted and renumbered as Section R9-22-512, former Section R9-22-514 adopted as an emergency now adopted, amended and renumbered as Section R9-22-513 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-513 repealed, former Section R9-22-526 renumbered and amended as Section R9-22-513 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-514. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-514 adopted as an emergency adopted, amended and renumbered as Section R9-22-513, former Section R9-22-515 adopted as an emergency now adopted, amended and renumbered as Section R9-22-514 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-514 repealed, former Section R9-22-517 renumbered and amended as Section R9-22-514 effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

**R9-22-515. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-515 adopted as an emergency adopted, amended and renumbered as Section R9-22-514, former Section R9-22-517 adopted as an emergency now adopted, amended and renumbered as Section R9-22-515 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-515 repealed, former Section R9-22-522 renumbered and amended as Section R9-22-515 effective October 1, 1985 (Supp. 85-5). Repealed effective December 8, 1997 (Supp. 97-4).

**R9-22-516. Renumbered****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-516 adopted as an emergency expired, former Section R9-22-518 adopted as an emergency now adopted, amended and renumbered as Section R9-22-516 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-516 renumbered as Section R9-22-513 effective October 1, 1985 (Supp. 85-5).

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**R9-22-517. Renumbered****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-517 adopted as an emergency adopted, amended and renumbered as Section R9-22-515, former Section R9-22-519 adopted as an emergency now adopted and renumbered and amended as Section R9-22-517 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-517 renumbered and amended as Section R9-22-514 effective October 1, 1985 (Supp. 85-5).

**R9-22-518. Information to Enrolled Members**

- A. Each contractor shall produce and distribute printed informational materials to each member or family unit no later than 10 days of receipt of notification of enrollment from the Administration. The contractor shall ensure that the informational materials meet the requirements specified in the contractor's current contract.
- B. A contractor shall provide a member with the name, address, and telephone number of the member's primary care provider no later than 10 days from the date of enrollment. The contractor shall include information on how the member may change primary care providers.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-518 adopted as an emergency adopted, amended and renumbered as Section R9-22-516, former Section R9-22-520 adopted as an emergency now adopted, amended and renumbered as Section R9-22-518 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-518 repealed, new Section R9-22-518 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-519. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-519 adopted as an emergency adopted, amended and renumbered as Section R9-22-517, former Section R9-22-521 adopted as an emergency now adopted, amended and renumbered as Section R9-22-519 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-519 repealed, new Section R9-22-519 adopted effective October 1, 1985 (Supp. 85-5). Repealed effective December 8, 1997 (Supp. 97-4).

**R9-22-520. Expired****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-520 adopted as an emergency adopted, amended and renumbered as Section R9-22-518, former Section R9-22-522 adopted as an emergency now adopted, amended and renumbered as Section R9-22-520 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-520 repealed, new Section R9-

22-520 adopted effective October 1, 1985 (Supp. 85-5).

Amended effective December 13, 1993 (Supp. 93-4).

Amended effective December 8, 1997 (Supp. 97-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4851, effective October 9, 2002 (Supp. 02-4).

**R9-22-521. Program Compliance Audits**

- A. The Administration shall conduct an onsite program compliance audit of a contractor at least once every three years during the term of the Administration's contract with the contractor. The Administration may conduct, without prior notice, inspections of contractor facilities or perform other elements of a program compliance audit.
- B. An audit team may perform any or all of the following procedures:
  1. Conduct private interviews and group conferences with members, physicians, other health professionals, and members of the contractor's administrative staff including, but not limited to, the contractor's principal management persons;
  2. Examine records, books, reports, and papers of the contractor and any management company, and all providers or subcontractors providing health care and other services. The examination may include, but need not be limited to: minutes of medical staff meetings, peer review and quality of care review records, duty rosters of medical personnel, appointment records, written procedures for the internal operation of the health plan, contracts and correspondence with members and with providers of health care services and other services to the plan, and additional documentation deemed necessary by the Administration to review the quality of medical care.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-521 adopted as an emergency adopted, amended and renumbered as Section R9-22-519, former Section R9-22-523 adopted as an emergency now adopted, amended and renumbered as Section R9-22-521 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-521 repealed, new Section R9-22-521 adopted effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General has not certified this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-522. Quality Management/Utilization Management (QM/UM) Requirements**

- A. A contractor shall comply with Quality Management/Utilization Management (QM/UM) requirements specified in this Section and in contract. The contractor shall ensure compliance with QM/UM requirements that are accomplished through delegation or subcontract with another party.



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- B.** In addition to any requirements specified in contract, a contractor shall:
1. Submit to the Administration a written QM/UM plan that includes a description of the systems, methodologies, protocols, and procedures to be used in:
    - a. Monitoring and evaluating the types of services provided,
    - b. Identifying the numbers and costs of services provided,
    - c. Assessing and improving the quality and appropriateness of care and services,
    - d. Evaluating the outcome of care provided to members, and
    - e. Determining the actions necessary to improve service delivery;
  2. Submit the QM/UM plan to the Administration on an annual basis within timelines specified in contract. If the QM/UM plan is changed during the year, the contractor shall submit the revised plan to the Administration before implementation;
  3. Receive approval from the Administration before implementing the initial or revised QM/UM plan;
  4. Ensure that a QM/UM committee operates under the control of the contractor's medical director and includes representation from medical and executive management personnel. The committee shall:
    - a. Oversee the development, revision, and implementation of the QM/UM plan; and
    - b. Ensure that there are qualified QM/UM personnel and sufficient resources to implement the contractor's QM/UM activities; and
  5. Ensure that the QM/UM activities include at least:
    - a. Prior authorization for non-emergency or scheduled hospital admissions;
    - b. Concurrent review of inpatient hospitalization;
    - c. Retrospective review of hospital claims;
    - d. Program and provider audits designed to detect over- or under-utilization, service delivery effectiveness, and outcome;
    - e. Medical records audits;
    - f. Surveys to determine satisfaction of members;
    - g. Assessment of the adequacy and qualifications of the contractor's provider network;
    - h. Review and analysis of QM/UM data;
    - i. Measurement of performance using objective quality indicators;
    - j. Ensuring individual and systemic quality of care;
    - k. Integrating quality throughout the organization;
    - l. Process improvement;
    - m. Credentialing a provider network;
    - n. Resolving quality of care grievances; and
    - o. Quality improvement activities focused on improving the quality of care and the efficient, cost-effective delivery and utilization of services.
- C.** A member's primary care provider shall maintain medical records that:
1. Conform to professional medical standards and practices for documentation of medical diagnostic and treatment data;
  2. Facilitate follow-up treatment; and
  3. Permit professional medical review and medical audit processes.
- D.** Within 30 days following termination of the contract between a subcontractor and a contractor, the subcontractor or the sub-

contractor's designee shall forward to the primary care provider medical records or copies of medical records of all members assigned to the subcontractor or for whom the subcontractor has provided services.

- E.** The Administration shall monitor each contractor and the contractor's providers to ensure compliance with Administration QM/UM requirements and adherence to the contractor's QM/UM plan.
1. A contractor and the contractor's providers shall cooperate with the Administration in the performance of the Administration's QM/UM monitoring activities; and
  2. A contractor and the contractor's providers shall develop and implement mechanisms for correcting deficiencies identified through the Administration's QM/UM monitoring.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-522 adopted as an emergency adopted, amended and renumbered as Section R9-22-520, former Section R9-22-524 adopted as an emergency now adopted and renumbered as Section R9-22-522 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-522 renumbered and amended as Section R9-22-515, new Section R9-22-522 adopted effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Amended effective December 8, 1997 (Supp. 97-4). Amended by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 4330, effective January 3, 2009 (Supp. 08-4).

**R9-22-523. Expired****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-523 adopted as an emergency adopted, amended and renumbered as Section R9-22-521, former Section R9-22-525 adopted as an emergency now adopted, amended and renumbered as Section R9-22-523 as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1985 (Supp. 85-5). Amended effective December 8, 1997 (Supp. 97-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 4851, effective October 9, 2002 (Supp. 02-4).

**R9-22-524. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-524 adopted as an emergency adopted and renumbered as Section R9-22-522, former Section R9-22-526 adopted as an emergency now adopted, amended and renumbered as Section R9-22-524 as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-524 repealed, new Section R9-22-524 adopted effective October 1, 1985 (Supp. 85-4). Amended effective December 8, 1997 (Supp. 97-4). Section repealed by final rulemaking at 11 A.A.R. 4277, effective December 5, 2005 (Supp. 05-4).

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**R9-22-525. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-525 adopted as an emergency adopted, amended and renumbered as Section R9-22-523, former Section R9-22-527 adopted as an emergency now adopted, amended and renumbered as Section R9-22-525 as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1985 (Supp. 85-5).

**R9-22-526. Renumbered****Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of the permanent rule identical to the emergency (Supp. 83-3). Former Section R9-22-526 repealed, new Section R9-22-526 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-526 renumbered and amended as Section R9-22-501 effective October 1, 1985 (Supp. 85-1).

**R9-22-527. Renumbered****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-527 renumbered and amended as Section R9-22-505 effective October 1, 1985 (Supp. 85-5).

**R9-22-528. Renumbered****Historical Note**

Adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-528 renumbered and amended as Section R9-22-504 effective October 1, 1985 (Supp. 85-5).

**R9-22-529. Renumbered****Historical Note**

Adopted as Section R9-22-529 effective October 1, 1985, then renumbered as Section R9-22-1002 effective October 1, 1985 (Supp. 85-5).

**ARTICLE 6. RFP AND CONTRACT PROCESS****R9-22-601. General Provisions**

- A. The Director has full operational authority to adopt rules for the RFP process and the award of contracts under A.R.S. § 36-2906.
- B. This Article applies to the award of contracts under A.R.S. §§ 36-2904 and 36-2906 to provide services under A.R.S. § 36-2907 and the expenditure of public monies by the Administration pertaining to covered services when the procurement so states. The Administration shall establish conflict-of-interest safeguards for officers and employees of this state with responsibilities relating to contracts that comply with 42 U.S.C. 1396u-2(d)(3).
- C. The Administration is exempt from the procurement code under A.R.S. § 41-2501.
- D. The Administration and contractors shall retain all contract records for five years under A.R.S. § 36-2903 and dispose of the records under A.R.S. § 41-2550.
- E. The following terms are defined as related to this Article: "Procurement file" means the official records file of the Director whether located in the Office of the Director or at the public procurement unit. The procurement file shall include in

electronic or paper form a list of notified vendors, final solicitation, solicitation amendments, bids/offers, final proposal revisions, clarifications, and final evaluation report.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-601 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective July 16, 1985 (Supp. 85-4). Amended effective December 13, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**R9-22-602. RFP**

- A. RFP content. The Administration shall include the following items in any RFP under this Article:

1. Instructions and information to an offeror concerning the proposal submission including:
  - a. The deadline for submitting a proposal,
  - b. The address of the office at which a proposal is to be received,
  - c. The period during which the RFP remains open, and
  - d. Any special instructions and information;
2. The scope of covered services under Article 2 of this Chapter and A.R.S. §§ 36-2906 and 36-2907, covered populations, geographic coverage, service and performance requirements, and a delivery or performance schedule;
3. The contract terms and conditions, including bonding or other security requirements, if applicable;
4. The factors used to evaluate a proposal;
5. The location and method of obtaining documents that are incorporated by reference in the RFP;
6. A requirement that the offeror acknowledge receipt of all RFP amendments issued by the Administration;
7. The type of contract to be used and a copy of a proposed contract form or provisions;
8. The length of the contract service;
9. A requirement for cost or pricing data;
10. The minimum RFP requirements; and
11. A provision requiring an offeror to certify that a submitted proposal does not involve collusion or other anti-competitive practices.

- B. Proposal process.

1. After the deadline for submitting proposals, the Administration may open a proposal publicly and announce and record the name of the offeror. The Administration shall keep all other information contained in a proposal confidential. The Administration shall open a proposal for public inspection after contract award unless the Administration determines that disclosure is not in the best interest of the state.
2. The Administration shall evaluate a proposal based on the GSA and the evaluation factors listed in the RFP.
3. The Administration may initiate discussions with a responsive and responsible offeror to clarify and assure full understanding of an offeror's proposal. The Administration shall provide an offeror fair treatment with respect to discussion and revision of a proposal. The Administra-

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tion shall not disclose information derived from a proposal submitted by a competing offeror.

4. The Administration shall allow for the adjustment of covered services by expansion, deletion, segregation, or combination in order to secure the most financially advantageous proposals for the state.
  5. The Administration may conduct an investigation of a person or organization who has ownership or management interests in corporate offerors or affiliated corporate organizations of an offeror.
  6. The Administration may issue a written request for best and final offers. The Administration shall state in the request the date, time, and place for the submission of best and final offers.
  7. The Administration shall not request best and final offers more than once unless the Administration determines that it is advantageous to the state to request additional best and final offers. The Administration shall state in the written request for best and final offers that if the offeror does not submit a notice of withdrawal or a best and final offer, the Administration shall take the most recent offer as the offeror's best and final offer.
- C. Proposal rejection.
1. The Administration may reject an offeror's proposal if the offeror fails to supply the information requested by the Administration.
  2. The offeror shall not disclose information pertaining to its proposal to any other offeror prior to contract award. The offeror may disclose proposal information to a person other than another offeror if the recipient agrees to keep the information confidential until contract award. Disclosure in violation of this subsection may be grounds for rejecting a proposal.
  3. The Administration shall provide written notification to an offeror whose proposal is rejected. The rejection notice shall be part of the contract file and a public record.
  4. If the Administration determines that it is in the best interest of the state, the Administration may reject any and all proposals, in whole or in part, under the RFP. The reasons for rejection shall be part of the contract file. An offeror shall have no right to damages for any claims against the state, the state's employees, or agents if a proposal is rejected in whole or in part.
- D. Proposal cancellation. If the Administration determines that it is in the best interest of the state, the Administration may cancel a RFP. The reasons for cancellation shall be part of the contract file. An offeror shall have no right to damages for any claims against the state, the state's employees, or agents if a RFP is cancelled.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-602 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective July 16, 1985 (Supp. 85-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1).

**R9-22-603. Contract Award**

The Administration shall award a contract to the responsible and responsive offeror whose proposal is determined most advantageous to the state under A.R.S. § 36-2906. If the Administration determines that multiple contracts are in the best interest of the state, the Administration may award multiple contracts. The contract file shall contain the basis on which the award is made.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-603 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective July 16, 1985 (Supp. 85-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Section repealed; new Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1).

**R9-22-604. Contract or Proposal Protests; Appeals**

- A. Disputes related to contract performance. This Section does not apply to a dispute related to contract performance. A contract performance dispute is governed by 9 A.A.C. 34.
- B. Resolution of a proposal protest. The procurement officer issuing a RFP shall have the authority to resolve proposal protests. An appeal from the decision of the procurement officer shall be made to the Director.
- C. Filing of a protest.
  1. A person may file a protest with the procurement officer regarding:
    - a. A RFP issued by the Administration,
    - b. A proposed award, or
    - c. An award of a contract.
  2. A protester shall submit a written protest and include the following information:
    - a. The name, address, and telephone number of the protester;
    - b. The signature of the protester or protester's representative;
    - c. Identification of a RFP or contract number;
    - d. A detailed statement of the legal and factual grounds of the protest including copies of any relevant documents; and
    - e. The relief requested.
- D. Time for filing a protest.
  1. A protester filing a protest alleging improprieties in an RFP or an amendment to an RFP shall file the protest at least 14 days before the due date of receipt of proposals.
  2. Any protest alleging improprieties in an amendment issued 14 or fewer days before the due date of the proposal shall be filed before the due date for receipt of proposals.
  3. In cases other than those covered in subsections (D)(1) and (2), a protester shall file a protest no later than 10 days after the procurement officer makes the procurement file available for public inspection.
- E. Stay of procurement during the protest. If a protester files a protest before the contract award, the procurement officer may issue a written stay of the contract award. In considering whether to issue a written stay of contract, the procurement officer shall consider but is not limited to considering whether:
  1. A reasonable probability exists that the protest will be sustained, and

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2. The stay of the contract award is in the best interest of the state.
- F. Stay of contract award during an appeal to the Director. The Director shall automatically continue the stay of a contract award if:
  1. An appeal is filed before a contract award, and
  2. The procurement officer issues a stay of the contract award under subsection (E), unless
  3. The Director issues a written determination that the contract award is necessary to protect the best interest of the state.
- G. Decision by the procurement officer.
  1. The procurement officer shall issue a written decision no later than 14 days after a protest has been filed. The decision shall contain an explanation of the basis of the decision.
  2. The procurement officer shall furnish a copy of the decision to the protester by:
    - a. Certified mail, return receipt requested; or
    - b. Any other method that provides evidence of receipt.
  3. The Administration may extend, for good cause, the time-limit for decisions in subsection (G)(1) for a time not to exceed 30 days. The procurement officer shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision shall be issued.
  4. If the procurement officer fails to issue a decision within the time-limits in subsection (G)(1) or (G)(3), the protester may proceed as if the procurement officer issued an adverse decision.
- H. Remedies.
  1. If the procurement officer sustains the protest in whole or in part and determines that the RFP, proposed contract award, or contract award does not comply with applicable statutes and rules, the procurement officer shall order an appropriate remedy.
  2. In determining an appropriate remedy, the procurement officer shall consider all the circumstances of the procurement or proposed procurement, including:
    - a. Seriousness of the procurement deficiency,
    - b. Degree of prejudice to other interested parties or to the integrity of the RFP process,
    - c. Good faith of the parties,
    - d. Extent of performance,
    - e. Costs to the state, and
    - f. Urgency of the procurement.
    - g. Best interest of the state.
  3. An appropriate remedy may include one or more of the following:
    - a. Terminating the contract;
    - b. Reissuing the RFP;
    - c. Issuing a new RFP;
    - d. Awarding a contract consistent with statutes, rules, and the terms of the RFP; or
    - e. Any relief determined necessary to ensure compliance with applicable statutes and rules.
- I. Appeals to the Director.
  1. A person may file an appeal of a procurement officer's decision with both the Director and the procurement officer no later than five days from the date the decision is received. The date the decision is received shall be determined under subsection (G)(2).
  2. The appeal shall contain:
    - a. The information required in subsection (C)(2),
    - b. A copy of the procurement officer's decision,
    - c. The alleged factual or legal error in the decision of the procurement officer on which the appeal to the Director is based, and
    - d. A request for hearing unless the person requests that the Director's decision be based solely upon the procurement file.
- J. Dismissal. The Director shall not schedule a hearing and shall dismiss an appeal with a written determination if:
  1. The appeal does not state a basis for protest,
  2. The appeal is untimely under subsection (I)(1), or
  3. The appeal is moot.
- K. Hearing. Hearings under this Section shall be conducted using the Arizona Administrative Procedure Act under A.R.S. Title 41, Ch. 6.

**Historical Note**

Adopted effective July 16, 1985 (Supp. 85-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**R9-22-605. Waiver of Contractor's Subcontract with Hospitals**

If a contractor is unable to obtain a subcontract with a hospital as contractually required, the contractor may request in writing a waiver from the Administration as allowed by A.R.S. § 36-2906. The contractor shall state in the request the reasons a waiver is believed to be necessary and all efforts the contractor has made to secure a subcontract.

**Historical Note**

Adopted effective January 31, 1986 (Supp. 86-1). Amended effective December 13, 1993 (Supp. 93-4). Section repealed by final rulemaking at 5 A.A.R. 607, effective February 5, 1999 (Supp. 99-1). New Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**R9-22-606. Contract Compliance Sanction**

- A. The Director may impose sanctions upon a contractor for violation of any provision of this Chapter or of a contract. Sanctions include but are not limited to:
  1. Suspension of any or all further member enrollment, by choice and/or assignment for a period of time.
  2. Imposition of a monetary sanction.
- B. The Director shall consider the nature, severity, and length of the violation when determining a sanction.
- C. The Director shall provide a contractor with written notice specifying grounds and terms for the sanction.
- D. Nothing contained in this Section shall be construed to prevent the Administration from imposing sanctions as provided in contract under A.R.S. § 36-2903.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 2340, effective November 11, 2012 (Supp. 12-3).

**ARTICLE 7. STANDARDS FOR PAYMENTS**

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**R9-22-701. Standards for Payments Related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Article have the following meanings unless the context explicitly requires another meaning:

“Accommodation” means room and board services provided to a patient during an inpatient hospital stay and includes all staffing, supplies, and equipment. The accommodation is semi-private except when the member must be isolated for medical reasons. Types of accommodation include hospital routine medical/surgical units, intensive care units, and any other specialty care unit in which room and board are provided.

“Aggregate” means the combined amount of hospital payments for covered services provided within and outside the GSA.

“AHCCCS inpatient hospital day or days of care” means each day of an inpatient stay for a member beginning with the day of admission and including the day of death, if applicable, but excluding the day of discharge, provided that all eligibility, medical necessity, and medical review requirements are met.

“Ancillary service” means all hospital services for patient care other than room and board and nursing services, including but not limited to, laboratory, radiology, drugs, delivery room (including maternity labor room), operating room (including postanesthesia and postoperative recovery rooms), and therapy services (physical, speech, and occupational).

“APC” means the Ambulatory Payment Classification system under 42 CFR 419.31 used by Medicare for grouping clinically and resource-similar procedures and services.

“Billed charges” means charges for services provided to a member that a hospital includes on a claim consistent with the rates and charges filed by the hospital with Arizona Department of Health Services (ADHS).

“Business agent” means a company such as a billing service or accounting firm that renders billing statements and receives payment in the name of a provider.

“Capital costs” means costs as reported by the hospital to CMS as required by 42 CFR 413.20.

“Copayment” means a monetary amount, specified by the Director, that a member pays directly to a contractor or provider at the time covered services are rendered.

“Cost-to-charge ratio” (CCR) means a hospital’s costs for providing covered services divided by the hospital’s charges for the same services. The CCR is the percentage derived from the cost and charge data for each revenue code provided to AHCCCS by each hospital.

“Covered charges” means billed charges that represent medically necessary, reasonable, and customary items of expense for covered services that meet medical review criteria of AHCCCS or a contractor.

“CHC” means a Community Health Center, which includes both Federally Qualified Health Centers and Rural Health Clinics.

“CPT” means Current Procedural Terminology, published, and updated by the American Medical Association. CPT is a nationally-accepted listing of descriptive terms and identifying codes for reporting medical services and procedures per-

formed by physicians that provide a uniform language to accurately designate medical, surgical, and diagnostic services.

“Critical Access Hospital” is a hospital certified by Medicare under 42 CFR 485 Subpart F and 42 CFR 440.170(g).

“Direct graduate medical education costs” or “direct program costs” means the costs that are incurred for the education activities of an approved graduate medical education program that are the proximate result of training medical residents in the hospital, including resident salaries and fringe benefits, the portion of teaching physician salaries and fringe benefits that are related to the time spent in teaching and supervision of residents, and other related GME overhead costs.

“DRI inflation factor” means Global Insights Prospective Hospital Market Basket.

“Eligibility posting” means the date a member’s eligibility information is entered into the AHCCCS Pre-paid Medical Management Information System (PMMIS).

“Encounter” means a record of a medically-related service rendered by an AHCCCS-registered provider to a member enrolled with a contractor on the date of service.

“Existing outpatient service” means a service provided by a hospital before the hospital files an increase in its charge master as defined in R9-22-712(G), regardless of whether the service was explicitly described in the hospital charge master before filing the increase or how the service was described in the charge master before filing the increase.

“Expansion funds” means funds appropriated to support GME program expansions as described under A.R.S. § 36-2903.01(G)(9)(b) and (c)(i).

“Factor” means a person or an organization, such as a collection agency or service bureau, that advances money to a provider for accounts receivable that the provider has assigned, sold, or transferred to the organization for an added fee or a deduction of a portion of the accounts receivable. Factor does not include a business agent.

“Fiscal intermediary” means an organization authorized by CMS to make determinations and payments for Part A and Part B provider services for a given region.

“Freestanding Children’s Hospital” means a separately standing hospital with at least 120 pediatric beds that is dedicated to providing the majority of the hospital’s services to children.

“GME program approved by the Administration” or “approved GME program” means a graduate medical education program that has been approved by a national organization as described in 42 CFR 415.152.

“Graduate medical education (GME) program” means an approved residency or fellowship program that prepares a physician for independent practice of medicine by providing didactic and clinical education in a medical environment to a medical student who has completed a recognized undergraduate medical education program.

“HCAC” means a health care acquired condition described under 42 CFR 447.26 but does not include Deep Vein Thrombosis (DVT)/Pulmonary Embolism (PE) as related to total knee replacement or hip replacement surgery in pediatric and obstetric patients.

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“HCPCS” means the Health Care Procedure Coding System, published, and updated by Center for Medicare and Medicaid Services (CMS). HCPCS is a listing of codes and descriptive terminology used for reporting the provision of physician services, other health care services, and substances, equipment, supplies, or other items used in health care services.

“HIPAA” means the Health Insurance Portability and Accountability Act of 1996, as specified under 45 CFR 162, that establishes standards and requirements for the electronic transmission of certain health information by defining code sets used for encoding data elements, such as tables of terms, medical concepts, medical diagnostic codes, or medical procedure codes.

“ICU” means the intensive care unit of a hospital.

“Indirect program costs” means the marginal increase in operating costs that a provider experiences as a result of having an approved graduate medical education program and that is not accounted for by the direct program costs.

“Intern and Resident Information System” means a software program used by teaching providers and the provider community for collecting and reporting information on resident training in hospital and non-hospital settings.

“Medical education costs” means direct costs for intern and resident salaries, fringe benefits, program costs, nursing school education, and paramedical education, as described in the Medicare Provider Reimbursement Manual.

“Medical review” means a clinical evaluation of documentation conducted by AHCCCS or a contractor for purposes of prior authorization, concurrent review, post-payment review, or determining medical necessity. The criteria for medical review are established by AHCCCS or a contractor based on medical practice standards that are updated periodically to reflect changes in medical care.

“Medicare Urban or Rural Cost-to-Charge Ratio (CCR)” means statewide average capital cost-to-charge ratio published annually by CMS added to the urban or rural statewide average operating cost-to-charge ratio published annually by CMS.

“National Standard code sets” means codes that are accepted nationally in accordance with federal requirements under 45 CFR 160 and 45 CFR 164.

“New hospital” means a hospital for which Medicare Cost Report claim and encounter data are not available for the fiscal year used for initial rate setting or rebasing.

“NICU” means the neonatal intensive care unit of a hospital that is classified as a Level II or Level III perinatal center by the Arizona Perinatal Trust.

“Non-IHS Acute Hospital” means a hospital that is not run by Indian Health Services, is not a free-standing psychiatric hospital, such as an IMD, and is paid under ADHS rates.

“Observation day” means a physician-ordered evaluation period of less than 24 hours to determine whether a person needs treatment or needs to be admitted as an inpatient. Each observation day consists of a period of 24 hours or less.

“Operating costs” means AHCCCS-allowable accommodation costs and ancillary department hospital costs excluding capital and medical education costs.

“OPPC” means an Other Provider Preventable Condition that is: (1) a wrong surgical or other invasive procedure performed on a patient, (2) a surgical or other invasive procedure performed on the wrong body part, or (3) a surgical or other invasive procedure performed on the wrong patient.

“Organized health care delivery system” means a public or private organization that delivers health services. It includes, but is not limited to, a clinic, a group practice prepaid capitation plan, and a health maintenance organization.

“Outlier” means a hospital claim or encounter in which the operating costs per day for an AHCCCS inpatient hospital stay meet the criteria described under this Article and A.R.S. § 36-2903.01(G).

“Outpatient hospital service” means a service provided in an outpatient hospital setting that does not result in an admission.

“Ownership change” means a change in a hospital’s owner, lessor, or operator under 42 CFR 489.18(a).

“Participating institution” means an institution at which portions of a graduate medical education program are regularly conducted and to which residents rotate for an educational experience for at least one month.

“Peer group” means hospitals that share a common, stable, and independently definable characteristic or feature that significantly influences the cost of providing hospital services, including specialty hospitals that limit the provision of services to specific patient populations, such as rehabilitative patients or children.

“PPC” means prior period coverage. PPC is the period of time, prior to the member’s enrollment, during which a member is eligible for covered services. The time-frame is the first day of the month of application or the first eligible month, whichever is later, until the day a member is enrolled with a contractor.

“PPS bed” means Medicare-approved Prospective Payment beds for inpatient services as reported in the Medicare cost reports for the most recent fiscal year for which the Administration has a complete set of Medicare cost reports for every rural hospital as determined as of the first of February of each year.

“Primary care GME program” means a graduate medical education program that prepares a physician for the practice of internal medicine, family medicine, pediatrics, obstetrics, geriatrics, or psychiatry.

“Procedure code” means the numeric or alphanumeric code listed in the CPT or HCPCS manual by which a procedure or service is identified.

“Prospective rates” means inpatient or outpatient hospital rates set by AHCCCS in advance of a payment period and representing full payment for covered services excluding any quick-pay discounts, slow-pay penalties, and first-and third-party payments regardless of billed charges or individual hospital costs.

“Public hospital” means a hospital that is owned and operated by county, state, or hospital health care district.

“Qualifying health information exchange organization” means a non-profit health information organization as defined in A.R.S. § 36-3801 that provides the statewide exchange of patient health information among disparate health care organizations and providers not owned, operated, or controlled by

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the health information exchange. A qualifying health information exchange organization must include representation by the administration on its board of directors, and have a significant number of health care participants, including hospitals, laboratories, payers, community physicians and Federally Qualified Health Centers.

“Rebase” means the process by which the most currently available and complete Medicare Cost Report data for a year and AHCCCS claim and encounter data for the same year are collected and analyzed to reset the Inpatient Hospital Tiered per diem rates, or the Outpatient Hospital Capped Fee-For-Service Schedule.

“Reinsurance” means a risk-sharing program provided by AHCCCS to contractors for the reimbursement of specified contract service costs incurred by a member beyond a certain monetary threshold.

“Remittance advice” means an electronic or paper document submitted to an AHCCCS-registered provider by AHCCCS to explain the disposition of a claim.

“Resident” means a physician engaged in postdoctoral training in an accredited graduate medical education program, including an intern and a physician who has completed the requirements for the physician’s eligibility for board certification.

“Revenue code” means a numeric code, that identifies a specific accommodation, ancillary service, or billing calculation, as defined by the National Uniform Billing committee for UB04 forms.

“Sub-acute services” means inpatient care for a patient with an acute illness, injury, or exacerbation of a disease process when the patient does not require acute inpatient hospitalization. Sub-acute care is rendered immediately after, or instead of, acute inpatient hospitalization.

“Specialty facility” means a facility where the service provided is limited to a specific population, such as rehabilitative services for children.

“Sponsoring institution” means the institution or entity that is recognized by the GME accrediting organization and designated as having ultimate responsibility for the assurance of academic quality and compliance with the terms of accreditation.

“Tier” means a grouping of inpatient hospital services into levels of care based on diagnosis, procedure, or revenue codes, peer group, NICU classification level, or any combination of these items.

“Tiered per diem” means an AHCCCS capped fee schedule in which payment is made on a per-day basis depending upon the tier (or tiers) into which an AHCCCS inpatient hospital day of care is assigned.

“Trip” means a one-way transport each time a taxi is called. If the taxi waits for the member, then the transport continues to be part of the one-way trip. If the taxi leaves and is called to pick up the member, that is considered a new one-way trip.

#### Historical Note

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-701 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-701 repealed,

new Section R9-22-701 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Section repealed; new Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 12 A.A.R. 2188, effective June 6, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 1782, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 13 A.A.R. 3190, effective October 1, 2007 (Supp. 07-3). Amended by exempt rulemaking at 13 A.A.R. 4032, effective November 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 1956, effective September 6, 2014; amended by exempt rulemaking at 20 A.A.R. 2755, effective January 1, 2015 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 28 A.A.R. 837 (April 29, 2022), with an immediate effective date of April 5, 2022 (Supp. 22-2).

**R9-22-701.01. Reserved**

**R9-22-701.02. Reserved**

**R9-22-701.03. Reserved**

**R9-22-701.04. Reserved**

**R9-22-701.05. Reserved**

**R9-22-701.06. Reserved**

**R9-22-701.07. Reserved**

**R9-22-701.08. Reserved**

**R9-22-701.09. Reserved**

#### **R9-22-701.10 Scope of the Administration’s and Contractor’s Liability**

The Administration shall bear no liability for providing covered services for any member beyond the date of termination of the member’s eligibility or during the member’s enrollment with a contractor. A contractor has no financial responsibility for services provided to a member beyond the last date of enrollment except as provided in Articles 2 and 5 of this Chapter and as specified in contract.

#### Historical Note

New Section made by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

#### **R9-22-702. Charges to Members**

- A.** For purposes of this subsection, the term “member” includes the member’s financially responsible representative as described under A.R.S. § 36-2903.01.
- B.** Registered providers must accept payment from the Administration or a contractor as payment in full.
- C.** Except as provided in subsection (D) a registered provider shall not request or collect payment from, refer to a collection agency, or report to a credit reporting agency an eligible person or a person claiming to be an eligible person.
- D.** An AHCCCS registered provider may charge, submit a claim to, or demand or collect payment from a member:
  - 1.** To collect the copayment described in R9-22-711;

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2. To recover from a member that portion of a payment made by a third party to the member for an AHCCCS covered service if the member has not transferred the payment to the Administration or the contractor as required by the statutory assignment of rights to AHCCCS;
  3. To obtain payment from a member for medical expenses incurred during a period when the member intentionally withheld information or intentionally provided inaccurate information pertaining to the member's AHCCCS eligibility or enrollment that caused payment to the provider to be reduced or denied;
  4. For a service that is excluded by statute or rule, or provided in an amount that exceeds a limitation in statute or rule, if the member signs a document in advance of receiving the service stating that the member understands the service is excluded or is subject to a limit and that the member will be financially responsible for payment for the excluded service or for the services in excess of the limit;
  5. When the contractor or the Administration has denied authorization for a service if the member signs a document in advance of receiving the service stating that the member understands that authorization has been denied and that the member will be financially responsible for payment for the service;
  6. For services requested for a member enrolled with a contractor, and rendered by a noncontracting provider under circumstances where the member's contractor is not responsible for payment of "out of network" services under R9-22-705(A), if the member signs a document in advance of receiving the service stating that the member understands the provider is out of network, that the member's contractor is not responsible for payment, and that the member will be financially responsible for payment for the excluded service;
  7. For services rendered to a person eligible for the FESP if the provider submits a claim to the Administration in the reasonable belief that the service is for treatment of an emergency medical condition and the Administration denies the claim because the service does not meet the criteria of R9-22-217; or
  8. If the provider has received verification from the Administration that the person was not an eligible person on the date of service.
- E.** The signature requirement of subsections (D)(4), (D)(5), and (D)(6) do not apply if:
1. The member is unable or incompetent to sign such a document, or
  2. When services are rendered for the purpose of treating an emergency medical condition as defined in R9-22-217 and a delay in providing treatment to obtain a signature would have a significant adverse affect on the member's health.
- F.** Except as provided for in this Section, registered providers shall not bill a member when the provider could have received reimbursement from the Administration or a contractor but for the provider's failure to file a claim in accordance with the requirements of AHCCCS statutes, rules, the provider agreement, or contract, such as, but not limited to, requirements to request and obtain prior authorization, timely filing, and clean claim requirements.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-702 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text identical to the emergency (Supp. 83-3). Former Section R9-22-702 repealed, new Section R9-22-702 adopted effective October 1, 1983 (Supp. 83-5). Amended by adding subsection (B) effective October 1, 1985 (Supp. 85-5). Amended by adding subsection (C) effective October 1, 1987 (Supp. 87-4). Amended effective April 13, 1990 (Supp. 90-2). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 3217, effective October 1, 2005 (Supp. 05-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3).

**R9-22-703. Payments by the Administration**

- A.** General requirements. A provider shall enter into a provider agreement with the Administration that meets the requirements of A.R.S. § 36-2904 and 42 CFR 431.107(b) as of October 1, 2012, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
- B.** Timely submission of claims.
1. Under A.R.S. § 36-2904, the Administration shall deem a paper claim to be submitted on the date that it is received by the Administration. An electronic claim is deemed received by the Administration when the claim enters the information processing system designated by the Administration for electronic claims in a form that is capable of being processed by the designated information processing system. The Administration shall do one or more of the following for each claim it receives:
    - a. Place a date stamp on the face of the claim,
    - b. Assign a system-generated claim reference number, or
    - c. Assign a system-generated date-specific number.
  2. Unless a shorter time period is specified in contract, the Administration shall not pay a claim for a covered service unless the claim is initially submitted within one of the following time limits, whichever is later:
    - a. Six months from the date of service or for an inpatient hospital claim, six months from the date of discharge; or
    - b. Six months from the date of eligibility posting.
  3. Unless a shorter time period is specified in contract, the Administration shall not pay a clean claim for a covered service unless the claim is submitted within one of the following time limits, whichever is later:
    - a. Twelve months from the date of service or for an inpatient hospital claim, 12 months from the date of discharge; or
    - b. Twelve months from the date of eligibility posting.
  4. Unless a shorter time period is specified in contract, the Administration shall not pay a claim submitted by an HIS



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or tribal facility for a covered service unless the claim is initially submitted within 12 months from the date of service, date of discharge, or eligibility posting, whichever is later.

**C. Claims processing.**

1. The Administration shall notify the AHCCCS-registered provider with a remittance advice when a claim is processed for payment.
2. The Administration shall reimburse a hospital for inpatient hospital admissions and outpatient hospital services rendered on or after March 1, 1993, as follows and in the manner and at the rate described in A.R.S. § 36-2903.01:
  - a. If the hospital bill is paid within 30 days from the date of receipt, the claim is paid at 99 percent of the rate.
  - b. If the hospital bill is paid between 30 and 60 days from the date of receipt, the claim is paid at 100 percent of the rate.
  - c. If the hospital bill is paid after 60 days from the date of receipt, the claim is paid at 100 percent of the rate plus a fee of one percent per month for each month or portion of a month following the 60th day of receipt of the bill until date of payment.
3. A claim is paid on the date indicated on the disbursement check.
4. A claim is denied as of the date of the remittance advice.
5. The Administration shall process a hospital claim under this Article.

**D. Prior authorization.**

1. An AHCCCS-registered provider shall:
  - a. Obtain prior authorization from the Administration for non-emergency hospital admissions, covered services as specified in Articles 2 and 12 of this Chapter, and for administrative days as described in R9-22-712.75,
  - b. Notify the Administration of hospital admissions under Article 2 of this Chapter, and
  - c. Make records available for review by the Administration upon request.
2. The Administration may deny a claim if the provider fails to comply with subsection (D)(1).
3. If the Administration issues prior authorization for an inpatient hospital admission, a specific service, or level of care but subsequent medical review indicates that the admission, the service, or level of care was not medically appropriate, the Administration shall adjust the claim payment.

**E. Review of claims and coverage for hospital supplies.**

1. The Administration may conduct prepayment and post-payment review of any claims, including but not limited to hospital claims.
2. Personal care items supplied by a hospital, including but not limited to the following, are not covered services:
  - a. Patient care kit,
  - b. Toothbrush,
  - c. Toothpaste,
  - d. Petroleum jelly,
  - e. Deodorant,
  - f. Septi soap,
  - g. Razor or disposable razor,
  - h. Shaving cream,
  - i. Slippers,
  - j. Mouthwash,
  - k. Shampoo,

- l. Powder,
- m. Lotion,
- n. Comb, and
- o. Patient gown.

3. The following hospital supplies and equipment, if medically necessary and used by the member, are covered services:
  - a. Arm board,
  - b. Diaper,
  - c. Underpad,
  - d. Special mattress and special bed,
  - e. Gloves,
  - f. Wrist restraint,
  - g. Limb holder,
  - h. Disposable item used instead of a durable item,
  - i. Universal precaution,
  - j. Stat charge, and
  - k. Portable charge.
4. The Administration shall determine in a hospital claims review whether services rendered were:
  - a. Covered services as defined in Article 2;
  - b. Medically necessary;
  - c. Provided in the most appropriate, cost-effective, and least restrictive setting; and
  - d. For claims with dates of admission on and after March 1, 1993, substantiated by the minimum documentation specified in A.R.S. § 36-2903.01.
5. If the Administration adjudicates a claim, a person may file a claim dispute challenging the adjudication under 9 A.A.C. 34.

**F. Overpayment for AHCCCS services.**

1. An AHCCCS-registered provider shall notify the Administration when the provider discovers the Administration made an overpayment.
2. The Administration shall recoup an overpayment from a future claim cycle if an AHCCCS-registered provider fails to return the overpaid amount to the Administration.
3. The Administration shall document any recoupment of an overpayment on a remittance advice.
4. An AHCCCS-registered provider may file a claim dispute under 9 A.A.C. 34 if the AHCCCS-registered provider disagrees with a recoupment action.

**G. For services subject to limitations or exclusions such as the number of hours, days, or visits covered as described in Article 2 of this Chapter, once the limit is reached the Administration will not reimburse the services.**

**H. Prior quarter reimbursement. A provider shall:**

1. Bill the Administration for services provided during a prior quarter eligibility period upon verification of eligibility or upon notification from a member of AHCCCS eligibility.
2. Reimburse a member when payment has been received from the Administration for covered services during a prior quarter eligibility period. All funds paid by the member shall be reimbursed.
3. Accept payment received by the Administration as payment in full.

**I. Payment for in-state inpatient hospital services for claims with discharge dates on or before September 30, 2014. The Administration shall reimburse an in-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, the prospective tiered-per-diem amount in A.R.S. § 36-2903.01 and this Article.**

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- J. Payment for out-of-state inpatient hospital services for claims with discharge dates on or before September 30, 2014. The Administration shall reimburse an out-of-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, for covered inpatient services by multiplying covered charges by the most recent statewide urban cost-to-charge ratio as determined in R9-22-712.01(6)(b).
- K. Payment for inpatient hospital services for claims with discharge dates on and after October 1, 2014 regardless of admission date. The Administration shall reimburse an in-state or out-of-state provider of inpatient hospital services rendered with a discharge date on or after October 1, 2014, the DRG rate established by the Administration.
- L. The Administration may enter into contracts for the provisions of transplant services.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R-22-703 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-703 repealed, new Section R9-22-703 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsection (B), paragraph (1) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (A) effective September 16, 1987 (Supp. 87-3). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3309, November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 27 A.A.R. 237, effective April 4, 2021 (Supp. 21-1).

**R9-22-704. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-704 adopted as an emergency now adopted and amended as a permanent rule effective August 30 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Amended subsection A., Paragraph 2. effective October 1, 1985 (Supp. 85-5). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

**R9-22-705. Payments by Contractors**

- A. General requirements. A contractor shall contract with providers to provide covered services to members enrolled with the

contractor. The contractor is responsible for reimbursing providers and coordinating care for services provided to a member. Except as provided in subsection (A)(2), a contractor is not required to reimburse a noncontracting provider for services rendered to a member enrolled with the contractor.

1. Providers. A provider shall enter into a provider agreement with the Administration that meets the requirements of A.R.S. § 36-2904 and 42 CFR 431.107(b) as of March 6, 1992, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
2. A contractor shall reimburse a noncontracting provider for services rendered to a member enrolled with the contractor as specified in this Article if:
  - a. The contractor referred the member to the provider or authorized the provider to render the services and the claim is otherwise payable under this Chapter, or
  - b. The service is emergent under Article 2 of this Chapter.

**B. Timely submission of claims.**

1. Under A.R.S. § 36-2904, a contractor shall deem a paper or electronic claim as submitted on the date that the claim is received by the contractor. The contractor shall do one or more of the following for each claim the contractor receives:
  - a. Place a date stamp on the face of the claim,
  - b. Assign a system-generated claim reference number, or
  - c. Assign a system-generated date-specific number.
2. Unless a shorter time period is specified in subcontract, a contractor shall not pay a claim for a covered service unless the claim is initially submitted within one of the following time limits, whichever is later:
  - a. Six months from the date of service or for an inpatient hospital claim, six months from the date of discharge; or
  - b. Six months from the date of eligibility posting.
3. Unless a shorter time period is specified in subcontract, a contractor shall not pay a claim for a covered service unless the claim is submitted within one of the following time limits, whichever is later:
  - a. Twelve months from the date of service or for an inpatient hospital claim, 12 months from the date of discharge; or
  - b. Twelve months from the date of eligibility posting.

**C. Date of claim.**

1. A contractor's date of receipt of an inpatient or an outpatient hospital claim is the date the claim is received by the contractor as indicated by the date stamp on the claim, the system-generated claim reference number, or the system-generated date-specific number assigned by the contractor.
2. A hospital claim is considered paid on the date indicated on the disbursement check.
3. A denied hospital claim is considered adjudicated on the date of the claim's denial.
4. For a claim that is pending for additional supporting documentation specified in A.R.S. § 36-2903.01 or 36-2904, the contractor shall assign a new date of receipt upon receipt of the additional documentation.

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5. For a claim that is pending for documentation other than the minimum required documentation specified in either A.R.S. § 36-2903.01 or 36-2904, the contractor shall not assign a new date of receipt.
6. A contractor and a hospital may, through a contract approved as specified in R9-22-715, adopt a method for identifying, tracking, and adjudicating a claim that is different from the method described in this subsection.
- D. Payment for in-state inpatient hospital services for claims with discharge dates on or before September 30, 2014. A contractor shall reimburse an in-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, at either a rate specified by subcontract or, in absence of the subcontract, the prospective tiered-per-diem amount in A.R.S. § 36-2903.01 and this Article. Subcontract rates, terms, and conditions are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715. This subsection does not apply to an urban contractor as specified in R9-22-718 and A.R.S. § 36-2905.01.
- E. Payment for Inpatient out-of-state hospital payments for claims with discharge dates on or before September 30, 2014. In the absence of a contract with an out-of-state hospital that specifies payment rates, a contractor shall reimburse out-of-state hospitals for covered inpatient services by multiplying covered charges by the most recent statewide urban cost-to-charge ratio as determined in R9-22-712.01(6)(b).
- F. Payment for inpatient hospital services for claims with discharge dates on and after October 1, 2014 regardless of admission date. Subject to R9-22-718 and A.R.S. § 36-2905.01 regarding urban hospitals, a contractor shall reimburse an in-state or out-of-state provider of inpatient hospital services, at either a rate specified by subcontract or, in absence of a subcontract, the DRG rate established by the Administration and this Article. Subcontract rates, terms, and conditions are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
- G. Payment for in-state outpatient hospital services.
 

A contractor shall reimburse an in-state provider of outpatient hospital services rendered on or after July 1, 2005, at either a rate specified by a subcontract or, in absence of a subcontract, as provided under R9-22-712.10, A.R.S. § 36-2903.01 and other Sections of this Article. The terms of the subcontract are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
- H. Outpatient out-of-state hospital payments. In the absence of a contract with an out-of-state hospital that specifies payment rates, a contractor shall reimburse out-of-state hospitals for covered outpatient services by applying the methodology described in R9-22-712.10 through R9-22-712.50. If the outpatient procedure is not assigned a fee schedule amount, the contractor shall pay the claim by multiplying the covered charges for the outpatient services by the statewide outpatient cost-to-charge ratio.
- I. Payment for observation days. A contractor shall reimburse a provider and a noncontracting provider for the provision of observation days at either a rate specified by subcontract or, in the absence of a subcontract, as prescribed under R9-22-712, R9-22-712.10, and R9-22-712.45.
- J. Review of claims and coverage for hospital supplies.
  1. A contractor may conduct a review of any claims submitted and recoup any payments made in error.
  2. A hospital shall obtain prior authorization from the appropriate contractor for nonemergency admissions. When issuing prior authorization, a contractor shall consider the medical necessity of the service, and the availability and cost effectiveness of an alternative treatment. Failure to obtain prior authorization when required is cause for nonpayment or denial of a claim. A contractor shall not require prior authorization for medically necessary services provided during any prior period for which the contractor is responsible. If a contractor and a hospital agree to a subcontract, the parties shall abide by the terms of the subcontract regarding utilization control activities. A hospital shall cooperate with a contractor's reasonable activities necessary to perform concurrent review and shall make the hospital's medical records pertaining to a member enrolled with a contractor available for review.
3. Regardless of prior authorization or concurrent review activities, a contractor may make prepayment or post-payment review of all claims, including but not limited to a hospital claim. A contractor may recoup an erroneously paid claim. If prior authorization was given for an inpatient hospital admission, a specific service, or level of care but subsequent medical review indicates that the admission, the service, or level of care was not medically appropriate, the contractor shall adjust the claim payment.
4. A contractor and a hospital may enter into a subcontract that includes hospital claims review criteria and procedures if the subcontract meets the requirements of R9-22-715.
5. Personal care items supplied by a hospital, including but not limited to the following, are not covered services:
  - a. Patient care kit,
  - b. Toothbrush,
  - c. Toothpaste,
  - d. Petroleum jelly,
  - e. Deodorant,
  - f. Septi soap,
  - g. Razor,
  - h. Shaving cream,
  - i. Slippers,
  - j. Mouthwash,
  - k. Disposable razor,
  - l. Shampoo,
  - m. Powder,
  - n. Lotion,
  - o. Comb, and
  - p. Patient gown.
6. The following hospital supplies and equipment, if medically necessary and used by the member, are covered services:
  - a. Arm board,
  - b. Diaper,
  - c. Underpad,
  - d. Special mattress and special bed,
  - e. Gloves,
  - f. Wrist restraint,
  - g. Limb holder,
  - h. Disposable item used instead of a durable item,
  - i. Universal precaution,
  - j. Stat charge, and
  - k. Portable charge.
7. The contractor shall determine in a hospital claims review whether services rendered were:
  - a. Covered services as defined in R9-22-201;
  - b. Medically necessary;

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- c. Provided in the most appropriate, cost-effective, and least restrictive setting; and
  - d. For claims with dates of admission on and after March 1, 1993, substantiated by the minimum documentation specified in A.R.S. § 36-2904.
- 8. If a contractor adjudicates a claim or recoups payment for a claim, a person may file a claim dispute challenging the adjudication or recoupment as described under 9 A.A.C. 34.
- K. Non-hospital claims. A contractor shall pay claims for non-hospital services in accordance with contract, or in the absence of a contract, at a rate not less than the Administration's capped fee-for-service schedule or at a lower rate if negotiated between the two parties.
- L. Payments to hospitals. A contractor shall pay for inpatient hospital admissions and outpatient hospital services rendered on or after March 1, 1993, as follows and as described in A.R.S. § 36-2904:
  - 1. If the hospital bill is paid within 30 days from the date of receipt, the claim is paid at 99 percent of the rate.
  - 2. If the hospital bill is paid between 30 and 60 days from the date of receipt, the claim is paid at 100 percent of the rate.
  - 3. If the hospital bill is paid after 60 days from the date of receipt, the claim is paid at 100 percent of the rate plus a 1 percent penalty of the rate for each month or portion of the month following the 60th day of receipt of the bill until date of payment.
- M. Interest payment. In addition to the requirements in subsection (L), a contractor shall pay interest for late claims as defined by contract.
- N. For services subject to limitations or exclusions such as the number of hours, days, or visits covered as described in Article 2 of this Chapter, once the limit is reached the Administration will not reimburse the services.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-705 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text of the amended rule identical to emergency (Supp. 83-3). Former Section R9-22-705 repealed, new Section R9-22-705 adopted effective October 1, 1983 (Supp. 83-5). Amended as an emergency effective October 25, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Permanent amendment adopted effective February 1, 1985 (Supp. 85-1). Amended effective October 1, 1985 (Supp. 85-5). Amended subsection (C) effective October 1, 1986 (Supp. 86-5). Amended subsection (C) effective October 1, 1987; amended subsection (C) effective December 22, 1987 (Supp. 87-4). Amended subsections (A) and (C) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 5 A.A.R. 867, effective

March 4, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-706. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-706 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-706 repealed, new Section R9-22-706 adopted effective October 1, 1983 (Supp. 83-5). Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Amended as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Amended as an emergency effective October 25, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Permanent amendment adopted effective February 1, 1985 (Supp. 85-1). Amended effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended subsections (A), (D), (E), (F), and (G) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (F) effective December 22, 1987 (Supp. 87-4). Amended subsections (A) and (F) effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 10 A.A.R. 4656, effective January 1, 2005 (Supp. 04-4).

**R9-22-707. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-707 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Repealed as a permanent action effective May 16, 1983 (Supp. 83-3). New Section R9-22-707 adopted effective October 1, 1983 (Supp. 83-5). Adopted as an emergency effective May 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Adopted as an emergency effective August 16, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Former Section R9-22-707 repealed, new Section R9-22-707 adopted effective October 1, 1985 (Supp. 85-5). Former Section R9-22-707 repealed, new Section R9-22-707 adopted effective October 1, 1986 (Supp. 86-5). Amended subsection (A) effective October 1, 1987 (Supp. 87-4). Amended effective September 29, 1992 (Supp. 92-3). Amended

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effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

**R9-22-708. Payments for Services Provided to Eligible American Indians**

- A. For purposes of this Article "IHS enrolled" or "enrolled with IHS" means an American Indian who has elected to receive covered services through IHS instead of a contractor.
- B. For an American Indian who is enrolled with IHS, AHCCCS shall pay IHS the most recent all-inclusive inpatient, outpatient or ambulatory surgery rates published by Health and Human Services (HHS) in the *Federal Register*, or a separately contracted rate with IHS, for AHCCCS-covered services provided in an IHS facility. AHCCCS shall reimburse providers for the Medicare coinsurance and deductible amounts required to be paid by the Administration or contractor in A.A.C. Chapter 29, Article 3 of this Title.
- C. When IHS refers an American Indian enrolled with IHS to a provider other than an IHS or tribal facility, the provider to whom the referral is made shall obtain prior authorization from AHCCCS for services as required under Articles 2, 7 or 12 of this Chapter.
- D. For an American Indian enrolled with a contractor, AHCCCS shall pay the contractor a monthly capitation payment.
- E. Once an American Indian enrolls with a contractor, AHCCCS shall not reimburse any provider other than IHS or a Tribal facility.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-708 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-708 repealed, new Section R9-22-708 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-708 renumbered and amended as Section R9-22-709, new Section R9-22-708 adopted effective October 1, 1985 (Supp. 85-5). Amended effective October 1, 1986 (Supp. 86-5). Amended by final rulemaking at 10 A.A.R. 4656, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-709. Contractor's Liability to Hospitals for the Provision of Emergency and Post-stabilization Care**

A contractor is liable for emergency hospitalization and post-stabilization care as described in R9-22-210 and R9-22-210.01.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-709 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-709 repealed, new Section R9-22-709 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-709 renumbered and amended as Section R9-22-713, former Section R9-22-708 renumbered and amended as Section R9-22-709 effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 8 A.A.R.

424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-710. Payments for Non-hospital Services**

- A. Capped fee-for-service. The Administration shall provide notice of changes in methods and standards for setting payment rates for services in accordance with 42 CFR 447.205, December 19, 1983, incorporated by reference and on file with the Administration and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
  - 1. Non-contracted services. In the absence of a contract that specifies otherwise, a contractor shall reimburse a provider or noncontracting provider for non-hospital services according to the Administration's capped-fee-for-service schedule.
  - 2. Procedure codes. The Administration shall maintain a current copy of the National Standard Code Sets mandated under 45 CFR 160 (October 1, 2004) and 45 CFR 162 (October 1, 2004), incorporated by reference and on file with the Administration and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
    - a. A person shall submit an electronic claim consistent with 45 CFR 160 (October 1, 2004) and 45 CFR 162 (October 1, 2004).
    - b. A person shall submit a paper claim using the National Standard Code Sets as described under 45 CFR 160 (October 1, 2004) and 45 CFR 162 (October 1, 2004).
    - c. The Administration may deny a claim for failure to comply with subsection (A) (2) (a) or (b).
  - 3. Fee schedule. The Administration shall pay providers, including noncontracting providers, at the lesser of billed charges or the capped fee-for-service rates specified in subsections (A)(3)(a) through (A)(3)(d) unless a different fee is specified in a contract between the Administration and the provider, or is otherwise required by law.
    - a. Physician services. Fee schedules for payment for physician services are on file at the central office of the Administration for reference use during customary business hours.
    - b. Dental services. Fee schedules for payment for dental services are on file at the central office of the Administration for reference use during customary business hours.
    - c. Transportation services. Fee schedules for payment for transportation services are on file at the central office of the Administration for reference use during customary business hours. For dates of service beginning:

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- i. October 1, 2012 through September 30, 2013, the Administration and its contractors shall reimburse ambulance services at 68.59 percent of the ADHS rates that are in effect as of August 2, 2012.
  - ii. October 1, 2013 through September 30, 2014, the Administration and its contractors shall reimburse ambulance services at 68.59 percent of the ADHS rates that are in effect as of August 2, 2013.
  - iii. October 1, 2014 through September 30, 2015, the Administration and its contractors shall reimburse ambulance services at 74.74 percent of the ADHS rates that are in effect as of August 2, 2014.
- d. Medical supplies and durable medical equipment (DME). Fee schedules for payment for medical supplies and DME are on file at the central office of the Administration for reference use during customary business hours. The Administration shall reimburse a provider once for purchase of DME during any two-year period, unless the Administration determines that DME replacement within that period is medically necessary for the member. Unless prior authorized by the Administration, no more than one repair and adjustment of DME shall be reimbursed during any two-year period.
- B. Pharmacy services.** The Administration shall not reimburse pharmacy services unless the services are provided by a pharmacy having a subcontract with a Pharmacy Benefit Manager (PBM) contracted with AHCCCS. Except as specified in subsection (C), the Administration shall reimburse pharmacy services according to the terms of the contract.
- C. FQHC Pharmacy reimbursement.**
  - 1. For purposes of this Section the following terms are defined:
    - a. "340B Drug Pricing Program" means the discount drug purchasing program described in 42 U.S.C 256b.
    - b. "340B Ceiling Price" means the maximum price that drug manufacturers can charge covered entities participating in the 340B Drug Pricing Program as reported by the drug manufacturer to HRSA.
    - c. "340B entity" means a covered entity, eligible to participate in the 340B Drug Pricing Program, as defined by the Health Resources and Human Services Administration.
    - d. "Actual Acquisition Cost (AAC)" means the purchase price of a drug paid by a pharmacy net of discounts, rebates, chargebacks and other adjustments to the price of the drug. The AAC excludes dispensing fees.
    - e. "Contracted Pharmacy" means an arrangement through which a 340B entity may contract with an outside pharmacy to provide comprehensive pharmacy services utilizing medications subject to 340B pricing.
    - f. "Dispensing Fee" means the amount paid for the professional services provided by the pharmacist for dispensing a prescription. The Dispensing Fee does not include any payment for the drugs being dispensed.
    - g. "Federally Qualified Health Center" means a public or private non-profit health care organization that has been identified by HRSA and certified by CMS as meeting the criteria under sections 1861(aa)(4) and 1905(l)(2)(B) of the Social Security Act and receives funds under section 330 of the Public Health Service Act.
    - h. "Federally Qualified Health Center Look-Alike" means a public or private non-profit health care organization that has been identified by HRSA and certified by CMS as meeting the definition of "health center" under section 330 of the Public Health Service Act, but does not receive grant funding under section 330.
    - i. "FQHC or FQHC Look-Alike pharmacy" means a pharmacy that dispenses drugs to FQHC or FQHC-LA patients and that is owned and/or operated by an FQHC/FQHC-LA or by an entity that reports the costs of an FQHC/FQHC-LA on its Medicare Cost Report, whether or not collocated with an FQHC or an FQHC Look-Alike.
  - 2. Effective the later of February 1, 2012, or CMS approval of a State Plan Amendment, an FQHC or FQHC Look-Alike shall:
    - a. Notify the AHCCCS provider registration unit of its status as a 340B covered entity no later than:
      - i. 30 days after the effective date of this Section;
      - ii. 30 days after registration with the Health Resources and Services Administration (HRSA) for participation in the 340B program, or
      - iii. The time of application to become an AHCCCS provider.
    - b. Provide the 340B pricing file to the AHCCCS Administration upon request. The 340B pricing file shall be provided in the file format as defined by AHCCCS.
    - c. Identify 340B drug claims submitted to the AHCCCS FFS PBM or the Managed Care Contractors' PBMs for reimbursement. The 340B drug claim identification and claims processing for a drug claim submission shall be consistent with claim instructions issued and required by AHCCCS to identify such claims.
  - 3. The FQHC and the FQHC Look-Alike pharmacies shall submit claims for AHCCCS members for drugs that are identified in the 340B pricing file, whether or not purchased under the 340B pricing file, with the lesser of:
    - a. The actual acquisition cost, or
    - b. The 340B ceiling price.
  - 4. The AHCCCS Fee-for-Service and Managed Care Contractors' PBMs shall reimburse claims for drugs which are identified in the 340B pricing file dispensed by FQHC and FQHC Look -Alike pharmacies, whether or not purchased under the 340B pricing file, at the amount submitted under subsection (C)(3) plus a dispensing fee listed in the AHCCCS Capped Fee-For-Service Schedule unless a contract between the 340B entity and a Managed Care Contractor's PBM specifies a different dispensing fee.
  - 5. Contracted pharmacies shall not submit claims for drugs dispensed under an agreement with the 340B entity as part of the 340B drug pricing program, and the AHCCCS Administration and Managed Care Contractors shall not reimburse such claims.
  - 6. The AHCCCS Administration and Managed Care Contractors shall reimburse contracted pharmacies for drugs

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not dispensed under an agreement with the 340B entity as part of the 340B program at the price and dispensing fee set forth in the contract between the contracted pharmacy and the AHCCCS or its Managed Care Contractors' PBMs. Neither the Administration nor its Managed Care Contractors will reimburse a contracted pharmacy that does not have a contract with the Administration or MCO's PBM.

7. The AHCCCS Administration and its Managed Care Contractors shall reimburse FQHC and FCHC Look-Alike pharmacies for drugs that are not eligible under the 340B Drug Pricing Program at the price and dispensing fee set forth in their contract with the AHCCCS or its Managed Care Contractors' PBMs.
8. AHCCCS may periodically conduct audits to ensure compliance with this Section.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-710 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Amended as a permanent rule effective May 16, 1983; text of amended rule identical to emergency (Supp. 83-3). Former Section R9-22-710 repealed, new Section R9-22-710 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985. The capped fee-for-service schedules, deleted from Section R9-22-710, are now on file at the central office of the Administration (Supp. 85-5). Amended subsections (B) through (D) effective October 1, 1986 (Supp. 86-5). Amended subsection (B) effective July 1, 1988 (Supp. 88-3). Amended subsection (B) effective April 27, 1989 (Supp. 89-2). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective December 13, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 3830, effective November 12, 2005 (Supp. 05-3). Amended by exempt rulemaking at 18 A.A.R. 212, effective February 1, 2012 (Supp. 12-1). Amended by exempt rulemaking at 18 A.A.R. 1971, effective August 1, 2012 (Supp. 12-3). Amended by exempt rulemaking at 18 A.A.R. 2630, effective October 1, 2012 (Supp. 12-4). Amended by final rulemaking at 19 A.A.R. 1681, effective August 9, 2013 (Supp. 13-2). Amended by exempt rulemaking at 19 A.A.R. 3525, effective October 18, 2013 (Supp. 13-4)

**R9-22-711. Copayments****A.** For purposes of this Article:

1. A copayment is a monetary amount that a member pays directly to a provider at the time a covered service is rendered.
2. An eligible individual is assigned to a hierarchy established in subsections (B) through (E), for the purposes of establishing a copayment amount.
3. No refunds shall be made for a retroactive period if there is a change in an individual's status that alters the amount of a copayment.

**B.** The following services are exempt from AHCCCS copayments for all members:

1. Family planning services and supplies,

2. Services related to a pregnancy or any other medical condition that may complicate the pregnancy, including tobacco cessation treatment for a pregnant woman,
3. Emergency services as described in 42 CFR 447.56(2)(i),
4. All services paid on a fee-for-service basis,
5. Preventive services, such as well visits, immunizations, pap smears, colonoscopies, and mammograms,
6. Provider preventable services.

**C.** The following individuals are exempt from AHCCCS copayments:

1. An individual under age 19, including individuals eligible for the KidsCare Program in A.R.S. § 36-2982;
2. An individual determined to be Seriously Mentally Ill (SMI) by the Arizona Department of Health Services;
3. An individual eligible for the Arizona Long-Term Care Program in A.R.S. § 36-2931;
4. An individual eligible for QMB under Chapter 29;
5. An individual eligible for the Children's Rehabilitative Services program under A.R.S. § 36-2906(E);
6. An individual receiving nursing facility or HCBS services under R9-22-216;
7. An individual receiving hospice care as defined in 42 U.S.C. 1396d(o);
8. An American Indian individual enrolled in a health plan and has received services through an IHS facility, tribal 638 facility or urban Indian health program;
9. An individual eligible in the Breast and Cervical Cancer program as described under Article 20;
10. An individual who is pregnant including the postpartum period which is the last day of the month in which the 60th day following the date the pregnancy ends;
11. An individual with respect to whom child welfare services are made available under Part B of Title IV of the Social Security Act on the basis of being a child in foster care, without regard to age;
12. An individual with respect to whom adoption or foster care assistance is made available under Part E of Title IV of the Social Security Act, without regard to age; and
13. An adult eligible under R9-22-1427(E), with income at or below 106% of the FPL.

**D.** Non-mandatory copayments. Unless otherwise listed in subsection (B) or (C), individuals under subsections (D)(1) through (6) are subject to the copayments listed in this subsection. A provider shall not deny a service when a member states to the provider an inability to pay a copayment.

1. A caretaker relative eligible under R9-22-1427(A);
2. An individual eligible for Young Adult Transitional Insurance (YATI) in A.R.S. § 36-2901(6)(a)(iii);
3. An individual eligible for State Adoption Assistance in R9-22-1433;
4. An individual eligible for Supplemental Security Income (SSI);
5. An individual eligible for SSI Medical Assistance Only (SSI/MAO) in Article 15; and
6. An individual eligible for the Freedom to Work program in A.R.S. § 36-2901(6)(g).
7. Copayment amount per service:
  - a. \$2.30 per prescription drug.
  - b. \$3.40 per outpatient visit, excluding an emergency room visit, if any of the services rendered during the visit are coded as evaluation and management services or non-emergent surgical procedures according to the National Standard Code Sets. An outpatient visit includes any setting where these services are

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performed such as a physician's office, an Ambulatory Surgical Center (ASC), or a clinic.

- c. \$2.30 per visit, if a copayment is not being imposed under subsection (D)(7)(b) and any of the services rendered during the visit are coded as physical, occupational or speech therapy services according to the National Standard Code Sets.

**E. Mandatory copayments.**

1. Copayments for individuals eligible for Transitional Medical Assistance (TMA) under R9-22-1427(B)(1)(c)(i). Unless otherwise listed in subsection (C), an individual is required to pay the following copayments for prescription drugs and outpatient services unless the service is provided during an emergency room visit or the service is otherwise exempt under subsection (B). An outpatient visit includes any setting where these outpatient services are performed such as, an outpatient hospital, a physician's provider's office, HCBS setting, an Ambulatory Surgical Center (ASC), or a clinic:
  - a. \$2.30 per prescription drug.
  - b. \$4.00 per outpatient visit, if any of the services rendered during the visit are coded as evaluation and management services according to the National Standard Code Sets.
  - c. If a copayment is not being imposed under subsection (E)(1)(b), \$3.00 per visit if any of the services rendered during the visit are coded as physical, occupational or speech therapy services according to the National Standard Code Sets.
  - d. If a copayment is not being imposed under subsection (E)(1)(b) or (c), \$3.00 per visit, if any of the services rendered during the visit are coded as non-emergent surgical procedures according to the National Standard Code Sets.

2. Copayments for persons eligible under R9-22-1427(E) with income above 106% of the FPL and for persons eligible under A.R.S. §§ 36-2907.10 and 36-2907.11. Subject to CMS approval, unless otherwise listed in subsection (C), these individuals are required to pay the following copayments for prescription drugs and outpatient services unless the service is provided during an emergency room visit or the service is otherwise exempt under subsection (B). An outpatient visit includes any setting where these outpatient services are performed such as, an outpatient hospital, a physician's provider's office, HCBS setting, an Ambulatory Surgical Center (ASC), or a clinic:
  - a. \$4.00 per prescription drug.
  - b. \$5.00 per outpatient visit when the AHCCCS fee schedule for the visit code is a rate from \$50 to less than \$100, if any of the services rendered during the visit are coded as evaluation and management services according to the National Standard Code Sets.
  - c. \$10.00 per outpatient visit when the AHCCCS fee schedule for the visit code is a rate of \$100 or greater, if any of the services rendered during the visit are coded as evaluation and management services according to the National Standard Code Sets.
  - d. If a copayment is not being imposed under subsection (E)(2)(b) or (E)(2)(c), for services coded as physical, occupational or speech therapy services according to the National Standard Code Sets.
    - i. \$2.00 if the rate on the fee schedule is \$20 to \$39.99,

- ii. \$4.00 if the rate on the fee schedule is \$40 to \$49.99, or
- iii. \$5.00 if the rate on the fee schedule is \$50 and above per visit.

- e. If a copayment is not being imposed under subsection (E)(2)(b) –(E)(2)(d), for services coded as non-emergent surgical procedures according to the National Standard Code Sets,
  - i. \$30.00 if the rate on the fee schedule is \$300 to \$499.99, or
  - ii. \$50.00 if the rate on the fee schedule is \$500 and above per visit.

- f. Unless the individual is otherwise exempt in subsection (C) or the service is exempted under subsection (B) the individual is required to pay \$2.00 per trip for non-emergency transportation in an urban area.

- g. Unless the individual is otherwise exempt in subsection (C) or the service is exempted under subsection (B) the individual is required to pay \$8.00 for non-emergency use of the emergency room.

- h. Unless the individual is otherwise exempt in subsection (C) or the service is exempted under subsection (B) the individual is required to pay \$75 for an Inpatient stay.

3. The provider may deny a service if the member does not pay the copayment required by subsection (E), however, a provider may choose to reduce or waive copayments under this subsection on a case-by-case basis.

- F.** A provider is responsible for collecting any copayment imposed under this Section.

- G.** The total aggregate amount of copayments under subsections (D) or (E) may not exceed 5% of the family's income as applied on a quarterly basis. The member may establish that the aggregate limit has been met on a quarterly basis by providing the Administration with records of copayments incurred during the quarter. In addition, the Administration shall also use claims and encounters information available to the Administration to establish when a member's copayment obligation has reached 5% of the family's income.

- H.** Reduction in payments to providers. The Administration and its contractors shall reduce the payment it makes to any provider by the amount of a member's copayment obligation under subsection (E), regardless of whether the provider successfully collects the copayments described in this Section.

**Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Sections R9-22-711 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-711 repealed, new Section R9-22-711 adopted effective October 1, 1983 (Supp. 83-5). Amended effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by exempt rulemaking at 9 A.A.R. 4557, effective October 1, 2003 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 2194, effective May 3, 2004



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(Supp. 04-2). Amended by exempt rulemaking at 10 A.A.R. 4266, effective October 1, 2004 (Supp. 04-3). Amended by final rulemaking at 16 A.A.R. 1449, effective October 1, 2010 (Supp. 10-3). Section amended by exempt rulemaking at 18 A.A.R. 461, effective April 1, 2012 (Supp. 12-1). Section amended by final rulemaking at 19 A.A.R. 2954, effective November 11, 2013 (Supp. 13-3). Amended by exempt rulemaking at 20 A.A.R. 128, effective December 30, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 2755, effective January 1, 2015 (Supp. 14-3). Amended by final rulemaking at 29 A.A.R. 1866 (August 25, 2023), with an immediate effective date of August 1, 2023 (Supp. 23-3).

*Editor's Note: The following Section was adopted and amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-712. Reimbursement: General**

- A. Inpatient and outpatient discounts and penalties. If a claim is pending for additional documentation required under A.R.S. § 36-2903.01(G)(4), the period during which the claim is pending is not used in the calculation of the quick-pay discounts and slow-pay penalties under A.R.S. § 36-2903.01(G)(5).
- B. Inpatient and outpatient in-state or out-of-state hospital payments.
  1. Payment for inpatient out-of-state hospital services for claims with discharge dates on or before September 30, 2014. In the absence of a contract with an out-of-state hospital that specifies payment rates, AHCCCS shall reimburse out-of-state hospitals for covered inpatient services by multiplying covered charges by the most recent statewide urban cost-to-charge ratio as determined in R9-22-712.01(6)(d).
  2. Payment for inpatient in-state hospital services for claims with discharge dates on or before September 30, 2014. AHCCCS shall reimburse an in-state provider of inpatient hospital services rendered with a discharge date on or before September 30, 2014, at the prospective tiered-per-diem amount in A.R.S. § 36-2903.01 and this Article.
  3. Payment for inpatient in-state or out-of-state hospital services for claims with discharge dates on and after October 1, 2014 regardless of admission date. Subject to R9-22-718 and A.R.S. § 36-2905.01 regarding urban hospitals, a contractor shall reimburse an in-state or out-of-state provider of inpatient hospital services, at either a rate specified by subcontract or, in the absence of a subcontract, the DRG rate established by the Administration and this Article. Subcontract rates, terms, and conditions are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
  4. Outpatient out-of-state hospital payments. In the absence of a contract with an out-of-state hospital that specifies payment rates, AHCCCS shall reimburse an out-of-state hospital for covered outpatient services by applying the methodology described in R9-22-712.10 through R9-22-712.50. If the outpatient procedure is not assigned a fee schedule amount, the Administration shall pay the claim by multiplying the covered charges for the outpatient services by the statewide outpatient cost-to-charge ratio.
5. Outpatient in-state hospital payments. A contractor shall reimburse an in-state provider of outpatient hospital services rendered on or after July 1, 2005, at either a rate specified by a subcontract or, in absence of a subcontract, as provided under R9-22-712.10, A.R.S. § 36-2903.01 and other Sections of this Article. The terms of the subcontract are subject to review and approval or disapproval under A.R.S. § 36-2904 and R9-22-715.
- C. Access to records. Subcontracting and noncontracting providers of outpatient or inpatient hospital services shall allow the Administration access to medical records regarding eligible persons and shall in all other ways fully cooperate with the Administration or the Administration's designated representative in performance of the Administration's utilization control activities. The Administration shall deny a claim for failure to cooperate.
- D. Prior authorization. The Administration or contractor may deny a claim if a provider fails to obtain prior authorization as required under R9-22-210.
- E. Review of claims. Regardless of prior authorization or concurrent review activities, the Administration may subject all hospital claims, including outliers, to prepayment medical review or post-payment review, or both. The Administration shall conduct post-payment reviews consistent with A.R.S. § 36-2903.01 and may recoup erroneously paid claims.
- F. Claim receipt.
  1. The Administration's date of receipt of inpatient or outpatient hospital claims is the date the claim is received by the Administration as indicated by the date stamp on the claim and the system-generated claim reference number or system-generated date-specific number.
  2. Hospital claims are considered paid on the date indicated on disbursement checks.
  3. A denied claim is considered adjudicated on the date the claim is denied.
  4. Claims that are denied and are resubmitted are assigned new receipt dates.
  5. For a claim that is pending for additional supporting documentation specified in A.R.S. § 36-2903.01 or 36-2904, the Administration shall assign a new date of receipt upon receipt of the additional documentation.
  6. For a claim that is pending for documentation other than the minimum required documentation specified in either A.R.S. § 36-2903.01 or 36-2904, the Administration shall not assign a new date of receipt.
- G. Outpatient hospital reimbursement. The Administration shall pay for covered outpatient hospital services provided to eligible persons with dates of service from March 1, 1993 through June 30, 2005, at the AHCCCS outpatient hospital cost-to-charge ratio, multiplied by the amount of the covered charges.
  1. Computation of outpatient hospital reimbursement. The Administration shall compute the cost-to-charge ratio on a hospital-specific basis by determining the covered charges and costs associated with treating eligible persons in an outpatient setting at each hospital. Outpatient operating and capital costs are included in the computation but outpatient medical education costs that are included in the inpatient medical education component are excluded. To calculate the outpatient hospital cost-to-charge ratio annually for each hospital, the Administration shall use each hospital's Medicare Cost Reports and a database consisting of outpatient hospital claims paid

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and encounters processed by the Administration for each hospital, subjecting both to the data requirements specified in R9-22-712.01. The Administration shall use the following methodology to establish the outpatient hospital cost-to-charge ratios:

- a. Cost-to-charge ratios. The Administration shall calculate the costs of the claims and encounters for outpatient hospital services by multiplying the ancillary line item cost-to-charge ratios by the covered charges for corresponding revenue codes on the claims and encounters. Each hospital shall provide the Administration with information on how the revenue codes used by the hospital to categorize charges on claims and encounters correspond to the ancillary line items on the hospital's Medicare Cost Report. The Administration shall then compute the overall outpatient hospital cost-to-charge ratio for each hospital by taking the average of the ancillary line items cost-to-charge ratios for each revenue code weighted by the covered charges.
  - b. Cost-to-charge limit. To comply with 42 CFR 447.325, the Administration may limit cost-to-charge ratios to 1.00 for each ancillary line item from the Medicare Cost Report. The Administration shall remove ancillary line items that are non-covered or not applicable to outpatient hospital services from the Medicare Cost Report data for purposes of computing the overall outpatient hospital cost-to-charge ratio.
2. New hospitals. The Administration shall reimburse new hospitals at the weighted statewide average outpatient hospital cost-to-charge ratio multiplied by covered charges. The Administration shall continue to use the statewide average outpatient hospital cost-to-charge ratio for a new hospital until the Administration rebases the outpatient hospital cost-to-charge ratios and the new hospital has a Medicare Cost Report for the fiscal year being used in the rebasing.
  3. Specialty outpatient services. The Administration may negotiate, at any time, reimbursement rates for outpatient hospital services in a specialty facility.
  4. Reimbursement requirements. To receive payment from the Administration, a hospital shall submit claims that are legible, accurate, error free, and have a covered charge greater than zero. The Administration shall not reimburse hospitals for emergency room treatment, observation hours or days, or other outpatient hospital services performed on an outpatient basis, if the eligible person is admitted as an inpatient to the same hospital directly from the emergency room, observation area, or other outpatient department. Services provided in the emergency room, observation area, and other outpatient hospital services provided before the hospital admission are included in the tiered per diem payment.
  5. Rebasing. The Administration shall rebase the outpatient hospital cost-to-charge ratios at least every four years but no more than once a year using updated Medicare Cost Reports and claim and encounter data.
  6. If a hospital files an increase in its charge master for an existing outpatient service provided on or after July 1, 2004, and on or before June 30, 2005, which represents an aggregate increase in charges of more than 4.7%, the Administration shall adjust the hospi-

tal-specific cost-to-charge ratio as calculated under subsection (G)(1) through (5) by applying the following formula:

$$CCR * [1.047 / (1 + \% \text{ increase})]$$

Where "CCR" means the hospital-specific cost-to-charge ratio as calculated under subsection (G)(1) through (5) and "% increase" means the aggregate percentage increase in charges for outpatient services shown on the hospital charge master.

"Charge master" means the schedule of rates and charges as described under A.R.S. § 36-436 and the rules that relate to those rates and charges that are filed with the Director of the Arizona Department of Health Services.

#### Historical Note

Adopted as an emergency effective February 23, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule identical to emergency (Supp. 83-3). Former Section R9-22-712 repealed, new Section R9-22-712 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-712 renumbered and amended as Section R9-22-1001 effective October 1, 1985 (Supp. 85-5). New Section R9-22-712 adopted under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended effective January 14, 1997 (Supp. 97-1). Amended by exempt rulemaking at 10 A.A.R. 3831, effective August 25, 2004 (Supp. 04-3). Amended by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 11 A.A.R. 3231, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by exempt rulemaking at 17 A.A.R. 1337, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 17 A.A.R. 1658, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

#### **R9-22-712.01. Inpatient Hospital Reimbursement for claims with admission dates and discharge dates from October 1, 1998 through September 30, 2014**

Inpatient hospital reimbursement. The Administration shall pay for covered inpatient acute care hospital services provided to eligible persons for claims with admission dates and discharge dates from October 1, 1998 through September 30, 2014, on a prospective reimbursement basis. The prospective rates represent payment in full, excluding quick-pay discounts, slow-pay penalties, and third-party payments for both accommodation and ancillary department services. The rates include reimbursement for operating and capital costs. The Administration shall make reimbursement for direct graduate medical education as described in A.R.S. § 36-2903.01. For payment purposes, the Administration shall classify each AHC-CCS inpatient hospital day of care into one of several tiers appropriate to the services rendered. The rate for a tier is referred to as the tiered per diem rate of reimbursement. The number of tiers is seven and the maximum number of tiers payable per continuous stay is two. Payment of outlier claims, transplant claims, or payment to out-of-state hospitals, freestanding psychiatric hospitals, and other specialty facilities may differ from the inpatient hospital tiered per diem rates of reimbursement described in this Section.

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1. Tier rate data. The Administration shall base tiered per diem rates effective on and after October 1, 1998 on Medicare Cost Reports for Arizona hospitals for the fiscal year ending in 1996 and a database consisting of inpatient hospital claims and encounters for dates of service matching each hospital's 1996 fiscal year end.
  - a. Medicare Cost Report data. Because Medicare Cost Report years are not standard among hospitals and were not audited at the time of the rate calculation, the Administration shall inflate all the costs to a common point in time as described in subsection (2) for each component of the tiered per diem rates. The Administration shall not make any changes to the tiered per diem rates if the Medicare Cost Report data are subsequently updated or adjusted. If a single Medicare Cost Report is filed for more than one hospital, the Administration shall allocate the costs to each of the respective hospitals. A hospital shall submit information to assist the Administration in this allocation.
  - b. Claim and encounter data. For the database, the Administration shall use only those inpatient hospital claims paid by the Administration and encounters that were accepted and processed by the Administration at the time the database was developed for rates effective on and after October 1, 1998. The Administration shall subject the claim and encounter data to a series of data quality, reasonableness, and integrity edits and shall exclude from the database or adjust claims and encounters that fail these edits. The Administration shall also exclude from the database the following claims and encounters:
    - i. Those missing information necessary for the rate calculation,
    - ii. Medicare crossovers,
    - iii. Those submitted by freestanding psychiatric hospitals, and
    - iv. Those for transplant services or any other hospital service that the Administration would pay on a basis other than the tiered per diem rate.
2. Tier rate components. The Administration shall establish inpatient hospital prospective tiered per diem rates based on the sum of the operating and capital components. The rate for the operating component is a statewide rate for each tier except for the NICU and Routine tiers, which are based on peer groups. The rate for the capital component is a blend of statewide and hospital-specific values, as described in A.R.S. § 36-2903.01. The Administration shall use the following methodologies to establish the rates for each of these components.
  - a. Operating component. Using the Medicare Cost Reports and the claim and encounter database, the Administration shall compute the rate for the operating component as follows:
    - i. Data preparation. The Administration shall identify and group into department categories, the Medicare Cost Report data that provide ancillary department cost-to-charge ratios and accommodation costs per day. To comply with 42 CFR 447.271, the Administration shall limit cost-to-charge ratios to 1.00 for each ancillary department.
    - ii. Operating cost calculation. To calculate the rate for the operating component, the Administration shall derive the operating costs from claims and encounters by combining the Medicare Cost Report data and the claim and encounter database for all hospitals. In performing this calculation, the Administration shall match the revenue codes on the claims and encounters to the departments in which the line items on the Medicare Cost Reports are grouped. The ancillary department cost-to-charge ratios for a particular hospital are multiplied by the covered ancillary department charges on each of the hospital's claims and encounters. The AHCCCS inpatient days of care on the particular hospital's claims and encounters are multiplied by the corresponding accommodation costs per day from the hospital's Medicare Cost Report. The ancillary cost-to-charge ratios and accommodation costs per day do not include medical education and capital costs. The Administration shall inflate the resulting operating costs for the claims and encounters of each hospital to a common point in time, December 31, 1996, using the DRI inflation factor and shall reduce the operating costs for the hospital by an audit adjustment factor based on available national data and Arizona historical experience in adjustments to Medicare reimbursable costs. The Administration shall further inflate operating costs to the midpoint of the rate year (March 31, 1999).
  - iii. Operating cost tier assignment. After calculating the operating costs, the Administration shall assign the claims and encounters used in the calculation to tiers based on diagnosis, procedure, or revenue codes, or NICU classification level, or a combination of these. For the NICU tier, the Administration shall further assign claims and encounters to NICU Level II or NICU Level III peer groups, based on the hospital's certification by the Arizona Perinatal Trust. For the Routine tier, the Administration shall further assign claims and encounters to the general acute care hospital or rehabilitation hospital peer groups, based on state licensure by the Department of Health Services. For claims and encounters assigned to more than one tier, the Administration shall allocate ancillary department costs to the tiers in the same proportion as the accommodation costs. Before calculating the rate for the operating component, the Administration shall identify and exclude any claims and encounters that are outliers as defined in subsection (6).
  - iv. Operating rate calculation. The Administration shall set the rate for the operating component for each tier by dividing total statewide or peer group hospital costs identified in this subsection within the tier by the total number of AHCCCS inpatient hospital days of care reflected in the claim and encounter database for that tier.
  - b. Capital component. For rates effective October 1, 1999 the capital component is calculated as described in A.R.S. § 36-2903.01.

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- c. Statewide inpatient hospital cost-to-charge ratio. For dates of service prior to October 1, 2007, the statewide inpatient hospital cost-to-charge ratio is used for payment of outliers, as described in subsections (4), (5), and (6), and out-of-state hospitals, as described in R9-22-712(B). The Administration shall calculate the AHCCCS statewide inpatient hospital cost-to-charge ratio by using the Medicare Cost Report data and claim and encounter database described in subsection (1) and used to determine the tiered per diem rates. For each hospital, the covered inpatient days of care on the claims and encounters are multiplied by the corresponding accommodation costs per day from the Medicare Cost Report. Similarly, the covered ancillary department charges on the claims and encounters are multiplied by the ancillary department cost-to-charge ratios. The accommodation costs per day and the ancillary department cost-to-charge ratios for each hospital are determined in the same way described in subsection (2)(a) but include costs for operating and capital. The Administration shall then calculate the statewide inpatient hospital cost-to-charge ratio by summing the covered accommodation costs and ancillary department costs from the claims and encounters for all hospitals and dividing by the sum of the total covered charges for these services for all hospitals.
- d. Unassigned tiered per diem rates. If a hospital has an insufficient number of claims to set a tiered per diem rate, the Administration shall pay that hospital the statewide average rate for that tier.
3. Tier assignment. The Administration shall assign AHCCCS inpatient hospital days of care to tiers based on information submitted on the inpatient hospital claim or encounter including diagnosis, procedure, or revenue codes, peer group, NICU classification level, or a combination of these.
  - a. Tier hierarchy. In assigning claims for AHCCCS inpatient hospital days of care to a tier, the Administration shall follow the Hierarchy for Tier Assignment through September 30, 2014 in R9-22-712.09. The Administration shall not pay a claim for inpatient hospital services unless the claim meets medical review criteria and the definition of a clean claim. The Administration shall not pay for a hospital stay on the basis of more than two tiers, regardless of the number of interim claims that are submitted by the hospital.
  - b. Tier exclusions. The Administration shall not assign to a tier or pay AHCCCS inpatient hospital days of care that do not occur during a period when the person is eligible. Except in the case of death, the Administration shall pay claims in which the day of admission and the day of discharge are the same, termed a same day admit and discharge, including same day transfers, as an outpatient hospital claim. The Administration shall pay same day admit and discharge claims that qualify for either the maternity or nursery tiers based on the lesser of the rate for the maternity or nursery tier, or the outpatient hospital fee schedule.
  - c. Seven tiers. The seven tiers are:
    - i. Maternity. The Administration shall identify the Maternity Tier by a primary diagnosis code. If a claim has an appropriate primary diagnosis, the Administration shall pay the AHCCCS inpatient hospital days of care on the claim at the maternity tiered per diem rate.
    - ii. NICU. The Administration shall identify the NICU Tier by a revenue code. A hospital does not qualify for the NICU tiered per diem rate unless the hospital is classified as either a NICU Level II or NICU Level III perinatal center by the Arizona Perinatal Trust. The Administration shall pay AHCCCS inpatient hospital days of care on the claim that meet the medical review criteria for the NICU tier and have a NICU revenue code at the NICU tiered per diem rate. The Administration shall pay any remaining AHCCCS inpatient hospital day on the claim that does not meet NICU Level II or NICU Level III medical review criteria at the nursery tiered per diem rate.
    - iii. ICU. The Administration shall identify the ICU Tier by a revenue code. The Administration shall pay AHCCCS inpatient hospital days of care on the claim that meets the medical review criteria for the ICU tier and has an ICU revenue code at the ICU tiered per diem rate. The Administration may classify any AHCCCS inpatient hospital days on the claim without an ICU revenue code, as surgery, psychiatric, or routine tiers.
    - iv. Surgery. The Administration shall identify the Surgery Tier by a revenue code and a valid surgical procedure code that is not on the AHCCCS excluded surgical procedure list. The excluded surgical procedure list identifies minor procedures such as sutures that do not require the same hospital resources as other procedures. The Administration shall only split a surgery tier with an ICU tier. AHCCCS shall pay at the surgery tier rate only when the surgery occurs on a date during which the member is eligible.
    - v. Psychiatric. The Administration shall identify the Psychiatric Tier by either a psychiatric revenue code and a psychiatric diagnosis or any routine revenue code if all diagnosis codes on the claim are psychiatric. The Administration shall not split a claim with AHCCCS inpatient hospital days of care in the psychiatric tier with any tier other than the ICU tier.
    - vi. Nursery. The Administration shall identify the Nursery Tier by a revenue code. The Administration shall not split a claim with AHCCCS inpatient hospital days of care in the nursery tier with any tier other than the NICU tier.
    - vii. Routine. The Administration shall identify the Routine Tier by revenue codes. The routine tier includes AHCCCS inpatient hospital days of care that are not classified in another tier or paid under any other provision of this Section. The Administration shall not split the routine tier with any tier other than the ICU tier.

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4. Annual update. The Administration shall annually update the inpatient hospital tiered per diem rates through September 30, 2011.
5. New hospitals. For rates effective on and after October 1, 1998, the Administration shall pay new hospitals the statewide average rate for each tier, as appropriate. The Administration shall update new hospital tiered per diem rates through September 30, 2011.
6. Outliers. The Administration shall reimburse hospitals for AHCCCS inpatient hospital days of care identified as outliers under this Section by multiplying the covered charges on a claim by the Medicare Urban or Rural Cost-to-Charge Ratio. The Urban cost-to-charge ratio will be used for hospitals located in a county of 500,000 residents or more. The Rural cost-to-charge ratio will be used for hospitals located in a county of fewer than 500,000 residents.
  - a. Outlier criteria. For rates effective on and after October 1, 1998, the Administration set the statewide outlier cost threshold for each tier at the greater of three standard deviations from the statewide mean operating cost per day within the tier, or two standard deviations from the statewide mean operating cost per day across all the tiers. If the covered costs per day on a claim exceed the urban or rural cost threshold for a tier, the claim is considered an outlier. Outliers will be paid by multiplying the covered charges by the applicable Medicare Urban or Rural CCR. The resulting amount will be the outlier payment. If there are two tiers on a claim, the Administration shall determine whether the claim is an outlier by using a weighted threshold for the two tiers. The weighted threshold is calculated by multiplying each tier rate by the number of AHCCCS inpatient hospital days of care for that tier and dividing the product by the total tier days for that hospital. Routine maternity stays shall be excluded from outlier reimbursement. A routine maternity is any one-day stay with a delivery of one or two babies. A routine maternity stay will be paid at tier.
  - b. Update. The CCR is updated annually by the Administration for dates of service beginning October 1, using the most current Medicare cost-to-charge ratios published or placed on display by CMS by August 31 of that year. The Administration shall update the outlier cost thresholds for each hospital through September 30, 2011 as described under A.R.S. § 36-2903.01. For inpatient hospital admissions with begin dates of service on and after October 1, 2011, AHCCCS will increase the outlier cost thresholds by 5% of the thresholds that were effective on September 30, 2011.
  - c. Medicare Cost-to-Charge Ratio Phase-In. AHCCCS shall phase in the use of the Medicare Urban or Rural Cost-to-Charge Ratios for outlier determination, calculation and payment. The three-year phase-in does not apply to out-of-state or new hospitals.
    - i. Medicare Cost-to-Charge Ratio Phase-In outlier determination and threshold calculation. For outlier claims with dates of service on or after October 1, 2007 through September 30, 2008, AHCCCS shall adjust each hospital specific inpatient cost-to-charge ratio in effect on September 30, 2007 by subtracting one-third of the difference between the hospital specific inpatient cost-to-charge ratio and the effective Medicare Urban or Rural Cost-to-Charge Ratio. For outlier claims with dates of service on or after October 1, 2008 through September 30, 2009, AHCCCS shall adjust each hospital specific inpatient cost-to-charge ratio in effect on September 30, 2007 by subtracting two-thirds of the difference between the hospital specific inpatient cost-to-charge ratio and the effective Medicare Urban or Rural Cost-to-Charge Ratio. The adjusted hospital specific inpatient cost-to-charge ratios shall be used for all calculations using the Medicare Urban or Rural Cost-to-Charge Ratios, including outlier determination, and threshold calculation.
    - ii. Medicare Cost-to-Charge Ratio Phase-In calculation for payment. For payment of outlier claims with dates of service on or after October 1, 2007 through September 30, 2008, AHCCCS shall adjust the statewide inpatient hospital cost-to-charge ratio in effect on September 30, 2007 by subtracting one-third of the difference between the statewide inpatient hospital cost-to-charge ratio and the effective Medicare urban or rural cost-to-charge ratio. For payment of outlier claims with dates of service on or after October 1, 2008 through September 30, 2009, AHCCCS shall adjust the statewide inpatient hospital cost-to-charge ratio in effect on September 30, 2007 by subtracting two-thirds of the difference between the statewide inpatient hospital cost-to-charge ratio and the effective Medicare urban or rural cost-to-charge ratio.
    - iii. Medicare Cost-to-Charge Ratio for outlier determination, threshold calculation, and payment. For outlier claims with dates of service on or after October 1, 2009, the full Medicare Urban or Rural Cost-to-Charge Ratios shall be utilized for all outlier calculations.
  - d. Cost-to-Charge Ratio used for qualification and payment of outlier claims.
    - i. For qualification and payment of outlier claims with begin dates of service on or after April 1, 2011 through September 30, 2011, the CCR will be equal to 95% of the ratios in effect on October 1, 2010.
    - ii. For qualification and payment of outlier claims with begin dates of service on or after October 1, 2011, the CCR will be equal to 90.25% of the most recent published Urban or Rural Medicare CCR as described in subsection (6)(b).
    - iii. For qualification and payment of outlier claims with begin dates of service on or after October 1, 2011 through September 30, 2012, AHCCCS will reduce the cost-to-charge ratio determined under subsection (6)(d)(ii) for a hospital that filed a charge master with ADHS on or after April 1, 2011 by an additional percentage equal to the total percent increase reported on the charge master.
    - iv. Subject to approval by CMS, for qualification and payment of outlier claims with begin dates

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of service on or after October 1, 2012, AHCCCS will reduce the cost-to-charge ratio determined under subsection (6)(d)(ii) for a hospital that filed a charge master with ADHS on or after June 1, 2012 by an additional percentage equal to the total percent increase reported on the charge master.

7. Transplants. The Administration shall reimburse hospitals for an AHCCCS inpatient stay in which a covered transplant as described in R9-22-206 is performed through the terms of the relevant contract. If the Administration and a hospital that performs transplant surgery on an eligible person do not have a contract for the transplant surgery, the Administration shall not reimburse the hospital more than what would have been paid to the contracted hospital for that same surgery.
8. Ownership change. The Administration shall not change any of the components of a hospital's tiered per diem rates upon an ownership change.
9. Psychiatric hospitals. The Administration shall pay free-standing psychiatric hospitals an all-inclusive per diem rate based on the contracted rates used by the Department of Health Services.
10. Specialty facilities. The Administration may negotiate, at any time, reimbursement rates for inpatient specialty facilities or inpatient hospital services not otherwise addressed in this Section as provided by A.R.S. § 36-2903.01. For purposes of this subsection, "specialty facility" means a facility where the service provided is limited to a specific population, such as rehabilitative services for children.
11. Outliers for new hospitals. Outliers for new hospitals will be calculated using the Medicare Urban or Rural Cost-to-Charge Ratio times covered charges. If the resulting cost is equal to or above the cost threshold, the claim will be paid at the Medicare Urban or Rural Cost-to-Charge ratio.
12. Reductions to tiered per diem payment for inpatient hospital services. Inpatient hospital admissions with begin dates of service on or after October 1, 2011, shall be reimbursed at 95 percent of the tiered per diem rates in effect on September 30, 2011.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3231, effective October 1, 2005 (Supp. 05-3). Amended by exempt rulemaking at 13 A.A.R. 3190, effective October 1, 2007 (Supp. 07-3). Amended by exempt rulemaking at 17 A.A.R. 1337, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.02. Reserved**

**R9-22-712.03. Reserved**

**R9-22-712.04. Reserved**

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

- A. Graduate medical education (GME) reimbursement as of September 30, 1997. Subject to legislative appropriation, the Administration shall make a distribution based on direct graduate medical education costs as described in A.R.S. § 36-2903.01(G)(9)(a).

- B. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration to hospitals for direct program costs eligible for funding under A.R.S. § 36-2903.01(G)(9)(b). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (B)(3).

1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (B) if all of the following apply:
  - a. It is a hospital in Arizona that is the sponsoring institution of, or a participating institution in, one or more of the GME programs in Arizona;
  - b. It incurs direct costs for the training of residents in the GME programs, which costs are or will be reported on the hospital's Medicare Cost Report;
  - c. It is not administered by or does not receive its primary funding from an agency of the federal government.
2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (B)(4) the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):
  - a. Filled resident positions in approved programs established as of October 1, 1999 at hospitals that receive funding as described in A.R.S. § 36-2903.01(G)(9)(a) that are additional to the number of resident positions that were filled as of October 1, 1999; and
  - b. All filled resident positions in approved programs other than GME programs described in A.R.S. § 36-2903.01(G)(9)(a) that were established before July 1, 2006.
3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (B) shall provide the applicable information listed in this subsection to the Administration:
  - a. A GME program shall provide all of the following:
    - i. The program name and number assigned by the accrediting organization;
    - ii. The original date of accreditation;
    - iii. The names of the sponsoring institution and all participating institutions current as of the date of reporting;
    - iv. The number of approved resident positions and the number of filled resident positions current as of the date of reporting;
    - v. For programs established as of October 1, 1999, the number of resident positions that were filled as of October 1, 1999, if the program has not already provided this information to the Administration;
  - b. A hospital seeking a distribution under subsection (B) shall provide all of the following that apply:
    - i. If the hospital uses the Intern and Resident Information System (IRIS) for tracking and reporting its resident activity to the fiscal intermediary, copies of the IRIS master and assignment files for the hospital's two most recently

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- completed Medicare cost reporting years as filed with the fiscal intermediary;
- ii. If the hospital does not use the IRIS or has less than two cost reporting years available in the form of the IRIS master and assignment files, the information normally contained in the IRIS master and assignment files in an alternative format for the hospital's two most recently completed Medicare cost reporting years;
  - iii. At the request of the Administration, a copy of the hospital's Medicare Cost Report or any part of the report for the most recently completed cost reporting year.
4. Allocation of expansion funds. Annually the Administration shall allocate available funds to each approved GME program in the following manner:
    - a. Information provided by hospitals under subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided under subsections (B)(3)(b)(i) and (ii).
    - b. The number of eligible residents allocated to each participating institution within each approved GME program shall be determined as follows:
      - i. Total the number of days determined for each participating institution under subsection (B)(4)(a) and divide each total by 365.
      - ii. Proportionally adjust the result of subsection (B)(4)(b)(i) for each participating institution within each program according to the number of residents determined to be eligible under subsection (B)(2).
    - c. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) shall be adjusted for Arizona Medicaid utilization using the most recent Medicare Cost Report information on file with the Administration as of the date of reporting under subsection (B)(3) and the Administration's inpatient hospital claims and encounter data for the time period corresponding to the Medicare Cost Report information for each hospital. The Administration shall use only those inpatient hospital claims paid by the Administration and encounters that were adjudicated by the Administration as of the date of reporting under subsection (B)(3). The Medicaid-adjusted eligible residents shall be determined as follows:
      - i. For each hospital, the total AHCCCS inpatient hospital days of care shall be divided by the total Medicare Cost Report inpatient hospital days, multiplied by 100 and rounded up to the nearest multiple of 5 percent.
      - ii. The number of allocated eligible residents determined for each participating hospital under subsection (B)(4)(b)(ii) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for that hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is not a hospital and not a health care facility made ineligible under subsection (B)(1)(c) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for the program's sponsoring institution or, if the sponsoring institution is not a hospital, the sponsoring institution's affiliated hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is made ineligible under subsection (B)(1)(c) shall be multiplied by zero percent.
    - d. The total allocation for each approved program shall be determined by multiplying the Medicaid-adjusted eligible residents determined under subsection (B)(4)(c)(ii) by the per-resident conversion factor determined below and totaling the resulting dollar amounts for all participating institutions in the program. The per-resident conversion factor shall be determined as follows:
      - i. Calculate the total direct GME costs from the most recent Medicare Cost Reports on file with the Administration for all hospitals that have reported such costs.
      - ii. Calculate the total allocated residents determined under subsection (B)(4)(b)(i) for those hospitals described under subsection (B)(4)(d)(i).
      - iii. Divide the total GME costs calculated under subsection (B)(4)(d)(i) by the total allocated residents calculated under subsection (B)(4)(d)(ii).
  5. Distribution of expansion funds. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (B)(4) in the following manner:
    - a. The allocated amounts shall be distributed in the following order of priority:
      - i. To eligible hospitals that do not receive funding in accordance with A.R.S. § 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
      - ii. To eligible hospitals that receive funding in accordance with A.R.S. § 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
    - b. The allocated amounts shall be distributed to the eligible hospitals in each approved program in proportion to the number of Medicaid-adjusted eligible residents allocated to each hospital within that program under subsection (B)(4)(c)(ii).
    - c. If funds are insufficient to cover all distributions within any priority group described under subsection (B)(5)(a), the Administration shall adjust the distributions proportionally within that priority group.
- C. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration to hospitals for direct program costs eligible for funding under A.R.S. § 36-2903.01(G)(9)(c)(i). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information

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possessed by the Administration as of the date of reporting under subsection (C)(3).

1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (C) if it meets all the conditions of subsections (B)(1)(a) through (c).
2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (C)(4), the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):
  - a. All filled resident positions in approved programs established on or after July 1, 2006; and
  - b. For approved programs established on or after July 1, 2006 that have been established for less than one year as of the date of reporting under subsection (C)(3) and have not yet filled their first-year resident positions, all prospective residents reasonably expected by the program to be enrolled as a result of the most recently completed annual resident match.
3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (C) shall provide to the Administration:
  - a. A GME program shall provide all of the following:
    - i. The requirements of subsections (B)(3)(a)(i) through (iv);
    - ii. The academic year rotation schedule on file with the program current as of the date of reporting; and
    - iii. For programs described under subsection (C)(2)(b), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
  - b. A hospital seeking a distribution under subsection (C) shall provide the requirements of subsection (B)(3)(b).
4. Allocation of expansion funds. Annually the Administration shall allocate available funds to approved GME programs in the following manner:
  - a. Information provided by hospitals in accordance with subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided in accordance with subsections (B)(3)(b)(i) and (ii).
  - b. For approved programs whose resident activity is not represented in the information provided in accordance with subsection (B)(3)(b), information provided by GME programs under subsection (C)(3)(a) shall be used to determine the number of days that each eligible resident is expected to work at each participating institution.
  - c. The number of eligible residents allocated to each participating institution for each approved GME program shall be determined by totaling the number of days determined under subsections (C)(4)(a) and (b) and dividing the totals by 365.
  - d. The number of allocated residents determined under subsection (C)(4)(c) shall be adjusted for Arizona

Medicaid utilization in accordance with subsection (B)(4)(c).

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



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3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (D) shall provide to the Administration:
  - a. A GME program shall provide all of the following:
    - i. The requirements of subsections (B)(3)(a)(i) through (iv);
    - ii. The academic year rotation schedule on file with the program current as of the date of reporting;
    - iii. For programs described under subsection (D)(2)(c), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
  - b. A hospital seeking a distribution under subsection (D) shall provide the requirements of subsection (B)(3)(b)(iii).
4. Allocation of funds for indirect program costs. Annually the Administration shall allocate available funds to approved GME programs in the following manner:
  - a. Using the information provided by programs under subsection (D)(3), the Administration shall determine for each program the number of residents in the program who are eligible under subsection (D)(2) and the number of months per year that each eligible resident will perform rotations in counties described by subsection (D)(2), multiply the number of eligible residents by the number of months and multiply the result by the per resident per month conversion factor determined under subsection (D)(4)(b).
  - b. Using the most recent Medicare Cost Reports on file with the Administration for all hospitals that have calculated a Medicare indirect medical education payment, the Administration shall determine a per resident per month conversion factor as follows:
    - i. Calculate each hospital's Medicare share by dividing the Medicare inpatient discharges on the Medicare Cost Report by the total inpatient hospital discharges on the Medicare Cost Report.
    - ii. Calculate the ratio of residents to beds by dividing the total allocated residents described in subsection (B)(4)(d)(ii) by the number of bed days available from the Medicare Cost Report and dividing the result by the number of days in the cost reporting period.
    - iii. Calculate the indirect medical education adjustment factor by adding 1 to the value calculated in (D)(4)(b)(ii), multiplying the result by the exponential value 0.405, subtracting 1 from the result, and multiplying that result by 1.35.
    - iv. Calculate each hospital's total indirect medical education cost by adding the DRG amounts other than outlier payments from the Medicare cost report and the managed care simulated payments from the Medicare Cost Report, multiplying the total by the indirect medical education adjustment factor determined in (D)(4)(b)(iii) and dividing the result by the Medicare share determined in (D)(4)(b)(i).
    - v. Calculate each hospital's Medicaid indirect medical education cost by multiplying the amount determined in (D)(4)(b)(iv) by the value determined in subsection (B)(4)(c)(i).
    - vi. Total the amounts determined in (D)(4)(b)(v) for all hospitals, divide the result by the total allocated residents described in subsection (B)(4)(d)(ii) for all hospitals, and divide that result by 12.
5. Distribution of funds for indirect program costs. On an annual basis subject to available funds, the Administration shall distribute to each eligible hospital the amount calculated for the hospital at subsection (D)(4)(a).
- E. Reallocation of funds. If funds appropriated for subsection (B) are not allocated by the Administration and funds appropriated for subsections (C) and (D) are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the funds not allocated under subsection (B) shall be allocated under subsections (C) and (D) to the extent of the calculated distributions. If funds are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the Administration shall adjust the distributions proportionally. If funds appropriated for subsections (C) and (D) are not allocated by the Administration and funds appropriated for subsection (B) are insufficient to cover all distributions under subsection (B)(5), the funds not allocated under subsections (C) and (D) shall be allocated under subsection (B) to the extent of the calculated distributions.
- F. The Administration may enter into intergovernmental agreements with local, county, and tribal governments wherein local, county and tribal governments may transfer funds or certify public expenditures to the Administration. Such funds or certification, subject to approval by CMS, will be used to qualify for additional federal funds. Those funds will be used for the purposes of reimbursing hospitals that are eligible under subsection (D)(1) and specified by the local, county, or tribal government for indirect program costs other than those reimbursed under subsection (D). The Administration shall allocate available funds in accordance with subsection (D) except that reimbursement with such funds is not limited to resident positions or rotations in counties with populations of less than 500,000 persons. On an annual basis subject to available funds, the Administration shall distribute to each eligible hospital the greatest among the following amounts, less any amounts distributed under subsection (D)(5):
  1. The amount that results from multiplying the total number of eligible residents allocated to the hospital under subsection (B)(4)(d)(ii) by 12 by the per resident per month conversion factor determined under subsection (D)(4)(b);
  2. The amount calculated for the hospital at subsection (D)(4)(b)(v);
  3. The median of all amounts calculated at subsection (D)(4)(b)(v) if the hospital does not have an indirect medical education payment calculated on the Medicare Cost Report because it is a new training hospital; or
  4. If the hospital does not have an indirect medical education payment calculated on the Medicare Cost Report because it is a children's hospital, the median Medicaid indirect medical education payment costs shall be calculated as follows:
    - a. For each hospital with indirect medical education costs on the Medicare Cost Report, determine a per resident total indirect medical education cost by dividing the total indirect medical education costs determined under subsection (D)(4)(b) by the number of filled resident positions under subsection (B)(2).

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- b. Determine the median per resident amount under subsection (F)(4)(a).
- c. For each hospital without an indirect medical education component on the Medicare cost report, multiply the median per resident amount under subsection (F)(4)(b) by the number of filled resident positions under subsection (B)(2) for that hospital and by the Medicaid utilization percent for that hospital determined in subsection (B)(4)(c)(i).

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1782, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 13 A.A.R. 4032, effective November 1, 2007 (Supp. 07-4). Amended by final rulemaking at 21 A.A.R. 3469, effective January 30, 2016 (Supp. 15-4). Amended by final rulemaking at 24 A.A.R. 185, effective January 9, 2018 (Supp. 18-1). Amended by final rulemaking at 24 A.A.R. 3321, effective January 5, 2019 (Supp. 18-4).

**R9-22-712.06. Supplemental Graduate Medical Education Fund Allocation****A. Gradual Medical Education (GME) reimbursement as of July 1, 2020.**

1. In addition to distributions according to Section R9-22-712.05, and subject to the availability of funds and approval by CMS, the Administration shall annually distribute monies appropriated for the GME programs approved by the Administration to hospitals for direct and indirect costs for graduate medical education programs which were established or expanded on or after July 1, 2020. The Administration shall estimate the distributions using information possessed by the Administration as of December 15 of each calendar year. The actual distributions will be made using information possessed by the Administration as of September first of the year in which the new residency or fellowship begins.
2. Eligible Hospitals. A hospital is eligible for distributions under this Section if all of the following apply:
  - a. It is a hospital in Arizona that is the sponsoring institution of, or a participating institution in, one or more of the GME programs in Arizona;
  - b. It incurs direct costs for the training of residents in the GME programs, which costs are or will be reported on the hospital's Medicare Cost Report;
  - c. It is not administered by or does not receive its primary funding from an agency of the federal government;
  - d. It has established a new GME program or expanded the number of residents or fellows in an existing GME program on or after July 1, 2020.
3. Eligible positions. For purposes of determining distributions under this Section the following resident and fellowship positions qualify to the extent that the training takes place in Arizona at an eligible health care facility:
  - a. Filled resident or fellow positions in approved programs which began on or after July 1, 2020;
  - b. Eligible positions do not include residents or fellows that receive payments for services under the Access to Professional Services Initiative (APSI) program established in the Contractors' prepaid capitation contracts with the Administration.
4. Annual Reporting

- a. By December 15 of each year, a GME program shall provide all of the following information for GME programs and positions which are expected to be eligible for funding under this Section as of the upcoming academic year (i.e., July 1 to June 30 of each year):
    - i. The program name and number assigned by the accrediting organization if available;
    - ii. The original date of accreditation if available;
    - iii. The names of the sponsoring institution and all participating institutions expected as of the date of reporting;
    - iv. The number of anticipated resident and fellowship positions eligible for funding as of the upcoming academic year;
    - v. The number of months or partial months during the upcoming academic year that each resident or fellow is expected to work in each hospital or in a non-hospital setting under agreement between the non-hospital setting and the reporting hospital;
    - vi. The academic year of anticipated resident and fellowship positions;
    - vii. The length of the program; and
    - viii. The names and other information requested by AHCCCS to ensure the total GME distributions for each eligible position are not greater than the costs for each eligible position in the Intern and Resident Information System (IRIS) file.
  - b. By December 15 of each year, a GME program located in a county with a population of less than 500,000 persons shall provide the estimated one-time and ongoing costs for each program which it expects to be eligible for funding.
  - c. By September 1 of each year, a GME program shall provide the actual name of residents and fellows hired in the current academic year and other information requested by AHCCCS to ensure that total GME distributions for the eligible position are not greater than the costs for each eligible position in the IRIS file.
- B. Preliminary allocation of funds for urban hospitals. Annually by January 15, the Administration shall estimate the annual GME distributions under this Section using the funds appropriated for hospitals in counties with a population of 500,000 persons or more based on the number of new residents and fellows in graduate medical education programs in the following manner:**
1. Each eligible resident and fellow is placed into tiers with the following priority:
    - a. Returning residents and fellows. A returning resident or fellow is a resident or fellow whose position received funding under this Section for the previous academic year and who is continuing in the same GME program.
    - b. Residents and fellows that are not a returning resident or fellow but are in a GME program for Family Medicine, Internal Medicine, General Pediatrics, Obstetrics and Gynecology, Psychiatry including Subspecialties, General Surgery, and any other program determined as high needs by the AHCCCS Administration.
    - c. Residents or fellows that are not returning residents or fellows and are not described in subsection (1)(b)

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- but are in a GME program that received funding under this Section in a prior year.
- d. All other residents and fellows.
  2. The amount of the distribution for each GME program for direct costs is calculated as the product of:
    - a. The number of eligible residents and fellows adjusted for the number of months or partial months worked in each hospital or non-hospital setting under agreement between the non-hospital setting and the reporting hospitals;
    - b. The Arizona Medicaid utilization as determined by R9-22-712.05(B)(4)(c)(i) in the previous calendar year; and,
    - c. The average direct cost per resident determined under R9-22-712.05(B)(4)(d) in the previous calendar year.
  3. If monies are still remaining after direct funding has been allocated, indirect funding shall be allocated based on the priority of each tier and sub-tier. The amount of the distribution for each GME program for indirect costs is calculated as the product of:
    - a. The number of allocated eligible residents and fellows adjusted for the number of months or partial months worked in each hospital or non-hospital setting under agreement between the non-hospital setting and the reporting hospital;
    - b. The indirect cost per resident per month calculated in R9-22-712.05(D)(4)(b)(vi) in the previous calendar year; and
    - c. Twelve months.
    - d. Funds shall be allocated based on the priority of each tier and sub-tier. Distributions for eligible positions in a tier or sub-tier with a lower priority will not receive a distribution until distributions are allocated for the costs of all positions in a higher tier or sub-tier. If funding is insufficient to fully fund a tier or sub-tier, the remainder of funds will be prorated for eligible positions in that tier or sub-tier.
  4. Payments are made to participating hospitals based on the FTEs who worked at their hospitals per year.
  - C. Preliminary allocation of funds for rural hospitals. Annually by January 15, the Administration shall estimate the annual GME distributions under this Section using the funds appropriated for rural hospitals based on the number of eligible resident and fellow positions in graduate medical education programs located in a county with a population of less than 500,000 persons in the following manner:
    1. Each resident and fellow will then be placed into a tier with the following priority:
      - a. Returning residents and fellows. A returning resident or fellow is a resident or fellow whose position received funding under this Section for the previous academic year and who is continuing in the same GME program.
      - b. Residents and fellows that are not a returning resident or fellow but are in a GME program for Family Medicine, Internal Medicine, General Pediatrics, Obstetrics and Gynecology, Psychiatry including Subspecialties, General Surgery, and any other program determined as high needs by the AHCCCS Administration.
      - c. Residents or fellows that are not returning residents or fellows and are not described in subsection (1)(b)
    2. Residents and fellows in each tier are further divided into four sub-tiers with the following priority based on the location of the sponsoring or participating hospital:
      - a. Hospitals in a county designated by the Health Resource and Services Administration of the U.S. Department of Health & Human Services as a HPSA with a greater than 85 percent primary care shortage.
      - b. Hospitals in a county designated as a HPSA with a greater than 50 percent to 85 percent primary care shortage.
      - c. Hospitals in a county designated as a HPSA with a 25-50 percent primary care shortage.
      - d. Hospitals in a county designated as a HPSA with a less than 25 percent primary care shortage.
    3. Funds shall first be allocated for direct and indirect costs based in order of priority of each tier. If not enough funding is available to fully fund a tier or sub-tier, the remainder of funds will be prorated in a tier or sub-tier.
    4. The amount of the distribution for each GME program for direct costs is calculated as the product of:
      - a. The number of eligible residents and fellows adjusted for the number of months or partial months worked in each hospital or non-hospital setting under agreement between the non-hospital setting and the reporting hospitals;
      - b. The Arizona Medicaid utilization determined under R9-22-712.05(B)(4)(c)(i); and,
      - c. The actual direct cost per resident per year.
    5. The amount of the distribution for each GME program for indirect costs is calculated as the product of:
      - a. The number of allocated eligible residents and fellows adjusted for the number of months or partial months worked in each hospital or non-hospital setting under agreement between the non-hospital setting and the reporting hospital;
      - b. The indirect cost per resident per month calculated in R9-22-712.05(D)(4)(b)(vi) in the previous calendar year; and
      - c. Twelve months.
    6. Payments are made to participating hospitals based on the FTEs who worked at their hospitals per year.
  - D. Final allocation of funds. Annually no sooner than September 1 following the start of the academic year, the Administration will recalculate the allocation for urban and rural hospitals using the same methodology used to estimate distributions, but using the actual residents and fellows as reported in R9-22-712.06(A)(4)(c).
  - F. Exclusions. To ensure that residents and fellows are not double counted residents/fellows which receive funding through R9-22-712.06 shall not receive funding through R9-22-712.05.

**Historical Note**

New Section made by final rulemaking at 27 A.A.R. 2496 (October 29, 2021), with an immediate effective date of October 6, 2021 (Supp. 21-4). Amended by final rulemaking at 29 A.A.R. 923 (April 21, 2023), with an immediate effective date of March 31, 2023 (Supp. 23-1).

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

- A. For purposes of this Section, the following words and phrases have the following meanings unless the context specifically requires another meaning:

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1. "Calculated inpatient costs" means the sum of inpatient covered charges multiplied by the Milliman study's implied cost-to-charge ratio of .8959.
  2. "Claims paid amount" means the sum of all claims paid by the Administration and contractors, as reported by the contractor to the Administration, to a rural hospital for covered inpatient services rendered for dates of service during the previous state fiscal year.
  3. "Fund" means any state funds appropriated by the Legislature for the purposes set forth in A.R.S. § 36-2905.02 and any federal funds that are available for matching the state funds.
  4. "Inpatient covered charges" means the sum of all covered charges billed by a hospital to the Administration or contractors, as reported by the contractors to the Administration, for inpatient services rendered during the previous state fiscal year.
  5. "Milliman study" means the report issued by Milliman USA on March 11, 2004, to the Arizona Hospital and Healthcare Association that updated a portion of a cost study entitled "Evaluation of the AHCCCS Inpatient Hospital Reimbursement System" prepared by Milliman USA for AHCCCS on November 15, 2002. A copy of each report is on file with the Administration.
  6. "Rural hospital" means a health care institution that is licensed as an acute care hospital by the Arizona Department of Health Services for the previous state fiscal year and is not an IHS hospital or a tribally owned or operated facility and:
    - a. Has 100 or fewer PPS beds, not including beds reported as sub provider beds on the hospital's Medicare Cost Report, and is located in a county with a population of less than 500,000 persons, or
    - b. Is designated as a critical access hospital for the majority of the previous state fiscal year.
- B.** Each February, the Administration shall allocate the Fund to the following three pools for the fiscal year:
1. Rural hospitals with 25 or fewer PPS beds not including sub provider beds and all Critical Access Hospitals, regardless of the number of beds in the Critical Access Hospital;
  2. Rural hospitals other than Critical Access Hospitals with 26 to 75 PPS beds not including sub provider beds; and
  3. Rural hospitals other than Critical Access Hospitals with 76 to 100 PPS beds not including sub provider beds.
- C.** The Administration shall allocate the Fund to each pool according to the ratio of claims paid amount for all hospitals assigned to the pool to total claims paid amount for all rural hospitals.
- D.** The Administration shall determine each hospital's claims paid amount and allocate the funds in each pool to each hospital in the pool based on the ratio of each hospital's claims paid amount to the sum of the claims paid amount for all hospitals assigned to the pool.
- E.** The Administration shall not make a Fund payment to a hospital that will result in the hospital's claims paid amount plus that hospital's Fund payment being greater than that hospital's calculated inpatient costs.
1. If a hospital's claims paid amount plus the hospital's Fund payment would be greater than the hospital's calculated inpatient costs, the Administration shall make a Fund payment to the hospital equal to the difference between the hospital's calculated inpatient costs and the hospital's claims paid amount.
  2. The Administration shall reallocate any portion of a hospital's Fund allocation that is not paid to the hospital due to the reason in subsection (E)(1) to the other eligible hospitals in the pool based upon the ratio of the claims paid amount for each hospital remaining in the pool to the sum of the claims paid amount for each hospital remaining in the pool.
- F.** If funds remain in a pool after allocations to each hospital in the pool under subsections (D) and (E), the Administration shall reallocate the remaining funds to the other pools based upon the ratio of each pool's original allocation of the Fund as determined under subsection (C) to the sum of the remaining pools' original Fund allocations under subsection (C). The Administration shall allocate remaining funds to the hospitals in the remaining pools under subsection (D) and (E). See Exhibit 1 for an example.
- G.** Subject to CMS approval of the method and distribution of the Fund, the administration or its contractors will distribute the Fund as a lump sum allocation to the rural hospitals in either one or two installments by the end of each state fiscal year.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2188, effective June 6, 2006 (Supp. 06-2). Amended by final rulemaking at 22 A.A.R. 3476, effective January 30, 2016 (Supp. 15-4).

**Exhibit 1. Pool Example**

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

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

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

**Historical Note**

Exhibit 1 made by final rulemaking at 12 A.A.R. 2188, effective June 6, 2006 (Supp. 06-2).

**R9-22-712.08. Federally Qualified Health Center and Rural Health Clinic Graduate Medical Education Program**

- A.** Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for primary care GME programs approved by the Administration to Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC) for direct and indirect program costs eligible for funding under A.R.S. § 36-2907.06(I).
1. A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (D).
  2. For purposes of this subsection, the term "FQHC" includes Federally Qualified Health Center Look-Alikes.

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- B.** Eligible health care facilities. A health care facility is eligible for a distribution under subsection (G) if all of the following apply:
1. It is an FQHC or RHC in Arizona that is the sponsoring institution of, or a full member of a consortium that is the sponsoring institution of, or a participating institution in, one or more approved primary care GME programs in Arizona;
  2. It incurs direct or indirect costs for the training of residents in Arizona in approved primary care GME programs;
  3. The GME program is not eligible for funding under R9-22-712.05; and
  4. The GME program is not fully funded by the federal government.
- C.** Eligible residents and resident positions. For purposes of determining program allocation amounts under subsections (E) and (F) the following residents and resident positions are eligible for consideration, to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B):
1. All filled resident positions in approved primary care GME programs; or
  2. For approved primary care GME programs established for less than one year as of the date of annual reporting under subsection (D) and that have not yet filled their first-year resident positions, all prospective residents reasonably expected by the program to be enrolled as a result of the most recently completed annual resident match.
- D.** Annual reporting. By April 1st of each year, an FQHC or RHC seeking a distribution under this subsection shall:
1. Provide to the Administration the following information about each approved primary care GME program:
    - a. The program name and number assigned by the accrediting organization;
    - b. The original date of accreditation of the program;
    - c. The names of the sponsoring institution and all participating institutions current as of the date of reporting;
    - d. The number of approved resident positions and the number of filled resident positions current as of the date of reporting;
    - e. The academic year rotation schedule on file with the program current as of the date of reporting; and
    - f. For programs described under subsection (C)(2), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
  2. Provide to the Administration the most recent Medicare Cost Report for the FQHC or RHC seeking the distribution, and
  3. For an FQHC or RHC that is a full member of a consortium that is the sponsoring institution of an approved primary care GME program, provide to the Administration a signed letter attesting to the responsibility of the full member FQHC or RHC for direct or indirect costs of training residents in the program.
- E.** Allocation of funds for direct graduate medical education costs. Annually the Administration shall allocate available funds for direct graduate medical education costs to each eligible FQHC or RHC in the following manner:
1. A Medicaid utilization percent for each FQHC or RHC seeking a distribution shall be calculated using the Medicare Cost Report submitted under subsection (D)(2), dividing the Title XIX visit count by the whole number of visits reported and rounding the result up to the nearest multiple of 5 percent.
  2. A total number of residents eligible for funding in each program shall be calculated using the information submitted under subsection (D)(1), dividing the number of resident rotations in the year that take place in Arizona and not at a health care facility made ineligible under subsection (B) by the total number of resident rotations in the program for that year, multiplying the result by the total number of filled resident positions in the program and rounding to two digits after the decimal.
  3. The allocation for direct graduate medical education costs for each eligible FQHC or RHC shall be calculated by multiplying the number of residents determined under subsection (E)(2) by the statewide average per-resident amount determined under this subsection and multiplying the result by the Medicaid utilization percent calculated for the FQHC or RHC under subsection (E)(1). The statewide average per-resident amount for the academic year ending June 30, 2022 is \$170,090. Annually thereafter, a statewide average per-resident amount shall be calculated by applying the Federally Qualified Health Center PPS Market Basket Update less Productivity Adjustment published by CMS for the calendar year in which the GME academic year begins.
- F.** Allocation of funds for indirect program costs. Annually the Administration shall allocate available funds for indirect program costs to each eligible FQHC or RHC in the following manner:
1. By multiplying the number of residents determined under subsection (E)(2) by the statewide average per-resident amount determined under this subsection and multiplying the result by the Medicaid utilization percent calculated for the FQHC or RHC under subsection (E)(1). The statewide average per-resident amount for the academic year ending June 30, 2022 is \$167,330;
  2. Annually thereafter, a statewide average per-resident amount shall be calculated by applying the Federally Qualified Health Center PPS Market Basket Update less Productivity Adjustment published by CMS for the calendar year in which the GME academic year begins.
- G.** Distribution of funds. On an annual basis subject to available funds, the Administration shall distribute to each eligible FQHC and RHC the sum of all amounts calculated for the FQHC or RHC under subsections (E)(3) and (F).
- H.** The Administration may enter into intergovernmental agreements with local, county, and tribal governments and any university under the jurisdiction of the Arizona Board of Regents wherein such entities may transfer funds or certify public expenditures to the Administration. Such funds or certification, subject to approval by CMS, will contribute to the state funding to qualify for federal matching funds. Those funds will be used for the purposes of reimbursing FQHCs and RHCs that are eligible under this rule and designated by the local, county, or tribal governments for receipt of the contributed funds. The Administration shall allocate available funds in accordance with subsections (E) and (F).
- Historical Note**
- New Section made by final rulemaking at 28 A.A.R. 837 (April 29, 2022), with an immediate effective date of April 5, 2022 (Supp. 22-2).
- R9-22-712.09. Hierarchy for Tier Assignment through Sep-**

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TIER	IDENTIFICATION CRITERIA	ALLOWED SPLITS
MATERNITY	A primary diagnosis defined as maternity 640.xx - 643.xx, 644.2x - 676.xx, v22.xx - v24.xx or v27.xx.	None
NICU	Revenue Code of 174 and the provider has a Level II or Level III NICU.	Nursery
ICU	Revenue Codes of 200-204, 207-212, or 219.	Surgery Psychiatric Routine
SURGERY	Surgery is identified by a revenue code of 36x. To qualify in this tier, there must be a valid surgical procedure code that is not on the excluded procedure list.	ICU
PSYCHIATRIC	Psychiatric Revenue Codes of 114, 124, 134, 144, or 154 AND primary Psychiatric Diagnosis = 290.xx - 316.xx. If a routine revenue code is present and all diagnoses codes on the claim are equal to 290.xx - 316.xx, classify as a psychiatric claim.	ICU
NURSERY	Revenue Code of 17x, not equal to 174.	NICU
ROUTINE	Revenue Codes of 100 - 101, 110-113, 116 - 123, 126 - 133, 136 - 143, 146 - 153, 156 - 159, 16x, 206, 213, or 214.	ICU

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3231, effective October 1, 2005 (Supp. 05-3). Amended by exempt rulemaking at 17 A.A.R. 1707, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.10. Outpatient Hospital Reimbursement: General**

- A. Effective rule. The outpatient hospital reimbursement rules apply to dates of service beginning July 1, 2005, subject to Laws 2004, Ch. 279, § 19.
- B. Basis For Payment. Except as provided under R9-22-712.30, AHCCCS shall pay for designated outpatient procedures provided to AHCCCS members according to the AHCCCS Outpatient Capped Fee-For-Service Schedule as defined in R9-22-712.20.
- C. Data. AHCCCS shall use Medicare Cost Report and adjudicated claim and encounter data from non-IHS acute care hospitals located in the state of Arizona to develop fees for the AHCCCS Outpatient Capped Fee-For-Service Schedule.
- D. Hospital Services Subject To Fees. AHCCCS shall reimburse services, in the following outpatient hospital categories under the AHCCCS Outpatient Capped Fee-For-Service Schedule:
  1. Surgery,
  2. Emergency Department,
  3. Laboratory,
  4. Radiology,
  5. Clinic, and
  6. Other services.
- E. Reimbursement. AHCCCS shall reimburse outpatient hospital services by procedure codes, in proper combination with revenue codes, as prescribed by AHCCCS.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-712.11. Reserved****R9-22-712.12. Reserved****R9-22-712.13. Reserved****R9-22-712.14. Reserved****R9-22-712.15. Outpatient Hospital Reimbursement: Affected Hospitals**

Except as provided in R9-22-712(G), the AHCCCS Outpatient Capped Fee-For-Service Schedule shall apply to AHCCCS payments for outpatient services in all non-IHS acute hospitals.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-712.16. Reserved****R9-22-712.17. Reserved****R9-22-712.18. Reserved****R9-22-712.19. Reserved****R9-22-712.20. Outpatient Hospital Reimbursement: Methodology for the AHCCCS Outpatient Capped Fee-For-Service Schedule**

- A. To establish the AHCCCS Outpatient Capped Fee-for-service Schedule for all claims with a begin date of service on or before September 30, 2011, AHCCCS shall:
  1. Define the dataset of claims and encounters that shall be used to establish the AHCCCS Outpatient Capped Fee-for-service Schedule.
  2. Identify all the claims and encounters from non-IHS acute hospitals located in Arizona for services to be paid under the AHCCCS Outpatient Capped Fee-for-service Schedule.
  3. Match the revenue code on each detail of each claim and encounter to the ancillary line item CCR as reported on hospital-specific mapping documents and hospital-specific Medicare Cost Report for those hospitals that have submitted Medicare Cost Reports FYE 2002.
  4. Multiply the line item CCR from subsection (A)(3) by the covered billed charge for that revenue code to establish the cost for the service.
  5. Inflate the cost for the service from subsection (A)(4) using Global Insight Health-care Cost Review inflation factors from date of service month to the midpoint of the rate year in which the fees are initially effective.
  6. Include associated costs under R9-22-712.25 to calculate the rates for emergency room and surgery services.
  7. Combine data from all Arizona hospitals identified in subsection (A)(3) for each procedure code to establish the statewide median cost for each procedure.
  8. Group procedure codes according to the Ambulatory Payment Classification (APC) System groups as listed in 69 FR 65682, November 15, 2004, and establish a statewide median cost for each APC. Multiply each statewide median APC cost by 116 percent to establish the AHCCCS-based fee for each procedure in that specific APC group. AHCCCS shall assign each procedure in the group the same fee.
  9. For those procedure codes that are not grouped into any APC, establish a procedure-specific fee using either:

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- a. The AHCCCS Non-hospital Capped Fee-for-service Fee Schedule,
  - b. 116 percent of the procedure-specific median cost AHCCCS-based fee, or
  - c. The Medicare Clinical Laboratory Fee Schedule for laboratory services.
10. Compare the AHCCCS-based fee established in subsections (A)(8) and (9) against the comparable Medicare fee established for the Medicare APC group as listed in the 69 FR 65682, November 15, 2004. The fee for each procedure shall be the greater of the AHCCCS-based fee or the Medicare fee but no more than 150 percent of the AHCCCS-based fee; however, for those laboratory services for which a limit is established in the Medicare Clinical Laboratory Fee Schedule, the fee shall not exceed that limit.
  11. Assign the 2005 Medicare fee in the AHCCCS Outpatient Capped Fee-for-service Schedule for those procedures for which there are fewer than 20 occurrences of the procedure code in the dataset, either independently, or, if applicable, for all procedure codes within an APC Group.

**B.** For all claims with a begin date of service on or after October 1, 2011, the AHCCCS Outpatient Capped Fee-for-Service Schedule shall be derived from the CMS Medicare Outpatient Prospective Payment System (OPPS) fee schedule modified by an Arizona conversion factor determined annually.

1. When clinic services are billed using 51X revenue codes, the reimbursement to the hospital is the difference between the facility and non-facility rates payable to the practitioner for the procedures listed in the Administration's Capped Fee-for-service Schedule under R9-22-710.
2. Observation services, when not billed in conjunction with a service for which a single payment is made under R9-22-712.25, are reimbursed at an hourly rate published in the Outpatient Capped Fee-for-service Schedule. This hourly rate includes reimbursement for associated services.

**C.** The AHCCCS Outpatient Capped Fee-for-service Schedule including the effective date of any changes to the listing are on file and posted on AHCCCS' web site.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4).

**R9-22-712.21. Reserved**

**R9-22-712.22. Reserved**

**R9-22-712.23. Reserved**

**R9-22-712.24. Reserved**

**R9-22-712.25. Outpatient Hospital Fee Schedule Calculations: Associated Service Costs**

- A.** AHCCCS shall include the costs of associated services, as defined by revenue codes and procedure codes, when determining the specific fees for the outpatient hospital procedures for emergency department and surgery services.
- B.** Payment made under subsection (A) or R9-22-712.20(B)(2) is inclusive of all services on the claim regardless of whether the services are provided on one or more days.

**C.** A complete listing of the revenue codes and procedure codes for associated costs included in the payment for emergency and surgery services including the effective date of any changes to the listing are on file and posted on AHCCCS' web site.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3).

**R9-22-712.26. Reserved**

**R9-22-712.27. Reserved**

**R9-22-712.28. Reserved**

**R9-22-712.29. Reserved**

**R9-22-712.30. Outpatient Hospital Reimbursement: Payment for a Service Not Listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule**

- A.** AHCCCS shall calculate a statewide CCR for a service where a specific fee cannot be determined under R9-22-712.20.
- B.** For claims with a begin date of service on or before September 30, 2011, the statewide CCR shall be calculated based on the costs and covered charges associated with a service under subsection (A) for all Arizona hospitals, using the method specified in R9-22-712.20(A)(3).
- C.** For all claims with a begin date of service on or after October 1, 2011, the statewide CCR calculation shall equal either the CMS Medicare Outpatient Urban Cost-to-charge Ratio or the CMS Medicare Outpatient Rural Cost-to-charge Ratio published by CMS for the state of Arizona. AHCCCS shall use the urban cost-to-charge ratio for hospitals located in a county of 500,000 residents or more and for out-of-state hospitals. AHCCCS shall use the rural cost-to-charge ratio for hospitals located in a county of fewer than 500,000 residents. On October 1st of each year, AHCCCS shall adjust urban and rural CCRs to the CCRs as published by CMS in the *Federal Register* on or before August 1st of that year.
- D.** To determine the payment amount for procedures where a specific fee is not determined under R9-22-712.20, the statewide CCR is multiplied by the covered charges.
- E.** Reductions to payments for outpatient hospital services not listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule. Outpatient hospital services not listed in the AHCCCS Outpatient Capped Fee-For-Service Schedule with dates of service on or after October 1, 2011, shall be reimbursed at 95 percent of the rate published by CMS pursuant to subsection (C) of this Section.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4).

**R9-22-712.31. Reserved**

**R9-22-712.32. Reserved**

**R9-22-712.33. Reserved**

**R9-22-712.34. Reserved**

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**R9-22-712.35. Outpatient Hospital Reimbursement: Adjustments to Fees**

- A.** For all claims with a begin date of service on or before September 30, 2011, AHCCCS shall increase the Outpatient Capped Fee-for-service Schedule established under R9-22-712.20 (except for laboratory services and out-of-state hospital services) for the following hospitals submitting any claims:
1. By 48 percent for public hospitals on July 1, 2005, and hospitals that were public anytime during the calendar year 2004;
  2. By 45 percent for hospitals in counties other than Maricopa and Pima with more than 100 Medicare PPS beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
  3. By 50 percent for hospitals in counties other than Maricopa and Pima with 100 or less Medicare PPS beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
  4. By 115 percent for hospitals designated as Critical Access Hospitals or hospitals that have not been designated as Critical Access Hospitals but meet the criteria during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
  5. By 113 percent for a Freestanding Children's Hospital with at least 110 pediatric beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective; or
  6. By 14 percent for a University Affiliated Hospital which is a hospital that has a majority of the members of its board of directors appointed by the Board of Regents during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective.
- B.** For all claims with a begin date of service on or after October 1, 2011, AHCCCS shall increase the Outpatient Capped Fee-for-service Schedule (except for laboratory services, and out-of-state hospital services) for the following hospitals. A hospital shall receive an increase from only one of the following categories:
1. By 73 percent for public hospitals;
  2. By 31 percent for hospitals in counties other than Maricopa and Pima with more than 100 licensed beds as of October 1 of that contract year;
  3. By 37 percent for hospitals in counties other than Maricopa and Pima with 100 or fewer licensed beds as of October 1 of that contract year;
  4. By 100 percent for hospitals designated as Critical Access Hospitals or hospitals that have not been designated as Critical Access Hospitals but meet the critical access criteria;
  5. By 78 percent for a Freestanding Children's Hospital with at least 110 pediatric beds as of October 1 of that contract year; or
  6. By 41 percent for a University Affiliated Hospital, this is a hospital that has a majority of the members of its board of directors appointed by the Arizona Board of Regents.
- C.** In addition to subsections (A) and (B), an Arizona Level 1 trauma center as defined by R9-22-2101 shall receive a 50 percent increase to the Outpatient Capped Fee-for-service Schedule (except for laboratory services and out-of-state hospital services) for Level 2 and 3 emergency department procedures.
- D.** Hospitals with greater than 100 pediatric beds not receiving an increase under subsection (B) shall receive an 18 percent increase to the Outpatient Capped Fee-for-service Schedule (except for laboratory services, and out-of-state hospital services).
- E.** For outpatient services with dates of service from October 1, 2022 through September 30, 2023, the payment otherwise required for outpatient hospital services provided by qualifying hospitals shall be increased by a percentage established by the administration. The percentage is published on the Administration's public website as part of its fee schedule subsequent to the public notice published no later than September 1, 2022. A hospital will qualify for an increase if it meets the criteria specified below for the applicable hospital subtype.
1. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: short-term or children's will qualify for an increase if it meets the criteria in (1)(a), (b), (c) or (d):
    - a. By April 1, 2022, the hospital must have submitted a Letter of Intent (LOI) to the Health Information Exchange (HIE) in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved.
      - i. No later than April 1, 2022, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
      - ii. No later than May 1, 2022, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
        - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
      - iii. No later than May 1, 2022, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE organization, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE on their behalf.
      - iv. No later than May 1, 2022, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer



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- information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
- v. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate connectivity to and usage of the Arizona Healthcare Directives Registry (AzHDR) operated by the qualifying HIE organization.
  - vii. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - viii. No later than January 1, 2023, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - ix. No later than May 1, 2023, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - x. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below:
    - (1) Demonstrate a 10% improvement from baseline measurements in the initial data quality profile, based on October 2021 data, to the final data quality profile, based on March 2022 data.
    - (2) Meet a minimum performance standard of at least 60% based on March 2022 data.
    - (3) If performance meets or exceeds an upper threshold of 90% based on March 2022 data, the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
  - xi. DAP HIE Data Quality Standards CYE 2023 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 0.5% DAP increase for each category of the five measure categories, for a total potential increase of 2.5% if criteria are met for all categories.
    - (1) Data source and data site information must be submitted on all ADT transactions. (0.5%)
    - (2) Event type must be properly coded on all ADT transactions. (0%)
    - (3) Patient class must be properly coded on all appropriate ADT transactions. (0%)
    - (4) Patient demographic information must be submitted on all ADT transactions. (0%)
    - (5) Race must be submitted on all ADT transactions. (0.5%)
    - (6) Ethnicity must be submitted on all ADT transactions. (0.5%)
    - (7) Diagnosis must be submitted on all ADT transactions. (0.5%)
    - (8) Overall completeness of the ADT message. (0%)
- b. By April 1, 2022, the hospital must have submitted a registration form for participation in the Social Determinants of Health (SDOH) Closed-Loop Referral Platform operated by the qualifying HIE organization in which the parties agree to achieve the following milestones by the specified dates:
    - i. No later than April 1, 2022, submit registration form(s) for participation using the form(s) on the website of the qualifying HIE organization.
    - ii. No later than April 1, 2022:
      - (1) For hospitals with an active Participation Agreement with a qualifying HIE organization, submit a signed Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
      - (2) For hospitals without an active Participation Agreement with a qualifying HIE organization, execute a Participation Agreement and a Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
      - (3) For hospitals that have not participated in DAP HIE requirements in CYE 2022, the deadline for this milestone will be November 1, 2022.
    - iii. No later than September 30, 2022, or as soon as reasonably practicable thereafter as determined by the qualifying HIE organization, initiate use of the SDOH Closed-Loop Referral Platform operated by the qualifying HIE organization. After go-live, the hospital must regularly utilize the SDOH Closed-Loop Referral Platform, which will be measured by facilitating at least 10 referrals on average per month from go-live date through the end of CYE 2023. All referrals entered into the system by the hospital will be counted towards volume requirements.
  - c. By March 15, 2022, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2022, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
    - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.

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- ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
  - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
  - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2022.
  - v. The non-IHS/Tribal 638 facility will receive a minimum of one referral and any supporting medical documentation from the IHS/Tribal 638 facility and submit a minimum of one claim to AHCCCS under the CCA claiming guidelines, by September 1, 2022. During CYE 2023, from October 1, 2022 through September 30, 2023, demonstrate a concerted effort to submit an average of 5 CCA claims per month to AHCCCS.
  - vi. Existing facilities with a CCA established in CYE 2022 will actively submit a minimum of 5 CCA claims to AHCCCS by March 15, 2022, and submit an average of 5 CCA claims per month to AHCCCS by May 31, 2022.
- d. Upon the declaration of the end of the State of Arizona Public Health Emergency (PHE) issued on March 11, 2020, the hospital must submit a letter of intent (LOI) to AHCCCS in which it agrees to adult and pediatric bed capacity reporting to the Arizona Department of Health Services (ADHS). Specifically, the hospital shall report the following through an ADHS approved method to ADHS weekly, with deadlines and format prescribed by ADHS:
  - i. Number of ICU beds in use,
  - ii. Number of ICU beds available for use,
  - iii. Number of Medical-Surgical beds in use,
  - iv. Number of Medical-Surgical beds available for use,
  - v. Number of Telemetry beds in use,
  - vi. Number of Telemetry beds available for use.
- 2. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: critical access hospital will qualify for an increase if it meets this criteria specified in (2)(a),(b), (c) or (d):
  - a. By April 1, 2022 the hospital must have submitted a LOI to the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved:
    - i. No later than April 1, 2022, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
    - ii. No later than May 1, 2022, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
      - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
  - iii. No later than May 1, 2022, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
  - iv. No later than May 1, 2022, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
  - v. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate connectivity to and usage of the Arizona Healthcare Directives Registry (AzHDR) operated by the qualifying HIE organization.
  - vii. No later than November 1, 2022, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - viii. No later than January 1, 2023, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.

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- ix. No later than May 1, 2023, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
- x. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below:
  - (1) Demonstrate a 10% improvement from baseline measurements in the initial data quality profile, based on October 2021 data, to the final data quality profile, based on March 2022 data.
  - (2) Meet a minimum performance standard of at least 60% based on March 2022 data.
  - (3) If performance meets or exceeds an upper threshold of 90% based on March 2022 data the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
- xi. DAP HIE Data Quality Standards CYE 2023 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a DAP increase for select Data Quality Measures for a total of 8.0% if criteria are met for all categories indicating a DAP.
  - (1) Data source and data site information must be submitted on all ADT transactions. (1.0%)
  - (2) Event type must be properly coded on all ADT transactions. (1.0%)
  - (3) Patient class must be properly coded on all appropriate ADT transactions. (0%)
  - (4) Patient demographic information must be submitted on all ADT transactions. (0%)
  - (5) Race must be submitted on all ADT transactions. (2.0%)
  - (6) Ethnicity must be submitted on all ADT transactions. (2.0%)
  - (7) Diagnosis must be submitted on all ADT transactions. (2.0%)
  - (8) Overall completeness of the ADT message. (0%)
- b. By April 1, 2022, the hospital must have submitted a registration form for participation in the Social Determinants of Health (SDOH) Closed-Loop Referral Platform operated by the qualifying HIE organization in which the parties agree to achieve the following milestones by the specified dates;
  - i. No later than April 1, 2022, submit registration form(s) for participation using the form(s) on the website of the qualifying HIE organization.
  - ii. No later than April 1, 2022:
    - (1) For hospitals with an active Participation Agreement with a qualifying HIE organization, submit a signed Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
    - (2) For hospitals without an active Participation Agreement with a qualifying HIE organization, execute a Participation Agreement and a Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
- (3) For hospitals that have not participated in DAP HIE requirements in CYE 2022, the deadline for this milestone will be November 1, 2022.
- iii. No later than September 30, 2022, or as soon as reasonably practicable thereafter as determined by the qualifying HIE organization, initiate use of the SDOH Closed-Loop Referral Platform operated by the qualifying HIE organization. After go-live, the hospital must regularly utilize the SDOH Closed-Loop Referral Platform, which will be measured by facilitating at least 10 referrals on average per month from go-live date through the end of CYE 2023. All referrals entered into the system by the hospital will be counted towards volume requirements.
- c. By March 15, 2022, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2022, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
  - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
  - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
  - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
  - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2022.
  - v. The non-IHS/Tribal 638 facility will receive a minimum of one referral and any supporting medical documentation from the IHS/Tribal 638 facility and submit a minimum of one claim to AHCCCS under the CCA claiming guidelines, by September 1, 2022. During CYE 2023, from October 1, 2022 through September 30, 2023, demonstrate a concerted effort to submit an average of 5 CCA claims per month to AHCCCS.
  - vi. Existing facilities with a CCA established in CYE 2022 will actively submit a minimum of 5 CCA claims to AHCCCS by March 15, 2022, and submit an average of 5 CCA claims per month to AHCCCS by May 31, 2022.
- d. Upon the declaration of the end of the State of Arizona Public Health Emergency (PHE) issued on March 11, 2020, the hospital must submit a letter of intent (LOI) to AHCCCS in which it agrees to adult and pediatric bed capacity reporting to the Arizona

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Department of Health Services (ADHS). Specifically, the hospital shall report the following through an ADHS approved method to ADHS weekly, with deadlines and format prescribed by ADHS:

- i. Number of ICU beds in use,
  - ii. Number of ICU beds available for use,
  - iii. Number of Medical-Surgical beds in use,
  - iv. Number of Medical-Surgical beds available for use,
  - v. Number of Telemetry beds in use, and
  - vi. Number of Telemetry beds available for use.
3. A hospital designated as type: hospital, subtype: long term, psychiatric, or rehabilitation by the Arizona Department of Health Services Division of Licensing Services will qualify for an increase if it meets the criteria specified in (3)(a), (b), (c), (d), (e), or (f):
- a. In order to qualify, by April 1, 2022 the hospital must have submitted a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved:
    - i. No later than April 1, 2022, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
    - ii. No later than May 1, 2022, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
      - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
    - iii. No later than May 1, 2022, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
    - iv. No later than May 1, 2022, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge, and transfer information (generally known as ADT information), including data from the hospital emergency department if the facility has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
  - v. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate connectivity to and usage of the Arizona Healthcare Directives Registry (AzHDR) operated by the qualifying HIE organization or an Advance Directives Registry platform operated by the qualifying HIE organization.
  - vii. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - viii. No later than January 1, 2023, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - ix. No later than May 1, 2023, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - x. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to DAP increases described below.
    - (1) Demonstrate a 10% improvement from baseline measurements in the initial data quality profile, based on October 2021 data, to the final data quality profile, based on March 2022 data.
    - (2) Meet a minimum performance standard of at least 60% based on March 2022 data.
    - (3) If performance meets or exceeds an upper threshold of 90% based on March 2022 data the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
  - xi. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 0.5% DAP increase for each category of the five measure categories, for a total potential increase of 2.0% if criteria are met for all categories.
    - (1) Data source and data site information must be submitted on all ADT transactions.

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- (0.5%)
- (2) Event type must be properly coded on all ADT transactions. (0%)
- (3) Patient class must be properly coded on all appropriate ADT transactions. (0%)
- (4) Patient demographic information must be submitted on all ADT transactions. (0%)
- (5) Race must be submitted on all ADT transactions. (0.5%)
- (6) Ethnicity must be submitted on all ADT transactions. (0.5%)
- (7) Diagnosis must be submitted on all ADT transactions. (0.5%)
- (8) Overall completeness of the ADT message. (0%)
- b. By April 1, 2022, the hospital must have submitted a registration form for participation in the Social Determinants of Health (SDOH) Closed-Loop Referral Platform operated by the qualifying HIE organization in which the parties agree to achieve the following milestones by the specified dates;
  - i. No later than April 1, 2022, submit registration form(s) for participation using the form(s) on the website of the qualifying HIE organization.
  - ii. No later than April 1, 2022:
    - (1) For hospitals with an active Participation Agreement with a qualifying HIE organization, submit a signed Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
    - (2) For hospitals without an active Participation Agreement with a qualifying HIE organization, execute a Participation Agreement and a Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
    - (3) For hospitals that have not participated in DAP HIE requirements in CYE 2022, the deadline for this milestone will be November 1, 2022.
  - iii. No later than September 30, 2022, or as soon as reasonably practicable thereafter as determined by the qualifying HIE organization, initiate use of the SDOH Closed-Loop Referral Platform operated by the qualifying HIE organization. After go-live, the hospital must regularly utilize SDOH Closed-Loop Referral Platform, which will be measured by facilitating at least 10 referrals on average per month from go-live date through the end of CYE 2023. All referrals entered into the system by the hospital will be counted towards volume requirements.
- c. On March 15, 2022 is identified as a Medicare Annual Payment Update recipients on the QualityNet.org website. APU recipients are those facilities that satisfactorily met the requirements for the IPFQR program, which includes multiple clinical quality measures. Facilities identified as APU recipients will qualify for the DAP increase.
- d. On March 15, 2022 meets or falls below the national average for the rate of pressure ulcers that are new or worsened from the Medicare Provider Data Catalog website for long-term care hospitals. Facility results will be compared to the national average results for the measure. Hospitals that meet or fall below the national average percentage will qualify for the DAP increase.
- e. On March 15, 2022 meets or falls below the national average for the rate of pressure ulcers that are new or worsened from the Medicare Provider Data Catalog website for rehabilitation hospitals. Facility results will be compared to the national average results for the measure. Hospitals that meet or fall below the national average percentage will qualify for the DAP increase.
- f. By April 30, 2022, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
  - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
  - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
  - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
  - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2022.
  - v. The non-IHS/Tribal 638 facility will receive a minimum of one referral and any supporting medical documentation from the IHS/Tribal 638 facility and submit a minimum of one claim to AHCCCS under the CCA claiming guidelines, by September 1, 2022. During CYE 2023, from October 1, 2022, through September 30, 2023, demonstrate a concerted effort to submit an average of 5 CCA claims per month to AHCCCS.
  - vi. Existing facilities with a CCA established in CYE 2022 will actively submit a minimum of 5 CCA claims to AHCCCS by March 15, 2022, and submit an average of 5 CCA claims per month to AHCCCS by May 31, 2022.
- 4. A hospital designated as type: hospital, subtype: long term or rehabilitation by the Arizona Department of Health Services Division of Licensing Services will qualify for an increase if it meets the following criteria. Upon the declaration of the end of the State of Arizona Public Health Emergency (PHE) issued on March 11, 2020, the hospital must submit a letter of intent (LOI) to AHCCCS in which it agrees to adult and pediatric bed capacity reporting to the Arizona Department of Health Services (ADHS). Specifically, the hospital shall report the following through an ADHS approved method to ADHS weekly, with deadlines and format prescribed by ADHS:
  - i. Number of ICU beds in use,
  - ii. Number of ICU beds available for use,

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- iii. Number of Medical-Surgical beds in use,
  - iv. Number of Medical-Surgical beds available for use,
  - v. Number of Telemetry beds in use, and
  - vi. Number of Telemetry beds available for use.
5. A hospital designated as type: hospital by the Arizona Department of Health Services Division of Licensing Services and is owned and/or operated by Indian Health Services (IHS) or under Tribal authority will qualify for an increase if it meets these criteria specified in (5)(a) or (b);
- a. By April 1, 2022 the hospital must have submitted a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved:
    - i. No later than April 1, 2022, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
    - ii. No later than May 1, 2022, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
      - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
    - iii. No later than May 1, 2022, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
    - iv. No later than May 1, 2022, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge, and transfer information (generally known as ADT information), including data from the hospital emergency department if the facility has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination. If the hospital has ambulatory and/or behavioral health practices, then the facility must submit the following actual patient identifiable information to the production environment of a qualifying HIE: registration, encounter summary, and SMI data elements as defined by the qualifying HIE organization. For hospitals that have not participated in DAP HIE requirements in CYE 2022, the deadline for this milestone will be November 1, 2022.
    - v. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
    - vi. No later than January 1, 2023, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
    - vii. No later than May 1, 2023, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
    - viii. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below:
      - (1) Demonstrate a 10% improvement from baseline measurements in the initial data quality profile, based on October 2021 data, to the final data quality profile, based on March 2022 data.
      - (2) Meet a minimum performance standard of at least 60% based on March 2022 data.
      - (3) If performance meets or exceeds an upper threshold of 90% based on March 2022 data, the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
    - ix. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a DAP increase for select Data Quality Measures for a total of 2.5% if criteria are met for all categories indicating a DAP.
      - (1) Data source and data site information must be submitted on all ADT transactions. (0.5%)
      - (2) Event type must be properly coded on all ADT transactions. (0.5%)
      - (3) Patient class must be properly coded on all appropriate ADT transactions. (0.5%)
      - (4) Patient demographic information must be submitted on all ADT transactions. (0.5%)
      - (5) Overall completeness of the ADT mes-

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- sage. (0.5%)
- b. By March 15, 2022, the facility must submit a LOI to enter into a CCA with a non-IHS/638 facility (a fully signed copy of a CCA with a non-IHS/Tribal 638 facility is also acceptable). By April 30, 2021, the facility must have entered into a CCA with a non-IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities: The IHS/Tribal 638 facility will have in place a signed CCA with a non-IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
    - i. The IHS/Tribal 638 facility will have a valid referral template in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
    - ii. The IHS/Tribal 638 facility will continue to assume responsibility of the referred member, maintaining records and release of information protocol including clinical documentation of services provided by the non-IHS/Tribal 638 facility.
    - iii. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the IHS/Tribal 638 facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2021.
    - iv. The IHS/638 facility will submit a minimum of one referral and any supporting medical documentation to the non-IHS/Tribal 638 facility by September 1, 2022. During CYE 2023, from October 1, 2022, through September 30, 2023, demonstrate a concerted effort to submit an average of 5 CCA referrals per month to the non-IHS/Tribal 638 facility.
    - v. Existing facilities with a CCA established in CYE 2022 will actively submit a minimum of 5 CCA referrals to the non-IHS/Tribal 638 facility by March 15, 2022, and submit an average of 5 CCA referrals per month by May 31, 2022.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 3584, effective October 1, 2007 (Supp. 07-4). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2338, effective October 1, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 2851, effective October 1, 2018 (Supp. 18-3). Amended by final rulemaking at 25 A.A.R. 3114, effective October 1, 2019 (Supp. 19-4). Amended by final rulemaking at 26 A.A.R. 3025, with an immediate effective date of November 3, 2020 (Supp. 20-4). AHCCCS filed an incorrect version of a final rulemaking which made amendments to this Section published at 27 A.A.R. 2501 (October 29, 2021); AHCCCS filed the correct version of its final rulemaking on

December 3, 2021, with this Section amended by final rulemaking at 27 A.A.R. 3015 (December 31, 2021), effective October 1, 2021 (Supp. 21-4). Amended by final rulemaking at 28 A.A.R. 3283 (October 14, 2022), with an immediate effective date of September 23, 2022 (Supp. 22-3).

**R9-22-712.36. Reserved****R9-22-712.37. Reserved****R9-22-712.38. Reserved****R9-22-712.39. Reserved****R9-22-712.40. Outpatient Hospital Reimbursement: Annual and Periodic Update**

- A. Procedure codes. When procedure codes are issued by CMS and added to the Current Procedural Terminology published by the American Medical Association, AHCCCS shall add to the Outpatient Capped Fee-for-Service Schedule the new procedure codes for covered outpatient services and shall either assign the default CCR under R9-22-712.40(F)(2), the Medicare rate, or calculate an appropriate fee.
- B. APC changes. AHCCCS may reassign procedure codes to new or different APC groups when APC groups are revised by CMS. AHCCCS may reassign procedure codes to a different APC group than Medicare. If AHCCCS determines that utilization of a procedure code within the Medicare program is substantially different from utilization of the procedure code in the AHCCCS program, AHCCCS may choose not to assign the procedure code to any APC group. For procedure codes not grouped into an APC by Medicare, AHCCCS may assign the code to an APC group when AHCCCS determines that the cost and resources associated with the non-assigned code are substantially similar to those in the APC group.
- C. Annual update for Outpatient Hospital Fee Schedule. Beginning October 1, 2006, through September 30, 2011, AHCCCS shall adjust outpatient fee schedule rates:
  1. Annually by multiplying the rates effective during the prior year by the Global Insight Prospective Hospital Market Basket Inflation Index; or
  2. In a particular year the director may substitute the increases in subsection (C)(1) by calculating the dollar value associated with the inflation index in subsection (C)(1), and applying the dollar value to adjust rates at varying levels.
- D. Reductions to the Outpatient Capped Fee-For-Service Schedule. Claims paid using the Outpatient Capped Fee-For-Service Schedule with dates of service on or after October 1, 2011, shall be reimbursed at 95 percent of the rates in effect on September 30, 2011, subject to the annual adjustments to procedure codes and APCs under this Section.
- E. Rebase. AHCCCS shall rebase the outpatient fees every five years.
- F. Statewide CCR:
  1. For begin dates of service on or before September 30, 2011, the statewide CCR calculated in R9-22-712.30 shall be recalculated at the time of rebasing. When rebasing, AHCCCS may recalculate the statewide CCR based on the costs and charges for services excluded from the outpatient hospital fee schedule.
  2. For begin dates of service on or after October 1, 2011, the statewide CCR shall be set under R9-22-712.30(C).
- G. Other Updates. In addition to the other updates provided for in this Section, the Administration may adjust the Outpatient Capped Fee-For-Service Fee Schedule and the Statewide CCR

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to the extent necessary to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available at least to the extent that such care and services are available to the general population in the geographic area.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 13 A.A.R. 3584, effective October 1, 2007 (Supp. 07-4). Amended by final rulemaking at 14 A.A.R. 1439, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 17 A.A.R. 1460, effective October 1, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1914, effective July 18, 2012 (Supp. 12-3). Amended by final rulemaking at 19 A.A.R. 3315, effective November 30, 2013 (Supp. 13-4). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.41. Reserved**

**R9-22-712.42. Reserved**

**R9-22-712.43. Reserved**

**R9-22-712.44. Reserved**

**R9-22-712.45. Outpatient Hospital Reimbursement: Outpatient Payment Restrictions**

- A. AHCCCS shall not reimburse hospitals for emergency room treatment, observation hours, or other outpatient hospital services performed on an outpatient basis if the member is admitted as an inpatient to the same hospital directly from the emergency room, observation, or other outpatient department.
- B. AHCCCS shall include payment for the emergency room, observation, and other outpatient hospital services provided to the member before the hospital admission in the AHCCCS Inpatient Tiered Per Diem Capped Fee-For-Service Schedule under Article 7 of this Chapter.
- C. Same day admit and discharge.
  1. For discharges before September 30, 2014. Same day admit and discharge claims that qualify for either the maternity or nursery tiers shall be paid based on the lesser of the rate for the maternity or nursery tier, or the outpatient hospital fee schedule.
  2. For discharge dates on and after October 1, 2014. Same day admit and discharge claims are paid for through the outpatient fee schedule.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.46. Reserved**

**R9-22-712.47. Reserved**

**R9-22-712.48. Reserved**

**R9-22-712.49. Reserved**

**R9-22-712.50. Outpatient Hospital Reimbursement: Billing**

To receive appropriate reimbursement, hospitals shall:

1. Bill outpatient hospital services on the CMS approved Uniform Billing Form or in electronic format using the appropriate HIPAA transaction.

2. Follow the UB Manual Guidelines, as published by the National Uniform Billing Committee, and use the appropriate revenue code and procedure code combination as prescribed by AHCCCS and on file and online with AHCCCS.

**Historical Note**

New Section made by exempt rulemaking at 11 A.A.R. 2297, effective July 1, 2005 (Supp. 05-2).

**R9-22-712.51. Reserved**

**R9-22-712.52. Reserved**

**R9-22-712.53. Reserved**

**R9-22-712.54. Reserved**

**R9-22-712.55. Reserved**

**R9-22-712.56. Reserved**

**R9-22-712.57. Reserved**

**R9-22-712.58. Reserved**

**R9-22-712.59. Reserved**

**R9-22-712.60. Diagnosis Related Group Payments**

- A. Inpatient hospital services with discharge dates on or after October 1, 2014, shall be reimbursed using the diagnosis related group (DRG) payment methodology described in this Section and R9-22-712.61 through R9-22-712.81.
- B. Payments made using the DRG methodology shall be the sole reimbursement to the hospital for all inpatient hospital services and related supplies provided by the hospital. Services provided in the emergency room, observation area, or other outpatient departments that are directly followed by an inpatient admission to the same hospital are not reimbursed separately. Are reimbursed through the DRG methodology and not reimbursed separately.
- C. Each claim for an inpatient hospital stay shall be assigned a DRG code and a DRG relative weight based on the All Patient Refined Diagnosis Related Group (APR-DRG) classification system established by 3M Health Information Systems. The applicable version of the APR-DRG classification system shall be available on the agency's website.
- D. Payments for inpatient hospital services reimbursed using the DRG payment methodology are subject to quick pay discounts and slow pay penalties under A.R.S. 36-2904.
- E. Payments for inpatient hospital services reimbursed using the DRG payment methodology are subject to the Urban Hospital Reimbursement Program under R9-22-718.
- F. For purposes of this Section and Sections R9-22-712.61 through R9-22-712.81:
  1. "DRG National Average length of stay" means the national arithmetic mean length of stay published in the All Patient Refined Diagnosis Related Group (APR-DRG) classification established by 3M Health Information Systems.
  2. "Length of stay" means the total number of calendar days of an inpatient stay beginning with the date of admission through discharge, but not including the date of discharge (including the date of a discharge to another hospital, i.e., a transfer) unless the member expires.
  3. "Medicare" means Title XVIII of the Social Security Act, 42 U.S.C. 1395 et seq.
  4. "Medicare labor share" means a hospital's labor costs as a percentage of its total costs as determined by CMS for



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purposes of the Medicare Inpatient Prospective Payment System.

#### Historical Note

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

#### R9-22-712.61. DRG Payments: Exceptions

- A. Notwithstanding section R9-22-712.60, claims for inpatient services from the following hospitals shall be paid on a per diem basis, including provisions for outlier payments, where rates and outlier thresholds are included in the capped fee schedule published by the Administration on its website and available for inspection during normal business hours at 801 E. Jefferson, Phoenix, Arizona. If the covered costs per day on a claim exceed the published threshold for a day, the claim is considered an outlier. Outliers will be paid by multiplying the covered charges by the outlier CCR. The outlier CCR will be the sum of the urban or rural default operating CCR appropriate to the location of the hospital and the statewide capital cost-to-charge ratio in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS. The resulting amount will be the total reimbursement for the claim. There is no provision for outlier payments for hospitals described under subsection (A)(3).
  1. Hospitals designated as type: hospital, subtype; rehabilitation in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website in March of each year;
  2. Hospitals designated as type: hospital, subtype: long term in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March of each year;
  3. Hospitals designated as type: hospital, subtype; psychiatric in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March of each year.
- B. Notwithstanding Section R9-22-712.60, claims for inpatient services that are covered by a RBHA or TRBHA, where the principal diagnosis on the claim is a behavioral health diagnosis, shall be reimbursed as prescribed by a per diem rate described by a fee schedule established by the Administration; however, if the principal diagnosis is a physical health diagnosis, the claim shall be processed under the DRG methodology described in this Section, even if behavioral health services are provided during the inpatient stay.
- C. Notwithstanding Section R9-22-712.60, claims for services associated with transplant services shall be paid in accordance with the contract between the AHCCCS administration and the transplant facility.
- D. Notwithstanding Section R9-22-712.60, claims from an IHS facility or 638 Tribal provider shall be paid the all-inclusive rate on a per visit basis in accordance with the rates published annually by IHS in the federal register.
- E. For hospitals that have contracts with the Administration for the provision of transplant services, inpatient days associated with transplant services are paid in accordance with the terms of the contract.
- F. For inpatient services with a date of admission from October 1, 2022 through September 30, 2023, provided by a hospital in subsection (A) that qualifies, the administration shall pay the hospital an Inpatient Differential Adjusted Payment equal to the sum of the payment otherwise provided for in subsection (A) plus the product of the amount otherwise provided for in subsection (A) and a percentage published on the Administration's public website as part of its fee schedule, subsequent to a public notice published no later than September 1, 2022. A hospital will qualify for an increase if it meets the criteria specified below for the applicable hospital subtype.
  1. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: short-term or children's will qualify for an increase if it meets the criteria in subsection (1)(a), (b), (c), or (d):
    - a. By April 1, 2022, a hospital the hospital must have submitted a Letter of Intent (LOI) to AHCCCS and the Health Information Exchange (HIE), in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved.
    - i. No later than April 1, 2022, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
    - ii. No later than May 1, 2022, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
      - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
      - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
    - iii. No later than May 1, 2022, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE organization, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE on their behalf.
    - iv. No later than May 1, 2022, the hospital must electronically submit the following actual

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- patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
- v. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - vi. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate connectivity to and usage of the Arizona Healthcare Directives Registry (AzHDR) operated by the qualifying HIE organization.
  - vii. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
  - viii. No later than January 1, 2023, the hospital must complete the data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - ix. No later than May 1, 2023, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
  - x. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below:
    - (1) Demonstrate a 10% improvement from baseline measurements in the initial data quality profile, based on October 2022 data, to the final data quality profile, based on March 2022 data.
    - (2) Meet a minimum performance standard of at least 60% based on March 2022 data.
    - (3) If performance meets or exceeds an upper threshold of 90% based on March 2022 data, the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
  - xi. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 0.5% DAP increase for each category of the five measure categories, for a total potential increase of 2.0% if criteria are met for all categories.
    - (1) Data source and data site information must be submitted on all ADT transactions. (0.5%)
    - (2) Event type must be properly coded on all ADT transactions. (0%)
    - (3) Patient class must be properly coded on all appropriate ADT transactions. (0%)
    - (4) Patient demographic information must be submitted on all ADT transactions. (0%)
    - (5) Race must be submitted on all ADT transactions. (0.5%)
    - (6) Ethnicity must be submitted on all ADT transactions. (0.5%)
    - (7) Diagnosis must be submitted on all ADT transactions. (0.5%)
    - (8) Overall completeness of the ADT message. (0%)
- b. By April 1, 2022, the hospital must have submitted a registration form for participation in the Social Determinants of Health (SDOH) Closed-Loop Referral Platform operated by the qualifying HIE organization in which the parties agree to achieve the following milestones by the specified dates:
    - i. No later than April 1, 2022, submit registration form(s) for participation using the form(s) on the website of the qualifying HIE organization.
    - ii. No later than April 1, 2022:
      - (1) For hospitals with an active Participation Agreement with a qualifying HIE organization, submit a signed Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
      - (2) For hospitals without an active Participation Agreement with a qualifying HIE organization, execute a Participation Agreement and a Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
      - (3) For hospitals that have not participated in DAP HIE requirements in CYE 2022, the deadline for this milestone will be November 1, 2022.
    - iii. No later than September 30, 2022, or as soon as reasonably practicable thereafter as determined by the qualifying HIE organization, initiate use of the SDOH Closed-Loop Referral Platform operated by the qualifying HIE organization. After go-live, the hospital must regularly utilize the SDOH Closed-Loop Referral Platform, which will be measured by facilitating at least 10 referrals on average per month from go-live date through the end of CYE 2023. All referrals entered into the system by the hospital will be counted towards volume requirements.
  - c. By March 15, 2022, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2022, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
    - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The

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- CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
- ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
  - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
  - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2022.
  - v. The non-IHS/Tribal 638 facility will receive a minimum of one referral and any supporting medical documentation from the IHS/Tribal 638 facility and submit a minimum of one claim to AHCCCS under the CCA claiming guidelines, by September 1, 2022. During CYE 2023, from October 1, 2022 through September 30, 2023, demonstrate a concerted effort to submit an average of 5 CCA claims per month to AHCCCS.
  - vi. Existing facilities with a CCA established in CYE 2022 will actively submit a minimum of 5 CCA claims to AHCCCS by March 15, 2022, and submit an average of 5 CCA claims per month to AHCCCS by May 31, 2022.
- d. Upon the declaration of the end of the State of Arizona Public Health Emergency (PHE) issued on March 11, 2020, the hospital must submit a letter of intent (LOI) to AHCCCS in which it agrees to adult and pediatric bed capacity reporting to the Arizona Department of Health Services (ADHS). Specifically, the hospital shall report the following through an ADHS approved method to ADHS weekly, with deadlines and format prescribed by ADHS:
    - i. Number of ICU beds in use,
    - ii. Number of ICU beds available for use,
    - iii. Number of Medical-Surgical beds in use,
    - iv. Number of Medical-Surgical beds available for use,
    - v. Number of Telemetry beds in use, and
    - vi. Number of Telemetry beds available for use.
  2. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: critical access hospital will qualify for an increase if it meets the criteria specified in subsection (2)(a), (b), (c), or (d):
    - a. By April 1, 2022 the hospital must have submitted a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved:
      - i. No later than April 1, 2022, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
        - ii. No later than May 1, 2022, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
          - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
          - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
          - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
      - iii. No later than May 1, 2022, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
      - iv. No later than May 1, 2022, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
      - v. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
      - vi. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate connectivity to and usage of the Arizona Healthcare Directives Registry (AzHDR) operated by the qualifying HIE organization.
      - vii. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.

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- viii. No later than January 1, 2023, the hospital must complete the data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
- ix. No later than May 1, 2023, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
- x. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below.
  - (1) Demonstrate a 10% improvement from baseline measurements in the initial data quality profile, based on October 2021 data, to the final data quality profile, based on March 2022 data.
  - (2) Meet a minimum performance standard of at least 60% based on March 2022 data.
  - (3) If performance meets or exceeds an upper threshold of 90% based on March 2022 data the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
- xi. DAP HIE Data Quality Standards CYE 2022 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a DAP increase for select Data Quality Measures for a total of 8.0% if criteria are met for all categories indicating a DAP.
  - (1) Data source and data site information must be submitted on all ADT transactions. (2.0%)
  - (2) Event type must be properly coded on all ADT transactions. (0%)
  - (3) Patient class must be properly coded on all appropriate ADT transactions. (0%)
  - (4) Patient demographic information must be submitted on all ADT transactions. (0%)
  - (5) Race must be submitted on all ADT transactions. (2.0%)
  - (6) Ethnicity must be submitted on all ADT transactions. (2.0%)
  - (7) Diagnosis must be submitted on all ADT transactions. (2.0%)
  - (8) Overall completeness of the ADT message. (0%)
- b. By April 1, 2022, the hospital must have submitted a registration form for participation in the Social Determinants of Health (SDOH) Closed-Loop Referral Platform operated by the qualifying HIE organization in which the parties agree to achieve the following milestones by the specified dates.
  - i. No later than April 1, 2022, submit registration form(s) for participation using the form(s) on the website of the qualifying HIE organization.
  - ii. No later than April 1, 2022:
    - (1) For hospitals with an active Participation Agreement with a qualifying HIE organization, submit a signed Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
    - (2) For hospitals without an active Participation Agreement with a qualifying HIE organization, execute a Participation Agreement and a Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
  - (3) For hospitals that have not participated in DAP HIE requirements in CYE 2022, the deadline for this milestone will be November 1, 2022.
- iii. No later than September 30, 2022, or as soon as reasonably practicable thereafter as determined by the qualifying HIE organization, initiate use of the SDOH Closed-Loop Referral Platform operated by the qualifying HIE organization. After go-live, the hospital must regularly utilize the SDOH Closed-Loop Referral Platform, which will be measured by facilitating at least 10 referrals on average per month from go-live date through the end of CYE 2023. All referrals entered into the system by the hospital will be counted towards volume requirements.
- c. By March 15, 2022, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2022, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
  - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
  - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
  - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
  - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2022.
  - v. The non-IHS/Tribal 638 facility will receive a minimum of one referral and any supporting medical documentation from the IHS/Tribal 638 facility and submit a minimum of one claim to AHCCCS under the CCA claiming guidelines, by September 1, 2022. During CYE 2023, from October 1, 2022 through September 30, 2023, demonstrate a concerted effort to submit an average of 5 CCA claims per month to AHCCCS.
  - vi. Existing facilities with a CCA established in CYE 2022 will actively submit a minimum of 5 CCA claims to AHCCCS by March 15, 2022, and submit an average of 5 CCA claims per month to AHCCCS by May 31, 2022.

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- d. Upon the declaration of the end of the State of Arizona Public Health Emergency (PHE) issued on March 11, 2020, the hospital must submit a letter of intent (LOI) to AHCCCS in which it agrees to adult and pediatric bed capacity reporting to the Arizona Department of Health Services (ADHS). Specifically, the hospital shall report the following through an ADHS approved method to ADHS weekly, with deadlines and format prescribed by ADHS:
- Number of ICU beds in use,
  - Number of ICU beds available for use,
  - Number of Medical-Surgical beds in use,
  - Number of Medical-Surgical beds available for use,
  - Number of Telemetry beds in use, and
  - Number of Telemetry beds available for use.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2338, effective October 1, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 2851, effective October 1, 2018 (Supp. 18-3). Amended by final rulemaking at 25 A.A.R. 3111 and at 25 A.A.R. 3114, effective October 1, 2019 (Supp. 19-4). Amended by final rulemaking at 26 A.A.R. 3025, with an immediate effective date of November 3, 2020 (Supp. 20-4). AHCCCS filed an incorrect version of a final rulemaking which made amendments to this Section published at 27 A.A.R. 2501 (October 29, 2021); AHCCCS filed the correct version of its final rulemaking on December 3, 2021, with this Section amended by final rulemaking at 27 A.A.R. 3015 (December 31, 2021), effective October 1, 2021 (Supp. 21-4). Amended by final rulemaking at 28 A.A.R. 3283 (October 14, 2022), with an immediate effective date of September 23, 2022 (Supp. 22-3).

**R9-22-712.62. DRG Base Payment**

- The initial DRG base payment is the product of the DRG base rate, the DRG relative weight for the post-HCAC DRG code assigned to the claim, and any applicable provider and service policy adjusters.
- The DRG base rate for each hospital is the statewide standardized amount of which the hospital's labor-related share of that amount is adjusted by the hospital's wage index. The hospital's labor share is determined based on the labor share for the Medicare inpatient prospective payment system published in 85 Fed. Reg. 59060 through 59061 (September 18, 2020). The hospital's wage index is determined based on the wage index tables reference in 85 Fed. Reg. 59059 (September 18, 2020). The statewide standardized amount is included in the AHCCCS capped fee schedule available on the agency's website.
- Claims shall be assigned both a DRG code derived from all diagnosis and surgical procedure codes included on the claim (the "pre-HCAC" DRG code) and a DRG code derived excluding diagnosis and surgical procedure codes associated with the health care acquired conditions that were not present on admission or any other provider-preventable conditions (the "post-HCAC" DRG code). The DRG code with the lower relative weight shall be used to process claims using the DRG methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 27 A.A.R. 2512 (October 29, 2021), with an immediate effective date of October 6, 2021 (Supp. 21-4).

**R9-22-712.63. DRG Base Payments Not Based on the Statewide Standardized Amount**

- Notwithstanding Section R9-22-712.62, a select specialty hospital standardized amount shall be used in place of the statewide standardized amount in subsection R9-22-712.62(B) to calculate the DRG base rate for the following hospitals:
  - Hospitals located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2011 Medicare Cost Report are reimbursed by Medicare.
  - Hospitals designated as type: hospital, subtype: short term that has a license number beginning "SH" in the Provider & Facility Database for Arizona Medical Facilities posted by the ADHS Division of Licensing Services on its website for March of each year.
- The select specialty hospital standardized amount is included in the AHCCCS capped fee schedule available on the agency's website.
- Notwithstanding Section R9-22-712.62, a rural hospital standardized amount shall be used in place of the statewide standardized amount in subsection R9-22-712.62(B) to calculate the DRG base rate for the following hospitals:
  - A health care institution that is licensed as an acute care hospital, that has one hundred or fewer beds, and that is located in a county with a population of less than five hundred thousand persons; or
  - A health care institution that is licensed as a critical access hospital.
- The rural hospital standardized amount is included in the AHCCCS capped fee schedule available on the agency's website.
- Notwithstanding Section R9-22-712.62 and R9-22-712.63(B), a hospital standardized amount shall be used in place of the statewide standardized amount in subsection R9-22-712.62(B) or R9-22-712.63(B) to calculate the DRG base rate for a health care institution that is licensed as an acute care hospital, that has one hundred or fewer beds, that is located in a county with a population of less than five hundred thousand persons and has greater than twenty percent of Medicaid inpatient reimbursement with a primary diagnosis of behavioral health in the prior federal fiscal year as of April 30th.
- The hospital standardized amount is included in the AHCCCS capped fee schedule available on the agency's website.
- Notwithstanding Section R9-22-712.62 and R9-22-712.63(B), a hospital standardized amount shall be used in place of the statewide standardized amount in subsection R9-22-712.62(B) or R9-22-712.63(B) to calculate the DRG base rate for a health care institution with two separate ADHS acute care hospital licenses, with one facility that has one hundred or fewer beds, that is located in a county with a population of less than five hundred thousand persons and has one single AHCCCS registration for both licenses.
- The hospital standardized amount is included in the AHCCCS capped fee schedule available on the agency's website.

**Historical Note**

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New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 29 A.A.R. 19 (January 6, 2023), with an immediate effective date of December 16, 2022 (Supp. 22-4).

#### **R9-22-712.64. DRG Base Payments and Outlier CCR for Out-of-State Hospitals**

##### **A. DRG Base payment:**

1. For high volume out-of-state hospitals defined in subsection (C), the wage adjusted DRG base payment is determined as described in R9-22-712.62.
2. Notwithstanding subsection R9-22-712.62 the wage adjusted DRG base rate for out-of-state hospitals that are not high volume hospitals shall be included in the AHCCCS capped fee schedule available on the agency's website.

##### **B. Outlier CCR:**

1. Notwithstanding subsection R9-22-712.68, the CCR used for the outlier calculation for out-of-state hospitals that are not high volume hospitals shall be the sum of the statewide urban default operating cost-to-charge ratio and the statewide capital CCR in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS.
2. The CCR used for the outlier calculation for high volume out-of-state hospitals is the same as in-state hospitals as described in R9-22-712.68.

##### **C. A high volume out-of-state hospital is a hospital not otherwise excluded under R9-22-712.61, that is located in a county that borders the State of Arizona and had 500 or more AHCCCS covered inpatient days for the fiscal year beginning October 1, 2015.**

##### **D. Other than as required by this Section, DRG reimbursement for out-of-state hospitals is determined under R9-22-712.60 through R9-22-712.81.**

#### **Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

#### **R9-22-712.65. DRG Provider Policy Adjustor**

##### **A. After calculating the DRG base payment as required in R9-22-712.62, R9-22-712.63, or R9-22-712.64, for claims from a high-utilization hospital, the product of the DRG base rate and the DRG relative weight for the post-HCAC DRG code shall be multiplied by a provider policy adjustor that is included in the AHCCCS capped fee schedule available on the agency's website.**

##### **B. A hospital is a high-utilization hospital if the hospital had:**

1. Covered inpatient days subject to DRG reimbursement, determined using adjudicated claim and encounter data during the fiscal year beginning October 1, 2015, equal to at least four hundred percent of the statewide average number of AHCCCS-covered inpatient days at all hospitals;
2. A Medicaid inpatient utilization rate greater than 30 percent calculated as the ratio of AHCCCS-covered inpatient days to total inpatient days as reported in the hospital's Medicare Cost Report for the fiscal year ending 2016; and,

3. Received less than \$2 million in add-on payment for outliers under R9-22-712.68, based on adjudicated claims and encounters for fiscal year beginning October 1, 2015.

#### **Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

#### **R9-22-712.66. DRG Service Policy Adjustor**

In addition to Section R9-22-712.65, for claims with DRG codes in the following categories, the product of the DRG base rate, the DRG relative weight for the post-HCAC DRG code, and the DRG provider policy adjustor shall be multiplied by the service policy adjustor listed in the AHCCCS capped fee schedule, available on the agency's website, corresponding to the following DRG codes:

1. Normal newborn DRG codes,
2. Neonates DRG codes,
3. Obstetrics DRG codes,
4. Psychiatric DRG codes,
5. Rehabilitation DRG codes,
6. Burn DRG codes.
7. Claims for members under age 19 assigned DRG codes other than listed above:
  - a. For dates of discharge occurring on or after October 1, 2014 and ending no later than December 31, 2015 regardless of severity of illness level,
  - b. For dates of discharge on or after January 1, 2016, for severity of illness levels 1 and 2,
  - c. For dates of discharge on or after January 1, 2016 and before January 1, 2017, for severity of illness levels 3 and 4.
  - d. For dates of discharge on or after January 1, 2017, and before January 1, 2018 for severity of illness levels 3 and 4.
  - e. For dates of discharge on or after January 1, 2018, for severity of illness levels 3 and 4.
8. Claims for members assigned DRG codes other than listed above.

#### **Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

#### **R9-22-712.67. DRG Reimbursement: Transfers**

- A.** For purposes of this Section a "transfer" means the transfer of a member from a hospital to a short-term general hospital for inpatient care, a designated cancer center, children's hospital, or a critical access hospital except when a member is moved for the purpose of receiving sub-acute services.
- B.** Designated cancer center or children's hospitals are those hospitals identified as such in the UB-04 billing manual published by the National Uniform Billing Committee.
- C.** The hospital the member is transferred from shall be reimbursed either the initial DRG base payment or the transfer DRG base payment, whichever is less.
- D.** The transfer DRG base payment is an amount equal to the initial DRG base payment, as determined after making any provider or service policy adjustors, divided by the DRG National Average length of stay for the DRG code multiplied by the sum of one plus the length of stay.

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- E. The hospital the member is transferred to shall be reimbursed under the DRG payment methodology without a reduction due to the transfer.
- F. Unadjusted DRG base payment. The unadjusted DRG base payment is either the initial DRG base payment, as determined after making any provider or service policy adjustors, or the transfer DRG base payment, whichever is less.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4).

**R9-22-712.68. DRG Reimbursement: Unadjusted Outlier Add-on Payment**

- A. Claims for inpatient hospital services qualify for an outlier add-on payment if the claim cost exceeds the outlier cost threshold.
- B. The claim cost is determined by multiplying covered charges by an outlier CCR as described by the following subsections:
  1. For hospitals designated as type: hospital, subtype: children's in the Provider & Facility Database for Arizona Medical Facilities posted by the ADHS Division of Licensing Services on its website for March of each year. The outlier CCR will be calculated by dividing the hospital total costs by the total charges using the most recent Medicare Cost Report available as of September 1 of that year.
  2. For Critical Access Hospitals the outlier CCR will be the sum of the statewide rural default operating cost-to-charge ratio and the statewide capital cost-to-charge ratio in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS.
  3. For all other hospitals the outlier CCR will be the sum of the operating cost-to-charge ratio and the capital cost-to-charge ratio established for each hospital in the impact file established as part of the Medicare Inpatient Prospective Payment System by CMS.
- C. AHCCCS shall update the CCRs described in subsection (B) to conform to the most recent CCRs established by CMS as of September 1 of each year, and the CCRs so updated shall be used for claims with dates of discharge on or after October 1 of that year.
- D. The outlier threshold is equal to the sum of the unadjusted DRG base payment plus the fixed loss amount. The fixed loss amount for critical access hospitals and for all other hospitals are included in the AHCCCS capped fee schedule available on the agency's website.
- E. For those inpatient hospital claims that qualify for an outlier add-on payment, the payment is calculated by subtracting the outlier threshold from the claim cost and multiplying the result by the DRG marginal cost percentage. The DRG marginal cost percentage for claims assigned DRG codes associated with the treatment of burns and for all other claims are included in the AHCCCS capped fee schedule available on the agency's website.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.69. DRG Reimbursement: Covered Day Adjusted DRG Base Payment and Covered Day Adjusted Outlier Add-on****Payment**

Adjustments to the payments are made to account for days not covered by AHCCCS as follows:

1. A covered day reduction factor unadjusted is determined if the member is not eligible on the first day of the inpatient stay but is eligible for subsequent days during the inpatient stay. In this case, a covered day reduction factor unadjusted is calculated by dividing the number of AHCCCS covered days by the DRG National Average length of stay. The number of AHCCCS covered days is equal to the number of days the member is eligible during the inpatient stay.
2. A covered day reduction factor unadjusted is also determined if the member is eligible on the first day of the inpatient stay but is determined ineligible for one or more days prior to the date of discharge. In this case, a covered day reduction factor unadjusted is calculated by adding one to the number of AHCCCS covered days and dividing the result by the DRG National Average length of stay. The number of AHCCCS covered days is equal to the number of days the member is eligible during the inpatient stay.
3. If the covered day reduction factor unadjusted is greater than one, then the covered day reduction factor final is one; otherwise, the covered day reduction factor final is equal to the covered day reduction factor unadjusted.
4. The covered day adjusted DRG base payment is an amount equal to the product of the unadjusted DRG base payment and the covered day reduction factor final.
5. The covered day adjusted DRG outlier add-on payment is an amount equal to the product of the unadjusted DRG outlier add-on payment and the covered day reduction factor final.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.70. Covered Day Adjusted DRG Base Payment and Covered Day Adjusted Outlier Add-on Payment for FES members**

In addition to the covered day reduction factor in R9-22-712.69, a covered day reduction factor unadjusted is determined for an inpatient stay during which an FES member receives services for the treatment of an emergency medical condition and also receives services once the condition no longer meets the criteria as an emergency medical condition described in R9-22-217.

1. A covered day reduction factor unadjusted is calculated by adding one to the AHCCCS covered days and dividing the result by the DRG National Average length of stay. The number of AHCCCS covered days is equal to the number of inpatient days during which an FES member receives services for an emergency medical condition as described in R9-22-217. For purposes of this adjustment, any portion of a day during which the FES member receives treatment for an emergency medical condition is counted as an AHCCCS covered day.
2. If the covered day reduction factor unadjusted is greater than one, then the covered day reduction factor final is one; otherwise, the covered day reduction factor final is equal to the covered day reduction factor unadjusted.
3. The covered day adjusted DRG base payment is an amount equal to the product of the unadjusted DRG base payment and the covered day reduction factor final.

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4. The covered day adjusted DRG outlier add-on payment is an amount equal to the product of the unadjusted DRG outlier add-on payment and the covered day reduction factor final.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R.  
1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.71. Final DRG Payment**

- A. The final DRG payment is the sum of the final DRG base payment, the final DRG outlier add-on payment, and the Differential Adjusted Payment.
- B. The final DRG base payment is an amount equal to the product of the covered day adjusted DRG base payment and a hospital-specific factor established to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology and to account for improvements in documentation and coding that are expected as a result of the transition.
- C. The final DRG outlier add-on payment is an amount equal to the product of the covered day adjusted DRG outlier add-on payment and a hospital-specific factor established to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology and to account for improvements in documentation and coding that are expected as a result of the transition.
- D. The factor for each hospital and for each federal fiscal year is published as part of the AHCCCS capped fee schedule and is available on the AHCCCS administration's website and is on file for public inspection at the AHCCCS administration located at 801 E. Jefferson Street, Phoenix, Arizona.
- E. For inpatient services with a date of discharge from October 1, 2022 through September 30, 2023, the Inpatient Differential Adjusted Payment is the sum of the final DRG base payment and the final DRG outlier add-on payment multiplied by a percentage published on the Administration's public website as part of its fee schedule, subsequent to the public notice published no later than September 1, 2022. A hospital will qualify for an increase if it meets the criteria specified below for the applicable hospital subtype.
  1. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: short-term or children's will qualify for an increase if it meets the criteria:
    - a. By April 1, 2022, a hospital the hospital must have submitted a Letter of Intent (LOI) to AHCCCS and the Health Information Exchange (HIE), in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved.
      - i. No later than April 1, 2022, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
      - ii. No later than May 1, 2022, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
        - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
    - iii. No later than May 1, 2022, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE organization, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE on their behalf.
    - iv. No later than May 1, 2022, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
    - v. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
    - vi. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate connectivity to and usage of the Arizona Healthcare Directives Registry (AzHDR) operated by the qualifying HIE organization.
    - vii. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
    - viii. No later than January 1, 2023, the hospital must complete the data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.



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- ix. No later than May 1, 2023, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
- x. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below.
  - (1) Demonstrate a 10% improvement from baseline measurements in the initial data quality profile, based on October 2021 data, to the final data quality profile, based on March 2022 data.
  - (2) Meet a minimum performance standard of at least 60% based on March 2022 data.
  - (3) If performance meets or exceeds an upper threshold of 90% based on March 2022 data, the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
- xi. DAP HIE Data Quality Standards CYE 2023 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a 0.5% DAP increase for each category of the five measure categories, for a total potential increase of 2.0% if criteria are met for all categories.
  - (1) Data source and data site information must be submitted on all ADT transactions. (0.5%)
  - (2) Event type must be properly coded on all ADT transactions. (0%)
  - (3) Patient class must be properly coded on all appropriate ADT transactions. (0%)
  - (4) Patient demographic information must be submitted on all ADT transactions. (0%)
  - (5) Race must be submitted on all ADT transactions. (0.5%)
  - (6) Ethnicity must be submitted on all ADT transactions. (0.5%)
  - (7) Diagnosis must be submitted on all ADT transactions. (0.5%)
  - (8) Overall completeness of the ADT message. (0%)
- b. By April 1, 2022, the hospital must have submitted a registration form for participation in the Social Determinants of Health (SDOH) Closed-Loop Referral Platform operated by the qualifying HIE organization in which the parties agree to achieve the following milestones by the specified dates.
  - i. No later than April 1, 2022, submit registration form or forms for participation using the form or forms on the website of the qualifying HIE organization.
  - ii. No later than April 1, 2022:
    - (1) For hospitals with an active Participation Agreement with a qualifying HIE organization, submit a signed Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
    - (2) For hospitals without an active Participation Agreement with a qualifying HIE organization, execute a Participation Agreement and a Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
  - (3) For hospitals that have not participated in DAP HIE requirements in CYE 2022, the deadline for this milestone will be November 1, 2022.
  - iii. No later than September 30, 2022, or as soon as reasonably practicable thereafter as determined by the qualifying HIE organization, initiate use of the SDOH Closed-Loop Referral Platform operated by the qualifying HIE organization. After go-live, the hospital must regularly utilize the SDOH Closed-Loop Referral Platform, which will be measured by facilitating at least 10 referrals on average per month from go-live date through the end of CYE 2023. All referrals entered into the system by the hospital will be counted towards volume requirements.
  - c. By March 15, 2022, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2022, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
    - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
    - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
    - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
    - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2022.
    - v. The non-IHS/Tribal 638 facility will receive a minimum of one referral and any supporting medical documentation from the IHS/Tribal 638 facility and submit a minimum of one claim to AHCCCS under the CCA claiming guidelines, by September 1, 2022. During CYE 2023, from October 1, 2022 through September 30, 2023, demonstrate a concerted effort to submit an average of 5 CCA claims per month to AHCCCS.
    - vi. Existing facilities with a CCA established in CYE 2022 will actively submit a minimum of 5 CCA claims to AHCCCS by March 15, 2022, and submit an average of 5 CCA claims per month to AHCCCS by May 31, 2022.
  - d. Upon the declaration of the end of the State of Arizona Public Health Emergency (PHE) issued on March 11, 2020, the hospital must submit a letter of intent (LOI) to AHCCCS in which it agrees to adult

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and pediatric bed capacity reporting to the Arizona Department of Health Services (ADHS). Specifically, the hospital shall report the following through an ADHS approved method to ADHS weekly, with deadlines and format prescribed by ADHS:

- i. Number of ICU beds in use,
  - ii. Number of ICU beds available for use,
  - iii. Number of Medical-Surgical beds in use,
  - iv. Number of Medical-Surgical beds available for use,
  - v. Number of Telemetry beds in use,
  - vi. Number of Telemetry beds available for use.
2. A hospital designated by the Arizona Department of Health Services Division of Licensing Services as type: hospital, subtype: critical access hospital will qualify for an increase if it meets the criteria specified;
- a. By April 1, 2022 the hospital must have submitted a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates, or maintain its participation in the milestone activities if they have already been achieved:
    - i. No later than April 1, 2022, the hospital must have in place an active participation agreement with a qualifying HIE organization and submit a LOI to AHCCCS and the HIE, in which it agrees to achieve the following milestones by the specified dates or maintain its participation in the milestone activities if they have already been achieved.
      - ii. No later than May 1, 2022, or by the hospital's go-live date for new data suppliers, or within 30 days of initiating the respective COVID-19 related services for current data suppliers, the hospital must complete the following COVID-19 related milestones, if they are applicable:
        - (1) Related to COVID-19 testing services, submit all COVID-19 lab test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (2) Related to COVID-19 antibody testing services, submit all COVID-19 antibody test codes and the associated LOINC codes to the qualifying HIE organization to ensure proper processing of lab results within the HIE system.
        - (3) Related to COVID-19 immunization services, submit all COVID-19 immunization codes and the associated CDC-recognized code sets to the qualifying HIE organization to ensure proper processing of immunizations within the HIE system.
      - iii. No later than May 1, 2022, hospitals that utilize external reference labs for any lab result processing must submit necessary provider authorization forms to the qualifying HIE, if required by the external reference lab, to have all outsourced lab test results flow to the qualifying HIE organization on their behalf.
      - iv. No later than May 1, 2022, the hospital must electronically submit the following actual patient identifiable information to the production environment of a qualifying HIE organization: admission, discharge and transfer information (generally known as ADT information), including data from the hospital emergency department if the provider has an emergency department; laboratory and radiology information (if the provider has these services); transcription; medication information; immunization data; and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination.
    - v. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
    - vi. No later than November 1, 2022, the hospital must approve and authorize a formal SOW to initiate connectivity to and usage of the Arizona Healthcare Directives Registry (AzHDR) operated by the qualifying HIE organization.
    - vii. No later than November 1, 2022, the hospital must approve and authorize a formal statement of work (SOW) to initiate and complete a data quality improvement effort, as defined by the qualifying HIE organization.
    - viii. No later than January 1, 2023, the hospital must complete the initial data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
    - ix. No later than May 1, 2023, the hospital must complete the final data quality profile with a qualifying HIE organization, in alignment with the data quality improvement SOW.
    - x. Quality Improvement Performance Criteria: Hospitals that meet each of the following HIE data quality performance criteria will be eligible to receive DAP increases described below.
      - (1) Demonstrate a 10% improvement from baseline measurements in the initial data quality profile, based on October 2021 data, to the final data quality profile, based on March 2022 data.
      - (2) Meet a minimum performance standard of at least 60% based on March 2022 data.
      - (3) If performance meets or exceeds an upper threshold of 90% based on March 2022 data the hospital meets the criteria, regardless of the percentage improvement from the baseline measurements.
    - xi. DAP HIE Data Quality Standards CYE 2023 Measure Categories: Hospitals that meet the standards, as defined in Attachment A of this notice, qualify for a DAP increase for select Data Quality Measures for a total of 8.0% if criteria are met for all categories indicating a DAP.
      - (1) Data source and data site information must be submitted on all ADT transactions. (1.0%)
      - (2) Event type must be properly coded on all

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- ADT transactions. (1.0%)
- (3) Patient class must be properly coded on all appropriate ADT transactions. (0%)
- (4) Patient demographic information must be submitted on all ADT transactions. (0%)
- (5) Race must be submitted on all ADT transactions. (2.0%)
- (6) Ethnicity must be submitted on all ADT transactions. (2.0%)
- (7) Diagnosis must be submitted on all ADT transactions. (2.0%)
- (8) Overall completeness of the ADT message. (0%)
- b. By April 1, 2022, the hospital must have submitted a registration form for participation in the Social Determinants of Health (SDOH) Closed-Loop Referral Platform operated by the qualifying HIE organization in which the parties agree to achieve the following milestones by the specified dates;
  - i. No later than April 1, 2022, submit registration form(s) for participation using the form(s) on the website of the qualifying HIE organization.
  - ii. No later than April 1, 2022:
    - (1) For hospitals with an active Participation Agreement with a qualifying HIE organization, submit a signed Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
    - (2) For hospitals without an active Participation Agreement with a qualifying HIE organization, execute a Participation Agreement and a Participant SDOH Addendum to participate in the SDOH Closed-Loop Referral Platform.
    - (3) For hospitals that have not participated in DAP HIE requirements in CYE 2022, the deadline for this milestone will be November 1, 2022.
  - iii. No later than September 30, 2022, or as soon as reasonably practicable thereafter as determined by the qualifying HIE organization, initiate use of the SDOH Closed-Loop Referral Platform operated by the qualifying HIE organization. After go-live, the hospital must regularly utilize the SDOH Closed-Loop Referral Platform, which will be measured by facilitating at least 10 referrals on average per month from go-live date through the end of CYE 2023. All referrals entered into the system by the hospital will be counted towards volume requirements.
- c. By March 15, 2022, the facility must submit a LOI to enter into a CCA (a fully signed copy of a CCA with an IHS/Tribal 638 facility is also acceptable). By April 30, 2022, the facility must have entered into a CCA with a IHS/Tribal 638 facility for inpatient, outpatient, and ambulatory services provided through a referral under the executed CCA. The facility agrees to achieve and maintain participation in the following activities:
  - i. The facility will have in place a signed CCA with an IHS/Tribal 638 facility and will have submitted the signed CCA to AHCCCS. The CCA will meet minimum requirements as outlined in the CMS SHO Guidance.
  - ii. The facility will have a valid referral process for IHS/Tribal 638 facilities in place for requesting services to be performed by the non-IHS/Tribal 638 facility.
  - iii. The hospital will provide to the IHS/Tribal 638 facility clinical documentation of services provided through a referral under the CCA.
  - iv. AHCCCS will monitor activity specified under the CCA(s) to ensure compliance. To help facilitate this, the facility will participate in the HIE or establish an agreed claims operation process with AHCCCS for the review of medical records by May 31, 2022.
  - v. The non-IHS/Tribal 638 facility will receive a minimum of one referral and any supporting medical documentation from the IHS/Tribal 638 facility and submit a minimum of one claim to AHCCCS under the CCA claiming guidelines, by September 1, 2022. During CYE 2023, from October 1, 2022 through September 30, 2023, demonstrate a concerted effort to submit an average of 5 CCA claims per month to AHCCCS.
  - vi. Existing facilities with a CCA established in CYE 2022 will actively submit a minimum of 5 CCA claims to AHCCCS by March 15, 2022, and submit an average of 5 CCA claims per month to AHCCCS by May 31, 2022.
- d. Upon the declaration of the end of the State of Arizona Public Health Emergency (PHE) issued on March 11, 2020, the hospital must submit a letter of intent (LOI) to AHCCCS in which it agrees to adult and pediatric bed capacity reporting to the Arizona Department of Health Services (ADHS). Specifically, the hospital shall report the following through an ADHS approved method to ADHS weekly, with deadlines and format prescribed by ADHS:
  - i. Number of ICU beds in use,
  - ii. Number of ICU beds available for use,
  - iii. Number of Medical-Surgical beds in use,
  - iv. Number of Medical-Surgical beds available for use,
  - v. Number of Telemetry beds in use, and
  - vi. Number of Telemetry beds available for use.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 23 A.A.R. 2338, effective October 1, 2017 (Supp. 17-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4). Amended by final rulemaking at 24 A.A.R. 2851, effective October 1, 2018 (Supp. 18-3). Amended by final rulemaking at 25 A.A.R. 3114, effective October 31, 2019 (Supp. 19-4). Amended by final rulemaking at 26 A.A.R. 3025, with an immediate effective date of November 3, 2020 (Supp. 20-4). AHCCCS filed an incorrect version of a final rulemaking which made amendments to this Section published at 27 A.A.R. 2501 (October 29, 2021); AHCCCS filed the correct version of its final rulemaking on December 3, 2021, with this Section amended by final rulemaking at 27 A.A.R. 3015 (December 31, 2021), effective October 1, 2021 (Supp. 21-4). Amended by final rulemaking at 28 A.A.R.

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3283 (October 14, 2022), with an immediate effective date of September 23, 2022 (Supp. 22-3).

**R9-22-712.72. DRG Reimbursement: Enrollment Changes During an Inpatient Stay**

- A. If a member's enrollment changes during an inpatient stay, including changing enrollment from fee-for-service to a contractor, or vice versa, or changing from one contractor to another contractor, the contractor with whom the member is enrolled on the date of discharge shall be responsible for reimbursing the hospital for the entire length of stay under the DRG payment rules in Sections R9-22-712.60 through R9-22-712.81. If the member is eligible but not enrolled with a contractor on the date of discharge, then the AHCCCS administration shall be responsible for reimbursing the hospital for the entire length of stay under the DRG payment rules in Sections R9-22-712.60 through R9-22-712.81.
- B. When a member's enrollment changes during an inpatient stay, the hospital shall use the date of enrollment with the payer responsible on the date of discharge as the "from" date of service on the claim regardless of the date of admission.
- C. Interim claims submitted to a payer other than the payer responsible on the day of discharge shall be processed in the same manner as other interim claims as described in R9-22-712.76.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.73. DRG Reimbursement: Inpatient Stays for Members Eligible for Medicare**

If the hospital receives less than the full Medicare payment for a member eligible for benefits under Part A of Medicare because the member has exceeded the maximum benefit permitted under Part A of Medicare, the hospital shall submit a separate claim for services performed after the date the maximum Medicare Part A benefit is exceeded. The claim may include all diagnosis codes for the entire inpatient stay, but the hospital is only required to include revenue codes, surgical procedure codes, service units, and charges for services performed after the date the Medicare Part A benefit is exceeded. A claim so submitted shall be reimbursed using the DRG payment methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.74. DRG Reimbursement: Third Party Liability**

DRG payments are subject to reduction based on cost avoidance under Section R9-22-1003 and other rules regarding first-and third-party liability under Article 10 of this Chapter including cost avoidance for claims for ancillary services covered under Part B of Medicare.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.75. DRG Reimbursement: Payment for Administrative Days**

- A. Categories of Administrative Days. Administrative days fall into one of two categories, either subsection (A)(1) or (A)(2).
  1. Administrative days due to lack of appropriate placement options and not meeting inpatient medical criteria.

Administrative days are days in which a member is admitted as an inpatient to an acute care hospital, does not meet the criteria for an acute inpatient stay, but is admitted or not discharged because; (1) an appropriate placement outside the hospital is not available, (2) the member cannot be safely discharged or transferred, or (3) the Administration or the contractor failed to provide for the appropriate placement outside the hospital in a timely manner.

- a. Administrative days may occur prior to an acute care episode, for example, when a woman with a high-risk pregnancy is admitted to a hospital while awaiting delivery.
- b. Administrative days may also occur at the end of an acute care episode, for example, when a member is not discharged while awaiting placement in a nursing facility or other sub-acute or post-acute setting.
- c. Administrative days may also include days in a receiving hospital when the member has been discharged from one acute care hospital for the purpose of receiving sub-acute services at the receiving hospital.
- d. Administrative days do not include days when the member is awaiting appropriate placement or services that are currently available but the hospital has not transferred or discharged the member because of the hospital's administrative or operational delays.
- e. Administrative days include inpatient claims covered by a RBHA or TRBHA that otherwise meet the criteria in subsection (A)(1).

2. Administrative days for claims with the principal diagnosis of behavioral health meeting inpatient medical criteria. Administrative days are days with dates of discharge on or after October 1, 2018, in which a member is admitted as an inpatient to an acute care hospital, meets the criteria for an acute inpatient stay, and the principal diagnosis on the hospital claim is a behavioral health diagnosis. Inpatient claims covered by a RBHA or TRBHA are not considered administrative days under subsection (A)(2) regardless of the principal diagnosis on the hospital claim.

**B. Reimbursement of Administrative Days.**

1. Administrative days under subsection (A)(1) are reimbursed at the rate the claim would have paid had the services not been provided in an inpatient hospital setting but had been provided at the appropriate level of care such as the rate paid for stays at a nursing facility.
  2. Administrative days under subsection (A)(2) are reimbursed at the daily rate found on the Inpatient Behavioral Health Capped Fee-For-Service Schedule meeting the criteria of "Service Description – Psychiatric Stay," regardless of revenue code.
- C. Prior authorization is required for administrative days.
  - D. A hospital shall submit a claim for administrative days separate from any claim for reimbursement for the inpatient stay otherwise reimbursable under the DRG payment methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 22 A.A.R. 2187, effective October 1, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 3111, effective October 1, 2019 (Supp. 19-4).

**R9-22-712.76. DRG Reimbursement: Interim Claims**

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- A. For inpatient stays with a length of stay greater than 29 days, a hospital may submit interim claims for each 30 day period during the inpatient stay.
- B. Hospitals shall be reimbursed for interim claims at a per diem rate of \$500 per day.
- C. Following discharge, the hospital shall void all interim claims. In such circumstances, the hospital shall submit a claim to the payer with whom the member is enrolled on the date of discharge, whether the Administration or a contractor, for the entire inpatient stay for which the final claim shall be reimbursed under the DRG payment methodology. Interim claims will be recouped.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.77. DRG Reimbursement: Admissions and Discharges on the Same Day**

- A. Except as provided for in subsection (B), for any claim for inpatient services with an admission date and discharge date that are the same calendar date, the contractor or the Administration shall process the claim as an outpatient claim and the hospital shall be reimbursed under R9-22-712.10 through R9-22-712.50.
- B. Claims with an admission date and discharge date that are the same calendar date that also indicate that the member expired on the date of discharge shall be reimbursed under the DRG methodology.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.78. DRG Reimbursement: Readmissions**

If a member is readmitted without prior authorization to the same hospital that the member was discharged from within 72 hours and the DRG code assigned to the claim for the prior admission has the same first three digits as the DRG code assigned to the claim for the readmission, then payment for the claim for the readmission will be disallowed only if the readmission could have been prevented by the hospital.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.79. DRG Reimbursement: Change of Ownership**

The administration shall not change any of the components of the calculation of reimbursement for inpatient services using the DRG methodology based upon a change in the hospital's ownership except to the extent those components would change under the methodology had the hospital not changed ownership (e.g., updating the hospital's cost-to-charge ratio as of September 1 of each year under R9-22-712.68).

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

**R9-22-712.80. DRG Reimbursement: New Hospitals**

- A. DRG base payment for new hospitals. For any hospital that does not have a labor share or wage index published by CMS as described in subsection R9-22-712.62(B) because the hospital was not in operation, the DRG base rate described in subsection R9-22-712.62(B) shall be calculated as the statewide standardized amount after adjusting that amount for the labor-related share and the wage index published by CMS as

described in subsection R9-22-712.62(B) that is appropriate to the location of the hospital published by CMS as described in subsection R9-22-712.62(B).

- B. Outlier calculations for new hospitals. For any hospital that does not have an operating cost-to-charge ratio listed in the impact file described in subsection R9-22-712.68(B) because the hospital was not in operation prior to the publication of the impact file, the statewide urban or rural default operating cost-to-charge ratio appropriate to the location of the hospital and the statewide capital cost-to-charge ratio shall be used to determine the unadjusted outlier add-on payment. The statewide urban or rural default operating cost-to-charge ratio and the statewide capital cost-to-charge ratio shall be based on the ratios published by CMS and updated by the Administration as described in subsection R9-22-712.68(C).
- C. In addition to the requirement of this Section, DRG reimbursement for new hospitals is determined under R9-22-712.60 through R9-22-712.79.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.81. DRG Reimbursement: Updates**

In addition to the other updates provided for in Sections R9-22-712.60 through R9-22-712.80, the Administration may update the version of the APR-DRG classification system established by 3M Health Information Systems, adjust the statewide standardized amount in Section R9-22-712.62, the base payments in R9-22-712.63 and R9-22-712.64, the provider policy adjustor in R9-22-712.65, service policy adjustors in R9-22-712.66, and the fixed loss amounts and marginal cost percentages used to calculate the outlier threshold in R9-22-712.68 to the extent necessary to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available at least to the extent that such care and services are available to the general population in the geographic area. The Administration shall publish any proposed classification system on the agency's website at least 30 days prior to the effective date, to ensure a sufficient period for public comment, as required by 42 C.F.R. § 447.205. In addition, the public notice shall be available for inspection during normal business hours at 701 E. Jefferson, Phoenix, Arizona. The requirements of 42 CFR § 447.205 as of November 2, 2015 are incorporated by reference and do not include any later amendments.

**Historical Note**

New Section made by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 23 A.A.R. 2896, effective January 1, 2018 (Supp. 17-4).

**R9-22-712.90. Reimbursement of Hospital-based Freestanding Emergency Departments**

- A. "Hospital-based freestanding emergency department" (hospital-based FSED) means an outpatient treatment center, as defined in R9-10-101, that: (1) provides emergency room services under R9-10-1019, (2) is subject to the requirements of 42 CFR 489.24, and (3) shares an ownership interest with a hospital, regardless of whether the outpatient treatment center operates under a hospital's single group license as described in A.R.S. § 36-422.
- B. A hospital-based FSED shall register with the Administration separately from the hospital with which an ownership interest

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is shared and shall obtain a separate provider identification number. The Administration shall not charge a separate provider enrollment fee for registration of a hospital-based FSED. The Administration shall accept a hospital's compliance with the provider screening and enrollment requirements of 42 CFR Part 455 as compliance by the hospital-based FSED.

- C. For dates of service on and after March 1, 2017, and except as provided in subsection (D), services provided by a hospital-based FSED for evaluation and management CPT codes 99281 through 99285 shall be reimbursed at the following percentages of the amounts otherwise reimbursable under R9-22-712.20 through R9-22-712.30. All other covered codes shall be reimbursed in accordance with R9-22-712.20 through R9-22-712.30 without a percentage reduction.
1. 60 percent for a level 1 emergency department visit as indicated by CPT 99281.
  2. 80 percent for a level 2 emergency department visit as indicated by CPT 99282.
  3. 90 percent for a level 3 emergency department visit as indicated by CPT 99283.
  4. 100 percent for a level 4 or 5 emergency department visit as indicated by CPT codes 99284 and 99285.
- D. A hospital-based FSED located in a city or town in a county with less than 500,000 residents, where the only hospital in the city or town operating an emergency department closed on or after January 1, 2015, shall be reimbursed under R9-22-712.20 through R9-22-712.35 using the adjustment in R9-22-712.35 associated with the nearest hospital with which the freestanding emergency department shares an ownership interest.
- E. Services provided by an outpatient treatment center that provides emergency room services under R9-10-1019, but does not otherwise meet the criteria in subsection A, shall be reimbursed based on the non-hospital AHCCCS capped fee-for-service schedule under R9-22-710.
- F. The Administration shall not reimburse a hospital for services provided at a hospital-based FSED if the member is admitted directly from a hospital-based FSED to a hospital with an ownership interest in the hospital-based FSED. As provided in R9-22-712.60(B), payments made for the inpatient stay using the DRG methodology shall be the sole reimbursement.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 22, February 11, 2017 (Supp. 16-4).

**R9-22-713. Overpayment and Recovery of Indebtedness**

- A. If a contractor or a subcontracting provider receives an overpayment from the Administration or otherwise becomes indebted to the Administration, the contractor or subcontracting provider shall immediately remit the amount of the indebtedness or overpayment to the Administration for deposit in the AHCCCS fund.
- B. If the funds described in subsection (A) are not remitted, the Administration may recover the funds paid by the Administration to a contractor or subcontracting provider through:
1. A repayment agreement executed with the Administration;
  2. Withholding or offsetting against current or future payments to be paid to the contractor or subcontracting provider; or
  3. Enforcement of, or collection against, the performance bond, financial reserve, or other financial security under A.R.S. § 36-2903.

**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule identical to the emergency (Supp. 83-3). Former Section R9-22-713 repealed, new Section R9-22-713 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-713 renumbered and amended as Section R9-22-714, former Section R9-22-709 renumbered and amended as Section R9-22-713 effective October 1, 1985 (Supp. 85-5). Amended by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

**R9-22-714. Payments to Providers**

- A. Provider agreement. The Administration or a contractor shall not reimburse a covered service provided to a member unless the provider has signed a provider agreement with the Administration that establishes the terms and conditions of participation and payment under A.R.S. § 36-2904.
- B. Provider reimbursement. The Administration or a contractor shall reimburse a provider for a service furnished to a member only if:
1. The provider personally furnishes the service to a specific member. For purposes of this Section, services personally furnished by a provider include:
    - a. Services provided by medical residents or dental students in a teaching environment; or
    - b. Services provided by a licensed or certified assistant under the general supervision of a licensed practitioner in accordance with 4 A.A.C. 24, 9 A.A.C. 16, 4 A.A.C. 43, or 4 A.A.C. 45;
  2. The provider verifies that individuals who have provided services described in subsection (B)(1) have not been placed on the List of Excluded Individuals/Entities (LEIE) maintained by the United States Department of Health and Human Services Office of the Inspector General (OIG), located at OIG's web site;
  3. The service contributes directly to the diagnosis or treatment of the member; and
  4. The service ordinarily requires performance by the type of provider seeking reimbursement.
- C. The Administration or a contractor may make a payment for covered services only:
1. To the provider;
  2. To anyone specified in a reassignment from the provider to a government agency or reassignment by a court order;
  3. To a business agent, if the agent's compensation for the service is:
    - a. Related to the cost of processing the billing;
    - b. Not related on a percentage or other basis to the amount that is billed or collected; and
    - c. Not dependent upon collection of the payment;
  4. To the employer of the provider, if the provider is required as a condition of employment to turn over the provider's fees to the employer;
  5. To the inpatient facility in which the service is provided, if the provider has a contract under which the inpatient facility submits the claim; or
  6. To a foundation, plan, or similar organization operating an organized health care delivery system, if the provider has a contract under which the foundation, plan or similar organization submits the claim.

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- D. The Administration or a contractor shall not make a payment to or through a factor, either directly or by power of attorney, for a covered service furnished to a member by a provider.
- E. Reimbursement for a pathology service. Unless otherwise specified in a contract, the Administration or a contractor shall reimburse a pathologist for a pathology service furnished to a member only if the other requirements in this Section are met and the service is:
1. A surgical pathology service;
  2. A specific cytopathology, hematology, or blood banking pathology service that requires performance by a physician and is listed in the capped fee-for-service schedule;
  3. A clinical consultation service that:
    - a. Is requested by the member's attending physician or primary care physician,
    - b. Is related to a test result that is outside the clinically significant normal or expected range in view of the condition of the member,
    - c. Results in a written narrative report included in the member's medical record,
    - d. Requires the exercise of medical judgment by the consultant pathologist, and
    - e. Is listed in the capped fee-for-service schedule; or
  4. A clinical laboratory interpretative service that:
    - a. Is requested by the member's attending physician or primary care physician,
    - b. Results in a written narrative report included in the member's medical record,
    - c. Requires the exercise of medical judgment by the consultant pathologist, and
    - d. Is listed in the capped fee-for-service schedule.

**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule is similar to the emergency (Supp. 83-3). Repealed effective October 1, 1983 (Supp. 83-5). Former Section R9-22-713 renumbered and amended as Section R9-22-714 effective October 1, 1985 (Supp. 85-5). Section repealed; new Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 3800, effective October 4, 2003 (Supp. 03-3). Amended by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-715. Hospital Rate Negotiations**

- A. A contractor that negotiates with hospitals for inpatient or outpatient services shall reimburse hospitals for services rendered on or after March 1, 1993, as described in A.R.S. § 36-2903.01 and this Article, or at the negotiated rate that, in the aggregate, does not exceed reimbursement levels that would have been paid under A.R.S. § 36-2903.01, and this Article. This subsection does not apply to urban hospitals described under R9-22-

718. Contractors may engage in rate negotiations with a hospital at any time during the contract period.

- B. The Administration may negotiate or contract with a hospital on behalf of a contractor for discounted hospital rates and may require that the negotiated discounted rates be included in a subcontract between the contractor and hospital.

**Historical Note**

Adopted as an emergency effective February 23, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-1). Adopted as a permanent rule effective May 16, 1983; text of adopted rule identical to the emergency (Supp. 83-3). Repealed effective October 1, 1983 (Supp. 83-5). New Section R9-22-715 adopted effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective January 14, 1997 (Supp. 97-1). Amended effective September 22, 1997 (Supp. 97-3). Amended by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3).

*Editor's Note: The following Section was amended under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council; the agency did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the agency was not required to hold public hearings on the rules; and the Attorney General did not certify this rule. This Section was subsequently amended through the regular rulemaking process.*

**R9-22-716. Repealed****Historical Note**

Adopted effective October 1, 1985 (Supp. 85-5). Amended under an exemption from the provisions of the Administrative Procedure Act, effective March 1, 1993 (Supp. 93-1). Amended effective January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1). Section repealed by final rulemaking at 13 A.A.R. 662, effective April 7, 2007 (Supp. 07-1).

**R9-22-717. Repealed****Historical Note**

Adopted effective July 30, 1993 (Supp. 93-3). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 11 A.A.R. 3222, effective October 1, 2005 (Supp. 05-3).

*Editor's Note: The following Section was originally adopted under an exemption from the provisions of the Administrative Procedure Act which means that this rule was not reviewed by the Governor's Regulatory Review Council. The agency was required to submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and was required to hold a public hearing. It has since been amended under the regular rulemaking process.*

**R9-22-718. Urban Hospital Inpatient Reimbursement Program**

- A. Definitions. The following definitions apply to this Section:
1. "Contractor" has the same meaning as set forth in A.R.S. § 36-2901, and includes all contractors regardless of

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whether the GSA's served by the contractor includes urban or rural counties.

2. "Noncontracted Hospital" means an urban hospital, including psychiatric hospitals, which does not have a contract under this Section with a contractor.
3. "Urban Hospital" means a hospital that is not a rural hospital, as defined in R9-22-712.07, and that is physically located in Maricopa or Pima County.

**B. General Provisions.**

1. This Section applies to an urban hospital who receives payment for inpatient hospital services under A.R.S. §§ 36-2903.01 and 36-2904.
2. AHCCCS shall operate an inpatient hospital reimbursement program under A.R.S. § 36-2905.01 and this Section.
3. Residency of the member receiving inpatient AHCCCS covered services is not a factor in determining which hospitals are required to contract with which contractors.
4. A contractor shall enter into a contract for reimbursement for inpatient AHCCCS covered services with one or more urban hospitals located in the same county as the contractor.
5. A noncontracted urban hospital shall be reimbursed for inpatient services by a contractor at 95 percent of the amount calculated as defined in A.R.S. § 36-2903.01 and this Article, unless otherwise negotiated by both parties.

**C. Contract Begin Date.** A contract under this Article shall cover inpatient acute care hospital services for members with hospital admissions on and after October 1, 2003.

**D. Outpatient urban hospital services.** Outpatient urban hospital services, including observation days and emergency room treatments that do not result in an admission, shall be reimbursed either through an urban hospital contract negotiated between a contractor and an urban hospital, or the reimbursement rates set forth in A.R.S. § 36-2903.01. Outpatient services in an urban hospital that result in an admission shall be paid as inpatient services in accordance with this Section.

**E. Urban Hospital Contract.**

1. Provisions of an urban hospital contracts. The urban hospital contract shall contain but is not limited to the following provisions:
  - a. Required provisions as described in the Request for Proposals (RFP);
  - b. Dispute settlement procedures. If the AHCCCS Grievance System prescribed in A.R.S. § 36-2903.01(B) and rule is not used, then arbitration shall be used;
  - c. Arbitration procedure. If arbitration is used, the urban hospital contract shall identify:
    - i. The parties' agreement on arbitrating claims arising from the contract,
    - ii. Whether arbitration is nonbinding or binding,
    - iii. Timeliness of arbitration,
    - iv. What contract provisions may be appealed,
    - v. What rules will govern arbitrations,
    - vi. The number of arbitrators that shall be used,
    - vii. How arbitrators shall be selected, and
    - viii. How arbitrators shall be compensated.
  - d. Timeliness of claims submission and payment;
  - e. Prior authorization;
  - f. Concurrent review;
  - g. Electronic submission of claims;
  - h. Claims review criteria;

- i. Payment of discounts or penalties such as quick-pay and slow-pay provisions;
- j. Payment of outliers;
- k. Claim documentation specifications under A.R.S. § 36-2904.
- l. Treatment and payment of emergency room services; and
- m. Provisions for rate changes and adjustments.

**2. AHCCCS review and approval of urban hospital contracts:**

- a. AHCCCS may review, approve, or disapprove the hospital contract rates, terms, conditions, and amendments to the contract;
- b. The AHCCCS evaluation of each urban hospital contract shall include but not be limited to the following areas:
  - i. Availability and accessibility of services to members,
  - ii. Related party interests,
  - iii. Inclusion of required terms pursuant to this Section, and
  - iv. Reasonableness of the rates.

**F. Quick-Pay/Slow-Pay.** A payment made by a contractor to a noncontracted hospital shall be subject to quick-pay discounts and slow-pay penalties under A.R.S. § 36-2904.

**Historical Note**

Adopted under an exemption from the provisions of the Administrative Procedure Act, effective January 29, 1997; pursuant to Laws 1996, Ch. 288, § 24 (Supp. 97-1). Amended by exempt rulemaking at 10 A.A.R. 500, effective February 1, 2004 (Supp. 04-1). Amended by exempt rulemaking at 13 A.A.R. 3190, effective October 1, 2007 (Supp. 07-3). Amended by final rulemaking at 20 A.A.R. 1956, September 6, 2014 (Supp. 14-3). Amended by final rulemaking at 24 A.A.R. 1515, effective June 30, 2018 (Supp. 18-2).

**R9-22-719. Contractor Performance Measure Outcomes**

The Administration may retain a specified percentage of capitation reimbursement to distribute to contractors based on their performance measure outcomes under A.R.S. § 36-2904. The Administration shall notify contractors 60 days prior to a new contract year if this methodology is implemented. The Administration shall specify the details of the reimbursement methodology in contract.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 424, effective January 10, 2002 (Supp. 02-1).

**R9-22-720. Reinsurance**

- A.** Reinsurance is a stop-loss program provided by the Administration to a contractor for partial reimbursement of the cost of covered services for a member with an acute medical condition when the cost of covered services exceeds a pre-determined deductible level amount within a contract year. The Administration self-insures the reinsurance program through a reduction to capitation rates. The reinsurance program also includes a catastrophic reinsurance program for members diagnosed with specific medical conditions.
- B.** The Administration shall specify in contract guidelines for claims submission, processing, payment, and the types of care and services that are provided to a member whose care is covered by reinsurance.
- C.** When the Administration determines that a contractor does not follow the specified guidelines for care or services and the care



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or services could have been provided at a lower cost according to the guidelines, the Administration shall reimburse the contractor as if the care or services had been provided as specified in the guidelines.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3317, effective July 15, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 856, effective May 5, 2007 (Supp. 07-1).

**R9-22-721. Behavioral Health Inpatient Facilities**

“Behavioral health inpatient facility” means a health care institution, other than Arizona State Hospital, that meets the following requirements:

1. Provides continuous treatment to an individual experiencing a behavioral health issue that causes the individual to:
  - a. Have a limited or reduced ability to meet the individual’s basic physical needs;
  - b. Suffer harm that significantly impairs the individual’s judgment, reason, behavior, or capacity to recognize reality;
  - c. Be a danger to self;
  - d. Be a danger to others;
  - e. Be persistently or acutely disabled as defined in A.R.S. § 36-501; or
  - f. Be gravely disabled; and
2. Is one of the following facility types:
  - a. Psychiatric hospitals;
  - b. Mental health residential treatment centers;
  - c. Secure residential treatment centers with 17 or more beds;
  - d. Non-secure residential treatment centers with 1-16 beds;
  - e. Non-secure residential treatment centers with 17 or more beds;
  - f. Sub-acute facilities with 1-16 beds;
  - g. Sub-acute facilities with 17 or more beds.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 3120, effective October 1, 2019 (Supp. 19-4).

<b>R9-22-722.</b>	<b>Reserved</b>
<b>R9-22-723.</b>	<b>Reserved</b>
<b>R9-22-724.</b>	<b>Reserved</b>
<b>R9-22-725.</b>	<b>Reserved</b>
<b>R9-22-726.</b>	<b>Reserved</b>
<b>R9-22-727.</b>	<b>Reserved</b>
<b>R9-22-728.</b>	<b>Reserved</b>
<b>R9-22-729.</b>	<b>Reserved</b>

*Editor’s Note: Amendments to Section R9-22-730 were filed as a final exempt rulemaking. AHCCCS provided an opportunity for public comment on the amended rules under Laws 2013, 1st Special Session, Ch. 10. A proposed exempt rulemaking was published in the Arizona Administrative Register at 21 A.A.R. 1041 (Supp. 15-3).*

*Editor’s Note: Amendments to Section R9-22-730 were filed as a final exempt rulemaking. AHCCCS provided an opportunity for public comment on the amended rules under Laws 2013, 1st Special Session, Ch. 10. A proposed exempt rulemaking was published in the Arizona Administrative Register at 21 A.A.R. 491*

*(Supp. 15-2).*

**R9-22-730. Hospital Assessment Fund - Hospital Assessment**

A. For purposes of this Section, the following terms are defined as provided below unless the context specifically requires another meaning:

1. “2021 Medicare Cost Report” means the Medicare Cost Report for the hospital fiscal year ending in calendar year 2021 as reported in the CMS Healthcare Provider Cost Reporting Information System (HCRIS) release dated October 18, 2022.
2. “2021 Uniform Accounting Report” means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of November 23, 2022 for the hospital’s fiscal year ending in calendar year 2021.
3. “Quarter” means the three month period beginning January 1, April 1, July 1, and October 1 of each year.
4. A “new hospital” means a licensed hospital that did not hold a license from the Arizona Department of Health Services prior to January 2, 2023.
5. “Outpatient Net Patient Revenues” means an amount, calculated using data in the hospital’s 2021 Uniform Accounting Report or other data sources specified by subsection (N), that is equal to the hospital’s 2021 total net patient revenue multiplied by the ratio of the hospital’s 2021 gross outpatient revenue to the hospital’s 2021 total gross patient revenue.

B. Beginning January 1, 2014, for each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period beginning October 1, 2023, the assessment for each hospital shall be amount equal to the sum of: (1) the number of discharges reported on the hospital’s 2021 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as “Other Long Term Care Discharges,” multiplied by the following rates appropriate to the hospital’s peer group; and (2) the amount of outpatient net patient revenues multiplied by the following rate appropriate to the hospital’s peer group:

1. \$927.75 per discharge and 1.4726% of outpatient net patient revenues for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
2. \$927.75 per discharge and 0.6136% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: critical access hospital.
3. \$232.00 per discharge and 0.6136% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: long term.
4. \$232.00 per discharge and 0.6136% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2021 Medicare Cost Report.
5. \$742.25 per discharge and 1.5953% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term with 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital’s 2021 Uniform Accounting Report.
6. \$835.00 per discharge and 1.8408% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than

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- 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2021 Uniform Accounting Report.
7. \$185.75 per discharge and 0.4909% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: children's.
  8. \$927.75 per discharge and 2.4544% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C.** Peer groups for the four quarters beginning October 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website January 2, 2023.
- D.** Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2021 Medicare Cost Report, are assessed a rate of \$232.00 for each discharge from the psychiatric sub-provider as reported in the 2021 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E.** Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2021 Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the 2021 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).
- F.** Notwithstanding subsection (B), for any hospital that reported more than 23,000 discharges on the hospital's 2021 Medicare Cost Report, discharges in excess of 23,000 are assessed a rate of \$93.00 for each discharge in excess of 23,000. The initial 23,000 discharges are assessed at the rate required by subsection (B).
- G.** Assessment notice. On or before the 15th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send to each hospital a notification that the Hospital Assessment Fund assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.
- H.** Assessment due date. The Hospital Assessment Fund assessment must be received by the Administration no later than:
1. The 15th day of the second month of the quarter or
  2. In the event CMS approves the assessment after the 15th day of the first month of the quarter, 30 days after notification by the Administration that the assessment invoice is available.
- I.** Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2021 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for January 2, 2023:
1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
  2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning "SH".
  3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2021 Medicare Cost Report.
  4. Hospitals designated as type: hospital, subtype; rehabilitation.
  5. Hospitals designated as type: med-hospital, subtype: special hospitals.
  6. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2021 Medicare Cost Report are reimbursed by Medicare.
  7. Hospitals designated as type: hospital, subtype: short-term that have at least 25 percent Medicare swing beds as percentage of total Medicare days, per the 2021 Medicare Cost Report.
  8. Hospitals designated as type: hospital, subtype: short-term that are an urban public acute care hospital.
- J.** New hospitals. For hospitals that did not file a 2021 Medicare Cost Report because of the date the hospital began operations:
1. If the hospital was open on the January 2 preceding the October assessment start date, the hospital assessment will begin on October 1 following the date the hospital began operating.
  2. If the hospital began operating between January 3 and June 30, the assessment will begin on October 1 of the following calendar year.
  3. A hospital is not considered a new hospital based on a change in ownership.
  4. The assessment will be based on the discharges reported in the hospital's first Medicare Cost Report and Uniform Accounting Report, which includes 12 months-worth of data, except when any of the following apply:
    - a. If there is not a complete 12 months-worth of data available, the assessment will be based on the annualized number of discharges from the date hospital operations began through December 31 preceding the October assessment start date. The hospital shall self-report the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than January preceding the assessment start date for the new hospitals. "Annualized" means divided by a ratio equal to the number of months of data divided by 12 months.
    - b. If more than 12 months of data is available, the assessment will be based on the most recent 12 months of self-reported data, as of December 31;
  5. For purposes of calculating subpart 4, if a new hospital shares a Medicare Identification Number with an existing hospital, the assessment amount will be based on self-reported data from the new hospital instead of the Medicare Cost Report. The data shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment.
  6. For hospitals providing self-reported data, described in subpart 4 and 5:
    - a. Psychiatric discharges will be annualized to determine if subsections (B)(4) or (I)(3) apply to the assessment amount.
    - b. Discharges will be annualized to determine if subsection (F) applies to the assessment amount.

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- K. Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. The assessed amount will continue at the same amount applied to the prior owner. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.
- L. Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.
- M. Required information for the inpatient assessment. For any hospital that has not filed a 2021 Medicare Cost report, or if the 2021 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the inpatient assessment, the Administration shall use data reported on the 2021 Uniform Accounting Report filed by the hospital in place of the 2021 Medicare Cost report to calculate the assessment. If the 2021 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the inpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2021 Medicare Cost report to calculate the assessment.
- N. Required information for the outpatient assessment. For any hospital that has not filed a 2021 Uniform Accounting Report, if the 2021 Uniform Accounting Report does not include reliable information sufficient for the Administration to calculate the outpatient assessment amounts, or if the 2021 Uniform Accounting Report does not reconcile to 2021 Audited Financial Statements, the Administration shall use the data reported on 2021 Audited Financial Statements to calculate the outpatient assessment. If the 2021 Audited Financial Statements do not include the reliable information sufficient for the Administration to calculate the outpatient assessment, the Administration shall use data reported on the 2021 Medicare Cost report. If the Medicare Cost report does not include reliable information sufficient for the Administration to calculate the outpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2021 Medicare Cost report to calculate the outpatient assessment.
- O. The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in A.R.S. § 36-2901.08.
- P. Enforcement. If a hospital does not comply with this section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.

**Historical Note**

New Section R9-22-730 made by exempt rulemaking at 20 A.A.R. 281, effective January 15, 2014 (Supp. 14-1).

Amended by exempt rulemaking at 20 A.A.R. 1833, effective July 1, 2014 (Supp. 14-2). Amended by final exempt rulemaking at 21 A.A.R. 637, effective April 15, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 21 A.A.R. 1486, effective July 16, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 2050,

effective July 14, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 23 A.A.R. 1945, effective July 1, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 24 A.A.R. 2229, effective July 10, 2018 (Supp. 18-3). Amended by final exempt rulemaking at 25 A.A.R. 1938, effective July 1, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 26 A.A.R. 1702, effective July 1, 2020 (Supp. 20-3). Amended by final exempt rulemaking at 26 A.A.R. 2984, effective October 1, 2020 (Supp. 20-4). Amended by final exempt rulemaking at 27 A.A.R. 2370, effective October 1, 2021 (Supp. 21-3). Amended by final exempt rulemaking 28 A.A.R. 2213 (September 2, 2022), effective October 1, 2022 (Supp. 22-3). Amended by final exempt rulemaking at 29 A.A.R. 2204 (September 22, 2023), effective October 1, 2023 (Supp. 23-3).

**R9-22-731. Health Care Investment Fund - Hospital Assessment**

- A. For purposes of this Section, terms are the same as defined in A.A.C. R9-22-730 as provided below unless the context specifically requires another meaning.
- B. Beginning October 1, 2022, for each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period beginning October 1, 2022, the assessment for each hospital shall be amount equal to the sum of: (1) the number of discharges reported on the hospital's 2019 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges," multiplied by the following rates appropriate to the hospital's peer group; and (2) the amount of outpatient net patient revenues multiplied by the following rate appropriate to the hospital's peer group:
  1. \$211.50 per discharge and 3.5149% of outpatient net patient revenues for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
  2. \$211.50 per discharge and 1.645% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: critical access hospital.
  3. \$53.00 per discharge and 1.645% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: long term.
  4. \$53.00 per discharge and 1.645% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2019 Medicare Cost Report.
  5. \$169.25 per discharge and 3.8078% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term with 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2019 Uniform Accounting Report.
  6. \$190.50 per discharge and 4.3936% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2019 Uniform Accounting Report.
  7. \$42.50 per discharge and 1.1716% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: children's.

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8. \$211.50 per discharge and 5.8581% of outpatient net patient revenues for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C. Peer groups for the four quarters beginning October 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website January 2, 2022.
- D. Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2019 Medicare Cost Report, are assessed a rate of \$53.00 for each discharge from the psychiatric sub-provider as reported in the 2019 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E. Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2019 Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the 2019 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).
- F. Notwithstanding subsection (B), for any hospital that reported more than 24,000 discharges on the hospital's 2019 Medicare Cost Report, discharges in excess of 24,000 are assessed a rate of \$21.25 for each discharge in excess of 24,000. The initial 24,000 discharges are assessed at the rate required by subsection (B).
- G. Assessment notice. On or before the 10th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send to each hospital a notification that the assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.
- H. Assessment due date. The assessment must be received by the Administration no later than the 10th day of the second month of the quarter.
- I. Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2019 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for January 2, 2022:
  1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
  2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning "SH".
  3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2019 Medicare Cost Report.
  4. Hospitals designated as type: hospital, subtype; rehabilitation.
  5. Hospitals designated as type: med-hospital, subtype: special hospitals.
  6. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2019 Medicare Cost Report are reimbursed by Medicare.
7. Hospitals designated as type: hospital, subtype: short-term that have at least 25 percent Medicare swing beds as percentage of total Medicare days, per the 2019 Medicare Cost Report.
8. Hospitals designated as type: hospital, subtype: short-term that are an urban public acute care hospital.
- J. New hospitals. For hospitals that did not file a 2019 Medicare Cost Report because of the date the hospital began operations:
  1. If the hospital was open on the January 2 preceding the October assessment start date, the hospital assessment will begin on October 1 following the date the hospital began operating.
  2. If the hospital began operating between January 3 and June 30, the assessment will begin on October 1 of the following calendar year.
  3. A hospital is not considered a new hospital based on a change in ownership.
  4. The assessment will be based on the discharges reported in the hospital's first Medicare Cost Report and Uniform Accounting Report, which includes 12 months-worth of data, except when any of the following apply:
    - a. If there is not a complete 12 months-worth of data available, the assessment will be based on the annualized number of discharges from the date hospital operations began through December 31 preceding the October assessment start date. The hospital shall self-report the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than January preceding the assessment start date for the new hospitals. "Annualized" means divided by a ratio equal to the number of months of data divided by 12 months.
    - b. If more than 12 months of data is available, the assessment will be based on the most recent 12 months of self-reported data, as of December 31;
  5. For purposes of calculating subpart 4, if a new hospital shares a Medicare Identification Number with an existing hospital, the assessment amount will be based on self-reported data from the new hospital instead of the Medicare Cost Report. The data shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment.
  6. For hospitals providing self-reported data, described in subpart 4 and 5:
    - a. Psychiatric discharges will be annualized to determine if subsections (B)(4) or (I)(3) apply to the assessment amount.
    - b. Discharges will be annualized to determine if subsection (F) applies to the assessment amount.
- L. Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. The assessed amount will continue at the same amount applied to the prior owner. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.
- M. Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.

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- N.** Required information for the inpatient assessment. For any hospital that has not filed a 2019 Medicare Cost report, or if the 2019 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the inpatient assessment, the Administration shall use data reported on the 2019 Uniform Accounting Report filed by the hospital in place of the 2019 Medicare Cost report to calculate the assessment. If the 2019 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the inpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2019 Medicare Cost report to calculate the assessment.
- O.** Required information for the outpatient assessment. For any hospital that has not filed a 2019 Uniform Accounting Report, or if the 2019 Uniform Accounting Report does not reconcile to 2019 Audited Financial Statements, the Administration shall use the data reported on 2019 Audited Financial Statements to calculate the outpatient assessment. If the 2019 Audited Financial Statements do not include the reliable information sufficient for the Administration to calculate the outpatient assessment, the Administration all use data reported on the 2019 Medicare Cost report. If the Medicare Cost report does not include reliable information sufficient for the Administration to calculate the outpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2019 Medicare Cost report to calculate the outpatient assessment.
- P.** Enforcement. If a hospital does not comply with this Section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2984, effective October 1, 2020 (Supp. 20-4). Amended by final rulemaking at 27 A.A.R. 2514 (October 29, 2021), with an immediate effective date of October 6, 2021 (Supp. 21-4). Amended by final exempt rulemaking at 28 A.A.R. 3351 (October 21, 2022), effective October 1, 2022 (Supp. 22-3).

**ARTICLE 8. REPEALED**

*Article 8, consisting of R9-22-801 through R9-22-804 and Exhibit A, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 8 is now in 9 A.A.C. 34 (Supp. 04-1).*

**R9-22-801. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-801 adopted as an emergency adoption now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-801 repealed, new Section R9-22-801 adopted effective October 29, 1985 (Supp. 85-5). Amended subsections (C), (F), (H), (I), and (K) effective October 1, 1986 (Supp. 86-5). Change of heading only effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Amended subsection (H) effective May 30, 1989 (Supp.

89-2). Amended effective September 29, 1992 (Supp. 92-3). Section heading amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-801 repealed, new Section R9-22-801 adopted January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-802. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-802 adopted as an emergency adoption now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 29, 1985 (Supp. 85-5). Amended subsections (A), (B), (C) and (D) effective October 14, 1988 (Supp. 88-4). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-802 repealed, new Section R9-22-802 adopted effective January 14, 1997 (Supp. 97-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-803. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-803 adopted as an emergency now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Former Section R9-22-803 repealed, new Section R9-22-803 adopted effective October 1, 1983 (Supp. 83-5). Former Section R9-22-803 renumbered and amended as Section R9-22-804. Adopted effective January 31, 1986 (Supp. 86-1). Amended effective September 29, 1992 (Supp. 92-3). Former Section R9-22-803 repealed, new Section R9-22-803 adopted January 14, 1997 (Supp. 97-1). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-804. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-804 adopted as an emergency adoption now adopted as a permanent rule effective August 30, 1982 (Supp. 82-4). Amended effective October 1, 1983 (Supp. 83-5). Former Section R9-22-804 repealed, former Section R9-22-803 renumbered and amended as Section R9-22-804 effective October 29, 1985 (Supp. 85-5). Amended effective October 14, 1988 (Supp. 88-4). Amended subsections (B) and (C) effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended effective December 13, 1993 (Supp. 93-4). Former Section R9-22-804

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repealed, new Section R9-22-804 adopted effective January 14, 1997 (Supp. 97-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**Exhibit A. Repealed****Historical Note**

New Exhibit adopted by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Exhibit repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-805. Repealed****Historical Note**

Former Section R9-22-805 adopted as an emergency now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective January 31, 1986 (Supp. 86-1).

**ARTICLE 9. REPEALED****R9-22-901. Repealed****Historical Note**

Adopted as an emergency effective May 20, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R9-22-901 adopted as an emergency adoption now adopted and amended as a permanent rule effective August 30, 1982 (Supp. 82-4). Repealed effective October 1, 1983 (Supp. 83-5). Adopted effective August 29, 1985 (Supp. 85-4). Amended effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-902. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-902 renumbered and amended as Section R9-22-904, former Section R9-22-903 renumbered and amended as Section R9-22-902 effective October 1, 1986 (Supp. 86-5). Former Section R9-22-902 repealed, new Section R9-22-902 adopted effective May 30, 1989 (Supp. 89-2). Amended effective April 13, 1990 (Supp. 90-2). Amended effective September 29, 1992 (Supp. 92-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Amended under an exemption from the provisions of the Administrative Procedure Act, effective October 26, 1993 (Supp. 93-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). Section repealed; new Section made by exempt rulemaking at 7 A.A.R.

4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-903. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-903 renumbered and amended as Section R9-22-902, former Section R9-22-904 renumbered and amended as Section R9-22-903 effective October 1, 1986 (Supp. 86-5). Former Section R9-22-903 repealed, new Section R9-22-903 adopted effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-904. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-904 renumbered and amended as Section R9-22-903, former Section R9-22-902 renumbered and amended as Section R9-22-904 effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-905. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-905 renumbered without change as Section R9-22-908, former Section R9-22-907 renumbered and amended as Section R9-22-905 effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-906. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Amended effective October 1, 1986 (Supp. 86-5). Amended effective October 1, 1987 (Supp. 87-4). Amended effective May 30, 1989 (Supp. 89-2). Amended effective September 22, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-907. Repealed****Historical Note**

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Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-907 renumbered and amended as Section R9-22-905, former Section R9-22-908 renumbered and amended as Section R9-22-907 effective October 1, 1986 (Supp. 86-5). Amended effective May 30, 1989 (Supp. 89-2). Section repealed by final rulemaking at 5 A.A.R. 4061, effective October 8, 1999 (Supp. 99-4). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-908. Repealed****Historical Note**

Adopted effective August 29, 1985 (Supp. 85-4). Former Section R9-22-908 renumbered and amended as Section R9-22-907, former Section R9-22-905 renumbered without change as Section R9-22-908 effective October 1, 1986 (Supp. 86-5). Former R9-22-908 repealed effective May 30, 1989 (Supp. 89-2). New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**R9-22-909. Repealed****Historical Note**

New Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 4484, effective January 6, 2007 (Supp. 06-4).

**ARTICLE 10. FIRST- AND THIRD-PARTY LIABILITY AND RECOVERIES****R9-22-1001. Definitions**

In addition to the definitions in A.R.S. §§ 36-2901, 36-2923 and 9 A.A.C. 22, Article 1, the following definitions apply to this Article:

“Absent parent” means an individual who is absent from the home and is legally responsible for providing financial and/or medical support for a dependent child.

“Cost avoid” means to deny a claim and return the claim to the provider for a determination of the amount of first- or third-party liability.

“First-party liability” means the obligation of any insurance plan or other coverage obtained directly or indirectly by a member that provides benefits directly to the member to pay all or part of the expenses for medical services incurred by AHCCCS or a member.

“Third-party” means a person, entity, or program that is, or may be, liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or member.

“Third-party liability” means any individual, entity, or program that is or may be liable to pay all or part of the expenditures for medical assistance furnished to a member under a state plan.

**Historical Note**

Former Section R9-22-712 renumbered and amended as Section R9-22-1001 effective October 1, 1985 (Supp. 85-5). Amended subsections (E) through (H) effective October 1, 1986 (Supp. 86-5). Amended subsections (B), (C), (E), and (F) effective December 22, 1987 (Supp. 87-4).

Section repealed; new Section adopted effective November 7, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 21 A.A.R. 1237, effective July 7, 2015 (Supp. 15-3).

**R9-22-1002. General Provisions**

AHCCCS is the payor of last resort unless specifically prohibited by applicable state or federal law. AHCCCS is not the payor of last resort when the following entities are the third-party:

1. Indian Health Services (IHS/638), contract health,
2. Title IV-E,
3. Arizona Early Intervention Program (AZEIP),
4. Local educational agencies providing services under the Individuals with Disabilities Education Act under 34 CFR Part 300,
5. Entities and contractors of entities providing services under grants awarded as part of the HIV Health Care Services Program under 42 USC 300ff et seq., and
6. The Arizona Refugee Resettlement Program operated under 45 CFR Part 400, Subpart (G).

**Historical Note**

Section R9-22-529 adopted effective October 1, 1985, then renumbered as Section R9-22-1002 effective October 1, 1985 (Supp. 85-5). Amended subsections (C) and (D) effective October 1, 1986 (Supp. 86-5). Amended effective December 22, 1987 (Supp. 87-4). Amended under an exemption from the provisions of the Administrative Procedure Act, effective July 1, 1993 (Supp. 93-3). Section repealed; new Section adopted effective November 7, 1997 (Supp. 97-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 21 A.A.R. 1237, effective July 7, 2015 (Supp. 15-3).

**R9-22-1003. Cost Avoidance****A. The Administration’s reimbursement responsibility.**

1. The Administration shall pay no more than the difference between the Capped Fee-For-Service schedule and the amount of the third-party liability, unless Medicare is the third-party.
2. If Medicare is the third-party that is liable, the Administration shall pay the Medicare copayment, coinsurance, and deductible regardless of the Capped Fee-For-Service Schedule, as described under 9 A.A.C. 29, Article 3.

**B. The Contractor’s reimbursement responsibility.**

1. If the contract between the contractor and the provider does not state otherwise, a contractor shall pay no more than the difference between the contracted rate and the amount of the third-party liability.
2. If the provider does not have a contract with the contractor, a contractor shall pay no more than the difference between the Capped Fee-For-Service rate and the amount of the third-party liability.

**C. The following parties shall take reasonable measures to identify potentially legally liable first- or third-party sources:**

1. AHCCCS, the Administration, or a contractor;
2. A provider;
3. A noncontracting provider; and
4. A member.

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- D. Except as specified under subsection (E), the Administration or a contractor shall cost avoid a claim for AHCCCS covered services under Article 2 if the Administration or a contractor has established the probable existence of a liable party at the time the claim is filed. Establishing liability takes place when the Administration or the contractor receives confirmation that another party is legally responsible for payment of a health care service under Article 2.
- E. The Administration or contractor shall pay the full amount of the claim according to the Capped-Fee-For-Service Schedule or the contracted rate as described under subsection (B), and then seek reimbursement from any liable parties if the claim is for:
1. Prenatal care for pregnant women,
  2. Preventive pediatric services, including E.P.S.D.T. and administration of vaccines to children under the Vaccines for Children (VFC) program; or
  3. Services covered by third-party liability that is derived from an absent parent whose obligation to pay support is being enforced by the Division of Child Support Enforcement.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 3012, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 21 A.A.R. 1237, effective July 7, 2015 (Supp. 15-3).

**R9-22-1004. Member Participation**

A member shall cooperate in identifying potentially legally liable first- or third-parties and timely assist the Administration and a contractor, provider, or noncontracting provider in pursuing any first- or third-party who may be liable to pay for covered services.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1).

**R9-22-1005. Collections**

- A. Parties that notify AHCCCS. A provider or noncontracting provider shall cooperate with AHCCCS by identifying all potential sources of first- or third-party liability and notify AHCCCS of these sources.
- B. Parties that pursue collection or reimbursement. AHCCCS, a provider, or noncontracting provider shall pursue collection or reimbursement from all potential sources of first- or third-party liability.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**R9-22-1006. AHCCCS Monitoring Responsibilities**

AHCCCS shall monitor first- or third-party liability payments to a provider or noncontracting provider, which include but are not limited to payments by or for:

1. Private health insurance;
2. Employment-related disability and health insurance;
3. Long-term care insurance;
4. Other federal programs not excluded by statute from recovery;

5. Court ordered or non-court ordered medical support from an absent parent;
6. State worker's compensation;
7. Automobile insurance, including underinsured and uninsured motorists insurance;
8. Court judgment or settlement from a liability insurer including settlement proceeds placed in a trust;
9. First-party probate estate recovery;
10. Adoption-related payment; or
11. A tortfeasor.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**R9-22-1007. Notification for Perfection, Recording, and Assignment of AHCCCS Liens**

- A. Hospital requirements. A hospital providing medical services to a member for an injury or condition resulting from circumstances reflecting the probable liability of a first- or third-party shall within 30 days after a member's discharge:
1. Notify AHCCCS via facsimile or mail under R9-22-1008, or
  2. Mail AHCCCS a copy of the lien the hospital proposes to record or has recorded under A.R.S. § 33-932.
- B. Provider and noncontracting provider requirements. A provider or noncontracting provider, other than a hospital, rendering medical services to a member for an injury or condition resulting from circumstances reflecting the probable liability of a first- or third-party shall notify AHCCCS via facsimile or mail under R9-22-1008 within 30 days after providing the service.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1).

**R9-22-1008. Notification Information for Liens**

- A. Except as provided in subsection (B), a hospital, provider, and noncontracting provider identified in R9-22-1007 shall provide the following information to AHCCCS in writing:
1. Name of the hospital, provider or noncontracting provider;
  2. Address of the hospital, provider or noncontracting provider;
  3. Name of member;
  4. Member's Social Security Number or AHCCCS identification number;
  5. Address of member;
  6. Date of member's admission or date service is provided;
  7. Amount estimated to be due for care of member;
  8. Date of discharge, if member has been discharged;
  9. Name of county in which injuries were sustained; and
  10. Name and address of all persons, firms, and corporations and their insurance carriers identified by the member or legal representative as being liable for damages.
- B. If the date of discharge is not known at the time the information in subsection (A) is provided, a party identified in subsection (A) shall notify AHCCCS of the date of discharge within 30 days after the member has been discharged.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1). Amended by



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final rulemaking at 15 A.A.R. 179, effective March 7, 2009 (Supp. 09-1).

**R9-22-1009. Notification of Health Insurance Information**

A provider or noncontracting provider shall notify AHCCCS, in writing, of the following health insurance information within 10 days of receipt of the health insurance information:

1. Name of member,
2. Member's Social Security Number or AHCCCS identification number,
3. Insurance carrier name,
4. Insurance carrier address,
5. Policy number or insurance holder's Social Security Number,
6. Policy begin and end dates, and
7. Insurance holder's name.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1146, effective May 1, 2004 (Supp. 04-1).

**ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS****R9-22-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims; Definitions**

- A. Scope. This Article applies to prohibited acts as described under A.R.S. § 36-2918(A), and submissions of encounters to the Administration. The Administration considers a person who aids and abets a prohibited act affecting any of the AHCCS programs or Health Care Group to be engaging in a prohibited act under A.R.S. § 36-2918(A).
- B. Purpose. This Article describes the circumstances AHCCCS considers and the process that AHCCCS uses to determine the amount of a penalty, assessment, or penalty and assessment as required under A.R.S. § 36-2918. This Article includes the process and time-frames used by a person to request a State Fair Hearing.
- C. Definitions. The following definitions apply to this Article:
  1. "Assessment" means a monetary amount that does not exceed twice the dollar amount claimed by the person for each service.
  2. "Claim" means a request for payment submitted by a person for payment for a service or line item of service, including a submission of an encounter.
  3. "Day" means calendar day unless otherwise specified.
  4. "File" means the date that AHCCCS receives a written acceptance, request for compromise, request for a counter proposal, or a request for a State Fair Hearing as established by a date stamp on the written document or other record of receipt.
  5. "Penalty" means a monetary amount, based on the number of items of service claimed or reported, that does not exceed \$2,000 times the number of line items of service.
  6. "Person" means an individual or entity as described under A.R.S. § 1-215.
  7. "Reason to know" or "had reason to know" means that a person, acts in deliberate ignorance of the truth or falsity of, or with reckless disregard of the truth or falsity of information. No proof of specific intent to defraud is required.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended subsection A. effective May 30, 1989 (Supp. 89-2). Amended effective September 29, 1992 (Supp. 92-

3). Amended effective June 9, 1998 (Supp. 98-2).  
Amended by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1102. Determining the Amount of a Penalty and an Assessment**

- A. AHCCCS shall determine the amount of a penalty and assessment according to A.R.S. § 36-2918(B) and (C), R9-22-1104, and R9-22-1105.
- B. AHCCCS shall include in the amount of the penalty and assessment the cost incurred by AHCCCS for conducting the following:
  1. An investigation,
  2. Audit, or
  3. Inquiry.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended effective December 13, 1993 (Supp. 93-4).  
Amended effective June 9, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1103. Repealed****Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended effective December 13, 1993 (Supp. 93-4).  
Amended effective June 9, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Section repealed by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1104. Mitigating Circumstances**

AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a penalty, assessment, or penalty and assessment.

1. Nature and circumstances of a claim. The following are mitigating circumstances:
  - a. All the services are of the same type,
  - b. All the dates of services occurred within six months or less,
  - c. The number of claims submitted is less than 25,
  - d. The nature and circumstances do not indicate a pattern of inappropriate claims for the services, and
  - e. The total amount claimed for the services is less than \$1,000.
2. Degree of culpability. The degree of culpability of a person who presents or causes to present a claim is a mitigating circumstance if:
  - a. Each service is the result of an unintentional and unrecognized error in the process that the person followed in presenting or in causing to present the service,
  - b. Corrective steps were taken promptly by the person after the error was discovered, and
  - c. The person had a fraud and abuse control plan that was operating effectively at the time each claim was presented or caused to be presented.
3. Financial condition. The financial condition of a person who presents or causes to present a claim is a mitigating circumstance if the imposition of a penalty, assessment,

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or penalty and assessment without reduction will render the provider incapable to continue providing services. AHCCCS shall consider the resources available to the person when determining the amount of the penalty, assessment, or penalty and assessment.

4. Other matters as justice may require. AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice, the circumstances require a reduction of the penalty, assessment, or penalty and assessment.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5).  
Amended effective June 9, 1998 (Supp. 98-2). Section repealed; new Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1105. Aggravating Circumstances**

AHCCCS shall consider any of the following to be aggravating circumstances when determining the amount of a penalty, assessment, or penalty and assessment.

1. Nature and circumstances of each claim. The nature and circumstances of each claim and the circumstances under which the claim is presented or caused to be presented are aggravating circumstances if:
  - a. A person has forged, altered, recreated, or destroyed records;
  - b. The person refuses to provide pertinent documentation to AHCCCS for a claim or refuses to cooperate with investigators;
  - c. The services are of several types;
  - d. All the dates of services did not occur within six months or less;
  - e. The number of claims submitted is greater than 25;
  - f. The nature and circumstances indicate a pattern of inappropriate claims for the services; and
  - g. The total amount claimed for the services is \$5,000 or greater.
2. Degree of culpability. The degree of culpability of a person who presents or causes to present each claim is an aggravating circumstance if:
  - a. The person knows or had reason to know that each service was not provided as claimed,
  - b. The person knows or had reason to know that no payment could be made because the person had been excluded from reimbursement by AHCCCS, or
  - c. The person knows or had reason to know that the payment would violate the terms of an agreement between the person and AHCCCS system.
3. Prior offenses. The prior offenses of a person who presents or causes to present each claim are an aggravating circumstance if:
  - a. At any time before the submittal of the claim the person was held criminally or civilly liable for any act, or
  - b. The person had received an administrative sanction in connection with:
    - i. A Medicaid program,
    - ii. A Medicare program, or
    - iii. Any other public or private program of reimbursement for medical services.
4. Effect on patient care. The adverse effect on patient care that resulted, or could have resulted, from the failure to

provide medically necessary care by a person in connection with a claim.

5. Other matters as justice may require. AHCCCS shall take into account other circumstances of an aggravating nature, if in the interest of justice, the circumstances require an increase of the penalty, assessment, or penalty and assessment.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1106. Notice of Intent**

If AHCCCS imposes a penalty, assessment, or a penalty and assessment, AHCCCS shall hand deliver or send by certified mail return receipt requested or Federal Express to the person, a written Notice of Intent to impose a penalty, assessment, or a penalty and assessment. The Notice of Intent shall include:

1. The statutory basis for the penalty, assessment, or the penalty and assessment;
2. Identification of the state or federal regulation and state or federal law that AHCCCS alleges has been violated;
3. The factual basis for AHCCCS' determination that the penalty, assessment, or the penalty and assessment should be imposed;
4. The amount of the penalty, assessment, or penalty and assessment;
5. The process for the person to accept or request a compromise of the penalty, assessment, or penalty and assessment; and
6. The process for requesting a State Fair Hearing.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1107. Reserved****R9-22-1108. Request for a Compromise**

- A. To request a compromise, the person shall file a written request with AHCCCS within 30 days from the date of receipt of the Notice of Intent. The written request for compromise shall contain the person's reasons for the reduction or modification of the penalty, assessment, or penalty and assessment.
- B. Within 30 days from the date of receipt of the request for compromise from the person, AHCCCS shall send a Notice of Compromise Decision that accepts, denies, or offers a counter proposal to the person's request for compromise. If AHCCCS offers a counter proposal the amount of the counter proposal shall represent the penalty, assessment, or penalty and assessment.
  1. If AHCCCS does not withdraw the Notice of Intent under R9-22-1112 or denies the request for compromise the original penalty, assessment, or penalty and assessment is upheld.
  2. To dispute the Compromise Decision, the person shall file a request for a State Fair Hearing under R9-22-1110 within 30 days from the date of receipt of the Notice of Compromise Decision.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).

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Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1109. Failure to Respond to the Notice of Intent**

If a person fails to respond timely to the Notice of Intent, AHCCCS shall uphold the original penalty, assessment, or penalty and assessment.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1110. Request for State Fair Hearing**

- A. To request a State Fair Hearing regarding a dispute concerning a penalty, assessment, or penalty and assessment, the person shall file a written request for a State Fair Hearing with AHCCCS within 60 days from the date of the receipt of the Notice of Intent under R9-22-1106 or within 30 days from the date of receipt of the Notice of Compromise Decision under R9-22-1108, if applicable.
- B. AHCCCS shall mail a Notice of Hearing under A.R.S. § 41-1092.05 if AHCCCS receives a timely request for a State Fair Hearing from the person.
- C. AHCCCS shall mail a Director's Decision to the person no later than 30 days after the date the Administrative Law Judge sends the decision of the Office of Administrative Hearings (OAH) to AHCCCS.
- D. AHCCCS shall accept a written request for withdrawal of a hearing request if the written request for withdrawal is received from the person before AHCCCS mails a Notice of Hearing under A.R.S. § 41-1092 et seq. If AHCCCS mailed a Notice of Hearing under A.R.S. § 41-1092 et seq., a person may withdraw the hearing request only by sending a written request for withdrawal to OAH.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).  
Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1111. Issues and Burden of Proof**

- A. Preponderance of evidence. In any State Fair Hearing conducted under R9-22-1110, AHCCCS shall prove by a preponderance of the evidence that a person presented or caused to be presented each claim in violation of this Article and any aggravating circumstances under R9-22-1105. A person shall bear the burden of producing and proving by a preponderance of the evidence any circumstance that would justify reducing the amount of the penalty, assessment, or penalty and assessment.
- B. Statistical sampling.
  1. In meeting the burden of proof described in subsection (A), AHCCCS may introduce the results of a statistical sampling study as evidence of the number and amount of claims that were presented or caused to be presented by the person. A statistical sampling study constitutes prima facie evidence of the number and amount of claims if computed by valid statistical methods.
  2. The burden of proof shall shift to the person to produce evidence reasonably calculated to rebut the findings of the statistical sampling study once AHCCCS has made a prima facie case as described in subsection (B)(1). AHCCCS shall be given the opportunity to rebut this evidence.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R.

3056, effective September 11, 2004 (Supp. 04-3).

Amended by final rulemaking at 17 A.A.R. 2615, effective February 4, 2012 (Supp. 11-4).

**R9-22-1112. Withdrawal and Continuances**

AHCCCS may withdraw the Notice of Intent at any time. Prior to referring a matter to the Office of Administrative Hearings the parties may mutually agree to a continuance.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 3056, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 12. BEHAVIORAL HEALTH SERVICES****R9-22-1201. Definitions**

Definitions. The following definitions apply to this Article:

"Adult behavioral health therapeutic home" as defined in 9 A.A.C. 10, Article 1.

"Agency" for the purposes of this Article means a behavioral health facility, a classification of a health care institution, including a mental health treatment agency defined in A.R.S. § 36-501, that is licensed to provide behavioral health services according to A.R.S. Title 36, Chapter 4.

"Assessment" means an analysis of a patient's need for physical health services or behavioral health services to determine which services a health care institution will provide to the patient.

"Behavior management services" means services that assist the member in carrying out daily living tasks and other activities essential for living in the community, including personal care services.

"Behavioral health therapeutic home care services" means interactions that teach the client living, social, and communication skills to maximize the client's ability to live and participate in the community and to function independently, including assistance in the self-administration of medication and any ancillary services indicated by the client's treatment plan, as appropriate.

"Behavioral health services" means medical services, nursing services, health-related services, or ancillary services provided to an individual to address the individual's behavioral health issue.

"Behavioral health technician" means an individual who is not a behavioral health professional who provides behavioral health services at or for a health care institution according to the health care institution's policies and procedures that:

If the behavioral health services were provided in a setting other than a licensed health care institution, the individual would be required to be licensed as a behavioral professional under A.R.S. Title 32, Chapter 33; and

Are provided with clinical oversight by a behavioral health professional.

"Case management" for the purposes of this Article, means services and activities that enhance treatment, compliance, and effectiveness of treatment.

"Certified psychiatric nurse practitioner" means a registered nurse practitioner who meets the psychiatric specialty area requirements under A.A.C. R4-19-505(C).

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“Clinical oversight” means as described under 9 A.A.C. 10.

“Cost avoid” means to avoid payment of a third-party liability claim when the probable existence of third-party liability has been established under 42 CFR 433.139(b).

“Court-ordered evaluation” has the same meaning as “evaluation” in A.R.S. § 36-501.

“Court-ordered pre-petition screening” has the same meaning as “pre-petition screening” in A.R.S. § 36-501.

“Court-ordered treatment” means treatment provided according to A.R.S. Title 36, Chapter 5.

“Crisis services” means immediate and unscheduled behavioral health services provided to a patient to address an acute behavioral health issue affecting the patient.

“Direct supervision” has the same meaning as “supervision” in A.R.S. § 36-401.

“Emergency medical services provider” has the same meaning as in A.R.S. § 36-2201.

“Health care institution” has the same meaning as defined in A.R.S. § 36-401.

“Health care practitioner” means a:

Physician;

Physician assistant;

Nurse practitioner; or

Other individual licensed and authorized by law to use and prescribe medication and devices, as defined in A.R.S. § 32-1901.

“Licensee” means the same as in 9 A.A.C. 10, Article 1.

“Medical practitioner” means a physician, physician assistant, or nurse practitioner.

“Partial care” means a day program of services provided to individual members or groups that is designed to improve the ability of a person to function in a community, and includes basic, therapeutic, and medical day programs.

“Physician assistant” means the same as in A.R.S. § 32-2501 except that when providing a behavioral health service, the physician assistant shall be supervised by an AHCCCS-registered psychiatrist.

“Psychiatrist” means a physician who meets the licensing requirements under A.R.S. § 32-1401 or a doctor of osteopathy who meets the licensing requirements under A.R.S. § 32-1800, and meets the additional requirements of a psychiatrist under A.R.S. § 36-501.

“Psychologist” means a person who meets the licensing requirements under A.R.S. §§ 32-2061 and 36-501.

“Qualified behavioral health service provider” means a behavioral health service provider that meets the requirements of R9-22-1206.

“Respite” means a period of care and supervision of a member to provide rest or relief to a family member or other person caring for the member. Respite provides activities and services to meet the social, emotional, and physical needs of the member during respite.

“TRBHA” or “Tribal Regional Behavioral Health Authority” means a Native American tribe under contract with ADHS/DBHS to coordinate the delivery of behavioral health services to eligible and enrolled members of the federally-recognized tribal nation.

#### Historical Note

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4).

Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

#### R9-22-1202. ADHS, Contractor, Administration and CRS Responsibilities

- A. ADHS responsibilities. ADHS is responsible for payment of behavioral health services provided to members, except as specified under subsection (D). ADHS’ responsibility for payment of behavioral health services includes claims for inpatient hospital services, which may include physical health services, when the principal diagnosis on the hospital claim is a behavioral health diagnosis. Behavioral health diagnoses are identified as “mental disorders” in the latest International Classification of Diseases (ICD) code set as required by AHC-CCS claims and encounters.
- B. ADHS/DBHS may contract with a TRBHA for the provision of behavioral health services for American Indian members. American Indian members may receive covered behavioral health services:
  1. From an IHS or tribally operated 638 facility,
  2. From a TRBHA, or
  3. From a RBHA.
- C. Contractor responsibilities. A contractor shall:
  1. Refer a member to a RBHA under the contract terms;
  2. Provide EPSDT developmental and behavioral health screening as specified in R9-22-213;
  3. Coordinate a member’s transition of care and medical records; and
  4. Be responsible for providing covered inpatient hospital services, which may include behavioral health inpatient hospital services, when the principal diagnosis on the hospital claim is not a behavioral health diagnosis.
- D. Administration and CRS responsibilities.
  1. The Administration shall be responsible for payment of behavioral health services provided to an ALTCS FFS or an FES member and for behavioral health services provided by IHS and tribally operated 638 facilities. The Administration is also responsible for payment of behavioral health services provided to these members during prior quarter coverage.
  2. CRS shall be responsible for payment of behavioral health services provided to members enrolled with CRS.

#### Historical Note

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Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4).

Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended to correct typographical errors, filed in the Office of the Secretary of State October 30, 2001 (Supp. 01-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 1225, effective July 7, 2015 (Supp. 15-3).

**R9-22-1203. Eligibility for Covered Services**

Title XIX members. A member determined eligible under A.R.S. § 36-2901(6)(a) or (g) except for the failure to meet U.S. citizenship or qualified alien status requirements, shall receive medically necessary covered services under Article 12 and Article 2.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed, new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4).

Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1204. General Service Requirements**

- A.** Services. Behavioral health services include mental health, substance abuse, and physical services. Medically necessary services shall be covered and service requirements met as described under Article 2 and Article 5.
- B.** Notification to Administration for American Indians enrolled with a tribal contractor. A provider shall notify the Administration no later than 72 hours after an American Indian member enrolled with a tribal contractor presents to a behavioral health hospital for inpatient emergency behavioral health services.
- C.** Restrictions and limitations. Room and board is not a covered service unless provided in a behavioral health inpatient facility under R9-22-1205.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of

State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective January 1, 1996; filed with the Secretary of State December 22, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1205. Scope and Coverage of Behavioral Health Services**

**A.** Inpatient behavioral health services. The following inpatient services are covered subject to the limitations and exclusions in this Article and Article 2.

1. Covered inpatient behavioral health services include all behavioral health services, medical detoxification, accommodations and staffing, supplies, and equipment, if the service is provided under the direction of a physician in a Medicare-certified:
  - a. General acute care hospital,
  - b. Inpatient psychiatric unit in a general acute care hospital, or
  - c. Behavioral health hospital.
2. Inpatient service limitations:
  - a. Inpatient services, other than emergency services specified in this Section, are not covered unless prior authorization is obtained.
  - b. Inpatient services and room and board are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
    - i. A licensed psychiatrist,
    - ii. A certified psychiatric nurse practitioner,
    - iii. A licensed physician assistant,
    - iv. A licensed psychologist,
    - v. A licensed clinical social worker,
    - vi. A licensed marriage and family therapist,
    - vii. A licensed professional counselor,
    - viii. A licensed independent substance abuse counselor, and
    - ix. A medical practitioner.

**B.** Behavioral Health Inpatient facility for children. Services provided in a Behavioral Health Inpatient facility for children as defined in 9 A.A.C. 10, Article 3 are covered subject to the limitations and exclusions under this Article.

1. Behavioral Health Inpatient facility for children services are not covered unless provided under the direction of a licensed physician in a licensed Behavioral Health Inpatient facility for children accredited by an AHCCCS-approved accrediting body as specified in contract.
2. Covered Behavioral Health Inpatient facility for children services include room and board and treatment services for behavioral health and substance abuse conditions.

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3. Inpatient Behavioral Health Inpatient facility for children service limitations.
  - a. Services are not covered unless prior authorized, except for emergency services as specified in this Section.
  - b. Services are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
    - i. A licensed psychiatrist,
    - ii. A certified psychiatric nurse practitioner,
    - iii. A licensed physician assistant,
    - iv. A licensed psychologist,
    - v. A licensed clinical social worker,
    - vi. A licensed marriage and family therapist,
    - vii. A licensed professional counselor,
    - viii. A licensed independent substance abuse counselor, and
    - ix. A medical practitioner.
4. The following may be billed independently if prescribed by a provider as specified in this Section who is operating within the scope of practice:
  - a. Laboratory services, and
  - b. Radiology services.
- C. Covered Inpatient sub-acute agency services. Services provided in a inpatient sub-acute facility as defined in 9 A.A.C. 10, Article 1 are covered subject to the limitations and exclusions under this Article.
  1. Inpatient sub-acute facility services are not covered unless provided under the direction of a licensed physician in a licensed inpatient sub-acute facility that is accredited by an AHCCCS-approved accrediting body.
  2. Covered Inpatient sub-acute facility services include room and board and treatment services for behavioral health and substance abuse conditions.
  3. Services are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
    - a. A licensed psychiatrist,
    - b. A certified psychiatric nurse practitioner,
    - c. A licensed physician assistant,
    - d. A licensed psychologist,
    - e. A licensed clinical social worker,
    - f. A licensed marriage and family therapist,
    - g. A licensed professional counselor,
    - h. A licensed independent substance abuse counselor, and
    - i. A medical practitioner.
  4. The following may be billed independently if prescribed by a provider specified in this Section who is operating within the scope of practice:
    - a. Laboratory services, and
    - b. Radiology services.
- D. Behavioral health residential facility services. Services provided in a licensed behavioral health residential facility as defined in 9 A.A.C. 10, Article 1 are covered subject to the limitations and exclusions under this Article.
  1. Behavioral health residential facility services are not covered unless provided by a licensed behavioral health residential facility.
  2. Covered services include all non-prescription drugs as defined in A.R.S. § 32-1901, non-customized medical supplies, and clinical oversight or direct supervision of the behavioral health residential facility staff, whichever is applicable. Room and board are not covered services.
3. The following licensed and certified providers may bill independently for services:
  - a. A licensed psychiatrist,
  - b. A certified psychiatric nurse practitioner,
  - c. A licensed physician assistant,
  - d. A licensed psychologist,
  - e. A licensed clinical social worker,
  - f. A licensed marriage and family therapist,
  - g. A licensed professional counselor,
  - h. A licensed independent substance abuse counselor, and
- E. Partial care. Partial care services are covered subject to the limitations and exclusions in this Article.
  1. Partial care services are not covered unless provided by a licensed and AHCCCS-registered behavioral health agency that provides a regularly scheduled day program of individual member, group, or family activities that are designed to improve the ability of the member to function in the community. Partial care services include basic, therapeutic, and medical day programs.
  2. Partial care services. Educational services that are therapeutic and are included in the member's behavioral health treatment plan are included in per diem reimbursement for partial care services.
- F. Outpatient services. Outpatient services are covered subject to the limitations and exclusions in this Article and Article 2.
  1. Outpatient services include the following:
    - a. Screening provided by a behavioral health professional or a behavioral health technician as defined in R9-22-1201;
    - b. A behavioral health assessment provided by a behavioral health professional or a behavioral health technician;
    - c. Counseling including individual therapy, group therapy, and family therapy provided by a behavioral health professional or a behavioral health technician;
    - d. Behavior management services as defined in R9-22-1201; and
    - e. Psychosocial rehabilitation services as defined in R9-22-201.
  2. Outpatient service limitations.
    - a. The following licensed or certified providers may bill independently for outpatient services:
      - i. A licensed psychiatrist;
      - ii. A certified psychiatric nurse practitioner;
      - iii. A licensed physician assistant as defined in R9-22-1201;
      - iv. A licensed psychologist;
      - v. A licensed clinical social worker;
      - vi. A licensed professional counselor;
      - vii. A licensed marriage and family therapist;
      - viii. A licensed independent substance abuse counselor;
      - ix. A medical practitioner; and
      - x. An outpatient treatment center or substance abuse transitional facility licensed under 9 A.A.C. 10, Article 14, that is an AHCCCS-registered provider.
    - b. A behavioral health practitioner not specified in subsections (F)(2)(a)(i) through (x), who is contracted with or employed by an AHCCCS-registered behavioral health agency shall not bill independently.

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- G.** Emergency behavioral health services are covered subject to the limitations and exclusions under this Article. In order to be covered, behavioral health services shall be provided by qualified service providers under R9-22-1206. ADHS/DBHS shall ensure that emergency behavioral health services are available 24 hours per day, seven days per week in each GSA for an emergency behavioral health condition for a non-FES member as defined in R9-22-201.
- H.** Other covered behavioral health services. Other covered behavioral health services include:
1. Case management as defined in 9 A.A.C. 10, Article 1;
  2. Laboratory and radiology services for behavioral health diagnosis and medication management;
  3. Medication;
  4. Monitoring, administration, and adjustment for psychotropic medication and related medications;
  5. Respite care as described within subsection (J);
  6. Behavioral health therapeutic home care services provided by a RBHA in a professional foster home defined in 6 A.A.C. 5, Article 58 or in an adult behavioral health therapeutic home as defined in 9 A.A.C. 10, Article 1;
  7. Other support services to maintain or increase the member's self-sufficiency and ability to live outside an institution.
- I.** Transportation services. Transportation services are covered under R9-22-211.
- J.** Limited Behavioral Health services. Respite services are limited to no more than 600 hours per benefit year.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed, new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by exempt rulemaking at 17 A.A.R. 1870, effective October 1, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2747, effective October 8, 2013 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1206. Repealed****Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective September 30, 1993 (Supp. 93-3). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed,

new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Repealed by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1207. General Provisions for Payment****A. Claims submissions.**

1. A provider of behavioral health services shall submit a claim for non-emergency behavioral health services provided to a member to the appropriate RBHA.
2. A provider of behavioral health services shall submit a claim for non-inpatient emergency behavioral health services provided to a member to the appropriate RBHA.
3. A provider of behavioral health services shall submit a claim for non-inpatient emergency behavioral health services provided to a member enrolled in a TRBHA to the Administration.
4. A provider of behavioral health services shall submit a claim for non-emergency behavioral health services provided to a member enrolled in a TRBHA to the Administration.
5. A provider of emergency behavioral health services, that are the responsibility of ADHS/DBHS or a contractor, shall submit a claim to the entity responsible for emergency behavioral health services under R9-22-210.01(A).
6. A provider shall comply with the time-frames and other payment procedures in Article 7 of this Chapter, if applicable, and A.R.S. § 36-2904.
7. ADHS/DBHS or a contractor, whichever entity is responsible for covering behavioral health services, shall cost avoid any behavioral health service claims if it establishes the existence or probable existence of first-party liability or third-party liability.

- B.** Prior authorization. Payment to a provider for behavioral health services or items requiring prior authorization may be denied if a provider does not obtain prior authorization from a RBHA, ADHS/DBHS, a TRBHA, the Administration or a contractor.

**Historical Note**

Adopted under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1992, Ch. 301, § 61, effective November 1, 1992; received in the Office of the Secretary of State November 25, 1992 (Supp. 92-4). Amended under an exemption from A.R.S. Title 41, Ch. 6, pursuant to Laws 1995, Ch. 204, § 11, effective October 1, 1995; filed with the Secretary of State September 29, 1995 (Supp. 95-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 13 A.A.R. 836, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 20 A.A.R. 3098, effective January 4, 2015 (Supp. 14-4).

**R9-22-1208. Repealed****Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 179, effective December 13, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 11 A.A.R. 5480, effective December 6, 2005 (Supp. 05-4).

### ARTICLE 13. CHILDREN'S REHABILITATIVE SERVICES (CRS)

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1306, made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Exemption to promulgate rules repealed under Laws 2012, Chapter 299, Section 7 (Supp. 13-3).*

*Article 13, consisting of Sections R9-22-1301 through R9-22-1309, repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004. The subject matter of Article 13 is now in 9 A.A.C. 34 (Supp. 04-1).*

#### R9-22-1301. Children's Rehabilitative Services (CRS) related Definitions

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Article have the following meanings unless the context explicitly requires another meaning:

"Active treatment" means there is a current need for treatment of the CRS qualifying condition(s) or it is anticipated that treatment or evaluation for continuing treatment of the CRS qualifying condition(s) will be needed within the next 18 months from the last date of service for treatment of any CRS qualifying condition.

"CRS application" means a submitted form with any additional documentation required by the Administration to determine whether an individual is medically eligible for CRS.

"CRS condition" means a list of medical condition(s) in R9-22-1303 and which are referred to as covered conditions in A.R.S. § 36-2912.

"Functionally limiting" means a restriction having a significant effect on an individual's ability to perform an activity of daily living as determined by a provider.

"Medically eligible" means meeting the medical eligibility requirements of R9-22-1303.

"Redetermination" means a decision made by the Administration regarding whether a member continues to meet the requirements in R9-22-1302.

#### Historical Note

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2022, effective October 1, 2015 (Supp. 15-3).

#### R9-22-1302. Children's Rehabilitative Services (CRS) Eligibility Requirements

Beginning October 1, 2013, an AHCCCS member who needs active treatment for one or more of the qualifying medical condition(s) in R9-22-1303 shall be given a CRS Designation. An American Indian member can choose to receive CRS services through an American Indian Health Plan or a contractor. A member enrolled in CMDP shall obtain CRS services through CMDP. The contractor

shall provide covered services necessary to treat the condition(s) and other services described within the contract. The effective date of the CRS Designation shall be as specified in contract.

#### Historical Note

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

#### R9-22-1303. Medical Eligibility

The following lists identify those medical condition(s) that do qualify for CRS services as well as those that do not qualify for CRS services. The list of condition(s) that qualify for a CRS Designation is all inclusive. The list of condition(s) that do not qualify for a CRS Designation is not an all-inclusive list.

1. Cardiovascular System
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Arrhythmia,
    - ii. Arteriovenous fistula,
    - iii. Cardiomyopathy,
    - iv. Conduction defect,
    - v. Congenital heart defect other than isolated small Ventricular Septal Defects (VSD), Patent Ductus Arteriosus (PDA), Atrial Septal Defects (ASD),
    - vi. Coronary artery and aortic aneurysm,
    - vii. Renal vascular hypertension,
    - viii. Rheumatic heart disease, and
    - ix. Valvular disorder.
  - b. Condition(s) not medically eligible for CRS:
    - i. Arteriovenous fistula that is not expected to cause cardiac failure or threaten loss of function;
    - ii. Benign heart murmur;
    - iii. Branch artery pulmonary stenosis;
    - iv. Essential hypertension;
    - v. Patent foramen ovale (PFO);
    - vi. Peripheral pulmonary stenosis;
    - vii. Postural orthopedic tachycardia; and
    - viii. Premature atrial, nodal or ventricular contractions that are of no hemodynamic significance.
2. Endocrine system:
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Addison's disease,
    - ii. Adrenogenital syndrome,
    - iii. Cystic fibrosis (including atypical cystic fibrosis),
    - iv. Diabetes insipidus,
    - v. Hyperparathyroidism,
    - vi. Hyperthyroidism,
    - vii. Hypoparathyroidism, and
    - viii. Panhypopituitarism.
  - b. Condition(s) not medically eligible for CRS
    - i. Diabetes mellitus,



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- ii. Hypopituitarism associated with a malignancy and requiring treatment of less than 90 days,
  - iii. Isolated growth hormone deficiency, and
  - iv. Precocious puberty.
- 3. Genitourinary system medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Ambiguous genitalia,
    - ii. Bladder extrophy,
    - iii. Deformity and dysfunction of the genitourinary system secondary to trauma 90 days or more after the trauma occurred,
    - iv. Ectopic ureter,
    - v. Hydronephrosis, that is not resolved with antibiotics,
    - vi. Polycystic and multicystic kidneys,
    - vii. Pyelonephritis when treatment with drugs or biologicals has failed to cure or ameliorate and surgical intervention is required,
    - viii. Ureteral stricture, and
    - ix. Vesicoureteral reflux, at a grade 3 or higher.
  - b. Condition(s) not medically eligible for CRS:
    - i. Enuresis,
    - ii. Hydrocele,
    - iii. Hypospadias,
    - iv. Meatal stenosis,
    - v. Nephritis, infectious or noninfectious,
    - vi. Nephrosis,
    - vii. Phimosis, and
    - viii. Undescended testicle.
- 4. Ear, nose, or throat medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Cholesteatoma,
    - ii. Congenital/Craniofacial anomaly that is functionally limiting,
    - iii. Deformity and dysfunction of the ear, nose, or throat secondary to trauma, 90 days or more after the trauma occurred,
    - iv. Mastoiditis that continues 90 days or more after the first diagnosis of the condition,
    - v. Microtia that requires multiple surgical interventions,
    - vi. Neurosensory hearing loss, and
    - vii. Significant conductive hearing loss due to an anomaly in one ear or both ears equal to or greater than a pure tone average of 30 decibels that despite medical treatment, requires a hearing aid.
  - b. Condition(s) not medically eligible for CRS:
    - i. A craniofacial anomaly that is not functionally limiting,
    - ii. Adenoiditis,
    - iii. Cranial or temporal mandibular joint syndrome,
    - iv. Hypertrophic lingual frenum,
    - v. Isolated preauricular tag or pit,
    - vi. Nasal polyp,
    - vii. Obstructive apnea,
    - viii. Perforation of the tympanic membrane,
    - ix. Recurrent otitis media,
    - x. Simple deviated nasal septum,
    - xi. Sinusitis,
    - xii. Tonsillitis, and
    - xiii. Uncontrolled salivation.
- 5. Musculoskeletal system medical condition(s):
  - a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Achondroplasia,
    - ii. Arthrogryposis (multiple joint contractures),
    - iii. Bone infection that continues 90 days or more after the initial diagnosis,
    - iv. Chondrodysplasia,
    - v. Chondroectodermal dysplasia,
    - vi. Clubfoot,
    - vii. Collagen vascular disease, including but not limited to, ankylosis spondylitis, polymyositis, dermatomyositis, polyarteritis nodosa, psoriatic arthritis, scleroderma, rheumatoid arthritis and lupus,
    - viii. Congenital or developmental cervical spine abnormality,
    - ix. Congenital spinal deformity,
    - x. Diastrophic dysplasia,
    - xi. Enchondromatosis,
    - xii. Femoral anteversion and tibial torsion,
    - xiii. Fibrous dysplasia,
    - xiv. Hip dysplasia,
    - xv. Hypochondroplasia,
    - xvi. Joint infection that continues 90 days or more after the initial diagnosis,
    - xvii. Juvenile rheumatoid arthritis,
    - xviii. Kyphosis (Scheurmann's Kyphosis) 50 degrees or over,
    - xix. Larsen syndrome,
    - xx. Leg length discrepancy of two centimeters or more,
    - xxi. Legg-Calve-Perthes disease,
    - xxii. Limb amputation or limb malformation,
    - xxiii. Metaphyseal and epiphyseal dysplasia,
    - xxiv. Metatarsus adductus,
    - xxv. Muscular dystrophy,
    - xxvi. Orthopedic complications of hemophilia,
    - xxvii. Osgood Schlatter's disease that requires surgical intervention,
    - xxviii. Osteogenesis imperfecta,
    - xxix. Rickets,
    - xxx. Scoliosis when 25 degrees or greater, or when there is a need for bracing or surgery,
    - xxxi. Seronegative spondyloarthropathy such as Reiters, psoriatic arthritis, and ankylosing spondylitis,
    - xxxii. Slipped capital femoral epiphysis,
    - xxxiii. Spinal muscle atrophy,
    - xxxiv. Spondyloepiphyseal dysplasia, and
    - xxxv. Syndactyly.
  - b. Condition(s) not medically eligible for CRS:
    - i. Back pain with no structural abnormality,
    - ii. Benign bone tumor,
    - iii. Bunion,
    - iv. Carpal tunnel syndrome,
    - v. Deformity and dysfunction secondary to trauma or injury,
    - vi. Ehlers Danlos,
    - vii. Flat foot,
    - viii. Fracture,
    - ix. Ganglion cyst,
    - x. Ingrown toenail,

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- xi. Kyphosis under 50 degrees,
  - xii. Leg length discrepancy of less than two centimeters at skeletal maturity,
  - xiii. Polydactyly without bone involvement,
  - xiv. Popliteal cyst,
  - xv. Trigger finger, and
  - xvi. Varus and valgus deformities.
6. Gastrointestinal system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Anorectal atresia,
    - ii. Biliary atresia,
    - iii. Cleft lip,
    - iv. Cleft palate,
    - v. Congenital atresia, stenosis, fistula, or rotational abnormalities of the gastrointestinal tract,
    - vi. Deformity and dysfunction of the gastrointestinal system secondary to trauma, 90 days or more after the trauma occurred,
    - vii. Diaphragmatic hernia,
    - viii. Gastroschisis,
    - ix. Hirschsprung's disease,
    - x. Omphalocele, and
    - xi. Tracheoesophageal fistula.
  - b. Condition(s) not medically eligible for CRS:
    - i. Celiac disease,
    - ii. Crohn's disease,
    - iii. Hernia other than a diaphragmatic hernia,
    - iv. Intestinal polyp,
    - v. Malabsorption syndrome, also known as short bowel syndrome,
    - vi. Pyloric stenosis,
    - vii. Ulcer disease, and
    - viii. Ulcerative colitis.
7. Nervous system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Benign intracranial tumor,
    - ii. Benign intraspinal tumor,
    - iii. Central nervous system degenerative disease,
    - iv. Central nervous system malformation or structural abnormality,
    - v. Cerebral palsy,
    - vi. Craniosynostosis requiring surgery,
    - vii. Deformity and dysfunction secondary to trauma in an individual that continues 90 days or more after the incident,
    - viii. Hydrocephalus,
    - ix. Muscular dystrophy or other myopathy,
    - x. Myelomeningocele, also known as spina bifida,
    - xi. Myoneural disorder, including but not limited to, amyotrophic Lateral Sclerosis or ALS, myasthenia gravis, Eaton-Lambert syndrome, muscular dystrophy, troyer sclerosis, polymyositis, dermatomyositis, progressive bulbar palsy, polio,
    - xii. Neurofibromatosis,
    - xiii. Neuropathy/polyneuropathy, hereditary or idiopathic,
    - xiv. Residual dysfunction that continues 90 days or more after a vascular accident, inflammatory condition, or infection of the central nervous system,
  - b. Condition(s) not medically eligible for CRS:
    - i. Central apnea secondary to prematurity,
    - ii. Febrile seizures,
    - iii. Headaches,
    - iv. Near sudden infant death syndrome,
    - v. Plagiocephaly, and
    - vi. Spina bifida occulta.
8. Ophthalmology:
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Cataracts,
    - ii. Disorder of the iris, ciliary bodies, retina, lens, or cornea,
    - iii. Disorder of the optic nerve,
    - iv. Glaucoma,
    - v. Non-malignant enucleation and post-enucleation reconstruction, and
    - vi. Retinopathy of prematurity.
  - b. Condition(s) not medically eligible for CRS:
    - i. Astigmatism,
    - ii. Ptosis,
    - iii. Simple refraction error, and
    - iv. Strabismus.
9. Respiratory system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Anomaly of the larynx, trachea, or bronchi that requires surgery, and
    - ii. Nonmalignant obstructive lesion of the larynx, trachea, or bronchi.
  - b. Condition(s) not medically eligible for CRS:
    - i. Allergies,
    - ii. Asthma,
    - iii. Bronchopulmonary dysplasia,
    - iv. Chronic obstructive pulmonary disease,
    - v. Emphysema, and
    - vi. Respiratory distress syndrome.
10. Dermatological system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. A burn scar that is functionally limiting,
    - ii. A hemangioma that is functionally limiting that requires laser or surgery,
    - iii. Complicated nevi requiring multiple procedures,
    - iv. Cystic hygroma such as lymphangioma, and
    - v. Malocclusion that is functionally limiting.
  - b. Condition(s) not medically eligible for CRS:
    - i. A deformity that is not functionally limiting,
    - ii. Ectodermal dysplasia,
    - iii. Isolated malocclusion that is not functionally limiting,
    - iv. Pilonidal cyst,
    - v. Port wine stain,

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- vi. Sebaceous cyst,
- vii. Simple nevi, and
- viii. Skin tag.
- 11. Metabolic CRS condition(s) that qualify for CRS medical eligibility:
  - a. Amino acid or organic acidopathy,
  - b. Biotinidase deficiency,
  - c. Homocystinuria,
  - d. Inborn error of metabolism,
  - e. Maple syrup urine disease,
  - f. Phenylketonuria, and
  - g. Storage disease.
- 12. Hemoglobinopathies CRS condition(s) that qualify for CRS medical eligibility:
  - a. Sickle cell anemia, and
  - b. Thalassemia.
- 13. Additional medical/behavioral condition(s) which are not medically eligible for CRS:
  - a. Allergies,
  - b. Anorexia nervosa or obesity,
  - c. Attention deficit disorder,
  - d. Autism,
  - e. Cancer,
  - f. Depression or other mental illness,
  - g. Developmental delay,
  - h. Dyslexia or other learning disabilities,
  - i. Failure to thrive,
  - j. Hyperactivity, and
  - k. Immunodeficiency, such as AIDS and HIV.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
 Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2022, effective October 1, 2015 (Supp. 15-3). Amended by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

**R9-22-1304. Referral and Disposition of CRS Medical Eligibility Determination**

- A. To refer an individual for a CRS medical eligibility determination a person shall submit to the Administration the following information:
  - 1. CRS application;
  - 2. Documentation from a specialist who diagnosed the individual, stating the individual's diagnosis;
  - 3. Diagnostic test results that support the individual's diagnosis; and
  - 4. Documentation of the individual's need for specialized treatment of the CRS condition through medical, surgical, or therapy modalities.
- B. The Administration shall notify the CRS applicant, member or authorized representative of the outcome of the determination within 60 days of receipt of information required under subsection (A). The member may appeal the determination under Chapter 34.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
 Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2022, effective October 1, 2015 (Supp. 15-3).

**R9-22-1305. CRS Redetermination**

- A. Continued eligibility for CRS services shall be redetermined by verifying active treatment status of the CRS qualifying medical condition(s) as follows:
  - 1. The contractor is responsible for notifying the AHCCCS Administration of the date when a member with a CRS Designation is no longer in active treatment for the qualifying condition(s).
  - 2. The Administration may request, at any time, that the contractor submit the medical documentation to the Administration for a CRS medical redetermination within the specified time-frames in contract.
  - 3. The Administration shall notify the member or authorized representative of the outcome of the redetermination.
- B. If the Administration determines that a member is no longer medically eligible for a CRS Designation, the Administration shall provide the member or authorized representative a written notice that informs the member that the Administration is ending the member's CRS Designation. The member may appeal the redetermination under A.A.C. Title 9, Chapter 34.
- C. Upon reaching his or her 21st birthday, the member's CRS Designation will be ended.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
 Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Amended by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

**R9-22-1306. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3). Repealed by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

**R9-22-1307. Covered Services**

The Administration will cover medically necessary services as described within Article 2 unless otherwise specified in contract.

**Historical Note**

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Adopted effective September 9, 1998 (Supp. 98-3).  
Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1). Section made by exempt rulemaking at 18 A.A.R. 2074, effective August 1, 2012 (Supp. 12-3). Rulemaking exemption repealed by Laws, 2012, Ch. 299, Section 7; therefore a new Section was made by final rulemaking at 19 A.A.R. 2954, effective November 10, 2013 (Supp. 13-3).

**R9-22-1308. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**R9-22-1309. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
Amended by final rulemaking at 6 A.A.R. 3317, effective August 7, 2000 (Supp. 00-3). Section repealed by final rulemaking at 10 A.A.R. 808, effective April 3, 2004 (Supp. 04-1).

**ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR HOUSEHOLDS****R9-22-1401. General Information**

- A. Scope. This Article contains eligibility criteria to determine whether a household or individual is eligible for AHCCCS medical coverage. Eligibility criteria described under Article 3 applies to this Article.
- B. Definitions. In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article, Article 3 and Article 15 have the following meanings unless the context explicitly requires another meaning:
  - “Burial plot” means a space reserved in a cemetery, crypt, vault, or mausoleum for the remains of a deceased person.
  - “Caretaker relative” means:
    - A parent of a dependent child with whom the child is living;
    - When the dependent child does not live with a parent or the parent in the home is incapacitated, another relative of the child by blood, adoption, or marriage in the home who assumes primary responsibility for the child’s care; or
    - A woman in her third trimester of pregnancy with no other dependent children.
  - “Cash assistance” means a program administered by the Department that provides assistance to needy families with dependent children under 42 U.S.C. 601 et seq.
  - “Dependent child” means a child under the age of 18, or if age 18 is a full-time student in secondary school or equivalent vocational or technical training, if reasonably expected to complete such school or training before turning age 19.
  - “MAGI – based income” means Modified Adjusted Gross Income as defined under 42 CFR 435.603(e).

“Medical expense deduction” or “MED” means the cost of the following expenses if incurred in the United States:

A medical service or supply that would be covered if provided to an AHCCCS member of any age under Articles 2 and 12 of this Chapter;

A medical service or supply that would be covered if provided to an Arizona Long-term Care System member under 9 A.A.C. 28, Articles 2 and 11;

Other necessary medical services provided by a licensed practitioner or physician;

Assistance with daily living if the assistance is documented in an individual plan of care by a nurse, social service worker, registered therapist, or dietitian under the supervision of a physician except when provided by the spouse of an applicant or the parent of a minor child;

Medical services provided in a licensed nursing home or in an alternative HCBS setting under R9-28-101;

Purchasing and maintaining an animal guide or service animal for the assistance of a member of the MED family unit under R9-22-1436; and

Health insurance premiums, deductibles, and coinsurance, if the insured is a member of the MED family unit.

“Monthly income” means the gross countable income received or projected to be received during the month or the monthly equivalent.

“Monthly equivalent” means a monthly countable income amount established by averaging, prorating, or converting a person’s income.

“Spendthrift restriction” means a legal restriction on the use of a resource that prevents a payee or beneficiary from alienating the resource.

“Tax dependent” is described under 42 CFR 435.4.

“Taxpayer” means a person who expects to file a tax return, and does not expect to be claimed as a tax dependent by another person.

“Title IV-D” means Title IV-D of the Social Security Act, 42 U.S.C. 651-669, the statutes establishing the child support enforcement and paternity program.

“Title IV-E” means Title IV-E of the Social Security Act 42 U.S.C. 670-679, the statutes establishing the foster care and adoption assistance programs.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1). Punctuation error corrected with a parenthesis added at the beginning of the definition “Caretaker” (Supp. 20-4).

**R9-22-1402. Repealed**

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**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1403. Agency Responsible for Determining Eligibility**

The Administration or its designee shall determine eligibility under the provisions of this Article. The Administration or its designee shall not discriminate against an applicant or member because of race, color, creed, religion, ancestry, national origin, age, sex, or physical or mental disability.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1404. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1405. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1406. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1407. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 19 A.A.R. 3309, November 30, 2013 (Supp. 13-4). Section repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; this Section was slated to be codified as repealed in Supp. 14-1. Due to a clerical error the Section wasn't repealed in this Chapter until Supp. 20-4.

**R9-22-1408. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1409. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1410. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1411. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

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05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1412. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by exempt rulemaking at 10 A.A.R. 23, effective December 9, 2003 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1413. Time-frames, Reinstatement of an Application**

- A.** The Administration or its designee shall complete an eligibility determination under R9-22-306(A)(1) unless:
1. The applicant is pregnant. The Administration or its designee shall complete an eligibility determination for a pregnant woman within 20 days after the application date unless additional information is required to determine eligibility; or
  2. The applicant is in a hospital as an inpatient at the time of application. Within seven days of the Administration or its designee's receipt of a signed application the Administration or its designee shall complete an eligibility determination if the Administration or its designee does not need additional information or verification to determine eligibility.
- B.** The Administration or its designee shall reopen or reinstate eligibility of an individual who is discontinued for failure to submit the renewal form or necessary information, without requiring a new application, if the individual submits the renewal form or necessary information within 90 days after the date of discontinuance.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1414. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1415. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1416. Effective Date of Eligibility**

- A.** Except as provided in R9-22-303 and subsections (B), (C) and (D), the effective date of eligibility is the first day of the month that the applicant files an application if the applicant is eligible that month, or the first day of the first eligible month following the application month except for:
1. The MED program under R9-22-1439, and
  2. Eligibility for a newborn under R9-22-1429.
- B.** The effective date of eligibility for an applicant who moves into Arizona is no sooner than the date Arizona residency is established.
- C.** The effective date of eligibility for an inmate applying for medical coverage is the date the applicant no longer meets the definition of an inmate of a public institution.
- D.** The effective date of eligibility for a newborn is no sooner than the date of birth.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1417. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1418. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1419. Repealed**

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**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1419.01. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1419.02. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1419.03. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1419.04. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Section repealed by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1420. Income Eligibility Criteria**

A. Evaluation of income. In determining eligibility, the Administration or its designee shall evaluate the following types of income received by a person identified in subsection (B):

1. Earned income, including in-kind income, before any deductions. For purposes of this Section, in-kind income means room, board, or provision for other needs in exchange for work performed. The person identified in subsection (B) shall ensure that the provider of the in-kind income establishes and verifies the monetary value of the item provided. The provider may be, but is not limited to:
  - a. A landlord who provides all or a portion of rent or utilities in exchange for services;
  - b. A store owner who gives goods such as groceries, clothes, or furniture in exchange for services; or
  - c. An individual who trades goods such as a car, tools, trailer, building material, or gasoline in exchange for services;
2. Self-employment income under R9-22-1424, including gross business receipts minus business expenses; and
3. Unearned income, including deemed income under R9-22-317 from the sponsor of a non-citizen applicant.

B. MAGI income group. The Administration or its designee shall include the following persons in the MAGI income group:

1. When the applicant is a taxpayer include:
    - a. The applicant,
    - b. Everyone the applicant expects to claim as a tax dependent for the current year, and
    - c. The applicant's spouse, when living with the applicant.
  2. Except as provided in subsection (B)(3), when the applicant expects to be claimed as a tax dependent for the current year include:
    - a. The taxpayer claiming the applicant,
    - b. Everyone else the taxpayer expects to claim as a tax dependent,
    - c. The taxpayer's spouse when living with the taxpayer, and
    - d. The applicant's spouse, when living with the applicant.
  3. When any of the following apply, determine the persons whose income is included as described in subsection (4)(a) or (4)(b) based on the applicant's age:
    - a. The applicant expects to be claimed as a tax dependent by someone other than a spouse or natural, adopted or step-parent;
    - b. The applicant is under age 19, expects to be claimed as a tax dependent by a natural, adopted or step-parent, lives with more than one such parent and the parents do not expect to file a joint tax return; or
    - c. The applicant is under age 19 and expects to be claimed as a tax dependent by a non-custodial parent.
  4. When the applicant is not a taxpayer, does not expect to be claimed as a tax dependent and is:
    - a. Under age 19. Include the income of the applicant and when living with the applicant, the applicant's:
      - i. Spouse;
      - ii. Natural, adopted and step-children;
      - iii. Natural, adopted and step-parents;
      - iv. Natural, adopted and step-siblings; and
    - b. Age 19 or older. Include the income of the applicant and when living with the applicant, the applicant's:
      - i. Spouse;
      - ii. Natural, adopted and step-children under age 19.
  5. When the applicant is a pregnant woman, the Administration or its designee shall also include the number of expected babies only for the pregnant woman's income group.
  6. When the taxpayer cannot reasonably establish that a person is the taxpayer's tax dependent, inclusion of the person in the taxpayer's MAGI income group is determined as provided in subsection (B)(4).
- C. A person whose income is counted. The Administration or its designee shall count the MAGI-based income of all members of an applicant's MAGI income group with the following exceptions:
1. The income of an individual who is included in the MAGI income group of his or her natural, adoptive or step parent and is not expected to be required to file a tax return for the year in which eligibility for Medicaid is being determined, is not counted whether or not the individual files a tax return.
  2. The income of a tax dependent other than the taxpayer's spouse or biological, adopted or stepchild who is not

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expected to be required to file a tax return for the year in which eligibility for Medicaid is being determined is not counted when the tax dependent is included in the taxpayer's MAGI income group, whether or not the tax dependent files a tax return.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1421. MAGI based Income Eligibility**

- A. In determining eligibility, if an individual would otherwise be ineligible under this Article due to excess income, the Administration or its designee shall subtract an amount equivalent to five percentage points of the Federal Poverty Level (FPL) from the household income.
- B. A person is eligible under this Article when:
  - 1. Subject to subsection (A), the monthly household income does not exceed the appropriate FPL;
  - 2. If ineligible under (B)(1), the household income determined in accordance with 26 CFR 1.36B-1(e) is below 100 percent FPL; or
  - 3. For eligibility under R9-22-1437, the person's income during the period defined in R9-22-1437(C) does not exceed the FPL under R9-22-1437(B).
- C. The Administration or its designee shall consider the following factors when determining the income period to use to determine monthly income:
  - 1. Type of income,
  - 2. Frequency of income,
  - 3. If source of income is new or terminated, or
  - 4. Income fluctuation.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1422. Methods for Calculating Monthly Income**

- A. Projecting income.
  - 1. Description. Projecting income is a method of determining the amount of income that a person will receive.
  - 2. Calculation. The Administration or its designee shall project income by:
    - a. Converting income to a monthly equivalent,
    - b. Using unconverted income, or
    - c. Prorating income to determine a monthly equivalent.
  - 3. Exclusion. When calculating projected monthly income, the Administration or its designee shall exclude an unusual variation in income under R9-22-1424(E), except for a month in which the variation is anticipated to occur.
- B. Averaged income.

- 1. Description. Averaging income proportionally distributes the person's income received on a regular basis.
- 2. Calculation. To average income, the Administration or its designee shall add the amount of the income and divide by the total number of pay periods. If the amount of income received per pay period fluctuates, and the fluctuation is expected to continue, the Administration or its designee shall:
  - a. Use the averaged weekly or bi-weekly amounts to convert weekly or bi-weekly income to a monthly equivalent;
  - b. Use the averaged monthly or semi-monthly amounts to project monthly income; and
  - c. Use the averaged hours worked and multiply the average by the current rate of pay. If there is a change in the rate of pay, use the new rate of pay when calculating projected income under subsection (A).

**C. Prorated income.**

- 1. Description. Prorated income evenly distributes a person's income over the period the income is intended to cover to calculate a monthly equivalent.
- 2. Calculation. To prorate income, the Administration or its designee shall divide the total amount of the person's income received during the period by the number of months that the income is intended to cover.

**D. Converted income.**

- 1. Description. Converted income is income received weekly or biweekly that is changed to a monthly equivalent.
- 2. Calculation.
  - a. The Administration or its designee shall average the weekly or bi-weekly income amounts before converting to the monthly equivalent if the person's past income fluctuates and the fluctuation is expected to recur.
  - b. To convert income paid weekly to a monthly equivalent, the Administration or its designee shall multiply the weekly average by 4.3 weeks.
  - c. To convert income paid bi-weekly to a monthly equivalent, the Administration or its designee shall multiply the bi-weekly average by 2.15 weeks.

**E. Unconverted income.**

- 1. Description. Unconverted income is the actual amount of income received or projected to be received during a month.
- 2. Calculation. The Administration or its designee shall sum the actual amount of income received or projected to be received during a month.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1423. Calculations and Use of Methods Listed in R9-22-1422 Based on Frequency of Income**

- A. Monthly income. If otherwise countable income is received monthly or in a lump sum, the Administration or its designee



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shall use the unconverted method for calculating monthly income.

1. Lump sum means a nonrecurring payment that serves as a complete payment.
  2. Lump sum payments include but are not limited to: rebates or credits; inheritances; insurance settlements; and payments for prior months from such sources as Social Security, Railroad Retirement, or other benefits.
  3. A lump sum payment may include a portion intended for the current month.
- B.** Weekly income. If income is received weekly, the Administration or its designee shall convert the income to a monthly equivalent under R9-22-1422(D).
- C.** Bi-weekly income. If income is received bi-weekly, the Administration or its designee shall convert the income to a monthly equivalent under R9-22-1422(D).
- D.** Semi-monthly or daily income. If income is received semi-monthly or daily, the Administration or its designee shall use the unconverted method for calculating monthly income under R9-22-1422(E).
- E.** Bimonthly, quarterly, semi-annual, or annual income. If income is received bimonthly, quarterly, semi-annually, or annually, the Administration or its designee shall prorate the income received or projected to be received under R9-22-1422(C).

#### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

#### R9-22-1424. Use of Methods Listed in R9-22-1423 Based on Type of Income

- A.** New income.
1. Description. New income is income received from a new source during the first calendar month that the income is received from the source.
  2. Calculating monthly income.
    - a. If a full month's income is received, the Administration or its designee shall use the appropriate method described in R9-22-1423 to calculate the monthly income.
    - b. If less than a full month's income is received, the Administration or its designee shall use the unconverted method to calculate the monthly income.
- B.** Terminated income.
1. Terminated income is income received during the last calendar month when no more income is expected to be received from that source.
  2. Calculating monthly income.
    - a. If a full month's income is received, the Administration or its designee shall use the appropriate method described in R9-22-1423 to calculate the monthly income.
    - b. If less than a full month's income is received, the Administration or its designee shall use the unconverted method to calculate the monthly income.
- C.** Break in income.
1. Description. A break in income is a break in established frequency of income of one calendar month or more.
  2. Calculating monthly income.
    - a. If a full month's income is received, the Administration or its designee shall use the appropriate method described in R9-22-1423 to calculate the monthly income.
    - b. If less than a full month's income is received, the Administration or its designee shall use the unconverted method to calculate the monthly income.
- D.** Contract or regular seasonal income.
1. Descriptions.
    - a. Contract income is income a person earns under a contract that specifies a length of time the contract covers, the amount of income to be paid, and the frequency of payment.
    - b. Regular seasonal income is income that fluctuates based on season or is only received during a certain season, and can reasonably be anticipated based on history or other verification.
  2. Calculating monthly income.
    - a. When the contract or regular seasonal income will not fluctuate over the 12-month period beginning with the month the application or renewal is submitted, the Administration or its designee shall use the appropriate income calculation method in R9-22-1423 for the frequency of receipt.
    - b. When the contract or regular seasonal income is anticipated to fluctuate over the 12-month period beginning with the month the application or renewal is submitted, the Administration or its designee shall calculate the monthly income as follows:
      - i. For a one-time contract that ends between the month the application or renewal is submitted and the end of the calendar year, divide the income that will be received from the application or renewal month through the end of the calendar year by the number of months in that period to get a monthly equivalent;
      - ii. For contracts that extend into the next calendar year, contracts that are anticipated to be renewed and regular seasonal income, the Administration or its designee shall divide the income that will be received in the 12-month period beginning with the application or renewal month by 12 to get the monthly equivalent.
- E.** Unusual variation in the amount of income.
1. Description. Unusual variation is an amount of income that is different from the established amount received and is not projected to continue or recur.
  2. Calculating monthly income.
    - a. When calculating income for the month in which an unusual variation in income occurs, the Administration or its designee shall include the unusual variation in the income calculation.
    - b. When an unusual variation in income occurs during the month, the Administration or its designee shall use the converted method for calculating monthly income if income is received weekly or bi-weekly.
    - c. When projecting income for the months following the month in which the unusual variation occurs, the Administration or its designee shall exclude the

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unusual variation in income from the income calculation.

**F. Self-employment income.**

1. Description. Self-employment income is income a person earns from the person's own trade or business less allowable expenses.
2. Calculating monthly income. The Administration or its designee shall prorate the income under R9-22-1422.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1425. Repealed**

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1426. Repealed**

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1427. Eligibility Under MAGI**

- A. Caretaker Relatives.** An individual is eligible for AHCCCS medical coverage as a Caretaker Relative when the individual meets the following requirements:
1. Is a caretaker relative as defined in R9-22-1401.
  2. The total countable income under R9-22-1420(B) does not exceed 106 percent of the FPL for the number of people in the MAGI income group.
- B. Continued medical coverage.**
1. A caretaker relative eligible under subsection (A) and all dependent children eligible under subsection (D) in the caretaker relative's MAGI income group are entitled to continued AHCCCS coverage for up to 12 months if eligible under subsection (B)(1)(c)(i) and up to four months if eligible under subsection (B)(1)(c)(ii) if the MAGI income group's income exceeds the limit for the income group's size and the following conditions are met:
    - a. The caretaker relative still lives with a dependent child;
    - b. A caretaker relative in the income group received AHCCCS medical coverage under this Section for

three calendar months out of the most recent six months; and

- c. The loss of AHCCCS coverage under this Section is due to:
  - i. Increased earned income of a caretaker relative, or
  - ii. Increased spousal support.
2. An applicant may be added to the continued medical coverage under subsection (B)(1), if the applicant did not reside in the household at the time continued medical coverage under this Section was determined and the applicant is:
  - a. The spouse or dependent child of a caretaker relative receiving continued medical coverage, or
  - b. The parent of a dependent child who is receiving continued medical coverage.
- C. Pregnant Women.** A pregnant woman is eligible for AHCCCS medical coverage when the total countable income under R9-22-1420(B) does not exceed 156 percent of the FPL for the number of people in the MAGI income group. A pregnant woman who applies for AHCCCS medical coverage during the pregnancy or postpartum period and is determined eligible, remains eligible throughout the postpartum period. The postpartum period begins the day the pregnancy terminates and ends the last day of the month in which the 60th day following pregnancy termination occurs.
- D. Children.** A child less than 19 years of age is eligible for AHCCCS medical coverage when the total countable income under R9-22-1420(B) does not exceed the following percentage of the FPL for the number of people in the MAGI income group:
  1. 147 percent for a child under one year of age,
  2. 141 percent for a child age one through five years of age, or
  3. 133 percent for all other persons.
- E. Adults.** An individual is eligible for AHCCCS medical coverage when the individual meets the following eligibility requirements:
  1. Is 19 years of age or older but less than 65 years of age;
  2. Is not pregnant;
  3. Is not eligible for AHCCCS Medical Coverage under any other coverage group listed in 42 U.S.C. 1396a(a)(10)(A)(i);
  4. Is not entitled to or enrolled for Medicare benefits under Part A or Part B;
  5. The total countable income under R9-22-1420(B) does not exceed 133 percent of the FPL for the number of people in the MAGI income group; and
  6. When the individual is a caretaker relative, but has income exceeding the limit in subsection (A)(2), each child under age 19 living with the individual is receiving AHCCCS medical coverage or KidsCare, or is enrolled in minimum essential coverage as defined in 42 CFR 435.4.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Section R9-22-1427 repealed; new Section R9-22-1427 made by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1428. Postpartum Extended Eligibility**

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- A. Eligibility for 12-months postpartum coverage. Individuals who applied and were determined eligible while pregnant, including prior quarter months under R9-22-303(A), remain eligible through the last day of the month in which a 12-month postpartum period, beginning on the last day of the pregnancy, ends.
- B. Copayments during the Postpartum Extended Eligibility period. Individuals eligible under this section are subject to copayments after the end of the 60-day postpartum period described in R9-22-1427.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1). New Section made by final rulemaking at 29 A.A.R. 1866 (August 25, 2023), with an immediate effective date of August 1, 2023 (Supp. 23-3).

**R9-22-1429. Eligibility for a Newborn**

A child born to a mother eligible for and receiving medical coverage under this Article, Article 15 of the Chapter, or 9 A.A.C. 28, is automatically eligible for AHCCCS medical coverage for a period not to exceed 12 months. Automatic eligibility begins on the child's date of birth and ends with the last day of the month in which the child turns age one.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1430. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1431. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

05-4). Amended by final rulemaking at 13 A.A.R. 2633, effective July 10, 2007 (Supp. 07-3). Amended by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1). Repealed by final rulemaking at 21 A.A.R. 1241, effective September 5, 2015 (Supp. 15-3).

**R9-22-1432. Young Adult Transitional Insurance**

An individual is eligible for AHCCCS medical coverage when the individual meets all of the following eligibility requirements:

1. Is 18 through 25 years of age;
2. Was in the custody of the Department of Economic Security under A.R.S. Title 8, Chapter 5 or Chapter 10 on the individual's 18th birthday;
3. Was eligible for and receiving AHCCCS Medical Coverage on the individual's 18th birthday; and
4. Is not eligible for AHCCCS Medical Coverage under 42 U.S.C. 1396a(a)(10)(A)(i)(I) - (VII).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1433. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1434. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 7 A.A.R. 5701, effective December 1, 2001 (Supp. 01-4). Section repealed by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4).

**R9-22-1435. Eligibility for a Person With Medical Expenses Whose Income is Over 100 Percent FPL**

An applicant who is not eligible for AHCCCS medical coverage due to excess income may become AHCCCS eligible by deducting medical expenses from the applicant's income. This coverage is called Medical Expense Deduction (MED).

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by

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final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1436. MED Family Unit**

- A. For the purpose of this Section, a child is an unmarried person under age 18.
- B. The Department shall consider each of the following to be a family when living together:
  - 1. A parent and the parent's children;
  - 2. A married couple without children;
  - 3. A married couple and the children of either or both spouses;
  - 4. Unmarried parents who live with at least one child in common, and the parents' other children, whether in common or not; and
  - 5. A person without children.
- C. If an applicant is pregnant, the family unit includes the number of unborn children.
- D. A child of the children included in subsections (B)(1), (B)(3), or (B)(4) is considered part of the family unit when living together.
- E. The Department shall not include a SSI-cash recipient in the MED family unit even if the SSI-cash recipient is a parent, spouse, or child.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1437. MED Income Eligibility Requirements**

- A. Income exclusions. The exclusions in R9-22-1420(C) apply to the MED family unit.
- B. Income standard.
  - 1. The Department shall divide the annual FPL for the MED family unit that is in effect during each month of the income period by 12 to determine the monthly FPL.
  - 2. The Department shall add the monthly FPLs for the income period and multiply the resulting amount by 40 percent.
  - 3. Changes to the annual FPL are implemented in April of each year.
- C. Income period. The income period is the month of application and the next two months. The Department shall add together the three months' income to establish the MED family unit's income amount.
- D. Medical expense deduction period. The medical expense deduction period is a three-month period consisting of:
  - 1. For a new application, the month before the application month, the month of application, and month following the application month; or
  - 2. For a MED eligibility review, the last month of the prior MED eligibility period and the following two months.
- E. The Department shall calculate the amount of countable monthly income as follows:
  - 1. Subtract a \$90 cost of employment allowance from the gross amount of earned income for each person whose earned income is counted;
  - 2. Disregard from the remaining earned income an amount billed by the provider for the care of each dependent child under age 18 or incapacitated adult member of the MED family unit if the care is for the purpose of allowing the person to work. If more than one person in the household

is responsible for and billed for the care of a dependent child, the disregard may be split between the wage earners if splitting the disregard is to the benefit of the family, but shall not exceed the maximum disregards as follows:

- a. A maximum of \$200 for a child under age two and \$175 for other dependents for a wage-earner employed full-time (86 or more hours per month); and
- b. A maximum of \$100 for a child under age two, and \$88 for other dependents for a wage earner employed part-time (less than 86 hours a month);
- 3. Add the remaining earned income for each MED family member to the unearned income of all MED family members;
- 4. Compare the MED family's unit countable income amount to the income standard in subsection (B). The difference is the amount of medical expenses the family shall incur during the medical expense deduction period to become eligible;
- 5. Subtract allowable medical expense deductions that were incurred by:
  - a. A member of the MED family unit;
  - b. A deceased spouse or minor child of a MED family unit if this person would have been a member of the MED unit during the MED expense deduction period;
  - c. A person who was a minor child of a MED family unit member when the expense was incurred but who is no longer a minor child; or
  - d. A minor child, including a child who is a runaway, who left home before the date of application to live with someone other than a parent; and
- 6. Compare the net MED family income to the income standard listed in subsection (B).
- F. The family is eligible if the net income in subsection (E)(6) does not exceed the income standard in subsection (B).

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1438. MED Resource Eligibility Requirements**

- A. Including countable resources. The Department shall include the resources not excluded that belong to and are available to members of the family of a qualified alien under A.R.S. § 36-2903.03 and the sponsor and sponsor's spouse of a person who is a qualified alien.
- B. Ownership and availability. The Department shall evaluate the ownership of resources to determine the availability of resources to a person listed in subsection (A).
  - 1. Jointly owned resources with ownership records containing the words "and" or "and/or" between the owners' names are available to each owner except if one of the owners refuses to sell. A consent to sale is not required if all owners are members of the MED family unit.
  - 2. Jointly owned resources with ownership records containing the word "or" between the owners' names are presumed to be available in full to each owner. The applicant or member may rebut the presumption by providing clear and convincing evidence of intent to establish a different type of ownership. If the presumption is rebutted, the resource is available to the owners:
    - a. Consistent with the intent of the owners, or

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- b. Based on each owner's proportionate net contribution if there is not clear and convincing evidence of a different allocation.
  3. The Department shall establish availability of a trust under 42 U.S.C. 1396p(d)(4)(A) or (C).
- C. Unavailability. The Department shall consider the following resources unavailable:
  1. Property subject to spendthrift restriction, such as:
    - a. Accounts established by the SSA, Veteran's Administration, or similar sources that mandate that the funds in the account be used for the benefit of a person not residing with the MED family unit; or
    - b. Trusts established by a will or funded solely by the income and resources of someone other than a member of the MED family unit.
  2. A resource being disputed in a divorce proceeding or probate matter;
  3. Real property located on a Native American reservation;
  4. A resource held by a conservator to the extent court-imposed restrictions make the resource unavailable to the applicant, member, or member of the family unit for:
    - a. Medical care,
    - b. Food,
    - c. Clothing, or
    - d. Shelter.
- D. Resource exclusion. The Department shall exclude the following resources from the calculation of resources under subsection (E):
  1. One burial plot for each person listed in R9-22-1436;
  2. Household furnishings and personal items that are necessary for day-to-day living;
  3. Up to \$1500 of the value of one prepaid funeral plan for each person listed in R9-22-1436 that specifically covers only funeral-related expenses as evidenced by a written contract;
  4. The value of one motor vehicle regularly used for transportation. If the MED family unit owns more than one vehicle, the exclusion is applied to the vehicle with the highest equity value;
  5. The value of a vehicle used to earn income and not used simply for transportation to and from employment;
  6. The value of a vehicle in which a SSI-cash recipient has an ownership interest; and
  7. The value of any vehicle used for medical treatment, employment, or transportation of a SSI-cash disabled child, and that is excluded by SSI for that reason.
  8. Funds set aside in an Individual Development Account under 6 A.A.C. 12, Article 4; and
  9. Any other resource specifically excluded by federal law.
- E. Calculation of resources. The Department shall determine the value of all household resources as follows:
  1. Calculate the total amount of countable liquid resources;
  2. Calculate the equity value of each countable non-liquid resource. The Department shall determine the equity value of a countable non-liquid resource by subtracting the amount of valid encumbrances on that resource from:
    - a. The market value of real property if there is no assessor's evaluation of the property,
    - b. The market value of real property if the assessor's value of the real property does not include the value of permanent structures on that property,
    - c. The assessor's full cash value if subsections (E)(2)(a) and (E)(2)(b) do not apply, and
    - d. The market value of a non-liquid resource that is not real property;
  3. Not assign an equity value to a resource that is less than zero; and
  4. Determine the MED family unit's resources by adding the totals determined in subsections (1) and (2).
- F. Resource standard to be eligible for MED. A person is not eligible for MED if the resources determined in subsection (E) exceed \$100,000 or if more than \$5,000 are liquid resources.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1439. MED Effective Date of Eligibility**

- A. A MED family unit is eligible on the day the income and resource eligibility requirements are met but no earlier than the first day of the month of application. If the family unit meets the income requirements in the application month but does not meet the resource limit until the following month, the family unit's effective date of eligibility is the first day of the month following the month of application.
- B. The Department shall adjust the effective date of eligibility under subsection (A) to an earlier date if:
  1. A member presents verification of additional allowable medical expenses incurred on an earlier date during the medical expense deduction period that allow the member to meet the income requirements, and
  2. The member presents the verification within 60 days of approval of eligibility under this Section.
- C. The Department shall not adjust an effective date of eligibility more than one time per application.
- D. The Department shall adjust the effective date no later than 30 days after the end of the 60-day period under subsection (B)(2).
- E. The Department shall deny an application and provide the applicant a denial notice when the applicant does not meet the MED requirements under this Article during the month of application or the month following the month of application.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1440. MED Eligibility Period**

The Department shall approve eligibility for six months. Changes in circumstances do not affect eligibility for the first three months.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1441. Eligibility Appeals**

- A. Adverse actions. An applicant or member may appeal by requesting a hearing from the Department concerning any of the following adverse actions:
  1. Complete or partial denial of eligibility under R9-22-1413;
  2. Suspension, termination, or reduction of AHCCCS medical coverage under R9-22-1415;
  3. Delay in the eligibility determination beyond the timeframes under this Article;
  4. The imposition of or increase in a premium or copayment; or
  5. The effective date of eligibility.
- B. Notice of Adverse Action. The Department shall personally deliver or send, by regular mail, a Notice of Adverse Action to

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the person affected by the action. For the purpose of this Section, the date of the Notice of Adverse Action shall be the date of personal delivery to the applicant or the postmark date, if mailed.

**C. Automatic change and hearing rights.**

1. An applicant or a member is not entitled to a hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.
2. An applicant or a member is entitled to a hearing if a federal or state law requires an automatic change and the applicant or member timely files an appeal that alleges a misapplication of the facts to the law.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1442. Cessation of MED Coverage**

The Department shall not approve any individual or family who has applied on or after May 1, 2011 as eligible for MED coverage. With respect to any applications that are pending as of May 1, 2011, the Department shall not approve any individual or family as eligible for MED coverage who has not met all eligibility requirements prior to May 1, 2011.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1028, effective May 1, 2011 (Supp. 11-2).

**R9-22-1443. Repealed**

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1345, effective July 8, 2011 (Supp. 11-3). Amended by exempt rulemaking at 17 A.A.R. 2624, effective July 8, 2011 (Supp. 11-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**ARTICLE 15. AHCCCS MEDICAL COVERAGE FOR PEOPLE WHO ARE AGED, BLIND, OR DISABLED**

**R9-22-1501. General Information**

**A. General.** The Administration shall determine eligibility for AHCCCS medical coverage for the following applicants or members using the eligibility criteria and requirements in this Article and Article 3:

1. A person who is aged, blind, or disabled and does not receive SSI cash; and
2. A person terminated from the SSI cash program under R9-22-1505.

**B. Definitions.** In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

“Aged” means a person who is 65 years of age or older as specified in 42 U.S.C. 1382c(a)(1)(A).

“Blind” means a person who has been determined blind by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(2) and 42 CFR 435.530 as of October 1, 2012, which are incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW Washington, DC, 20401. This incorporated by reference contains no future editions or amendments.

“Disabled” means a person who has been determined disabled by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(3)(A) through (E) and 42 CFR 435.540 as of October 1, 2012, which are incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

**C. Eligibility effective date.**

1. Eligibility is effective on the first day of the month that all eligibility requirements are met, including the period described under R9-22-303.
2. The effective date of eligibility for an applicant who moves into Arizona is no sooner than the date Arizona residency is established.
3. The effective date of eligibility for an inmate applying for medical coverage is the date the applicant no longer meets the definition of an inmate of a public institution.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 23, effective December 9, 2003 (Supp. 03-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, effective January 7, 2014 (Supp. 14-1). Amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4). Section amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014; amendments to this Section were slated to be codified in Supp. 14-1 but due to a clerical error, were not published. The amendments to this Section were published in Supp. 20-4 and no additional amendments have been made to this Section since January 7, 2014 (Supp. 20-4).

**R9-22-1502. Repealed**

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Repealed by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1503. Financial Eligibility Criteria**

**A. General income eligibility.** Except as provided under subsection (B) of this rule, the Administration or its designee shall count the identified income under 42 U.S.C. 1382a and 20 CFR 416 Subpart K.

**B. Exceptions.**

1. In-kind support and maintenance under 42 U.S.C. 1382a(a)(2)(A) is excluded.
2. For a person living with a spouse, the Administration or its designee calculates net income for an eligible couple under 20 CFR 416.1160 as of April 1, 2013, which is

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incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments, even if the spouse is not eligible for or applying for SSI or coverage under this Article.

3. In determining the net income of a married couple living with a child or the net income of a person who is not living with a spouse but living with a child, a child allocation is allowed as a deduction from the combined net income of the couple for each child regardless of whether the child is ineligible or eligible. For the purposes of this Section, a child means a person who is unmarried, natural or adopted, and under age 18 or under age 22 if a full-time student. Each child's allocation deduction is reduced by that child's income, including public income maintenance payments, using the methodology under 20 CFR 416.1163(b)(1) and (2) as of April 1, 2013, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
4. In determining the income deemed available to an applicant who is a child from an ineligible parent or parents, an allocation for each eligible or ineligible child of the parent is allowed as a deduction from the parent's income under 20 CFR 416.1165(b). The child's allocation is reduced by that child's income, including public income maintenance payments.
5. In determining the income of a person who receives an annual Title II Cost of Living Allowance (COLA) increase, the COLA amount is disregarded from January until the Administration applies the effective income limits under R9-22-1504 based on the FPL for the calendar year.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1504. Eligibility For A Person Who is Aged, Blind, or Disabled**

- A. To be eligible for AHCCCS medical coverage, an applicant shall meet the conditions of eligibility and requirements in this Article and:
  1. Meet one of the income tests described in subsection (B) or (C), or
  2. The special requirements in R9-22-1505.
- B. The Administration shall determine whether the applicant's countable income, as described in R9-22-1503, is less than or equal to 100 percent of the SSI FBR, as adjusted annually.
- C. The Administration shall determine whether the applicant's countable income, as described in R9-22-1503, without deducting the amount from earned income under 42 U.S.C. 1382a(b)(4)(B)(iii), is less than or equal to 100 percent FPL as adjusted annually.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4).

**R9-22-1505. Eligibility for Special Groups**

- A. The following are considered special groups:
  1. A person meeting the requirements in A.R.S. § 36-2903.03 who:
    - a. Is aged, blind, or disabled under 42 CFR 435.520, 42 CFR 435.530, or 42 CFR 435.540 as of October 1, 2012, which are incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.
    - b. Received SSI cash or AHCCCS medical coverage under this subsection, or subsections (A)(2), (A)(3), or (A)(4) on or before August 21, 1996;
    - c. Was residing in the United States under color of law on or before August 21, 1996; and
    - d. Meets the requirements under this Article;
  2. A disabled child (DC) under 42 U.S.C. 1396a(a)(10)(A)(i)(II). A disabled child is a child who:
    - a. Was receiving SSI cash benefits as a disabled child on August 22, 1996;
    - b. Lost SSI cash benefits effective July 1, 1997, or later, due to a disability determination under Section 211(d) of Subtitle B of P.L. 104-193;
    - c. Continues to meet the disability requirements for a child that were in effect on August 21, 1996; and
    - d. Meets the requirements under this Article;
  3. A disabled adult child (DAC), under 42 U.S.C. 1383c(c) who:
    - a. Was determined disabled by the Social Security Administration before attaining the age of 22 years,
    - b. Became entitled to or received an increase in child's insurance benefits under Title II of the Act on the basis of blindness or disability,
    - c. Was terminated from SSI cash benefits due to entitlement to or an increase in income under Title II of the Act,
    - d. Meets the requirements under this Article, and
    - e. Is 18 years of age or older;
  4. A disabled widow or widower (DWW) under 42 U.S.C. 1383c(b) and (d) who:
    - a. Is blind or disabled,
    - b. Is ineligible for Medicare Part A benefits,
    - c. Received SSI cash benefits the month before Title II of the Act benefit payments began,
    - d. Meets the requirements under this Article;
    - e. Is at least 50 years of age but under age 65; and
    - f. Is unmarried.
  5. Under 42 CFR 435.135, a person who:
    - a. Is aged, blind, or disabled;
    - b. Receives benefits under Title II of the Act;
    - c. Received SSI cash benefits in the past;
    - d. Received SSI cash benefits and Title II of the Social Security Act benefits concurrently for at least one month anytime after April 1977;

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- e. Became ineligible for SSI cash benefits while receiving SSI and benefits under Title II of the Act concurrently; and
  - f. Meets the requirements under this Article.
- B. Income for special groups.**
- 1. Except as provided in subsection (B)(2), income eligibility is determined using the income criteria in R9-22-1503.
  - 2. Exceptions to income for special groups.
    - a. For a person in the DAC coverage group under subsection (A)(3), the applicant's Title II of the Social Security Act benefits are disregarded in determining income eligibility under 42 U.S.C. 1383c(c).
    - b. For a person in the DWW coverage group, under subsection (A)(4), the applicant's Title II of the Social Security Act benefits are disregarded in determining income eligibility under 42 U.S.C. 1383c(b) and (d).
    - c. For an applicant or member in the coverage group under subsection (A)(5), the portion of the applicant's or member's Title II of the Social Security Act benefits attributed to cost-of-living adjustments received by the applicant since the effective date of SSI ineligibility is disregarded in determining income eligibility under 42 CFR 435.135.
- C. 100 percent FBR.** As a condition of eligibility for all special groups, countable income shall be equal to or less than 100 percent of the SSI FBR, as adjusted annually.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 4942, effective December 31, 2005 (Supp. 05-4). Amended by final rulemaking at 20 A.A.R. 192, with an immediate effective date of January 7, 2014 (Supp. 14-1).

**R9-22-1506. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1507. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1508. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**ARTICLE 16. HOSPITAL PRESUMPTIVE ELIGIBILITY****R9-22-1601. General Eligibility Requirements**

- A.** Notwithstanding Article 3, a qualified hospital may determine Hospital Presumptive Eligibility (HPE), on the basis of pre-

liminary information, that an individual is eligible for AHCCCS medical coverage during the presumptive eligibility period described in this section, if the individual is a United States citizen or eligible qualified alien, and the individual is:

1. Pregnant with gross household income that does not exceed 156% of the FPL;
  2. An adult who meets the requirements of R9-22-1427(E);
  3. A caretaker relative as defined in R9-22-1401(B) with gross household income that does not exceed 106% of the FPL;
  4. Under age 19 with gross household income that does not exceed the limit set in R9-22-1427(D) for the child's age;
  5. A woman screened for breast or cervical cancer by an Arizona program of the National Breast and Cervical Cancer Early Detection Program who meets the requirements of R9-22-2003(A); or
  6. A former foster care child who meets the requirements of R9-22-1432.
- B. Definitions.** In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Article have the following meanings unless the context explicitly requires another meaning: "Qualified hospital" means a hospital that has signed an agreement with the Administration to process HPE applications and has not been disqualified.
- C. Application Process:**
1. Right to apply. A person may apply for presumptive eligibility for AHCCCS medical coverage by submitting an Administration-approved application to the qualified hospital.
  2. Application. To initiate the application process, the qualified hospital will accept an application from the applicant, an adult who is in the applicant's household, as defined in 42 CFR 435.603(f), or family, as defined in section 36B(d)(1) of the Internal Revenue Service (IRS) Code, an authorized representative, or if the applicant is a minor or incapacitated, someone acting responsibly for the applicant by submitting a written or online application under 42 CFR 435.907.
- D.** To establish presumptive eligibility, an applicant must complete and submit an AHCCCS-approved presumptive eligibility application signed under penalty of perjury to a qualified hospital. The applicant must attest to the name(s), relationship(s), and income of all persons in the household. In addition, the applicant must provide and attest to the following information regarding each household member on whose behalf AHCCCS medical coverage is sought:
1. The individual's date of birth;
  2. Whether the individual is pregnant;
  3. Whether the individual has been determined eligible for Breast and Cervical Cancer Treatment Program, described under Article 20;
  4. Whether the individual is a former foster child, described under R9-22-1432;
  5. The U.S. citizenship status or eligible qualified alien status under A.R.S. 36-2903.03 of the individual; and
  6. The individual's permanent and mailing addresses;
  7. The individual's Arizona residency status; and
  8. Whether the individual has Medicare coverage.
- E.** Presumptive eligibility begins on the date the hospital determines an individual's presumptive eligibility and ends with the earlier of:
1. In the case of an individual on whose behalf an application has been submitted to AHCCCS or its designee



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under Article 3, the day on which AHCCCS or its designee makes a determination on that application; or

2. In the case of an individual on whose behalf an application has not been submitted to AHCCCS or its designee under Article 3, on the last day of the following month in which the determination of presumptive eligibility was made by the qualified hospital.

**F.** An individual may not be determined presumptively eligible more often than once every two years.

**G.** Coverage and reimbursement of services.

1. The Administration shall provide coverage of medically necessary services described under Article 2 to persons determined eligible for HPE on a fee-for-service basis.
2. Providers shall submit claims for services provided to persons determined eligible for HPE to the Administration as described under Article 7.

**H.** A member may withdraw from HPE coverage by notifying the Administration or its designee.

**I.** Upon determining an individual presumptively eligible, the qualified hospital shall:

1. Notify the applicant at the time a determination regarding presumptive eligibility is made, in writing and orally if appropriate, of the determination for each individual on whose behalf presumptive eligibility was requested and the effective date of the presumptive eligibility;
2. Provide the applicant with a regular AHCCCS-approved application form and inform the applicant that the applicant may file an application for Medicaid with the Administration or its designee;
3. Notify AHCCCS of the presumptive eligibility determination;
4. Notify the applicant at the time the determination is made that presumptive eligibility ends with the earlier of:
  - a. In the case of an individual on whose behalf an application has been submitted to AHCCCS or its designee under Article 3, the day on which AHCCCS or its designee makes a determination on that application; or
  - b. In the case of an individual on whose behalf an application has not been submitted to AHCCCS or its designee under Article 3, on the last day of the following month in which the determination of presumptive eligibility was made by the qualified hospital.

**J.** A determination by a qualified hospital that an individual is not presumptively eligible is not appealable under Chapter 34. If a qualified hospital denies an individual presumptive eligibility, the individual may apply for coverage by submitting an application to the Administration or its designee.

#### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4). New Section made by final rulemaking at 20 A.A.R. 3436, effective January 1, 2015 (Supp. 14-4).

**R9-22-1602. Expired**

#### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section

repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1603. Expired**

#### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1604. Expired**

#### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1605. Expired**

#### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1606. Expired**

#### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1607. Expired**

#### Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). New Section made by exempt rulemaking at 12 A.A.R. 3892, effective October 1, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 2384, effective October 31, 2011 (Supp. 11-4).

**R9-22-1608. Expired**

#### Historical Note



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repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1621. Reserved****R9-22-1622. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1623. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1624. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1625. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1626. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1627. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1628. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1629. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1630. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1631. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1632. Reserved****R9-22-1633. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1634. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**R9-22-1635. Reserved****R9-22-1636. Repealed****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3).

**ARTICLE 17. ENROLLMENT****R9-22-1701. Enrollment-Related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

“Annual enrollment choice” means the annual opportunity for a person to change contractors.

“Auto-assignment algorithm” or “Algorithm” means a formula used by the Administration to assign to a contractor a member who did not make a timely choice under R9-22-1702.

“CMDP” means Comprehensive Medical and Dental Program.

“Disenrollment” means the discontinuance of a person’s entitlement to receive covered services from a contractor of record.

“Enrollment” means the process by which an eligible person becomes a member of a contractor’s plan.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended to correct a typographical error, filed in the Office of the Secretary of State October 30, 2001 (Supp. 01-4). Amended by exempt rulemaking at 7 A.A.R. 5701,

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effective December 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 4588, effective October 12, 2004 (Supp. 04-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1702. Enrollment of a Member with an AHCCCS Contractor**

**A.** General enrollment requirements. The Administration shall enroll a member with a contractor as described in this Section, unless the member has pre-selected a contractor on the application:

1. Except as provided in subsections (A)(3), (A)(5), and (C), a member who is determined to be eligible under this Chapter and resides in an area served by more than one contractor, may choose an available contractor serving the member's GSA within 30 days from the date of notice of enrollment. A Native American member may select IHS or another available contractor.
2. If the member does not make a choice under subsection (A)(1), the Administration shall immediately auto-assign the member to:
  - a. IHS if the member is a Native American living on a reservation,
  - b. A contractor based on family continuity, or
  - c. A contractor by using the auto-assignment algorithm.
3. If the member's period of ineligibility and disenrollment from the contractor of record is for a period of less than 90 days, the Administration shall enroll the member with the member's most recent contractor of record, if available, except if:
  - a. The member no longer resides in the contractor's GSA;
  - b. The contractor's contract is suspended or terminated;
  - c. The member was previously enrolled with CMDP but at the time of re-enrollment the member is not a foster care child;
  - d. The member chooses another contractor or chooses IHS, if available to the member, during the annual enrollment choice period; or
  - e. The member was previously enrolled with a contractor but at the time of re-enrollment the member is a foster care child.
4. When the member's disenrollment period is more than 90 days, the member may select a contractor as described in subsection (A)(1).
5. The Administration shall not enroll a member with a contractor if a member:
  - a. Is eligible for the FESP under R9-22-1419;
  - b. Is eligible for less than 30 days from the date the Administration receives notification of a member's eligibility, except for a member who is enrolled with CMDP or IHS;
  - c. Is eligible only for a retroactive period of eligibility, except for a member who is enrolled with CMDP or IHS; or
  - d. Resides in an area not served by a contractor.

**B.** Fee-for-service coverage. A member not enrolled with a contractor under subsection (A)(5) shall obtain covered medical services from an AHCCCS-registered provider on a fee-for-service basis under Article 7.

- C.** Foster care child. The Administration shall enroll a member with CMDP if the member is a foster care child under A.R.S. § 8-512.
- D.** Family Planning Services Extension Program. A member eligible for the Family Planning Services Extension Program under R9-22-1431, shall remain enrolled with the member's contractor of record or IHS.
- E.** Contractor or IHS enrollment change for a member.
  1. The Administration shall change a member's enrollment if the member requests a change to an available contractor or IHS during an annual enrollment period. A Native American may change from an available contractor to IHS or from IHS to an available contractor at any time.
  2. The Administration shall approve a change in enrollment for any member if the change is a result of the final outcome of a grievance under 9 A.A.C. 34.
  3. A member may choose a different contractor if the member moves into a GSA not served by the current contractor or if the contractor is no longer available. If the member does not select a contractor, the Administration shall auto-assign the member as provided in subsection (A)(2).
  4. The Administration shall provide the member 60-day advance notice of the member's option to change plans by the member's annual enrollment date.
  5. A member may disenroll from a plan if:
    - a. The member moves out of the GSA;
    - b. The plan does not, because of moral or religious objections, cover the service a member seeks; or
    - c. The member needs related services to be performed at the same time; not all related services are available within the network; and the member's primary care provider or another provider determines that receiving the services separately would subject the member to unnecessary risk.
  6. For exceptions to this Article, the Administration shall approve a change for an enrolled member as determined by the Director.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1703. Effective Date of Enrollment with a Contractor**

- A.** Effective date of enrollment. A member's date of enrollment is the date enrollment action is taken by the Administration. However, if a plan change occurs for an annual enrollment choice, the effective date is the month of the member's enrollment anniversary date.
- B.** Financial liability of the contractor. The contractor shall be financially liable for an enrolled member's care as specified in contract.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1704. Newborn Enrollment**

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**A. General.**

1. The Administration shall enroll a newborn child of an eligible mother with an available contractor or IHS, based on the mother's enrollment.
2. The Administration shall auto-assign a newborn child of an eligible mother who is not enrolled with a contractor or IHS or who is enrolled with CMDP. When a mother enrolled in CMDP has a newborn and the newborn is surrendered to Administration on Children, Youth and Families (ACYF), the newborn is then enrolled with CMDP.
3. The Administration shall notify the mother of the right to choose a different contractor for her newborn child. The mother may make her choice within 30 days from the date of notice of enrollment.

**B. Financial liability for newborns.** The contractor shall be financially liable for the medical care of a newborn as specified in contract.**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 294, effective January 8, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 2435, effective June 9, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 4593, effective October 1, 2001 (Supp. 01-3). Amended to correct a typographical error, filed in the Office of the Secretary of State October 30, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**R9-22-1705. Guaranteed Enrollment Period**

- A. General.** Except for members enrolled with IHS or CMDP, the Administration shall provide a guaranteed enrollment period for a one-time period that begins on the effective date of the member's initial enrollment with a contractor and ends on the last day of the fifth full calendar month after the date of the member's initial enrollment.
- B. Exceptions to guaranteed period.** The Administration shall not grant a guaranteed enrollment period or shall terminate a guaranteed enrollment period as provided in subsection (C), if the member:
1. Did not meet the conditions of eligibility when initially enrolled with the contractor;
  2. Except as provided in 9 A.A.C. 22, Article 12, is an inmate of a public institution as defined in 42 CFR 435.1010;
  3. Dies;
  4. Moves out-of-state;
  5. Voluntarily withdraws from the AHCCCS program;
  6. Is adopted; or
  7. Has whereabouts that are unknown.
- C. Disenrollment effective date.** The Administration shall terminate any guaranteed enrollment period to which the member is not entitled effective on:
1. The date the member is admitted to a public institution under subsection (B);
  2. The member's date of death;
  3. The last day of the month in which the Administration receives notification that a member moved out-of-state;
  4. The date the Administration receives written notification of the member's voluntary withdrawal from the AHCCCS program;

5. The last day of the month in which the Administration receives notification that a member's adoption proceedings are finalized; or
6. The last day of the month in which the Administration receives notification that a member's whereabouts are unknown.

**D. Retroactive adjustments.** The Administration shall adjust the member's eligibility and enrollment retroactively under subsection (C).**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 1598, effective May 31, 2008 (Supp. 08-2).

**ARTICLE 18. RESERVED****EMERGENCY RULEMAKING****ARTICLE 18. PROVIDER EXCLUSION RULES****EMERGENCY RULEMAKING****R9-22-1801. Definitions**

"Administration" has the meaning defined in A.R.S. § 36-2901.

"Affiliation" has the meaning defined in 42 C.F.R. § 424.502.

"Managing employee" has the meaning defined in 42 C.F.R. § 455.101.

"Member" has the meaning defined in A.R.S. § 36-2901.

"Person with an ownership or control interest" has the meaning defined in 42 C.F.R. § 455.101 and 42 C.F.R. § 455.102.

"System" has the meaning defined in A.R.S. § 36-2901.

**Historical Note**

Section made by emergency rulemaking at 29 A.A.R. 1577 (July 14, 2023), with an immediate effective date of July 3, 2023; effective for 180 days (Supp. 23-3).

**EMERGENCY RULEMAKING****R9-22-1802. Basis for Exclusion**

- A.** In addition to such grounds for exclusion set for in subsections (A) and (B) of A.R.S. § 36-2930.05, the Administration, in its sole discretion, may exclude:
1. Any individual or entity which has failed to comply with any requirement, term, or condition set forth in any agreement with the Administration;
  2. Any individual or entity which has failed to remit any indebtedness or overpayment as required by A.A.C. R9-22-713;
  3. Any entity which has a managing employee or any entity with a person with an ownership or control interest that:
    - a. Has failed to remit any indebtedness or overpayment as required by A.A.C. R9-22-713;
    - b. Has an affiliation with an organization which has failed to remit any indebtedness or overpayment as required by A.A.C. R9-22-713;
  4. Any individual or any entity with a managing employee or a person with an ownership or control interest that has been convicted of a criminal offense which the Administration, in its sole discretion, determines may represent an undue risk of fraud, waste, or abuse of the system or an undue risk of harm to members;

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5. Any individual or entity who employs any person to furnish items or services who has been excluded from participation in the system pursuant to A.R.S. § 36-2930.05;
  6. Any individual who is or was a managing employee or a person with an ownership or control interest who participated in, condoned, or was willfully ignorant of any action or failure to act of an entity which was or could have been the basis for exclusion of the entity;
  7. Any individual who was an organizer, leader, manager, or supervisor of any entity activity which was or could have been the basis for exclusion of the entity; or
  8. Any individual or entity in order to protect the health of members.
- B.** The delineation of grounds for exclusion herein does not exclude any other basis for exclusion pursuant to A.R.S. § 36-2930.05(C).

**Historical Note**

Section made by emergency rulemaking at 29 A.A.R. 1577 (July 14, 2023), with an immediate effective date of July 3, 2023; effective for 180 days (Supp. 23-3).

**EMERGENCY RULEMAKING****R9-22-1803. Period of Exclusion**

- A.** Pursuant to A.R.S. § 36-2930.05 and 42 C.F.R. § 1002.210, any exclusion from participation in the system shall be for such period as determined in the discretion of the Administration, but in no event shall such period be less than 5 years.
- B.** In determining the period of exclusion, the Administration, in its sole discretion, may consider aggravating and mitigating factors set forth in any provision of Code of Federal Regulations Chapter 42 part 1001, Subpart C or part 1003.

**Historical Note**

Section made by emergency rulemaking at 29 A.A.R. 1577 (July 14, 2023), with an immediate effective date of July 3, 2023; effective for 180 days (Supp. 23-3).

**EMERGENCY RULEMAKING****R9-22-1804. Appeal of Exclusion**

- A.** Any exclusion of an individual or entity pursuant to A.R.S. § 36-2930.05 is an appealable agency action subject to the Uniform Administrative Appeals Procedures, A.R.S. § 41-1092, et seq.
- B.** The Administration shall set forth in the notice of an appealable agency action required by A.R.S. § 41-1092.03 the period of exclusion and the earliest date on which AHCCCS will consider a request for reinstatement.

**Historical Note**

Section made by emergency rulemaking at 29 A.A.R. 1577 (July 14, 2023), with an immediate effective date of July 3, 2023; effective for 180 days (Supp. 23-3).

**EMERGENCY RULEMAKING****R9-22-1805. Reinstatement of Participation**

- A.** If the period of exclusion has expired, an individual or entity may apply for reinstatement of participation in the system by submission of the following:
1. An application for participation as a provider.
  2. Information to demonstrate reasonable assurances that the type of actions that formed the basis for the original exclusion have not recurred and will not recur.
  3. Such other information as may be requested by the Administration.

- B.** In making the reinstatement determination, the Administration may consider:
1. Conduct of the individual or entity occurring prior to the date of the exclusion, if not known to the Administration at the time of the exclusion;
  2. Conduct of the individual or entity after the date of the exclusion;
  3. Whether all fines and all debts due and owing (including overpayments) to any Federal, State, or local government that relate to Medicare, Medicaid, and all other Federal health care programs have been paid;
  4. Whether the individual or entity otherwise qualifies for participation in the system;
  5. Whether reinstatement is in the best interest of the system.
  6. Such other information as deemed relevant by the Administration.

**Historical Note**

Section made by emergency rulemaking at 29 A.A.R. 1577 (July 14, 2023), with an immediate effective date of July 3, 2023; effective for 180 days (Supp. 23-3).

**EMERGENCY RULEMAKING****R9-22-1806. Denial of Reinstatement**

- A.** If an application for reinstatement is denied, the Administration shall give written notice to the requesting individual or entity.
- B.** Within 30 days of the date on the notice of denial of reinstatement, the excluded individual or entity may submit documentary evidence and written argument against the denial of reinstatement.
- C.** After evaluating any additional evidence submitted by the excluded individual or entity (or at the end of the 30-day period if none is submitted), the Administration will send written notice either confirming the denial and indicating that a subsequent request for reinstatement will not be considered until at least one year after the date of the denial or approving the request for reinstatement of participation.
- D.** Any notice confirming a denial of reinstatement is an appealable agency action subject to the Uniform Administrative Appeals Procedures, A.R.S. § 41-1092, et seq.

**Historical Note**

Section made by emergency rulemaking at 29 A.A.R. 1577 (July 14, 2023), with an immediate effective date of July 3, 2023; effective for 180 days (Supp. 23-3).

**ARTICLE 19. FREEDOM TO WORK**

*Article 19, consisting of Sections R9-22-1901 through R9-22-1922, made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).*

**R9-22-1901. General Freedom to Work Requirements**

Under 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and (XVI), the Administration shall determine eligibility for AHCCCS medical services, under Article 2 of this Chapter, using the eligibility criteria and requirements under this Article for an applicant or member who is:

1. At least 16 years of age, but less than 65 years of age,
2. Employed, and
3. Not income eligible under A.R.S. § 36-2901(6)(a).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

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**R9-22-1902. General Administration Requirements**

The Administration shall comply with the confidentiality rule under R9-22-512(C).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1903. Application for Coverage**

- A. A person may apply by submitting an application to an Administration office.
- B. The application date is the date the application is received at an Administration office or outstation location approved by the Director as described under R9-22-1406(A).
- C. The provisions in R9-22-1406(B) and (D) apply to this Section.
- D. The applicant or representative who files the application may withdraw the application for coverage either orally or in writing. An applicant withdrawing an application shall receive a denial notice under R9-22-1904.
- E. Except as provided in 42 CFR 435.911, the Administration shall determine eligibility within 45 days.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 5123, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1904. Notice of Approval or Denial**

The Administration shall send an applicant a written notice of the decision regarding the application. This notice shall include a statement of the action, and:

1. If approved, the notice shall contain:
  - a. The effective date of eligibility,
  - b. The amount the person shall pay, and
  - c. An explanation of the person's hearing rights specified in 9 A.A.C. 34.
2. If denied, R9-22-1501(G)(3) applies.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1905. Reporting and Verifying Changes**

An applicant or member shall report and verify changes, as described under R9-22-1501(H), to the Administration.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1906. Actions that Result from a Redetermination or Change**

The processing of a redetermination or change shall result in one of the following actions:

1. No change in eligibility or premium,
2. Discontinuance of eligibility if a condition of eligibility is no longer met,
3. A change in premium amount, or

4. A change in the coverage group under which a person receives AHCCCS medical coverage.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1907. Notice of Adverse Action Requirements**

- A. The requirements under R9-22-1501(K)(1) apply.
- B. Advance notice of a change in eligibility or premium amount. Advance notice means a notice of proposed action that is issued to the member at least 10 days before the effective date of the proposed action. Except under subsection (C), advance notice shall be issued whenever an adverse action is taken to discontinue eligibility, or increase the premium amount.
- C. Exceptions from advance notice. A notice shall be issued to the member to discontinue eligibility no later than the effective date of action if:
  1. A member provides a clearly written statement, signed by that member, that services are no longer wanted.
  2. A member provides information that requires termination of eligibility or reduction of services, indicates that the member understands that this must be the result of supplying that information, and the member signs a written statement waiving advance notice;
  3. A member cannot be located and mail sent to the member's last known address has been returned as undeliverable subject to reinstatement of discontinued services under 42 CFR 431.231(d);
  4. A member has been admitted to a public institution where a person is ineligible for coverage;
  5. A member has been approved for Medicaid in another state; or
  6. The Administration receives information confirming the death of a member.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1908. Request for Hearing**

An applicant or member may request a hearing under 9 A.A.C. 34.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1909. Conditions of Eligibility**

An applicant or member shall meet the following conditions to qualify for the Freedom to Work program:

1. Furnish a valid Social Security Number (SSN);
2. Be a resident of Arizona;
3. Be a citizen of the United States, or meet requirements for a qualified alien under A.R.S. § 36-2903.03(B);
4. Be at least 16 years of age, but less than 65 years of age;
5. Have countable income that does not exceed 250 percent of FPL. The Administration shall count the income under 42 U.S.C. 1382a and 20 CFR 416 Subpart K with the following exceptions:
  - a. The unearned income of the applicant or member shall be disregarded,
  - b. The income of a spouse or other family member shall be disregarded, and

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- c. The deduction for a minor child shall not apply;
6. Comply with the member responsibility provisions under R9-22-1502(D) and (F).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1). Section repealed; new Section made by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1910. Prior Quarter Eligibility**

A person may be made eligible during a prior quarter period when applying for the Freedom to Work program, as described under Article 3.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1). New Section made by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-1911. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1912. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1913. Premium Requirements**

- A. As a condition of eligibility, an applicant or member shall:
1. Pay the premium required under subsection (B).
  2. Not have any unpaid premiums for more than one month's premium amount.
- B. The Administration shall process premiums under 9 A.A.C. 31, Article 14 with the following exceptions:
1. A member who has countable income:
    - a. Under \$500, the monthly premium payment shall be \$0.
    - b. Over \$500 but not greater than \$750, the monthly premium payment shall be \$10.
  2. The premium for a member shall be increased by \$5 for each \$250 increase in countable income above \$750.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1914. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1915. Institutionalized Person**

A person is not eligible for AHCCCS medical coverage if the person is:

1. An inmate of a public institution if federal financial participation (FFP) is not available, or
2. Age 21 through age 64 and is residing in an Institution for Mental Disease under 42 CFR 435.1009 except when allowed under the Administration's Section 1115 IMD waiver or allowed under a managed care contract approved by CMS.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1916. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1917. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1918. Additional Eligibility Criteria for the Basic Coverage Group**

An applicant or member shall meet the following eligibility criteria:

1. Disabled. As a condition of eligibility, an applicant or member shall be disabled. Disabled means a person who has been determined disabled by the Department of Economic Security, Disability Determination Services Administration, under 42 U.S.C. 1382c(a)(3)(A) through (E), except employment activity, earnings, and substantial gainful activity shall not be considered in determining whether the individual meets the definition of disability.
2. Employed. As a condition of eligibility, an applicant or member shall be employed. Employed means that an applicant or member is paid for working and Social Security or Medicare taxes are paid on the applicant or member's work.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1919. Additional Eligibility Criteria for the Medically Improved Group**

As a condition of eligibility for the Medically Improved Group, a member shall:

1. Be employed. Under this Section, employed means an individual who:
  - a. Earns at least the minimum wage and works at least 40 hours per month, or
  - b. Has gross monthly earnings at least equal to those earned by an individual who is earning the minimum wage working 40 hours per month.
2. Cease to be eligible for medical coverage under R9-22-1918 or a similar Basic Coverage Group program administered by another state because the member, by reason of



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medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be disabled; and

3. Continues to have a severe medically determinable impairment, as determined under Social Security Act section 1902(a)(10)(A)(ii)(XVI).

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Amended by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1920. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4). Section repealed by final rulemaking at 15 A.A.R. 220, effective March 7, 2009 (Supp. 09-1).

**R9-22-1921. Enrollment**

The Administration shall enroll members under Article 17 of this Chapter. If a member has not paid a required premium, the Administration shall not grant a guaranteed enrollment period.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**R9-22-1922. Redetermination of Eligibility**

- A. Redetermination. Except as provided in subsection (B), the Administration shall complete a redetermination of eligibility at least once a year.
- B. Change in circumstance. The Administration may complete a redetermination of eligibility if there is a change in the member's circumstances, including a change in disability or employment that may affect eligibility.
- C. Medical Improvement. If a member is no longer disabled under R9-22-1918, the Administration shall determine if the member is eligible under other coverage groups including the medically improved group.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 95, effective January 1, 2003 (Supp. 02-4).

**ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM****R9-22-2001. Breast and Cervical Cancer Treatment Program Related Definitions**

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meaning unless the context explicitly requires another meaning:

“AZ-NBCCEDP” means the Arizona programs of the National Breast and Cervical Cancer Early Detection Program. AZ-NBCCEDP provides breast and cervical cancer screening and diagnosis in Arizona.

“Cryotherapy” means the destruction of abnormal tissue using an extremely cold temperature.

“LEEP” means the loop electrosurgical excision procedure that passes an electric current through a thin wire loop.

“Peer-reviewed study” means that, prior to publication, a medical study has been subjected to the review of medical experts who:

Have expertise in the subject matter of the study,  
Evaluate the science and methodology of the study,  
Are selected by the editorial staff of the publication, and  
Review the study without knowledge of the identity or qualifications of the author.

“WWHP” means the Well Women Healthcheck Program administered by the Arizona Department of Health Services. The WWHP is one of the programs within AZ-NBCCEDP that provides breast and cervical cancer screening and diagnosis.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2002. General Requirements**

- A. Confidentiality. The Administration shall maintain the confidentiality of a woman's records and shall not disclose a woman's financial, medical, or other confidential information except as allowed under R9-22-512.
- B. Covered services. A woman who is eligible under this Article receives all medically necessary services under Articles 2 and 12 of this Chapter.
- C. Choice of health plan. A woman who is eligible under this Article shall be enrolled with a contractor under Article 17 of this Chapter.
- D. A Native American woman who receives services through Indian Health Service (IHS) or through a tribal health program qualifies for services provided under this Article if all eligibility requirements are met.
- E. A woman qualified under this Article shall pay co-pays as described in R9-22-711.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2003. Eligibility Criteria**

- A. General. To be eligible under this Article, a woman shall meet the requirements of this Article and:
  1. Be screened for breast and cervical cancer through AZ-NBCCEDP;
  2. Be less than 65 years of age;
  3. Be ineligible for Title XIX under Articles 14 and 15 in this Chapter;
  4. Receive a positive screen under subsection (A)(1), a confirmed diagnosis through AZ-NBCCEDP, and need treatment for breast cancer or cervical cancer, including a precancerous cervical lesion, as specified in R9-22-2004;
  5. Not be covered under creditable coverage as specified in Section 2701(c) of the Public Health Services Act, 42 U.S.C. 300gg(c). For purposes of this Article, IHS or Tribal health coverage is not considered creditable coverage as specified in 42 U.S.C. 1396a(a)(10)(A)(ii), as amended by the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2002; and
  6. Meet the requirements under R9-22-1417 and R9-22-1418.
- B. Ineligible woman. A woman is ineligible under this Article if the woman:
  1. Is an inmate of a public institution and federal financial participation (FFP) is not available,

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2. Is at least age 21 but less than age 65 and resides in an Institution for Mental Disease (IMD) as defined in R9-22-112, except if allowed under the Administration's Section 1115 waiver, or
  3. No longer meets an eligibility requirement under this Article.
- C.** Metastasized cancer. The AHCCCS Chief Medical Officer may continue a woman's eligibility under this Article if a metastasized cancer is found in another part of the woman's body and that metastasized cancer is a known or a presumed complication of the breast or cervical cancer as determined by the treating physician.
- D.** Reoccurrence of cancer. A woman shall have eligibility reestablished after eligibility under this Article ends if the woman is screened under the AZ-NBCCEDP program and additional breast cancer or cervical cancer, including a pre-cancerous cervical lesion, is found.
- E.** Ineligible male. A male is precluded from receiving screening and diagnostic services under the AZ-NBCCEDP program and is ineligible under this Article.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Amended by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2004. Treatment**

- A.** Breast cancer. Coverage for treatment for breast cancer under this Article shall conclude on the last provider visit for the specific treatment of the cancer or at the end of hormonal therapy for the cancer, whichever is later. For purposes of this subsection treatment means:
1. Lumpectomy or surgical removal of breast cancer;
  2. Chemotherapy;
  3. Radiation therapy; and
  4. A treatment for breast cancer that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- B.** Pre-cancerous cervical lesion. Coverage for treatment for a pre-cancerous cervical lesion under this Article, including moderate or severe cervical dysplasia or carcinoma in situ, shall conclude on the last provider visit for specific treatment for the pre-cancerous lesion. For purposes of this subsection treatment means:
1. Conization;
  2. LEEP;
  3. Cryotherapy; and
  4. A treatment for pre-cancerous cervical lesion that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- C.** Cervical cancer. Coverage for treatment for cervical cancer under this Article shall conclude on the last provider visit for the specific treatment for the cancer. For purposes of this subsection treatment means:
1. Surgery;
  2. Radiation therapy;
  3. Chemotherapy; and
  4. A treatment for cervical cancer that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2005. Application Process**

- A.** Application. A woman may apply for eligibility under this Article by submitting a complete application as specified in R9-22-1406.
- B.** Submitting the application. The woman may complete and submit an application at the time of the AZ-NBCCEDP screening. The AZ-NBCCEDP staff may mail or fax the application directly to the Administration.
- C.** Date of application. The date of the application is the date of the diagnostic procedure that results in a positive diagnosis for breast cancer or cervical cancer, including a pre-cancerous cervical lesion.
- D.** Responsibility of a woman who is applying or who is a member. A woman who is applying or who is a member shall:
1. Provide medical insurance information, including any changes in medical insurance; and
  2. Inform the Administration about a change in address, residence, and alienage status.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2006. Approval, Denial, or Discontinuance of Eligibility**

- A.** Eligibility determination. The Administration shall determine eligibility under this Article and send the notice under subsection (B) or (C) within seven days of receiving a complete application.
- B.** Approval. If a woman meets all the eligibility requirements in this Article, the Administration shall provide the woman with an approval notice. The approval notice shall contain:
1. The name of the eligible woman, and
  2. The effective date of eligibility.
- C.** Denial. If the Administration denies eligibility, the Administration shall provide the woman with a denial notice. The denial notice shall contain:
1. The name of the ineligible woman,
  2. The specific reason why the woman is ineligible,
  3. The legal citations supporting the reason for the denial,
  4. The location where the woman can review the legal citations, and
  5. Information regarding the woman's appeal and request for hearing rights.
- D.** Discontinuance.
1. Except as specified in subsection (D)(2), if a woman no longer meets an eligibility requirement under this Article, the Administration shall provide the woman a Notice of Action no later than 10 days before the effective date of the discontinuance.
  2. The Administration may mail the Notice of Action no later than the effective date of the discontinuance if the Administration:
    - a. Receives a written statement from the woman voluntarily withdrawing from AHCCCS,
    - b. Receives information confirming the death of the woman,

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- c. Receives returned mail with no forwarding address from the post office and the woman's whereabouts are unknown, or
  - d. Receives information confirming that the woman has been approved for Title XIX services outside the state of Arizona.
3. The Notice of Action shall contain the:
- a. Name of the ineligible woman,
  - b. Effective date of the discontinuance,
  - c. Specific reason why the woman is discontinued,
  - d. Legal citations supporting the reason for the discontinuance,
  - e. Location where the woman can review the legal citations, and
  - f. Information regarding the woman's appeal and request for hearing rights.
- E. Request for hearing. A woman who is denied, or discontinued for the Breast and Cervical Cancer Treatment Program may request a hearing under Chapter 34.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**R9-22-2007. Effective and End Date of Eligibility**

- A. Eligibility is effective on the first day of the month that all eligibility requirements are met, including the period described under R9-22-303.
- B. The end date of eligibility:
- 1. For breast cancer, is 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer or at the end of hormonal therapy for the cancer, whichever is later.
  - 2. For pre-cancerous cervical lesion, is four months after the last provider visit for a treatment specified in R9-22-2004 for the pre-cancerous lesion.
  - 3. For cervical cancer, is 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5814, effective December 6, 2001 (Supp. 01-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4). Section amended by final rulemaking at 19 A.A.R. 3309, effective November 30, 2013 (Supp. 13-4).

**R9-22-2008. Redetermination of Eligibility**

- A. Redetermination. Except as provided in subsection (B), the Administration shall redetermine eligibility at least once a year. If a woman continues to meet the requirements of eligibility for the Breast and Cervical Cancer Treatment Program under this Article, the Administration shall notify the woman of continued eligibility. A woman is not required to be screened for breast and cervical cancer through AZ-NBC-CEDP at redetermination.
- B. Change in circumstance. The Administration shall complete a redetermination of eligibility if there is a change in the woman's circumstances that may affect eligibility, including a change in treatment.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 4488, effective January 6, 2007 (Supp. 06-4).

**ARTICLE 21. TRAUMA AND EMERGENCY SERVICES FUND**

*Article 21, consisting of Sections R9-22-2101 through R9-22-2103, made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).*

**R9-22-2101. General Provisions**

- A. A.R.S. § 36-2903.07 establishes the Administration as the authority to administer the Trauma and Emergency Services Fund.
- B. The Administration shall distribute 90% of monies from the trauma and emergency services fund to a level I trauma center, as defined in subsection (F) of this Section, for unrecovered trauma center readiness costs as defined in subsection (F) of this Section. Reimbursement is limited to no more than the amount of unrecovered trauma center readiness costs as determined in subsections (D) and (E) of this Section. Unexpended funds may be used to reimburse unrecovered emergency room costs under subsection (C) of this Section.
- C. The Administration shall distribute 10% of monies from the trauma and emergency services fund, for unrecovered emergency services costs, to a hospital having an emergency department, using criteria under R9-22-2103. Reimbursement is limited to no more than the amount of unrecovered emergency services costs as determined in R9-22-2103. The Administration may distribute more than 10% of the monies for unrecovered emergency room costs when there are unexpended monies under subsection (B) of this Section.
- D. The Administration shall distribute a reporting tool and guidelines to level I trauma centers to determine, on an annual basis, the unrecovered trauma center readiness costs for level I trauma centers as defined in subsection (F) of this Section. The reporting time-frame is July 1 of the prior year through June 30 of the reporting year. A level I trauma center shall submit the requested data and a copy of the most recently completed uniform accounting report under A.R.S. § 36-125.04 to the Administration no later than October 31 of each reporting year.
- E. When a level I trauma center closes in a county where there are one or more level I trauma center(s) remaining in operation, the following shall occur:
- 1. The closing level I trauma center shall submit the requested data under subsection (D) of this Section for the months of the reporting time-frame in which it met the definition of a level I trauma center, and
  - 2. The data under subsection (D) of this Section, which is submitted by the closing level I trauma center, shall be added to the remaining level I trauma center(s) in that county for the current reporting time-frame only.
- F. In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:
- 1. "Level I trauma center" means any acute care hospital designated by the Arizona Department of Health Services as a level I trauma center, a provisional level I trauma center, a pediatric level I trauma center or an initial level I trauma center.
  - 2. "Unrecovered trauma center readiness costs" means losses incurred treating trauma patients:
    - a. Determined in accordance with Generally Accepted Accounting Principles,
    - b. Based on both clinical and professional costs incurred by a level I trauma center necessary for the provision of level I trauma care, and

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- c. Based on administrative and overhead costs directly associated with providing level I trauma care.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3). Amended by final rulemaking at 24 A.A.R. 2855, effective November 16, 2018 (Supp. 18-3).

**R9-22-2102. Distribution of Trauma and Emergency Services Fund: Level I Trauma Centers**

- A. On or after November 1, 2003, the Administration shall distribute monies, under R9-22-2101(B), to level I trauma centers using monies available in the trauma and emergency services fund at the time of payment. The Administration shall take into consideration the proportion of those hospitals' trauma case volume. The Administration shall:
1. Recalculate the November 2003 payments in July 2004 using the formula in subsection (B) of this Section;
  2. Recoup November 2003 overpayments by reducing the July 2004 distributions under subsection (C) as appropriate; and
  3. Redistribute recouped funds, with the July 2004 payment, to level I trauma centers underpaid in November 2003.
- B. On or after January 31 of each year, the Administration shall distribute monies, under R9-22-2101(B), to level I trauma centers using monies available in the trauma and emergency services fund at the time of payment. The Administration shall determine each hospital's unrecovered trauma center readiness costs for the current fiscal year using data from the most recent reporting year as provided under R9-22-2101(D) and (E). The proportion of each hospital's share of the fund for unrecovered trauma center readiness costs is determined after considering:
1. The professional, clinical, administrative, and overhead costs directly associated with providing level I trauma care, and
  2. The volume and acuity of trauma care provided by each hospital.
- C. On or after July 31 of each year, the Administration shall distribute monies to level I trauma centers using monies, under R9-22-2101(B), available in the trauma and emergency services fund at the time of payment according to the proportions calculated and used for the January payments in the same year, under subsection (B) of this Section.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3).

**R9-22-2103. Distribution of Trauma and Emergency Services Fund: Emergency Services**

On or after June 30 of each year, the Administration shall distribute monies available in the trauma and emergency services fund at the time of payment as follows:

1. As allocated under R9-22-2101(C),
2. To hospitals that had an emergency department from July 1 through June 30 of the prior year, and
3. On a pro rata share of each hospital's cost of uncompensated emergency care as a percentage of the total statewide cost of uncompensated emergency care provided by hospitals under subsection (2) as reported in the uniform accounting reports to the Arizona Department of Health Services under A.R.S. § 36-125.04.

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 4001, effective October 19, 2003 (Supp. 03-3). Amended

by exempt rulemaking at 18 A.A.R. 1748, effective July 1, 2012 (Supp. 12-2).

**R9-22-2104. Additional Trauma and Emergency Services Payments under the Section 1115 Waiver**

- A. Notwithstanding R9-22-2101(D), for the reporting years ending June 30, 2011 and June 30, 2012, the Administration shall distribute an amount equal to the balance of the Trauma and Emergency Services fund in the following manner:
1. Ninety percent of the amount shall be distributed to Level I trauma centers based upon each center's pro rata share of each center's acuity-adjusted volume as a percentage of the total acuity-adjusted volume for all centers in the state. The acuity-adjusted volume is calculated by multiplying the Injury Severity Score employed by trauma.org by the number of trauma cases at that level treated at the center during the reporting year. Hospitals shall report trauma scores and case volume on a worksheet prescribed by the Administration.
  2. Ten percent of the amount shall be distributed proportionately to hospitals that had an emergency department from July 1 through June 30 of the reporting year based the pro rata share of each hospital's cost of emergency care as a percentage of the total statewide cost of emergency care provided by hospitals as reported on the Worksheet B, column 27, line 61 of the hospital's most current Medicare Cost Report as of January 31 following the end of each reporting year.
- B. For the reporting years ending June 30, 2011 and June 30, 2012, the Administration shall distribute an amount equal to the federal financial participation made available under the section 1115 waiver for the purpose of making payments for unrecovered trauma and emergency services as follows:
1. Thirty percent of such funds to a Level I trauma center, in amounts calculated in the same manner as described in subsection (A)(1) of this Section, for any unrecovered trauma center readiness costs not reimbursed under subsection (A) of this Section;
  2. Thirty percent of such funds to a hospital having an emergency department from July 1 through June 30 of the reporting year, in amounts calculated in the same manner as described in subsection (A)(2) of this Section, for any unrecovered emergency services costs not reimbursed under subsection (A) of this Section; and
  3. Forty percent of such funds to rural hospitals, as defined in R9-22-718 that are not Level I trauma centers as defined in R9-22-2101(F), having an emergency department from July 1 through June 30 of the reporting year, in amounts calculated in the same manner as described in subsection (A)(2) of this Section, for any unrecovered emergency services costs not reimbursed under subsections (A) and (B)(2) of this Section.
- C. For the reporting years ending June 30, 2011 and June 30, 2012, payments made under this Article shall not be made in an amount that results in aggregate payments to the hospital by the Administration and contractors exceeding of the upper payment limit for the hospital services as calculated in accordance with 42 CFR 447.
- D. For the reporting years ending June 30, 2011 and June 30, 2012, to ensure compliance with subsection (C), payments under this Article shall be reconciled to the federal fiscal year that is two years subsequent to the payment.
- E. Any payments that are determined under subsection (D) to exceed the limit in subsection (C) shall be distributed as

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CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION

described in this Article to hospitals that have not received payments in excess of the limit in subsection (C).

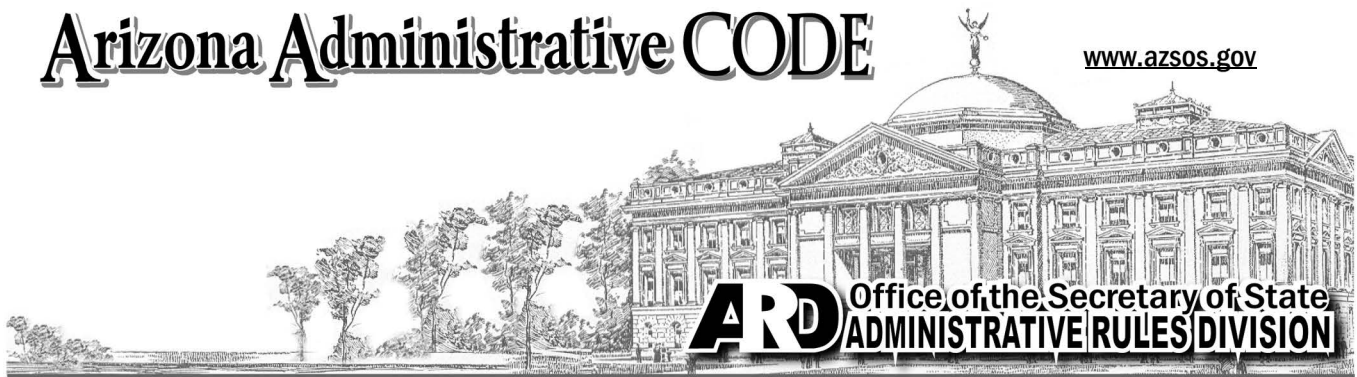
**Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 1748, effective July 1, 2012 (Supp. 12-2).

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9 A.A.C. 25

Supp. 23-3

## TITLE 9. HEALTH SERVICES

### CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of July 1, 2023 through September 30, 2023

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#### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 23-3 replaces Supp. 23-2, 1-117 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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## Administrative Rules Division

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## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

Authority: A.R.S. §§ 36-136(F) and 36-2209(A) et seq.

## Supp. 23-3

*Editor's Note: Article 5 consisting of Sections R9-25-501 through R9-25-508 were recodified from Sections in Article 8 effective September 21, 2004 (Supp. 04-3). The Sections recodified from Article 8 were originally made or amended under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6).*

*Editor's Note: The Office of the Secretary of State publishes all Chapters on white paper.*

*Editor's Note: This Chapter contains rules which were adopted, amended, and repealed under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 36-2205(C). Exemption from A.R.S. Title 41, Chapter 6 means that the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Department was not required to hold public hearings on these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

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*Article 4, consisting of Sections R9-25-401 through R9-25-411 and Exhibits I through K, adopted effective October 15, 1996 (Supp. 96-4).*

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*Article 5 repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

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*Article 6, consisting of new Sections R9-25-601 and R9-25-602 made by exempt rulemaking effective April 5, 2013 (Supp. 13-1).*

*Article 6 repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

*Article 6, consisting of Sections R9-25-601 through R9-25-616 and Exhibits L through O and Q through S, adopted effective October 15, 1996 (Supp. 96-4).*

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*Article 8, consisting of R9-25-801, R9-25-802, Exhibits 1 through 4, and R9-25-803 Exhibit 1, recodified from A.A.C. R9-13-1501, R9-13-1502, Exhibits 1 through 4, and R9-13-1503 Exhibit 1; originally filed under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 98-1).*

*Article 8, consisting of Section R9-25-805 and Exhibits 1 through 3, adopted effective May 19, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2).*

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*Editor's Note: Article 11 introductory paragraph from Supp. 01-1 was inadvertently removed in Supp. 23-1. The Article introductory paragraph has been reinstated (Supp. 23-2).*

*Article 11, consisting of Sections R9-25-1101 through R9-25-1110, adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).*

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## ARTICLE 1. GENERAL

**R9-25-101. Definitions (Authorized by A.R.S. §§ 36-2201, 36-2202, 36-2204, and 36-2205)**

In addition to the definitions in A.R.S. § 36-2201, the following definitions apply in this Chapter, unless otherwise specified:

1. "Administer" or "administration" means to directly apply or the direct application of an agent to the body of a patient by injection, inhalation, ingestion, or any other means and includes adjusting the administration rate of an agent.
2. "AEMT" has the same meaning as "advanced emergency medical technician" in A.R.S. § 36-2201.
3. "Agent" means a chemical or biological substance that is administered to a patient to treat or prevent a medical condition.
4. "ALS" has the same meaning as "advanced life support" in A.R.S. § 36-2201.
5. "ALS base hospital" has the same meaning as "advanced life support base hospital" in A.R.S. § 36-2201.
6. "Applicant" means a person requesting certification, licensure, approval, or designation from the Department under this Chapter.
7. "Chain of custody" means the transfer of physical control of and accountability for an item from one individual to another individual, documented to indicate the:
  - a. Date and time of the transfer,
  - b. Integrity of the item transferred, and
  - c. Signatures of the individual relinquishing and the individual accepting physical control of and accountability for the item.
8. "Chief administrative officer" means:
  - a. For a hospital, the same as in A.A.C. R9-10-101; and
  - b. For a training program, an individual assigned to act on behalf of the training program by the body organized to govern and manage the training program.
9. "Clinical training" means experience and instruction in providing direct patient care in a health care institution.
10. "Controlled substance" has the same meaning as in A.R.S. § 32-1901.
11. "Course" means didactic instruction and, if applicable, hands-on practical skills training, clinical training, or field training provided by a training program to prepare an individual to become or remain an EMCT.
12. "Course session" means an offering of a course, during a period of time designated by a training program certificate holder, for a specific group of students.
13. "Current" means up-to-date and extending to the present time.
14. "Day" means a calendar day.
15. "Document" or "documentation" means signed and dated information in written, photographic, electronic, or other permanent form.
16. "Drug" has the same meaning as in A.R.S. § 32-1901.
17. "Electronic signature" has the same meaning as in A.R.S. § 44-7002.
18. "EMCT" has the same meaning as "emergency medical care technician" in A.R.S. § 36-2201.
19. "EMT" has the same meaning as "emergency medical technician" in A.R.S. § 36-2201.
20. "EMT-I(99)" means an individual, other than a Paramedic, who:
  - a. Was certified as an EMCT by the Department before January 28, 2013 to perform ALS, and
  - b. Has continuously maintained the certification.
21. "EMS" has the same meaning as "emergency medical services" subsections (17)(a) through (d) in A.R.S. § 36-2201.
22. "Field training" means emergency medical services experience and training outside of a health care institution or a training program facility.
23. "General hospital" has the same meaning as in A.A.C. R9-10-101.
24. "Health care institution" has the same meaning as in A.R.S. § 36-401.
25. "Hospital" has the same meaning as in A.A.C. R9-10-101.
26. "In use" means in the immediate physical possession of an EMCT and readily accessible for potential imminent administration to a patient.
27. "Infusion pump" means a device approved by the U.S. Food and Drug Administration that, when operated mechanically, electrically, or osmotically, releases a measured amount of an agent into a patient's circulatory system in a specific period of time.
28. "Interfacility transport" means an ambulance transport of a patient from one health care institution to another health care institution.
29. "IV" means intravenous.
30. "Locked" means secured with a key, including a magnetic, electronic, or remote key, or combination so that opening is not possible except by using the key or entering the combination.
31. "Medical direction" means administrative medical direction or on-line medical direction.
32. "Medical record" has the same meaning as in A.R.S. § 36-2201.
33. "Minor" means an individual younger than 18 years of age who is not emancipated.
34. "Monitor" means to observe the administration rate of an agent and the patient's response to the agent and may include discontinuing administration of the agent.
35. "On-line medical direction" means emergency medical services guidance or information provided to an EMCT by a physician through two-way voice communication.
36. "Patient" means an individual who is sick, injured, or wounded and who requires medical monitoring, medical treatment, or transport.
37. "Pediatric" means pertaining to a child.
38. "Person" has the same meaning as in A.R.S. § 1-215 and includes governmental agencies.
39. "Physician assistant" has the same meaning as in A.R.S. § 32-2501.
40. "Practical nurse" has the same meaning as in A.R.S. § 32-1601.
41. "Practicing emergency medicine" means acting as an emergency medicine physician in a hospital emergency department.
42. "Prehospital incident history report" has the same meaning as in A.R.S. § 36-2220.
43. "Refresher challenge examination" means a test given to an individual to assess the individual's knowledge, skills, and competencies compared with the national education standards established for the applicable EMCT classification level.
44. "Refresher course" means a course intended to reinforce and update the knowledge, skills, and competencies of an

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individual who has previously met the national educational standards for a specific level of EMS personnel.

45. "Registered nurse" has the same meaning as in A.R.S. § 32-1601.
46. "Registered nurse practitioner" has the same meaning as in A.R.S. § 32-1601.
47. "Scene" means the location of the patient to be transported or the closest point to the patient at which an ambulance can arrive.
48. "Special hospital" has the same meaning as in A.A.C. R9-10-101.
49. "STR skill" means "Specialty Training Requirement skill," a medical treatment, procedure, or technique or administration of a medication for which an EMCT needs specific training beyond the training required in 9 A.A.C. 25, Article 4 in order to perform or administer.
50. "Transfer of care" means to relinquish to the control of another person the ongoing medical treatment of a patient.
51. "Transport agent" means an agent that an EMCT at a specified level of certification is authorized to administer only during interfacility transport of a patient for whom the agent's administration was started at the sending health care institution.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-102. Individuals to Act for a Person Regulated Under This Chapter (Authorized by A.R.S. § 36-2202)**

When a person regulated under this Chapter is required by this Chapter to provide information on or sign an application form or other document, the following individual shall satisfy the requirement on behalf of the person regulated under this Chapter:

1. If the person regulated under this Chapter is an individual, the individual; or
2. If the person regulated under this Chapter is a business organization, political subdivision, government agency, or tribal government, the individual who the business organization, political subdivision, government agency, or tribal government has designated to act on behalf of the business organization, political subdivision, government agency, or tribal government and who:
  - a. Is a U.S. citizen or legal resident, and
  - b. Has an Arizona address.

**Historical Note**

New Section made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**ARTICLE 2. MEDICAL DIRECTION; ALS BASE HOSPITAL CERTIFICATION****R9-25-201. Administrative Medical Direction (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), 36-2204(5), (6), and (7), 36-2204.01, and 36-2205(A) and (D))**

- A. An emergency medical services provider or ambulance service shall:
  1. Except as specified in subsection (B) or (C), designate a physician as administrative medical director who meets one of the following:
    - a. Has emergency medicine certification issued by a member board of the American Board of Medical Specialties;
    - b. Has emergency medical services certification issued by the American Board of Emergency Medicine;
    - c. Has emergency medicine certification issued by the American Osteopathic Board of Emergency Medicine;
    - d. Has emergency medicine certification issued by the American Board of Physician Specialties;
    - e. Has completed an emergency medicine residency training program accredited by the Accreditation Council for Graduate Medical Education or approved by the American Osteopathic Association; or
    - f. Is an emergency medicine physician in an emergency department located in Arizona and has current certification in:
      - i. Advanced emergency cardiac life support that includes didactic instruction and a practical skills test, consistent with training recognized by the American Heart Association;
      - ii. Advanced emergency trauma life support that includes didactic instruction and a practical skills test, consistent with training recognized by the American College of Surgeons; and
      - iii. Pediatric advanced emergency life support that includes didactic instruction and a practical skills test, consistent with training recognized by the American Heart Association;
  2. If the emergency medical services provider or ambulance service designates a physician as administrative medical director according to subsection (A)(1), notify the Department in writing:
    - a. Of the identity and qualifications of the designated physician within 10 days after designating the physician as administrative medical director; and
    - b. Within 10 days after learning that a physician designated as administrative medical director is no longer qualified to be an administrative medical director; and
  3. Maintain for Department review:
    - a. A copy of the policies, procedures, protocols, and documentation required in subsection (E); and
    - b. Either:
      - i. The name, e-mail address, telephone number, and qualifications of the physician providing administrative medical direction on behalf of the emergency medical services provider or ambulance service; or
      - ii. If the emergency medical services provider or ambulance service provides administrative medical direction through an ALS base hospital or a centralized medical direction communications center, a copy of a written agreement with the ALS base hospital or centralized medical direction communications center documenting that the administrative medical director is qualified under subsection (A)(1).
- B. Except as provided in R9-25-502(A)(3), if an emergency medical services provider or ambulance service provides only BLS, the emergency medical services provider or ambulance service is not required to have an administrative medical director.

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- C. If an emergency medical services provider or ambulance service provides administrative medical direction through an ALS base hospital or a centralized medical direction communications center, the emergency medical services provider or ambulance service shall ensure that the ALS base hospital or centralized medical direction communications center designates a physician as administrative medical director who meets one of the requirements in subsections (A)(1)(a) through (f).
- D. An emergency medical services provider or ambulance service may provide administrative medical direction through an ALS base hospital certified according to R9-25-203(C), if the emergency medical services provider or ambulance service:
1. Uses the ALS base hospital for administrative medical direction only for patients who are children, and
  2. Has a written agreement for the provision of administrative medical direction with an ALS base hospital that meets the requirements in R9-25-203(B)(1) or a centralized medical direction communications center.
- E. An emergency medical services provider or an ambulance service shall ensure that:
1. An EMCT receives administrative medical direction as required by A.R.S. Title 36, Chapter 21.1 and this Chapter;
  2. Protocols are established, documented, and implemented by an administrative medical director, consistent with A.R.S. Title 36, Chapter 21.1 and this Chapter, that include:
    - a. A communication protocol for:
      - i. How and from what sources an EMCT requests and receives on-line medical direction,
      - ii. When and how an EMCT notifies a health care institution of the EMCT's intent to transport a patient to the health care institution, and
      - iii. What procedures an EMCT follows in the event of a communications equipment failure;
    - b. A triage protocol for:
      - i. How an EMCT assesses and prioritizes the medical condition of a patient,
      - ii. How an EMCT selects a health care institution to which a patient may be transported,
      - iii. How a patient is transported to the health care institution, and
      - iv. When on-line medical direction is required;
    - c. A treatment protocol for:
      - i. How an EMCT performs a medical treatment on a patient or administers an agent to a patient, and
      - ii. When on-line medical direction is required while an EMCT is providing treatment; and
    - d. A protocol for the transfer of information to the emergency receiving facility for:
      - i. What information is required to be communicated to emergency receiving facility staff concurrent with the transfer of care and by what method, including the condition of the patient, the treatment provided to the patient, and the patient's response to the treatment;
      - ii. What information is required to be documented on a prehospital incident history report; and
      - iii. The time-frame, which is associated with the transfer of care, for completion and submission of a prehospital incident history report;
  3. Policies and procedures are established, documented, and implemented by an administrative medical director, consistent with A.R.S. Title 36, Chapter 21.1 and this Chapter, that:
    - a. Are consistent with an EMCT's scope of practice, as specified in Table 5.1;
    - b. Cover:
      - i. Medical recordkeeping;
      - ii. Medical reporting, including to whom and by what method medical reporting is accomplished;
      - iii. Completion and submission of prehospital incident history reports;
      - iv. Obtaining, storing, transferring, and disposing of agents to which an EMCT has access including methods to:
        - (1) Identify individuals authorized by the administrative medical director to have access to agents,
        - (2) Maintain chain of custody for controlled substances, and
        - (3) Minimize potential degradation of agents due to temperature extremes;
      - v. Administration, monitoring, or assisting in patient self-administration of an agent;
      - vi. Monitoring and evaluating an EMCT's compliance with treatment protocols, triage protocols, and communications protocols specified in subsection (E)(2);
      - vii. Monitoring and evaluating an EMCT's compliance with medical recordkeeping, medical reporting, and prehospital incident history report requirements;
      - viii. Monitoring and evaluating an EMCT's compliance with policies and procedures for agents to which the EMCT has access;
      - ix. Monitoring and evaluating an EMCT's competency in performing skills authorized for the EMCT by the EMCT's administrative medical director and within the EMCT's scope of practice, as specified in Table 5.1;
      - x. Ongoing education, training, or remediation necessary to maintain or enhance an EMCT's competency in performing skills within the EMCT's scope of practice, as specified in Table 5.1;
      - xi. The process by which administrative medical direction is withdrawn from an EMCT; and
      - xii. The process for reinstating an EMCT's administrative medical direction; and
    - c. Include a quality assurance process to evaluate the effectiveness of the administrative medical direction provided to EMCTs;
  4. Protocols in subsection (E)(2) and policies and procedures in subsection (E)(3) are reviewed annually by the administrative medical director and updated as necessary;
  5. Requirements in A.R.S. Title 36, Chapter 21.1 and this Chapter are reviewed annually by the administrative medical director; and
  6. The Department is notified in writing no later than ten days after the date:
    - a. Administrative medical direction is withdrawn from an EMCT; or
    - b. An EMCT's administrative medical direction is reinstated.
- F. An administrative medical director for an emergency medical services provider or ambulance service shall ensure that:
1. An EMCT for whom the administrative medical director provides administrative medical direction:
    - a. Has access to at least the minimum supply of agents required for the highest level of service to be provided by the EMCT, consistent with requirements in Article 5 of this Chapter;
    - b. Administers, monitors, or assists in patient self-administration of an agent according to the requirements in policies and procedures; and



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- c. Has access to a copy of the policies and procedures required in subsection (F)(2) while on duty for the emergency medical services provider or ambulance service;
- 2. Policies and procedures for agents to which an EMCT has access:
  - a. Specify that an agent is obtained only from a person:
    - i. Authorized by law to prescribe the agent, or
    - ii. Licensed under A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23 to dispense or distribute the agent;
  - b. Cover chain of custody and transfer procedures for each supply of agents, requiring an EMCT for whom the administrative medical director provides administrative medical direction to:
    - i. Document the name and the EMCT certification number or employee identification number of each individual who takes physical control of the supply of agents;
    - ii. Document the time and date that each individual takes physical control of the supply of agents;
    - iii. Inspect the supply of agents for expired agents, deteriorated agents, damaged or altered agent containers or labels, and depleted, visibly adulterated, or missing agents upon taking physical control of the supply of agents;
    - iv. Document any of the conditions in subsection (F)(2)(b)(iii);
    - v. Notify the administrative medical director of a depleted, visibly adulterated, or missing controlled substance;
    - vi. Obtain a replacement for each affected agent in subsection (F)(2)(b)(iii) for which the minimum supply is not present; and
    - vii. Record each administration of an agent on a prehospital incident history report;
  - c. Cover mechanisms for controlling inventory of agents and preventing diversion of controlled substances; and
  - d. Include that an agent is kept inaccessible to all individuals who are not authorized access to the agent by policies and procedures required under subsection (E)(3)(b)(iv)(1) and, when not being administered, is:
    - i. Secured in a dry, clean, washable receptacle;
    - ii. While on a motor vehicle or aircraft registered to the emergency medical services provider or ambulance service, secured in a manner that restricts movement of the agent and the receptacle specified in subsection (F)(2)(d)(i); and
    - iii. If a controlled substance, in a hard-shelled container that is difficult to breach without the use of a power cutting tool and:
      - (1) Locked inside a motor vehicle or aircraft registered to the emergency medical services provider or ambulance service,
      - (2) Otherwise locked and secured in such a manner as to deter misappropriation, or
      - (3) On the person of an EMCT authorized access to the agent;
- 3. The Department is notified in writing within 10 days after the administrative medical director receives notice, as required subsection (F)(2)(b)(v), that any quantity of a controlled substance is depleted, visibly adulterated, or missing; and
- 4. Except when the emergency medical services provider or ambulance service obtains all agents from an ALS base hospital pharmacy, which retains ownership of the agents, agents to which an EMCT has access are obtained, stored, transferred, and disposed of according to policies and procedures; A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; 4 A.A.C. 23; and requirements of the U.S. Drug Enforcement Administration.
- G. An administrative medical director may delegate responsibilities to an individual as necessary to fulfill the requirements in this Section, if the individual is:
  - 1. Another physician,
  - 2. A physician assistant,
  - 3. A registered nurse practitioner,
  - 4. A registered nurse,
  - 5. A Paramedic, or
  - 6. An EMT-I(99).

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-201 renumbered to R9-25-207; new R9-25-201 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section R9-25-201 renumbered from R9-25-202 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 953, effective July 1, 2019 (Supp. 19-2).

**R9-25-202. On-line Medical Direction (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), 36-2204(5), (6), and (7), 36-2204.01, and 36-2205(A) and (D))**

- A. In this Section, "physician" means an individual licensed:
  - 1. According to A.R.S. Title 32, Chapter 13 or 17; or
  - 2. When working in a health care institution operating under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation, by a similar licensing board in another state.
- B. An emergency medical services provider or ambulance service shall:
  - 1. Except as provided in R9-25-203(C)(3), ensure that a physician provides on-line medical direction to EMCTs on behalf of the emergency medical services provider or ambulance service only if the physician meets one of the following:
    - a. Has emergency medicine certification issued by a member board of the American Board of Medical Specialties;
    - b. Has emergency medical services certification issued by the American Board of Emergency Medicine;
    - c. Has emergency medicine certification issued by the American Osteopathic Board of Emergency Medicine;
    - d. Has emergency medicine certification issued by the American Board of Physician Specialties;
    - e. Has completed an emergency medicine residency training program accredited by the Accreditation Council for Graduate Medical Education or approved by the American Osteopathic Association; or
    - f. Is an emergency medicine physician in an emergency department located in Arizona and has current certification that meets the requirements in R9-25-201(A)(1)(f)(i) through (iii);
  - 2. For each physician providing on-line medical direction on behalf of the emergency medical services provider or ambulance service, maintain for Department review either:

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- a. The name, e-mail address, telephone number, and qualifications of the physician providing on-line medical direction on behalf of the emergency medical services provider or ambulance service; or
  - b. If the emergency medical services provider or ambulance service provides on-line medical direction through an ALS base hospital or a centralized medical direction communications center, a copy of a written agreement with the ALS base hospital or centralized medical direction communications center documenting that the physician providing on-line medical direction is qualified under subsection (B)(1);
3. Ensure that the on-line medical direction provided to an EMCT on behalf of the emergency medical services provider or ambulance service is consistent with:
    - a. The EMCT's scope of practice, as specified in Table 5.1; and
    - b. Communication protocols, triage protocols, treatment protocols, and protocols for prehospital incident history reports, specified in R9-25-201(E)(2); and
  4. Ensures that a physician providing on-line medical direction on behalf of the emergency medical services provider or ambulance service relays on-line medical direction only through one of the following individuals, under the supervision of the physician and consistent with the individual's scope of practice:
    - a. Another physician,
    - b. A physician assistant,
    - c. A registered nurse practitioner,
    - d. A registered nurse,
    - e. A Paramedic, or
    - f. An EMT-I(99).
- C.** An emergency medical services provider or ambulance service may provide on-line medical direction through an ALS base hospital certified according to R9-25-203(C), if the emergency medical services provider or ambulance service:
1. Uses the ALS base hospital for on-line medical direction only for patients who are children, and
  2. Has an additional written agreement for the provision of on-line medical direction with an ALS base hospital that meets the requirements in R9-25-203(B)(1) or a centralized medical direction communications center.
- D.** An emergency medical services provider or ambulance service shall ensure that the emergency medical services provider or ambulance service, or an ALS base hospital or a centralized medical direction communications center providing on-line medical direction on behalf of the emergency medical services provider or ambulance service, has:
1. Operational and accessible communication equipment that will allow on-line medical direction to be given to an EMCT;
  2. A written plan for alternative communications with an EMCT in the event of a disaster, communication equipment breakdown or repair, power outage, or malfunction; and
  3. A physician qualified under subsection (B)(1) available to give on-line medical direction to an EMCT 24 hours a day, seven days a week.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-202 renumbered to R9-25-208; new R9-25-202 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-202 renum-

bered to Section R9-25-201; new Section R9-25-202 renumbered from R9-25-203 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 953, effective July 1, 2019 (Supp. 19-2).

**Exhibit A. Repealed****Historical Note**

Exhibit A adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-203. ALS Base Hospital General Requirements (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(5), (6), and (7))**

- A.** A person shall not operate as an ALS base hospital without certification from the Department.
- B.** The Department shall certify an ALS base hospital if the applicant:
1. Is:
    - a. Licensed as a general hospital under 9 A.A.C. 10, Article 2; or
    - b. A facility operated as a hospital in this state by the United States federal government or by a sovereign tribal nation;
  2. Maintains at least one current written agreement described in A.R.S. § 36-2201(4);
  3. Has not been decertified as an ALS base hospital by the Department within five years before submitting the application;
  4. Submits an application that is complete and compliant with the requirements in this Article; and
  5. Has not knowingly provided false information on or with an application required by this Article.
- C.** The Department may certify as an ALS base hospital a special hospital, which is licensed under 9 A.A.C. 10, Article 2 and provides surgical services and emergency services only to children, if the applicant:
1. Meets the requirements in subsection (B)(2) through (5);
  2. Provides administrative medical direction or on-line medical direction only for patients who are children; and
  3. Ensures that:
    - a. Administrative medical direction is provided by a physician who meets the requirements in R9-25-201(A)(1); and
    - b. On-line medical direction is provided by a physician who meets one of the following:
      - i. Meets the requirements in R9-25-202(B)(1),
      - ii. Has board certification in pediatric emergency medicine from either the American Board of Pediatrics or the American Board of Emergency Medicine, or
      - iii. Is board eligible in pediatric emergency medicine.
- D.** An ALS base hospital certificate is valid only for the name and address listed by the Department on the certificate.
- E.** At least every 36 months after certification, the Department shall assess an ALS base hospital to determine ongoing compliance with the requirements of this Article.
- F.** The Department may inspect an ALS base hospital according to A.R.S. § 41-1009:
1. As part of the substantive review time-frame required in A.R.S. §§ 41-1072 through 41-1079; or
  2. As necessary to determine compliance with the requirements of this Article.

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- G.** If the Department determines that an ALS base hospital is not in compliance with the requirements in this Article, the Department may:
1. Take an enforcement action as described in R9-25-207; or
  2. Require that an ALS base hospital submit to the Department, within 15 days after written notice from the Department, a corrective action plan to address issues of compliance that do not directly affect the health or safety of a patient that:
    - a. Describes how each identified instance of non-compliance will be corrected and reoccurrence prevented, and
    - b. Includes a date for correcting each instance of non-compliance that is appropriate to the actions necessary to correct the instance of non-compliance.
- j. Attestation that all information required as part of the application has been submitted and is true and accurate; and
- k. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature;
2. A copy of the applicant's current hospital license issued under 9 A.A.C. 10, Article 2, if applicable; and
  3. A copy of each executed written agreement described in A.R.S. § 36-2201(4), including all attachments and exhibits.
- B.** The Department shall approve or deny an application under this Section according to Article 12 of this Chapter.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-203 renumbered to Section R9-25-202; new Section R9-25-203 renumbered from R9-25-207 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 953, effective July 1, 2019 (Supp. 19-2).

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-204 renumbered to R9-25-209; new R9-25-204 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section R9-25-204 repealed; new Section R9-25-204 renumbered from R9-25-208 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 953, effective July 1, 2019 (Supp. 19-2).

**R9-25-204. Application Requirements for ALS Base Hospital Certification (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(5))**

- A.** An applicant for ALS base hospital certification shall submit to the Department an application, including:
1. The following information in a Department-provided format:
    - a. The applicant's name, address, and telephone number;
    - b. The name, email address, and telephone number of the applicant's chief administrative officer;
    - c. The name, email address, and telephone number of the applicant's chief administrative officer's designee if the chief administrative officer will not be the liaison between the ALS base hospital and the Department;
    - d. Whether the applicant is applying for certification of a:
      - i. General hospital licensed under 9 A.A.C. 10, Article 2;
      - ii. Special hospital licensed under 9 A.A.C. 10, Article 2, that provides surgical services and emergency services only to children; or
      - iii. Facility operating as a federal or tribal hospital;
    - e. The name of each emergency medical services provider or ambulance service for which the applicant has a proposed written agreement described in A.R.S. § 36-2201(4) to provide administrative medical direction or on-line medical direction;
    - f. The name, address, email address, and telephone number of each administrative medical director;
    - g. The name of each physician providing on-line medical direction;
    - h. Attestation that the applicant meets the requirements in R9-25-202(D);
    - i. Attestation that the applicant will comply with all requirements in A.R.S. Title 36, Chapter 21.1 and this Chapter;

**R9-25-205. Changes Affecting an ALS Base Hospital Certificate (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(5) and (6))**

- A.** No later than 30 days after the date of a change in the name listed on the ALS base hospital certificate, an ALS base hospital certificate holder shall notify the Department of the change, in a Department-provided format, including:
1. The current name of the ALS base hospital;
  2. The ALS base hospital's certificate number;
  3. The new name and the effective date of the name change;
  4. Documentation supporting the name change;
  5. Documentation of compliance with the requirements in A.A.C. R9-10-109(A), if applicable;
  6. Attestation that all information submitted to the Department is true and correct; and
  7. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- B.** No later than 48 hours after changing the information provided according to R9-25-204(A)(1)(e) by terminating, adding, or amending a written agreement required in R9-25-203(B)(2), an ALS base hospital certificate holder shall notify the Department of the change, including:
1. The following information in a Department-provided format:
    - a. The name of the ALS base hospital;
    - b. The ALS base hospital's certificate number; and
    - c. As applicable, the name of the emergency medical services provider or ambulance service for which the ALS base hospital:
      - i. Has a newly executed or amended written agreement described in A.R.S. § 36-2201(4), or
      - ii. Is no longer providing administrative medical direction or on-line medical direction under a written agreement described in A.R.S. § 36-2201(4); and
  2. If applicable, a copy of the newly executed or amended written agreement described in A.R.S. § 36-2201(4), including all attachments and exhibits.

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- C. No later than 10 days after the date of a change in an administrative medical director provided according to R9-25-204(A)(1)(f), an ALS base hospital certificate holder shall notify the Department of the change, in a Department-provided format, including:
1. The name of the ALS base hospital,
  2. The ALS base hospital's certificate number,
  3. The name of the new administrative medical director and the effective date of the change,
  4. Attestation that the new administrative medical director meets the requirements in R9-25-201(A)(1),
  5. Attestation that all information submitted to the Department is true and correct, and
  6. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- D. No later than 30 days after the date of a change in the address listed on an ALS base hospital certificate or a change in ownership, as defined in A.A.C. R9-10-101, an ALS base hospital certificate holder shall submit to the Department an application required in R9-25-204(A).

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Section R9-25-205 repealed; new Section R9-25-205 renumbered from R9-25-209 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 953, effective July 1, 2019 (Supp. 19-2).

**R9-25-206. ALS Base Hospital Authority and Responsibilities (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), 36-2204(5) and (6), 36-2208(A), and 36-2209(A)(2))**

- A. An ALS base hospital certificate holder shall:
1. Have the capability of providing both administrative medical direction and on-line medical direction;
  2. Provide administrative medical direction and on-line medical direction to an EMCT according to:
    - a. A written agreement described in A.R.S. § 36-2201(4);
    - b. The requirements in R9-25-201 for administrative medical direction; and
    - c. The requirements in R9-25-202 for on-line medical direction;
  3. Ensure that personnel are available to provide administrative medical direction and on-line medical direction; and
  4. Establish, document, and implement policies and procedures, consistent with A.R.S. Title 36, Chapter 21.1 and this Chapter, that include a quality assurance process to evaluate the effectiveness of the on-line medical direction provided to EMCTs.
- B. An ALS base hospital certificate holder shall notify in writing:
1. The Department no later than 24 hours after:
    - a. Ceasing to meet a requirement in R9-25-203(B)(1) or (2); or
    - b. For a special hospital, ceasing to be licensed under 9 A.A.C. 10, Article 2, as a special hospital or to meet the requirement in R9-25-203(B)(2); and
  2. Each emergency medical services provider or ambulance service with which the ALS base hospital has a current written agreement to provide administrative medical

direction or on-line medical direction no later than seven days before ceasing to provide administrative medical direction or on-line medical direction or as specified in the written agreement, whichever is earlier.

- C. An ALS base hospital may act as a training program without training program certification from the Department, if the ALS base hospital:
1. Is eligible for training program certification as provided in R9-25-301(C); and
  2. Complies with the requirements in R9-25-301(D), R9-25-302, R9-25-303(B), (C), and (F), and R9-25-304 through R9-25-306.
- D. If an ALS base hospital's pharmacy provides all of the agents for an emergency medical services provider or ambulance service, and the ALS base hospital owns the agents provided, the ALS base hospital's certificate holder shall ensure that:
1. Except as stated in subsections (D)(2) and (3), the policies and procedures for agents to which an EMCT has access that are established by the administrative medical director for the emergency medical services provider or ambulance service comply with requirements in R9-25-201(F)(2);
  2. The emergency medical services provider or ambulance service requires an EMCT for the emergency medical services provider or ambulance service to notify the pharmacist in charge of the hospital pharmacy of a missing, visibly adulterated, or depleted controlled substance; and
  3. The pharmacist in charge of the hospital pharmacy notifies the Department, as specified in R9-25-201(F)(3), of a missing, visibly adulterated, or depleted controlled substance.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Amended effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 98-4). Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Former R9-25-206 renumbered to R9-25-210; new R9-25-206 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-206 repealed; new Section R9-25-206 renumbered from R9-25-210 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 953, effective July 1, 2019 (Supp. 19-2).

*The following Exhibit was repealed under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 36-2205(C). Exemption from A.R.S. Title 41, Chapter 6 means that the Department did not submit this change to the Secretary of State's Office for publication in the Arizona Administrative Register as proposed rules; the Department did not submit the change to the Governor's Regulatory Review Council for review; and the Department was not required to hold public hearings on the repealing of this Exhibit (Supp. 98-4).*

**Exhibit B. Repealed****Historical Note**

Exhibit B adopted effective October 15, 1996 (Supp. 96-4). Repealed effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemption from the provisions of the Adminis-

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trative Procedure Act pursuant to A.R.S. § 36-2205(C)  
(Supp. 98-4).

**R9-25-207. ALS Base Hospital Enforcement Actions (Authorized by A.R.S. §§ 36-2201, 36-2202(A)(3) and (A)(4), and 36-2204(7))**

- A. Except as provided in subsection (C), the Department may take an action listed in subsection (B) against an ALS base hospital certificate holder who:
- Does not meet the certification requirements:
    - In R9-25-203(B)(1) or (2); or
    - For a special hospital, in R9-25-203(B)(2) and being licensed under 9 A.A.C. 10, Article 2, as a special hospital;
  - Violates the requirements in A.R.S. Title 36, Chapter 21.1 or 9 A.A.C. 25;
  - Does not submit a corrective action plan, as provided in R9-25-203(G)(2), that is acceptable to the Department;
  - Does not complete a corrective action plan submitted according to R9-25-203(G)(2); or
  - Knowingly or negligently provides false documentation or information to the Department.
- B. The Department may take the following action against an ALS base hospital certificate holder:
- After notice is provided according to A.R.S. Title 41, Chapter 6, Article 10, issue a letter of censure,
  - After notice is provided according to A.R.S. Title 41, Chapter 6, Article 10, issue an order of probation,
  - After notice and an opportunity to be heard is provided according to A.R.S. Title 41, Chapter 6, Article 10, suspend the ALS base hospital certificate, or
  - After notice and an opportunity to be heard is provided according to A.R.S. Title 41, Chapter 6, Article 10, decertify the ALS base hospital.
- C. An ALS base hospital operated as a hospital in this state by the United States federal government or by a sovereign tribal nation is under federal or tribal government jurisdiction.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-207 repealed; new R9-25-207 renumbered from R9-25-201 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-207 renumbered to Section R9-25-203; new Section R9-25-207 renumbered from Section R9-25-211 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 25 A.A.R. 953, effective July 1, 2019 (Supp. 19-2).

**R9-25-208. Renumbered**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-208 repealed; new R9-25-208 renumbered from R9-25-202 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-208 renumbered to Section R9-25-204 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-209. Renumbered**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-209 repealed; new R9-25-209 renumbered from R9-25-204 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-

25-209 renumbered to Section R9-25-205 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-210. Renumbered**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-210 repealed; new R9-25-210 renumbered from R9-25-206 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section R9-25-210 renumbered to Section R9-25-206 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-211. Renumbered**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Former R9-25-211 repealed; new R9-25-211 renumbered from R9-25-213 and amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-211 renumbered to Section R9-25-207 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-212. Repealed**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-213. Renumbered**

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section renumbered to R9-25-211 by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**ARTICLE 3. TRAINING PROGRAMS**

**R9-25-301. Application for Certification (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A. To apply for certification as a training program, an applicant shall submit an application to the Department, in a Department-provided format, including:
- The applicant's name, address, and telephone number;
  - The name, telephone number, and e-mail address of the applicant's chief administrative officer;
  - The name of each course the applicant plans to provide;
  - Attestation that the applicant has the equipment and facilities that meet the requirements established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references) for the courses specified in subsection (A)(3);
  - The name, telephone number, and e-mail address of the training program medical director;
  - The name, telephone number, and e-mail address of the training program director;
  - Attestation that the applicant will comply with all requirements in A.R.S. Title 36, Chapter 21.1 and 9 A.A.C. 25;
  - Attestation that all information required as part of the application has been submitted and is true and accurate; and
  - The signature or electronic signature of the applicant's chief administrative officer or the chief administrative

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officer's designated representative and date of signature or electronic signature.

- B. An applicant may submit to the Department a copy of an accreditation report if the applicant is currently accredited by a national accrediting organization.
- C. The Department shall certify a training program if the applicant:
  - 1. Has not operated a training program that has been decertified by the Department within five years before submitting the application,
  - 2. Submits an application that is complete and compliant with requirements in this Article, and
  - 3. Has not knowingly provided false information on or with an application required by this Article.
- D. The Department:
  - 1. Shall assess a training program at least once every 24 months after certification to determine ongoing compliance with the requirements of this Article; and
  - 2. May inspect a training program according to A.R.S. § 41-1009:
    - a. As part of the substantive review time-frame required in A.R.S. §§ 41-1072 through 41-1079, or
    - b. As necessary to determine compliance with the requirements of this Article.
- E. The Department shall approve or deny an application under this Article according to Article 12 of this Chapter.
- F. A training program certificate is valid only for the name of the training program certificate holder and the courses listed by the Department on the certificate and may not be transferred to another person.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1). Amended by final expedited rulemaking at 24 A.A.R. 3487, with an immediate effective date of December 4, 2018 (Supp. 18-4).

**R9-25-302. Administration (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A. A training program certificate holder shall ensure that a training program medical director:
  - 1. Is a physician or exempt from physician licensing requirements under A.R.S. §§ 32-1421(A)(7) or 32-1821(3);
  - 2. Meets one of the following:
    - a. Has emergency medicine certification issued by a member board of the American Board of Medical Specialties,
    - b. Has emergency medical services certification issued by the American Board of Emergency Medicine,
    - c. Has completed an emergency medicine residency training program accredited by the Accreditation Council for Graduate Medical Education or approved by the American Osteopathic Association, or
    - d. Is an emergency medicine physician in an emergency department located in Arizona and has current

certification that meets the requirements in R9-25-201(A)(1)(d)(i) through (iii); and

- 3. Before the start date of a course session, reviews the course content outline and final examinations to ensure consistency with the national educational standards for the applicable EMCT classification level.
- B. A training program certificate holder shall ensure that a training program director:
  - 1. Is one of the following:
    - a. A physician with at least two years of experience providing emergency medical services as a physician;
    - b. A doctor of allopathic medicine or osteopathic medicine licensed in another state or jurisdiction with at least two years of experience providing emergency medical services as a doctor of allopathic medicine or osteopathic medicine;
    - c. An individual who meets the definition of registered nurse in A.R.S. § 32-1601 with at least two years of experience providing emergency medical services as a registered nurse;
    - d. A physician assistant with at least two years of experience providing emergency medical services as a physician assistant; or
    - e. An EMCT with at least two years of experience at that classification of EMCT, only for courses to prepare an individual for certification or recertification at the same or lower level of EMCT;
  - 2. Has completed 24 hours of training related to instructional methodology including:
    - a. Organizing and preparing materials for didactic instruction, clinical training, field training, and skills practice;
    - b. Preparing and administering tests and practical examinations;
    - c. Using equipment and supplies;
    - d. Measuring student performance;
    - e. Evaluating student performance;
    - f. Providing corrective feedback; and
    - g. Evaluating course effectiveness;
  - 3. Supervises the day-to-day operation of the courses offered by the training program;
  - 4. Supervises and evaluates the lead instructor for a course session;
  - 5. Monitors the training provided by all preceptors providing clinical training or field training; and
  - 6. Does not participate as a student in a course session, take a refresher challenge examination, or receive a certificate of completion for a course given by the training program.
- C. A training program certificate holder shall:
  - 1. Maintain with an insurance company authorized to transact business in this state:
    - a. A minimum single claim professional liability insurance coverage of \$500,000, and
    - b. A minimum single claim general liability insurance coverage of \$500,000 for the operation of the training program; or
  - 2. Be self-insured for the amounts in subsection (C)(1).
- D. A training program certificate holder shall ensure that policies and procedures are:
  - 1. Established, documented, and implemented covering:
    - a. Student enrollment, including verification that a student has proficiency in reading at the 9th grade level and meets all course admission requirements;

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- b. Maintenance of student records and medical records, including compliance with all applicable state and federal laws governing confidentiality, privacy, and security; and
- c. For each course offered:
  - i. Student attendance requirements, including leave, absences, make-up work, tardiness, and causes for suspending or expelling a student for unsatisfactory attendance;
  - ii. Grading criteria, including the minimum grade average considered satisfactory for continued enrollment and standards for suspending or expelling a student for unsatisfactory grades;
  - iii. Administration of final examinations; and
  - iv. Student conduct, including causes for suspending or expelling a student for unsatisfactory conduct;
- 2. Reviewed annually and updated as necessary; and
- 3. Maintained on the premises and provided to the Department at the Department's request.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-303. Changes Affecting a Training Program Certificate (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A. No later than 10 days after a change in the name, address, or e-mail address of the training program certificate holder listed on a training program certificate, the training program certificate holder shall notify the Department of the change, in a Department-provided format, including:
  - 1. The current name, address, and e-mail address of the training program certificate holder;
  - 2. The certificate number for the training program;
  - 3. The new name, new address, or new e-mail address and the date of the name, address, or e-mail address change;
  - 4. If applicable, attestation that the training program certificate holder has insurance required in R9-25-302(C) that is valid for the new name or new address;
  - 5. Attestation that all information submitted to the Department is true and correct; and
  - 6. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- B. No later than 10 days after a change in the training program medical director or training program director, a training program certificate holder shall notify the Department, in a Department-provided format, including:
  - 1. The name and address of the training program certificate holder;
  - 2. The certificate number for the training program;
  - 3. The name, telephone number, and e-mail address of the new training program medical director or training program director and the date of the change; and
  - 4. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.

- C. A training program certificate holder that intends to add a course shall submit to the Department a request for approval, in a Department-provided format, including:
  - 1. The name and address of the training program certificate holder;
  - 2. The certificate number for the training program;
  - 3. The name, telephone number, and e-mail address of the applicant's chief administrative officer;
  - 4. The name of each course the training program certificate holder plans to add;
  - 5. Attestation that the training program certificate holder has the equipment and facilities that meet the requirements established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references) for the courses specified in subsection (C)(4);
  - 6. Attestation that all information required as part of the request is true and accurate; and
  - 7. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- D. For notification made under subsection (A) of a change in the name or address of a certificate holder, the Department shall issue an amended certificate to the training program certificate holder that incorporates the new name or address but retains the date on the current certificate.
- E. The Department shall approve or deny a request for the addition of a course in subsection (C) according to Article 12 of this Chapter.
- F. A training program certificate holder shall not conduct a course until an amended certificate is issued by the Department.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 3487, with an immediate effective date of December 4, 2018 (Supp. 18-4).

**R9-25-304. Course and Examination Requirements (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1), (2), and (3))**

- A. For each course provided, a training program director shall ensure that:
  - 1. The required equipment and facilities established for the course are available for use;
  - 2. The following are prepared and provided to course applicants before the start date of a course session:
    - a. A description of requirements for admission, course content, course hours, course fees, and course completion, including whether the course prepares a student for:
      - i. A national certification organization examination for the specific EMCT classification level,
      - ii. A statewide standardized certification test under the state certification process, or
      - iii. Recertification at a specific EMCT classification level;
    - b. A list of books, equipment, and supplies that a student is required to purchase for the course;

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- c. Notification of eligibility for the course as specified in R9-25-305(B), (D)(1) and (2), or (F)(1) and (2), as applicable;
  - d. Notification of any specific requirements for a student to begin any component of the course, including, as applicable:
    - i. Prerequisite knowledge, skill, and abilities;
    - ii. Physical examinations;
    - iii. Immunizations;
    - iv. Documentation of freedom from infectious tuberculosis;
    - v. Drug screening; and
    - vi. The ability to perform certain physical activities; and
  - e. The policies for the course on student attendance, grading, student conduct, and administration of final examinations, required in R9-25-302(D)(1)(c)(i) through (iv);
3. Information is provided to assist a student to:
- a. Register for and take an applicable national certification organization examination;
  - b. Complete application forms for registration in a national certification organization; and
  - c. Complete application forms for certification under 9 A.A.C. 25, Article 4;
4. A lead instructor is assigned to each course session who:
- a. Is one of the following:
    - i. A physician with at least two years of experience providing emergency medical services;
    - ii. A doctor of allopathic medicine or osteopathic medicine licensed in another state or jurisdiction with at least two years of experience providing emergency medical services;
    - iii. An individual who meets the definition of registered nurse in A.R.S. § 32-1601 with at least two years of experience providing emergency medical services;
    - iv. A physician assistant with at least two years of experience providing emergency medical services; or
    - v. An EMCT with at least two years of experience at that classification of EMCT, only for courses to prepare an individual for certification or recertification at the same or lower EMCT classification level;
  - b. Has completed training related to instructional methodology specified in R9-25-302(B)(2);
  - c. Except as provided in subsection (A)(4)(d), is available for student-instructor interaction during all course hours established for the course session; and
  - d. Designates an individual who meets the requirements in subsections (A)(4)(a) and (b) to be present and act as the lead instructor when the lead instructor is not present; and
5. Clinical training and field training are provided:
- a. Under the supervision of a preceptor who has at least two years of experience providing emergency medical services and is one of the following:
    - i. An individual licensed in this or another state or jurisdiction as a doctor of allopathic medicine or osteopathic medicine;
    - ii. An individual licensed in this or another state or jurisdiction as a registered nurse;
    - iii. An individual licensed in this or another state or jurisdiction as a physician assistant; or
    - iv. An EMCT, only for courses to prepare an individual for certification or recertification at the same or lower EMCT classification level;
  - b. Consistent with the clinical training and field training requirements established for the course; and
  - c. If clinical training or field training are provided by a person other than the training program certificate holder, under a written agreement with the person providing the clinical training or field training that includes a termination clause that provides sufficient time for a student to complete the training upon termination of the written agreement.
- B.** A training program director may combine the students from more than one course session for didactic instruction.
- C.** For a final examination or refresher challenge examination for each course offered, a training program director shall ensure that:
- 1. The final examination or refresher challenge examination for the course is completed onsite at the training program or at a facility used for course instruction;
  - 2. Except as provided in subsection (D), the final examination or refresher challenge examination for a course includes a:
    - a. Written test:
      - i. With one absolutely correct answer, two incorrect answers, and one distractor, none of which is "all of the above" or "none of the above";
      - ii. With 150 multiple-choice questions for the:
        - (1) Final examination for a refresher course, or
        - (2) Refresher challenge examination for a course;
      - iii. That covers the learning objectives of the course with representation from all topics covered by the course; and
      - iv. That requires a passing score of 75% or higher in no more than three attempts for a final examination and no more than one attempt for a refresher challenge examination; and
    - b. Comprehensive practical skills test:
      - i. Evaluating the student's technical proficiency in skills consistent with the national education standards for the applicable EMCT classification level, and
      - ii. Reflecting the skills necessary to pass a national certification organization examination at the applicable EMCT classification level;
  - 3. The identity of each student taking the final examination or refresher challenge examination is verified;
  - 4. A student does not receive verbal or written assistance from any other individual or use notes, books, or documents of any kind as an aid in taking the examination;
  - 5. A student who violates subsection (C)(4) is not permitted to complete the examination or to receive a certificate of completion for the course or refresher challenge examination; and
  - 6. An instructor who allows a student to violate subsection (C)(4) or assists a student in violating subsection (C)(4) is no longer permitted to serve as an instructor.
- D.** A training program director shall ensure that a standardized certification test for a student under the state certification process includes:
- 1. A written test that meets the requirements in subsection (C)(2)(a); and
  - 2. Either:
    - a. A comprehensive practical skills test that meets the requirements in subsection (C)(2)(b), or
    - b. An attestation of practical skills proficiency on a Department-provided form.
- E.** A training program director shall ensure that:



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1. A student is allowed no longer than six months after the date of the last day of classroom instruction for a course session to complete all course requirements,
  2. There is a maximum ratio of four students to one preceptor for the clinical training portion of a course, and
  3. There is a maximum ratio of one student to one preceptor for the field training portion of a course.
- F.** A training program director shall:
1. For a student who completes a course, issue a certificate of completion containing:
    - a. Identification of the training program,
    - b. Identification of the course completed,
    - c. The name of the student who completed the course,
    - d. The date the student completed all course requirements,
    - e. Attestation that the student has met all course requirements, and
    - f. The signature or electronic signature of the training program director and the date of signature or electronic signature; and
  2. For an individual who passes a refresher challenge examination, issue a certificate of completion containing:
    - a. Identification of the training program,
    - b. Identification of the refresher challenge examination administered,
    - c. The name of the individual who passed the refresher challenge examination,
    - d. The date or dates the individual took the refresher challenge examination,
    - e. Attestation that the individual has passed the refresher challenge examination, and
    - f. The signature or electronic signature of the training program director and the date of signature or electronic signature.
- Historical Note**
- Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).
- R9-25-305. Supplemental Requirements for Specific Courses (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**
- A.** Except as specified in subsection (B), a training program certificate holder shall ensure that a certification course offered by the training program:
1. Covers knowledge, skills, and competencies comparable to the national education standards established for a specific EMCT classification level;
  2. Prepares a student for:
    - a. A national certification organization examination for the specific EMCT classification level, or
    - b. A standardized certification test under the state certification process;
  3. Has no more than 24 students enrolled in each session of the course; and
  4. Has a minimum course length of:
    - a. For an EMT certification course, 130 hours;
    - b. For an AEMT certification course, 244 hours, including:
      - i. A minimum of 100 contact hours of didactic instruction and practical skills training, and
      - ii. A minimum of 144 contact hours of clinical training and field training; and
    - c. For a Paramedic certification course, 1000 hours, including:
      - i. A minimum of 500 contact hours of didactic instruction and practical skills training, and
      - ii. A minimum of 500 contact hours of clinical training and field training.
- B.** A training program director shall ensure that, for an AEMT certification course or a Paramedic certification course, a student has one of the following:
1. Current certification from the Department as an EMT or higher EMCT classification level,
  2. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program, or
  3. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level.
- C.** A training program director shall ensure that for a course to prepare an EMT-I(99) for Paramedic certification:
1. A student has current certification from the Department as an EMT-I(99);
  2. The course covers the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references);
  3. The minimum course length is 600 hours, including:
    - a. A minimum of 220 contact hours of didactic instruction and practical skills training, and
    - b. A minimum of 380 contact hours of clinical training and field training; and
  4. A minimum of 60 contact hours of training in anatomy and physiology are completed by the student:
    - a. As a prerequisite to the course,
    - b. As preliminary instruction completed at the beginning of the course session before the didactic instruction required in subsection (C)(3)(a) begins, or
    - c. Through integration of the anatomy and physiology material with the units of instruction required in subsection (C)(3).
- D.** A training program director shall ensure that for an EMT refresher course:
1. A student has one of the following:
    - a. Current certification from the Department as an EMT or higher EMCT classification level,
    - b. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program,
    - c. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level, or
    - d. Documentation from a national certification organization requiring the student to complete the EMT refresher course to be eligible to apply for registration in the national certification organization;
  2. A student has documentation of current certification in adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association standards.

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ciation recommendations for emergency cardiovascular care by EMCTs;

3. The EMT refresher course cover the knowledge, skills, and competencies in the national education standards established at the EMT classification level;
  4. No more than 32 students are enrolled in each session of the course; and
  5. The minimum course length is 24 contact hours.
- E. A training program authorized to provide an EMT refresher course may administer a refresher challenge examination covering materials included in the EMT refresher course to an individual eligible for admission into the EMT refresher course.
- F. A training program director shall ensure that for an ALS refresher course:
1. A student has one of the following:
    - a. Current certification from the Department as an AEMT, EMT-I(99), or Paramedic;
    - b. Documentation of completion of a prior training course, at the AEMT classification level or higher, provided by a training program certified by the Department or an equivalent training program;
    - c. Documentation of current registration in a national certification organization at the AEMT or Paramedic classification level; or
    - d. Documentation from a national certification organization requiring the student to complete the ALS refresher course to be eligible to apply for registration in the national certification organization;
  2. A student has documentation of current certification in:
    - a. Adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs, and
    - b. For a student who has current certification as an EMT-I(99) or higher level of EMCT classification, advanced emergency cardiac life support;
  3. The ALS refresher course covers:
    - a. For a student who has current certification as an AEMT or documentation of completion of prior training at an AEMT classification level, the knowledge, skills, and competencies in the national education standards established for an AEMT;
    - b. For a student who has current certification as an EMT-I(99), the knowledge, skills, and competencies established according to A.R.S. § 36-2204 for an EMT-I(99) as of the effective date of this Section and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references); and
    - c. For a student who has current certification as a Paramedic or documentation of completion of prior training at a Paramedic classification level, the knowledge, skills, and competencies in the national education standards established for a Paramedic;
  4. No more than 32 students are enrolled in each session of the course; and
  5. The minimum course length is 48 contact hours.
- G. A training program authorized to provide an ALS refresher course may administer a refresher challenge examination covering materials included in the ALS refresher course to an individual eligible for admission into the ALS refresher course.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9

A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1). Amended by final expedited rulemaking at 24 A.A.R. 3487, with an immediate effective date of December 4, 2018 (Supp. 18-4).

**Exhibit F. Repealed****Historical Note**

Exhibit F adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-306. Training Program Notification and Recordkeeping (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A. At least 10 days before the start date of a course session, a training program certificate holder shall submit to the Department the following information in a Department-provided format:
1. Identification of the training program;
  2. Identification of the course;
  3. The name of the training program medical director;
  4. The name of the training program director;
  5. The name of the course session's lead instructor;
  6. The course session start date and end date;
  7. The physical location at which didactic training and practical skills training will be provided;
  8. The days of the week and times of each day during which didactic training and practical skills training will be provided;
  9. The number of clock hours of didactic training and practical skills training;
  10. If applicable, the number of hours of clinical training and field training included in the course session;
  11. The date, start time, and location of the final examination for the course;
  12. Attestation that the lead instructor is qualified under R9-25-304(A)(4)(a); and
  13. The name and signature of the chief administrative officer or program director and the date signed.
- B. The Department shall review the information submitted according to subsection (A) and, within five days after receiving the information:
1. Approve a course session, issue an identifying number to the course session, and notify the training program certificate holder of the approval and identifying number; or
  2. Disapprove a course session that does not comply with requirements in this Article and notify the training program certificate holder of the disapproval.
- C. A training program certificate holder shall ensure that:
1. No later than 10 days after the date a student completes all course requirements, the training program director submits to the Department the following information in a Department-provided format:
    - a. Identification of the training program;
    - b. The name of the training program director;

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- c. Identification of the course and the start date and end date of the course session completed by the student;
  - d. The name, date of birth, and mailing address of the student who completed the course;
  - e. The date the student completed all course requirements;
  - f. The score the student received on the final examination;
  - g. Attestation that the student has met all course requirements;
  - h. Attestation that all information submitted is true and accurate; and
  - i. The signature of the training program director and the date signed; and
2. No later than 10 days after the date an individual passes a refresher challenge examination administered by the training program, the training program director submits to the Department the following information in a Department-provided format;
- a. Identification of the training program;
  - b. Identification of the:
    - i. Refresher challenge examination administered, and
    - ii. Course for which the refresher challenge examination substitutes;
  - c. The name of the training program medical director;
  - d. The name of the training program director;
  - e. The name, date of birth, and mailing address of the individual who passed the refresher challenge examination;
  - f. The date and location at which the refresher challenge examination was administered;
  - g. The score the individual received on the refresher challenge examination;
  - h. Attestation that the individual:
    - i. Met the requirements for taking the refresher challenge examination, and
    - ii. Passed the refresher challenge examination;
  - i. Attestation that all information submitted is true and accurate; and
  - j. The name and signature of the training program director and the date signed.
- D.** A training program certificate holder shall ensure that:
- 1. A record is established for each student enrolled in a course session, including:
    - a. The student's name and date of birth;
    - b. A copy of the student's enrollment agreement or contract;
    - c. Identification of the course in which the student is enrolled;
    - d. The start date and end date for the course session;
    - e. Documentation supporting the student's eligibility to enroll in the course;
    - f. Documentation that the student meets prerequisites for the course, established as specified in R9-25-304(A)(2)(d)(i);
    - g. The student's attendance records;
    - h. The student's clinical training records, if applicable;
    - i. The student's field training records, if applicable;
    - j. The student's grades;
    - k. Documentation of the final examination for the course, including:
      - i. A copy of each scored written test attempted or completed by the student, and
      - ii. All forms used as part of the comprehensive practical skills test attempted or completed by the student; and
  - 2. A student record required in subsection (D)(1) is maintained for at least three years after the end date of a student's course session and provided to the Department at the Department's request;
  - 3. A record is established for each individual to whom a refresher challenge examination is administered, including:
    - a. The individual's name and date of birth;
    - b. Identification of the refresher challenge examination administered to the individual;
    - c. Documentation supporting the individual's eligibility for a refresher challenge examination;
    - d. The date the refresher challenge examination was administered;
    - e. Documentation of the refresher challenge examination, including:
      - i. A copy of the scored written test attempted or completed by the individual, and
      - ii. All forms used as part of the comprehensive practical skills test attempted or completed by the individual; and
    - f. A copy of the individual's certificate of completion required in R9-25-304(F)(2); and
  - 4. A record required in subsection (D)(3) is maintained for at least three years after the date the refresher challenge examination was administered and provided to the Department at the Department's request.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 11 A.A.R. 553, effective March 5, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). R9-25-306 repealed; new Section R9-25-306 renumbered from R9-25-316 and amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-307. Training Program Enforcement Actions (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A.** The Department may take an action listed in subsection (B) against a training program certificate holder who:
  - 1. Violates the requirements in A.R.S. Title 36, Chapter 21.1 or 9 A.A.C. 25; or
  - 2. Knowingly or negligently provides false documentation or information to the Department.
- B.** The Department may take the following action against a training program certificate holder:
  - 1. After notice is provided according to A.R.S. Title 41, Chapter 6, Article 10, issue:
    - a. A letter of censure, or
    - b. An order of probation; or

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2. After notice and opportunity to be heard is provided according to A.R.S. Title 41, Chapter 6, Article 10:
  - a. Suspend the training program certificate, or
  - b. Decertify the training program.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (Supp. 12-3). New Section R9-25-307 renumbered from R9-25-317 and amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit H. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-308. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-309. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 11 A.A.R. 553, effective March 5, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-310. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-311. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9

A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**Exhibit D. Repealed****Historical Note**

Exhibit D adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit C. Repealed****Historical Note**

Exhibit C adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit E. Repealed****Historical Note**

Exhibit E adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-312. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-313. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-314. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-315. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-316. Renumbered****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). R9-25-316 renumbered to R9-25-306 by

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exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-317. Renumbered****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). R9-25-317 renumbered to R9-25-307 by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**R9-25-318. Repealed****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**Exhibit A. Repealed****Historical Note**

New Exhibit made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Exhibit A repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**Exhibit B. Expired****Historical Note**

New Exhibit made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Exhibit B expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (Supp. 12-3).

**Exhibit C. Repealed****Historical Note**

New Exhibit made by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 3014, effective October 6, 2007 (Supp. 07-3). Exhibit C repealed by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1).

**ARTICLE 4. EMCT CERTIFICATION**

*Article 4 repealed; new Article 4 made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

**R9-25-401. EMCT General Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (6), and (7))**

- A. Except as provided in R9-25-404(E) and R9-25-405, an individual shall not act as an EMCT unless the individual has current certification or recertification from the Department.
- B. An EMCT shall act as an EMCT only:
  1. As authorized under the EMCT's scope of practice as specified in Article 5 of this Chapter; and
  2. For an EMCT required to have medical direction according to A.R.S. Title 36, Chapter 21.1 and R9-25-502, as authorized by the EMCT's administrative medical director under:
    - a. Treatment protocols, triage protocols, and communication protocols approved by the EMCT's adminis-

trative medical director as specified in R9-25-201(E)(2); and

- b. Medical recordkeeping, medical reporting, and pre-hospital incident history report requirements approved by the EMCT's administrative medical director as specified in R9-25-201(E)(3)(b).
- C. Except as provided in A.R.S. § 36-2211, the Department shall certify or re-certify an individual as an EMCT for a period of two years.
- D. An individual whose EMCT certificate is expired shall not apply for recertification, except as provided in R9-25-404(A).
- E. The Department shall comply with the confidentiality requirements in A.R.S. §§ 36-2220(E) and 36-2245(M).

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 13 A.A.R. 1713, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-402. EMCT Certification and Recertification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (6), and (7))**

- A. The Department shall not certify an EMCT if the applicant:
  1. Is currently:
    - a. Incarcerated for a criminal conviction,
    - b. On parole for a criminal conviction,
    - c. On supervised release for a criminal conviction, or
    - d. On probation for a criminal conviction;
  2. Within 10 years before the date of filing an application for certification required by this Article, has been convicted of any of the following crimes, or any similarly defined crimes in this state or in any other state or jurisdiction, unless the conviction has been absolutely discharged, expunged, or vacated:
    - a. 1st or 2nd degree murder;
    - b. Attempted 1st or 2nd degree murder;
    - c. Sexual assault;
    - d. Attempted sexual assault;
    - e. Sexual abuse of a minor;
    - f. Attempted sexual abuse of a minor;
    - g. Sexual exploitation of a minor;
    - h. Attempted sexual exploitation of a minor;
    - i. Commercial sexual exploitation of a minor;
    - j. Attempted commercial sexual exploitation of a minor;
    - k. Molestation of a child;
    - l. Attempted molestation of a child; or
    - m. A dangerous crime against children as defined in A.R.S. § 13-705;
  3. Within five years before the date of filing an application for certification required by this Article, has been convicted of a misdemeanor involving moral turpitude or a felony in this state or any other state or jurisdiction, other than a misdemeanor involving moral turpitude or a felony listed in subsection (A)(2), unless the conviction has been absolutely discharged, expunged, or vacated;
  4. Within five years before the date of filing an application for certification required by this Article, has had EMCT certification or recertification revoked in this state or cer-

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tification, recertification, or licensure at an EMCT classification level revoked in any other state or jurisdiction; or

5. Knowingly provides false information in connection with an application required by this Article.
- B. The Department shall not re-certify an EMCT, if:
  1. While certified, the applicant has been convicted of a crime listed in subsection (A)(2), or any similarly defined crimes in this state or in any other state or jurisdiction, unless the conviction has been absolutely discharged, expunged, or vacated; or
  2. The applicant knowingly provides false information in connection with an application required by this Article.
- C. The Department shall make probation a condition of EMCT certification if, within two years before the date of filing an application under R9-25-403, an applicant has been convicted of a misdemeanor in this state or in any other state or jurisdiction, involving:
  1. Possession, use, administration, acquisition, sale, manufacture, or transportation of an intoxicating liquor, dangerous drug, or narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated; or
  2. Driving or being in physical control of a vehicle while under the influence of an intoxicating liquor, a dangerous drug, or a narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated.
- D. Except as provided in subsection (E), the Department shall make probation a condition of EMCT recertification if an applicant:
  1. Is currently:
    - a. Incarcerated for a criminal conviction,
    - b. On parole for a criminal conviction,
    - c. On supervised release for a criminal conviction, or
    - d. On probation for a criminal conviction; or
  2. Within five years before the date of filing an application under R9-25-404, has been convicted of a misdemeanor involving moral turpitude or a felony in this state or any other state or jurisdiction, other than those listed in subsection (A)(2), unless the conviction has been absolutely discharged, expunged, or vacated.
- E. As specified in R9-25-409, the Department may make probation a condition of EMCT recertification if an applicant, within two years before the date of filing an application under R9-25-404, has been convicted of a misdemeanor in this state or in any other state or jurisdiction, involving:
  1. Possession, use, administration, acquisition, sale, manufacture, or transportation of an intoxicating liquor, dangerous drug, or narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated; or
  2. Driving or being in physical control of a vehicle while under the influence of an intoxicating liquor, a dangerous drug, or a narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated.
- F. If the Department makes probation a condition of EMCT certification or recertification, the Department shall fix the period and terms of probation that will:
  1. Protect the public health and safety, and
  2. Rehabilitate and educate the applicant.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by exempt rulemaking at 19 A.A.R. 4032,

effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-403. Application Requirements for EMCT Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (H) and 36-2204(1) and (6))**

- A. An individual may apply for initial EMCT certification if:
  1. The individual is at least 18 years of age;
  2. The individual complies with the requirements in A.R.S. § 41-1080;
  3. The individual is not ineligible under R9-25-402; and
  4. One of the following applies to the individual:
    - a. The individual has not previously applied for certification from the Department or has withdrawn an application for certification;
    - b. An application for certification submitted by the individual was denied by the Department two or more years before the present date;
    - c. Except as provided in R9-25-404(A)(2) or (3), the individual's certification as an EMCT is expired;
    - d. The individual's certification as an EMCT was revoked by the Department five or more years before the present date; or
    - e. The individual has current certification as an EMCT and is applying for certification at a different classification level of EMCT.
- B. An applicant for initial EMCT certification shall submit to the Department an application in a Department-provided format, including:
  1. A form containing:
    - a. The applicant's name, address, telephone number, email address, date of birth, gender, and Social Security number;
    - b. The level of EMCT certification being requested;
    - c. Responses to questions addressing the applicant's criminal history according to R9-25-402(A)(1) through (3) and (C);
    - d. Whether the applicant has within the five years before the date of the application had:
      - i. EMCT certification or recertification revoked in Arizona; or
      - ii. Certification, recertification, or licensure at an EMCT classification level revoked in another state or jurisdiction;
    - e. Attestation that all information required as part of the application has been submitted and is true and accurate; and
    - f. The applicant's signature or electronic signature and date of signature;
  2. For each affirmative response to a question addressing the applicant's criminal history required in subsection (B)(1)(c), a detailed explanation on a Department-provided form and supporting documentation;
  3. For each affirmative response to subsection (B)(1)(d), a detailed explanation on a Department-provided form and supporting documentation;
  4. If applicable, a copy of certification, recertification, or licensure at an EMCT classification level issued to the applicant in another state or jurisdiction;
  5. A copy of one of the following for the applicant:
    - a. U.S. passport, current or expired;
    - b. Birth certificate;
    - c. Naturalization documents; or
    - d. Documentation of legal resident alien status; and
  6. One of the following:

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- a. Either:
    - i. A certificate of completion showing that within two years before the date of the application, the applicant completed statewide standardized training; and
    - ii. A statewide standardized certification test; or
  - b. Documentation of current registration in a national certification organization at the applicable or higher level of EMCT classification.
- B.** The Department shall approve or deny an application for initial EMCT certification according to Article 12 of this Chapter.
- C.** If the Department denies an application for initial EMCT certification, the applicant may request a hearing according to A.R.S. Title 41, Chapter 6, Article 10.
- Historical Note**
- Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-403 repealed; new Section R9-25-403 renumbered from Section R9-25-404 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).
- R9-25-404. Application Requirements for EMCT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (3), (4), and (6), (B), and (H) and 36-2204(1), (4), and (6))**
- A.** An individual may apply for recertification at the same level of EMCT certification held or at a lower level of EMCT certification:
1. Within 90 days before the expiration date of the individual's current EMCT certification;
  2. Within the 30-day period after the expiration date of the individual's EMCT certification, as provided in subsection (E); or
  3. Within the extension time period granted under R9-25-405.
- B.** To apply for recertification, an applicant shall submit to the Department an application, in a Department-provided format, including:
1. A form containing:
    - a. The applicant's name, address, telephone number, email address, date of birth, and Social Security number;
    - b. The applicant's current certification number;
    - c. Responses to questions addressing the applicant's criminal history according to R9-25-402(B), (D), and (E);
    - d. Whether the applicant has within the five years before the date of the application had:
      - i. EMCT certification or recertification revoked in Arizona; or
      - ii. Certification, recertification, or licensure at an EMCT classification level revoked in another state or jurisdiction;
    - e. An indication of the level of EMCT certification held currently or within the past 30 days and of the level of EMCT certification for which recertification is requested;
    - f. Attestation that all information required as part of the application has been submitted and is true and accurate; and
    - g. The applicant's signature or electronic signature and date of signature;
  2. For each affirmative response to a question addressing the applicant's criminal history required in subsection (B)(1)(c), a detailed explanation on a Department-provided form and supporting documentation;
  3. For an affirmative response to subsection (B)(1)(d), a detailed explanation on a Department-provided form; and
  4. For an application submitted within 30 days after the expiration date of EMCT certification, a nonrefundable certification extension fee of \$150.
- C.** In addition to the application in subsection (B), an applicant for EMCT recertification shall submit one of the following to the Department:
1. A certificate of course completion issued by the training program director under R9-25-304(F) showing that within two years before the date of the application, the applicant completed either the applicable refresher course or applicable refresher challenge examination;
  2. Documentation of current registration in a national certification organization at the applicable or higher level of EMCT classification; or
  3. Attestation on a Department-provided form that the applicant:
    - a. Has documentation of current certification in adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs;
    - b. For EMT-I(99) recertification or Paramedic recertification, has documentation of current certification in advanced emergency cardiac life support;
    - c. Has documentation of having completed within the previous two years the following number of hours of continuing education in topics that are consistent with the content of the applicable refresher course:
      - i. For EMT recertification, a minimum of 24 hours;
      - ii. For AEMT recertification, EMT-I(99) recertification, or Paramedic recertification, a minimum of 48 hours; and
      - iii. Included in the hours required in subsections (C)(3)(c)(i) or (ii), as applicable, a minimum of 5 hours in pediatric emergency care; and
    - d. For EMT recertification, has functioned in the capacity of an EMT for at least 240 hours during the previous two years.
- D.** An applicant who submits an attestation under subsection (C)(3) shall maintain the applicable documentation for at least three years after the date of the application.
- E.** If an individual submits an application for recertification, with a certification extension fee, within 30 days after the expiration date of the individual's EMCT certification, the individual:
1. Was authorized to act as an EMCT during the period between the expiration date of the individual's EMCT certification and the date the application was submitted, and
  2. Is authorized to act as an EMCT until the Department makes a final determination on the individual's application for recertification.
- F.** If an individual does not submit an application for recertification before the expiration date of the individual's EMCT certification or, with a certification extension fee, within 30 days after the expiration date of the individual's EMCT certification, the individual:
1. Is not an EMCT,

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2. Was not authorized to act as an EMCT during the 30-day period after the expiration date of the individual's EMCT certification, and
  3. May submit an application to the Department for initial EMCT certification according to R9-25-403.
- G.** The Department shall approve or deny an application for recertification according to Article 12 of this Chapter.
- H.** If the Department denies an application for recertification, the applicant may request a hearing according to A.R.S. Title 41, Chapter 6, Article 10.
- I.** The Department may deny, based on failure to meet the standards for recertification in A.R.S. Title 36, Chapter 21.1 and this Article, an application submitted with a certification extension fee.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section R9-25-404 renumbered to R9-25-403; new Section R9-25-404 renumbered from Section R9-25-406 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-405. Extension to File an Application for EMCT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H) and 36-2204(1), (4), (5), and (7))**

- A.** Before the expiration of a current certificate, an EMCT who is unable to meet the recertification requirements in R9-25-404 because of personal or family illness, military service, or authorized federal or state emergency response deployment may apply to the Department in writing for an extension of time to file for recertification by submitting:
1. The following information in a Department-provided format:
    - a. The EMCT's name, address, telephone number, and email address;
    - b. The EMCT's current certification number;
    - c. The reason for requesting the extension; and
    - d. The EMCT's signature or electronic signature and date of signature; and
  2. For an exemption based on military service or authorized federal or state emergency response deployment, a copy of the EMCT's military orders or documentation of authorized federal or state emergency response deployment.
- B.** The Department may grant an extension of time to file for recertification:
1. For personal or family illness, for no more than 180 days; or
  2. For each military service or authorized federal or state emergency response deployment, for the term of service or deployment plus 180 days.
- C.** An individual applying for or granted an extension of time to file for recertification:
1. Remains certified according to A.R.S. § 41-1092.11 during the extension period, and
  2. Shall submit an application for recertification according to R9-25-404.
- D.** An individual who does not meet the recertification requirements in R9-25-404 within the extension period or has the application for recertification denied by the Department:
1. Is not an EMCT, and
  2. May submit an application to the Department for initial EMCT certification according to R9-25-403.

- E.** The Department shall approve or deny a request for an extension to file for EMCT recertification according to Article 12 of this Chapter.
- F.** If the Department denies a request for an extension to file for EMCT recertification, the applicant may request a hearing according to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-405 repealed; new Section R9-25-405 renumbered from Section R9-25-407 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-406. Requirements for Downgrading of Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (H) and 36-2204(1) and (6))**

An individual who holds current EMCT certification at a classification level higher than EMT and who is not under investigation according to A.R.S. § 36-2211 may apply for:

1. Continued certification at a lower EMCT classification level for the remainder of the certification period by submitting to the Department:
  - a. A written request containing:
    - i. The EMCT's name, address, email address, telephone number, date of birth, and Social Security number;
    - ii. The lower EMCT classification level requested;
    - iii. Attestation that the applicant has not committed an act or engaged in conduct that would warrant revocation of a certificate under A.R.S. § 36-2211;
    - iv. Attestation that all information submitted is true and accurate; and
    - v. The applicant's signature or electronic signature and date of signature; and
  - b. Either:
    - i. A written statement from the EMCT's administrative medical director attesting that the EMCT is able to perform at the lower EMCT classification level requested; or
    - ii. If applying for continued certification as an EMT, an Arizona EMT refresher certificate of completion or an Arizona EMT refresher challenge examination certificate of completion signed by the training program director designated for the Arizona EMT refresher course; or
2. Recertification at a lower EMCT classification level according to R9-25-404.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 1713, effective June 30, 2007 (Supp. 07-2). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Section R9-25-406 renumbered to Section R9-25-404; new Section R9-25-406 renumbered from Section R9-25-408 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R.



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268, with an immediate effective date of January 9, 2018  
(Supp. 18-1).

**R9-25-407. Notification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), and (A)(4), 36-2204(1) and (6), and 36-2211)**

- A.** No later than 30 days after the date an EMCT's name legally changes, the EMCT shall submit to the Department:
1. A completed form provided by the Department containing:
    - a. The name under which the EMCT is currently certified by the Department;
    - b. The EMCT's address, telephone number, and Social Security number; and
    - c. The EMCT's new name; and
  2. Documentation showing that the name has been legally changed.
- B.** No later than 30 days after the date an EMCT's address or email address changes, the EMCT shall submit to the Department a completed form provided by the Department containing:
1. The EMCT's name, telephone number, and Social Security number; and
  2. The EMCT's new address or email address.
- C.** An EMCT shall notify the Department in writing no later than 10 days after the date the EMCT:
1. Is incarcerated or is placed on parole, supervised release, or probation for any criminal conviction;
  2. Is convicted of:
    - a. A crime specified in R9-25-402(A)(2),
    - b. A misdemeanor involving moral turpitude,
    - c. A felony in this state or any other state or jurisdiction, or
    - d. A misdemeanor specified in R9-25-402(E);
  3. Has registration revoked or suspended by a national certification organization; or
  4. Has certification, recertification, or licensure at an EMCT classification level revoked or suspended in another state or jurisdiction.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-407 renumbered to Section R9-25-405; new Section R9-25-407 renumbered from Section R9-25-409 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-408. Unprofessional Conduct; Physical or Mental Incompetence; Gross Incompetence; Gross Negligence (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H), 36-2204(1), (6), and (7), and 36-2211)**

- A.** For purposes of A.R.S. § 36-2211(A)(1), unprofessional conduct is an act or omission made by an EMCT that is contrary to the recognized standards or ethics of the Emergency Medical Technician profession or that may constitute a danger to the health, welfare, or safety of a patient or the public, including:
1. Impersonating an EMCT of a higher level of certification or impersonating a health professional as defined in A.R.S. § 32-3201;
  2. Permitting or allowing another individual to use the EMCT's certification for any purpose;

3. Aiding or abetting an individual who is not certified according to this Chapter in acting as an EMCT or in representing that the individual is certified as an EMCT;
  4. Engaging in or soliciting sexual relationships, whether consensual or non-consensual, with a patient while acting as an EMCT;
  5. Physically or verbally harassing, abusing, threatening, or intimidating a patient or another individual while acting as an EMCT;
  6. Making false or materially incorrect entries in a medical record or willful destruction of a medical record;
  7. Failing or refusing to maintain adequate records on a patient;
  8. Soliciting or obtaining monies or goods from a patient by fraud, deceit, or misrepresentation;
  9. Aiding or abetting an individual in fraud, deceit, or misrepresentation in meeting or attempting to meet the application requirements for EMCT certification or EMCT recertification contained in this Article, including the requirements established for:
    - a. Completing and passing a course provided by a training program; and
    - b. The national certification organization examination process and national certification organization registration process;
  10. Providing false information or making fraudulent or untrue statements to the Department or about the Department during an investigation conducted by the Department;
  11. Being incarcerated or being placed on parole, supervised release, or probation for any criminal conviction;
  12. Being convicted of a misdemeanor identified in R9-25-402(E), which has not been absolutely discharged, expunged, or vacated;
  13. Having national certification organization registration revoked or suspended by the national certification organization for material noncompliance with national certification organization rules or standards; and
  14. Having certification, recertification, or licensure at an EMCT classification level revoked or suspended in another state or jurisdiction.
- B.** Under A.R.S. § 36-2211, physical or mental incompetence of an EMCT is the EMCT's lack of physical or mental ability to provide emergency medical services as required under this Chapter.
- C.** Under A.R.S. § 36-2211 gross incompetence or gross negligence is an EMCT's willful act or willful omission of an act that is made in disregard of an individual's life, health, or safety and that may cause death or injury.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section R9-25-408 renumbered to Section R9-25-406; new Section R9-25-408 renumbered from Section R9-25-410 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-409. Enforcement Actions (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (H), 36-2204(1), (6), and (7), and 36-2211)**

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- A. If the Department determines that an applicant or EMCT is not in substantial compliance with applicable laws and rules, under A.R.S. §§ 36-2204 or 36-2211, the Department may:
1. Take the following action against an applicant or EMCT:
    - a. After notice is provided according to A.R.S. § 36-2211 and, if applicable, A.R.S. Title 41, Chapter 6, Article 10, issue:
      - i. A decree of censure to the EMCT, or
      - ii. An order of probation to the EMCT; or
    - b. After notice and opportunity to be heard is provided according to A.R.S. Title 41, Chapter 6, Article 10:
      - i. Deny an application,
      - ii. Suspend the EMCT's certificate, or
      - iii. Revoke the EMCT's certificate; and
  2. Assess civil penalties against the EMCT.
- B. In determining which action in subsection (A) is appropriate, the Department shall consider:
1. Prior disciplinary actions;
  2. The time interval since a prior disciplinary action, if applicable;
  3. The applicant's or EMCT's motive;
  4. The applicant's or EMCT's pattern of conduct;
  5. The number of offenses;
  6. Whether the applicant or EMCT failed to comply with instructions from the Department;
  7. Whether interim rehabilitation efforts were made by the applicant or EMCT;
  8. Whether the applicant or EMCT refused to acknowledge the wrongful nature of the misconduct;
  9. Whether the applicant or EMCT made timely and good-faith efforts to rectify the consequences of the misconduct;
  10. The submission of false evidence, false statements, or other deceptive practices during an investigation or disciplinary process;
  11. The vulnerability of a patient or other victim of the applicant's or EMCT's conduct, if applicable; and
  12. How much control the applicant or EMCT had over the processes or situation leading to the misconduct.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-409 renumbered to Section R9-25-407; new Section R9-25-409 renumbered from Section R9-25-411 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1).

**R9-25-410. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Section R9-25-410 renumbered to Section R9-25-408 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-411. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

Section R9-25-411 renumbered to Section R9-25-409 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit I. Repealed****Historical Note**

Exhibit I adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit J. Repealed****Historical Note**

Exhibit J adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit K. Repealed****Historical Note**

Exhibit K adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-412. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (Supp. 12-3).

**ARTICLE 5. MEDICAL DIRECTION PROTOCOLS FOR EMERGENCY MEDICAL CARE TECHNICIANS**

*Article 5, consisting of R9-25-501 through R9-25-508, recodified from Article 8 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).*

*Article 5 repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

**R9-25-501. Definitions**

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in this Article, unless otherwise specified:

1. "ALS skill" means a medical treatment, procedure, or technique or administration of a medication that is indicated by a check mark in Table 5.1 under AEMT, EMT-I(99), or Paramedic, but not under EMT.
2. "Immunizing agent" means an immunobiologic recommended by the Advisory Committee on Immunization Practices of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-501 recodified from R9-25-801 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 14 A.A.R. 3491, effective August 14, 2008 (Supp. 08-3). Section R9-25-501 repealed; new Section R9-25-501 made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-502. Scope of Practice for EMCTs**

- A. An EMCT shall perform a medical treatment, procedure, or technique or administer a medication only:

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1. If the skill is within the EMCT's scope of practice skills, as specified in Table 5.1;
  2. For an ALS skill:
    - a. If authorized for the EMCT by the EMCT's administrative medical director, and
    - b. If the EMCT is able to receive on-line medical direction;
  3. For a STR skill:
    - a. If the EMCT has documentation of having completed training specific to the skill that is consistent with the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references);
    - b. If authorized for the EMCT by the EMCT's administrative medical director; and
    - c. If the EMCT is able to receive on-line medical direction;
  4. If the medication is listed as an agent in a table of agents, established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references), that the EMCT's administrative medical director may authorize the EMCT to administer, monitor, or assist a patient in self-administration based on the classification for which the EMCT is certified;
  5. If the EMCT is authorized to administer the medication by the:
    - a. EMCT's administrative medical director, if applicable; or
    - b. If the EMCT is an EMT with no administrative medical director, emergency medical services provider or ambulance service by which the EMCT is employed or for which the EMCT volunteers; and
  6. In a manner consistent with standards described in R9-25-408 and, if applicable, with the training in 9 A.A.C. 25, Article 3.
- B. An administrative medical director:**
1. Shall:
    - a. Ensure that an EMCT has completed training in administration or monitoring of an agent before authorizing the EMCT to administer or monitor the agent;
    - b. Ensure that an EMCT has competency in an ALS skill before authorizing the EMCT to perform the ALS skill;
    - c. Before authorizing an EMCT to perform a STR skill, ensure that the EMCT has:
      - i. Completed training specific to the skill, consistent with the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references); and
      - ii. Demonstrated competency in the skill;
    - d. Periodically thereafter assess an EMCT's competency in an authorized ALS skill and STR skill, according to policies and procedures required in R9-25-201(E)(3)(b)(ix), to ensure continued competency;
    - e. Document the EMCT's:
      - i. Completion of training in administration or monitoring of an agent required in subsection (B)(1)(a),
      - ii. Competency in performing an ALS skill required in subsection (B)(1)(b),
      - iii. Specific training required in subsection (B)(1)(c)(i) and competency required in subsection (B)(1)(c)(ii); and
      - iv. Periodic reassessment required in subsection (B)(1)(d); and
    - f. Maintain documentation of an EMCT's completion of training in administration or monitoring of an agent and competency in performing an authorized ALS skill or STR skill; and
  2. May authorize an EMCT to perform all of the ALS skills in Table 5.1 for the applicable level of EMCT or restrict the EMCT to a subset of the ALS skills in Table 5.1 for the applicable level of EMCT.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-502 recodified from R9-25-802 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by exempt rulemaking at 24 A.A.R. 2955, effective September 27, 2018 (Supp. 18-3).

**Table 1. Repealed**

**Historical Note**

Table 1 adopted by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 13 A.A.R. 578, effective January 31, 2007 (Supp. 07-1). Historical note added to Table 1; amended by exempt rulemaking 14 A.A.R. 3491, effective August 14, 2008 (Supp. 08-3). Amended by exempt rulemaking at 15 A.A.R. 234, effective January 2, 2009 (Supp. 09-1). Amended by exempt rulemaking at 14 A.A.R. 3491, effective August 14, 2008 (Supp. 08-3). Amended by exempt rulemaking at 15 A.A.R. 234, effective January 2, 2009 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 2116, effective October 15, 2010 (Supp. 10-4). Amended by exempt rulemaking at 18 A.A.R. 102, effective January 1, 2012 (Supp. 11-4). Table 1 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

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**Table 5.1. Arizona Scope of Practice Skills****KEY:**

✓ = Arizona Scope of Practice skill

STR = STR skill

\* = With training in R9-25-505

<b>A. Airway/Ventilation/Oxygenation</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I(99)</b>	<b>Paramedic</b>
1. Airway - nasal	✓	✓	✓	✓
2. Airway - oral	✓	✓	✓	✓
3. Airway - supraglottic	STR	✓	✓	✓
4. Airway obstruction - dislodgement by direct laryngoscopy	-	-	✓	✓
5. Airway obstruction - manual dislodgement techniques	✓	✓	✓	✓
6. Automated transport ventilator	-	STR	✓	✓
7. Bag-valve-mask (BVM)	✓	✓	✓	✓
8. BiPAP	-	-	-	✓
9. CPAP	STR	✓	✓	✓
10. Chest decompression - needle	-	-	✓	✓
11. Chest tube placement - assist only	-	-	-	✓
12. Chest tube monitoring and management	-	-	-	✓
13. Cricothyrotomy	-	-	-	✓
14. End tidal CO <sub>2</sub> monitoring and interpretation of waveform capnography	STR	✓	✓	✓
15. Gastric decompression - NG tube	-	-	✓	✓
16. Gastric decompression - OG tube	-	-	✓	✓
17. Head-tilt chin lift	✓	✓	✓	✓
18. Intubation - endotracheal	-	-	✓	✓
19. Intubation - nasotracheal	-	-	-	✓
20. Jaw-thrust	✓	✓	✓	✓
21. Medication Assisted Intubation (paralytics)	-	-	-	STR
22. Mouth-to-barrier	✓	✓	✓	✓
23. Mouth-to-mask	✓	✓	✓	✓
24. Mouth-to-mouth	✓	✓	✓	✓
25. Mouth-to-nose	✓	✓	✓	✓
26. Mouth-to-stoma	✓	✓	✓	✓
27. Oxygen therapy - high flow nasal cannula	-	-	-	✓
28. Oxygen therapy - humidifiers	✓	✓	✓	✓
29. Oxygen therapy - nasal cannula	✓	✓	✓	✓
30. Oxygen therapy - non-rebreather mask	✓	✓	✓	✓
31. Oxygen therapy - partial rebreather mask	✓	✓	✓	✓
32. Oxygen therapy - simple face mask	✓	✓	✓	✓
33. Oxygen therapy - Venturi mask	✓	✓	✓	✓
34. Pulse oximetry	✓	✓	✓	✓
35. Suctioning - upper airway	✓	✓	✓	✓
36. Suctioning - tracheobronchial of an intubated patient	-	✓	✓	✓
<b>B. Cardiovascular/Circulation</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1. Cardiac monitoring - 12-lead ECG (interpretive)	-	-	✓	✓
2. Cardiac monitoring - 12-lead ECG acquisition and transmission	✓	✓	✓	✓
3. Cardiopulmonary resuscitation	✓	✓	✓	✓
4. Cardioversion - electrical	-	-	✓	✓
5. Defibrillation - automated/semi-automated	✓	✓	✓	✓
6. Defibrillation - manual	-	-	✓	✓
7. Hemorrhage control - direct pressure	✓	✓	✓	✓
8. Hemorrhage control - tourniquet	✓	✓	✓	✓
9. Hemorrhage control - wound packing	✓	✓	✓	✓
10. Mechanical CPR device	?	?	?	?
11. Telemetric monitoring devices and transmission of clinical data, including video data	✓	✓	✓	✓
12. Transcutaneous pacing	-	-	✓	✓
13. Transvenous cardiac pacing - monitoring and maintenance	-	-	✓	✓
<b>C. Splinting/Spinal Motion Restriction/Patient Restraint</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1. Cervical collar	✓	✓	✓	✓

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2.	Long spine board	✓	✓	✓	✓
3.	Manual cervical stabilization	✓	✓	✓	✓
4.	Seated spinal motion restriction (KED, etc.)	✓	✓	✓	✓
5.	Extremity stabilization - manual	✓	✓	✓	✓
6.	Extremity splinting	✓	✓	✓	✓
7.	Splint-traction	✓	✓	✓	✓
8.	Mechanical patient restraint	✓	✓	✓	✓
9.	Emergency moves for endangered patients	✓	✓	✓	✓
<b>D.</b>	<b>Medication Administration - routes/agent types</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1.	Aerosolized/nebulized	✓	✓	✓	✓
2.	Endotracheal tube	-	-	✓	✓
3.	Inhaled	✓	✓	✓	✓
4.	Intradermal	-	-	-	✓
5.	Intramuscular	STR	✓	✓	✓
6.	Intramuscular - autoinjector	✓	✓	✓	✓
7.	Intranasal	✓	✓	✓	✓
8.	Intraosseous - initiation, pediatric or adult	-	✓	✓	✓
9.	Intravenous	-	✓	✓	✓
10.	Mucosal/Sublingual	✓	✓	✓	✓
11.	Nasogastric	-	-	-	✓
12.	Oral	✓	✓	✓	✓
13.	Rectal	-	-	-	✓
14.	Subcutaneous	-	✓	✓	✓
15.	Topical	-	-	-	✓
16.	Transdermal	-	-	-	✓
17.	Use/monitoring of infusion pump for agent administration during interfacility transports	-	-	STR	STR
18.	Use/monitoring of agents specified in <i>Table 3 - Special Agents Eligible for Administration and Monitoring</i> , established according to A.R.S. § 36-2204 and available through the Department at <a href="http://www.azdhs.gov/ems-regulatory-references">www.azdhs.gov/ems-regulatory-references</a>	-	-	STR	STR
19.	Epinephrine anaphylaxis-prepared kit; only for anaphylaxis when no auto-injector is available	STR	✓	✓	✓
20.	Immunizations	-	-	✓*	✓*
21.	Thrombolytics	-	-	-	STR
<b>E.</b>	<b>IV Initiation/Maintenance Fluids</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1.	Access indwelling catheters and implanted central IV ports	-	-	-	✓
2.	Central line - monitoring	-	-	-	✓
3.	Intraosseous - initiation, pediatric or adult	-	✓	✓	✓
4.	Intravenous access	STR	✓	✓	✓
5.	Intravenous initiation - peripheral	STR	✓	✓	✓
6.	Intravenous- maintenance of medicated IV fluids	-	-	✓	✓
7.	Intravenous- maintenance of nonmedicated IV fluids	STR	✓	✓	✓
8.	Intravenous initiation - ultrasound guided IV in a hospital setting	-	-	-	STR
<b>F.</b>	<b>Miscellaneous</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1.	Assisted delivery (childbirth)	✓	✓	✓	✓
2.	Assisted complicated delivery (childbirth)	✓	✓	✓	✓
3.	Blood chemistry analysis	-	-	-	✓
4.	Blood glucose monitoring	✓	✓	✓	✓
5.	Blood pressure- automated	✓	✓	✓	✓
6.	Blood pressure- manual	✓	✓	✓	✓
7.	Eye irrigation	✓	✓	✓	✓
8.	Eye irrigation hands-free irrigation using sterile eye irrigation device	-	-	-	✓
9.	Urinary catheterization	STR	STR	STR	STR
10.	Venous blood sampling	STR	✓	✓	✓

**Historical Note**

Table 5.1 made by exempt rulemaking at 19 A.A.R. 282, effective January 28, 2013 (Supp. 13-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final exempt rulemaking, pursuant to Laws 2014, Ch. 233, § 5 at 20 A.A.R. 3554, effective January 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking, pursuant to Laws 2015,

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Ch. 222, § 3, at 21 A.A.R. 3241, effective November 24, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 23 A.A.R. 1161, effective April 19, 2017 (Supp. 17-2). Amended by exempt rulemaking at 24 A.A.R. 2955, effective September 27, 2018 (Supp. 18-3). Amended by exempt rulemaking at 27 A.A.R. 1385, with an immediate effective date of August 9, 2021 (Supp. 21-3). Amended by exempt rulemaking at 28 A.A.R. 3321 (October 14, 2022), with an immediate effective date of September 22, 2022 (Supp. 22-3).

**Table 5.2. Repealed****Historical Note**

Table 5.2 made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final exempt rulemaking, pursuant to Laws 2014, Ch. 233, § 5 at 20 A.A.R. 3554, effective January 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking, pursuant to Laws 2015, Ch. 222, § 3, at 21 A.A.R. 3241, effective November 24, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 23 A.A.R. 1161, effective April 19, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 23 A.A.R. 1161, effective April 19, 2017 (Supp. 17-2). Repealed by exempt rulemaking at 24 A.A.R. 2955, effective September 27, 2018 (Supp. 18-3).

**Table 5.3. Repealed****Historical Note**

Table 5.3 made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Repealed by exempt rulemaking at 24 A.A.R. 2955, effective September 27, 2018 (Supp. 18-3).

**Table 5.4. Repealed****Historical Note**

Table 5.4 made by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Repealed by exempt rulemaking at 24 A.A.R. 2955, effective September 27, 2018 (Supp. 18-3).

**R9-25-503. Testing of Medical Treatments, Procedures, Medications, and Techniques that May Be Administered or Performed by an EMCT**

- A. Under A.R.S. § 36-2205, the Department may authorize the testing and evaluation of a medical treatment, procedure, technique, practice, medication, or piece of equipment for possible use by an EMCT or an emergency medical services provider.
- B. Before authorizing any test and evaluation according to subsection (A), the Department director shall approve the test and evaluation according to subsections (C), (D), (E).
- C. The Department director shall consider approval of a test and evaluation conducted according to subsection (A), only if a written request for testing and evaluation:
  1. Is submitted to the Department director from:
    - a. The Department,
    - b. A state agency other than the Department,
    - c. A political subdivision of this state,
    - d. An EMCT,
    - e. An emergency medical services provider,
    - f. An ambulance service, or
    - g. A member of the public; and
  2. Includes:
    - a. A cover letter, signed and dated by the individual making the request;
    - b. An identification of the person conducting the test and evaluation;
    - c. An identification of the medical treatment, procedure, technique, practice, medication, or piece of equipment to be tested and evaluated;

- d. An explanation of the reasons for and the benefits of the test and evaluation;
  - e. The scope of the test and evaluation, including the:
    - i. Projected number of individuals, EMCTs, emergency medical services providers, or ambulance services involved; and
    - ii. Proposed length of time required to complete the test and evaluation; and
  - f. The methodology to be used to evaluate the test's and evaluation's findings.
- D. The Department director shall approve a test and evaluation if:
1. The test and evaluation does not pose a threat to the public health, safety, or welfare;
  2. The test is necessary to evaluate the safest and most current advances in medical treatments, procedures, techniques, practices, medications, or equipment; and
  3. The medical treatment, procedure, technique, practice, medication, or piece of equipment being tested and evaluated may:
    - a. Reduce or eliminate the use of outdated or obsolete medical treatments, procedures, techniques, practices, medications, or equipment;
    - b. Improve patient care; or
    - c. Benefit the public's health, safety, or welfare.
- E. Within 180 days after receiving a written request for testing and evaluation that contains all of the information in subsection (C), the Department director shall send written notification of approval or denial of the test and evaluation to the individual making the request.
- F. Upon completion of a test and evaluation authorized by the Department director, the person conducting the test and evaluation shall submit a written report to the Department director that includes:
1. An identification of the test and evaluation;
  2. A detailed evaluation of the test; and
  3. A recommendation regarding future use of the medical treatment, procedure, technique, practice, medication, or piece of equipment tested and evaluated.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-503 recodified from R9-25-803 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 13 A.A.R. 578, effective January 31, 2007 (Supp. 07-1). Amended by exempt rulemaking at 14 A.A.R. 3491, effective August 14, 2008 (Supp. 08-3). Section R9-25-503 renumbered to R9-25-505; new Section R9-25-503 renumbered from R9-25-506 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit 1. Repealed****Historical Note**

New Exhibit 1 recodified from Article 8, Exhibit 1 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 11 A.A.R. 1438, effective March 25, 2005 (Supp. 05-1). Amended by

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exempt rulemaking at 11 A.A.R. 2379, effective June 8, 2005 (Supp. 05-2). Amended by exempt rulemaking at 11 A.A.R. 3177, effective September 1, 2005 (Supp. 05-3). Exhibit 1 repealed by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4).

**Exhibit 2. Repealed****Historical Note**

New Exhibit 2 recodified from Article 8, Exhibit 2 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 11 A.A.R. 1438, effective March 25, 2005 (Supp. 05-1). Exhibit 2 repealed by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4).

**Exhibit 3. Repealed****Historical Note**

Exhibit made by exempt rulemaking at 11 A.A.R. 1438, effective March 25, 2005 (Supp. 05-1). Exhibit 3 repealed by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4).

**R9-25-504. Protocol for Selection of a Health Care Institution for Transport**

- A.** Except as provided in subsection (B), an EMCT shall transport a patient accessing emergency medical services through a call to 9-1-1 or a similar public emergency dispatch number to:
  1. An emergency receiving facility; or
  2. A special hospital that is physically connected to an emergency receiving facility.
- B.** Under A.R.S. §§ 36-2205(D) and 36-2232(F), an EMCT who responds to a call made to 9-1-1 or a similar public emergency dispatch number may refer, advise, or transport the patient at the scene to a health care institution other than a health care institution specified in subsection (A), if the EMCT determines that:
  1. The patient's condition does not pose an immediate threat to life or limb, based on medical direction; and
  2. The health care institution is the most appropriate for the patient, based on the following:
    - a. The patient's:
      - i. Medical condition,
      - ii. Choice of health care institution, and
      - iii. Health care provider;
    - b. The location of the health care institution and the emergency medical resources available at the health care institution; and
    - c. A determination by the administrative medical director that the health care institution is able to accept and capable of treating the patient.
- C.** Before initiating transport of a patient accessing emergency medical services through a call to 9-1-1 or a similar public emergency dispatch number, an EMCT, emergency medical services provider, or ambulance service shall:
  1. Notify, by radio or telephone communication, a health care institution that is not an emergency receiving facility of the EMCT's intent to transport the patient to the health care institution; and
  2. Receive confirmation of the willingness of the health care institution to accept the patient.
- D.** An EMCT transporting a patient accessing emergency medical services through a call to 9-1-1 or a similar public emergency dispatch number to a health care institution that is not an emergency receiving facility shall transfer care of the patient to a designee authorized by:
  1. A physician,
  2. A registered nurse practitioner,

3. A physician assistant, or
4. A registered nurse.

- E.** An emergency medical services provider or an ambulance service that implements this rule shall make available for Department review and inspection written records relating to the transport of a patient under subsections (B), (C), and (D).

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-504 recodified from R9-25-804 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Amended by exempt rulemaking at 14 A.A.R. 3124, effective July 9, 2008 (Supp. 08-3). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final exempt rulemaking, pursuant to Laws 2014, Ch. 233, § 5 at 20 A.A.R. 3554, effective January 1, 2015 (Supp. 14-4).

**R9-25-505. Protocol for an EMT-I(99) or a Paramedic to Become Eligible to Administer an Immunizing Agent**

- A.** An EMT-I(99) or a Paramedic may be authorized by the EMT-I(99)'s or Paramedic's administrative medical director to administer an immunizing agent if the EMT-I(99) or Paramedic completes training that:
  1. Includes:
    - a. Basic immunology and the human immune response;
    - b. Mechanics of immunity, adverse effects, dose, and administration schedule of available immunizing agents;
    - c. Response to an emergency situation, such as an allergic reaction, resulting from the administration of an immunization;
    - d. Routes of administration for available immunizing agents;
    - e. A description of the individuals to whom an EMCT may administer an immunizing agent; and
    - f. The requirements in 9 A.A.C. 6, Article 7 related to:
      - i. Obtaining written consent for administration of an immunizing agent,
      - ii. Providing immunization information and written immunization records, and
      - iii. Recordkeeping and reporting;
  2. Requires the EMT-I(99) or Paramedic to demonstrate competency in the subject matter listed in subsection (A)(1); and
  3. Is approved by the EMT-I(99)'s or Paramedic's administrative medical director based upon a determination that the training meets the requirements in subsections (A)(1) and (A)(2).
- B.** An administrative medical director of an EMT-I(99) or a Paramedic who completes the training required in subsection (A) shall maintain for Department review and inspection written evidence that the EMT-I(99) or Paramedic has completed the training required in subsection (A), including at least:
  1. The name of the training,
  2. The date the training was completed, and
  3. A signed and dated attestation from the administrative medical director that the training is approved.
- C.** Before administering an immunizing agent to an individual, an EMT-I(99) or a Paramedic shall:
  1. Receive written consent consistent with the requirements in 9 A.A.C. 6, Article 7;

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2. Provide immunization information and written immunization records consistent with the requirements in 9 A.A.C. 6, Article 7; and
3. Provide documentary proof of immunity to the individual consistent with the requirements in 9 A.A.C. 6, Article 7.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-505 recodified from R9-25-805 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Section R9-25-505 repealed; new Section R9-25-505 renumbered from R9-25-503 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit 1. Repealed****Historical Note**

New Exhibit 1 recodified from Article 8, Exhibit 1 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Exhibit 1 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit 2. Repealed****Historical Note**

New Exhibit 2 recodified from Article 8, Exhibit 2 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Exhibit 2 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-506. Renumbered****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-506 recodified from R9-25-806 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Section R9-25-506 renumbered to R9-25-503 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-507. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-507 recodified from R9-25-807 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Section R9-25-507 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-508. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Subsection (A)(2) corrected to reflect adopted rules on file with the Office of the Secretary of State, effective October 15, 1996 (Supp. 97-1). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New R9-25-508 recodified from R9-25-808 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). Section R9-25-508 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-509. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 11 A.A.R. 2379, effective June 8, 2005 (Supp. 05-2). Section repealed by exempt rulemaking at 13 A.A.R. 3038, effective October 6, 2007 (Supp. 07-3).

**R9-25-510. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 11 A.A.R. 1502, effective April 1, 2005 (Supp. 05-1). Amended by exempt rulemaking at 11 A.A.R. 2379, effective June 8, 2005 (Supp. 05-2). Section R9-25-510 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit P. Repealed****Historical Note**

Exhibit P adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-511. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Subsection (C) corrected to reflect adopted rules on file with the Office of the Secretary of State, effective October 15, 1996 (Supp. 97-3). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 11 A.A.R. 4982, effective November 1, 2005 (Supp. 05-4). Section R9-25-511 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-512. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Subsection (A) corrected to reflect adopted rules on file with the Office of the Secretary of State, effective October 15, 1996 (Supp. 97-1). Subsection (A) corrected again to reflect adopted rules on file with the Office of the Secretary of State, effective October 15, 1996 (Supp. 97-3). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 13 A.A.R. 27, effective January 6, 2007 (Supp. 06-4). Section repealed by exempt rulemaking at 16 A.A.R. 2116, effective October 15, 2010 (Supp. 10-4).

**R9-25-513. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 13 A.A.R. 3038, effective October 6, 2007 (Supp. 07-3). R9-25-513 repealed by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-514. Repealed**



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**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4).  
Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-515. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**ARTICLE 6. STROKE CARE**

*Article 6, consisting of new Sections R9-25-601 and R9-25-602, made by exempt rulemaking effective April 5, 2013 (Supp. 13-1).*

*Article 6 repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).*

**R9-25-601. Definitions (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in this Article, unless otherwise specified:

1. "Acute stroke-ready hospital" means a hospital that is certified by a national stroke center certification organization as meeting national stroke care standards for the initial assessment, diagnosis, stabilization, and either:
  - a. Transfer of a stroke patient to a primary stroke center or comprehensive stroke center, or
  - b. Care of a stroke patient with input from the staff of a primary stroke center or comprehensive stroke center.
2. "Comprehensive stroke center" means a hospital that is certified by a national stroke center certification organization as meeting national stroke care standards for the assessment, diagnosis using advanced imaging devices, and treatment of stroke patients with complex cases of ischemic stroke, caused by the loss of the blood supply to a part of the brain, or hemorrhagic stroke, caused by bleeding into a part of the brain.
3. "Council" means the emergency medical services council established under A.R.S. § 36-2203.
4. "Health care provider" means an individual licensed according to A.R.S. Title 32, Chapter 13, 15, 17, 19, 25, or 34.
5. "Local EMS coordinating system" means the same as in A.R.S. § 36-2210.
6. "National stroke care standards" means criteria for the assessment and treatment of stroke that are consistent with guidelines established by the American Heart Association/American Stroke Association, an organization that focuses on reducing the impact of stroke.
7. "National stroke center certification organization" means an entity:
  - a. Such as:
    - i. The Joint Commission;
    - ii. The Healthcare Facilities Accreditation Program;
    - iii. Det Norske Veritas Healthcare, Inc.; or
    - iv. The American Heart Association/American Stroke Association;
  - b. That assesses the compliance of a hospital with national stroke care standards; and
- c. That documents hospitals that meet national stroke care standards.
8. "Primary stroke center" means a hospital that is certified by a national stroke center certification organization as meeting national stroke care standards for the assessment, diagnosis, and treatment of stroke patients.
9. "Stroke patient" means an individual who has signs or symptoms of a stroke and is receiving assessment or treatment for a stroke.
10. "Transport" means the same as in A.A.C. R9-10-101.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 19 A.A.R. 643, effective April 5, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1728, effective July 1, 2017 (Supp. 17-2).

**R9-25-602. Emergency Stroke Care Protocols (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A. The council shall:
  1. Establish emergency stroke care protocols, and
  2. Support the adoption of emergency stroke care protocols by emergency medical services providers through local EMS coordinating systems.
- B. The council shall ensure that emergency stroke care protocols:
  1. Are developed and implemented in coordination with:
    - a. Local EMS coordinating systems,
    - b. National organizations that focus on heart disease and stroke,
    - c. Emergency medical services providers, and
    - d. Health care providers;
  2. Include procedures for the pre-hospital assessment and treatment of stroke patients, which may include education about identifying stroke patients who may have an emergent large vessel occlusion, the blockage of a large blood vessel that causes an individual to have an ischemic stroke;
  3. Provide for transport of stroke patients to the most appropriate emergency receiving facility, consistent with A.R.S. § 36-2205(E), taking into account the:
    - a. Needs of a stroke patient;
    - b. Availability of resources in urban areas, suburban areas, rural areas, and wilderness areas;
    - c. Capability of an emergency receiving facility to practice telemedicine, as defined in A.R.S. § 36-3601, with specialists in stroke care;
    - d. Location of emergency receiving facilities that:
      - i. Are:
        - (1) Acute stroke-ready hospitals,
        - (2) Primary stroke centers, or
        - (3) Comprehensive stroke centers; and
      - ii. Participate in quality improvement activities, including the submission of data on stroke care provided by the emergency receiving facility that may be compiled on a statewide basis;
    - e. Capability of an emergency receiving facility that is not a primary stroke center or comprehensive stroke center to stabilize a stroke patient before initiating a transfer to a primary stroke center or comprehensive stroke center;
    - f. Capability of an emergency receiving facility that is not a primary stroke center or comprehensive stroke center to stabilize and admit a stroke patient; and
    - g. Distance and duration of transport;

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4. Are consistent with national stroke care standards; and
  5. Are based on data on stroke care from:
    - a. National organizations that focus on heart disease and stroke;
    - b. U.S. Department of Transportation, National Highway Traffic Safety Administration; and
    - c. Statewide data on stroke care, as available.
- C. The council shall review and update, as necessary, the emergency stroke care protocols in subsection (A) after seeking input from:
1. Local EMS coordinating systems,
  2. National organizations that focus on heart disease and stroke,
  3. Nonprofit organizations that focus on the development of stroke systems of care,
  4. Emergency medical services providers, and
  5. Health care providers.

**Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). New Section made by exempt rulemaking at 19 A.A.R. 643, effective April 5, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1728, effective July 1, 2017 (Supp. 17-2).

**R9-25-603. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-604. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-605. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-606. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-607. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-608. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-609. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit R. Repealed****Historical Note**

Exhibit R adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-610. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-611. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-612. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-613. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-614. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-615. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**R9-25-616. Repealed****Historical Note**

Adopted effective October 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit S. Repealed****Historical Note**

Exhibit S adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit G. Repealed**

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**Historical Note**

Exhibit G adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit L. Repealed****Historical Note**

Exhibit L adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit M. Repealed****Historical Note**

Exhibit M adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit N. Repealed****Historical Note**

Exhibit N adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit O. Repealed****Historical Note**

Exhibit O adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**Exhibit Q. Repealed****Historical Note**

Exhibit Q adopted effective October 15, 1996 (Supp. 96-4). Exhibit repealed by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).

**ARTICLE 7. AIR AMBULANCE SERVICE LICENSING****R9-25-701. Definitions (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2215)**

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in this Article and in Article 8 of this Chapter, unless otherwise specified:

1. "Air ambulance" means an aircraft that is an "ambulance" as defined in A.R.S. § 36-2201.
2. "Air ambulance service" means an ambulance service that uses an air ambulance.
3. "Application packet" means the information, applicable fees, and documents required by the Department when making a decision for:
  - a. Licensing an air ambulance service, or
  - b. Issuing a certificate of registration for an air ambulance.
4. "Base location" means a physical location at which a person houses an air ambulance or equipment and supplies used for the operation of an air ambulance service or provides administrative or other support for the operation of an air ambulance service.
5. "CAMTS" means the Commission on Accreditation of Medical Transport Systems, formerly known as the Commission on Accreditation of Air Medical Services.
6. "Certificate holder" means a person who holds a current and valid certificate of registration for an air ambulance.
7. "Change of ownership" means a transfer of controlling legal or controlling equitable interest and authority in an air ambulance service.
8. "Critical care" means pertaining to a patient who has an illness or injury acutely impairing one or more organ systems, such that the conditions are life-threatening and require constant monitoring to avoid deterioration of the patient's condition.
9. "Estimated time of arrival" means the number of minutes from the time that an air ambulance service agrees to perform a mission to the time that an air ambulance arrives at the scene.
10. "Interfacility" means between two health care institutions.
11. "Interfacility maternal transport" means an interfacility transport of a woman:
  - a. Whose pregnancy is considered by a physician to be high risk,
  - b. Who is in need of critical care services related to the pregnancy, and
  - c. Who is being transferred to a medical facility that has the specialized perinatal and neonatal resources and capabilities necessary to provide an appropriate level of care.
12. "Interfacility neonatal transport" means an interfacility transport of an infant who is 28 days of age or younger and who is in need of critical care services.
13. "Licensed respiratory care practitioner" has the same meaning as in A.R.S. § 32-3501.
14. "Licensee" means a person who holds a current and valid license from the Department to operate an air ambulance service.
15. "Medical team" means personnel whose main function on a mission is the medical care of the patient being transported.
16. "Mission" means a transport event that involves an air ambulance service's sending an air ambulance to a patient's location to provide transport of the patient from one location to another, whether or not transport of the patient is actually provided.
17. "Mission level" means critical care services or ALS services, based on the staffing and the services provided by the air ambulance service.
18. "Mission type" means an emergency medical services transport, interfacility transport, interfacility maternal transport, or interfacility neonatal transport provided by an air ambulance service.
19. "On-line medical guidance" means emergency medical services direction or information provided to a non-EMCT medical team member by a physician through two-way voice communication.
20. "Operate an air ambulance service" means to use an air ambulance:
  - a. To transport a patient from a location in this state to another location in this state,
  - b. From a base location in this state, or
  - c. To transport a patient from a location in this state to a location outside of this state more than once per month.
21. "Owner" means a person that holds a controlling legal or equitable interest and authority in a business organization.

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22. "Personnel" means individuals who work for an air ambulance service, with or without compensation, whether as employees, contractors, or volunteers.
23. "Premises" means each physical location of air ambulance service operations and includes all equipment and records at each location.
24. "Proficiency in neonatal resuscitation" means current and valid certification in neonatal resuscitation obtained through completing a nationally recognized training program such as the American Academy of Pediatrics and American Heart Association NRP: Neonatal Resuscitation Program.
25. "Regularly" means at recurring, fixed, or uniform intervals.
26. "Subspecialization" means:
  - a. For a physician board certified by a specialty board approved by the American Board of Medical Specialties, subspecialty certification;
  - b. For a physician board certified by a specialty board approved by the American Osteopathic Association, attainment of either a certification of special qualifications or a certification of added qualifications; and
  - c. For a physician who has completed an accredited residency program, completion of at least one year of training pertaining to the specified area of medicine.
27. "Two-way voice communication" means that two individuals are able to convey information back and forth to each other orally, either directly or through a third-party relay.
28. "Valid" means that a license, certification, or other form of authorization is in full force and effect and not suspended.
29. "Working day" means the period between 8:00 a.m. and 5:00 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited rulemaking 29 A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**R9-25-702. Applicability (A.R.S. §§ 36-2202(A)(4) and 36-2217)**

This Article and Article 8 of this Chapter do not apply to persons and vehicles exempted from the provisions of A.R.S. Title 36, Chapter 21.1 as provided in A.R.S. § 36-2217(A).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1).

**R9-25-703. Requirement and Eligibility for a License (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2215)**

- A. A person shall not operate an air ambulance service in this state unless the person has a current and valid air ambulance service license and, except as provided in A.R.S. § 36-2212(C), a current and valid certificate of registration for an air ambulance as required under Article 8 of this Chapter.

- B. To be eligible to obtain an air ambulance service license, an applicant shall:

1. Have applied for a certificate of registration, issued by the Department under Article 8 of this Chapter, for each aircraft to be used as an air ambulance by the air ambulance service;
2. Possess a copy of a current and valid registration, issued by the Arizona Department of Transportation under A.R.S. Title 28, Chapter 25, Article 4, for each aircraft to be used as an air ambulance by the air ambulance service;
3. Have current and valid liability insurance coverage for the air ambulance service that complies with A.R.S. § 36-2215 and that has at least the following liability limits:
  - a. \$1 million for injuries to or death of any one person arising out of any one incident or accident;
  - b. \$3 million for injuries to or death of more than one person in any one incident or accident; and
  - c. \$500,000 for damage to property arising from any one incident or accident;
4. Have current and valid malpractice insurance coverage for the air ambulance service that complies with A.R.S. § 36-2215 and that has a maximum liability limit of at least \$1 million per occurrence; and
5. Comply with all applicable requirements of this Article, Articles 2 and 8 of this Chapter, and A.R.S. Title 36, Chapter 21.1.

- C. To maintain eligibility for an air ambulance service license, a licensee shall meet the requirements of subsections (B)(2) through (5) and hold a current and valid certificate of registration, issued by the Department under Article 8 of this Chapter, for each aircraft used as an air ambulance in Arizona by the air ambulance service.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited rulemaking 29 A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**R9-25-704. Application and Licensing Process (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2213, 36-2214, and 36-2215)**

- A. An applicant for an initial license shall submit an application packet to the Department, including:
  1. The following information in a Department-provided format:
    - a. The applicant's name; mailing address; e-mail address; fax number, if any; and telephone number;
    - b. The names of all other business organizations operated by the applicant related to the air ambulance service;
    - c. The physical and mailing addresses to be used for the air ambulance service, if different from the applicant's mailing address;
    - d. The name, title, address, e-mail address, and telephone number of the applicant's statutory agent or the individual designated by the applicant to accept service of process and subpoenas for the air ambulance service;
    - e. The name, title, address, e-mail address, and telephone number of the individual acting on behalf of the applicant according to R9-25-102;
    - f. If the applicant is a business organization:
      - i. The type of business organization; and

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- ii. The name; address; e-mail address; telephone number; and fax number, if any, of the individual who is to serve as the primary contact for information regarding the application;
  - g. The name and Arizona license number for the physician who is to serve as the administrative medical director for the air ambulance service;
  - h. The intended hours of operation for the air ambulance service;
  - i. The intended schedule of rates for the air ambulance service;
  - j. Which of the following mission types is to be provided:
    - i. Emergency medical services transports,
    - ii. Interfacility transports,
    - iii. Interfacility maternal transports, or
    - iv. Interfacility neonatal transports;
  - k. Which of the following mission levels is to be provided:
    - i. Critical care, or
    - ii. Advanced life support;
  - l. Whether the applicant plans to use fixed-wing or rotor-wing aircraft for the air ambulance service;
  - m. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-25-1201(C)(3);
  - n. Attestation that the applicant will comply with all applicable requirements in this Article, Articles 2 and 8 of this Chapter, and A.R.S. Title 36, Chapter 21.1;
  - o. Attestation that the information provided in the application packet, including the information in the accompanying documents, is accurate and complete; and
  - p. The signature of the applicant and the date signed;
2. Documentation for the individual specified according to subsection (A)(1)(e) that complies with A.R.S. § 41-1080;
  3. A copy of the business organization's articles of incorporation, articles of organization, or partnership documents, if applicable;
  4. For each aircraft to be used as an air ambulance by the air ambulance service:
    - a. An application for registration that includes all of the information and documents required under R9-25-801(B); and
    - b. A copy of a current and valid registration, issued by the Arizona Department of Transportation under A.R.S. Title 28, Chapter 25, Article 4;
  5. A certificate of insurance establishing that the applicant has current and valid liability insurance coverage for the air ambulance service as required under R9-25-703(B)(3);
  6. A certificate of insurance establishing that the applicant has current and valid malpractice insurance coverage for the air ambulance service as required under R9-25-703(B)(4);
  7. A list of each entity that or physician who is to provide on-line medical direction to EMCTs of the air ambulance service, including:
    - a. For each entity, such as an ALS base hospital, centralized medical direction communications center, or physician group practice, the name, mailing address, e-mail address, and telephone number of the entity; or
    - b. For each physician who is to provide on-line medical direction, the name, professional license number, mailing address, e-mail address, and telephone number for the physician; and
  8. If the applicant holds current CAMTS accreditation for the air ambulance service, a copy of the current CAMTS accreditation report.
- B.** No more than 30 days before the expiration date of the current license, a licensee shall submit to the Department a renewal application packet including:
1. The information required in subsection (A)(1), in a Department-provided format;
  2. The documents required in subsections (A)(5), (6), (7), and, if applicable, (8); and
  3. For each aircraft used or to be used as an air ambulance by the air ambulance service:
    - a. Either:
      - i. A copy of a current and valid certificate of registration issued by the Department under Article 8 of this Chapter, or
      - ii. An application packet for registration that includes all of the information and documents required under R9-25-801(B); and
    - b. A copy of a current and valid registration, issued by the Arizona Department of Transportation under A.R.S. Title 28, Chapter 25, Article 4.
- C.** Unless an applicant or licensee documents current CAMTS accreditation, as provided in subsection (A)(8), or is applying for an initial license because of a change of ownership as described in R9-25-710(D), the Department shall conduct an inspection, as required under A.R.S. § 36-2214(B) and R9-25-711, during the substantive review period for the application for a license.
- D.** The Department shall review each application packet as described in Article 12 of this Chapter, and:
1. Approve the application;
  2. Approve the application with a corrective action plan, as specified in R9-25-711(G)(2); or
  3. Deny the application.
- E.** The Department may deny an application if an applicant or licensee:
1. Fails to meet the eligibility requirements of R9-25-703(B);
  2. Fails or has failed to comply with any provision in A.R.S. Title 36, Chapter 21.1;
  3. Fails or has failed to comply with any provision in this Article or Article 2 or 8 of this Chapter;
  4. Knowingly or negligently provides false documentation or false or misleading information to the Department; or
  5. Fails to submit to the Department documents or information requested under R9-25-1201(B)(1) or (C)(3) and requests a denial as permitted under R9-25-1201(E).

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited rulemaking 29

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A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**R9-25-705. Minimum Standards for Operations as an Air Ambulance Service (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)**

**A.** A licensee shall ensure that the air ambulance service:

1. Maintains eligibility for licensure as required under R9-25-703(C);
2. Makes a good faith effort to communicate information about its hours of operation to the general public through print media, broadcast media, the Internet, or other means;
3. Makes the air ambulance service's schedule of rates available to any individual upon request and, if requested, in writing;
4. Provides an accurate estimated time of arrival to the person requesting transport at the time that transport is requested and provides an amended estimated time of arrival to the person requesting transport if the estimated time of arrival changes;
5. Except as provided in subsection (B), only transports patients for whom the air ambulance service has the resources to provide appropriate medical care;
6. Does not perform interfacility transport of a patient unless:
  - a. The transport is initiated by the sending health care institution, and
  - b. The destination health care institution confirms that a bed is available for the patient;
7. Ensures that the protocol for the transfer of information to be communicated to emergency receiving facility staff concurrent with the transfer of care, required in R9-25-201(E)(2)(d)(i), includes:
  - a. The date and time the call requesting service was received by the air ambulance service;
  - b. The unique number used by the air ambulance service to identify the mission;
  - c. The name of the air ambulance service;
  - d. The number or other identifier of the air ambulance used for the mission;
  - e. The following information about the patient:
    - i. The patient's name;
    - ii. The patient's date of birth or age, as available;
    - iii. The principal reason for requesting services for the patient;
    - iv. The patient's medical history, including any chronic medical illnesses, known allergies to medications, and medications currently being taken by the patient;
    - v. The patient's level of consciousness at initial contact and when reassessed;
    - vi. The patient's pulse rate, respiratory rate, oxygen saturation, and systolic blood pressure at initial contact and when reassessed;
    - vii. The results of an electrocardiograph, if available;
    - viii. The patient's glucose level at initial contact and when reassessed, if applicable;
    - ix. The patient's level of responsiveness score, as applicable, at initial contact and when reassessed;
    - x. The results of the patient's neurological assessment, if applicable; and
    - xi. The patient's pain level at initial contact and when reassessed; and
  - f. Any procedures or other treatment provided to the patient at the scene or during transport, including any agents administered to the patient;
8. Creates a prehospital incident history report, in a Department-provided format, for each patient that includes the following information:
  - a. The name and identification number of the air ambulance service;
  - b. Information about the software for the storage and submission of the prehospital incident history report;
  - c. The unique number assigned to the mission;
  - d. The unique number assigned to the patient;
  - e. Information about the response to the call requesting service, including:
    - i. The mission level requested;
    - ii. Information obtained by the person providing direction for response to the request;
    - iii. Information about the air ambulance assigned to the mission;
    - iv. Information about the medical team responding to the call requesting service;
    - v. The priority assigned to the response; and
    - vi. Response delays, as applicable;
  - f. Whether patient care was transferred from another EMS provider or ambulance service and, if so, identification of the EMS provider or ambulance service;
  - g. The date and time that:
    - i. The call requesting service was received;
    - ii. The request was received by the person coordinating transport;
    - iii. The air ambulance service received the transport request;
    - iv. The air ambulance left for the patient's location;
    - v. The air ambulance arrived at the patient's location;
    - vi. The medical team in the air ambulance arrived at the patient's side;
    - vii. Transfer of the patient's care occurred at a location other than the destination, if applicable;
    - viii. The air ambulance departed the patient's location;
    - ix. The air ambulance arrived at the destination;
    - x. Transfer of the patient's care occurred at the destination;
    - xi. The air ambulance was available to take another mission;
  - h. Information about the patient, including:
    - i. The patient's first and last name;
    - ii. The address of the patient's residence;
    - iii. The county of the patient's residence;
    - iv. The country of the patient's residence;
    - v. The patient's gender, race, ethnicity, and age;
    - vi. The patient's estimated weight;
    - vii. The patient's date of birth; and
    - viii. If the patient has an alternate residence, the address of the alternate residence;
  - i. The primary method of payment for services and anticipated level of payment;
  - j. Information about the scene, including:
    - i. Specific information about the location of the scene;

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- ii. Whether the air ambulance was first on the scene;
    - iii. The number of patients at the scene;
    - iv. Whether the scene was the location of a mass casualty incident; and
    - v. If the scene was the location of a mass casualty incident, triage information;
  - k. Information about the reason for requesting service for the patient, including:
    - i. The date and time of onset of symptoms and when the patient was last well;
    - ii. Information about the complaint;
    - iii. The patient's symptoms;
    - iv. The results of the medical team's initial assessment of the patient;
    - v. If the patient was injured, information about the injury and the cause of the injury;
    - vi. If the patient experienced a cardiac arrest, information about the etiology of the cardiac arrest and subsequent treatment provided; and
    - vii. For an interfacility transport, the reason for the transport;
  - l. Information about any specific barriers to providing care to the patient;
  - m. Information about the patient's medical history, including:
    - i. Known allergies to medications,
    - ii. Surgical history,
    - iii. Current medications, and
    - iv. Alcohol or drug use;
  - n. Information about the patient's current medical condition, including the information in subsections (A)(7)(e)(v) through (xi) and the time and method of assessment;
  - o. Information about agents administered to the patient, including the dose and route of administration, time of administration, and the patient's response to the agent;
  - p. If not specifically included under subsection (A)(8)(k), (m)(iv), (n), or (o), the information required in A.A.C. R9-4-602(A);
  - q. Information about any procedures performed on the patient and the patient's response to the procedure;
  - r. Whether the patient was transported and, if so, information about the transport;
  - s. Information about the destination of the transport, including the reason for choosing the destination;
  - t. Whether patient care was transferred to another EMS provider or ambulance service and, if so, identification of the EMS provider or ambulance service;
  - u. Unless patient care was transferred to another EMS provider or ambulance service, information about:
    - i. Whether the destination facility was notified that the patient being transported has a time-sensitive condition and the time of notification;
    - ii. The disposition of the patient at the destination; and
    - iii. The disposition of the mission;
  - v. Any other narrative information about the patient, care receive by the patient, or transport; and
  - w. The name and certification level of the medical team member providing the information;
9. Creates a record for each mission that includes:
- a. Mission date;
  - b. Mission level;
  - c. Mission type;
  - d. Staffing of the mission;
  - e. Aircraft type—fixed-wing aircraft or rotor-wing aircraft;
  - f. Name of the person requesting the transport;
  - g. Time of receipt of the transport request;
  - h. The estimated time of arrival, as provided according to subsection (A)(4);
  - i. Departure time to the patient's location;
  - j. Address of the patient's location;
  - k. Arrival time at the patient's location;
  - l. Departure time to the destination health care institution;
  - m. Name and address of the destination health care institution;
  - n. Arrival time at the destination health care institution;
  - o. Either the:
    - i. Unique reference number used by the air ambulance service to identify the patient, or
    - ii. Unique call number used by the air ambulance service to identify the specific mission; and
  - p. Aircraft tail number for the air ambulance used on the mission;
10. Establishes, documents, and, if necessary, implements a plan to address and minimize potential issues of patient health and safety due to the air ambulance service terminating operations at a physical address used for the air ambulance service that:
- a. Is developed in conjunction with hospitals near the physical address used for the air ambulance service and other persons who may be adversely affected by the air ambulance service terminating operations;
  - b. Includes notification by the air ambulance service of the persons in subsection (A)(10)(a) of the intent to terminate operations, at least 30 calendar days before the termination of operations; and
  - c. Includes temporary measures that will be used until alternate methods may be arranged for patient transport that address patient health and safety;
11. Establishes, documents, and implements a quality improvement program, as specified in policies and procedures, through which:
- a. Data related to initial patient assessment, patient care, transport services provided, and patient status upon arrival at the destination are:
    - i. Collected continuously;
    - ii. For the information required in subsection (A)(8), submitted to the Department, in a Department-provided format and within 48 hours after the date of a mission, for quality improvement purposes; and
    - iii. If the air ambulance service is notified that the submission of information to the Department according to subsection (A)(11)(a)(ii) was unsuccessful, corrected and resubmitted within seven days after notification;
  - b. Continuous quality improvement processes are developed to identify, document, and evaluate issues related to the provision of services, including:
    - i. Care provided to patients with time-sensitive conditions;
    - ii. Transport or documentation, and
    - iii. Patient status upon arrival at the destination;

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- c. A committee consisting of the administrative medical director, the individual managing the air ambulance service or designee, and other employees as appropriate:
      - i. Review the data in subsection (A)(11)(a) and any issues identified in subsection (A)(11)(b) on at least a quarterly basis; and
      - ii. Implement activities to improve performance when deviations in patient care, transport, or documentation are identified; and
    - d. The activities in subsection (A)(11)(c) are documented, consistent with A.R.S. §§ 36-2401, 36-2402, and 36-2403; and
  - 12. Beginning within 12 months after the effective date of this Section, establish and maintain a method to electronically document patient information and treatment that is capable of being transferred.
- B. An air ambulance service may transport a patient for whom the air ambulance does not have the resources to provide appropriate medical care:
  - 1. In a rescue situation in which:
    - a. An individual's life, limb, or health is imminently threatened;
    - b. The threat may be reduced or eliminated by removing the individual from the situation to a location in which medical services may be provided; and
    - c. There is no other practical means of transport, including another air ambulance service, available; or
  - 2. For an interfacility transport of a patient if:
    - a. The sending health care institution provides medically appropriate life support measures, staff, and equipment to sustain the patient during the interfacility transport; and
    - b. Each staff member provided by the sending health care institution has completed training in the subject areas listed in R9-25-707(A) before participating in the interfacility transport.
- C. If an air ambulance service completes a mission under subsection (B) for which the air ambulance service does not have the resources to provide appropriate medical care, the licensee shall ensure that the air ambulance service creates a record within five working days after the mission, including:
  - 1. The information required under subsection (A)(8),
  - 2. The manner in which the air ambulance service deviated from subsection (A)(5), and
  - 3. The justification for operating under subsection (B).
- D. If an air ambulance service uses a single-member medical team as authorized under R9-25-706(B) and (C), the licensee shall ensure that the air ambulance service creates a record within five working days after the mission, including:
  - 1. The information required under subsection (A)(9),
  - 2. The name and qualifications of the individual comprising the single-member medical team, and
  - 3. The justification for using a single-member medical team.
- E. If an air ambulance service completes a critical care interfacility transport mission under conditions permitted in R9-25-802(F), the licensee shall ensure that the air ambulance service creates a record within five working days after the mission, including:
  - 1. The information required under subsection (A)(9),
  - 2. A description of the life-support equipment used on the mission,
  - 3. A list of the equipment and supplies required in R9-25-802(C) that were removed from the air ambulance for the mission, and
  - 4. The justification for conducting the mission as permitted under R9-25-802(F).
- F. A licensee shall ensure that an individual does not serve on the medical team for an interfacility maternal transport unless the air ambulance service's medical director has verified and attested in writing to the individual's having the proficiencies described in R9-25-706(A)(2).
- G. A licensee shall ensure that an individual does not serve on the medical team for an interfacility neonatal transport unless the air ambulance service's medical director has verified and attested in writing to the individual's having the proficiencies described in R9-25-706(A)(3).
- H. A licensee shall ensure that the air ambulance service:
  - 1. Retains each document required to be created or maintained under this Article or Article 2 or 8 of this Chapter for at least three years after the last event recorded in the document, and
  - 2. Produces each document for Department review upon request.
- I. A licensee shall ensure that, while on a mission, two-way voice communication is available:
  - 1. Between and among personnel on the air ambulance, including the pilot; and
  - 2. Between personnel on the air ambulance and the following persons on the ground:
    - a. Personnel;
    - b. Physicians providing on-line medical direction or on-line medical guidance to medical team members; and
    - c. For a rotor-wing air ambulance mission:
      - i. Emergency medical services providers, and
      - ii. Law enforcement agencies.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). R9-25-705 repealed; new Section R9-25-705 renumbered from R9-25-710 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited rulemaking 29 A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**R9-25-706. Minimum Standards for Mission Staffing (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)**

- A. A licensee shall ensure that, except as provided in subsection (B):
  - 1. Each critical care mission is staffed by a medical team of at least two individuals with the following qualifications:
    - a. For a critical care interfacility transport mission:
      - i. A physician or registered nurse; and
      - ii. Another physician, another registered nurse, a Paramedic, or a licensed respiratory care practitioner; and
    - b. For a critical care mission that is an emergency medical services transport:
      - i. A physician or registered nurse; and
      - ii. A Paramedic or another registered nurse;
  - 2. Each interfacility maternal transport mission is staffed by a medical team that:
    - a. Complies with the requirements for a critical care mission medical team in subsection (A)(1); and



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- b. Has the following additional qualifications:
        - i. Proficiency in advanced emergency cardiac life support that includes didactic instruction and a practical skills test, consistent with training recognized by the American Heart Association;
        - ii. Proficiency in neonatal resuscitation; and
        - iii. Proficiency in stabilization and transport of the pregnant patient;
    - 3. Each interfacility neonatal transport mission is staffed by a medical team that:
      - a. Complies with the requirements for a critical care mission medical team in subsection (A)(1); and
      - b. Has the following additional qualifications:
        - i. Proficiency in pediatric advanced emergency life support that includes didactic instruction and a practical skills test, consistent with training recognized by the American Heart Association; and
        - ii. Proficiency in neonatal resuscitation and stabilization of the neonatal patient; and
    - 4. Each advanced life support mission is staffed by a medical team of at least two individuals with the following qualifications:
      - a. For an advanced life support mission that is an emergency medical services transport:
        - i. A physician, registered nurse, or Paramedic; and
        - ii. Another Paramedic or another registered nurse;
      - b. For an advanced life support interfacility transport mission:
        - i. A physician, registered nurse, or Paramedic; and
        - ii. Another Paramedic, a licensed respiratory care practitioner, or another registered nurse.
  - B. If the pilot on a mission using a rotor-wing air ambulance determines, in accordance with the air ambulance service's written guidelines required under subsection (C)(1), that the weight of a second medical team member could potentially compromise the performance of the rotor-wing air ambulance and the safety of the mission, and the use of a single-member medical team is consistent with the on-line medical direction or on-line medical guidance received as required under subsection (C)(2), an air ambulance service may use a single-member medical team consisting of an individual with the following qualification:
    - 1. For a critical care mission, a physician or registered nurse; and
    - 2. For an advanced life support mission, a physician, registered nurse, or Paramedic.
  - C. A licensee shall ensure that:
    - 1. Each air ambulance service rotor-wing pilot is provided with written guidelines to use in determining when the weight of a second medical team member could potentially compromise the performance of a rotor-wing air ambulance and the safety of a mission, including the conditions of density altitude and weight that warrant the use of a single-member medical team;
    - 2. The following are done, without delay, after an air ambulance service rotor-wing pilot determines that the weight of a second medical team member could potentially compromise the performance of a rotor-wing air ambulance and the safety of a mission:
      - a. The pilot communicates that information to the medical team,
      - b. The medical team obtains on-line medical direction or on-line medical guidance regarding the use of a single-member medical team, and
      - c. The medical team proceeds in compliance with the on-line medical direction or on-line medical guidance;
    - 3. A single-member medical team has the knowledge and medical equipment to perform one-person cardiopulmonary resuscitation;
    - 4. The patient care provided by each single-member medical team, including consideration of each patient's status upon arrival at the destination health care institution, is reviewed through the quality improvement processes in R9-25-705(A)(11)(b) and (c); and
    - 5. A single-member medical team is used only when no other transport team is available that would be more appropriate for delivering the level of care that a patient requires.
  - D. A licensee shall ensure that the air ambulance service creates and maintains for each personnel member a file containing documentation of the personnel member's qualifications, including, as applicable, licenses, certifications, and training records.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). R9-25-706 renumbered to R9-25-710; new Section R9-25-706 renumbered from R9-25-711 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by exempt rulemaking at 28 A.A.R. 3681 (December 2, 2022), with an immediate effective date of November 8, 2022 (Supp. 22-4).

**R9-25-707. Minimum Standards for Training (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2213)**

- A. A licensee shall ensure that each medical team member completes training in the following subjects before serving on a mission:
  - 1. Aviation terminology;
  - 2. Physiological aspects of flight;
  - 3. Patient loading and unloading;
  - 4. Safety in and around the aircraft;
  - 5. In-flight communications;
  - 6. Use, removal, replacement, and storage of the medical equipment installed on the aircraft;
  - 7. In-flight emergency procedures;
  - 8. Emergency landing procedures; and
  - 9. Emergency evacuation procedures.
- B. A licensee shall ensure that the air ambulance service documents each medical team member's completion of the training required under subsection (A), including the name of the medical team member, each training component completed, and the date of completion.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). R9-25-707 renumbered to R9-25-709; new Section R9-25-707 renumbered from R9-25-713 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**R9-25-708. Minimum Standards for Medical Control (Authorized by A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), and 36-2213)**

- A. A licensee shall ensure that:
  - 1. The air ambulance service has an administrative medical director who:
    - a. Meets the qualifications in subsection (B);

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- b. Supervises and evaluates the quality of medical care provided by medical team members;
    - c. Ensures the competency and current qualifications of all medical team members;
    - d. Except as provided in subsections (A)(3) and (4), ensures that:
      - i. Each EMCT medical team member receives medical direction as required under Article 2 of this Chapter; and
      - ii. Each non-EMCT medical team member receives medical guidance through written treatment protocols and according to subsection (C); and
    - e. Approves, ensures implementation of, and annually reviews treatment protocols to be followed by medical team members;
  - 2. The administrative medical director reviews data related to patient care and transport services provided, documentation, and patient status upon arrival at destination that are collected through the quality management program in R9-25-705(A)(11);
  - 3. For an interfacility maternal transport mission, on-line medical direction or on-line medical guidance provided to medical team member is provided by a physician who meets the qualifications of subsection (B)(2)(b)(i);
  - 4. For an interfacility neonatal transport mission, on-line medical direction or on-line medical guidance provided to medical team member is provided by a physician who meets the qualifications of subsection (B)(2)(b)(ii);
- B.** An administrative medical director shall:
- 1. Be a physician; and
  - 2. Comply with one of the following:
    - a. If the air ambulance service provides emergency medical services transports, meet the qualifications of R9-25-201(A)(1); or
    - b. If the air ambulance service does not provide emergency medical services transports, meet the qualifications of R9-25-201(A)(1) or one of the following:
      - i. If the air ambulance service provides interfacility maternal transport missions, have board certification or have completed an accredited residency program in one of the following specialty areas:
        - (1) Obstetrics and gynecology, with subspecialization in critical care medicine or maternal and fetal medicine; or
        - (2) Pediatrics, with subspecialization in neonatal-perinatal medicine;
      - ii. If the air ambulance service provides interfacility neonatal transport missions, have board certification or have completed an accredited residency program in one of the following specialty areas:
        - (1) Obstetrics and gynecology, with subspecialization in maternal and fetal medicine; or
        - (2) Pediatrics, with subspecialization in neonatal-perinatal medicine, neonatology, pediatric critical care medicine, or pediatric intensive care; or
      - iii. If neither subsection (B)(2)(b)(i) or (ii) applies, have board certification or have completed an accredited residency program in one of the following specialty areas:
        - (1) Anesthesiology, with subspecialization in critical care medicine;
        - (2) Internal medicine, with subspecialization in critical care medicine;
  - (3) If the air ambulance service transports only pediatric patients, pediatrics, with subspecialization in pediatric critical care medicine or pediatric emergency medicine; or
  - (4) If the air ambulance service transports only surgical patients, surgery, with subspecialization in surgical critical care.
- C.** An administrative medical director shall ensure that each non-EMCT medical team member receives on-line medical guidance provided by:
- 1. The administrative medical director;
  - 2. Another physician designated by the administrative medical director; or
  - 3. If the medical guidance needed exceeds the administrative medical director's area of expertise, a consulting specialty physician.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). R9-25-708 renumbered to R9-25-711; new Section R9-25-708 renumbered from R9-25-715 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**R9-25-709. Changes Affecting a License (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2213)**

- A.** At least 30 days before the date of a change in an air ambulance service's name, the licensee shall send the Department written notice of the name change.
- B.** At least 90 days before an air ambulance service ceases to operate, the licensee shall send the Department written notice of the intention to cease operating, effective on a specific date, and the licensee's intention to relinquish the air ambulance service's license as of that date.
- C.** Within 30 days after the date of receipt of a notice described in subsection (A) or (B), the Department shall:
  - 1. For a notice described in subsection (A), issue an amended license that incorporates the name change but retains the expiration date of the current license; and
  - 2. For a notice described in subsection (B), send the licensee written confirmation of the voluntary relinquishment of the air ambulance service's license, with an effective date consistent with the written notice.
- D.** A licensee shall notify the Department in writing at least 30 calendar days before:
  - 1. Changing the physical address used for the air ambulance service, as provided according to R9-25-704(A)(1)(c); or
  - 2. Terminating operations at a physical address used for the air ambulance service, as provided according to R9-25-704(A)(1)(c).
- E.** A licensee shall notify the Department in writing within one working day after:
  - 1. A change in the air ambulance service's eligibility for licensure under R9-25-703(B) or (C);
  - 2. A change in the business organization information most recently submitted to the Department according to R9-25-704(A)(1)(f);
  - 3. A change in the air ambulance service's CAMTS accreditation status, including a copy of the air ambulance service's new CAMTS accreditation report, if applicable;
  - 4. A change in the air ambulance service's hours of operation, as specified according to R9-25-704(A)(1)(h);
  - 5. A change in the air ambulance service's schedule of rates, as specified according to R9-25-704(A)(1)(i); or
  - 6. A change in the mission types provided, as specified according to R9-25-704(A)(1)(j).

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- F. If the Department receives a notice specified in subsection (E)(6), the Department:
1. Shall reissue a license for the air ambulance service reflecting the change, but retaining the expiration date on the original license; and
  2. May conduct an inspection according to R9-25-711.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). R9-25-709 renumbered to R9-25-712; new Section R9-25-709 renumbered from R9-25-707 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**R9-25-710. Term and Transferability of License (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2213, 36-2214, and 41-1092.11)**

- A. The Department shall issue an initial license:
1. When based on current CAMTS accreditation, with a term beginning on the date of issuance of the initial license and ending on the expiration date of the CAMTS accreditation upon which licensure is based; and
  2. When based on Department inspection, with a term beginning on the date of issuance of the initial license and ending three years later.
- B. The Department shall issue a renewal license with a term beginning on the day after the expiration date shown on the previous license and ending:
1. When based on current CAMTS accreditation, on the expiration date of the CAMTS accreditation upon which licensure is based; and
  2. When based on Department inspection, three years after the effective date of the renewal license.
- C. If a licensee submits an application packet for renewal as described in R9-25-704(B), the current license does not expire until the Department has made a final determination on the application for renewal, as provided in A.R.S. § 41-1092.11.
- D. At least 30 days before an anticipated change of ownership:
1. A licensee wanting to transfer an air ambulance service license shall submit a letter to the Department that contains:
    - a. A request that the air ambulance service license be transferred,
    - b. The name and license number of the currently licensed air ambulance service, and
    - c. The name of the person to whom the air ambulance service license is to be transferred; and
  2. The person to whom the license is to be transferred shall submit to the Department an application packet that complies with R9-25-704(A).
- E. A new owner shall not operate an air ambulance service in this state until:
1. The new owner complies with requirements in Articles 7 and 8 of this Chapter, and
  2. The Department has issued an air ambulance service license to the new owner.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). R9-25-710 renumbered to R9-25-705; new Section R9-25-710 renumbered from R9-25-706 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited rulemaking 29

A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**R9-25-711. Inspections and Investigations (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), 36-2213, and 36-2214)**

- A. Except as provided in subsections (D) and (E), the Department shall inspect an air ambulance service, as required under A.R.S. § 36-2214(B), before issuing an initial or renewal license and as necessary to determine compliance with this Article, Articles 2 and 8 of this Chapter, and A.R.S. Title 36, Chapter 21.1.
- B. A Department inspection may include the air ambulance service's premises, records, and equipment, and each air ambulance used by the air ambulance service.
- C. If the Department receives written or verbal information alleging a violation of this Article, Article 2 or 8 of this Chapter, or A.R.S. Title 36, Chapter 21.1, the Department shall conduct an investigation.
1. The Department may conduct an inspection as part of an investigation.
  2. A licensee shall allow the Department to inspect the air ambulance service's premises, records, and equipment, and each air ambulance and to interview personnel as part of an investigation.
- D. Except as provided in subsection (C), the Department shall not conduct an inspection of an air ambulance service before issuing an initial or renewal license if an applicant or licensee provides documentation of current CAMTS certification as part of the application packet according to R9-25-704(A)(8).
- E. When an application for an air ambulance service license is submitted along with a transfer request due to a change of ownership, the Department shall determine whether an inspection is necessary based upon the potential impact to public health, safety, and welfare.
- F. The Department shall conduct each inspection in compliance with A.R.S. § 41-1009.
- G. If the Department determines that an air ambulance service is not in compliance with the requirements in this Article, Article 2 or 8 of this Chapter, or A.R.S. Title 36, Chapter 21.1, the Department may:
1. Take an enforcement action as described in R9-25-712; or
  2. Require that the air ambulance service submit to the Department, within 15 days after written notice from the Department, a corrective action plan to address issues of compliance that do not directly affect the health or safety of a patient that:
    - a. Describes how each identified instance of non-compliance will be corrected and reoccurrence prevented, and
    - b. Includes a date for correcting each instance of non-compliance that is appropriate to the actions necessary to correct the instance of non-compliance.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). R9-25-711 renumbered to R9-25-706; new Section R9-25-711 renumbered from R9-25-708 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited rulemaking 29 A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**R9-25-712. Enforcement Actions (Authorized by A.R.S. §§**

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**36-2202(A)(4), 36-2209(A)(2), 36-2213, 36-2214, 36-2215, 41-1092.03, and 41-1092.11(B))**

- A.** The Department may take an action listed in subsection (B) against an air ambulance service that:
1. Fails to meet the eligibility requirements of R9-25-703;
  2. Fails or has failed to comply with any provision in A.R.S. Title 36, Chapter 21.1;
  3. Fails or has failed to comply with any provision in this Article or Article 2 or 8 of this Chapter;
  4. Does not submit a corrective action plan, as provided in R9-25-711(G)(2), that is acceptable to the Department;
  5. Does not complete a corrective action plan submitted according to R9-25-711(G)(2); or
  6. Knowingly or negligently provides false documentation or false or misleading information to the Department or to a patient, third-party payor, or other person billed for service.
- B.** The Department may take the following actions against an air ambulance service:
1. Except as provided in subsection (B)(3), after notice and an opportunity to be heard is provided under A.R.S. Title 41, Chapter 6, Article 10, suspend:
    - a. The air ambulance service license, or
    - b. The certificate of registration of an aircraft to be used as an air ambulance by the air ambulance service;
  2. After notice and an opportunity to be heard is provided under A.R.S. Title 41, Chapter 6, Article 10, revoke:
    - a. The air ambulance service license, or
    - b. The certificate of registration of an aircraft to be used as an air ambulance by the air ambulance service; and
  3. As permitted under A.R.S. § 41-1092.11(B), if the Department determines that the public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in the Department's order, immediately suspend:
    - a. The air ambulance service license pending proceedings for revocation or other action, or
    - b. The certificate of registration of an aircraft to be used as an air ambulance by the air ambulance service pending proceedings for revocation or other action.
- C.** In determining whether to take action under subsection (B), the Department shall consider:
1. The severity of each violation relative to public health and safety;
  2. The number of violations relative to the transport volume of the air ambulance service;
  3. The nature and circumstances of each violation;
  4. Whether each violation was corrected and, if so, the manner of correction; and
  5. The duration of each violation.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (Supp. 12-3). New Section R9-25-712 renumbered from R9-25-709 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited

rulemaking 29 A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**R9-25-713. Renumbered****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Section R9-25-713 renumbered to R9-25-707 by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**R9-25-714. Repealed****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Repealed by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**R9-25-715. Renumbered****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Section R9-25-715 renumbered to R9-25-708 by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**R9-25-716. Repealed****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Repealed by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**R9-25-717. Repealed****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Repealed by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**R9-25-718. Repealed****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Repealed by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**ARTICLE 8. AIR AMBULANCE REGISTRATION**

*Article 8, consisting of R9-25-801 through R9-25-808, recodified to Article 5 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).*

*Editor's Note: Article 8, consisting of Sections R9-25-801 through R9-25-803 and Exhibits, was recodified from A.A.C. R9-13-1501 through R9-13-1503. These recodified Sections were originally filed under an exemption from A.R.S. Title 41, Chapter 6. Refer to the historical notes in 9 A.A.C. 13 for adoption dates (Supp. 98-1).*

*Article 8, consisting of Section R9-25-805 and Exhibits 1 through 3, was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 36-2205(C). Exemption from A.R.S. Title 41, Chapter 6 means that the Department did not submit these rules to the Secretary of State's Office for*

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*publication in the Arizona Administrative Register; the Department did not submit the rules to the Governor's Regulatory Review Council for review; and the Department was not required to hold public hearings on this Section. Under A.R.S. § 36-2205(D) a person may petition the Director to amend an adopted protocol pursuant to A.R.S. § 41-1033 (Supp. 97-2).*

**R9-25-801. Requirement, Eligibility, and Application for an Initial or Renewal Certificate of Registration for an Air Ambulance (Authorized by A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, 36-2232(A)(11), and 36-2240(4))**

- A.** To be eligible to obtain a certificate of registration for an air ambulance, an applicant shall:
1. Ensure that the aircraft is not currently registered with the Department by another air ambulance service;
  2. Hold a current and valid air ambulance service license issued under Article 7 of this Chapter;
  3. Possess a copy of a current and valid registration for the air ambulance, issued by the Arizona Department of Transportation under A.R.S. Title 28, Chapter 25, Article 4; and
  4. Comply with all applicable requirements of this Article, Articles 2 and 7 of this Chapter, and A.R.S. Title 36, Chapter 21.1.
- B.** An applicant for an initial or renewal certificate of registration for an air ambulance shall submit an application packet to the Department, including:
1. The following information in a Department-provided format:
    - a. The applicant's name; mailing address; e-mail address; fax number, if any; and telephone number;
    - b. The names of all other business organizations operated by the applicant related to the use of an air ambulance;
    - c. The physical address of the applicant, if different from the mailing address;
    - d. If applicable, the number of the applicant's air ambulance service license;
    - e. The name, title, address, e-mail address, and telephone number of the individual acting on behalf of the applicant according to R9-25-102;
    - f. The name, address, telephone number, and e-mail address of the owner of the air ambulance, if different from the applicant;
    - g. Whether the air ambulance is a fixed-wing or rotor-wing aircraft;
    - h. The number of engines on the air ambulance;
    - i. The manufacturer's name;
    - j. The model name of the air ambulance;
    - k. The year the air ambulance was manufactured;
    - l. The serial number of the air ambulance;
    - m. The tail number of the air ambulance;
    - n. The aircraft colors, including fuselage, stripe, and lettering;
    - o. A description of any insignia, monogram, or other distinguishing characteristics of the aircraft's appearance;
    - p. The address at which the air ambulance is usually based;
    - q. The address in Arizona at which the air ambulance will be available for inspection;
    - r. The name and telephone number of the individual to contact to arrange for inspection, if the inspection is preannounced;
  2. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-25-1201(C)(3);
  3. Attestation that the information provided in the application packet, including the information in the accompanying documents, is accurate and complete; and
  4. The dated signature of the applicant;
- 2.** A copy of a current and valid registration for the air ambulance, issued by the Arizona Department of Transportation under A.R.S. Title 28, Chapter 25, Article 4; and
- 3.** Unless the applicant uses or intends to use the aircraft as an air ambulance only as a volunteer not-for-profit service, the following fees:
- a. A \$50 registration fee, as required under A.R.S. § 36-2212(D); and
  - b. A \$200 annual regulatory fee, as required under A.R.S. § 36-2240(4).
- C.** The Department requires submission of a separate application and the fees in subsection (B)(3) for each air ambulance.
- D.** Except as provided in A.R.S. § 36-2232(A)(11), the Department shall inspect each air ambulance according to R9-25-805(A) and (B) to determine compliance with the provisions of A.R.S. Title 36, Chapter 21.1 and this Article:
1. Within 30 calendar days before issuing an initial certificate of registration; and
  2. At least every 12 months thereafter, before issuing a renewal certificate of registration.
- E.** The Department shall review and approve or deny each application as described in Article 12 of this Chapter.
- F.** If the Department approves the application and sends the applicant the written notice of approval, specified in R9-25-1201(C)(5), the Department shall issue the certificate of registration to the applicant:
1. For an applicant with a current and valid air ambulance service license issued under Article 7 of this Chapter, within five working days after the date on the written notice of approval; and
  2. For an applicant that does not have a current and valid air ambulance service license issued under Article 7 of this Chapter, when the air ambulance service license is issued.
- G.** The Department may deny a certificate of registration for an air ambulance if the applicant:
1. Fails to meet the eligibility requirements of subsection (A);
  2. Fails or has failed to comply with any provision in A.R.S. Title 36, Chapter 21.1;
  3. Fails or has failed to comply with any provision in this Article or Article 2 or 7 of this Chapter;
  4. Knowingly or negligently provides false documentation or false or misleading information to the Department; or
  5. Fails to submit to the Department documents or information requested under R9-25-1201(B)(1) or (C)(3) and requests a denial as permitted under R9-25-1201(E).

**Historical Note**

R9-25-801 recodified from A.A.C. R9-13-1501 (Supp. 98-1). Amended by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-501 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Section R9-25-801

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repealed; new Section R9-25-801 renumbered from R9-25-802 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited rulemaking 29 A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**R9-25-802. Minimum Standards for an Air Ambulance (Authorized by A.R.S. §§ 36-2202(A)(3), (4), and (5); 36-2209(A)(2); and 36-2212)**

- A. An applicant or certificate holder shall ensure that an air ambulance has:
1. A climate control system to prevent temperature extremes that would adversely affect patient care;
  2. If a fixed-wing air ambulance, pressurization capability;
  3. Interior lighting that allows for patient care and monitoring without interfering with the pilot's vision;
  4. For each place where a patient may be positioned, at least one electrical power outlet or other power source that is capable of operating all electrically powered medical equipment without compromising the operation of any electrical aircraft equipment;
  5. A back-up source of electrical power or batteries capable of operating all electrically powered life-support equipment for at least one hour;
  6. An entry that allows for patient loading and unloading without rotating a patient and stretcher more than 30 degrees about the longitudinal axis or 45 degrees about the lateral axis and without compromising the operation of monitoring systems, intravenous lines, or manual or mechanical ventilation;
  7. A configuration that allows each medical team member sufficient access to each patient to begin and maintain treatment modalities, including complete access to the patient's head and upper body for effective airway management;
  8. A configuration that allows for rapid exit of personnel and patients, without obstruction from stretchers and medical equipment;
  9. A configuration that protects the aircraft's flight controls, throttles, and communications equipment from any intentional or accidental interference from a patient or equipment and supplies;
  10. A padded interior or an interior that is clear of objects or projections in the head strike envelope;
  11. An installed self-activating emergency locator transmitter;
  12. A voice communications system that:
    - a. Is capable of air-to-ground communication, and
    - b. Allows the flight crew and medical team members to communicate with each other during flight;
  13. Interior patient compartment wall and floor coverings that are:
    - a. Free of cuts or tears,
    - b. Made from non-absorbent material,
    - c. Capable of being disinfected, and
    - d. Maintained in a sanitary manner; and
  14. If a rotor-wing air ambulance, the following:
    - a. A searchlight that:
      - i. Has a range of motion of at least 90 degrees vertically and 180 degrees horizontally,
      - ii. Is capable of illuminating a landing site, and
      - iii. Is located so that the pilot can operate the searchlight without removing the pilot's hands from the aircraft's flight controls;
    - b. Restraining devices that can be used to prevent a patient from interfering with the pilot or the aircraft's flight controls; and
    - c. A light to illuminate the tail rotor.
- B. An applicant or certificate holder shall ensure that:
1. Except as provided in subsections (D), (E), and (F), each air ambulance has the equipment and supplies required in subsection (C) for each mission for which the air ambulance is used; and
  2. The equipment and supplies on an air ambulance are secured, stored, and maintained in a manner that prevents hazards to personnel and patients.
- C. An applicant or certificate holder shall ensure that an air ambulance used for an advanced life support mission or critical care mission has the following equipment and supplies:
1. The following ventilation and airway equipment and supplies:
    - a. Portable and fixed suction apparatus, with wide-bore tubing, rigid pharyngeal curved suction tip, tonsillar and flexible suction catheters, 5F-14F;
    - b. Portable and fixed oxygen equipment, with variable flow regulators;
    - c. Oxygen administration equipment, including: tubing; non-rebreathing masks (adult and pediatric sizes); and nasal cannulas (adult and pediatric sizes);
    - d. Bag-valve mask, with hand-operated, self-reexpanding bag (adult size), with oxygen reservoir/accumulator; mask (adult, pediatric, infant, and neonate sizes); and valve;
    - e. Airways, oropharyngeal (adult, pediatric, and infant sizes);
    - f. Laryngoscope handle, adult and pediatric, with, if applicable, extra batteries and bulbs;
    - g. Laryngoscope blades, sizes 0, 1, and 2, straight; sizes 3 and 4, straight and curved;
    - h. Endotracheal tube cuff pressure manometer;
    - i. Endotracheal tubes, sizes 2.5-5.0 mm cuffed or uncuffed and 6.0-8.0 mm cuffed;
    - j. Stylettes for Endotracheal tubes, adult and pediatric;
    - k. Airways, nasal (adult, pediatric, and infant sizes), one each in French sizes 16 to 34;
    - l. One type of supraglottic airway device, adult and pediatric;
    - m. 10 mL straight-tip syringes;
    - n. Small volume nebulizer or nebulizers and aerosol masks, adult and pediatric;
    - o. Magill forceps, adult and pediatric;
    - p. Nasogastric tubes, sizes 5F and 8F, Salem sump sizes 14F and 18F;
    - q. End-tidal CO<sub>2</sub> detectors, quantitative;
    - r. Portable automatic ventilator with positive end expiratory pressure; and
    - s. In-line viral/bacterial filter;
  2. The following monitoring and defibrillation equipment and supplies:
    - a. Portable, battery-operated monitor/defibrillator, with:
      - i. Tape write-out/recorder,
      - ii. Defibrillator pads,
      - iii. Adult and pediatric paddles or hands-free patches,
      - iv. ECG leads,
      - v. Adult and pediatric chest attachment electrodes, and
      - vi. Capability to provide electrical discharge below 25 watt-seconds; and

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- b. Transcutaneous cardiac pacemaker, either stand-alone unit or integrated into monitor/defibrillator;
  3. For rotor wing aircraft only, the following immobilization devices and supplies:
    - a. Cervical collars, rigid, adjustable or in an assortment of adult and pediatric sizes;
    - b. Head immobilization device, either firm padding or another commercial device;
    - c. Lower extremity (femur) traction device, including lower extremity, limb support slings, padded ankle hitch, padded pelvic support, and traction strap; and
    - d. Upper and lower extremity immobilization splints;
  4. The following bandages:
    - a. Burn pack, including standard package, clean burn sheets;
    - b. Dressings, including:
      - i. Sterile multi-trauma dressings (various large and small sizes);
      - ii. Abdominal pads, 10" x 12" or larger; and
      - iii. 4" x 4" gauze sponges;
    - c. Gauze rolls, sterile (4" or larger);
    - d. Elastic bandages, non-sterile (4" or larger);
    - e. Occlusive dressing, sterile, 3" x 8" or larger; and
    - f. Adhesive or self-adhesive tape, including various sizes (1" or larger) hypoallergenic and various sizes (1" or larger) adhesive or self-adhesive;
  5. The following obstetrical equipment and supplies:
    - a. Separate sterile obstetrical kit, including:
      - i. Towels,
      - ii. 4" x 4" dressing,
      - iii. Umbilical tape,
      - iv. Sterile scissors or other cutting utensil,
      - v. Bulb suction,
      - vi. Clamps for cord,
      - vii. Sterile gloves,
      - viii. Blankets, and
      - ix. A head cover; and
    - b. An alternate portable patient heat source or two heat packs;
  6. The following infection control equipment and supplies, including the availability of latex-free:
    - a. Eye protection (full peripheral glasses or goggles, face shield);
    - b. Masks, at least as protective as a National Institute for Occupational Safety and Health-approved N-95 respirator, which are fit-tested;
    - c. Gloves, non-sterile;
    - d. Jumpsuits or gowns;
    - e. Shoe covers;
    - f. Disinfectant hand wash, commercial antimicrobial (towelette, spray, or liquid);
    - g. Disinfectant solution for cleaning equipment;
    - h. Standard sharps containers;
    - i. Disposable red trash bags; and
    - j. Protective facemasks or cloth face coverings for patients;
  7. The following injury prevention equipment:
    - a. Appropriate restraints, such as seat belts or, if applicable, child safety restraints, for patient, personnel, and family members;
    - b. For rotor wing aircraft only, safety vest or other garment with reflective material for each personnel member;
    - c. Fire extinguisher, either disposable with an indicator of a full charge or with a current inspection tag;
    - d. Hazardous material reference guide; and
  8. The following vascular access equipment and supplies:
    - a. Intravenous administration equipment, with fluid in bags;
    - b. Antiseptic solution (alcohol wipes and povidone-iodine wipes);
    - c. Intravenous pole or roof hook;
    - d. Intravenous catheters 14G-24G;
    - e. Intraosseous needles, adult and pediatric sizes;
    - f. Venous tourniquet;
    - g. One of each of the following types of intravenous solution administration sets:
      - i. A set with blood tubing,
      - ii. A set capable of delivering 60 drops per cc, and
      - iii. A set capable of delivering 10 or 15 drops per cc;
    - h. Intravenous arm boards, adult and pediatric;
    - i. IV pump or pumps (minimum of 3 infusion lines); and
    - j. IV pressure bag;
  9. The agents, specified in a table of agents established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references), that an administrative medical director has authorized for use, based on the EMCT classification of the medical team; and
  10. The following miscellaneous equipment and supplies:
    - a. Sphygmomanometer (infant, pediatric, and adult regular and large sizes);
    - b. Stethoscope;
    - c. Pediatric equipment sizing reference guide;
    - d. Thermometer with low temperature capability;
    - e. Heavy bandage or paramedic scissors for cutting clothing, belts, and boots;
    - f. Cold packs;
    - g. Flashlight (1) with extra batteries or recharger, as applicable;
    - h. Blankets;
    - i. Sheets;
    - j. Disposable emesis bags or basins;
    - k. For fixed wing aircraft only, a disposable bedpan;
    - l. For fixed wing aircraft only, a disposable urinal;
    - m. Properly secured patient transport system;
    - n. Lubricating jelly (water soluble);
    - o. Glucometer or blood glucose measuring device with reagent strips;
    - p. Pulse oximeter with pediatric and adult probes;
    - q. Automatic blood pressure monitor; and
    - r. A commercially available trauma arterial tourniquet.
- D. An applicant or certificate holder shall ensure that an air ambulance used for an interfacility maternal transport mission has:
  1. The equipment and supplies in subsection (C); and
  2. The following:
    - a. A Doppler fetal heart monitor;
    - b. Unless use is not indicated for the patient as determined through on-line medical direction or on-line medical guidance provided as described in R9-25-708(A)(3), an external fetal heart and tocographic monitor with printer capability;
    - c. Tocolytic and anti-hypertensive medications;
    - d. Advanced emergency cardiac life support equipment and supplies; and
    - e. Neonatal resuscitation equipment and supplies.

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- E. An applicant or certificate holder shall ensure that an air ambulance used for an interfacility neonatal transport mission has:
1. The equipment and supplies in subsection (C); and
  2. The following:
    - a. A transport incubator with:
      - i. Battery and inverter capabilities,
      - ii. An infant safety restraint system, and
      - iii. An integrated neonatal-capable pressure ventilator with oxygen-air supply and blender;
    - b. An invasive automatic blood pressure monitor;
    - c. A neonatal monitor or monitors with heart rate, respiratory rate, temperature, non-invasive blood pressure, and pulse oximetry capabilities;
    - d. Neonatal-specific drug concentrations and doses;
    - e. Thoracostomy supplies;
    - f. Neonatal resuscitation equipment and supplies;
    - g. A neonatal size cuff (size 2, 3, or 4) for use with an automatic blood pressure monitor; and
    - h. A neonatal probe for use with a pulse oximeter.
- F. A certificate holder may conduct a critical care interfacility transport mission using an air ambulance that does not have all of the equipment and supplies required in subsection (C) if:
1. Care of the patient to be transported necessitates use of life-support equipment that, because of its size or weight or both, makes it unsafe or impossible for the air ambulance to carry all of the equipment and supplies required in subsection (C), as determined by the certificate holder based upon:
    - a. The individual aircraft's capabilities,
    - b. The size and weight of the equipment and supplies required in subsection (C) and of the additional life-support equipment,
    - c. The composition of the required medical team, and
    - d. Environmental factors such as density altitude;
  2. The certificate holder ensures that, during the mission, the air ambulance has the equipment and supplies necessary to provide an appropriate level of medical care for the patient and to protect the health and safety of the personnel on the mission; and
  3. The certificate holder ensures that the air ambulance is not used for another mission until the air ambulance has all of the equipment and supplies required in subsection (C).

**Historical Note**

R9-25-802 recodified from A.A.C. R9-13-1502 (Supp. 98-1). Section repealed; new Section made by exempt rulemaking at 7 A.A.R. 4092, effective September 1, 2001 (Supp. 01-3). Amended by exempt rulemaking at 8 A.A.R. 931, effective February 15, 2002 (Supp. 02-1). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-502 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Section R9-25-802 renumbered to R9-25-801; new Section R9-25-802 renumbered from R9-25-807 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**Exhibit 1. Repealed****Historical Note**

Section R9-25-802, Exhibit 1 recodified from A.A.C. R9-13-1502, Exhibit 1 (Supp. 98-1). Exhibit 1 repealed by

exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4).

**Exhibit 2. Repealed****Historical Note**

Section R9-25-802, Exhibit 2 recodified from A.A.C. R9-13-1502, Exhibit 2 (Supp. 98-1). Exhibit 2 repealed by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4).

**Exhibit 3. Repealed****Historical Note**

Section R9-25-802, Exhibit 3 recodified from A.A.C. R9-13-1502, Exhibit 3 (Supp. 98-1). Exhibit 3 repealed by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4).

**Exhibit 4. Repealed****Historical Note**

Section R9-25-802, Exhibit 4 recodified from A.A.C. R9-13-1502, Exhibit 4 (Supp. 98-1). Exhibit 4 repealed by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4).

**R9-25-803. Changes Affecting Registration (Authorized by A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), and 36-2212)**

- A. At least 30 days before the date of a change in a certificate holder's name, the certificate holder shall send the Department written notice of the name change.
- B. No later than 10 days after a certificate holder ceases to use an aircraft as an air ambulance, the certificate holder shall send the Department written notice of the date that the certificate holder ceased to use the aircraft as an air ambulance and of the certificate holder's intention to relinquish the certificate of registration for the use as an air ambulance as of that date.
- C. Within 30 days after the date of receipt of a notice described in subsection (A) or (B), the Department shall:
  1. For a notice described in subsection (A), issue an amended certificate of registration that incorporates the name change but retains the expiration date of the current certificate of registration; and
  2. For a notice described in subsection (B):
    - a. Void the certificate of registration for the air ambulance; and
    - b. Send the certificate holder written confirmation of the voluntary relinquishment of the certificate of registration, with an effective date that corresponds to the written notice.
- D. A certificate holder shall notify the Department in writing within one working day after a change in the certificate holder's eligibility to hold a certificate of registration for an air ambulance under R9-25-801(A).
- E. Upon receiving a notification required in subsection (D), the Department:
  1. Shall revoke the certificate for the aircraft used as an air ambulance; and
  2. If the air ambulance is the only aircraft used as an air ambulance by an air ambulance service, may revoke the license of the air ambulance service.

**Historical Note**

Section R9-25-803 recodified from A.A.C. R9-13-1503, (Supp. 98-1). Section repealed; new Section adopted effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemp-



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tion from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 98-4).

Amended by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 8 A.A.R. 2625, effective June 1, 2002 (Supp. 02-2). Section recodified to R9-25-503 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Section R9-25-803 renumbered to R9-25-804; new Section R9-25-803 renumbered from R9-25-804 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited rulemaking 29 A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**Exhibit 1. Recodified****Historical Note**

Section R9-25-803, Exhibit 1 “EMT-P Drug List” and “EMT-I Drug List” recodified from A.A.C. R9-13-1503, Exhibit 1 “EMT-P Drug List” and “EMT-I Drug List” (Supp. 98-1). Exhibit 1 repealed; new Exhibit 1 adopted effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 98-4). Amended under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) at 6 A.A.R. 1507, effective May 1, 2000 (Supp. 00-1). Amended under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) at 6 A.A.R. 3762, effective October 1, 2000 (Supp. 00-3). Amended by exempt rulemaking at 7 A.A.R. 1654, effective March 30, 2001 (Supp. 01-1). Amended by exempt rulemaking at 8 A.A.R. 2625, effective June 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 1703, effective May 15, 2003 (Supp. 03-2). Exhibit 1 recodified to Article 5, Exhibit 1 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

**Exhibit 2. Recodified****Historical Note**

Exhibit 2 adopted effective November 30, 1998; filed in the Office of the Secretary of State November 24, 1998, under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) (Supp. 98-4). Amended under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) at 6 A.A.R. 1507, effective May 1, 2000 (Supp. 00-1). Amended under an exemption from the provisions of the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C) at 6 A.A.R. 3762, effective October 1, 2000 (Supp. 00-3). Amended by exempt rulemaking at 7 A.A.R. 1199, effective February 13, 2001 (Supp. 01-1). Amended by exempt rulemaking at 8 A.A.R. 2625, effective June 1, 2002 (Supp. 02-2). Exhibit 2 recodified to Article 5, Exhibit 2 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

**R9-25-804. Term and Transferability of Certificate of Registration (Authorized by A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, and 41-1092.11)**

A. The Department shall issue an initial certificate of registration:

1. With a term of one year from date of issuance of the initial certificate of registration; or
  2. If requested by the applicant, with a term shorter than one year that allows for the Department to conduct annual inspections of all of the applicant's air ambulances at one time.
- B. The Department shall issue a renewal certificate of registration with a term of one year from the expiration date on the previous certificate of registration.
- C. If a certificate holder submits an application for renewal as described in R9-25-801 before the expiration date of the current certificate of registration, the current certificate of registration does not expire until the Department has made a final determination on the application for renewal, as provided in A.R.S. § 41-1092.11.
- D. A certificate of registration is not transferable from one person to another.
- E. If there is a change in the ownership of an aircraft used as an air ambulance or the person who can legally use the aircraft as an air ambulance, the new owner or person who can legally use the aircraft as an air ambulance shall apply for and obtain a new certificate of registration before using the aircraft as an air ambulance in this state.

**Historical Note**

New Section made by exempt rulemaking at 7 A.A.R. 4888, effective November 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-504 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Section R9-25-804 renumbered to R9-25-803; new Section R9-25-804 renumbered from R9-25-803 and amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2). Amended by final expedited rulemaking 29 A.A.R. 1461 (June 30, 2023), with an immediate effective date of June 6, 2023 (Supp. 23-2).

**R9-25-805. Inspections (Authorized by A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, and 36-2232(A)(11))**

- A. Except as provided in R9-25-711(C), an applicant or a certificate holder shall make an air ambulance available for inspection within Arizona within 10 working days after a request by the Department.
- B. The Department shall conduct each inspection in compliance with A.R.S. § 41-1009.
- C. As permitted under A.R.S. § 36-2232(A)(11), upon a certificate holder's request and at the certificate holder's expense, the annual inspection of an air ambulance required for renewal of a certificate of registration may be conducted by a Department-approved inspection facility.

**Historical Note**

Adopted under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C), effective May 19, 1997; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-505 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**Exhibit 1. Recodified**

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**Historical Note**

Adopted under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C), effective May 19, 1997; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Exhibit 1 recodified to Article 5, Exhibit 1 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

**Exhibit 2. Recodified****Historical Note**

Adopted under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C), effective May 19, 1997; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Exhibit 2 recodified to Article 5, Exhibit 2 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

**Exhibit 3. Repealed****Historical Note**

Adopted under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 36-2205(C), effective May 19, 1997; filed in the Office of the Secretary of State May 21, 1997 (Supp. 97-2). Exhibit repealed by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4).

**R9-25-806. Repealed****Historical Note**

New Section made by exempt rulemaking at 7 A.A.R. 4895, effective October 5, 2001 (Supp. 01-4). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-506 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Repealed by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**R9-25-807. Renumbered****Historical Note**

New Section made by exempt rulemaking at 8 A.A.R. 2633, effective June 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-507 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3). New Section made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Section R9-25-807 renumbered to R9-25-802 by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**Table 8.1. Repealed****Historical Note**

New Table 8.1 renumbered from Table 1 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Table 8.1 amended by final expedited rulemaking at 24 A.A.R. 3487, with an immediate effective date of December 4, 2018 (Supp. 18-4). Table 8.1, Minimum Equipment and Supplies Required on Air Ambulances, by Mission Level and Aircraft Type,

repealed by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**Table 1. Renumbered****Historical Note**

New Table 1 made by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Table 1 renumbered to Table 8.1 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-808. Recodified****Historical Note**

New Section made by exempt rulemaking at 10 A.A.R. 239, effective January 3, 2004 (Supp. 03-4). Section recodified to R9-25-508 at 10 A.A.R. 4192, effective September 21, 2004 (Supp. 04-3).

**ARTICLE 9. GROUND AMBULANCE CERTIFICATE OF NECESSITY****R9-25-901. Definitions (Authorized by A.R.S. § 36-2202 (A))**

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in Articles 9, 10, 11, and 12 unless otherwise specified:

1. "Adjustment" means a modification, correction, or alteration to a rate or charge.
2. "ALS base rate" means the monetary amount assessed to a patient according to A.R.S. § 36-2239(F).
3. "Ambulance Revenue and Cost Report" means Exhibit A or Exhibit B, which records and reports the financial activities of an applicant or a certificate holder.
4. "Application packet" means the fee, documents, forms, and additional information the Department requires to be submitted by an applicant or on an applicant's behalf.
5. "Back-up agreement" means a written arrangement between a certificate holder and a neighboring certificate holder for temporary coverage during limited times when the neighboring certificate holder's ambulances are not available for service in its service area.
6. "BLS base rate" means the monetary amount assessed to a patient according to A.R.S. § 36-2239(G).
7. "Certificate holder" means a person to whom the Department issues a certificate of necessity.
8. "Certificate of registration" means an authorization issued by the Department to a certificate holder to operate a ground ambulance vehicle.
9. "Change of ownership" means:
  - a. In the case of ownership by a sole proprietor, 20% or more interest or a beneficial interest is sold or transferred;
  - b. In the case of ownership by a partnership or a private corporation, 20% or more of the stock, interest, or beneficial interest is sold or transferred; or
  - c. The controlling influence changes to the extent that the management and control of the ground ambulance service is significantly altered.
10. "Charge" means the monetary amount assessed to a patient for disposable supplies, medical supplies, medication, and oxygen-related costs.
11. "Chassis" means the part of a ground ambulance vehicle consisting of all base components, including front and rear suspension, exhaust system, brakes, engine, engine hood or cover, transmission, front and rear axles, front fenders, drive train and shaft, fuel system, engine air intake and filter, accelerator pedal, steering wheel, tires,

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- heating and cooling system, battery, and operating controls and instruments.
12. "Convalescent transport" means a scheduled transport other than an interfacility transport.
  13. "Dispatch" means the direction to a ground ambulance service or vehicle to respond to a call for EMS or transport.
  14. "Driver's compartment" means the part of a ground ambulance vehicle that contains the controls and instruments for operation of the ground ambulance vehicle.
  15. "Financial statements" means an applicant's balance sheet, annual income statement, and annual cash flow statement.
  16. "Frame" means the structural foundation on which a ground ambulance vehicle chassis is constructed.
  17. "General public rate" means the monetary amount assessed to a patient by a ground ambulance service for ALS, BLS, mileage, standby waiting, or according to a subscription service contract.
  18. "Generally accepted accounting principles" means the conventions, and rules and procedures for accounting, including broad and specific guidelines, established by the Financial Accounting Standards Board.
  19. "Goodwill" means the difference between the purchase price of a ground ambulance service and the fair market value of the ground ambulance service's identifiable net assets.
  20. "Gross revenue" means:
    - a. The sum of revenues reported in the Ambulance Revenue and Cost Report Exhibit A, page 2, lines 1, 9, and 20; or
    - b. The sum of revenues reported in the Ambulance Revenue and Cost Report Exhibit B, page 3, lines 1, 24, 25, and 26.
  21. "Ground ambulance service" means an ambulance service that operates on land.
  22. "Ground ambulance service contract" means a written agreement between a certificate holder and a person for the provision of ground ambulance service.
  23. "Ground ambulance vehicle" means a motor vehicle, defined in A.R.S. § 28-101, specifically designed to transport ambulance attendants and patients on land.
  24. "Indirect costs" means the cost of providing ground ambulance service that does not include the costs of equipment.
  25. "Interfacility transport" means a scheduled transport between two health care institutions.
  26. "Level of service" means ALS or BLS ground ambulance service, including the type of ambulance attendants used by the ground ambulance service.
  27. "Major defect" means a condition that exists on a ground ambulance vehicle that requires the Department or the certificate holder to place the ground ambulance vehicle out-of-service.
  28. "Mileage rate" means the monetary amount assessed to a patient for each mile traveled from the point of patient pick-up to the patient's destination point.
  29. "Minor defect" means a condition that exists on a ground ambulance vehicle that is not a major defect.
  30. "Needs assessment" means a study or statistical analysis that examines the need for ground ambulance service within a service area or proposed service area that takes into account the current or proposed service area's medical, fire, and police services.
  31. "Out-of-service" means a ground ambulance vehicle cannot be operated to transport patients.
  32. "Patient compartment" means the ground ambulance vehicle body part that holds a patient.
  33. "Public necessity" means an identified population needs or requires all or part of the services of a ground ambulance service.
  34. "Response code" means the priority assigned to a request for immediate dispatch by a ground ambulance service on the basis of the information available to the certificate holder or the certificate holder's dispatch authority.
  35. "Response time" means the difference between the time a certificate holder is notified that a need exists for immediate dispatch and the time the certificate holder's first ground ambulance vehicle arrives at the scene. Response time does not include the time required to identify the patient's need, the scene, and the resources necessary to meet the patient's need.
  36. "Response-time tolerance" means the percentage of actual response times for a response code and scene locality that are compliant with the response time approved by the Department for the response code and scene locality, for any 12-month period.
  37. "Rural area" means a geographic region with a population of less than 40,000 residents that is not a suburban area.
  38. "Scene locality" means an urban, suburban, rural, or wilderness area.
  39. "Scheduled transport" means to convey a patient at a pre-arranged time by a ground ambulance vehicle for which an immediate dispatch and response is not necessary.
  40. "Service area" means the geographical boundary designated in a certificate of necessity using the criteria in A.R.S. § 36-2233(E).
  41. "Settlement" means the difference between the monetary amount Medicare establishes or AHCCCS pays as an allowable rate and the general public rate a ground ambulance service assesses a patient.
  42. "Standby waiting rate" means the monetary amount assessed to a patient by a certificate holder when a ground ambulance vehicle is required to wait in excess of 15 minutes to load or unload the patient, unless the excess delay is caused by the ground ambulance vehicle or the ambulance attendants on the ground ambulance vehicle.
  43. "Subscription service" means the provision of EMS or transport by a certificate holder to a group of individuals within the certificate holder's service area and the allocation of annual costs among the group of individuals.
  44. "Subscription service contract" means a written agreement for subscription service.
  45. "Subscription service rate" means the monetary amount assessed to a person under a subscription service contract.
  46. "Substandard performance" means a certificate holder's:
    - a. Noncompliance with A.R.S. Title 36, Chapter 21.1, Articles 1 and 2, or 9 A.A.C. 25, or the terms of the certificate holder's certificate of necessity, including all decisions and orders issued by the Director to the certificate holder;
    - b. Failure to ensure that an ambulance attendant complies with A.R.S. Title 36, Chapter 21.1, Articles 1 and 2, or 9 A.A.C. 25, for the level of ground ambulance service provided by the certificate holder; or
    - c. Failure to meet the requirements in 9 A.A.C. 25, Article 10.

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47. "Suburban area" means a geographic region within a 10-mile radius of an urban area that has a population density equal to or greater than 1,000 residents per square mile.
48. "Third-party payor" means a person, other than a patient, who is financially responsible for the payment of a patient's assessed general public rates and charges for EMS or transport provided to the patient by a ground ambulance service.
49. "Transfer" means:
  - a. A change of ownership or type of business entity; or
  - b. To move a patient from a ground ambulance vehicle to an air ambulance.
50. "Transport" means the conveyance of one or more patients in a ground ambulance vehicle from the point of patient pick-up to the patient's initial destination.
51. "Type of ground ambulance service" means an interfacility transport, a convalescent transport, or a transport that requires an immediate response.
52. "Urban area" means a geographic region delineated as an urbanized area by the United States Department of Commerce, Bureau of the Census.
53. "Wilderness area" means a geographic region that has a population density of less than one resident per square mile.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).  
 Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-902. Application for an Initial Certificate of Necessity; Provision of ALS Services; Transfer of a Certificate of Necessity (Authorized by A.R.S. §§ 36-2204, 36-2232, 36-2233(B), 36-2236(A) and (B), 36-2240)**

- A. An applicant for an initial certificate of necessity shall submit to the Department an application packet, in a Department-provided format, that includes:
1. An application form that contains:
    - a. The legal business or corporate name, address, telephone number, and facsimile number of the ground ambulance service;
    - b. The name, title, address, e-mail address, and telephone number of the following:
      - i. Each applicant and individual responsible for managing the ground ambulance service;
      - ii. The business representative or designated manager;
      - iii. The individual to contact to access the ground ambulance service's records required in R9-25-910; and
      - iv. The statutory agent for the ground ambulance service, if applicable;
    - c. The name, address, and telephone number of the base hospital or centralized medical direction communications center for the ground ambulance service;
    - d. The address and telephone number of the ground ambulance service's dispatch center;
    - e. The address and telephone number of each suboperation station located within the proposed service area;
    - f. Whether the ground ambulance service is a corporation, partnership, sole proprietorship, limited liability corporation, or other;
    - g. Whether the business entity is proprietary, non-profit, or governmental;
    - h. A description of the communication equipment to be used in each ground ambulance vehicle and suboperation station;
    - i. The make and year of each ground ambulance vehicle to be used by the ground ambulance service;
    - j. The number of ambulance attendants and the type of licensure, certification, or registration for each attendant;
    - k. The proposed hours of operation for the ground ambulance service;
    - l. The type of ground ambulance service;
    - m. The level of ground ambulance service;
    - n. Acknowledgment that the applicant:
      - i. Is requesting to operate ground ambulance vehicles and a ground ambulance service in this state;
      - ii. Has received a copy of 9 A.A.C. 25 and A.R.S. Title 36, Chapter 21.1; and
      - iii. Will comply with the Department's statutes and rules in any matter relating to or affecting the ground ambulance service;
    - o. A statement that any information or documents submitted to the Department are true and correct; and
    - p. The signature of the applicant or the applicant's designated representative and the date signed;
  2. The following information:
    - a. Where the ground ambulance vehicles in subsection (A)(1)(i) are located within the applicant's proposed service area;
    - b. A statement of the proposed general public rates;
    - c. A statement of the proposed charges;
    - d. The applicant's proposed response times, response codes, and response-time tolerances for each scene locality in the proposed service area, based on the following:
      - i. The population demographics within the proposed service area;
      - ii. The square miles within the proposed service area;
      - iii. The medical needs of the population within the proposed service area;
      - iv. The number of anticipated requests for each type and level of ground ambulance service in the proposed service area;
      - v. The available routes of travel within the proposed service area;
      - vi. The geographic features and environmental conditions within the proposed service area; and
      - vii. The available medical and emergency medical resources within the proposed service area;
    - e. A plan to provide temporary ground ambulance service to the proposed service area for a limited time when the applicant is unable to provide ground ambulance service to the proposed service area;
    - f. Whether a ground ambulance service currently operates in all or part of the proposed service area and if so, where; and
    - g. Whether an applicant or a designated manager:
      - i. Has ever been convicted of a felony or a misdemeanor involving moral turpitude,
      - ii. Has ever had a license or certificate of necessity for a ground ambulance service suspended or revoked by any state or political subdivision, or

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- iii. Has ever operated a ground ambulance service without the required certification or licensure in this or any other state;

3. The following documents:

- a. A description of the proposed service area by any method specified in A.R.S. § 36-2233(E) and a map that illustrates the proposed service area;
- b. A projected Ambulance Revenue and Cost Report;
- c. The financing agreement for all capital acquisitions exceeding \$5,000;
- d. The source and amount of funding for cash flow from the date the ground ambulance service commences operation until the date cash flow covers monthly expenses;
- e. Any proposed ground ambulance service contract under A.R.S. §§ 36-2232(A)(1) and 36-2234(K);
- f. The information and documents specified in R9-25-1101, if the applicant is requesting to establish general public rates;
- g. Any subscription service contract under A.R.S. §§ 36-2232(A)(1) and 36-2237(B);
- h. A certificate of insurance or documentation of self-insurance required in A.R.S. § 36-2237(A) and R9-25-909;
- i. A surety bond if required under A.R.S. § 36-2237(B); and
- j. The applicant's and designated manager's resume or other description of experience and qualification to operate a ground ambulance service; and

4. Any documents, exhibits, or statements that may assist the Director in evaluating the application or any other information or documents needed by the Director to clarify incomplete or ambiguous information or documents.

**B.** Before an applicant provides ALS, the applicant shall submit to the Department the application packet required in subsection (A) and the following:

- 1. A current written contract for ALS medical direction; and
- 2. Proof of professional liability insurance for ALS personnel required in R9-25-909(A)(1)(b).

**C.** When requesting a transfer of a certificate of necessity:

- 1. The person wanting to transfer the certificate of necessity shall submit a letter to the Department that contains:
  - a. A request that the certificate of necessity be transferred, and
  - b. The name of the person to whom the certificate of necessity is to be transferred; and
- 2. The person identified in subsection (C)(1)(b) shall submit:
  - a. The application packet in subsection (A); and
  - b. The information in subsection (B), if ALS is provided.

**D.** An applicant shall submit the following fees:

- 1. \$100 application filing fee for an initial certificate of necessity, or
- 2. \$50 application filing fee for a transfer of a certificate of necessity.

**E.** The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-903. Determining Public Necessity (A.R.S. § 36-2233(B)(2))**

- A.** In determining public necessity for an initial or amended certificate of necessity, the Director shall consider the following:
- 1. The response times, response codes, and response-time tolerances proposed by the applicant for the service area;
  - 2. The population demographics within the proposed service area;
  - 3. The geographic distribution of health care institutions within and surrounding the service area;
  - 4. Whether issuing a certificate of necessity to more than one ambulance service within the same service area is in the public's best interest, based on:
    - a. The existence of ground ambulance service to all or part of the service area;
    - b. The response times of and response-time tolerances for ground ambulance service to all or part of the service area;
    - c. The availability of certificate holders in all or part of the service area; and
    - d. The availability of emergency medical services in all or part of the service area;
  - 5. The information in R9-25-902(A)(1) and (A)(2); and
  - 6. Other matters determined by the Director or the applicant to be relevant to the determination of public necessity.

**B.** In deciding whether to issue a certificate of necessity to more than one ground ambulance service for convalescent or interfacility transport for the same service area or overlapping service areas, the Director shall consider the following:

- 1. The factors in subsections (A)(2), (A)(3), (A)(4)(a), (A)(4)(c), (A)(4)(d), (A)(5), and (A)(6);
- 2. The financial impact on certificate holders whose service area includes all or part of the service area in the requested certificate of necessity;
- 3. The need for additional convalescent or interfacility transport; and
- 4. Whether a certificate holder for the service area has demonstrated substandard performance.

**C.** In deciding whether to issue a certificate of necessity to more than one ground ambulance service for a 9-1-1 or similarly dispatched transport within the same service area or overlapping service areas, the Director shall consider the following:

- 1. The factors in subsections (A), (B)(2), and (B)(4);
- 2. The difference between the response times in the service area and proposed response times by the applicant;
- 3. A needs assessment adopted by a political subdivision, if any; and
- 4. A needs assessment, referenced in A.R.S. § 36-2210, adopted by a local emergency medical services coordinating system, if any.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-904. Application for Renewal of a Certificate of Necessity (A.R.S. §§ 36-2233, 36-2235, 36-2240)**

- A.** An applicant for a renewal of a certificate of necessity shall submit to the Department, not less than 60 days before the expiration date of the certificate of necessity, an application packet that includes:

- 1. An application form that contains the information in R9-25-902(A)(1)(a) through (A)(1)(m) and the signature of the applicant;

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2. Proof of continuous insurance coverage or a statement of continuing self-insurance, including a copy of the current certificate of insurance or current statement of self-insurance required in R9-25-909;
  3. Proof of continued coverage by a surety bond if required under A.R.S. §§ 36-2237(B);
  4. A copy of the list of current charges required in R9-25-1109;
  5. An affirmation that the certificate holder has and is continuing to meet the conditions of the certificate of necessity, including assessing only those rates and charges approved and set by the Director; and
  6. \$50 application filing fee.
- B.** A certificate holder who fails to file a timely application for renewal of the certificate of necessity according to A.R.S. § 36-2235 and this Section, shall cease operations at 12:01 a.m. on the date the certificate of necessity expires.
- C.** To commence operations after failing to file a timely renewal application, a person shall file an initial certificate of necessity application according to R9-25-902 and meet all the requirements for an initial certificate of necessity.
- D.** The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-905. Application for Amendment of a Certificate of Necessity (A.R.S. §§ 36-2232(A)(4), 36-2240)**

- A.** A certificate holder that wants to amend its certificate of necessity shall submit to the Department the application form in R9-25-902(A)(1) and an application filing fee of \$50 for changes in:
1. The legal name of the ground ambulance service;
  2. The legal address of the ground ambulance service;
  3. The level of ground ambulance service;
  4. The type of ground ambulance service;
  5. The service area; or
  6. The response times, response codes, or response-time tolerances.
- B.** In addition to the application form in subsection (A), an amending certificate holder shall submit:
1. For the addition of ALS ground ambulance service, the information required in R9-25-902(B)(1) and (B)(2).
  2. For a change in the service area, the information required in R9-25-902(A)(3)(a);
  3. For a change in response times, the information required in subsection R9-25-902(A)(2)(d);
  4. A statement explaining the financial impact and impact on patient care anticipated by the proposed amendment;
  5. Any other information or documents requested by the Director to clarify incomplete or ambiguous information or documents; and
  6. Any documents, exhibits, or statements that the amending certificate holder wishes to submit to assist the Director in evaluating the proposed amendment.
- C.** The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-906. Determining Response Times, Response Codes, and Response-Time Tolerances for Certificates of Necessity and Provision of ALS Services (A.R.S. §§ 36-2232, 36-2233)**

In determining response times, response codes, and response-time tolerances for all or part of a service area, the Director may consider the following:

1. Differences in scene locality, if applicable;
2. Requirements of a 9-1-1 or similar dispatch system for all or part of the service area;
3. Requirements in a contract approved by the Department between a ground ambulance service and a political subdivision;
4. Medical prioritization for the dispatch of a ground ambulance vehicle according to procedures established by the certificate holder's medical direction authority; and
5. Other matters determined by the Director to be relevant to the measurement of response times, response codes, and response-time tolerances.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-907. Observance of Service Area; Exceptions (A.R.S. § 36-2232)**

A certificate holder shall not provide EMS or transport within an area other than the service area identified in the certificate holder's certificate of necessity except:

1. When authorized by a service area's dispatch, before the service area's ground ambulance vehicle arrives at the scene; or
2. According to a back-up agreement.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-908. Transport Requirements; Exceptions (A.R.S. §§ 36-2224, 36-2232)**

A certificate holder shall transport a patient except:

1. As limited by A.R.S. § 36-2224;
2. If the patient is in a health care institution and the patient's medical condition requires a level of care or monitoring during transport that exceeds the scope of practice of the ambulance attendants' certification;
3. If the transport may result in an immediate threat to the ambulance attendant's safety, as determined by the ambulance attendant, certificate holder, or medical direction authority;
4. If the patient is more than 17 years old and refuses to be transported; or
5. If the patient is in a health care institution and does not meet the federal requirements for medically necessary ground vehicle ambulance transport as identified in 42 CFR 410.40.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-909. Certificate of Insurance or Self-Insurance (A.R.S. §§ 36-2232, 36-2233, 36-2237)**

**A.** A certificate holder shall:

1. Maintain with an insurance company authorized to transact business in this state:
  - a. A minimum single occurrence automobile liability insurance coverage of \$500,000 for ground ambulance vehicles; and

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- b. A minimum single occurrence malpractice or professional liability insurance coverage of \$500,000; or
  - 2. Be self-insured for the amounts in subsection (A)(1).
- B. A certificate holder shall submit to the Department:
  - 1. A copy of the certificate of insurance; or
  - 2. Documentation of self-insurance.
- C. A certificate holder shall submit a copy of the certificate of insurance to the Department no later than five days after the date of issuance of:
  - 1. A renewal of the insurance policy; or
  - 2. A change in insurance coverage or insurance company.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-910. Record and Reporting Requirements (A.R.S. §§ 36-2232, 36-2241, 36-2246)**

- A. A certificate holder shall submit to the Department, no later than 180 days after the certificate holder's fiscal year end, the appropriate Ambulance Revenue and Cost Report.
- B. According to A.R.S. § 36-2241, a certificate holder shall maintain the following records for the Department's review and inspection:
  - 1. The certificate holder's financial statements;
  - 2. All federal and state income tax records;
  - 3. All employee-related expense reports and payroll records;
  - 4. All bank statements and documents verifying reconciliation;
  - 5. All documents establishing the depreciation of assets, such as schedules or accounting records on ground ambulance vehicles, equipment, office furniture, and other plant and equipment assets subject to depreciation;
  - 6. All first care forms required in R9-25-514 and R9-25-615;
  - 7. All patient billing and reimbursement records;
  - 8. All dispatch records, including the following:
    - a. The name of the ground ambulance service;
    - b. The month of the record;
    - c. The date of each transport;
    - d. The number assigned to the ground ambulance vehicle by the certificate holder;
    - e. Names of the ambulance attendants;
    - f. The scene;
    - g. The actual response time;
    - h. The response code;
    - i. The scene locality;
    - j. Whether the scene to which the ground ambulance vehicle is dispatched is outside of the certificate holder's service area; and
    - k. Whether the dispatch is a scheduled transport;
  - 9. All ground ambulance service back-up agreements, contracts, grants, and financial assistance records related to ground ambulance vehicles, EMS, and transport;
  - 10. All written ground ambulance service complaints; and
  - 11. Information about destroyed or otherwise irretrievable records in a file including:
    - a. A list of each record destroyed or otherwise irretrievable;

- b. A description of the circumstances under which each record became destroyed or otherwise irretrievable; and
  - c. The date each record was destroyed or became otherwise irretrievable.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-911. Ground Ambulance Service Advertising (A.R.S. § 36-2232)**

- A. A certificate holder shall not advertise that it provides a type or level of ground ambulance service or operates in a service area different from that granted in the certificate of necessity.
- B. When advertising, a certificate holder shall not direct the circumvention of the use of 9-1-1 or another similarly designated emergency telephone number.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-912. Disciplinary Action (A.R.S. §§ 36-2244, 36-2245)**

- A. After notice and opportunity to be heard is given according to the procedures in A.R.S. Title 41, Chapter 6, Article 10, a certificate of necessity may be suspended, revoked, or other disciplinary action taken for the following reasons:
  - 1. The certificate holder has:
    - a. Demonstrated substandard performance; or
    - b. Been determined not to be fit and proper by the Director;
  - 2. The certificate holder has provided false information or documents:
    - a. On an application for a certificate of necessity;
    - b. Regarding any matter relating to its ground ambulance vehicles or ground ambulance service; or
    - c. To a patient, third-party payor, or other person billed for service; or
  - 3. The certificate holder has failed to:
    - a. Comply with the applicable requirements of A.R.S. Title 36, Chapter 21.1, Articles 1 and 2 or 9 A.A.C. 25; or
    - b. Comply with any term of its certificate of necessity or any rates and charges schedule filed by the certificate holder and approved by the Department.
- B. In determining the type of disciplinary action to impose under A.R.S. § 36-2245, the Director shall consider:
  - 1. The severity of the violation relative to public health and safety;
  - 2. The number of violations relative to the annual transport volume of the certificate holder;
  - 3. The nature and circumstances of the violation;
  - 4. Whether the violation was corrected, the manner of correction, and the time-frame involved; and
  - 5. The impact of the penalty or assessment on the provision of ground ambulance service in the certificate holder's service area.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

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**Exhibit 9A. Ambulance Revenue and Cost Report, General Information and Certification**

Legal Name of Company: \_\_\_\_\_ CON No. \_\_\_\_\_  
 D.B.A. (Doing Business As): \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_  
 Financial Records Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Mailing Address (If Different): \_\_\_\_\_ City: \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Owner/Manager: \_\_\_\_\_  
 Report Contact Person: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_ Ext. \_\_\_\_\_  
 Report for Period From: \_\_\_\_\_ To: \_\_\_\_\_  
 Method of Valuing Inventory: LIFO: ( ) FIFO: ( ) Other (Explain): \_\_\_\_\_

**Please attach a list of all affiliated organizations (parents/subsidiaries) that exhibit at least 5% ownership/ vesting.**

***CERTIFICATION***

*I hereby certify that I have directed the preparation of the Arizona Ambulance Revenue and Cost Report for the facility listed above in accordance with the reporting requirements of the State of Arizona.*

*I have read this report and hereby certify that the information provided is true and correct to the best of my knowledge.*

***This report has been prepared using the accrual basis of accounting.***

*Authorized Signature:* \_\_\_\_\_

*Title:* \_\_\_\_\_ *Date:* \_\_\_\_\_

Mail to:

Department of Health Services  
 Bureau of Emergency Medical Services and Trauma System  
 Certificate of Necessity and Rates Section  
 150 North 18th Avenue, Suite 540, Phoenix, AZ 85007  
 Telephone: (602) 364-3150  
 Fax: (602) 364-3567

Revised December 2013



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AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

STATISTICAL SUPPORT DATA

Line No.	DESCRIPTION	(1) SUBSCRIPTION SERVICE TRANSPORTS	(2)** TRANSPORTS UNDER CONTRACT	(3) TRANSPORTS NOT UNDER CONTRACT	(4) TOTALS
01	Number of ALS Billable Runs. ....	_____	_____	_____	_____
02	Number of BLS Billable Runs. ....	_____	_____	_____	_____
03	Number of Loaded Billable Miles. ....	_____	_____	_____	_____
04	Waiting Time (Hr. & Min.) ....	_____	_____	_____	_____
05	Total Canceled (Non-Billable) Runs . . . . .	_____	_____	_____	_____
					Number
					Donated Hours
	<b>Volunteer Services: (OPTIONAL)</b>				
06	Paramedic, EMT-I(99) and AEMT . . . . .				_____
07	Emergency Medical Technician (EMT) . . . . .				_____
08	Other Ambulance Attendants . . . . .				_____
09	Total Volunteer Hours . . . . .				_____

\*\*This column reports only those runs where a contracted discount rate was applied. See Page 7 to provide additional information regarding discounted contract runs.

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## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

## STATISTICAL SUPPORT DATA

Line No.	TYPE OF SERVICE	(1)	(2)	(3)
		SUBSIDIZED PATIENTS	NON- SUBSIDIZED PATIENTS	TOTALS
01	Number of Advanced Life Support Billable Runs. ....	_____	_____	_____
02	Number of Basic Life Support Billable Runs . ....	_____	_____	_____
03	Number of Loaded Billable Miles. ....	_____	_____	_____
04	Waiting Time (Hours and Minutes) . ....	_____	_____	_____
05	Total Canceled (Non-Billable) Runs . ....	_____	_____	_____
				Number
				Donated Hours
	<b>Volunteer Services: (OPTIONAL)</b>			
06	Paramedic, EMT-I(99), and AEMT . ....			_____
07	Emergency Medical Technician (EMT) . ....			_____
08	Other Ambulance Attendants . ....			_____
09	Total Volunteer Hours . ....			_____

Note: This page and page 3.1, Routine Operating Revenue, are only for those governmental agencies that apply subsidy to patient billings.

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

STATEMENT OF INCOME

Line

No.DESCRPTION

FROM

**Operating Revenue:**

01 Ambulance Service Routine Operating Revenue ..... Page 3 Line 10 ..... \$ \_\_\_\_\_

**Less:**

02 AHCCCS Settlement ..... \_\_\_\_\_

03 Medicare Settlement. .... Page 7 Line 22 ..... \_\_\_\_\_

04 Contractual Discounts. .... Page 8 Line 4 ..... \_\_\_\_\_

05 Subscription Service Settlement. .... \_\_\_\_\_

06 Other (Attach Schedule). .... \_\_\_\_\_

07 Total ..... \_\_\_\_\_

08 Net Revenue from Ambulance Runs ..... \$ \_\_\_\_\_

09 Sales of Subscription Service Contracts. .... Page 8 Line 8 ..... \_\_\_\_\_

10 Total Operating Revenue ..... \$ \_\_\_\_\_

**Ambulance Operating Expenses:**

11 Bad Debt (Includes Subscription Services Bad Debt) ... \$ \_\_\_\_\_

12 Wages, Payroll Taxes, and Employee Benefits. .... Page 4 Line 22 ..... \_\_\_\_\_

13 General and Administrative Expenses ..... Page 5 Line 20 ..... \_\_\_\_\_

14 Cost of Goods Sold. .... Page 3 Line 15 ..... \_\_\_\_\_

15 Other Operating Expenses ..... Page 6 Line 28 ..... \_\_\_\_\_

16 Interest Expense (Attach Schedule IV) ..... Page 14 CI 4 & 5 Line 28 ..... \_\_\_\_\_

17 Subscription Service Direct Selling ..... Page 8 Line 23 ..... \_\_\_\_\_

18 Total Operating Expenses ..... \_\_\_\_\_

19 Ambulance Service Income (Loss) (Line 10 minus Line 18) ..... \$ \_\_\_\_\_

**Other Revenue/Expenses:**

20 Other Operating Revenue and Expenses ..... Page 9 Line 17 \$ \_\_\_\_\_

21 Non-Operating Revenue and Expense ..... \_\_\_\_\_

22 Non-Deductible Expenses (Attach Schedule). .... \_\_\_\_\_

23 Total Other Revenues/Expenses ..... \_\_\_\_\_

24 Ambulance Service Income (Loss) - Before Income Taxes ..... \$ \_\_\_\_\_

**Provision for Income Taxes:**

25 Federal Income Tax. .... \$ \_\_\_\_\_

26 State Income Tax. .... \_\_\_\_\_

27 Total Income Tax ..... \_\_\_\_\_

28 **Ambulance Service - Net Income (Loss)** ..... \$ \_\_\_\_\_

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

## ROUTINE OPERATING REVENUE

Line

No.DESCRPTION

Ambulance Service Routine Operating Revenue:

01	ALS Base Rate.....	\$ _____
02	BLS Base Rate .....	_____
03	Mileage Charge.....	_____
04	Waiting Charge .....	_____
05	Medical Supplies (Gross Charges).....	_____
06	Nurses Charges .....	_____
07	Total .....	\$ _____
08	Standby Revenue (Attach Schedule) .....	_____
09	Other Ambulance Service Revenue (Attach Schedule) .....	_____
10	<b>Total Ambulance Service Routine Operating Revenue (To Page 2, Line 01) .....</b>	<b>\$ _____</b>
COST OF GOODS SOLD: (MEDICAL SUPPLIES)		
11	Inventory at Beginning of Year .....	_____
12	Plus Purchases.....	_____
13	Plus Other Costs.....	_____
14	Less Inventory at End of Year.....	( _____ )
15	<b>Cost of Goods Sold (To Page 2, Line 14) .....</b>	<b>\$ _____</b>

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**ROUTINE OPERATING REVENUE**

Line No. TYPE OF SERVICE	(1) SUBSIDIZED PATIENTS	(2) NON- SUBSIDIZED PATIENTS	(3) TOTALS
AMBULANCE SERVICE OPERATING REVENUE			
01 ALS Base Rate . . . . .	\$ _____	\$ _____	\$ _____
02 BLS Base Rate . . . . .	_____	_____	_____
03 Mileage Charge . . . . .	_____	_____	_____
04 Waiting Charge . . . . .	_____	_____	_____
05 Medical Supplies (Gross Charges) . . . . .	_____	_____	_____
06 Nurses' Charges . . . . .	_____	_____	_____
07 Total . . . . .	\$ _____	\$ _____	\$ _____
08 Standby Revenue (Attach Schedule) . . . . .			_____
09 Other Ambulance Service Revenue (Attach Schedule) . . . . .			_____
10 <b>Total Ambulance Service Routine Operating Revenue (Column 3 to Page 2, Line 01)</b> . . . . .			\$ _____
	<b>Less:</b>		
11 AHCCCS Settlement . . . . .	\$ _____	\$ _____	\$ _____
12 Medicare Settlement . . . . .	_____	_____	_____
13 Subsidy . . . . .	_____	XXXXXXXXXXXXXX	_____
14 Other (Attach Schedule) . . . . .	_____	_____	_____
15 Total Settlements (Column 3 to Page 2, Line 06) . . . . .	\$ _____	\$ _____	\$ _____
Cost of Goods Sold:			
16 Inventory at Beginning of Year . . . . .			\$ _____
17 Plus Purchases . . . . .			_____
18 Plus Other Costs . . . . .			_____
19 Less Inventory at End of Year . . . . .			( _____ )
20 <b>Cost of Goods Sold (Column 3 to Page 2, Line 14)</b> . . . . .			\$ _____

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**WAGES, PAYROLL TAXES, AND EMPLOYEE BENEFITS**

<b>Line No.</b>	<b>DESCRIPTION</b>	<b>No. of *F.T.E.s</b>	<b>AMOUNT</b>
01	<b>Gross Wages - OFFICERS/OWNERS (Attach Schedule I, Page 10, Line 7)</b> . . . . .	_____	\$ _____
02	Payroll Taxes . . . . .	_____	_____
03	Employee Fringe Benefits . . . . .	_____	_____
04	Total . . . . .	_____	\$ _____
05	<b>Gross Wages - MANAGEMENT (Attach Schedule II)</b> . . . . .	_____	\$ _____
06	Payroll Taxes . . . . .	_____	_____
07	Employee Fringe Benefits . . . . .	_____	_____
08	Total . . . . .	_____	\$ _____
<b>Gross Wages - AMBULANCE PERSONNEL (Attach Schedule II)</b>			
	<b>**Casual Labor</b>	<b>Wages</b>	
09	Paramedic, EMT-I(99) and AEMT . . . . .	_____	\$ _____
10	Emergency Medical Technician (EMT). _____	_____	_____
11	Nurses . . . . .	_____	_____
12	Payroll Taxes . . . . .	_____	_____
13	Employee Fringe Benefits . . . . .	_____	_____
14	Total . . . . .	_____	\$ _____
<b>Gross Wages - OTHER PERSONNEL (Attach Schedule II)</b>			
15	Dispatch . . . . .	_____	\$ _____
16	Mechanics . . . . .	_____	_____
17	Office and Clerical . . . . .	_____	_____
18	Other . . . . .	_____	_____
19	Payroll Taxes . . . . .	_____	_____
20	Employee Fringe Benefits . . . . .	_____	_____
21	Total . . . . .	_____	\$ _____
22	Total F.T.E.s' Wages, Payroll Taxes, & Employee Benefits (To Page 2, Line 12) . . . . .	_____	\$ _____

\* Full-time equivalents (F.T.E.) is the sum of all hours for which employee wages were paid during the year divided by 2,080.

\*\* The sum of Casual Labor (wages paid on a per run basis) plus Wages paid is entered in Column 2 by line item. However, when calculating F.T.E.s, do not include casual labor hours worked or expenses incurred.

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**WAGES, PAYROLL TAXES, AND EMPLOYEE BENEFITS**

Line No.	DESCRIPTION	(1) No. of *F.T.E.s	(2) Total Expenditure	(3) Allocation Percentage	(4) Ambulance Amount
01	Gross Wages - Management (Attach Schedule II). . . . .	_____	\$ _____	_____	_____
02	Payroll Taxes. . . . .	_____	_____	_____	_____
03	Employee Fringe Benefits. . . . .	_____	_____	_____	_____
04	Total . . . . .	_____	\$ _____	_____	_____
<b>Gross Wages - Ambulance Personnel (Attach Schedule) :</b>					
	<b>**Contractual      Wages</b>				
05	Paramedic, EMT-I(99) and AEMT . . . . .	_____	\$ _____	_____	_____
06	Emergency Medical Technician (EMT) _____	_____	_____	_____	_____
07	Nurses. . . . .	_____	_____	_____	_____
08	Drivers. . . . .	_____	_____	_____	_____
09	Payroll Taxes. . . . .	_____	_____	_____	_____
10	Employee Fringe Benefits. . . . .	_____	_____	_____	_____
11	Total. . . . .	_____	\$ _____	_____	_____
<b>Gross Wages - Other Personnel (Attach Schedule II):</b>					
12	Dispatch. . . . .	_____	\$ _____	_____	_____
13	Mechanics . . . . .	_____	_____	_____	_____
14	Office and Clerical . . . . .	_____	_____	_____	_____
15	Other . . . . .	_____	_____	_____	_____
16	Payroll Taxes. . . . .	_____	_____	_____	_____
17	Employee Fringe Benefits . . . . .	_____	_____	_____	_____
18	Total. . . . .	_____	\$ _____	_____	_____
19	Total F.T.E.s' Wages, Payroll Taxes, and Employee Benefits (To Page 2, Line 12) _____	_____	\$ _____	_____	_____

\* Full-Time Equivalents (F.T.E.) is the sum of all hours for which employee wages were paid during the year divided by 2,080.

\*\* The sum of Contractual + Wages paid is entered in Column 2 by line item. However, when calculating F.T.E.s, do not include contractual hours worked or expenses incurred.

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**WAGES, PAYROLL TAXES, AND EMPLOYEE BENEFITS**

Line		<u>No. DESCRIPTION</u>		<u>Basis of</u>
		<u>Allocations</u>		
01	Gross Wages - Management .....			
02	Payroll Taxes .....			
03	Employee Fringe Benefits .....			
04	Total .....			
	<b>Gross Wages - Ambulance Personnel:</b>	<b><u>Contractual</u></b>	<b><u>Wages</u></b>	
05	Paramedic, EMT-I(99) and AEMT .....			
06	Emergency Medical Technician (EMT) .....			
06	Emergency Medical Technician (EMT) .....			
07	Nurses .....			
08	Drivers .....			
09	Payroll Taxes .....			
10	Employee Fringe Benefits .....			
11	Total .....			
		Gross Wages - Other Personnel:		
12	Dispatch .....			
13	Mechanics .....			
14	Office and Clerical .....			
15	Other .....			
16	Payroll Taxes .....			
17	Employee Fringe Benefits .....			
18	Total .....			



TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**GENERAL AND ADMINISTRATIVE EXPENSES**

Line		Professional Services:	
<u>No.</u>	<u>DESCRIPTION</u>		
01	Legal Fees .....	\$	_____
02	Collection Fees .....		_____
03	Accounting and Auditing .....		_____
04	Data Processing Fees .....		_____
05	Other (Attach Schedule) .....		_____
06	Total .....	\$	_____
Travel and Entertainment:			
07	Meals and Entertainment .....	\$	_____
08	Transportation - Other Company Vehicles .....		_____
09	Travel .....		_____
10	Other (Attach Schedule) .....		_____
11	Total .....	\$	_____
Other General and Administrative:			
12	Office Supplies .....	\$	_____
13	Postage .....		_____
14	Telephone .....		_____
15	Advertising .....		_____
16	Professional Liability Insurance .....		_____
17	Dues and Subscriptions .....		_____
18	Other (Attach Schedule) .....		_____
19	Total .....	\$	_____
20	Total General and Administrative Expenses (To Page 2, Line 13) .....	\$	_____

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**GENERAL AND ADMINISTRATIVE EXPENSES**

Line No.	DESCRIPTION	(1) Total Expenditure	(2) Allocation Percentage	(3) Ambulance Amount
<b>Professional Services:</b>				
01	Legal Fees .....	\$ _____	_____	\$ _____
02	Collection Fees .....	_____	_____	_____
03	Accounting and Auditing .....	_____	_____	_____
04	Data Processing Fees .....	_____	_____	_____
05	Other (Attach Schedule) .....	_____	_____	_____
06	Total .....	\$ _____		\$ _____
<b>Travel and Entertainment:</b>				
07	Meals and Entertainment .....	\$ _____	_____	\$ _____
08	Transportation - Other Company Vehicles .....	_____	_____	_____
09	Travel .....	_____	_____	_____
10	Other (Attach Schedule) .....	_____	_____	_____
11	Total .....	\$ _____		\$ _____
<b>Other General and Administrative:</b>				
12	Office Supplies .....	\$ _____	_____	\$ _____
13	Postage .....	_____	_____	_____
14	Telephone .....	_____	_____	_____
15	Advertising .....	_____	_____	_____
16	Professional Liability Insurance .....	_____	_____	_____
17	Dues and Subscriptions .....	_____	_____	_____
18	Other (Attach Schedule) .....	_____	_____	_____
19	Total .....	\$ _____		\$ _____
20	Total General & Administrative Expenses (to Page 2, Line 13)	\$ _____		\$ _____

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**GENERAL AND ADMINISTRATIVE EXPENSES (cont.)**

<b>Line No.</b>	<b><u>DESCRIPTION</u></b>	<b><u>Basis of Allocations</u></b>
<b>Professional Services:</b>		
01	Legal Fees .....	_____
02	Collection Fees .....	_____
03	Accounting and Auditing .....	_____
04	Data Processing Fees .....	_____
05	Other (Attach Schedule) .....	_____
06	Total .....	_____
<b>Travel and Entertainment:</b>		
07	Meals and Entertainment .....	_____
08	Transportation - Other Company Vehicles .....	_____
09	Travel .....	_____
10	Other (Attach Schedule) .....	_____
11	Total .....	_____
<b>Other General and Administrative:</b>		
12	Office Supplies .....	_____
13	Postage .....	_____
14	Telephone .....	_____
15	Advertising .....	_____
16	Professional Liability Insurance .....	_____
17	Dues and Subscriptions .....	_____
18	Other (Attach Schedule) .....	_____
19	Total .....	_____

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**OTHER OPERATING EXPENSES**

Line

**No. OTHER OPERATING EXPENSES****Depreciation and Amortization:**

01	Depreciation (Attach Schedule III) (From Line 20, Col I, Page 13) . . . .	\$ _____	
02	Amortization . . . . .	_____	
03	Total . . . . .		\$ _____
04	Rent/Lease (Attach Schedule III) (From Line 20, Col K, Page 13) . . . . .		\$ _____

**Building/Station Expense:**

05	Building and Cleaning Supplies . . . . .	\$ _____	
06	Utilities . . . . .	_____	
07	Property Taxes . . . . .	_____	
08	Property Insurance . . . . .	_____	
09	Repairs and Maintenance . . . . .	_____	
10	Other (Attach Schedule) . . . . .	_____	
11	Total . . . . .		\$ _____

**Vehicle Expense - Ambulance Units:**

12	License/Registration . . . . .	\$ _____	
13	Fuel. . . . .	_____	
14	General Vehicle Service and Maintenance. . . . .	_____	
15	Major Repairs . . . . .	_____	
16	Insurance - Service Vehicles. . . . .	_____	
17	Other (Attach Schedule). . . . .	_____	
18	Total . . . . .		\$ _____

**Other Expenses:**

19	Dispatch . . . . .	_____	
20	Education/Training . . . . .	_____	
21	Uniforms and Uniform Cleaning . . . . .	_____	
22	Meals and Travel for Ambulance Personnel . . . . .	_____	
23	Maintenance Contracts . . . . .	_____	
24	Minor Equipment - Not Capitalized . . . . .	_____	
25	Ambulance Supplies - Nonchargeable . . . . .	_____	
26	Other (Attach Schedule) . . . . .	_____	
27	Total . . . . .		\$ _____
28	Total Other Operating Expenses (To Page 2, Line 15) . . . . .		\$ _____

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**OTHER OPERATING EXPENSES**

<b><u>OTHER OPERATING EXPENSES</u></b>	<b>(1) Total Expenditure</b>	<b>(2) Allocation Percentage</b>	<b>(3) Ambulance Amount</b>
<b>Depreciation and Amortization:</b>			
Depreciation (Attach Schedule III) (From Line 20, Col I, Page 12) .	\$ _____	_____	_____
Amortization . . . . .	_____	_____	_____
Total . . . . .	\$ _____	_____	_____
Rent/Lease (Attach Schedule III) Line 20, Col K, Page 12 . . . . .	\$ _____	_____	_____
<b>Building/Station Expense:</b>			
Building and Cleaning Supplies . . . . .	\$ _____	_____	_____
Utilities . . . . .	_____	_____	_____
Property Taxes . . . . .	_____	_____	_____
Property Insurance . . . . .	_____	_____	_____
Repairs and Maintenance . . . . .	_____	_____	_____
Other (Attach Schedule) . . . . .	_____	_____	_____
Total . . . . .	\$ _____	_____	_____
<b>Vehicle Expense - Ambulance Units:</b>			
License/Registration . . . . .	\$ _____	_____	_____
Fuel. . . . .	_____	_____	_____
General Vehicle Service and Maintenance. . . . .	_____	_____	_____
Major Repairs . . . . .	_____	_____	_____
Insurance - Service Vehicles. . . . .	_____	_____	_____
Other (Attach Schedule). . . . .	_____	_____	_____
Total . . . . .	\$ _____	_____	_____
<b>Other Expenses:</b>			
Dispatch . . . . .	\$ _____	_____	_____
Education/Training . . . . .	_____	_____	_____
Uniforms and Uniform Cleaning . . . . .	_____	_____	_____
Meals and Travel for Ambulance Personnel . . . . .	_____	_____	_____
Maintenance Contracts. . . . .	_____	_____	_____
Minor Equipment - Not Capitalized. . . . .	_____	_____	_____
Ambulance Supplies - Nonchargeable . . . . .	_____	_____	_____
Other (Attach Schedule). . . . .	_____	_____	_____
Total. . . . .	\$ _____	_____	_____
Total Other Operating Expenses (To Page 2, Line 15) . . . . .	\$ _____	_____	_____

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**OTHER OPERATING EXPENSES**

<b>Line No.</b>	<b><u>OTHER OPERATING EXPENSES</u></b>	<b><u>Basis of Allocations</u></b>
	<b>Depreciation and Amortization:</b>	
01	Depreciation . . . . .	_____
02	Amortization . . . . .	_____
03	Total . . . . .	_____
04	Rent/Lease . . . . .	_____
	<b>Building/Station Expense:</b>	
05	Building and Cleaning Supplies . . . . .	_____
06	Utilities . . . . .	_____
07	Property Taxes . . . . .	_____
08	Property Insurance . . . . .	_____
09	Repairs and Maintenance . . . . .	_____
10	Other (Attach Schedule) . . . . .	_____
11	Total . . . . .	_____
	<b>Vehicle Expense - Ambulance Units:</b>	
12	License/Registration . . . . .	_____
13	Fuel . . . . .	_____
14	General Vehicle Service and Maintenance . . . . .	_____
15	Major Repairs . . . . .	_____
16	Insurance - Service Vehicles . . . . .	_____
17	Other (Attach Schedule) . . . . .	_____
18	Total . . . . .	_____
	<b>Other Expenses:</b>	
19	Dispatch . . . . .	_____
20	Education/Training . . . . .	_____
21	Uniforms and Uniform Cleaning . . . . .	_____
22	Meals and Travel for Ambulance Personnel . . . . .	_____
23	Maintenance Contracts . . . . .	_____
24	Minor Equipment - Not Capitalized . . . . .	_____
25	Ambulance Supplies - Nonchargeable . . . . .	_____
26	Other (Attach Schedule) . . . . .	_____
27	Total . . . . .	_____

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TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**DETAIL OF CONTRACTUAL ALLOWANCES**

Line No.	Name of Contracting Entity	Total Billable Runs	Gross Billing	Percent Discount	Allowance
01	_____	_____	_____	_____	_____
02	_____	_____	_____	_____	_____
03	_____	_____	_____	_____	_____
04	_____	_____	_____	_____	_____
05	_____	_____	_____	_____	_____
06	_____	_____	_____	_____	_____
07	_____	_____	_____	_____	_____
08	_____	_____	_____	_____	_____
09	_____	_____	_____	_____	_____
10	_____	_____	_____	_____	_____
11	_____	_____	_____	_____	_____
12	_____	_____	_____	_____	_____
13	_____	_____	_____	_____	_____
14	_____	_____	_____	_____	_____
15	_____	_____	_____	_____	_____
16	_____	_____	_____	_____	_____
17	_____	_____	_____	_____	_____
18	_____	_____	_____	_____	_____
19	_____	_____	_____	_____	_____
20	_____	_____	_____	_____	_____
21	_____	_____	_____	_____	_____
22	Total (To Page 2, Line 4)				_____

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**SUBSCRIPTION SERVICE REVENUE AND  
DIRECT SELLING EXPENSES**

Line

**No. Description****To**

01 Billings at Fully Established Rate ..... \$ \_\_\_\_\_

Less:

02 AHCCCS Settlement ..... \_\_\_\_\_

03 Medicare Settlement ..... \_\_\_\_\_

04 Subscription Service Settlements ..... (To Page 2, Line 5) \_\_\_\_\_

05 Subscription Service Bad Debt ..... \_\_\_\_\_

06 Total ..... \$ \_\_\_\_\_

07 Net Revenue from Subscription Service Runs ..... \_\_\_\_\_

08 Sales of Subscription Service ..... (To Page 2, Line 9) ..... \_\_\_\_\_

09 Other Revenue (Attach Schedule) ..... \_\_\_\_\_

10 Total Subscription Service Revenue ..... \$ \_\_\_\_\_

**Direct Expenses Incurred Selling Subscription Contracts:**

11 Salaries/Wages ..... \$ \_\_\_\_\_

12 Payroll Taxes ..... \_\_\_\_\_

13 Employee Fringe Benefits ..... \_\_\_\_\_

14 Professional Services ..... \_\_\_\_\_

15 Contract Labor ..... \_\_\_\_\_

16 Travel ..... \_\_\_\_\_

17 Other General and Administrative Expenses ..... \_\_\_\_\_

18 Depreciation/Amortization ..... \_\_\_\_\_

19 Rent/Lease ..... \_\_\_\_\_

20 Building/Station Expense ..... \_\_\_\_\_

21 Transportation/Vehicles ..... \_\_\_\_\_

22 Other (Attach Schedule) ..... \_\_\_\_\_

23 Total Subscription Service Expenses ..... (To Page 2, Line 17). . . . . \$ \_\_\_\_\_



TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**OTHER OPERATING REVENUES AND EXPENSES**

**Line  
No. DESCRIPTION**

**Other Operating Revenues:**

01	Supportive Funding - Local (Attach Schedule) .....	\$ _____
02	Grant Funds - State (Attach Schedule) .....	_____
03	Grant Funds - Federal (Attach Schedule) .....	_____
04	Grant Funds - Other (Attach Schedule) .....	_____
05	Patient Finance Charges .....	_____
06	Patient Late Payment Charges .....	_____
07	Interest Earned - Related Person/Organization .....	_____
08	Interest Earned - Other .....	_____
09	Gain on Sale of Operating Property .....	_____
10	Other: _____ .....	_____
11	Other: _____ .....	_____
12	Total Operating Revenue .....	\$ _____

**Other Operating Expenses:**

13	Loss on Sale of Operating Property .....	\$ _____
14	Other: _____ .....	_____
15	Other: _____ .....	_____
16	Total Other Operating Expenses .....	\$ _____
17	Net Other Operating Revenues and Expenses (To Page 2, Line 20) .....	\$ _____

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**DETAIL OF SALARIES/WAGES  
OFFICERS/OWNERS  
SCHEDULE 1****Wages Paid by Category**

Line No.	Name	Title	% of Owner- ship	Manage- ment	*FTE	EMCT		Office	*FTE	Other	*FTE	<b><u>Totals</u></b>	
						*FTE						Wages Paid To Owners	*FTE
01	_____	_____	_____	\$_____	_____	\$_____	_____	\$_____	_____	\$_____	_____	\$_____	_____
02	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
03	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
04	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
05	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
06	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____1	_____
07	<b>TOTAL</b>	=====	=====	\$=====	=====	\$=====	=====	\$=====	=====	\$=====	=====	\$=====	=====

\*Full-time equivalents (F.T.E.) Is the sum of all hours for which employee wages were paid during the year divided by 2080.

1 Total wages paid to owners to Page 4 Col 2 Line 01

2 Total FTEs to Page 4 Col 1 Line 01

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**OPERATING EXPENSES  
DETAIL OF SALARIES/WAGES  
SCHEDULE II**

Line  
No. Detail of Salaries/Wages - Other Than Officers/Owners

**01 MANAGEMENT:**

**METHOD OF COMPENSATION:**

Certification and/or Title	Scheduled Shifts (i.e. 40 or 60 hours a week)	Hourly Wage	Annual Salary	\$s Per Run or Shift
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**02 AMBULANCE PERSONNEL:**

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**03 OTHER PERSONNEL:**

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

DEPRECIATION AND/OR RENT/LEASE EXPENSE  
SCHEDULE IIIAMBULANCE VEHICLES AND  
ACCESSORIAL EQUIPMENT ONLY

	A	B	C	D	E	F	G	H	I	J	K
Line No.	Description of Property	Date Placed in Service	Cost or Other Basis	Business Use Percent	Basis for Depreciation	Method	Recovery Period	Depreciation Prior Years	Current Year Depreciation	Remaining Basis	Rent/Lease Amount*
01											
02											
03											
04											
05											
06											
07											
08											
09											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20	<b>SUBTOTAL</b>	XXX	XXX	XXX	XXX	XXX	XXX	XXX	1	XXX	2

\* Complete Description of property, date placed in service, and rent/lease amount only.

1 To Page 13, Line 19, Column I

2 To Page 13, Line 19, Column K

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**DEPRECIATION AND/OR RENT/LEASE EXPENSE  
SCHEDULE III****ALL OTHER ITEMS**

	A	B	C	D	E	F	G	H	I	J	K
Line No.	Description of Property	Date Placed in Service	Cost or Other Basis	Business Use Percent	Basis for Depreciation	Method	Recovery Period	Depreciation Prior Years	Current Year Depreciation	Remaining Basis	Rent/Lease Amount*
01											
02											
03											
04											
05											
06											
07											
08											
09											
10											
11											
12											
13											
14											
15											
16											
17											
18	SUBTOTAL	XXX	XXX	XXX	XXX	XXX	XXX	XXX		XXX	
19	SUBTOTAL from Page 12, Line 20	XXX	XXX	XXX	XXX	XXX	XXX	XXX		XXX	
20	SUM of Line 18 and 19	XXX	XXX	XXX	XXX	XXX	XXX	XXX	3	XXX	4

\* Complete Description of property, date placed in service, and rent/lease amount only.

3 To Page 6, Line 01

4 To Page 6, Line 04

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**DETAIL OF INTEREST - Schedule IV**

Line No.	Description	(1) Interest Rate	(2) Principal Balance Beginning of Period	(3) End of Period	(4) Interest Expense Related Persons or Organizations	(5) Other
	Service Vehicles & Accessorial Equipment Name of Payee:					
01	_____	_____ %	\$ _____	\$ _____	\$ _____	\$ _____
02	_____	_____	_____	_____	_____	_____
03	_____	_____	_____	_____	_____	_____
04	_____	_____	_____	_____	_____	_____
	Communication Equipment Name of Payee:					
05	_____	_____ %	\$ _____	\$ _____	\$ _____	\$ _____
06	_____	_____	_____	_____	_____	_____
07	_____	_____	_____	_____	_____	_____
	Other Property and Equipment Name of Payee:					
08	_____	_____ %	\$ _____	\$ _____	\$ _____	\$ _____
09	_____	_____	_____	_____	_____	_____
10	_____	_____	_____	_____	_____	_____
	Working Capital Name of Payee:					
11	_____	_____ %	\$ _____	\$ _____	\$ _____	\$ _____
12	_____	_____	_____	_____	_____	_____
13	_____	_____	_____	_____	_____	_____
	Other Name of Payee:					
14	_____	_____ %	\$ _____	\$ _____	\$ _____	\$ _____
15	TOTAL		\$ _____	\$ _____	\$ _____	\$ _____

----- (To Page 2, Column 2, Line 16) -----

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**BALANCE SHEET****ASSETS**

## CURRENT ASSETS

01	Cash	\$	_____	
02	Accounts Receivable		_____	
03	Less: Allowance for Doubtful Accounts		_____	
04	Inventory		_____	
05	Prepaid Expenses		_____	
06	Other Current Assets		_____	

07	TOTAL CURRENT ASSETS			\$	_____
----	----------------------	--	--	----	-------

## PROPERTY &amp; EQUIPMENT

08	Less: Accumulated Depreciation			\$	_____
----	--------------------------------	--	--	----	-------

09	OTHER NONCURRENT ASSETS			\$	_____
----	-------------------------	--	--	----	-------

10	TOTAL ASSETS			\$	_____
----	--------------	--	--	----	-------

**LIABILITIES AND EQUITY**

## CURRENT LIABILITIES

11	Accounts Payable	\$	_____	
12	Current Portion of Notes Payable		_____	
13	Current Portion of Long Term Debt		_____	
14	Deferred Subscription Income		_____	
15	Accrued Expenses and Other		_____	
16	_____		_____	
17	_____		_____	

18	TOTAL CURRENT LIABILITIES			\$	_____
----	---------------------------	--	--	----	-------

19	NOTES PAYABLE		_____	
----	---------------	--	-------	--

20	LONG TERM DEBT OTHER		_____	
----	----------------------	--	-------	--

21	TOTAL LONG-TERM DEBT			\$	_____
----	----------------------	--	--	----	-------

## EQUITY AND OTHER CREDITS

## Paid-in Capital:

22	Common Stock	\$	_____	
23	Paid-In Capital in Excess of Par Value		_____	
24	Contributed Capital		_____	
25	Retained Earnings		_____	
26	Fund Balances		_____	

27	TOTAL EQUITY			\$	_____
----	--------------	--	--	----	-------

28	TOTAL LIABILITIES & EQUITY			\$	_____
----	----------------------------	--	--	----	-------

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**STATEMENT OF CASH FLOWS****OPERATING ACTIVITIES:**

01	<u>Net (loss) Income</u>	\$ _____	
	Adjustments to reconcile net income to net cash provided by operating activities:		
02	Depreciation Expense	_____	
03	Deferred Income Tax	_____	
04	Loss (gain) on Disposal of Property and Equipment	_____	
	<u>(Increase) Decrease in:</u>		
05	Accounts Receivable	_____	
06	Inventories	_____	
07	Prepaid Expenses	_____	
	<u>(Increase) Decrease in:</u>		
08	Accounts Payable	_____	
09	Accrued Expenses	_____	
10	Deferred Subscription Income	_____	
11	Net Cash Provided (Used) by Operating Activities	\$ _____	

**INVESTING ACTIVITIES:**

12	Purchases of Property and Equipment	\$ _____	
13	Proceeds from Disposal of Property and Equipment	_____	
14	Purchases of Investments	_____	
15	Proceeds from Disposal of Investments	_____	
16	Loans Made	_____	
17	Collections on Loans	_____	
18	Other _____	_____	
19	Net Cash Provided (Used) by Investing Activities	\$ _____	

**FINANCING ACTIVITIES:**New Borrowings:

20	Long-Term	\$ _____	
21	Short-Term	_____	

Debt Reduction:

22	Long-Term	_____	
23	Short-Term	_____	

24	Capital Contributions	_____	
25	Dividends paid	_____	

26	Net Cash Provided (Used) by Financing Activities	\$ _____	
27	Net Increase (Decrease) in Cash	\$ _____	
28	Cash at Beginning of Year	\$ _____	
29	Cash at End of Year	\$ _____	

**30 SUPPLEMENTAL DISCLOSURES:**Non-cash Investing and Financing Transactions:

31	_____	\$ _____	
32	_____	_____	
33	Interest Paid (Net of Amounts Capitalized)	_____	
34	Income Taxes Paid	_____	

**Historical Note**

Exhibit 9A renumbered from Exhibit A and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). The Department requested (file number R22-134) that two corrections be made to page 1 of Exhibit 9(A) as amended at 19 A.A.R. 4032 (December 13, 2013); missing form fields have also been added due to clerical errors when formatting this Exhibit (Supp. 22-3).



## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

**Exhibit A. Renumbered****Historical Note**

New Exhibit adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). New Exhibit A recodified from Article 12 at 12 A.A.R. 2243, effective June 2, 2006 (Supp. 06-2). Exhibit A renumbered to Exhibit 9A by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit 9B. Ambulance Revenue and Cost Report, Fire District and Small Rural Company****Department of Health Services****Annual Ambulance Financial Report****Reporting Ambulance Service**

**Report Fiscal Year**  
**From:**    /    /    **To:**    /    /  
Mo.   Day   Year   Mo.   Day   Year

**CERTIFICATION**

*I hereby certify that I have directed the preparation of the enclosed annual report in accordance with the reporting requirements of the State of Arizona.*

*I have read this report and hereby certify that the information provided is true and correct to the best of my knowledge.*

***This report has been prepared using the accrual basis of accounting.***

*Authorized Signature:* \_\_\_\_\_ *Date:* \_\_\_\_\_

*Print Name and Title:* \_\_\_\_\_

**Mail to:**

Department of Health Services  
Bureau of Emergency Medical Services and Trauma System  
Certificate of Necessity and Rates Section  
150 North 18th Avenue, Suite 540  
Phoenix, AZ 85007  
Telephone: (602) 364-3150  
Fax: (602) 364-3567

Revised December 2013

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

STATISTICAL SUPPORT DATA

Line No.	DESCRIPTION	(1) SUBSCRIPTION SERVICE TRANSPORTS	*(2) TRANSPORTS UNDER CONTRACT	(3) TRANSPORTS NOT UNDER CONTRACT	(4) TOTALS
01	Number of ALS Billable Transports:	_____	_____	_____	_____
02	Number of BLS Billable Transports:	_____	_____	_____	_____
03	Number of Loaded Billable Miles:	_____	_____	_____	_____
04	Waiting Time (Hr. & Min.):	_____	_____	_____	_____
05	Canceled (Non-Billable) Runs:	_____	_____	_____	_____

**AMBULANCE SERVICE ROUTINE OPERATING REVENUE**

06	ALS Base Rate Revenue .....	\$ _____
07	BLS Base Rate Revenue .....	_____
08	Mileage Charge Revenue .....	_____
09	Waiting Charge Revenue .....	_____
10	Medical Supplies Charge Revenue .....	_____
11	Nurses Charge Revenue .....	_____
12	Standby Charge Revenue (Attach Schedule).....	_____
13	TOTAL AMBULANCE SERVICE ROUTINE OPERATING REVENUE .....	\$ _____

**SALARY AND WAGE EXPENSE DETAIL****GROSS WAGES:****\*\*No. of F.T.E.s**

14	Management .....	\$ _____	\$ _____
15	Paramedics, EMT-I(99)s, and AEMTs.....	\$ _____	\$ _____
16	Emergency Medical Technician (EMT).....	\$ _____	\$ _____
17	Other Personnel .....	\$ _____	\$ _____
18	Payroll Taxes and Fringe Benefits - All Personnel .....	\$ _____	\$ _____

\*This column reports only those runs where a contracted discount rate was applied.

\*\*Full-time equivalents (F.T.E.) is the sum of all hours for which employees' wages were paid during the year divided by 2080.

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**SCHEDULE OF REVENUES AND EXPENSES**

Line No.	DESCRIPTION	FROM	
<b>Operating Revenues:</b>			
01	Total Ambulance Service Operating Revenue . . . . .	Page 2, Line 13	\$ _____
Settlement Amounts:			
02	AHCCCS .....		( _____ )
03	Medicare .....		( _____ )
04	Subscription Service .....		( _____ )
05	Contractual .....		( _____ )
06	Other .....		( _____ )
07	Total (Sum of Lines 02 through 06).....		( _____ )
08	Total Operating Revenue (Line 01 minus Line 07) .....		\$ _____
<b>Operating Expenses:</b>			
09	Bad Debt .....		
10	Total Salaries, Wages, and Employee- Related Expenses .....		\$ _____
11	Professional Services .....		_____
12	Travel and Entertainment .....		_____
13	Other General Administrative .....		_____
14	Depreciation.....		_____
15	Rent/Leasing .....		_____
16	Building/Station .....		_____
17	Vehicle Expense .....		_____
18	Other Operating Expense.....		_____
19	Cost of Medical Supplies Charged to Patients.....		_____
20	Interest .....		_____
21	Subscription Service Sales Expense .....		_____
22	Total Operating Expense (Sum of Lines 09 through 21) .....		_____
23	Total Operating Income or Loss (Line 08 minus Line 22) .....		\$ _____
24	Subscription Contract Sales .....		_____
25	Other Operating Revenue .....		_____
26	Local Supportive Funding .....		_____
27	Other Non-Operating Income (Attach Schedule) .....		_____
28	Other Non-Operating Expense (Attach Schedule).....		_____
29	NET INCOME/(LOSS) (Line 23 plus Sum of Lines 24 through 28).....		\$ _____

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

**BALANCE SHEET****ASSETS**

## CURRENT ASSETS

01	Cash .....	\$	_____
02	Accounts Receivable.....		_____
03	Less: Allowance for Doubtful Accounts .....		_____
04	Inventory .....		_____
05	Prepaid Expenses .....		_____
06	Other Current Assets.....		_____
07	TOTAL CURRENT ASSETS .....	\$	_____

## PROPERTY &amp; EQUIPMENT

08	Less: Accumulated Depreciation .....	\$	_____
----	--------------------------------------	----	-------

09	OTHER NONCURRENT ASSETS.....	\$	_____
----	------------------------------	----	-------

10	TOTAL ASSETS.....	\$	_____
----	-------------------	----	-------

**LIABILITIES AND EQUITY**

## CURRENT LIABILITIES

11	Accounts Payable.....	\$	_____
12	Current Portion of Notes Payable .....		_____
13	Current Portion of Long term Debt.....		_____
14	Deferred Subscription Income .....		_____
15	Accrued Expenses and Other.....		_____
16	_____		_____
17	_____		_____
18	TOTAL CURRENT LIABILITIES .....	\$	_____

19	NOTES PAYABLE .....		_____
----	---------------------	--	-------

20	LONG TERM DEBT OTHER.....		_____
----	---------------------------	--	-------

21	TOTAL LONG-TERM DEBT .....	\$	_____
----	----------------------------	----	-------

## EQUITY AND OTHER CREDITS

## Paid-in Capital:

22	Common Stock .....	\$	_____
23	Paid-In Capital in Excess of Par Value .....		_____
24	Contributed Capital .....		_____
25	Retained Earnings .....		_____
26	Fund Balances.....		_____

27	TOTAL EQUITY .....	\$	_____
----	--------------------	----	-------

28	TOTAL LIABILITIES & EQUITY .....	\$	_____
----	----------------------------------	----	-------

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## AMBULANCE REVENUE AND COST REPORT

AMBULANCE SERVICE ENTITY: \_\_\_\_\_

FOR THE PERIOD FROM: \_\_\_\_\_ TO: \_\_\_\_\_

## STATEMENT OF CASH FLOWS

<b>OPERATING ACTIVITIES:</b>		
01	Net (loss) Income	\$ _____
	Adjustments to reconcile net income to net cash provided by operating activities:	
02	Depreciation Expense	_____
03	Deferred Income Tax	_____
04	Loss (gain) on Disposal of Property and Equipment	_____
	(Increase) Decrease in:	
05	Accounts Receivable	_____
06	Inventories	_____
07	Prepaid Expenses	_____
	(Increase) Decrease in:	
08	Accounts Payable	_____
09	Accrued Expenses	_____
10	Deferred Subscription Income	_____
11	Net Cash Provided (Used) by Operating Activities	\$ _____
<b>INVESTING ACTIVITIES:</b>		
12	Purchases of Property and Equipment	_____
13	Proceeds from Disposal of Property and Equipment	_____
14	Purchases of Investments	_____
15	Proceeds from Disposal of Investments	_____
16	Loans Made	_____
17	Collections on Loans	_____
18	Other _____	_____
19	Net Cash Provided (Used) by Investing Activities	\$ _____
<b>FINANCING ACTIVITIES:</b>		
	New Borrowings:	
20	Long-Term	_____
21	Short-Term	_____
	Debt Reduction:	
22	Long-Term	_____
23	Short-Term	_____
24	Capital Contributions	_____
25	Dividends paid	_____
26	Net Cash Provided (Used) by Financing Activities	\$ _____
27	Net Increase (Decrease) in Cash	\$ _____
28	Cash at Beginning of Year	\$ _____
29	Cash at End of Year	\$ _____
<b>30 SUPPLEMENTAL DISCLOSURES:</b>		
	Non-cash Investing and Financing Transactions:	
31	_____	\$ _____
32	_____	_____
33	Interest Paid (Net of Amounts Capitalized)	_____
34	Income Taxes Paid	_____

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## INSTRUCTIONS

**Page 1: COVER**

1. Enter the name of the ambulance service on the line "Reporting Ambulance Service."
2. Print the name and title of the ambulance service's authorized representative on the lines indicated; enter the date of signature; authorized representative must sign the report.

**Page 2: STATISTICAL SUPPORT DATA and ROUTINE OPERATING REVENUE**

Enter the ambulance service's business name and the appropriate reporting period.

**Statistical Support Data:**

- Lines 01-02: Enter the number of billable ALS and BLS transports for each of the three categories. Subscription Service Transports should not be included with Transports Under Contract.
- Lines 03-04: Enter the total of patient loaded transport miles and waiting times for each of the transport categories.
- Line 05: List TOTAL of canceled/non-billable runs.

**Ambulance Service Routine Operating Revenue:**

- Line 06: Enter the total amount of all ALS Base Rate gross billings.
- Line 07: Enter the total amount of all BLS Base Rate gross billings.
- Line 08: Enter the total of Mileage Charge gross billings.
- Line 09: Enter the total Waiting Time gross billings.
- Line 10: Enter the total of all gross billings of Medical Supplies to patients.
- Line 11: RESERVED FOR FUTURE USE - Charges for Nurses currently are not allowed.
- Line 12: Enter the total of all Standby Time charges. (Attach a schedule showing sources.)
- Line 13: Add the totals from Line 06 through Line 12. Enter sum on Line 13.

**Salary and Wage Expense Detail:**

- Line 14: Enter the total salary amount allocated and paid to Management of the ambulance service.
- Line 15: Enter the total salary amount allocated and paid to Paramedics, EMT-I(99)s, and AEMTs.
- Line 16: Enter the total salary amount allocated and paid to Emergency Medical Technicians (EMTs).
- Line 17: Enter the total salary amount allocated and paid to Other Personnel involved with the ambulance service. (Examples: Dispatch, Mechanics, Office)
- Line 18: Enter the total allocated amount of Payroll Taxes and Fringe Benefits paid to employees included in lines 14 through 17.

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## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## ANNUAL AMBULANCE FINANCIAL REPORT

EXPENSE CATEGORIES FOR USE ON PAGE 3

- Line 09 Bad Debt
- Line 10 Total Salaries, Wages, and Employee-Related Expenses
  - Salaries, Wages, Payroll Taxes, and Employee Benefits
- Line 11 Professional Services
  - Legal/Management Fees
  - Collection Fees
  - Accounting/Auditing
  - Data Processing Fees
- Line 12 Travel and Entertainment (Administrative)
  - Meals and Entertainment
  - Travel/Transportation
- Line 13 Other General and Administrative
  - Office Related (Supplies, Phone, Postage, Advertising)
  - Professional Liability Insurance
  - Dues, Subscriptions, Miscellaneous
- Line 14 Depreciation
- Line 15 Rent/Leasing
- Line 16 Building/Station
  - Utilities, Property Taxes/Insurance, Cleaning/Maintenance
- Line 17 Vehicle Expenses
  - License/Registration
  - Repairs/Maintenance
  - Insurance
- Line 18 Other Operating Expenses
  - Dispatch Contracts
  - Employee Education/Training, Uniforms, Travel/Meals
  - Maintenance Contracts
  - Minor Equipment, Non-Chargeable Ambulance Supplies
- Line 19 Cost of Medical Supplies Charged to Patients
- Line 20 Interest Expense
  - Interest on: Bank Loans/Lines of Credit
- Line 21 Subscription Service Sales Expenses
  - Sales Commissions, Printing

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## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

## INSTRUCTIONS (cont'd)

**Page 3: SCHEDULE OF REVENUES AND EXPENSES****Operating Revenues:**

- Line 01: Transfer appropriate total from Page 2 as indicated.  
 Line 02: Enter settlement amounts from AHCCCS transports. (DO NOT include settlement amounts resulting from a transport made under a SUBSCRIPTION SERVICE CONTRACT)  
 Line 03: Enter settlement amounts from Medicare transports. (DO NOT include settlement amounts resulting from a transport made under a SUBSCRIPTION SERVICE CONTRACT)  
 Line 04: Enter total of ALL settlement amounts from Subscription Service Contract transports.  
 Line 05: Enter total of ALL settlement amounts from Contractual transports only.  
 Line 06: Enter total from any other settlement sources.  
 Line 07: Enter sum of lines 02 through 06.  
 Line 08: Total Operating Revenue (The amount from Line 01 minus Line 07).

**Operating Expenses:**

- Lines 09-21: Report as either actual or allocated from expenses shared with Fire or other departments.  
 Line 22: Enter the total sum of lines 09 through 21.  
 Line 23: Enter the difference of line 08 minus line 22.  
 Line 24: Enter the gross amount of sales from Subscription Service Contracts.  
 Line 25: Enter the amount of Other Operating Revenues.  
     Ex: Federal, State or Local Grants, Interest Earned, Patient Finance Charges.  
 Line 26: Enter the total of Local Supportive Funding.  
 Line 27: List other non-operating revenues (Ex: Donations, sales of assets, fund raisers).  
 Line 28: List other non-operating expenses (Ex: Civil fines or penalties, loss on sale of assets).  
 Line 29: Net Income (Line 23 plus Lines 24 through 27, minus Line 28).

**Page 4: BALANCE SHEET**

Current audited financial statements may be submitted in lieu of this page.

**Page 5: STATEMENT OF CASH FLOWS**

Current audited financial statements may be submitted in lieu of this page.

Questions regarding this reporting form can be submitted to:

Arizona Department of Health Services  
 Bureau of Emergency Medical Services and Trauma System  
 Certificate of Necessity and Rates Section

150 North 18th Avenue, Suite 540  
 Phoenix, AZ 85007  
 Telephone: (602) 364-3150  
 Fax: (602) 364-3567

**Page 8****Historical Note**

Exhibit 9B renumbered from Exhibit B and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit B. Renumbered****Historical Note**

New Table adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). New Exhibit B recodified from Article 12 at 12 A.A.R. 2243, effective June 2, 2006 (Supp. 06-2). Exhibit B renumbered to Exhibit 9B by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**ARTICLE 10. GROUND AMBULANCE VEHICLE REGISTRATION****R9-25-1001. Initial and Renewal Application for a Certificate****of Registration (A.R.S. §§ 36-2212, 36-2232, 36-2240)**

- A. A person applying for an initial or renewal certificate of registration of a ground ambulance vehicle shall submit an application form to the Department that contains:
1. The applicant's legal business or corporate name;
  2. The applicant's mailing address, physical address of the business, and business, facsimile, and emergency telephone numbers;
  3. The identifying information of the ground ambulance vehicle, including:
    - a. The make of the ground ambulance vehicle;
    - b. The ground ambulance vehicle manufacture year;



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- c. The ground ambulance vehicle identification number;
  - d. The unit number of the ground ambulance vehicle;
  - e. The ground ambulance vehicle's state license number; and
  - f. The location at which the ground ambulance vehicle will be available for inspection;
  - 4. The identification number of the certificate of necessity to which the ground ambulance vehicle is registered;
  - 5. The name and telephone number of the person to contact to arrange for inspection, if the inspection is pre-announced; and
  - 6. The signature of the applicant or applicant's designated representative.
  - B.** Under A.R.S. § 36-2232(A)(11), the Department shall inspect each ambulance before an initial certificate of registration is issued by the Department.
  - C.** Under A.R.S. § 36-2232(A)(11), the Department shall either inspect an ambulance or receive an inspection report that meets the requirements in this Article by a Department-approved inspection facility before a renewal certificate of registration is issued by the Department.
  - D.** An applicant shall submit the following fees:
    - 1. \$50 application filing fee for an initial certificate of registration;
    - 2. \$200 annual regulatory fee for each ground ambulance vehicle issued a certificate of registration; and
    - 3. \$50 application filing fee for the renewal of a certificate of registration.
  - E.** The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.
- Historical Note**
- New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).
- R9-25-1002. Minimum Standards for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5))**
- An applicant for a certificate of registration or certificate holder shall ensure a ground ambulance vehicle is equipped with the following:
- 1. An engine intake air cleaner that meets the ground ambulance vehicle manufacturer's engine specifications;
  - 2. A brake system that meets the requirements in A.R.S. § 28-952;
  - 3. A cooling system in the engine compartment that maintains the engine temperature operating range required to prevent damage to the ground ambulance vehicle engine;
  - 4. A battery:
    - a. With no leaks, corrosion, or other visible defects; and
    - b. As measured by a voltage meter, capable of generating:
      - i. 12.6 volts at rest, and
      - ii. 13.2 to 14.2 volts on high idle with all electrical equipment turned on;
  - 5. A wiring system in the engine compartment designed to prevent the wire from being cut by or tangled in the engine or hood;
  - 6. Hoses, belts, and wiring with no visible defects;
  - 7. An electrical system capable of maintaining a positive amperage charge while the ground ambulance vehicle is stationary and operating at high idle with headlights, running lights, patient compartment lights, environmental systems, and all warning devices turned on;
  - 8. An exhaust pipe, muffler, and tailpipe under the ground ambulance vehicle and securely attached to the chassis;
  - 9. A frame capable of supporting the gross vehicle weight of the ground ambulance vehicle;
  - 10. A horn that meets the requirements in A.R.S. § 28-954(A);
  - 11. A siren that meets the requirements in A.R.S. § 28-954(E);
  - 12. A front bumper that is positioned at the forward-most part of the ground ambulance vehicle extending to the ground ambulance vehicle's outer edges;
  - 13. A fuel cap of a type specified by the manufacturer for each fuel tank;
  - 14. A steering system to include:
    - a. Power-steering belts free from frays, cracks, or slip-page;
    - b. Power-steering that is free from leaks;
    - c. Fluid in the power-steering system that fills the reservoir between the full level and the add level indicator on the dipstick; and
    - d. Bracing extending from the center of the steering wheel to the steering wheel ring that is not cracked;
  - 15. Front and rear shock absorbers that are free from leaks;
  - 16. Tires on each axle that:
    - a. Are properly inflated;
    - b. Are of equal size, equal ply ratings, and equal type;
    - c. Are free of bumps, knots, or bulges;
    - d. Have no exposed ply or belting; and
    - e. Have tread groove depth equal to or more than 4/32 inch;
  - 17. An air cooling system capable of achieving and maintaining a 20° F difference between the air intake and the cool air outlet;
  - 18. Air cooling and heater hoses secured in all areas of the ground ambulance vehicle and chassis to prevent wear due to vibration;
  - 19. Body free of damage or rust that interferes with the physical operation of the ground ambulance vehicle or creates a hole in the driver's compartment or the patient compartment;
  - 20. Windshield defrosting and defogging equipment;
  - 21. Emergency warning lights that provide 360° conspicuity;
  - 22. At least one 5-lb. ABC dry, chemical, multi-purpose fire extinguisher in a quick release bracket with a current inspection tag;
  - 23. A heating system capable of achieving and maintaining a temperature of not less than 68° F in the patient compartment within 30 minutes;
  - 24. Sides of the ground ambulance vehicle insulated and sealed to prevent dust, dirt, water, carbon monoxide, and gas fumes from entering the interior of the patient compartment and to reduce noise;
  - 25. Interior patient compartment wall and floor coverings that are:
    - a. In good repair and capable of being disinfected, and
    - b. Maintained in a sanitary manner;
  - 26. Padding over exit areas from the patient compartment and over sharp edges in the patient compartment;
  - 27. Secured interior equipment and other objects;
  - 28. When present, hangers or supports for equipment mounted not to protrude more than 2 inches when not in use;
  - 29. Functional lamps and signals, including:
    - a. Bright and dim headlamps,
    - b. Brake lamps,
    - c. Parking lamps,

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- d. Backup lamps,
- e. Tail lamps,
- f. Turn signal lamps,
- g. Side marker lamps,
- h. Hazard lamps,
- i. Patient loading door lamps and side spot lamps,
- j. Spot lamp in the driver's compartment and within reach of the ambulance attendant, and
- k. Patient compartment interior lamps;
- 30. Side-mounted rear vision mirrors and wide vision mirror mounted on, or attached to, the side-mounted rear vision mirrors;
- 31. A patient loading door that permits the safe loading and unloading of a patient occupying a stretcher in a supine position;
- 32. At least two means of egress from the patient compartment to the outside through a window or door;
- 33. Functional open door securing devices on a patient loading door;
- 34. Patient compartment upholstery free of cuts or tears and capable of being disinfected;
- 35. A seat belt installed for each seat in the driver's compartment;
- 36. Belts or devices installed on a stretcher to be used to secure a patient;
- 37. A seat belt installed for each seat in the patient compartment;
- 38. A crash stable side or center mounting fastener of the quick release type to secure a stretcher to a ground ambulance vehicle;
- 39. Windshield and windows free of obstruction;
- 40. A windshield free from unrepaired starred cracks and line cracks that extend more than 1 inch from the bottom and sides of the windshield or that extend more than 2 inches from the top of the windshield;
- 41. A windshield-washer system that applies enough cleaning solution to clear the windshield;
- 42. Operable windshield wipers with a minimum of two speeds;
- 43. Functional hood latch for the engine compartment;
- 44. Fuel system with fuel tanks and lines that meets manufacturer's specifications;
- 45. Suspension system that meets the ground ambulance vehicle manufacturer's specifications;
- 46. Instrument panel that meets the ground ambulance vehicle manufacturer's specifications; and
- 47. Wheels that meet and are mounted according to manufacturer's specifications.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).  
Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-1003. Minimum Equipment and Supplies for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5))**

- A. A ground ambulance vehicle used for either BLS or ALS level of service shall contain the following operational equipment and supplies:
  - 1. A portable and a fixed suction apparatus;
  - 2. Wide-bore tubing, a rigid pharyngeal curved suction tip, and a flexible suction catheter in the following French sizes:
    - a. Two in 6, 8, or 10; and
    - b. Two in 12, 14, or 16;

- 3. One fixed oxygen cylinder or equivalent with a minimum capacity of 106 cubic feet, a minimum pressure of 500 p.s.i., and a variable flow regulator;
- 4. One portable oxygen cylinder with a minimum capacity of 13 cubic feet, a minimum pressure of 500 p.s.i., and a variable flow regulator;
- 5. Oxygen administration equipment including: tubing, two adult-size and two pediatric-size non-rebreather masks, and two adult-size and two pediatric-size nasal cannula;
- 6. One adult-size, one child-size, one infant-size, and one neonate-size hand-operated, disposable, self-expanding bag-valve with one of each size bag-valve mask;
- 7. Nasal airways in the following French sizes:
  - a. One in 16, 18, 20, 22, or 24; and
  - b. One in 26, 28, 30, 32, or 34;
- 8. Two adult-size, two child-size, and two infant-size oropharyngeal airways;
- 9. Two large-size, two medium-size, and two small-size cervical immobilization devices;
- 10. Two small-size, two medium-size, and two large size upper extremities splints;
- 11. Two small-size, two medium-size, and two large size lower extremities splints;
- 12. One child-size and one adult-size lower extremity traction splints;
- 13. Two full-length spine boards;
- 14. Supplies to secure a patient to a spine board;
- 15. One cervical-thoracic spinal immobilization device for extrication;
- 16. Two sterile burn sheets;
- 17. Two triangular bandages;
- 18. Three sterile multi-trauma dressings, 10" x 30" or larger;
- 19. Fifty non-sterile 4" x 4" gauze sponges;
- 20. Ten non-sterile soft roller bandages, 4" or larger;
- 21. Four sterile occlusive dressings, 3" x 8" or larger;
- 22. Two 2" or 3" adhesive tape rolls;
- 23. Containers for biohazardous medical waste that comply with requirements in 18 A.A.C. 13, Article 14;
- 24. A sterile obstetrical kit containing towels, 4" x 4" dressing, scissors, bulb suction, and clamps or tape for cord;
- 25. One blood glucose testing kit;
- 26. A meconium aspirator adapter;
- 27. A length/weight-based pediatric reference guide to determine the appropriate size of medical equipment and drug dosing;
- 28. A pulse oximeter with both pediatric and adult probes;
- 29. One child-size, one adult-size, and one large adult-size sphygmomanometer;
- 30. One stethoscope;
- 31. One heavy duty scissors capable of cutting clothing, belts, or boots;
- 32. Two blankets;
- 33. One thermal absorbent blanket with head cover or blanket of other appropriate heat-reflective material;
- 34. Two sheets;
- 35. Body substance isolation equipment, including:
  - a. Two pairs of non-sterile disposable gloves;
  - b. Two gowns;
  - c. Two masks that are at least as protective as a National Institute for Occupational Safety and Health-approved N-95 respirator, which may be of universal size;
  - d. Two pairs of shoe coverings; and
  - e. Two sets of protective eye wear;

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36. At least three pairs of non-latex gloves; and
37. A wheeled, multi-level stretcher that is:
  - a. Suitable for supporting a patient at each level,
  - b. At least 69 inches long and 20 inches wide,
  - c. Rated for use with a patient weighing up to or more than 350 pounds,
  - d. Adjustable to allow a patient to recline and to elevate the patient's head and upper torso to an angle at least 70° from the horizontal plane,
  - e. Equipped with a mattress that has a protective cover,
  - f. Equipped with at least two attached straps to secure a patient during transport, and
  - g. Equipped to secure the stretcher to the interior of the vehicle during transport using the fastener required under R9-25-1002(38).
- B. In addition to the equipment and supplies in subsection (A), a ground ambulance vehicle equipped to provide BLS shall contain at least:
  1. The minimum supply of agents required in a table of agents, established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references), that an administrative medical director may authorize for an EMT;
  2. The capability of providing automated external defibrillation;
  3. Two 3 mL syringes; and
  4. Two 10-12 mL syringes.
- C. In addition to the equipment and supplies in subsection (A), a ground ambulance vehicle equipped to provide ALS shall contain at least the minimum supply of agents required in a table of agents, established according to A.R.S. § 36-2204 and available through the Department at [www.azdhs.gov/ems-regulatory-references](http://www.azdhs.gov/ems-regulatory-references), that an administrative medical director may authorize for the highest level of service to be provided by the ambulance's crew and at least the following:
  1. Four intravenous solution administration sets capable of delivering 10 drops per cc;
  2. Four intravenous solution administration sets capable of delivering 60 drops per cc;
  3. Intravenous catheters in:
    - a. Three different sizes from 14 gauge to 20 gauge, and
    - b. Either 22 or 24 gauge;
  4. One child-size and one adult-size intraosseous needle;
  5. Venous tourniquet;
  6. Two endotracheal tubes in each of the following sizes: 2.5 mm, 3.0 mm, 3.5 mm, 4.0 mm, 4.5 mm, 5.0 mm, 5.5 mm, 6.0 mm, 7.0 mm, 8.0 mm, and 9.0 mm;
  7. One pediatric-size and one adult-size stylette for endotracheal tubes;
  8. End tidal CO<sub>2</sub> monitoring/capnography equipment with capability for pediatric and adult patients;
  9. One laryngoscope with blades in sizes 0-4, straight or curved or both;
  10. One pediatric-size and one adult-size Magill forceps;
  11. One scalpel;
  12. One portable, battery-operated cardiac monitor-defibrillator with strip chart recorder and adult and pediatric EKG electrodes and defibrillation capabilities;
  13. Electrocardiogram leads;
  14. The following syringes:
    - a. Two 1 mL tuberculin,
    - b. Four 3 mL,
    - c. Four 5 mL,
    - d. Four 10-12 mL,
    - e. Two 20 mL, and
    - f. Two 50-60 mL;
  15. Three 5 micron filter needles; and
  16. Assorted sizes of non-filter needles.
- D. A ground ambulance vehicle shall be equipped to provide, and capable of providing, voice communication between:
  1. The ambulance attendant and the dispatch center;
  2. The ambulance attendant and the ground ambulance service's assigned medical direction authority, if any; and
  3. The ambulance attendant in the patient compartment and the ground ambulance service's assigned medical direction authority, if any.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).  
 Amended by final rulemaking at 12 A.A.R. 4404, effective January 6, 2007 (Supp. 06-4). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 3487, with an immediate effective date of December 4, 2018 (Supp. 18-4).

**R9-25-1004. Minimum Staffing Requirements for Ground Ambulance Vehicles (Authorized by A.R.S. §§ 36-2201(4), 36-2202(A)(5))**

When transporting a patient, a ground ambulance service shall staff a ground ambulance vehicle according to A.R.S. § 36-2202(J).

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).  
 Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**R9-25-1005. Ground Ambulance Vehicle Inspection; Major and Minor Defects (A.R.S. §§ 36-2202(A)(5), 36-2212, 36-2232, 36-2234)**

- A. A certificate holder shall make the ground ambulance vehicle, equipment, and supplies available for inspection at the request of the Director or the Director's authorized representative.
- B. If inspected by the Department, a certificate holder shall allow the Director or the Director's authorized representative to ride in or operate the ground ambulance vehicle being inspected.
- C. A certificate holder may request the Department to inspect all of the certificate holder's ground ambulance vehicles at the same date and location.
- D. A Department-approved inspection facility may inspect a ground ambulance vehicle under A.R.S. § 36-2232(A)(11).
- E. The Department classifies defects on a ground ambulance vehicle as major or minor as follows:

INSPECTION ITEM	MAJOR DEFECT	MINOR DEFECT
<b>LAMPS:</b>		
Emergency warning lights	Lack of 360° of conspicuity	Cracked, broken, or missing lens Inoperative lamps
Back-up lamps		Inoperative Cracked, broken, or missing lens
Brake lamps	Both inoperative	1 inoperative

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Hazard lamps		Inoperative
Head lamps	Inoperative	High beam inoperative Low beam inoperative Inoperative dimmer switch
Loading lamps		Inoperative Cracked, broken, or missing lens
Parking lamps		Inoperative
Patient Compartment interior lamps	All lamps inoperative	Inoperative individual lamps Missing lens
Side marker lamps		Inoperative Cracked, broken, or missing lens
Spot lamp in driver's compartment		Inoperative
Tail lamps	Both inoperative	1 inoperative Cracked, broken, or missing lens
Turn signal lamps		Any turn signal lamp inoperative Cracked, broken, or missing lens
<b>MECHANICAL, STRUCTURAL, ELECTRICAL:</b>		
Bumpers		Loose or missing bumper
Defroster		Inoperative Ventilation system openings partially blocked
Electrical system	Does not comply with R9-25-1002(6)	
Engine compartment		Inoperative hood latch Deterioration of hoses, belts, or wiring Deterioration of battery hold-down clamps Corrosive acid buildup on battery terminals Incapable of generating voltage in compliance with R9-25-1002(4)(b)
Engine compartment wiring system		Does not comply with R9-25-1002(5)
Engine cooling system	Does not comply with R9-25-1002(3)	Leaks in system
Engine intake air cleaner		Does not comply with R9-25-1002(1)
Exhaust	Exhaust fumes in the patient or driver compartment	Exhaust pipe brackets not securely attached to the chassis and tailpipe End of tailpipe pinched or bent
Frame	Cracks in frame	
Fuel system	Fuel tank not mounted according to manufacturer's specifications Fuel tank brackets cracked or broken Leaking fuel tanks or fuel lines Fuel caps missing or of a type not specified by the manufacturer	
Ground ambulance vehicle body	Damage or rust to the exterior of the ground ambulance vehicle, which interferes with the operation of the ground ambulance vehicle Damage resulting in a hole in the driver's compartment or the patient compartment Holes that may allow exhaust or dust to enter the patient compartment Bolts attaching body to chassis loose, broken, or missing	Damage resulting in cuts or rips to the exterior of the ground ambulance vehicle
Heating and air conditioning systems		Unsecured hoses Does not maintain minimum temperature required in R9-25-1002(23) and 1002(17)
Horn		Inoperative
Parking brake		Inoperative
Siren	Inoperative	
Steering	Steering wheel bracing cracked Inoperative	Power steering belts slipping Power steering belts cracked or frayed Fluid leaks Fluid does not fill the reservoir between the full level and the add level indicator on the dipstick

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Suspension	Broken suspension parts U-bolts loose or missing	Bent suspension parts Leaking shock absorbers Cracks or breaks in shock absorber mounting brackets
Vehicle brakes	Inoperative	Fluid leaks
<b>INTERIOR:</b>		
Communication equipment	Lack of operative communication equipment	Inoperative communication equipment in the patient compartment
Edges		Presence of exposed sharp edges
Equipment	Inability to secure oxygen tanks	Inability to secure other equipment
Fire extinguisher	Absent	Not at full charge Expired inspection tag
Hangers		Supports or hangers protruding more than 2" when not in use
Instrument panel		Inoperative gauges, switches, or illumination
Padding		Missing padding over exits in the patient compartment
Patient compartment	Visible blood, body fluids, or tissue	Unrepaired cuts or holes in seats Missing pieces of floor covering
Seat belts and securing belts	Absence of seat belt or inoperative seat belt in the driver's compartment More than one inoperative seat belt in the patient compartment Absence of securing belts on a stretcher	Frayed seat belt or securing belt material One inoperative seat belt in the patient compartment
Stretcher fastener	Does not comply with R9-25-1002(36)	
<b>EXTERIOR:</b>		
Patient compartment doors	Completely or partially missing window panel	Inoperative open door securing devices Cracked window panels
Marking		Missing company identification Incorrect size or location
Mirrors	Exterior rear vision or wide vision mirrors missing	Cracked mirror glass Loose mounting bracket bolts or screws Broken mirrors Loose or broken mounting brackets Missing mounting bracket bolts or screws
Tires	Tires on each axle are not of equal size, equal ply ratings, and equal type Bumps, knots, or bulges on any tire Exposed ply or belting on any tire Flat tire on any wheel	Tread groove depth less than 4/32" measured in a tread groove on any tire
Wheels	Loose or missing lug nuts Broken lugs Cracked or bent rims	
Windows		Placement of nontransparent materials which obstruct view Cracked or broken
Windshield	Windshield that is obstructed Placement of nontransparent materials which obstruct view	Unrepaired starred cracks or line cracks extending more than 1 inch from the bottom or side of the windshield Unrepaired starred cracks or line cracks extending more than 2 inches from the top of the windshield
Windshield- washer system		Does not comply with R9-25-1002(39)
Windshield wipers	Inoperative wiper on driver's side	Inoperative speed control Split or cracked wiper blade Inoperative wiper on passenger's side

- F.** If the Department determines that there is a major defect on the ground ambulance vehicle after inspection, the certificate holder shall take the ground ambulance vehicle out-of-service until the defect is corrected.
- G.** If the Department finds a minor defect on the ground ambulance vehicle after inspection, the ground ambulance vehicle may be operated to transport patients for up to 15 days until the minor defect is corrected.
- ambulance vehicle out-of-service until the minor defect is corrected.

1. The Department may grant an extension of time to repair the minor defect upon a written request from the certificate holder detailing the reasons for the need of an extension of time.
2. If the minor defect is not repaired within the time prescribed by the Department, and an extension has not been granted, the certificate holder shall take the ground ambulance vehicle out-of-service until the minor defect is corrected.

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- H. Within 15 days of the date of repair of the major or minor defect, the certificate holder shall submit written notice of the repair to the Department.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1006. Ground Ambulance Vehicle Identification (A.R.S. §§ 36-2212, 36-2232)**

- A. A ground ambulance vehicle shall be marked on its sides with the certificate of registration applicant's legal business or corporate name with letters not less than 6 inches in height.
- B. A ground ambulance vehicle marked with a level of ground ambulance service shall be equipped and staffed to provide the level of ground ambulance service identified while in service.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**ARTICLE 11. GROUND AMBULANCE SERVICE RATES AND CHARGES; CONTRACTS****R9-25-1101. Application for Establishment of Initial General Public Rates (A.R.S. §§ 36-2232, 36-2239)**

- A. An applicant for a certificate of necessity or a certificate holder applying for initial general public rates shall submit an application packet to the Department that includes:
1. The applicant's name;
  2. The requested general public rates;
  3. A copy of the applicant's most recent financial statements or an Ambulance Revenue and Cost Report;
  4. For a consecutive 12-month period:
    - a. A projected income statement; and
    - b. A projected cash-flow statement;
  5. A list of all purchase agreements or lease agreements for real estate, ground ambulance vehicles, and equipment exceeding \$5,000 used in connection with the ground ambulance service, that includes the monetary amount and duration of each agreement;
  6. The identification of:
    - a. Each of the applicant's affiliations, such as a parent company or subsidiary owned or operated by the applicant; and
    - b. The methodology and calculations used in allocating costs among the applicant and government entities or profit or not-for-profit businesses;
  7. A copy of the applicant's contract with each federal or tribal entity for ground ambulance service, if applicable;
  8. Other documents, exhibits, or statements that may assist the Department in setting the general public rates;
  9. An attestation signed by the applicant that the information and documents provided by the applicant are true and correct; and
  10. Any other information or documents requested by the Director to clarify or complete the application.
- B. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1102. Application for Adjustment of General Public Rates (A.R.S. §§ 36-2234, 36-2239)**

- A. A certificate of necessity holder applying for an adjustment of general public rates not exceeding the monetary amount calcu-

lated according to A.R.S. § 36-2234(E) shall submit an application form to the Department that includes:

1. The name of the applicant;
  2. A statement that the applicant is making the request according to A.R.S. § 36-2234(E);
  3. A statement that the applicant has not applied for an adjustment to its general public rates within the last six months;
  4. The effective date of the proposed general public rate adjustment; and
  5. An attestation signed by the applicant that the information and documents provided by the applicant are true and correct.
- B. An applicant requesting an adjustment of general public rates exceeding the monetary amount calculated according to A.R.S. § 36-2234(E) shall submit an application packet to the Department that includes:
1. The name of the applicant;
  2. A statement that the applicant is making the request according to A.R.S. § 36-2234(A);
  3. The reason for the general public rate adjustment request;
  4. A statement that the applicant has not applied for an adjustment to its general public rates within the last six months;
  5. The effective date of the proposed general public rate adjustment;
  6. A copy of the applicant's most recent financial statements;
  7. A copy of the Ambulance Revenue and Cost Report;
  8. For a consecutive 12-month period:
    - a. A projected income statement; and
    - b. A projected cash-flow statement;
  9. A list of all purchase agreements or lease agreements for real estate, ground ambulance vehicle, and equipment exceeding \$5,000 used in connection with the ground ambulance service, that includes the monetary amount and duration of each agreement;
  10. The identification of:
    - a. Each of the applicant's affiliations, such as a parent company or subsidiary owned or operated by the applicant; and
    - b. The methodology and calculations used in allocating costs among the applicant and government entities or profit or not for profit businesses;
  11. A copy of the applicant's contract with each federal or tribal entity for a ground ambulance service, if applicable;
  12. Other documents, exhibits, or statements that may assist the Department in setting the general public rates;
  13. An attestation signed by the applicant that the information and documents provided by the applicant are true and correct; and
  14. Any other information or documents requested by the Director to clarify or complete the application.
- C. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1103. Application for a Contract Rate or Range of Rates Less than General Public Rates (A.R.S. §§ 36-2234(G) and (I), 36-2239)**

- A. Before providing interfacility transports or convalescent transports, a certificate holder shall apply to the Department for

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approval of a contract rate or range of contract rates under A.R.S. § 36-2234(G).

1. For a contract rate or range of rates under A.R.S. § 36-2234(G), the certificate holder shall submit an application form to the Department that contains:
  - a. The name of the certificate holder;
  - b. A statement that the certificate holder is making the request under A.R.S. § 36-2234(G);
  - c. The contract rate or range of rates being requested; and
  - d. Information demonstrating the cost and economics of providing the transports for the requested contract rate or range of rates.
2. For a contract rate or range of rates under A.R.S. § 36-2234(I), the certificate holder shall submit the information required in R9-25-1102(B)(1) and (B)(6) through (B)(14).

- B. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1104. Ground Ambulance Service Contracts (A.R.S. §§ 36-2232, 36-2234(K))**

- A. Before implementing a ground ambulance service contract, a certificate holder shall submit to the Department for approval a copy of the contract with a cover letter that indicates the total number of pages in the contract. The contract shall:
1. Include the certificate holder's legal name and any other name listed on the certificate holder's initial application required in R9-25-902(A)(1)(a);
  2. List the contract rate or range of rates approved by the Director according to R9-25-1101, R9-25-1102, or R9-25-1103;
  3. Comply with A.R.S. §§ 36-2201 through 36-2246 and 9 A.A.C. 25; and
  4. Not preclude use of the 9-1-1 system or a similarly designated emergency telephone number.
- B. The Department shall approve or deny an application under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1105. Application for Provision of Subscription Service or to Establish a Subscription Service Rate (A.R.S. § 36-2232(A)(1))**

- A. A certificate holder applying to provide subscription service, establish a subscription service rate, or request approval of a subscription service contract shall submit an application packet to the Department that includes:
1. The following information:
    - a. The number of estimated subscription service contracts and documents supporting the estimate, such as a survey of the service area;
    - b. An estimate of the number of annual subscription service transports for the service area;
    - c. The proposed subscription service rate;
    - d. An estimate of the cost of providing subscription service to the service area; and
    - e. Any other information or documents that the certificate holder believes may assist the Department in setting a subscription service rate; and
  2. A copy of the proposed subscription service contract.

- B. The Department shall approve or deny a subscription service rate under this Section according to 9 A.A.C. 25, Article 12.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Section heading corrected at request of the Department, Office File No. M11-313, filed September 12, 2011 (Supp. 10-4).

**R9-25-1106. Rate of Return Setting Considerations (A.R.S. §§ 36-2232, 36-2239)**

- A. In determining the rate of return on gross revenue in A.R.S. § 36-2239(I)(4), the Director shall consider a ground ambulance service's:
1. Direct and indirect costs for operating the ground ambulance service within its service area;
  2. Balance sheet;
  3. Income statement;
  4. Cash flow statement;
  5. Ratio between variable and fixed costs on the financial statements;
  6. Method of indirect costs allocation to specific cost-center areas;
  7. Return on equity;
  8. Reimbursable and non-reimbursable charges;
  9. Type of business entity;
  10. Monetary amount and type of debt financing;
  11. Replacement and expansion costs;
  12. Number of calls, transports, and billable miles;
  13. Costs associated with rules, inspections, and audits;
  14. Substantiated prior reported losses;
  15. Medicare and AHCCCS settlements; and
  16. Any other information or documents needed by the Director to clarify incomplete or ambiguous information or documents.
- B. In determining the rate of return on gross revenue in A.R.S. § 36-2239(I)(4), the Director shall not consider:
1. Depreciation of the portion of ground ambulance vehicles and equipment obtained through Department funding,
  2. The certificate holder's travel and entertainment expenses that do not directly relate to providing the ground ambulance service,
  3. The monetary value of any goodwill accumulated by the certificate holder,
  4. Any penalties or fines imposed on the certificate holder by a court or government agency, and
  5. Any financial contributions received by the certificate holder.
- C. In determining just, reasonable, and sufficient rates in A.R.S. § 36-2232(A)(1) the director shall establish rates to provide for a rate of return that is at least 7% of gross revenue, calculated using the accrual method of accounting according to generally accepted accounting principles, unless the certificate holder requests a lower rate of return.
- D. Rate of return on gross revenue is calculated by dividing Ambulance Revenue and Cost Report Exhibit A or Exhibit B net income or loss by gross revenue.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1107. Rate Calculation Factors (A.R.S. § 36-2232)**

- A. When evaluating a proposed mileage rate, the Department shall consider the following factors:
1. The cost of licensure and registration of each ground ambulance vehicle;

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2. The cost of fuel;
  3. The cost of ground ambulance vehicle maintenance;
  4. The cost of ground ambulance vehicle repair;
  5. The cost of tires;
  6. The cost of ground ambulance vehicle insurance;
  7. The cost of mechanic wages, benefits, and payroll taxes;
  8. The cost of loan interest related to the ground ambulance vehicles;
  9. The cost of the weighted allocation of overhead;
  10. The cost of ground ambulance vehicle depreciation;
  11. The cost of reserves for replacement of ground ambulance vehicles and equipment; and
  12. Mileage reimbursement as established by Medicare guidelines for ground ambulance service.
- B.** When evaluating a proposed BLS base rate, the Department shall consider the costs associated with providing EMS and transport.
- C.** When evaluating a proposed ALS base rate, the Department shall consider the factors in subsection (B) and the additional costs of ALS ambulance equipment and ALS personnel.
- D.** In evaluating rates, the Director shall make adjustments to a certificate holder's rates to maximize Medicare reimbursements.
- E.** The Department shall determine the standby waiting rate by dividing the BLS base rate by 4.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1108. Implementation of Rates and Charges (A.R.S. §§ 36-2232, 36-2239)**

- A.** A certificate holder shall assess rates and charges as follows:
1. When calculating a rate or charge, the certificate holder shall:
    - a. Omit fractions of less than 1/2 of 1 cent; or
    - b. Increase to the next whole cent, fractions of 1/2 of 1 cent or greater.
  2. The certificate holder shall calculate the number of miles for a transport by using:
    - a. The ground ambulance vehicle's odometer reading; or
    - b. A regional map.
  3. The certificate holder shall calculate the reimbursement amount for mileage of a transport by multiplying the number of miles for the transport by the mileage rate.
  4. When transporting two or more patients in the same ground ambulance vehicle, the certificate holder shall assess each patient:
    - a. Fifty percent of the mileage rate and one hundred percent of the ALS or BLS base rate; and
    - b. One hundred percent of:
      - i. The charge for each disposable supply, medical supply, medication, and oxygen-related cost used on the patient; and
      - ii. Waiting time assessed according to subsection (C).
  5. When agreed upon by prior arrangement to transport a patient to one destination and return to the point of pick-up or to one destination and then to a subsequent destination, assess only the ALS or BLS base rate, mileage rate, and standby waiting rate for the transport.
- B.** When a certificate holder transfers a patient to an air ambulance, the certificate holder shall assess the patient the rates and charges for EMS and transport provided to the patient before the transfer.

- C.** A certificate holder shall assess a standby waiting rate in quarter-hour increments, except for:
1. The first 15 minutes after arrival to load the patient at the point of pick-up;
  2. The time, exceeding the first 15 minutes, required by ambulance attendants to provide necessary medical treatment and stabilization of the patient at the point of pick-up; and
  3. The first 15 minutes to unload the patient at the point of destination.
- D.** When a certificate holder responds to a request outside the certificate holder's service area, the certificate holder shall assess its own rates and charges for EMS or transport provided to the patient.
- E.** When the Department or the certificate holder determines that a refund of a rate or a charge is required, the certificate holder shall refund the rate or charge within 90 days from the date of the determination.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1109. Charges (A.R.S. §§ 36-2232, 36-2239(D))**

- A.** A certificate holder that charges patients for disposable supplies, medical supplies, medications, and oxygen-related costs shall submit to the Department a list of the items and the proposed charges. The list shall include a non-retroactive effective date.
- B.** A certificate holder shall submit to the Department a new list each time the certificate holder proposes a change in the items or the amount charged. The list shall contain the information required in subsection (A), including a non-retroactive effective date.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**R9-25-1110. Invoices (A.R.S. §§ 36-2234, 36-2239)**

- A.** Each invoice for rates and charges shall contain the following:
1. The patient's name;
  2. The certificate holder's name, address, and telephone number;
  3. The date of service;
  4. An itemized list of the rates and charges assessed;
  5. The total monetary amount owed the certificate holder; and
  6. The payment due date.
- B.** Any subsequent invoice to the same patient for the same EMS or transport shall contain all the information in subsection (A) except the information in subsection (A)(4).
- C.** Charges may be combined into one line item if the supplies are used for a specific purpose and the name of the combined item is included in the certificate holder's disposable medical supply listing provided to the Department under R9-25-1109.
- D.** A certificate holder may combine rates and charges into one line item if required by a third-party payor.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R.  
1098, effective February 13, 2001 (Supp. 01-1).

**ARTICLE 12. TIME-FRAMES FOR DEPARTMENT APPROVALS****R9-25-1201. Time-frames (Authorized by A.R.S. §§ 41-1072 through 41-1079)**

- A.** The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department is listed in Table 12.1. The applicant and the Director may agree in writing to



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extend the overall time-frame. The substantive review time-frame shall not be extended by more than 25% of the overall time-frame.

- B.** The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department is listed in Table 12.1. The administrative completeness review time-frame begins on the date that the Department receives an application form or an application packet.
1. If the application packet is incomplete, the Department shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the written request until the date the Department receives a complete application packet from the applicant.
  2. When an application packet is complete, the Department shall send a written notice of administrative completeness.
  3. If the Department grants an approval during the time provided to assess administrative completeness, the Department shall not issue a separate written notice of administrative completeness.
- C.** The substantive review time-frame described in A.R.S. § 41-1072 is listed in Table 12.1 and begins on the postmark date of the notice of administrative completeness.
1. As part of the substantive review time-frame for an application for an approval other than renewal of an ambulance registration, the Department shall conduct inspections, conduct investigations, or hold hearings required by law.
  2. If required under R9-25-402, the Department shall fix the period and terms of probation as part of the substantive review.
  3. During the substantive review time-frame, the Department may make one comprehensive written request for additional documents or information and may make supplemental requests for additional information with the applicant's written consent.
  4. The substantive review time-frame and the overall time-frame are suspended from the postmark date of the written request for additional information or documents until the Department receives the additional information or documents.
- 5.** The Department shall send a written notice of approval to an applicant who:
- a. Meets the qualifications in A.R.S. Title 36, Chapter 21.1 and this Chapter for the type of application submitted; or
  - b. Is not in compliance with requirements in A.R.S. Title 36, Chapter 21.1 and this Chapter, for the type of application submitted, that do not directly affect the health or safety of a patient and submits to the Department a corrective action plan that is acceptable to the Department to address issues of compliance.
- 6.** The Department shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. Title 36, Chapter 21.1, and this Chapter for the type of application submitted.
- D.** If an applicant fails to supply the documents or information under subsections (B)(1) and (C)(3) within the number of days specified in Table 12.1 from the postmark date of the written notice or comprehensive written request, the Department shall consider the application withdrawn.
- E.** An applicant that does not wish an application to be considered withdrawn may request a denial in writing within the number of days specified in Table 12.1 from the postmark date of the written notice or comprehensive written request for documents or information under subsections (B)(1) and (C)(3).
- F.** If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Department shall consider the next business day as the time-frame's last day.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1).  
 Amended by final rulemaking at 8 A.A.R. 2352, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4).  
 Amended by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**Table 12.1. Time-frames (in days)**

Type of Application	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Time to Respond to Written Notice	Substantive Review Time-frame	Time to Respond to Comprehensive Written Request
ALS Base Hospital Certification (R9-25-204)	A.R.S. §§ 36-2201, 36-2202(A)(3), and 36-2204(5)	45	15	60	30	60
Training Program Certification (R9-25-301)	A.R.S. §§ 36-2202(A)(3) and 36-2204(1) and (3)	120	30	60	90	60
Addition of a Course (R9-25-303)	A.R.S. §§ 36-2202(A)(3) and 36-2204(1) and (3)	90	30	60	60	60
EMCT Certification (R9-25-403)	A.R.S. §§ 36-2202(A)(2), (3), and (4), 36-2202(G), and 36-2204(1)	120	30	90	90	270
EMCT Recertification (R9-25-404)	A.R.S. §§ 36-2202(A)(2), (3), (4), and (6), 36-2202(G), and 36-2204(1) and (4)	120	30	60	90	60

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Extension to File for EMCT Recertification (R9-25-405)	A.R.S. §§ 362202(A)(2), (3), (4), and (6), 36-2202(G), and 36-2204(1) and (7)	30	15	60	15	60
Downgrading of Certification (R9-25-406)	A.R.S. §§ 362202(A)(2), (3), and (4), 36-2202(G), and 36-2204(1) and (6)	30	15	60	15	60
Initial Air Ambulance Service License (R9-25-704)	A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2213, 36-2214, and 36-2215	150	30	60	120	60
Renewal of an Air Ambulance Service License (R9-25-704)	A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2), 36-2213, 36-2214, and 36-2215	90	30	60	60	60
Initial Certificate of Registration for an Air Ambulance (R9-25-801)	A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2240(4)	90	30	60	60	60
Renewal of a Certificate of Registration for an Air Ambulance (R9-25-801)	A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-2212, 36-2213, 36-2214, and 36-2240(4)	90	30	60	60	60
Initial Certificate of Necessity (R9-25-902)	A.R.S. §§ 36-2204, 36-2232, 36-2233, 36-2240	450	30	60	420	60
Provision of ALS Services (R9-25-902)	A.R.S. §§ 36-2232, 36-2233, 36-2240	450	30	60	420	60
Transfer of a Certificate of Necessity (R9-25-902)	A.R.S. §§ 36-2236(A) and (B), 36-2240	450	30	60	420	60
Renewal of a Certificate of Necessity (R9-25-904)	A.R.S. §§ 36-2233, 36-2235, 36-2240	90	30	60	60	60
Amendment of a Certificate of Necessity (R9-25-905)	A.R.S. §§ 36-2232(A)(4), 36-2240	450	30	60	420	60
Initial Registration of a Ground Ambulance Vehicle (R9-25-1001)	A.R.S. §§ 36-2212, 36-2232, 36-2240	90	30	60	60	60
Renewal of a Ground Ambulance Vehicle Registration (R9-25-1001)	A.R.S. §§ 36-2212, 36-2232, 36-2240	90	30	60	60	60
Establishment of Initial General Public Rates (R9-25-1101)	A.R.S. §§ 36-2232, 36-2239	450	30	60	420	60
Adjustment of General Public Rates (R9-25-1102)	A.R.S. §§ 36-2234, 36-2239	450	30	60	420	60
Contract Rate or Range of Rates Less than General Public Rates (R9-25-1103)	A.R.S. §§ 36-2234, 36-2239	450	30	60	420	60
Ground Ambulance Service Contracts (R9-25-1104)	A.R.S. § 36-2232	450	30	60	420	60
Ground Ambulance Service Contracts with Political Subdivisions (R9-25-1104)	A.R.S. §§ 36-2232, 36-2234(K)	30	15	15	15	Not Applicable
Subscription Service Rate (R9-25-1105)	A.R.S. § 36-2232(A)(1)	450	30	60	420	60

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Table 12.1 renumbered from Table 1 and amended by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4). Amended by final expedited rulemaking at 24 A.A.R. 268, with an immediate effective date of January 9, 2018 (Supp. 18-1). Amended by final rulemaking at 28 A.A.R. 842 (April 29, 2022), effective June 5, 2022 (Supp. 22-2).

**Table 1. Renumbered****Historical Note**

New Table adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 2352, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 5372, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 656, effective April 8, 2006 (Supp. 06-1). Table 1 renumbered to Table 12.1 by exempt rulemaking at 19 A.A.R. 4032, effective December 1, 2013 (Supp. 13-4).

**Exhibit A. Recodified****Historical Note**

New Exhibit adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Exhibit B recodified to Article 9 at 12 A.A.R. 2243, effective June 2, 2006 (Supp. 06-2).

**Exhibit B. Recodified****Historical Note**

New Table adopted by final rulemaking at 7 A.A.R. 1098, effective February 13, 2001 (Supp. 01-1). Exhibit B recodified to Article 9 at 12 A.A.R. 2243, effective June 2, 2006 (Supp. 06-2).

**ARTICLE 13. TRAUMA CENTERS AND TRAUMA REGISTRIES****R9-25-1301. Definitions (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

In addition to the definitions in A.R.S. § 36-2201 and R9-25-101, the following definitions apply in this Article, unless otherwise specified:

1. "Admitted" means when a patient is either:
  - a. Held for observation of a trauma-related injury; or
  - b. Considered an inpatient, as defined in A.A.C. R9-10-201.
2. "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday.
3. "Designation" means a formal determination by the Department that a health care institution complies with requirements in A.R.S. § 36-2225 and this Article for providing a particular Level of trauma service.
4. "Emergency department" means a designated area of a hospital that provides emergency services, as defined in A.A.C. R9-10-101, as an organized service, 24 hours per day, seven days per week, to individuals who present for immediate medical services.
5. "ICD-code" means an International Classification of Diseases code, a set of numbers or letters or a combination of letters and numbers that specify a disease, condition, or injury; the location of the disease, condition, or injury; or the circumstances under which a patient may have incurred the disease, condition, or injury, which is used by a health care institution for billing purposes.
6. "Level I Pediatric trauma center" means a Level I trauma center that has a trauma service specifically intended to meet the needs of children requiring trauma care.
7. "Level II Pediatric trauma center" means a Level II trauma center that has a trauma service specifically intended to meet the needs of children requiring trauma care.
8. "Medical services" means the services pertaining to the "practice of medicine," as defined in A.R.S. § 32-1401, or "medicine," as defined in A.R.S. § 32-1800, performed at the direction of a physician.
9. "National verification organization" has the same meaning as in A.R.S. § 36-2225.
10. "Nursing services" means services that pertain to the curative, restorative, and preventive aspects of "registered nursing," as defined in A.R.S. § 32-1601, performed:
  - a. At the direction of a physician; and
  - b. By or under the supervision of a registered nurse licensed:
    - i. According to Title 32, Chapter 15; or
    - ii. When performed in a health care institution operating under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation, by a similar licensing board in another state.
11. "On-call" means assigned to respond and, if necessary, come to a health care institution when notified by a personnel member of the health care institution.
12. "Organized service" has the same meaning as in A.A.C. R9-10-201.
13. "Owner" means one of the following:
  - a. For a health care institution licensed under 9 A.A.C. 10, the licensee;
  - b. For a health care institution operated under federal or tribal laws, the administrative unit of the U.S. government or sovereign tribal nation operating the health care institution.
14. "Personnel member" means an individual providing medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401, to a patient.
15. "Physician" means an individual licensed:
  - a. According to A.R.S. Title 32, Chapter 13 or 17; or
  - b. When working in a health care institution operating under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation, by a similar licensing board in another state.
16. "Signature" means:
  - a. A handwritten or stamped representation of an individual's name or a symbol intended to represent an individual's name, or
  - b. An "electronic signature" as defined in A.R.S. § 44-7002.
17. "Substantial compliance" has the same meaning as in A.R.S. § 36-401.
18. "Transport" means the conveyance of a patient by ground ambulance or air ambulance from one location to another location.
19. "Trauma care" means medical services and nursing services provided to a patient suffering from a sudden physical injury.
20. "Trauma center" has the same meaning as in A.R.S. § 36-2225.
21. "Trauma critical care course" means a multidisciplinary class or series of classes consisting of interactive tutorials, skills teaching, and simulated patient management

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scenarios of trauma care, consistent with training recognized by the American College of Surgeons.

22. "Trauma facility" means a health care institution that provides trauma care to a patient as an organized trauma service.
23. "Trauma service" means designated personnel members, equipment, and area within a health care institution and the associated policies and procedures for the personnel members to follow when providing trauma care to a patient.
24. "Trauma team" means a group of personnel members with defined roles and responsibilities in providing trauma care to a patient.
25. "Trauma team activation" means a notification to respond that is sent to trauma team personnel members in reaction to triage information received concerning a patient with injury or suspected injury.
26. "Verification" means formal confirmation by a national verification organization that a health care institution meets the national verification organization's standards for providing trauma care at a specific Level of trauma service.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 29 A.A.R. 2321 (October 6, 2023), with an immediate effective date of September 18, 2023 (Supp. 23-3).

**R9-25-1302. Eligibility for Designation (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A. A health care institution is eligible for designation as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, Level II Pediatric trauma center, or Level III trauma center if the health care institution:

1. Is either:
  - a. Licensed by the Department under 9 A.A.C. 10 to operate as a hospital; or
  - b. Operating as a hospital under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation; and
2. For designation as a:
  - a. Level I trauma center:
    - i. Holds verification, issued within the six months before the date of designation, as a Level I trauma facility; or
    - ii. Has documentation issued by a national verification organization, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level I trauma center; or
    - iii. Meets the requirements in subsection (C);
  - b. Level I Pediatric trauma center:
    - i. Holds verification, issued within the six months before the date of designation, as a Level I Pediatric trauma facility; or
    - ii. Has documentation issued by a national verification organization, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level I Pediatric trauma center; or
    - iii. Meets the requirements in subsection (C);
  - c. Level II trauma center:

- i. Holds verification, issued within the six months before the date of designation, as a Level II trauma facility; or
- ii. Has documentation issued by a national verification organization, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level II trauma center; or
- iii. Meets the requirements in subsection (C);
- d. Level II Pediatric trauma center:
  - i. Holds verification, issued within the six months before the date of designation, as a Level II Pediatric trauma facility; or
  - ii. Has documentation issued by a national verification organization, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level II Pediatric trauma center; or
  - iii. Meets the requirements in subsection (C); or
- e. Level III trauma center:
  - i. Holds verification, issued within the six months before the date of designation, as a Level III trauma facility; or
  - ii. Has documentation issued by a national verification organization or the Department, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level III trauma center.

- B. A health care institution is eligible for designation as a Level IV trauma center if the health care institution:

1. Is either:
  - a. Licensed by the Department under 9 A.A.C. 10 to operate as:
    - i. A hospital; or
    - ii. An outpatient treatment center authorized to provide emergency room services, as defined in A.A.C. R9-10-1001, according to A.A.C. R9-10-1019; or
  - b. Operating as a hospital or an outpatient treatment center providing emergency services under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation; and
2. Either:
  - a. Holds verification, issued within the six months before the date of designation, as a Level IV trauma facility; or
  - b. Has documentation issued by a national verification organization or the Department, within the six months before the date of designation, stating that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for a Level IV trauma center.

- C. A health care institution is eligible for designation as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center based on assessment by the Department that the health care institution meets the standards specified in R9-25-1308 and Table 13.1 for the Level of trauma center for which designation is requested if the health care institution:

1. Applies for verification from a national verification organization;
2. Informs the Department, at least 30 calendar days before, of the dates the national verification organization will be on the premises of the health care institution to assess the health care institution for compliance with the national verification organization's standards for verification;

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3. Invites the Department to review the facility and documentation of capabilities of the health care institution during the national verification organization's assessment in subsection (C)(2);
  4. Is not issued verification from the national verification organization at the Level of designation sought;
  5. Does not receive the documentation required in subsection (A)(2)(a)(ii), (b)(ii), (c)(ii), or (d)(ii), as applicable; and
  6. Receives the documentation specified in R9-25-1306(G) and, if applicable, submits to the Department a written plan in R9-25-1306(H), acceptable to the Department, to correct instances of non-compliance.
- D.** A health care institution is eligible to retain designation as a specific Level of trauma center if the health care institution complies with the applicable requirements in this Article for the specific Level of trauma center.
- Historical Note**
- New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).
- R9-25-1303. Application and Designation Process (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**
- A.** An owner applying for initial designation or to renew designation for a health care institution shall submit to the Department an application including:
1. The following information, in a Department-provided format:
    - a. The name, address, and telephone number of the health care institution for which the owner is requesting designation;
    - b. The owner's name, address, e-mail address, telephone number, and, if available, fax number;
    - c. The name, e-mail address, telephone number, and, if available, fax number of the chief administrative officer, as defined in A.A.C. R9-10-101, for the health care institution for which the owner is requesting designation;
    - d. The designation Level for which the owner is applying;
    - e. Whether the owner is requesting designation for the health care institution based on:
      - i. Verification, or
      - ii. Meeting the applicable standards specified in R9-25-1308 and Table 13.1;
    - f. If the owner is requesting designation for the health care institution based on verification:
      - i. The name of the national verification organization;
      - ii. The name, telephone number, and e-mail address for a representative of the national verification organization;
      - iii. The Level of verification held;
      - iv. The effective date of the verification, and
      - v. The expiration date of the verification;
    - g. If the owner is requesting designation for the health care institution based on the health care institution meeting the applicable standards specified in R9-25-1308 and Table 13.1:
      - i. Whether:
        - (1) A national verification organization has assessed the health care institution, or
        - (2) The Department will be assessing the health care institution;
      - ii. If a national verification organization has assessed the health care institution:
        - (1) The name of the national verification organization;
        - (2) The name, telephone number, and e-mail address for a representative of the national verification organization; and
        - (3) The date the national verification organization assessed the health care institution; and
      - iii. If the Department will be assessing the health care institution, the date the health care institution will be ready for the Department to assess the health care institution;
    - h. Unless the owner is an administrative unit of the U.S. government or a sovereign tribal nation, the license number, issued by the Department, for the health care institution for which designation is being requested;
    - i. The name, e-mail address, telephone number, and, if available, fax number of the health care institution's trauma program manager;
    - j. Whether the health care institution's trauma registry will be located at the health care institution or be part of a centralized trauma registry;
    - k. The name, e-mail address, telephone number, and, if available, fax number of the health care institution's trauma registrar;
    - l. If applying for designation as a Level IV trauma center, whether the health care institution plans to submit, in addition to the information required in R9-25-1309(A), the information specified in R9-25-1309(B);
    - m. If not already submitting trauma registry information to the Department, the time period for which the health care institution plans to begin submitting trauma registry information;
    - n. Except for a health care institution applying for designation as a Level IV trauma center, the name, e-mail address, telephone number, and, if available, fax number of the health care institution's trauma medical director;
    - o. The name, title, address, and telephone number of the owner's statutory agent or the individual designated by the owner to accept service of process and subpoenas;
    - p. Attestation that:
      - i. The owner will comply with all applicable requirements in A.R.S. Title 36, Chapter 21.1 and this Article; and
      - ii. The information and documents provided as part of the application are accurate and complete; and
    - q. The dated signature of the applicable individual according to R9-25-102;
  2. If applicable, documentation demonstrating that the health care institution is operating as a hospital or an outpatient treatment center providing emergency services under federal or tribal law as an administrative unit of the U.S. government or a sovereign tribal nation; and
  3. One of the following:
    - a. Documentation from the national verification organization, identified according to subsection (A)(1)(f)(i), establishing that the owner holds verification for the health care institution at the Level of

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designation being requested and showing the effective date and expiration date of the verification;

- b. Documentation from the national verification organization, identified according to subsection (A)(1)(g)(ii)(1), demonstrating that the health care institution meets the applicable standards specified in R9-25-1308 and Table 13.1; or
  - c. The information and documents required in R9-25-1307(C), (D), or (F), as applicable.
- B.** An owner applying to renew designation for a health care institution shall submit the application in subsection (A) to the Department at least 60 calendar days and no more than 90 calendar days before the expiration of the current designation.
- C.** Within 30 calendar days after receiving an application submitted according to subsection (A), the Department shall review the application submitted for completeness, and, if the application is:
1. Incomplete, provide to the owner a written notice listing each missing item and the information or items needed to complete the application; and
  2. Complete and based on:
    - a. Verification, comply with R9-25-1307(A);
    - b. A national verification organization assessing the health care institution's meeting the applicable standards specified in R9-25-1308 and Table 13.1, comply with R9-25-1307(B); or
    - c. The Department assessing the health care institution's meeting the applicable standards specified in R9-25-1308 and Table 13.1, assess compliance with applicable requirements in A.R.S. Title 36, Chapter 21.1 and this Article according to R9-25-1307(E) or (G).
- D.** The Department shall consider an application withdrawn if an owner:
1. Fails to submit to the Department all of the information or items listed in a notice of missing items within 60 calendar days after the date on the notice of missing items, unless the Department and the owner agree to an extension of this time; or
  2. Submits a written request withdrawing the application.
- E.** If an owner submits an application for renewal of designation for a health care institution according to subsection (A) before the expiration date of the current designation, the designation of the health care institution remains in effect until the:
1. Department has determined whether or not to issue a renewal of the designation, or
  2. Application is withdrawn.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (Supp. 12-3). New Section R9-25-1303 renumbered from R9-25-1304 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1303.01. Expired****Historical Note**

New Section made by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3). Section expired under A.R.S. 41-1056(J) at 29 A.A.R. 421 (January 27, 2023), with an immediate effective date of January 4, 2023 (Supp. 23-1).

**R9-25-1304. Changes Affecting Designation Status (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A.** An owner of a trauma center shall:
1. Notify the Department, in writing or in a Department-provided format, no later than 60 calendar days after the date of a change in the health care institution's:
    - a. Name,
    - b. Trauma program manager, or
    - c. If applicable, trauma medical director; and
  2. Provide the effective date of the change and, as applicable, the:
    - a. Current and new name of the health care institution, or
    - b. Name of the new trauma program manager or trauma medical director.
- B.** An owner of a trauma center shall notify the Department in writing within three business days after:
1. The trauma center's health care institution license expires or is suspended or revoked;
  2. The trauma center's health care institution license is changed to a provisional license under A.R.S. § 36-425;
  3. The trauma center no longer holds verification; or
  4. A change, which is expected to last for more than seven consecutive calendar days, in the trauma center's ability to meet:
    - a. The applicable standards specified in R9-25-1308 and Table 13.1; or
    - b. If designation is based on verification, the national verification organization's standards for verification.
- C.** At least 90 calendar days before a trauma center ceases to provide a trauma service, the owner of the trauma center shall notify the Department, in writing or in a Department-provided format, of the owner's intention to cease providing the trauma service and to relinquish designation, including the effective date.
- D.** The Department shall, upon receiving a notice described in:
1. Subsection (A), issue an amended designation that incorporates the name change but retains the expiration date of the current designation;
  2. Subsection (B)(1), send the owner a written notice stating that the health care institution no longer meets the definition of a trauma center and that the Department intends to dedesignate the health care institution, according to R9-25-1307(J)(2);
  3. Subsection (B)(2), evaluate the restrictions on the provisional license to determine if the trauma service was affected and may send the owner a written notice of the Department's intention to:
    - a. Dedesignate the health care institution, according to R9-25-1307(J) through (M);
    - b. Require a modification of the health care institution's designation within 15 calendar days after the date of the notice, according to R9-25-1305; or
    - c. Require a corrective action plan to address issues of compliance with the applicable standards specified in R9-25-1308 and Table 13.1, according to R9-25-1306(E);
  4. Subsection (B)(3), send the owner written notice that the owner is required, within 15 calendar days after the date of the notice, to submit to the Department:
    - a. An application for designation at a specific Level of trauma center, according to R9-25-1303, based on meeting the applicable standards specified in R9-25-1308 and Table 13.1; or
    - b. Written notification of the owner's intention to relinquish designation;

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5. Subsection (B)(4), send the owner written notice that the owner is required, within 15 calendar days after the date of the notice, to submit to the Department:
    - a. An application for modification of the health care institution's designation, according to R9-25-1305;
    - b. A corrective action plan to address issues of compliance with the applicable standards specified in R9-25-1308 and Table 13.1, according to R9-25-1306(E); or
    - c. Written notification of the owner's intention to relinquish designation; or
  6. Subsection (C), (D)(4)(b), or (D)(5)(c), send the owner written confirmation of the voluntary relinquishment of designation.
- E. An owner of a trauma center, who obtains verification for the trauma center during a term of designation that was based on the trauma center meeting the applicable standards specified in R9-25-1308 and Table 13.1, may obtain a new initial designation based on verification, with a designation term based on the dates of the verification, by submitting an application according to R9-25-1303.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1304 renumbered to R9-25-1303; new Section R9-25-1304 renumbered from R9-25-1308 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 29 A.A.R. 2321 (October 6, 2023), with an immediate effective date of September 18, 2023 (Supp. 23-3).

**R9-25-1305. Modification of Designation (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A. Except as provided in R9-25-1304(D)(3)(b) and (5)(a), at least 30 calendar days before ceasing to provide a trauma service consistent with a trauma center's current designation, an owner of a trauma center may request a designation that requires fewer resources and capabilities than the trauma center's current designation by submitting to the Department an application for modification of the trauma center's designation, in a Department-provided format, that includes:
1. The name and address of the trauma center for which the owner is requesting modification of designation;
  2. A list of the criteria for the current designation with which the owner no longer intends to comply;
  3. An explanation of the changes being made in the trauma center's resources or operations, related to each criterion specified according to subsection (A)(2), to ensure the health and safety of a patient;
  4. The Level of designation being requested;
  5. An attestation that:
    - a. The owner will be in compliance with all applicable requirements in A.R.S. Title 36, Chapter 21.1 and this Article for the Level of designation requested if modified designation is issued; and
    - b. The information provided in the application is accurate and complete; and
  6. The dated signature of the applicable individual according to R9-25-102.
- B. The Department shall review the application submitted according to R9-25-1307(I) to determine whether, with the changes being made in the trauma center's resources and operations, the trauma center will be in substantial compliance based the applicable standards specified in R9-25-1308 and Table 13.1 for the Level of designation requested.

- C. To retain trauma center designation for a health care institution, an owner who holds modified designation shall, before the expiration date of the modified designation:
1. Apply for renewal of designation according to R9-25-1303, based on the health care institution's meeting the applicable standards specified in R9-25-1308 and Table 13.1, for the Level of the modified designation; or
  2. Apply for initial designation according to R9-25-1303, based on the health care institution meeting the applicable standards specified in R9-25-1308 and Table 13.1, for a Level other than the Level of the modified designation.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1305 repealed; new Section R9-25-1305 renumbered from R9-25-1309 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1306. Inspections (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A. When the Department inspects a health care institution applying for a trauma center designation or a health care institution designated as a trauma center to determine compliance with the applicable requirements in this Article, the Department:
1. Shall use criteria for assessing compliance developed using recommendations from the State Trauma Advisory Board, according to A.R.S. § 36-2222(E)(1); and
  2. May:
    - a. Evaluate the health care institution's equipment and physical plant;
    - b. Interview the health care institution's personnel members, including any individuals providing trauma care; and
    - c. Review any of the following:
      - i. Medical records;
      - ii. Patient discharge summaries;
      - iii. Patient care logs;
      - iv. Rosters and schedules of personnel members and individuals who provide trauma care as part of the trauma service;
      - v. Performance-improvement-related documents, including quality management program documents required in A.A.C. R9-10-204 or R9-10-1004 as applicable; and
      - vi. Other documents relevant to the provision of trauma care as part of the trauma service.
- B. The Department shall determine whether there is a need for an inspection of a health care institution and which components in subsection (A)(2) to include in an inspection, based on the health care institution's application; previous inspections, if applicable; and the operating history of the health care institution and may conduct an announced inspection of the identified components:
1. Before issuing an initial, renewal, or modified designation to an owner applying for designation of a health care institution as a trauma center;
  2. If an owner of a health care institution designated as a trauma center has submitted a corrective action plan under subsection (E); or
  3. A health care institution designated as a trauma center is randomly selected to receive an inspection.
- C. If the Department has reason to believe that a trauma center is not complying with applicable requirements in A.R.S. Title 36, Chapter 21.1 and this Article, the Department may conduct an announced or unannounced inspection of the trauma center according to subsection (A).

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- D. Within 30 calendar days after completing an inspection, the Department shall send to an owner a written report of the Department's findings, including, if applicable, a list of any instances of non-compliance identified during the inspection and a request for a written corrective action plan.
- E. Within 15 calendar days after receiving a request for a written corrective action plan, an owner shall submit to the Department a written corrective action plan that includes for each identified instance of non-compliance:
  1. A description of how the instance of non-compliance will be corrected and reoccurrence prevented, and
  2. A date of correction for the instance of non-compliance.
- F. The Department shall accept a written corrective action plan if the corrective action plan:
  1. Describes how each identified instance of non-compliance will be corrected and reoccurrence prevented, and
  2. Includes a date for correcting each instance of non-compliance that is appropriate to the actions necessary to correct the instance of non-compliance.
- G. If the Department reviews a health care institution's facility and documentation of capabilities during a national verification organization's assessment according to R9-25-1302(C)(3) and the health care institution is not issued verification from the national verification organization at the Level of designation sought, the Department shall send to an owner of the health care institution, within 30 calendar days after the review, a written report of the Department's findings, including, if applicable, a list of any instances of non-compliance with requirements in R9-25-1308 and Table 13.1 identified during the review.
- H. A health care institution receiving a written report in subsection (G), containing a list of instances of non-compliance with requirements in R9-25-1308 and Table 13.1 identified during a review of the health care institution's facility and documentation of capabilities, may submit to the Department a written plan to correct instances of non-compliance that includes:
  1. A description of how the health care institution will correct each instance of non-compliance and prevent the reoccurrence, and
  2. A date by which the health care institution plans to correct each instance of non-compliance.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1306 repealed; new Section R9-25-1306 made by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 29 A.A.R. 2321 (October 6, 2023), with an immediate effective date of September 18, 2023 (Supp. 23-3).

**R9-25-1307. Designation and Designation (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))**

- A. For initial designation or renewal of designation of a health care institution based on verification, the Department shall, within 45 calendar days after receiving a complete application from an owner:
  1. Except as provided in subsection (H)(2), if the application complies with the applicable requirements in this Article, issue a designation for the health care institution that is valid for the duration of the verification; or
  2. If the application does not comply with the applicable requirements in this Article, provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10, that the Department intends to decline to issue a designation for the health care institution.
- B. Except as provided in subsection (F) specifying requirements for renewal of a one-year designation, for initial designation or

renewal of designation of a health care institution based on an assessment by a national verification organization, the Department shall, within 60 calendar days after receiving a complete application from an owner, review the application and, if the Department determines that:

1. The application and the health care institution comply with the applicable requirements in this Article, except as provided in subsection (H)(1), issue a designation for the health care institution that is valid for three years from the issue date;
  2. The application complies with the applicable requirements in this Article, the health care institution is in substantial compliance with the applicable requirements in this Article, and the Department has accepted a written corrective action plan submitted according to R9-25-1306(E), issue a designation for the health care institution that is valid for one year from the issue date; or
  3. The application or the health care institution does not comply with the applicable requirements in this Article, provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10, that the Department intends to decline to issue a designation for the health care institution.
- C. Except as provided in subsection (F) specifying requirements for renewal of a one-year designation, for initial designation or renewal of designation of a health care institution as a Level III trauma center or a Level IV trauma center based on an assessment by the Department, an owner shall include as part of the application required in R9-25-1303(A):
1. The following information in a Department-provided format:
    - a. The name of the health care institution for which the owner is requesting designation;
    - b. The services the health care institution is providing or plans to provide as part of the trauma service;
    - c. The name and title of the liaison to the trauma service from each of the services listed according to subsection (C)(1)(b);
    - d. If applicable, the name, e-mail address, telephone number, and, if available, fax number of the health care institution's emergency department physician director;
    - e. If applicable, the name, e-mail address, telephone number, and, if available, fax number of the health care institution's surgical director or co-director;
    - f. If a multidisciplinary peer review committee is required according to Table 13.1 for the Level of the trauma center, the name and title of each member of the multidisciplinary peer review committee;
    - g. If the health care institution's trauma registry will be part of a centralized trauma registry, a description of the training provided to the trauma program manager to enable the trauma program manager to comply with R9-25-1308(D)(2);
    - h. If applicable, for an application for initial designation, a description of the health care institution's plans for the continuing education activities related to trauma care, required in R9-25-1308(G)(4);
    - i. For renewal of designation, a description of the continuing education activities conducted during the term of the designation;
    - j. If applicable, the name, e-mail address, telephone number, and, if available, fax number of the health care institution's injury prevention coordinator;



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- k. A description of the methods by which trauma team personnel members communicate with EMS personnel;
    - l. A description of the trauma-related training received by registered nurses in the intensive care unit;
    - m. An attestation that the owner of the health care institution will prohibit:
      - i. The trauma medical director from serving as trauma medical director for another health care institution; and
      - ii. A physician on-call for general surgery, neurosurgery, or orthopedic surgery to be on-call or on a back-up call list at another health care institution; and
    - n. The dated signature of the applicable individual according to R9-25-102;
  - 2. A copy of the policies and procedures required in R9-25-1308(B)(6) for the health care institution's trauma registry;
  - 3. A copy of the policies and procedures required in R9-25-1308(B)(7) for the health care institution's performance improvement program;
  - 4. A copy of the policies and procedures required in R9-25-1308(F)(2) for the health care institution's trauma service;
  - 5. If applicable, a copy of the policies and procedures required in R9-25-1308(F)(9) for operating rooms;
  - 6. A copy of the applicable policies and procedures required in R9-25-1308(H)(4);
  - 7. A copy of the health care institution's clinical practice guidelines, describing the health care institution's capability to resuscitate, stabilize, and transfer pediatric patients;
  - 8. If applicable, a copy of the bylaws of the health care institution's multidisciplinary peer review committee;
  - 9. Copies of the job descriptions for the health care institution's:
    - a. Trauma program manager;
    - b. Trauma registrar; and
    - c. If applicable, injury prevention coordinator;
  - 10. A list of the trauma care parameters the health care institution is or will be monitoring as part of the performance improvement program;
  - 11. A list of trauma team members, including:
    - a. Name,
    - b. Title, and
    - c. Role on the trauma team;
  - 12. If required for an individual listed according to subsection (C)(11), a copy of documentation of the individual's:
    - a. Board certification or board eligibility,
    - b. Most recent certification in a trauma critical care course,
    - c. Pediatric-specific credentials, and
    - d. Other trauma-related training; and
  - 13. If the trauma medical director is not a member of the trauma team, the applicable documentation required in subsection (C)(12) for the trauma medical director.
- D.** Except as provided in subsection (F) specifying requirements for renewal of a one-year designation, for initial designation or renewal of designation of a health care institution as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center based on an assessment by the Department under R9-25-1302(C), an owner shall include as part of the application required in R9-25-1303(A):
- 1. A copy of the documentation submitted to the national verification organization as part of an application for verification;
  - 2. If not included in the documentation in subsection (D)(1):
    - a. Any information or documents required in subsection (C);
    - b. For an application for initial designation, a description of the health care institution's plans for:
      - i. Injury prevention activities, required in R9-25-1308(G)(5)(a); and
      - ii. Educational outreach activities, required in R9-25-1308(G)(5)(b); and
    - c. For an application for renewal of designation, a description of the injury prevention activities and educational outreach activities conducted during the term of the designation;
  - 3. A copy of the national verification's organization's written report to the health care institution describing the results of the national verification organization's assessment of the health care organization;
  - 4. A copy of the written report in R9-25-1306(G); and
  - 5. If applicable, the written plan to correct instances of non-compliance in R9-25-1306(H).
- E.** Except for renewal of a one-year designation as provided in subsection (G), for initial designation or renewal of designation of a health care institution based on an assessment by the Department according to subsection (C) or (D), the Department shall, within 90 calendar days after receiving a complete application from an owner, review the application, inspect the health care institution, if applicable, and, if the Department determines that:
- 1. The application and the health care institution comply with the applicable requirements in this Article, except as provided in subsection (H)(1), issue a designation for the health care institution that is valid for three years from the issue date;
  - 2. The application complies with the applicable requirements in this Article, the health care institution is in substantial compliance with the applicable requirements in this Article, and the Department has accepted the document submitted according to R9-25-1306(E) or subsection (D)(5), issue a designation for the health care institution that is valid for one year from the issue date; or
  - 3. The application or the health care institution does not comply with the applicable requirements in this Article, provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10, that the Department intends to decline to issue a designation for the health care institution.
- F.** For renewal, at the same Level of trauma center, of a one-year designation issued according to subsection (B)(2) or (E)(2), an owner shall include, as part of the application required in R9-25-1303(A), documentation related to the completion of the plan specified in the document accepted by the Department in subsection (B)(2) or (E)(2).
- G.** The Department shall, within 60 calendar days after receiving from an owner an application submitted according to subsection (F), review the information and documentation, inspect the health care institution if applicable, and:
- 1. Issue a designation for the health care institution that is valid for two years from the issue date if the Department determines that:

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- a. The application and the health care institution comply with the applicable requirements in this Article; and
    - b. The owner has completed the plan specified in the document accepted by the Department in subsection (B)(2) or (E)(2), as applicable; or
  2. Provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10, that the Department intends to decline to issue a designation for the health care institution if the Department determines that:
    - a. The application or the health care institution do not comply with the applicable requirements in this Article; or
    - b. The owner has not completed all of the components of the plan specified in the document accepted by the Department in subsection (B)(2) or (E)(2), as applicable.
- H.** The Department may:
  1. Issue or extend a designation to a health care institution that is longer than three years if:
    - a. The health care institution would be eligible for designation under R9-25-1302(A)(2)(a)(ii) or (iii), (A)(2)(b)(ii) or (iii), (A)(2)(c)(ii) or (iii), (A)(2)(d)(ii) or (iii), or (A)(2)(e)(ii) with assessment from a national verification organization;
    - b. The national verification organization either:
      - i. Will not allow the health care institution to apply for verification within the time-frame necessary to comply with R9-25-1302(C), or
      - ii. Does not schedule an assessment visit to the health care institution within six months after the date of the health care institution's request;
    - c. The health care institution and, if applicable, the application comply with the applicable requirements in this Article; and
    - d. The health care institution provides to the Department documentation supporting subsection (H)(1)(b); or
  2. Issue a designation based on verification to a health care institution, according to subsection (A)(1), that is shorter than the duration of the verification if the expiration of the verification is more than five years after the date of issuance.
- I.** For modification of a designation according to R9-25-1305, the Department shall, within 30 calendar days after receiving a complete application for modification in R9-25-1305(A) from an owner, review the application, inspect the health care institution, if applicable, and:
  1. Issue a modified designation for the Level of designation requested for the health care institution that is valid for the duration of the original designation or one year from the issue date, whichever is longer, if the Department determines that:
    - a. The application and the health care institution comply with the applicable requirements in this Article for the Level of designation requested; or
    - b. The application complies with the applicable requirements in this Article, the health care institution is in substantial compliance with the applicable requirements in this Article for the Level of designation requested, and the Department has accepted a written corrective action plan submitted according to R9-25-1306(E);
  2. Issue a modified designation for a lower Level of designation than the Level of designation requested for the health care institution that is valid for the duration of the original designation or one year from the issue date, whichever is longer, if the Department determines that:
    - a. The application and the health care institution comply with the applicable requirements in this Article for the lower Level of designation and the health care institution:
      - i. Does not comply with the applicable requirements in this Article for the Level of designation requested; or
      - ii. Is in substantial compliance with the applicable requirements in this Article for the Level of designation requested, and the Department has not accepted a written corrective action plan submitted according to R9-25-1306(E); or
    - b. The application complies with the applicable requirements in this Article, the health care institution is in substantial compliance with the applicable requirements in this Article for the lower Level of designation, and the Department has accepted a written corrective action plan according to R9-25-1306(E); or
  3. Provide a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10 that the Department intends to decline to issue a modified designation for the health care institution if the Department determines that the application or the health care institution does not comply with the applicable requirements in this Article.
- J.** The Department may dedesignate a health care institution as a trauma center if an owner:
  1. Has provided false or misleading information to the Department;
  2. Is not eligible for designation under R9-25-1302(A) or (B); or
  3. Fails to comply with an applicable requirement in A.R.S. Title 36, Chapter 21.1 or this Article.
- K.** In determining whether to dedesignate a health care institution as a trauma center, the Department shall consider:
  1. The severity of each instance relative to public health and safety;
  2. The number of instances;
  3. The nature and circumstances of each instance;
  4. Whether each instance was corrected, the manner of correction, and the duration of the instance; and
  5. Whether the instances indicate a lack of commitment to having the trauma center meet the verification standards of a national verification organization or, if applicable, the standards specified in R9-25-1308 and Table 13.1.
- L.** If the Department intends to dedesignate a health care institution, the Department shall send to the owner a written notice that complies with A.R.S. Title 41, Chapter 6, Article 10.
- M.** An owner who receives a written notice in subsection (A)(2), (B)(3), (E)(3), (G)(2), (I)(3), or (J) may file a written notice of appeal with the Department that complies with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1307 repealed; new Section R9-25-1307 renumbered from R9-25-1312 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3). Amended by final expedited rulemaking at 29 A.A.R.

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2321 (October 6, 2023), with an immediate effective date of September 18, 2023 (Supp. 23-3).

**R9-25-1308. Trauma Center Responsibilities (A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(4), (5), and (6))**

**A.** The owner of a trauma center shall ensure that:

1. If designation is based on:
  - a. Verification, the trauma center meets the applicable standards of the verifying national verification organization; or
  - b. Meeting the applicable standards specified in this Section and Table 13.1, the trauma center meets the applicable standards for the Level of trauma center for which designation has been issued;
2. The trauma center complies with a written corrective action plan accepted by the Department according to R9-25-1306(F); and
3. The Department has access to:
  - a. The trauma center and to personnel members present in the trauma center; and
  - b. Documents that are requested by the Department and not confidential under A.R.S. Title 36, Chapter 4, Article 4 or 5, within two hours after the Department's request.

**B.** The owner of a trauma center shall ensure that the trauma center:

1. Except as provided in subsection (D), establishes a trauma registry of patients receiving trauma care who meet the criteria specified in subsection (C)(1) that contains the information required in R9-25-1309, as applicable for the specific Level of the trauma center;
2. Appoints an individual to act as trauma registrar to coordinate trauma registry activities;
3. If necessary to comply with subsections (C)(2) and (3), provides sufficient additional individuals to assist with trauma registry activities;
4. Establishes a performance improvement program for the trauma service to develop and implement processes to improve trauma care parameters;
5. If required according to Table 13.1 for the Level of the trauma center, establishes as part of the performance improvement program, established according to subsection (B)(4), a multidisciplinary peer review committee to review the quality of trauma care provided by the trauma center, including information from the trauma registry, and suggest methods to improve the quality of trauma care;
6. Establishes, documents, and implements policies and procedures for the trauma registry established according to subsection (B)(1) that include:
  - a. Ensuring that individuals responsible for collecting, entering, or reviewing information in the trauma registry have received training in gaining access to, and retrieving information from, the trauma registry;
  - b. Collection of the information required in R9-25-1309 about the patients specified in subsection (C)(1) receiving trauma care;
  - c. Submission to the Department of the information required in subsection (C)(2);
  - d. Review of information in the trauma center's trauma registry; and
  - e. Performance improvement activities required in R9-25-1310; and

7. Establishes, documents, and implements policies and procedures for the performance improvement program established according to subsection (B)(4), including:

- a. A list of the positions of personnel members who have defined roles in the performance improvement program and, if applicable, a list of positions that are dedicated to performance improvement activities for patients receiving trauma care from the trauma center;
- b. The qualifications, skills, and knowledge required of the personnel members in the positions specified according to subsection (B)(7)(a);
- c. The role each personnel member specified according to subsection (B)(7)(a) plays in the performance improvement program;
- d. The trauma care parameters to be reviewed as part of the performance improvement program;
- e. The frequency of review of trauma care parameters;
- f. If an issue related to trauma care or to trauma care parameters is identified:
  - i. How a plan to address the issue is developed to reduce the chance of the issue recurring in the future;
  - ii. How the plan is documented;
  - iii. The mechanism and criteria by which the plan is reviewed and approved;
  - iv. How the plan is implemented; and
  - v. How implementation of the plan and future recurrences are monitored;
- g. If applicable, the composition, duties, responsibilities, and frequency of meetings of the multidisciplinary peer review committee established according to subsection (B)(5);
- h. If applicable, how the multidisciplinary peer review committee collaborates with the trauma center's quality management program; and
- i. How changes proposed by the performance improvement program are reviewed by the trauma center's quality management program.

**C.** The owner of a trauma center shall ensure that:

1. The trauma registry, established according to subsection (B)(1), includes the information required in R9-25-1309 for each patient with whom the trauma center had contact who meets one or more of the following criteria:
  - a. A patient with injury or suspected injury who is:
    - i. Transported from a scene to a trauma center or an emergency department based on the responding emergency medical services provider's or ambulance service's triage protocol required in R9-25-201(E)(2)(b), or
    - ii. Transferred from one health care institution to another health care institution by an emergency medical services provider or ambulance service;
  - b. A patient with injury or suspected injury for whom a trauma team activation occurs; or
  - c. A patient with injury, who is admitted as a result of the injury or who dies as a result of the injury, and whose medical record includes one or more of specific ICD-codes indicating that:
    - i. At the initial encounter with the patient, the patient had:
      - (1) An injury or injuries to specific body parts,

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- (2) Unspecified multiple injuries,
      - (3) Injury of an unspecified body region,
      - (4) A burn or burns to specific body parts,
      - (5) Burns assessed through Total Body Surface Area percentages, or
      - (6) Traumatic Compartment Syndrome; and
    - ii. The patient's injuries or burns were not only:
      - (1) An isolated distal extremity fracture from a same-level fall,
      - (2) An isolated femoral neck fracture from a same-level fall,
      - (3) Effects resulting from an injury or burn that developed after the initial encounter,
      - (4) A superficial injury or contusion, or
      - (5) A foreign body entering through an orifice;
  2. The following information is submitted to the Department, in a Department-provided format, according to subsection (C)(3):
    - a. The name and physical address of the trauma center;
    - b. The date the trauma registry information is being submitted to the Department;
    - c. The total number of patients whose trauma registry information is being submitted;
    - d. The quarter and year for which the trauma registry information is being submitted;
    - e. The range of emergency department or hospital arrival dates for the patients for whom trauma registry information is being submitted;
    - f. The name, title, e-mail address, telephone number, and, if available, fax number of the trauma center's point of contact for the trauma registry information;
    - g. Any special instructions or comments to the Department from the trauma center's point of contact;
    - h. The information from the trauma registry for patients identified during the quarter specified according to subsection (C)(2)(d); and
    - i. Updated information for any patients identified during the previous quarter, including the patient's name, medical record number, and admission date; and
  3. The information required in subsection (C)(2) is submitted:
    - a. For patients identified between January 1 and March 31, so that the information in subsections (C)(2)(a) through (h) is received by the Department by July 1 of the same calendar year;
    - b. For patients identified between April 1 and June 30, so that the information in subsections (C)(2)(a) through (h) is received by the Department by October 1 of the same calendar year;
    - c. For patients identified between July 1 and September 30, so that the information in subsections (C)(2)(a) through (h) is received by the Department by January 2 of the following calendar year; and
    - d. For patients identified between October 1 and December 31, so that the information in subsections (C)(2)(a) through (h) is received by the Department by April 1 of the following calendar year.
- D.** Trauma centers under the same governing authority, as defined in A.R.S. § 36-401, may establish a single, centralized trauma registry and submit to the Department consolidated information from the trauma registry, according to subsections (C)(2) and (3), if:
1. The information submitted to the Department specifies for each patient in the trauma registry the trauma center that had contact with the patient; and
  2. Each trauma center contributing information to the centralized trauma registry is able to:
    - a. Access, edit, and update the information contributed by the trauma center to the centralized trauma registry; and
    - b. Use the information contributed by the trauma center to the centralized trauma registry when complying with performance improvement program requirements in this Section.
- E.** As part of the performance improvement program, the owner of a trauma center shall ensure that the trauma program manager and, if applicable, trauma medical director periodically, according to policies and procedures:
1. Review the information in the trauma center's trauma registry; and
  2. Monitor at least the following trauma care parameters, as applicable, for patients in the trauma registry:
    - a. EMS received by a patient;
    - b. Length of stay longer than two hours in the emergency department before transfer;
    - c. Instances of trauma team activation to determine if trauma team activation was timely and appropriate;
    - d. Instances where trauma care was provided to a patient but trauma team activation did not occur;
    - e. Time from notification of a surgeon on the trauma team that a patient described in subsection (H)(6)(b)(i) is in the emergency department to when the surgeon arrives in the emergency department;
    - f. Documentation of the nursing services provided to a patient;
    - g. Instances and reasons for transfer of a patient;
    - h. Instances and reasons for transfer to a hospital not designated as a trauma center;
    - i. For a hospital designated as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center, instances and reasons for diversion, as defined in A.A.C. R9-10-201, of a patient requiring trauma care;
    - j. Instances of and circumstances related to the death of a patient;
    - k. Instances related to the assessment of child maltreatment;
    - l. Other patient outcomes;
    - m. Trauma care parameters for pediatric patients, including pediatric-specific measures; and
    - n. The completeness and timeliness of trauma data submission.
- F.** In addition to the requirements in subsections (A) through (E), the owner of a trauma center designated based on meeting the applicable standards specified in this Section and Table 13.1 shall:
1. Ensure that a trauma service is established if required by Table 13.1;
  2. Ensure that policies and procedures for the trauma service are established, documented, and implemented that include:
    - a. The composition of the trauma team;
    - b. The qualifications, skills, and knowledge required of each personnel member of the trauma team;

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- c. Continuing education or continuing medical education requirements for each personnel member of the trauma team;
- d. The roles and responsibilities of each personnel member of the trauma team;
- e. Under what circumstances the trauma team is activated; and
- f. How the trauma team is activated;
- 3. Ensure that the personnel members on the trauma team have the qualifications, skills, and knowledge required in the policies and procedures;
- 4. If the trauma center is required according to Table 13.1 to have a trauma medical director, appoint a board-certified or board-eligible surgeon as trauma medical director;
- 5. Prohibit a physician from serving as trauma medical director for the trauma center if the physician is serving as trauma medical director for another health care institution;
- 6. Ensure that the trauma medical director completes:
  - a. If the trauma center's designation is for a three-year period, at least 48 hours of external trauma-related continuing medical education during the term of the designation;
  - b. If the trauma center's designation is for a one-year period, at least 16 hours of external trauma-related continuing medical education during the term of the designation; and
  - c. If the trauma center is designated as a Level I Pediatric trauma center or Level II Pediatric trauma center, at least 12 of the 48 hours required in subsection (F)(6)(a) or four of the 16 hours required in subsection (F)(6)(b) in pediatric trauma-related continuing medical education;
- 7. Appoint an individual to act as trauma program manager to coordinate trauma service activities;
- 8. If the trauma center is required by Table 13.1 to have a multidisciplinary peer review committee, ensure that each surgeon on the trauma team designated according to subsection (F)(3) attends at least 50% of the meetings of the multidisciplinary peer review committee;
- 9. If the trauma center provides surgical services, ensure that policies and procedures for operating rooms and an operating room team are established, documented, and implemented that include:
  - a. The availability of an operating room for trauma care;
  - b. The composition of an operating room team;
  - c. The qualifications, skills, and knowledge required of each personnel member of an operating room team;
  - d. The roles and responsibilities of each personnel member of an operating room team;
  - e. If an operating room team is not on the premises of the health care institution 24 hours a day, under what circumstances the operating room team is notified to come to the trauma center; and
  - f. How the operating room team is notified;
- 10. Ensure that the following personnel members on the trauma team:
  - a. Hold current certification in a trauma critical care course:
    - i. Trauma medical director, if applicable;
    - ii. Each emergency medicine physician who is not board-certified or board-eligible; and
  - iii. Each physician assistant or registered nurse practitioner who is responsible for providing trauma care to patients in an emergency department in the absence of an emergency physician; or
  - b. Have held certification in a trauma critical care course:
    - i. Each general surgeon other than the trauma medical director, and
    - ii. Each emergency medicine physician who is board-certified or board-eligible;
- 11. If the trauma center is designated as a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center, ensure that each of the trauma team personnel members required in Table 13.1(C)(2) and (C)(3)(a) through (f) are board-certified or board-eligible;
- 12. If the trauma center is designated as a Level I Pediatric trauma center, ensure that the following trauma team members are fellowship-trained:
  - a. The surgeon credentialed for pediatric trauma care required in Table 13.1(C)(2)(a)(iii),
  - b. The pediatric emergency medicine physician required in Table 13.1(C)(2)(c),
  - c. The pediatric-credentialed orthopedic surgeon required in Table 13.1(C)(3)(b),
  - d. The pediatric-credentialed neurosurgeon required in Table 13.1(C)(3)(d), and
  - e. The pediatric-credentialed critical care medicine physician required in Table 13.1(C)(3)(f);
- 13. If the trauma center is designated as a Level II Pediatric trauma center, ensure that:
  - a. The pediatric-credentialed critical care medicine physician required in Table 13.1(C)(3)(f) is fellowship-trained, and
  - b. A fellowship-trained pediatric emergency medicine physician:
    - i. Provides direction for pediatric emergency trauma care and oversight of the treatment of pediatric patients as part of the performance improvement program, and
    - ii. Is appointed as a liaison to the multidisciplinary peer review committee established according to subsection (B)(5); and
- 14. If the trauma center is not designated as a Level I Pediatric trauma center or Level II Pediatric trauma center and annually provides trauma care to 100 or more injured children younger than 15 years of age who meet one or more of the criteria in subsection (C)(1)(c), ensure that the trauma center:
  - a. Complies with subsection (F)(13) and Table 13.1(C)(2)(a)(iii), (3)(b), (3)(d), and (3)(f) and (F)(2); and
  - b. Has a:
    - i. Pediatric emergency department area,
    - ii. Pediatric intensive care area, and
    - iii. Pediatric-specific trauma performance improvement program.
- G. In addition to the requirements in subsections (A) through (E), the owner of a trauma center designated based on meeting the applicable standards specified in this Section and Table 13.1 shall ensure that the trauma center:
  - 1. Establishes, documents, and implements a patient transfer plan, consistent with A.A.C. R9-10-211, that includes:

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- a. The criteria for transferring a patient,
- b. The health care institution to which a patient meeting specific criteria will be transferred,
- c. The personnel members who are responsible for coordinating the transfer of a patient, and
- d. The process for transferring a patient;
2. Participates in state, local, or regional trauma-related activities such as:
  - a. The State Trauma Advisory Board, established by A.R.S. § 36-2222;
  - b. A regional emergency medical services coordinating council described in A.R.S. § 36-2222(A)(3);
  - c. Trauma Registry Users Group, established by the Department;
  - d. Trauma Managers Workgroup, established by the Department; or
  - e. Injury Prevention Council;
3. Participates in injury prevention programs specific to the trauma center's patient population at the national, regional, state, or local levels;
4. Except for a Level IV trauma center, conducts trauma care continuing education activities for physicians, trauma center personnel members, and EMCTs;
5. If required for the trauma center according to Table 13.1, establishes and maintains:
  - a. An injury prevention program:
    - i. Independently or in collaboration with other health care institutions, health advocacy groups, or the Department; and
    - ii. That includes:
      - (1) Designating a prevention coordinator who serves as the trauma center's representative for injury prevention and injury control activities;
      - (2) Carrying out injury prevention and injury control activities, including activities specific to the patient population;
      - (3) Conducting injury control studies;
      - (4) Monitoring the progress and effect of the injury prevention program; and
      - (5) Providing injury prevention and injury control information resources for the public; and
  - b. An educational outreach program:
    - i. Independently or in collaboration with other health care institutions, health advocacy groups, or the Department;
    - ii. That includes providing education to physicians, trauma center personnel members, EMCTs, and the general public; and
    - iii. That may include education about:
      - (1) Injury prevention,
      - (2) Trauma care,
      - (3) Other topics specific to the patient population,
      - (4) Criteria for assessing a patient who may require trauma care, and
      - (5) Criteria for the transfer of a patient requiring trauma care; and
6. If the trauma center holds a designation as a Level I trauma center or Level I Pediatric trauma center:
  - a. Establishes and maintains, either independently or in collaboration with other hospitals, a residency program or fellowship program that provides advanced medical training in emergency medicine, general surgery, orthopedic surgery, or neurosurgery;
  - b. Participates in the provision of a trauma critical care course;
  - c. Conducts or participates in research related to trauma and trauma care; and
  - d. Maintains an Institutional Review Board, established consistent with 45 CFR Part 46, to review biomedical and behavioral research related to trauma and trauma care involving human subjects, conducted, funded, or sponsored by the trauma center, in order to protect the rights of the human subjects of such research.
- H. In addition to the requirements in subsections (A) through (E), the owner of a trauma center designated based on meeting the applicable standards specified in this Section and Table 13.1 shall:
  1. Ensure the presence of a surgeon at all operative procedures;
  2. If the trauma center provides emergency medicine, neurosurgery, orthopedic surgery, anesthesiology, critical care, or radiology as an organized service, ensure that:
    - a. A physician from the organized service is appointed to act as a liaison between the organized service and the trauma center's trauma service;
    - b. The physician in subsection (H)(2)(a) completes:
      - i. If the trauma center's designation is for a three-year period, at least 48 hours of trauma-related continuing medical education during the term of the designation;
      - ii. If the trauma center's designation is for a one-year period, at least 16 hours of trauma-related continuing medical education during the term of the designation; and
      - iii. If the trauma center is designated as a Level I Pediatric trauma center or Level II Pediatric trauma center, at least 12 of the 48 hours required in subsection (H)(2)(b)(i) or four of the 16 hours required in subsection (H)(2)(b)(ii) in pediatric trauma-related continuing medical education; and
    - c. If the trauma center is required by Table 13.1 to have a multidisciplinary peer review committee, ensure the physician in subsection (H)(2)(a) attends at least 50% of the meetings of the multidisciplinary peer review committee;
  3. Ensure that, when a physician is on-call for general surgery, neurosurgery, or orthopedic surgery, the physician is not on-call or on a back-up call list at another health care institution;
  4. Ensure that policies and procedures are established, documented, and implemented for:
    - a. Except for a Level IV trauma center, the formulation of blood products to be available during an event requiring multiple blood transfusions for a patient or patients; and
    - b. For a Level IV trauma center, the expedited release of blood products during an event requiring multiple blood transfusions for a patient or patients;
  5. Ensure that the patient transfer plan required in subsection (G)(1) includes processes for transferring a patient needing:

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- a. Acute hemodialysis or pediatric trauma care to a hospital providing the required service if the trauma center is designated as a:
    - i. Level III or Level IV trauma center; or
    - ii. Level II trauma center and does not provide, as applicable, acute hemodialysis or pediatric trauma care;
  - b. Burn care as an organized service, acute spinal cord management, microvascular surgery, or replant surgery to a hospital providing the required service if the trauma center is designated as a:
    - i. Level III or Level IV trauma center; or
    - ii. Level I or Level II trauma center and does not provide, as applicable, burn care as an organized service, acute spinal cord management, microvascular surgery, or replant surgery; or
  - c. Another service that the trauma center is not authorized or not able to provide to a hospital providing the required service;
6. Except for a Level IV trauma center or as provided in subsection (I), require that:
    - a. An emergency medicine physician is present in the emergency department at all times;
    - b. A surgeon on the trauma team is present in the emergency department:
      - i. For a patient:
        - (1) If an adult, with a systolic blood pressure less than 90 mm Hg or, if a child, with confirmed age-specific hypotension;
        - (2) With respiratory compromise, respiratory obstruction, or intubation;
        - (3) Who is transferred from another hospital and is receiving blood to maintain vital signs;
        - (4) Who has a gunshot wound to the abdomen, neck, or chest;
        - (5) Who has a Glasgow Coma Scale score less than 8 associated with an injury attributed to trauma; or
        - (6) Who is determined by an emergency department physician to have an injury that has the potential to cause prolonged disability or death; and
      - ii. No later than the following times:
        - (1) For a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center, within 15 minutes after notification or at the time the patient arrives in the emergency department, whichever is later; or
        - (2) For a Level III trauma center, within 30 minutes after notification or at the time the patient arrives in the emergency department, whichever is later; and
    - c. One of the following anesthesia personnel members is available for an operative procedure on a patient at the indicated time point:
      - i. For a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, or Level II Pediatric trauma center, an anesthesiologist, anesthesiology chief resident, or certified registered nurse anesthetist is present in the emergency department or in an operating room area awaiting the patient no later than 15 minutes after patient arrival in the emergency department; and
      - ii. For a Level III trauma center, an anesthesiologist, anesthesiology chief resident, or certified registered nurse anesthetist is present in the emergency department or in an operating room area awaiting the patient no later than 30 minutes after patient arrival in the emergency department;
  7. For a clinical capability required for the trauma center according to Table 13.1(C)(3), require that the on-call radiologist, critical care medicine physician, or surgical specialist is available to provide medical services, as applicable to the specialist, for a patient requiring trauma care within 45 minutes after notification; and
  8. For personnel members assigned to an operating room team according to subsection (F)(9), require that the personnel members on the operating room team are on the premises of the trauma center while on duty or:
    - a. For a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, Level II Pediatric trauma center:
      - i. Are available to provide operative services for a patient requiring trauma care within 15 minutes after notification or patient arrival at the trauma center, whichever is later; and
      - ii. Have response times and patient outcomes monitored through the performance improvement program; and
    - b. For a Level III trauma center or Level IV trauma center, if the Level IV trauma center provides surgical services:
      - i. Are available to provide operative services for a patient requiring trauma care within 30 minutes after notification or patient arrival at the trauma center, whichever is later; and
      - ii. Have response times and patient outcomes monitored through the performance improvement program.
  - I. The Department shall consider a trauma center designated based on meeting the applicable standards specified in this Section and Table 13.1 to be in compliance with subsection (H)(6)(a), (b), or (c), as applicable, if the trauma center has documentation showing that:
    1. The individual required to be present at the indicated location and within the indicated time period was present 80% or more of the time, and
    2. The trauma center monitors the rate of compliance with subsection (H)(6) and patient outcomes through the performance improvement program.
  - J. The requirement in subsection (H)(6)(b) applies whether or not the owner of a trauma center allows a surgery resident in the fourth or fifth year of residency training to begin treating a patient described in subsection (H)(6)(b)(i) while awaiting the arrival of the surgeon on the trauma team, as required in subsection (H)(6)(b)(ii)(1) or (2).
  - K. An ALS base hospital certificate holder that chooses to submit trauma registry information to the Department, as allowed by A.R.S. § 36-2221(A), shall:
    1. Include in the ALS base hospital's trauma registry at least the information required in R9-25-1309(A) for each patient who meets one or more of the criteria in subsections (C)(1)(a) through (c), and

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2. Comply with the submission requirements in subsections (C)(2) and (3).

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1308 renumbered to R9-25-1304; new Section R9-25-1308 renumbered from R9-25-1313 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3). Incomplete citations to Table 13.1(C)(3)(f) under subsections (F)(12)(e) and (F)(13)(a) corrected at the request of the Department (Supp. 18-4). Amended by final expedited rulemaking at 29 A.A.R. 2321 (October 6, 2023), with an immediate effective date of September 18, 2023 (Supp. 23-3).

**R9-25-1309. Trauma Registry Data (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))**

- A. A trauma registry established according to R9-25-1308(B)(1) includes the following in the record of a patient's episode of care, as defined in A.A.C. R9-11-101, for each patient meeting the criteria in R9-25-1308(C)(1):
  1. An identification code specific to the health care institution that had contact with the patient during the episode of care;
  2. Demographic information about the patient:
    - a. The unique number assigned by the health care institution to the patient;
    - b. A code indicating whether the patient's record will be submitted to the Department as required in R9-25-1308(C)(2);
    - c. The unique number assigned by the health care institution for the episode of care;
    - d. The date the patient arrived at the health care institution for the episode of care;
    - e. For the episode of care, a code indicating whether the patient:
      - i. Was directly admitted to the health care institution,
      - ii. Was admitted to the health care institution through the emergency department,
      - iii. Was seen in the emergency department then transferred to another health care institution by an ambulance service or emergency medical services provider,
      - iv. Was seen in the emergency department and discharged, or
      - v. Died in the emergency department or was dead on arrival;
    - f. The patient's first name, middle initial, and last name;
    - g. The patient's Social Security Number;
    - h. The patient's date of birth and age;
    - i. Codes indicating the patient's gender, race, and ethnicity;
    - j. The zip code of the patient's residence or, if applicable, an indication of why no zip code was reported; and
    - k. The city, state, and county of the patient's residence;
  3. Information about the occurrence of the patient's injury:
    - a. The date and time the injury occurred;
    - b. The ICD-code describing the type of location where the injury occurred;
    - c. The zip code of the location where the injury occurred;
    - d. The city, state, and county where the injury occurred;
    - e. A code indicating whether the patient's injury resulted from blunt force trauma, a penetrating wound, or a burn;
    - f. The ICD-code indicating the primary mechanism or cause of the patient's injury resulting in the episode of care and the manner or intent through which the injury occurred;
    - g. A description of the cause and circumstances leading to the patient's injury;
    - h. Whether the patient was using a protective device or safety equipment at the time of the injury and, if so, the type or types of protective device or safety equipment being used;
    - i. If the patient was subject to the requirements in A.R.S. § 28-907 at the time of the injury, whether the patient was using a child restraint system, as defined in A.R.S. § 28-907, at the time of the injury and, if so, the type of child restraint system being used; and
    - j. If the patient's injury resulted from a motor vehicle crash, a code describing the status of airbag deployment;
  4. Information about the patient's arrival at the health care institution:
    - a. A code identifying the mode of transportation by which the patient arrived at the health care institution; and
    - b. If applicable:
      - i. The ambulance service or emergency medical services provider that transported the patient to the health care institution;
      - ii. The unique identifier given by the ambulance service or emergency medical services provider to the incident during which the patient received EMS;
      - iii. The date the ambulance service or emergency medical services provider transported the patient to the trauma center; and
      - iv. If the patient was transferred from another health care institution, the name of the other health care institution;
  5. Information about the health care institution's assessment or treatment of the patient in the emergency department:
    - a. A code indicating which of the criteria in R9-25-1308(C)(1) the patient met;
    - b. A code indicating whether an ambulance service or emergency medical services provider transported the patient to the health care institution and, if so, the criteria used by the transporting ambulance service or emergency medical services provider for transporting the patient to the health care institution;
    - c. The date and time the patient arrived at the emergency department of the health care institution for the episode of care;
    - d. The date and time the patient died or left the emergency department of the health care institution for the episode of care;
    - e. The length of time in hours and in minutes that the patient remained in the emergency department of the health care institution during the episode of care;
    - f. If trauma team activation occurred, the time when the last trauma team personnel member arrived at their assigned location in the health care institution;



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- g. Whether the patient showed signs of life when the patient arrived at the health care institution;
  - h. The values of the following for the patient at the time of their first assessment at the health care institution:
    - i. Pulse rate;
    - ii. Respiratory rate;
    - iii. Oxygen saturation;
    - iv. Systolic blood pressure; and
    - v. Temperature, including the units of temperature and the route used to measure the patient's temperature;
  - i. A code indicating whether the patient was receiving respiratory assistance at the time the patient's respiratory rate was assessed;
  - j. A code indicating whether the patient was receiving supplemental oxygen at the time the patient's oxygen saturation was assessed;
  - k. Codes indicating the Glasgow Coma Score for:
    - i. Eye opening,
    - ii. Verbal response to stimulus, and
    - iii. Motor response to stimulus;
  - l. The patient's total Glasgow Coma Score;
  - m. Whether the patient was intubated at the time of the patient's assessments in subsections (A)(5)(h)(ii), (k)(ii), and (l);
  - n. A code indicating whether a paralytic agent or sedative had been administered to the patient at the time the patient's Glasgow Coma Score was measured;
  - o. A code indicating another factor that may have affected the patient's Glasgow Coma Score;
  - p. A revised trauma score for the patient, auto-calculated based on the patient's systolic blood pressure, respiratory rate, and Glasgow Coma Score;
  - q. A code indicating the status of alcohol use by the patient and, if applicable, the blood alcohol concentration in the patient's blood;
  - r. A code indicating the status of drug use by the patient and, if applicable, the code for each drug class detected in the patient's blood;
  - s. A code indicating the disposition of the patient at the time the patient was discharged from the emergency department; and
  - t. If the patient was transferred to another health care institution upon discharge from the emergency department:
    - i. The name of the health care institution to which the patient was transferred;
    - ii. The name of the ambulance service or emergency medical services provider providing the interfacility transport;
    - iii. A code indicating the reason for transfer; and
    - iv. If there was a delay in transferring the patient to another health care institution, a code indicating the reason for the delay;
6. Information about the patient's discharge from the health care institution:
- a. The date and time the patient was discharged from the health care institution;
  - b. The length of time the patient remained as an inpatient, as defined in A.A.C. R9-10-201, in the health care institution;
  - c. The length of time the patient remained in the health care institution's intensive care unit;
  - d. A code indicating whether the patient was alive or dead at the time of discharge from the health care institution;
  - e. The ICD-code for each injury identified in the patient, including an indication of whether the ICD-code is for:
    - i. The principle diagnosis, the reason believed by the health care institution to be chiefly responsible for the patient's need for the episode of care; or
    - ii. A secondary diagnosis, another reason believed by the health care institution to have contributed to the patient's need for the episode of care;
  - f. The patient's Injury Severity Score;
  - g. A code indicating the disposition of the patient at the time the patient was discharged from the health care institution;
  - h. Whether a report of suspected physical abuse was reported to law enforcement or as required by A.R.S. § 13-3620 or 46-454, if applicable, and, if so:
    - i. Whether an investigation into the suspected physical abuse was initiated by an entity to which the suspected physical abuse was reported; and
    - ii. If the patient is a child, whether the patient was discharged in the care of a person other than the person responsible for the care of the patient at the time the patient arrived at the health care institution; and
  - i. If the patient was transferred to a hospital upon discharge from the health care institution:
    - i. The name of the hospital to which the patient was transferred,
    - ii. The name of the ambulance service or emergency medical services provider providing the interfacility transport, and
    - iii. A code indicating the reason for transfer; and
7. Financial information about the episode of care:
- a. A code for the primary source of payment for the episode of care;
  - b. A code for a secondary source of payment for the episode of care, if applicable;
  - c. The total amount of charges for the episode of care; and
  - d. The total amount collected by the health care institution for the episode of care.
- B.** In addition to the information required in subsection (A), a trauma registry established according to R9-25-1308(B)(1) by a Level I trauma center, Level I Pediatric trauma center, Level II trauma center, Level II Pediatric trauma center, or Level III trauma center includes the following in the record of a patient's episode of care, as defined in A.A.C. R9-11-101, for each patient meeting the criteria in R9-25-1308(C)(1):
- 1. Demographic information about the patient:
    - a. The country of the patient's residence;
    - b. The country where the patient was found or from which an ambulance service or emergency medical services provider transported the patient; and
    - c. Any pre-existing medical conditions diagnosed for the patient, unrelated to the reason for the episode of care;
  - 2. Information about the occurrence of the patient's injury:
    - a. Whether the time specified according to subsection (A)(3)(a) is the actual time of occurrence or an estimate;

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- b. The street address of the location where the injury occurred or, if the location at which the injury occurred does not have a street address, another indicator of the location at which the injury occurred;
- c. Any additional ICD-code describing the mechanism or cause of the patient's injury resulting in the episode of care and the manner or intent through which the injury occurred;
- d. The ICD-code indicating the activity the patient was engaged in that resulted in the patient's injury;
- e. If the patient's injury resulted from a crash involving a means of transportation, including a motor vehicle, other motorized means of transportation, watercraft, bicycle, or aircraft, a code describing the type of vehicle in use at the time of the injury and the patient's location in the vehicle;
- f. A description of any issues related to a protective device or safety equipment in use at the time of the patient's injury; and
- g. Whether the patient's injury occurred during the patient's paid employment and, if so, a code indicating:
  - i. The type of occupation associated with the patient's employment, and
  - ii. The patient's occupation;
3. A code indicating whether EMS was provided to the patient and, if applicable, the type of transport provided to the patient;
4. If EMS was provided to the patient, whether a prehospital incident history report was provided to the trauma center and, if so:
  - a. The date on the prehospital incident history report;
  - b. The identifying number on the prehospital incident history report assigned by the ambulance service or emergency medical services provider;
  - c. The date and time the ambulance service or emergency medical services provider was dispatched, as defined in R9-25-901, to the scene;
  - d. The date and time the ambulance service or emergency medical services provider responded to the dispatch;
  - e. The date and time the ambulance service or emergency medical services provider arrived at the scene;
  - f. The date and time the ambulance service or emergency medical services provider established contact with the patient;
  - g. The date and time the ambulance service or emergency medical services provider left the scene;
  - h. The date and time the ambulance service or emergency medical services provider arrived at the health care institution that was the transport destination;
  - i. The date and time the patient's pulse, respiration, oxygen saturation, and systolic blood pressure were first measured;
  - j. At the date and time the patient's pulse, respiration, oxygen saturation, and systolic blood pressure were first measured, the patient's:
    - i. Pulse rate,
    - ii. Respiratory rate,
    - iii. Oxygen saturation, and
    - iv. Systolic blood pressure;
  - k. Whether the patient was intubated at the date and time the patient's pulse, respiration, and oxygen saturation were first measured;
- l. Codes indicating the Glasgow Coma Score for:
  - i. Eye opening,
  - ii. Verbal response to stimulus, and
  - iii. Motor response to stimulus;
- m. The patient's total Glasgow Coma Score;
- n. A code indicating whether a paralytic agent or sedative had been administered to the patient at the date and time the patient's Glasgow Coma Score was measured;
- o. A revised trauma score for the patient, auto-calculated based on the patient's systolic blood pressure, respiratory rate, and Glasgow Coma Score;
- p. Codes indicating all airway management procedures performed on the patient by an ambulance service or emergency medical services provider before the patient's arrival at the first health care institution; and
- q. Whether the patient experienced cardiac arrest subsequent to the injury before the patient's arrival at the first health care institution;
5. The amount of time that elapsed from the date and time the ambulance service or emergency medical services provider:
  - a. Was dispatched and the date and time the ambulance service or emergency medical services provider arrived at the scene,
  - b. Arrived at the scene and the date and time the ambulance service or emergency medical services provider left the scene,
  - c. Left the scene and the date and time the ambulance service or emergency medical services provider arrived at the transport destination, and
  - d. Was dispatched and the date and time the ambulance service or emergency medical services provider arrived at the transport destination;
6. Whether the patient arrived at the trauma center for treatment of the injury resulting in the episode of care through an interfacility transport;
7. If the patient arrived at the trauma center through an interfacility transport, the following information about the health care institution at which the patient was seen immediately before arriving at the trauma center:
  - a. The name of the health care institution;
  - b. The date and time the patient arrived at the health care institution in subsection (B)(7)(a); and
  - c. The date and time the patient left the health care institution in subsection (B)(7)(a);
8. If the patient arrived at the health care institution in subsection (B)(7)(a) through an interfacility transport, the information in subsections (B)(7)(a) through (c) about each health care institution at which the patient was seen for the injury resulting in the episode of care before arriving at the health care institution in subsection (B)(7)(a);
9. If the patient arrived at the trauma center through an interfacility transport, for each health care institution at which the patient was seen for the injury resulting in the episode of care before arriving at the trauma center, information for the first instance of assessing the patient's:
  - a. Respiratory rate,
  - b. Systolic blood pressure,
  - c. The patient's total Glasgow Coma Score, and
  - d. Revised trauma score; and
10. Information about the patient's episode of care at the trauma center and the patient's discharge from the trauma center:

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- a. The patient's height and weight when the patient arrived at the trauma center;
- b. The number of days the patient spent on a mechanical ventilator;
- c. If applicable, the identification number assigned by a medical examiner or alternate medical examiner, as defined in A.R.S. § 11-591, to the documentation of the patient's autopsy;
- d. The total length of time the patient remained at the trauma center before discharge;
- e. For each ICD-code identified according to subsection (A)(6)(e), a code that reflects the severity of the injury to which the ICD-code refers;
- f. For each ICD-code identified according to subsection (A)(6)(e) that does not include an indication of the part of the patient's body that was injured, a code supplementing the ICD-code that indicates the part of the body that was injured;
- g. For each procedure performed on the patient:
  - i. The ICD-code for the procedure,
  - ii. The health care institution at which the procedure was performed,
  - iii. A code indicating the organized service unit within the health care institution in which the procedure was performed, and
  - iv. The date and time the procedure was begun;
- h. Any complications experienced by the patient while the patient remained at the trauma center;
- i. The Abbreviated Injury Scale code indicating the severity of each of the patient's injuries;
- j. The Abbreviated Injury Scale code indicating the body region affected by each of the patient's injuries;
- k. If the trauma center is designated as a Level I trauma center or Level I Pediatric trauma center, the six-digit Abbreviated Injury Scale code and the software version used to calculate the six-digit Abbreviated Injury Scale code; and
- l. The patient's probability of survival.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1309 renumbered to R9-25-1305; new Section R9-25-1309 made by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1310. Trauma Registry Data Quality Assurance (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2220(A), 36-2221, and 36-2225(A)(5) and (6))**

- A. To ensure the completeness and accuracy of trauma registry reporting, a health care institution submitting trauma registry information to the Department shall allow the Department to review the following, upon prior notice from the Department of at least five business days:
  1. The health care institution's trauma registry or other database containing trauma registry information;
  2. Patient medical records; and
  3. Any record, other than those specified in subsections (A)(1) and (2), that may contain information about diagnostic evaluation or treatment provided to a patient receiving trauma care.
- B. Upon prior notice from the Department of at least five business days, a health care institution submitting trauma registry information to the Department shall provide the Department with all patient medical records for a time period specified by the Department, to allow the Department to determine the

accuracy and completeness of the information submitted to the trauma registry for patients receiving trauma care during the period.

- C. For purposes of subsection (B), the Department considers a health care institution to be in compliance with R9-25-1308(C)(2) if the health care institution submitted to the Department trauma registry information for 97% of the patients receiving trauma care during the period.
- D. If trauma registry information submitted to the Department by a health care institution according to R9-25-1308(C)(2) and (3) is not in compliance with requirements in R9-25-1308 or R9-25-1309, the Department shall:
  1. Notify the health care institution that the trauma registry information submitted to the Department is not in compliance with requirements in R9-25-1308 or R9-25-1309, and
  2. Identify the revisions or actions that are needed to bring the data into compliance with R9-25-1308 and R9-25-1309.
- E. A health care institution that has trauma registry information returned, as provided in subsection (D), shall:
  1. Revise the trauma registry information as identified by the Department, and
  2. Submit the revised data to the Department within 15 business days after the date the Department notified the health care institution according to subsection (D)(1) or within a longer period agreed upon between the Department and the health care institution.
- F. Within 15 business days after receiving a written request from the Department that includes a simulated patient medical record, a health care institution submitting trauma registry information to the Department shall prepare and submit to the Department the information required in R9-25-1309, applicable to the Level of health care institution, for the patient described in the simulated patient medical record.

**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1310 repealed; new Section R9-25-1310 renumbered from R9-25-1406 and amended by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1311. Repealed****Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1311 repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1312. Renumbered****Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1312 renumbered to R9-25-1307 by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1313. Renumbered****Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section R9-25-1313 renumbered to R9-25-1308 by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1314. Expired**

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**Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (Supp. 12-3).

**R9-25-1315. Repealed****Historical Note**

New Section made by final rulemaking 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Section repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

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

New Table made by final rulemaking at 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Table 1 Application Processing Time Periods repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**Exhibit I. Repealed****Historical Note**

New Exhibit made by final rulemaking at 11 A.A.R. 4363, effective October 6, 2005 (Supp. 05-4). Exhibit 1 Arizona Trauma Center Standards repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**Table 13.1. Arizona Trauma Center Standards (A.R.S. §§ 36-2202(A)(4), 36-2209(A)(2), and 36-2225(A)(4))****Key:**

- E = Essential and required  
 I(P) = Level I Pediatric trauma center  
 II(P) = Level II Pediatric trauma center  
 ICU = Intensive care unit  
 In-house = On the premises of the health care institution  
 ISS = Injury severity score, the sum of the squares of the abbreviated injury scale scores of the three most severely injured body regions  
 Child life = A program of support to injured children and their families to reduce stress and anxiety by:  
 a. Explaining medical equipment and procedures to children in a non-threatening and age-appropriate manner,  
 b. Explaining a diagnosis to a child in an age-appropriate manner, and  
 c. Helping children and their families develop strategies to cope with the diagnosis and expected outcome

Trauma Facilities Criteria	Levels					
	I	I(P)	II	II(P)	III	IV
<b>A. Institutional Organization</b>						
1. Trauma service	E	E	E	E	E	-
2. Trauma medical director	E	E	E	E	E	-
3. Trauma multidisciplinary peer review committee	E	E	E	E	E	-
4. Injury prevention program (R9-25-1308(G)(5)(a))	E	E	E	E	-	-
5. Injury prevention activities (R9-25-1308(G)(3))	E	E	E	E	E	E
6. Educational outreach program (R9-25-1308(G)(5)(b))	E	E	E	E	-	-
7. Educational outreach activities (R9-25-1308(G)(4))	E	E	E	E	E	-
8. Child maltreatment assessment capability	E	E	E	E	E	E
<b>B. Hospital Departments/Divisions/Sections</b>						
1. Surgery	E	E	E	E	E	-
2. Neurosurgery	E	E	E	E	-	-
3. Orthopedic surgery	E	E	E	E	E	-
4. Emergency medicine	E	E	E	E	E	-
5. Pediatric emergency department area	-	E	-	E	-	-
6. Anesthesia	E	E	E	E	E	-
<b>C. Clinical Capabilities</b>						
1. Written on-call schedule for each component of the trauma service if a team member is not in-house	E	E	E	E	E	E
2. Physician specialist available 24 hours/day						
a. General surgeon	E	E	E	E	E	-
i. Published back-up schedule	E	E	E	E	-	-
ii. Dedicated to single hospital when on-call	E	E	E	E	-	-
iii. Surgeon credentialed for pediatric trauma care	-	E	-	E	-	-
b. Emergency medicine physician	E	E	E	E	E	-
c. Pediatric emergency medicine physician	-	E	-	-	-	-
3. Specialist on-call and available 24 hours/day						
a. Orthopedic surgeon	E	E	E	E	E	-
b. Pediatric-credentialed orthopedic surgeon	-	E	-	E	-	-

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

c. Neurosurgeon	E	E	E	E	-	-
d. Pediatric-credentialed neurosurgeon	-	E	-	E	-	-
e. Critical care medicine physician	E	E	E	E	-	-
f. Pediatric-credentialed critical care medicine physician	-	E	-	E	-	-
g. Radiologist	E	E	E	E	E	
h. Hand surgeon	E	E	E	E	-	-
i. Ophthalmic surgeon	E	E	E	E	-	-
j. Plastic surgeon	E	E	E	E	-	-
k. Thoracic surgeon	E	E	E	E	-	-
l. Cardiac surgeon	E	E	-	-	-	-
m. Obstetrics/gynecologic surgeon	E	E	-	-	-	-
n. Oral/maxillofacial surgeon (plastic surgeon, otolaryngologist, or oral/maxillofacial surgeon)	E	E	E	E	-	-
4. Qualified anesthesia personnel member on-call and available 24 hours/day						
a. Physician or certified nurse anesthetist	E	E	E	E	E	-
b. Physician or certified nurse anesthetist with a pediatric credential	-	E	-	E	-	-
5. Volume performance standards:						
a. 1200 trauma admissions per year,	E	-	-	-	-	-
b. 240 admissions with ISS > 15 per year, or						
c. Average of 35 patients with ISS > 15 for each trauma team surgeon per year						
d. 200 trauma admissions < 15 years of age per year,	-	E	-	-	-	-
<b>D. Facilities/Resources/Capabilities</b>						
1. Emergency department						
a. Designated physician director	E	E	E	E	E	-
b. Personnel members with pediatric-specific trauma-related training	-	E	-	E	-	-
c. Resuscitation equipment for patients of all sizes						
i. Airway control and ventilation equipment	E	E	E	E	E	E
ii. Pulse oximetry	E	E	E	E	E	E
iii. Suction devices	E	E	E	E	E	E
iv. Electrocardiograph-oscilloscope-defibrillator	E	E	E	E	E	E
v. Color-coded, length-based tool to assist with medication dosing and equipment selection for children	E	E	E	E	E	E
vi. Central venous pressure monitoring equipment	E	E	E	E	E	-
vii. Standard intravenous fluids and administration sets	E	E	E	E	E	E
viii. Large-bore intravenous catheters	E	E	E	E	E	E
ix. Sterile surgical sets for:						
(1) Airway control/cricothyrotomy	E	E	E	E	E	E
(2) Thoracostomy	E	E	E	E	E	E
(3) Central line insertion	E	E	E	E	E	-
(4) Thoracotomy	E	E	E	E	E	-
x. Arterial catheters	E	E	E	E	-	-
xi. X-ray availability 24 hours/day	E	E	E	E	E	-
xii. Thermal control equipment						
(1) For patient	E	E	E	E	E	E
(2) For fluids and blood	E	E	E	E	E	E
xiii. Rapid infusion system/capability	E	E	E	E	E	E
xiv. Qualitative end-tidal CO <sub>2</sub> monitoring	E	E	E	E	E	E
d. Communication with EMS personnel	E	E	E	E	E	E
e. Capability to resuscitate, stabilize, and transfer pediatric patients	E	E	E	E	E	E
2. Operating room						
a. Immediately available 24 hours/day	E	E	E	E	-	-
b. Size-specific equipment						
i. Cardiopulmonary bypass	E	E	-	-	-	-
ii. Operating microscope	E	E	-	-	-	-
c. Thermal control equipment						
i. For patient	E	E	E	E	E	E
ii. For fluids and blood	E	E	E	E	E	E

## TITLE 9. HEALTH SERVICES

## CHAPTER 25. DEPARTMENT OF HEALTH SERVICES - EMERGENCY MEDICAL SERVICES

d. X-ray capability including C-arm image intensifier	E	E	E	E	E	-
e. Endoscopes, bronchoscope	E	E	E	E	E	-
f. Craniotomy instruments	E	E	E	E	-	-
g. Equipment for long bone and pelvic fixation	E	E	E	E	E	-
h. Rapid infusion system/capability	E	E	E	E	E	E
3. Postanesthesia recovery room or surgical ICU						
a. Registered nurses available 24 hours/day	E	E	E	E	E	E
b. Equipment for monitoring and resuscitation	E	E	E	E	E	E
c. Intracranial pressure monitoring equipment	E	E	E	E	-	-
d. Pulse oximetry	E	E	E	E	E	E
e. Thermal control equipment						
i. For patient	E	E	E	E	E	E
ii. For fluids and blood	E	E	E	E	E	E
4. ICU or critical care unit for injured patients						
a. Pediatric ICU	-	E	-	E	-	-
b. Registered nurses with trauma-related training	E	E	E	E	E	-
c. Registered nurses with pediatric-specific trauma-related training	-	E	-	E	-	-
d. Designated surgical director or surgical co-director	E	E	E	E	E	-
e. Physician (fourth year of residency training or higher) assigned to surgical ICU service and in-house 24 hours/day	E	E	-	-	-	-
f. Physician (fourth year of residency training or higher) with a pediatric credential assigned to surgical ICU service and in-house 24 hours/day	-	E	-	-	-	-
g. Surgically directed and staffed ICU service	E	E	E	E	-	-
h. Equipment for monitoring and resuscitation	E	E	E	E	E	-
i. Intracranial pressure monitoring equipment	E	E	E	E	-	-
5. Respiratory therapy services (Available 24 hours/day)						
a. Available in-house	E	E	E	E	-	-
b. On-call and available within 45 minutes after notification	-	-	-	-	E	-
6. Radiological services (Available 24 hours/day)						
a. In-house radiology technologist	E	E	E	E	E	-
b. Radiology technologist on-call and available within 45 minutes after notification	-	-	-	-	-	E
c. Resuscitation equipment for patients of all sizes, as specified in subsection (D)(1)(c)(i) to (v)	E	E	E	E	E	E
d. Angiography	E	E	E	E	-	-
e. Sonography	E	E	E	E	E	-
f. Computed tomography (CT)	E	E	E	E	E	-
i. In-house CT technician	E	E	E	E	-	-
ii. CT technician on-call and available within 45 minutes after notification	-	-	-	-	E	-
g. Magnetic resonance imaging	E	E	E	E	-	-
7. Clinical laboratory service (Available 24 hours/day)						
a. Standard analyses of blood, urine, and other body fluids	E	E	E	E	E	E
b. Blood typing and cross-matching	E	E	E	E	E	-
c. Coagulation studies	E	E	E	E	E	E
d. Comprehensive blood bank or access to a community central blood bank and adequate storage facilities	E	E	E	E	E	-
e. Blood gases and pH determinations	E	E	E	E	E	E
f. Microbiology	E	E	E	E	E	-
<b>E. Rehabilitation Services Specific to the Patient Population</b>						
1. Physical therapy	E	E	E	E	E	-
2. Occupational therapy	E	E	E	E	-	-
3. Speech therapy	E	E	E	E	-	-
<b>F. Social Services Specific to the Patient Population</b>						
1. Social services	E	E	E	E	E	-
2. Child life program	-	E	-	E	-	-
<b>G. Performance Improvement</b>						
1. Multidisciplinary peer review committee	E	E	E	E	E	-
2. Performance improvement personnel dedicated to the trauma service	E	E	E	E	-	-

## TITLE 9. HEALTH SERVICES

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**Historical Note**

Table 13.1, Arizona Trauma Center Standards, made by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3). Subsections under (D)(2) were incorrectly labeled at 23 A.A.R. 2656; clerical error corrected and labeled as f through h (Supp. 22-2). Amended by final expedited rulemaking at 29 A.A.R. 2321 (October 6, 2023), with an immediate effective date of September 18, 2023 (Supp. 23-3).

**ARTICLE 14. REPEALED****R9-25-1401. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1402. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

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

New Table 1 made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Table 1 Trauma Registry Data Set, repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1403. Repealed****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section

repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1404. Expired****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section expired under A.R.S. 41-1056(E) at 18 A.A.R. 2153, effective June 30, 2012 (Supp. 12-3).

**R9-25-1405. Repealed****Historical Note**

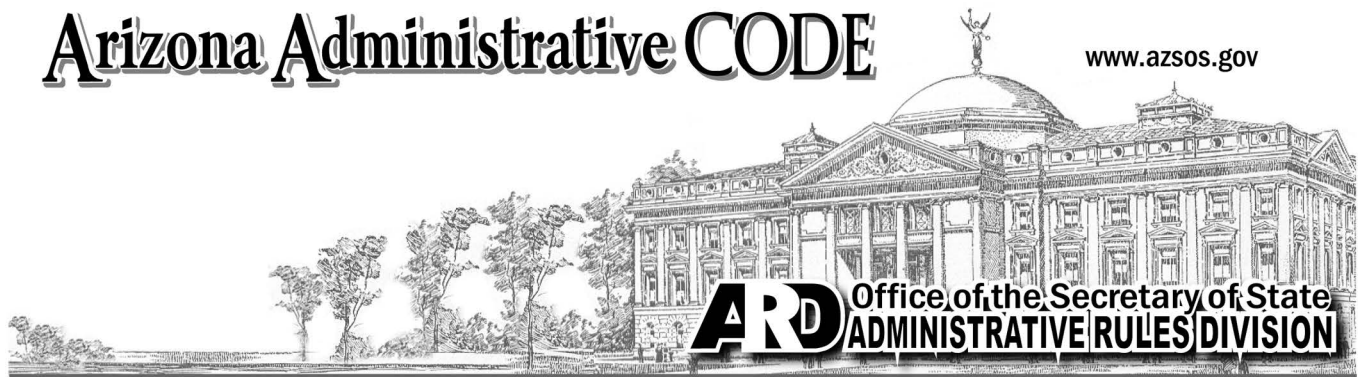
New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section heading corrected at request of the Department, Office File No. M12-82, filed March 5, 2012 (Supp. 11-4). Section repealed by final rulemaking at 23 A.A.R. 2656, effective January 1, 2018 (Supp. 17-3).

**R9-25-1406. Renumbered****Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4301, effective January 12, 2008 (Supp. 07-4). Section R9-25-1406 renumbered to R9-25-1310, effective January 1, 2018 (Supp. 17-3).

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10 A.A.C. 4

Supp. 23-3

## TITLE 10. LAW

### CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

<a href="#">R10-4-101.</a>	<a href="#">Expired</a>	<a href="#">3</a>	<a href="#">R10-4-110.</a>	<a href="#">Expired</a>	<a href="#">11</a>
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<a href="#">R10-4-104.</a>	<a href="#">Expired</a>	<a href="#">5</a>	<a href="#">R10-4-203.</a>	<a href="#">Expired</a>	<a href="#">12</a>
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*Editor's note: This Chapter contains rules that were made under emergency rulemaking. Since an emergency rulemaking is effective for 180 days, the "Expired" Article and Section headings shall remain before the emergency rule text until the commission either:*

- 1. Renews the emergency for an additional 180 days; or*
- 2. Makes, amends, repeals, and renumbers the emergency rules under the regular rulemaking process; or*
- 3. Lets the emergency rulemaking expire after the initial 180 days, or expire after the additional 180 days, in which case the Article and Section headings revert back to "Expired."*

<a href="#">R10-4-101.</a>	<a href="#">Definitions</a>	<a href="#">3</a>
<a href="#">R10-4-102.</a>	<a href="#">Administration of the Fund</a>	<a href="#">4</a>
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#### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 23-3 replaces Supp. 18-4, 1-15 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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## Administrative Rules Division

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## TITLE 10. LAW

## CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

Authority: A.R.S. § 41-2405(A)(8)

## Supp. 23-3

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*Article 1, consisting of Sections R10-4-101 through R10-4-111, expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).*

*Article 1, consisting of Sections R10-4-101 through R10-4-111, adopted effective December 31, 1986.*

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*Article 1, consisting of Sections R10-4-101 through R10-4-111 made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).*

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*Article 2, consisting of Sections R10-4-201 through R10-4-207, expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).*

*Article 2, consisting of Sections R10-4-201 through R10-4-207, adopted effective December 22, 1986.*

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*Article 2, consisting of Sections R10-4-201 through R10-4-204, made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).*

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*Article 3, consisting of R10-4-301 through R10-4-305, adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1).*

*Article 3, consisting of R10-4-301 through R10-4-305, repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4).*

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## CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

**ARTICLE 1. EXPIRED****EMERGENCY RULEMAKING****ARTICLE 1. CRIME VICTIM COMPENSATION PROGRAM****R10-4-101. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Section repealed; new Section R10-4-101 renumbered from R10-4-103 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-101. Definitions**

In this Article:

1. “Board” means the Crime Victim Compensation Board of an operational unit.
2. “Claim” means an application for compensation submitted under this Article.
3. “Claimant” means a natural person who files a claim.
4. “Collateral source” means a source of compensation for economic loss that a claimant received or is accessible to and obtainable by the claimant or that is payable to or on behalf of the victim. Collateral source includes the following sources of compensation:
  - a. The perpetrator or a third party responsible for the perpetrator’s actions;
  - b. The United States government or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless:
    - i. The law providing for the compensation makes the compensation excess or secondary to benefits under this Article, or
    - ii. The compensation is made with federal funds granted under 42 U.S.C. 10602;
  - c. Social Security, Medicare, or Arizona Health Care Cost Containment System payments;
  - d. State-required, insurance for a temporary, non-occupational disability;
  - e. Worker’s compensation insurance;
  - f. Wage continuation program of any employer;
  - g. Insurance proceeds payable to cover a specific compensable cost due to criminally injurious conduct;
  - h. A contract providing for prepaid hospital and other health care services or disability benefits; and
  - i. A gift, devise, or bequest to cover a specific compensable cost.
5. “Commission” means the Arizona Criminal Justice Commission, as established by A.R.S. § 41-2404.
6. “Compensable cost” means an economic loss for which a compensation award is allowed under this Article.
7. “Compensation award” means a payment made to a claimant under the standards at R10-4-108.
8. “Crime scene cleanup expense” means the reasonable and customary cost for:
  - a. Removing or attempting to remove bodily fluids, dirt, stains, and other debris that result from criminally injurious conduct occurring within a residence or the surrounding curtilage;
  - b. Repairing or replacing exterior doors, locks, or windows damaged as a direct result of criminally injurious conduct occurring within a residence or the surrounding curtilage.
9. “Criminally injurious conduct” means conduct that:
  - a. Constitutes a crime as defined by state or federal law regardless of whether the perpetrator of the conduct is apprehended, charged, or convicted;
  - b. Poses a substantial threat of physical injury, mental distress, or death; and
  - c. Is punishable by fine, imprisonment, or death, or would be punishable but the perpetrator of the conduct lacked the capacity to commit the crime under applicable laws.
10. “Derivative victim” means:
  - a. The spouse, child, parent, stepparent, stepchild, sibling, grandparent, grandchild, or guardian of a victim who died as a result of criminally injurious conduct;
  - b. A child born to a victim after the victim’s death;
  - c. A person living in the household of a victim who died as a result of criminally injurious conduct, in a relationship determined by the Board to be substantially similar to a relationship listed in subsection (10)(a);
  - d. A member of the victim’s family who witnessed the criminally injurious conduct or who discovered the scene of the criminally injurious conduct;
  - e. A natural person who is not related to the victim but who witnessed the criminally injurious conduct or discovered the scene of the criminally injurious conduct; or
  - f. A natural person whose own mental health counseling and care or presence during the victim’s mental health counseling and care is recommended for the successful treatment of the victim.
11. “Durable medical equipment” means an appliance, apparatus, device, or product that:
  - a. Is medically necessary to treat an injury or condition resulting from criminally injurious conduct;
  - b. Improves the function of an injured body part or delays deterioration of a patient’s physical condition;
  - c. Is primarily and customarily used to serve a medical purpose rather than primarily for transportation, comfort, or convenience; and
  - d. Provides the medically appropriate level of performance and quality for the medical injury or condition present.
12. “Economic loss” means financial detriment resulting from medical expense, mental health counseling and care expense, crime scene cleanup expense, funeral expense, or work loss.
13. “Fund” means all State, Federal, and jurisdiction financial resources dedicated to the compensation program through statute, this chapter, or federal grant award.
14. “Funeral expense” means a reasonable and customary cost, such as those listed on the Statement of Funeral Goods and Services Selected required under A.A.C. R4-12-307, incurred as a direct result of a victim’s funeral, cremation, Native American ceremony, or burial.

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15. "Good cause" means a reason that the Board determines is substantial enough to afford a legal excuse.
16. "Inactive claim" means a claim for which no compensation award is made for 12 consecutive months.
17. "Incident of criminally injurious conduct" means all criminal actions that are related to or dependent upon each other regardless of the time involved in perpetrating the actions, number of persons perpetrating the actions, or the number of crimes with which the perpetrator is or could be charged.
18. "Jurisdiction" means any county in this state.
19. "Medical expense" means a reasonable and customary cost for medical care provided to a victim due to a physical injury, mental health condition, or medical condition that is a direct result of criminally injurious conduct.
20. "Mental distress" means a substantial disorder of emotional processes, thought, or cognition that impairs judgment, behavior, or ability to cope with the ordinary demands of life.
21. "Mental health counseling and care expense" means a reasonable and customary cost to assess, diagnose, and treat a victim's or derivative victim's mental distress resulting from criminally injurious conduct.
22. "Minimum wage standard" means the uniform minimum wage payable in Arizona under federal or state law, whichever is greater.
23. "Operational unit" means a public or private agency authorized by the Commission to receive, evaluate, and present to the Board a claim.
24. "Program" means the Crime Victim Compensation Program.
25. "Proximate cause" means an event sufficiently related to criminally injurious conduct to be held the cause of the criminally injurious conduct.
26. "Reasonable and customary" means the normal charge within a specific geographic area for a specific service by a provider of a particular level of experience or expertise.
27. "Resident" means a natural person who is domiciled in Arizona or is in Arizona for other than a temporary or transitory purpose.
28. "Subrogation" means the substitution of the state or an operational unit in place of a claimant to enforce a lawful claim against a collateral source to recover any part of a compensation award made to the claimant using funds of the state or operational unit.
29. "Total and permanent disability" means a physical or mental condition that the Board finds is a proximate result of criminally injurious conduct and:
  - a. Produces a significant and sustained reduction in the victim's former mental or physical abilities dramatically altering the victim's ability to interact with others and carry on normal functions of life;
  - b. Lessens the victim's ability to work to a material degree; or
  - c. Causes a physical or neuropsychological impairment from which no fundamental or marked improvement in the victim's crime-related condition can reasonably be expected.
30. "Transportation costs" means a travel expense that may be reimbursed to a claimant as follows:
  - a. Mileage, calculated at the rate established by:
    - i. The operational unit, or
    - ii. The state if the operational unit has not established a mileage rate;
  - b. Fare or fee expenses; and
  - c. Vehicle rental at the cost specified in the rental agreement.
31. "Victim" means a natural person who suffers a physical injury or medical condition, mental distress, or death as a direct result of:
  - a. Criminally injurious conduct,
  - b. The person's good faith effort to prevent criminally injurious conduct, or
  - c. The person's good faith effort to apprehend a person suspected of engaging in criminally injurious conduct.
32. "Work loss" means a reduction in income from:
  - a. Work that a victim or derivative victim would have performed if the victim had not been a victim; and
  - b. Social Security or Supplemental Security Income that a victim would have received or from which a derivative victim would have benefited if the victim had not been killed.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-102. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Section repealed; new Section R10-4-102 renumbered from R10-4-104 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-102. Administration of the Fund**

- A. The Commission shall include in the Fund all funds received for compensating a claimant under this Chapter.
- B. The Commission shall designate one operational unit for a jurisdiction or jurisdictions to receive an allocation from the Fund each state fiscal year.
- C. The Commission shall distribute a portion of the Fund to each operational unit for expenditure by the Board. The Commission shall distribute the funds using an allocation formula approved by the Commission.
- D. The Commission shall reserve the lesser of \$50,000 or 10 percent of the Fund to be used in the event of an unforeseen increase of victimization that causes an operational unit for a particular jurisdiction to lack the funds needed to provide compensation.
- E. If there is an unforeseen increase in victimization in a particular jurisdiction, the Commission shall designate an additional operational unit to accept claims from that jurisdiction or make a compensation award based on the criteria established by R10-4-108.
- F. If, at the end of a fiscal year, an operational unit has unexpended funds received from the Commission, the operational unit shall return the funds to the Commission within 90 days

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after the end of the fiscal year. The Commission shall deposit the returned funds in the Fund for use in the next fiscal year.

- G. Funds collected by an operational unit through subrogation or restitution may be retained by the operational unit to the extent authorized by the Commission and shall be used to pay compensation awards based on the criteria established by R10-4-108.
- H. An operational unit shall use funds to pay administrative costs only to the extent authorized by the Commission.
- I. An operational unit shall pay approved compensation program benefit expenses using benefit category cost rate schedules approved by the Commission. If the Commission has not approved a cost rate schedule for a benefit category, or if an eligible benefit cost is not covered by the approved rate schedule, the operational unit may negotiate a reasonable and customary cost with the service provider for the approved benefit expense.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-103. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Amended effective June 12, 1997 (Supp. 97-2). Former Section R10-4-103 renumbered to R10-4-101; new Section R10-4-103 renumbered from R10-4-105 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-103. Statewide Operation**

For any jurisdiction not served by an operational unit, the Commission shall operate a program in accordance with this Article, designate another operational unit as described in R10-4-104, or provide for a program by contract.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-104. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Amended effective June 12, 1997 (Supp. 97-2). Former Section R10-4-104 renumbered to R10-4-102; new Section R10-4-104 renumbered from R10-4-106 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final

rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-104. Operational Unit Requirements**

- A. To be designated by the Commission as an operational unit for a jurisdiction, a public or private agency shall submit to the Commission a written request for designation.
- B. The Commission shall designate a public or private agency as the operational unit for a jurisdiction or jurisdictions:
  1. Only if the public or private agency agrees not to:
    - a. Use Commission funds or federal funds to supplant funds otherwise available to compensate a victim or claimant;
    - b. Make a distinction between a resident and a non-resident in evaluating a claim; and
    - c. Make a distinction in evaluating a claim relating to a federal crime that occurs in Arizona and one relating to a state crime; and
  2. Only if the public or private agency agrees to:
    - a. Forward to the Board a claim relating to an incident of criminally injurious conduct occurring in the public or private agency's jurisdiction or jurisdictions;
    - b. Forward to the Board a claim made by or on behalf of a resident of the public or private agency's jurisdiction or jurisdictions who is a victim or derivative victim of an incident of criminally injurious conduct occurring in another state, the District of Columbia, Puerto Rico, or any other possession or territory of the United States that does not have a crime victim compensation program that meets the requirements of 42 U.S.C. 10602(b);
    - c. Forward to the Board a claim made by or on behalf of a resident of the public or private agency's jurisdiction or jurisdictions who is a victim or derivative victim of an incident of criminally injurious conduct occurring outside of the United States in an area without an accessible crime compensation program;
    - d. Notify the Commission of any change in the public or private agency's program procedures or program policies before the change takes effect and if the change is material, obtain written approval from the Commission before instituting the change;
    - e. Submit financial and program activity reports to the Commission, in a format required by the Commission, and at a frequency established annually by the Commission;
    - f. Provide an application form to a claimant;
    - g. Comply with all civil rights requirements;
    - h. Ensure that each claim is investigated and substantiated before forwarding the claim to the Board for a compensation award; and
    - i. Monitor a compensation award to ensure that amounts paid are consistent with this Article.
- C. If more than one agency requests to be designated by the Commission as an operational unit for a jurisdiction, the Commission shall designate the agency that it determines is better able to evaluate claims and manage the expenditure of public



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funds. The Commission shall give preference to a public agency if both a public and private agency request designation.

**Historical Note**

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**R10-4-105. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Former Section R10-4-105 renumbered to R10-4-103; new Section R10-4-105 renumbered from R10-4-107 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-105. Crime Victim Compensation Board**

- A. Each operational unit shall establish a Crime Victim Compensation Board that consists of an odd number of members with at least three members. Members of the Board shall not receive compensation for their services but are eligible for travel reimbursement under A.R.S. § 38-621.
- B. Board members serve a three-year term and are eligible for reappointment.
- C. When a Board is first established, approximately one-third of the members shall be appointed for a three-year term, one-third for a two-year term, and one-third for a one-year term. If a Board member is unable to complete the term of the Board member's appointment, the Commission Chairman shall appoint a new Board member for the unexpired term only.
- D. When a Board is first established and when a new member is appointed to an existing Board, the Commission Chairman shall choose the individual to be appointed from a list submitted by the operational unit.
- E. A majority of the Board membership constitutes a quorum that may transact the business of the Board.
- F. The Board shall elect from its membership a chairman and other necessary officers to serve terms determined by the Board.
- G. The Board shall make a compensation award according to this Article and perform other acts necessary for operation of the program.
- H. As required by A.R.S. Title 38, Chapter 3, Article 8, a Board member shall not participate in making any decision regarding a claim or compensation award if the Board member or a relative of the Board member, as defined at A.R.S. § 38-502, has a substantial interest in the decision.
- I. An employee of an operational unit shall not serve as a Board member.
- J. A newly appointed Board member shall meet all training requirements established by the Commission for new Board members within six months of the Board member's date of appointment.
- K. A Board member who is reappointed shall meet all training requirements established by the Commission for reappointed Board members within six months of the Board member's date of reappointment.

- L. A Board member shall not miss more than one-third of Board meetings in a year due to unexcused absence.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-106. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective December 12, 1990 (Supp. 90-4). Amended effective October 28, 1994 (Supp. 94-4). Amended effective June 12, 1997 (Supp. 97-2). Former Section R10-4-106 renumbered to R10-4-104; new Section R10-4-106 renumbered from R10-4-108 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Former R10-4-106 renumbered to R10-4-108; new R10-4-106 made by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-106. Prerequisites for a Compensation Award**

- A. The Board shall make a compensation award only if it determines that:
  1. Criminally injurious conduct:
    - a. Occurred in Arizona; or
    - b. Occurred outside of Arizona in an area without an accessible crime compensation program and affected a resident;
  2. The criminally injurious conduct directly resulted in the victim's physical injury, mental distress, medical condition, or death;
  3. The victim of the criminally injurious conduct or a person who submits a claim regarding criminally injurious conduct was not:
    - a. The perpetrator, an accomplice of the perpetrator, or a person who encouraged or in any way participated in or facilitated the criminally injurious conduct that is the subject of the claim;
    - b. At the time of the criminally injurious conduct that is the subject of the claim:
      - i. Serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough; or
      - ii. Incarcerated in any detention facility awaiting criminal sentencing or disposition.
    - c. At the time of claim submission to the operational unit for a jurisdiction:
      - i. Escaped from serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough;
      - ii. Convicted of a federal crime and delinquent in paying a fine, monetary penalty, or restitution imposed for the offense if the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts have issued a written determination that the entities administering



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federal victim compensation programs have access to an accurate and efficient criminal debt payment tracking system; or

- iii. Convicted of a state crime and delinquent in paying a fine, monetary penalty, or restitution imposed for the crime if the delinquency is identified by the Arizona Administrative Office of the Courts or the Clerk of the Superior Court.

- d. Wanted in Arizona on an active warrant, if warrant status is discovered anytime following submission of the claim.

- 4. The criminally injurious conduct was reported to an appropriate law enforcement authority within 72 hours after its discovery;
- 5. The victim, derivative victim, or claimant cooperated with law enforcement agencies;
- 6. The victim, derivative victim, or claimant incurred economic loss as a direct result of the criminally injurious conduct that is not compensable by a collateral source; and
- 7. A claim, as described in R10-4-107, was submitted to the operational unit within two years after discovery of the criminally injurious conduct.

- B. The Board shall extend the time limits under subsections (A)(4) and (A)(7) if the Board determines there is good cause for a delay.
- C. If a victim died as a result of criminally injurious conduct, the requirements under subsections (A)(3)(c)(ii), (A)(3)(c)(iii), and (A)(3)(d) are waived for the deceased victim. Expenses incurred by the deceased victim and eligible claimants may be covered.
- D. If the Board determines that a compensation award does not solely benefit a claimant who is delinquent under subsections (A)(3)(c)(ii) and (A)(3)(c)(iii), the requirements under subsections (A)(3)(c)(ii) and (A)(3)(c)(iii) may be waived for:
  - 1. A claimant who is the parent or legal guardian of a minor victim of criminally injurious; or
  - 2. A compensation award for expenses under R10-4-108(C)(3).

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-107. Expired**

**Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-107 renumbered to R10-4-105; new Section R10-4-107 renumbered from R10-4-109 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Former R10-4-107 renumbered to R10-4-109; new R10-4-107 made by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

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**R10-4-107. Submitting a Claim**

- A. If the prerequisites in R10-4-106 are met, a natural person is eligible to submit a claim if the person is:
  - 1. A victim;
  - 2. A derivative victim;
  - 3. A person authorized to act on behalf of a victim or a deceased victim's dependent; or
  - 4. A person who assumed an obligation for or paid an expense directly related to a victim's economic loss.
- B. If a person is eligible under subsection (A) to submit a claim regarding more than one incident of criminally injurious conduct, the person shall submit a separate claim regarding each incident of criminally injurious conduct.
- C. If more than one person is eligible under subsection (A) to submit a claim regarding an incident of criminally injurious conduct, each person shall submit a separate claim.
- D. To apply for a compensation award, a person who is eligible under subsection (A) shall submit a claim, using a form that is available from the Commission, to the operational unit for the jurisdiction in which the incident of criminally injurious conduct occurred or to the operational unit for the jurisdiction in which a victim lives if the incident of criminally injurious conduct occurred in an area without an accessible victim compensation program. The claimant shall provide the following:
  - 1. About the victim:
    - a. Full name,
    - b. Residential address,
    - c. Gender,
    - d. Date of birth,
    - e. Residential and work telephone numbers,
    - f. Statement of whether the victim is deceased,
    - g. Ethnicity,
    - h. Statement of whether the victim is a resident, and
    - i. Statement of whether the victim is disabled;
  - 2. About the claimant if the claimant is not the victim:
    - a. Full name;
    - b. Residential address;
    - c. Gender;
    - d. Date of birth;
    - e. Residential and work telephone numbers;
    - f. Relationship to the victim; and
    - g. If there are multiple victims or derivative victims of an incident of criminally injurious conduct, the name, residential address, and date of birth of each, and for derivative victims, the relationship to the victim;
  - 3. About the crime:
    - a. Type of crime;
    - b. Statement of whether the crime was related to domestic violence;
    - c. Statement of whether the crime was a federal crime;
    - d. Date on which crime was committed;
    - e. Date on which crime was reported to law enforcement authorities;
    - f. Name of law enforcement agency to which the crime was reported;
    - g. Name of law enforcement officer to whom the crime was reported;
    - h. Law enforcement report number;
    - i. Location of crime;
    - j. Name of perpetrator, if known; and
    - k. Brief description of the crime and resulting injuries;
  - 4. About a civil lawsuit:

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- a. Statement of whether the claimant has or will file a civil lawsuit related to the crime; and
- b. If the answer to subsection (D)(4)(a) is yes, the name, address, and telephone number of the claimant's attorney;
5. About benefits from collateral sources:
  - a. List of the benefits the claimant has received since the incident of criminally injurious conduct or is entitled to receive; and
  - b. For each benefit identified:
    - i. Type of benefit,
    - ii. Contact address and telephone number; and
    - iii. Claimant's identification or policy number;
6. About the economic loss for which compensation is requested:
  - a. Medical expenses. A statement of whether the claim includes medical expenses and if so, the name, address, telephone number, account number, and date of service for each provider;
  - b. Mental health counseling and care expenses. A statement of whether the claim includes mental health counseling and care expenses and if so, the name, address, telephone number, account number, and date of service for each provider;
  - c. Work loss expenses. A statement of whether the claim includes work loss expenses and if so, the date on which the claimant was first unable to work, date on which the claimant returned to work, total time lost from work, hourly rate of pay, number of hours worked each week, number of hours worked each day, name, address, and telephone number of employer, and name of supervisor;
  - d. Funeral expenses. A statement of whether the claim includes funeral expenses and if so, the name, address, and telephone number of the provider and the amount paid; and
  - e. Crime scene cleanup expenses. A statement of whether the claim includes crime scene cleanup expenses and if so, the name, address, and telephone number of the provider and the amount paid;
  - f. Transportation costs. A statement of whether the claim includes transportation costs and if so, the reason for travel as listed under R10-4-108(C)(6) and if mileage is claimed, the date and mileage of each trip; and
7. The claimant's dated signature:
  - a. Certifying that the claimant is eligible to submit a claim and that the information provided is true and correct to the best of the claimant's knowledge;
  - b. Subrogating to the state and operational unit the claimant's right to receive benefits from a collateral source;
  - c. Authorizing the release of confidential information necessary to administer the claim; and
  - d. Authorizing the release to the Program of protected health information that relates to care provided as a result of the criminally injurious conduct and is necessary to verify the claim.
- E. A claimant shall submit the following in addition to the claim form submitted under subsection (D):
  1. A copy of all bills, contracts, receipts, and insurance statements relating to each expense claimed under subsection (D)(6);
  2. If work loss expenses are claimed, a signed statement on official letterhead:
    - a. From the claimant's employer verifying the information provided under subsection (D)(6)(c); and
    - b. If applicable, from the physician or mental health care provider indicating the claimant:
      - i. Was unable to work as a result of being a victim or derivative victim, the length of time the claimant was unable to work, and the date on which the claimant was or will be able to return to work; or
      - ii. Is totally and permanently disabled.
  3. Any documentation required by the operational unit to fully investigate and substantiate claimant eligibility and all claim expense requests.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-108. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Amended effective June 12, 1997 (Supp. 97-2). Former Section R10-4-108 renumbered to R10-4-106; new Section R10-4-108 renumbered from R10-4-110 and amended by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Former R10-4-108 renumbered to R10-4-110; new R10-4-108 renumbered from R10-4-106 and amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-108. Compensation Award Criteria**

- A. The Board shall meet at least every 60 days to decide, based on the findings made by the operational unit, the eligibility of the claimant, whether to make a compensation award, and the terms and amount of any compensation award. The Board shall make a decision within 60 days after the operational unit receives a complete and actionable claim under R10-4-107 unless good cause for delay exists. The Board shall inform the claimant in writing within 10 business days of the Board's decision.
- B. The Board shall not make a compensation award unless it determines that the prerequisites in R10-4-106 are met.
- C. The Board shall make a compensation award only for the following:
  1. Reasonable and customary medical expenses due to the victim's physical injury, medical condition, mental health condition, or death.
    - a. The Board shall include the following as a medical expense:
      - i. Repair of damage to a victim's prosthetic device, eyeglasses or other corrective lenses, or a dental device; and

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- ii. Durable medical equipment required for treatment of the victim.
- b. The Board shall not include as a medical expense:
  - i. A charge for a private room in a hospital, clinic, convalescent home, nursing care facility, or other institution that provides medical services unless the Board determines that the private room is medically necessary; and
  - ii. Any drug, substance, or chemical included under Schedule I of the Federal Controlled Substances Act 21 U.S.C. §812(c).
- 2. Reasonable and customary work loss expenses for:
  - a. A victim whose ability to work is reduced due to physical injury, mental distress, or medical condition resulting from the criminally injurious conduct;
  - b. A victim or derivative victim to:
    - i. Make a medical or mental health counseling and care visit; or
    - ii. Attend a criminal court proceeding, clemency hearing, parole hearing, or execution directly related to the criminally injurious conduct.
  - c. A derivative victim listed in R10-4-101(10)(a) through (c) if the Board determines the death resulted in a loss of support from the victim to the derivative victim;
  - d. A parent or guardian of a minor victim to transport or accompany the minor victim to:
    - i. A medical or mental health counseling and care visit; or
    - ii. A criminal court proceeding, clemency hearing, parole hearing, or execution directly related to the criminally injurious conduct.
  - e. A derivative victim to make funeral arrangements for a deceased victim, or tend to the affairs of a deceased victim; or
  - f. A family member or guardian or a person living in the victim's household in a relationship similar to those listed in R10-4-101(10)(a) to provide non-skilled nursing care for the victim that is medically necessary as a result of the criminally injurious conduct;
- 3. Reasonable and customary funeral expenses. Personal attendee expenses for clothing, travel, lodging, food, or per diem to attend a victim's funeral, Native American ceremony, or burial are not reasonable and customary funeral expenses and shall not be included in a claim for a compensation award;
- 4. Reasonable and customary mental health counseling and care expenses due to a victim's or derivative victim's mental distress resulting from the criminally injurious conduct if:
  - a. The mental health counseling and care is provided by an individual who:
    - i. Is licensed for independent practice by the Board of Behavioral Health Examiners,
    - ii. Is a behavioral health professional as defined at A.A.C. R9-20-101, or
    - iii. Is authorized to perform mental health counseling and care by the laws of a federally recognized tribe; and
  - b. The mental health counseling and care expenses do not include a charge for a private room in a hospital, clinic, convalescent home, nursing care facility, or any other institution that provides medical services unless the Board determines that the private room is medically necessary;
- 5. Reasonable and customary crime scene cleanup expenses due to a victim's homicide, aggravated assault, or sexual assault; and
- 6. Reasonable and customary transportation costs related to:
  - a. Obtaining medical care as defined in subsection (C)(1),
  - b. Obtaining mental health counseling and care as defined in subsection (C)(4),
  - c. A victim or derivative victim attending a criminal court proceeding, clemency hearing, parole hearing, or execution directly related to the incident of criminally injurious conduct,
  - d. The victim obtaining a medical forensic examination or participating in a medical forensic interview, and
  - e. Responding to a substantiated threat to the safety or well-being of the victim or a derivative victim listed in R10-4-101(10)(d).
- D. The Board shall not make a compensation award to a claimant that exceeds:
  - 1. Twenty-five thousand dollars for all economic loss submitted under a claim as a result of an incident of criminally injurious conduct;
  - 2. The amount available to the operational unit and not committed to other compensation awards at the time the Board makes the compensation award determination;
  - 3. For medical expenses for a victim, the maximum amount specified in subsections (D)(1) and (D)(2).
  - 4. For work loss expenses:
    - a. Work loss expenses under subsections (C)(2)(a), (C)(2)(b), (C)(2)(d), (C)(2)(e), and (C)(2)(f), are limited to an amount per calendar week equal to 40 hours at the current minimum wage and the maximum amount specified in subsections (D)(1) and (D)(2),
    - b. Loss of support under subsection (C)(2)(c) may be awarded to the maximum allowed under subsections (D)(1) and (D)(2) in a lump sum or periodic payments;
  - 5. For mental health counseling and care expenses, \$5,000 per victim or derivative victim;
  - 6. For funeral expenses, \$10,000;
  - 7. For crime scene cleanup expenses, \$2,000 for cleanup provided by a professional service, of which \$500 may be for crime scene cleanup not provided by a professional service to include only repair or cleanup material costs for one-time use items; and
  - 8. For transportation costs, \$2,000 per victim or derivative victim paid as reimbursement of actual transportation expenses.
- E. If the Board determines a victim is totally and permanently disabled, the Board may expedite a compensation award for the victim. The Board shall determine the amount of the expedited compensation award to the maximum allowed under subsection (D) and determine whether to provide the amount awarded in a lump sum or periodic payments.
- F. The Board shall deny or reduce a compensation award to a claimant if:
  - 1. The victim or claimant has recouped or is eligible to recoup the economic loss from an obtainable and accessible collateral source, including benefits from a federal or federally financed program;

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2. The Board determines that the victim or claimant earned income from substitute work or unreasonably failed to perform available substitute work; or
3. The Board determines that the incident of criminally injurious conduct that is the subject of the claim was due in substantial part to the victim's:
  - a. Negligence,
  - b. Intentional unlawful conduct that was the proximate cause of the incident of criminally injurious conduct, or
  - c. Conduct intended to provoke or aggravate that was the proximate cause of the incident of criminally injurious conduct.
- G. The Board shall deny or reduce a compensation award under subsection (F)(3) in proportion to the degree to which the Board determines the victim is responsible for the incident of criminally injurious conduct that is the subject of the claim.
- H. The Board shall deny a compensation award to a claimant if:
  1. The Board determines that the victim or claimant did not cooperate fully with the appropriate law enforcement agency and the failure to cooperate fully was not due to a substantial medical, mental health, or safety risk. The Board shall use the following criteria to determine whether failure to cooperate fully with law enforcement warrants that a claim be denied:
    - a. The victim or claimant failed to assist in the prosecution of a person who engaged in the criminally injurious conduct or failed to appear as a witness for the prosecution;
    - b. The victim or claimant delayed assisting in the prosecution of a suspect and as a result, the suspect of the criminally injurious conduct escaped prosecution or the prosecution of the suspect was negatively affected; or
    - c. A law enforcement authority indicates to the Board that the victim or claimant delayed giving information pertaining to the criminally injurious conduct, failed to appear when requested without good cause, gave false or misleading information, or attempted to avoid law enforcement authorities.
  2. The Board determines that the victim or claimant knowingly made a false or misleading statement on the claim or in writing on supporting documents submitted to the Board or operational unit.
- I. If there are insufficient funds to make a compensation award, the Board may:
  1. Deny the claim,
  2. Make a partial award and reconsider the claim later during the fiscal year, or
  3. Extend the claim into a subsequent fiscal year.
- J. The Board shall not make a compensation award to pay attorney's fees incurred by a victim or claimant.
- K. The operational unit, in its discretion, may pay a compensation award directly to a claimant or to a provider.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-109. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). For-

mer Section R10-4-109 renumbered to R10-4-107 by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Section R10-4-109 renumbered from R10-4-107 and amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-109. Hearing; Request for Rehearing**

- A. If the prerequisites in R10-4-106 are met, the Board shall conduct a hearing regarding a claim submitted under this Article.
- B. The Board shall provide a claimant with at least 10 business days' notice of a hearing or rehearing.
- C. The Board shall provide written notice of its decision to the claimant within 10 business days after a hearing or rehearing.
- D. The Board shall serve notice of a compensation-award denial or reduction by personal delivery or certified mail to the last known residence or place of business of the person being served. Service is complete upon personal delivery or five days after mailing by certified mail.
- E. The operational unit may request a rehearing of a decision by the Board at any time and for any reason under this Article.
- F. A claimant who is aggrieved by a decision of the Board made at a hearing may request a rehearing of the decision within 30 days after the Board serves notice of the decision. A claimant shall request a rehearing in writing and specify the grounds for the request.
- G. A claimant may amend a request for a rehearing of a Board decision at any time before it is ruled on by the Board.
- H. The Board may require additional written explanation of an issue raised in a request for rehearing of a Board decision and may provide for oral argument.
- I. The Board shall grant a rehearing for any of the following reasons materially affecting a claimant's rights:
  1. Irregularity in the proceedings of the Board or its operational unit or any order or abuse of discretion that deprived the claimant of a fair Board decision;
  2. Misconduct of the Board, the operational unit, or staff of the operational unit;
  3. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original Board meeting;
  4. Error in the admission or rejection of evidence or other error of law occurring at the Board meeting; and
  5. The decision is not justified by the evidence or is contrary to law.
- J. When a rehearing is granted, the Board shall ensure that the rehearing covers only the matters specified under subsection (I) that materially affect a claimant's rights.
- K. The Board may affirm or modify a decision on all or part of the issues for any of the reasons listed in subsection (I). An order modifying a decision shall specify with particularity the grounds for the order.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

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**R10-4-110. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-110 renumbered to R10-4-108 by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). Section R10-4-110 renumbered from R10-4-108 and amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Section R10-4-110 renumbered to R10-4-111; new Section R10-4-110 made by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-110. State-level Claim Review**

- A. A claimant who is aggrieved by a decision of a Board made at a rehearing under R10-4-109 may request a state-level claim review of the decision within 30 calendar days after the Board serves notice of the decision. The claimant shall request a state-level claim review in writing, specify the grounds for the request, and submit the request directly to the Commission.
- B. The State Claim Review Panel shall serve as the decision-making body for state-level claim reviews. The State Claim Review Panel shall consist of the following members:
  1. The Arizona Criminal Justice Commission Crime Victim Services Program Manager,
  2. A representative of the Office of the Attorney General, and
  3. A Board chair from an operational unit that is not the operational unit that originally heard the claim being reviewed.
- C. The State Claim Review Panel shall meet as needed to hear claimant requests for a state-level claim review. The State Claim Review Panel shall complete a state-level claim review within 30 calendar days after receiving the written request required under subsection (A).
- D. A claimant may amend a request for a state-level claim review of a Board decision at any time before it is ruled on by the State Claim Review Panel.
- E. When a state-level claim review is granted, the State Claim Review Panel shall ensure that the review:
  1. Considers only evidence previously presented to the Board, and
  2. Decides only whether the Board's decision was consistent with the standards in this Article.
- F. The State Claim Review Panel may affirm or overturn a decision made by a Board.
- G. A decision by the State Claim Review Panel is final. If the Panel overturns a decision made by a Board related to:
  1. Eligibility, the operational unit where the claim originated shall proceed with any further action related to the claim; or
  2. An economic loss, the operational unit where the claim originated shall pay the economic loss using compensation funds available to the operational unit.
- H. The State Claim Review Panel shall provide written notice of the Panel's decision to the claimant and the operational unit that originally heard the claim within 10 business days after the state-level claim review.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-111. Expired****Historical Note**

Adopted effective December 31, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Section repealed by final rulemaking at 6 A.A.R. 4727, effective November 20, 2000 (Supp. 00-4). New Section R10-4-111 renumbered from R10-4-110 and amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-111. Emergency Compensation Award**

- A. After receiving a claim submitted under R10-4-107, an operational unit may grant one emergency compensation award for a claim if the operational unit determines there is a reasonable likelihood that:
  1. The person to whom the emergency compensation award is made is or will be an eligible claimant, and
  2. Serious hardship will result to the person if an immediate compensation award is not made.
- B. An operational unit that makes an emergency compensation award shall ensure that the emergency compensation award does not exceed \$1,000.
- C. If the Board decides under R10-4-108 to make a compensation award to the claimant, the Board shall ensure that the amount of the emergency compensation award is deducted from the final compensation award made to the claimant.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**ARTICLE 2. EXPIRED****EMERGENCY RULEMAKING****ARTICLE 2. CRIME VICTIM ASSISTANCE PROGRAM****R10-4-201. Expired****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Section repealed; new Section R10-4-201 renumbered from R10-4-203 and amended by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-201. Definitions**

In this Article:

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1. "Commission" means the Arizona Criminal Justice Commission, established by A.R.S. § 41-2404.
2. "Crime" means conduct, completed or preparatory, committed in Arizona that is a misdemeanor or felony under state law regardless of whether the perpetrator of the conduct is convicted. Conduct arising out of owning, maintaining, or operating a motor vehicle, aircraft, or water vehicle is not a crime unless the person engaged in the conduct acts intentionally, knowingly, recklessly, or with criminal negligence, to cause physical injury, threat of physical injury, or death.
3. "Financial support from other sources" means that at least one-fifth of the budget for a victim assistance program is from sources, including in-kind contributions, other than the Fund.
4. "Fund" means the Victim Compensation and Assistance Fund established by A.R.S. § 41-2407.
5. "Immediate family" means spouse, child, stepchild, parent, stepparent, sibling, stepbrother, stepsister, grandparent, grandchild, or guardian.
6. "In-kind contribution" means a non-cash source of program support to which a cash value can be given.
7. "Subrogation" means the substitution of the state or a victim assistance program in the place of a victim to enforce a lawful claim against a third party to recover the cost of services to the victim paid for with financial support from the Fund or other sources.
8. "Victim" means a natural person against whom a crime is perpetrated and the victim's immediate family.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-202. Expired****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Section repealed; new Section R10-4-202 renumbered from R10-4-204 and amended by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-202. Administration of the Fund**

- A. The Commission shall deposit in the Fund all funds received for victim assistance under this Chapter.
- B. The Commission shall make distributions from the Fund through a competitive grant process that complies with A.R.S. § 41-2701 et seq. and ensures statewide distribution when possible and effective and efficient use of the funds.
- C. At least six weeks before an application for a grant from the Fund is due, the Commission shall make a grant application form and instructions available on its website, which is [www.azcjc.gov](http://www.azcjc.gov).
- D. To apply for a grant from the Fund, an authorized official of a public agency or private nonprofit organization that operates a

program that meets the standards in R10-4-203 shall complete and submit to the Commission the application form referenced in subsection (C).

- E. The Commission's grant period coincides with the state's fiscal year. If funds received from the Commission are unexpended at the end of the grant period, the public agency or private nonprofit organization that received the funds shall return them to the Commission within 30 days after receiving a written request from the Commission. The Commission shall redeposit the unexpended funds in the Fund for use in the next fiscal year.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-203. Expired****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-203 renumbered to R10-4-201; new Section R10-4-203 renumbered from R10-4-205 and amended by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-203. Grant Eligibility Requirements**

- A. A public agency or private nonprofit organization may apply for and receive a grant from the Commission if, in addition to the other requirements in this Section, the public agency or private nonprofit organization operates a project that:
  1. Provides services described in R10-4-204 benefiting victims or addressing victimization;
  2. Does not use Commission funds or federal funds to supplant funds otherwise available to the project for victim assistance;
  3. Uses volunteers effectively and efficiently to provide services;
  4. Promotes coordinated public and private efforts to assist victims or address victimization within the community served;
  5. Increases awareness of, and facilitates access to, available victim compensation benefits; and
  6. Complies with all applicable civil rights laws.
- B. To receive a grant from the Commission, a public agency or private nonprofit organization that operates a project shall demonstrate to the Commission that the project:
  1. Has financial support from other sources; and
  2. Has a history of providing effective services in accordance with subsection (A). The Commission shall determine whether the project's services are effective based on:
    - a. Evidence-based outcomes demonstrating project services are benefiting victims or addressing victimization, and

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- b. Whether data indicate program results are achieved in a cost-effective manner.
- C. To receive a grant from the Commission, a public agency or private nonprofit organization shall agree to:
  1. Submit to the Commission financial reports, on a form provided by the Commission, at a frequency established by the Commission, containing detailed expenditures of funds received from the Commission and matching funds;
  2. Report project activity to the Commission, on a form provided by the Commission, at a frequency established annually by the Commission.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-204. Expired****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-204 renumbered to R10-4-202; new Section R10-4-204 renumbered from R10-4-206 and amended by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 4124, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 3309, effective February 3, 2013 (Supp. 12-4). Amended by final rulemaking at 24 A.A.R. 377, effective April 7, 2018 (Supp. 18-1). Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**EMERGENCY RULEMAKING****R10-4-204. Services**

- A. A public agency or private nonprofit organization that receives a grant from the Commission shall ensure that the funds are used to provide only the following victim services or services addressing victimization:
  1. Crisis intervention services to meet the urgent emotional or physical needs of a victim;
  2. Emergency services such as:
    - a. Temporary shelter or relocation for a victim who cannot safely remain in current lodgings;
    - b. Emergency financial assistance for immediate needs related to transportation, food, shelter, and other necessities; and
    - c. Temporary repairs to doors, locks, and windows damaged as a result of a crime to prevent further victimization;
  3. Support services, such as:
    - a. Assistance dealing with the effects of victimization;
    - b. Assistance dealing with other social services and criminal justice agencies;
    - c. Assistance in replacing, or obtaining the return of property kept as evidence;
    - d. Assistance in dealing with the victim's landlord or employer; and
    - e. Referral to other sources of assistance as needed;
  4. Court-related services, such as:
    - a. Direct services or financial assistance that helps a victim participate in criminal justice proceedings, such as child care, meals, and parking expenses; and

- b. Advocate services such as escorting a victim to criminal justice-related interviews, court proceedings, and assistance in accessing temporary protection services; and
- 5. Notification services, such as those found in A.R.S. Title 13, Chapter 40, Crime Victims' Rights.
- B. A public agency or private nonprofit organization that receives a grant from the Commission may use the funds to:
  1. Provide training for paid or volunteer staff of agencies who provide services directly benefitting victims;
  2. Produce educational or outreach materials describing the services available, how to obtain program assistance, and volunteer opportunities; and
  3. Provide training or services focused on preventing initial victimization or further victimization connected to violent crime.
- C. A public agency or private nonprofit organization that receives a grant from the Commission shall ensure that funds are not used for the following:
  1. Broad crime prevention efforts, other than those aimed at providing specific services addressing victimization;
  2. General public relations programs;
  3. Advocacy for a particular legislative or administrative reform;
  4. General criminal justice agency improvement; or
  5. A project in which victims are not the primary beneficiaries, or a project not directly addressing victimization.

**Historical Note**

New Section made by emergency rulemaking at 29 A.A.R. 1700 (August 4, 2023) with an immediate effective date of July 14, 2023; effective for 180 days (Supp. 23-3).

**R10-4-205. Expired****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-205 renumbered to R10-4-203 by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Renumbered Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**R10-4-206. Expired****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Former Section R10-4-206 renumbered to R10-4-204 by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Renumbered Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

**R10-4-207. Expired****Historical Note**

Adopted effective December 22, 1986 (Supp. 86-6). Amended effective October 28, 1994 (Supp. 94-4). Section repealed by final rulemaking at 6 A.A.R. 4660, effective November 20, 2000 (Supp. 00-4). Repealed Section expired under A.R.S. § 41-1056(J) at 29 A.A.R. 1674 (July 28, 2023), effective June 1, 2023 (Supp. 23-3).

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## CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

**ARTICLE 3. CRIMINAL JUSTICE ENHANCEMENT FUND****R10-4-301. Definitions**

In this Article:

1. "Commission" means the Arizona Criminal Justice Commission.
2. "Contact" means the individual representative of a recipient or the Arizona Sheriffs' Association, on behalf of the various county sheriffs' offices, who communicates with the Commission regarding the Fund.
3. "Enhance" or "enhancing," as used in A.R.S. § 41-2401(D), means to supplement rather than replace monies from other sources.
4. "Fund" means the Criminal Justice Enhancement Fund established by A.R.S. § 41-2401(A).
5. "Head" means:
  - a. The Director of the Arizona Department of Public Safety,
  - b. The Arizona Attorney General,
  - c. The Director of the Administrative Office of the Courts, and
  - d. The sheriff of each Arizona county.
6. "Recipient" means the Arizona Department of Public Safety, Arizona Department of Law, the Supreme Court, and each Arizona county sheriff's office.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-301 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).

**R10-4-302. Contact Information Required**

- A. Within 60 days after this Article takes effect, each Head and the President of the Arizona Sheriffs' Association shall submit to the Commission the name, address, telephone and fax numbers, and e-mail of the contact.
- B. If any of the information submitted under subsection (A) changes, the Head or the President of the Arizona Sheriffs' Association shall provide immediate notice of the change to the Commission.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-302 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).

**R10-4-303. Fund Guidelines Required**

- A. Within 60 days after this Article takes effect, the contact within the Arizona Department of Public Safety, Arizona Department of Law, and the Administrative Office of the Courts shall submit to the Commission the recipient's guidelines regarding the following:
  1. The procedure for handling Fund monies until they are allocated for expenditure,

2. The procedure used to allocate Fund monies,
  3. The procedure used to ensure that Fund monies are expended as specified in A.R.S. § 41-2401(D), and
  4. The procedure used to assess the impact of the Fund monies on enhancing criminal justice in the manner specified in A.R.S. § 41-2401(D).
- B. Within 60 days after this Article takes effect, the contact for each county Sheriff's Office or the Arizona Sheriffs' Association shall submit to the Commission guidelines that meet the standard described in subsections (A)(3) and (4);
  - C. Within 60 days after the guidelines submitted under subsections (A) and (B) are received, the Commission shall review the guidelines and assist the contact to make any changes necessary to protect Fund monies and ensure that Fund monies are expended as specified in A.R.S. § 41-2401.
  - D. A recipient or the Arizona Sheriffs' Association shall review and, if necessary, update the guidelines. By October 1 of each year, the contact for each recipient or the Arizona Sheriffs' Association shall provide to the Commission the guidelines as revised or inform the Commission that no revision is necessary. Within 60 days after revised guidelines submitted under this subsection are received, the Commission shall review the revised guidelines and assist the contact to make any changes necessary to protect Fund monies and ensure that Fund monies are expended as specified in A.R.S. § 41-2401.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-303 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).

**R10-4-304. Records Required**

- A. A Head shall ensure that the following records are maintained for the recipient:
  1. The amount of Fund monies available to the recipient,
  2. To whom Fund monies were disbursed and the amount of Fund monies disbursed,
  3. A detailed description of the manner in which the Fund monies are expended, and
  4. An assessment of the impact of the Fund monies on enhancing criminal justice.
- B. A Head shall ensure that the records required under subsection (A) are:
  1. Maintained for three years; and
  2. Made available, upon request, for review by the Commission and the Arizona Auditor General.
- C. All reports required of a recipient by statute to be submitted to the Commission are subject to review and verification by the Commission.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-304 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).



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**R10-4-305. Complaints**

- A.** An individual who believes that Fund monies are being expended in a manner that is inconsistent with A.R.S. § 41-2401(D) may:
  1. Submit a written complaint to the Commission; and
  2. If the complaint relates to an expenditure by a court, shall submit the complaint to the Director of the Administrative Office of the Courts.
- B.** An individual who submits a complaint shall ensure that the complaint includes sufficient information to enable the Commission to investigate the expenditure alleged to be inconsistent with A.R.S. § 41-2401(D).
- C.** Except as specified in subsection (E), if the Commission determines that an expenditure about which a complaint is submitted appears to be inconsistent with A.R.S. § 41-2401(D), the Commission shall ask the Head to explain the expenditure.
- D.** If the Commission determines that the expenditure is inconsistent with A.R.S. § 41-2401(D), the Commission shall take action allowed by law to remedy the expenditure.
- E.** The Director of the Administrative Office of the Courts shall:
  1. Investigate an expenditure about which a complaint is submitted under subsection (A)(2),
  2. Determine whether the expenditure is inconsistent with A.R.S. § 41-2401(D), and
  3. Notify the Commission of the determination and any action taken to remedy the expenditure.

**Historical Note**

Adopted effective September 11, 1986 (Supp. 86-5). R10-4-305 repealed by summary action with an interim effective date of November 28, 1997; filed in the Office of the Secretary of State November 3, 1997 (Supp. 97-4). Adopted summary rules filed March 16, 1998; interim effective date of November 28, 1997, now the permanent effective date (Supp. 98-1). New Section made by final rulemaking at 17 A.A.R. 1469, effective September 10, 2011 (Supp. 11-3).

**ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT GRANTS****R10-4-401. Definitions**

In this Article:

“A-133 audit report” means a report on an audit conducted in accordance with the standards for obtaining consistency and uniformity among federal agencies for the audit of non-federal entities expending federal awards established by the Office of Management and Budget in Circular A-133.

“Account” means the Drug and Gang Enforcement Account established by A.R.S. § 41-2402.

“Applicant” means an approved agency or task force that submits an application for a grant from the Account.

“Approved agency” means a unit of state, county, local, or tribal government working to accomplish one or more of the goals established at A.R.S. § 41-2402(A).

“Approved project” means a planned endeavor to accomplish one or more of the goals established at A.R.S. § 41-2402(A) for which a grant is made from the Account.

“Commission” means the Arizona Criminal Justice Commission established by A.R.S. § 41-2404.

“Committee” means the Drug, Gang, and Violent Crime Committee of the Commission.

“Host agency” means an approved agency that submits a grant application and required reports on behalf of a task force.

“Matching funds” means non-federal and non-Account money or program income that a grant recipient adds to a grant from the Account and spends to accomplish the goals of an approved project.

“Program income” means funds generated as a result of the activities funded by a grant from the Account.

“Task force” means multiple approved agencies from different jurisdictions that collaborate to accomplish multiple goals established at A.R.S. § 41-2402(A).

**Historical Note**

Adopted as an emergency effective February 22, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Adopted without change as a permanent rule effective July 18, 1988 (Supp. 88-3). Amended effective October 28, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 1007, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4).

**R10-4-402. General Information Regarding Grants**

- A.** The Commission may annually request grant applications and make grant awards of Account funds.
- B.** The Commission’s ability to make grant awards is contingent upon the availability of Account funds.
- C.** The Commission shall publish its priorities for grant awards in a report of the state’s strategy for combating drugs, gangs, and violent crime.
- D.** The Commission shall make all information regarding grants, including the request for grant applications and application and report forms, available on its web site.
- E.** The Commission shall ensure that training regarding grant application procedures and grant management are made available to interested approved agencies.
- F.** The Commission shall provide oversight of all grants awarded, which may include conducting a financial review or audit of a grant recipient, to ensure that Account funds are expended in compliance with all terms of the grant agreement and all applicable state and federal laws.
- G.** The Commission may require that a grant recipient provide matching funds in the amount specified in the request for grant applications.
- H.** The Commission shall not require a grant recipient to provide matching funds that exceed 25% of the total project budget.

**Historical Note**

Adopted as an emergency effective February 22, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Adopted without change as a permanent rule effective July 18, 1988 (Supp. 88-3). Amended effective October 28, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 1007, effective February 8, 2001 (Supp. 01-1). Former Section R10-4-402 renumbered to R10-4-403; new Section made by final rulemaking 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4). Section amended by final rulemaking at 24 A.A.R. 3425 effective December 4, 2018 (Supp. 18-4).

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**R10-4-403. Grant Application**

- A.** An approved agency or task force may submit an application for a grant from the Account. If application is made by a task force, members of the task force shall identify a host agency.
- B.** An applicant shall access, complete, and submit to the Commission the application form that is available on the Commission's web site. The applicant shall provide the following information:
1. Title of the application and proposed project;
  2. Purpose specified in A.R.S. § 41-2402(A) that the proposed project will address;
  3. Statement of whether the application is a request to continue a previously approved project;
  4. Name and address of the applicant;
  5. List of member agencies of the task force if the applicant is a task force;
  6. Name of the individual authorized to submit the application;
  7. Name of the individual responsible for administering and supervising the proposed project;
  8. Statement of the mission of the proposed project;
  9. Statement of the problem addressed by the proposed project including data reflecting:
    - a. The scope of the problem, and
    - b. The absence or inadequacy of current resources to address the problem;
  10. Summary of the proposed project that explains how the proposed project seeks to address the problem identified;
  11. Description of collaborative efforts among law enforcement, prosecution, community organizations, social service agencies, and others that will be involved with the proposed project;
  12. Description of the methodology that will be used to evaluate the effectiveness of the proposed project;
  13. Goals of the proposed project stating what the proposed project is intended to accomplish;
  14. Objectives that are specific, measurable, and directly correlated to the goals of the proposed project;
  15. Detailed budget that includes:
    - a. Total amount to be expended on the proposed project including both Account and matching funds;
    - b. Estimated amount to be expended for various allowable expenses and the manner in which the estimate was determined;
    - c. Sources of the required matching funds; and
    - d. Statement of whether Account funds received will be used as matching funds for another grant program and if so, the name of the grant program and funding agency;
  16. Date of the jurisdiction's current A-133 audit report;
  17. Description of the internal controls the applicant will use to ensure compliance with all terms of the grant agreement;
  18. Description of plan to sustain the project if Account funds are no longer available; and
  19. Signature of the individual identified in subsection (B)(6) certifying that the information presented is correct and that if a grant is received, the applicant will comply with the terms of the grant agreement and all applicable state and federal laws.
- C.** In addition to submitting the application form required under subsection (B), an applicant shall submit to the Commission:
1. A copy of the jurisdiction's current A-133 audit report or if the jurisdiction does not have a current A-133 audit

report, a copy of all correspondence relating to an extension of time to have an audit completed;

2. If the applicant is a task force, a letter on agency letterhead or another document from each member agency of the task force describing the manner in which the member intends to contribute to the proposed project; and
3. If the applicant's jurisdiction applied directly for federal criminal justice grant funding:
  - a. Each applicant must disclose whether it has, or is proposed as a subrecipient under, any pending application for federally-funded grants or cooperative agreements that:
    - i. Include requests for funding to support the same project being proposed in the application for a grant from the Account; and
    - ii. Would cover identical cost items outlined in the budget submitted to the Commission as part of the application for a grant from the Account.
  - b. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g. applications to state agencies that will subaward federal funds).

**Historical Note**

Adopted as an emergency effective February 22, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Adopted without change as a permanent rule effective July 18, 1988 (Supp. 88-3). Amended by final rulemaking at 7 A.A.R. 1007, effective February 8, 2001 (Supp. 01-1). Former Section R10-4-403 renumbered to R10-4-404; new Section R10-4-403 renumbered from R10-4-402 and amended by final rulemaking at 14 A.A.C. 4654, effective January 31, 2009 (Supp. 08-4). Section amended by final rulemaking at 24 A.A.R. 3425 effective December 4, 2018 (Supp. 18-4).

**R10-4-404. Application Evaluation; Standards for Award**

- A.** The Commission shall ensure that each application that is submitted timely and proposes a project eligible for funding from the Account is evaluated. After the applications are evaluated, the Committee shall forward a recommended allocation plan to the Commission. The Commission shall grant or deny funding within 90 days after the application deadline.
- B.** If the Commission determines that it needs additional information to facilitate its review of an application, the Commission shall:
1. Request the additional information from the applicant, or
  2. Request the applicant to amend the application.
- C.** The Commission shall approve grant funding, in whole or in part, or deny funding using standards referenced under A.R.S. § 41-2402 and R10-4-402(C).
- D.** The standards referenced in subsection (C) include an assessment of whether the proposed project:
1. Is directed toward a problem that is demonstrated by statistical data;
  2. Is designed to address the identified problem;
  3. Is a coordinated effort among multiple approved agencies;
  4. Has specific goals;
  5. Has measurable objectives that relate to the goals;
  6. Has appropriate methods for evaluating achievement of objectives;
  7. Has a reasonable budget of allowable expenses;
  8. Has identified the required matching funds;

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9. Has internal controls to monitor expenditure of Account funds; and
10. If the program was previously funded, all grant requirements were met timely and there were no reportable deficiencies during monitoring reviews.

**Historical Note**

Adopted as an emergency effective February 22, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Adopted without change as a permanent rule effective July 18, 1988 (Supp. 88-3). Amended effective October 28, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 1007, effective February 8, 2001 (Supp. 01-1). Former Section 10-4-404 renumbered to R10-4-406; new Section R10-4-404 renumbered from R10-4-403 and amended by final rulemaking 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4). Section amended by final rulemaking at 24 A.A.R. 3425 effective December 4, 2018 (Supp. 18-4).

**R10-4-405. Request for Modification of Recommended Allocation Plan**

- A. Commission staff shall provide an applicant with at least five days' notice of the Committee's recommended allocation plan and the date, time, and location of the meeting at which the Committee will make a decision about forwarding the recommended allocation plan to the Commission for its action.
- B. If an applicant disagrees with the recommended allocation plan, the applicant may verbally request that the Committee modify the recommended allocation plan. The Committee shall consider the request for modification before forwarding the recommended allocation plan to the Commission.
- C. Commission staff shall provide an applicant with at least five days' notice of the date, time, and location of the meeting at which the Commission will consider the recommended allocation plan.
- D. If an applicant disagrees with the recommendation of the Committee, the applicant may verbally request that the Commission modify the recommended allocation plan. The Commission shall consider the request for modification when making a final decision to award or deny a grant of Account funds to the applicant. The Commission's decision is final.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4).

**R10-4-406. Required Reports**

- A. The Commission shall annually prepare and submit the report required under A.R.S. § 41-2405(A)(11). The Commission shall use data submitted by grant recipients as specified in the recipient's grant agreement to prepare the report.
- B. A grant recipient shall submit to the Commission financial, activity, and progress reports documenting the activities supported by the Account funds. The grant recipient shall submit the reports as specified in the grant agreement. The specific reports required are determined by the nature of the proposed project.
- C. The Commission shall not distribute Account funds to a grant recipient that fails to submit a required report within 60 days of its due date.
- D. A grant recipient shall cooperate with and participate in all assessment, evaluation, or data collection efforts authorized by the Commission.
- E. The Commission has the right to obtain, reproduce, publish, or use information provided in the required reports or assess-

ment, evaluation, or data collection efforts. When in the best interest of the state, the Commission may authorize others to receive and use the information.

**Historical Note**

New Section R10-4-406 renumbered from R10-4-404 and amended by final rulemaking 14 A.A.R. 4654, effective January 31, 2009 (Supp. 08-4). Section amended by final rulemaking at 24 A.A.R. 3425 effective December 4, 2018 (Supp. 18-4).

**ARTICLE 5. FULL-SERVICE FORENSIC CRIME LABORATORY ACCOUNT****R10-4-501. Definitions**

In this Article:

1. "Account" means the Full-service Forensic Crime Laboratories Account established by A.R.S. § 41-2421(J)(5).
2. "Commission" means the Arizona Criminal Justice Commission established by A.R.S. § 41-2404.
3. "Full-service forensic crime laboratory" means a facility that:
  - a. Is operated by a criminal justice agency that is a political subdivision of the state;
  - b. Employs at least one full-time forensic scientist who holds a minimum of a bachelor's degree in a physical or natural science;
  - c. Is registered as an analytical laboratory with the Drug Enforcement Administration of the United States Department of Justice for possession of all scheduled, controlled substances;
  - d. Is accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board; and
  - e. Provides, at a minimum, services in the areas of controlled substances, forensic biology, DNA, blood and breath alcohol, firearms, and toolmarks.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2217, effective May 11, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2294, effective August 5, 2006 (Supp. 06-2).

**R10-4-502. Grant Solicitation Process**

- A. The Commission shall annually publish and post on the Commission's internet site, which is [www.azacjc.gov](http://www.azacjc.gov), a grant solicitation for distribution of Account monies. When the grant solicitation is posted, the Commission shall send an electronic notice of the posting to all Arizona criminal justice agencies that operate a full-service forensic crime laboratory.
- B. The Commission shall ensure that the grant solicitation contains:
  1. The Commission's goals for the grant program for the allocation year,
  2. Applicant eligibility criteria,
  3. The format in which a grant application is to be submitted,
  4. The date by which a grant application is to be submitted,
  5. Grant application evaluation criteria,
  6. Project expenses for which Account monies may be used,
  7. The period in which all Account monies must be expended,
  8. Account money reversion criteria and process, and
  9. The award denial appeal process.

**Historical Note**

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New Section made by final rulemaking at 7 A.A.R. 2217, effective May 11, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2294, effective August 5, 2006 (Supp. 06-2).

**R10-4-503. Grant Application Evaluation; Decision of the Commission**

- A. The Commission shall evaluate each grant application and make a decision to award or deny a grant within 120 days of the date by which grant applications are due.
- B. If the Commission determines additional information is needed to facilitate its evaluation of an application, the Commission shall request from the applicant:
  1. Additional information, or
  2. Application modification.
- C. An applicant from whom additional information or application modification is requested shall submit the information or modification to the Commission within 10 business days from the date of the request.
- D. After completing its evaluation of an application, the Commission shall vote to award, in whole or in part, or deny a grant based on:
  1. The grant criteria published in the grant solicitation;
  2. The amount of funds available for allocation; and
  3. Compliance with the application format.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2217, effective May 11, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2294, effective August 5, 2006 (Supp. 06-2).

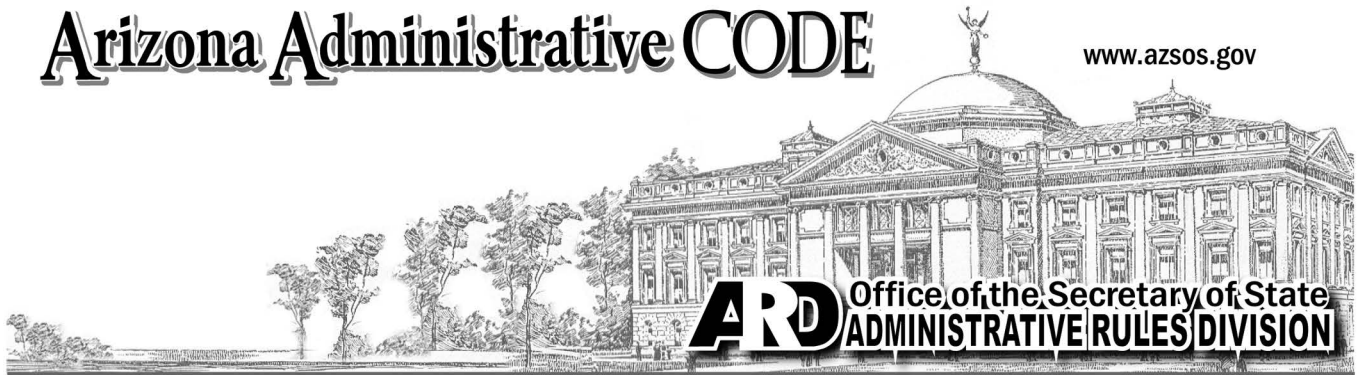
**R10-4-504. Reports**

Within 15 days after the end of each calendar quarter, a grantee shall submit a written report, on a form prescribed by the Commission, containing:

1. A financial report that includes itemized budget information, and
2. An activity report that documents activities supported by the grant funds and includes:
  - a. A narrative of activities undertaken during the reporting period;
  - b. An evaluation of progress toward achieving the goals and objectives in the grant application;
  - c. An evaluation of adherence to the time-frames in the grant application; and
  - d. A description of equipment purchased with grant funds during the reporting period, how the equipment is related to achieving the goals and objectives of the project, and the current status of the equipment, such as whether it is operational, waiting to be installed, or undergoing testing; and
3. A copy of any deliverable provided by a consultant paid with grant funds.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 2217, effective May 11, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2294, effective August 5, 2006 (Supp. 06-2).



12 A.A.C. 4

Supp. 23-3

## TITLE 12. NATURAL RESOURCES CHAPTER 4. GAME AND FISH COMMISSION

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

<a href="#">R12-4-102.01.</a>	<a href="#">License Fee Waiver; Eligibility; Application .....</a>	<a href="#">7</a>	<a href="#">R12-4-121.</a>	<a href="#">Tag Transfer .....</a>	<a href="#">31</a>
<a href="#">R12-4-102.02.</a>	<a href="#">Refund of Permit-Tag Fee; Active-duty Military; Peace Officer; Professional Firefighter .....</a>	<a href="#">7</a>	<a href="#">R12-4-611.</a>	<a href="#">Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy .....</a>	<a href="#">129</a>
<a href="#">R12-4-107.</a>	<a href="#">Bonus Point System .....</a>	<a href="#">13</a>			
<a href="#">R12-4-118.</a>	<a href="#">Hunt Permit-tag Surrender .....</a>	<a href="#">28</a>			

### Questions about these rules? Contact:

Department: Arizona Game and Fish Department  
Address: 5000 W. Carefree Highway  
Phoenix, AZ 85086  
[Website:](#) [www.azgfd.gov](http://www.azgfd.gov)  
Name: Celeste Cook, Policy and Rules Manager  
Telephone: (623) 236-7390  
[Email:](#) [CCook@azgfd.gov](mailto:CCook@azgfd.gov)

**The release of this Chapter in Supp. 23-3 replaces Supp. 22-4, 1-156 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

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

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### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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## Administrative Rules Division

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## TITLE 12. NATURAL RESOURCES

## CHAPTER 4. GAME AND FISH COMMISSION

Authority: A.R.S. § 17-201 et seq.

## Supp. 23-3

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

*Editor's Note: This Chapter contains rules which were adopted or amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), pursuant to A.R.S. § 41-1005(A)(1). Exemption from A.R.S. Title 41, Chapter 6 means that the Game and Fish Commission did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Governor's Regulatory Review Council did not review these rules; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

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*Article 9, consisting of Sections R12-4-901 through R12-4-906, expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).*

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*Article 11, consisting of Sections R12-4-1103 and R12-4-1104, made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Article 11 renewed by emergency rulemaking at 17 A.A.R. 2376 for 180 days, effective November 3, 2012 (Supp. 11-4).*

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## TITLE 12. NATURAL RESOURCES

## CHAPTER 4. GAME AND FISH COMMISSION

**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS****R12-4-101. Definitions**

- A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-301, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless otherwise specified:

“Arizona Conservation Education” means the conservation education course provided by Arizona Game and Fish Department in hunting safety, responsibility, and conservation.

“Arizona Hunter Education” means the hunter education course provided by Arizona Game and Fish Department in hunting safety, responsibility, and conservation meeting Association of Fish and Wildlife agreed upon reciprocity standards along with Arizona-specific requirements.

“Attach” means to fasten or affix a tag to a legally harvested animal. An electronic tag is considered attached once the validation code is fastened to the legally harvested animal.

“Bobcat seal” means the tag a person is required to attach to the raw pelt or unskinned carcass of any bobcat taken by trapping in Arizona or exported out of Arizona regardless of the method of take.

“Bonus point” means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.

“Bow” means a long bow, flat bow, recurve bow, or compound bow of which the bowstring is drawn and held under tension entirely by the physical power of the shooter through all points of the draw cycle until the shooter purposely acts to release the bowstring either by relaxing the tension of the toes, fingers, or mouth or by triggering the release of a hand-held release aid.

“Certificate of insurance” means an official document, issued by the sponsor’s and sponsor’s vendors, or subcontractors insurance carrier, providing insurance against claims for injury to persons or damage to property which may arise from, or in connection with, the solicitation or event as determined by the Department.

“Cervid” means a mammal classified as a Cervidae, which includes but is not limited to caribou, elk, moose, mule deer, reindeer, wapiti, and whitetail deer; as defined in the taxonomic classification from the Integrated Taxonomic Information System, available online at [www.itis.gov](http://www.itis.gov).

“Commission Order” means a document adopted by the Commission that does one or more of the following:

- Open, close, or alter seasons,
- Open areas for taking wildlife,
- Set bag or possession limits for wildlife,
- Set the number of permits available for limited hunts, or
- Specify wildlife that may or may not be taken.

“Crossbow” means a device consisting of a bow affixed on a stock having a trigger mechanism to release the bowstring.

“Day-long” means the 24-hour period from one midnight to the following midnight.

“Department property” means those buildings or real property and wildlife areas under the jurisdiction of the Arizona Game and Fish Commission.

“Electronic tag” means a tag that is provided by the Department through an electronic device that syncs with the Department’s computer systems.

“Export” means to carry, send, or transport wildlife or wildlife parts out of Arizona to another state or country.

“Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that will discharge, is designed to discharge, or may readily be converted to discharge a projectile by the action of an explosion caused by the burning of smokeless powder, black powder, or black powder substitute.

“Handgun” means a firearm designed and intended to be held, gripped, and fired by one or more hands, not intended to be fired from the shoulder, and that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a barrel for each single pull of the trigger.

“Hunt area” means a management unit, portion of a management unit, or group of management units, or any portion of Arizona described in a Commission Order and not included in a management unit, opened to hunting.

“Hunt number” means the number assigned by Commission Order to any hunt area where a limited number of hunt permits are available.

“Hunt permits” means the number of hunt permit-tags made available to the public as a result of a Commission Order.

“Hunt permit-tag” means a tag for a hunt for which a Commission Order has assigned a hunt number.

“Identification number” means the number assigned to each applicant or license holder by the Department as established under R12-4-111.

“Import” means to bring, send, receive, or transport wildlife or wildlife parts into Arizona from another state or country.

“License dealer” means a business authorized to sell hunting, fishing, and other licenses as established under R12-4-105.

“Limited-entry permit-tag” means a permit made available for a limited-entry fishing or hunting season.

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-317.

“Management unit” means an area established by the Commission for management purposes.

“Nonpermit-tag” means a tag for a hunt for which a Commission Order does not assign a hunt number and the number of tags is not limited.

“Nonprofit organization” means an organization that is recognized under Section 501(c) of the U.S. Internal Revenue Code.

## TITLE 12. NATURAL RESOURCES

## CHAPTER 4. GAME AND FISH COMMISSION

“Person” has the meaning as provided under A.R.S. § 1-215.

“Proof of purchase,” for the purposes of A.R.S. § 17-331, means an original, or any authentic and verifiable form of the original, of any Department-issued license, permit, or stamp that establishes proof of actual purchase.

“Pursue” means to chase, tree, corner or hold wildlife at bay.

“Pursuit-only” means a person may pursue, but not kill, a bear, mountain lion, or raccoon on any management unit that is open to pursuit-only season, as defined under R12-4-318, by Commission Order.

“Pursuit-only permit” means a permit for a pursuit-only hunt for which a Commission Order does not assign a hunt number and the number of permits are not limited.

“Restricted nonpermit-tag” means a tag issued for a supplemental hunt as established under R12-4-115.

“Solicitation” means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes.

“Solicitation material” means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.

“Sponsor” means the person or persons conducting a solicitation or event.

“Stamp” means a form of authorization in addition to a license that authorizes the license holder to take wildlife specified by the stamp.

“Tag” means the Department authorization a person is required to obtain before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.

“Validation code” means the unique code provided by the Department and associated with an electronic tag.

“Waterdog” means the larval or metamorphosing stage of a salamander.

“Wildlife area” means an area established under 12 A.A.C. 4, Article 8.

**B.** If the following terms are used in a Commission Order, the following definitions apply:

“Antlered” means having an antler fully erupted through the skin and capable of being shed.

“Antlerless” means not having an antler, antlers, or any part of an antler erupted through the skin.

“Bearded turkey” means a turkey with a beard that extends beyond the contour feathers of the breast.

“Buck pronghorn” means a male pronghorn.

“Adult bull bison” means a male bison of any age or any bison designated by a Department employee during an adult bull bison hunt.

“Adult cow bison” means a female bison of any age or any bison designated by a Department employee during an adult cow bison hunt.

“Bull elk” means an antlered elk.

“Designated” means the gender, age, or species of wildlife or the specifically identified wildlife the Department authorizes to be taken and possessed with a valid tag.

“Ram” means any male bighorn sheep.

“Rooster” means a male pheasant.

“Yearling bison” means any bison less than three years of age or any bison designated by a Department employee during a yearling bison hunt.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 22, 1976 (Supp. 76-5). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-01 renumbered as Section R12-4-101 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 22, 1982 (Supp. 82-2). Amended subsection (A), paragraph (10) effective April 7, 1983 (Supp. 83-2). Amended effective June 4, 1987 (Supp. 87-2). Amended subsection (A) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended subsection (A) effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022; when amended the Commission inadvertently removed the definitions of “Arizona Conservation Education” and “Arizona Hunter Education.” These definitions are included as originally published (Supp. 21-4). Under the definition of “non-profit organization” a citation error to the U.S. Internal Revenue Code, has been corrected to Section 501(c) as published at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 22-2).

**R12-4-102. License, Permit, Stamp, and Tag Fees**

**A.** A person who purchases a license, tag, stamp, or permit listed in this Section shall pay at the time of purchase all applicable fees prescribed under this Section or the fees the Director authorizes under R12-4-115.

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- B. A person who applies to purchase a hunt permit-tag shall submit with the application all applicable fees using acceptable forms of payment as required under R12-4-104(F) and (G).
- C. As authorized under A.R.S. § 17-345, the license fees in this Section include a \$3 surcharge, except Youth and High Achievement Scout licenses.
- D. A person desiring a replacement of a Migratory Bird Stamp shall repurchase the stamp.

Hunting and Fishing License Fees	Resident	Nonresident
General Fishing License	\$37	\$55
Community Fishing License	\$24	\$24
General Hunting License	\$37	Not available
Combination Hunting and Fishing License	\$57	\$160
Youth Combination Hunting and Fishing License, fee applies until the applicant's 18th birthday.	\$5	\$5
High Achievement Scout License, as authorized under A.R.S. § 17-333(C). Fee applies until the applicant's 21st birthday.	\$5	Not available
Short-term Combination Hunting and Fishing License	\$15	\$20
Youth Group Two-day Fishing License	\$25	Not available

Hunt Permit-tag Fees	Resident	Nonresident
Bear	\$25	\$150
Bighorn Sheep	\$300	\$1,800
Bison		
Adult Bulls or any Bison	\$1,100	\$5,400
Adult Cows	\$650	\$3,250
Yearling	\$350	\$1,750
Cow or Yearling	\$650	\$3,250
Deer and Archery Deer	\$45	\$300
Youth	\$25	\$25
Elk	\$135	\$650
Youth	\$50	\$50
Javelina	\$25	\$100
Youth	\$15	\$15
Pheasant non-archery, non-falconry	Application fee only	Application fee only
Pronghorn	\$90	\$550
Raptor	Not applicable	\$175
Sandhill Crane	\$10	\$10
Turkey and Archery Turkey	\$25	\$90
Youth	\$10	\$10

Nonpermit-tag and Restricted Nonpermit-tag Fees	Resident	Nonresident
Bear	\$25	\$150
Bison		
Adult Bulls or any Bison	\$1,100	\$5,400
Adult Cows	\$650	\$3,250
Yearling	\$350	\$1,750
Cow or Yearling	\$650	\$3,250
Deer	\$45	\$300
Youth	\$25	\$25
Elk	\$135	\$650

Youth	\$50	\$50
Javelina	\$25	\$100
Youth	\$15	\$15
Mountain Lion	\$15	\$75
Pronghorn	\$90	\$550
Sandhill Crane	\$10	\$10
Raptor	Not applicable	\$175
Turkey	\$25	\$90
Youth	\$10	\$10

Stamps and Special Use Fees	Resident	Nonresident
Bobcat Seal	\$3	\$3
Limited-entry Permit	Application fee only	Application fee only
State Migratory Bird Stamp	\$5	\$5

Other License Fees	Resident	Nonresident
Challenged Hunter Access/Mobility Permit (CHAMP)	Application fee only	Application fee only
Crossbow Permit	Application fee only	Application fee only
Fur Dealer's License	\$115	\$115
Reduced-fee Disabled Veteran's License, available to a resident disabled veteran who receives compensation from the U.S. government for a service-connected disability. This fee shall be equal to the fee required for the resident Combination Hunting and Fishing License, reduced by 25%, and then rounded down to the nearest even dollar.	\$42	Not available
Reduced-fee Purple Heart Medal License, available to a resident who is a bona fide Purple Heart Medal recipient. This fee shall be equal to the fee required for the resident Combination Hunting and Fishing License, reduced by 50%, and then rounded down to the nearest even dollar.	\$28	Not available
Guide License	\$300	\$300
License Dealer's License	\$100	\$100
License Dealer's Outlet License	\$25	\$25
Pursuit-only Permit	\$20	\$100
Taxidermist License	\$150	\$150
Trapping License	\$30	\$275
Youth	\$10	\$10

Administrative Fees	Resident	Nonresident
Duplicate License Fee, in the event the Department is unable to verify the expiration date of the original license, the duplicate license shall expire on December 31 of the current year.	\$8	\$8
Application Fee	\$13	\$15

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 31, 1977 (Supp. 77-2). Amended effective June 28, 1977 (Supp. 77-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 1, 1979 (Supp. 78-6). Amended effective June 4,

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1979 (Supp. 79-3). Amended effective January 1, 1980 (Supp. 79-6). Amended paragraphs (1), (7) through (11), (13), (15), (29), (30), and (32) effective January 1, 1981 (Supp. 80-5). Former Section R12-4-30 renumbered as Section R12-4-102 without change effective August 13, 1981. Amended effective August 31, 1981 (Supp. 81-4). Amended effective September 15, 1982 unless otherwise noted in subsection (D) (Supp. 82-5). Amended effective January 1, 1984 (Supp. 83-4). Amended subsections (A) and (C) effective January 1, 1985 (Supp. 84-5). Amended effective January 1, 1986 (Supp. 85-5). Amended subsection (A), paragraphs (1), (2), (8) and (9) effective January 1, 1987; Amended by adding a new subsection (A), paragraph (31) and renumbering accordingly effective July 1, 1987. Both amendments filed November 5, 1986 (Supp. 86-6). Amended subsections (A) and (C) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsections (A) and (C) filed December 30, 1988, effective January 1, 1989"; Amended subsection (C) effective April 28, 1989 (Supp. 89-2). Section R12-4-102 repealed, new Section R12-4-102 filed as adopted November 26, 1990, effective January 1, 1991 (Supp. 90-4). Amended effective September 1, 1992; filed August 7, 1992 (Supp. 92-3). Amended effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective December 16, 1995 (Supp. 94-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State November 14, 1995 (Supp. 95-4). Amended subsection (D), paragraph (4), and subsection (E), paragraph (10), effective October 1, 1996; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended subsection (B), paragraph (6) and subsection (E) paragraph (4), effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 or January 1, 2001, as designated within the text of the Section (Supp. 00-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 1157, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 2823, effective August 13, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 1391, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1854, effective July 2, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 27 A.A.R. 400, effective July 1, 2021 (Supp. 21-1). Amended by final exempt rulemaking at 27 A.A.R. 1076, effective August 21, 2021 (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2916 (December 17, 2021), effective February 7, 2022 (Supp. 21-4). Amended by final exempt rulemaking at 28 A.A.R. 3355 (October 21, 2022), effective September 26, 2022 (Supp. 22-3).

**R12-4-102.01. License Fee Waiver; Eligibility; Application**

- A.** The Department shall waive the initial license fee when an eligible applicant as identified under subsection (B) requests an initial license for any license listed under subsection (C). At the time of application, the eligible applicant shall submit to the Department the applicable license application and a signed licensing fee waiver form affirming the information provided on the form is true and accurate. The license application and licensing fee waiver forms are available from any Department office and on the Department's website. The applicant shall provide all of the following information:
1. Type of exemption, see subsection (B); and
  2. Applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Mailing address;
    - d. Email, if available;
    - e. Telephone number;
    - f. Customer ID number;
    - g. Affirmation that the information provided on the application is true and accurate; and
    - h. Signature and date.
- B.** Under A.R.S. § 41-1080.01, persons eligible for the initial license fee waiver are limited to any:
1. Individual whose family income does not exceed 200% of the current federal poverty guidelines,
  2. Active military service member's spouse, or
  3. Honorably discharged veteran who has been discharged not more than two years before application.
- C.** The Department has determined the following licenses may be used for the purpose of operating a business or providing a service in Arizona and are subject to A.R.S. § 41-1080.01:
1. Aquatic Wildlife Stocking License,
  2. Fur Dealer's License,
  3. Game Bird Field Training License,
  4. Game Bird Field Trial License,
  5. Game Bird Shooting Preserve License,
  6. Guide License,
  7. Live Bait Dealer's License,
  8. Private Game Farm License,
  9. Sport Falconry License,
  10. License Dealer's License,
  11. Taxidermist License,
  12. Trapping License,
  13. Wildlife Holding License,
  14. Wildlife Service, and
  15. Zoo License.
- D.** An applicant for a license fee waiver shall certify they meet the eligibility criteria proscribed in subsection (B), as applicable.
- E.** All information and documentation provided by the applicant is subject to Department verification.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2196 (September 22, 2023), with an immediate effective date of September 1, 2023 (Supp. 23-3).

**R12-4-102.02. Refund of Permit-Tag Fee; Active-duty Military; Peace Officer; Professional Firefighter**

- A.** The Department shall refund the fee paid for a big game permit-tag, nonpermit-tag, or limited-entry tag when an eligible person as identified under subsection (B) requests a refund at any time during the time period in which the tag is valid. To

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request a refund, the eligible person shall submit to the Department:

1. The tag for which the refund is requested,
  2. The big game tag refund form, and
  3. Proof of order or special assignment as identified under subsection (C).
  4. A person requesting a refund under this Section shall certify the information provided on the big game tag refund form is true and accurate;
  5. The big game tag refund form is available from any Department office and on the Department's website.
- B.** Under A.R.S. § 17-332, persons eligible for a refund are limited to:
1. A person who is ordered to leave Arizona as an active duty member of the U.S. Armed Forces;
  2. A peace officer assigned to special duty; or
  3. A professional firefighter who is a member of a state, federal, tribal, city, town, county, district or private fire department and who is assigned to special duty.
- C.** An eligible person requesting a refund shall provide the following as applicable:
1. For an active duty member of the U.S. Armed Forces, an official order or letter.
  2. For a peace officer assigned to special duty, an official letter of assignment to special duty showing evidence of assignment status during the time period in which the big game tag is valid.
  3. For a professional firefighter who is a member of a state, federal, tribal, city, town, county, district or private fire department and who is assigned to special duty, an official letter of assignment to special duty showing evidence of assignment status during the time period in which the big game tag is valid.
  4. All information and documentation provided by the applicant is subject to Department verification.
- D.** For subsections (C)(1), (2), and (3), the official order or letter, as applicable, shall provide the eligible person's name and the dates of the assignment.
- E.** When an eligible person submits a request for a refund for a big game hunt permit-tag awarded through a computer draw, the Department shall reinstate any expended bonus points for a successful Hunt Permit-tag Application and award the bonus point the person would have accrued had the person been unsuccessful in the computer draw for the refunded big game tag.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2196 (September 22, 2023), with an immediate effective date of September 1, 2023 (Supp. 23-3).

**R12-4-103. Duplicate Tags and Licenses**

- A.** Under A.R.S. § 17-332(C), the Department and its license dealers may issue a duplicate license or tag to an applicant who:
1. Pays the applicable fee prescribed under R12-4-102, and
  2. Signs an affidavit. The affidavit is furnished by the Department and is available at any Department office or license dealer.
- B.** The applicant shall provide the following information on the affidavit:
1. The applicant's personal information:
    - a. Name;
    - b. Department identification number, when applicable;

- c. Residency status and number of years of residency immediately preceding application, when applicable;
- 2.** The original license or tag information:
- a. Type of license or tag;
  - b. Place of purchase;
  - c. Purchase date, when available; and
- 3.** Disposition of the original tag for which a duplicate is being purchased:
- a. The tag was not used and is lost, destroyed, mutilated, or otherwise unusable; or
  - b. The tag was attached to a harvested animal that was subsequently condemned and the carcass and all parts of the animal were surrendered to a Department employee as required under R12-4-112(B) and (C). An applicant applying for a duplicate tag under this subsection shall also submit the condemned meat duplicate tag authorization form issued by the Department.
- C.** In the event the Department is unable to verify the expiration date of the original license, the duplicate license shall expire on December 31 of the current year.

**Historical Note**

Amended effective June 7, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Former Section R12-4-07 renumbered as Section R12-4-103 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 21-4).

**R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Computer Draw and Purchase of Bonus Points**

- A.** For the purposes of this Section, "group" means all applicants who placed their names on a single application as part of the same application.
- B.** A person is eligible to apply:
1. For a hunt permit-tag if the person:
    - a. Is at least 10 years of age at the start of the hunt for which the person is applying;
    - b. Has successfully completed a Department-sanctioned hunter education course by the start date of the hunt for which the person is applying, when the person is between 9 and 14 years of age;
    - c. Has not reached the bag limit established under subsection (J) for that genus; and
    - d. Is not suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application.
  2. For a bonus point if the person:
    - a. Is at least 10 years of age by the application deadline date; and
    - b. Is not suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application.
- C.** An applicant shall apply at the times, locations, and in the manner and method established by the hunt permit-tag application schedule published by the Department and available at

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any Department office, on the Department's website, or a license dealer.

1. The Commission shall set application deadline dates for hunt permit-tag computer draw applications through the hunt permit-tag application schedule.
  2. The Director has the authority to extend any application deadline date if a problem occurs that prevents the public from submitting a hunt permit-tag application within the deadlines set by the Commission.
  3. The Commission, through the hunt permit-tag application schedule, shall designate the manner and method of submitting an application, which may require an applicant to apply online only. If the Commission requires applicants to use the online method, the Department shall accept paper applications only in the event of a Department systems failure.
- D.** An applicant for a hunt permit-tag or a bonus point shall complete and submit a Hunt Permit-tag Application. The application form is available from any Department office, a license dealer, or on the Department's website.
- E.** An applicant shall provide the following information on the Hunt Permit-tag Application:
1. The applicant's personal information:
    - a. Name;
    - b. Date of birth,
    - c. Social security number, as required under A.R.S. §§ 25-320(P) and 25-502(K);
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. If the applicant possesses a valid license authorizing the take of wildlife in this state, the number of the applicant's license;
  3. If the applicant does not possess a valid license at the time of the application, the applicant shall purchase a license as established under subsection (K). The applicant shall provide all of the following information on the license application portion of the Hunt Permit-tag Application:
    - a. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - b. Residency status and number of years of residency immediately preceding application, when applicable;
    - c. Type of license for which the person is applying; and
  4. Certify the information provided on the application is true and accurate;
  5. An applicant who is:
    - a. Under the age of 10 and is submitting an application for a hunt other than big game is not required to have a license under this Chapter. The applicant shall indicate "youth" in the space provided for the license number on the Hunt Permit-tag Application.
    - b. Age nine or older and is submitting an application for a big game hunt is required to purchase an appropriate license as required under this Section. The applicant shall either enter the appropriate license number in the space provided for the license number on the Hunt Permit-tag Application Form or purchase a license at the time of application, as applicable.
- F.** In addition to the information required under subsection (E), an applicant shall also submit all applicable fees established under R12-4-102, as follows:
1. When applying electronically:
    - a. The permit application fee; and
    - b. The license fee, when the applicant does not possess a valid license at the time of application. The applicant shall submit payment in U.S. currency using valid credit or debit card.
    - c. If an applicant is successful in the computer draw, the Department shall charge the hunt permit-tag fee using the credit or debit card furnished by the applicant.
  2. When applying manually:
    - a. The fee for the applicable hunt permit-tag;
    - b. The permit application fee; and
    - c. The license fee if the applicant does not possess a valid license at the time of application. The applicant shall submit payment by certified check, cashier's check, or money order made payable in U.S. currency to the Arizona Game and Fish Department.
- G.** An applicant shall apply for a specific hunt or a bonus point by the current hunt number. If all hunts selected by the applicant are filled at the time the application is processed in the computer draw, the Department shall deem the application unsuccessful, unless the application is for a bonus point.
1. An applicant shall make all hunt choices for the same genus within one application.
  2. An applicant shall not include applications for different genera of wildlife in the same envelope.
- H.** An applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule.
  2. For genera that have multiple draws within a single calendar year, a person who successfully draws a hunt permit-tag during an earlier season may apply for a later season for the same genus if the person has not taken the bag limit for that genus during a preceding hunt in the same calendar year.
  3. If the bag limit is more than one per calendar year, a person may apply for remaining hunt permit-tags in unfilled hunt areas as specified in the hunt permit-tag application schedule.
- I.** All members of a group shall apply for the same hunt numbers and in the same order of preference.
1. No more than four persons may apply as a group.
  2. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.
- J.** A person shall not apply for a hunt permit-tag for:
1. Rocky Mountain or desert bighorn sheep if the person has met the lifetime bag limit for that sub-species.
  2. Bison if the person has met the lifetime bag limit for that species.
  3. Any species when the person has reached the bag limit for that species during the same calendar year for which the hunt permit-tag applies.
- K.** To participate in:

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1. The computer draw system, an applicant shall possess an appropriate hunting license that shall be valid, either:
  - a. On the last day of the application deadline for that computer draw, as established by the hunt permit-tag application schedule published by the Department, or
  - b. On the last day of an extended deadline date, as authorized under subsection (C)(2).
  - c. If an applicant does not possess an appropriate hunting license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application.
2. The bonus point system, an applicant shall comply with the requirements established under R12-4-107.
- L. The Department shall reject as invalid a Hunt Permit-Tag Application not prepared or submitted in accordance with this Section or not prepared in a legible manner.
- M. Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.
- N. The Department or its authorized agent shall deliver hunt permit-tags to successful applicants. The Department shall return application overpayments to the applicant designated "A" on the Hunt Permit-tag Application. The Department shall not refund:
  1. A permit application fee.
  2. A license fee submitted with a valid application for a hunt permit-tag or bonus point.
  3. An overpayment of five dollars or less. The Department shall consider the overpayment to be a donation to the Arizona Game and Fish Fund.
- O. The Department shall award a bonus point for the appropriate species to an applicant when the payment submitted is less than the required fees, but is sufficient to cover the application fee and, when applicable, license fee.
- P. When the Department determines a Department error, as defined under subsection (P)(3), caused the rejection or denial of a valid application:
  1. The Director may authorize either:
    - a. The issuance of an additional hunt permit-tag, provided the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted and the application for the hunt permit-tag would have otherwise been successful based on its random number, or
    - b. The awarding of a bonus point when a hunt permit-tag is not issued.
  2. A person who is denied a hunt permit-tag or a bonus point under this subsection may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.
  3. For the purposes of this subsection, "Department error" means an internal processing error that:
    - a. Prevented a person from lawfully submitting an application for a hunt permit-tag,
    - b. Caused a person to submit an invalid application for a hunt permit-tag,
    - c. Caused the rejection of an application for a hunt permit-tag,
    - d. Failed to apply an applicant's bonus points to a valid application for a hunt permit-tag, or
    - e. Caused the denial of a hunt permit-tag.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 28, 1977 (Supp. 77-3). Amended effective

July 24, 1978 (Supp. 78-4). Former Section R12-4-06 renumbered as Section R12-4-104 without change effective August 13, 1981. Amended subsections (N), (O), and (P) effective August 31, 1981 (Supp. 81-4). Former Section R12-4-104 repealed, new Section R12-4-104 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (D) as an emergency effective December 27, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-6). Emergency expired. Amended effective June 20, 1983 (Supp. 83-3). Amended subsection (F)(3) effective September 12, 1984. Amended subsection (F)(9) and added subsections (F)(10) and (G)(3) effective October 31, 1984 (Supp. 84-5). Amended effective May 5, 1986 (Supp. 86-3). Amended effective June 4, 1987 (Supp. 87-2). Section R12-4-104 repealed, new Section R12-4-104 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Subsection (E)(3) contained a clerical error to a subsection label; "established under subsection (L)" corrected to "established under subsection (K)" file number R22-77 (Supp. 22-2).

**R12-4-105. License Dealer's License**

- A. For the purposes of this Section, unless the context otherwise requires:
 

"Dealer number" means the unique number assigned by the Department to a dealer outlet.

"Dealer outlet" means a specified location authorized to sell licenses under a license dealer's license.

"License" means any hunting or fishing license, permit, stamp, or tag that may be sold by a dealer or dealer outlet under this Section.

"License dealer" means a business licensed by the Department to sell licenses from one or more dealer outlets.

"License Dealer Portal" means the secure website provided by the Department for issuing licenses and permits and accessing a license dealer's account.
- B. A person shall not sell or issue licenses without authorization from the Department. A license dealer's license authorizes a person to issue licenses on behalf of the Department. A person is eligible to apply for a license dealer's license, provided all of the following criteria are met:
  1. The person's privilege to sell licenses for the Department has not been revoked or canceled under A.R.S. §§ 17-334, 17-338, or 17-339 within the two calendar years immediately preceding the date of application;



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2. The person's credit record or assets assure the Department that the value of the licenses shall be adequately protected;
  3. The person agrees to assume financial responsibility for licenses provided by the Department at the maximum value established under R12-4-102.
- C.** A person shall apply for a license dealer's license by submitting an application to any Department office. The application is furnished by the Department and is available at any Department office. A license dealer license applicant shall provide all of the following information on the application:
1. The principal business or corporation information:
    - a. Name,
    - b. Physical address, and
    - c. Telephone number;
    - d. If not a corporation, the applicant shall provide the information required under subsections (C)(1)(a), (b), and (c) for each owner;
  2. The contact information for the person responsible for ensuring compliance with this Section:
    - a. Name,
    - b. Business address, and
    - c. Business telephone number;
  3. Whether the applicant has previously sold licenses under A.R.S. § 17-334;
  4. Whether the applicant is seeking renewal of an existing license dealer's license;
  5. Credit references and a statement of assets and liabilities; and
  6. Dealer outlet information:
    - a. Name,
    - b. Physical address,
    - c. Telephone number, and
    - d. Name of the person responsible for ensuring compliance with this Section at each dealer outlet.
- D.** A license dealer may request to add dealer outlets to the license dealer's license, at any time during the license year, by submitting the application form containing the information required under subsection (C) to the Department and paying the fee established under R12-4-102.
- E.** An applicant who is denied a license dealer's license under this Section may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.
- F.** The Department shall:
1. Provide to the license dealer all licenses that the license dealer will make available to the public for sale,
  2. Authorize the license dealer to use the dealer's own license stock, or
  3. Authorize the license dealer to issue licenses and permits online via the Department's License Dealer Portal.
- G.** Upon receipt of licenses provided by the Department, the license dealer shall verify the licenses received are the licenses identified on the shipment inventory provided by the Department with the shipment.
1. Within five working days from receipt of shipment, the person performing the verification shall:
    - a. Clearly designate any discrepancies on the shipment inventory,
    - b. Sign and date the shipping inventory, and
    - c. Return the signed shipping inventory to the Department.
  2. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer's inventory accordingly.
- H.** A license dealer shall maintain an inventory of licenses for sale to the public at each outlet.
- I.** A license dealer's license holder shall transmit to the Department all collected license or permit fees established under R12-4-102.
1. A license dealer's license holder may collect and retain a reasonable and commensurate fee for its services.
  2. Each license dealer's license holder shall identify to the public the Department's license fees separately from any other costs.
- J.** A license dealer may request additional licenses in writing or verbally.
1. The request shall include:
    - a. The name of the license dealer,
    - b. The assigned dealer number,
    - c. A list of the licenses needed, and
    - d. The name of the person making the request.
  2. Within 10 calendar days from receipt of a request, the Department shall provide the licenses requested, unless:
    - a. The license dealer failed to acknowledge licenses previously provided to the license dealer, as required under subsection (G);
    - b. The license dealer failed to transmit license fees, as required under subsection (J); or
    - c. The license dealer is not in compliance with this Section and all applicable statutes and rules.
- K.** A license dealer shall transmit to the Department all license fees collected by the tenth day of each month, prescribed under A.R.S. § 17-338(A). Failure to comply with the requirements of this subsection shall result in the cancellation of the license dealer's license, as authorized under A.R.S. § 17-338(A).
- L.** A license dealer shall submit a monthly report to the Department by the tenth day of each month, as prescribed under A.R.S. § 17-339.
1. The monthly report form is furnished by the Department.
  2. A monthly report is required regardless of whether or not activities were performed.
  3. Failure to submit the monthly report in compliance with this subsection shall be cause to cancel the license dealer's license.
  4. The license dealer shall include in the monthly report all of the following information for each outlet:
    - a. Name of the dealer;
    - b. The assigned dealer number;
    - c. Reporting period;
    - d. Number of sales and dollar amount of sales for reporting period, by type of license sold;
    - e. Debit and credit adjustments for previous reporting periods, if any;
    - f. Number of affidavits received for which a duplicate license was issued under R12-4-103;
    - g. List of lost or missing licenses; and
    - h. Printed name and signature of the preparer.
  5. In addition to the information required under subsection (L), the license dealer shall also provide the affidavit for each duplicate license issued by the dealer during the reporting period.
    - a. The affidavit is furnished by the Department and is included in the license book.
    - b. A license dealer who fails to submit the affidavit for a duplicate license issued by the license dealer shall remit to the Department the actual cash value of the original license replaced.

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- L. The Department shall provide written notice of suspension and demand the return of all inventory within five calendar days from any license dealer who:
  1. Fails to transmit monies due the Department under A.R.S. § 17-338 by the deadline established under subsection (J);
  2. Issues to the Department more than one check with insufficient funds during a calendar year; or
  3. Otherwise fails to comply with this Section and all applicable statutes and rules.
- M. As prescribed under A.R.S. § 17-338, the actual cash value of licenses not returned to the Department is due and payable to the Department within 15 working days from the date the Department provides written notice to the license dealer. This includes, but is not limited to:
  1. Licenses not returned upon termination of business by a license dealer; or
  2. Licenses reported by a dealer outlet or discovered by the Department to be lost, missing, stolen, or destroyed for any reason.
- N. In addition to those violations that may result in revocation, suspension, or cancellation of a license dealer's license as prescribed under A.R.S. §§ 17-334, 17-338, and 17-339, the Commission may revoke a license dealer's license if the license dealer or an employee of the license dealer is convicted of counseling, aiding, or attempting to aid any person in obtaining a fraudulent license.

**Historical Note**

Amended effective June 7, 1976 (Supp. 77-3). Former Section R12-4-08 renumbered as Section R12-4-105 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-106. Special Licenses Licensing Time-frames**

- A. For the purposes of this Section, the following definitions apply:

"Administrative review time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(1).

"License" means any permit or authorization issued by the Department and listed under subsection (H).

"Overall time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(2).

"Substantive review time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(3).

- B. As required under A.R.S. § 41-1072 et seq., within the overall time-frames listed in the Table 1. Time-Frames, the Department shall either:

1. Grant a license to an applicant after determining the applicant meets all of the criteria required by statute and the governing rule; or
  2. Deny a license to an applicant when the Department determines the applicant does not meet all of the criteria required by statute and the governing rule.
    - a. The Department may deny a license at any point during the review process if the information provided by the applicant demonstrates the applicant is not eligible for the license as prescribed under statute or the governing rule.
    - b. The Department shall issue a written denial notice when it is determined that an applicant does not meet all of the criteria for the license.
    - c. The written denial notice shall provide:
      - i. The Department's justification for the denial, and
      - ii. When a hearing or appeal is authorized, an explanation of the applicant's right to a hearing or appeal.
- C. During the overall time-frame:
    1. The applicant and the Department may agree in writing to extend the overall time-frame.
    2. The substantive review time-frame shall not be extended by more than 25% of the overall time-frame.
  - D. An applicant may withdraw an application at any time.
  - E. The administrative review time-frame shall begin upon the Department's receipt of an application.
    1. During the administrative review time-frame, the Department may return to the applicant, without denial, an application that is missing any of the information required under R12-4-409 and the rule governing the specific license. The Department shall issue to the applicant a written notice that identifies all missing information and indicates the applicant has 30 days in which to provide the missing information.
    2. The administrative review time-frame and the overall time-frame listed for the applicable license under this Section are suspended from the date on the notice until the date the Department receives the missing information.
    3. If an applicant fails to respond to a request for missing information within 30 days, the Department shall consider the application withdrawn.
  - F. The substantive review time-frame shall begin when the Department determines an application is complete.
    1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The written notice shall:
      - a. Identify the additional information, and
      - b. Indicate the applicant has 30 days in which to submit the additional information.
      - c. The Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information.
      - d. If an applicant fails to respond to a request for additional information within 30 days, the Department shall consider the application withdrawn.
    2. The substantive review time-frame and the overall time-frame listed for the applicable license under this Section are suspended from the date on the request until the date the Department receives the additional information.
  - G. If the last day of the time-frame period falls on a Saturday, Sunday, or an official State holiday, the Department shall con-

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sider the next business day the time-frame period's last day.

All periods listed are:

1. Calendar days, and

2. Maximum time periods.

- H.** The Department may grant or deny a license in less time than specified in Table 1. Time-Frames.

**Table 1. Time-Frames**

Name of Special License	Governing Rule	Administrative Review Time-frame	Substantive Review Time-frame	Overall Time-frame
Aquatic Wildlife Stocking License	R12-4-410	10 days	170 days	180 days
Authorization for Use of Drugs on Wildlife	R12-4-309	20 days	70 days	90 days
Challenged Hunter Access/Mobility Permit	R12-4-217	1 day	29 days	30 days
Crossbow Permit	R12-4-216	1 day	29 days	30 days
Disabled Veteran's License	R12-4-202	1 day	29 days	30 days
Fishing Permits	R12-4-310	10 days	20 days	30 days
Game Bird License	R12-4-414	10 days	20 days	30 days
Guide License	R12-4-208	10 days	20 days	30 days
License Dealer's License	R12-4-105	10 days	20 days	30 days
Live Bait Dealer's License	R12-4-411	10 days	20 days	30 days
Pioneer License	R12-4-201	1 day	29 days	30 days
Private Game Farm License	R12-4-413	10 days	20 days	30 days
Scientific Activity License	R12-4-418	10 days	20 days	30 days
Small Game Depredation Permit	R12-4-113	10 days	20 days	30 days
Sport Falconry License	R12-4-422	10 days	20 days	30 days
Taxidermy Registration	R12-4-204	10 days	20 days	30 days
Watercraft Agents	R12-4-509	10 days	20 days	30 days
White Amur Stocking License	R12-4-424	10 days	20 days	30 days
Wildlife Holding License	R12-4-417	10 days	20 days	30 days
Wildlife Rehabilitation License	R12-4-423	10 days	50 days	60 days
Wildlife Service License	R12-4-421	10 days	50 days	60 days
Zoo License	R12-4-420	10 days	20 days	30 days

#### Historical Note

Editorial correction subsections (F) through (G) (Supp. 78-5). Former Section R12-4-09 renumbered as Section R12-4-106 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section adopted June 10,

1998 (Supp. 98-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1854, effective July 2, 2019 (Supp. 19-3). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

#### R12-4-107. Bonus Point System

- A.** For the purpose of this Section, the following definitions apply:

“Bonus point hunt number” means the hunt number assigned in a Commission Order for use by an applicant who is applying for a bonus point only.

“Loyalty bonus point” means a bonus point awarded to a person who has submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) at least once annually for a consecutive five-year period.

- B.** The bonus point system grants a person one random number entry in each computer draw for bear, bighorn sheep, bison, deer, elk, javelina, pronghorn, Sandhill crane, or turkey for each bonus point that person has accumulated under this Section.

1. Each bonus point random number entry is in addition to the entry normally granted under R12-4-104.
2. When processing a “group” application, as defined under R12-4-104, the Department shall use the average number of bonus points accumulated by all persons in the group, rounded to the nearest whole number. If the average number of bonus points is equal to or greater than .5, the total will be rounded to the next higher number.

3. The Department shall credit a bonus point under an applicant's Department identification number for the genus on the application.

4. The Department shall not transfer bonus points between persons or genera.

- C.** The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application provided the following apply:

1. The application is unsuccessful in the computer draw or the application is for a bonus point only;
2. The application is not for a hunt permit-tag leftover after the computer draw and available on a first-come, first-served basis as established under R12-4-114; and
3. The applicant either provides the appropriate hunting license number on the application, or submits an application and fees for the applicable license with the Hunt Permit-tag Application Form, as applicable.

- D.** An applicant who purchases a bonus point only shall:

1. Submit a valid Hunt Permit-tag Application, as prescribed under R12-4-104 at the times, locations, and in the manner and method established by the schedule published by the Department and available at any Department office, on the Department's website, or a license dealer.

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- a. When the application is submitted for a hunt permit-tag or bonus point, the Department shall reject any application that:
    - i. Indicates the bonus point only hunt number as any choice other than the first-choice,
    - ii. Includes any other hunt number on the application,
    - iii. Includes more than one Hunt Permit-tag Application per genus per computer draw, or
    - iv. Is submitted after the application deadline for that specific computer draw.
  - 2. When the application is submitted for a bonus point during the extended bonus point period, the Department shall reject any application that:
    - a. Includes more than one Hunt Permit-tag Application per genus, or
    - b. Is submitted after the application deadline for that extended bonus point period.
  - 3. Include the applicable fees:
    - a. Application fee, and
    - b. Applicable license fee, required when the applicant does not possess a valid license at the time of application and the applicant is applying for a hunt permit-tag.
- E. With the exception of the conservation education and hunter education bonus points, each accumulated bonus point is valid only for the genus designated on the Hunt Permit-tag Application.
- F. With the exception of a permanent bonus point awarded for conservation education or hunter education and a loyalty bonus point which is accrued and forfeited as established under subsection (L), a person's accumulated bonus points for a genus are expended if:
  - 1. The person is issued a hunt permit-tag for that genus in a computer draw;
  - 2. The person fails to submit a Hunt Permit-tag Application for that genus for five consecutive years; or
  - 3. The person purchases a surrendered tag as prescribed under R12-4-118(F)(1), (2), or (3).
- G. Notwithstanding subsection (F), the Department shall restore any expended bonus points to a person who surrenders or transfers a tag in compliance with R12-4-118 or R12-4-121.
- H. An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(e) after the computer draw does not expend bonus points for that genus.
- I. An applicant who is unsuccessful for a first-come, first-served hunt permit-tag made available by the Department after the computer draw is not eligible to receive a bonus point.
- J. The Department shall award one permanent bonus point for each genus upon a person's first graduation from either:
  - 1. A Department-sanctioned Arizona Hunter Education Course completed after January 1, 1980, or
  - 2. The Department's Arizona Conservation Education Course completed after January 1, 2021.
    - a. Course participants are required to provide the following information upon registration, the participants:
      - i. Name;
      - ii. Mailing address;
      - iii. Telephone number;
      - iv. E-mail address, when available;
      - v. Date of birth; and
      - vi. Department ID number, when applicable.
- b. The Arizona Game and Fish Department-certified Instructor shall submit the course paperwork to the Department within 10 business days of course completion. Course paperwork must be received by the Department no less than 30 days before the computer draw application deadline, as specified in the hunt permit-tag application schedule in order for the Department to assign hunter education bonus points in the next computer draw.
  - c. Any person who is nine years of age or older may participate in a hunter education course or the Department's conservation education course. When the person is under 10 years of age, the hunter education completion card and certificate shall become valid on the person's 10th birthday.
  - d. The Department shall not award hunter education bonus points for any of the following specialized hunter education courses:
    - i. Bowhunter Education,
    - ii. Trapper Education, or
    - iii. Advanced Hunter Education.
- K. The Department provides an applicant's total number of accumulated bonus points on the Department's application website or IVR telephone system.
  - 1. If a person believes the total number of accumulated bonus points is incorrect, the person may request proof of compliance with this Section, from the Department, to prove Department error.
  - 2. In the event of an error, the Department shall correct the person's record.
- L. The following provisions apply to the loyalty bonus point program:
  - 1. An applicant who submits a valid application at least once a year for a hunt permit-tag or a bonus point for a specific genus consecutively for a five-year period shall accrue a loyalty bonus point for that genus.
  - 2. Except as established under subsection (N), once a loyalty bonus point is accrued, the applicant shall retain the loyalty bonus point provided the applicant annually submits an application, with funds sufficient to cover all application fees and applicable license fees for each applicant listed on the application, for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
  - 3. An applicant who fails to apply in any calendar year for a hunt permit-tag or bonus point for the genus for which the loyalty bonus point was accrued shall forfeit the loyalty bonus point for that genus.
  - 4. A loyalty bonus point is accrued in addition to all other bonus points.
- M. It is unlawful for a person to purchase or accrue a bonus point by fraud or misrepresentation and any bonus point so obtained shall be removed from the person's Department record.

**Historical Note**

Former Section R12-4-03 renumbered as Section R12-4-107 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-107 repealed, new Section R12-4-107 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective July 29, 1992 (Supp. 92-3). Section R12-4-107 repealed, new Section R12-4-107 adopted effective January 1, 1999; filed with the Office of the Secretary of State February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final

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rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

Amended by final rulemaking at 29 A.A.R. 2196 (September 22, 2023), with an immediate effective date of September 1, 2023 (Supp. 23-3).

**R12-4-108. Management Unit Boundaries**

- A. For the purpose of this Section, parentheses mean “also known as,” and the following definitions shall apply:

“FH” means forest highway.

“FR” means forest road.

“Hwy” means Highway.

“I-8” means Interstate Highway 8.

“I-10” means Interstate Highway 10.

“I-15” means Interstate Highway 15.

“I-17” means Interstate Highway 17.

“I-19” means Interstate Highway 19.

“I-40” means Interstate Highway 40.

“mp” means “milepost.”

- B. The state is divided into units for the purpose of managing wildlife. Each unit is identified by a number, or a number and letter. For the purpose of this Section, Indian reservation land contained within any management unit is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department.
- C. Management unit descriptions are as follows:

Unit 1 – Beginning at the New Mexico state line and U.S. Hwy 60; west on U.S. Hwy 60 to Vernon Junction; southerly on the Vernon-McNary road (FR 224) to the White Mountain Apache Indian Reservation boundary; east and south along the reservation boundary to Black River; east and north along Black River to the east fork of Black River; north along the east fork to Three Forks; and continuing north and east on the Three Forks-Williams Valley Alpine Rd. (FR 249) to U.S. Hwy 180; east on U.S. Hwy 180 to the New Mexico state line; north along the state line to U.S. Hwy 60.

Unit 2A – Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); north on U.S. Hwy 191 (AZ Hwy 61) to the Navajo Indian Reservation boundary; westerly along the reservation boundary to AZ Hwy 77; south on AZ Hwy 77 to Exit 292 on I-40; west on the westbound lane of I-40 to Exit 286; south on AZ Hwy 77 to U.S. Hwy 180; southeast on U.S. Hwy 180 to AZ Hwy 180A; south on AZ Hwy 180A to AZ Hwy 61; east on AZ Hwy 61 to U.S. Hwy 180 (AZ Hwy 61); east to U.S. Hwy 191 at St. Johns; except those portions that are sovereign tribal lands of the Zuni Tribe.

Unit 2B – Beginning at Springerville; east on U.S. Hwy 60 to the New Mexico state line; north along the state line to the Navajo Indian Reservation boundary; westerly along the reservation boundary to U.S. Hwy 191 (AZ Hwy 61); south on U.S. Hwy 191 (U.S. Hwy 180) to Springerville.

Unit 2C – Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); west on to AZ Hwy 61 Concho; southwest on AZ Hwy 61 to U.S. Hwy 60; east on U.S. Hwy 60 to U.S. Hwy 191 (U.S. Hwy 180); north on U.S. Hwy 191 (U.S. Hwy 180) to St. Johns.

Unit 3A – Beginning at the junction of U.S. Hwy 180 and AZ Hwy 77; south on AZ Hwy 77 to AZ Hwy 377; southwesterly on AZ Hwy 377 to AZ Hwy 277; easterly on AZ Hwy 277 to Snowflake; easterly on the Snowflake-Concho Rd. to U.S. Hwy 180A; north on U.S. Hwy 180A to U.S. Hwy 180; northwesterly on U.S. Hwy 180 to AZ Hwy 77.

Unit 3B – Beginning at Snowflake; southerly along AZ Hwy 77 to U.S. Hwy 60; southwesterly along U.S. Hwy 60 to the White Mountain Apache Indian Reservation boundary; easterly along the reservation boundary to the Vernon-McNary Rd. (FR 224); northerly along the Vernon-McNary Rd. to U.S. Hwy 60; west on U.S. Hwy 60 to AZ Hwy 61; northeasterly on AZ Hwy 61 to AZ Hwy 180A; northerly on AZ Hwy 180A to Concho-Snowflake Rd.; westerly on the Concho-Snowflake Rd. to Snowflake.

Unit 3C – Beginning at Snowflake; westerly on AZ Hwy 277 to AZ Hwy 260; westerly on AZ Hwy 260 to the Sitgreaves National Forest boundary with the Tonto National Forest; easterly along the Apache-Sitgreaves National Forest boundary to U.S. Hwy 60 (AZ Hwy 77); northeasterly on U.S. Hwy 60 (AZ Hwy 77) to Showlow; northerly along AZ Hwy 77 to Snowflake.

Unit 4A – Beginning on the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest at the Mogollon Rim; north along this boundary (Leonard Canyon) to East Clear Creek; northerly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; northerly on Hipkoe Dr. to I-40; west on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; east along the Navajo Indian Reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd.; westerly and southerly along the Woods Canyon Lake Rd. to the Mogollon Rim; westerly along the Mogollon Rim to the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest.

Unit 4B – Beginning at AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest; northeasterly on AZ Hwy 260 to AZ Hwy 277; northeasterly on AZ Hwy 277 to Hwy 377; northeasterly on AZ Hwy 377 to AZ Hwy 77; northeasterly on AZ Hwy 77 to I-40 Exit 286; northeasterly along the westbound lane of I-40 to Exit 292; north on AZ Hwy 77 to the Navajo Indian Reservation boundary; west along the reservation

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boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd. (FH 151); westerly and southerly along the Woods Canyon Lake Rd. (FH 151) to the Mogollon Rim; easterly along the Mogollon Rim to the intersection of AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest.

Unit 5A – Beginning at the junction of the Sitgreaves National Forest boundary with the Coconino National Forest boundary at the Mogollon Rim; northerly along this boundary (Leonard Canyon) to East Clear Creek; northeasterly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; north on Hipkoe Dr. to I-40; west on I-40 to the Meteor Crater Rd. (Exit 233); southerly on the Meteor Crater-Chavez Pass-Jack's Canyon Rd. (FR 69) to AZ Hwy 87; southwesterly along AZ Hwy 87 to the Coconino-Tonto National Forest boundary; easterly along the Coconino-Tonto National Forest boundary (Mogollon Rim) to the Sitgreaves National Forest boundary with the Coconino National Forest.

Unit 5B -- Beginning at Lake Mary-Clint's Well Rd. (FH3) and Walnut Canyon (mp 337.5 on FH3); southeasterly on FH3 to AZ Hwy 87; northeasterly on AZ Hwy 87 to FR 69; westerly and northerly on FR 69 to I-40 (Exit 233); west on I-40 to Walnut Canyon (mp 210.2); southwesterly along the bottom of Walnut Canyon to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; southwesterly along the bottom of Walnut Canyon to FH3 (mp 337.5).

Unit 6A - Beginning at the junction of AZ Hwy 89A and FR 237; southwesterly on AZ Hwy 89A to the Verde River; southeasterly along the Verde River to the confluence with Fossil Creek; northeasterly along Fossil Creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint's Well Rd. (FH3); northwesterly on FH3 to FR 132; southwesterly on FR 132 to FR 296; southwesterly on FR 296 to FR 296A; southwesterly on FR 296A to FR 132; northwesterly on FR 132 to FR 235; westerly on FR 235 to Priest Draw; southwesterly along the bottom of Priest Draw to FR 235; westerly on FR 235 to FR 235A; westerly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountaineer Rd.; west on Mountaineer Rd. to FR 237; westerly on FR 237 to AZ Hwy 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

Unit 6B – Beginning at mp 188.5 on I-40 at a point just north of the east boundary of Camp Navajo; south along the eastern boundary of Camp Navajo to the southeastern corner of Camp Navajo; southeast approximately 1/3 mile through the forest to the forest road in section 33; southeast on the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533

to AZ Hwy 89A; southerly on AZ Hwy 89A to the Verde River; northerly along the Verde River to Sycamore Creek; northeasterly along Sycamore Creek and Volunteer Canyon to the southwest corner of the Camp Navajo boundary; northerly along the western boundary of Camp Navajo to the northwest corner of Camp Navajo; continuing north to I-40 (mp 180.0); easterly along I-40 to mp 188.5.

Unit 7 – Beginning at the junction of AZ Hwy 64 and I-40 (in Williams); easterly on I-40 to FR 171 (mp 184.4 on I-40); northerly on FR 171 to the Transwestern Gas Pipeline; easterly along the Transwestern Gas Pipeline to FR 420 (Schultz Pass Rd.); northeasterly on FR 420 to U.S. Hwy 89; across U.S. Hwy 89 to FR 545; east on FR 545 to the Sunset Crater National Monument; easterly along the southern boundary of the Sunset Crater National Monument to FR 545; east on FR 545 to the 345 KV transmission lines 1 and 2; southeasterly along the power lines to I-40 (mp 212 on I-40); east on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; northerly and westerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; west on U.S. Hwy 180 to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 8 – Beginning at the junction of I-40 and AZ Hwy 89 (in Ash Fork, Exit 146); south on AZ Hwy 89 to the Verde River; easterly along the Verde River to Sycamore Creek; northerly along Sycamore Creek to Volunteer Canyon; northeasterly along Volunteer Canyon to the west boundary of Camp Navajo; north along the boundary to a point directly north of I-40; west on I-40 to AZ Hwy 89.

Unit 9 – Beginning where Cataract Creek enters the Havasupai Reservation; easterly and northerly along the Havasupai Reservation boundary to Grand Canyon National Park; easterly along the Grand Canyon National Park boundary to the Navajo Indian Reservation boundary; southerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; westerly along U.S. Hwy 180 to AZ Hwy 64; south along AZ Hwy 64 to Airport Rd.; west and north along Airport Rd. to the Valle-Cataract Creek Rd.; westerly along the Valle-Cataract Creek Rd. to Cataract Creek at Island Tank; northwesterly along Cataract Creek to the Havasupai Reservation Boundary.

Unit 10 – Beginning at the junction of AZ Hwy 64 and I-40; westerly on I-40 to Crookton Rd. (AZ Hwy 66, Exit 139); westerly on AZ Hwy 66 to the Hualapai Indian Reservation boundary; northeasterly along the reservation boundary to Grand Canyon National Park; east along the park boundary to the Havasupai Indian Reservation; easterly and southerly along the reservation boundary to where Cataract Creek enters the reservation; southeasterly along Cataract Creek in Cataract Canyon to Island Tank; easterly on the Cataract Creek-Valle Rd. to Airport Rd.; south and east along Airport Rd. to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 11M – Beginning at the junction of Lake Mary-Clint's Well Rd (FH3) and Walnut Canyon (mp 337.5 on FH3); northeasterly along the bottom of Walnut Canyon to the Walnut Canyon National Monument boundary;

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northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; north-easterly along the bottom of Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1&2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Rd); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National monument to FR 545; west on FR 545 to U.S. Hwy 89; across U.S. Hwy 89 to FR 420 (Schultz Pass Rd); southwest on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of the Navajo Army Depot (mp 188.5 on I-40); south along the eastern boundary of the Navajo Army Depot to the southeast corner of the Depot; southeast approximately 1/3 mile to forest road in section 33; southeasterly along that forest road to FR 231 (Woody Mountain Rd); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountaineer Rd; easterly on Mountaineer Rd to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to Priest Draw; northeasterly along the bottom of Priest Draw to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH 3; south-easterly on FH 3 to the south rim of Walnut Canyon (mp 337.5 on FH3).

Unit 12A – Beginning at the confluence of the Colorado River and South Canyon; southerly and westerly along the Colorado River to Kanab Creek; northerly along Kanab Creek to Snake Gulch; northerly, easterly, and southerly around the Kaibab National Forest boundary to South Canyon; northeasterly along South Canyon to the Colorado River.

Unit 12B – Beginning at U.S. Hwy 89A and the Kaibab National Forest boundary near mp 566; southerly and easterly along the forest boundary to Grand Canyon National Park; northeasterly along the park boundary to Glen Canyon National Recreation area; easterly along the recreation area boundary to the Colorado River; north-easterly along the Colorado River to the Arizona-Utah state line; westerly along the state line to Kanab Creek; southerly along Kanab Creek to the Kaibab National Forest boundary; northerly, easterly, and southerly along this boundary to U.S. Hwy 89A near mp 566; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13A – Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; easterly along the Col-

orado River to Kanab Creek; northerly along Kanab Creek to the Utah state line; west along the Utah state line to the western edge of the Hurricane Rim; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13B – Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; westerly along the Colorado River to the Nevada state line; north along the Nevada state line to the Utah state line; east along the Utah state line to the western edge of the Hurricane Rim.

Unit 15A – Beginning at Pearce Ferry on the Colorado River; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to the Hualapai Indian Reservation; west and north along the west boundary of the reservation to the Colorado River; westerly along the Colorado River to Pearce Ferry; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 15B – Beginning at Kingman on I-40 (Exit 48); northwesterly on U.S. Hwy 93 to Hoover Dam; north and east along the Colorado River to Pearce Ferry; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to Hackberry Rd.; southerly on the Hackberry Rd. to I-40; west on I-40 to Kingman (Exit 48).

Unit 15C – Beginning at Hoover Dam; southerly along the Colorado River to AZ Hwy 68 and Davis Dam; easterly on AZ Hwy 68 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to Hoover Dam.

Unit 15D – Beginning at AZ Hwy 68 and Davis Dam; southerly along the Colorado River to I-40; east and north on I-40 to Kingman (Exit 48); northwest on U.S. Hwy 93 to AZ Hwy 68; west on AZ Hwy 68 to Davis Dam; except those portions that are sovereign tribal lands of the Fort Mohave Indian Tribe.

Unit 16A – Beginning at Kingman on I-40 (Exit 48); south and west on I-40 to U.S. Hwy 95 (Exit 9); southerly on U.S. Hwy 95 to the Bill Williams River; easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north on U.S. Hwy 93 to I-40 (Exit 71); west on I-40 to Kingman (Exit 48).

Unit 16B – Beginning at I-40 on the Colorado River; southerly along the Arizona-California state line to the Bill Williams River; east along the Bill Williams River to U.S. Hwy 95; north on U.S. Hwy 95 to I-40 (Exit 9); west on I-40 to the Colorado River.

Unit 17A – Beginning at the junction of the Williamson Valley Rd. (County Road 5) and the Camp Wood Rd. (FR 21); westerly on the Camp Wood Rd. to the west boundary of the Prescott National Forest; north along the forest boundary to the Baca Grant; east, north and west around

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the grant to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); southerly on Williamson Valley Rd. (County Rd. 5, FR 6) to the Camp Wood Rd.

Unit 17B – Beginning at the junction of Iron Springs Rd. (County Rd. 10) and Williamson Valley Rd. (County Road 5) in Prescott; westerly on the Prescott-Skull Valley-Hillside-Bagdad Rd. to Bagdad; northeast on the Bagdad-Camp Wood Rd. (FR 21) to the Williamson Valley Rd. (County Rd. 5, FR 6); south on the Williamson Valley Rd. (County Rd. 5, FR 6) to the Iron Springs Rd.

Unit 18A – Beginning at Seligman; westerly on AZ Hwy 66 to the Hualapai Indian Reservation; southwest and west along the reservation boundary to AZ Hwy 66; southwest on AZ Hwy 66 to the Hackberry Rd.; south on the Hackberry Rd. to I-40; west along I-40 to U.S. Hwy 93; south on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeast along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); northerly on the Williamson Valley Rd. (County Rd. 5, FR 6) to Seligman and AZ Hwy 66; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 18B – Beginning at Bagdad; southeast on AZ Hwy 96 to the Santa Maria River; southwest along the Santa Maria River to U.S. Hwy 93; northerly on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeasterly along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; south along the forest boundary to the Baca Grant; east, south and west along the forest boundary; south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad Rd.; southwesterly on the Camp Wood-Bagdad Rd. to Bagdad; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 19A – Beginning at AZ Hwy 69 and AZ Hwy 89 (in Prescott); northerly on AZ Hwy 89 to the Verde River; easterly along the Verde River to I-17; southwesterly on the southbound lane of I-17 to AZ Hwy 69; northwesterly on AZ Hwy 69 to AZ Hwy 89; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe and the Yavapai-Apache Nation.

Unit 19B – Beginning at the intersection of AZ Hwy 89 and AZ Hwy 69, west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; northwest on the Iron Springs Rd. to the junction of Williamson Valley Rd. and Iron Springs Rd.; northerly on the Williamson Valley-Prescott-Seligman Rd. (FR 6, Williamson Valley Rd.) to AZ Hwy 66 at Seligman; east on Crookton Rd. (AZ Hwy 66) to I-40 (Exit 139); east on I-40 to AZ Hwy 89; south on AZ Hwy 89 to the junction with AZ Hwy 69; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20A – Beginning at the intersection of AZ Hwy 89 and AZ Hwy 69; west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; west and south on Iron Springs Rd. (County Road 10) to Kirkland; south and east on AZ Hwy 96 to Kirkland Junction (U.S. Hwy 89); southeasterly along Wagoner Rd. (County Road 60) to Wagoner (mp 17); from Wagoner easterly along County Road 60 (FR 362) to intersection of FR 52; easterly along FR 52 to intersection of FR 259; easterly along FR 259 to Crown King Rd. (County Road 59) at Crown King; continue easterly to the intersection of Antelope Creek Rd. cutoff (County Road 179S); northeasterly along Antelope Creek Rd. cutoff to intersection of Antelope Creek Rd. (County Road 179); northeasterly on Antelope Creek Rd. to Cordes; east on Bloody Basin Rd. (County Road 73) to I-17 (Exit 259); north on the southbound lane of I-17 to AZ Hwy 69; northwest on AZ Hwy 69 to junction of AZ Hwy 89 at Prescott; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20B – Beginning at the Hassayampa River and U.S. Hwy 60/93 (at Wickenburg), northeasterly along the Hassayampa River to Wagoner (County Road 60, mp 17); from Wagoner easterly along County Road 60 (FR 362) to intersection of FR 52; easterly along FR 52 to intersection of FR 259; easterly along FR 259 to Crown King Rd. (County Road 59) at Crown King; continue easterly to intersection of Antelope Creek Rd. cutoff (County Road 179S); northeasterly along Antelope Creek Rd. cutoff to intersection of Antelope Creek Rd. (County Road 179); northeasterly on Antelope Creek Rd. to Cordes; east on Bloody Basin Rd. (County Road 73) to I-17 (Exit 259); south on the southbound lane of I-17 to New River Road (Exit 232); west on New River Road to SR 74; west on AZ Hwy 74 to junction of U.S. Hwy 60/93; northwesterly on U.S. Hwy 60/93 to the Hassayampa River (at Wickenburg).

Unit 20C – Beginning at U.S. Hwy 60/93 and the Santa Maria River; northeasterly along the Santa Maria River to AZ Hwy 96; easterly on AZ Hwy 96 to Kirkland Junction (AZ Hwy 89); south along AZ Hwy 89 to Wagoner Rd.; southeasterly along Wagoner Rd. (County Road 60) to Wagoner (mp 17); from Wagoner southwesterly along the Hassayampa River to U.S. Hwy 60/93; northwesterly on U.S. Hwy 60/93 to the Santa Maria River.

Unit 21 – Beginning on I-17 at the Verde River; southerly on the southbound lane of I-17 to the New River Road (Exit 232); east on New River Road to Fig Springs Road; northeasterly on Fig Springs Road to Mingus Rd.; Mingus Rd. to the Tonto National Forest boundary; southeasterly along this boundary to the Verde River; north along the Verde River to I-17.

Unit 22 – Beginning at the junction of the Salt and Verde Rivers; north along the Verde River to the confluence with Fossil Creek; northeasterly along Fossil Creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary along the Mogollon Rim; easterly along this boundary to Tonto Creek; southerly along the east fork of Tonto Creek to the spring box, north of the Tonto Creek



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Hatchery, and continuing southerly along Tonto Creek to the Salt River; westerly along the Salt River to the Verde River; except those portions that are sovereign tribal lands of the Tonto Apache Tribe and the Fort McDowell Yavapai Nation.

Unit 23 – Beginning at the confluence of Tonto Creek and the Salt River; northerly along Tonto Creek to the spring box, north of the Tonto Creek Hatchery, on Tonto Creek; northeasterly along the east fork of Tonto Creek to the Tonto-Sitgreaves National Forest boundary along the Mogollon Rim; east along this boundary to the White Mountain Apache Indian Reservation boundary; southerly along the reservation boundary to the Salt River; westerly along the Salt River to Tonto Creek.

Unit 24A – Beginning on AZ Hwy 177 in Superior; southeasterly on AZ Hwy 177 to the Gila River; northeasterly along the Gila River to the San Carlos Indian Reservation boundary; easterly, westerly and northerly along the reservation boundary to the Salt River; southwesterly along the Salt River to AZ Hwy 288; southerly on AZ Hwys 288 and 188 to U.S. Hwy 60; southwesterly on U.S. Hwy 60 to AZ Hwy 177.

Unit 24B – Beginning on U.S. Hwy 60 in Superior; northeasterly on U.S. Hwy 60 to AZ Hwy 188; northerly on AZ Hwys 188 and 288 to the Salt River; westerly along the Salt River to the Tonto National Forest boundary near Granite Reef Dam; southeasterly along Forest boundary to Forest Route 77 (Peralta Rd.); southwesterly on Forest Route 77 (Peralta Rd.) to U.S. Hwy 60; easterly on U.S. Hwy 60 to Superior.

Unit 25M – Beginning at the junction of 51st Ave. and I-10; west on I-10 to AZ Loop 303, northeasterly on AZ Loop 303 to I-17; north on I-17 to Carefree Hwy; east on Carefree Hwy to Cave Creek Rd.; northeasterly on Cave Creek Rd. to the Tonto National Forest boundary; easterly and southerly along the Tonto National Forest boundary to Fort McDowell Yavapai Nation boundary; northeasterly along the Fort McDowell Yavapai Nation boundary to the Verde River; southerly along the Verde River to the Salt River; southwesterly along the Salt River to the Tonto National Forest boundary; southerly along the Tonto National Forest boundary to Bush Hwy/Power Rd.; southerly on Bush Hwy/Power Rd. to AZ Loop 202; easterly, southerly, and westerly on AZ Loop 202 to the intersection of Pecos Rd. at I-10; west on Pecos Rd. to the Gila River Indian Community boundary; northwesterly along the Gila River Indian Community boundary to 51st Ave; northerly on 51st Ave to I-10; except those portions that are sovereign tribal lands.

Unit 26M – Beginning at the junction of I-17 and New River Rd. (Exit 232); southwesterly on New River Rd. to AZ Hwy 74; westerly on AZ Hwy 74 to U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwesterly on the Beardsley Canal to Indian School Rd.; west on Indian School Rd. to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Rd. (Exit 112); south on Oglesby Rd. to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; northeasterly along the Gila River to the Gila River Indian Community boundary; southeasterly along the Gila River Indian Community boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne

Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to the Tohono O'odham Nation boundary; easterly along the Tohono O'odham Nation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; northwesterly on U.S. Highway 60 to Peralta Rd.; northeasterly along Peralta Rd. to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to the Salt River; northeasterly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to Mingus Rd.; Mingus Rd. to Fig Springs Rd.; southwesterly on Fig Springs Rd. to New River Rd.; west on New River Rd. to I-17 (Exit 232); except Unit 25M and those portions that are sovereign tribal lands.

Unit 27 – Beginning at the New Mexico state line and AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; north on U.S. Hwy 191 to Lower Eagle Creek Rd. (Pump Station Rd.); west on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; north along Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; northeast along Black River to the East Fork of Black River; northeast along the East Fork of Black River to Three Forks-Williams Valley-Alpine Rd. (FR 249); easterly along Three Forks-Williams Valley-Alpine Rd. to U.S. Hwy 180; southeast on U.S. Hwy 180 to the New Mexico state line; south along the New Mexico state line to AZ Hwy 78.

Unit 28 – Beginning at I-10 and the New Mexico state line; north along the state line to AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I-10 Exit 352; easterly on I-10 to the New Mexico state line.

Unit 29 – Beginning on I-10 at the New Mexico state line; westerly on I-10 to the Bowie-Apache Pass Rd.; southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeast on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Rd.; easterly on the Rucker Canyon Rd. to Tex Canyon Rd.; southerly on Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line; north along the state line to I-10.

Unit 30A – Beginning at the junction of the New Mexico state line and U.S. Hwy 80; south along the state line to the U.S.-Mexico border; west along the border to U.S. Hwy 191; northerly on U.S. Hwy 191 to I-10 Exit 331; northeasterly on I-10 to the Bowie-Apache Pass Rd.; southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeasterly on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek - Kuykendall cutoff road; southerly on the Kuykendall cutoff road to

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Rucker Canyon Rd.; easterly on Rucker Canyon Rd. to the Tex Canyon Rd.; southerly on Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line.

Unit 30B – Beginning at U.S. Hwy 191 and the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to I-10; northeasterly on I-10 to U.S. Hwy 191; southerly on U.S. Hwy 191 to the U.S.-Mexico border.

Unit 31 – Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; northerly along AZ Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I-10; southwest on I-10 to Exit 340.

Unit 32 – Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; southerly along AZ Hwy 77 to the San Pedro River; southerly along the San Pedro River to I-10; northeast on I-10 to Willcox Exit 340.

Unit 33 – Beginning at Tangerine Rd. and AZ Hwy 77; north and northeast on AZ Hwy 77 to the San Pedro River; southeast along the San Pedro River to I-10 at Benson; west on I-10 to Marsh Station Rd. (Exit 289); northwest on the Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary; then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine Rd.

Unit 34A – Beginning in Nogales at I-19 and Compound St.; northeast on Grand Avenue to AZ Hwy 82; northeast on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to the Sahuarita Rd. alignment; west along the Sahuarita Rd. alignment to I-19 Exit 75; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 34B – Beginning at AZ Hwy 83 and I-10 Exit 281; easterly on I-10 to the San Pedro River; south along the San Pedro River to AZ Hwy 82; westerly on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to I-10 Exit 281.

Unit 35A – Beginning on the U.S.-Mexico border at the San Pedro River; west along the border to Lochiel Rd.; north on Lochiel Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass

Rd.; northeasterly on the FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; northeasterly on the Elgin-Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; easterly on AZ Hwy 82 to the San Pedro River; south along the San Pedro River to the U.S.-Mexico border.

Unit 35B – Beginning at Grand Avenue Hwy 89 at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to Lochiel Rd.; north on the Lochiel Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; north on the Elgin Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; southwest on AZ Hwy 82 to Grand Avenue; southwest on Grand Avenue to the U.S.-Mexico border.

Unit 36A – Beginning at the junction of Sandario Rd. and AZ Hwy 86; southwesterly on AZ Hwy 86 to AZ Hwy 286; southerly on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; north on I-19 to the southern boundary of the San Xavier Indian Reservation boundary; westerly and northerly along the reservation boundary to the Sandario road alignment; north on Sandario Rd. to AZ Hwy 86.

Unit 36B – Beginning at I-19 and Compound St.; southeasterly on Compound St. to Sonoita Ave.; north on Sonoita Ave. to Crawford St.; southeasterly on Crawford St. to Grand Avenue in Nogales; southwest on Grand Avenue to the U.S.-Mexico border; west along the U.S.-Mexico border to AZ Hwy 286; north on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; south on I-19 to Grand Avenue.

Unit 36C – Beginning at the junction of AZ Hwy 86 and AZ Hwy 286; southerly on AZ Hwy 286 to the U.S.-Mexico border; westerly along the border to the east boundary of the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; easterly on AZ Hwy 86 to AZ Hwy 286.

Unit 37A – Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.; south on Sandario Rd. to AZ Hwy 86; southwest on AZ Hwy 86 to the Tohono O'odham Nation boundary; north, east, and west along this boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeast on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287; east on AZ Hwy 287 to AZ Hwy 79 at Florence; southeast on AZ Hwy 79 to its junction with AZ Hwy 77; south on AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 37B – Beginning at the junction of AZ Hwy 79 and AZ Hwy 77; northwest on AZ Hwy 79 to U.S. Hwy 60;

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east on U.S. Hwy 60 to AZ Hwy 177; southeast on AZ Hwy 177 to AZ Hwy 77; southeast and southwest on AZ Hwy 77 to AZ Hwy 79.

Unit 38M – Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.; south on Sandario Rd. to the San Xavier Indian Reservation boundary; south and east along the reservation boundary to I-19; south on I-19 to Sahuarita Rd. (Exit 75); east on Sahuarita Rd. to AZ Hwy 83; north on AZ Hwy 83 to I-10 (Exit 281); east on I-10 to Marsh Station Rd. (Exit 289); northwest on Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus, then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary, then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 39 – Beginning at AZ Hwy 85 and the Gila River; east along the Gila River to the western boundary of the Gila River Indian Community; southeasterly along this boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to I-8; westerly on I-8 to Exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; southerly on AZ Hwy 85 to the Gila River; except those portions that are sovereign tribal lands of the Tohono O’odham Nation and the Ak-Chin Indian Community.

Unit 40A – Beginning at Ajo; southeasterly on AZ Hwy 85 to Why; southeasterly on AZ Hwy 86 to the Tohono O’odham (Papago) Indian Reservation; northerly and easterly along the reservation boundary to the Cocklebur-Stanfield Rd.; north on the Cocklebur-Stanfield Rd. to I-8; westerly on I-8 to AZ Hwy 85; southerly on AZ Hwy 85 to Ajo.

Unit 40B – Beginning at Gila Bend; westerly on I-8 to the Colorado River; southerly along the Colorado River to the Mexican border at San Luis; southeasterly along the border to the Cabeza Prieta National Wildlife Refuge; northerly, easterly and southerly around the refuge boundary to the Mexican border; southeast along the border to the Tohono O’odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; northwesterly on AZ Hwy 86 to AZ Hwy 85; north on AZ Hwy 85 to Gila Bend; except those portions that are sovereign tribal lands of the Cocopah Tribe.

Unit 41 – Beginning at I-8 and U.S. Hwy 95 (in Yuma); easterly on I-8 to exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeast-

erly on Old Hwy 80 to Arizona Hwy 85; northerly on AZ Hwy 85 to Oglesby Rd.; north on Oglesby Rd. to I-10; westerly on I-10 to Exit 45; southerly on Vicksburg-Kofa National Wildlife Refuge Rd. to the Refuge boundary; easterly, southerly, westerly, and northerly along the boundary to the Castle Dome Rd.; southwesterly on the Castle Dome Rd. to U.S. Hwy 95; southerly on U.S. Hwy 95 to I-8.

Unit 42 – Beginning at the junction of the Beardsley Canal and U.S. Hwy 93 (AZ 89, U.S. 60); northwesterly on U.S. Hwy 93 to AZ Hwy 71; southwesterly on AZ Hwy 71 to U.S. Hwy 60; westerly on U.S. Hwy 60 to Aguila; south on the Eagle Eye Rd. to the Salome-Hassayampa Rd.; southeasterly on the Salome-Hassayampa Rd. to I-10 (Exit 81); easterly on I-10 to Jackrabbit Trail (Exit 121); north along Jackrabbit Trail to the Indian School road; east along Indian School Rd. to the Beardsley Canal; northeasterly along the Beardsley Canal to U.S. Hwy 93.

Unit 43A – Beginning at U.S. Hwy 95 and the Bill Williams River; west along the Bill Williams River to the Arizona-California state line; southerly to the south end of Cibola Lake; northerly and easterly on the Cibola Lake Rd. to U.S. Hwy 95; south on U.S. Hwy 95 to the Stone Cabin-King Valley Rd. (King Rd.); east along the Stone Cabin-King Valley Rd. (King Rd.) to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the Crystal Hill Rd. (Blevens Rd.); northwesterly on the Crystal Hill Rd. (Blevens Rd.) to U.S. Hwy 95; northerly on U.S. Hwy 95 to the Bill Williams River; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 43B – Beginning at the south end of Cibola Lake; southerly along the Arizona-California state line to I-8; southeasterly on I-8 to U.S. Hwy 95; easterly and northerly on U.S. Hwy 95 to the Castle Dome road; northeast on the Castle Dome Rd. to the Kofa National Wildlife Refuge boundary; north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); west along the Stone Cabin-King Valley Rd. (King Rd.) to U.S. Hwy 95; north on U.S. Hwy 95 to the Cibola Lake Rd.; west and south on the Cibola Lake Rd. to the south end of Cibola Lake; except those portions that are sovereign tribal lands of the Quechan Tribe.

Unit 44A – Beginning at U.S. Hwy 95 and the Bill Williams River; south along U.S. Hwy 95 to AZ Hwy 72; southeasterly on AZ Hwy 72 to Vicksburg; south on the Vicksburg-Kofa National Wildlife Refuge Rd. to I-10; easterly on I-10 to the Salome-Hassayampa Rd. (Exit 81); northwesterly on the Salome-Hassayampa Rd. to Eagle Eye Rd.; northeasterly on Eagle Eye Rd. to Aguila; east on U.S. Hwy 60 to AZ Hwy 71; northeasterly on AZ Hwy 71 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River; westerly along the Santa Maria and Bill Williams rivers to U.S. Hwy 95; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 44B – Beginning at Quartzsite; south on U.S. Hwy 95 to the Crystal Hill Rd. (Blevens Rd.); east on the Crystal Hill Rd. (Blevens Rd.) to the Kofa National Wildlife Refuge; north and east along the refuge boundary to the Vicksburg-Kofa National Wildlife Refuge Rd.; north on

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the Vicksburg-Kofa National Wildlife Refuge Rd. to AZ Hwy 72; northwest on AZ Hwy 72 to U.S. Hwy 95; south on U.S. Hwy 95 to Quartzsite.

Unit 45A – Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary; east on the Stone Cabin-King Valley Rd. (King Rd.) to O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north boundary of the Kofa National Wildlife Refuge; west and south on the boundary line to Stone Cabin-King Valley Rd. (King Rd.).

Unit 45B – Beginning at O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north Kofa National Wildlife Refuge boundary; east to the east refuge boundary; south and west along the Kofa National Wildlife Refuge boundary to the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E); north and west on the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E) to O-O Junction.

Unit 45C – Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge; south, east, and north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); north and west on the Stone Cabin-King Valley Rd. (King Rd.) to the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary.

Unit 46A – That portion of the Cabeza Prieta National Wildlife Refuge east of the Yuma-Pima County line.

Unit 46B – That portion of the Cabeza Prieta National Wildlife Refuge west of the Yuma-Pima County line.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective March 5, 1976 (Supp. 76-2). Amended effective May 17, 1977 (Supp. 77-3). Amended effective September 7, 1978 (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-10 renumbered as Section R12-4-108 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective February 4, 1993 (Supp. 93-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 865, effective July 1, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-109. Approved Trapping Education Course Fee**

Under A.R.S. § 17-333.02(A), the provider of an approved educational course of instruction in responsible trapping and environmental ethics may collect a fee from each participant that:

1. Is reasonable and commensurate for the course, and
2. Does not exceed \$25.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Editorial correction paragraph (14) (Supp. 78-5). Former Section R12-4-11 renumbered as Section R12-4-109 without change effective August 13, 1981 (Supp. 81-4). Amended by adding paragraphs (2) and (3) and renumbering former paragraphs (2) through (17) as paragraphs (4) through (19) effective May 12, 1982 (Supp. 82-3). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Section repealed by final rulemaking at 6 A.A.R. 211, effective May 1, 2000 (Supp. 99-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-110. Posting and Access to State Land**

A. For the purpose of this Section:

“Corrals,” “feed lots,” or “holding pens” mean completely fenced areas used to contain livestock for purposes other than grazing.

“Existing road” means any maintained or unmaintained road, way, highway, trail, or path that has been used for motorized vehicular travel, and clearly shows or has a history of established vehicle use, and is not currently closed by the Commission.

“State lands” means all land owned or held in trust by the state that is managed by the State Land Department and lands that are owned or managed by the Game and Fish Commission.

B. In addition to the prohibition against posting proscribed under A.R.S. § 17-304, a person shall not lock a gate, construct a fence, place an obstacle, or otherwise commit an act that denies legally available access to or use of any existing road upon state lands by persons lawfully taking or retrieving wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing.

1. A person in violation of this Section shall take immediate corrective action to remove any lock, fence, or other obstacle unlawfully preventing access to state lands.
2. If immediate corrective action is not taken, a representative of the Department may remove any unlawful posting and remove any lock, fence, or other obstacle that unlawfully prevents access to state lands.
3. In addition, the Department may take appropriate legal action to recover expenses incurred in the removal of any unlawful posting or obstacle that prevented access to state land.

C. The provisions of this Section do not allow any person to trespass upon private land to gain access to any state land.

D. A person may post state lands as closed to hunting, fishing, or trapping without further action by the Commission when the state land is within one-quarter mile of any:

1. Occupied residence, cabin, lodge, or other building; or
2. Corrals, feed lots, or holding pens containing concentrations of livestock other than for grazing purposes.
3. Subsection (D) does not authorize any person to deny lawful access to state land in any way.

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- E.** The Commission may grant permission to lock, tear down, or remove a gate or close a road or trail that provides legally available access to state lands for persons lawfully taking wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing if access to such lands is provided by a reasonable alternate route.
- Under R12-4-610, the Director may grant a permit to a state land lessee to temporarily lock a gate or close an existing road that provides access to state lands if the taking of wildlife will cause unreasonable interference during a critical livestock or commercial operation. This permit shall not exceed 30 days.
  - Applications for permits for more than 30 days shall be submitted to the Commission for approval.
  - If a permit is issued to temporarily close a road or gate, a copy of the permit shall be posted at the point of the closure during the period of the closure.
- F.** A person may post state lands other than those referenced under subsection (D) as closed to hunting, fishing, or trapping, provided the person has obtained a permit from the Commission authorizing the closure. A person possessing a permit authorizing the closure of state lands shall post signs in compliance with A.R.S. 17-304(C). The Commission may permit the closure of state land when it is necessary:
- Because the taking of wildlife constitutes an unusual hazard to permitted users;
  - To prevent unreasonable destruction of plant life or habitat; or
  - For proper resource conservation, use, or protection, including but not limited to high fire danger, excessive interference with mineral development, developed agricultural land, or timber or livestock operations.
- G.** A person shall submit an application for posting state land to prohibit hunting, fishing, or trapping under subsection (F), or to close an existing road under subsection (E), as required under R12-4-610. If an application to close state land to hunting, fishing, or trapping is made by a person other than the state land lessee, the Department shall provide notice to the lessee and the State Land Commissioner before the Commission considers the application. The state land lessee or the State Land Commissioner shall file any objections with the Department, in writing, within 30 days after receipt of notice, after which the matter shall be submitted to the Commission for determination.
- H.** A person may use a vehicle on or off a road to pick up lawfully taken big game.
- I.** The closing of state land to hunting, fishing, or trapping shall not restrict any other permitted use of the land.
- J.** State trust land may be posted with signs that read "State Land No Trespassing," but such posting shall not prohibit access to such land by any person lawfully taking or retrieving wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing.
- K.** When hunting, fishing, or trapping on state land, a license holder shall not:
- Break or remove any lock or cut any fence to gain access to state land;
  - Open and not immediately close a gate;
  - Intentionally or wantonly destroy, deface, injure, remove, or disturb any building, sign, equipment, marker, or other property;
  - Harvest or remove any vegetative or mineral resources or object of archaeological, historic, or scientific interest;
  - Appropriate, mutilate, deface, or destroy any natural feature, object of natural beauty, antiquity, or other public or private property;
  - Dig, remove, or destroy any tree or shrub;
  - Gather or collect renewable or non-renewable resources for the purpose of sale or barter unless specifically permitted or authorized by law;
  - Frighten or chase domestic livestock or wildlife, or endanger the lives or safety of others when using a motorized vehicle or other means; or
  - Operate a motor vehicle off road or on any road closed to the public by the Commission or landowner, except to retrieve a lawfully taken big game.

**Historical Note**

Adopted effective June 1, 1977 (Supp. 77-3). Editorial correction subsection (F) (Supp. 78-5). Former Section R12-4-13 renumbered as Section R12-4-110 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-111. Repealed****Historical Note**

Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-05 renumbered as Section R12-4-111 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-111 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). New Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Repealed by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

**R12-4-112. Diseased, Injured, or Chemically-immobilized Wildlife**

- A.** A person who lawfully takes and possesses wildlife believed to be diseased, injured, or chemically-immobilized may request an inspection of the wildlife carcass provided:
- The wildlife was lawfully taken and possessed under a valid hunt permit- or nonpermit-tag, and
  - The person who took the wildlife did not create the condition.
- B.** The Department, after inspection, may condemn the carcass if it is determined the wildlife is unfit for human consumption. The Department shall condemn chemically-immobilized wildlife only when the wildlife was taken during the immobilizing drug's established withdrawal period.
- C.** The person shall surrender the entire condemned wildlife carcass and any parts thereof to the Department.
- Upon surrender of the condemned wildlife, the Department shall provide to the person written authorization allowing the person to purchase a duplicate hunt permit- or nonpermit-tag.
  - The person may purchase a duplicate tag from any Department office or license dealer where the permit-tag is available.

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- D. If the duplicate tag is issued by a license dealer, the license dealer shall forward the written authorization to the Department with the report required under R12-4-105(K).

**Historical Note**

Former Section R12-4-04 renumbered as Section R12-4-112 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-113. Small Game Depredation Permit**

- A. The Department shall issue a small game depredation permit authorizing the take of small game and the allowable methods of take only after the Department has determined all other remedies prescribed under A.R.S. § 17-239(A), (B), and (C) have been exhausted and the take of the small game is necessary to alleviate the property damage. A small game depredation permit is:
1. A complimentary permit.
  2. Not valid for the take of migratory birds unless the permit holder:
    - a. Obtains and possesses a federal special purpose permit under 50 CFR 21.41, revised October 1, 2014, which is incorporated by reference; or
    - b. Is exempt from permitting requirements under 50 CFR 21.43, revised October 1, 2014, which is incorporated by reference.
    - c. For subsections (A)(2)(a) and (b), the incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or it may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.
- B. A person desiring a small game depredation permit shall submit to the Department an application requesting the permit. The application form is furnished by the Department and is available at any Department office and on the Department's website. The person shall provide all of the following information on the form:
1. Full name or, when submitted by a municipality, the name of the agency and agency contact;
  2. Mailing address;
  3. Telephone number or, when submitted by a municipality, agency contact number;
  4. E-mail address, when available, or, when submitted by a municipality, agency contact e-mail address;
  5. Description of property damage suffered;
  6. Species of wildlife causing the property damage; and
  7. Area the permit would be valid for.
- C. Within 30 days of completion of the activities authorized by the small game depredation permit, the permit holder shall submit a report to the Department providing all of the following:
1. The number of individuals removed;
  2. The location the individuals were removed from;
  3. The date of the removal; and
  4. The method of removal.

**Historical Note**

Adopted effective August 5, 1976 (Supp. 76-4). Former Section R12-4-12 renumbered as Section R12-4-113

without change effective August 13, 1981 (Supp. 81-4). Amended as an emergency effective September 20, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-5). Amended effective May 5, 1986 (Supp. 86-3). Section R12-4-113 repealed, new Section R12-4-113 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags**

- A. The Department provides numbered tags for sale to the public. The Department shall ensure each tag:
1. Includes a transportation and shipping permit as prescribed under A.R.S. §§ 17-332 and 17-371, and
  2. Clearly identifies the wildlife for which the tag is valid.
- B. If the Commission establishes a big game season for which a hunt number is not assigned, the Department or its authorized agent, or both, shall sell nonpermit-tags.
1. A person purchasing a nonpermit-tag shall provide all of the following information to a Department office or license dealer at the time of purchase; the applicant's:
    - a. Name,
    - b. Mailing address, and
    - c. Department identification number.
  2. An applicant shall not obtain nonpermit-tags in excess of the bag limit established by Commission Order when it established the season for which the nonpermit-tags are valid.
- C. If the number of hunt permits for a species in a particular hunt area must be limited, a Commission Order establishes a hunt number for that hunt area and a hunt permit-tag is required to take the species in that hunt area.
1. A person applying for a hunt permit-tag shall submit an application as described under R12-4-104.
  2. The Department shall determine whether a hunt permit-tag will be issued to an applicant as follows:
    - a. The Department shall reserve a maximum of 20% of the hunt permit-tags for each hunt number, except as established under subsection (C)(2)(b), for bear, deer, elk, javelina, pronghorn, Sandhill crane, and turkey and reserve a maximum of 20% of the hunt permit-tags for all hunt numbers combined statewide for bighorn sheep and bison to issue to persons who have bonus points and shall issue the hunt permit-tags as established under subsection (C)(2)(c).
    - b. For bear, deer, elk, javelina, pronghorn, Sandhill crane, and turkey, the Department shall reserve one hunt permit-tag for any hunt number with fewer than five, but more than one, hunt permit-tags and shall issue the tag as established under subsection (C)(2)(c). When this occurs, the Department shall adjust the number of available hunt permit-tags in order to ensure the total number of hunt permit-tags available does not exceed the 20% maximum specified in subsection (C)(2)(a).
    - c. The Department shall issue the reserved hunt permit-tags for hunt numbers that eligible applicants designate as their first or second choices. The Department shall issue the reserved hunt permit-tags by random selection:

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- i. First, to eligible applicants with the highest number of bonus points for that genus;
    - ii. Next, if there are reserved hunt permit-tags remaining, to eligible applicants with the next highest number of bonus points for that genus; and
    - iii. If there are still tags remaining, to the next eligible applicants with the next highest number of bonus points; continuing in the same manner until all of the reserved tags have been issued or until there are no more applicants for that hunt number who have bonus points.
  - d. The Department shall ensure that all unreserved hunt permit-tags are issued by random selection:
    - i. First, to hunt numbers designated by eligible applicants as their first or second choices; and
    - ii. Next, to hunt numbers designated by eligible applicants as their third, fourth, or fifth choices.
  - e. Before each of the three passes listed under (C)(2)(c)(i), (ii), and (iii), each application is processed through the Department's random number generator program. A random number is assigned to each application; an additional random number is assigned to each application for each group bonus point, including the Education and Loyalty bonus points. Only the lowest random number generated for an application is used in the computer draw process. A new random number is generated for each application for each pass of the computer draw.
  - f. If the bag limit is more than one per calendar year, or if there are unissued hunt permit-tags remaining after the random computer draw, the Department shall ensure these hunt permit-tags are available on a first-come, first-served basis as specified in the annual hunt permit-tag application schedule.
- D. A person may purchase hunt permit-tags equal to the bag limit for a genus.
  - 1. A person shall not exceed the established bag limit for that genus.
  - 2. A person shall not apply for any additional hunt-permit-tags if the person has reached the bag limit for that genus during the same calendar year.
  - 3. A person who surrenders a tag in compliance with R12-4-118 is eligible to apply for another hunt permit-tag for the same genus during the same calendar year, provided the person has not reached the bag limit for that genus.
- E. The Department shall make available to nonresidents:
  - 1. For bighorn sheep and bison, no more than one hunt permit-tag or 10% of the total hunt permit-tags, whichever is greater, for bighorn sheep or bison in any computer draw. The Department shall not make available more than 50% nor more than two bighorn sheep or bison hunt permit-tags of the total in any hunt number.
  - 2. For antlered deer, bull elk, pronghorn, Sandhill crane, or turkey, no more than 10%, rounded down to the next lowest number, of the total hunt permit-tags in any hunt number. If a hunt number for antlered deer, bull elk, pronghorn, Sandhill crane, or turkey has 10 or fewer hunt permit-tags, no more than one hunt permit-tag will be made available unless the hunt number has only one hunt permit-tag, then that tag shall only be available to a resident.
- F. The Commission may, at a public meeting, increase the number of hunt permit-tags issued to nonresidents in a computer draw when necessary to meet management objectives.
- G. The Department shall not issue under subsection (C)(2)(c), more than half of the hunt permit-tags made available to nonresidents under subsection (E).
- H. A nonresident cap established under this Section applies to:
  - 1. Hunt permit-tags issued by computer draw under subsections (C)(2)(c) and (d), and
  - 2. Archery deer nonpermit-tags.
    - a. The number of archery deer nonpermit-tags made available to nonresidents shall be set annually at 10% of the average total archery deer nonpermit-tag sales for the preceding five years, rounded down to the nearest increment of five.
    - b. The Commission, through the nonpermit-tag first-come schedule published by the Department, shall designate the manner and method of purchasing a nonresident archery deer nonpermit-tag, which may require an applicant to apply online only.
    - c. If the Commission requires applicants to use the online method, the Department shall accept paper applications only in the event of a Department systems failure. The Director has the authority to extend the nonpermit-tag first-come schedule if a problem occurs that prevents the public from purchasing a nonpermit-tag within the deadlines set by the Commission.

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 1183, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final exempt rulemaking at 28 A.A.R. 3360 (October 21, 2022), effective November 26, 2022 (Supp. 22-3).

**R12-4-115. Restricted Nonpermit-Tags; Supplemental Hunts and Hunter Pool**

- A. For the purposes of this Section, the following definitions apply:

"Companion tag" means a restricted nonpermit-tag valid for a supplemental hunt prescribed by Commission Order that exactly matches the season dates and open areas of another big game hunt, for which a hunt number is assigned and hunt permit-tags are issued through the computer draw.

"Emergency season" means a season established for reasons constituting an immediate threat to the health, safety or management of wildlife or its habitat, or public health or safety.

"Management objectives" means goals, recommendations, or guidelines contained in Department or Commis-

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sion-approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations.

“Hunter pool” means all persons who have submitted an application for a supplemental hunt.

“Restricted nonpermit-tag” means a permit limited to a season for a supplemental hunt established by the Commission for the following purposes:

Take of depredating wildlife as authorized under A.R.S. § 17-239;

Take of wildlife under an Emergency Season; or

Take of wildlife under a population management hunt if the Commission has prescribed nonpermit-tags by Commission Order for the purpose of meeting management objectives because regular seasons are not, have not been, or will not be sufficient or effective to achieve management objectives.

- B. The Commission shall, by Commission Order, open a season or seasons and prescribe a maximum number of restricted nonpermit-tags to be made available under this Section.
- C. The Department shall implement a population management hunt under the open season or seasons established under subsection (B) if the Department determines the:
  - 1. Regular seasons have not met or will not meet management objectives;
  - 2. Take of wildlife is necessary to meet management objectives; and
  - 3. Issuance of a specific number of restricted nonpermit-tags is likely to meet management objectives.
- D. To implement a population management hunt established by Commission Order, the Department shall:
  - 1. Select season dates, within the range of dates listed in the Commission Order;
  - 2. Select specific hunt areas, within the range of hunt areas listed in the Commission Order;
  - 3. Select the legal wildlife that may be taken from the list of legal wildlife identified in the Commission Order;
  - 4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags authorized in the Commission Order.
    - a. The Department shall not issue more restricted nonpermit-tags than the maximum number prescribed by Commission Order.
    - b. A restricted nonpermit-tag is valid only for the supplemental hunt for which it is issued.
- E. The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to a supplemental hunt.
- F. If the Department anticipates the normal fee structure will not generate adequate participation, then the Department may reduce restricted nonpermit-tag fees up to 75%, as authorized under A.R.S. § 17-239(D).
- G. A supplemental hunt application submitted in accordance with this Section does not invalidate any other application submitted by the person for a hunt permit-tag.
  - 1. The Department shall not accept a group application, as defined under R12-4-104, for a restricted nonpermit-tag.
  - 2. An applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit established by Commission Order.
- 3. The issuance of a restricted nonpermit-tag does not authorize a person to exceed the bag limit established by Commission Order.
- H. To participate in a supplemental hunt, a person shall:
  - 1. Obtain a restricted nonpermit-tag as prescribed under this Section, and
  - 2. Possess a valid hunting license. If the applicant does not possess a valid license or the license will expire before the supplemental hunt, the applicant shall purchase an appropriate license.
- I. The Department or its authorized agent shall maintain a hunter pool for supplemental hunts other than companion tag hunts.
  - 1. The Department shall purge and renew the hunter pool on an annual basis.
  - 2. An applicant for a restricted nonpermit-tag under this subsection shall submit a hunt permit-tag application to the Department for each desired species. The application is available at any Department office, an authorized agent, or on the Department’s website. The applicant shall provide all of the following information on the application:
    - a. The applicant’s:
      - i. Name;
      - ii. Department identification number, when applicable;
      - iii. Mailing address;
      - iv. Number of years of residency immediately preceding application;
      - v. Date of birth;
      - vi. Social Security Number, as required under A.R.S. §§ 25-320(P) and 25-502(K); and
      - vii. Daytime and evening telephone numbers,
    - b. The species that the applicant would like to hunt, if selected, and
    - c. The applicant’s hunting license number.
  - 3. In addition to the requirements established under subsection (I)(2), at the time of application the applicant shall submit the application fee required under R12-4-102. A separate application and application fee is required for each species the applicant submits an application for.
  - 4. When issuing a restricted nonpermit-tag, the Department or its authorized agent shall randomly select applicants from the hunter pool.
    - a. The Department or its authorized agent shall attempt to contact each randomly-selected applicant at least three times within a 24-hour period.
    - b. If an applicant cannot be contacted or is unable to participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application.
    - c. In compliance with subsection (D)(4), the Department or its authorized agent shall select no more applications after the number of restricted nonpermit-tags establish by Commission Order are issued.
  - 5. The Department shall reserve a restricted nonpermit-tag for an applicant only for the period specified by the Department when contact is made with the applicant. If an applicant fails to purchase the nonpermit-tag within the specified period, the Department or its authorized agent shall:
    - a. Remove the person’s application from the hunter pool, and



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- b. Offer that restricted nonpermit-tag to another person whose application is drawn from the hunter pool as established under this Section.
- 6. A person who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the person participated. A hunter pool applicant who is selected and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:
  - a. The fee for the tag as established under R12-4-102 or subsection (F) if the fee has been reduced, and
  - b. The applicant's hunting license number. The applicant shall possess an appropriate license that is valid at the time of the supplemental hunt. The applicant shall purchase a license at the time of application when:
    - i. The applicant does not possess a valid license, or
    - ii. The applicant's license will expire before the supplemental hunt.
- 7. A person who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until the hunter pool is renewed.
- J. The Department shall only make a companion tag available to a person who possesses a matching hunt permit-tag and not a person from the hunter pool. Authorization to issue a companion tag occurs when the Commission establishes a hunt in Commission Order under subsection (B).
  - 1. The requirements of subsection (D) are not applicable to a companion tag issued under this subsection.
  - 2. To obtain a companion tag under this subsection, an applicant shall submit a hunt permit-tag application to the Department. The application is available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application, the applicant's:
    - a. Name,
    - b. Mailing address,
    - c. Department identification number, and
    - d. Hunt permit-tag number, to include the hunt number and permit number, corresponding with the season dates and open areas of the supplemental hunt.
  - 3. In addition to the requirements established under subsection (J)(2), at the time of application the applicant shall:
    - a. Provide verification that the applicant lawfully obtained the hunt permit-tag for the hunt described under this subsection by presenting the hunt permit-tag to a Department office for verification, and
    - b. Submit all applicable fees required under R12-4-102.

**Historical Note**

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered as Section R12-4-607 without change effective December 22, 1987 (Supp. 87-4). New Section R12-4-115 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177,

effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-116. Issuance of Limited-Entry Permit-tag**

- A. For the purposes of this Section, limited-entry permit-tags may be for terrestrial or aquatic species, or specific areas for terrestrial or aquatic species.
- B. The Commission may, by Commission Order, open a limited-entry season or seasons and prescribe a maximum number of limited-entry permit-tags to be made available under this Section.
- C. The Department may implement limited-entry permit-tags under the open season or seasons established in subsection (B) if the Department determines:
  - 1. A season for a specific terrestrial or aquatic wildlife species, or specific area of the state, is in high demand;
  - 2. Issuance of a specific number of limited-entry permit-tags will not adversely affect management objectives for a species or area;
  - 3. Surrendered hunt permit-tags, already approved by Commission Order, are available from hunts with high demand.
- D. To implement a limited-entry season established by Commission Order, the Department shall:
  - 1. Select season dates, within the range of dates listed in the Commission Order;
  - 2. Select specific areas, within the range of areas listed in the Commission Order;
  - 3. Select the legal wildlife that may be taken from the list of legal wildlife identified in the Commission Order;
  - 4. Determine the number of limited-entry permit-tags that will be issued from the maximum number authorized in the Commission Order.
    - a. The Department shall not issue more limited-entry permit-tags than the maximum number prescribed by Commission Order.
    - b. A limited-entry permit-tag is valid only for the limited-entry season for which it is issued.
- E. The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to limited-entry seasons.
- F. A limited-entry permit-tag application submitted in accordance with this Section does not invalidate any other application submitted by the person for a hunt permit-tag.
- G. The Department shall not accept a group application, as defined under R12-4-104, for a limited-entry season.
- H. To participate in a limited-entry season, a person shall:
  - 1. Obtain a limited-entry permit-tag as prescribed under this Section, and
  - 2. Possess a valid hunting, fishing or combination license at the time the limited-entry permit-tag is awarded. If the applicant does not possess a valid license or the license will expire before the limited-entry season, the applicant shall purchase an appropriate license. A valid hunting, fishing or combination license is not required at the time of application.
- I. A limited-entry permit-tag is valid only for the person named on the permit-tag, for the season dates on the permit-tag, and the species for which the permit-tag is issued.
  - 1. Possession of a limited-entry permit-tag shall not invalidate any other hunt permit-tag for that species.

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2. Big game taken under the authority of this limited-entry permit-tag shall not count towards the established bag limit for that species.
- J. The Department shall maintain the applications submitted for limited-entry permit-tags.
  1. An applicant for a limited-entry season under this subsection shall submit a limited-entry permit-tag application to the Department for each limited-entry season established. The application is available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application:
    - a. The applicant's personal information:
      - i. Name,
      - ii. Date of birth,
      - iii. Social security number, as required under A.R.S. §§ 25-320(P) and 25-502(K), when applicable;
      - iv. Department identification number, when applicable;
      - v. Residency status and number of years of residency immediately preceding application, when applicable;
      - vi. Mailing address, when applicable;
      - vii. Physical address;
      - viii. Telephone number, when available; and
      - ix. Email address, when available;
    - b. The limited-entry season the applicant would like to participate in, and
    - c. Certify the information provided on the application is true and accurate.
  2. In addition to the requirements established under subsection (J)(1), at the time of application the applicant shall submit the application fee required under R12-4-102. A separate application and application fee are required for each limited-entry season an applicant submits an application.
  3. When issuing a limited-entry permit-tag for a terrestrial or aquatic wildlife species, the Department shall randomly select applicants for each designated limited-entry season.
  4. When issuing a limited-entry permit-tag for a particular water, the Department shall randomly select applicants for each date limited-entry permit-tags are available until no more are available for that date.
  5. In compliance with subsection (D)(4), the Department shall select no more applications after the number of limited-entry permits established by Commission Order are issued.

**Historical Note**

Adopted effective January 10, 1979 (Supp. 79-1). Former Section R12-4-15 renumbered as Section R12-4-116 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 18, 1985 (Supp. 85-6). Section R12-4-116 repealed, new Section R12-4-116 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). R12-4-116 renumbered to R12-4-126; new Section R12-4-116 made by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-117. Indian Reservations**

A state license, permit, or tag is not required to hunt or fish on any Indian reservation in this State. Wildlife lawfully taken on an Indian reservation may be transported or processed anywhere in the State if it can be identified as to species and legality as provided in A.R.S. § 17-309(A)(19). All wildlife transported anywhere in this State is subject to inspection under the provisions of A.R.S. § 17-211(E)(4).

**Historical Note**

Former Section R12-4-02 renumbered as Section R12-4-117 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-117 repealed, new Section R12-4-117 adopted effective April 10, 1984 (Supp. 84-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-118. Hunt Permit-tag Surrender**

- A. The Commission authorizes the Department to implement a tag surrender program if the Director finds:
  1. The Department has the administrative capacity to implement the program;
  2. There is public interest in such a program; or
  3. The tag surrender program is likely to meet the Department's revenue objectives.
- B. The tag surrender program is limited to a person who has a valid and active membership in a Department membership program.
  1. The Department may establish a membership program that offers a person various products and services.
  2. The Department may establish different membership levels based on the type of products and services offered and set prices for each level.
    - a. The lowest membership level may include the option to surrender one hunt permit-tag during the membership period.
    - b. A higher membership level may include the option to surrender more than one hunt permit-tag during the membership period.
  3. The Department may establish terms and conditions for the membership program in addition to the following:
    - a. Products and services to be included with each membership level.
    - b. Membership enrollment is available online only and requires a person to create a portal account.
    - c. Membership is not transferable.
    - d. No refund shall be made for the purchase of a membership, unless an internal processing error resulted in the collection of erroneous fees.
- C. The tag surrender program is restricted to the surrender of an original, unused hunt permit-tag obtained through a computer draw.
  1. A person must have a valid and active membership in the Department's membership program with at least one unredeemed tag surrender that was valid:
    - a. On the application deadline date for the computer draw in which the hunt permit-tag being surrendered was drawn, and
    - b. At the time of tag surrender.
  2. A person who chooses to surrender an original, unused hunt permit-tag shall do so prior to the close of business the day before the hunt begins for which the tag is valid.

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3. A person may surrender an unused hunt permit-tag for a specific species only once before any bonus points accrued for that species must be expended.
- D.** A person who wants to surrender an original, unused hunt permit-tag or an authorized nonprofit organization that wants to return a donated original, unused hunt permit-tag shall comply with all of the following conditions:
1. Submit a completed application form to any Department office. The application form is available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application form:
    - a. The applicant's:
      - i. Name,
      - ii. Mailing address,
      - iii. Department identification number,
      - iv. Membership number,
    - b. Applicable hunt number,
    - c. Applicable hunt permit-tag number, and
    - d. Any other information required by the Department.
  2. A person shall surrender the original, unused hunt permit-tag as required under subsection (C) in the manner described by the Department as indicated on the application form.
- E.** Upon receipt of an original, unused hunt permit-tag surrendered in compliance with this Section, the Department shall:
1. Restore the person's bonus points that were expended for the surrendered tag, and
  2. Award the bonus point the person would have accrued had the person been unsuccessful in the computer draw for the surrendered tag.
  3. Not refund any fees the person paid for the surrendered tag, as prohibited under A.R.S. § 17-332(F).
- F.** The Department may, at its sole discretion, re-issue or destroy the surrendered original, unused hunt permit-tag. When re-issuing a tag, the Department may use any of the following methods in no order of preference:
1. Re-issuing the surrendered tag, beginning with the highest membership level in the Department's membership program, to a person who has a valid and active membership in that membership level and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;
  2. Re-issuing the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program with a tag surrender option and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;
  3. Re-issuing the surrendered tag to an eligible person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process; or
  4. Offering the surrendered tag through the first-come, first-served process.
- G.** For subsections (F)(1), (2), and (3); if the Department cannot contact a person qualified to receive a tag or the person declines to purchase the surrendered tag, the Department shall make a reasonable attempt to contact and offer the surrendered tag to the next person qualified to receive a tag for that hunt number based on the assigned random number during the Department's computer draw process. This process will continue until the surrendered tag is either purchased or the number of persons qualified is exhausted. For the purposes of subsections (G) and (H), the term "qualified" means a person who satisfies the conditions for re-issuing a surrendered tag as provided under the selected re-issuing method.
- H.** When the re-issuance of a surrendered tag involves a group application and one or more members of the group is qualified under the particular method for re-issuing the surrendered tag, the Department shall offer the surrendered tag first to the applicant designated "A" if qualified to receive a surrendered tag.
1. If applicant "A" chooses not to purchase the surrendered tag or is not qualified, the Department shall offer the surrendered tag to the applicant designated "B" if qualified to receive a surrendered tag.
  2. This process shall continue with applicants "C" and then "D" until the surrendered tag is either purchased or all qualified members of the group application choose not to purchase the surrendered tag.
- I.** A person who receives a surrendered tag shall submit the applicable tag fee as established under R12-4-102 and provide their valid hunting license number.
1. A person receiving the surrendered tag as established under subsections (F)(1), (2), and (3) shall expend all bonus points accrued for that genus, except any accrued Education and loyalty bonus points.
  2. The applicant shall possess a valid hunting license at the time of purchasing the surrendered tag and at the time of the hunt for which the surrendered tag is valid. If the person does not possess a valid license at the time the surrendered tag is offered, the applicant shall purchase a license in compliance with R12-4-104.
  3. The issuance of a surrendered tag does not authorize a person to exceed the bag limit established by Commission Order.
  4. It is unlawful for a person to purchase a surrendered tag when the person has reached the bag limit for that genus during the same calendar year.
- J.** A person is not eligible to petition the Commission under R12-4-611 for reinstatement of any expended bonus points, except as authorized under R12-4-102.02(E).
- K.** For the purposes of this Section and R12-4-121, "valid and active membership" means a paid and unexpired membership in any level of the Department's membership program.

**Historical Note**

Adopted effective April 8, 1983 (Supp. 83-2). Section R12-4-118 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). New Section made by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 29 A.A.R. 2196 (September 22, 2023), with an immediate effective date of September 1, 2023 (Supp. 23-3).

**R12-4-119. Arizona Game and Fish Department Reserve**

- A.** The Commission shall establish an Arizona Game and Fish Department Reserve under A.R.S. § 17-214, consisting of commissioned reserve officers and noncommissioned reserve volunteers.
- B.** Commissioned reserve officers shall:
1. Meet and maintain the minimum qualifications and training requirements necessary for peace officer certification

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by the Arizona Peace Officer Standards and Training Board as prescribed under 13 A.A.C. 4, and

2. Assist with wildlife enforcement patrols, boating enforcement patrols, off-highway vehicle enforcement patrols, special investigations, and other enforcement and related non-enforcement duties as the Director designates.
- C. Noncommissioned reserve volunteers shall:
1. Meet qualifications that the Director determines are related to the services to be performed by the volunteer and the success or safety of the program mission, and
  2. Perform any non-enforcement duties designated by the Director for the purposes of conservation and education to maximize paid staff time.

**Historical Note**

Adopted effective September 29, 1983 (Supp. 83-5). Section R12-4-119 repealed, new Section R12-4-119 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-120. Issuance, Sale, and Transfer of Special Big Game License-tags**

- A. An incorporated nonprofit organization that is tax exempt under Section 501(c) seeking special big game license-tags as authorized under A.R.S. § 17-346 shall submit a proposal to the Director of the Arizona Game and Fish Department from March 1 through May 31 preceding the year when the tags may be legally used. The proposal shall include all of the following information for each member of the organization coordinating the proposal:
1. The name of the organization making the proposal and the:
    - a. Name;
    - b. Mailing address;
    - c. E-mail address, when available; and
    - d. Telephone number;
  2. Organization's previous involvement with wildlife management;
  3. Organization's conservation objectives;
  4. Number of special big game license-tags and the species requested;
  5. Purpose to be served by the issuance of these tags;
  6. Method or methods by which the tags will be marketed and sold;
  7. Proposed fund raising plan;
  8. Estimated amount of money to be raised and the rationale for that estimate;
  9. Any special needs or particulars relevant to the marketing of the tags;
  10. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department;
  11. Statement that the person or organization submitting the proposal agrees to the conditions established under A.R.S. § 17-346 and this Section;
  12. Printed name and signature of the president and secretary-treasurer of the organization or their equivalent; and
  13. Date of signing.
- B. The Director shall return to the organization any proposal that does not comply with the requirements established under A.R.S. § 17-346 and this Section. Because proposals are reviewed for compliance after the May 31 deadline, an organization that receives a returned proposal cannot resubmit a corrected proposal, but may submit a proposal that complies with the requirements established under A.R.S. § 17-346 and this Section the following year.
- C. The Director shall submit all timely and valid proposals to the Commission for consideration.
1. In selecting an organization, the Commission shall consider the:
    - a. Written proposal;
    - b. Proposed uses for tag proceeds;
    - c. Qualifications of the organization as a fund raiser;
    - d. Proposed fund raising plan;
    - e. Organization's previous involvement with wildlife management; and
    - f. Organization's conservation objectives.
  2. The Commission may accept any proposal in whole or in part and may reject any proposal if it is in the best interest of wildlife to do so.
  3. Commission approval and issuance of any special big game license-tag is contingent upon compliance with this Section.
- D. A successful organization shall agree in writing to all of the following:
1. To underwrite all promotional and administrative costs to sell and transfer each special big game license-tag;
  2. To transfer all proceeds to the Department within 90 days of the date that the organization sells or awards the tag;
  3. To sell and transfer each special big game license-tag as described in the proposal; and
  4. To provide the Department with the name, address, and physical description of each person to whom a special big game license-tag is to be issued within 60 days of the sale.
- E. The Department and the successful organization shall coordinate on:
1. The specific projects or purposes identified in the proposal;
  2. The arrangements for the deposit of the proceeds, the accounting procedures, and final audit; and
  3. The dates when the wildlife project or purpose will be accomplished.
- F. The Department shall dedicate all proceeds generated by the sale or transfer of a special big game license-tag to the management of the species for which the tag was issued.
1. A special license-tag shall not be issued until the Department receives all proceeds from the sale of license-tags.
  2. The Department shall not refund proceeds.
- G. A special big game license-tag is valid only for the person named on the tag, for the season dates on the tag, and for the species for which the tag was issued.
1. A hunting license is required for the tag to be valid.
  2. Possession of a special big game license-tag shall not invalidate any other big game tag or application for any other big game tag.
  3. Wildlife taken under the authority of a special big game license-tag shall not count towards the established bag limit for that species.
- H. A person who wins the special big game license-tag through auction or raffle is prohibited from selling the special big game license-tag to another person.

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**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Amended effective April 7, 1987 (Supp. 87-2). Correction, balance of language in subsection (I) is deleted as certified effective April 7, 1987 (Supp. 87-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-121. Tag Transfer****A.** For the purposes of this Section:

“Authorized nonprofit organization” means a nonprofit organization approved by the Department to receive donated unused tags.

“Unused tag” means a hunt permit-tag, limited-entry permit-tag, nonpermit-tag, or special license tag that has not been attached to any wildlife.

**B.** A parent, grandparent, or guardian issued a hunt permit-tag, limited-entry permit-tag, nonpermit-tag, or special license tag may transfer the unused tag to the parent’s, grandparent’s, or guardian’s minor child or grandchild.

1. A parent, grandparent, or guardian issued a tag may transfer the unused tag to a minor child or grandchild at any time prior to the end of the season for which the unused tag was issued.
2. A parent, grandparent, or guardian may transfer the unused tag by providing all of the following documentation in person at any Department office:
  - a. Proof of ownership of the unused tag to be transferred,
  - b. The unused tag, and
  - c. The minor’s valid hunting license.
3. If a parent, grandparent, or legal guardian is deceased, the personal representative of the person’s estate may transfer an unused tag to an eligible minor. The person acting as the personal representative shall present:
  - a. The deceased person’s death certificate, and
  - b. Proof of the person’s authority to act as the personal representative of the deceased person’s estate.
4. To be eligible to receive an unused tag from a parent, grandparent, or legal guardian, the minor child shall meet the criteria established under subsection (D).
5. A minor child or grandchild receiving an unused tag from a parent, grandparent, or legal guardian shall be accompanied into the field by any grandparent, parent, or legal guardian of the minor child.

**C.** A person issued a tag or the person’s legal representative may donate the unused tag to an authorized nonprofit organization for use by a minor child or a veteran of the Armed Forces of the United States as prescribed under A.R.S. § 17-332(D)(1).

1. The person or legal representative who donates the unused tag shall provide the authorized nonprofit organization with a written statement indicating the unused tag is voluntarily donated to the organization.
2. An authorized nonprofit organization receiving a donated tag under this subsection may transfer the unused tag to an eligible minor child or veteran by contacting any Department office.
  - a. To obtain a transfer, the nonprofit organization shall:
    - i. Provide proof of donation of the unused tag to be transferred;

- ii. Provide the unused tag;

- iii. Provide proof of the minor child’s or veteran’s valid hunting license.

- b. To be eligible to receive a donated unused tag from an authorized nonprofit organization, a minor child shall meet the criteria established under subsection (D).

3. A person who donates an original, unused hunt permit-tag issued in a computer drawing to an authorized nonprofit organization may submit a request to the Department for the reinstatement of the bonus points expended for that unused tag, provided all of the following conditions are met:

- a. The person has a valid and active membership in the Department’s membership program with at least one unredeemed tag surrender on the application deadline date, for the computer draw in which the hunt permit-tag being surrendered was drawn, and at the time of tag surrender.
- b. The person submits a completed application form as described under R12-4-118;
- c. The person provides acceptable proof to the Department that the tag was transferred to an authorized nonprofit organization; and
- d. The person submits the request to the Department:
  - i. No later than 60 days after the date on which the tag was donated to an authorized nonprofit organization; and
  - ii. No less than 30 days prior to the computer draw application deadline for that genus, as specified in the hunt permit-tag application schedule.

- D.** To receive an unused tag authorized under subsections (B) or (C), an eligible minor child shall meet the following criteria:

1. Possess a valid hunting license,
2. Has not reached the applicable annual or lifetime bag limit for that genus, and
3. Is 10 to 17 years of age on the date of the transfer. A minor child under the age of 14 shall have satisfactorily completed a Department-sanctioned hunter education course before the beginning date of the hunt.

- E.** To receive an unused tag authorized under subsection (C), an eligible veteran of the Armed Forces of the United States with a service-connected disability shall meet the following criteria:

1. Possess a valid hunting license, and
2. Has not reached the applicable annual or lifetime bag limit for that genus.

- F.** A nonprofit organization is eligible to apply for authorization to receive a donated unused tag, provided the nonprofit organization:

1. Is qualified under section 501(c)(3) of the United States Internal Revenue Code, and
2. Affords opportunities and experiences to:
  - a. Children with life-threatening medical conditions or physical disabilities;
  - b. Children whose parent was killed in action while serving in the U.S. Armed Forces, in the course and scope of employment as a peace officer; or in the course and scope of employment as a professional firefighter who is a member of a state, federal, tribal, city, town, county, district or private fire department; or
  - c. Veterans with service-connected disabilities.

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3. This authorization shall remain in effect unless revoked by the Department for noncompliance with the requirements established under A.R.S. § 17-332 or this Section.
4. A nonprofit organization shall apply for authorization by submitting an application to any Department office. The application form is furnished by the Department and is available at any Department office. A nonprofit organization shall provide all of the following information on the application:
  - a. Nonprofit organization's information:
    - i. Name,
    - ii. Physical address,
    - iii. Telephone number;
  - b. Contact information for the person responsible for ensuring compliance with this Section:
    - i. Name,
    - ii. Address,
    - iii. Telephone number;
  - c. Signature of the president and secretary-treasurer of the organization or their equivalents; and
  - d. Date of signing.
5. In addition to the application, a nonprofit organization shall provide all of the following:
  - a. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department;
  - b. Document identifying the organization's mission;
  - c. A letter stating how the organization will participate in the Big Game Tag Transfer program; and
  - d. A statement that the person or organization submitting the application agrees to the conditions established under A.R.S. § 17-332 and this Section.
6. An applicant who is denied authorization to receive donated tags under this Section may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective October 10, 1986, filed September 25, 1986 (Supp. 86-5). Rule expired one year from effective date of October 10, 1986. Rule readopted without change for one year effective January 22, 1988, filed January 7, 1988 (Supp. 88-1). Rule expired effective January 22, 1989 (Supp. 89-1). New Section R12-4-121 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Repealed effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). New Section made by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1195, effective June 30, 2012 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 29 A.A.R. 2196 (September 22, 2023), with an immediate effective date of September 1, 2023 (Supp. 23-3).

**R12-4-122. Handling, Transporting, Processing, and Storing of Game Meat Given to Public Institutions and Charitable Organizations**

- A. Under A.R.S. § 17-240 and this Section, the Department may donate the following wildlife, except that the Department shall

not donate any portion of wildlife killed in a collision with a motor vehicle or wildlife that died subsequent to immobilization by any chemical agent:

1. Big game;
  2. Upland game birds;
  3. Migratory game birds;
  4. Game fish.
- B. The Director shall not authorize an employee to handle game meat for the purpose of this Section until the employee has satisfactorily completed a course designed to give the employee the expertise necessary to protect game meat recipients from diseased or unwholesome meat products. A Department employee shall complete a course that is either conducted or approved by the State Veterinarian. The employee shall provide a copy of a certificate that demonstrates satisfactory completion of the course to the Director.
  - C. Only an employee authorized by the Director shall determine if game meat is safe and appropriate for donation. An authorized Department employee shall inspect and field dress each donated carcass before transporting it. The Department shall not retain the game meat in storage for more than 48 continuous hours before transporting it, and shall reinspect the game meat for wholesomeness before final delivery to the recipient.
  - D. Final processing and storage is the responsibility of the recipient.

**Historical Note**

Adopted effective August 6, 1991 (Supp. 91-3). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-123. Expenditure of Funds**

- A. The Director may expend funds available through appropriations, licenses, gifts, or other sources, in compliance with applicable laws and rules, and:
  1. For purposes designated by lawful Commission agreements and Department guidelines;
  2. In agreement with budgets approved by the Commission;
  3. In agreement with budgets appropriated by the legislature;
  4. With regard to a gift, for purposes designated by the donor, the Director shall expend undesignated donations for a public purpose in furtherance of the Department's responsibilities and duties.
- B. The Director shall ensure that the Department implements internal management controls to comply with subsection (A) and to deter unlawful use or expenditure of funds.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

**R12-4-124. Proof of Domicile**

- A. An applicant may be required to present acceptable proof of domicile in Arizona to the Department upon request. For the purposes of this rule, "current address" means the address an applicant inhabits at the time of application for any license, permit, stamp, or tag offered by the Department.
- B. Acceptable proof of domicile establishes a person's true, fixed, and permanent home and principal residence. Acceptable proof to aid in establishing a person's domicile in Arizona may include, but is not limited to, one or more of the following lawfully obtained documents:
  1. Arizona Driver's License displaying a current address;

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2. Arizona Resident State Income Tax Return filing;
  3. Arizona school records containing satisfactory proof of identity and relationship of the parent or guardian to the minor child, when applicable;
  4. Arizona Voter Registration Card displaying a current address;
  5. Selective Service Registration Acknowledgement Card displaying a current address in Arizona;
  6. Social Security Administration document indicating an address in Arizona; or
  7. Current document or order issued by the U.S. military to an active-duty military service member identifying Arizona as state of legal residence or duty station.
- C. In the event one of the documents listed under subsection (B) alone is not sufficient proof of domicile, additional documents may be required.
- Historical Note**
- New Section made by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).
- R12-4-125. Public Solicitation or Event on Department Property**
- A. All Department buildings, properties, and wildlife areas are designated non-public forums and are closed to all solicitations and events unless permitted by the Department.
- B. A solicitation or event on Department property shall not:
1. Conflict with the Department's mission; or
  2. Constitute partisan political activity, the activity of a political campaign, or influence in any way an election or the results thereof.
- C. A request for permission to conduct a solicitation or event on Department property shall be directed to the responsible Regional Supervisor or Branch Chief who shall initially determine whether an application is required for the solicitation or event.
- D. If it is determined that an application is required, the person may apply for a solicitation or event permit by submitting a completed solicitation or event application to any Department office or Department Headquarters, Director's Office, at 5000 W. Carefree Hwy, Phoenix, AZ 85086. The application form is furnished by the Department and available at all Department offices.
1. An applicant shall submit an application:
    - a. Not more than six months prior to the solicitation or event; and
    - b. Not less than 14 days prior to the desired date of the solicitation or event for solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials; or
    - c. Not less than 10 days prior to the desired date of the solicitation or event for solicitations involving only the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
  2. An applicant shall provide all of the following information on the application:
    - a. Sponsor's name, address, and telephone number;
    - b. Sponsor's e-mail address, when available;
    - c. Contact person's name and telephone number, when the sponsor is an organization;
    - d. Proposed date of the solicitation or event;
    - e. Specific, proposed location for the solicitation or event;
    - f. Starting and approximate concluding times;
    - g. General description of the solicitation or event's purpose;
    - h. Anticipated number of attendees, when applicable;
    - i. Amount of fees to be charged to attendees, when applicable;
    - j. Detailed description of any activity that will occur at the solicitation or event, including a detailed map of the solicitation or event and any equipment that will be used, e.g., tents, tables, etc.;
    - k. Copies of any solicitation materials to be distributed to the public or to be posted on Department property;
    - l. Copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control, required when the applicant intends to sell alcohol at the solicitation or event; and
    - m. The contact person's signature and date. The person's signature on the application certifies that the sponsor:
      - i. Assumes risk of injury to persons or property;
      - ii. Agrees to hold harmless the state of Arizona, its officials, Departments, employees, and agents against all claims arising from the use of Department facilities;
      - iii. Assumes responsibility for any damages or clean-up costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair; and
      - iv. Agrees to surrender the premises in a clean and orderly condition.
- E. The Department may take any of the following actions to the extent necessary and in the best interest of the State:
1. Require the sponsor to furnish all necessary labor, material, and equipment for the solicitation or event;
  2. Require the sponsor to post a deposit against damage and cleanup expense;
  3. Require indemnification of the state of Arizona, its Departments, agencies, officers, and employees;
  4. Require the sponsor to carry adequate insurance and provide certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event shall name the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;
  5. Require the sponsor to enter into written agreements with any vendors and subcontractors and require vendors and subcontractors to provide certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event shall name the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;
  6. Require the sponsor to provide medical support, security, and sanitary services, including public restrooms; and
  7. Impose additional conditions not otherwise specified under this Section on the conduct of the solicitation or event.
- F. The Department may consider the following criteria when determining whether any of the actions in subsection (E) are necessary and in the best interest of the state:
1. Previous experience with similar solicitations or events;

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2. Deposits required for similar solicitations or events in Arizona;
  3. Risk data; and
  4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services.
- G.** The Department shall designate the hours of use for Department property.
- H.** The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred because of the solicitation or event. The sponsor shall be responsible for any cleanup or damage costs associated with the solicitation or event.
- I.** The sponsor shall not allow, without the express written permission of the Department, the possession, use, or consumption of alcoholic beverages at the solicitation or event site. When the Department provides written permission for the possession, use, or consumption of alcoholic beverages at the solicitation or event site, the sponsor shall provide to the Department:
1. A copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control to the sponsor and vendor, required when the applicant intends to sell alcohol at the solicitation or event; and
  2. A liquor liability rider, included with the insurance certificate required under subsection (E)(4).
- J.** The sponsor shall not allow unlawful possession or use of drugs at the solicitation or event site.
- K.** The Department shall deny an application for any of the following reasons:
1. The solicitation or event interferes with the work of an employee or the daily business of the Department;
  2. The solicitation or event conflicts with the time, place, manner, or duration of other approved or pending solicitations or events;
  3. The content of the solicitation or event conflicts with or is unrelated to the Department's activities or its mission;
  4. The solicitation or event presents a risk of injury or illness to persons or risk of damage to property;
  5. The sponsor cannot demonstrate adequate compliance with applicable local, state, or federal laws, ordinances, codes, or regulations, or
  6. The sponsor has not complied with the requirements of the application process or this Section.
- L.** At all times, the Department reserves the right to immediately remove or cause to be removed all obstructions or other hazards of the solicitation or event that could damage state property, inhibit egress, or poses a safety risk. The Department also reserves the right to immediately remove or cause to be removed any person damaging state property, inhibiting egress, or posing a threat to public health and safety.
- M.** The Department may revoke approval of a solicitation or event due to emergency circumstances or for failure to comply with this Section.
- N.** The Department shall send written notice of the denial or revocation of an approved permit. The notice shall contain the reason for the denial or revocation.
- O.** A sponsor:
1. Is liable to the Department for damage to Department property and any expense arising out of the sponsor's use of Department property.
  2. Shall post solicitation material only in designated posting areas.
  3. Shall ensure that a solicitation or event on Department property causes the minimum infringement of use to the public and government operation.
  4. Shall modify or terminate a solicitation or event, upon request by the Department, if the Department determines that the solicitation or event unacceptably infringes on the Department's operations or causes an unacceptable risk of liability exposure to the State.
- P.** When conducting an event on Department property, a sponsor shall:
1. Park or direct vehicles in designated parking areas.
  2. Obey all posted requirements and restrictions.
  3. Designate one person to act as a monitor for every 50 persons anticipated to attend the solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
  4. Ensure that all safety standards, guidelines, and requirements are followed.
  5. Implement additional safety requirements upon request by the Department.
  6. Ensure all obstructions and hazards are eliminated.
  7. Ensure trash and waste is properly disposed of throughout the solicitation or event.
- Q.** The Department shall revoke or terminate the solicitation or event if a sponsor fails to comply with a Department request or any one of the following minimum safety requirements:
1. All solicitation or event activities shall comply with all applicable federal, state, and local laws, ordinances, codes, statutes, rules, and regulations.
  2. The layout of the solicitation or event shall ensure that emergency vehicles will have access at all times.
  3. The Department may conduct periodic safety checks throughout the solicitation or event.
- R.** This Section does not apply to government agencies.

**Historical Note**

New Section made by emergency rulemaking at 10 A.A.R. 4777, effective November 4, 2004 for 180 days (Supp. 04-4). Emergency expired (Supp. 05-2). New Section renumbered from R12-4-804 and amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**R12-4-126. Reward Payments**

- A.** Subject to the restrictions prescribed under A.R.S. § 17-315, a person may claim a reward from the Department when the person provides information that leads to an arrest through the Operation Game Thief Program. The person who reports the unlawful activity will then become eligible to receive a reward as established under subsections (C) and (D), provided funds are available in the Wildlife Theft Prevention Fund and:
1. The person who reported the violation provides the Operation Game Thief control number issued by Department law enforcement personnel, as established under subsection (B);
  2. The information provided relates to a violation of any provisions of A.R.S. Title 17, A.A.C. Title 12, Chapter 4, or federal wildlife laws enforced by and under the jurisdiction of the Department, but not on Indian Reservations;
  3. The person did not first provide information during a criminal investigation or judicial proceeding; and
  4. The person who reports the violation is not:
    - a. The person who committed the violation;



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- b. A peace officer, including wildlife managers and game rangers;
  - c. A Department employee; or
  - d. An immediate family member of a Department employee.
- B. The Department shall inform the person providing information regarding a wildlife violation of the procedure for claiming a reward if the information results in an arrest. The Department shall also provide the person with the control number assigned to the reported violation.
- C. Reward payments for information that results in an arrest for the reported violation are as follows:
  - 1. For cases that involve eagles, bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, pronghorn, turkey, or endangered or threatened wildlife as defined under R12-4-401, \$500, to be increased by an additional amount of at least \$50, but not to exceed \$500, when vandalism impacting recreational access or wildlife habitat is also involved;
  - 2. For cases that involve wildlife that are not listed under subsection (C)(1), a minimum of \$50, not to exceed \$150, to be increased by an additional amount of at least \$50, but not to exceed \$500, when vandalism impacting recreational access or wildlife habitat is also involved; and
  - 3. For cases that involve any wildlife and damage to wildlife habitat, an additional \$1,000 may be made available based on:
    - a. The value of the information;
    - b. The unusual value of the wildlife;
    - c. The number of individuals taken;
    - d. Whether or not the person who committed the unlawful act was arrested for commercialization of wildlife; and
    - e. Whether or not the person who committed the unlawful act is a repeat offender.
- D. If more than one person independently provides information or evidence that leads to an arrest for a violation, the Department may divide the reward payment among the persons who provided the information if the total amount of the reward payment does not exceed the maximum amount of a monetary reward established under subsections (C) or (E);
- E. Notwithstanding subsection (C), the Department may offer and pay a reward up to the minimum civil damage value of the wildlife unlawfully taken, wounded or killed, or unlawfully possessed as prescribed under A.R.S. § 17-314, if the Department believes that an enhanced reward offer is merited due to the specific circumstances of the case.

**Historical Note**

New Section R12-4-126 renumbered from R12-4-116 and amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 20-1).

**R12-4-127. Civil Liability for Loss of Wildlife**

- A. In order to compensate the state for the value of lost or injured wildlife, the Commission may, pursuant to A.R.S. § 17-314, impose a civil penalty against any person for unlawfully taking, wounding, killing or possessing wildlife. Any civil penalties so imposed shall be equal to or greater than the applicable statutory-minimum sums found in A.R.S. § 17-314(A). The Commission may impose a civil penalty above the statutory-minimum sums where it has determined that the value of the lost or injured wildlife exceeds the statutory-minimum sums.
- B. The Commission shall annually establish the value of lost or injured wildlife using objective and measurable economic cri-

teria. When doing so, the Commission may consider objective economic criteria recommended by the Department or any other person.

- C. The Department shall recommend the value of lost or injured wildlife to the Commission by aggregating the following objective and measurable economic factors:
  - 1. The average dollar amount spent by an individual hunter in pursuit of the same species. This amount shall be calculated using information from the most recent National Survey of Fishing, Hunting and Wildlife-Associated Recreation conducted by the U.S. Fish and Wildlife Service and measures hunting and fishing expenditures, in combination with hunter harvest data gathered by the Department. This information shall be available on the Department's website.
  - 2. The average dollar amount spent by an individual in an effort to view wildlife. This amount shall be calculated using information from the most recent National Survey of Fishing, Hunting and Wildlife-Associated Recreation conducted by the U.S. Fish and Wildlife Service and measures wildlife viewing expenditures, in combination with hunter harvest data gathered by the Department. This information shall be available on the Department's website.
  - 3. The average body weight in pounds of meat for the unlawfully taken or possessed species multiplied by the average price per pound of ground meat for that same species or a similar species. Average body weight in pounds of meat shall be calculated using the average body weight for the wildlife taken, minus 30% of the average weight to account for the weight of the head, hide, offal, and bone.
  - 4. When new data is not available, the Department may use Consumer Price Index (CPI) calculations to update the above factors in terms of U.S. dollars.
- D. The most recent wildlife values established by the Commission shall be available on the Department's website.

**Historical Note**

New Section made by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 20-1).

**ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS****R12-4-201. Pioneer License**

- A. A pioneer license grants all of the hunting and fishing privileges of a combination hunting and fishing license. The pioneer license is only available at a Department office.
- B. The pioneer license is a complimentary license and is valid for the license holder's lifetime. The license remains valid if the licensee subsequently resides outside of this state.
  - 1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required hunt permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
  - 2. Limits established under R12-4-114 for nonresident hunt permit-tags and nonpermit-tags do not apply to a pioneer license holder.
- C. A person who is age 70 or older and has been a resident of Arizona for at least 25 consecutive years immediately preceding application may apply for a pioneer license by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and on the Department's website. A pioneer license applicant shall provide all of the following information on the application:
  - 1. The applicant's personal information:

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- a. Name;
- b. Date of birth;
- c. Physical description, to include the applicant's eye color, hair color, height, and weight;
- d. Department identification number, when applicable;
- e. Residency status and number of years of residency immediately preceding application, when applicable;
- f. Mailing address, when applicable;
- g. Physical address;
- h. Telephone number, when available; and
- i. E-mail address, when available;
- 2. Affirmation that:
  - a. The applicant is 70 years of age or older and has been a resident of this state for 25 or more consecutive years immediately preceding application for the license; and
  - b. The information provided on the application is true and accurate.
- 3. Applicant's signature and date.
- D. In addition to the requirements listed under subsection (C), an applicant for a pioneer license shall also submit a copy of any one of the following documents at the time of application:
  - 1. Valid U.S. passport;
  - 2. Applicant's birth certificate;
  - 3. Valid government-issued driver's license; or
  - 4. Valid government-issued identification card.
- E. All information and documentation provided by the applicant is subject to Department verification.
- F. The Department shall deny a pioneer license when the applicant:
  - 1. Fails to meet the criteria prescribed under A.R.S. § 17-336(A)(1),
  - 2. Fails to comply with this Section, or
  - 3. Provides false information on the application.
- G. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.
- H. A pioneer license holder may request a no-fee duplicate of the paper license provided:
  - 1. The license was lost or destroyed;
  - 2. The license holder submits a written request to the Department for a no-fee duplicate paper license; and
  - 3. The Department's records indicate a pioneer license was previously issued to that person.
- I. A person issued a pioneer license prior to January 1, 2014 shall be entitled to the privileges established under subsection (A).

**Historical Note**

Former Section R12-4-31 renumbered as Section R12-4-201 without change effective August 13, 1981. New Section R12-4-201 amended effective August 31, 1981 (Supp. 81-4). Amended subsection (B) effective December 9, 1985 (Supp. 85-6). Amended subsections (D) and (E), and changed application for a Pioneer License effective September 24, 1986 (Supp. 86-5). Former Section repealed, new Section adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final

rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 3360 (October 21, 2022), effective November 26, 2022 (Supp. 22-3).

**R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License**

- A. The complimentary and reduced-fee disabled veteran's licenses and Purple Heart Medal license grant all of the hunting and fishing privileges of a combination hunting and fishing license. The disabled veteran's and Purple Heart Medal license are only available at a Department office.
- B. The Department offers three types of veteran's licenses:
  - 1. A complimentary license to a disabled veteran who receives compensation from the U.S. government for a permanent service-connected disability rated as 100% disabling.
    - a. The complimentary license is valid for either a three-year period from the issue date or the license holder's lifetime.
    - b. If the certification or benefits letter required under subsection (D)(1) indicate the applicant's disability rating of 100% is permanent and:
      - i. Will not be reevaluated, the disabled veteran's license shall be valid for the license holder's lifetime.
      - ii. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.
    - c. Eligibility for the complimentary disabled veteran's license is based on the disability rating, not on the compensation received by the veteran.
    - d. An applicant for a complimentary disabled veteran's license shall have been a resident of Arizona for at least one year immediately preceding application.
  - 2. A reduced-fee license to a disabled veteran who is a resident as defined under A.R.S. § 17-101 and who is receiving compensation from the U.S. government for a service-connected disability.
    - a. The reduced-fee license is valid for one year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.
    - b. The applicant shall pay the fee required under R12-4-102.
  - 3. A reduced-fee license to a person who submits satisfactory proof to the Department that the person is a bona fide Purple Heart Medal recipient.
    - a. The reduced-fee license is valid for one year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.
    - b. An applicant for a reduced-fee Purple Heart Medal license shall have been a resident of Arizona for at least one year immediately preceding application.
- C. A person applying for a disabled veteran's or Purple Heart Medal license shall submit an application to the Department. The application form is furnished by the Department and available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application:
  - 1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;

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- c. Physical description, to include the applicant's eye color, hair color, height, and weight;
- d. Department identification number, when applicable;
- e. Residency status and number of years of residency immediately preceding application, when applicable;
- f. Mailing address, when applicable;
- g. Physical address;
- h. Telephone number, when available; and
- i. E-mail address, when available;
- 2. Affirmation that:
  - a. The applicant meets the eligibility requirements prescribed under A.R.S. § 17-333(C)(2), (C)(3), or (C)(4),
  - b. The applicant has been a resident of this state for at least one year immediately preceding application for the license, and
  - c. The information provided on the application is true and accurate.
- 3. Applicant's signature and date.
- D. In addition to the requirements established under subsection (B), an applicant for a veteran's license shall, at the time of application, certify eligibility for the license by submitting:
  - 1. For a complimentary or reduced-fee disabled veterans license issued under A.R.S. § 17-333(C)(2) or (C)(3) respectively, an original or facsimile DD-214, certification form, or a benefits letter issued by the U.S. Department of Veteran's Affairs (DVA) or obtained from the DVA website that meets the requirements specified in subsections (B)(1) and (B)(2). The certification form is furnished by the Department and is available at any Department office and on the Department's website. The certification shall be completed and signed by an agent of the U.S. Department of Veteran's Affairs.
  - 2. For a Purple Heart Medal license issued under A.R.S. § 17-333(C)(4), an original or facsimile DD-214 or DD-215, service records showing the award, military orders of the award, or other military discharge document such as WD AGO Form. The actual Purple Heart Medal or a certificate of award will not suffice alone for verification purposes.
- E. All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- F. The Department shall deny a disabled veteran's or Purple Heart Medal license when the applicant:
  - 1. Fails to meet the criteria prescribed under A.R.S. § 17-333(C)(2), (C)(3), or (C)(4),
  - 2. Fails to comply with the requirements of this Section, or
  - 3. Provides false information during the application process.
- G. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- H. A complimentary disabled veteran's license holder may request a no-fee duplicate paper license provided:
  - 1. The license was lost or destroyed,
  - 2. The license holder submits a written request to the Department for a duplicate license, and
  - 3. The Department's records indicate a disabled veteran's license was previously issued to that person.
- I. A person issued a disabled veteran's license prior to January 1, 2014 shall be entitled to the privileges established under subsection (A).
- J. For the purposes of this Section:
  - 1. "Disabled veteran" means a veteran of the armed forces of the U.S. with a service connected disability.
  - 2. "Veteran" means a person who has served in the U.S. armed forces.

**Historical Note**

Former Section R12-4-66 renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-43 renumbered as Section R12-4-202 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 31, 1984 (Supp. 84-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-202 adopted effective December 22, 1989 (Supp. 89-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1199, effective June 30, 2012 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 2550, effective January 5, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 27 A.A.R. 1076, effective August 21, 2021 (Supp. 21-2). Amended by final exempt rulemaking at 28 A.A.R. 3355 (October 21, 2022), effective September 26, 2022 (Supp. 22-3).

**R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp**

- A. All state fish and wildlife agencies are required to obtain data to assess the harvest of migratory game birds in compliance with the federally mandated National Harvest Information Program administered by the United States Fish and Wildlife Service in accordance with 50 C.F.R. Part 20.
- B. In compliance with the National Harvest Information Program, the Department requires a person to possess a migratory bird stamp or authorization number, which may be affixed to or written on the appropriate license, and a current, valid federal waterfowl stamp. The migratory bird stamp and authorization number are required to take band-tailed pigeons, moorhen, coots, doves, ducks, geese, snipe, or swans.
  - 1. The state migratory bird stamp expires on June 30 of each year. To obtain a state migratory bird stamp, a person shall submit:
    - a. The fee required under R12-4-102, and
    - b. A completed state migratory bird registration form to a license dealer or a Department office.
  - 2. The person shall provide on the state migratory bird registration form the person's:
    - a. Name,
    - b. Mailing address,
    - c. Date of birth, and
    - d. Information on past and anticipated hunting activity.
  - 3. The youth combination hunting and fishing license includes the state migratory bird stamp privileges. A youth hunter who possesses a valid combination hunting and fishing license shall obtain:

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- a. A Federal waterfowl stamp when the youth hunter is 16 years of age or older and is taking ducks, geese, swans, coots, gallinules; or
  - b. A permit-tag when the youth hunter is taking sand-hill crane.
- C. A license dealer shall submit state migratory bird registration forms for all state migratory bird stamps sold with the monthly report required under A.R.S. § 17-338.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).

Amended effective April 22, 1980 (Supp. 80-2).

Amended subsections (A), (C), (D), and (G) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-41 renumbered as Section R12-4-203 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (C), (E), (G) and added Form 7016 (Supp. 81-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section adopted effective July 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 13 A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**Editor's Note**

For similar subject matter, see Section R12-4-411.

This editor's note does not apply to the new Section adopted effective July 1, 1997 (Supp. 96-4).

**R12-4-204. Taxidermy Registration; Register**

- A. A person shall register with the Department before engaging in the business of taxidermy for hire. A taxidermy registration authorizes a person to mount, refurbish, maintain, restore, or preserve wildlife as defined under A.R.S. § 17-101.
- B. A taxidermy registration expires on December 31 of each year.
- C. The Department shall deny a taxidermy registration when the applicant:
  - 1. Fails to meet the requirements established under this Section;
  - 2. Provides false information during the application process; or
  - 3. Provides false information in the register required under A.R.S. § 17-363(B).
- D. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- E. A person may apply for a taxidermy registration by paying the applicable fee and submitting an application to the Department. The application form is available on the Department's website. A taxidermy registration applicant shall provide all of the following information:
  - 1. The applicant's information:
    - a. Name;
    - b. Date of birth;
    - c. Department identification number, when applicable;
    - d. Mailing address, when applicable;
    - e. Physical address;
    - f. Telephone number, when available;
    - g. Email address, when available; and

- 2. The applicant's business information:
    - a. Name;
    - b. Mailing address;
    - c. Email address;
    - d. Website URL address, if available;
    - e. Business telephone number, when applicable;
    - f. Calendar year for which the application is made; and
    - g. Whether the applicant is seeking renewal of an existing taxidermy registration.
  - 3. Affirmation that the information provided on the application is true and accurate; and
  - 4. Applicant's signature and date.
- F. A registered taxidermist may submit an application for renewal of a taxidermy registration after December 1 of the year it was issued.
- G. A registered taxidermist shall maintain a register of all persons who furnish raw and unmounted wildlife specimens for taxidermy service using the form available on the Department's website.
- 1. This register shall be:
    - a. Maintained for a period of five years after the date the raw and unmounted wildlife specimens were received;
    - b. Provided upon request to an employee of the Department; and
    - c. Filed with the Department on or before January 31 of each year.
  - 2. This register shall contain all of the following information, as applicable:
    - a. The registered taxidermist's information:
      - i. Name;
      - ii. Taxidermy registration number;
      - iii. Email address, when available; and
    - b. The customer's or potential customer's:
      - i. Name;
      - ii. Address;
      - iii. Taker's tag or license number;
      - iv. Species and number of wildlife received;
      - v. Date wildlife received; and
    - c. A signed affirmation from the registered taxidermist that the information provided in the register is true and accurate.
  - 3. The taxidermy renewal registration becomes invalid if the register is not submitted to the Department by January 31 of the year following registration.
- H. As authorized under A.R.S. § 17-363(C), the Commission may revoke or suspend the taxidermy registration of a person convicted of violating any provision of A.R.S. § 17-363 or requirement established under this Section.

**Historical Note**

Amended effective May 31, 1976 (Supp. 76-3). Correction, Historical Note Supp. 76-3 should read "Amended effective May 3, 1976" (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective March 20, 1981 (Supp. 81-2). Former Section R12-4-32 renumbered as Section R12-4-204 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Repealed by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). New Section made by final rulemaking at 25 A.A.R. 1854, effective July 2, 2019 (Supp. 19-3).

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**R12-4-205. High Achievement Scout License**

- A.** A high achievement scout license is offered to a resident who is:
1. Eligible for a combination hunting and fishing license,
  2. Under 21 years of age, and
  3. A member of the Boy Scouts of the United States of America and has attained the rank of Eagle Scout, or
  4. A member of the Girl Scouts of the United States of America and has attained the Gold Award.
- B.** The high achievement scout license grants all of the hunting and fishing privileges of the youth combination hunting and fishing license and is only available at Department offices.
1. The license is valid for one year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.
  2. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the high achievement scout license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- C.** An applicant for a high achievement scout license shall apply on an application form available from any Department office and on the Department's website. The applicant shall provide all of the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D.** In addition to the application, an eligible applicant shall present with the application:
1. For an applicant who is a member of the Boy Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Boy Scouts of the United States of America stating that the applicant has attained the rank of Eagle Scout,
    - b. A Boy Scouts of the United States of America Eagle Scout Award Certificate, or
    - c. A Boy Scouts of the United States of America Eagle Scout wallet card.
  2. For an applicant who is a member of the Girl Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Girl Scouts of the United States of America stating that the applicant has completed the award,
    - b. A Girl Scouts of the United States of America Gold Award Certificate, or
    - c. A Girl Scouts Gold Award Certificate from the local council.
- E.** The Department shall deny a high achievement scout license to an applicant who:

1. Is not eligible for the license;
  2. Fails to comply with the requirements of this Section; or
  3. Provides false information during the application process.
- F.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Editorial correction subsection (A) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective September 23, 1980 (Supp. 80-5). Former Section R12-4-33 renumbered as Section R12-4-205 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-206. General Hunting License; Exemption**

- A.** A general hunting license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the general hunting license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- B.** The general hunting license is valid for one-year from:
1. The date of purchase when a person purchases the hunting license from a License Dealer, as defined under R12-4-101;
  2. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
  3. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
  4. The selected start date when a person purchases the hunting license from a Department office or online. A person may select the start date for the hunting license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C.** A resident may apply for a general hunting license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or on the Department's website. The application is furnished by the Department and is available at any Department office, License Dealer, and on the Department's website. A general hunting license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;

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- h. Telephone number, when available; and
- i. E-mail address, when available; and
- 2. Affirmation that the information provided on the application is true and accurate; and
- 3. Applicant's signature and date.
- D. In addition to the requirements listed under subsection (C), at the time of application an applicant who is applying for a general hunting license:
  - 1. In person shall pay the applicable fee required under R12-4-102.
  - 2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information provided on the online application is true and accurate.
- E. A person who is under 10 years of age may hunt wildlife other than big game without a hunting license when accompanied by a properly licensed person who is 18 years of age or older.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
 Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-34 renumbered as Section R12-4-206 without change effective August 13, 1981 (Supp. 81-4).  
 Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-207. General Fishing License; Exemption**

- A. A general fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The general fishing license is valid:
  - 1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission-designated community waters. The list of Commission-designated community waters is available at any License Dealer, Department office, and on the Department's website.
  - 2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a general fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.
- B. The general fishing license is valid for one-year from:
  - 1. The date of purchase when a person purchases the fishing license from a License Dealer, as defined under R12-4-101; or
  - 2. The selected start date when a person purchases the fishing license from a Department office or online. A person may select the start date for the fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C. A resident or nonresident may apply for a general fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or on the Department's website. The application is furnished by the Department and is available at any Department office, License Dealer, and on the Department's website. A general fishing

license applicant shall provide the following information on the application:

- 1. The applicant's:
  - a. Name;
  - b. Date of birth,
  - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
  - d. Department identification number, when applicable;
  - e. Residency status and number of years of residency immediately preceding application, when applicable;
  - f. Mailing address, when applicable;
  - g. Physical address;
  - h. Telephone number, when available; and
  - i. E-mail address, when available; and
- 2. Affirmation that the information provided on the application is true and accurate; and
- 3. Applicant's signature and date.
- D. In addition to the requirements listed under subsection (C), an applicant who is applying for a general fishing license:
  - 1. In person shall pay the applicable fee required under R12-4-102.
  - 2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information provided on the online application is true and accurate.
- E. In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish without a fishing license.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
 Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-35 renumbered as Section R12-4-207 without change effective August 13, 1981 (Supp. 81-4).  
 Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-208. Guide License**

- A. A guide, as defined under A.R.S. § 17-101, is a person who does any one of the following:
  - 1. Advertises for guiding services.
  - 2. Is presented to the public for hire as a guide.
  - 3. Is employed by a commercial enterprise as a guide.
  - 4. Accepts compensation in any form commensurate with the market value in this state for guiding services in exchange for aiding, assisting, directing, leading, or instructing a person in the field to locate and take wildlife.
  - 5. Is not a landowner or lessee who, without full fair market compensation, allows access to the landowner's or lessee's property and directs and advises a person in taking wildlife.
- B. A person shall not act as a guide unless the person holds one of the following guide licenses:
  - 1. A hunting guide license, which authorizes the license holder to act as a guide for the lawful taking of wildlife other than aquatic wildlife as defined under A.R.S. § 17-101.

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2. A fishing guide license, which authorizes the license holder to act as a guide for the lawful taking of aquatic wildlife.
  3. A hunting and fishing guide license, which authorizes the license holder to act as a guide for the lawful taking of wildlife.
- C.** A guide license shall expire on December 31 of each year.
- D.** A person is not eligible to apply for an original or renewal guide license when any one of the following conditions apply:
1. The applicant was convicted of a felony violation of any federal wildlife law, within five years immediately preceding the date of application;
  2. The applicant was convicted of a violation listed under A.R.S. § 17-309(D), within five years immediately preceding the date of application;
  3. The applicant was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended within five years immediately preceding the date of application; or
  4. The applicant's privilege to take or possess wildlife or to guide or act as a guide is currently suspended or revoked anywhere in the U.S. for violation of a federal or state wildlife law.
- E.** Notwithstanding subsection (D), a person who was convicted of a misdemeanor violation of any wildlife law within one year preceding the date of application may apply for a guide license provided the person immediately and voluntarily reported the violation to the Department after committing the violation.
- F.** An applicant for a guide license shall:
1. Be 18 years of age or older, and
  2. Possess the required Department-issued license, as applicable:
    - a. A current Arizona hunting license when applying for a hunting guide license;
    - b. A current Arizona fishing license when applying for a fishing guide license;
    - c. A current Arizona combination hunting and fishing license when applying for a hunting and fishing guide license;
- G.** The guide license does not exempt the license holder from any applicable method of take or licensing requirement. The guide license holder shall comply with all applicable Commission rules, including, but not limited to, rules governing:
1. Lawful methods of take,
  2. Lawful devices, and
  3. License requirements.
- H.** Unless otherwise provided under this Section, a person shall successfully complete the Department administered examination, and answer at least 80% of the questions correctly, prior to applying for a guide license. Guide examinations are:
1. Provided at a Department office.
  2. Valid until December 31 of the year in which it was taken.
  3. A person interested in taking the guide examination shall contact a Department office to obtain scheduling information.
- I.** The examination is based on the type of guide license the person is seeking.
1. Before taking the examination, the applicant shall provide their:
    - a. Name;
    - b. Date of birth; and
    - c. Driver license number and issuing state.
2. The examination may include questions regarding any of the following topics:
    - a. A.R.S. Title 17 Game and Fish statutes and Commission rules regarding the taking and handling of terrestrial and aquatic wildlife;
    - b. A.R.S. Title 28, Ch 3, Article 20 Off-highway Vehicles statutes and rule regarding the use of off-highway vehicles;
    - c. A.R.S. Title 5, Ch 3, Boating and Water Sports statutes and Commission rules on boating;
    - d. Requirements for guiding on federal lands;
    - e. Identification of aquatic wildlife species;
    - f. Identification of wildlife;
    - g. Special state and federal laws regarding certain species;
    - h. General knowledge of fair chase, hunter ethics, and conservation in Arizona;
    - i. General knowledge of species habitat and wildlife that may occur in the same habitat;
    - j. General knowledge of the types of habitat within the State; and
    - k. General knowledge of special or concurrent jurisdictions within the State.
  3. An applicant who fails the examination may retake the examination as agreed upon by the applicant and the examination administrator.
- J.** In addition to the guide examination requirement under subsection (H), a guide license holder shall take the Department administered examination when:
1. The applicant currently holds a hunting or fishing guide license and is applying for a combination hunting and fishing guide license;
  2. The applicant for a hunting guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of terrestrial wildlife within one year preceding the date of application;
  3. The applicant for a fishing guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of aquatic wildlife within one year preceding the date of application;
  4. The applicant failed to submit a renewal application postmarked before the expiration date of the guide license; or
  5. The applicant failed to submit the annual report for the preceding license year by January 10 of the following license year.
- K.** A person may apply for a guide license by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and on the Department's website. A guide license applicant shall provide all of the following information on the application:
1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Social Security Number;
    - e. Current hunting, fishing, or combination hunting and fishing license number;
    - f. Residency status;
    - g. Mailing address, when applicable;
    - h. Physical address;
    - i. Telephone number, when available;
    - j. E-mail address, when available;

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- k. Type of guide license sought; and
  - l. Calendar year for which the application is made;
- 2. The outfitting or guide:
  - a. Business name; and
  - b. Business address, as applicable;
- 3. Responses to questions relating to criminal violations;
- 4. Affirmation that:
  - a. The applicant meets the eligibility requirements prescribed under this Section; and
  - b. The information provided on the application is true and accurate;
- 5. Applicant's signature and date.
- L.** In addition to the requirements listed under subsection (K), an applicant for a guide license shall also submit a copy of any one of the following as proof of the applicant's identity:
  - 1. Valid U.S. passport;
  - 2. Applicant's birth certificate;
  - 3. Valid government-issued driver's license; or
  - 4. Valid government-issued identification card.
- M.** All information and documentation provided by the guide license applicant is subject to Department verification.
- N.** An applicant for a guide license shall pay all applicable fees required under R12-4-102 upon approval of an initial or renewal application for a guide license.
- O.** The Department shall deny a guide license when the applicant:
  - 1. Fails to meet the criteria prescribed under A.R.S. § 17-362,
  - 2. Fails to comply with the requirements of this Section,
  - 3. Provides false information during the application process,
  - 4. Fails to provide the annual report required under subsection (R) by January 10, or
  - 5. Provides false information in the annual report required under subsection (R) within three years immediately preceding the date of application.
- P.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- Q.** A guide license holder may submit an application for renewal of a guide license after December 1 of the year it was issued. The Department shall not start the substantive review, as defined under A.R.S. § 41-1072, before January 10 of the following license year, unless the Department receives the annual report prior to the date established under subsection (R). The current guide license shall remain valid pending a Department decision on the application for renewal, provided:
  - 1. The application for renewal is submitted to the Department by December 31, and
  - 2. The Department receives the annual report submitted in compliance with subsection (R).
- R.** A guide license holder shall submit to the Department the annual report required under A.R.S. § 17-362(C) for the previous calendar year before January 10 of the following license year. The report form is furnished by the Department and is available at any Department office or on the Department's website.
  - 1. A report is required whether or not the license holder performed any guiding activities.
  - 2. The annual report shall include all of the following information, as applicable:
    - a. License holder's personal information:
      - i. Name;
      - ii. Guide license number; and
      - iii. E-mail address, when available; and
    - b. Client's personal information:
      - i. Name;
      - ii. Mailing address; and
      - iii. Arizona license, tag and permit numbers, and
    - c. Dates guiding activities were conducted;
    - d. Number and species of wildlife taken by the clients;
    - e. Game management unit or body of water where guiding activities took place;
    - f. Affirmation that the information provided in the annual report is true and accurate; and
    - g. License holder's signature and date.
- 3. The Department shall not renew a guide license if the annual report is not submitted to the Department by January 10 of the following license year.
- S.** The date of receipt for the items required under subsections (K), (L), (Q), and (R) shall be as follows:
  - 1. The date a person presents the items to a Department office;
  - 2. The date a private express mail carrier receives the package containing the items as indicated on the shipping package; or
  - 3. The date of the United States Postal Service postmark stamped on the envelope containing the items.
- T.** A guide license holder shall:
  - 1. Complete a Department-sanctioned continuing education course at least once every five-years.
  - 2. While performing guide activities or providing guide services:
    - a. Possess a valid guide license.
    - b. Possess a valid Arizona hunting, fishing, or combination hunting and fishing license, as applicable under subsection (F)(2).
    - c. Present the license for inspection upon the request of any peace officer, including wildlife managers and game rangers.
    - d. Report any violation of a federal or state wildlife regulation, law, or rule personally witnessed by the guide license holder.
- U.** A guide license holder shall not:
  - 1. Use, or allow another person to use, any method or device prohibited under any federal or state wildlife regulation, law, or rule while taking wildlife.
  - 2. Aid, counsel, agree to aid, or attempt to aid another person in planning or engaging in conduct that results in a violation of any federal or state wildlife regulation, law, or rule while taking wildlife.
  - 3. Pursue any wildlife or hold at bay any wildlife for a person unless that person is present during the pursuit to take the wildlife.
    - a. The person shall be continuously present during the entire pursuit of that specific target animal.
    - b. If dogs are used, the person shall be present when the dogs are released on a specific target animal and shall be continuously present for the remainder of the pursuit.
  - 4. Hold wildlife at bay other than during daylight hours, unless a Commission Order authorizes the take of the species at night.
- V.** As authorized under A.R.S. § 17-362(A), the Commission may revoke or suspend a guide license when any one or more of the following actions occur:
  - 1. The guide license holder failed to comply with the requirements of A.R.S. Title 17 or was convicted of violating any provision of A.R.S. Title 17;



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2. The guide license holder was convicted of a felony violation of any federal wildlife law;
3. The guide license holder was convicted of a violation listed under A.R.S. § 17-309(D);
4. The guide license holder was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended; or
5. The guide license holder's privilege to take or possess wildlife is suspended or revoked by any jurisdiction for violation of a federal or state wildlife law.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-40 renumbered as Section R12-4-208 without change effective August 13, 1981 (Supp. 81-4). Former rule repealed, new Section R12-4-208 adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-209. Repealed****Historical Note**

Adopted effective March 20, 1981 (Supp. 81-2). Former Section R12-4-42 renumbered as Section R12-4-209 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Repealed by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

**R12-4-210. Combination Hunting and Fishing License; Exemption**

- A.** A combination hunting and fishing license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds.
- B.** A combination hunting and fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-101. The combination hunting and fishing license is valid:
  1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission-designated community waters. The list of Commission-designated community waters is available at any License Dealer, Department office, and on the Department's website.
  2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a combination hunting and fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.
- C.** The Department offers three combination hunting and fishing licenses:
  1. A short-term combination hunting and fishing license, valid for one 24-hour period from midnight to midnight.
    - a. The short-term combination hunting and fishing license is not valid for the take of big game animals.
    - b. The short-term combination hunting and fishing license is valid for the take of migratory game birds and waterfowl, provided the person possesses the applicable State Migratory Bird stamp and Federal Waterfowl stamp.
    - c. The Department does not limit the number of short-term combination hunting and fishing licenses a resident or nonresident may purchase.
  2. A combination hunting and fishing license for a person age 18 and over.
    - a. The combination hunting and fishing license is valid for one-year from:
      - i. The date of purchase when a person purchases the combination hunting and fishing license from a License Dealer, as defined under R12-4-101;
      - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
      - iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
      - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
    - b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
  3. A youth combination hunting and fishing license for a person through age 17.
    - a. The combination hunting and fishing license is valid for one-year from:
      - i. The date of purchase when a person purchases the combination hunting and fishing license from a License Dealer, as defined under R12-4-101;
      - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
      - iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
      - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination

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hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.

- b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- D. A resident or nonresident may apply for a combination hunting and fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or on the Department's website. The application is furnished by the Department and is available at any Department office, License Dealer, and on the Department's website. A combination hunting and fishing license applicant shall provide the following information on the application:
  1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- E. In addition to the requirements listed under subsection (C), an applicant who is applying for a combination hunting and fishing license:
  1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information provided on the online application is true and accurate.
- F. Exemptions authorized under R12-4-206(E) and R12-4-207(E) also apply to this Section, as applicable.

**Historical Note**

Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective January 20, 1977 (Supp. 77-1). Editorial correction subsection (A), paragraph (2) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective March 17, 1981 (Supp. 81-2). Former Section R12-4-39 renumbered as Section R12-4-210 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 16, 1982 (Supp. 82-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-211. Lifetime License; Benefactor License**

- A. The Department offers the following lifetime licenses:

1. A lifetime hunting license includes the privileges established under R12-4-206(A).
2. A lifetime fishing license includes the privileges established under R12-4-207(A).
3. A lifetime combination hunting and fishing license includes the privileges established under R12-4-210(A) and (B).
4. A benefactor lifetime combination hunting and fishing license includes the privileges established under R12-4-210(A) and (B).
- B. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate lifetime hunting or combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- C. The lifetime licenses identified under subsection (A) do not expire and remain valid if the licensee subsequently resides outside of this state.
  1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required hunt permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
  2. Limits established under R12-4-114 for nonresident hunt permit-tags and nonpermit-tags do not apply to a lifetime license holder.
- D. A resident may apply for a lifetime license by submitting an application to the Department and paying the applicable fee required under subsection (E). The application is furnished by the Department and is available at any Department office and on the Department's website. A lifetime license applicant shall provide the following information on the application:
  1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);
    - e. Department identification number, when applicable;
    - f. Residency status and number of years of residency immediately preceding application, when applicable;
    - g. Mailing address, when applicable;
    - h. Physical address;
    - i. Telephone number, when available; and
    - j. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- E. The fees for resident lifetime licenses listed under (A)(1) through (A)(3) are determined by the age of the applicant as follows:
  1. Age 0 through 13 years is 17 times the fee established under R12-4-102 for the equivalent one-year license.
  2. Age 14 through 29 years is 18 times the fee established under R12-4-102 for the equivalent one-year license.
  3. Age 30 through 44 years is 16 times the fee established under R12-4-102 for the equivalent one-year license.
  4. Age 45 through 61 years is 15 times the fee established under R12-4-102 for the equivalent one-year license.
  5. Age 62 and older is 8 times the fee established under R12-4-102 for the equivalent one-year license.
  6. For the purposes of this subsection, when the applicant is under the age of 18, the fee for the lifetime license is

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based on the full priced license fee, not the youth license fee.

- F.** The fee for the benefactor license listed under (A)(4) is \$1,500. The difference between \$1,500 and the license fee for a resident lifetime combination hunting and fishing license established under subsection (E):
1. Is a donation to the State for continued management, protection, and conservation of the State's wildlife.
  2. Shall be credited to the wildlife endowment fund established under A.R.S. § 17-271.
  3. May be tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations.
- G.** A lifetime license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.
- H.** A person issued a lifetime license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A)(1), (A)(2), (A)(3), or (A)(4), as applicable, for the equivalent lifetime license.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
Amended effective October 9, 1980 (Supp. 80-5). Former Section R12-4-36 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4).  
Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 3360 (October 21, 2022), effective November 26, 2022 (Supp. 22-3).

**R12-4-212. Repealed****Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective January 1, 1977 (Supp. 76-5). Former Section R12-4-37 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Repealed by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-213. Hunt Permit-tags and Nonpermit-tags**

- A.** A valid hunt permit-tag or nonpermit-tag is required to validate a license to take a big game animal or other wildlife requiring a valid tag. Before a person may take a big game animal or other wildlife requiring a tag, the person shall apply for and obtain the appropriate tag required for the take of that big game animal or other wildlife.
- B.** A person may apply for a hunt permit-tag in accordance with R12-4-104 and at the times, locations, and in the manner established by the hunt permit-tag application schedule that the Department publishes and is available at any Department office, on the Department's website, or a License Dealer as defined under R12-4-101.
- C.** A person applying for a nonpermit-tag shall apply in accordance with R12-4-114 and pay the required fee established under R12-4-102.
- D.** Under A.R.S. § 17-332(C), the Department and its license dealers may issue a duplicate tag to a person whose tag was not used and is lost, destroyed, mutilated, or otherwise unusable; or placed on a harvested animal that was subsequently

condemned and the carcass and all parts of the animal were surrendered to a Department employee as required under R12-4-112(B) and (C). The person shall complete and sign the affidavit furnished by the Department. The affidavit is available at any Department office or License Dealer. The person shall provide the following information on the affidavit:

1. The applicant's personal information:
    - a. Name;
    - b. Department identification number, when applicable;
    - c. Residency status and number of years of residency immediately preceding application, when applicable;
  2. The original license or tag information:
    - a. Type of license or tag;
    - b. Place of purchase;
    - c. Purchase date, when available;
  3. Disposition of the original tag for which a duplicate is being purchased.
  4. A person applying for a duplicate tag after a harvested animal that was subsequently condemned as described under subsection (D) shall also submit the condemned meat duplicate tag authorization form issued by the Department.
- E.** The person shall pay the applicable duplicate fee prescribed under R12-4-102.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).  
Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-38 renumbered as Section R12-4-213 without change effective August 13, 1981 (Supp. 81-4).  
Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

**R12-4-214. Repealed****Historical Note**

Former Section R12-4-67 renumbered as Section R12-4-214 without change effective August 13, 1981 (Supp. 81-4). Repealed effective December 22, 1989 (Supp. 89-4).  
New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Repealed by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

**R12-4-215. Youth Group Two-day Fishing License**

- A.** A youth group two-day fishing license authorizes a nonprofit organization or governmental entity as defined under subsection (C) that sponsors adult supervised activities for youth to take up to 25 youths fishing. The youth group two-day fishing license is only available from a Department office. The youth group two-day fishing license is valid for:
1. Two consecutive days,
  2. The take of all aquatic wildlife, and
  3. All privileges established under R12-4-207(A).
- B.** A nonprofit organization or governmental entity may apply for a youth group two-day fishing license at any Department office. An applicant for a youth group two-day fishing license shall be a resident. The applicant shall pay the fee required under R12-4-102 and provide the following information at the time of application:
1. The nonprofit organization's or governmental entity's:
    - a. Name;

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- b. Mailing address; and
    - c. Telephone number, when available;
  - 2. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Mailing address, when applicable;
    - f. Physical address;
    - g. Telephone number, when available; and
    - h. E-mail address, when available;
  - 3. The dates on which the nonprofit organization intends to conduct the youth group fishing activity.
  - 4. The approximate number of youth participating in the group fishing activity.
- C. For the purpose of this Section, "governmental entity" means any town, city, county, municipality, or other political subdivision of this state or any department, agency, board, commission, authority, division, office, public school, public charter school, public corporation, or other public entity of this state or any department agency bureau, or office of the federal government that is physically located within this state.

**Historical Note**

Adopted effective December 9, 1982 (Supp. 82-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 4308, effective December 31, 2003 (Supp. 05-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-216. Crossbow Permit**

- A. For the purposes of this Section, "healthcare provider" means a person who is licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:
- 1. Medical Doctor,
  - 2. Doctor of Osteopathy,
  - 3. Doctor of Chiropractic,
  - 4. Nurse Practitioner, or
  - 5. Physician Assistant.
- B. A crossbow permit allows a person to use a crossbow, or any bow to be drawn and held with an assisting device, during an archery-only season, as prescribed under R12-4-318, when authorized under R12-4-304 as lawful for the species hunted.
- C. The crossbow permit does not exempt the permit holder from any other applicable method of take or licensing requirement. The permit holder shall be responsible for compliance with all applicable regulatory requirements.
- D. The crossbow permit does not expire, unless:
- 1. The medical certification portion of the application indicates the person has a temporary physical disability; then the crossbow permit shall be valid for a period of one year from the date the medical certification portion of the application was signed by the healthcare provider,
  - 2. The permit holder no longer meets the criteria for obtaining the crossbow permit, or
  - 3. The Commission revokes the person's hunting privileges under A.R.S. § 17-340. A person whose crossbow permit is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.
- E. An applicant for a crossbow permit shall apply by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A crossbow permit applicant shall provide all of the following information on the application:
- 1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  - 2. Affirmation that:
    - a. The applicant meets the requirements of this Section, and
    - b. The information provided on the application is true and accurate, and
  - 3. Applicant's signature and date.
  - 4. The certification portion of the application shall be completed by a healthcare provider. The healthcare provider shall:
    - a. Certify the applicant has one or more of the following physical limitations:
      - i. An amputation involving body extremities required for stable function to use conventional archery equipment;
      - ii. A spinal cord injury resulting in a disability to the lower extremities, leaving the applicant nonambulatory;
      - iii. A wheelchair restriction;
      - iv. A neuromuscular condition that prevents the applicant from drawing and holding a bow;
      - v. A failed manual muscle test involving the grading of shoulder and elbow flexion and extension or an impaired range-of-motion test involving the shoulder or elbow; or
      - vi. A combination of comparable physical disabilities resulting in the applicant's inability to draw and hold a bow;
      - vii. A failed functional draw test that equals 30 pounds of resistance and involves holding it for four seconds. The functional draw test may not be used to determine eligibility for the permit when it is not associated with a disability.
    - b. Indicate whether the disability is temporary or permanent and, when temporary, specify the expected duration of the physical limitation; and
    - c. Provide the healthcare provider's:
      - i. Typed or printed name,
      - ii. License number,
      - iii. Business address,
      - iv. Telephone number, and
      - v. Signature and date;
  - 5. A person who holds a valid Challenged Hunter Access/Mobility Permit (CHAMP) and who is applying for a crossbow permit is exempt from the requirements of subsection (E)(4) and shall indicate "CHAMP" in the space provided for the medical certification on the crossbow permit application.

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- F. In addition to the requirements listed above, at the time of application an applicant who is applying for a crossbow permit shall pay the applicable fee required under R12-4-102.
- G. All information and documentation provided by the applicant is subject to Department verification.
- H. The Department shall deny a crossbow permit when the applicant:
  1. Fails to meet the criteria prescribed under this Section,
  2. Fails to comply with the requirements of this Section, or
  3. Provides false information during the application process.
- I. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- J. The applicant claiming a temporary or permanent disability is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.
- K. When acting under the authority of a crossbow permit, the crossbow permit holder shall possess the permit, and exhibit the permit upon request to any peace officer, including wildlife managers and game rangers.
- L. A crossbow permit holder shall not:
  1. Transfer the permit to another person, or
  2. Allow another person to use or possess the permit.

**Historical Note**

Adopted effective April 7, 1983 (Supp. 83-2). Repealed effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). New Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)**

- A. For the purposes of this Section, the following definitions apply:

“Healthcare provider” means a person who is licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:

1. Medical Doctor,
2. Doctor of Osteopathy,
3. Doctor of Chiropractic,
4. Nurse Practitioner, or
5. Physician Assistant.

“Severe permanent disability” means one or more permanent physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, intellectual disability, muscular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, pulmonary disorders, quadriplegia and other spinal cord conditions, sickle cell anemia, and end stage renal disease or a combination of permanent disabilities resulting in comparable substantial functional limitations.

- B. The Challenged Hunter Access/Mobility Permit (CHAMP) allows a person with a severe permanent disability to perform one or more of the following activities:

1. Discharge a firearm or other legal hunting device from a motor vehicle if, under existing conditions:
    - a. The discharge is otherwise lawful;
    - b. The motor vehicle is not in motion;
    - c. The motor vehicle is not on any road, as defined under A.R.S. § 17-101; and
    - d. The motor vehicle’s engine is turned off.
  2. Discharge a firearm or other legal hunting device from a watercraft, as defined under R12-4-501; provided the motor is turned off, the sail furled, or both; and progress has ceased.
    - a. The watercraft may be drifting as a result of current or wind, beached, moored, resting at anchor, or propelled by paddle, oars, or pole.
    - b. A person may use a watercraft under power to retrieve dead or wounded wildlife.
    - c. For the purposes of this subsection, “watercraft” does not include a sinkbox.
  3. Use off-road locations in a motor vehicle if use is not in conflict with federal or state statutes or regulations or local ordinances or regulations and the motor vehicle is used as a place to wait for game. A person shall not use a motor vehicle to chase or pursue game.
  4. Designate an assistant to track and dispatch a wounded animal, and to retrieve the animal, in accordance with the requirements of this Section.
- C. The CHAMP holder shall comply with all applicable regulatory requirements. A CHAMP does not exempt the permit holder from any other applicable method of take or licensing requirement.
  - D. The CHAMP does not expire, unless:
    1. The permit holder no longer meets the criteria for obtaining the CHAMP, or
    2. The Commission revokes the person’s hunting privileges under A.R.S. § 17-340. A person whose CHAMP is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.
  - E. An applicant for a CHAMP shall apply by submitting an application to the Department. The application form is furnished by the Department and is available from any Department office and on the Department’s website. The CHAMP applicant shall provide all of the following information on the application:
    1. The applicant’s:
      - a. Name;
      - b. Date of birth;
      - c. Physical description, to include the applicant’s eye color, hair color, height, and weight;
      - d. Department identification number, when applicable;
      - e. Residency status;
      - f. Mailing address, when applicable;
      - g. Physical address;
      - h. Telephone number, when available; and
      - i. E-mail address, when available;
    2. Affirmation that:
      - a. The applicant meets the requirements of this Section, and
      - b. The information provided on the application is true and accurate, and
    3. Applicant’s signature and date.
    4. The certification portion of the application shall be completed by a healthcare provider. The healthcare provider shall:

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- a. Certify the applicant is a person with a severe permanent disability as defined under subsection (A), and
- b. Provide the healthcare provider's:
  - i. Typed or printed name,
  - ii. Business address,
  - iii. Telephone number, and
  - iv. Signature and date;
- F. In addition to the requirements listed above, at the time of application an applicant who is applying for a CHAMP shall pay the applicable fee required under R12-4-102.
- G. All information and documentation provided by the applicant is subject to Department verification.
- H. The applicant claiming a severe permanent disability is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.
- I. The Department shall deny a CHAMP when the applicant:
  - 1. Fails to meet the criteria prescribed under this Section,
  - 2. Fails to comply with the requirements of this Section, or
  - 3. Provides false information during the application process.
- J. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.
- K. When acting under the authority of the CHAMP, the permit holder shall possess and exhibit the permit upon request to any peace officer, including wildlife managers and game rangers.
- L. The CHAMP holder shall ensure the CHAMP vehicle placard, issued with the CHAMP, is visibly displayed on the motor vehicle or watercraft when in use.
- M. The Department shall provide a CHAMP holder with a dispatch permit that allows the CHAMP holder to designate a licensed hunter as an assistant to:
  - 1. Dispatch and retrieve an animal wounded by the CHAMP holder, or
  - 2. Retrieve wildlife killed by the CHAMP holder.
- N. The CHAMP holder shall:
  - 1. Designate an assistant only after the animal is wounded or killed.
  - 2. Ensure the designation on the dispatch permit is in ink and includes:
    - a. A description of the animal,
    - b. The assistant's name and valid Arizona hunting license number,
    - c. The date and time the animal was wounded or killed, and
  - 3. Ensure compliance with all of the following requirements:
    - a. The site where the animal is wounded and the location from which tracking begins are marked so they can be identified later.
    - b. The assistant possesses the dispatch permit and a valid hunting license while tracking and dispatching the wounded animal. When acting under the authority of the dispatch permit, the assistant shall possess and exhibit the dispatch permit and hunting license upon request to any peace officer, including wildlife managers and game rangers.
    - c. The CHAMP holder is in the field while the assistant is tracking and dispatching the wounded animal.
    - d. The assistant does not transfer the dispatch permit to anyone except that the dispatch permit may be transferred back to the CHAMP holder.
- e. Dispatch is made by a method that is lawful for the take of the particular animal in the particular season in accordance with requirements established under R12-4-304 and R12-4-318.
- f. The assistant attaches the dispatch permit to the carcass of the animal and returns the carcass to the CHAMP holder, and the tag of the CHAMP holder is affixed to the carcass.
- g. If the assistant is unsuccessful in locating and dispatching the wounded animal, the assistant returns the dispatch permit to the CHAMP holder. The CHAMP holder shall strike the name and authorization of the assistant from the dispatch permit.
- O. A dispatch permit may not be reused when all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass. The CHAMP holder may request another dispatch permit from the Department if:
  - 1. All spaces for assistants are filled,
  - 2. The dispatch permit is lost, or
  - 3. When the CHAMP holder needs another dispatch permit for another big game hunt.
- P. A CHAMP holder shall not:
  - 1. Transfer the permit to another person, or
  - 2. Allow another person to use or possess the permit.

**Historical Note**

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4).

**R12-4-218. Repealed****Historical Note**

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective November 7, 1996 (Supp. 96-4).

**R12-4-219. Renumbered****Historical Note**

Adopted as an emergency effective July 5, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Correction, Historical Note, Supp. 88-3, should read, "Adopted as an emergency effective July 15, 1988..."; readopted and amended as an emergency effective October 13, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 24, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and

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renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2).

**R12-4-220. Repealed****Historical Note**

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE****R12-4-301. Definitions**

In addition to the definitions provided under A.R.S. § 17-101 and R12-4-101, the following definitions apply to this Article unless otherwise specified:

"Administer" means to apply a drug directly to wildlife by injection, inhalation, ingestion, or any other means.

"Aircraft" means any contrivance used for flight in the air or any lighter-than-air contrivance, including unmanned aircraft systems also known as drones.

"Artificial flies and lures" means man-made devices intended as visual attractants to catch fish. Artificial flies and lures does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, or chemicals or organic materials intended to create a scent, flavor, or chemical stimulant to the device regardless of whether it is added or applied during or after the manufacturing process.

"Barbless hook" means any fish hook manufactured without barbs or on which the barbs have been completely closed or removed.

"Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.

"Confinement trap" means a device designed to capture wildlife alive and hold it without harm.

"Crayfish net" means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand-held line.

"Deadly weapon" has the same meaning as provided under A.R.S. § 13-3101.

"Device" has the same meaning as provided under A.R.S. § 17-101.

"Dip net" means any net, excluding the handle, that is no greater than three feet in the greatest dimension, that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the person.

"Drug" means any chemical substance, other than food or mineral supplements, that affects the structure or biological function of wildlife.

"Edible portions of game meat" means, for:

Upland game birds, migratory game birds and wild turkey: breast.

Bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, and pronghorn antelope: front quarters, hind quarters, loins (backstraps), neck meat, and tenderloins.

Game fish: fillets of the fish.

"Evidence of legality" means the wildlife is accompanied by the applicable license, tag, stamp, or permit required by law and is identifiable as the "legal wildlife" prescribed by Commission Order, which may include evidence of species, gender, antler or horn growth, maturity, and size.

"Foothold trap" means a device designed to capture an animal by the leg or foot.

"Hybrid device" means a device with a combination of components from two or more lawful devices and is used for the take of wildlife, such as but not limited to a firearm, pneumatic weapon, or slingshot that shoots arrows or bolts.

"Instant kill trap" means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.

"Land set" means any trap used on land rather than in water.

"Minnow trap" means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width, and 24 inches in length.

"Muzzleloading handgun" means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, and loaded with black powder or synthetic black powder and a single projectile.

"Muzzleloading rifle" means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

"Muzzleloading shotgun" means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single or double smooth barrel and loaded through the muzzle with black powder or synthetic black powder and using ball shot as a projectile.

"Paste-type bait" means a partially liquefied substance used as a lure for animals.

"Pneumatic weapon" means a device that fires a projectile by means of air pressure or compressed gas. This does not include tools that are common in the construction and art trade such as, but not limited to, nail and rivet guns.

"Pre-charged pneumatic weapon" means an air gun or pneumatic weapon that is charged from a high compression source such as an air compressor, air tank, or internal or external hand pump.

"Prohibited possessor" has the same meaning as provided under A.R.S. § 13-3101.

"Prohibited weapon" has the same meaning as provided under A.R.S. § 13-3101.

"Rifle" means a firearm intended to be fired from the shoulder that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a rifled bore for each single pull of the trigger. This does not include a pre-charged pneumatic weapon.

"Shotgun" means a firearm intended to be fired from the shoulder and that uses the energy from an explosive in a fixed shotgun shell to fire either ball shot or a single projectile through a smooth bore or rifled barrel for each pull of the trigger.

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“Sight-exposed bait” means a carcass, or parts of a carcass, lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include a trap flag, dried or bleached bone with no attached tissue, or less than two ounces of paste-type bait.

“Simultaneous fishing” means taking fish by using only two lines at one time and not more than two hooks or two artificial flies or lures per line.

“Single-point barbless hook” means a fishhook with a single point, manufactured without barbs, or on which the barbs have been completely closed or removed. This does not include a treble fishhook.

“Sinkbox” means a low-floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

“Smart device” means any device equipped with a target-tracking system or an electronically-controlled, electronically-assisted, or computer-linked trigger or release. This includes but is not limited to smart rifles.

“Trail Camera” means any device that is not held or manually operated by a person and is used to capture images, video, or location, time, or date data of wildlife.

“Trap flag” means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.

“Water set” means any trap used and anchored in water rather than on land.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976, Amended effective June 7, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Editorial correction subsection (D) (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-50 renumbered as Section R12-4-301 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (A) effective May 12, 1982 (Supp. 82-3). Amended effective July 3, 1984 (Supp. 84-4). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Former R12-4-301 renumbered to R12-4-321; new Section made by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

**R12-4-302. Use of Tags**

- A. In addition to meeting requirements prescribed under A.R.S. § 17-331, a person who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C. A person who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of

the bag limit established by Commission Order for that genus or species.

- D. A person shall:
  1. Take and tag only the wildlife identified on the tag.
  2. Use a tag only in the season and hunt for which the tag is valid as specified by Commission Order.
- E. Except as permitted under R12-4-217, a person shall not:
  1. Allow their tag to be attached to wildlife killed by another person,
  2. Allow their tag to be possessed by another person while taking wildlife,
  3. Allow wildlife killed by that person to be tagged with another person’s tag,
  4. Attach their tag to wildlife killed by another person, or
  5. Possess a tag issued to another person while taking wildlife.
  6. Subsections (E)(2) and (5) do not apply to a tag issued to a person under 18 years of age.
- F. Except as permitted under R12-4-217, immediately after a person kills wildlife, the person shall attach:
  1. The tag to the wildlife carcass in the manner indicated on the tag, or
  2. The validation code to the wildlife carcass in the manner indicated by the Department through the person’s electronic device.
- G. A person who authorizes another person to possess, transport, or ship a portion of their lawfully taken animal shall complete the transportation and shipping portion of the tag in the manner indicated on the tag or by the Department through the person’s electronic device, as applicable.
- H. A tag is no longer valid for the take of wildlife if:
  1. The tag is mutilated or the Transportation and Shipping Permit portion of the tag is signed or filled out, or
  2. The validation code is attached to a carcass.

**Historical Note**

Former Section R12-4-51 renumbered as Section R12-4-302 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (D), (E), and repealed subsection (G) effective May 12, 1982 (Supp. 82-3). Amended effective March 23, 1983 (Supp. 83-2). Amended subsection (F) effective October 31, 1984 (Supp. 84-5). Amended subsections (A), (D), (F) and (G) and added a new Section (H) effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Section R12-4-302 repealed, new Section R12-4-302 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 21-4).



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**R12-4-303. Unlawful Devices, Methods, and Ammunition**

**A.** In addition to the prohibitions prescribed under A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking wildlife in this state:

1. A person shall not use any of the following to take wildlife:
  - a. Fully automatic firearms, including firearms capable of selective automatic fire.
  - b. Tracer or armor-piercing ammunition designed for military use.
  - c. Any smart device as defined under R12-4-301.
  - d. Any self-guided projectiles.
2. A person shall not take big game using full-jacketed or total-jacketed bullets that are not designed to expand upon impact,
3. A person shall not use or possess any of the following while taking wildlife:
  - a. Poisoned projectiles or projectiles that contain explosives or a secondary propellant.
  - b. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted under A.R.S. § 17-239 or as allowed by a scientific collecting permit issued under A.R.S. § 17-238.
  - c. Any lure, attractant, or cover scent containing any cervid urine.
  - d. Electronic night vision equipment, electronically enhanced light-gathering devices, thermal imaging devices or laser sights projecting a visible light; except for devices such as laser range finders projecting a non-visible light, scopes with self-illuminating reticles, and fiber optic sights with self-illuminating sights or pins that do not project a visible light onto an animal.
4. A person shall not by any means:
  - a. Hold wildlife at bay other than during daylight hours, unless authorized by Commission Order.
  - b. Injure, confine, place, or use a tracking device in or on wildlife for the purpose of taking or aiding in the take of wildlife.
  - c. Place any substance, device, or object in, on, or by any water source to prevent wildlife from using that water source.
  - d. Place any substance in a manner intended to attract bears.
  - e. Use a manual or powered jacking or prying device to take reptiles or amphibians.
  - f. Use dogs to pursue, tree, corner or hold at bay any wildlife for a hunter, unless that hunter is present for the entire hunt.
  - g. Take migratory game birds, except Eurasian collared-doves:
    - i. Using a shotgun larger than 10 gauge, a shotgun of any description capable of holding more than three shells unless it is plugged with a one-piece filler that cannot be removed without disassembling the shotgun so that its total capacity does not exceed three shells.
    - ii. Using electronically amplified bird calls or baits.
    - iii. By means or aid of any motordriven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird.
- iv. Activities described under subsections (A)(4)(g)(i) through (A)(4)(g)(iii) are prohibited under 50 C.F.R. 20.21, revised October 1, 2015. The material incorporated by reference in this Section does not include any later amendments or editions. The incorporated material is available at any Department office, online from the Government Printing Office website [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
- h. Discharge any of the following devices while taking wildlife within one-fourth mile (440 yards) of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident:
  - i. Arrow or bolt,
  - ii. Hybrid device, or
  - iii. Pneumatic weapon .35 caliber or larger.
- i. Participate in, organize, promote, sponsor, or solicit participation in a contest where a participant uses or intends to use any device or implement to capture or kill predatory animals or fur-bearing animals as defined under A.R.S. § 17-101. For the purposes of this subsection, "contest" means a competition among participants where participants must register or record entry and pay a fee, and prizes or cash are awarded to winning or successful participants.
5. A person shall not place, maintain, or use a trail camera, or images, video, to include location, time, or data from a trail camera, for the purpose of taking or aiding in the take of wildlife or locating wildlife for the purpose of taking or aiding in the take of wildlife.
6. A person shall not use images of wildlife produced or transmitted from a satellite or other device that orbits the earth for the purpose of:
  - a. Taking or aiding in the take of wildlife, or
  - b. Locating wildlife for the purpose of taking or aiding in the take of wildlife.
  - c. This subsection does not prohibit the use of mapping systems or programs.
7. A person shall not use edible or ingestible substances to aid in taking big game. The use of edible or ingestible substances to aid in taking big game is unlawful when:
  - a. A person places edible or ingestible substances for the purpose of attracting or taking big game, or
  - b. A person knowingly takes big game with the aid of edible or ingestible substances placed for the purpose of attracting wildlife to a specific location.
8. Subsection (A)(7) does not limit Department employees or Department agents in the performance of their official duties.
9. For the purposes of subsection (A)(7), edible or ingestible substances do not include any of the following:
  - a. Water.
  - b. Salt.
  - c. Salt-based materials produced and manufactured for the livestock industry.
  - d. Nutritional supplements produced and manufactured for the livestock industry and placed during the course of livestock or agricultural operations.
- B.** It is unlawful for a person who is a prohibited possessor to take wildlife with a deadly weapon or prohibited weapon.
- C.** Wildlife taken in violation of this Section is unlawfully taken.

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- D. This Section does not apply to any activity allowed under A.R.S. § 17-302, to a person acting within the scope of their official duties as an employee of the state or United States, or as authorized by the Department.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 29, 1977 (Supp. 77-2). Amended effective September 7, 1978 (Supp. 78-5). Former Section R12-4-52 renumbered as Section R12-4-303 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 28, 1983 (Supp. 83-2). Amended subsections (A) and (C) effective October 31, 1984 (Supp. 84-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 25 A.A.R. 2473, effective November 3, 2019 (Supp. 19-3). Amended by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

**R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles**

- A. A hybrid device is lawful for the take of wildlife provided all components of the device are authorized for the take of that species under this Section.
- B. A person may only use the following methods to take big game when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.
1. To take bear:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Muzzleloading handguns;
    - f. Shotguns shooting slugs, only;
    - g. Pre-charged pneumatic weapons .35 caliber or larger;
    - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
    - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
    - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(1)(i) to be drawn and held with an assisting device; and
    - k. Pursuit with dogs only between August 1 and December 31, provided the person shall immediately kill or release the bear after it is treed, cornered, or held at bay. For the purpose of this subsection, "release" means the person removes the dogs from the area so the bear can escape on its own after it is treed, cornered, or held at bay.
  2. To take bighorn sheep:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Muzzleloading handguns;
    - f. Shotguns shooting slugs, only;
    - g. Pre-charged pneumatic weapons .35 caliber or larger;
    - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
    - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
    - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(2)(i) to be drawn and held with an assisting device.
  3. To take bison:
    - a. Statewide, except for the management units identified under subsection (B)(3)(b):
      - i. Centerfire rifles;
      - ii. Muzzleloading rifles;
      - iii. All other rifles using black powder or synthetic black powder;
      - iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
      - v. Pre-charged pneumatic weapons 40 caliber or larger a minimum of 500 foot pounds of energy;
      - vi. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second; and
      - vii. Bows with a standard pull of 40 or more pounds, using arrows with broadheads of no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
      - viii. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(3)(a)(vi) to be drawn and held with an assisting device.
    - b. In Management Units 5A and 5B:
      - i. Centerfire rifles,
      - ii. Muzzleloading rifles, and
      - iii. All other rifles using black powder or synthetic black powder.

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4. To take deer:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Muzzleloading handguns;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
  - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
  - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(4)(i) to be drawn and held with an assisting device.
5. To take elk:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Muzzleloading handguns;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons 40 caliber or larger and capable of firing a minimum of 500 foot pounds of energy;
  - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
  - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
  - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(5)(h) to be drawn and held with an assisting device.
6. To take javelina:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Muzzleloading handguns;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
7. To take mountain lion:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Muzzleloading handguns;
  - f. Shotguns shooting slugs or shot;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
  - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
  - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(6)(i) to be drawn and held with an assisting device;
  - k. .22 rimfire magnum rifles; and
  - l. 5 mm rimfire magnum rifles.
8. To take pronghorn antelope:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Muzzleloading handguns;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
  - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
  - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(7)(i) to be drawn and held with an assisting device;
  - k. Artificial light, during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
  - l. Pursuit with dogs, provided the person shall immediately kill or release the mountain lion after it is treed, cornered, or held at bay. For the purpose of this subsection, "release" means the person removes the dogs from the area so the mountain lion can escape on its own after it is treed, cornered, or held at bay.

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- edges and capable of firing a minimum of 250 feet per second;
- i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
  - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(8)(i) to be drawn and held with an assisting device.
9. To take turkey:
- a. Shotguns shooting shot;
  - b. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
  - c. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(9)(b) to be drawn and held with an assisting device.
  - d. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
- C. A person may only use the following methods to take small game, when authorized by Commission Order and subject to the restrictions under R12-4-303, R12-4-318, and R12-4-422.
1. To take cottontail rabbits and tree squirrels:
    - a. Firearms,
    - b. Bow and arrow,
    - c. Crossbow,
    - d. Pneumatic weapons,
    - e. Slingshots,
    - f. Hand-held projectiles,
    - g. Falconry, and
    - h. Dogs.
  2. To take all upland game birds and Eurasian collared-dove:
    - a. Bow and arrow;
    - b. Falconry;
    - c. Pneumatic weapons;
    - d. Shotguns shooting shot, only;
    - e. Handguns shooting shot, only;
    - f. Crossbow;
    - g. Slingshot;
    - h. Hand-held projectiles; and
    - i. Dogs.
  3. To take migratory game birds, except Eurasian collared-dove:
    - a. Bow and arrow;
    - b. Crossbow;
    - c. Falconry;
    - d. Dogs;
    - e. Shotguns shooting shot:
      - i. Ten gauge or smaller, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; and
      - ii. Incapable of holding more than a total of three shells as prescribed under 50 C.F.R. 20.21, published October 1, 2015. The material incorporated by reference in this subsection does not include any later amendments or editions. The material is available at any Department office, online from the Government Printing Office website [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
- D. A person may take waterfowl from any watercraft, except a sinkbox, subject to the following conditions:
1. The motor is shut off, the sail is furled, as applicable, and any progress from a motor or sail has ceased;
  2. The watercraft may be:
    - a. Adrift as a result of current or wind action;
    - b. Beached;
    - c. Moored;
    - d. Resting at anchor; or
    - e. Propelled by paddle, oars, or pole; and
  3. The person may only use the watercraft under power to retrieve dead or crippled waterfowl; shooting is prohibited while the watercraft is under power.
- E. A person may take predatory and fur-bearing animals by using the following methods, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318:
1. Firearms;
  2. Pre-charged pneumatic weapons .22 caliber or larger;
  3. Bow and arrow;
  4. Crossbow;
  5. Traps not prohibited under R12-4-307;
  6. Artificial light while taking raccoon provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail;
  7. Artificial light while taking coyote during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
  8. Dogs.
- F. A person may take nongame mammals and birds by any method authorized by Commission Order and not prohibited under R12-4-303, R12-4-318, and R12-4-422, subject to the following restrictions. A person:
1. Shall not take nongame mammals and birds using foot-hold traps;
  2. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
  3. Shall not use firearms at night; and
  4. May use artificial light while taking nongame mammals and birds, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.
- G. A person may take reptiles by any method not prohibited under R12-4-303 or R12-4-318 subject to the following restrictions. A person:

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1. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
2. Shall not use firearms at night; and
3. May use artificial light while taking reptiles provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

**Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 11, 1978 (Supp. 78-1). Amended effective September 7, 1978 (Supp. 78-5). Amended effective November 14, 1979 (Supp. 79-6). Amended effective July 22, 1980 (Supp. 80-4). Former Section R12-4-53 renumbered as Section R12-4-304 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective April 7, 1983 (Supp. 83-2). Amended subsection (I) effective June 7, 1984 (Supp. 84-3). Amended effective February 28, 1985 (Supp. 85-1). Amended effective September 16, 1985 (Supp. 85-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by exempt rulemaking at 17 A.A.R. 2629, effective December 9, 2011 (Supp. 11-4). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife**

- A. A person shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wildlife that the person possesses, transports, or imports until arrival at the person's permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.
- B. In addition to the requirement under subsection (A), a person possessing or transporting the following wildlife shall ensure each:
  1. Big game animal, sandhill crane, and pheasant has the required valid tag attached in the manner indicated on the tag or as indicated by the Department through the person's electronic device, as applicable;
  2. Migratory game bird, except sandhill cranes, has one fully feathered wing attached;
  3. Sandhill crane and Eurasian-collared dove has either the fully feathered head or one fully feathered wing attached;
  4. Quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, when the current Commission Order has established separate bag or possession limits for any species of quail; and
5. Freshwater fish has the head, tail, or skin attached so the species can be identified and the total number and required length determined.
- C. A person who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission may authorize its transportation or shipment by completing and signing the Transportation and Shipping Permit portion of the valid tag or as indicated by the Department through the person's electronic device, as applicable, for that animal. A separate Transportation and Shipping Permit issued by the Department is necessary to transport or ship to another state or country any big game taken with a resident license. Under A.R.S. § 17-372(B), a person may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation and Shipping Permit issued by the Department. The person shall provide the following information:
  1. Number and description of the wildlife to be transported or shipped;
  2. Name, address, license number, and license class of the person who took the wildlife;
  3. Tag number;
  4. Name and address of the person receiving a portion of the carcass of the wildlife as authorized under subsection (D), if applicable;
  5. Address of destination where the wildlife is to be transported or shipped; and
  6. Name and address of transporter or shipper.
- D. A person who lawfully takes wildlife under a tag may authorize another individual to possess the head or carcass of the wildlife as prescribed under R12-4-302.
- E. A person who receives a portion of the wildlife shall provide the identity of the person who took and gave the portion of the wildlife upon request to any peace officer, wildlife manager, or game ranger.
- F. A person shall not possess the horns of a bighorn sheep, taken by a hunter in this state, unless the horns are marked or sealed as established under R12-4-308.
- G. Except as provided under R12-4-307, before a person may sell, offer for sale, or export the raw pelt or unskinned carcass of a bobcat taken in this state, the person shall:
  1. Present the bobcat for inspection at any Department office, and
  2. Purchase a bobcat seal by paying the fee established under R12-4-102 at any Department office or other location as determined and published by the Department. Department personnel or an authorized agent shall attach and lock the bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag.
- H. A person who takes bear or mountain lion under A.R.S. § 17-302 may retain the carcass of the wildlife if the person has a valid hunting license and the carcass is immediately tagged with a nonpermit-tag or a valid hunt permit-tag as required under R12-4-114 and R12-4-302, provided the person has not reached the applicable bag limit for that big game animal. An animal retained under this subsection shall count toward the applicable bag limit for bear or mountain lion as authorized by Commission Order. The person shall comply with inspection and reporting requirements established under R12-4-308.
- I. A person may possess, transport, or import only the following portions of a cervid lawfully taken in another state or country:
  1. Boneless portions of meat, or meat that has been cut and packaged either personally or commercially;
  2. Clean hides and capes with no skull or soft tissue attached, except as required for proof of legality;

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3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached, this includes velvet antlers;
  4. Finished taxidermy mounts or products; and
  5. Upper canine teeth with no meat or tissue attached.
- J.** A private game farm license holder may transport a cervid lawfully killed or slaughtered at the license holder's game farm to a licensed meat processor.
- K.** A person may possess or transport only the following portions of a cervid lawfully killed or slaughtered at a private game farm authorized under R12-4-413:
1. Boneless portions of meat, or meat that has been cut and packaged either personally or commercially;
  2. Clean hides and capes with no skull or soft tissue attached;
  3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached, this includes velvet antlers;
  4. Finished taxidermy mounts or products; and
  5. Upper canine teeth with no meat or tissue attached.
- L.** A person who obtains bison meat as authorized under R12-4-306 may sell the meat.
- M.** Except for cervids, which are subject to requirements established under subsections (I), (J), and (K), a person may import into this state the carcasses or parts of wildlife, including aquatic wildlife, lawfully taken in another state or country if transported and exported in accordance with the laws of the state or country of origin.
- N.** A person shall not transport live crayfish from the site where taken, except as permitted under R12-4-316.
- O.** A person in possession of a common carp (*Cyprinus carpio*), buffalofish (*Ictiobus* spp.), or crayfish (families *Astacidae*, *Cambaridae*, and *Parastacidae*) carcass taken under Commission Order may sell the carcass.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Former Section R12-4-54 renumbered as Section R12-4-305 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective June 14, 1983 (Supp. 83-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective April 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 21-4).

**R12-4-306. Bison Hunt Requirements**

- A.** When authorized by Commission Order, the Department shall conduct a hunt to harvest bison from the state's bison herds.
- B.** A hunter with a bison permit-tag or nonpermit-tag shall, when required:
1. Provide a signed written acknowledgment that the hunter received, read, understands, and agrees to comply with the requirements of this Section.
  2. Hunt in the order scheduled.

3. Be accompanied by an authorized Department employee who:
    - a. Shall designate the bison to be harvested, and
    - b. May assist in taking the bison if the hunter fails to dispatch a wounded bison within a reasonable period of time.
  4. Take only the bison designated by the Department employee.
- C.** A hunter issued a bison permit-tag or nonpermit-tag shall check out no more than three days after the end of the hunt, regardless of whether the hunter harvested a bison, did not harvest a bison, or did not participate in the bison hunt.
1. House Rock Herd (Units 12A, 12B, and 13A): a hunter may check out either in person, electronically, or by telephone with the Department's Flagstaff regional office or Jacob Lake Check station, when open during deer season.
  2. Raymond Herd (Units 5A and 5B):
    - a. A hunter may check out either in person, electronically, or by telephone with the Department's Flagstaff regional office, or when required, with the Raymond Wildlife Area headquarters.
    - b. A hunter may be required to present the harvested bison to the Department for the purpose of gathering biological data when the bison was taken in Units 5A or 5B and a Department employee did not accompany the hunter during the bison hunt.
  3. At the time of check out, the hunter shall provide all of the following information:
    - a. Hunter's name,
    - b. Hunter's contact number,
    - c. Tag number,
    - d. Sex of bison taken,
    - e. Age of the bison taken: adult or yearling,
    - f. Number of days hunted, and
    - g. Number of bison seen while hunting.
  4. An authorized Department employee who accompanies the hunter, shall conduct the check out at the end of the hunt.
- D.** Failure to comply with the requirements of this Section shall result in the invalidation of the hunter's permit-tag or nonpermit-tag, consistent with the written acknowledgment signed and agreed to by the hunter.

**Historical Note**

Former Section R12-4-55 renumbered as Section R12-4-306 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) effective May 12, 1982 (Supp. 82-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). The spelling of Bison was corrected in the Section heading (Supp. 21-4).

**R12-4-307. Trapping Regulations, Licensing; Methods; Tagging of Bobcat Pelts**

- A.** An Arizona trapping license permits a person to trap predatory and fur-bearing animals.
- B.** A trapping license is required for any person 10 years of age and older. A person under the age of 10 is not required to purchase a trapping license, but shall apply for and obtain a regis-

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tration number. The trapper registration number is not transferable.

- C. A person born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course before applying for a trapping license.
- D. A person applying for a trapping registration number or trapping license shall pay the applicable fees established under R12-4-102.
- E. A person applying for a trapping registration number or trapping license shall apply using a form furnished by the Department. The form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The person shall provide all of the following information on the form:
  - 1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  - 2. Category of license:
    - a. Resident,
    - b. Nonresident, or
    - c. Youth, and
  - 3. The applicant's signature and date.
- F. A trapper may only trap predatory and fur-bearing animals during trapping seasons established by Commission Order.
- G. A trapper shall:
  - 1. Inspect traps daily;
  - 2. Kill or release all predatory and fur-bearing animals;
  - 3. Possess a choke restraint device that enables the trapper to release a javelina from a trap when trapping in a javelina hunt unit as designated by Commission Order;
  - 4. Possess a device that is designed or manufactured to restrain a trapped animal while it is being removed from a trap when its release is required under this Section; and
  - 5. Release, without additional injury, all animals that cannot lawfully be taken by trap.
  - 6. Subsections (G)(3) and (G)(4) do not apply when the trapper is using a confinement trap.
- H. A trapper shall not:
  - 1. Bait a confinement trap with:
    - a. A live animal;
    - b. Any edible parts of small game, big game, or game fish; or
    - c. Any part of any game bird or nongame bird.
  - 2. Set any trap within:
    - a. One-half mile (880 yards) of any of the following areas developed for public use:
      - i. Boat ramp or launching area,
      - ii. Camping area,
      - iii. Picnic area,
      - iv. Roadside rest area, or
      - v. Developed wildlife viewing platform.
    - b. One-half mile of any occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.
  - c. One-hundred yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation.
  - d. Fifty feet of any trail maintained for public use by a government agency.
  - e. Seventy-five feet of any other road as defined under A.R.S. § 17-101.
  - f. Subsections (H)(2)(b), (H)(2)(c), (H)(2)(d), and (H)(2)(e) do not apply when the trapper is using a confinement trap.
- 3. Set a foothold trap within 30 feet of sight-exposed bait.
- 4. Use any:
  - a. Body-gripping or other instant kill trap with an open jaw spread that exceeds 5 inches for any land set or 10 inches for any water set;
  - b. Foothold trap with an open jaw spread that exceeds 7 1/2 inches for any water set;
  - c. Snare, unless authorized under subsection (I);
  - d. Trap with an open jaw spread that exceeds 6 1/2 inches for any land set; or
  - e. Trap with teeth.
- I. A trapper who uses a foothold trap to take wildlife with a land set shall use commercially manufactured traps that meet the following specifications:
  - 1. A padded or rubber-jawed trap or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device that allows for pan tension adjustment;
  - 2. A foothold trap that captures wildlife by means of an enclosed bar or spring designed to prevent the capture of non-targeted wildlife or domestic animals; or
  - 3. A powered cable device with an inside frame hinge width no wider than 6 inches, a cable loop stop size of at least 2 inches in diameter to prevent capture of small non-target species, and a device that allows for a pan tension adjustment.
- J. A trapper who uses a foothold trap to take wildlife with a land set shall ensure that the trap has an anchor chain equipped with at least two swivels as follows:
  - 1. An anchor chain 12 inches or less in length shall have a swivel attached at each end.
  - 2. An anchor chain greater than 12 inches in length shall have one swivel attached at the trap and one swivel attached within 12 inches of the trap. The anchor chain shall be equipped with a shock-absorbing spring that requires less than 40 pounds of force to extend or open the spring.
- K. A trapper shall ensure that each trap has either the name and address or the registration number of the trapper marked on a metal tag attached to the trap. The registration number assigned by the Department is the only acceptable registration number.
- L. A trapper shall immediately attach a valid bobcat transportation tag to the pelt or unskinned carcass of a bobcat taken in this state. The trapper shall validate the transportation tag by providing all of the following information on the bobcat transportation tag:
  - 1. Current trapping license number,
  - 2. Management unit where the bobcat was taken,
  - 3. Sex of the bobcat, and
  - 4. Method by which the bobcat was taken.
- M. The Department shall provide transportation tags with each trapping license. Additional transportation tags are available at any Department office at no charge.

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- N. A trapper shall ensure that all bobcats taken in this state have a bobcat seal attached and locked either through the mouth and an eye opening or through both eye openings no later than April 1 of each year.
1. When available, bobcat seals are issued on a first-come, first-served basis at Department offices and other locations at those times and places as determined and published by the Department.
  2. The trapper shall pay the bobcat seal fee established under R12-4-102.
  3. Department personnel or an authorized agent shall attach and lock a bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag and a complete lower jaw identified with labels provided with the transportation tag. Department personnel or authorized agents shall collect the transportation tags and jaws before attaching the bobcat seal.
- O. Department personnel shall attach a bobcat seal to a bobcat pelt seized under A.R.S. § 17-211(E)(4) before disposal by the Department to the public.
- P. A licensed trapper shall file the annual report prescribed under A.R.S. § 17-361(D). The report form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
1. The trapper shall submit the report to Arizona Game and Fish Department, Terrestrial Wildlife Branch, 5000 W. Carefree Highway, Phoenix, AZ 85086 by April 1 of each year.
  2. A report is required even when trapping activities were not conducted.
  3. The Department shall deny a trapping license to any trapper who fails to submit an annual report until the trapper complies with reporting requirements.
- Q. Persons suffering property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this Section. This exemption does not authorize any form of trapping prohibited under A.R.S. § 17-301.

**Historical Note**

Repealed effective May 3, 1976 (Supp. 76-3). New Section R12-4-56 adopted effective September 2, 1977 (Supp. 77-5). Amended effective December 27, 1979 (Supp. 79-6). Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981. New Section R12-4-307 amended effective August 31, 1981 (Supp. 81-4). Amended effective August 4, 1982 (Supp. 82-4). Correction, Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981 should read "effective August 31, 1981." Amended as an emergency effective March 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Amended subsections (B), (C)(6), (7), and (8) and added subsection (I)(5) as a permanent rule effective August 27, 1984 (Supp. 84-4). Amended subsection (C), paragraph (4), subsection (D), subsection (H), paragraph (1), subsection (I), paragraphs (3), (4) and (5) effective September 12, 1986 (Supp. 86-5). Amended effective March 1, 1994; filed in the Office of the Secretary of State November 23, 1993; Exhibit A - "Trapping Report" Form 2050, repealed from Section R12-4-307 (Supp. 93-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Corrected mislabeled subsection "C" to subsection "D" as per the Commission's request July 22, 1997 (Supp. 97-2). Amended effective February 9, 1998

(Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks**

- A. The Department has the authority to establish mandatory wildlife check stations.
1. The Department shall publish in the Commission Order establishing the season the:
    - a. Location,
    - b. Check in requirements, and
    - c. Check out requirements for that specific season.
  2. The Department shall ensure a wildlife check station with a published:
    - a. Check in requirement is open:
      - i. 8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and
      - ii. 8:00 a.m. to 8:00 p.m. during each day of the season.
    - b. Check out requirement is open:
      - i. 8:00 a.m. to 8:00 p.m. during each day of the season, and
      - ii. Until 12:00 p.m. on the day after the close of the season.
  3. A hunter shall:
    - a. Check in at a wildlife check station in person before hunting when the Department includes a check in requirement in the Commission Order for that season;
    - b. Check out at a wildlife check station in person after hunting when the Department includes a check out requirement in the Commission Order for that season and shall:
      - i. Present for inspection any wildlife taken; and
      - ii. Display any license, tag, or permit required for taking or transporting wildlife.
- B. The Department may conduct inspections of lawfully taken wildlife at the Department's Phoenix and regional offices or designated locations during the posted business hours.
1. A bighorn sheep hunter shall check out either in person or by designee within three days after the close of the season. The hunter or designee shall submit the intact horns and skull for inspection and photographing. A Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission Order. It is unlawful for any person to remove, alter, or obliterate the mark or seal.
  2. A hunter who harvests a bear or mountain lion shall:
    - a. Report information about the kill to the Department either in person or by telephone within 48 hours of taking the wildlife. The report shall include the:
      - i. Name of the hunter,
      - ii. Hunter's hunting license number,
      - iii. Sex of the wildlife taken,
      - iv. Management unit where the wildlife was taken,
      - v. Telephone number where the hunter can be reached for additional information, and
      - vi. Any additional information required by the Department.



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- b. Present either in person or by designee the skull, hide, and attached proof of sex for inspection within 10 days of taking the wildlife. If a hunter freezes the skull or hide before presenting it for inspection, the hunter shall prop the jaw open to allow access to the teeth and ensure that the attached proof of sex is identifiable and accessible.
- 3. For seasons other than bear, bighorn sheep, or mountain lion, a hunter who harvests wildlife for which a harvest objective is established, shall report information about the kill either in person or by telephone within 48 hours of taking the wildlife. The report shall include the information required under subsection (B)(2)(a).
- C. The Director may establish vehicle roadblocks at specific locations when necessary to ensure compliance with applicable wildlife laws. Any occupant of a vehicle at a roadblock shall, upon request, present for inspection all wildlife in possession, and provide evidence of legality as defined under R12-4-301.
- D. This Section does not limit the game ranger or wildlife manager's authority to conduct stops, searches, and inspections authorized under A.R.S. §§ 17-211(E), 17-250(A)(4), and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

**Historical Note**

Amended effective June 29, 1978 (Supp. 78-3). Former Section R12-4-57 renumbered as Section R12-4-308 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective May 12, 1982 (Supp. 82-3). Amended subsections (B), (D), and (F), and added subsection (G) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective July 12, 1996 (Supp. 96-3). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-309. Authorization for Use of Drugs on Wildlife**

- A. A person shall not administer any drug to any wildlife under the jurisdiction of the state, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation without written authorization from the Department or as otherwise provided under subsection (E). This authorization does not:
  - 1. Exempt a person from any state or federal statute, rule, or regulation, or any municipal or county code or ordinance; or
  - 2. Authorize a person to engage in any activity using federally protected wildlife.
- B. A person requesting written authorization for the use of drugs on wildlife shall submit the request in writing to the Department at 5000 W. Carefree Highway, Phoenix, AZ 85086 and at least 120 days before the anticipated start date of the activity. The written request shall include all of the following:
  - 1. A plan that includes:
    - a. The purpose and need for the proposed activity;
    - b. A clear statement of the objectives; for fertility control the statement shall include the target wildlife population goals or densities and the anticipated time-frame for meeting these objectives;
    - c. A description of the agent, drug, or method and any mandated labeling restrictions or limitations designed to reduce or minimize detrimental effects to wildlife and humans;
    - d. Citations of published scientific literature documenting field studies on the efficacy and safety for both target and non-target species, including predators, scavengers, and humans;
    - e. A description of the activity area;
    - f. A description of the target species population and current status;
    - g. A description of the field methodology for delivery that includes the following, as applicable:
      - i. Timing,
      - ii. Sex and number of animals to be treated,
      - iii. Percentage of the population to be treated,
      - iv. Calculated population effect, and
      - v. Short and long term monitoring and evaluation procedures.
  - 2. Documentation regarding the experience and credentials of the applicant or the applicant's agents as it applies to the requested activity;
  - 3. Written permission from landowners or lessees in all locations where the drug will be administered; and
  - 4. Written endorsement from the agency or institution; required when the applicant is a government agency, university, or other institution. The person signing the written endorsement shall have the authority to execute the written endorsement on behalf of the agency or institution.
- C. The Department shall notify the applicant of the Department's decision to grant or deny the request within 90 days. The Department has the authority to place conditions on the written authorization regarding:
  - 1. Locations and time-frames,
  - 2. Drugs and methodology,
  - 3. Limitations,
  - 4. Reporting requirements, and
  - 5. Any other conditions deemed necessary by the Department.
- D. A person with authorization shall:
  - 1. Carry written authorization while engaged in the activity and exhibit it upon request to any peace officer, wildlife manager, or game ranger;
  - 2. Allow Department personnel to be present to monitor activities for compliance, public safety, and proper treatment of animals;
  - 3. Adhere to all drug label restrictions and precautions;
  - 4. Provide an annual and final report:
    - a. The annual report shall include the number of animals treated, the level of treatment effect obtained to date, and any problems including mortalities or morbidities of target animals. The person shall submit the annual report to the Department by January 31 of each year or as otherwise specified in the written authorization.
    - b. The final report shall include the end results, including the number of wildlife treated and treatment

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effects on target and non-target wildlife, including mortalities, morbidities, and reproductive rate changes. The person shall submit the final report to the Department no later than 90 days after the completion of the project for which the permit was issued.

5. Comply with all conditions and requirements set forth in the written authorization.
- E. This Section does not prohibit the treatment of wildlife by a licensed veterinarian or holder of a special license in accordance with R12-4-407(B)(2) and (8), R12-4-413(K)(5), R12-4-420(J)(3), activities as authorized under R12-4-418, R12-4-420, R12-4-421, and R12-4-423, a person exempt from special licensing under R12-4-407(A)(4) and (5), or reasonable lethal removal activities for wildlife control as authorized under A.R.S. § 17-239(A).
- F. This Section does not limit:
  1. Department employees or Department agents in the performance of their official duties related to wildlife management,
  2. The practices of aquaculture facilities administered by the U.S. Fish and Wildlife Service, and commercial aquaculture facilities operating under a valid license from the Arizona Department of Agriculture, or
  3. The use of supplements or drugs as a part of conventional livestock operations where those supplements may incidentally be consumed by wildlife.
- G. The Department shall take possession of and dispose of any remaining wildlife drugs administered in violation of this Section and any devices and paraphernalia used to administer those drugs as authorized under A.R.S. §§ 17-211(E), 17-231(A), and 17-240(B).
- H. Require the person with authorization to indemnify the Department against any injury or damage resulting from the use of animal drugs.

**Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-58 renumbered as Section R12-4-309 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended effective January 1, 1999; filed with the Office of the Secretary of State December 4, 1998 (Supp. 98-4). Section repealed by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). New Section made by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-310. Fishing Permits**

- A. The Department may issue a fishing permit to state, county, or municipal agencies or departments and to nonprofit organizations whose primary purpose is to provide treatment and care for persons with physical, developmental, or mental disabilities.
- B. The permit:
  1. Is valid for any two days within a 30 day period;
  2. Authorizes persons with physical, developmental, or mental disabilities to fish without a fishing license upon any public waters except that fishing in the waters of the Colorado River is restricted to fishing from the Arizona shoreline only, unless the persons fishing under the authority of the permit also possess a valid Colorado River stamp from the adjacent state; and
  3. Does not exempt persons fishing under the authority of the permit from compliance with other statutes, Commission Orders, and rules not contained in this Section.
- C. An applicant for a fishing permit shall submit a properly completed application to the Department. The application is furnished by the Department and is available from any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
  1. The applicant shall provide all of the following information:
    - a. The name, address, and telephone number of the agency, department, or nonprofit organization requesting the permit;
    - b. The name, position title, and telephone number of the persons responsible for supervising the persons fishing under the authority of the permit;
    - c. The total number of persons who will be fishing under the authority of the permit;
    - d. The dates for which the permit will be used; and
    - e. The location for which the permit will be valid.
  2. In addition to the information required under subsection (C)(1), nonprofit organizations shall also submit:
    - a. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department; and
    - b. Document identifying the organization's mission.
- D. The Department shall either grant or deny the fishing permit within the applicable overall time-frame established under R12-4-106.
- E. The fishing permit holder shall provide instruction on fish identification, fishing ethics, safety, and techniques to the persons who will be fishing under authority of the permit curriculum outline provided by the Department.
- F. Each person fishing under the sole authority of the fishing permit may take only one-half the regular bag limit established by Commission Order for any species, unless the regular bag limit is one, in which case the permit authorizes the regular bag limit.
- G. The permit holder shall submit a report to the Department no later than 30 days after the end of the authorized fishing dates. The report form is furnished by the Department and is available at any Department office. The permit holder shall report all of the following information on the form:
  1. The fishing permit number and the information contained in the permit;
  2. The total number of persons who fished and total hours fished;

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3. The total number of fish caught, kept, and released, by species.
- H. The Department may deny future fishing permits to a permit holder who failed to submit the report required under subsection (G) until the permit holder complies with reporting requirements.

**Historical Note**

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section adopted November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife**

In addition to the exemptions prescribed under A.R.S. § 17-335, R12-4-206(E), R12-4-207(E), and R12-4-209(E) and provided the person's fishing, hunting, or trapping license privileges are not currently revoked by the Commission:

1. A fishing license is not required when a person is:
  - a. Fishing from artificial ponds, tanks, and lakes contained entirely on private lands that are not:
    - i. Open to the public, and
    - ii. Managed by the Department.
  - b. Taking from private property nonnative terrestrial mollusks, such as but not limited to brown garden snails (*Helix aspersa*) and decollata snails (*Rumina decollata*), or crustaceans, such as crayfish.
  - c. Fishing in Arizona on any designated Saturday occurring during National Fishing and Boating Week, except in waters of the Colorado River forming the common boundaries between Arizona and California, Nevada, or Utah where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day.
  - d. Participating in an introductory fishing education program sanctioned by the Department, during scheduled program hours, only. A sanctioned program shall have a Department employee, or authorized volunteer instructor present during scheduled program hours. For the purposes of this subsection, "authorized volunteer instructor" means a person who has successfully passed the Department's required background check, or provided documentation of the person's application for a fingerprint clearance card, and sport fishing education workshop.
2. A hunting license is not required when a person is participating in an introductory hunting event organized, sanctioned, or sponsored by the Department. The person may hunt small game, fur-bearing, predator, and designated mammals during scheduled event hours, only. To hunt migratory game birds, the person shall have any stamps

required by federal regulation. The introductory hunting event shall have a Department employee, certified hunter education instructor, or authorized volunteer present during scheduled hunting hours. For the purposes of this subsection, "authorized volunteer" means a person who has successfully passed the Department's required background check, or provided documentation of the person's application for a fingerprint clearance card, and Department event best practices training. This subsection does not apply to any event that requires a participant to obtain a permit-tag or nonpermit-tag.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Amended effective May 31, 1979. Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-60 renumbered as Section R12-4-311 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) and added subsections (F) and (G) effective December 17, 1981 (Supp. 81-6). Amended as an emergency effective May 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-3). Emergency certification expired. Amended subsections (A) through (E) effective December 7, 1982 (Supp. 82-6). Amended subsections (C) and (D) effective February 9, 1984 (Supp. 84-1). Amended effective December 13, 1985 (Supp. 85-6). Amended subsections (A) and (D) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-311 repealed, new Section R12-4-311 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-322 repealed, new Section R12-4-311 adopted effective January 1, 1989, filed effective December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-312. Repealed****Historical Note**

Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-61 renumbered as Section R12-4-312 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (E) and (F) effective December 17, 1981 (Supp. 81-6). Amended subsections (A), (C), (D), (E), and added subsection (G) effective December 9, 1982 (Supp. 82-6). Amended subsection (A), paragraph (1) effective November 27, 1984 (Supp. 84-6). Amended effective December 13, 1985 (Supp. 85-6). Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective January 1, 1989, filed December 30, 1988 (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking

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at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-313. Lawful Methods of Take and Season for Aquatic Wildlife**

- A.** Subject to the restrictions of this Section, a person may take aquatic wildlife during the day or night using artificial light as prescribed under A.R.S. § 17-301. When a fish die-off is imminent or when otherwise deemed appropriate, the Commission may designate a special season by Commission Order to allow fish to be taken by hand or by any hand-held, non-motorized implement that does not discharge a projectile.
- B.** A person who possesses a valid Arizona fishing license may take aquatic wildlife by angling or simultaneous fishing as defined under R12-4-301 with any bait, artificial fly, or lure subject to the following restrictions:
1. Except for sunfish of the genus *Lepomis*, the flesh of game fish may not be used as bait.
  2. Live baitfish, as defined under R12-4-101, may only be used in designated areas prescribed by Commission Order and designated areas may subsequently be closed or restricted by Commission Order.
  3. Waterdogs may not be used as live bait in that portion of Santa Cruz County lying east and south of State Highway 82 or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
  4. Shall not use more than two lines at any one time.
  5. The Commission may further restrict the lawful methods of take on particular waters by designating one or more of the following special seasons by Commission Order:
    - a. An “artificial flies and lures” season in which only artificial flies and lures may be used in designated areas,
    - b. A “barbless hooks” season in which only the use of barbless or single-point barbless hooks may be used in designated areas,
    - c. An “immediate kill or release” season in which a person must kill and retain the designated species as part of the person’s bag limit or immediately release the wildlife,
    - d. A “catch and immediate release” in which a person must immediately release the designated species,
    - e. An “immediate kill” season in which a person must immediately kill and retain the designated species as part of the person’s bag limit, or
    - f. A “limited-entry” season in which a limited number of permits is made available to the public for a designated species, a particular water, or both.
- C.** In addition to angling, a person who possesses a valid Arizona fishing license may also take the following aquatic wildlife using the following methods:
1. A hybrid device is lawful for the take of aquatic wildlife provided all components of the device are authorized for the take of that species under this subsection.
  2. Carp (*Cyprinus carpio*), buffalofish, mullet, tilapia, goldfish, and shad may be taken by:
    - a. Bow and arrow,
    - b. Crossbow,
    - c. Snare,
    - d. Gig,
    - e. Spear or spear gun, or
    - f. Snagging.
  3. A person shall not use any of the methods of take listed under subsection (C)(2) within 200 yards of a designated swimming area as indicated by way of posted signs or notices.
4. Except for snagging, a person shall not use any of the methods of take listed under subsection (C)(2) within 200 yards of any boat dock or fishing pier.
  5. Striped bass may be taken by spear or spear gun in waters designated by Commission Order.
  6. Catfish may be taken by bow and arrow or crossbow in waters designated by Commission Order.
  7. Amphibians, soft-shelled turtles, mollusks, and crustaceans may be taken by minnow trap, crayfish net, hand, or with any hand-held, non-motorized implement that does not discharge a projectile, unless otherwise permitted under this Section.
  8. In addition to the methods described under subsection (C)(7), bullfrogs may be taken by:
    - a. Bow and arrow,
    - b. Crossbow,
    - c. Pneumatic weapon, or
    - d. Slingshot.
  9. Live baitfish may be taken for personal use as bait by:
    - a. A cast net not to exceed a radius of 4 feet measured from the horn to the headline;
    - b. A minnow trap, as defined under R12-4-301;
    - c. A seine net not to exceed 10 feet in length and 4 feet in width; or
    - d. A dip net.
  10. In addition to the methods described under subsection (C)(7), crayfish may be taken with the following devices:
    - a. A trap not more than 3 feet in the greatest dimension,
    - b. A dip net as defined under R12-4-301, or
    - c. A seine net not larger than 10 feet in length and 4 feet in width.
  11. The Commission may further restrict the lawful methods of take on particular waters by designating one or more of the following special seasons by Commission Order:
    - a. A “snagging” season in which a person may use this method only at times and locations designated by Commission Order, or
    - b. A “spear or spear gun” season in which a person may use this method only at times and locations designated by Commission Order.
- D.** Aquatic wildlife taken in violation of this Section is unlawfully taken.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 17, 1977 (Supp. 77-3). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-62 renumbered as Section R12-4-313 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 7, 1982 (Supp. 82-6). Amended subsection (A)(7) and added subsection (E)(3) effective November 27, 1984 (Supp. 84-6). Amended subsections (A) and (E) effective December 9, 1985 (Supp. 85-6). Amended subsections (A) and (E) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective January 1, 1993; filed December 18,

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1992 (Supp. 92-4). Amended effective October 14, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-314. Possession, Transportation, or Importation of Aquatic Wildlife**

- A. The Commission may prescribe legal sizes for possession of aquatic wildlife through Commission Order.
- B. A person who possesses a valid Arizona fishing license may possess live aquatic wildlife lawfully taken on the waters where taken, but the person shall not transport the aquatic wildlife alive from the waters where taken except that:
  1. A person may transport live baitfish listed in subsection (C)(1);
  2. A person may transport live waterdogs except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82; and
  3. Any crayfish taken on waters within Yuma or La Paz Counties may be transported alive for use as live bait in that portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.
- C. A person who possesses a valid Arizona fishing license may import, transport, or possess live baitfish, crayfish, or waterdogs for personal use as live bait only as follows:
  1. A person may possess or transport only the following live baitfish for personal use as live bait:
    - a. Fathead minnow (*Pimephales promelas*),
    - b. Golden shiners (*Notemigonus crysoleucas*),
    - c. Goldfish (*Carassius auratus*),
    - d. Longfin Dace (*Agosia chrysogaster*),
    - e. Sonora Sucker (*Catostomus insignis*),
    - f. Speckled Dace (*Rhynchithys osculus*), and
    - g. Desert Sucker (*Catostomus clarki*).
  2. A person may import for personal use live baitfish listed in subsection (C)(1) from:
    - a. California or Nevada, or
    - b. From any other state with accompanying documentation certifying that the fish are free of Furunculosis.
  3. A person may import, transport, or possess live waterdogs for personal use as bait, except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
  4. A person shall not import, transport, or move live crayfish between waters for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, or except as allowed in subsection (B)(3).
- D. A person shall attach water-resistant identification to any unattended live boxes or stringers holding fish and ensure the identification bears the person's:
  1. Name,
  2. Address, and
  3. Fishing license number.

- E. A person who uses a crayfish net or a minnow trap shall raise and empty the trap daily and shall attach water-resistant identification to any unattended traps and ensure the identification bears the person's:
  1. Name,
  2. Address, and
  3. Fishing license number.
- F. A person shall not knowingly disturb the crayfish net, live box, minnow trap, or stringer of another unless authorized to do so by the owner.

**Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-63 renumbered as Section R12-4-314 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (B) effective December 31, 1984 (Supp. 84-6). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). New Section made by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-315. Repealed****Historical Note**

Former Section R12-4-64 renumbered as Section R12-4-315 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-316. Repealed****Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 4, 1979 (Supp. 79-3). Amended subsections (A), (B), (C), and (D) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-65 renumbered as Section R12-4-316 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (C) and (F) effective February 9, 1984 (Supp. 84-1). Amended effective December 31, 1984 (Supp. 84-6). Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2147, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

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**R12-4-317. Repealed****Historical Note**

Renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-66 renumbered as Section R12-4-317 without change effective August 13, 1981 (Supp. 81-4).

Correction, Section R12-4-317 formerly shown as repealed should have read reserved. Former Historical Note erroneous, see R12-4-202. Section R12-4-317 adopted effective June 20, 1984 (Supp. 84-3). Repealed effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Repealed effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles**

**A.** Methods of lawfully taking wild mammals, birds, and reptiles during seasons designated by Commission Order as "general" seasons are designated under R12-4-304.

1. Lawful devices are defined under R12-4-101 and R12-4-301.
2. Lawful devices are listed under this Section by the range of effectiveness, from greatest range to least range.
3. A hybrid device may be used in a general season, provided:
  - a. All components of the hybrid device are designated as lawful for a given species under R12-4-304, and
  - b. No components are prohibited under R12-4-303.

**B.** Methods of lawfully taking big game during seasons designated by Commission Order as "special" are designated under R12-4-304. "Special" seasons are open only to a person who possesses a special big game license tag authorized under A.R.S. § 17-346 and R12-4-120.

**C.** When designated by Commission Order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as established under this Section. While taking the species authorized by the season, a person participating in:

1. A "CHAMP" season shall be a challenged hunter access/mobility permit holder as established under R12-4-217.
2. A "youth-only hunt" shall be under the age of 18. A youth hunter whose 18th birthday occurs during a "youth-only hunt" for which the youth hunter has a valid permit or tag may continue to participate for the duration of that "youth-only hunt."
3. A "pursuit-only" season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission Order, but shall not kill or capture the quarry.
  - a. A person participating in a "pursuit-only" season shall possess and, at the request of Department personnel, produce an appropriate and valid hunting license and any required tag or pursuit-only permit for the wildlife pursued, even though there shall be no kill.
  - b. Pursuit is allowed regardless of whether a person has met the bag limit established under R12-4-104(J) for that genus.
  - c. A person does not commit an offense under A.R.S. § 17-309 where the person causes or allows a dog to

pursue a bear, mountain lion, or raccoon when all of the following apply:

- i. A pursuit-only season for the wildlife pursued is authorized by Commission Order;
  - ii. The person possesses a valid hunting license and tag;
  - iii. The bear, mountain lion, or raccoon is not injured or killed in the course of the pursuit.
4. A "restricted season" may use any lawful method authorized for a specific species under R12-4-304, except dogs may not be used to pursue the wildlife for which the season was established.
  5. An "archery-only" season shall not use any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. A person participating in an "archery-only" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
    - a. Bows and arrows, and
    - b. Falconry.
  6. A "handgun, archery, and muzzleloader (HAM)" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
    - a. Muzzleloading rifles,
    - b. Handguns,
    - c. Muzzleloading handguns,
    - d. Bows and arrows,
    - e. Crossbows or bows to be drawn and held with an assisting device, and
    - f. Pre-charged pneumatic weapons capable of holding and discharging a single projectile .35 caliber or larger.
  7. A "muzzleloader" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
    - a. Muzzleloading rifles or muzzleloading handguns,
    - b. Bows and arrows, and
    - c. Crossbows or bows to be drawn and held with an assisting device.
  8. A "limited weapon" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
    - a. Bows and arrows,
    - b. Crossbows or bows to be drawn and held with an assisting device,
    - c. Pneumatic weapons capable of holding and discharging a single projectile .25 caliber or smaller,
    - d. Hand-propelled projectiles,
    - e. Any trap except foothold traps,
    - f. Slingshots,
    - g. Dogs,
    - h. Falconry,
    - i. Nets, or
    - j. Capture by hand.
  9. A "limited weapon hand or hand-held implement" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
    - a. Catch-pole,
    - b. Hand,
    - c. Snake hook, or

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- d. Snake tongs.
10. A "limited weapon-pneumatic" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Pneumatic weapons discharging a single projectile .25 caliber or smaller,
  - b. Hand-propelled projectiles,
  - c. Slingshots,
  - d. Dogs,
  - e. Falconry,
  - f. Nets, or
  - g. Capture by hand.
11. A "limited weapon-rimfire" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Rifled firearms using rimfire cartridges,
  - b. Shotgun shooting shot or slug,
  - c. Bows and arrows,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Pneumatic weapons,
  - f. Hand-propelled projectiles,
  - g. Any trap except foothold traps,
  - h. Slingshots,
  - i. Dogs,
  - j. Falconry,
  - k. Nets, or
  - l. Capture by hand.
12. A "limited weapon-shotgun" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Shotgun shooting shot or slug,
  - b. Muzzleloading shotgun,
  - c. Bows and arrows,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Pneumatic weapons,
  - f. Hand-propelled projectiles,
  - g. Any trap except foothold traps,
  - h. Slingshots,
  - i. Dogs,
  - j. Falconry,
  - k. Nets, or
  - l. Capture by hand.
13. A "limited weapon-shotgun shooting shot" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Shotgun shooting shot,
  - b. Muzzleloading shotgun shooting shot,
  - c. Bows and arrows,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Pneumatic weapons,
  - f. Hand-propelled projectiles,
  - g. Any trap except foothold traps,
  - h. Slingshots,
  - i. Dogs,
  - j. Falconry,
  - k. Nets, or
  - l. Capture by hand.
14. A "falconry-only" season shall be a falconer licensed under R12-4-422 unless exempt under A.R.S. § 17-236(C) or R12-4-407. A falconer participating in a "falconry-only" season shall use no other method of take except falconry.
15. A "raptor capture" season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.
16. A "limited-entry" season means any hunting opportunity for which a limited number of permits is made available to the public.

**Historical Note**

Adopted effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended effective January 1, 1998; filed in the Office of the Secretary of State November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final exempt rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

**R12-4-319. Use of Aircraft to Take Wildlife**

- A. A person shall not take or assist in taking wildlife from or with the aid of aircraft, including drones.
- B. Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, a person shall not locate or assist in locating wildlife from or with the aid of an aircraft, including drones, in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.
- C. A person who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or a person who assists or will assist such a licensee shall not use an aircraft, including drones, to locate wildlife beginning 48 hours before and during a Commission-ordered special season.
- D. This Section does not apply to any person acting within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

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- E. For the purposes of this Section, “locate” means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.

**Historical Note**

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 12, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-68 renumbered as Section R12-4-319 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-319 adopted as an emergency effective October 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-320. Harassment of Wildlife**

- A. In addition to the provisions established under A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment, or drive wildlife with or from any aircraft, including drones, as defined under R12-4-301, or with or from any motorized terrestrial or aquatic vehicle.
- B. This Section does not apply to person’s acting:
1. In accordance with the provisions established under A.R.S. § 17-239; or
  2. Within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-321. Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves**

- A. All city, county, and town parks and preserves are closed to hunting and trapping, unless open by Commission Order.
- B. Unless otherwise provided under Commission Order or rule, a city, county, or town may:
1. Limit or prohibit any person from hunting within one-fourth mile (440 yards) or trapping within one half mile (880 yards) of any:
    - a. Developed picnic area,
    - b. Developed campground,
    - c. Developed trailhead,
    - d. Developed wildlife viewing platform,
    - e. Boat ramp,
    - f. Shooting range,
    - g. Occupied structure, or
    - h. Golf course.
  2. Require a person entering a city, county, or town park or preserve, for the purpose of hunting, to declare the person’s intent to hunt within the park or preserve, if the park or preserve has a check in process established.

3. Allow a person to take wildlife in a city, county, or town park or preserve only during the posted park or preserve hours.

- C. The requirements of subsection (B)(1) do not apply to a reptile and amphibian limited weapon hand or hand-held implement season established by Commission Order.

**Historical Note**

New Section R12-4-321 renumbered from R12-4-301 and amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

**R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts**

- A. For the purposes of this Section, the following definitions apply:
1. “Fresh” means the majority of the wildlife carcass or part is not exposed dry bone and is comprised mainly of hair, hide, or flesh.
  2. “Not fresh” means the majority of the wildlife carcass or part is exposed dry bone due to natural processes such as scavenging, decomposition, or weathering.
- B. If not contrary to federal law or regulation, a person may pick up and possess naturally shed antlers or horns or other wildlife parts that are not fresh without a permit or inspection by a Department law enforcement officer.
- C. If not contrary to federal law or regulation, a person may only pick up and possess a fresh wildlife carcass or its parts under this Section if the person notifies the Department prior to pick up and possession and:
1. The Department’s first report or knowledge of the carcass or its parts is voluntarily provided by the person wanting to possess the carcass or its parts;
  2. A Department law enforcement officer or an authorized Department employee or agent is able to observe the carcass or its parts at the site where the animal was found in the same condition and location as when the animal was originally found by the person wanting to possess the carcass or its parts; and
  3. A Department law enforcement officer, using the officer’s education, training, and experience, determines the animal died from natural causes. The Department may require the person to take the officer to the site where the animal carcass or parts were found when an adequate description or location cannot be provided to the officer.
- D. If a Department law enforcement officer determines that the person wanting to possess the carcass or its parts is authorized to do so under subsection (C), the officer may authorize possession of the carcass or its parts.
- E. Wildlife parts picked up and possessed from areas under control of jurisdictions that prohibit such activity, such as other states, reservations, or national parks, are illegal to possess in this state.
- F. This Section does not authorize the pickup and possession of a threatened or endangered species carcass or its parts.

**Historical Note**

New Section made by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).



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**ARTICLE 4. LIVE WILDLIFE****R12-4-401. Live Wildlife Definitions**

In addition to definitions provided under A.R.S. § 17-101, and for the purposes of this Article, the following definitions apply:

“Adoption” means the transfer of custody of live wildlife to a member of the public, initiated by either the Department or its authorized agent, when no special license is required.

“Agent” means the person identified on a special license and who assists a special license holder in performing activities authorized by the special license to achieve the objectives for which the license was issued. “Agent” has the same meaning as “sublicensee” and “subpermittee” as these terms are used for the purpose of federal permits.

“Aquarium trade” means the commercial industry and its customers who lawfully trade in aquatic live wildlife.

“Aversion training” means behavioral training in which an aversive stimulus is paired with an undesirable behavior in order to reduce or eliminate that behavior.

“Captive live wildlife” means live wildlife held in captivity, physically restrained, confined, impaired, or deterred to prevent it from escaping to the wild or moving freely in the wild.

“Captive-reared” means wildlife born, bred, raised, or held in captivity.

“Circus” means a scheduled event where a variety of entertainment is the principal business, primary purpose, and attraction. “Circus” does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.

“Commercial purpose” means the bartering, buying, leasing, loaning, offering to sell, selling, trading, exporting or importing of wildlife or their parts for monetary gain.

“Domestic” means an animal species that does not exist in the wild, and includes animal species that have only become feral after they were released by humans who held them in captivity or individuals or populations that escaped from human captivity.

“Educational display” means a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management which may or may not include soliciting payment from an audience or an event sponsor with the intent to recover costs incurred in providing the educational display. For the purposes of this Article, “to display for educational purposes” refers to display as part of an educational display.

“Educational institution” means any entity that provides instructional services or education-related services to persons.

“Endangered or threatened wildlife” means wildlife listed under 50 CFR 17.11, revised October 1, 2019, which is incorporated by reference. A copy of the list is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

“Evidence of lawful possession” means any license or permit authorizing possession of a specific live wildlife species or individual, or other documentation establishing lawful possession. Other forms of documentation may include, but are not

limited to, a statement issued by the country or state of origin verifying a license or permit for that specific live wildlife species or individual is not required.

“Exhibit” means to display captive live wildlife in public or to allow photography of captive live wildlife for any commercial purpose.

“Exotic” means wildlife or offspring of wildlife not native to North America.

“Fish farm” means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose.

“Game farm” means a commercial operation designed and operated for the purpose of propagating, rearing, or selling wildlife for any purpose stated under R12-4-413.

“Health certificate” means a certificate of an inspection completed by a licensed veterinarian or federal- or state-certified inspector verifying the animal examined appears to be healthy and free of infectious, contagious, and communicable diseases.

“Hybrid wildlife” means an offspring from two different wildlife species or genera. Offspring from a wildlife species and a domestic animal species are not considered wildlife. This definition does not apply to bird hybrids as defined under the Migratory Bird Treaty Act, under 50 CFR 21.3, revised October 1, 2019.

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-313 and R12-4-314.

“Live bait” means aquatic live wildlife used or intended for use in taking aquatic wildlife.

“Migratory birds” mean all species listed under 50 CFR 10.13 revised October 1, 2019, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

“Noncommercial purpose” means the use of products or services developed using wildlife for which no compensation or monetary value is received.

“Nonhuman primate” means any nonhuman member of the order Primate of mammals including prosimians, monkeys, and apes.

“Nonnative” means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.

“Photography” means any process that creates durable images of wildlife or parts of wildlife by recording light or other electromagnetic radiation, either chemically by means of a light-sensitive material or electronically by means of an image sensor.

“Rehabilitated wildlife” means live wildlife that is injured, orphaned, sick, or otherwise debilitated and is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.

“Research facility” means any association, institution, organization, school, except an elementary or secondary school, or society that uses or intends to use live animals in research.

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“Restricted live wildlife” means wildlife that cannot be imported, exported, or possessed without a special license or lawful exemption.

“Shooting preserve” means any operation where live wildlife is released for the purpose of hunting.

“Special license” means any license issued under this Article, including any additional stipulations placed on the license authorizing specific activities normally prohibited under A.R.S. § 17-306 and R12-4-402.

“Species of greatest conservation need” means any species listed in the Department’s Arizona’s State Wildlife Action Plan list Tier 1a and 1b published by the Arizona Game and Fish Department. The material is available for inspection at any Department office and on the Department’s website.

“Stock” and “stocking” means to release live aquatic wildlife into public or private waters other than the waters where taken.

“Taxa” means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological, genetic, or behavioral factors.

“Unique identifier” means a permanent marking made of alphanumeric characters that identifies an individual animal, which may include, but is not limited to, a tattoo or microchip.

“USFWS” means the United States Fish and Wildlife Service.

“Volunteer” means a person who:

Assists a special license holder in conducting activities authorized under the special license,

Is under the direct supervision of the license holder at the premises described on the license,

Is not designated as an agent, and

Receives no compensation.

“Wildlife disease” means any disease that poses a health risk to wildlife in Arizona.

“Zoo” means any facility licensed by the Arizona Game and Fish Department under R12-4-420 or, for facilities located outside of Arizona, licensed or recognized by the applicable governing agency.

“Zoonotic” means a disease that can be transmitted from animals to humans or, more specifically, a disease that normally exists in animals but that can infect humans.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

#### R12-4-402. Live Wildlife: Unlawful Acts

- A. A person shall not perform any of the following activities with live wildlife unless authorized by a federal license or permit, this Chapter, or A.R.S. Title 3, Chapter 16:

1. Import any live wildlife into the state;
  2. Export any live wildlife from the state;
  3. Conduct any of the following activities with live wildlife within the state:
    - a. Display,
    - b. Exhibit,
    - c. Give away,
    - d. Lease,
    - e. Offer for sale,
    - f. Possess,
    - g. Propagate,
    - h. Purchase,
    - i. Release,
    - j. Rent,
    - k. Sell,
    - l. Sell as live bait,
    - m. Stock,
    - n. Trade,
    - o. Transport; or
  4. Kill any captive live wildlife.
- B. The Department may seize, quarantine, hold, or euthanize any lawfully possessed wildlife held in a manner that poses an actual or potential threat to the wildlife, other wildlife, or the safety, health, or welfare of the public. The Department shall make reasonable efforts to find suitable placement for any animal prior to euthanizing it.
- C. A person who does not lawfully possess wildlife in accordance with this Article shall be responsible for all costs associated with the care and keeping of the wildlife.
- D. Performing activities authorized under a federal license or permit does not exempt a federal agency or its employees from complying with state permit requirements.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 23 A.A.R. 492, effective April 8, 2017 (Supp. 20-3).

#### R12-4-403. Escaped or Released Live Wildlife

- A. The Department may seize, quarantine, or euthanize any live wildlife that has been released, has escaped, or is likely to escape if the wildlife poses an actual or potential threat to:
1. Native wildlife;
  2. Wildlife habitat; or
  3. Public health, safety, or welfare; or
  4. Property.
- B. A person shall not release live wildlife, unless specifically directed to do so by the Department or authorized under this Article.
- C. The person releasing or allowing the escape of wildlife shall be responsible for all costs incurred by the Department associated with seizing or quarantining the wildlife.
- D. All special license holders shall be subject to the requirements of this Section.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

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Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License**

- A. A person may take live wildlife from the wild under a valid Arizona hunting or fishing license provided the current Commission Order authorizes a live bag and possession limit for that wildlife and the individual possesses the appropriate hunting or fishing license and special license, when applicable.
- B. Except for live baitfish which may only be possessed and transported as established under R12-4-316, a person may conduct any of the following activities with wildlife taken under an Arizona hunting or fishing license provided the activity is for a noncommercial purpose:
  - 1. Export,
  - 2. Kill,
  - 3. Place on educational display,
  - 4. Possess,
  - 5. Propagate, and
  - 6. Transport.
- C. A person possessing wildlife or offspring of wildlife taken under this Section shall dispose of the wildlife or offspring of wildlife using any one or more of the following methods:
  - 1. Giving the wildlife as a gift,
  - 2. Exporting the wildlife to another state or jurisdiction, or
  - 3. Disposing of the wildlife as directed by the Department.
- D. A person shall not use wildlife or offspring of wildlife taken under this Section for commercial purposes.
- E. A person exporting live wildlife for a noncommercial purpose shall verify exported live wildlife and offspring of wildlife shall not be:
  - 1. Bartered,
  - 2. Leased,
  - 3. Offered for sale,
  - 4. Purchased,
  - 5. Rented,
  - 6. Sold, or
  - 7. Used for any commercial purpose.
- F. A person may temporarily hold and release live wildlife possessed under this Section into the wild, provided the person did not remove the wildlife from the immediate area where it was taken.
- G. A person shall not exceed the possession limit of live wildlife established by Commission Order for that species.
  - 1. Offspring of wildlife possessed under this Section shall count towards the established possession limit.
  - 2. A person may possess offspring of amphibians or reptiles in excess of the possession limit for no more than 12 months from the date of birth or hatching.
  - 3. On or before the day the offspring reach 12 months of age, the person possessing them shall dispose of them as prescribed under subsection (C).
  - 4. A person is prohibited from releasing offspring of propagated wildlife into the wild.
- H. A person may use reptiles and amphibians taken under a valid Arizona hunting license for the purpose of providing aversion or avoidance training when the current Commission Order authorizes a live bag and possession limit for that reptile or amphibian.
- I. A person may sell photographs of wildlife taken under a valid hunting or fishing license.
- J. A person who possesses live wildlife or offspring of wildlife taken under this Section shall comply with the requirements

prescribed under R12-4-425 if the wildlife becomes listed as restricted wildlife under R12-4-406.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit**

- A. A person may import mammals, birds, amphibians, and reptiles not listed as restricted wildlife under R12-4-406 without a special license required under this Article, provided the animals are:
  - 1. Lawfully possessed under a:
    - a. Lawful exemption; or
    - b. Valid license, permit, or other form of authorization from another state, the United States, or another country; and
  - 2. Accompanied by the health certificate required under 3 A.A.C. 2, Article 6, and this Article, when applicable.
- B. A person may import live aquatic wildlife not listed as restricted wildlife under R12-4-406 without a special license under the following conditions:
  - 1. The aquatic wildlife is lawfully possessed under a lawful exemption, valid license, permit, or other form of authorization from another state, the United States, or another country; and
  - 2. The aquatic wildlife is used only for restaurants or markets that are licensed to sell food to the public and the wildlife is killed before it is transported from the restaurant or market, or, if transported alive from the market, is conveyed directly to its final destination for preparation as food; or
  - 3. The aquatic wildlife is used only for the aquarium trade or a fish farm and is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported into this state.
    - a. A person in the aquarium trade shall:
      - i. Only use aquatic wildlife used in the aquarium trade as a pet or in an educational display, and
      - ii. Keep aquatic wildlife used in the aquarium trade in an aquarium or enclosed pond that does not allow the wildlife to leave the aquarium or pond and does not allow other live aquatic wildlife to enter the aquarium or pond.
    - b. A person in the aquarium trade shall not use or possess aquatic wildlife listed as restricted live wildlife under R12-4-406.
- C. A person shall obtain the appropriate special license listed under R12-4-409(A) before importing aquatic live wildlife for any purpose not stated under subsection (B), unless exempt under this Chapter.
- D. A person may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended

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by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-406. Restricted Live Wildlife**

- A. In order to lawfully possess wildlife listed as restricted under this Section, for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-902, or this Article, a person shall possess:
  1. All applicable federal licenses and permits; and
  2. The appropriate special license listed under R12-4-409(A); or
  3. Act under a lawful exemption authorized under A.R.S. § 17-255.04, R12-4-314, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.
- B. The Commission recognizes the online taxonomic classification from the Integrated Taxonomic Information System as the authority in determining the designations of restricted live mammals, birds, reptiles, amphibians, fish, crustaceans, and mollusks referenced under this Article. The Integrated Taxonomic Information System is available at any Department office and at [www.itis.gov](http://www.itis.gov).
- C. All of the following are considered restricted live wildlife and are subject to the requirements of this Article, unless otherwise specified:
  1. Hybrid wildlife, as defined under R12-4-401, resulting from the interbreeding of at least one parent species of wildlife that is listed as restricted under this Section. Hybrid wildlife that is the progeny of a restricted wildlife species and a nonrestricted wildlife species is considered restricted wildlife.
  2. Transgenic species, unless otherwise specified under this Article. For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids or individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the genetic material originated from a restricted wildlife species.
- D. Domestic animals, as defined under R12-4-401, are not subject to restrictions under A.R.S. Title 17, 12 A.A.C. 4, or Commission Orders.
- E. For subsections (F) through (M), the common names are provided as examples only and are not all-inclusive of the order, family, or genus.
- F. Unless otherwise specified, all mammals listed below are considered restricted live wildlife:
  1. All species of the order *Afrosoricida*. Common names include: golden moles and tenrecs.
  2. All species of the following families of the order *Artiodactyla*. Common name: even-toed ungulates:
    - a. The family *Antilocapridae*. Common name: pronghorns.
    - b. The family *Bovidae*. Common names include: antelopes, bison, buffalo, cattle, duikers, gazelles, goats, oxen, and sheep. Except the following genera which are not restricted:
      - i. The genus *Bubalus*. Common name: water buffalo.
      - ii. The genus *Bison*. Common name: American bison, bison, or buffalo.
- c. The family *Cervidae*. Common names include: cervid, deer, elk, moose, red deer, and wapiti.
- d. The family *Tayassuidae*. Common name: peccaries.
3. All species of the order *Carnivora*. Common names include: bears, foxes, ocelot, raccoons, servals, skunks, wolves, and weasels.
4. All species of the order *Chiroptera*. Common name: bats.
5. All species of the genus *Didelphis*. Common name: American opossums.
6. All species of the order *Erinaceomorpha*. Common names include: European hedgehogs, gymnures, and moonrats. Except members of the genus *Atelerix*, which are not restricted. Common name: longeared and pygmy hedgehogs.
7. All species of the order *Lagomorpha*. Common names include: hares, pikas, and rabbits. Except for members of the genus *Oryctolagus* containing domestic rabbits, which are not wildlife and are not restricted.
8. All nonhuman primates. Common names include: chimpanzees, gorillas, macaques, orangutans, and spider monkeys.
9. All species of the following families of the order *Rodentia*. Common name: rodents:
  - a. The family *Capromyidae*. Common name: hutias.
  - b. The family *Castoridae*. Common name: beavers.
  - c. The family *Dipodidae*. Common name: jumping mouse.
  - d. The family *Echimyidae*. Common names include: coypus and nutrias.
  - e. The family *Erethizontidae*. Common name: new world porcupines.
  - f. The family *Geomyidae*. Common name: pocket gophers.
  - g. The family *Sciuridae*. Common names include: chipmunks, marmots, prairie dogs, squirrels, and woodchucks.
10. All species of the order *Soricomorpha*. Common names include: desmans, moles, shrews, and shrew-moles.
11. All species of the order *Xenarthra*. Common names include: anteaters, armadillos, and edentates, or sloths.
- G. Birds listed below are considered restricted live wildlife:
  1. The following species within the family *Phasianidae*. Common names: grouse, pheasants, partridges, quail, and turkeys:
    - a. *Alectoris chukar*. Common name: chukar.
    - b. *Callipepla gambelii*. Common name: Gambel's quail.
    - c. *Callipepla squamata*. Common name: scaled quail.
    - d. *Colinus virginianus*. Common name: northern bobwhite. Restricted only in game management units 36A, 36B, and 36C as prescribed under R12-4-108.
    - e. *Cyrtonyx montezumae*. Common name: harlequin, Mearns's, or Montezuma quail.
    - f. *Dendragapus obscurus*. Common name: dusky grouse.
    - g. *Meleagris gallopavo gallopavo*, *M. g. intermedia*, *M. g. merriami*, *M. g. mexicana*, *M. g. osceola*, *B. g. silvestris*, and *M. ocellata*. Common name: wild turkey.
  2. All species listed under the Migratory Bird Treaty Act listed under 50 CFR 10.13 revised October 1, 2019, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050,

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St. Louis, MO 63197-9000, and is on file with the Department.

**H.** Reptiles listed below are considered restricted live wildlife:

1. All species of the order *Crocodylia*. Common names include: alligators, caimans, crocodiles, and gavials.
2. All species of the following families or genera of the order *Squamata*:
  - a. The family *Atractaspididae*. Common name: burrowing asps.
  - b. The following species and genera of the family *Colubridae*:
    - i. *Boiga irregularis*. Common name: brown tree snake.
    - ii. *Dispholidus typus*. Common name: boomslang.
    - iii. *Rhabdophis*. Common name: keelback.
    - iv. *Thelotornis kirtlandii*. Common names include: bird snake or twig snake.
  - c. The family *Elapidae*. Common names include: Australian elapids, cobras, coral snakes, kraits, mambas, and sea snakes.
  - d. The family *Helodermatidae*. Common names include: Gila monster and Mexican beaded lizard.
  - e. The family *Viperidae*. Common names include: pit and true vipers, including rattlesnakes.
3. The following species of the order *Testudines*:
  - a. All species of the family *Chelydridae*. Common name: snapping turtles.
  - b. All species of the genus *Gopherus*. Common names include: gopher tortoises, including the desert tortoise.

**I.** Amphibians listed below are considered restricted live wildlife. The following species within the order *Anura*, common names frogs and toads:

1. The species *Bufo horribilis*, *Bufo marinus*, *Bufo schneideri*. Common names include: giant or marine toads.
2. All species of the genus *Rana*. Common names include: bullfrogs and leopard frogs. Except bullfrogs possessed under A.R.S. § 17-102.
3. All species of the genus *Xenopus*. Common name: clawed frogs.

**J.** Fish listed below are considered restricted live wildlife:

1. All species of the family *Acipenseridae*. Common name: sturgeon.
2. The species *Amia calva*. Common name: bowfin.
3. The species *Aplodinotus grunniens*. Common name: freshwater drum.
4. The species *Arapaima gigas*. Common name: bony tongue.
5. All species of the genus *Astyanax*. Common name: tetra.
6. The species *Belonesox belizanus*. Common name: pike topminnow.
7. All species, both marine and freshwater, of the orders *Carcharhiniformes*, *Heterodontiformes*, *Hexanchiformes*, *Lamniformes*, *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*, *Squatiformes*, and except for all species of the families *Brachaeluridae*, *Hemiscylliidae*, *Orectolobidae*, and *Triakidae*; genera of the family *Scyliorhinidae*, including *Aulohalaelurus*, *Halaelurus*, *Haploblepharus*, *Poroderma*, and *Scyliorhinus*; and genera of the family *Parascylliidae*, including *Cirrhoscyllium* and *Parascyllium*. Common name: sharks.
8. All species of the family *Centrarchidae*. Common name: sunfish.

9. All species of the family *Cetopsidae* and *Trichomycteridae*. Common name: South American catfish.
10. All species of the family *Channidae*. Common name: snakehead.
11. All of the species *Cirrhinus mrigala*, *Gibelion catla*, and *Labeo rohita*. Common name: Indian carp.
12. All species of the family *Clariidae*. Common names include: airbreathing catfish or labyrinth.
13. All species of the family *Clupeidae* except threadfin shad, species *Dorosoma petenense*. Common names include: herring and shad.
14. The species *Ctenopharyngodon idella*. Common names include: white amur or grass carp.
15. The species *Cyprinella lutrensis*. Common name: red shiner.
16. The species *Electrophorus electricus*. Common name: electric eel.
17. All species of the family *Esocidae*. Common names include: pickerels and pike.
18. All species of the family *Hiodontidae*. Common names include: goldeye and mooneye.
19. The species *Hoplias malabaricus*. Common name: tiger fish.
20. The species *Hypophthalmichthys molitrix*. Common name: silver carp.
21. The species *Hypophthalmichthys nobilis*. Common name: bighead carp.
22. All species of the family *Ictaluridae*. Common name: catfish.
23. All species of the genus *Lates* and *Luciolates*. Common name: nile perch.
24. All species of the family *Lepisosteidae*. Common name: gar.
25. The species *Leuciscus idus*. Common names include: ide and whitefish.
26. The species *Malapterurus electricus*. Common name: electric catfish.
27. All species of the family *Moronidae*. Common name: temperate bass.
28. The species *Mylopharyngodon piceus*. Common name: black carp.
29. All species of the family *Percidae*. Common names include: pike and walleye perches.
30. All species of the family *Petromyzontidae*. Common name: lamprey.
31. The species *Polyodon spathula*. Common name: American Paddlefish.
32. All species of the family *Potamotrygonidae*. Common name: stingray.
33. All species of the genera *Pygocentrus*, *Pygopristis*, and *Serrasalmus*. Common name: piranha.
34. All species of the family *Salmonidae*. Common names include: salmon and trout.
35. The species *Scardinius erythrophthalmus*. Common name: rudd.
36. All species of the family *Serranidae*. Common name: bass.
37. The following species, and hybrid forms, of the Genus *Tilapia*: *O. aureus*, *O. mossambica*; *O. niloticus*, *O. urolepis hornorum* and *T. zilli*. Common name: tilapia.
38. The species *Thymallus arcticus*. Common name: Arctic grayling.

**K.** Crustaceans listed below are considered restricted live wildlife:

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1. All freshwater species within the families *Astacidae*, *Cambaridae*, and *Parastacidae*. Common name: crayfish.
2. The species *Eriocheir sinensis*. Common name: Chinese mitten crab.
- L. Mollusks listed below are considered restricted live wildlife:
  1. The species *Corbicula fluminea*. Common name: Asian clam.
  2. All species of the family *Dreissenidae*. Common names include: quagga and zebra mussel.
  3. The species *Euglandina rosea*. Common name: rosy wolfsnail.
  4. The species *Mytilopsis leucophaeata*. Common names include: Conrad's false dark mussel or false mussel.
  5. All species of the genus *Pomacea*. Common names include: apple snail or Chinese mystery snail.
  6. The species *Potamopyrgus antipodarum*. Common name: New Zealand mud snail.
- M. All wildlife listed within Aquatic Invasive Species Director's Order #1.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife**

- A. All live cervids may only be imported, possessed, or transported as authorized under R12-4-430.
- B. A person is not required to possess a special license to lawfully possess restricted live wildlife under the following circumstances:
  1. A person may possess, transport, or give away a desert tortoise (*Gopherus morafkai*) or the progeny of a desert tortoise provided the person lawfully possessed the desert tortoise prior to April 28, 1989 or obtained the tortoise through a Department authorized adoption program. A person who receives a desert tortoise that is given away under this Section is also exempt from special license requirements.
    - a. A person shall not:
      - i. Export a live desert tortoise from this state unless authorized in writing by the Department's special license administrator. A person may only export a live desert tortoise to an education or research institution or zoo located in another state.
      - ii. Possess desert tortoise in excess of the possession limit established under Commission Order 43.
      - iii. Propagate lawfully possessed desert tortoises or their progeny unless authorized in writing by the Department's special license administrator.
      - vi. Release a desert tortoise into the wild.
    - b. A person who possesses a desert tortoise and is moving out-of-state shall gift the desert tortoise to an Arizona resident or to the Department's Tortoise Adoption Program.
  2. A licensed veterinarian may possess restricted wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed in writing by the Department, provided:
    - a. The veterinarian keeps records of restricted live wildlife as required by the Veterinary Medical Examining Board, and makes the records available for inspection by the Department.
    - b. The Department assumes no financial responsibility for any care the veterinarian provides, except care that is specifically authorized by the Department.
  3. A person may transport restricted live wildlife through this state provided the person:
    - a. Transports the wildlife through the state within 72 continuous and consecutive hours;
    - b. Ensures at least one person is continually present with, and accountable for, the wildlife while in this state;
    - c. Ensures the wildlife is neither transferred nor sold to another person;
    - d. Ensures the wildlife is accompanied by evidence of lawful possession, as defined under R12-4-401;
    - e. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable; and
    - f. Ensures the carcasses of any wildlife that die while in transport through this state are disposed of only as directed by the Department.
  4. A person may exhibit, export, import, possess, and transport restricted live wildlife for a circus, temporary animal exhibit, or government-authorized state or county fair, provided the person:
    - a. Possesses evidence of lawful possession as defined under R12-4-401, for the wildlife;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
    - d. Ensures the wildlife does not come into physical contact with the public;
    - e. Keeps the wildlife under complete control by safe and humane means; and
    - f. Ensures the wildlife is not in this state for more than 60 consecutive days.
  5. A person may export, import, possess, and transport restricted live wildlife for the purpose of commercial photography, provided the person:
    - a. Possesses evidence of lawful possession as defined under R12-4-401 for the wildlife;
    - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
    - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
    - d. Ensures the wildlife does not come into physical contact with the public;
    - e. Keeps the wildlife under complete control by safe and humane means; and

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- f. Ensures the wildlife is not in this state for more than 60 consecutive days.
6. A person may exhibit, import, possess, and transport restricted live wildlife for advertising purposes other than photography, provided the person:
  - a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
  - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
  - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
  - d. Maintains the wildlife under complete control by safe and humane means;
  - e. Prevents the wildlife from coming into contact with the public or being photographed with the public;
  - f. Does not charge the public a fee to view the wildlife; and
  - g. Exports the wildlife from the state within 10 days of importation.
7. A person may export restricted live wildlife, provided the person:
  - a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
  - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
  - c. Maintains the wildlife under complete control by safe and humane means;
  - d. Prevents the wildlife from coming into contact with the public or being photographed with the public;
  - e. Does not charge the public a fee to view the wildlife; and
  - f. Exports the wildlife from the state within 10 days of importation.
8. A person may possess restricted live wildlife taken alive under R12-4-404, R12-4-405, and R12-4-427, provided the person possesses the wildlife in compliance with those Sections.
9. A person who holds a falconry license issued by another state or country is exempt from obtaining an Arizona Sport Falconry License under R12-4-422, unless remaining in this state for more than 180 consecutive days.
  - a. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
  - b. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry License in order to continue practicing sport falconry in this state.
10. A person may export, give away, import, kill, possess, propagate, purchase, trade, and transport restricted live wildlife provided the person is doing so for a medical or scientific research facility registered with the United States Department of Agriculture under 9 CFR Subpart C 2.30 revised January 1, 2019, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference contains no future editions or amendments.
11. A person may import and transport restricted live game fish, crayfish, and the following species, and hybrid forms, of the Genus *Tilapia*, *O. aureus* *O. mossambica*; *O. niloticus*, *O. urolepis hornorum* and *T. zilli* directly to restaurants or markets licensed to sell food to the public, when accompanied by a current valid transporter license issued under A.A.C. R3-2-1007.
12. A person operating a restaurant or market licensed to sell food to the public may exhibit, offer for sale, possess, and sell restricted live game fish or crayfish, provided the live game fish and crayfish are killed before being transported from the restaurant or market.
13. A person may export, giveaway, import, kill, possess, propagate, purchase, and trade transgenic animals provided the person is doing so for a medical or scientific research facility.
- C. An exemption granted under this Section is not valid for any wildlife protected by federal law nor does it allow the take of wildlife from the wild.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). The Commission requested an error be corrected in subsection R12-4-407(B)(1)(a)(ii) which was amended by final rulemaking in Supp. 21-1. Under Commission Order 43 *possession limits*, of a desert tortoise are established, not *bag limits* as submitted and published. Documentation of the Commission's intent to use the term *possession limits* is published at 21 A.A.R. 324; see also Commission Order 43, Note #4 (Supp. 21-2).

**R12-4-408. Holding Wildlife for the Department**

- A. A game ranger may authorize a person to possess or transport live wildlife on behalf of the Department if the wildlife is needed as evidence in a pending civil or criminal proceeding.
- B. With the exception of live cervids, the Department has the authority to allow a person to possess and transport captive live wildlife for up to 72 hours or as otherwise directed by the Department.
- C. The Director has the authority to allow a person to hold a live cervid on behalf of the Department.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-409. General Provisions and Penalties for Special Licenses**

- A. A special license is required when a person intends to conduct any activity using restricted live wildlife. Special licenses are listed as follows:

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1. Aquatic wildlife stocking license, established under R12-4-410;
  2. Game bird license, established under R12-4-414;
  3. Live bait dealer's license, established under R12-4-411;
  4. Private game farm license, established under R12-4-413;
  5. Scientific activity license, established under R12-4-418;
  6. Sport falconry license, established under R12-4-422;
  7. White amur stocking and restocking license, established under R12-4-424;
  8. Wildlife holding license, established under R12-4-417;
  9. Wildlife rehabilitation license, established under R12-4-423;
  10. Wildlife service license, established under R12-4-421; and
  11. Zoo license, established under R12-4-420.
- B.** An applicant for a special license listed under subsection (A) shall:
1. Submit an application to the Department meeting the specific application requirements established under the applicable governing Section.
    - a. Applications for special licenses are furnished by the Department and are available at any Department office and on the Department's website.
    - b. An application is required upon initial application for a special license and when renewing a special license. A renewal application is appropriate where there are no changes to the:
      - i. Licensed facility location,
      - ii. Species of wildlife held under the special license, or
      - iii. Staff conducting the wildlife activities under the license.
  2. Be at least 18 years of age, unless applying for a Game Bird Field Training or Sport Falconry license.
  3. Pay all applicable fees required under R12-4-412.
- C.** At the time of application, the person shall certify:
1. The information provided on the application is true and correct to the applicant's knowledge;
  2. The applicant shall comply with any municipal, county, state or federal code, ordinance, statute, regulation, or rule applicable to the license held; and
  3. The applicant's live wildlife privileges are not currently suspended or revoked in this state, any other state or territory, or by the United States.
- D.** A special license obtained by fraud or misrepresentation is invalid from the date of issuance.
- E.** The Department shall either grant or deny a special license within the applicable overall time-frame established for that special license under R12-4-106.
- F.** In addition to the criteria prescribed under the applicable governing Section, the Department shall deny a special license when:
1. When it is in the best interest of public health or safety or the welfare of the wildlife;
  2. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
  3. The applicant was convicted of illegally holding or possessing live wildlife within five years preceding the date of application for the special license;
  4. The applicant knowingly provides false information on an application;
  5. The person fails to meet the requirements established under the applicable governing Section or this Section.
- The Department shall provide a written notice to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- G.** A special license holder may only engage in activities using federally-protected wildlife when the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license. A special license issued by the Department does not:
1. Exempt the license holder from any municipal, county, state or federal code, ordinance, statute, regulation, or rule; or
  2. Authorize the license holder to engage in any activity using wildlife that is protected by federal regulation.
- H.** The Department may place additional stipulations on a special license whenever it is determined necessary to:
1. Conserve wildlife populations,
  2. Prevent the introduction and proliferation of wildlife diseases,
  3. Prevent wildlife from escaping,
  4. Protect public health or safety, or
  5. Ensure humane care and treatment of wildlife.
- I.** A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed under R12-4-428 and as otherwise required under this Article. The captivity standards prescribed under R12-4-428 are not applicable to a special license holder licensed under R12-4-410, R12-4-411, R12-4-422, and R12-4-424.
- J.** A special license holder shall keep records in compliance with the requirements established under the governing Section for a period of at least five years and shall make the records available for inspection to the Department upon request.
- K.** The Department may conduct an inspection of an applicant's or license holder's facility at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
- L.** Upon determining a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of any wildlife, the Department may immediately order a cessation of operations under the special license and, if necessary, order the humane disposition or quarantine of any exposed, contaminated or affected wildlife.
1. When directed by the Department, a special license holder shall:
    - a. Perform disease testing,
    - b. Submit biological samples to the Department or its designee,
    - c. Surrender the wildlife to the Department,
    - d. Quarantine the wildlife, or
    - e. Humanely euthanize the wildlife.
  2. The license holder shall:
    - a. Ensure any disease or other emergency condition under this subsection is diagnosed by a person professionally certified to make the diagnosis.
    - b. Be responsible for all costs associated with the testing and treatment of the contaminated and affected wildlife.
- M.** If a condition exists, including disease or any violation of this Article, that poses a threat to the public or the welfare of any wildlife, but the threat does not constitute an emergency, the Department may issue a written notice of the condition to the



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special license holder specifying a reasonable period of time for the license holder to remedy the noticed condition. The notice of condition shall be delivered to the special license holder by certified mail or personal service. Failure of the license holder to remedy the noticed condition within the time specified by the Department is a violation under subsection (N).

- N. A special license holder shall not:
  1. Violate any provision of the governing Section or this Section;
  2. Violate any provision of the special license that the person possesses, including any stipulations specified on the special license;
  3. Violate A.R.S. § 13-2908, relating to criminal nuisance;
  4. Violate A.R.S. § 13-2910, relating to cruelty to animals; or
  5. Refuse to allow the inspection of facilities, wildlife, or required records.
- O. The Department may take one or more of the following actions when a special license holder is convicted of a criminal offense involving cruelty to animals, violates subsection (N), or fails to comply with any requirement established under the governing Section or this Section:
  1. File criminal charges,
  2. Suspend or revoke a special license,
  3. Humanely dispose of the wildlife,
  4. Seize or seize in place any wildlife held under a special license.
  5. A person may appeal to the Commission any Department action listed under this subsection as prescribed under A.R.S. Title 41, Chapter 6, Article 10, except the filing of criminal charges.
- P. A special license holder who wishes to continue conducting activities authorized under the special license shall submit a renewal application to the Department on or before the special license expiration date.
  1. The current license will remain valid until the Department grants or denies the new special license.
  2. If the Department denies the renewal application and the license holder appeals the denial to the Commission as prescribed under subsection (F)(4), the license holder may continue to hold the wildlife until:
    - a. The date on which the Commission makes its final decision on the appeal, or
    - b. The final date on which a person may request judicial review of the decision.
  3. A special license holder who fails to submit a renewal application to the Department before the date the license expires, cannot lawfully possess any live wildlife currently possessed under the license.
- Q. A special license holder who no longer wishes to continue conducting activities authorized under the special license shall notify the Department in writing of this decision no less than 30 days prior to ceasing wildlife related activities. This notice shall include the proposed disposition of all wildlife held under the special license.
- R. If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
  1. A report is required regardless of whether or not activities were performed during the previous year.

2. The special license becomes invalid if the special license holder fails to submit the annual report by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. When the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the license holder shall submit the report required under subsection this Section:
  - a. By January 31 of each year the license holder is affiliated with the institution, organization, or agency; or
  - b. Within 30 days of the date of termination of the license holder's affiliation with the institution, organization, or agency.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-410. Aquatic Wildlife Stocking License; Restocking License**

- A. An aquatic wildlife stocking or restocking license allows a person to import, possess, purchase, stock, and transport any restricted species designated on the license at the location specified on the license.
- B. The aquatic wildlife stocking or restocking license is valid for no more than 20 consecutive days, except that an aquatic wildlife stocking or restocking license is valid for one calendar year when issued to a political subdivision of the state for the purpose of vector control.
- C. In addition to the requirements established under this Section, an aquatic wildlife stocking or restocking license holder shall comply with the special license requirements established under R12-4-409.
- D. The aquatic wildlife stocking and restocking license holder shall be responsible for compliance with all applicable regulatory requirements. The licenses do not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- E. The Department shall deny an aquatic wildlife stocking or restocking license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under

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R12-4-409(F)(1) through (4), the Department shall deny an aquatic wildlife stocking license when:

1. The Department determines that issuance of the license will result in a negative impact to native wildlife; or
2. The applicant proposes to use aquatic wildlife that is not compatible with, or poses a threat to, any wildlife within the river drainage or the area where the stocking is to occur.

**F.** An applicant for an aquatic wildlife stocking or restocking license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following on the application:

1. The applicant's information:
  - a. Name;
  - b. Mailing address; and
  - c. Department ID number, when applicable;
2. When the applicant proposes to use the aquatic wildlife for a commercial purpose the applicant's business:
  - a. Name;
  - b. Mailing address; and
  - c. Telephone number;
3. Aquatic wildlife species information:
  - a. Common name of the aquatic wildlife species;
  - b. Number of animals for each species; and
  - c. Approximate size of the aquatic wildlife that will be used under the license;
4. The purpose for introducing the aquatic wildlife species;
5. For each location where the aquatic wildlife will be stocked, the owner's:
  - a. Name;
  - b. Mailing address;
  - c. Telephone number; and
  - d. Physical address or general location of the stocking site, to include river drainage and the Global Positioning System location;
6. A detailed description or diagram of the facilities where the applicant will stock the aquatic wildlife, which includes:
  - a. Size of waterbody proposed for stocking aquatic wildlife;
  - b. Nearest river, stream, or other freshwater system;
  - c. Points where water enters each waterbody, when applicable;
  - d. Points where water leaves each waterbody, when applicable; and
  - e. Location of fish containment barriers;
7. For each supplier from whom the applicant will obtain aquatic wildlife, the supplier's:
  - a. Name;
  - b. Mailing address; and
  - c. Telephone number;
8. The dates on which the person will stock aquatic wildlife;
9. Any other information required by the Department; and
10. The certification required under R12-4-409(C).

**G.** In addition to the requirements listed under subsection (F), when an applicant wishes to stock an aquatic species in an area where that species has not yet been introduced, is not currently established, or there is potential for conflict with Department efforts to conserve wildlife, the applicant shall also submit a written proposal to the Department at the time of application.

The written proposal shall contain all of the following information:

1. Anticipated benefits resulting from the introduction of the aquatic live wildlife species;
  2. Potential adverse economic impacts;
  3. Potential dangers the introduced aquatic species may possibly create for native aquatic species and game fish, to include all of the following:
    - a. Determination of whether or not the introduced aquatic species is compatible with native aquatic species or game fish;
    - b. Potential ecological problems created by the introduced aquatic species;
    - c. Anticipated hybridization concerns with introducing the aquatic species; and,
    - d. Future plans designed to evaluate the status and impact of the species after it is introduced.
  4. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's Online Environmental Review Tool, which is available on the Department's website. The proposal must address each species listed.
- H.** An application for an aquatic restocking license is considered to be a renewal of the license when there are no changes to the:
1. Aquatic wildlife species,
  2. The purpose for introducing the aquatic wildlife species, and
  3. The facilities where the applicant stocked the aquatic wildlife.
- I.** An applicant for an aquatic wildlife stocking or restocking license shall pay all applicable fees required under R12-4-412.
- J.** An aquatic wildlife stocking or restocking license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private non-commercial fish pond certified to be free of diseases and causative agents through the following actions:
    - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
    - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
    - c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
  3. Maintain records associated with the license for a period of five years following the date of disposition.
  4. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  5. Possess the license or legible copy of the license while conducting any activities authorized under the aquatic stocking license and presents it for inspection upon the request of any Department employee or agent.

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6. Dispose of wildlife only as authorized under this Section or as directed in writing by the Department.
- K.** An aquatic wildlife stocking or restocking license holder shall comply with the requirements established under R12-4-409.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-411. Live Bait Dealer's License**

- A.** A live bait dealer's license allows a person to perform any of the following activities using the aquatic live wildlife listed under subsection (B): exhibit for sale, export, import, kill, offer for sale, possess, purchase, sell, trade, or transport.
- B.** A live bait dealer's license allows a person to perform any of the activities listed under subsection (A) with any or all of the following aquatic live wildlife:
1. Desert Sucker, *Catostomus clarkii*;
  2. Fathead minnow, *Pimephales promelas*;
  3. Golden shiner, *Notemigonus crysoleucas*;
  4. Goldfish, *Carassius auratus*;
  5. Longfin Dace, *Agosia chrysogaster*;
  6. Speckled Dace, *Rhynchithys osculus*; and
  7. Waterdogs, *Ambystoma tigrinum*, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- C.** A live bait dealer's license expires on the last day of the third December from the date of issuance.
- D.** In addition to the requirements established under this Section, a live bait dealer license holder shall comply with the special license requirements established under R12-4-409.
- E.** The live bait dealer's license holder shall be responsible for compliance with all applicable regulatory requirements. The license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F.** The Department shall deny a live bait dealer's license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- G.** An applicant for a live bait dealer's license shall submit an application to the Department. The application is available from any Department office and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  2. The applicant's business:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number of the applicant's business;
  3. Wildlife species information:
    - a. Common name of all wildlife species; and
    - b. The number of animals for each species that will be sold under the license.
  4. For each location where the wildlife will be used, the owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
  5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
  6. For each supplier from whom the applicant will obtain wildlife, the supplier's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number;
  7. Any other information required by the Department; and
  8. The certification required under R12-4-409(C).
- H.** An applicant for a live bait dealer's license shall pay all applicable fees required under R12-4-412.
- I.** A live bait dealer's license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Obtain live baitfish from a facility certified free of the diseases and causative agents through the following actions:
    - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the facility where the wildlife is held before it is shipped to the license holder.
    - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to shipping.
    - c. The applicant shall submit a copy of the certification to the Department prior to conducting any activities authorized under the license.
    - d. The live bait dealer's license holder shall include a copy of the certification in each shipment.
  3. Maintain records associated with the license for a period of five years following the date of disposition.
  4. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  5. Possess the license or legible copy of the license while conducting activities authorized under the live bait dealer's license and presents it for inspection upon the request of any Department employee or agent.
  6. Dispose of aquatic wildlife only as authorized under this Section or as directed by the Department.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25,

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2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-412. Special License Fees**

- A. A person who applies for a special license authorized under this Article shall pay all applicable fees at the time of application. The fees listed below include a \$20 application processing fee.
- B. An initial license fee is required upon initial application or when an applicant fails to renew a special license before the license expires.
- C. A renewal license fee is required when an applicant submits an application to renew the special license before the license expires and provided there are no changes to any of the following:
1. Licensed facility location,
  2. Species of wildlife held under the special license, and
  3. Staff conducting the wildlife activities under the license.

Short-term Special License Fees	Initial License	Valid For
Aquatic Wildlife Stocking License	\$100	20-days
Aquatic Wildlife Restocking License	\$20	20-days
Aquatic Wildlife Stocking License issued to a political subdivision of the state	no fee	365-days
Aquatic Wildlife Restocking License issued to a political subdivision of the state	no fee	365-days
Game Bird Field Trial License	\$45	10-days
White Amur Stocking License	\$270	20-days
White Amur Restocking License	\$120	20-days

Three-year Special License Fees	Initial License	Renewal License
Game Bird Field Training License	\$95	\$45
Game Bird Hobby License	\$80	\$40
Game Bird Shooting Preserve License	\$425	\$155
Live Bait Dealer's License	\$125	\$35
Private Game Farm License	\$395	\$145
Scientific Activity License	\$70	\$70
Sport Falconry License validates an Arizona hunting or combination hunting and fishing license for hunting or taking quarry with a trained raptor.	\$145	\$145
Wildlife Holding License	\$20	\$20
Wildlife Rehabilitation License	\$20	\$20
Wildlife Service License	\$245	\$95
Zoo License	\$425	\$155

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). New Section adopted effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section repealed by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by

final exempt rulemaking at 27 A.A.R. 400, effective July 1, 2021 (Supp. 21-1).

**R12-4-413. Private Game Farm License**

- A. A private game farm license authorizes a person to commercially farm and sell captive pen-reared game birds as specified on the license at the location designated on the license.
1. A private game farm license allows the license holder to display for sale, give away, import, offer for sale, possess, propagate and rear, purchase, rent or lease, sell, trade, or transport captive pen-reared game birds carcasses or parts.
  2. The Private Game Farm License expires on the last day of the third December from the date of issuance.
- B. Private game farm captive pen-reared game birds may be killed or slaughtered, but a person shall not kill or allow the captive pen-reared game birds to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest while under the care and control of the private game farm license holder.
- C. Private game farm captive pen-reared game birds shall not be killed by a person who pays a fee to the owner of the private game farm for killing the captive pen-reared game birds, nor shall the game farm owner accept a fee for killing the captive pen-reared game birds, except as authorized under R12-4-414.
- D. A private game farm licenses authorizes the use of only the following captive-reared game birds:
1. *Alectoris chukar*, Chukar;
  2. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2019, which is incorporated by reference;
  3. *Callipepla californica*, California or valley quail;
  4. *Callipepla gambelii*, Gambel's quail;
  5. *Callipepla squamata*, Scaled quail;
  6. *Colinus virginianus*, Northern bobwhite;
  7. *Cyrtonyx montezumae*, Montezuma or Mearns' quail;
  8. *Dendragapus obscurus*, Dusky grouse;
  9. *Oreortyx pictus*, Mountain Quail; and
  10. *Phasianus colchicus*, Ringneck and whitewing pheasant;
  11. For subsection (D)(2), the incorporated by material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.
- E. The Department shall deny an application for:
1. A new private game farm license for mammals. The Department may accept a renewal application for a private game farm license holder currently permitted to possess mammals, provided the license holder is in compliance with all applicable requirements under R12-4-409, R12-4-428, R12-4-430, and this Section.
  2. A private game farm license for Northern bobwhite, *Colinus virginianus*, in game management units 36A, 36B, and 36C, as prescribed under R12-4-108.
- F. In addition to the requirements established under this Section, a private game farm holder shall comply with the special license requirements established under R12-4-409.
- G. The private game farm license holder shall be responsible for compliance with all applicable regulatory requirements. The license does not:

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1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- H.** The Department shall deny a private game farm license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission. An applicant applying for a private game farm license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use captive pen-reared game birds. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  2. The applicant's business:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  3. For captive pen-reared game birds to be used under the license:
    - a. Common name of the captive pen-reared game birds species;
    - b. Number of birds for each species; and
    - c. When the applicant is renewing the private game farm license, the species and number of captive pen-reared game birds for each species currently held in captivity under the license;
  4. For each location where the applicant proposes to use the captive pen-reared game birds will be used, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  5. A detailed description or diagram of the facilities where the applicant will hold the captive pen-reared game birds, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
  6. For each wildlife supplier from whom the special license applicant will obtain wildlife, the supplier's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  7. Any other information required by the Department; and
  8. The certification required under R12-4-409(C).
- J.** An applicant for a private game farm license shall pay all applicable fees required under R12-4-412.
- K.** A private game farm license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Ensure each shipment of live captive pen-reared game birds imported into the state is accompanied by a health certificate or other similar form that indicates the captive pen-reared game birds identified on the form appears to be healthy and free of infectious, contagious, and communicable diseases.
    - a. The certificate or other similar form shall be issued no more than 30 days prior to the date on which the captive pen-reared game birds shipped.
    - b. A copy of the certificate shall be submitted to the Department prior to importation.
  3. Ensure the following documentation accompanies each shipment of captive pen-reared game birds made by the game farm:
    - a. Name of the private game farm license holder,
    - b. Private game farm license number,
    - c. Date captive pen-reared game birds were shipped,
    - d. Number of captive pen-reared game birds, by species, included in the shipment,
    - e. Name of the person or common carrier transporting the shipment, and
    - f. Name of the person receiving the shipment.
  4. Provide each person who transports a captive pen-reared game birds carcass from the site of the game farm with a receipt that includes all of the following:
    - a. Date the captive pen-reared game birds were purchased, traded, or given as a gift;
    - b. Name of the game farm; and
    - c. Number of captive pen-reared game birds carcasses, by species, being transported.
  5. Ensure each facility is inspected by the attending veterinarian at least once every year.
  6. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  7. Maintain records of all captive pen-reared game birds possessed under the license for a period of three years. In addition to the information required under subsections (M)(4)(a) through (M)(4)(e), the records shall also include:
    - a. The private game farm license holder's:
      - i. Name;
      - ii. Mailing address;
      - iii. Telephone number; and
      - iv. Special license number;
    - b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the private game farm;
    - c. Copies of the annual report required under subsection (M);
    - d. Number of all captive pen-reared game birds, by species and the date it was obtained;
    - e. Source of all captive pen-reared game birds and the date it was obtained;
    - f. Number of offspring propagated by all captive pen-reared game birds; and
    - g. For all captive pen-reared game birds disposed of by the license holder:

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- i. Number, species, and date of disposition; and
  - ii. Manner of disposition to include the names and addresses of persons to whom the captive pen-reared game birds were bartered, given, or sold, when authorized.
- 8. Immediately report to the Department any mortality event that results in the loss of 10% or more of the adult captive pen-reared game birds held on the facility within any seven day period and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.
- L. A private game farm license holder shall not:
  - 1. Propagate hybrid wildlife or domestic birds with captive pen-reared game birds; or
  - 2. Possess domestic species under the special license.
- M. A private game farm license holder shall submit an annual report to the Department before January 31 of each year for activities performed under the license for the previous calendar year. The report form is furnished by the Department.
  - 1. A report is required regardless of whether or not activities were performed during the previous year.
  - 2. The private game farm license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  - 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  - 4. The annual report shall include all of the following information, as applicable:
    - a. Number of captive pen-reared game birds, by species;
    - b. Source of all captive pen-reared game birds that the license holder obtained or propagated;
    - c. Date on which the captive pen-reared game birds was obtained or propagated;
    - d. Date on which the captive pen-reared game birds was disposed of and the manner of disposition; and
    - e. Name of person who received captive pen-reared game birds disposed of by barter, given as a gift, or sale.
- N. Except for cervids which shall be disposed of only as established under R12-4-430, a private game farm license holder who no longer uses the captive pen-reared game birds for a commercial purpose shall dispose of the captive pen-reared game birds as follows:
  - 1. Export,
  - 2. Transfer to another private game farm licensed under this Section,
  - 3. Transfer to a zoo licensed under R12-4-420,
  - 4. Transfer to a medical or scientific research facility exempt under R12-4-407,
  - 5. As directed by the Department, or
  - 6. As otherwise authorized under this Section.
- O. A private game farm license holder shall comply with the requirements established under R12-4-428 and R12-4-430.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking

at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-414. Game Bird License**

- A. A game bird license authorizes a person to conduct certain activities with the captive pen-reared game birds specified on the license and only at the location or locations specified on the license, as described below:
  - 1. Game Bird Hobby:
    - a. Authorizes a license holder to:
      - i. Possess no more than 50 captive pen-reared game birds at any one time;
      - ii. Export, import, kill, possess, propagate, purchase, and transport the captive pen-reared game birds specified on the license for personal, noncommercial purposes only; and
      - iii. Gift a captive pen-reared game bird to another special license holder who is authorized to possess the game bird species.
    - b. The following captive pen-reared game bird species may be possessed by a Game Bird Hobby license holder:
      - i. *Alectoris chukar*, Chukar;
      - ii. *Callipepla californica*, California or valley quail;
      - iii. *Callipepla gambelii*, Gambel's quail;
      - iv. *Callipepla squamata*, Scaled quail;
      - v. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
      - vi. *Cyrtonyx montezumae*, Montezuma or Mearns' quail; and
      - vii. *Dendragapus obscurus*, Dusky grouse.
    - c. The license holder shall immediately report to the Department any mortality event that results in the loss of 10% or more of the adult game birds held on the facility and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.
    - d. The Game Bird Hobby license expires on the last day of the third December from the date of issuance.
  - 2. Game Bird Shooting Preserve:
    - a. Authorizes a license holder to:
      - i. Release captive pen-reared game birds for the purpose of hunting or shooting.
      - ii. Export, display, gift, import, kill, offer for sale, possess, propagate, purchase, trade, and transport the captive pen-reared game birds specified on the license.
    - b. The following captive pen-reared game bird species may be possessed by a Game Bird Shooting Preserve license holder:
      - i. *Alectoris chukar*, Chukar;
      - ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2019, which is incorporated by reference;
      - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D); and
      - iv. *Phasianus colchicus*, Ringneck and White-wing pheasant.
    - c. The license holder shall:

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- i. Restrict the release and take of the live captive pen-reared game birds on private lands to an area not more than 1,000 acres.
    - ii. Immediately report to the Department any mortality event that results in the loss of 10% or more of the adult game birds held on the facility and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.
  - d. The license holder may charge a fee to allow persons to take captive pen-reared game birds on the shooting preserve.
  - e. A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.
  - f. A captive pen-reared game bird released under a Game Bird Shooting Preserve license may be taken with any method designated under R12-4-304.
  - g. The Game Bird Shooting Preserve license expires on the last day of the third December from the date of issuance.
3. Game Bird Field Trial:
- a. Authorizes a license holder to:
    - i. Release and take captive pen-reared game birds for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event;
    - ii. Import, kill, possess, purchase within the state, and transport the captive pen-reared game birds specified on the license for one field trial event; and
    - iii. Export, gift, kill, or transport any captive pen-reared game bird held after the field trial event.
  - b. The following captive pen-reared game bird species may be possessed by a Game Bird Field Trial license holder:
    - i. *Alectoris chukar*, Chukar;
    - ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2019, which is incorporated by reference;
    - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
    - iv. *Phasianus colchicus*, Ringneck and White-wing pheasant.
  - c. A person is not required to possess a hunting license in order to participate in a field trial event held under the provisions of this Section.
  - d. A captive pen-reared game bird released under a Game Bird Field Trial license may be taken with any method designated under R12-4-304.
  - e. The Game Bird Field Trial license is valid for no more than ten consecutive days.
4. Game Bird Field Training:
- a. Authorizes a license holder to:
    - i. Release and take released live captive pen-reared game birds specified on the license for the purpose of training a dog or raptor to hunt game birds; and
    - ii. Import, possess, purchase within the state, and transport the captive pen-reared game birds specified on the license; and
  - iii. Export, gift, kill, or transport any captive pen-reared game bird possessed under the license.
  - b. The following captive pen-reared game bird species may be possessed by a Game Bird Field Training license holder:
    - i. *Alectoris chukar*, Chukar;
    - ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2019, which is incorporated by reference;
    - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D)(2)(b);
    - iv. *Phasianus colchicus*, Ringneck and White-wing pheasant.
  - c. A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.
  - d. A captive pen-reared game bird released under a Game Bird Field Training license may be taken with any method designated under R12-4-304.
  - e. The Game Bird Field Training license expires on the last day of the third December from the date of issuance.
5. For subsections (A)(2)(b)(ii), (A)(3)(b)(ii), and (A)(4)(b)(ii), the incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.
- B.** In addition to the requirements established under this Section, a game bird license holder shall comply with the special license requirements established under R12-4-409.
- C.** The game bird license holder shall be responsible for compliance with all applicable regulatory requirements. The license does not:
- 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- D.** The Department shall deny a game bird license to a person who fails to meet the requirements under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department may deny a game bird license when:
- 1. The applicant proposes to release captive pen-reared game birds:
    - a. At a location where an established wild population of the same species exists.
    - b. During nesting periods of upland game birds or waterfowl that nest in the area.
  - 2. The applicant requests a license:

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- a. For the sole purpose described under subsection (A)(1) and proposes to possess more than 50 captive pen-reared game birds at any one time.
  - b. To possess Northern bobwhites, *Colinus virginianus*, in any one of the following game management units, as described under R12-4-108; 36A, 36B, and 36C.
3. The Department determines the:
  - a. Authorized activity listed under this Section may pose a threat to native wildlife, wildlife habitat, or public health or safety.
  - b. Escape of any species listed on the application may pose a threat to native wildlife or public health or safety.
  - c. Release of captive pen-reared game birds may interfere with a wildlife or habitat restoration program.
- E. An applicant for a game bird license shall submit an application to the Department. A person applying for multiple Game Bird Field Trial licenses shall submit a separate application for each date and location where a competition will occur. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following information on the application:
  1. The applicant's information:
    - a. Name;
    - b. Mailing address, when applicable;
    - c. Physical address;
    - d. Telephone number; and
    - e. Department ID number, when applicable;
  2. For captive pen-reared game birds to be used under the license:
    - a. Common name of game bird species;
    - b. Number of animals for each species; and
    - c. When the applicant is renewing a Game Bird Hobby or Shooting Preserve license, the species and number of animals for each species currently held in captivity under the license;
  3. The type of game bird license:
    - a. Game Bird Hobby;
    - b. Game Bird Shooting Preserve;
    - c. Game Bird Field Trial; or
    - d. Game Bird Field Training;
  4. For each location where captive pen-reared game birds will be held, the owner's:
    - a. Name;
    - b. Mailing address, when applicable;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location, when available;
  5. For each location where captive pen-reared game birds will be released, the land owner's or agency's:
    - a. Name;
    - b. Mailing address, when applicable;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location, when available; and
  6. For each captive pen-reared game bird supplier from whom the applicant will obtain game birds, the supplier's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  7. An applicant who is applying for a Game Bird Shooting Preserve or Field Trial license and intends to use the captive pen-reared game birds for a commercial purpose shall also provide the applicant's business:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  8. An applicant who intends to use the captive pen-reared game birds for an activity affiliated with a sponsoring organization shall also provide the organization's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number of the organization chair or local chapter;
  9. An applicant who is applying for a Game Bird Field Trial license shall also specify the range of dates within which the field trial event will take place, not to exceed a 10-day period;
  10. An applicant who is applying for a Game Bird Hobby or Game Bird Shooting Preserve license shall also provide a detailed description or diagram of the facilities where the applicant will hold captive pen-reared game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
  11. Any other information required by the Department; and
  12. The certification required under R12-4-409(B).
- F. An applicant for a game bird license shall pay all applicable fees required under R12-4-412.
- G. A game bird license holder shall:
  1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  3. Possess the license or legible copy of the license while conducting any activity authorized under the game bird license and present it for inspection upon the request of any Department employee or agent.
  4. Ensure each shipment of captive pen-reared game birds imported into the state is accompanied by a health certificate.
    - a. The certificate shall be issued no more than 30 days prior to the date on which the game birds are shipped.
    - b. A copy of the certificate shall be submitted to the Department prior to importation.
  5. Provide each person who transports captive pen-reared game birds taken under the game bird license with documentation that includes all of the following:
    - a. Name of the game bird license holder;
    - b. Game bird license number;
    - c. Date the captive pen-reared game bird was obtained;
    - d. Number of captive pen-reared game birds, by species; and
    - e. When the captive pen-reared game birds are being shipped:
      - i. Name of the person or common carrier transporting the shipment, and
      - ii. Name of the person receiving the shipment.



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6. Maintain records of all captive pen-reared game birds possessed under the license for a period of five years. In addition to the information required under subsections (G)(5)(a) through (G)(5)(b), the records shall also include:
    - a. The game bird license holder's:
      - i. Name;
      - ii. Mailing address;
      - iii. Telephone number; and
      - iv. Special license number;
    - b. Copies of the annual report required under subsection (H);
  7. Dispose of captive pen-reared game birds only as authorized under this Section or as directed by the Department.
  8. Conduct license activities solely at the locations and within the timeframes approved by the Department. A Game Bird License holder may request permission to amend the license to conduct activities authorized under the license at an additional location by submitting the application required under subsection (E) to the Department.
- H.** A game bird license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The game bird license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department shall not process the special license holder's renewal application until the annual report is received by the Department.
  4. The annual report shall include all of the following information, as applicable:
    - a. Number of all captive pen-reared game birds, by species and the date obtained;
    - b. Source of all captive pen-reared game birds and the date obtained;
    - c. Number of offspring propagated by all captive pen-reared game birds; and
    - d. For all captive pen-reared game birds disposed of by the license holder:
      - i. Number, species, and date of disposition; and
      - ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.
- I.** A game bird license holder shall comply with the requirements established under R12-4-428.
- J.** A game bird released under a game bird license and found outside of the location specified on the license shall become property of the state and is subject to the requirements prescribed under A.R.S. Title 17 and 12 A.A.C. 4, Article 3.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 23 A.A.R. 2557, effective September 6, 2017 (Supp. 17-3). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-415. Repealed****Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-416. Repealed****Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-417. Wildlife Holding License**

- A.** A wildlife holding license authorizes a person to display for educational purposes, euthanize, export, give away, import, photograph for commercial purposes, possess, propagate, purchase, or transport, restricted and nonrestricted live wildlife lawfully:
1. Held under a valid hunting or fishing license for a purpose listed under subsection (C),
  2. Collected under a valid scientific activity license issued under R12-4-418,
  3. Obtained under a valid wildlife rehabilitation license issued under R12-4-423,
  4. Or as otherwise authorized by the Department.
- B.** A wildlife holding license expires on the last day of the third December from the date of issuance, or, if the license holder is a representative of an institution, organization, or agency described under subsection (C)(4), upon termination of the license holder's affiliation with that entity, whichever comes first.
- C.** A wildlife holding license is valid for the following purposes, only:
1. Advancement of science;
  2. Lawfully possess restricted or nonrestricted live wildlife when it is:
    - a. Necessary to give humane treatment to live wildlife that is declared unsuitable for release by a licensed veterinarian, and is therefore unable to meet its own needs in the wild; or
    - b. Previously possessed under another special license and the primary purpose for that special license no longer exists;
  3. Promotion of public health or welfare;
  4. Provide education under the following conditions:
    - a. The applicant is an educator affiliated or partnered with an educational institution; and
    - b. The educational institution permits the use of live wildlife.
  5. Photograph for a commercial purpose live wildlife provided:
    - a. The wildlife will be photographed without posing a threat to other wildlife or the public, and
    - b. The photography will not adversely impact other affected wildlife in this state, or
  6. Wildlife management.
- D.** The Department shall deny an application for a wildlife holding license for the possession of cervids.

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- E. In addition to the requirements established under this Section, a wildlife holding license holder shall comply with the special license requirements established under R12-4-409.
- F. The license holder shall be responsible for compliance with all applicable regulatory requirements. The wildlife holding license does not:
1. Exempt the license holder or their agent from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder or their agent to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G. The Department shall deny a wildlife holding license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's wildlife holding privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a wildlife holding when:
1. It is in the best interest of public health or safety or the welfare of the wildlife; or
  2. The issuance of the license will adversely impact other wildlife or their habitat in the state.
- H. An applicant for a wildlife holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and on the Department's website. The applicant shall provide the following information:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;
  2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  3. If the applicant will use wildlife for activities authorized by a scientific institution that employs, contracts, or is similarly affiliated with the applicant, the institution's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  4. For wildlife to be used under the license:
    - a. Common name of the wildlife species;
    - b. Number of animals for each species;
    - c. When the application is for the use of multiple species, the applicant shall list each species and the number of animals for each species; and
    - d. When the applicant is renewing the wildlife holding license, the species and number of animals for each species currently held in captivity under the license;
  5. For wildlife to be used for educational purposes:
    - a. The affiliated educational institution's:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number of the educational institution;
    - b. A copy of the established curriculum utilizing sound educational objectives; and
    - c. A plan for how the applicant will address any safety concerns associated with the use of live wildlife in a public setting.
  6. For each location where the applicant proposes to hold the wildlife, the owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  7. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
  8. The dates that the applicant will begin and end holding wildlife;
  9. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity for which the license was issued ends;
  10. Any other information required by the Department; and
  11. The certification required under R12-4-409(C).
  12. For subsection (H)(7), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.
- I. In addition to the requirements listed under subsection (H), at the time of application, an applicant for a wildlife holding license shall also submit:
1. Evidence of lawful possession, as defined under R12-4-401;
  2. A statement of the applicant's experience in handling and providing care for the wildlife to be held or experience relevant to handling or providing care for wildlife;
  3. A written proposal that contains all of the following information:
    - a. A detailed description of the activity the applicant intends to perform under the license;
    - b. Purpose for the proposed activity;
    - c. The contribution the proposed activity will make to one or more of the primary purposes listed under subsection (C).
    - d. For an applicant who wishes to possess restricted or nonrestricted live wildlife for the purpose of providing humane treatment, a written explanation stating why the wildlife is unable to meet its own needs in the wild and the following information for the licensed veterinarian who will provide care for the wildlife:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number;
- J. An applicant for a wildlife holding license shall pay all applicable fees required under R12-4-412.
- K. A wildlife holding license holder shall:

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1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Maintain records associated with the license for a period of five years following the date of disposition.
  3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  4. Possess the license or legible copy of the license while conducting any activity authorized under the wildlife holding license and presents it for inspection upon the request of any Department employee or agent.
  5. Permanently mark any restricted live wildlife used for lawful activities under the authority of the license, when required by the Department.
  6. Ensure that a copy of the license accompanies any transportation or shipment of wildlife made under the authority of the license.
  7. Surrender wildlife held under the license to the Department upon request.
- L.** A wildlife holding license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year or as indicated under subsection (O). The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The wildlife holding license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. The annual report shall include all of the following information, as applicable:
    - a. A list of animals held during the year, the list shall be by species and include the source and date on which the wildlife was acquired.
    - b. The permanent mark or identifier of the wildlife, such as name, number, or another identifier for each animal held during the year, when required by the Department. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
    - c. Whether the wildlife is alive or dead.
    - d. The current location of the wildlife.
    - e. A list of all educational displays where the wildlife was utilized to include the date, location, institution or audience, approximate attendance, and wildlife used.
- M.** A wildlife holding license holder may authorize an agent to assist the license holder in conducting activities authorized under the wildlife holding license, provided the agent's wildlife privileges are not suspended or revoked in any state.
1. The license holder shall obtain written authorization from the Department before allowing a person to act as an agent.
  2. The license holder shall notify the Department in writing within 10 calendar days of terminating any agent.
  3. The Department may suspend or revoke the license holder's license if an agent violates any requirement of this Section or Article or any stipulations placed upon the license.
4. An agent may possess wildlife for the purposes outlined under subsection (C), under the following conditions;
    - a. The agent shall possess evidence of lawful possession, as defined under R12-4-401, for all wildlife possessed by the agent;
    - b. The agent shall return the wildlife to the primary license holder's facility within two days of receiving the wildlife.
- N.** A wildlife holding license holder or their agent shall not barter, give as a gift, loan for commercial activities, offer for sale, sell, trade, or dispose of any restricted or nonrestricted live wildlife, offspring of restricted or nonrestricted live wildlife, or their parts except as stipulated on the wildlife holding license or as directed in writing by the Department.
- O.** A wildlife holding license is no longer valid once the primary purpose for which the license was issued, as prescribed in subsection (C), no longer exists. When this occurs, the wildlife holding license holder shall immediately submit the annual report required under (L) to the Department.
- P.** A wildlife license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-418. Scientific Activity License**

- A.** A scientific activity license allows a person to conduct any of the following activities with wildlife when specified on the license:
1. Capture, hold, and release wildlife as directed by the Department,
  2. Collection of dead wildlife,
  3. Display,
  4. Photograph for noncommercial purposes,
  5. Possess,
  6. Propagate,
  7. Take of live wildlife,
  8. Transport, and
  9. Use for educational purposes.
- B.** The Department issues five types of scientific collecting licenses:
1. Academic institution,
  2. Government agency,
  3. Non-governmental organization,
  4. Nonprofit organization, and
  5. Personal.
- C.** A person may apply for a scientific activity license only when the license is requested for:
1. The purpose of wildlife management, gathering information valuable to the maintenance of wild populations, education, the advancement of science, or promotion of the public health or welfare;
  2. A purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife

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- in this state, and may be authorized without posing a threat to wildlife or public safety; and
3. A purpose that does not unnecessarily duplicate previously documented projects.
- D.** A scientific activity license expires on December 31 of each year.
- E.** For the protection of wildlife or public safety, the Department has the authority to take any one or more of the following actions:
1. Rescind or modify any method of take authorized by the license;
  2. Restrict the number of animals for each species or other taxa the license holder may take under the license;
  3. Restrict the age, condition, or location of wildlife the license holder may take under the license; or
  4. Deny or substitute the number of specimens and taxa requested on an application.
- F.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The scientific activity license does not:
1. Exempt the license holder or their agent from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder or their agent to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G.** The Department may deny a scientific activity license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's scientific activity privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a scientific activity license when:
1. It is in the best interest of the wildlife.
  2. The issuance of the license will adversely impact other wildlife or their habitat in the state; or
  3. It is in the best interest of public health or safety.
- H.** An applicant for a scientific activity license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office, and on the Department's website. A person applying for a scientific activity license shall provide the following information on the application:
1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number; when applicable;
  2. If the applicant will use wildlife for activities supported by a scientific, educational, or government institution, nonprofit organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the institution's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number of the institution; and
    - d. The applicant's title or a description of the nature of affiliation with the institution or nonprofit organization;
  3. When the applicant is renewing the scientific activity license, the species and number of animals for each species currently held in captivity;
  4. For each location where the live wildlife will be held, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  5. A detailed description and diagram, photographs, or documented current certification or approval by the applicant's institutional animal care and use committee or similar committee of the facilities of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
  6. List of activities the applicant intends to perform under the license;
  7. Purpose and justification for the use of wildlife as established under subsection (B);
  8. When the applicant intends to use wildlife for educational purposes, the proposal shall also include the:
    - a. Minimum number of presentations the applicant anticipates to provide under the license;
    - b. Name, title, address, and telephone number of persons whom the applicant has contacted to offer educational presentations; and
    - c. Number of specimens the applicant already possesses for any species requested on the application;
  9. Applicant's relevant qualifications and experience in handling and, when applicable, providing care for the wildlife to be held under the license;
  10. Methods of take that the applicant will use, to include:
    - a. Justification for using the method, and
    - b. Proposed method of disposing wildlife taken under the license and any subsequent offspring, when applicable;
  11. Any other information required by the Department; and
  12. The certification required under R12-4-409(C).
- J.** An applicant for a scientific activity license shall pay all applicable fees required under R12-4-412.
- K.** A scientific activity license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Possess the license or legible copy of the license while conducting any activity authorized under the scientific activity license and presents it for inspection upon the request of any Department employee or agent.
  3. Notify the Department in writing within 10 calendar days of terminating any agent.
  4. Use the most humane and practical method possible prescribed under R12-4-304, R12-4-313, or as directed by the Department in writing.
  5. Conduct activities authorized under the scientific activity license only at the locations and time periods specified on the scientific activity license.
  6. Dispose of wildlife, wildlife parts, or offspring, only as directed by the Department.

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7. Maintain records associated with the license for a period of five years following the date of disposition.
- L.** A scientific activity license holder shall not:
  1. Exhibit any wildlife held under the license, unless the person also possesses a zoo license authorized under R12-4-420.
  2. Administer any drug to any wildlife during the term of the scientific activity license without advance written authorization from the Department, unless the drug is administered in the course of treatment by a licensed veterinarian.
- M.** A scientific activity license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the scientific activity license by submitting a written request to the Department.
  1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
    - a. An employment or supervisory relationship exists between the applicant and the agent, and
    - b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
  2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
  3. The license holder is liable for all acts the agent performs under the authority of this Section.
  4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
  5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the scientific activity license and presents it for inspection upon the request of any Department employee or agent.
- N.** A scientific activity license holder may submit to the Department a written request to amend the license to add or delete an agent, location, project, or other component documented on the license at any time during the license period.
- O.** A scientific activity license holder shall submit an annual report to the Department before January 31 of each year. The report form is furnished by the Department.
  1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The scientific activity license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. The Department may stipulate submission of additional interim reports upon license application or renewal.
- P.** A scientific activity license holder who wishes to permanently hold wildlife species collected under the license in Arizona that will no longer be used for activities authorized under the license shall apply for and obtain a wildlife holding license in compliance with R12-4-417 or another appropriate special license.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective

December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-419. Repealed****Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-420. Zoo License**

- A.** A zoo license allows a person to exhibit, export, euthanize, display for educational purposes, give away, import, offer for sale, possess, propagate, purchase, sell, or transport any lawfully possessed restricted and nonrestricted live wildlife.
- B.** A person may apply for a zoo license only for a commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes and for one or more of the following purposes:
  1. Advancement of science or wildlife management;
  2. Promotion of public health or welfare;
  3. Public education; or
  4. Wildlife conservation.
- C.** A zoo license expires on the last day of the third December from the date of issuance.
- D.** In addition to the requirements established under this Section, a zoo license holder shall comply with the special license requirements established under R12-4-409.
- E.** The zoo license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F.** The Department shall deny a zoo license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a zoo license when:
  1. It is in the best interest of the wildlife; or
  2. The issuance of the license will adversely impact other wildlife or their habitat in the state;
- G.** An applicant for a zoo license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office, and on the Department's website. An applicant shall provide the following information on the application:
  1. The applicant's information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Department ID number, when applicable;

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2. If the applicant is employed by, contracted with, or affiliated with an educational or scientific institution, the applicant shall provide the institution's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number;
  3. Wildlife species to be held under the license;
    - a. Common and current scientific name of the wildlife species; and
    - b. Number of individuals for each species;
  4. If the applicant is renewing the zoo license, the number of animals of each species that are currently in captivity, and evidence of lawful possession as defined under R12-4-401;
  5. For each location where the wildlife will be exhibited, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  6. A detailed description and diagram of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428;
  7. A description of how the facility or operation meets the definition of a zoo, as defined under A.R.S. § 17-101(A)(26);
  8. The purpose of the license, as described under subsection (B);
  9. Any other information required by the Department; and
  10. The certification required under R12-4-409(C).
- H.** In addition to the requirements listed under subsection (G), an applicant for a zoo license shall also submit at the time of application:
1. Proof of current licensing by the United States Department of Agriculture under 9 CFR Subpart A, Animal Welfare;
  2. Photographs of the facility when the zoo is not accredited by the Association of Zoos and Aquariums or Zoological Association of America.
  3. For subsection, (H)(1), 9 CFR Subpart A, Animal Welfare revised January 1, 2019, and no later amendments or editions, which is incorporated by reference. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.
- I.** An applicant for a zoo license shall pay all applicable fees required under R12-4-412.
- J.** A zoo license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  3. Ensure each facility is inspected by the attending veterinarian at least once every year.
4. Hold all wildlife in such a manner designed to prevent wildlife from escaping from the facility specified on the license.
  5. Hold all wildlife in a manner designed to prevent the entry of unauthorized persons or other wildlife.
  6. Hold all wildlife lawfully possessed under the zoo license in the facility specified on the license, except when transporting the wildlife:
    - a. To or from a temporary exhibit;
    - b. For medical treatment; or
    - c. Other activities approved by the Department in writing.
  7. Ensure a temporary exhibit shall not exceed 60 consecutive days at any one location, unless approved by the Department in writing.
  8. Clearly display a sign at the facility's main entrance that states the days of the week and hours when the facility is open for viewing by the general public.
  9. Ensure all wildlife held under the license that has the potential to come into contact with the public is tested for zoonotic diseases appropriate to the species no more than 12 months prior to importation or display. Any wildlife that tests positive for a zoonotic disease shall not be imported into this state without review and approval by the Department in writing.
  10. Dispose of the following wildlife only as directed by the Department:
    - a. Wildlife obtained under a scientific activity license; or
    - b. Wildlife loaned to the zoo by the Department.
  11. Maintain records of all wildlife possessed under the license for a period of five years following the date of disposition. In addition to the information required under subsections (H)(1) through (H)(3), the records shall also include:
    - a. Number of all restricted live wildlife, by species and the date it was obtained;
    - b. Source of all restricted live wildlife and the date it was obtained;
    - c. Number of offspring propagated by all restricted live wildlife; and
    - d. For all restricted live wildlife disposed of by the license holder:
      - i. Number, species, and date of disposition; and
      - ii. Method of disposition.
- K.** A zoo license holder shall not:
1. Accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
  2. Import into this state any wildlife that may come into contact with the public and tests positive for zoonotic disease, as established under subsection (J)(9).
- L.** A zoo license holder shall dispose of restricted live wildlife in this state by:
1. Giving, selling, or trading the wildlife to:
    - a. Another zoo licensed under this Section;
    - b. An appropriate special license holder or appropriately licensed or permitted facility in another state or country authorized to possess the wildlife being disposed;
  2. Giving selling, or donating the wildlife to a medical or scientific research facility exempt from special license requirements under R12-4-407;

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3. Exporting the wildlife to a zoo certified by the Association of Zoos and Aquariums or Zoological Association of America; or
  4. As otherwise directed by the Department.
  - M.** A zoo license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
    1. A report is required regardless of whether or not activities were performed during the previous year.
    2. The zoo license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
    3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
    4. The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.
  - N.** A zoo license holder shall request the authority to possess a new species of restricted live wildlife by submitting a written request to the Department prior to acquisition, unless the wildlife was:
    1. Held under the previous year's zoo license and included in the previous annual report, or
    2. Authorized in advance by the Department in writing.
  - O.** A zoo license holder shall comply with the requirements established under R12-4-409, R12-4-426, R12-4-428, and R12-4-430, as applicable.
- Historical Note**
- Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Subsections (J) through (O) omitted in supplement 15-4; errors corrected at the request of the Commission at R18-91 (Supp. 18-1). Subsections (A) through (I) amendments omitted in supplement 15-4; full text has been included as submitted at 21 A.A.R. 2813, File No. R15-155, effective December 5, 2015 (Supp. 19-1). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).
- R12-4-421. Wildlife Service License**
- A.** A wildlife service license authorizes a person to provide, advertise, or offer assistance in removing the live wildlife listed below to the general public. For the purposes of this Section, the following wildlife, as defined under A.R.S. § 17-101(B), are designated live wildlife:
    1. Furbearing animals;
    2. Javelina (*Pecari tajacu*);
    3. Nongame animals;
    4. Predatory animals; and
    5. Small game.
  - B.** A wildlife service license is not required when conducting pest control removal services authorized under A.R.S. § Title 3, Chapter 20 for the following wildlife not protected under federal regulation:
    1. Rodents, except those in the family Sciuridae;
    2. European starlings (*Sturnus vulgaris*);
    3. Rosy-faced lovebirds (*Agapornis roseicollis*);
    4. House sparrows (*Passer domesticus*);
    5. Eurasian collared-doves (*Streptopelia decaocto*);
    6. Rock pigeons (*Columba livia*); and
    7. Any other non-native wildlife species.
  - C.** A wildlife service license allows a person to conduct activities that facilitate the removal and relocation of live wildlife listed under subsection (A) when the wildlife causes property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. Authorized activities include, but are not limited to, capture, removal, transportation, and relocation.
  - D.** The wildlife service license expires on the last day of the third December from the date of issuance.
  - E.** An employee of a governmental public safety agency is not required to possess a wildlife service license when the employee is acting within the scope of the employee's official duties.
  - F.** In addition to the requirements established under this Section, a wildlife service license holder shall comply with the special license requirements established under R12-4-409.
  - G.** The wildlife service license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
    1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
    2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
  - H.** The Department shall deny a wildlife service license to a person who fails to meet the requirements established under R12-4-409 or this Section or when the person's wildlife service privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
  - I.** An applicant for a wildlife service license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office and on the Department's website. An applicant shall provide the following information on the application:
    1. The applicant's information:
      - a. Name;
      - b. Mailing address;
      - c. Telephone number;
      - d. Physical description, to include the applicant's eye color, hair color, height, and weight; and
      - e. Department ID number, when applicable;
    2. If the applicant will perform license activities for a commercial purpose, the applicant's business:
      - a. Name;
      - b. Mailing address;
      - c. Telephone number; and
      - d. Hours and days of the week the applicant will be available for service;
    3. The designated wildlife species or groups of species listed under subsection (A) that will be removed under the license;

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4. The methods that the wildlife license holder will use to perform authorized activities;
  5. The general geographic area where services will be performed;
  6. Any other information required by the Department; and
  7. The certification required under R12-4-409(C).
- J.** In addition to the requirements listed under subsection (I), at the time of application, an applicant for a wildlife service license shall also submit:
1. Proof the applicant has a minimum of six months full-time employment or volunteer experience handling wildlife of the species or groups designated on the application; and
  2. A written proposal that contains all of the following information:
    - a. Applicant's experience in the capture, handling, and removal of wildlife;
    - b. Specific species the applicant has experience capturing, handling, or removing;
    - c. General location and dates when the activities were performed;
    - d. Methods used to carry out the activities;
    - e. The methods used to dispose of the wildlife.
- K.** When renewing a license without change to the species or species groups authorized under the current license, the wildlife service license holder may reference supporting materials previously submitted in compliance with subsection (J).
- L.** An applicant for a wildlife service license shall pay all applicable fees required under R12-4-412.
- M.** A wildlife service license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Facilitate the removal and relocation of designated wildlife in a manner that:
    - a. Is least likely to cause injury to the wildlife; and
    - b. Will prevent the wildlife from coming into contact with the general public.
  3. Obtain special authorization from the Department regional office that has jurisdiction over the area where the activities will be conducted when performing any activities involving javelina.
  4. Release captured designated wildlife only as follows:
    - a. Without immediate threat to the animal or potentially injurious contact with humans;
    - b. During an ecologically appropriate time of year;
    - c. Into a suitable habitat;
    - d. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat; and
    - e. In an area designated by the Department regional office that has jurisdiction over the area where it was captured.
  5. Euthanize the wildlife using the safest, quickest, and most humane method available.
  6. Dispose of all wildlife that is euthanized or that otherwise dies while possessed under the license by burial or incineration within 30 days of death, unless otherwise directed by the Department.
  7. Possess the license or legible copy of the license while conducting any wildlife service activity and presents it for inspection upon the request of any Department employee or agent.
  8. Inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days.
  9. Maintain records associated with the license for a period of five years following the date of disposition.
- N.** A wildlife service license holder may submit to the Department a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided the request meets the requirements of this Section.
- O.** A wildlife service license holder shall not:
1. Exhibit wildlife or parts of wildlife possessed under the license.
  2. Possess designated wildlife beyond the period necessary to transport and relocate or euthanize the wildlife.
  3. Retain any parts of wildlife.
- P.** A wildlife service license holder may:
1. Euthanize designated wildlife only when authorized by the Department.
  2. Give injured or orphaned wildlife to a wildlife rehabilitation license holder.
- Q.** A wildlife service license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The wildlife service license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. The annual report shall provide a list of all services performed under the license to include:
    - a. The date and location of service;
    - b. The number and species of wildlife removed, and
    - c. The method of disposition for each animal removed, including the location and date of release.
- R.** A wildlife service license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

**Historical Note**

Adopted effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-422. Sport Falconry License**

- A.** In addition to the definitions provided under A.R.S. § 17-101, R12-4-101, and R12-4-401, and for the purposes of this Section, the following definitions apply:

"Abatement" means the use of a trained raptor to scare, flush, or haze wildlife to manage depredation or other damage, including threats to human health and safety, caused by the wildlife.

"Captive-bred raptor" means a raptor hatched in captivity.

"Hack" means the temporary release of a raptor into the wild to condition the raptor for use in falconry.



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“Hybrid” has the same meaning as prescribed under 50 CFR 21.3, revised October 1, 2019. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

“Imping” means using a molted feather to replace or repair a damaged or broken feather.

“Imprint” has the same meaning as prescribed under 50 CFR 21.3, revised October 1, 2019. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

“Retrices” means a raptor’s tail feathers.

“Sponsor” means a licensed General or Master falconer with a valid Arizona Sport Falconry license who has committed to mentoring an Apprentice falconer.

“Suitable perch” means a perch that is of the appropriate size and texture for the species of raptor using the perch.

“Wild raptor” means a raptor taken from the wild, regardless of how long the raptor is held in captivity or whether the raptor is transferred to another licensed falconer or other permit type.

- B. An Arizona Sport Falconry license permits a person to capture, possess, train, and transport a raptor for the purpose of sport falconry in compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973.
  1. The sport falconry license validates the appropriate license for hunting or taking quarry with a trained raptor. When taking quarry using a raptor, a person must possess a valid:
    - a. Sport falconry license, and
    - b. Appropriate hunting license.
  2. The sport falconry license is valid until the third December from the date of issuance.
  3. A licensed falconer may capture, possess, train, or transport wild, captive-bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (H)(2), and (H)(3), as applicable.
- C. The Department shall comply with the licensing time-frame established under R12-4-106.
- D. A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the person is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 CFR Part 10.13, revised October 1, 2019, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.
- E. In addition to the requirements established under this Section, a licensed falconer shall also comply with special license requirements established under R12-4-409.
- F. The sport falconry license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations;
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
  3. Authorize a licensed falconer to capture or release a raptor or practice falconry on public lands where prohibited or on private property without permission from the land owner or land management agency.
- G. The Department shall deny a sport falconry license to a person who fails to meet the requirements established under R12-4-409, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- H. The Department may issue a Sport Falconry license for the following levels to an eligible person:
  1. Apprentice level license:
    - a. An Apprentice falconer shall:
      - i. Be at least 12 years of age; and
      - ii. Have a written statement from a sponsor who is a licensed Master Falconer or a General Falconer while practicing falconry as an apprentice. The written statement shall meet the requirements established under subsection (K)(3)(a)(vi). When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection (K)(3)(a)(vi).
    - b. An Apprentice falconer may possess only one raptor at a time for use in falconry.
    - c. An Apprentice falconer is prohibited from possessing any:
      - i. Species listed under 50 CFR 17.11, revised October 1, 2019, and subspecies,
      - ii. Raptor taken from the wild as a nestling,
      - iii. Raptor that has imprinted on humans,
      - iv. Bald eagle (*Haliaeetus leucocephalus*),
      - v. White-tailed eagle (*Haliaeetus albicilla*),
      - vi. Steller’s sea-eagle (*Haliaeetus pelagicus*), or
      - vii. Golden eagle (*Aquila chrysaetos*).
      - viii. For the purposes of subsection (H)(1)(c)(i), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
  2. General level license:
    - a. A General falconer shall:
      - i. Be at least 16 years of age; and
      - ii. Have submit a written statement provided by the Apprentice Falconer’s sponsor, stating that the General falconer practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any

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- falconry school program or education to shorten the two-year Apprentice period.
- b. A General falconer may possess:
    - i. Up to three raptors at a time for use in falconry; and
    - ii. Up to the total number of federally permitted or sub-permitted raptors as indicated on the Master falconer's respective federal abatement or propagation permit.
  - c. A General falconer is prohibited from possessing a:
    - i. Bald eagle,
    - ii. White-tailed eagle,
    - iii. Steller's sea-eagle, or
    - iv. Golden eagle.
3. Master level license:
- a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
  - b. A Master falconer may possess:
    - i. Any species of wild, captive-bred, or hybrid raptor;
    - ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game;
    - iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller's Sea eagle; and
    - iv. Up to the total number of federally permitted abatement or propagation raptors as indicated on the Master falconer's respective federal abatement or propagation permit.
  - c. A Master falconer is prohibited from possessing:
    - i. More than three eagles,
    - ii. A bald eagle, or
    - iii. More than five wild caught raptors.
  - d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:
    - i. Proof the licensed falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) and goshawks (*Accipiter gentilis*);
    - ii. Information regarding the raptor species, to include the type and duration of the activity in which the experience was gained; and
    - iii. Written statements of reference from two persons who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, and goshawks. Each written statement shall contain a concise history of the author's experience with large raptors, and an assessment of the applicant's ability to care for and fly an eagle in falconry.
- I. A sponsor shall:
1. Be at least 18 years of age.
  2. Have practiced falconry as a Master or General falconer for at least two years.
  3. Sponsor no more than three apprentices at any one time.
  4. Notify the Department within 30 consecutive days after a sponsorship is terminated.
5. Determine the appropriate species of raptor for possession by an apprentice.
  6. Provide instruction to the Apprentice falconer pertaining to:
    - a. Husbandry, training, and trapping of raptors held for falconry;
    - b. Hunting with a raptor; and
    - c. Relevant wildlife laws and regulations.
- J. A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license under R12-4-407(B)(9), unless the falconer remains in Arizona for more than 180 consecutive days. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry license in order to continue practicing sport falconry in this state. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
1. A falconer licensed in another state shall:
    - a. Comply with all applicable state and federal falconry regulations,
    - b. Possess only those raptors authorized under the out-of-state sport falconry license, and
    - c. Provide a health certificate for each raptor possessed under the out-of-state sport falconry license when the raptor is present in this state for more than 30 consecutive days. The health certificate may be issued after the date of the interstate importation, but shall have been issued no more than 30 consecutive days prior to the interstate importation.
  2. A falconer licensed in another country may possess, train, and use for falconry only those raptors authorized under the out-of-country sport falconry license, provided the import of that species into the United States is not prohibited. This subsection does not prohibit the falconer from flying or training a raptor lawfully possessed by any other licensed falconer.
  3. A falconer licensed in another country is prohibited from leaving an imported raptor in this state, unless authorized under federal permit. The falconer shall report the death or escape of a raptor possessed by that falconer to the Department as established under subsection (O)(1) or prior to leaving the state, whichever occurs first.
  4. A falconer licensed in another country shall:
    - a. Comply with all applicable state and federal falconry regulations;
    - b. Comply with falconry licensing requirements prescribed by the country of licensure not in conflict with federal or state law;
    - c. Notify the Department no less than 30 consecutive days prior to importing a raptor into this state;
    - d. Provide a health certificate, issued no earlier than 30 consecutive days prior to the date of importation, for each raptor imported into this state; and
    - e. Attach two functioning radio transmitters to any raptor imported into this country by the falconer while flown free in this state by any falconer.
- K. An applicant for a Sport Falconry license shall pass the examination required under subsection (N), ensure their raptor housing facility is inspected and meets the requirements established under subsection (M), and submit an application to the Department. The application is furnished by the Department and is available at any Department office and on the Department's website.

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1. An applicant shall provide the following information on the application:
    - a. Falconry level desired;
    - b. Name;
    - c. Date of birth;
    - d. Mailing address;
    - e. Telephone number, when available;
    - f. Department I.D. number;
    - g. Applicant's physical description, to include the applicant's eye color, hair color, height, and weight;
    - h. Arizona hunting license number, when available;
    - i. Number of years of experience as a falconer;
    - j. Current Falconry license level;
    - k. Physical address of a housing facility when the raptor is kept at another location, when applicable;
    - l. Information documenting all raptors possessed by the applicant at the time of application, to include:
      - i. Species;
      - ii. Subspecies, when applicable;
      - iii. Age;
      - iv. Sex;
      - v. Band or microchip number, as applicable;
      - vi. Date and source of acquisition; and
    - m. The certification required under R12-4-409(C);
    - n. Parent or legal guardian's signature, when the applicant is under the age of 18;
    - o. Date of application; and
    - p. Any other information required by the Department.
  2. An applicant shall certify that the applicant has read and is familiar with applicable state laws, rules, and the regulations under 50 CFR Part 13 and the other applicable parts in 50 CFR Chapter I, Subchapter B and that the information submitted is complete and accurate to the best of their knowledge and belief.
  3. In addition to the information required under subsection (K)(1), a person applying for:
    - a. An Apprentice level license shall also provide the sponsor's:
      - i. Name,
      - ii. Date of birth,
      - iii. Mailing address,
      - iv. Department I.D. number,
      - v. Telephone number, and
      - vi. A written statement from the sponsor stating that the falconer agrees to sponsor the applicant.
    - b. A General level license shall also provide:
      - i. Information documenting the applicant's experience in maintaining falconry raptors, to include the species and period of time each raptor was possessed while licensed as an Apprentice falconer; and
      - ii. A written statement from the sponsor certifying that the applicant has practiced falconry at the Apprentice falconer level for at least two years, and maintained, trained, flown, and hunted with a raptor for at least four months in each year.
    - c. A Master level license shall certify that the falconer has practiced falconry as a General falconer with his or her own raptors for at least five years.
- L.** An applicant for any level Sport Falconry license shall pay all applicable fees required under R12-4-412.
- M.** The Department shall inspect the applicant's raptor housing facilities, materials, and equipment to verify compliance with the requirements established under R12-4-409(I), and this Section before issuing a Sport Falconry license. The applicant or licensed falconer shall ensure all raptors currently possessed by the falconer and kept in the housing facility are present at the time of inspection.
1. The Department may inspect a housing facility, equipment, raptors, or records:
    - a. At any time before or during the license period to determine compliance with this Section,
    - b. After a change of location, when the Department cannot verify the housing facility is the same facility as the one approved by a previous inspection, or
    - c. Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the housing facilities can accommodate a new species or additional raptor.
  - d. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  2. A licensed falconer shall notify the Department no more than five business days after changing the location of a housing facility.
  3. When a housing facility is located on property not owned by the licensed falconer, the falconer shall provide a written statement signed and dated by the property owner at the time of inspection. The written statement shall specify that the licensed falconer has permission to keep a raptor on the property and the property owner permits the Department to inspect the falconry housing facility at any reasonable time of day and in the presence of the licensed falconer.
  4. A licensed falconer shall ensure the housing facility:
    - a. Provides a healthy and safe environment,
    - b. Is designed to keep predators and domestic animals out,
    - c. Is designed to avoid injury to the raptor,
    - d. Is easy to access,
    - e. Is easy to clean, and
    - f. Provides access to fresh water and sunlight.
  5. In addition to the requirements established under R12-4-409(I):
    - a. A licensed falconer shall ensure housing facilities where raptors are held:
      - i. Has a suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
      - ii. Has at least one opening for sunlight; and
      - iii. Has walls that are solid, constructed of vertical bars spaced narrower than the width of the body of the smallest raptor housed therein, or any other suitable materials approved by the Department. A nestling may be kept in any suitable container or enclosure until it is capable of flight.
    - b. A licensed falconer shall possess all of the following equipment:
      - i. At least one flexible, weather-resistant leash;
      - ii. One swivel appropriate to the raptor being flown;
      - iii. At least one water container, available to each raptor kept in the housing facility, that is at

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- least two inches deep and wider than the length of the largest raptor using the container;
- iv. A reliable scale or balance suitable for weighing raptors, graduated in increments of not more than 15 grams;
  - v. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent housing facility where the raptor is kept; and
  - vi. At least one pair of jesses constructed of suitable material or Alymeri jesses consisting of an anklet, grommet, and removable strap that attaches the anklet and grommet to a swivel. The falconer may use a one-piece jess only when the raptor is not being flown.
6. A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all flighted raptors kept inside a residence are tethered or otherwise restrained at all times, unless the falconer is moving the raptor into or out of the residence. This subsection does not apply to nestlings, which do not need to be tethered or otherwise restrained.
  7. A licensed falconer may keep multiple raptors together in one enclosure untethered only when the raptors are compatible with each other.
  8. A licensed falconer may keep a raptor temporarily outdoors in the open provided the raptor is continually under observation by the falconer or an individual designated by the falconer.
  9. A licensed falconer may keep a raptor in a temporary housing facility that the Department has inspected and approved for no more than 120 consecutive days.
  10. A licensed falconer may keep a raptor in a temporary housing facility that the Department has not inspected or approved for no more than 30 consecutive days. The falconer shall notify the Department of the temporary housing facility prior to the end of the 30-day period. The Department may inspect a temporary housing facility as established under R12-4-409(J).
- N.** Prior to the issuance of a Sport Falconry license, an applicant shall:
1. Present proof of a previously held state-issued sport falconry license, or
  2. Correctly answer at least 80% of the questions on the Department administered written examination.
    - a. A person whose Sport Falconry license is expired more than five years shall take the examination. The Department shall issue to an eligible applicant a license for the sport falconry license type previously held by the applicant after the applicant correctly answers at least 80% of the questions on the written examination and presents proof of the previous Sport Falconry license.
    - b. A person who holds a falconry license issued in another country shall correctly answer at least 80% of the questions on the written examination. The Department shall determine the level of license issued based upon the applicant's documentation.
- O.** A licensed falconer shall:
1. Submit a paper copy of the 3-186A form to report any of the following raptor possession changes to the Department no more than 10 business days after the occurrence:
    - a. Acquisition,
    - b. Banding,
    - c. Escape into the wild without recovery after 30 consecutive days have passed,
    - d. Death,
    - e. Microchipping,
    - f. Rebanding,
    - g. Release,
    - h. Take, or
    - i. Transfer.
  2. Submit a copy of the falconer's federal propagation report, when applicable.
  3. Submit a copy of the falconer's federal abatement report, when applicable.
  4. Upon discovering the theft of a raptor, the falconer shall immediately report the theft of a raptor to the Department and USFWS by:
    - a. Contacting the Department's regional office within 48 hours; and
    - b. Submitting the electronic 3-186A form within 10 days.
- P.** A licensed falconer shall print and maintain copies of all required 3-186A form and associated documents for each abatement, falconry, and propagation raptor possessed by the falconer, as applicable. The falconer shall retain copies of all required documents for a period of five years from the date on which the raptor left the falconer's possession.
- Q.** A licensed falconer or a person with a valid falconry license, or its equivalent, issued by any state meeting federal falconry standards may capture a raptor for the purpose of falconry only when authorized by Commission Order.
1. A falconer attempting to capture a raptor shall possess:
    - a. A valid Arizona Sport Falconry license or valid falconry license, or its equivalent, issued by another state, and
    - b. Any required Arizona hunt permit-tag issued to the licensed falconer for take of the authorized raptor, and
    - c. A valid Arizona hunting or combination license. A short-term combination hunting and fishing license is not valid for capturing a raptor under this subsection.
  2. An Apprentice falconer may take from the wild:
    - a. Any raptor not prohibited under subsection (H)(1)(c) that is less than one year of age, except nestlings, or
    - b. An adult raptor.
  3. A General or Master falconer may take from the wild:
    - a. A raptor of any age, including nestlings, provided at least one nestling remains in the nest; or
    - b. An adult raptor.
  4. A licensed falconer shall take no more than two raptors from the wild for use in falconry each calendar year. For the purpose of take limits, a raptor is counted towards the licensed falconer's take limit by the falconer who originally captured the raptor.
  5. A falconer attempting to capture a raptor shall:
    - a. Not use stupefying substances;
    - b. Use a trap or bird net that is not likely to cause injury to the raptor;
    - c. Ensure that each trap or net the falconer is using is continually attended; and
    - d. Ensure that each trap used for the purpose of capturing a raptor is marked with the falconer's name, address, and license number.

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6. A licensed falconer shall report the injury of any raptor injured due to capture techniques to the Department. The falconer shall transport the injured raptor to a veterinarian or licensed rehabilitator and pay for the cost of the injured raptor's care and rehabilitation. After the initial medical treatment is completed, the licensed falconer shall either:
  - a. Keep the raptor and the raptor shall count towards the falconer's take and possession limit, or
  - b. Transfer the raptor to a permitted wildlife rehabilitator and the raptor shall not count against the falconer's take or possession limit.
7. When a licensed falconer takes a raptor from the wild and transfers the raptor to another falconer who is present at a capture site, the falconer receiving the raptor is responsible for reporting the take of the raptor.
8. A General or Master falconer may capture a raptor that will be transferred to another licensed falconer who is not present at the capture site. The falconer who captured the raptor shall report the take of the raptor and the capture shall count towards the General or Master falconer's take limit. The General or Master falconer may then transfer the raptor to another falconer.
9. A General or Master falconer may capture a raptor for another licensed falconer who cannot attend the capture due to a long-term or permanent physical impairment. The licensed falconer with the physical impairment is responsible for reporting the take of the raptor and the raptor shall count against their take and possession limits.
10. A licensed falconer may capture any raptor displaying a seamless metal band, or any other item identifying it as a falconry raptor, regardless of whether the falconer is prohibited from possessing the raptor. The capturing falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the capturing falconer's take or possession limits, provided the capturing falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor.
  - a. When the falconer of record cannot or does not wish to possess the raptor, the falconer who captured the raptor may keep the raptor, provided the falconer is eligible to possess the species and may do so without violating any requirement established under this Section.
  - b. When the falconer of record cannot be located, the Department shall determine the disposition of the recaptured raptor.
11. A licensed falconer may capture and shall report the capture of any raptor wearing a transmitter to the Department no more than five business days after the capture. The falconer shall attempt to contact the researcher or licensed falconer who applied the transmitter and facilitate the replacement or retrieval of the transmitter and raptor. The falconer may possess the raptor for no more than 30 consecutive days while waiting for the researcher or falconer to retrieve the transmitter and raptor. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor. The Department shall determine the disposition of a raptor when the researcher or falconer does not replace the transmitter or retrieve the raptor within the initial 30-day period.
12. A licensed falconer may capture any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag, except a peregrine falcon (*Falco peregrinus*). A licensed falconer who captures a raptor wearing a research band or tag shall report the following information to BBL and the Department:
  - a. Species,
  - b. Band or tag number,
  - c. Location of the capture, and
  - d. Date of capture.
  - e. A person can report the capture of a raptor wearing a research band or tag to BBL by submitting information regarding the capture online at the BBL website.
13. A licensed falconer may recapture a falconer's lost or any escaped falconry raptor at any time. The Department does not consider the recapture of a wild falconry raptor as taking a raptor from the wild.
14. When attempting to trap a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties, a licensed falconer shall:
  - a. Not begin trapping while a northern aplomado falcon (*Falco femoralis septentrionalis*) is observed in the vicinity of the trapping location.
  - b. Suspend trapping when a northern aplomado falcon arrives in the vicinity of the trapping location.
15. In addition to the requirements in subsection (Q)(14), an apprentice falconer shall be accompanied by a General or Master falconer when attempting to capture a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties.
16. A licensed Master falconer may take up to two golden eagles from the wild only as authorized under 50 CFR Parts 21 and 22. The Master falconer may:
  - a. Capture a golden eagle or an immature or sub-adult golden eagle during the time a livestock depredation area and associated depredation permit or depredation control order are in effect as declared by USDA Wildlife Services and permitted under 50 CFR 22.23, or upon the request of the Arizona Governor pursuant to 50 CFR 22.31 and 22.32.
  - b. Take a nestling from its nest or a nesting adult golden eagle in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area determines the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it or by the biologist and transferred to a person authorized to possess it.
  - c. The falconer shall inform the Department of the capture plans in person, in writing, or by telephone at least three business days before trapping is initiated. The falconer may send written notification to the Arizona Game and Fish Department's Law Enforcement Programs Coordinator at 5000 West Carefree Highway, Phoenix, Arizona 85086.
17. A licensed falconer shall ensure any falconry activities the falconer is conducting do not cause unlawful take under the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., or the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668 through 668d. The Department or USFWS may provide information regarding where take is likely to occur. The falconer shall report the take of any federally listed threatened or endangered species or bald

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or golden eagle to the USFWS Arizona Ecological Services Field Office.

**R.** A licensed falconer shall comply with all of the following banding requirements:

1. A licensed falconer shall ensure the following raptors are banded after capture:
  - a. Northern Goshawk,
  - b. Harris's hawk (*Parabuteo unicinctus*), and
  - c. Peregrine falcon.
2. The falconer shall request a band no more than five consecutive days after the capture of a raptor by contacting the Department. A Department representative or a General or Master licensed falconer may attach the USFWS leg band to the raptor.
3. A licensed falconer shall not use a counterfeit, altered, or defaced band.
4. A falconer holding a federal propagation permit shall ensure a raptor bred in captivity wears a seamless metal band furnished by USFWS, as prescribed under 50 CFR 21.30.
5. A licensed falconer may remove the rear tab on a band and smooth any imperfections on the surface, provided doing so does not affect the band's integrity or numbering.
6. A licensed falconer shall report the loss of a band to the Department no more than five business days after discovering the loss. The falconer shall reband the raptor with a new USFWS leg band furnished by the Department.

**S.** A licensed falconer may request Department authorization to implant an ISO-compliant [134.2 kHz] microchip in lieu of a band into a captive-bred raptor or raptor listed under subsection (R)(1).

1. The falconer shall submit a written request to the Department.
2. The falconer shall retain a copy of the Department's written authorization and any associated documentation for a period of five years from the date the raptor permanently leaves the falconer's possession.
3. The falconer is responsible for the cost of implanting the microchip and any associated veterinary fees.

**T.** A licensed falconer may allow a falconry raptor to feed on any species of wildlife incidentally killed by the raptor for which there is no open season or for which the season is closed, but shall not take such wildlife into possession.

**U.** A General or Master falconer may hack a falconry raptor. Any raptor the falconer is hacking shall count towards the falconer's possession limit during hacking.

1. A falconer is prohibited from hacking a raptor near the nesting area of a federally threatened or endangered species or in any other location where the raptor is likely to disturb or harm a federally listed threatened or endangered species. The Department may provide information regarding where this is likely to occur.
2. A licensed falconer shall ensure any hybrid raptor flown free or hacked by the falconer is equipped with at least two functioning radio transmitters.

**V.** A licensed falconer may release:

1. A wild-caught raptor permanently into the wild under the following circumstances:
  - a. The raptor is native to Arizona,
  - b. The falconer removes the raptor's falconry band and any other falconry equipment prior to release, and
  - c. The falconer releases the raptor in a suitable habitat and under suitable seasonal conditions.

2. A captive-bred raptor permanently into the wild only when the raptor is native to Arizona and the Department approves the release of the raptor. The falconer shall request permission to release the captive-bred raptor by contacting the Department. When permitted by the Department and before releasing the captive-bred raptor, the General or Master falconer shall hack the captive-bred raptor in a suitable habitat and the appropriate season.
3. A licensed falconer is prohibited from intentionally releasing any hybrid or non-native raptor permanently into the wild.

**W.** A Master falconer may conduct and receive payment for abatement conducted with a falconry raptor or federally permitted abatement raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. The falconer shall comply with the reporting requirement under subsection (O). A General falconer may conduct abatement activities only when authorized under the federal permit held by the Master falconer.

**X.** A person other than a licensed falconer may temporarily care for a falconry raptor for no more than 45 consecutive days, unless approved by the Department. The raptor under temporary care shall remain in the falconer's facility. The raptor shall continue to count towards the falconer's possession limit. An unlicensed caretaker shall not fly the raptor. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.

**Y.** A licensed falconer may serve as a caretaker for another licensed falconer's raptor for no more than 120 consecutive days, unless approved by the Department. The falconer shall provide the temporary caretaker with a signed and dated statement authorizing the temporary possession of each raptor and a copy of USFWS form 3-186A that shows that the licensed falconer is the possessor of each raptor. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. The raptor under temporary care shall not count toward the caretakers possession limit. The temporary caretaker may fly or train the raptor when permitted by the falconer in writing. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.

**Z.** A General or Master falconer may assist any federally licensed wildlife rehabilitator in conditioning a raptor the licensed falconer is authorized to possess in preparation for the raptor's release to the wild. The falconer may temporarily remove the raptor from the rehabilitation facilities while conditioning the raptor. The raptor shall remain under the rehabilitator's license and shall not count towards the falconer's possession limit. The rehabilitator shall provide the licensed falconer with a written statement authorizing the falconer to assist the rehabilitator. The written statement shall also identify the raptor by species, type of injury, and band number, when available. The licensed falconer shall return the raptor to the rehabilitator within the 180-day period established under R12-4-423(T), unless the raptor is:

1. Released into the wild in coordination with the rehabilitator and as authorized under this subsection,
2. Allowed to remain with the rehabilitator for a longer period of time as authorized under R12-4-423(U), or

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3. Transferred permanently to the falconer, provided the falconer may legally possess the raptor and the Department approves the transfer. The raptor shall count towards the falconer's possession limit.
- AA.** A licensed falconer may use a raptor possessed for falconry in captive propagation, when permitted by USFWS. A licensed falconer is not required to transfer a raptor from a Sport Falconry license to another license when the raptor is used for captive propagation less than eight months in a year.
- BB.** A General or Master licensed falconer may use a lawfully possessed raptor in a conservation education program presented in a public venue. An Apprentice falconer, under the direct supervision of a General or Master falconer, may use a lawfully possessed raptor in a conservation education program presented in a public venue. The primary use for a raptor is falconry; a licensed falconer shall not possess a raptor solely for the purpose of providing a conservation education program. The falconer shall ensure the focus of the conservation education program is to provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds. The falconer may charge a fee for presenting a conservation education program; however, the fee shall not exceed the amount required to recoup the falconer's costs for providing the program. As a condition of the Sport Falconry License, the licensed falconer agrees to indemnify the Department, its officers, and employees. The falconer is liable for any damages associated with the conservation education activities.
- CC.** A licensed falconer may allow the photography, filming, or similar uses of a falconry raptor possessed by the licensed falconer, provided:
  1. The falconer is not compensated for these activities; and
  2. The final product from these activities:
    - a. Promotes the practice of falconry;
    - b. Provides information about the biology, ecological roles, and conservation needs of raptors and other migratory birds;
    - c. Endorses a nonprofit falconry organization or association, products, or other endeavors related to falconry; or
    - d. Is used in scientific research or science publications.
- DD.** A licensed falconer may use or dispose of lawfully possessed falconry raptor feathers. A falconer shall not buy, sell, or barter falconry raptor feathers. A falconer may possess feathers for imping from each species of raptor that the falconer currently possesses or has possessed.
  1. The licensed falconer may transfer or receive feathers for imping from:
    - a. Another licensed falconer,
    - b. A licensed wildlife rehabilitator, or
    - c. Any licensed propagator located in the United States.
  2. A licensed falconer may donate falconry raptor feathers, except bald and golden eagle feathers, to:
    - a. Any person or institution permitted to possess falconry raptor feathers,
    - b. Any person or institution exempt from the permit requirement under 50 CFR 21.12, or
    - c. A non-eagle feather repository. The Department may provide information regarding the submittal of falconry raptor feathers to a non-eagle feather repository.
  3. A licensed falconer shall gather primary and secondary flight feathers or retrices that are molted or otherwise lost from a golden eagle and either retain the feathers for imping purposes or submit the feathers to the U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.
  4. A falconer whose license is either revoked or expired shall dispose of all falconry raptor feathers in the falconer's possession.
  - EE.** Arizona licensed falconers importing raptors into Arizona shall have a health certificate issued no more than 30 consecutive days:
    1. Prior to the international importation, or
    2. Prior to or after the inter-state importation.
  - FF.** A licensed falconer may conduct any of the following activities with any captive-bred raptor provided the raptor is wearing a seamless band and the person receiving the raptor possesses an appropriate special license:
    1. Barter,
    2. Offer for barter,
    3. Gift,
    4. Purchase,
    5. Sell,
    6. Offer for sale, or
    7. Transfer.
  - GG.** A licensed falconer is prohibited from conducting any of the following activities with any wild-caught raptor protected under the Migratory Bird Treaty Act:
    1. Barter,
    2. Offer for barter,
    3. Purchase,
    4. Sell, or
    5. Offer for sale.
  - HH.** A licensed falconer may transfer:
    1. Any wild-caught falconry raptor lawfully captured in Arizona with or without a permit tag to another Arizona Sport Falconry License holder at any time.
      - a. The raptor shall count towards the take limit for that calendar year for the falconer taking the raptor from the wild.
      - b. The raptor shall not count against the take limit of the falconer receiving the raptor.
    2. Any wild-caught falconry raptor to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least two years preceding the transfer.
    3. A wild-caught falconry sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), or American kestrel (*Falco sparverius*) to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least one-year preceding the transfer.
    4. Any hybrid or captive-bred raptor to another licensed falconer or permit type under this Article or federal law at any time.
    5. Any falconry raptor that is no longer capable of being flown, as determined by a veterinarian, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian stating that the raptor is not useable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.
  - II.** A licensed falconer shall not transfer a wild-caught raptor species to a licensed falconer in another state for at least one year from the date of capture if either resident or nonresident take is

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managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system. However, a licensed falconer may transfer a wild-caught raptor that is not managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system to a licensed falconer in another state at any time.

- JJ.** A surviving spouse, executor, administrator, or other legal representative of a deceased or incapacitated licensed falconer shall transfer any raptor held by the licensed falconer to another licensed falconer no more than 90 consecutive days after the death of the falconer. The Department shall determine the disposition of any raptor not transferred prior to the end of the 90-day period.
- KK.** A licensed falconer shall conduct the following activities, as applicable, no more than 10 business days after either the death of a falconry raptor or the final examination of a deceased raptor by a veterinarian:
1. Dispose of any raptor suspected or confirmed with West Nile Virus or poisoning, except for lead poisoning, by incineration.
  2. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;
  3. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, the falconer shall either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
  4. For all other species:
    - a. Submit the carcass to a non-eagle repository;
    - b. Submit the carcass to the Department for submission to a non-eagle repository;
    - c. Donate the body or feathers to any person or institution exempt under 50 CFR 21.12 or authorized by USFWS to acquire and possess such parts or feathers;
    - d. Retain the carcass or feathers for imping purposes as established under subsection (DD);
    - e. Burn, bury, or otherwise destroy the carcass; or
    - f. Mount the raptor carcass. The falconer shall ensure any microchip implanted in the raptor is not removed and any band attached to the raptor remains on the mount. The falconer may use the mount for a conservation education program. The falconer shall ensure copies of the license and all relevant 3-186A forms are retained with the mount. The mount shall not count towards the falconer's possession limit.
  5. A license holder submitting a carcass or parts of a carcass of any raptor that has been euthanized shall ensure a tag indicating the raptor was euthanized is attached to the carcass or parts of the carcass before submitting it to the National Eagle Repository or non-eagle repository, as applicable.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 18 A.A.R. 958, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-423. Wildlife Rehabilitation License**

- A.** For the purposes of this Section, "volunteer" means a person who:
1. Is not designated as an agent, as defined under R12-4-401,
  2. Assists a wildlife rehabilitation license holder without compensation, and
  3. Is under the direct supervision of the license holder at the location specified on the wildlife rehabilitation license.
- B.** A wildlife rehabilitation license is issued for the sole purpose of restoring and returning wildlife to the wild through rehabilitative services. The license allows a person 18 years of age or older to conduct any of the following activities with live injured, disabled, orphaned or otherwise debilitated wildlife specified on the rehabilitation license:
1. Capture;
  2. Euthanize;
  3. Export to a licensed zoo, when authorized by the Department;
  4. Receive from the public;
  5. Rehabilitate;
  6. Release;
  7. Temporarily possess;
  8. Transport; or
  9. Transfer to one of the following:
    - a. Licensed veterinarian for treatment or euthanasia;
    - b. Another appropriately licensed special license holder;
    - c. Licensed zoo, when authorized by the Department; or
  10. As otherwise directed in writing by the Department.
- C.** A wildlife rehabilitation license authorizes the possession of the following taxa or species:
1. Amphibians;
  2. Reptiles;
  3. Birds:
    - a. Non-passerines, birds in any order other than those named in subsections (b) through (e);
    - b. Birds in the orders *Falconiformes* or *Strigiformes*, raptors;
    - c. Birds in the order, *Galliformes* quails and turkeys;
    - d. Birds in the order *Columbiformes*, doves;
    - e. Birds in the order *Trochiliformes*, hummingbirds; and
    - f. Birds in the order *Passeriformes*, passerines;
  4. Mammals:
    - a. Nongame mammals;
    - b. Bats;
    - c. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, pronghorn;
    - d. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
    - e. Small game mammals.
- D.** A wildlife rehabilitation license authorizes the possession of the following taxa or species only when specifically requested at the time of application:
1. Eagles;
  2. Species listed under 50 CFR 17.11, revised October 1, 2019; and
  3. The Department's Tier 1 Species of Greatest Conservation Need, as defined under R12-4-401.



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4. For the purposes of subsection (D)(2), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at [www.gpo.gov](http://www.gpo.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
- E. All wildlife held under the license is the property of the state and shall be surrendered to the Department upon request.
- F. The wildlife rehabilitation license expires on the last day of the third December from the date of issuance.
- G. In addition to the requirements established under this Section, a wildlife rehabilitation license holder shall comply with the special license requirements established under R12-4-409.
- H. The Department shall deny a wildlife rehabilitation license to a person who fails to meet the requirements and criteria established under R12-4-409, R12-4-428, or this Section or when the person's wildlife rehabilitation license is suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409 to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I. The wildlife rehabilitation license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
  1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations;
  2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
  3. Authorize the license holder to conduct any activities that constitutes the practice of veterinary medicine as prescribed under A.R.S. § 32-2231 whether or not a fee, compensation, or reward is directly or indirectly promised, offered, expected, received or accepted, unless the license holder is currently licensed to practice veterinary medicine in the state of Arizona.
- J. Before applying for a wildlife rehabilitation license, a person shall correctly answer at least 80% of the questions on the Department administered written examination. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.
  1. Examinations are provided by appointment, only.
  2. An applicant may request a verbal or written examination.
  3. The examination shall include questions regarding:
    - a. Wildlife rehabilitation;
    - b. Safe handling of wildlife;
    - c. Transporting wildlife;
    - d. Humane treatment;
    - e. Nutritional requirements;
    - f. Behavioral requirements;
    - g. Developmental requirements;
    - h. Ecological requirements;
    - i. Habitat requirements;
    - j. Captivity standards established under R12-4-428;
    - k. Human and wildlife safety considerations;
    - l. State statutes, rules, and regulations regarding wildlife rehabilitation; and
    - m. National Wildlife Rehabilitation Association minimum standards for wildlife rehabilitation.
- K. An applicant for a wildlife rehabilitation license shall submit an application to the Department. The application is furnished by the Department and is available at any Department office and on the Department's website. The applicant shall provide the following information on the application:
  1. The applicant's information:
    - a. Name;
    - b. Date of birth;
    - c. Mailing address;
    - d. Telephone number;
    - e. Housing facility address, if different from mailing address;
    - f. Physical address or general location description and Global Positioning System location; and
    - g. Department ID number, when applicable;
  2. The wildlife taxa or species listed under subsection (C) that will be possessed under the license;
  3. For each location where the applicant proposes to use wildlife, the land owner's:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
  4. A detailed description, diagram, and photographs of the housing facility where the applicant will hold the wildlife, and a description of how the housing facility complies with the captivity standards established under this Section;
  5. Any other information required by the Department; and
  6. The certification required under R12-4-409(C).
- L. In addition to the requirements listed under subsection (K), at the time of application, an applicant for a wildlife rehabilitation license shall also submit:
  1. Any one or more of the following:
    - a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
    - b. Proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week for the taxa or species of animal listed on the application; or
    - c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
  2. Proof the applicant successfully completed the examination required under subsection (J) no more than three years prior to submitting the initial application;
  3. An affidavit signed by the applicant affirming either of the following:
    - a. The applicant is a licensed veterinarian; or
    - b. A licensed veterinarian is reasonably available to provide veterinary services as necessary to facilitate rehabilitation of wildlife.
  4. A written statement describing:

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- a. The applicant's preferred method of disposing of non-releasable live wildlife as listed under subsection (B); and
  - b. The applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species when the applicant is applying for a license to perform authorized activities with taxa or species of wildlife listed under subsection (C).
- M.** A wildlife rehabilitation license holder who wishes to continue activities authorized under the license shall renew the license before it expires.
1. When renewing a license without change to the species, location, or design of the facility where wildlife is held as authorized under the current license, the license holder may reference supporting materials previously submitted in compliance with subsection (K).
  2. A license holder applying for a renewal of the license shall successfully complete the examination at the time of renewal when the annual report submitted under subsection (Z) indicates the license holder did not perform any rehabilitative activities under the license.
  3. A license holder applying for a renewal of the license shall submit proof the license holder has completed the continuing education requirement established under subsection (N).
- N.** During the license period a wildlife rehabilitation license holder shall complete eight or more hours of continuing education sessions on wildlife rehabilitation or veterinary medicine. Acceptable continuing education sessions may be obtained from:
1. An accredited university or college;
  2. The National Wildlife Rehabilitators Association, 2625 Clearwater Rd. Suite 110, St. Cloud, MN 56301;
  3. The International Wildlife Rehabilitation Council, PO Box 3197, Eugene, OR 97403; or
  4. Other applicable training opportunities approved by the Department in writing. A license holder who wishes to use other applicable training to meet the eight hour continuing education requirement shall request approval of the other applicable training prior to participating in the education session.
- O.** At the time of application, a wildlife rehabilitation license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the wildlife rehabilitation license by submitting a written request to the Department.
1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
    - a. An employment or supervisory relationship exists between the applicant and the agent,
    - b. The agent submits proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week, and
    - c. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
    - d. An agent shall allow the Department to conduct inspections of an agent's facility when the agent intends to possess wildlife for more than 48 hours. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
  3. The license holder is liable for all acts the agent performs under the authority of this Section.
  4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
  5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the wildlife rehabilitation license and presents it for inspection upon the request of any Department employee or agent.
- P.** At any time during the license period, a wildlife rehabilitation license holder may request permission to amend the license to add or delete an agent or a location where wildlife is held; or to obtain authority to rehabilitate additional taxa of wildlife. To request an amendment, the license holder shall submit the following information to the Department, as applicable:
1. To add or delete an agent, the information stated in subsections (K)(1) through (K)(4) as applicable to the agent, and proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week;
  2. To add or delete a location, the information stated in subsection (K)(1) through (K)(5); and
  3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (K)(1) through (K)(5) and (L)(1) through (L)(4).
- Q.** A wildlife rehabilitation license holder authorized to rehabilitate wildlife species listed under subsection (C)(3)(c), (C)(4)(c) and (C)(4)(d) or (D) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling or transferring that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.
- R.** A wildlife rehabilitation license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Maintain records associated with the license for a period of five years following the date of disposition.
  3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  4. Ensure each facility is inspected by the attending veterinarian at least once every year.
  5. Capture, remove, transport, and release wildlife held under the requirements of this Section in a manner that is least likely to cause injury to the affected wildlife.
  6. Conduct rehabilitation only at the location listed on the license.
  7. Be responsible for all expenses incurred, including veterinary expenses, and all actions taken under the license, including all actions or omissions of all agents and volunteers when performing activities under the license.
  8. Immediately surrender wildlife held under the license to the Department upon request.
  9. Dispose of all wildlife that is euthanized or that otherwise dies within 30 days of death either by burial, incineration, or transfer to a scientific research institution, except that the license holder shall transfer all carcasses of endangered or threatened species, species listed under the

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Department's Tier 1 Species of Greatest Conservation Need, or eagles as directed by the Department.

10. Maintain a current log that records the information specified under subsection (Z).
11. Possess the license or legible copy of the license at each authorized location and while conducting any rehabilitation activities and presents it for inspection upon the request of any Department employee or agent.
12. Ensure a copy of the wildlife rehabilitation license accompanies each transfer or shipment of wildlife.
13. Dispose of any raptor suspected or confirmed with West Nile Virus or poisoning, except for lead poisoning, by incineration.
14. Except as specified under subsection (R)(12), transfer the carcass or parts of the carcass of a deceased raptor as follows:
  - a. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository, see <https://www.fws.gov/eaglerepository/factsheets.php>;
  - b. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
  - c. For all other species:
    - i. Submit the carcass to a non-eagle repository;
    - ii. Submit the carcass to the Department for submission to a non-eagle repository.
- S. A wildlife rehabilitation license holder shall not:
  1. Display for educational purposes any wildlife held under the license.
  2. Exhibit any wildlife held under the license.
  3. Permanently possess any wildlife held under the license.
- T. A wildlife rehabilitation license holder may possess all wildlife for no more than 90 days. Except a bird may be possessed for no more than 180 days, unless the Department has authorized possession for a longer period of time.
- U. A license holder may request permission to possess wildlife for a longer period of time than specified in subsection (T) by submitting a written request to the Department.
  1. The Department shall approve or deny the request within ten days of receiving the request.
  2. For requests made due to a medical necessity, the Department may require the license holder to provide a written statement listing the medical reasons for the extension, signed by a licensed veterinarian.
  3. The license holder may continue to hold the specified wildlife while the Department considers the request.
  4. If the request is denied, the Department shall send a written notice to the license holder which shall include specific, time-dated directions for the surrender or disposition of the animal.
- V. A wildlife rehabilitation license holder who also possesses a federal rehabilitator license may allow a licensed falconer to assist in conditioning a raptor in preparation for the raptor's release to the wild.
  1. The license holder may allow the licensed falconer to temporarily remove the raptor from the license holder's facility while conditioning the raptor.
  2. The license holder shall provide the licensed falconer with a written statement authorizing the falconer to assist the license holder.
  3. The written statement shall identify the raptor by species, type of injury, and band number, when available.
  4. The license holder shall ensure the licensed falconer returns the raptor to the license holder within the 180-day period established under subsection (T).
- W. A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to prepare the wildlife for release. Rehabilitated wildlife shall be released:
  1. In an area without immediate threat to the wildlife or contact with humans;
  2. During an ecologically appropriate time of year and time of day; and
  3. Into a suitable habitat in the same geographic area where the animal was originally obtained; or
  4. In an area designated by the Department.
- X. Wildlife that is not releasable after the time-frames specified in subsection (T) shall be transferred, disposed of, or euthanized as determined by the Department.
- Y. To permanently hold rehabilitated wildlife declared unsuitable for release by a licensed veterinarian, a wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license in compliance with under R12-4-417.
- Z. A wildlife rehabilitation license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
  1. A report is required regardless of whether or not activities were performed during the previous year.
  2. The wildlife rehabilitation license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
  3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
  4. The annual report shall contain the following information:
    - a. The license holder's:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number;
    - b. Each agent's:
      - i. Name;
      - ii. Mailing address; and
      - iii. Telephone number;
    - c. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder;
    - d. For activities related to federally-protected wildlife, a copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife; and
    - e. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the license holder or agent, the itemization shall include:
      - i. Species;
      - ii. Condition that required rehabilitation;
      - iii. Date of acquisition;
      - iv. Source of acquisition;
      - v. Location of acquisition;
      - vi. Age class at acquisition, when reasonably determinable;
      - vii. Status at disposition or end-of-year in relation to the condition requiring rehabilitation;
      - viii. Method of disposition;

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- ix. Location of disposition; and
- x. Date of disposition.

AA. A wildlife rehabilitation license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430, as applicable.

**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
 Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).  
 Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).  
 Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-424. White Amur Stocking License; Restocking License**

A. For the purposes of this Section:

“Closed aquatic system” means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from entering or exiting the system by any natural or man-made barrier, as determined by the Department.

“Triploid” means a species having three homologous sets of chromosomes that renders the individuals sterile.

- B. A white amur stocking or restocking license allows a person to import, possess, stock in a closed aquatic system, and transport triploid white amur (*Ctenopharyngodon idella*).
- C. The white amur stocking or restocking license is valid for no more than 20 consecutive days.
- D. In addition to the requirements established under this Section, a white amur stocking or restocking license holder shall comply with the special license requirements established under R12-4-409.
- E. The white amur stocking or restocking license holder shall be responsible for compliance with all applicable regulatory requirements; the licenses do not:
  - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F. The Department shall deny a white amur stocking or restocking license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a white amur stocking or restocking license when it determines the issuance of the license may result in a negative impact on native wildlife.
- G. An applicant for a white amur stocking or restocking license shall submit an application to the Department. A separate application is required for each location where the applicant

proposes to stock white amur. The application is furnished by the Department and is available from any Department office and on the Department’s website. The applicant shall provide the following information on the application:

1. The applicant’s information:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and;
    - d. Department ID number, when applicable;
  2. For each location where the white amur will be held, stocked, or restocked, the land owner’s:
    - a. Name;
    - b. Mailing address;
    - c. Telephone number; and
    - d. Physical address or general location description and Global Positioning System location;
    - e. For the purposes of this subsection, the following systems may qualify as separate locations, as determined by the Department:
      - i. Each closed aquatic system;
      - ii. Each separately managed portion of a closed aquatic system; or
      - iii. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
  3. A detailed description and diagram of each enclosed aquatic system where the applicant will stock and hold the white amur, as prescribed under A.R.S. § 17-317, which shall include the following information, as applicable:
    - a. A description of how the system meets the definition of a “closed aquatic system” in subsection (A);
    - b. Size of waterbody proposed for stocking;
    - c. Nearest river, stream, or other freshwater system;
    - d. Points where water enters into each water body;
    - e. Points where water leaves each water body; and
    - f. Location of fish containment barriers;
  4. For each wildlife supplier from whom the applicant will obtain white amur, the supplier’s:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number;
  5. The number and average length of white amur to be stocked;
  6. The dates white amur will be stocked, or restocked;
  7. Any other information required by the Department; and
  8. The certification required under R12-4-409(C).
- H. When the Department determines an applicant proposes to stock white amur in a watershed in a manner that conflicts with the Department’s efforts to conserve wildlife, in addition to the requirements listed under subsection (G), the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following:
1. Anticipated benefits from introducing white amur;
  2. Potential risks introducing white amur may create for wildlife, including:
    - a. Whether white amur are compatible with native aquatic species or game fish; and
    - b. Method for evaluating the potential impact introducing white amur will have on wildlife;
  3. Assessment of probable impacts to sensitive species in the area using the list generated by the Department’s Online Environmental Review Tool, which is available

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on the Department's website. The proposal must address each species listed.

- I. A person may apply for a white amur restocking license provided there are no changes to the closed aquatic system. The restocking application license application must include the inspection certification from the supplier of white amur as required under subsection (K)(2).
- J. A person applying for a white amur stocking or restocking license shall pay all applicable fees as prescribed under R12-4-412.
- K. A white amur stocking and restocking license holder shall comply with the requirements established under R12-4-409.
  1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private non-commercial fish pond certified free of the diseases and causative agents through the following actions:
    - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
    - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
    - c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
  3. Maintain records associated with the license for a period of five years following the date of disposition.
  4. Allow the Department to conduct inspections of an applicant's or license holder's facility, records, and any waters proposed for stocking at any time before or during the license period to determine compliance with the requirements of this Article and to determine the appropriate number of white amur to be stocked. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
  5. Ensure all shipments of white amur are accompanied by a USFWS, or similar agent, certificate confirming the white amur are triploid.
  6. Possess the license or legible copy of the license while conducting any activities authorized under the white amur stocking or restocking license and presents it for inspection upon the request of any Department employee or agent.
- L. A white amur stocking or restocking license holder shall comply with the requirements established under R12-4-409.

**Historical Note**

Adopted as an emergency effective July 5, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3).

Correction, Historical Note, Supp. 88-3, should read, "Adopted as an emergency effective July 15, 1988..."; readopted and amended as an emergency effective October 13, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted as an emergency effective January 24, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Sec-

tion R12-4-424 effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments**

- A. A person who lawfully possessed restricted live wildlife without a license or permit from the Department before the effective date of this Section or any subsequent amendments to R12-4-406, this Section, or this Article may continue to possess the wildlife and to use it for any purpose that was lawful, except propagation, before the effective date of R12-4-406, this Section, or this Article or any subsequent amendments, provided the person complies with the requirements established under subsections (A)(1) or (A)(2).
  1. The person submits written notification to the Department's regional office in which the restricted live wildlife is held. The person shall submit the written notification to the regional office within 30 calendar days of the effective date of any subsequent amendments to this Section, R12-4-406, or this Article. The written notification shall include all of the following information:
    - a. The number of individuals of each species,
    - b. The purpose for which it is possessed, and
    - c. The unique identifier for each individual wildlife possessed by the person, as established under subsection (F); or
  2. The person maintains documentation of the restricted live wildlife held. The documentation shall include:
    - a. The number of individuals of each species,
    - b. Proof the individuals were legally acquired before the effective date of the amendment causing the wildlife to be restricted,
    - c. The purpose for which it is used, and
    - d. The unique identifier for each wildlife possessed by the person, as established under subsection (F).
  3. The person shall report the birth or hatching of any progeny conceived before and born after the effective date of this Section, R12-4-406, or this Article to the Department and comply with the requirements established under subsection (F).
- B. The person shall ensure the written notification described under subsection (A)(1) and (A)(2) includes the person's name, address, and the location where the wildlife is held. A person who maintains their own documentation under subsection (A)(2) shall make it available to the Department upon request.
- C. The person shall retain the documentation required under subsections (A)(1) and (A)(2) until the person disposes of the wildlife as described under subsection (D).
- D. A person who possesses wildlife under this Section shall dispose of it using any one of the following methods:
  1. Exportation;
  2. Euthanasia;

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3. Transfer to an Arizona special license holder, provided the special license authorizes possession of the species involved; or
  4. As otherwise directed by the Department in writing.
- E.** If a person transfers restricted live wildlife possessed under this Section to a special license holder:
1. The exemption for that wildlife under this Section expires, and
  2. The special license holder shall use, possess, and report the wildlife in compliance with this Article and any stipulations applicable to that special license.
- F.** A person who exports wildlife held under this Section shall not import the wildlife back into this state unless the person obtains a special license prior to importing the wildlife back into this state.
- G.** A person who possesses wildlife under this Section shall permanently and uniquely mark the wildlife with a unique identifier as follows:
1. Within 30 calendar days of the effective date of this Section, R12-4-406, or this Article if the person has notified the Department as provided under subsection (A)(1); or
  2. Within 30 calendar days of receiving written notice from the Department directing the person to permanently mark the wildlife.
- H.** A person possessing a desert tortoise (*Gopherus agassizii*) is not subject to the requirements of this Section and shall comply with requirements established under R12-4-404 and R12-4-407.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-426. Possession of Nonhuman Primates**

- A.** A person is prohibited from possessing a nonhuman primate, unless authorized under a special license or lawful exemption.
- B.** A person shall not import a nonhuman primate into this state unless:
1. A person lawfully possessing a nonhuman primate shall ensure the primate is tested and reported to be free of any zoonotic disease that poses a serious health risk as determined by the Department. Zoonotic diseases that pose a serious health risk include, but are not limited to:
    - a. Tuberculosis;
    - b. Simian Herpes B virus;
    - c. Simian Immunodeficiency Virus;
    - d. Simian T Lymphotropic Virus; and
    - e. Gastrointestinal pathogens such as, but not limited to, Shigella, Salmonella, E. coli, and Giardia.
  2. A qualified person, as determined by the Department, performs the test and provides the test results; and
  3. The tests required under subsection (B)(1) are:
    - a. Conducted no more than 30 days before the person imports the nonhuman primate; and
    - b. The person submits the results to the Department prior to importation.
- C.** A person lawfully possessing the nonhuman primate shall contain the primate within the confines of the person's private property or licensed facility.
- D.** A person possessing a nonhuman primate may only transport the primate by way of a secure cage, crate, or carrier. A person

possessing a primate shall only transport the primate to the following locations:

1. To or from a licensed veterinarian;
  2. Into or out of the state for lawful purposes.
- E.** A person lawfully possessing a nonhuman primate that bit, scratched, or otherwise exposed a human to pathogenic organisms, as determined by the Department, shall ensure the primate is examined and laboratory tested for the presence of pathogens as follows:
1. The Department shall prescribe examinations and laboratory testing for the presence of pathogens.
  2. The person shall have the nonhuman primate examined by a state licensed veterinarian who shall perform any examinations or laboratory tests as directed by the Department.
    - a. The licensed veterinarian shall provide the laboratory results to the Department within 24 hours of receiving the results.
    - b. The Department shall notify the exposed person and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.
  3. The person possessing the nonhuman primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.
- F.** A person lawfully possessing a nonhuman primate shall ensure a primate that tests positive for a zoonotic disease that poses a serious health risk to humans, or is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms, is maintained in captivity or disposed of as directed in writing by the Department.
- G.** A zoo license holder or a person using nonhuman primates at a research facility, as defined under R12-4-401, possessing a primate that bit, scratched, or otherwise exposed a human to pathogenic organisms shall quarantine and test the primate in accordance with procedures approved by the Department.
- H.** A person lawfully possessing a nonhuman primate is subject to the requirements established under R12-4-428.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Rule expired December 31, 1989; text rescinded (Supp. 93-2). New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Section R12-4-426(C) corrected to include subsection (C)(1), under A.R.S. § 41-1011 and A.A.C. R1-1-108, Office File No. M11-77, filed March 4, 2011 (Supp. 10-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

**R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License**

- A.** A person may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:
1. The order *Passeriformes*: non-Migratory Bird Treaty Act listed passerine birds;
  2. The order *Columbiformes*: non-Migratory Bird Treaty Act listed doves;
  3. The family *Phasianidae*: quail, pheasant, and chukars;
  4. The order *Rodentia*: rodents; and
  5. The order *Lagomorpha*: hares and rabbits.
- B.** This Section does not:

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1. Exempt the person from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
  2. Authorize the person to engage in authorized activities using federally-protected wildlife, unless the person possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.
- C. This Section does not authorize the possession of any of the following:
1. Eggs of wildlife;
  2. Wildlife listed as Species of Greatest Conservation Need, as defined under R12-4-401;
  3. Migratory birds, as defined under R12-4-101; or
  4. More than 25 animals at the same time.
- D. A person taking and caring for wildlife listed under this Section is not required to possess a hunting license.
- E. A person shall only take wildlife listed under subsection (A) by hand or by a hand-held implement.
- F. A person shall not possess wildlife lawfully held under this Section for more than 60 days.
- G. The exemptions granted under this Section shall not apply to any person who, by their own action, has unlawfully injured, orphaned, or otherwise debilitated the wildlife.
- H. If the wildlife is rehabilitated and suitable for release, the person who possesses the wildlife shall release it within the 60-day period established under subsection (C):
1. Into a habitat that is suitable to sustain the wildlife, or
  2. As close as possible to the same geographic area from where it was taken.
- I. If the wildlife is not rehabilitated within the 60-day period or the wildlife requires care normally provided by a veterinarian, the person who possesses it shall:
1. Transfer it to a wildlife rehabilitation license holder or veterinarian;
  2. Euthanize it; or
  3. Obtain a wildlife holding permit as established under R12-4-417.
- b. Constructed in a manner designed to reasonably prevent the animal's escape or the entry of unauthorized persons, wildlife, or domestic animals.
  - c. Constructed and maintained in good condition to protect animals from injury, disease, or death and to enable the humane practices established under this Section.
2. If electricity is required to comply with related requirements established under this Section, each facility shall be equipped with safe, reliable and adequate electric power.
- a. All electric wiring shall be constructed and maintained in accordance with all applicable governmental building codes.
  - b. Electrical construction and maintenance shall be sufficient to ensure that no animal has direct contact with any electrical wiring or electrical apparatus, and the animal is fully protected from any possibility of injury, shock, or electrocution.
3. Each animal shall be supplied with sufficient potable water to meet its needs.
- a. All water receptacles shall be kept in clean and sanitary condition.
  - b. Water shall be readily available and monitored at least once daily or more often when the needs of the animal or environmental conditions dictate.
  - c. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal.
4. Food shall be suitable, wholesome, palatable, free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain the good health of each animal held in the facility.
- a. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the animal's age, species, condition, size, and all veterinary directions or recommendations in regard to diet.
  - b. Each animal shall be fed as often as its needs dictate, taking into consideration behavioral adaptations, veterinary treatment or recommendations, normal fasts, or other professionally accepted humane practices.
  - c. The amount of available food for each animal shall be monitored at least once daily, except for those periods of time when species specific fasting protocols dictate that the animal should not consume any food during the entire day.
  - d. Food and food receptacles, when used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination and conflict between animals using the receptacles.
  - e. Food receptacles shall be kept clean and sanitary at all times.
  - f. Any self-feeding food receptacles shall function properly and the food they provide shall be monitored at least once daily and shall not be subject to deterioration, contamination, molding, caking, or any other process that would render the food unsafe or unpalatable for the animal.
  - g. An appropriate means of refrigeration shall be provided for supplies of perishable animal foods.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-428. Captivity Standards**

- A. For the purposes of this Section, "animal" means any wildlife possessed under a special license, unless otherwise indicated.
- B. A person possessing wildlife under a special license authorized under this Article shall comply with the minimum standards for the humane treatment of animals established under this Section.
- C. A person possessing wildlife under an authority granted under this Article shall ensure all facilities meet the following minimum standards:
  1. The facility shall be:
    - a. Constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it.

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5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires:
  - a. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food.
  - b. The facility shall be maintained to minimize the potential of parasite, pest, and vermin infestation, disease, and unseemly odors.
  - c. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination, minimize hazard of disease, and reduce unseemly odors.
  - d. The sanitary condition of the facility shall be monitored at least once daily.
  - e. When the facility is cleaned by hosing, flushing, or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam, or chemical substances or otherwise wetted involuntarily.
6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be:
  - a. Properly constructed.
  - b. Kept in good condition to avoid foul odors or parasite, pest, or vermin infestation.
  - c. Installed in a manner that prevents the backup or accumulation of debris or sewage.
7. No animal shall be exposed to any human activity or environment that may have an inhumane or harmful effect upon the animal or that is inconsistent with the purpose of the special license.
8. Facilities shall not be constructed or maintained in proximity to any physical condition which may pose any health threat or unnecessary stress to the animal.
9. Persons caring for the animals shall conduct themselves in a manner that prevents the spread of disease, minimizes stress, and does not threaten the health of the animal.
10. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held under a special license. This subsection shall not apply to live animals utilized as food items in the enclosures.
11. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments.
  - a. The facility area shall be large enough and constructed in a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical needs.
  - b. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for digging or burrowing activity.
  - c. Animals that naturally climb or perch shall be provided with safe and adequate climbing or perching apparatus.
  - d. Animals that naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.
  - e. The facility and holding environment shall be structured to reasonably promote the physical and psychological well-being of any animal held in the facility.
12. A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices established under this Section. The license holder shall be responsible for the actions of all animal care personnel and all other persons that come in contact with the animals.
13. The special license holder shall designate a veterinarian licensed to practice in this state as the primary treating veterinarian for each species of animal to be held.
  - a. The license holder shall ensure that all animals in their care receive proper, adequate, and humane veterinary care as the needs of each animal dictate.
  - b. Each animal held for more than one year shall be inspected by the attending veterinarian at least once every year. The inspection report shall demonstrate the veterinarian inspected the health of the animal and the condition of its enclosure.
  - c. Every animal shall promptly receive licensed veterinary care whenever it appears that the animal is injured, sick, wounded, diseased, infected by parasites, or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite, abnormal weight loss or lethargy.
  - d. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the license holder, authorized agent, or volunteer. A license holder, authorized agent, or volunteer shall not administer prescription medicine, unless under the direction of a veterinarian.
14. Any animal that is suspected of or diagnosed as harboring any infectious or transmissible disease, whether or not the animal is held under a special license, shall be isolated immediately upon suspicion or diagnosis.
  - a. The isolated animal shall continue to be kept in a humane manner as required under this Section.
  - b. When there is an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held under a special license, the facility shall be sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Sanitation procedures may include, but are not limited to:
    - i. Washing facilities or animal-related materials with appropriate disinfectants, soaps or detergents;
    - ii. Appropriate application of hot water or steam under pressure; and
    - iii. Replacement of gravel, dirt, sand, water, or food.
    - vi. All residue of chemical agents utilized in the sanitation process shall be reasonably eliminated from the facility before any animal is returned to the facility.
  - c. Parasites, pests, and vermin shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.



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**D.** In addition the standards established under subsection (C), a person shall ensure all indoor facilities meet the following minimum standards:

1. Heating and cooling equipment shall be sufficient to regulate the temperature of the facility to the optimal temperature zone of the species being held to provide a healthy, comfortable, and humane living environment.
2. Indoor facilities shall be adequately ventilated with fresh air to provide for the healthy, comfortable, and humane keeping of any animal and to minimize drafts, odors, and moisture condensation.
3. Indoor facilities shall have lighting of a quality, distribution, and duration as is appropriate for the biological needs of the animals held and to facilitate the inspection and maintenance of the facility.
  - a. Artificial lighting, when used, shall be utilized in regular cycles as the animal's needs dictate.
  - b. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.

**E.** In addition the standards established under subsection (C), a person shall ensure that all outdoor facilities meet the following minimum standards:

1. Sufficient shade to prevent the overheating or discomfort of any animal shall be provided.
2. Sufficient shelter appropriate to protect animals from normal climatic conditions throughout the year.
3. Each animal shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.

**F.** A person who handles an animal shall ensure the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to the animal.

1. An animal shall be transported in a secure, expeditious, careful, temperature appropriate, and humane manner. An animal shall not be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal.
2. An animal placed on public exhibit or educational display shall be handled in a manner that minimizes the risk of harm to members of the public and to the animal, which includes but is not limited to providing and maintaining a sufficient distance or barrier between the animal and the viewing public.
3. Any restraint or equipment used on an animal shall not cause physical harm or unnecessary discomfort.

**G.** The Department may impose additional requirements on facilities that hold animals to meet the needs of the particular animal and ensure public health and safety.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**R12-4-429. Expired****Historical Note**

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3127, effective July 1, 2002 for a period of 180 days (Supp. 02-3). Emergency rulemaking renewed under A.R.S. § 41-1026(D) for an

additional 180-day period at 9 A.A.R. 132, effective December 27, 2002 (Supp. 02-4). Section expired effective June 24, 2003 (Supp. 03-2).

**R12-4-430. Importation, Handling, and Possession of Cervids**

**A.** The Department shall not issue a new special license authorizing the possession of a live cervid, except as provided under R12-4-418 and R12-4-420.

**B.** A person shall not import a live cervid into Arizona, except a zoo license holder may import any live nonnative cervid for exhibit, educational display, or propagation provided the nonnative cervid is quarantined for 30 days upon arrival and is procured from a facility that meets all of the following requirements:

1. The exporting facility has a disease surveillance program and no history of chronic wasting disease or other wildlife disease that pose a serious health risk to wildlife or humans and there is accompanying documentation from the facility certifying there is no history of disease at the facility or within 50 miles of the facility;
2. The nonnative cervid is accompanied by a health certificate, issued no more than 30 days prior to importation by a licensed veterinarian in the jurisdiction of origin; and
3. The nonnative cervid is accompanied by evidence of lawful possession, as defined under R12-4-401.

**C.** A person shall not transport a live cervid within Arizona, except to:

1. Export the live cervid from Arizona for a lawful purpose;
2. Transport the live cervid to a facility for the purpose of slaughter, when the slaughter will take place within five days of the date of transport;
3. Transport the live cervid to or from a licensed veterinarian for medical care;
4. Transport the live cervid to a new holding facility owned by, or under the control of, the cervid owner, when all of the following apply:
  - a. The current holding facility has been sold or closed;
  - b. Ownership, possession, custody, or control of the cervid will not be transferred to another person; and
  - c. The owner of the cervid has prior written approval from the Department; or
5. Transport the live nonnative cervid within Arizona for the purpose of procurement or propagation when all of the following apply:
  - a. The nonnative cervid is transported to or from a zoo licensed under R12-4-420;
  - b. The nonnative cervid is quarantined for 30 days upon arrival at its destination;
  - c. The nonnative cervid is procured from a facility that meets all of the requirements established under subsection (B)(1) through (B)(3).

**D.** A person who lawfully possesses a live cervid, except any cervid held under a private game farm or zoo license, shall comply with the requirements established under R12-4-425.

**E.** A person shall comply with the requirements established under R12-4-305 when transporting a cervid carcass, or its parts, from a licensed private game farm.

**F.** In addition to the recordkeeping requirements of R12-4-413 and R12-4-420, a person who possesses a live cervid under a private game farm or zoo license shall:

1. Permanently mark each live cervid with either an individually identifiable microchip or tattoo within 30 days of acquisition or birth of the cervid and ensure each cervid is marked with an ear tag that identifies the farm of origin in

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- a manner that is clearly visible from a distance of 100 feet;
2. Report the death of any cervid to the Department within seven calendar days of finding the cervid;
  3. Include in the annual report submitted to the Department before January 31 of each year, the following for each native cervid in the license holder's possession:
    - a. Name of the license holder,
    - b. License holder's mailing address,
    - c. License holder's telephone number,
    - d. Number and species of live cervids held,
    - e. The microchip or tattoo number of each live native cervid held,
    - f. The disposition of all cervids that were moved or died during the current reporting period,
    - g. The results of chronic wasting disease testing for all cervids one year of age and older that die during the current reporting period,
    - h. The license holder shall also submit copies of all veterinary care records that occurred during the previous year, and
    - i. Any other information required by the Department to ensure compliance with this Section.
- G.** The holder of a private game farm, scientific activity, zoo license, or a person possessing a cervid under R12-4-425, shall ensure that the retropharyngeal lymph nodes or obex from the head of a cervid over one year of age that dies while held under the special licenses is collected by either a licensed veterinarian or the Department and submitted within 72 hours of the time of death to an Animal and Plant Health Inspection Service certified veterinary diagnostic laboratory for chronic wasting disease analysis. A list of approved laboratories is available at any Department office and on the Department's website or [www.aphis.usda.gov](http://www.aphis.usda.gov). The license holder shall:
1. Ensure the shipment of the deceased animal's tissues is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment.
  2. Include all of the following information with the shipment of the deceased animal's tissues, the license holder's:
    - a. Name,
    - b. Mailing address, and
    - c. Telephone number.
  3. Designate, on the sample submission form, test results shall be sent to the Department within 10 days of completing the analysis. The sample submission form is furnished by the diagnostic laboratory providing the test.
  4. Be responsible for all costs associated with the laboratory analysis.
  5. Notify the Department within 72 hours of receiving a suspect or positive result.
- H.** A person who possesses a cervid shall comply with all procedures for:
1. Tuberculosis control and eradication for cervids as prescribed under the United States Department of Agriculture publication "Bovine Tuberculosis Eradication: Uniform Methods and Rules" USDA APHIS 91-45-011, revised January 1, 2005, which is incorporated by reference in this Section.
  2. Prevention, control, and eradication of Brucellosis in cervids as prescribed under the United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-16, effective September 30, 2003.
  3. The incorporated material is available at any Department office, online at [www.aphis.usda.gov](http://www.aphis.usda.gov), or may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P.O. Box 96464, Washington D.C. 20090-6464.
  4. The material incorporated by reference in this Section does not include any later amendments or editions.
- I.** A person who possesses a cervid shall maintain records required under this Section for a period of at least five years and shall make the records available for inspection to the Department upon request.
- J.** The Department has the authority to seize, euthanize, and dispose of any cervid possessed in violation of this Section, at the owner's expense.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

**ARTICLE 5. BOATING AND WATER SPORTS****R12-4-501. Boating and Water Sports Definitions**

In addition to the definitions provided under A.R.S. § 5-301, the following definitions apply to this Article unless otherwise specified:

"Abandoned watercraft" means any watercraft that has remained:

On private property without the consent of the private property owner;

Unattended for more than 48 hours on a highway, public street, or other public property;

Unattended for more than 72 hours on state or federal lands; or

Unattended for more than 14 days on state or federal waterways, unless in a designated mooring or anchorage area.

"Aids to navigation" means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.

"Authorized third-party provider" means an entity that has been awarded a written agreement with the Department, pursuant to a competitive bid process, to perform limited or specific services on behalf of the Department.

"AZ number" means the Department-assigned identification number with the prefix "AZ."

"Bill of sale" means a written agreement transferring ownership of a watercraft that includes all of the following information:

Name of buyer;

Name of seller;

Manufacturer of the watercraft, when known;

Hull identification number, unless exempt under R12-4-505;

Purchase price and sales tax paid, when applicable; and

Signature of seller.

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“Boats keep out” in reference to a regulatory marker means the operator or user of a watercraft, or a person being towed by a watercraft on water skis, an inflatable device, or similar equipment shall not enter.

“Certificate of number” means the Department-issued document that is proof that a motorized watercraft is registered in the name of the owner.

“Certificate of origin” means a document provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser establishing the initial chain of ownership for a watercraft, such as but not limited to:

Manufacturer’s certificate of origin (MCO);

Manufacturer’s statement of origin (MSO);

Importer’s certificate of origin (ICO);

Importer’s statement of origin (ISO); or

Builder’s certification (Form CG-1261).

“Controlled-use marker” means an anchored or fixed marker on the water, shore, or a bridge that controls the operation of watercraft, water skis, surfboards, or similar devices or equipment.

“Dealer” means any person who engages in whole or in part in the business of buying, selling, or exchanging new or used watercraft, or both, either outright or on conditional sale, consignment, or lease.

“Homemade watercraft” means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. If a watercraft is assembled from a kit or constructed from an unfinished manufactured hull and does not have a manufacturer assigned hull identification number it is a “homemade watercraft.”

“Hull identification number” means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.

“Issuing authority” means either a State that has an approved numbering system or the U.S. Coast Guard when a State does not have an approved numbering system.

“Junk watercraft” means any hulk, derelict, wreck, or parts of any watercraft in an unseaworthy or dilapidated condition that cannot be profitably dismantled or salvaged for parts or profitably restored.

“Letter of gift” means a document transferring ownership of a watercraft that includes all of the following information:

Name of previous owner;

Name of new owner;

Manufacturer of the watercraft, when known;

Hull identification number, unless exempt under R12-4-505;

A statement that the watercraft is a gift; and

Signature of previous owner.

“Livery” means a business authorized to rent or lease watercraft with or without an operator for recreational, non-commercial use as prescribed under A.R.S. § 5-371.

“Manufacturer” means any person engaged in the business of manufacturing or importing new watercraft for the purpose of sale or trade.

“Motorized watercraft” means any watercraft propelled by machinery and powered by electricity, fossil fuel, or steam.

“No ski” in reference to a regulatory marker means a person shall not be towed on water skis, an inflatable device, or similar equipment.

“No wake” in reference to a regulatory marker has the same meaning as “wakeless speed” as defined under A.R.S. § 5-301.

“Operate” in reference to a watercraft means use, navigate, or employ.

“Owner” in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest that entitles the person to possession.

“Personal flotation device” means a U.S. Coast Guard approved wearable or throwable device for use on any watercraft, as prescribed under A.R.S. §§ 5-331, 5-350(A), and R12-4-511.

“Regatta” means an organized water event of limited duration affecting the public use of waterways, for which a lawful jurisdiction has issued a permit.

“Registered owner” means the person or persons to whom a watercraft is currently registered by any jurisdiction.

“Registration decal” means the Department-issued decal that is proof of watercraft registration.

“Regulatory marker” means a waterway marker placed on, in, or near the water to convey general information or indicate the presence of:

A danger, or

A restricted or controlled-use area.

“Release of interest” means a statement surrendering or abandoning unconditionally any claim or right of ownership or use in a watercraft.

“Secured party” means a lender, seller, or other person who holds a security interest in a watercraft under applicable law.

“Secured interest” means an interest that is reserved or created by an agreement under applicable law and that secures payment or the performance of an obligation.

“Sound level” means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer’s instructions.

“Staggered registration” means the system of renewing watercraft registrations in accordance with the schedule provided under R12-4-504.

“State of principal operation” means the state in whose waters the watercraft is used or will be operated most during the calendar year.

“Throwable personal flotation device” means a U.S. Coast Guard approved Type IV device for use on any watercraft such as, but not limited to, a buoyant cushion, ring buoy, or horseshoe buoy.

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“Titling authority” means a State whose vessel titling system has been certified by the Commandant under 33 C.F.R. 187.303 Subpart D.

“Unreleased watercraft” means a watercraft for which there is no written release of interest from the registered owner.

“Watercraft” means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water and propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are seaplanes, makeshift contrivances constructed of inner tubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids.

“Watercraft agent” means a person authorized by the Department to collect applicable fees for the registration and numbering of watercraft.

“Watercraft registration” means the validated certificate of number and validating decals issued by the Department.

“Wearable personal flotation device” means a U.S. Coast Guard approved Type I, Type II, Type III, or Type V device for use on any watercraft such as, but not limited to, an off-shore lifejacket, near-shore buoyant vest, special-use wearable device, or flotation aid.

#### Historical Note

Editorial correction subsection (A) (Supp. 78-5). Former Section R12-4-83 renumbered as Section R12-4-501 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-501 renumbered to R12-4-515, new Section R12-4-501 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Amended by final rulemaking at 28 A.A.R. 3425 (November 4, 2022), effective December 5, 2022 (Supp. 22-4).

#### R12-4-502. Application for Watercraft Registration

- A. Only motorized watercraft as defined under R12-4-501 are subject to watercraft registration.
- B. A person shall apply for watercraft registration under A.R.S. § 5-321 using a form furnished by the Department and available at any Department office or on the Department’s website. The applicant shall provide the following information for registration of all motorized watercraft except homemade watercraft, which are addressed under subsection (C):
  1. Arizona residency certification statement, signed by the watercraft owner;
  2. Type of watercraft;
  3. Propulsion type;
  4. Engine drive type;
  5. Overall length of watercraft;
  6. Make and model of watercraft, if known;
  7. Year built or model year, if known;
  8. Hull identification number;

9. Hull material;
10. Fuel type;
11. Category of use;
12. Watercraft or AZ number previously issued for the watercraft, if any;
13. State of principal operation; and
14. For watercraft:
  - a. Owned by a person:
    - i. Legal name;
    - ii. Mailing address;
    - iii. Date of birth; and
    - iv. Signature of each applicant.
  - b. Owned by a business:
    - i. Name of business;
    - ii. Business address;
    - iii. Tax Identification Number; and
    - iv. Signature and title of authorized representative on behalf of the business.
  - c. Held in a trust:
    - i. Name of trust;
    - ii. Primary trustee’s address;
    - iii. Tax Identification Number, required when the trust is held by two or more persons;
    - iv. Date of trust; and
    - v. Signature of each trustee, unless the trust instrument authorizes the signature of one trustee to bind the trust.
15. When ownership of the watercraft is in more than one name, the applicant shall indicate ownership designation by use of one of the following methods:
  - a. Where ownership is joint tenancy with right of survivorship, the applicant shall use “and/or” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. Upon legal proof of the death or incompetency of either owner, the remaining owner may transfer registration of the watercraft.
  - b. Where ownership is a tenancy in common the applicant shall use “and” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. In the event of the death or incompetency of any owner, the disposition of the watercraft shall be handled through appropriate legal proceedings.
  - c. Where the ownership is joint tenancy or is community property with an express intent that either of the owners has full authority to transfer registration, the applicant shall use “or” between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either owner’s signature is sufficient for transfer.
- C. The builder, owner, or owners of a homemade watercraft shall present the watercraft for inspection at a Department office. The applicant shall provide the following information for registration of homemade watercraft, using the same ownership designations specified in subsection (A)(15):
  1. Type of watercraft;
  2. Propulsion type;
  3. Engine drive type;
  4. Overall length of watercraft;
  5. Year built;
  6. Hull material;
  7. Fuel type;
  8. Category of use;

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9. Each owner's:
    - a. Name,
    - b. Mailing address, and
    - c. Date of birth;
  10. State of principal operation;
  11. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer's hull;
  12. Hull identification number, if assigned; and
  13. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- D.** As prescribed under A.R.S. § 5-321, the applicant shall submit a use tax receipt issued by the Arizona Department of Revenue with the application for registration unless any one of the following conditions apply:
1. The applicant is exempt from use tax as provided under 15 A.A.C. Chapter 5,
  2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
  3. The applicant submits a bill of sale or receipt showing the sales or use tax was paid at the time of purchase, or
  4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.
- E.** An applicant for a watercraft dealer registration authorized under A.R.S. § 5-322(F), shall be a business offering watercraft for sale or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer registration for watercraft demonstration purposes only. For the purposes of this Section, "demonstration" means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale or exchange of interest in new watercraft, and includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer or an employee, family member, or an associate of a dealer or manufacturer. The watercraft dealer registration is subject to invalidation pursuant to R12-4-506 if a watercraft with displayed dealer registration is used for purposes other than those authorized under A.R.S. § 5-322(F) or this Section. A watercraft dealer registration applicant shall submit an application to the Department. The application is furnished by the Department and is available at any Department office. The applicant shall provide the following information on the application:
1. All business names used for the sale or manufacture of watercraft in Arizona;
  2. Mailing address and telephone number for each business for which a watercraft dealer registration is requested;
  3. Tax privilege license number;
  4. U.S. Coast Guard manufacturer identification code, when applicable;
  5. Total number of certificates of number and decals requested; and
  6. The business owner's or manager's:
    - a. Name,
    - b. Business address,
    - c. Telephone number, and
    - d. Signature.
- F.** In addition to submitting the application form and any other information required under this Section, the applicant for watercraft registration shall submit one or more of the following additional forms of documentation:
1. Original title if the watercraft is titled in another state;
  2. Original registration if the watercraft is from a non-titling state;
  3. Bill of sale as defined under R12-4-501 if the watercraft has never been registered or titled in any state;
  4. Letter of gift as defined under R12-4-501 if the watercraft was received as a gift and was never registered or titled in any state;
  5. Court order or other legal documentation establishing lawful transfer of ownership;
  6. Certificate of documentation or letter of deletion issued by the U.S. Coast Guard;
  7. Statement of facts form furnished by the Department and available from any Department office when none of the documentation identified under subsections (F)(1) through (F)(6) exists either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant for watercraft registration under a statement of facts shall present the watercraft for inspection at a Department office. The statement of facts form shall include the following information:
    - a. Hull identification number,
    - b. Certification that the watercraft meets one of the following conditions:
      - i. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
      - ii. The watercraft is owned by the applicant and has never been registered or titled;
      - iii. The watercraft was owned in a state that required registration, but was never registered or titled; or
      - iv. The watercraft was purchased, received as a gift, or received as a trade and has not been registered, titled, or otherwise documented in the past five years.
    - c. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
  8. An original certificate of origin when all of the following conditions apply:
    - a. The watercraft was purchased as new,
    - b. The applicant is applying for watercraft registration within a year of purchasing the watercraft, and
    - c. The certificate of origin is not held by a lien holder.
- G.** If the watercraft is being transferred to a person other than the original listed owner, the applicant for a watercraft registration shall submit a release of interest. The Department may require the applicant to provide a release of interest that is acknowledged before a Notary Public or witnessed by a Department employee when the Department is unable to verify the signature on the release of interest.
- H.** If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:
1. The applicant shall provide the following information on the form:
    - a. Applicant's name,
    - b. Applicant's mailing address,
    - c. Make and model of watercraft, and
    - d. Watercraft hull identification number.

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2. The applicant shall ensure the lien holder provides the following information on the form:
  - a. Lien holder's name,
  - b. Lien holder's mailing address,
  - c. Name of person completing the form on behalf of the lien holder,
  - d. Title of person completing the form on behalf of the lien holder, and
  - e. Signature of the person completing the form on behalf of the lien holder, acknowledged before a Notary Public or witnessed by a Department employee.
- I. If the watercraft's original title or registration is lost, the Department shall register a watercraft upon receipt of one of the following:
  1. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;
  2. A printout of the Vessel Identification System for that specific watercraft from the U.S. Coast Guard and verification from the appropriate state agency that the information regarding the owner of record for that specific watercraft is correct and current;
  3. A statement of facts by the applicant as described under subsection (F)(7) if the watercraft has not been registered, titled, or otherwise documented in the past five years; or
  4. The abandoned or unreleased watercraft approval letter issued by the Department, as established under R12-4-507(I).
- J. The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and the documentation required under this Section from the applicant or a watercraft agent authorized under R12-4-509.
- K. All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements established under R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information provided by an applicant if the Department has reason to believe the information provided by the applicant is inaccurate or the applicant is unable to provide the required information.
- L. The Department shall deem an application invalid if the Department receives legal documentation of any legal action that may affect ownership of that watercraft.
- M. The Department shall invalidate a watercraft registration if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of facts, or written instrument submitted to the Department.

**Historical Note**

Former Section R12-4-84 renumbered as Section R12-4-502 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 2, 1985 (Supp. 85-1). Former Section R12-4-502 repealed, new Section R12-4-502 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Amended by final rulemaking at 28 A.A.R. 3425

(November 4, 2022), effective December 5, 2022 (Supp. 22-4).

**R12-4-503. Renewal of Watercraft Registration; Duplicate Watercraft Registration or Decal**

- A. The owner of a registered watercraft shall renew the watercraft's registration no later than the day before the prior registration period expires.
  1. To renew a watercraft's registration in person or by mail, an applicant shall pay the registration fee authorized under R12-4-504 and present any one of the following:
    - a. Current or prior certificate of number,
    - b. Valid driver's license,
    - c. Valid Arizona Motor Vehicle Division identification card,
    - d. Valid passport, or
    - e. Department-issued renewal notice.
  2. The owner of a registered watercraft may renew a watercraft registration by accessing the Department's online system and paying the applicable watercraft registration fee authorized under R12-4-504.
- B. The owner of a registered watercraft may obtain a duplicate watercraft registration or decal in person or by mail. To obtain a duplicate watercraft registration or decal in person or by mail, an applicant shall:
  1. Complete and submit an application for a duplicate certificate and/or decal form to the Department or its authorized agent, available from any Department office and on the Department's website; and
  2. Pay the duplicate watercraft registration fee authorized under R12-4-504.
- C. If made available by the Department, the owner of a registered watercraft may obtain a duplicate watercraft registration or decal by accessing the Department's online system and paying the duplicate watercraft registration fee authorized under R12-4-504.
- D. When a request for a watercraft registration renewal or duplicate watercraft registration or decal is submitted by mail or online, the Department shall mail the registration or decal, as applicable, to the address of record, unless the Department receives a notarized request from the registered owner instructing the Department to mail the duplicate registration or decal to another address.

**Historical Note**

Former Section R12-4-85 renumbered as Section R12-4-503 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-503 renumbered to R12-4-519, new Section R12-4-503 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-504. Watercraft Fees; Penalty for Late Registration; Staggered Registration Schedule**

- A. The following fees are required, when applicable as authorized under A.R.S. §§ 5-321 and 5-322:
  1. Motorized watercraft registration fees are assessed as follows:

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- a. Twelve feet and less: \$20
  - b. Twelve feet one inch through sixteen feet: \$22
  - c. Sixteen feet one inch through twenty feet: \$30
  - d. Twenty feet one inch through twenty-six feet: \$35
  - e. Twenty-six feet one inch through thirty-nine feet: \$39
  - f. Thirty-nine feet one inch through sixty-four feet: \$44
  - g. Sixty-four feet one inch and over: \$66
  - h. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).
2. Motorized watercraft transfer fee: \$13.
  3. Duplicate motorized watercraft registration: \$8.
  4. Duplicate decal: \$8.
  5. Watercraft dealer certificate of number: \$20.
  6. Abandoned or unreleased watercraft application fee: \$100.
  7. Unclaimed towed watercraft application fee: \$100.
- B.** The Department or its agent shall collect the entire registration fee for a late registration renewal and a penalty fee of \$5, unless exempt under A.R.S. § 5-321(L). The Department or its agent shall not assess a penalty fee when a renewal is mailed before the expiration date, as evidenced by the postmark.
- C.** All new watercraft registrations expire 12 months after the date of issue.
- D.** Resident and nonresident watercraft registration renewals:
1. Shall be valid for a period of 7 to 18 months depending on the expiration month.
    - a. This provision applies to the initial renewal period only.
    - b. The Department shall prorate fees accordingly.
  2. May be renewed up to six months prior to the expiration month.
  3. Shall expire on the last day of the month indicated by the last two numeric digits of the AZ number, as shown in the following table:

Last two numeric digits of AZ number									Expiration month
00	12	24	36	48	60	72	84	96	December
01	13	25	37	49	61	73	85	97	January
02	14	26	38	50	62	74	86	98	February
03	15	27	39	51	63	75	87	99	March
04	16	28	40	52	64	76	88		April
05	17	29	41	53	65	77	89		May
06	18	30	42	54	66	78	90		June
07	19	31	43	55	67	79	91		July
08	20	32	44	56	68	80	92		August
09	21	33	45	57	69	81	93		September
10	22	34	46	58	70	82	94		October
11	23	35	47	59	71	83	95		November

- E.** Watercraft dealer, manufacturer, and governmental use registration renewals expire on October 31 of each year.
- F.** Livery and all other commercial use registration renewals expire on November 30 of each year.

**Historical Note**

Amended effective December 5, 1978 (Supp. 78-6).  
 Amended effective March 6, 1980 (Supp. 80-2). Former Section R12-4-86 renumbered as Section R12-4-504 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-504 repealed, new Section R12-4-504 adopted effective May 27, 1992 (Supp. 92-2).  
 Amended by final rulemaking at 9 A.A.R. 1613, effective

July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by exempt rulemaking pursuant to A.R.S. § 41-1005(A)(2)(b) at 21 A.A.R. 1046, effective June 16, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 28 A.A.R. 2057 (August 19, 2022), effective September 26, 2022 (Supp. 22-3).

**R12-4-505. Hull Identification Numbers**

- A.** The Department shall not register a watercraft without a hull identification number.
- B.** The Department shall verify watercraft manufactured after November 1, 1972 have a primary hull identification number that complies with the requirements established under 33 C.F.R. 181, subpart C. The Department shall assign a hull identification number when the watercraft hull identification number does not meet the requirements established under 33 C.F.R. 181, subpart C.
- C.** The hull identification number shall be fully visible and unobstructed at all times. Watercraft manufactured prior to August 1, 1984, are exempt from this requirement provided the obstruction is original equipment and was attached by the manufacturer.
- D.** The Department shall assign a hull identification number to a watercraft with a missing hull identification number only if the Department determines:
1. The hull identification number was not intentionally or illegally removed or altered, unless the application is accompanied by an order of forfeiture, order of seizure, or other civil process;
  2. The missing hull identification number was caused by error of the manufacturer or a government jurisdiction; or
  3. The watercraft is a homemade watercraft as defined under R12-4-501.
- E.** The Department may assign a hull identification number within 30 days of receipt of a valid application, as described under R12-4-502.
- F.** The Department may accept a bill of sale presented with a missing or nonconforming hull identification number for registration purposes only when:
1. The hull identification number matches the nonconforming hull identification number on the watercraft;
  2. Supporting evidence exists that the seller is the owner of the watercraft;
  3. The watercraft is homemade and does not have a hull identification number; or
  4. The watercraft was manufactured prior to November 1, 1972.
- G.** Within 30 days of issuance, the applicant or registered owner shall:
1. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a non-removable part of the watercraft in a manner that ensures any alteration, removal, or replacement will be obvious.
  2. Ensure the characters of each hull identification number affixed to the watercraft are no less than 1/4 inch in height.

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3. Permanently affix the hull identification number as follows:
  - a. On watercraft with transoms, affix the hull identification number to the right or starboard side of the transom within two inches of the top of the transom or hull/deck joint, whichever is lower.
  - b. On watercraft without a transom, affix the hull identification number to the starboard outboard side of the hull, back or aft within one foot of the stern and within two inches of the top of the hull, gunwale, or hull/deck joint, whichever is lower.
  - c. On a catamaran or pontoon boat, affix the hull identification number on the aft crossbeam within one foot of the starboard hull attachment.
  - d. As close as possible to the applicable location established under subsections (a), (b), or (c) when rails, fittings, or other accessories obscure the visibility of the hull identification number.
  - e. Affix a duplicate of the visibly affixed hull identification number in an unexposed location on a permanent part of the hull.
4. Certify to the Department that the hull identification number was permanently affixed to the watercraft. The certification statement is furnished by the Department when a hull identification number is issued. The certification statement shall include the location of the permanently affixed hull identification number.
7. The Department or its agent erroneously issued a certificate of number or any decals;
8. A watercraft bearing a dealer registration is used for any purpose not authorized under R12-4-502(E); or
9. A watercraft registered or used as a livery is operated in violation of A.R.S. § 5-371 or R12-4-514.
- C. A person shall surrender the invalid certificate of number and decals to the Department within 15 calendar days of receiving written determination from the Department that the certificate of number or decals are invalid, unless the person appeals the Department's determination to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- D. The Department shall not validate or renew an invalid watercraft registration or decals until the reason for invalidity is corrected or no longer exists.

**Historical Note**

Adopted effective December 4, 1984 (Supp. 84-6).

Amended subsection (B) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsection (B) effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Former Section R12-4-506 repealed, new Section R12-4-506 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**Historical Note**  
Amended effective January 1, 1980 (Supp. 79-6). Former Section R12-4-87 renumbered as Section R12-4-505 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-505 repealed, new Section R12-4-505 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-506. Invalidation of Watercraft Registration and Decals**

- A. Any watercraft registration obtained by fraud or misrepresentation is invalid from the date of issuance.
- B. A certificate of number and any decals issued by the Department under R12-4-502 are invalid if any one of the following occurs:
  1. Any check, money order, or other currency certificate presented to the Department for payment of watercraft registration or renewal is found to be non-negotiable;
  2. Any person whose name appears on the certificate of number loses ownership of the watercraft by legal process;
  3. Arizona is no longer the state of principal operation;
  4. The watercraft is documented by the U.S. Coast Guard;
  5. An applicant provides incomplete or incorrect information to the Department and fails to provide the correct information within 30 days after a request by the Department;
  6. The Department revokes the certificate of number, AZ numbers, and decals as provided under A.R.S. § 5-391(I);
- A. A person who has knowledge and custody of a watercraft abandoned on private property owned by that person may attempt to obtain ownership of the watercraft by way of the abandoned watercraft transfer process. A lienholder of foreclosed real property may assign an agent to act on its behalf.
- B. The last registered owner of an abandoned or unreleased watercraft is presumed to be responsible for the watercraft, unless the watercraft is reported stolen.
- C. The operator of a self-storage facility located in this state and having a possessory lien shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 15, Article 1 when attempting to obtain ownership of a watercraft abandoned while in storage.
- D. A person having a possessory lien under a written agreement shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 7, Article 6 when attempting to obtain ownership of a watercraft for which repairs or service fees remain unpaid.
- E. Only a person acting within the scope of official duties as an employee or authorized agent of a government agency may order the removal of a watercraft abandoned on public property or a public waterway.
- F. A person seeking ownership of an abandoned or unreleased watercraft shall submit an application to the Department and pay the fee established under R12-4-504. The application is furnished by the Department and available at any Department office. The application shall include the following information, if available:
  1. Hull identification number, unless exempt under R12-4-505;
  2. Registration number;
  3. Decal number;



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4. State of registration;
  5. Year of registration;
  6. Name, address, and daytime telephone number of the person who found the watercraft;
  7. For abandoned watercraft:
    - a. Address or description of the location where the watercraft was found;
    - b. Whether the watercraft was abandoned on private or public property, and
    - c. When applicable, for watercraft abandoned on private property, whether the applicant is the legal owner of the property;
  8. Condition of the watercraft: wrecked, stripped, or intact;
  9. State in which the watercraft will be operated;
  10. Length of time the watercraft was abandoned;
  11. Reason why the applicant believes the watercraft is abandoned; and
  12. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- G.** This state and its agencies, employees, and agents are not liable for relying in good faith on the contents of the application.
- H.** The Department shall attempt to determine the name and address of the registered owner by:
1. Conducting a search of its watercraft database when documentation indicates the watercraft was previously registered in this state, or
  2. Requesting the watercraft record from the other state when documentation indicates the watercraft was previously registered in another state.
- I.** If the Department is able to determine the name and address of the registered owner, the Department shall send written notice of the applicant's attempt to register the watercraft to the owner.
1. If the registered owner provides a written release of interest in the watercraft, the Department shall mail the release of interest and an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
  2. If the registered owner provides written notice to the Department refusing to release interest in the watercraft, the Department shall notify the applicant of the owner's refusal. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
  3. If the registered owner does not respond to the notice within 180 days from the date the Department sent notice, this failure to act shall constitute a waiver of interest in the watercraft by any person having an interest in the watercraft, and the watercraft shall be deemed abandoned for all purposes. The Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
  4. If the written notice is returned unclaimed or refused, the Department shall notify the applicant within 15 days of the notice being returned that the attempt to contact the registered owner was unsuccessful.
- J.** If the Department is unable to identify or serve the registered owner, the Department shall post a notice of intent on the

Department's website within 45 days of the Department's notification to the applicant as provided in subsection (I)(4).

1. The notice shall include a statement of the Department's intent to transfer ownership of the watercraft ten days after the date of posting, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following posting.
  2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
- K.** A government agency may submit an application for authorization to dispose of a junk watercraft abandoned on state or federal lands or waterways. The application is furnished by the Department and is available at any Department Office. Upon receipt of the application, the Department shall attempt to determine the name and address of the registered owner. If the Department is unable to identify and serve the registered owner, the Department shall publish a notice of intent to authorize the disposal of the junk watercraft as described under subsection (J).
1. The published notice shall include a statement of the Department's intent to authorize the disposal of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following publication.
  2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an authorization to dispose of the junk watercraft to the government agency. The government agency may dispose of the abandoned watercraft and all indicia for that watercraft in any manner the agency determines expedient or convenient.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2). Amended by final rulemaking at 28 A.A.R. 3425 (November 4, 2022), effective December 5, 2022 (Supp. 22-4).

**R12-4-508. New Watercraft Exchanges**

- A.** A person may request a no-fee replacement registration for a new watercraft, provided all of the following conditions apply:
1. The person purchased the newly registered watercraft from a new watercraft dealer,
  2. The person returned the watercraft to the new watercraft dealer within 30 days of purchase, and
  3. The new watercraft dealer exchanged the returned watercraft for a watercraft of the same year, make, and model within the same 30 day period.
- B.** To obtain a no-fee replacement registration, the person shall submit the original watercraft registration and a letter from the new watercraft dealer to the Department. The letter shall include all of the following information:

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1. A statement that the original watercraft was replaced,
2. The hull identification number for the original watercraft,
3. The hull identification number for the replacement watercraft,
4. The buyer's name, and
5. The new watercraft dealer's name.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-509. Watercraft Dealers; Agents**

- A.** The Department may authorize a watercraft dealer to act as an agent on behalf of the Department for the purpose of issuing temporary certificates of number valid for 45 days for new or used watercraft, provided:
1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(I) has not been canceled by the Department within the preceding 24 months, and
  2. The applicant is a business located and operating within this state and sells watercraft.
- B.** An applicant seeking watercraft agent authorization shall submit an application to the Department. The application is furnished by the Department and available at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, AZ 85086. The applicant shall provide the following information on the application:
1. Principal business or corporation name, address, and telephone number or if not a corporation, the full name, address, and telephone number of all owners or partners;
  2. Name, address, and telephone number of the owner or manager responsible for compliance with this Section;
  3. Whether the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(I);
  4. All of the following information specific to the location from which new watercraft are to be sold and temporary certificates of number issued:
    - a. Name of owner or manager;
    - b. Business hours;
    - c. Business telephone number;
    - d. Business type;
    - e. Storefront name; and
    - f. Street address;
  5. Manufacturers of the watercraft to be sold; and
  6. Signature of person named under subsection (B)(2).
- C.** The Department shall either approve or deny the application within the licensing time-frame established under R12-4-106.
- D.** Authorization to act as a watercraft agent is specific to the dealer's business location designated on the application and approved by the Department, unless the dealer is participating in a boat show for the purpose of selling watercraft.
- E.** The watercraft agent shall:
1. Use the assigned watercraft agent number when issuing a temporary certificate of number,
  2. Use the online application system and forms supplied by the Department; and
  3. Collect the appropriate fee as prescribed under R12-4-504 and R12-4-527.
- F.** A watercraft agent is prohibited from issuing a temporary certificate of number for a watercraft when:
1. The watercraft is involved in legal proceedings such as, but not limited to, a marital dissolution, probate, or bankruptcy proceeding;
  2. The watercraft is abandoned or unreleased;
  3. The watercraft is homemade; or
  4. The watercraft has a nonconforming HIN.
- G.** A watercraft agent issuing a temporary certificate of number to the purchaser of a watercraft shall comply with all the following:
1. The watercraft agent shall obtain a completed application that complies with the requirements established under R12-4-502.
  2. The watercraft agent shall identify to the applicant the state registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.
  3. The fees collected under subsection (E)(3) shall be submitted electronically to the Department prior to the submission of the documentation required under subsection (G)(4).
  4. Within five business days of issuing a temporary certificate of number, a watercraft agent shall deliver or mail the following documentation to the Arizona Game and Fish Department, Watercraft Agent Representative, 5000 W. Carefree Highway, Phoenix, AZ 85086:
    - a. For a new watercraft:
      - i. Original application;
      - ii. Original or copy of the bill of sale issued by the watercraft agent; and
      - iii. Original certificate of origin;
    - b. For a used watercraft:
      - i. Original application;
      - ii. Original or copy of the bill of sale issued by the watercraft agent;
      - iii. Ownership document, such as but not limited to a title, bill of sale, letter of gift or U.S. Coast Guard certificate of documentation or letter of deletion issued by the U.S. Coast Guard; and
      - iv. Lien release, when applicable.
- H.** The Department may cancel the watercraft agent's authorization if the agent does any one of the following:
1. Fails to comply with the requirements established under this Article;
  2. Submits more than one electronic payment dishonored because of insufficient funds, payments stopped, or closed accounts to the Department within a calendar year;
  3. Predates, postdates, alters, or provides or knowingly allows false information to be provided on an application for a temporary certificate of number; or
  4. Falsifies the application for authorization as a watercraft agent.
- I.** The Department shall provide a written notice to the person stating the reason for the denial or cancellation of watercraft agent status, as applicable. The person may appeal the denial or cancellation to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Amended by final rulemaking at 28 A.A.R. 3425 (November 4, 2022), effective December 5, 2022 (Supp. 22-4).

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**R12-4-510. Refund of Fees Paid in Error**

- A. The Department shall issue a refund for watercraft registration fees paid and, when applicable, the Nonresident Boating Safety Infrastructure fee when the registered owner has erroneously paid those fees for a watercraft that has already been sold to another individual.
- B. To request a refund of fees paid in error, the person applying for the refund shall surrender all of the following to the Department:
  - 1. Original certificate of number;
  - 2. Registration decals; and
  - 3. Nonresident Boating Safety Infrastructure Decal, when applicable.
- C. A person requesting a refund of fees shall submit the request to the Department within 30 calendar days of the date the payment was received by the Department.
- D. The Department shall not refund:
  - 1. A late registration penalty fee.
  - 2. A fee collected by an authorized third-party provider. A person who paid their watercraft registration fee to a third-party provider shall request a refund of fees from that third-party provider.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Amended by final rulemaking at 28 A.A.R. 3425 (November 4, 2022), effective December 5, 2022 (Supp. 22-4).

**R12-4-511. Personal Flotation Devices**

- A. For the purpose of this Section, “wear” means:
  - 1. The personal flotation device is worn according to the manufacturer’s design or recommended use;
  - 2. All of the device’s closures are fastened, snapped, tied, zipped, or secured according to the manufacturer’s design or recommended use; and
  - 3. The device is adjusted for a snug fit.
- B. The operator of a canoe, kayak, or other watercraft shall ensure the watercraft is equipped with at least one correctly-sized, U.S. Coast Guard-approved, wearable personal flotation device that is in good and serviceable condition for each person on board the watercraft. The operator of any watercraft shall also ensure the wearable personal flotation devices on board the watercraft are readily accessible and available for immediate use.
- C. In addition to the personal flotation devices described under subsection (B), the operator of a watercraft that is 16 feet or more in length shall ensure the watercraft is also equipped with a U.S. Coast Guard-approved throwable personal flotation device: buoyant cushion, ring buoy, or horseshoe buoy. Canoes and kayaks are not subject to this subsection.
- D. The operator of a watercraft shall ensure a person twelve years of age or under on board a watercraft shall wear a U.S. Coast Guard approved wearable personal flotation device whenever the watercraft is underway.
- E. The operator of a personal watercraft shall ensure each person aboard the personal watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the personal watercraft is underway.
- F. Subsections (B), (C), and (D) do not apply to the operation of a racing shell or rowing skull during competitive racing or supervised training, if the racing shell or rowing skull is manu-

ally propelled, recognized by a national or international association for use in competitive racing, and designed to carry and does carry only equipment used solely for competitive racing.

**Historical Note**

Amended effective May 26, 1978 (Supp. 78-3). Former Section R12-4-80 renumbered as Section R12-4-511 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-512. Fire Extinguishers Required for Watercraft**

- A. The operator of watercraft shall ensure all required fire extinguishers are readily accessible and available for immediate use.
- B. As prescribed under A.R.S. § 5-332, an operator of a:
  - 1. Watercraft less than 26 feet in length shall carry one U.S. Coast Guard-approved B-I type fire extinguisher on board if the watercraft has one or more of the following:
    - a. An inboard engine,
    - b. Closed compartments where portable fuel tanks may be stored,
    - c. Double bottoms not sealed to the hull or which are not completely filled with flotation materials,
    - d. Closed living spaces,
    - e. Closed stowage compartments in which combustible or flammable materials are stored,
    - f. Permanently installed fuel tanks (fuel tanks that cannot be moved in case of a fire or other emergency are considered permanently installed), and
    - g. A fixed fire extinguishing system installed in the engine compartment.
  - 2. Watercraft 26 feet to less than 40 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
    - a. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher, or
    - b. At least one B-I type approved hand-portable fire extinguisher if a fixed fire extinguishing system is installed in the engine compartment.
  - 3. Watercraft 40 feet to not more than 65 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
    - a. At least three B-I type hand-portable fire extinguishers or at least one B-I and one B-II type hand-portable fire extinguishers, or
    - b. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher when a fixed fire extinguishing system is installed in the engine compartment.

**Historical Note**

Former Section R12-4-81 renumbered as Section R12-4-512 without change effective August 13, 1981 (Supp. 81-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

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**R12-4-513. Watercraft Incident and Casualty Reports**

- A.** The operator or owner of a watercraft involved in any collision, incident or other casualty resulting in injury, death, or property damage exceeding \$500 shall submit the report required under A.R.S. § 5-349 to the Department. The report shall be made on a form furnished by the Department or provided by the law enforcement officer investigating the collision, incident, or other casualty. The operator or owner of the watercraft shall complete the form in full and clearly identify on the form any information that is either not applicable or unknown. The operator or owner of the watercraft submitting the report shall provide all of the information required under 33 C.F.R. 173.57.
- B.** The person completing the form shall deliver, mail, or email the form to the Arizona Game and Fish Department, Law Enforcement Branch at 5000 W. Carefree Hwy, Phoenix, AZ 85086 or BoatAccidentReporting@azgfd.gov, as applicable.
- C.** The operator or owner of a watercraft involved in any collision, incident or other casualty resulting in injury or death shall submit the report to the Department no later than 48 hours after the incident.
- D.** The operator or owner of a watercraft involved in any collision, incident or other casualty resulting only in property damage exceeding \$500 shall submit the report to the Department no later than five days after the incident.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-514. Liveries**

- A.** A person who rents, leases, or offers any watercraft for compensation, with or without an operator, for recreational, non-commercial use shall register the watercraft as a livery as established under R12-4-502.
- B.** A watercraft owned by a boat livery that requires registration and does not have the certificate of number on board shall be identified while in use by means of a:
1. Placard or some other form of display that is affixed to the watercraft and is visible when the watercraft is underway. The placard or other form of display shall indicate the business name and current phone number of the livery.
  2. Receipt provided by the livery to the person operating the rented watercraft. The receipt shall contain the following information:
    - a. Business name and address of the livery as shown on the certificate of number,
    - b. Watercraft registration number as issued by the Department,
    - c. Beginning date and time of the rental period, and
    - d. Written acknowledgment on the receipt of compliance with the requirements prescribed under A.R.S. § 5-371, signed by both the livery operator or their agent and the renter.
- C.** A person operating a rented or leased watercraft or operating a passenger for hire watercraft shall carry the registration or receipt onboard and produce it upon request to any peace officer.
- D.** Failure to comply with the requirements prescribed under A.R.S. § 5-371 and this Section may result in the invalidation

of the watercraft registration and decals as provided under A.R.S. § 5-391(A) and R12-4-506.

**Historical Note**

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-515. Display of AZ Numbers and Registration Decals**

- A.** A person shall not use, operate, moor, anchor, or grant permission to use, operate, moor, or anchor a watercraft on the boundaries of this state unless such watercraft displays a valid number and current registration decal in the manner established under subsection (B). This Section does not apply to undocumented watercraft displaying a valid temporary numbering certificate authorized under R12-4-509 or exempt under A.R.S. § 5-322.
- B.** The owner of a watercraft shall display the AZ number and registration decals as follows:
1. The AZ numbers shall:
    - a. Be clearly visible and painted on or attached to each exterior side of the forward half of a non-removable portion of the watercraft;
    - b. Be in a color that contrasts with the watercraft's background color so as to be easily read from a distance;
    - c. Include the letters "AZ" and the suffix, separated by a hyphen or equivalent space between the letters "AZ" and the suffix; and
    - d. Read from left to right in well-proportioned block letters that are not less than three inches in height, excluding outline.
  2. The registration decals shall be affixed three inches in front of "AZ" on both sides of the forward half of a non-removable portion of the watercraft.
- C.** On watercraft so constructed that it is impractical or impossible to display the AZ numbers in a prominent position on the forward half of the hull or permanent superstructure, the AZ numbers may be displayed on brackets or fixtures securely attached to the forward half of the watercraft.
- D.** Persons possessing a dealer watercraft certificate of number issued under A.R.S. § 5-322(F) shall visibly display the AZ numbers and validating registration decals as established under this Section, except that the numbers and decals may be printed or attached to temporary, removable signs that are securely attached to the watercraft being demonstrated.
- E.** Expired registration decals issued by any jurisdiction shall be covered or removed from the watercraft, so that only the current registration decals are visible.
- F.** Invalid watercraft AZ numbers and registration decals shall not be displayed on any watercraft. The owner of the watercraft shall surrender the AZ numbers and registration decals to the Department in compliance with R12-4-506(C).

**Historical Note**

Section R12-4-515 renumbered from R12-4-501 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

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**R12-4-516. Watercraft Sound Level Restriction**

- A.** A person shall not operate a watercraft upon the waters of this state if the watercraft emits a noise level that exceeds any of the following.
1. A noise level of 86 dB(A), measured at a distance of 50 feet or more from the watercraft on the "A" weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer's instructions.
  2. For engines manufactured:
    - a. Before January 1, 1993, a noise level of 90 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004 and containing no later editions or amendments; and
    - b. On or after January 1, 1993, a noise level of 88 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004 and containing no later editions or amendments; or
  3. A noise level of 75 dB(A) measured as specified in the Society of Automotive Engineers Recommended Practice shoreline sound test SAEJ1970, revised September 2003 and containing no later editions or amendments.
- B.** The materials incorporated by reference in subsection (A) may be viewed at any Department office and are available for purchase from SAE International, 400 Commonwealth Dr, Warrendale, PA 15096-0001 or online at [www.sae.org](http://www.sae.org).
- C.** A measurement of noise level that is in compliance with this Section does not preclude the conducting of a test or multiple tests of noise levels.
- D.** A peace officer authorized to enforce the provisions of this Section who has reason to believe a watercraft is being operated in violation of the noise levels established in this Section may direct the operator of the watercraft to submit the watercraft to an onsite test to measure noise level.
- E.** An operator of a watercraft who receives a request from a peace officer to test the noise level of the watercraft under subsection (D) shall allow the watercraft to be tested. If, based on a measurement or test to determine the noise level of a watercraft administered under this Section, the noise level of the watercraft exceeds one or more of the decibel level standards in subsection (A), the operator of the watercraft shall take immediate measures to correct the violation as prescribed under A.R.S. § 5-391(C).
- F.** This Section shall not apply to watercraft operated under permits issued in accordance with A.R.S. § 5-336(C).

**Historical Note**

Former Section R12-4-82 renumbered as Section R12-4-516 without change effective August 13, 1981 (Supp. 81-4). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-517. Watercraft Motor and Engine Restrictions**

- A.** A person operating a motorized watercraft on the following waters shall only use an electric motor not exceeding 10 manufacturer-rated horsepower:
1. Ackre Lake
  2. Bear Canyon Lake
  3. Bunch Reservoir
  4. Camero Lake
  5. Chaparral Park Lake

6. Cluff Ponds
  7. Coconino Reservoir
  8. Coors Lake
  9. Dankworth Pond
  10. Dogtown Reservoir
  11. Fortuna Lake
  12. Goldwater Lake
  13. Granite Basin Lake
  14. Horsethief Basin Lake
  15. Hulsey Lake
  16. J.D. Dam Lake
  17. Knoll Lake
  18. Lee Valley Lake
  19. McKellips Park Lake
  20. Pratt Lake
  21. Quigley Lake
  22. Redondo Lake
  23. Riggs Flat Lake
  24. Roper Lake
  25. Santa Fe Lake
  26. Scott's Reservoir
  27. Sierra Blanca Lake
  28. Soldier Lake (in Coconino County)
  29. Stehr Lake
  30. Stoneman Lake
  31. Tunnel Reservoir
  32. Whitehorse Lake
  33. Willow Valley Lake
  34. Woodland Reservoir
  35. Woods Canyon Lake
- B.** A person operating a motorized watercraft on the following waters shall use only a single electric motor or single gasoline engine not exceeding 10 manufacturer-rated horsepower:
1. Arivaca Lake
  2. Ashurst Lake
  3. Becker Lake
  4. Big Lake
  5. Black Canyon Lake
  6. Blue Ridge Reservoir
  7. Cataract Lake
  8. Chevelon Canyon Lake
  9. Cholla Lake Hot Pond
  10. Concho Lake
  11. Crescent Lake
  12. Fool Hollow Lake
  13. Kaibab Lake
  14. Kinnikinick Lake
  15. Little Mormon Lake
  16. Lower Lake Mary
  17. Luna Lake
  18. Lynx Lake
  19. Marshall Lake
  20. Mexican Hay Lake
  21. Nelson Reservoir
  22. Parker Canyon Lake
  23. Peña Blanca Lake
  24. Rainbow Lake
  25. River Reservoir
  26. Show Low Lake
  27. Whipple Lake
  28. White Mountain Lake (in Apache County)
  29. Willow Springs Lake

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- C. A person shall not operate a watercraft on Frye Mesa Reservoir, Rose Canyon Lake, or Snow Flat Lake, except as authorized under subsection (D).
- D. A person who possesses a valid use permit issued by the U.S. Forest Service may operate a non-motorized watercraft only on Rose Canyon Lake on any Tuesday, Wednesday, or Thursday during June and July from 9:30 a.m. to 4:30 p.m. Mountain Time Zone. This subsection does not exempt the person from complying with all applicable requirements imposed by federal or state laws, rules, regulations, or orders.
- E. This Section does not apply to watercraft of governmental agencies or to Department-approved emergency standby watercraft operated by lake concessionaires if operating to address public safety or public welfare.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended as an emergency effective July 9, 1976 (Supp. 76-4). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-89 renumbered as Section R12-4-517 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A) and (C) effective December 17, 1981 (Supp. 81-6). Amended effective December 28, 1982 (Supp. 82-6). Amended subsections (A) through (C) effective December 4, 1984 (Supp. 84-6). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by exempt rulemaking at 17 A.A.R. 1189, effective May 24, 2011 (Supp. 11-2). Subsection (A)(9) corrected clerical error (Supp. 11-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-518. Regattas**

- A. When a regatta permit is issued by the Coast Guard, the person in control of the regatta shall at all times be responsible for compliance with the stipulations as prescribed within the regatta permit. Such stipulations may include but not be limited to:
  1. A specified number of patrol or committee boats and identified as such.
  2. Availability of emergency medical services.
  3. Spectator control if there exists a danger that life or property is in jeopardy.
- B. Non-compliance with any stipulation of an authorized permit which jeopardizes the public welfare shall be cause to terminate the regatta until the person in control or a person designated by the one in control satisfactorily restores compliance.
- C. When a regatta applicant is informed in writing by the Coast Guard that a permit is not required, such regatta may take place, but shall not relieve the regatta sponsor of any responsibility for the public welfare or confer any exemption from state boating and watersports laws and rules.
- D. The regatta sponsor and all participants shall comply with aquatic invasive species requirements established under A.R.S. Title 17, Chapter 2, Article 3.1 and 12 A.A.C. 4, Article 9.

**Historical Note**

Adopted effective March 5, 1982 (Supp. 82-2). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Amended by final rulemaking at 28 A.A.R. 3425 (November 4, 2022), effective December 5, 2022 (Supp. 22-4).

**R12-4-519. Reciprocity**

As authorized under A.R.S. § 5-322(E), all watercraft currently numbered or exempt from numbering under the provisions of their state of principal operation are exempt from numbering for a period of 90 days after entering this state.

**Historical Note**

Section R12-4-519 renumbered from R12-4-503 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-520. Arizona Aids to Navigation System**

- A. The Arizona aids to navigation system is the same as that prescribed under 33 C.F.R. 62, revised July 1, 2014, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This Section does not include any later amendments or editions of the incorporated material.
- B. A person shall not mark the waterways or their shorelines in this state with mooring buoys, regulatory markers, aids to navigation, lights, or other types of permitted waterway marking devices, without authorization from the governmental agency or the private interest having jurisdiction on such waters.
- C. A person shall not moor or fasten a watercraft to any marker not intended for mooring, or willfully damage, tamper with, remove, obstruct, or interfere with any aid to navigation, regulatory marker or other type of permitted waterway marking devices, except in the performance of authorized maintenance responsibilities or as authorized under R12-4-518 or this Section.
- D. If a government agency or private interest has not exercised its authority to control watercraft within its jurisdiction under A.R.S. § 5-361, or if waters are directly under the jurisdiction of the Commission, the Department has the authority to control watercraft within that jurisdiction in accordance with the following guidelines:
  1. The Department may place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
  2. The restrictions imposed are clearly communicated to the public by wording on the markers, such as those defined under R12-4-501.
- E. A governmental agency, excluding federal agencies with jurisdiction over federal navigable waterways, has the authority to control watercraft within that jurisdiction in accordance with the following guidelines:
  1. A government agency may place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
  2. The restrictions imposed are clearly communicated to the public by wording on the markers, such as those defined under R12-4-501.
- F. Any person may request establishment, change, or removal of controlled-use markers on waters under the jurisdiction of the Commission or on waters not under the jurisdiction of another government agency by submitting a written request providing

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the reasons for the request to the Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, AZ 85086.

1. The Department shall either approve or deny the request within 60 days of receipt.
2. A person may appeal the Department's denial of a request to the Commission as an appealable agency action under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-521. Repealed****Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Repealed by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-522. Repealed****Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Repealed by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-523. Controlled Operation of Watercraft**

- A. A person shall not operate any watercraft, or use any watercraft to tow a person on water skis, a surfboard, inflatable device, or similar object, device or equipment in a manner contrary to the area restrictions imposed by lawfully placed controlled-use markers, except for:
  1. Law enforcement officers acting within the scope of their lawful duties;
  2. Persons involved in rescue operations;
  3. Persons engaged in government-authorized activities; and
  4. Persons participating in a regatta, during the time limits of the event only.
- B. The exemptions listed under subsection (A) do not authorize any person to operate a watercraft in a careless, negligent, or reckless manner as prescribed under A.R.S. § 5-341.

**Historical Note**

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-524. Towed Water Sports**

- A. An operator of a watercraft shall ensure an observer is on duty at all times when a person is being towed behind the watercraft or is surfing a wake created by the watercraft. The observer shall:
  1. Be twelve years of age or older;
  2. Be physically capable and mentally competent to act as an observer; and

3. Continually observe the person or persons being towed behind the watercraft or surfing a wake created by the watercraft.

- B. The operator of a watercraft shall ensure a person being towed behind the watercraft or riding a wake created by the watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the watercraft is underway. This subsection applies to any contrivance designed for or used to tow a person behind a watercraft or ride the wake created by a watercraft regardless of whether or not the contrivance is attached to the watercraft. This includes, but is not limited to, boards, discs, hydrofoils, kites, inflatables, and water skis.
- C. A person shall not operate a watercraft while a person is holding onto or is physically attached to any transom structure of the watercraft, including but not limited to a swim platform, swim deck, swim step, and swim ladder. This subsection does not apply to a person who is:
  1. Assisting with docking or departure activities,
  2. Exiting or entering the watercraft, or
  3. Engaging in law enforcement or emergency rescue activity.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-525. Revocation of Watercraft Certificate of Number, AZ Numbers, and Decals**

- A. For the purposes of this Section, "person" has same meaning as prescribed under A.R.S. § 5-301.
- B. Upon notice of conviction of a person under A.R.S. § 5-391(G), the Department shall revoke for a period not to exceed two years the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of any Arizona registered watercraft owned by that person and involved in the violation.
- C. Upon notice of conviction of a person under A.R.S. § 5-391(H), the Department shall revoke for a period not to exceed one year the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals for any Arizona registered watercraft owned by that person and involved in the violation.
- D. Upon receiving notice of conviction, the Department shall serve notice under A.R.S. §§ 41-1092.03 and 41-1092.04 on the person convicted that the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of watercraft the person owns are subject to revocation.
- E. A person whose certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals are subject to revocation may request a hearing. The person shall submit a written request to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Hwy, Phoenix, AZ 85086, within 30 calendar days of receiving the notice described under subsection (D).
- F. If the person requests a hearing, the Department shall, within 60 days of receiving the request, schedule a hearing as prescribed under A.R.S. § 41-1092.05.
- G. After a final decision to revoke the person's certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals, the Department shall

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serve upon the person an Order of Revocation. Within 15 calendar days of receipt of the notice, the person shall surrender to the Department the revoked certificates of number and decals.

- H.** The revocation of the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals does not affect the legal title to or any property rights in the watercraft. Upon receipt of an application to transfer watercraft registration by the new watercraft owner, the Department shall terminate the revocation and allow the owner to transfer the owner's entire interest in the watercraft if the Department is satisfied the transfer is proposed in good faith and not for the purpose of defeating the revocation.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-526. Unlawful Mooring**

- A.** A person, as defined under A.R.S. § 5-301, shall not moor, anchor, fasten to the shore, or otherwise secure a watercraft in any public body of water for more than 14 days within any period of 28 consecutive days unless:
1. The waters are a special anchorage area as defined under A.R.S. § 5-301,
  2. Authorized for private dock or moorage, or
  3. Authorized by the government agency or private interest having jurisdiction over the waters.
- B.** A person shall remove an abandoned or submerged watercraft from public waters within 72 hours of notice by registered mail or personal service of notice to remove such watercraft.
- C.** The owner of any abandoned watercraft shall be responsible for all towing and storage fees resulting from the removal of the watercraft from public waters.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-527. Transfer of Ownership of a Towed Watercraft**

- A.** For the purpose of this Section, "towed watercraft" means a watercraft that has been impounded by or is in the possession of a towing company located in this state.
- B.** Within 15 days of impounding a watercraft, a towing company shall submit a request to the Department for watercraft registration information as prescribed under A.R.S. § 5-324 and in compliance with A.R.S. § 5-399. The towing company shall present the towed watercraft to the closest Department office for identification if there is no discernible hull identification number or state-issued registration number.
- C.** Within 15 days of receiving the watercraft registration information from the Department, the towing company shall provide written notification by certified mail return receipt requested to the owner and lienholder, if known, of the watercraft's location.
- D.** If a watercraft remains unclaimed after mailing the notice required under subsection (C) of this Section, the towing company shall submit all of the following to the Department within 15 days of sending the written notification to the owner and lienholder, when known:

1. Evidence of compliance with notification requirements prescribed under A.R.S. § 5-399 and subsection (C);
  2. A report on a form furnished by the Department and available at any Department office. The form shall include all of the following information:
    - a. Name of towing company;
    - b. Towing company's business address;
    - c. Towing company's business telephone number;
    - d. Towing company's Arizona Department of Public Safety tow truck permit number;
    - e. Towed watercraft's hull identification number;
    - f. Towed watercraft's state-issued registration number, registration decal, and year of expiration, if known;
    - g. Towed watercraft's trailer license number, if available;
    - h. State and year of trailer registration, if available;
    - i. Towed watercraft's color and manufacturer;
    - j. Towed watercraft's condition, whether intact, stripped, damaged, or burned, along with a description of any damage;
    - k. Date the watercraft was towed;
    - l. Location from which the towed watercraft was removed;
    - m. Entity that ordered the removal of the towed watercraft, and if a law enforcement agency, include officer badge number, jurisdiction, and copy of report or towing invoice;
    - n. Location where the towed watercraft is stored; and
    - o. Name and signature of towing company's authorized representative; and
  3. The unclaimed towed watercraft application fee authorized under A.R.S. § 5-399.03(2) and established under R12-4-504.
- E.** The towing company shall notify the Department within 24 hours if the watercraft is released, returned to, redeemed, or repossessed by the owner, lienholder, or by a person identified in the Department's record as having an interest in the watercraft.
- F.** If the Department is unsuccessful in its attempt to identify or contact the registered owner or lienholder of the towed watercraft and has determined the towed watercraft is not stolen, the towing company shall:
1. Follow the application procedures established under A.R.S. § 5-399.02(B), and
  2. Apply for watercraft registration as established under R12-4-502.
- G.** A towing company that obtains ownership of a watercraft pursuant to A.R.S. § 5-399.02 and this Section shall maintain the following records for a period of three years from the date the Department transferred ownership of the towed watercraft:
1. The request made pursuant to A.R.S. § 5-324.
  2. The notification provided pursuant to A.R.S. § 5-399.
  3. The application for transfer of ownership pursuant to A.R.S. § 5-399.02.
  4. Any other documents required by the Department.

**Historical Note**

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 9 A.A.R. 1241, effective May 26, 2003 for a period of 180 days (Supp. 03-1). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent new Section made by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective



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July 1, 2013 (Supp. 13-1). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2).

**R12-4-528. Watercraft Checkpoints**

- A. A law enforcement agency may establish a watercraft checkpoint to ensure public safety on state waterways, to screen for unsafe or impaired watercraft operators, or to gather demographic, statistical, and compliance information related to watercraft activities.
- B. An individual may be required to perform the following during a watercraft stop or at a watercraft checkpoint:
  - 1. Stop or halt as directed when being hailed by a peace officer or entering the established checkpoint boundary as prescribed under A.R.S. § 5-391, and
  - 2. Provide evidence of required safety equipment and registration documentation prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.
- C. This Section does not limit any state peace officer's authority to conduct routine watercraft patrol efforts prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-529. Nonresident Boating Safety Infrastructure Fees; Proof of Payment**

- A. Before placing that watercraft on the waterways of this state, a nonresident owner of a recreational watercraft who establishes this state as the state of principal operation shall pay the applicable Nonresident Boating Safety Infrastructure Fee (NBSIF) as authorized under A.R.S. §§ 5-326 and 5-327:
  - 1. Twelve feet and less: \$80
  - 2. Twelve feet one inch through sixteen feet: \$88
  - 3. Sixteen feet one inch through twenty feet: \$192
  - 4. Twenty feet one inch through twenty-six feet: \$224
  - 5. Twenty-six feet one inch through thirty-nine feet: \$253
  - 6. Thirty-nine feet one inch through sixty-four feet: \$286
  - 7. Sixty-four feet one inch and over: \$429
  - 8. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).
- B. The nonresident recreational watercraft owner shall carry and display proof of payment of the fee while the watercraft is underway, moored, or anchored on the waterways of this state. Acceptable proof of payment includes any one of the following:
  - 1. A current Arizona Watercraft Certificate of Number indicating the NBSIF was paid,
  - 2. A current Arizona Watercraft Temporary Certificate of Number indicating the NBSIF was paid, or
  - 3. A current Arizona Watercraft Registration Decal indicating the NBSIF was paid.

**Historical Note**

Adopted effective October 22, 1976 (Supp. 76-5). Former Section R12-4-90 renumbered as Section R12-4-529 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section made by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-

3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

**R12-4-530. Authorized Third-party Providers; Agents**

- A. The Department may enter into a contract with a private entity to perform limited or specific services on behalf of the Department in accordance with state procurement laws and rules.
  - 1. The Department may authorize a person to be a third-party provider. An authorized third-party provider shall meet the requirements established by the Department and shall be selected through a competitive bid process.
  - 2. The Department may authorize a third-party provider to perform any one or more of the following services:
    - a. Watercraft transfer.
    - b. Watercraft registration renewal.
    - c. Duplicate watercraft registration and decal.
    - d. New watercraft registration.
- B. A person shall not engage in any business pursuant to this Section unless the Department authorizes the person to engage in the business.
- C. The Department shall establish minimum quality standards of service and a quality assurance program for authorized third-party providers to ensure that an authorized third-party provider is complying with the minimum standards.
- D. The Department may:
  - 1. Conduct investigations.
  - 2. Conduct audits.
  - 3. Make on-site inspections in compliance with A.R.S. § 41-1009.
  - 4. Require an authorized third-party or employees or agents of an authorized third-party be certified to perform the services prescribed in this Article.
- E. An authorized third-party provider shall remit to the Department all fees established under R12-4-504 and R12-4-529 it collects.
  - 1. An authorized third-party provider may collect and retain a reasonable and commensurate fee for its services.
  - 2. Each authorized third-party provider that holds itself out as providing services to the public shall identify to the applicant the Department's registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.
- F. A third-party who is authorized pursuant to this Section shall:
  - 1. Maintain records in a form and manner prescribed by the Department.
  - 2. Allow access to the records during regular business hours to authorized representatives of the Department or any law enforcement agency to ensure compliance with all applicable statutes and rules.
- G. The Department may suspend or cancel an authorization or certification, or both, granted pursuant to this Section if the Department determines that the third-party provider or certificate holder has done any of the following:
  - 1. Made a material misrepresentation or misstatement in the application for authorization or certification.
  - 2. Has been convicted of fraud or a watercraft related felony in any state or jurisdiction of the U.S. within the ten years immediately preceding the date a criminal records check is complete.
  - 3. Has been convicted of a felony, other than a felony described in subsection (G)(2), in any state or jurisdiction of the U.S. within the five years immediately preceding the date a criminal records check is complete.
  - 4. Violated a rule or policy adopted by the Department.

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5. Failed to keep and maintain records required by this Section.
  6. Failed to remit to the Department all fees established under R12-4-504 and R12-4-529 it collects.
  7. Allowed an unauthorized person to engage in any business pursuant to this Section.
- K.** If the Department has reasonable grounds to believe that a certificate holder or other person employed by an authorized third-party provider has committed a serious violation, the Department may order a summary suspension of the third provider's authorization granted pursuant to this Section pending formal suspension or cancellation proceedings. For the purposes of this subsection, "serious violation" means:
1. Watercraft registration fraud.
  2. Improper disclosure of personal information.
  3. Bribery.
  4. Theft.
- L.** On determining that grounds for suspension or cancellation of an authorization or certification, or both, exist, the Department shall give written notice to the third-party provider or certificate holder to appear at a hearing before the Department to show cause why the authorization or certification should not be suspended or canceled.
1. After consideration of the evidence presented at the hearing, the Department shall serve notice of the finding and order to the third-party or certificate holder.
  2. If a third-party authorization or a certification is suspended or canceled, the third-party or certificate holder may appeal the decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Subsection reference in subsection (G)(3) corrected (Supp. 21-1).

- R12-4-531. Reserved**
- R12-4-532. Reserved**
- R12-4-533. Reserved**
- R12-4-534. Reserved**
- R12-4-535. Reserved**
- R12-4-536. Reserved**
- R12-4-537. Reserved**
- R12-4-538. Reserved**
- R12-4-539. Reserved**
- R12-4-540. Reserved**
- R12-4-541. Repealed**

**Historical Note**

Former Section R12-4-88 renumbered as Section R12-4-541 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 5, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

- R12-4-542. Repealed**

**Historical Note**

Adopted as an emergency effective August 31, 1981, valid for ninety (90) days after filing pursuant to A.R.S. § 41-1003 (Supp. 81-4). Former Section R12-4-542 adopted as an emergency now adopted as permanent with

further amendment effective March 5, 1982 (Supp. 82-2). Amended effective March 29, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

- R12-4-543. Repealed**

**Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1). Amended effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended effective March 29, 1985 (Supp. 85-2). Correction, subsection (A), paragraph (2) as certified effective March 29, 1985 (Supp. 86-3). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Amended as an emergency effective May, 15, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Amended and readopted as an emergency effective August 25, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Emergency expired. Emergency amendments adopted with changes effective January 5, 1990 (Supp. 90-1). Repealed effective May 27, 1992 (Supp. 92-2).

- R12-4-544. Repealed**

**Historical Note**

Adopted effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Repealed effective May 27, 1992 (Supp. 92-2).

- R12-4-545. Repealed**

**Historical Note**

Adopted effective April 5, 1985 (Supp. 85-2). Amended by emergency effective May 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency amendments readopted effective August 28, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Repealed effective May 27, 1992 (Supp. 92-2).

**ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION**

- R12-4-601. Definitions**

The following definitions apply to this Article unless otherwise specified:

"Appealable agency action" has the same meaning as provided under A.R.S. § 41-1092.

"Business day" means any day other than a furlough day, Saturday, Sunday, or holiday.

"Commission Chair" means the person who presides over the Arizona Game and Fish Commission.

"Contested case" has the same meaning as provided under A.R.S. § 41-1001.

"Ex parte communication" means any oral or written communication with a Commissioner by a party concerning a substantive issue in a contested proceeding that is not part of the public record.

"Party" has the same meaning as provided under A.R.S. § 41-1001.

"Respondent" means the person named as the respondent in a notice of hearing issued by the Department.

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**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3). Section R12-4-601 renumbered to R12-4-602; new Section R12-4-601 made by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-602. Petition for Rule or Review of Practice or Policy**

- A.** A person may petition the Commission under A.R.S. § 41-1033 for a:
1. Rulemaking action relating to a Commission rule, including making a new rule or amending or repealing an existing rule; or
  2. Review of an existing Department practice or substantive policy statement alleged to constitute a rule.
- B.** To act under A.R.S. § 41-1033 and this Section, a person shall submit a petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The form is available at any Department office and on the Department's website.
- C.** A petitioner shall address only one rule, practice, or substantive policy in the petition.
- D.** A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. A petitioner shall provide all of the following information:
1. Petitioner identification:
    - a. When the petition is submitted by a private person, the person's:
      - i. Name;
      - ii. Physical and mailing address, if different from the physical address;
      - iii. Contact telephone number; and
      - iv. Email, when available;
    - b. When the petition is submitted by an organization or private group;
      - i. Name of organization or group;
      - ii. Name and title of the organization's or group's representative;
      - iii. Physical and mailing address, if different from the physical address;
      - iv. Representative's contact telephone number; and
      - v. Email, when available;
    - c. When the petition is submitted by a public agency;
      - i. Name of the public agency;
      - ii. Name and title of the agency's representative;
      - iii. Physical and mailing address if different from the physical address;
      - iv. Representative's contact telephone number; and
      - v. Email, when available;
  2. Type of request:
    - a. Adopt, amend, or repeal a rule, or
    - b. Review of a practice or substantive policy statement;
  3. When the petition is for rulemaking action:
    - a. Statement of the rulemaking action sought, including the *Arizona Administrative Code* citation of all

- existing rules, and the specific language of a new rule or rule amendment; and
  - b. Reasons for the rulemaking action, including an explanation of why an existing rule is inadequate, unreasonable, unduly burdensome, or unlawful;
4. When the petition is for a review of an existing practice or substantive policy statement:
    - a. Subject matter of the existing practice or substantive policy statement, and
    - b. Reasons why the existing practice or substantive policy statement constitutes a rule;
  5. When the petitioner is a public agency, a summary of issues raised in any public meeting or hearing regarding the petition or any written comments offered by the public.
  6. Any other information required by the Department;
  7. Petitioner's signature; and
  8. Date on which the petition was signed.
- E.** In addition to the requirements listed under subsection (D), a person may submit supporting information with a petition, including:
1. Statistical data; and
  2. A list of other persons likely to be affected by the rulemaking action or the review, with an explanation of the likely effects.
- F.** When a petitioner submits a petition that addresses the same substantive issue considered by the Commission within the previous year, the petitioner shall also provide an additional written statement that includes rationale not previously considered by the Commission in making the previous decision.
- G.** The Department shall determine whether the petition complies with this Section within 15 business days after the date on which the petition was received.
1. If the petition complies with this Section:
    - a. The Department shall place the petition on a Commission open meeting agenda.
    - b. The petitioner may present oral testimony at that open meeting under R12-4-604.
    - c. The Commission shall render a final decision on the petition as prescribed under A.R.S. § 41-1033.
  2. If a petition does not comply with this Section:
    - a. The Director shall return the petition to the petitioner, and
    - b. Indicate in writing why the petition does not comply with this Section. The petitioner shall be afforded the opportunity to resubmit a corrected petition.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-602 renumbered to R12-4-603; new Section R12-4-602 renumbered from R12-4-601 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-603. Written Comments on Proposed Rules**

- A.** Under A.R.S. § 41-1023, a person may submit written statements, arguments, data, and views on a proposed rulemaking published by the Secretary of State in the Arizona Administrative Register.
- B.** A person submitting a written comment to the Commission for consideration in a final decision on the rulemaking may voluntarily provide their name and mailing address. The Commission may only consider written comments that:

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1. Are received on or before the close of record date, as published by the Secretary of State in the Arizona Administrative Register; and
2. Are submitted to the agency contact identified in the Department's notice of proposed rulemaking as published by the Secretary of State in the Arizona Administrative Register.
3. In addition, a person submitting a comment submitted on behalf of a group or organization shall include a statement that the comment represents the official position of the group or organization. A comment submitted on behalf of a group or organization that does not contain this statement shall be considered the comment of the person submitting the comment, and not that of the group or organization.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended effective November 10, 1997 (Supp. 97-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-603 renumbered to R12-4-604; new Section R12-4-603 renumbered from R12-4-602 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-604. Oral Proceedings Before the Commission**

- A. The Commission may allow an oral proceeding on any matter on the Commission's agenda. At an oral proceeding, the Commission Chair:
  1. Is responsible for conducting the proceeding.
  2. May administer an oath to a witness before receiving testimony.
  3. May order the removal of any person who is disrupting a proceeding.
  4. May limit the number of presentations or the time for testimony regarding a particular issue.
- B. A person desiring to speak at an oral proceeding shall first request permission to speak from the Commission Chair.
- C. Technical rules of evidence do not apply to an oral proceeding, and no informality in any proceeding or in the manner of taking testimony invalidates any order, decision, or rule made by the Commission.
- D. The Commission authorizes the Director to designate a hearing officer for oral proceedings to take public input on proposed rulemaking.
- E. The Commission authorizes the Director to continue a scheduled proceeding to a later Commission meeting. To request a continuance, a petitioner shall:
  1. Deliver the request to the Director no later than 24 hours before the scheduled proceeding;
  2. Demonstrate that the proceeding has not been continued more than twice; and
  3. Demonstrate good cause for the continuance.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-604 renumbered to R12-4-605; new Section R12-4-604 renumbered from R12-4-603 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-605. Ex Parte Communication**

- A. A party shall not communicate, either directly or indirectly, with a Commissioner about any substantive issue in a pending contested case or appealable agency action, unless:
  1. All parties are present;
  2. The communication occurs during the scheduled proceeding, where an absent party failed to appear after proper notice; or
  3. It is by written motion with a copy provided to all parties.
- B. A Commissioner who receives an ex parte communication shall place on the public record of the proceeding:
  1. A copy of the written communication;
  2. A summary of the oral communication; and
  3. The Commissioner's response to any such ex parte communication.
- C. The provisions of this Section apply from the date that a notice of hearing for a contested case or an appealable agency action is served on the parties.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-605 renumbered to R12-4-606; new Section R12-4-605 renumbered from R12-4-604 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-606. Standards for Revocation, Suspension, or Denial of a License**

- A. Under A.R.S. § 17-340, when the Department makes a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting, fishing, or trapping license for a person convicted of any of the following offenses:
  1. Killing or wounding a big game animal during a closed season.
  2. Possessing a big game animal taken during a closed season.
  3. Destroying, injuring, or molesting livestock while hunting, fishing, or trapping.
  4. Damaging or destroying personal property, growing crops, notices or signboards, or other improvements while hunting, fishing, or trapping.
  5. Bartering, selling, or offering to sell unlawfully taken wildlife or wildlife parts.
  6. Careless use of a firearm while hunting, fishing, or trapping that results in the injury or death of any person.
  7. Applying for or obtaining a license or permit by fraud or misrepresentation in violation of A.R.S. § 17-341.
  8. Knowingly allowing another person to use the person's big game tag, except as provided under A.R.S. § 17-332(D).
  9. Entering upon a game refuge or other area closed to hunting, trapping or fishing and taking, driving, or attempting to drive wildlife from the area in violation of A.R.S. §§ 17-303 and 17-304.
  10. Unlawfully posting state or federal lands in violation of A.R.S. § 17-304(B).
  11. Unlawfully using aircraft to take, assist in taking, harass, chase, drive, locate, or assist in locating wildlife in violation of A.R.S. § 17-340(A)(8).
  12. Unlawfully taking or possessing big game.
  13. Unlawfully taking or possessing small game or fish.
  14. Unlawfully taking or possessing wildlife species.

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15. Unlawful take of any bird or the removal of its nest or eggs.
  16. Littering a public hunting or fishing area while taking wildlife.
  17. Waste of edible portions of a game species under A.R.S. § 17-309, in violation of A.R.S. § 17-309(A)(5).
  18. Any violation for which a license can be revoked under A.R.S. § 17-340.
  19. Any violation of A.R.S. § 17-306.
- B.** Under A.R.S. §§ 17-238, 17-334, 17-340, 17-362, 17-363, and 17-364, when the Department makes a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke any fur dealer, guide, taxidermy, license dealers license, or special license (as defined under R12-4-401) in any case where license revocation is authorized by law.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended effective November 10, 1997 (Supp. 97-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-606 renumbered to R12-4-607; new Section R12-4-606 renumbered from R12-4-605 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-607. Proceedings for License Revocation, Suspension, or Denial of Right to Obtain a License, and Civil Damages**

- A.** The Director may commence a proceeding for the Commission to revoke, suspend or deny a license under A.R.S. §§ 17-236, 17-238, 17-334, 17-340, 17-362, 17-363, and 17-364. The Director may also commence a proceeding for the Commission to impose a civil penalty under A.R.S. § 17-314.
- B.** The Commission shall conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license in accordance with the Administrative Procedure Act, A.R.S. Title 41, Chapter 6, Article 10. In a proceeding conducted under A.R.S. § 17-340, a respondent shall limit testimony to facts that show why the license should not be revoked or denied. Because the Commission does not have the authority to consider or change the conviction, a respondent is not permitted to raise this issue in the proceeding. The Commission shall permit a respondent to offer testimony or evidence relevant to the Commission's decision to impose a civil penalty or order a civil action for the recovery of wildlife parts.
- C.** If a respondent does not appear for a hearing on the date scheduled, at the time and location noticed, no further opportunity to be heard shall be provided, unless a rehearing or review is granted under R12-4-608. If the respondent does not wish to attend the hearing, the respondent may submit written testimony to the Department before the hearing date designated in the Notice of Hearing. The Commission shall ensure that written testimony received at the time of the hearing is read into the record at the hearing.
- D.** The Commission shall base its decision on the officer's case report, a summary prepared by the Department, a certified copy of the court record, and any testimony presented at the hearing. The Department shall supply the respondent with a copy of each document provided to the Commission for use in reaching a decision.
- E.** Any party may apply to the Commission for issuance of a subpoena to compel the appearance of any witness or the production of documents at any Commission hearing. No less than 10 calendar days before the hearing, the party shall file a written

application that provides the name and address of the witness, the subject matter of the expected testimony, the documents sought to be produced, and the date, time, and place of the hearing. The Commission Chair has the authority to issue the subpoenas.

1. A party shall have a subpoena served as prescribed in the Arizona Rules of Civil Procedure, Rule 45. An employee of the Department may serve a subpoena at the request of the Commission Chair.
  2. A party may request that a subpoena be amended at any time before the deadline provided in this Section for filing the application. The party shall have the amended subpoena served as provided in subsection (E)(1).
- F.** The Commission may vote to use the services of the office of administrative hearings to conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license and to make a recommendation to the Commission, which shall review and accept, reject or modify the recommendation and issue its decision in an open meeting. When the Department receives a recommendation from the administrative law judge at least 30 days prior to the next regularly scheduled Commission meeting, the Department shall place the recommendation on the agenda for that meeting. A recommendation from the administrative law judge received after this time shall be considered at the next regularly scheduled open meeting.
- G.** A license revoked by the Commission is suspended on the date of the hearing and revoked upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order revoking a license, the license is revoked after all appeals have been exhausted. A denial of the right to obtain a license is effective for a period determined by the Commission as authorized under A.R.S. § 17-340, beginning on the date of the hearing.
- H.** A license suspended by the Commission is suspended on the date of the hearing, and suspended upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order suspending a license, the license is suspended after all appeals have been exhausted. The suspension of a license is effective for a period determined by the Commission as authorized under A.R.S. § 17-340, beginning on the date of the hearing.

**Historical Note**

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered without change as Section R12-4-607 effective December 22, 1987 (Supp. 87-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-607 renumbered to R12-4-608; new Section R12-4-607 renumbered from R12-4-606 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-608. Rehearing or Review of Commission Decisions**

- A.** A party shall exhaust the party's administrative remedies by filing a motion for rehearing or review as provided in this Section. Failure to file a motion for rehearing or review within 30 days of service of the Commission's decision has the effect of prohibiting the party from seeking judicial review of the Commission's decision.
- B.** A party in a contested case or appealable agency action before the Commission may file a motion for rehearing or review of a

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Commission decision, specifying the grounds upon which the motion is based. The motion for rehearing or review shall be filed within 30 calendar days after service of the Commission's decision. For purposes of this subsection a decision is served when personally delivered or mailed by certified mail to the party's last known residence or place of business.

- C. A party may amend a motion for rehearing or review at any time before the Commission rules upon the motion. A written response to a motion for rehearing or review may be filed and served within 15 days after service of the motion for rehearing or review. The Commission may require that the parties file supplemental memoranda on any issue raised in a motion or response, and allow for oral argument.
- D. The Commission has the authority to grant rehearing or review for any of the following causes materially affecting the moving party's rights:
  - 1. Irregularity in the proceedings of the Commission, or any order or abuse of discretion that deprived the moving party of a fair hearing;
  - 2. Misconduct of the Commission, its staff, an administrative law judge, or the prevailing party;
  - 3. Accident or surprise that could not have been prevented by ordinary prudence;
  - 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  - 5. Excessive or insufficient penalties;
  - 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the proceeding; or
  - 7. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- E. The Commission may either deny the motion for rehearing or review or grant a rehearing or review for any of the reasons listed under subsection (E). The Commission's order granting a rehearing or review shall specify the grounds for the order, and any rehearing shall cover only those grounds upon which the rehearing or review was granted.
- F. After giving the party notice and an opportunity to be heard, the Commission may grant a motion for a rehearing or review for a reason not stated in the motion.
- G. Within the time-frame for filing the motion for rehearing or review, the Commission may grant a rehearing or review on its own initiative for any reason for which the Commission may have granted relief on motion of a party.
- H. When the Commission grants a rehearing or review, the Commission shall hold the rehearing or review at its next regularly scheduled meeting or within 90 days of issuance of the order granting the rehearing or review. With the consent of the parties, the Commission may proceed to conduct the rehearing or review in the same meeting in which the Commission granted the rehearing or review.
- I. The Commission may take additional testimony, amend findings of fact and conclusions of law, and affirm, modify or reverse the original decision.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-1). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective January 31, 2002 (Supp. 02-1). New Section R12-4-608 renumbered from R12-4-607

and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-609. Commission Orders**

- A. Except as provided under subsection (B):
  - 1. At least 14 calendar days before a meeting where the Commission will consider a Commission Order, the Department shall:
    - a. Post a public meeting notice and agenda in accordance with A.R.S. § 38-431.02; and
    - b. Issue a public notice of the recommended Commission Order in print and electronic media.
  - 2. The Department shall ensure the public meeting notice and agenda includes:
    - a. The date, time, and location of the Commission meeting where the Commission Order will be considered;
    - b. A statement that the public may attend and present written comments at or before the meeting; and
    - c. A statement that a copy of the proposed Commission Order shall be made available to the public 10 calendar days before the meeting. Copies are available for public inspection on the Department's website and at Department offices in Phoenix, Pinetop, Flagstaff, Kingman, Yuma, Tucson, and Mesa.
  - 3. The Commission may make changes to the recommended Commission Order at the Commission meeting.
- B. The requirements of subsection (A) do not apply to a Commission Order that establishes:
  - 1. A supplemental hunt as authorized under R12-4-115;
  - 2. A special season for persons who possess a special license tag issued under A.R.S. § 17-346 and R12-4-120, and
  - 3. A special season that allows fish to be taken by additional methods on waters where a fish die-off is imminent as established under R12-4-317(C).
- C. The Department shall publish the content of all Commission orders and make them available to the public free of charge.

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-610. Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles**

- A. A person requesting that the Commission consider closing state or federal land to hunting, fishing, or trapping as provided under A.R.S. § 17-304(B) or R12-4-110, or closing roads or trails on state lands as provided under R12-4-110, shall submit a petition as prescribed in this Section before the Commission will consider the request.
- B. A petitioner shall not address more than one contiguous closure request in a petition.
- C. A petitioner submitting a petition that addresses the same contiguous closure request previously considered and denied by the Commission shall provide an additional written statement that includes rationale not previously considered by the Commission.

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- D.** A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Care-free Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. The petition form shall contain all of the following information:
1. Petitioner identification:
    - a. When the petitioner is the leaseholder of the area proposed for closure:
      - i. Name of person;
      - ii. Lease number;
      - iii. Physical and mailing address, if different from the physical address;
      - iv. Contact telephone number; and
      - v. Email, when available;
    - b. When the petitioner is anyone other than the leaseholder of the area proposed for closure:
      - i. Name of person;
      - ii. Lease number;
      - iii. Physical and mailing address, if different from the physical address;
      - iv. Contact telephone number;
      - v. Email, when available; and
      - vi. Name of each group or organization or organizations that the petitioner represents; or
    - c. When the petitioner is a public agency:
      - i. Name of person;
      - ii. Name of agency;
      - iii. Petitioner's title;
      - iv. Lease number;
      - v. Agency's physical and mailing address, if different from the physical address;
      - vi. Contact telephone number; and
      - vii. Email, when available;
  2. Type of closure requested:
    - a. Hunting,
    - b. Fishing,
    - c. Trapping, or
    - d. Operation of motor vehicles.
  3. Reason for petition:
    - a. Each reason why the closure should be considered under R12-4-110, A.R.S. § 17-304(B), or A.R.S. § 17-452(A);
    - b. Any data or other justification supporting the reasons for the closure with clear reference to any exhibits that may be attached to the petition;
    - c. Each person or segment of the public the petitioner believes will be impacted by the closure, including any other valid licensees, lessees, or permittees that will or may be affected, and how they will be impacted, including both positive and negative impacts;
    - d. If the petitioner is a public agency, a summary of issues raised in any public hearing or public meeting regarding the petition and a copy of written comments received by the petitioning agency; and
    - e. A proposed alternate access route, under R12-4-110.
  4. A concise map identifying the specific location of the proposed closure;
  5. Petitioner's signature;
  6. Date on which the petition was signed; and
  7. Any other information required by the Department.
- E.** The Department shall determine whether the petition complies with the requirements established under A.R.S. § 17-452, R12-4-110, and this Section within 15 business days after receiving the petition.
1. If the petition meets these requirements, and provided the petitioner has not agreed to an alternative solution or withdrawn the petition, the Department, in accordance with the schedule in subsection (F), shall place the petition on the agenda for the Commission's next regularly scheduled open meeting and provide written notice to the petitioner of the meeting date.
  2. If a petition does not comply with the requirements prescribed under A.R.S. § 17-452, R12-4-110, and this Section:
    - a. The Department shall return the petition to the petitioner, and
    - b. Indicate in writing why the petition does not comply with this Section.
  3. If the Department returns a petition to a petitioner for a reason that cannot be corrected, the Department shall serve on the petitioner a notice of appealable agency action under A.R.S. § 41-1092.03.
- F.** When the Department receives a petition not less than 60 calendar days before a regularly scheduled Commission meeting, the Department shall place the petition on the agenda for that meeting. A petition received after this time will be considered at the next regularly scheduled open meeting.
- G.** The petitioner may:
1. Present oral testimony in support of the petition at the Commission meeting, in accordance with the provisions established under R12-4-604.
  2. Withdraw the petition or request a continuance to a later regularly scheduled open meeting at any time.

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

**R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy**

- A.** A person may request a hearing before the Commission when an administrative remedy does not exist under statute, rule, or policy by submitting a petition as prescribed by this Section.
- B.** A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Care-free Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. The petition form shall contain all of the following information:
1. Petitioner identification:
    - a. When the petitioner is a private person:
      - i. Name of person;
      - ii. Physical and mailing address, if different from the physical address;
      - iii. Contact telephone number; and
      - iv. Email, when available;
    - b. When the petitioner is a private group or organization:
      - i. Name of the person designated as the contact for the group or organization;

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- ii. Physical and mailing address, if different from the physical address;
    - iii. Contact telephone number;
    - iv. Email, when available; or
  - c. When the petitioner is a public agency:
    - i. Name of person,
    - ii. Name of agency,
    - iii. Petitioner's title,
    - iv. Agency's physical and mailing address, if different from the physical address,
    - v. Contact telephone number, and
    - vi. Email, when available;
  - 2. Statement of Facts and Issues:
    - a. Description of issue to be resolved, and
    - b. Any facts relevant to resolving the issue;
  - 3. Specific proposed remedy;
  - 4. Petitioner's signature;
  - 5. Date on which the petition was signed; and
  - 6. Any other information required by the Department.
- C. If a petition does not comply with this Section, the Department shall:
- 1. Return the petition to the petitioner, and
  - 2. Indicate in writing why the petition does not comply with this Section.
- D. After the Department receives a petition that complies with this Section, the Department shall place the petition on the agenda of a regularly scheduled Commission meeting.
- E. If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same issue, unless the petitioner presents new evidence or reasons for considering the subsequent petition.
- F. This Section does not apply to the following:
- 1. An action related to a license revocation, suspension, denial, or civil penalty;
  - 2. An unsuccessful hunt permit-tag draw application that did not involve an error on the part of the Department; or
  - 3. The reinstatement of a bonus point, except as authorized under R12-4-102.02(E).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1). Amended by final rulemaking at 29 A.A.R. 2196 (September 22, 2023), with an immediate effective date of September 1, 2023 (Supp. 23-3).

**ARTICLE 7. HERITAGE GRANTS****R12-4-701. Heritage Grant Definitions**

In addition to the definitions provided under A.R.S. §§ 17-101 and 17-296, the following definitions apply to this Article:

"Administrative subunit" means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant. For example, an individual:

Administrative department, but not an entire city government;

Field office or project office, but not an entire agency; or

School, but not an entire school district.

"Eligible applicant" means any public agency, non-governmental organization, or nonprofit organization that meets the applicable requirements of this Article.

"Facilities" means any structure or site improvements.

"Fund" means the Arizona Game and Fish Commission Heritage Fund, established under A.R.S. § 17-297.

"Grant agreement" means a document that details the terms and conditions of a grant project.

"Grant effective date" means the date the Department Director signs the Grant Agreement.

"In-kind" means contributions other than cash, which include individual and material resources that the applicant makes available to the project, e.g. a public employee's salary, volunteer time, materials, supplies, space, or other donated goods and services.

"Participant" means an eligible applicant who has been awarded a grant from the Heritage Fund.

"Project" means an activity, or series of related activities, or services described in the specific project scope of work and results in specific end products.

"Project period" means the time during which a participant shall complete all approved work and related expenditures associated with an approved project.

"Public agency" means the federal government or any federal department or agency, an Indian tribe, this state, all state departments, agencies, boards, and commissions, counties, school districts, public charter schools, cities, towns, all municipal corporations, administrative subunits, and any other political subdivision.

"Publicly held lands" means federal, public, and reserved land, State Trust Land, and other lands within Arizona that are owned, controlled, or managed by the federal government, a state agency, or political subdivision.

"Term of public use" means the time period during which the project or facility is expected to be maintained for public use.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-702. General Provisions; Heritage Grant Fund Requirements**

- A. The Department, in its sole discretion, may make Heritage Fund Grants available for projects that:
  - 1. Are located in Arizona or benefit Arizona wildlife or its habitat; and
  - 2. Meet the criteria established in the Heritage Grant application materials.
- B. The Department shall:
  - 1. Provide public notice of the time, location, and due date for application submission; and
  - 2. Furnish materials necessary to complete the application.
- C. An applicant seeking Heritage Grant funding shall submit to the Department a Heritage Fund Grant application according to a schedule of due dates determined by the Director. An



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applicant shall provide the following information on the Heritage Grant application form:

1. The name of the applicant;
  2. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
  3. The name, title, mailing address, e-mail address, and telephone number of the individual responsible for the day-to-day management of the proposed project;
  4. Identification of the application criterion established in the Heritage Grant application materials;
  5. A descriptive project title;
  6. The name of the site, primary location, and any other locations of the project;
  7. Description of the:
    - a. Scope of work and the objective of the proposed project,
    - b. Methods for achieving the objective, and
    - c. Desired result of the project;
  8. The beginning and ending dates for the project;
  9. The resources needed to accomplish the project, including grant monies requested, and, if applicable, evidence of secured matching funds or contributions; and
  10. Any additional supporting information required by the Department.
  11. Signature and date. The person signing the grant application form shall have the authority to enter into agreements, accept funding, and fulfill the terms of the Grant Agreement on behalf of the applicant.
- D.** A person applying for multiple projects shall submit a separate application for each project.
- E.** An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types related to sites not controlled by an applicant, an applicant shall provide written permission from the property owner authorizing the project activities and access. The applicant's proof of ownership or control or written permission shall demonstrate:
1. Permission for access is not revocable at will by the property owner, and
  2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.
- F.** Heritage Grant proposals are competitive and the Department shall make awards based on a proposed project's compatibility with the priorities of the Department, as approved by the Commission.
- G.** The Department may require an applicant to modify the application prior to awarding a Heritage Grant, if the Department determines that the modification is necessary for the successful completion of the project.
- H.** When applicable, the Department shall not release Heritage Grant funds until after the Department has consulted with the State Historic Preservation Office regarding the proposed project's potential impact on historic and archaeological properties and resources.
- I.** The Department shall notify an applicant in writing of the results of the applicant's submission and announce Heritage Grant awards at a regularly scheduled open meeting of the Commission.
- J.** A participant shall:
1. Sign the Grant Agreement before the Department transfers any grant funds.
  2. Deposit transferred Heritage Grant funds in a dedicated account carrying the name and number of the project. In the event the funds are deposited in an interest-bearing account, any interest earned shall be:
    - a. Used for the purpose of furthering the project, with prior approval from the Department; or
    - b. Remitted to the Department upon completion of the project.
  3. Complete the project as specified under the terms and conditions of the Grant Agreement.
  4. Use awarded Heritage Grant funds solely for the project described in the application and as approved by the Department.
  5. Bear full responsibility for performance of its subcontractors to ensure compliance with the Grant Agreement.
  6. Pay all costs associated with the operation and maintenance of properties, facilities, equipment, services, publications, and other media funded by a Heritage Grant for the term of public use as specified in the Grant Agreement.
  7. Submit records that substantiate the expenditure of Heritage Grant funds. In addition, each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and any other records relating to the acquisition and performance of the contract for a period of five years from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records.
  8. Allow Department employees or agents to conduct inspections and reviews:
    - a. To ensure compliance with all terms and conditions established under the Grant Agreement.
    - b. Before release of the final payment.
  9. Give public acknowledgment of Heritage Fund grant assistance for the term of public use of a project. If a project involves acquisition of property, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources. The participant may include the cost of this signage as part of the original project. The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Heritage Fund grant funding acknowledgment on any publicly available or accessible products resulting from the project.
- K.** A participant shall not:
1. Begin a project described in the application until after the grant effective date.
  2. Use Heritage Grant funds for the purpose of producing income unless authorized by the Department. A participant shall use all income generated to further the purpose of the approved project or surrender the income to the original funding source.
  3. Comingle Heritage Grant funds with any other funds.
  4. Use Heritage Grant funds to pay the salary of any public agency employee. A participant may use a public agency's employee's time as in-kind match for the project specified in the Grant Agreement.
- L.** The parties may amend the terms of the Grant Agreement by mutual written consent. The Department shall prepare any

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approved amendment in writing, and both the Department and the Grantee shall sign the amendment.

- M. The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the Grant Agreement shall submit a written request that includes justification to amend the Grant Agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.
- N. A participant shall submit project status reports, as required in the Grant Agreement. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports. The project status report shall include the following information, as applicable:
  - 1. Progress in completing approved work;
  - 2. Itemized, cumulative project expenditures;
  - 3. A financial accounting of:
    - a. Heritage Grant Funds,
    - b. Matching funds,
    - c. Donations, and
    - d. Income derived from project funds;
  - 4. Any delays or problems that may prevent the on-time completion of the project; and
  - 5. Any other information required by the Department.
- O. At the end of the project period and for each year until the end of the term of public use, a participant shall:
  - 1. Certify compliance with the Grant Agreement, and
  - 2. Complete a post-completion report form furnished by the Department.
- P. Upon completion of approved project elements, if a balance of awarded Heritage Grant funds remains, the participant may:
  - 1. Use the unexpended funds for an additional project consistent with the original scope of work, when approved by the Department; or
  - 2. Surrender the unexpended funds to the Department.
- Q. Upon completion of the project a participant shall:
  - 1. Surrender equipment with an acquisition cost of more than \$500 to the Department upon completion, or
  - 2. Use equipment purchased with Heritage Grant funds in a manner consistent with the purposes of the Grant Agreement.
- R. A participant may request an extension beyond the approved project period by writing to the Department.
  - 1. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period.
  - 2. If approved, an extension shall be signed by both the participant and the Department.
- S. A participant that has a Heritage Grant funded project in extension shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's project under extension is completed.
- T. In addition, the Department may administratively extend the project period for good cause such as, but not limited to, inclement weather, internal personnel changes, or to complete the final closure documents.
- U. A participant that failed to comply with the terms and conditions of a Grant Agreement shall not apply for, nor be considered for, further Heritage Grants until the participant's project is brought into compliance.
- V. If a participant is not in compliance with the Grant Agreement, the Department may:
  - 1. Terminate the Grant Agreement,

- 2. Seek recovery of grant monies awarded, and
- 3. Classify the participant as ineligible for Heritage Fund Grants for a period of up to five years.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-703. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-703 renumbered to R12-4-705; new Section R12-4-703 made by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-704. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-704 repealed; new Section R12-4-704 renumbered from R12-4-709 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-705. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-705 repealed; new Section R12-4-705 renumbered from R12-4-703 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-706. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-706 repealed; new Section R12-4-706 renumbered from R12-4-710 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-707. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-707 repealed; new Sec-

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tion R12-4-707 renumbered from R12-4-711 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-708. Repealed****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-708 repealed; new Section R12-4-708 renumbered from R12-4-712 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

**R12-4-709. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-709 renumbered to R12-4-704 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-710. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-710 renumbered to R12-4-706 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-711. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-711 renumbered to R12-4-707 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-712. Renumbered****Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-712 renumbered to R12-4-708 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY****R12-4-801. General Provisions****A. Wildlife Areas:**

1. Wildlife areas shall be established to:
  - a. Provide protective measures for wildlife, habitat, or both;
  - b. Allow for hunting, fishing, and other recreational activities that are compatible with wildlife habitat conservation and education;
  - c. Allow for special management or research practices; and

- d. Enhance wildlife and habitat conservation.
2. Wildlife areas shall be:
  - a. Lands owned, leased, or otherwise managed by the Commission;
  - b. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation; or
  - c. Any lands with property interest conveyed to the Commission by any entity, through an approved land use agreement, including but not limited to deeds, patents, leases, conservation easements, special use permits, licenses, management agreements, inter-agency agreements, letter agreements, and right-of-entry, where the property interest conveyed is sufficient for management of the lands consistent with the objectives of the wildlife area.
3. Land qualified for wildlife areas shall be:
  - a. Lands with unique topographic or vegetative characteristics that contribute to wildlife,
  - b. Lands where certain wildlife species are confined because of habitat demands,
  - c. Lands that can be physically managed and modified to attract wildlife, or
  - d. Lands that are identified as critical habitat for certain wildlife species during critical periods of their life cycles.
4. The Department may restrict public access to and public use of wildlife areas and the resources of wildlife areas for up to 90 days when necessary to protect property, ensure public safety, or to ensure maximum benefits to wildlife. Closures or restrictions exceeding 90 days shall require Commission approval.
5. Closures of all or any part of a wildlife area to public entry, and any restriction to public use of a wildlife area, shall be listed in this Article or shall be clearly posted at each entrance to the wildlife area. No person shall conduct an activity restricted by this Article or by such posting.
6. When a wildlife area is posted against travel except on existing roads, no person shall drive a motor-operated vehicle over the countryside except by road.
7. The Department may post signs that place additional restrictions on the use of wildlife areas. Such restrictions may include the timing, type, or duration of certain activities, including the prohibition of access or nature of use.
8. A person shall not access or use any wildlife area or facility in violation of any Department actions authorized under subsection (A)(7) when signs are posted providing notice of the restrictions.
- B. Commission-owned real property and -managed lands other than Wildlife Areas:
  1. The Department may take action to manage public access and use of any Commission-owned real property or facilities. Such actions may include restrictions on the timing, type, or duration of certain activities, including the prohibition of access or nature of use.
  2. A person shall not access or use any Commission-owned real property, facilities, or -managed lands in violation of any Department actions authorized under subsection (B)(1), if signs are posted providing notice of the restrictions.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by

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exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2).

Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 27 A.A.R. 242, effective April 5, 2021 (Supp. 21-1).

**R12-4-802. Wildlife Area and Other Department Managed Property Restrictions**

**A. No person shall violate the following restrictions on Wildlife Areas:**

1. Alamo Wildlife Area (located in Units 16A and 44A):
  - a. Posted portions closed to all public entry.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
2. Allen Severson Wildlife Area (located in Unit 3B):
  - a. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Posted portions closed to discharge of all firearms from April 1 through July 25 annually.
  - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from April 1 through July 25 annually.
3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
  - a. Access through the Aravaipa Canyon Wildlife Area within the Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
4. Arivaca Lake Wildlife Area (located in Unit 36B):
  - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping in the wildlife area allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
5. Arlington Wildlife Area (located in Unit 39):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Target or clay bird shooting permitted in designated areas only.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
    - i. Posted portions around Department housing are closed to the discharge of all firearms; and
    - ii. Wildlife area is closed to the discharge of centerfire rifled firearms.
6. Base and Meridian Wildlife Area (located in Units 39, 26M, and 47M):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel is not permitted on the wildlife area, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. No target or clay bird shooting.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
7. Becker Lake Wildlife Area (located in Unit 1):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. The Becker Lake boat launch access road and parking areas along with any other posted portions of the wildlife area will be closed to all public entry from one hour after sunset to one hour before sunrise daily.
  - f. Posted portions closed to all public entry.
  - g. Posted portions closed to hunting.
  - h. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
8. Bog Hole Wildlife Area (located in Unit 35B):
  - a. Motorized vehicle travel is not permitted on the wildlife area. This subsection does not apply to Department authorized vehicles or law enforcement, fire response or other emergency vehicles.
  - b. Open to all hunting in season, by foot access only, as permitted under R12-4-304 and R12-4-318.
9. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
  - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law

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- enforcement, fire response, or other emergency vehicles.
- e. No target or clay bird shooting.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
10. Chevelon Creek Wildlife Area (located in Unit 4B):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Posted portions closed to all public entry.
    - f. Additional posted portions closed to all public entry from October 1 through February 1 annually.
    - g. No target or clay bird shooting.
    - h. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 1 through February 1 annually.
  11. Cibola Valley Conservation and Wildlife Area (located in unit 43A):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Posted portions closed to all public entry.
    - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  12. Clarence May and C.H.M. May Memorial Wildlife Area (located in Unit 29):
 

Closed to hunting, except for predator hunts authorized by Commission Order.
  13. Cluff Ranch Wildlife Area (located in Unit 31):
    - a. Open fires allowed in designated areas only.
    - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
    - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Posted portions around Department housing and Pond Three are closed to discharge of all firearms.
    - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
  14. Coal Mine Spring Wildlife Area (located in Unit 34A):
    - a. Overnight public camping allowed for no more than 14 days within a 30-day period.
    - b. Motorized vehicle travel is not permitted on the wildlife area, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response or other emergency vehicles.
    - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  15. Colorado River Nature Center Wildlife Area (located in Unit 15D):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
    - e. Closed to the discharge of firearms.
    - f. Closed to hunting.
  16. Fool Hollow Lake Wildlife Area (located in Unit 3C):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. The parking area adjacent to Sixteenth Avenue and other posted portions of the wildlife area will be closed to all public entry daily from one hour after sunset to one hour before sunrise, except for anglers possessing a valid fishing license accessing Fool Hollow Lake/Show Low Creek.
    - f. Closed to the discharge of firearms.
    - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of firearms.
  17. House Rock Wildlife Area (located in Unit 12A):
    - a. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
    - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
    - c. Members of the public shall remain in an enclosed vehicle at all times when within one-quarter mile of the House Rock bison herd, except when taking bison or accompanied by Department personnel.
  18. Jacques Marsh Wildlife Area (located in Unit 3B):
    - a. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rimfire and centerfire rifled firearms.
  19. Lamar Haines Wildlife Area (located in Unit 7):
    - a. No open fires.

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- b. Wood cutting by permit only and collecting limited to dead and down material, for noncommercial use only. Members of the public shall obtain a wood cutting permit from the Flagstaff Game and Fish Department regional office.
  - c. Overnight public camping allowed for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 20. Lower San Pedro River Wildlife Area (located in Units 32 and 37B):
  - a. Open fires allowed in designated areas only. The following acts are prohibited:
    - i. Building, attending, maintaining, or using a fire without removing all flammable material from around the fire to adequately prevent the fire from spreading from the fire pit.
    - ii. Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.
    - iii. Building, attending, maintaining, or using a fire in any area that is closed to fires.
    - iv. Leaving a fire without completely extinguishing it.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
  - g. Parking allowed within 300 feet of designated open roads and in designated areas only.
  - h. Discharge of a firearm or pre-charged pneumatic weapon prohibited within 1/4 mile of buildings.
  - i. A person shall not use a metal detector or similar device except as authorized by the Department. This subsection does not apply to law enforcement officers in the scope of their official duties, or to persons duly licensed, permitted, or otherwise authorized to investigate historical or cultural artifacts by a government agency with regulatory authority over cultural or historic artifacts.
- 21. Luna Lake Wildlife Area (located in Unit 1):
  - a. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Posted portions closed to all public entry from February 15 through July 31 annually.
  - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except when closed to hunting from April 1 through July 31 annually.
- 22. Manhattan Claims Wildlife Area (located in Unit 29):
  - a. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - b. Overnight public camping allowed for no more than 14 days within a 30-day period.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
- 23. Mittry Lake Wildlife Area (located in Unit 43B):
  - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry.
  - f. Mittry Lake is a "No Ski" waterway as defined under R12-4-501.
  - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 24. Planet Ranch Conservation and Wildlife Area (located in Units 16A and 44A):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except for big game retrieval as permitted under R12-4-110(H), outside the posted Lower Colorado River Multi-Species Conservation Program habitat area. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to public entry.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
- 25. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department

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- authorized vehicles or law enforcement, fire response, or other emergency vehicles.
- e. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
    - i. Posted portions around Department housing are closed to the discharge of all firearms; and
    - ii. Wildlife area is closed to the discharge of centerfire rifled firearms.
26. Quigley-Achee Wildlife Area (located in Unit 41):
- a. No open fires.
  - b. No overnight public camping.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. Posted portions closed to all public entry.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
27. Raymond Wildlife Area (located in Unit 5B):
- a. Open fires allowed in designated areas only.
  - b. Overnight public camping permitted in designated sites only, for no more than 14 days within a 30-day period.
  - c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except for big game retrieval as permitted under R12-4-110(H). All-terrain and utility type vehicles are prohibited. For the purpose of this subsection, all-terrain and utility type vehicle means a motor vehicle having three or more wheels fitted with large tires and is designed chiefly for recreational use over roadless, rugged terrain. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. Posted portions closed to all public entry from May 1 through July 29 annually.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting periodically during hunting seasons.
  - f. Members of the public shall remain in an enclosed vehicle at all times when within one-quarter mile of the Raymond bison herd, except when taking bison or accompanied by Department personnel.
28. Robbins Butte Wildlife Area (located in Unit 39):
- a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Parking in designated areas only.
  - f. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
  - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318 except the wildlife area is closed to the discharge of centerfire rifled firearms.
29. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
- a. Posted portions closed to all public entry from November 15 through February 15 annually.
  - b. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from November 15 through February 15 annually.
30. Santa Rita Wildlife Area (located in Unit 34A):
- Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
31. Sipe White Mountain Wildlife Area (located in Unit 1):
- a. Open fires allowed in designated areas only.
  - b. No firewood cutting or gathering.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions around Department housing is closed to the discharge of all firearms.
32. Springerville Marsh Wildlife Area (located in Unit 2B):
- a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Closed to the discharge of all firearms.
  - f. Open to all hunting as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
33. Sunflower Flat Wildlife Area (located in Unit 8):
- a. Overnight public camping allowed for no more than 14 days within a 30-day period.
  - b. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

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- c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 34. Three Bar Wildlife Area (located in Unit 22):
  - a. Motorized vehicle travel:
    - i. Is permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H).
    - ii. Is prohibited within the Three Bar Wildlife and Habitat Study Area.
    - iii. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Open to all hunting in season, as permitted under R12-4-304 and R12-4-318.
- 35. Tucson Mountain Wildlife Area (located in Unit 38M):
  - a. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
    - i. Portions posted closed to hunting,
    - ii. Portions closed to hunting as identified on the online check-in system wildlife area map, and
    - iii. Firearms and pre-charged pneumatic weapons are prohibited for the take of wildlife.
  - b. Archery hunters must check-in online with the Arizona Game and Fish Department prior to going afield.
- 36. Upper Verde River Wildlife Area (located in Unit 8 and 19A):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping allowed.
  - d. Motorized vehicle travel is not permitted, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire department, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 37. Wenima Wildlife Area (located in Unit 2B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. No target or clay bird shooting.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 38. White Mountain Grasslands Wildlife Area (located in Unit 1):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry.
- f. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
- g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 39. Whitewater Draw Wildlife Area (located in Unit 30B):
  - a. No open fires except as authorized by the Department.
  - b. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. Posted portions closed to all public entry from October 15 through March 15 annually.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
    - i. The wildlife area is closed to the discharge of centerfire rifled firearms, and
    - ii. Posted portions closed to hunting from October 15 through March 15 annually.
- 40. Willcox Playa Wildlife Area (located in Unit 30A):
  - a. Open fires allowed in designated areas only.
  - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
  - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to all public entry from October 15 through March 15 annually.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 15 through March 15 annually.
- B.** Notwithstanding Commission Order 40, public access and use of the Hirsch Conservation Education Area and Biscuit Tank is limited to activities conducted and offered by the Department and in accordance with the Department's special management objectives for the property, which include, but are not limited to, flexible harvest, season, and methods that:
  - 1. Allow for a variety of fishing techniques, fish harvest, fish consumption, and catch and release educational experiences;
  - 2. Maintain a healthy, productive, and balanced fish community; and
  - 3. Provide public education activities and training courses that are compatible with the management of aquatic wildlife.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 8 A.A.R. 2107, effective May 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2).



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Amended by exempt rulemaking at 10 A.A.R. 1976, effective May 14, 2004 (Supp. 04-2). Amended by exempt rulemaking at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 12 A.A.R. 1698, effective May 19, 2006 (Supp. 06-2). Amended by exempt rulemaking at 13 A.A.R. 1741, effective May 18, 2007 (Supp. 07-2). Amended by exempt rulemaking at 14 A.A.R. 1841, effective April 22, 2008 (Supp. 08-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 841, effective June 17, 2014 (Supp. 14-1). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by exempt rulemaking at 22 A.A.R. 2209, effective October 4, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 27 A.A.R. 242, effective April 5, 2021 (Supp. 21-1).

**R12-4-803. Wildlife Area and Other Department Managed Property Boundary Descriptions**

**A. For the purposes of this Section:**

“B.C.” means brass cap.

“B.C.F.” means brass cap flush.

“G&SRB&M” means Gila and Salt River Base and Meridian.

“M&B” means metes and bounds.

“R” means Range line.

“T” means Township line.

**B. Wildlife Areas are described as follows:**

1. Alamo Wildlife Area: The Alamo Wildlife Area shall be those areas described as follows:  
T10N, R13W; Section 3 N1/2, SW1/4, SE1/4 Mohave County only; Section 4, E1/2SW1/4, SE1/4; Section 9, NE1/4, E1/2NW1/4; Section 10, NW1/4NW1/4, NE1/4NW1/4 within designated Wilderness Area. T11N, R11W; Section 7, S1/2SW1/4; Section 18, N1/2 NW1/4; T11N, R12W; Section 4, Lots 2, 3 and 4, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4; Section 5, Lot 1, SE1/4NE1/4, E1/2SE1/4; Section 7, S1/2, SE1/4 NE1/4; Section 8, NE1/4, S1/2NW1/4, S1/2; Section 9; Section 10, S1/2NW1/4, S1/2; Section 11, S1/2S1/2; Section 12, S1/2S1/2; Section 13, N1/2, N1/2SW1/4, NW1/4SE1/4; Section 14, N1/2, E1/2SE1/4; Section 15, N1/2, SW1/4SW1/4, SW1/4SE1/4; Section 16, 17, 18 and 19; Section 20, N1/2, N1/2SW1/4; Section 21, NW1/4; Section 29, SW1/4, SW1/4SE1/4; Section 30; Section 31, N1/2, N1/2S1/2; Section 32, NW1/4, N1/2SW1/4; T11N, R13W; Section 12, SE1/4SW1/4, SW1/4SE1/4, E1/2SE1/4; Section 13; Section 14, S1/2NE1/4, SE1/4SW1/4, SE1/4; Section 22, S1/2SW1/4, SE1/4; Section 23, E1/2, E1/2NW1/4, SW1/4NW1/4, SW1/4; Section 24, 25 and 26; Section 27, E1/2, E1/2W1/2; Section 34, E1/2, E1/2NW1/4, SW1/4; Section 35 W1/2, W1/2NE1/4; T12N, R12W; Section 19, E1/2, SE1/4SW1/4; Section 20, NW1/4NW1/4, SW1/4SW1/4; Section 28, W1/2SW1/4; Section 29, W1/2NW1/4, S1/2, SE1/4NW1/4; Section 30, E1/2, E1/2NW1/4, NE1/4SW1/4; Section 31, NE1/4NE1/4; Section 32, N1/2, N1/2

- 2SE1/4, SE1/4SE1/4; Section 33, W1/2E1/2, W1/2; all in G&SRB&M, Mohave and La Paz Counties, Arizona.
2. Allen Severson Memorial Wildlife Area: The Allen Severson Memorial Wildlife Area shall be that area including Pintail Lake and South Marsh lying within the fenced and posted portions of:  
T11N, R22E; Section 32, SE1/4; Section 33, S1/2SW1/4; T10N, R22E; Section 4, N1/2NW1/4; T10N, R22E; Section 4: the posted portion of the NW1/4SW1/4; all in G&SRB&M, Navajo County, Arizona, consisting of approximately 300 acres.
3. Aravaipa Canyon Wildlife Area: The Aravaipa Canyon Wildlife Area shall be that area within the flood plain of Aravaipa Creek and the first 50 vertical feet above the streambed within the boundaries of the Aravaipa Canyon Wilderness Area administered by the Bureau of Land Management (BLM), Graham and Pinal Counties, Arizona.
4. Arivaca Lake Wildlife Area: The Arivaca Lake Wildlife Area shall be those areas described as:  
A parcel or land located in Sections 6, 7 and 8 all of which being situated in T22S, R11E of the G&SRB&M, Pima County, Arizona described as follows: Commencing at the N1/4 corner of said Section 7 run thence S 43°42'30" E (assumed bearing) a distance of 742.14 feet to point 1, the point of Beginning; thence N 81°26'32" E a distance of 705.76 feet to point 2; thence N 09°54'25" E a distance of 305.96 feet to point 3; thence N 21°43'49" E a distance of 872.20 feet to point 4; thence S 84°14'14" E a distance of 471.36 feet to point 5; thence N 28°12'16" E a distance of 357.98 feet to point 6; thence N 85°30'7" E a distance of 110.05 feet to point 7; thence S 02°03'27" W a distance of 417.50 feet to point 8; thence N 88°20'00" E a distance of 141.99 feet to point 9; thence S 27°29'57" W a distance of 341.84 feet to point 10; thence N 60°20'59" W a distance of 297.87 feet to point 11; thence S 38°10'38" W a distance of 363.79 feet to point 12; thence S 03°36'24" E a distance of 222.07 feet to Point 13; thence S 59°52'05" E a distance of 133.71 feet to point 14 from which the northeast corner of said Section 7 bears N 76°07'51" E a distance of 689.94 feet, said northeast corner also being the common Section corner of Sections 5, 6, 7 and 8 of said Township and Range; thence S 59°18'56" W a distance of 225.86 feet to point 15; thence S 14°38'09" W a distance of 184.94 feet to point 16; thence N 73°08'58" E a distance of 282.60 feet to point 17; thence S 33°21'50" W a distance of 275.24 feet to point 18; thence S 16°37'03" E a distance of 294.45 feet to point 19; thence S 60°13'45" E a distance of 187.22 feet to point 20; thence N 09°21'57" E a distance of 502.65 feet to point 21; thence S 57°19'17" E a distance of 175.82 feet to point 22; thence S 06°20'39" W a distance of 405.88 feet to point 23; thence S 73°13'57" E a distance of 307.36 feet to point 24; thence N 72°27'59" E a distance of 108.77 feet to point 25; thence N 13°07'02" E a distance of 316.07 foot to point 26; thence N 15°41'38" E a distance of 292.54 feet to point 27; thence S 16°25'12" E a distance of 338.44 feet to point 28; thence N 60°53'52" E a distance of 349.03 feet to point 29; thence N 68°30'49" E a distance of 286.09 feet to point 30; thence S 09°14'22" W a distance of 396.67 feet to point 31; thence S 42°27'47" W a distance of 265.50 feet to point 32; thence N 86°09'01" W a distance of 253.50 feet to point 33; thence S 34°29'33" W a distance

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of 500.53 feet to point 34; thence S 59°56'05" W a distance of 120.42 feet to point 35; thence N 71°17'44" W a distance of 228.54 feet to point 36; thence S 69°42'17" W a distance of 120.88 feet to point 37; thence S 12°12'05" E a distance of 146.20 feet to point 38; thence S 83°22'20" E a distance of 339.63 feet to point 39; thence N 34°26'45" E a distance of 345.01 feet to point 40; thence N 88°14'41" E a distance of 272.60 feet to point 41; thence S 54°11'52" E a distance of 246.09 feet to point 42; thence S 76°42'33" W a distance of 304.58 feet to point 43; thence S 25°02'30" W a distance of 515.24 feet to point 44; thence N 54°58'47" W a distance of 330.22 feet to point 45; thence S 59°01'38" W a distance of 443.06 feet to point 46; thence S 28° 40' 19" E a distance of 381.98 feet to point 47; thence S 42°18'41" E a distance of 436.71 feet to point 48 from which the E1/4 corner of said Section 7 and common to the W1/4 corner of said Section 8 bears N 04°23'16" E a distance of 126.73 feet; thence N 87°40'07" E a distance of 385.96 feet to point 49; thence S 46°57'39" E a distance of 243.05 feet to point 50; thence S 13°06'06" W a distance of 183.34 feet to point 51; thence N 55°28'27" W a distance of 228.94 feet to point 52; thence S 55°08'41" W a distance of 330.40 feet to point 53; thence S 48°10'36" E a distance of 218.70 feet to point 54; thence S 06°38'09" E a distance of 140.86 feet to point 55; thence S 28° 04'14" E a distance of 892.21 feet to point 56; thence S 12°20'35" W a distance of 181.98 feet to point 58; thence S 63°52'33" E a distance of 230.70 feet to point 59; thence S 72°30'09" E a distance of 335.12 feet to point 60; thence S 41°39'07" W a distance of 498.00 feet to point 61; thence N 86°49'30" W a distance of 330.81 feet to point 62; thence N 34°09'15" W a distance of 1380.92 feet to point 63; thence S 86°14'38" W a distance of 310.49 feet to point 64; thence N 04°22'03" W a distance of 206.30 feet to point 65; thence N 70°41'46" E a distance of 226.45 feet to point 66; thence N 10°01'58" E a distance of 468.22 feet to point 67; thence N 67°59'02" W a distance of 220.56 feet to point 68; thence N 36°50'14" W a distance of 360.36 feet to point 69; thence N 04°31'00" E a distance of 187.56 feet to point 69A; thence N 53°13'11" W a distance of 85.56 feet to point 69B; thence S 31°01'48" W a distance of 322.05 feet to point 70; thence S 16°55'20" W a distance of 1033.42 feet to point 71; thence S 32°45'38" E a distance of 209.12 feet to point 72; thence S 64°28'24" W a distance of 319.54 feet to point 73; thence S 24°35'49" W a distance of 264.49 feet to point 74; thence S 42°38'39" W a distance of 428.36 feet to point 75; thence N 88°49'40" W a distance of 549.92 feet to point 76 from which the S1/4 corner of said Section 7 bears S 28°36'15" W a distance of 730.77 feet; thence N 27°38'55" W a distance of 456.55 feet to point 76A; thence N 21°18'02" E a distance of 2170.03 feet to point 78; thence N 00°01'17" E a distance of 958.28 feet to point 79; thence S 89°36'36" W a distance of 624.49 feet to point 80; thence N 00°05'06" E a distance of 553.06 feet to point 81 from which the N1/4 corner of said Section 7 bears N 14°02'18" W a distance of 734.38 feet; thence N 62°15'48" E a distance of 378.12 feet to the point of beginning; consisting of approximately 195.04 acres.

5. Arlington Wildlife Area: The Arlington Wildlife Area shall be those areas described as follows:

T1S, R5W, Section 33, E1/2SE1/4; T2S, R5W, Section 3, W1/2W1/2, Section 4, E1/2, and Parcel 401-58-001A as described by the Maricopa County Assessor's Office; a parcel of land lying within Section 4, T2S, R5W, more particularly described as follows: commencing at the southwest corner of said Section 4, 2-inch aluminum cap (A.C.) in pothole stamped "RLS 36562", from which the northwest corner of said Section, a 1 1/2-inch B.C. stamped "T1S R5W S32 S33 S5 S4 1968", bears N 00°09'36" E (basis of bearing) a distance of 4130.10 feet, said southwest corner being the point of beginning; thence along the west line of said Section, N 00°09'36" E a distance of 16.65 feet; thence leaving said west line, S 89°48'28" E a distance of 986.79 feet; thence N 00°47'35" E a distance of 2002.16 feet; thence N 01°07'35" E a distance of 2102.65 feet to the north line of said Section; thence along said north line S 89°18'45" E a distance of 1603.61 feet to the N1/4 corner of said Section, a 1/2-inch metal rod; thence leaving said north line, along the north-south midsection line of said Section, S 00°08'44" E a distance of 4608.75 feet to the S1/4 corner of said Section, a 3-inch B.C.F. stamped "T2S R5W 1/4S4 S9 RLS 46118 2008"; thence leaving said north-south midsection line, along the south line of said Section, N 79°10'54" W a distance of 2719.41 feet to the point of beginning. Subject to existing rights-of-way and easements. This parcel description is based on the Record of Survey for Alma Richardson Property, recorded in Book 996, page 25, Maricopa County Records and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of April, 2008 and October, 2009 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey; all in G&SRB&M, Maricopa County, Arizona. Section 9; NW1/4 and SW1/4; Section 3; LOT 4 SW1/4NW1/4, W1/2SW1/4 NE1/4SE1/4; Section 3; M&B in LOT 1 SE1/4NE1/4E1/2SE1/4; Section 9; M&B in NE1/4NE1/4; Section 10; SW1/4NW1/4; Section 15; those portions of S1/2W1/4 and N1/2SW1/4 lying west of the primary through road; Section 16; W1/2 M&B in E1/2E1/2 W1/2E1/2; Section 21; NE1/4NW1/4 and Parcel 401-61-008D as described by the Maricopa County Assessor's Office, more particularly described as follows: commencing at the BLM B.C. marking the northeast corner of said Section 21, from which the BLM B.C. marking the northwest corner of said Section 21 bears N 82°26'05" W a distance of 5423.64 feet; thence N 82°26'05" W along the north line of Section 21 a distance of 2711.82 feet to the NW1/4 corner of said Section 21; thence S 00°33'45" W along the north-southerly midsection line of said Section 21 a distance of 33.25 feet to the True Point of Beginning; thence continuing S 00° 33'45" W along said north-south midsection line a distance of 958.00 feet to a point on a line which is parallel with and 983.85 feet southerly, as measured at right angles from the north line of said Section 21; thence N 82°26'05" W along said parallel line a distance of 925.54 feet; thence N 26°12'18" W a distance of 153.32 feet; thence N 13°26'18" W a distance of 303.93 feet; thence N 34°15'49" W a distance of 189.27 feet; thence N 21°32'45" W a distance of 215.60 feet; thence N 89°25'47" W a distance of 95.37 feet to a point

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on the west line of the NE1/4N1/4 of said Section 21; thence N 00°34'13" E, along said west line a distance of 223.54 feet to a point on a line which is parallel with and 33.00 feet southerly, as measured at right angles from the north line of said Section 21; thence S 82°26'05" E along said parallel line, a distance of 1355.91 feet to the True Point of Beginning; all in G&SRB&M, Maricopa County, Arizona.

6. Base and Meridian Wildlife Area: The Base and Meridian Wildlife Area shall be those areas described as follows: T1N, R1E, Section 31; Maricopa County APN 101-44-023, also known as Lots 3, 5, 6, 7, 8 and NE1/4SW1/4, and Maricopa County APN 101-44-003J, also known as the S1/2S1/2SW1/4NW1/4 except the west 55 feet thereof; and 101-44-003K, also known as the S1/2S1/2SW1/4NW1/4 except the west 887.26 feet thereof; and Maricopa County APN 104-44-002S, also known as that portion of the N1/2SE1/4, described as follows: commencing at the aluminum cap set at the E1/4 corner of said Section 31, from which the 3" iron pipe set at the southeast corner of said Section 31, S 00°20'56" W a distance of 2768.49 feet; thence S 00°20'56" W along the east line of said SE1/4 of Section 31 a distance of 1384.25 feet to the southeast corner of said N1/2SE1/4; thence S 89°25'13" W along the south line of said N1/2SE1/4 a distance of 2644.35 feet to the southwest corner of said N1/2SE1/4 and the point of beginning; thence N 00°03'37" W along the west line of said SE1/4 a distance of 746.86 feet to the south line of the north 607.00 feet of said N1/2SE1/4; thence N 88°46'12" E along said south line of the north 607.00 feet of the N1/2SE1/4 a distance of 656.09 feet; thence S 00°03'37" E parallel with said west line of the SE1/4 a distance of 754.31 feet to said south line of the N1/2SE1/4; Thence S 89°25' 13" W along said south line of the N1/2SE1/4 a distance of 655.98 feet to the point of beginning. T1N, R1W, Section 34, N1/2SE1/4; Section 35, S1/2; Section 36. The Maricopa County APN 500-69-099; the W1/2SE1/4NE1/4. APN 500-69-099, 500-69-100, also known as that portion of the SE1/4SE1/4NE1/4. 500-69-010C, also known as that portion of the W1/2SE1/4NE1/4, except any portion of said W1/2SE1/4NE1/4 of Section 36 lying within the following described four parcels: Exception 1: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°10' E a distance of 846.16 feet to the point of beginning; thence continuing S 00°18' E a distance of 141.17 feet; thence S 87°51'15" W a distance of 570.53 feet; thence S 00°29' E a distance of 310.00 feet to the south line of said W1/2SE1/4NE1/4 of Section 36; thence N 89°29' W along the west line of said W1/2SE1/4NE1/4 of Section 36 a distance of 425.93 feet; said point bears S 00°29' E a distance of 895.93 feet from the northwest corner of said W1/2SE1/4NE1/4 of Section 36; thence N 85°54'33" E a distance of 647.01 feet to the point of beginning. Exception 2: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°18' E a distance of 846.16 feet to the point of beginning; said point being on the northerly line of the Flood Control District of Maricopa County parcel as shown in Document 84-26119, Maricopa County Records; thence S 85°54'33" W a distance of 647.01 feet to the west line of said W1/2SE1/4NE1/4 of Section 36; thence N 00°29' W along said west line a distance of 30

feet; thence N 84°23'15" E a distance of 228.19 feet; thence N 87°17'06" E a distance of 418.85 feet to the east line of the W1/2SE1/4NE1/4 of Section 36; thence S 00°18' E along said east line a distance of 26.00 feet to the point of beginning. Exception 3: the South 37.6 feet of said W1/2SE1/4NE1/4 of Section 36. Except all oil, gas and other hydrocarbon substances, helium or other substance of gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to the production of fissionable material as reserved in Arizona Revised Statutes. Exception 4: that part of the W1/2SE1/4NE1/4 of Section 36, T1N, R1W lying north of the following described line: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°18'00" E a distance of 820.16 feet, to the point of beginning; said point being on the northerly line of the Flood District of Maricopa County parcel as shown in Document 85-357813, Maricopa County Records; thence S 87°17'06" W a distance of 418.85 feet; thence S 84°23'15" W a distance of 228.19 feet to the west line of said W1/2SE1/4NE1/4 of Section 36 and the point of terminus. The above described parcel contains 162,550 sq. ft. or 3.7316 acres 500-69-001L and 500-69-001M, also known as the N1/2SE1/4, except the south 892.62 feet thereof. 500-69-001N, 500-69-001P, 500-69-001Q, 500-69-001R, 500-69-001T, 500-69-001X, 500-69-001Y, also known as that portion of the south 892.62 feet of the N1/2SE1/4. The SE1/4SE1/4NE1/4 of Section 36, T1N, R1W, except the south 37.6 feet of said SE1/4SE1/4NE1/4, and except the east 55 feet of said SE1/4SE1/4NE1/4, and except that part of said SE1/4SE1/4NE1/4 lying north of the most southerly line of the parcel described in Record 84-026119, Maricopa County Records, said southerly line being described as follows: beginning at the NE1/4S1/2NE1/4SE1/4NE1/4 of said Section 36; thence S 00°07' E along the east line of Section 36, a distance of 50.70 feet; thence S 89°53' W a distance of 55.00 feet to a point on the west line of the east 55.00 feet of said Section 36; thence S 00°07' E along said line, a distance of 510.00 feet; thence S 81°4'43" W a distance of 597.37 feet to a terminus point on the west line of said SE1/4SE1/4NE1/4 of Section 36, and except that part of said SE1/4SE1/4NE1/4 described as follows: commencing at the E1/4 corner of said Section 36; thence N 89°37'23" W along the south line of said SE1/4SE1/4NE1/4 of Section 36, a distance of 241.25 feet; thence N 18°53'04" E a distance of 39.65 feet to the point of beginning; thence continuing N 18°53'04" E a distance of 408.90 feet; thence S 81°04'43" W a distance of 222.55 feet; thence S 18°53'04" W a distance of 370.98 feet; thence S 89°37'23" E a distance of 207.58 feet to the point of beginning. That portion of land lying within the SE1/4SE1/4NE1/4 of Section 36, T1N, R1W, and the S1/2SW1/4NW1/4 of Section 31, T1N, R1E, as described in Document Number 99-1109246. Except the west 22 feet of the property described in Recorder Number 97-0425420, also known as APN 101-44-003G; and except the west 22 feet of the property described in Recorder Number 97-566498, also known as APN 101-44-013; all in G&SRB&M, Maricopa County, Arizona.

7. Becker Lake Wildlife Area: The Becker Lake Wildlife Area shall be that area including Becker Lake lying within the fenced and posted portions of:

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T9N, R29E, Section 19, SE1/4SE1/4 also known as APN 105-07-001; Section 20, SW1/4SW1/4; beginning at a point 1012 feet north of the southwest corner of the SE1/4SW1/4 of Section 20, T9N, R29E; thence north 1285 feet; thence east a distance of 462 feet; thence south a distance of 2122 feet, more or less to the center of U.S. Highway 60; thence in a northwesterly direction along the center of U.S. Highway 60 a distance of 944 feet, more or less; thence west a distance of 30 feet, more or less to the point of beginning, also known as APN 105-08-002); Section 29, W1/2NW1/4, NW1/4SW1/4, also known as APN 105-15-003; beginning at the S1/4 corner of said Section 29, said point being the True Point of Beginning; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29, a distance of 1329.15 feet to the center-south 1/16 corner of said Section 29; thence S 89°53'01" W along the southern boundary of the NE1/4SW1/4 of said Section 29, a distance of 99.69 feet; thence N 00°43'20" E a distance of 417.54 feet; thence S 89°31'37" E a distance of 99.69 feet; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29 a distance of 374.40 feet; thence N 88°49'48" E a distance of 474.94 feet; thence N 27°35'15" E a distance of 99.21 feet; thence N 04°13'26" W a distance of 160.59 feet; thence N 37°38'44" E a distance of 12.27 feet; thence S 26°22'25" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet; thence S 26°22'27" E a distance of 1203.23 feet; thence S 63°58'58" W a distance of 200.00 feet; thence S 36°24'36" E a distance of 375.11 feet; thence S 00°24'06" W a distance of 490.79 feet; thence S 01°22'24" E a distance of 110.21 feet; thence S 22°27'23" E a distance of 44.27 feet; thence N 89°48'03" W a distance of 1331.98 feet to the True Point of Beginning, also known as APN 105-15-014E; beginning at the corner of Sections 28, 29, 32 and 33, T9N, R29E of G&SRB&M, Apache County, Arizona; thence N 54°21'09" W a distance of 1623.90 feet; thence N 26°00'59" W a distance of 100.00 feet; thence N 26°22'14" W a distance of 1203.23 feet to the True Point of Beginning; thence N 26°22'27" W a distance of 351.19 feet; thence S 55°14'10" W a distance of 38.42 feet; thence S 37°38'44" W a distance of 12.38 feet; thence S 26°22'14" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet to the True Point of Beginning, also known as APN 105-15-014C. S1/2SW1/4, except the following described parcel: commencing at a 2-inch aluminum cap monument stamped LS 8906 located at the Section corner common to Sections 29, 30, 31 and 32 of said Township and Range; thence bear S 89°46'16" E along the Section line common to Sections 29 and 32, a distance of 1038.05 feet to the True Point of Beginning; thence N 35°17'33" E along the northwest boundary of the Springerville Municipal Airport a distance of 328.32 feet; thence S 39°31'26" E a distance of 349.55 feet to a point on the Section line common to Sections 29 and 32; thence N 89°46'44" W a distance of 131.96 feet to the W1/16 corner of Sections 29 and 32; thence N 89°46'16" W a distance of 280.18 feet to the True Point of Beginning. Section 30, NE1/4SE1/4, E1/2NE1/4 also known as APN 105-16-001; W1/2NE1/4, W1/2NE1/4 also known as APN 105-16-002; Section 32, beginning at the N1/4 corner of said Section 32, said point being the True Point of Beginning; thence S 89°48'03" E along the north line of said Section 32 a dis-

tance of 1331.98 feet; thence S 21°49'15" E a distance of 198.07 feet; thence S 20°56'35" W a distance of 191.75 feet; thence S 19°53'23" W a distance of 24.65 feet; thence S 39°17'55" W a distance of 86.61 feet; thence S 01°41'36" E a distance of 13.60 feet; thence S 50°13'33" W a distance of 1.29 feet; thence S 02°24'23" E a distance of 906.39 feet; thence S 00°44'11" W a distance of 466.82 feet; thence S 35°26'56" W a distance of 218.51 feet; thence S 89°57'05" W a distance of 1141.87 feet; thence N 07°57'52" E a distance of 328.83 feet; thence N 77°39'30" W a distance of 68.79 feet; thence N 00°30'56" W a distance of 334.16 feet to a 1/16th section corner; thence N 00°30'56" W a distance of 1349.10 feet to the True Point of Beginning. Except therefrom any portion lying in the S1/2SW1/4NE1/4 of said Section 32 also known as APN 105-18-008A; all that portion of the NE1/4NW1/4 of Section 32, T9N, R29E of G&SRB&M, Apache County, Arizona, lying east of the Becker Lake Roadway; except for the following described parcel: from the NW1/16 corner of said Section 32; thence S 89°45'28" E along the 1/16 line a distance of 736.55 feet to the True Point of Beginning, said point being in the west rights-of-way limits of Becker Lake Rd.; thence N 06°09'00" W along the west line of said right-of-way a distance of 266.70 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 263.42 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 198.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence N 78°43'10" E a distance of 158.40 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 47°05'42" E a distance of 65.65 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 29°24'20" E a distance of 202.48 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 48°03'17" W a distance of 146.19 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 19°36'10" W a distance of 115.75 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 00°38'05" East a distance of 74.66 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 14°52'53" E a distance of 125.09 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 15°08'20" E a distance of 136.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 89°58'07" W a distance of 144.13 feet to the True Point of Beginning, also known as APN 105-18-012G.

8. Bog Hole Wildlife Area: The Bog Hole Wildlife Area lying in Sections 29, 32 and 33, T22S, R17E shall be the fenced and posted area described as follows: beginning at the southeast corner of Section 32, T22S, R17E, G&SRB&M, Santa Cruz County, Arizona; thence N 21°42'20" W a distance of 1394.86 feet to the True Point of Beginning; thence N 9°15'26" W a distance of 1014.82 feet; thence N 14°30'58" W a distance of 1088.82 feet; thence N 36°12'57" W a distance of 20.93 feet; thence N 50°16'38" W a distance of 1341.30 feet; thence N 57°51'08" W a distance of 1320.68 feet; thence N 39°03'53" E a distance of 1044.90 feet; thence N 39°07'43" E a distance of 1232.32 feet; thence S 36°38'48" E a distance of 1322.93 feet; thence S 43°03'17" E a distance of 1312.11 feet; thence S 38°19'38" E a distance of 1315.69 feet; thence S 13°11'59" W a distance of 2083.31 feet; thence S

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69°42'45" W a distance of 920.49 feet to the True Point of Beginning.

9. Chevelon Canyon Ranches Wildlife Area: The Chevelon Canyon Ranches Wildlife Area shall be those areas described as follows:

Duran Ranch: T12N, R14E; Sections 6 and 7, more particularly bounded and described as follows: beginning at Corner 1, from which the Standard Corner to Section 31 in T13N, R14E and Section 36 T13N, R13E, bears N 11°41' W 21.53 chains distant; thence S 26°5' E 6.80 chains to Corner 2; thence S 66° W 12.74 chains to Corner 3; thence S 19°16' W 13.72 chains to Corner 4; thence S 29°1' W 50.02 chains to Corner 5; thence N 64°15' W five chains to Corner 6; thence N 28°54' E 67.97 chains to Corner 7; thence N 55°36' E 11.02 to Corner 1; the place of beginning.; all in G&SRB&M, Coconino County, Arizona. Dye Ranch: T12N, R14E Sections 9 and 16, more particularly described as follows: beginning at Corner 1 from which the Standard corner to Sections 32 and 33 in T13N, R14E, bears N 2° 24' E 127.19 chains distant; thence S 50°20' E 4.96 chains to corner 2; thence S 29°48' W 21.97 chains to Corner 3; thence S 14°45' W 21.00 chains to Corner 4; thence N 76°23' W 3.49 chains to Corner 5; thence N 10°13' W 14.02 chains to Corner 6; thence N 19°41' E 8.92 chains to Corner 7; thence N 38°2' E 24.79 chains to Corner 1, the place of beginning; all in G&SRB&M, Coconino County, Arizona. Tillman Ranch: T12N, R14E land included in H.E. Survey 200 embracing a portion of approximately Sections 9 and 10 in T12N, R14E of G&SRB&M; all in G&SRB&M, Coconino County, Arizona. Vincent Ranch: T12N, R13E; Sections 3 and 4, more particularly described as follows: beginning at Corner 1, from which the south corner to Section 33, T13N, R13E, bears N 40°53' W 16.94 chains distance; thence S 53° 08' E 2.98 chains to Corner 2; thence S 11°26' W 6.19 chains to Corner 3; thence S 49°43' W 22.41 chains to Corner 4; thence S 22°45' W 30.03 chains to Corner 5; thence N 67°35' W 6.00 chains to Corner 6; thence N 23° E 30.03 chains to Corner 7; thence N 42°18' E 21.19 chains to Corner 8; thence N 57°52' E 8.40 chains to Corner 1, the place of beginning; all in G&SRB&M, Coconino County, Arizona. Wolf Ranch: T12N, R14E, Sections 18 and 19, more particularly bounded and described as follows: beginning at Corner 1, from which the U.S. Location Monument 184 H. E. S. bears S 88°53' E 4.41 chains distant; thence S 34°4' E 11.19 chains to Corner 2; thence S 40°31' W 31.7 chains to Corner 3; thence S 63°3' W 7.97 chains to Corner 4; thence S 23°15' W 10.69 chains to Corner 5; thence N 59° W 2.60 chains to Corner 6; thence N 18°45' E 10.80 chains to Corner 7; thence N 51°26' E 8.95 chains to Corner 8; thence N 30°19' E 34.37 chains to Corner 1; the place of beginning; all in G&SRB&M, Coconino County, Arizona.

10. Chevelon Creek Wildlife Area: The Chevelon Creek Wildlife Area shall be those areas described as follows: Parcel 1: The S1/2S1/2NW1/4SW1/4 of Section 23, T18N, R17E of G&SRB&M; Parcel 2: Lots 1, 2, 3 and 4 of Section 26, T18N, R17E of G&SRB&M; Parcel 1: That portion of the NE1/4 of Section 26 lying northerly of Chevelon Creek Estates East Side 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona, all in T18N, R17E of G&SRB&M, Navajo County, Arizona. Parcel 2: That

part of Tract A, Chevelon Creek Estates East Side 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona lying northerly of the following described line: beginning at the southwest corner of Lot 3 of said subdivision; thence southwesterly in a straight line to the southwest corner of Lot 6 of said subdivision.

11. Cibola Valley Conservation and Wildlife Area: The Cibola Valley Conservation and Wildlife Area shall be those areas described as follows:

Parcel 1: this parcel is located in the NW1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying east of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the northeast corner of the NW1/4 of said Section 36; thence south and along the east line of the NW1/4 of said Section 36, a distance of 2646.00 feet to a point being the southeast corner of the NW1/4 of said Section 36; thence westerly and along the south line of the NW1/4 a distance of 1711.87 feet to a point of intersection with the east line of the aforementioned right of way; thence northerly and along said east line of the aforementioned right of way, a distance of 2657.20 feet along a curve concave easterly, having a radius of 9260.00 feet to a point of intersection with the north line of the NW1/4 of said Section 36; thence easterly and along the north line of the NW1/4 of said Section 36, a distance of 1919.74 feet to the point of beginning. Parcel 2: this parcel is located in the U.S. Government Survey of Lot 1 and the E1/2SW1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying east of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the S1/4 corner of said Section 36; thence westerly and along the south line of said Section 36, a distance of 610.44 feet to a point of intersection with the east line of the aforementioned right of way; thence northerly along said east line of the of the aforementioned right of way and along a curve concave southwesterly, having a radius of 17350.00 feet, a distance of 125.12 feet; thence continuing along said right of way line and along a reverse curve having a radius of 9260.00 feet, a distance of 2697.10 feet to a point of intersection with the east-west midsection line of said Section 36; thence easterly along said east-west midsection line, a distance of 1711.87 feet to a point being the center of said Section 36; thence south and along the north-south midsection line, a distance of 2640.00 feet to the point of beginning. Parcel 3: this parcel is located in the E1/2NE1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona. Parcel 4: this parcel is located in the E1/2NW1/4SW1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the south right of way line of U.S.A. Levee; except therefrom that portion lying within Cibola Sportsman's Park, according to the plat thereof recorded in Book 4 of Plats, Page 58, records of Yuma (now La Paz) County, Arizona; and further excepting the N1/2E1/2NW1/4SW1/4. Parcel

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5: this parcel is located in the S1/2SW1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Except the west 33.00 feet thereof; and further excepting that portion more particularly described as follows: the N1/2NW1/4SW1/4SW1/4 of said Section, excepting the north 33.00 feet and the east 33.00 feet thereof. Parcel 6: this parcel is located in the SW1/4SE1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 7: this parcel is located in Sections 24 and 25, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and east of Meander line per BLM Plat 2647C. Parcel 8: this parcel is located in the W1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River. Except that portion in condemnation suit Civil 5188PHX filed in District Court of Arizona entitled USA -vs- 527.93 acres of land; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 9: this parcel is located in the N1/2NE1/4SE1/4; and the W1/2SW1/4NE1/4SE1/4; and that portion of the SE1/4NE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the south right of way line of the U.S.B.R. Levee; except the east 33.00 feet thereof; and further excepting that portion more particularly described as follows: commencing at the northeast corner of the SE1/4 of said Section 20; thence S 0°24'00" E along the east line, a distance of 380.27 feet; thence S 89°36'00" W a distance of 50.00 feet to the True Point of Beginning; thence continuing S 89°36'00" W a distance of 193.00 feet; thence N 0°24'00" W a distance of 261.25 feet; thence S 70°11'00" E a distance of 205.67 feet to the west line of the east 50.00 feet of said SE1/4 of Section 20; thence S 0°24'00" E a distance of 190.18 feet to the True Point of Beginning; excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 10: this parcel is located in the S1/2SE1/4 Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona; except the east 33.00 feet thereof. Parcel 11: This parcel is located in the SW1/4NE1/4; and the NW1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and west of the Meander line per BLM Plat 2546B; except any portion thereof lying within U.S.A. Lots 5 and 6 of said Section 20, as set forth on BLM Plat 2546B; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 12: this parcel is located in the SE1/4NE1/4SE1/4; and the E1/2SW1/4NE1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 13: this parcel is located in the E1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River; except the W1/2W1/2SE1/4SW1/4SE1/4; except the E1/2E1/2SW1/4SW1/4SE1/4; except the SW1/4SW1/4NE1/4; except the W1/2SE1/4SW1/4NE1/4; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River water-

ward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 14: this parcel is located in the SW1/4SW1/4NE1/4; and the W1/2SE1/4SW1/4NE1/4 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and protection levees and front work, excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 15: this parcel is located in the W1/2 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona; except the west 133.00 feet thereof; except any portion lying within the U.S. Levee or Channel right of way or any portion claimed by the U.S. for Levee purposes or related works; and except the SE1/4SE1/4SW1/4 of said Section 20. Parcel 16: this parcel is located in the SE1/4SE1/4SW1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona.

12. Clarence May and C.M.H. May Memorial Wildlife Area: The Clarence May and C.M.H. May Memorial Wildlife Area shall be the SE1/4 of Section 8 and N1/2NE1/4 of Section 17, T17S, R31E, and the W1/2SE1/4, S1/2NW1/4, and SW1/4 of Section 9, T17S, R31E, G&SRB&M, Cochise County, Arizona, consisting of approximately 560 acres.
13. Cluff Ranch Wildlife Area: The Cluff Ranch Wildlife Area is that area within the fenced and posted portions of Sections 13, 14, 23, 24, and 26, T7S, R24E, G&SRB&M, Graham County, Arizona; consisting of approximately 788 acres.
14. Coal Mine Spring Wildlife Area: The Coal Mine Spring Wildlife Area shall be those areas described as:  
Phase I: That portion of the N1/2 of the Baca Location No. 3, also known as the Baca Float No. 3 in Santa Cruz County, Arizona according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows: Beginning at the southeast corner of Lot 128, as shown on the record of survey of Salero Ranch Unit 7, recorded in Book 2 of Records of Survey, page 455, records of Santa Cruz County, Arizona. Thence the following 13 courses and distances upon the boundary line of said Salero Ranch Unit 7; N 29°42'21" E a distance of 2605.96 feet; S 58°19'30" E a distance of 1154.77 feet; thence N 19°14'52" E a distance of 1039.92 feet; thence N 56°11'38" E a distance of 1160.51 feet; thence N 26°24'15" W a distance of 1201.99 feet; thence N 12°43'46" W a distance of 1774.13 feet; thence N 60°37'49" W a distance of 1403.00 feet; thence S 87°25'09" W a distance of 2733.59 feet; thence S 69°40'43" W a distance of 1437.62 feet; thence S 90°00'00" W a distance of 640.89 feet; thence N 5°17'55" E a distance of 1274.34 feet; thence N 11°18'44" E a distance of 2193.00 feet; thence N 2°31'52" W a distance of 1109.93 feet to the northeast corner of Lot 110 of said Salero Ranch Unit 7, on the southerly boundary line of Salero Ranch Unit 4, as shown on the record of survey recorded in Book 2 of Records of Survey, page 454, records of Santa Cruz County, Arizona; thence S 77°20'10" E a distance of 1403.77 feet upon said southerly boundary line; thence N 85°19'15" E a distance of

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415.73 feet upon said southerly boundary line; thence N 83°19'40" E a distance of 1332.97 feet upon said southerly boundary line; thence S 53°17'58" E a distance of 2353.56 feet; thence S 79°45'10" E a distance of 2127.16 feet; thence N 78°08'19" E a distance of 1754.99 feet; thence S 76°40'30" E a distance of 645.76 feet; thence N 8°06'04" E a distance of 2439.25 feet; thence N 83°38'56" E a distance of 2626.58 feet; thence S 4°32'48" E a distance of 1300.66 feet; thence S 22°28'06" E a distance of 1289.33 feet; thence S 41°28'30" E a distance of 693.93 feet; thence N 64°37'22" E a distance of 1137.61 feet; thence S 22°10'49" E a distance of 2355.11 feet; thence S 27°36'21" W a distance of 931.18 feet; thence S 42°06'28" E a distance of 800.14 feet; thence S 23°50'04" W a distance of 5166.49 feet; thence S 0°00'00" W a distance of 853.11 feet to the easterly projection of the south line of said Salero Ranch Unit 7; thence S 90°00'00" W 6 a distance of 239.35 feet upon said easterly projection; thence S 0°00'00" E a distance of 376.92 feet to a 1/2-inch rebar at the northeast corner of the abandonment and reversion to acreage plat, recorded in Book 4 of Maps and Plats at page 35, records of Santa Cruz County, Arizona, also being the northeast corner of the Sonoita Creek State Natural Area, recorded in Book 2 of Records of Survey at page 68, records of Santa Cruz County, Arizona; thence N 89°36'12" W a distance of 4547.83 feet upon the north line of said abandonment and reversion to acreage plat and said Sonoita Creek Natural State Area; thence N 29°42'21" E a distance of 397.69 feet to the point of beginning.

Phase II: Portions of the N1/2 of the Baca Location No. 3, also known as the Baca Float Location No. 3 in Santa Cruz County, Arizona, according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows:

Parcel 1: Beginning at "PT 17", as shown in the record of survey Coal Mine Canyon, recorded in Book 2 of Records of Survey, page 651, records of Santa Cruz County, Arizona, also being the southwest corner of Lot 102 of Salero Ranch Unit 4, as shown on the record of survey recorded in Book 2 of Records of Survey, page 454, records of Santa Cruz County, Arizona; thence N 58°47'17" E a distance of 1817.43 feet upon the boundary line of said Salero Ranch Unit 4; thence N 34°12'25" E a distance of 2213.94 feet upon said boundary line; thence N 62°07'32" E a distance of 792.65 feet upon said boundary line; thence departing said boundary line, N 80°16'25" E a distance of 2588.25 feet; thence S 66°29'16" E a distance of 913.97 feet; thence S 48°56'10" E a distance of 3171.87 feet to "PT 23" of said record of survey of Coal Mine Canyon; thence the following 6 courses upon said boundary line of said record of survey; thence S 83°38'56" W a distance of 2626.58 feet; thence S 8°06'04" W a distance of 2439.25 feet; thence N 76°40'30" W a distance of 645.76 feet; thence S 78°08'19" W a distance of 1754.99 feet; thence N 79°45'10" W a distance of 2127.16 feet; thence N 53°17'58" W a distance of 2353.56 feet to the point of beginning. Containing approximately 634.858 acres.

Parcel 2: Beginning at "PT 23", as shown in the record of survey Coal Mine Canyon; thence S 42°44'49" E a distance of 6724.97 feet; thence S 23°50'04" W a distance of

4984.18 feet; thence S 58°24'44" W a distance of 1555.88 feet to the easterly boundary line of said record of survey; thence N 23°50'04" E a distance of 4583.50 feet upon said easterly line to "PT 30"; thence following 7 courses upon the boundary line of said record of survey; thence N 42°06'28" W a distance of 800.14 feet; thence N 27°36'21" E a distance of 931.18 feet; thence N 22°10'49" W a distance of 2355.11 feet; thence S 64°37'22" W a distance of 1137.61 feet; thence N 41°28'30" W a distance of 693.93 feet; thence N 22°28'06" W a distance of 1289.33 feet; thence N 4°32'48" W a distance of 1300.66 feet to the point of beginning. Containing approximately 238.928 acres, with both parcels containing approximately 873.8 acres.

Phase III: A portion of the N1/2 of the Baca Location No. 3, also known as the Baca Float Location No. 3 in Santa Cruz County, Arizona, according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows:

Parcel I: Beginning at "PT 32", as shown in the record of survey Coal Mine Canyon, recorded in Book 2 of Records of Survey, page 651, records of Santa Cruz County, Arizona, thence N 00°00'00" E a distance of 853.11 feet upon the east line of said Coal Mine Canyon; thence N 23°50'04" E a distance of 582.99 feet upon said east line; thence departing said east line, N 58°24'44" E a distance of 1555.88 feet; thence N 23°50'04" E a distance of 4984.07 feet; thence N 42°44'46" W a distance of 6725.01 feet to "PT 23" of said record of survey; thence N 48°56'10" W a distance of 248.35 feet to the most southerly corner of Lot 167 of Salero Ranch Amended Unit 5, a record of survey recorded in Book 2 of Surveys at page 890, records of Santa Cruz County, Arizona; thence N 64°11'14" E a distance of 1596.01 feet upon the southerly line of said lot 167; thence departing said southerly line, N 05°09'36" E a distance of 1369.85 feet; thence N 53°17'18" E a distance of 65.27 feet; thence N 35°52'16" E a distance of 125.74 feet; thence N 74°11'01" E a distance of 169.04 feet; thence N 55°03'38" E a distance of 178.31 feet; thence N 85°27'03" E a distance of 214.56 feet; thence N 69°11'45" E a distance of 152.18 feet; thence N 38°28'18" E a distance of 21.66 feet; thence N 85°02'24" E a distance of 41.31 feet; thence N 38°28'18" E a distance of 586.88 feet; thence N 50°53'07" E a distance of 190.20 feet; thence S 18°53'17" E a distance of 63.40 feet; thence S 08°07'48" E a distance of 102.38 feet to a tangent curve concave northeasterly; thence southeasterly upon said arc of said curve to the left, having a radius of 380.00 feet and a central angle of 77°14'41", for an arc distance of 512.31 feet to a tangent line; thence S 85°22'29" E a distance of 279.02 feet; thence S 70°54'30" E a distance of 129.90 feet; thence N 83°37'47" E a distance of 142.49 feet; thence S 62°23'38" E a distance of 198.13 feet; thence S 36°56'10" E a distance of 113.72 feet; thence S 58°09'14" E a distance of 170.59 feet; thence N 87°32'08" E a distance of 64.89 feet to a tangent curve concave southerly; thence easterly upon the arc of said curve to the right, having a radius of 700.00 feet and a central angle of 23°48'20", for an arc distance of 290.84 feet to a compound curve concave southwesterly; thence southeasterly upon the arc of said curve to the right, having a radius of 100.00 feet and a

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central angle of 55°43'08", for an arc distance of 97.25 feet to a reverse curve concave northerly; thence easterly upon said arc of said curve to the left, having a radius of 100.00 feet and a central angle of 176°30'32", for an arc distance of 308.07 feet to a non-tangent line; thence N 80°33'04" E a distance of 772.85 feet; thence S 00°31'59" W a distance of 1378.17 feet; thence S 57°01'50" E a distance of 565.37 feet; thence S 11°27'08" E a distance of 1517.29 feet; thence S 61°34'44" W a distance of 493.92 feet to the south line of Lot 162 of said Salero Ranch Amended Unit 5; thence continue S 61°34'44" W a distance of 125.58 feet; thence S 90°00'00" W a distance of 333.31 feet; thence S 00°00'00" W a distance of 807.64 feet; thence S 48°51'24" W a distance of 807.64 feet; thence S 12°09'23" E a distance of 879.27 feet; thence S 04°52'34" W a distance of 1219.26 feet; thence S 08°58'33" E a distance of 630.90 feet; thence S 02°41'39" W a distance of 683.84 feet; thence S 38°57'06" W a distance of 883.05 feet; thence S 00°36'34" W a distance of 695.56 feet; thence S 33°38'55" W a distance of 695.56 feet; thence S 39°38'10" E a distance of 521.88 feet; thence S 00°28'11" E a distance of 521.88 feet; thence S 89°31'49" W a distance of 980.46 feet; thence S 20°25'57" W a distance of 836.32 feet; thence S 36°28'11" E a distance of 2307.36 feet; thence S 00°00'00" W a distance of 611.63 feet to the south line of the N1/2 of said Baca Float No. 3; thence N 89°52'37" W a distance of 3334.98 feet upon said south line; thence N 00°00'00" W a distance of 200.46 feet to the point of beginning.

Phase IV: Portions of APN: 112-43-002B. A portion of the N1/2 of the Baca Location No. 3, also known as the Baca Float Location No. 3 in Santa Cruz County, Arizona, according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows:

Parcel A: Beginning at the southwest corner of lot 161 of Salero Ranch 2nd Amended Unit 5 recorded as document No. 2008-01905, said records of the Santa Cruz County Recorder, said corner also being labeled as "PT 57" on the record of survey for trust for public land Phase II, recorded as document No. 2008-04365, said records of the Santa Cruz County Recorder; thence S 04°52'34" W a distance of 1219.26 feet upon the east line of Parcel 1, as shown on said survey for trust for public land Phase II, to the corner labeled "PT 56" on said record of survey; thence S 08°58'33" E a distance of 630.90 feet upon said east line to the corner labeled "PT 55"; thence S 02°41'39" W a distance of 683.84 feet upon said east line to the corner labeled "PT 54"; thence S 38°57'06" W a distance of 450.07 feet upon said east line; thence departing said east line, N 72°31'14" E a distance of 380.13 feet; thence N 42°04'28" E a distance of 168.63 feet; thence N 06°07'23" E a distance of 458.79 feet; thence N 09°13'50" W a distance of 428.46 feet; thence N 16°07'21" W a distance of 689.05 feet; thence N 10°00'14" E a distance of 341.00 feet; thence N 00°15'23" W a distance of 754.93 feet to the point of beginning.

Parcel B: Commencing at said above noted corner labeled "PT 54" on said east line as shown on said record of survey of the trust for public land Phase III, thence S 38°57'06" W a distance of 883.05 feet upon said east line

to the corner labeled "PT 53", the point of beginning; thence S 00°36'34" W a distance of 695.56 feet upon said east line to the corner labeled "PT 52"; thence N 30°38'23" E a distance of 217.38 feet; thence N 03°24'47" W a distance of 299.47 feet; thence N 22°12'34" W a distance of 226.35 feet to the point of beginning.

15. Colorado River Nature Center Wildlife Area: The Colorado River Nature Center Wildlife Area is Section 10 of T19N, R22W, bordered by the Fort Mojave Indian Reservation to the west, the Colorado River to the north, and residential areas of Bullhead City to the south and east, G&SRB&M, Mohave County, Arizona.
16. Fool Hollow Lake Wildlife Area: The Fool Hollow Lake Wildlife Area shall be that area lying in those portions of the S1/2 of Section 7 and of the N1/2N1/2 of Section 18, T10N, R22E, G&SRB&M, described as follows: beginning at a point on the west line of the said Section 7, a distance of 990 feet south of the W1/4 corner thereof; thence S 86°12' E a distance of 2533.9 feet; thence S 41°02' E a distance of 634.7 feet; thence east a distance of 800 feet; thence south a distance of 837.5 feet, more or less to the south line of the said Section 7; thence S 89°53' W along the south line of Section 7 a distance of 660 feet; thence S 0°07' E a distance of 164.3 feet; thence N 89°32' W a distance of 804.2 feet; thence N 20°46' W a distance of 670 feet; thence S 88°12' W a distance of 400 feet; thence N 68°04' W a distance of 692 feet; thence S 2°50' W a distance of 581 feet; thence N 89°32' W a distance of 400 feet; thence N 12°40' W a distance of 370.1 feet, more or less, the north line of the SW1/4SW1/4SW1/4 of said Section 7; thence west a distance of 483.2 feet, more or less, along said line to the west line of Section 7; thence north to the point of beginning.
17. House Rock Wildlife Area: The House Rock Wildlife Area is that area described as follows: beginning at the common 1/4 corner of Sections 17 and 20, T36N, R4E; thence east along the south Section lines of Sections 17, 16, 15, 14, 13 T36N, R4E, and Section 18, T36N, R5E, to the intersection with the top of the southerly escarpment of Bedrock Canyon; thence southeasterly along the top of said escarpment to the top of the northerly escarpment of Fence Canyon; thence along the top of said north escarpment to its intersection with the top of the southerly escarpment of Fence Canyon; thence northeasterly along the top of said southerly escarpment to its intersection with the top of the escarpment of the Colorado River; thence southerly along top of said Colorado River escarpment to its intersection with Boundary Ridge in Section 29, T34N, R5E; thence westerly along Boundary Ridge to its intersection with the top of the escarpment at the head of Saddle Canyon; thence northerly along the top of the westerly escarpment to its intersection with a line beginning approximately at the intersection of the Cockscomb and the east fork of South Canyon extending southeast to a point approximately midway between Buck Farm Canyon and Saddle Canyon; thence northwest to the bottom of the east fork of South Canyon in the SW1/4SW1/4 of Section 16, T34N, R4E; thence northerly along the west side of the Cockscomb to the bottom of North Canyon in the SE1/4 of Section 12, T35N, R3E; thence northeasterly along the bottom of North Canyon to a point where the slope of the land becomes nearly flat; thence northerly along the westerly edge of House Rock Valley to the



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point of beginning; all in G&SRB&M, Coconino County, Arizona.

18. Jacques Marsh Wildlife Area: The Jacques Marsh Wildlife Area is that area within the fenced and posted portions of the SE1/4, SW1/4SW1/4NE1/4, SE1/4NW1/4, SW1/4NW1/4, Section 11; and NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.
19. Lamar Haines Wildlife Area: The Lamar Haines Wildlife Area is that area described as: T22N, R6E, Section 12 NW1/4, G&SRB&M, Coconino County, Arizona.
20. Lower San Pedro River Wildlife Area: The Lower San Pedro River Wildlife Area shall be those areas described as follows:

For the Triangle Bar Ranch Property: Parcel 1: that portion of the SE1/4 of Section 22, T7S, R16E, G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the southeast corner of Section 22, to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence N 00°38'57" W along the east line of the SE1/4 of Section 22 a distance of 2626.86 feet to a point being the E1/4 corner of Section 22 a 2.5" Aluminum Cap stamped PLS 35235; thence S 89°00'32" W along the north line of the SE1/4 of Section 22 a distance of 1060.80 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 12°30'55" E a distance of 673.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 36°31'44" E a distance of 491.55 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 689 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 00°31'09" W a distance of 400.00 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 1320.00 feet to a point on the west line of the SE1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°31'09" E a distance of 1454.09 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E a distance of 1387.86 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 53°14'11" E a distance of 322.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'49" W a distance of 321.71 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E along said South line of Section 22 a distance of 1011.31 feet to the point of beginning; containing 110.65 acres, more or less. Parcel 2: that portion of Sections 23 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the point on the south line of Section 23, which point is 720 feet east of the southwest corner of Section 23, said point being a 1/2" Iron Pin tagged PLS 35235; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 on the west line of Section 23; thence S 00°38'57" E a distance of 1691.03 feet (south, record) to the southwest corner of Section 23 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence along the south line of Section 23 N 89°02'45" E a distance of 720.00 feet (east, a distance of 720.00 feet, recorded) to the point of beginning; containing 13.98 acres, more or less. Parcel 3: lots 2 and 3, and the NE1/4NW1/4, SE1/4NW1/4, and NE1/4SW1/4 of Sections 18 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: commencing at the northwest corner of Section 18, said point being a GLO B.C. stamped

Sec 18 CC; thence S 89°47'17" E along the north line of Section 18, a distance of 1271.33 feet to a point being a 1/2" Iron Pin tagged PLS 35235, and being the point of beginning, said point is the northwest corner of the NE1/4NW1/4; thence S 89°47'17" E a distance of 1320.00 feet to a point being the N1/4 corner of Section 18, to a point being a found stone marked 1/4; thence S 01°35'23" E a distance of 4020.67 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 to a point being the southeast corner or the NE1/4SW1/4 of Section 18; thence N 89°37'16" W a distance of 2610.28 feet to a point on the west line of Section 18 to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the southwest corner of Lot 3; thence N 01°17'05" W along the west line of Section 18, a distance of 1360.825 feet to a point being the W1/4 corner of Section 18, to a point being a found stone marked 1/4; thence N 01°20'34" W along the west line of Section 18 a distance of 1325.845 feet to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the northwest corner of Lot 2; thence S 89°32'47" E a distance of 1279.09 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 approximately 0.8 feet down from natural grade, to a point being the northeast corner of Lot 2; thence N 01°40'11" W along the west line of the NE1/4NW1/4 of Section 18, a distance of 1331.47 feet to a point on the north line of Section 18 and the point of beginning; containing 200.78 acres, more or less. Parcel 4: lots 3, 4, 5, 6, and 7 of Section 9, T7S, R16E, of G&SRB&M, Pinal County, Arizona more particularly described as follows: beginning at the S1/4 corner of said Section 9, to a point being a 1.5" Open Iron Pipe with added tag PLS 35235; thence N 00°00'03" E along the north-south midsection line a distance of 2641.16 feet (N 00°38'48" E a distance of 2641.20 feet, record) to the center section of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence continuing N 00°00'03" E along the north-south midsection line, a distance of 1349.83 feet (N 00°38'48" E a distance of 1349.83 feet, record) to the northeast corner of Lot 5 to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence S 89°09'38" W along the north line of Lot 5 a distance of 1346.80 feet (S 89°44'19" W a distance of 1347.21 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, and the northwest corner of Lot 5 and the southeast corner of Lot 3; thence N 00°58'35" E along the east line of Lot 3 a distance of 1357.74 feet (N 00°37'27" E a distance of 1357.74 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the northeast corner of Lot 3; thence N 89°24'33" W along the north line of Lot 3 a distance of 1323.90 feet (N 89°56'37" W a distance of 1323.945 feet, record) to the northwest corner of Section 9 to a point being a found Drill Steel with added tag PLS 35235; thence S 01°56'29" W along the west line of Section 9 a distance of 712.90 feet to a point on the west boundary line of Old Camp Grant and to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 23°03'26" E along said west boundary line of Old Camp Grant, a distance of 5011.05 feet to a point on the south line of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°13'21" E along the south line of Section 9 a distance of 709.50 feet (N 89°51'39" E a distance of 709.50 feet, record) to the point of beginning; containing 181.71 acres, more or less. Together with those parts of Sections 15 and 22, T7S,

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R16E, of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point being a 1/2" Iron Pin tagged PLS 35235, N 89°00'32" E along the south line of the NE1/4 of Section 22, a distance of 2251.00 feet (east a distance of 2251 feet, record) of the center section corner of Section 22; thence N 47°16'51" W a distance of 1275.05 feet (N 46°47'00" W a distance of 1275.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 79°57'00" W a distance of 1344.00 feet (N 7°27'00" W a distance of 1344.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 65°05'02" W a distance of 399.00 feet (N 59°46'00" W a distance of 399.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 17°49'24" W a distance of 1382.47 feet (N 17°34'00" W a distance of 1385.00 feet, record) to a point on the Section line between Sections 15 and 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 21°43'45" W a distance of 1408.97 feet (N 20°49'00" W a distance of 1412.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the Center corner of the SW1/4 of Section 15; thence S 01°06'32" W along the west line of the SE1/4SW1/4 of Section 15, a distance of 1317.07 feet (south, record) to a point on the south line of Section 15 and the southwest corner of the SE1/4SW1/4 of Section 15 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°27'15" E along the west line of the E1/2NW1/4 of Section 22, a distance of 2637.50 feet (south, record) to a point on the south line of the NW1/4 of Section 22 and the southwest corner of the E1/2NW1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°00'56" E along said south line of the NW1/4 of Section 22 a distance of 1320.895 feet (east, record) to the center section corner of Section 22 to a point being a found 2.5" Aluminum Cap stamped C1/4 PLS 35235; thence N 89°00'32" E along the south line of the NE1/4 of Section 22 a distance of 2251.00 feet (east, record) to the point of beginning; containing 110.28 acres, more or less. Parcel 5: those parts of Sections 26 and 35 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 89°31'56" E a distance of 571.74 feet (record 572 a distance of feet east) of the center section of Section 35 said point being a 1/2" Iron Pin tagged PE 9626; thence N 16°07'19" W a distance of 1369.92 feet (N 15°44'00" W a distance of 1371 feet, record) to a point being a Power Pole tagged PLS 35235; thence N 46°55'33" W a distance of 279.77 feet (N 45°00'00" W a distance of 283.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 79°45'23" W a distance of 500.00 feet (N 80°00'00" W a distance of 500.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 21°10'05" W a distance of 1104.18 feet (N 20°38'00" W a distance of 1104.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being a distance of 3.55 feet south of the north line of Section 35; thence N 07°46'25" E a distance of 1334.00 feet (N 08°08'00" E a distance of 1334.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°37'04" W a distance of 630.00 feet to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence N 01°11'34" W a distance of 1314.34 feet (north a distance

of 1320.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the north line of the SW1/4; thence along the north line of the SW1/4 N 89°18'34" E a distance of 282.00 feet (east a distance of 282.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being S 89°18'34" W a distance of 992.74 from the center section corner of Section 26; thence N 13°48'15" W a distance of 1351.04 feet (N 13°40'00" W a distance of 1358.00 feet, record) to a point on the north line of the SE1/4NW1/4 of Section 26 to a point being a 1/2" Iron Pin tagged PLS 35235, said point being N 89°10'39" E a distance of 26.52 feet from the northwest corner of the SE1/4NW1/4 of Section 26; thence N 26°31'53" W a distance of 1458.00 feet (N 23°43'00" W a distance of 1442.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, that is on the north line of Section 26 said point being N 89°02'45" E along the north line of Section 26, a distance of 720.00 feet from the northwest corner of Section 26; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the west line of Section 23; thence S 00°38'57" E along the west line of Section 23, a distance of 1690.37 feet (south, record) to the southwest corner of Section 23 and northwest corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°16'16" E along the west line of Section 26 a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the W1/4 corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence S 01°16'16" E along the west line of Section 26, a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the southwest corner of Section 26 and northwest corner of Section 35 to a point being a 2.25" Capped Iron Pipe stamped with added tag PLS 35235; thence S 00°45'30" E along the west line of Section 35, a distance of 1317.94 feet (south a distance of 1320.00 feet, record) to a point being a 2.5" Capped Iron Pipe stamped with added tag PLS 35235, said point being the southwest corner of the N1/2NW1/4 of Section 35; thence N 89°41'45" E along the south line of the N1/2NW1/4 of Section 35, a distance of 2630.87 feet (east a distance of 2644.00 feet, record) to a point being an Oblong Iron Pin with added tag PLS 35235 said point being the southeast corner of the N1/2NW1/4 of Section 35; thence S 01°11'23" E a distance of 1319.08 (south a distance of 1320.00 feet, record) to a point being an Oblong Iron Pin, with added tag PLS 35235, said point being the center section corner of Section 35; thence N 89°31'56" E along the south line of the NE1/4 of Section 35 a distance of 571.74 feet (east a distance of 572.00 feet, record) to the point of beginning; excepting therefrom any portion of said lands lying and within Section 23, T7S, R16E, G&SRB&M; CONTAINING containing 249.46 acres, more or less. Parcel 6: that portion of Section 1, T8S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 88°25'39" E a distance of 507.07 feet (east a distance of 510 feet record) of the southwest corner of the SE1/4SW1/4 of Section 1 said point being a 1/2" Iron Pin tagged RLS 10046; thence N 18°38'44" E a distance of 1399.18 feet (record N 19°41' E a distance of 1402 feet) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 03°51'10" W a distance of 1314.74 feet

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(record N 02°44' W a distance of 1321 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence S 88°45'59" W a distance of 918.71 feet (record west, a distance of 919 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence N 01°02'04" W a distance of 977.00 feet (record north a distance of 977 feet) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 72°26'42" W a distance of 1384.43 feet (record N 71°22' W a distance of 1393 feet) to a point on the west line of Section 1 to a point being a 1/2" Iron Pin PLS 35235; thence S 01°07'43" E along the west line of Section 1, a distance of 1422.00 feet (record south a distance of 1412 feet) to the W1/4 corner of Section 1, said point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°07'43" E along the west line of Section 1, a distance of 1320.00 feet (record south a distance of 1320 feet) to the southwest corner of the NW1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°37'29" E a distance of 1311.56 feet (record east to the southwest corner of the NE1/4SW1/4) to the southwest corner of the NE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'24" E a distance of 1316.31 feet (record, south a distance of 1320 feet) to the southwest corner of the SE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°25'39" E a distance of 507.07 feet (record, east a distance of 510 feet) to the point of beginning; containing 126.84 acres, more or less. For the ASARCO Property: Parcel 1: Section 15: the W1/2SE1/4 and E1/2SW1/4 of Section 15, T7S, R16E of G&SRB&M, Pinal county, Arizona; except that portion of land situated in Government Lot 9 lying west of the center line of the San Pedro River, said portion being APN 300-35-002. Section 22: That portion of the NE1/4NW1/4 and the NE1/4 of Section 22 T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Section 23: that portion of the SW1/4 of Section 23, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Section 26: that portion of the N1/2NW1/4 of Section 26, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Parcel 2: Section 15: Government Lots 1, 2, 3, 4, 5, 6, and 7 of Section 15, T7S, R16E of G&SRB&M, Pinal County, Arizona. Parcel 3: Section 4: Government Lots 5, 8, 9, 11, 12, and 13 of Section 4 except that portion of land situated in Government Lot 13 lying east of State Highway 77 right-of-way, said portion of land being APN 300-31-005B. Section 5: Government Lots 2, 3, 4 and 5, except that portion of land situated in Government Lot 2, more particularly described as follows: beginning at the northeast corner of said Lot 2; thence along the east boundary of said Lot 2 due south 599.94 feet; thence leaving said east boundary due west 283.27 feet to the County Rd. right-of-way (El Camino Rd.); thence along said County Rd. right-of-way N 04°18'56" E a distance of 95.16 feet; thence continuing along said County Rd. right-of-way N 16°30'21" E a distance of 384.05 feet; thence continuing along said County Rd. right-of-way N 14°33'05" E a distance of 141.35 feet to the north boundary of said County Rd. right-of-way due east a distance of 131.48 feet along the north boundary of Government Lot 1 to the point of beginning.

21. Luna Lake Wildlife Area: The Luna Lake Wildlife Area shall be the fenced, buoyed, and posted area lying north

of U.S. Highway 180 T5N, R31E, Section 17 N1/2, G&SRB&M, Apache County, Arizona.

22. Manhattan Claims Wildlife Area: Manhattan Claims Wildlife Area: The Manhattan Claims Wildlife Area shall be those areas described as the following mines or mining claims, situated in the California Mining District, in Cochise County, State of Arizona, to-wit: being Sections 3, 4, 5, 9, 10, in T17S., R30E., G&SRB&M, being known as the "Manhattan Group," Cochise County, State of Arizona. Erion Cap: Fraction: Monarch: and Mogul Patented Mines, the United States patent to which is of record in the Recorder's Office in Book 23 of Deeds of Mines, at page 396; Copper trust' Smith No. 1' Iron Cap; wedge; Smith No. 2; Rodea; Standard Extension; Smith No. 4; Smith No. 3; JHU; Cottonwood; Tucson; Prince; Hidden Treasure; Joe Wheeler fraction; Bride of the West; Mackey; Sun Beam; Queen; Last Turn; Winner; and Winner Fraction; patented mines, in the U.S. Patent to which is of record in the Recorder's Office in Book 23 Deeds of Mines, at page 368. Badger; Badger Fraction; patented mines, the U.S. Patent to which is of record in said Recorder's Office, in Book 23 Deeds of Mines, at page 388; Standard patented mine, the U.S. Patent to which is of record in said Recorder's Office in Book 23 Deeds of Mines at page 393; The following patented mining claims situated in said California Mining District, patent records of which are set out with name of claim as follows: Bull Dog, Docket No. 27, at page No. 558; Copper King, Docket No. 27, at page No. 555; Copper Bluff, Docket No. 27, at page No. 552; Copper Top, Docket No. 27, at page No. 558; Copper Glance, Docket No. 27, at page No. 558; and AETNA, Docket No. 27, at page No. 558.
23. Mittry Lake Wildlife Area: The Mittry Lake Wildlife Area shall be those areas described as follows: T6S, R21W, Section 31: All of Lots 1, 2, 3, 4, E1/2W1/2, and that portion of E1/2 lying westerly of Gila Gravity Main Canal Right-of-Way; T7S, R21W; Section 5: that portion of SW1/4SW1/4 lying westerly of Gila Gravity Main Canal Right-of-Way; Section 6: all of Lots 2, 3, 4, 5, 6, 7 and that portion of Lot 1, S1/2NE1/4, SE1/4 lying westerly of Gila Gravity Main Canal R/W; Section 7: all of Lots 1, 2, 3, 4, E1/2W1/2, W1/2E1/2, and that portion of E1/2E1/2 lying westerly of Gila Gravity Main Canal R/W; Section 8: that portion of W1/2W1/2 lying westerly of Gila Gravity Main Canal R/W; Section 18: all of Lots 1, 2, 3, 4, E1/2NW1/4, and that portion of NE1/4, E1/2SW1/4, NW1/4SE1/4 lying westerly of Gila Gravity Main Canal R/W; T6S, R22W; Section 36: all of Lot 1. T7S, R22W; Section 1: all of Lot 1; Section 12: all of Lots 1, 2, SE1/4SE1/4; Section 13: all of Lots 1, 2, 3, 4, 5, 6, 7, 8, NE1/4, N1/2SE1/4, and that portion of S1/2SE1/4 lying northerly of Gila Gravity Main Canal R/W; all in G&SRB&M, Yuma County, Arizona.
24. Planet Ranch Conservation and Wildlife Area: The Planet Ranch Wildlife Area shall be those areas described as follows: Mohave County (Parcels 1 through 5) Parcel No. 1: the S1/2S1/2 of Section 28, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 2: all of sections 32 and 34 T11N, R16W of the G&SRB&M, lying in

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Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 3: the S1/2S1/2 of Section 27, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 4: all of Section 33 and 35, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 5: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. La Paz County (Parcels 6 through 9) Parcel No. 6: that portion of the S1/2 of Lot 2, all of Lots 3, and 4, the S1/2SE1/4NW1/4 and the S1/2S1/2NE1/4 of Section 31, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57, of Dockets, Page 310. Parcel No. 7: all of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except any part of Section 32 lying within the Copper Hill Mining Claim as shown on the Plat of Mineral Survey Number 2675; except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona, described as follows: commencing at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet to the point of beginning; thence north 634.31 feet; thence S 76°41'15" W a distance of 94.09 feet to the southeasterly line of the Planet Ranch Road; thence along said line S 28°55' W a distance of 101.23 feet; thence southwesterly 250.25 feet through an angle of 54°22', along a tangent curve concave to the northwest, having a radius of 263.73 feet to a point of tangency, from which a radial line bears N 07°05' W; thence along said line S 82°55' W a distance of 96.52 feet; thence westerly 184.42 feet through an angle of 17°40'14" along a tangent curve concave to the north, having a radius of 597.96 feet to a point of tangency from which a radial line bears N 10°35'14" E; thence N 79°24'46" W a distance of 260.38 feet; thence leaving the southwesterly line of said Planet Ranch Road, south a distance of 429.61 feet to the south line of said Section 32; thence south along said south line east a distance of 874.42 feet more or less back to the point of beginning; and except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, La Paz County, Arizona, described as follows: beginning at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet; thence north a distance of 634.31 feet; thence S 76°41'15" W a distance of 214.08 feet; thence N 13°18'45" W a distance of 25 feet; thence N 76°41'15" E a distance of 220 feet; thence east a distance of 1270.58 feet; thence south a distance of 660 feet back to the point of beginning. Parcel No. 8: those portions of Sections 33, 34, and 35, T11N, R16W of the G&SRB&M, lying in La

Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record (Section 34); also except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57 of Dockets, Page 310 (Section 33 and 35). Parcel No. 9: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record.

25. Powers Butte (Mumme Farm) Wildlife Area: The Powers Butte Wildlife Area shall be that area described as follows: T1S, R5W, Section 25, N1/2SW1/4, SW1/4SW1/4; Section 26, S1/2; Section 27, E1/2SE1/4; Section 34, T2S, R5W Section 3, E1/2W1/2, W1/2SE1/4, NE1/4SE1/4, NE1/4; Section 10, NW1/4, NW1/4NE1/4; Section 15, SE1/4SW1/4; Section 22, E1/2NW1/4, NW1/4NW1/4; all in G&SRB&M, Maricopa County, Arizona.
26. Quigley-Achee Wildlife Area: The Quigley-Achee Wildlife Area shall be those areas described as follows: T8S, R17W; Section 13, W1/2SE1/4, SW1/4NE1/4, and a portion of land in the W1/2 of Section 13, more particularly described as follows: beginning at the S1/4 corner; thence S 89°17'09" W along the south line of said Section 13 a distance of 2627.50 feet to the southwest corner of said Section 13; thence N 41°49'46" E a distance of 3026.74 feet; thence N 0°13'30" W a distance of 1730.00 feet to a point on the north 1/16th line of said Section 13; thence N 89°17'36" E along said north 1/16th line a distance of 600.00 feet to the center of said Section 13; thence S 0°13'30" E. along the north-south midsection line a distance of 3959.99 feet to the point of beginning. Section 23, SE1/4NE1/4, and a portion of land in the NE1/4NE1/4 of Section 23, more particularly described as follows: beginning at the northeast corner; thence S 0°10'19" E along the east line of said Section 23, a distance of 1326.74 feet to a point on the south line of the NE1/4NE1/4 of said Section 23; thence S 89°29'58" W along said south line, a distance of 1309.64 feet; thence N 44°17'39" E a distance of 1869.58 feet to the point of beginning. Section 24, NW1/4, N1/2SW1/4, W1/2NE1/4, N1/2SE1/4NE1/4; all in G&SRB&M, Yuma County, Arizona.
27. Raymond Wildlife Area: The Raymond Wildlife Area is that area described as follows: All of Sections 24, 25, 26, 34, 35, 36, and the portions of Sections 27, 28, and 33 lying east of the following described line: beginning at the W1/4 corner of Section 33; thence northeasterly through the 1/4 corner common to Sections 28 and 33, 1/4 corner common to Sections 27 and 28 to the N1/4 corner of Section 27 all in T19N, R11E. All of Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34

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- all in T19N, R12E.; all in G&SRB&M, Coconino County, Arizona.
28. Robbins Butte Wildlife Area: The Robbins Butte Wildlife Area shall be those areas described as follows: T1S, R3W, Section 17, S1/2NE1/4, SE1/4, NW1/4SW1/4; Section 18, Lots 3, 4, and E1/2SW1/4, S1/2NE1/4, W1/2SE1/4, NE1/4SE1/4. T1S, R4W, Section 13, all except that portion of W1/2SW1/4SW1/4 lying west of State Route 85; Section 14, all except the W1/2NW1/4 and that portion of the SW1/4 lying north of the Arlington Canal; Section 19, S1/2SE1/4; Section 20, S1/2S1/2, NE1/4SE1/4; Section 21, S1/2, S1/2NE1/4, SE1/4NW1/4; Section 22, all except for NW1/4NW1/4; Section 23; Section 24, that portion of SW1/4, W1/2SW1/4NW1/4 lying west of State Route 85; Section 25, that portion of the NW1/4NW1/4 lying west of State Route 85; Section 26, NW1/4, W1/2NE1/4, NE1/4NE1/4; Section 27, N1/2, SW1/4; Section 28; Section 29, N1/2N1/2, SE1/4NE1/4; Section 30, Lots 5, 6, 7, 8, NE1/4, SE1/4SE1/4; all in G&SRB&M, Maricopa County, Arizona.
  29. Roosevelt Lake Wildlife Area: The Roosevelt Lake Wildlife Area is that area described as follows: beginning at the junction of A-Cross Rd. and Arizona Highway 188; south on Arizona Highway 188 to the main entrance of Roosevelt Lake Marina; northeast on this road towards the main marina launch; northeast across Roosevelt Lake to the south tip of Bass Point; northerly to Long Gulch Rd.; northeast on this road to the A-Cross Rd.; northwest on the A-Cross Rd. to the point of beginning; all in G&SRB&M, Gila County, Arizona.
  30. Santa Rita Wildlife Area: The Santa Rita Experimental Range is that area described as follows: Concurrent with the Santa Rita Experimental Range boundary and includes the posted portion of the following sections: Sections 33 through 36, T17S, R14E, Section 25, Section 35 and Section 36, T18S, R13E, Sections 1 through 4, Sections 9 through 16, and Sections 21 through 36, T18S, R14E, Sections 3 through 9, Sections 16 through 21, Sections 26 through 34, T18S, R15E, Sections 1 through 6, Sections 9 through 16, Section 23, T19S, R14E, Sections 3 through 10, Sections 16 through 18, T19S, R15E; all in G&SRB&M, Pima County, Arizona, and all being coincidental with the Santa Rita Experimental Range Area.
  31. Sipe White Mountain Wildlife Area: The Sipe White Mountain Wildlife Area shall be those areas described as follows: T7N, R29E, Section 1, SE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4SE1/4SW1/4, and the SE1/4NE1/4SW1/4. T7N, R30E, Section 5, W1/2W1/2SE1/4SW1/4, and the SW1/4SW1/4; Section 6, Lots 1, 2, 3, 7, and 8, SW1/4NW1/4NW1/4, S1/2NW1/4NE1/4SE1/4, N1/2SE1/4SE1/4, E1/2SE1/4SE1/4SE1/4, SW1/4SE1/4 and the SE1/4SW1/4; Section 7, Parcel 10: Lots 1 and 2, E1/2NW1/4, E1/2E1/2NE1/4NE1/4, W1/2SW1/4NE1/4, NW1/4SE1/4, W1/2NE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4SW1/4, and the NW1/4NE1/4; Section 8, NW1/4NW1/4, and the W1/2W1/2NE1/4NW1/4. T8N, R30E; Section 31, SE1/4NE1/4, SE1/4, and the SE1/4SW1/4; all in G&SRB&M, Apache County, Arizona.
  32. Springerville Marsh Wildlife Area: The Springerville Marsh Wildlife Area shall be those areas described as follows: S1/2 SE1/4 Section 27 and N1/2 NE1/4 Section 34, T9N, R29E, G&SRB&M, Apache County, Arizona.
  33. Sunflower Flat Wildlife Area: The Sunflower Flat Wildlife Area shall be those areas described as follows: T20N, R3E; Section 11, NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4, W1/2SE1/4NE1/4, S1/2SE1/4SE1/4NE1/4, E1/2SW1/4NE1/4; Section 12, NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4, W1/2SE1/4NW1/4SW1/4, SW1/4NE1/4NW1/4 SW1/4; all in the G&SRB&M, Coconino County, Arizona.
  34. Three Bar Wildlife Area: The Three Bar Wildlife Area shall be that area described as follows: beginning at Roosevelt Dam, northwesterly on 188 to milepost 252 (Bumble Bee Wash); westerly along the boundary fence for approximately 7 1/2 miles to the boundary of Gila and Maricopa counties; southerly along this boundary through Four Peaks to a fence line south of Buckhorn Mountain; southerly along the barbed wire drift fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.
  35. Tucson Mountain Wildlife Area: The Tucson Mountain Wildlife Area shall be that area described as follows: beginning at the northwest corner of Section 33; T13S, R11E on the Saguaro National Park boundary; due south approximately one mile to the El Paso Natural Gas Pipeline; southeast along this pipeline to Sandario Rd.; south on Sandario Rd. approximately two miles to the southwest corner of Section 15; T14S, R11E, east along the section line to the El Paso Natural Gas Pipeline; southeast along this pipeline to its junction with State Route 86, also known as the Ajo Highway; easterly along this highway to the Tucson city limits; north along the city limits to Silverbell Rd.; northwest along this road to Twin Peaks Rd.; west along this road to Sandario Rd.; south along this road to the Saguaro National Park boundary; west and south along the park boundary to the point of beginning, all in G&SRB&M, Pima County, Arizona.
  36. Upper Verde River Wildlife Area: The Upper Verde River Wildlife Area consists of eight parcels totaling 1102.54 acres located eight miles north of Chino Valley in Yavapai County, Arizona, along the upper Verde River and lower Granite Creek described as follows: Sullivan Lake: located immediately downstream of Sullivan Lake, the headwaters of the Verde River: the NE1/4NE1/4 lying east of the California, Arizona, and Santa Fe Railway Company right-of-way in Section 15, T17N, R2W; and also the NW1/4NE1/4 of Section 15 consisting of approximately 80 acres. Granite Creek Parcel: includes one mile of Granite Creek to its confluence with the Verde River: The SE1/4SE1/4 of Section 11; the NW1/4SW1/4 and SW1/4NW1/4 of Section 13; the E1/2NE1/4 of Section 14; all in T17N, R1W consisting of approximately 239 acres. E1/2SW1/4SW1/4, SE1/4SW1/4, NE1/4SW1/4 and NW1/4SE1/4 of Section 12, NW1/4NW1/4 of Section 13, T17N, R2W consisting of approximately 182.26 acres. Campbell Place Parcel: NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, SE1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4, NW1/4SW1/4, NE1/4SW1/4, and NW1/4SE1/4 in Section 7, T17N, R1W and SE1/4SE1/4 Section 12, T17N, R2W consisting of 315 acres. Tract 39 Parcel: the E1/2 of Tract 39 within the Prescott National Forest boundary, SE1/2SW1/4 and SW1/4SE1/4 of Section 5, T18N, R1W; and the W1/2 of Tract 39 outside the Forest boundary, SW1/4SW1/4, and SW1/4SW1/4 of Section 5

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and NW1/4NW1/4 of Section 8, T18N, R1W consisting of approximately 163 acres. Wells Parcels: Parcel 1 and Parcel 2: all that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the SW1/4NW1/4, Section 8, located in T17N, R1W, of G&SRB&M, Yavapai County, Arizona, also known as APN 306-39-004L and 306-39-004M. Parcel 3 and Parcel 4: all that portion of the NE1/4SW1/4, NW1/4SE1/4, SW1/4SW1/4, and E1/2SW1/4SW1/4 of Section 12 and the NW1/4NW1/4 of Section 13, T17N, R2W, of G&SRB&M, Yavapai County, Arizona.

37. Wenima Wildlife Area: The Wenima Wildlife Area shall be those areas described as follows:  
T9N, R29E; Section 5, SE1/4 SW1/4, and SW1/4 SE1/4 except E1/2 E1/2 SW1/4 SE1/4, Section 8, NE1/4 NW1/4, and NW1/4 NE1/4; Sections 8, 17 and 18, within the following boundary: From the 1/4 corner of Sections 17 and 18, the True Point of Beginning; thence N 00°12'56" E a distance of 1302.64 feet along the Section line between Sections 17 and 18 to the N1/16 corner; thence N 89°24'24" W a distance of 1331.22 feet to the NE1/16 corner of Section 18; thence N 00°18'02" E a distance of 1310.57 feet to the E1/16 corner of Sections 7 and 18; thence S 89°03'51" E a distance of 1329.25 feet to the northeast Section corner of said Section 18; thence N 01°49'10" E a distance of 1520.28 feet to a point on the Section line between Sections 7 and 8; thence N 38°21'18" E a distance of 370.87 feet; thence N 22°04'51" E a distance of 590.96 feet; thence N 57°24'55" E a distance of 468.86 feet to a point on the east-west midsection line of said Section 8; thence N 89°38'03" E a distance of 525.43 feet along said midsection line to the center W1/16 corner; thence S 02°01'25" W a distance of 55.04 feet; thence S 87°27'17" E a distance of 231.65 feet; thence S 70°21'28" E a distance of 81.59 feet; thence N 89°28'36" E a distance of 111.27 feet; thence N 37°32'54" E a distance of 310.00 feet; thence N 43°58'37" W a distance of 550.00 feet; thence N 27°25'53" W a distance of 416.98 feet to the NS1/16 line of said Section 8; thence N 02°01'25" E a distance of 380.04 feet along said 1/16 line to the NW1/16 corner of said Section 8; thence N 89°45'28" E a distance of 1315.07 feet along the east-west middle 1/16 line; thence S 45°14'41" E a distance of 67.69 feet; thence S 49°28'18" E a distance of 1099.72 feet; thence S 08°04'43" W a distance of 810.00 feet; thence S 58°54'47" W a distance of 341.78 feet; thence S 50°14'53" W a distance of 680.93 feet to a point in the center of that cul-de-sac at the end of Jeremy's Point Rd.; thence N 80°02'20" W a distance of 724.76 feet, said point lying N 42°15'10" W a distance of 220.12 feet from the northwest corner of Lot 72; thence N 34°19'23" E a distance of 80.64 feet; thence N 15°54'25" E a distance of 51.54 feet; thence N 29°09'53" E a distance of 45.37 feet; thence N 40°09'33" E a distance of 69.21 feet; thence N 25°48'58" E a distance of 43.28 feet; thence N 13°24'51" E a distance of 63.12 feet; thence N 16°03'10" W a distance of 30.98 feet; thence N 57°55'25" W a distance of 35.50 feet; thence N 80°47'38" W a distance of 48.08 feet; thence S 87°28'53" W a distance of 82.84 feet; thence S 72°07'06" W a distance of 131.85 feet; thence S 43°32'45" W a distance of 118.71 feet; thence S 02°37'48" E a distance of 59.34 feet; thence S 23°03'29" E a distance of 57.28 feet; thence S 28°30'39" E a distance of 54.75 feet; thence S 36°39'47" E a distance of

105.08 feet; thence S 24°55'07" W a distance of 394.78 feet; thence S 61°32'16" W a distance of 642.77 feet to the northwest corner of Lot 23; thence N 04°35'23" W a distance of 90.62 feet; thence S 85°24'37" W a distance of 26.00 feet; thence N 64°21'36" W a distance of 120.76 feet; thence S 61°07'57" W a distance of 44.52 feet; thence S 39°55'58" W a distance of 80.59 feet; thence S 11°33'07" W a distance of 47.21 feet; thence S 19°53'19" E a distance of 27.06 feet; thence S 54°26'36" E a distance of 62.82 feet; thence S 24°56'25" W a distance of 23.92 feet; thence S 48°10'38" W a distance of 542.79 feet; thence S 17°13'48" W a distance of 427.83 feet to the northwest corner of Lot 130; thence S 29°10'58" W a distance of 104.45 feet to the southwest corner of Lot 130; thence southwesterly along a curve having a radius of 931.52 feet, and arc length of 417.52 feet to the southwest corner of Lot 134; thence S 15°04'25" W a distance of 91.10 feet; thence S 04°29'15" W a distance of 109.17 feet; thence S 01°41'24" W a distance of 60.45 feet; thence S 29°16'05" W a distance of 187.12 feet; thence S 14°44'00" W a distance of 252.94 feet; thence S 15°42'24" E a distance of 290.09 feet; thence S 89°13'25" E a distance of 162.59 feet; thence S 37°19'54" E a distance of 123.03 feet to the southeast corner of Lot 169; thence S 20°36'30" E a distance of 706.78 feet to the northwest corner of Lot 189; thence S 04°07'31" W a distance of 147.32 feet; thence S 29°11'19" E a distance of 445.64 feet; thence S 00°31'40" E a distance of 169.24 feet to the east-west midsection line of Section 17 and the southwest corner of Lot 194; thence S 89°28'20" W a distance of 891.84 feet along said east-west midsection line to the True Point of Beginning; all in G&SRB&M, Apache County, Arizona.

38. White Mountain Grasslands Wildlife Area: The White Mountain Grasslands Wildlife Area shall be those areas described as follows:  
Parcel 1 (CL1): the S1/2 of Section 24; the N1/2NW1/4 of Section 25; the NE1/4 and N1/2SE1/4 of Section 26; all in T9N, R27E of G&SRB&M, Apache County, Arizona; except all coal and other minerals as reserved to the U.S. in the Patent of said land. Parcel 2 (CL2): the SE1/4 and the SE1/4SW1/4 of Section 31, T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 3 (CL3): the NW1/4SW1/4 of Section 28; and the SW1/4S1/2SE1/4 and NE1/4SE1/4 of T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 4 (CL4): the SW1/4SW1/4 of Section 5; the SE1/4SE1/4 of Section 6; the NE1/4NE1/4 of Section 7; the NW1/4NW1/4, E1/2SW1/4NW1/4, W1/2NE1/4, SE1/4NW1/4, and that portion of the S1/2 which lies North of Highway 260, except the W1/2SW1/4 of Section 8; all in T8N, R28E of G&SRB&M, Apache County, Arizona. Parcel 1 (O1): the S1/2N1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona; except that Parcel of land lying within the S1/2NE1/4 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona, more particularly described as follows: From the N1/16 corner of Sections 10 and 11, monumented with a 5/8-inch rebar with a cap marked LS 13014, said point being the True Point of Beginning; thence N 89°44'54" W a distance of 1874.70 feet along the east-west 1/16 line to a point monumented with a 1/2-inch rebar with a tag marked LS 13014; thence S 02°26'17" W a distance of 932.00 feet to a point monumented with a 1/2-inch rebar with a tag marked LS

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13014; thence S 89°44'54" E a distance of 1873.69 feet to a point monumented with a 1/2-inch rebar with a tag marked LS 13014, said point being on the east line of Section 10; thence N 02°30'00" E a distance of 932.00 feet along said Section line to the True Point of Beginning. Parcel 2 (O2): the N1/2S1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona. Except for that portion lying South of State Highway 260. Parcel 3 (O3): the SE1/4 of Section 25, T9N, R27E, of G&SRB&M, Apache County, Arizona. Parcel 4 (O4): lots 3 and 4; the E1/2SW1/4; W1/2SE1/4; and NE1/4SE1/4 of Section 30, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 5 (O5): lots 1, 2 and 3; the S1/2NE1/4; NW1/4NE1/4; E1/2NW1/4; and NE1/4SW1/4 of Section 31, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 6 (O6): beginning at the northwest corner of the SE1/4 of Section 27, T9N, R28E, of G&SRB&M, Apache County, Arizona; thence east a distance of 1320.00 feet; thence south a distance of 925.00 feet; thence west a distance of 320.00 feet to the center of a stock watering tub; thence N 83° W a distance of 1000.00 feet; thence north a distance of 740.00 feet to the point of beginning. State Land Special Use Permit: SE1/4SW1/4 of Section 5; E1/2NE1/4 of Section 08; NE1/4NW1/4 of Section 8; M&B in N1/2NW1/4 north of Hwy 260 of Section 17, all in T8N, R28E of the G&SRB&M, Apache County, Arizona. S1/2NW1/4 and SW1/4 of Section 26; all of Section 36, all in T9N, R27E of the G&SRB&M, Apache County, Arizona. SE1/4 lying easterly of Carnero Creek in Section 18; Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4, and SE1/4NW1/4, lying southeasterly of Carnero Creek in Section 19; NW1/4SE1/4 of Section 29, Lots 1 and 2 and NE1/4 and E1/2NW1/4 and SE1/4SE1/4 of Section 30; and Lot 4, and the NE1/4NE1/4 of Section 31; all in T9N, R28E of the G&SRB&M, Apache County, Arizona. State Grazing Lease: Legal Description of the White Mountain Grassland State Land Grazing Lease. Lots 1 thru 4, and S1/2N1/2, SW1/4, N1/2N1/2SE1/4, S SW1/4NW1/4SE1/4, and W1/2SW1/4SE1/4 of Section 3; Lots 1 thru 4, and the S1/2N1/2 and S1/2 of Section 4; SE1/4SW1/4 of Section 5; E1/2NE1/4, NE1/4NW1/4 of Section 8; SE1/4NE1/4 and N1/2N1/2 of Section 9; S1/2NE1/4NE1/4, SE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, N1/2NW1/4, all in Section 10; NE1/4NW1/4 lying north of the centerline of State Highway 260, in Section 17, T8N, R28E of the G&SRB&M, Apache County; NE1/4, S1/2NW1/4, and the SW1/4 of Section 25, and all of Section 36; in T9N, R27E of the G&SRB&M, Apache County; a portion of the SE1/4 of Section 18 lying southeasterly of Carnero Creek, Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4, and SE1/4NW1/4 lying southeast of Carnero Creek in Section 19; all of Section 20 and Section 21; SW1/4NE1/4, S1/2NW1/4, and M&B in N1/2SW1/4, of Section 27; N1/2E1/2SW1/4, SW1/4SW1/4 and SE1/4 of Section 28; Lots 1 and 2, and NE1/4, E1/2NW1/4, and SE1/4SE1/4 of Section 30; Lot 4 and NE1/4NE1/4 of Section 31; all of Section 32 and Section 33, in T9N, R28E, in the G&SRB&M, Apache County. SE1/4NE1/4SE1/4 of Section 31; T09N, R28E, G&SRB&M, Apache County, Arizona.

39. Whitewater Draw Wildlife Area: The Whitewater Draw Wildlife Area shall be those areas described as follows:

T21S, R26E; Section 19, S1/2 SE1/4; Section 29, W1/2 NE1/4, and E1/2 NE1/4; Section 30, N1/2 NE1/4; Section 32; T22S, R26E; Section 4, Lots 3 and 4; T22S, R26E; Section 5, Lots 1 to 4, except an undivided 1/2 interest in all minerals, oil, and/or gas as reserved in Deed recorded in Docket 209, page 117, records of Cochise County, Arizona.

40. Willcox Playa Wildlife Area: The Willcox Playa Wildlife Area shall be that area within the posted Arizona Game and Fish Department fences enclosing the following described area: beginning at the Section corner common to Sections 2, 3, 10 and 11, T15S, R25E, G&SRB&M, Cochise County, Arizona; thence S 0°15'57" W a distance of 2645.53 feet to the east 1/4 corner of Section 10; thence S 89°47'15" W a distance of 2578.59 feet to the center 1/4 corner of Section 10; thence N 1°45'24" E a distance of 2647.85 feet to the center 1/4 corner of Section 3; thence N 1°02'42" W a distance of 2647.58 feet to the center 1/4 corner of said Section 3; thence N 89°41'37" E to the common 1/4 corner of Section 2 and Section 3; thence S 0°00'03" W a distance of 1323.68 feet to the south 1/16 corner of said Sections 2 and 3; thence S 44°46'30" E a distance of 1867.80 feet to a point on the common Section line of Section 2 and Section 11; thence S 44°41'13" E a distance of 1862.94 feet; thence S 44°42'35" E a distance of 1863.13 feet; thence N 0°13'23" E a distance of 1322.06 feet; thence S 89°54'40" E a distance of 1276.24 feet to a point on the west right-of-way fence line of Kansas Settlement Rd.; thence S 0°12'32" W a distance of 2643.71 feet along said fence line; thence N 89°55'43" W a distance of 2591.30 feet; thence N 0°14'14" E a distance of 661.13 feet; thence N 89°55'27" W a distance of 658.20 feet; thence N 0°14'39" E a distance of 1322.36 feet; thence N 44°41'19" W a distance of 931.44 feet; thence N 44°40'31" W a distance of 1862.85 feet to the point of beginning. Said wildlife area contains 543.10 acres approximately.

- C. Department Controlled Properties are described as follows: Hirsch Conservation Education Area and Biscuit Tank: The Hirsch Conservation Education Area and Biscuit Tank shall be that area lying in Section 3 T5N R2E, beginning at the northeast corner of Section 3, T5N, R2E, G&SRB&M, Maricopa County, Arizona; thence S 35°33'23.43" W a distance of 2938.12 feet; to the point of true beginning; thence S 81°31'35.45" W a distance of 147.25 feet; thence S 45°46'21.90" W a distance of 552.25 feet; thence S 21°28'21.59" W a distance of 56.77 feet; thence S 16°19'49.19" E a distance of 384.44 feet; thence S 5°27'54.02" W a distance of 73.43 feet; thence S 89°50'44.45" E a distance of 431.99 feet; thence N 4°53'57.68" W a distance of 81.99 feet; thence N 46°49'53.27" W a distance of 47.22 feet; thence N 43°3'3.68" E a distance of 83.74 feet; thence S 47°30'40.79" E a distance of 47.71 feet; thence N 76°2'59.67" E a distance of 105.91 feet; thence N 15°45'0.24" W a distance of 95.87 feet; thence N 68°48'27.79" E a distance of 69.79 feet; thence N 8°31'53.39" W a distance of 69.79 feet; thence N 30°5'32.34" E a distance of 39.8 feet; thence N 46°17'32.32" E a distance of 63.77 feet; thence N 22°17'26.17" W a distance of 517.05 feet to the point of true beginning.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking

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at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 841, effective June 17, 2014 (Supp. 14-1). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by exempt rulemaking at 22 A.A.R. 2209, effective October 4, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 27 A.A.R. 242, effective April 5, 2021 (Supp. 21-1).

**R12-4-804. Renumbered****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 1424, effective June 14, 2003 (Supp. 03-2). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Section R12-4-804 renumbered to R12-4-125, by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

**ARTICLE 9. AQUATIC INVASIVE SPECIES****R12-4-901. Definitions**

In addition to the definitions provided under A.R.S. §§ 5-301 and 17-255, the following definitions apply to this Article, unless otherwise specified:

“Aquatic invasive species” means those species listed in Director’s Order 1.

“Certified agent” means a person who meets Department standards to conduct inspections authorized under A.R.S. § 17-255.01(C)(1).

“Conveyance” means a device designed to carry or transport water. Conveyance includes, but is not limited to, dip buckets, water hauling tanks, and water bladders.

“Equipment” means an item used either in or on water; or to carry water. Equipment includes, but is not limited to, trailers used to launch or retrieve watercraft, rafts, inner tubes, kick boards, anchors and anchor lines, docks, dock cables and floats, buoys, beacons, wading boots, fishing tackle, bait buckets, skin diving and scuba diving equipment, submersibles, pumps, sea planes, and heavy construction equipment used in aquatic environments.

“Operator” means a person who operates or is in actual physical control of a watercraft, vehicle, conveyance or equipment.

“Owner” means a person who claims lawful possession of a watercraft, vehicle, conveyance, or equipment.

“Person” has the same meaning as defined under A.R.S. § 1-215.

“Release” means to place, plant, or cause to be placed or planted in waters.

“Transporter” means a person responsible for the overland movement of a watercraft, vehicle, conveyance, or equipment.

“Waters” means surface water of all sources, whether perennial or intermittent, in streams, canyons, ravines, drainage systems, canals, springs, lakes, marshes, reservoirs, ponds, and

other bodies or accumulations of natural, artificial, public or private waters situated wholly or partly in or bordering this state.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-901 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2). New Section R12-4-901 renumbered from R12-4-1101 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-902. Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols**

- A.** A person shall not, unless authorized under Article 4:
  1. Possess, import, ship, or transport into or within this state an aquatic invasive species, unless authorized by the Director.
  2. Sell, purchase, barter, or exchange in this state an aquatic invasive species.
  3. Release an aquatic invasive species into waters or into any water treatment facility, water supply or water transportation facility, device or mechanism in this state.
- B.** Upon removing a watercraft, vehicle, conveyance, or equipment from any waters listed in Director’s Order 2 and prior to transport, a person shall:
  1. Remove all clinging materials such as plants, animals, and mud.
  2. Remove all plugs and other valves or devices that prevent water drainage from all compartments that may retain water, such as ballast tanks, ballast bags, bilges, and ensure plugs or devices remain removed or open during transport.
  3. If no plugs or barriers exist, take reasonable measures to drain or dry all compartments or spaces that may retain water. Reasonable measures include, but are not limited to, emptying bilges, application of absorbents, or ventilation.
- C.** Before transporting a watercraft, vehicle, conveyance, or equipment to any waters located within or bordering this state from waters or locations listed in Director’s Order 2, a person shall comply with the mandatory conditions and protocols identified in Director’s Order 3 for decontamination of watercraft, vehicles, conveyances, and equipment.
- D.** Department employees, certified agents, and Arizona peace officers authorized under A.R.S. § 17-104 may inspect a watercraft, vehicle, conveyance, or equipment for the purposes of determining compliance with A.R.S. Title 17, Chapter 2, Article 3.1 and this Section.
- E.** If the presence of an aquatic invasive species is documented or suspected on or in a watercraft, vehicle, conveyance, or equipment, a Department employee or any Arizona peace officer may order a person to decontaminate or cause to be decontaminated such watercraft, vehicle, conveyance, or equipment using the mandatory protocols described in Director’s Order 3.
- F.** The following Director’s Orders are available at any Department office and online at [azgfd.gov](http://azgfd.gov):
  1. Director’s Order 1 – Listing of Aquatic Invasive Species for Arizona,
  2. Director’s Order 2 – Designation of Waters or Locations Where Listed Aquatic Invasive Species are Present, and
  3. Director’s Order 3 – Mandatory Conditions on the Movement of Watercraft, Vehicles, Conveyances, or Other



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Equipment from Listed Waters Where Aquatic Invasive Species are Present.

- G. This Section does not apply to owners and operators exempt under A.R.S. § 17-255.04.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-902 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2). New Section R12-4-902 renumbered from R12-4-1102 and amended by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-903. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-903 renumbered to R12-4-904; new Section R12-4-903 renumbered from R12-4-904 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-903 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**R12-4-904. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-904 renumbered to R12-4-903; new Section R12-4-904 renumbered from R12-4-903 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-904 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**R12-4-905. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-905 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**R12-4-906. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-906 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

**ARTICLE 10. OFF-HIGHWAY VEHICLES****R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course**

The Department may approve an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, provided the course meets the following minimum standards:

1. Course content. The course shall provide information regarding:

- a. OHV safety;
  - b. Responsibilities of users of OHVs;
  - c. Use of an OHV in a manner that does not harm the natural terrain, plants, or animals;
  - d. Use of an OHV in a manner that minimizes air pollution; and
  - e. State statutes and rules regarding use of OHVs.
2. Course procedures. The course provider shall:
    - a. Use a written examination to measure the extent to which a participant learned the course content; and
    - b. Provide a certificate of completion to a participant who receives a score of 80% or above on the written examination or that demonstrates an equivalent proficiency.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

**R12-4-1002. Course-approval Procedure**

- A. To obtain approval of an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, the course provider shall submit an application to the Department's OHV Law Enforcement Program Manager using a form furnished by the Department. The provider shall include the following information on the application form:
  1. Name of provider;
  2. If the provider is not an individual, the name of the person who will maintain contact with the Department;
  3. Business address;
  4. Business email address; and
  5. Business and contact telephone numbers.
- B. In addition to the application form required under subsection (A), a provider shall include a copy of all of the following:
  1. The curriculum that will be used to provide the educational course;
  2. Any materials that will be provided to course participants;
  3. The written examination required under R12-4-1001(2)(a); and
  4. The certificate of completion required under R12-4-1001(2)(b).
- C. The Department shall either approve or deny a request to approve an educational course within 60 days of receiving the application. The Department shall not approve an educational course that fails to meet the requirements established under R12-4-1001 or this Section. The Department shall provide a written notice to the course provider stating the reason for the denial.
- D. The provider of an educational course of instruction that is not approved by the Department may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

**R12-4-1003. Fee for an Approved Course**

Under A.R.S. § 28-1175(B), the provider of an approved educational course of instruction in basic off-highway vehicle safety and environmental ethics may collect a fee from each participant that:

1. Is reasonable and commensurate for the course, and
2. Does not exceed \$300.

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**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

**R12-4-1004. Off-highway Vehicle Sound-level Requirements**

- A.** A peace officer who has reason to believe that an off-highway vehicle (OHV) is being operated in violation of A.R.S. § 28-1179(A)(3) may direct the operator to submit the OHV to an onsite test to measure the OHV's sound level. In accordance with A.R.S. § 28-1179(A)(3), the sound level of an OHV shall be measured using the following procedures, which are incorporated by reference and are available for inspection at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086:
1. All terrain vehicle or motorcycle. Society of Automotive Engineers, J1287, Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, April 2017, available from SAE International, 400 Commonwealth Dr., Warrendale, PA 15096 or online at [www.sae.org](http://www.sae.org); and
  2. Other OHV. International Organization for Standardization, ISO 5130:2007, Acoustics-Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, 2007, May 31, 2007 Edition 2, available from American National Standards Institute, Attention Customer Service Department, 25 W. 43rd St., 4th Floor, New York, NY 10056 or online at [www.iso.org](http://www.iso.org).
- B.** If a peace officer directs the operator of an OHV to submit the OHV to an onsite test to measure the OHV's sound level, the operator shall allow the OHV and associated equipment to be tested. If the peace officer believes that more than one test of the OHV's sound level is necessary to ensure that an accurate measure is obtained, the operator shall allow multiple tests.
- C.** If it is determined that an OHV is being operated in violation of A.R.S. § 28-1179(A)(3), the operator of the OHV shall:
1. Immediately stop operating the OHV; and
  2. Ensure the vehicle is not operated again until it can be operated in compliance with A.R.S. § 28-1179(A)(3), except:
    - a. During a period of emergency; or
    - b. When the operation is directed by a peace officer or other public authority.
- D.** This Section does not include any later amendments or editions of the incorporated materials.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

**R12-4-1005. Nonresident Off-highway Vehicle User Indicia**

- A.** The owner or operator of an all-terrain vehicle (ATV) or off-highway vehicle (OHV) as defined under A.R.S. § 28-1171 shall not operate the ATV or OHV off-highway in this state without an Arizona off-highway vehicle user indicia. This requirement only applies to an ATV or OHV that:
1. Is designed by the manufacturer primarily for travel over unimproved terrain.
  2. Has an unladen weight of two thousand five hundred pounds or less.
- B.** For lawful Arizona off-highway operation, the owner or operator of a qualifying nonresident ATV or OHV shall apply to the Department for an off-highway vehicle user indicia as prescribed under A.R.S. § 28-1177. The owner or operator shall submit to the Department:

1. The nonresident off-highway vehicle user indicia application furnished by the Department and available on the Department's website,
  2. The fee established under subsection (C)(1), and
  3. The convenience fee established under subsection (C)(2).
- C.** As authorized under A.R.S. § 28-1177:
1. The fee for the nonresident off-highway vehicle user indicia is \$25.
  2. The Department may also collect and retain a reasonable and commensurate fee for its services.
- D.** The owner or operator of the ATV or OHV titled or registered out-of-state shall display the nonresident off-highway user indicia in a manner that is clearly visible to outside inspection:
1. For vehicles with three or more wheels, on the left side rear quadrant of the vehicle.
  2. For two-wheeled vehicles, the indicia shall be displayed on the left fork leg.
- E.** A printed receipt or an electronic copy of the receipt of payment for an annual decal that is purchased online shall serve as a temporary permit for a period of 30 days from the date of purchase.
- F.** Under A.R.S. § 28-1178, a person may operate an ATV or OHV in this state without the nonresident off-highway user indicia required under A.R.S. § 28-1177 when any one of the following applies:
1. The person is loading or unloading an ATV or OHV from a vehicle.
  2. The person is participating in an off-highway special event.
  3. The person is operating an ATV or OHV:
    - a. During an emergency or as directed by a peace officer or other public authority.
    - b. Exclusively for agriculture, ranching, construction, mining or building trade purposes.
    - c. Exclusively on private land.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

**ARTICLE 11. RENUMBERED****R12-4-1101. Renumbered****Historical Note**

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Section R12-4-1101 renumbered to R12-4-901 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-1102. Renumbered****Historical Note**

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Section R12-4-1102 renumbered to R12-4-902 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

**R12-4-1103. Emergency Expired****Historical Note**

New Section made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Section renewed by emergency rulemaking at 17 A.A.R. 2376, effective November 3, 2011 (Supp. 11-4). Emergency expired (Supp. 14-1).

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CHAPTER 4. GAME AND FISH COMMISSION

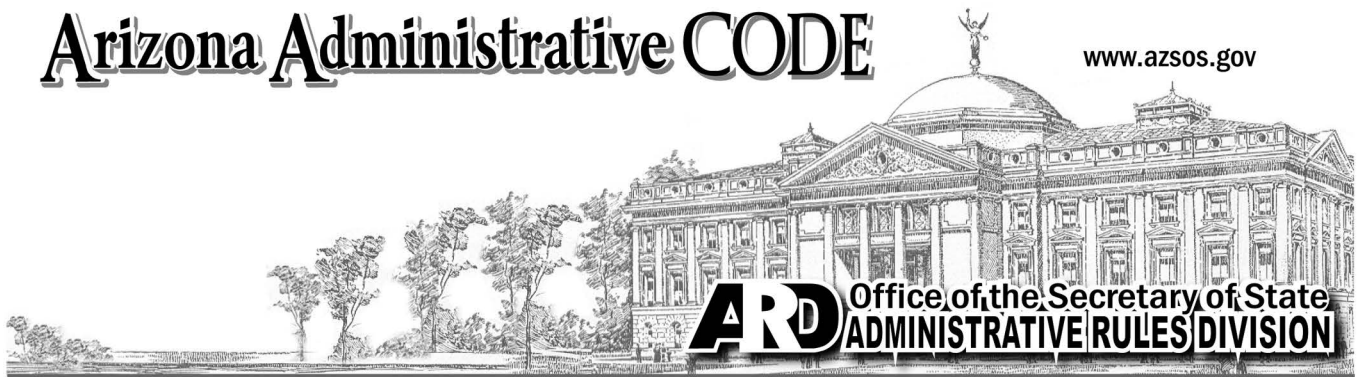
**R12-4-1104. Emergency Expired**

**Historical Note**

New Section made by emergency rulemaking at 17  
A.A.R. 1218, effective June 2, 2011 for 180 days (Supp.

11-2). Section renewed by emergency rulemaking at 17  
A.A.R. 2376, effective November 3, 2011 (Supp. 11-4).  
Emergency expired (Supp. 14-1).

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18 A.A.C. 2

Supp. 23-3

## TITLE 18. ENVIRONMENTAL QUALITY

### CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

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#### Questions about these rules? Contact:

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Address: 1110 W. Washington St.  
Air Quality Division, AQIP Section  
Phoenix, AZ 85007

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**The release of this Chapter in Supp. 23-3 replaces Supp. 23-2, 1-234 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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## Administrative Rules Division

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## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR POLLUTION CONTROL

Authority: A.R.S. § 49-104 et seq.

## Supp. 23-3

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*Article 11 consisting of Sections R9-3-1101, R9-3-1102, and Appendices 1 through 11 renumbered as Article 11, Sections R18-2-1101, R18-2-1102, and Appendices 1 through 11 (Supp. 87-3).*

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*Article 13, consisting of Sections R18-2-1301 through R18-2-1307, rules expired under A.R.S. § 41-1056(J), effective April 30, 2013 (Supp. 13-3).*

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**ARTICLE 17. EXPIRED**

*Article 17, consisting of Sections R18-2-1701 through R18-2-1709, expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).*

*Article 17, consisting of Sections R18-2-1701 through R18-2-1709, made by final rulemaking at 12 A.A.R.1953, effective January 1, 2007 (Supp. 06-2).*

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**ARTICLE 18. REPEALED**

*Article 18, consisting of Sections R18-2-1801 through R18-2-1812 and Appendix 13, repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).*

*Article 18, consisting of Sections R18-2-1801 through R18-2-1812 and Appendix 13, made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2).*

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## TITLE 18. ENVIRONMENTAL QUALITY

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## ARTICLE 1. GENERAL

**R18-2-101. Definitions**

The following definitions apply to this Chapter. Where the same term is defined in this Section and in the definitions Section for an Article of this Chapter, the Article-specific definition shall apply.

1. "Act" means the Clean Air Act of 1963 (P.L. 88-206; 42 U.S.C. 7401 through 7671q) as amended through December 31, 2011 (and no future editions).
2. "Actual emissions" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in subsections (2)(a) through (e), except that this definition shall not apply for calculating whether a significant emissions increase as defined in R18-2-401 has occurred, or for establishing a plantwide applicability limitation as defined in R18-2-401. Instead, the definitions of projected actual emissions and baseline actual emissions in R18-2-401 shall apply for those purposes.
  - a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period that precedes the particular date and that is representative of normal source operation. The Director may allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period.
  - b. The Director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
  - c. For any emissions unit that is or will be located at a source with a Class I permit and has not begun normal operations on the particular date, actual emissions shall equal the unit's potential to emit on that date.
  - d. For any emissions unit that is or will be located at a source with a Class II permit and has not begun normal operations on the particular date, actual emissions shall be based on applicable control equipment requirements and projected conditions of operation.
  - e. This definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL. Instead, the definitions of projected actual emissions and baseline actual emissions in R18-2-401 shall apply for those purposes.
3. "Administrator" means the Administrator of the United States Environmental Protection Agency.
4. "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.
5. "Affected source" means a source that includes one or more units which are subject to emission reduction requirements or limitations under Title IV of the Act.
6. "Affected state" means any state whose air quality may be affected by a source applying for a permit, permit revision, or permit renewal and that is contiguous to Arizona or that is within 50 miles of the permitted source.
7. "Afterburner" means an incinerator installed in the secondary combustion chamber or stack for the purpose of incinerating smoke, fumes, gases, unburned carbon, and other combustible material not consumed during primary combustion.
8. "Air contaminants" means smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, wind-borne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere.
9. "Air curtain destructor" means an incineration device designed and used to secure, by means of a fan-generated air curtain, controlled combustion of only wood waste and slash materials in an earthen trench or refractory-lined pit or bin.
10. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in sufficient quantities, which either alone or in connection with other substances by reason of their concentration and duration are or tend to be injurious to human, plant or animal life, or cause damage to property, or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the director. A.R.S. § 49-421(2).
11. "Air pollution control equipment" means equipment used to eliminate, reduce or control the emission of air pollutants into the ambient air.
12. "Air quality control region" (AQCR) means an area so designated by the Administrator pursuant to Section 107 of the Act and includes the following regions in Arizona:
  - a. Maricopa Intrastate Air Quality Control Region which is comprised of the County of Maricopa.
  - b. Pima Intrastate Air Quality Control Region which is comprised of the County of Pima.
  - c. Northern Arizona Intrastate Air Quality Control Region which encompasses the counties of Apache, Coconino, Navajo, and Yavapai.
  - d. Mohave-Yuma Intrastate Air Quality Control Region which encompasses the counties of La Paz, Mohave, and Yuma.
  - e. Central Arizona Intrastate Air Quality Control Region which encompasses the counties of Gila and Pinal.
  - f. Southeast Arizona Intrastate Air Quality Control Region which encompasses the counties of Cochise, Graham, Greenlee, and Santa Cruz.
13. "Allowable emissions" means the emission rate of a stationary source calculated using both the maximum rated capacity of the source, unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation, and the most stringent of the following:
  - a. The applicable standards as set forth in 40 CFR 60, 61 and 63;
  - b. The applicable emissions limitations approved into the state implementation plan, including those with a future compliance date; or,
  - c. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.
14. "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.
15. "Applicable implementation plan" means those provisions of the state implementation plan approved by the Administrator or a federal implementation plan promul-

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- gated for Arizona or any portion of Arizona in accordance with Title I of the Act.
16. "Applicable requirement" means any of the following:
    - a. Any federal applicable requirement.
    - b. Any other requirement established pursuant to this Chapter or A.R.S. Title 49, Chapter 3.
  17. "Arizona Testing Manual" means sections 1 and 7 of the Arizona Testing Manual for Air Pollutant Emissions amended as of March 1992 (and no future editions).
  18. "ASTM" means the American Society for Testing and Materials.
  19. "Attainment area" means any area that has been identified in regulations promulgated by the Administrator as being in compliance with national ambient air quality standards.
  20. *"Begin actual construction" means, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. With respect to a change in method of operation this term refers to those onsite activities, other than preparatory activities, which mark the initiation of the change.*
    - a. For purposes of title I, parts C and D and section 112 of the clean air act, and for purposes of applicants that require permits containing limits designed to avoid the application of title I, parts C and D and section 112 of the clean air act, these activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures but do not include any of the following, subject to subsection (20)(c):
      - i. Clearing and grading, including demolition and removal of existing structures and equipment, stripping and stockpiling of topsoil.
      - ii. Installation of access roads, driveways and parking lots.
      - iii. Installation of ancillary structures, including fences, office buildings and temporary storage structures, that are not a necessary component of an emissions unit or associated air pollution control equipment for which the permit is required.
      - iv. Ordering and onsite storage of materials and equipment.
    - b. For purposes other than those identified in subsection (20)(a), these activities do not include any of the following, subject to subsection (20)(c):
      - i. Clearing and grading, including demolition and removal of existing structures and equipment, stripping and stockpiling of topsoil and earthwork cut and fill for foundations.
      - ii. Installation of access roads, parking lots, driveways and storage areas.
      - iii. Installation of ancillary structures, including fences, warehouses, storerooms and office buildings, provided none of these structures impacts the design of any emissions unit or associated air pollution control equipment.
      - iv. Ordering and onsite storage of materials and equipment.
      - v. Installation of underground pipework, including water, sewer, electric and telecommunications utilities.
  - vi. Installation of building and equipment supports, including concrete forms, footers, pilings, foundations, pads and platforms, provided none of these supports impacts the design of any emissions unit or associated air pollution control equipment.
  - c. An applicant's performance of any activities that are excluded from the definition of "begin actual construction" under subsection (20)(a) or (b) shall be at the applicant's risk and shall not reduce the applicant's obligations under this Chapter. The director shall evaluate an application for a permit or permit revision and make a decision on the same basis as if the activities allowed under subsection (20)(a) or (b) had not occurred. A.R.S. § 49-401.01(7).
  21. "Best available control technology" (BACT) means an emission limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major source or major modification, taking into account energy, environmental, and economic impact and other costs, determined by the Director in accordance with R18-2-406(A)(4) to be achievable for such source or modification.
  22. "Btu" means British thermal unit, which is the quantity of heat required to raise the temperature of one pound of water 1°F.
  23. "Categorical sources" means the following classes of sources:
    - a. Coal cleaning plants with thermal dryers;
    - b. Kraft pulp mills;
    - c. Portland cement plants;
    - d. Primary zinc smelters;
    - e. Iron and steel mills;
    - f. Primary aluminum ore reduction plants;
    - g. Primary copper smelters;
    - h. Municipal incinerators capable of charging more than 50 tons of refuse per day;
    - i. Hydrofluoric, sulfuric, or nitric acid plants;
    - j. Petroleum refineries;
    - k. Lime plants;
    - l. Phosphate rock processing plants;
    - m. Coke oven batteries;
    - n. Sulfur recovery plants;
    - o. Carbon black plants using the furnace process;
    - p. Primary lead smelters;
    - q. Fuel conversion plants;
    - r. Sintering plants;
    - s. Secondary metal production plants;
    - t. Chemical process plants, which shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System codes 325193 or 312140;
    - u. Fossil-fuel boilers, combinations thereof, totaling more than 250 million Btus per hour heat input;
    - v. Petroleum storage and transfer units with a total storage capacity more than 300,000 barrels;
    - w. Taconite ore processing plants;
    - x. Glass fiber processing plants;
    - y. Charcoal production plants;
    - z. Fossil-fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million Btus per hour heat input.

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24. "Categorically exempt activities" means any of the following:
- Any combination of diesel-, natural gas- or gasoline-fired engines with cumulative power equal to or less than 145 horsepower.
  - Natural gas-fired engines with cumulative power equal to or less than 155 horsepower.
  - Gasoline-fired engines with cumulative power equal to or less than 200 horsepower.
  - Any of the following emergency or stand-by engines used for less than 500 hours in each calendar year, provided the permittee keeps records documenting the hours of operation of the engines:
    - Any combination of diesel-, natural gas- or gasoline-fired emergency engines with cumulative power equal to or less than 2,500 horsepower.
    - Natural gas-fired emergency engines with cumulative power equal to or less than 2,700 horsepower.
    - Gasoline-fired emergency engines with cumulative power equal to or less than 3,700 horsepower.
  - Any combination of boilers with a cumulative maximum design heat input capacity of less than 10 million Btu/hr.
25. "CFR" means the Code of Federal Regulations, amended as of July 1, 2011, (and no future editions), with standard references in this Chapter by Title and Part, so that "40 CFR 51" means Title 40 of the Code of Federal Regulations, Part 51.
26. "Charge" means the addition of metal bearing materials, scrap, or fluxes to a furnace, converter or refining vessel.
27. "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or post-combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam, that was not in widespread use as of November 15, 1990.
28. "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy - Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.
29. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D-388-91, (Classification of Coals by Rank).
30. "Combustion" means the burning of matter.
31. "Commence" means, as applied to construction of a source, or a major modification as defined in Article 4 of this Chapter, that the owner or operator has all necessary preconstruction approvals or permits and either has:
- Begun, or caused to begin, a continuous program of actual onsite construction of the source, to be completed within a reasonable time; or
  - Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
32. "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, which would result in a change in emissions.
33. "Continuous monitoring system" means a CEMS, CERMS, or CPMS.
34. "Continuous emissions monitoring system" or "CEMS" means the total equipment, required under the emission monitoring provisions in this Chapter, used to sample, condition (if applicable), analyze, and provide, on a continuous basis, a permanent record of emissions.
35. "Continuous emissions rate monitoring system" or "CERMS" means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).
36. "Continuous parameter monitoring system" or "CPMS" means the total equipment, required under the emission monitoring provisions in this Chapter, to monitor process or control device operational parameters (for example, control device secondary voltages and electric currents) or other information (for example, gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations) and to provide, on a continuous basis, a permanent record of monitored values.
37. "Controlled atmosphere incinerator" means one or more refractory-lined chambers in which complete combustion is promoted by recirculation of gases by mechanical means.
38. "Conventional air pollutant" means any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard. A.R.S. § 49-401.01(12).
39. "Department" means the Department of Environmental Quality. A.R.S. § 49-101(2)
40. "Director" means the director of environmental quality who is also the director of the department. A.R.S. § 49-101(3).
41. "Discharge" means the release or escape of an effluent from a source into the atmosphere.
42. "Dust" means finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state.
43. "Dust suppressant" means a chemical compound or mixture of chemical compounds added with or without water to a dust source for purposes of preventing air entrainment.
44. "Effluent" means any air contaminant which is emitted and subsequently escapes into the atmosphere.
45. "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.
46. "Emission" means an air contaminant or gas stream, or the act of discharging an air contaminant or a gas stream, visible or invisible.
47. "Emission standard" or "emission limitation" means a requirement established by the state, a local government,



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- or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.
48. "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any regulated air pollutant and includes an electric steam generating unit.
  49. "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated under R18-2-311(D) to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
  50. "Excess emissions" means emissions of an air pollutant in excess of an emission standard as measured by the compliance test method applicable to such emission standard.
  51. "Federal applicable requirement" means any of the following (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future effective compliance dates):
    - a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.
    - b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act.
    - c. Any standard or other requirement under section 111 of the Act, including 111(d).
    - d. Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act.
    - e. Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder and incorporated pursuant to R18-2-333.
    - f. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act.
    - g. Any standard or other requirement governing solid waste incineration, under section 129 of the Act.
    - h. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act.
    - i. Any standard or other requirement for tank vessels under section 183(f) of the Act.
    - j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act.
    - k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit.
    - l. Any national ambient air quality standard or maximum increase allowed under R18-2-218 or visibility requirement under Part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(c) of the Act.
  52. "Federal Land Manager" means, with respect to any lands in the United States, the secretary of the department with authority over such lands.
  53. "Federally enforceable" means all limitations and conditions which are enforceable by the Administrator under the Act, including all of the following:
    - a. The requirements of the new source performance standards and national emission standards for hazardous air pollutants.
    - b. The requirements of such other state or county rules or regulations approved by the Administrator, including the requirements of state and county operating and new source review permit and registration programs that have been approved by the Administrator. Notwithstanding this subsection, the condition of any permit or registration designated as being enforceable only by the state is not federally enforceable.
    - c. The requirements of any applicable implementation plan.
    - d. Emissions limitations, controls, and other requirements, and any associated monitoring, recordkeeping, and reporting requirements that are included in a permit pursuant to R18-2-306.01 or R18-2-306.02.
  54. "Federally listed hazardous air pollutant" means a pollutant listed pursuant to R18-2-1701(9).
  55. "Final permit" means the version of a permit issued by the Department after completion of all review required by this Chapter.
  56. "Fixed capital cost" means the capital needed to provide all the depreciable components.
  57. "Fuel" means any material which is burned for the purpose of producing energy.
  58. "Fuel burning equipment" means any machine, equipment, incinerator, device or other Article, except stationary rotating machinery, in which combustion takes place.
  59. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
  60. "Fume" means solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.
  61. "Fume incinerator" means a device similar to an afterburner installed for the purpose of incinerating fumes, gases and other finely divided combustible particulate matter not previously burned.
  62. "Good engineering practice (GEP) stack height" means a stack height meeting the requirements described in R18-2-332.
  63. "Hazardous air pollutant" means any federally listed hazardous air pollutant.
  64. "Heat input" means the quantity of heat in terms of Btus generated by fuels fed into the fuel burning equipment under conditions of complete combustion.
  65. "Incinerator" means any equipment, machine, device, contrivance or other Article, and all appurtenances thereof, used for the combustion of refuse, salvage materials or any other combustible material except fossil fuels, for the purpose of reducing the volume of material.
  66. "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the juris-

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diction of the United States and recognized by the United States as possessing power of self-government.

67. "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

68. "Insignificant activity" means any of the following activities:

- a. Liquid Storage and Piping
  - i. Petroleum product storage tanks containing the following substances, provided the applicant lists and identifies the contents of each tank with a volume of 350 gallons or more and provides threshold values for throughput or capacity or both for each such tank: diesel fuels and fuel oil in storage tanks with capacity of 40,000 gallons or less, lubricating oil, transformer oil, and used oil.
  - ii. Gasoline storage tanks with capacity of 10,000 gallons or less.
  - iii. Storage and piping of natural gas, butane, propane, or liquified petroleum gas, provided the applicant lists and identifies the contents of each stationary storage vessel with a volume of 350 gallons or more and provides threshold values for throughput or capacity or both for each such vessel.
  - iv. Piping of fuel oils, used oil and transformer oil, provided the applicant includes a system description.
  - v. Storage and handling of drums or other transportable containers where the containers are sealed during storage, and covered during loading and unloading, including containers of waste and used oil regulated under the federal Resource Conservation and Recovery Act, 42 U.S.C. 6901-6992(k). Permit applicants must provide a description of material in the containers and the approximate amount stored.
  - vi. Storage tanks of any size containing exclusively soaps, detergents, waxes, greases, aqueous salt solutions, aqueous solutions of acids that are not regulated air pollutants, or aqueous caustic solutions, provided the permit applicant specifies the contents of each storage tank with a volume of 350 gallons or more.
  - vii. Electrical transformer oil pumping, cleaning, filtering, drying and the re-installation of oil back into transformers.
- b. Internal combustion engine-driven compressors, internal combustion engine-driven electrical generator sets, and internal combustion engine-driven water pumps used for less than 500 hours per calendar year for emergency replacement or standby service, provided the permittee keeps records documenting the hours of operation of this equipment.
- c. Low Emitting Processes
  - i. Batch mixers with rated capacity of 5 cubic feet or less.
  - ii. Wet sand and gravel production facilities that obtain material from subterranean and subaqueous beds, whose production rate is 200 tons/hour or less, and whose permanent in-plant roads are paved and cleaned to control dust.

This does not include activities in emissions units which are used to crush or grind any non-metallic minerals.

- iii. Powder coating operations.
  - iv. Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing.
  - v. Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
  - vi. Plastic pipe welding.
  - d. Site Maintenance
    - i. Housekeeping activities and associated products used for cleaning purposes, including collecting spilled and accumulated materials at the source, including operation of fixed vacuum cleaning systems specifically for such purposes.
    - ii. Sanding of streets and roads to abate traffic hazards caused by ice and snow.
    - iii. Street and parking lot striping.
    - iv. Architectural painting and associated surface preparation for maintenance purposes at industrial or commercial facilities.
  - e. Sampling and Testing
    - i. Noncommercial (in-house) experimental, analytical laboratory equipment which is bench scale in nature, including quality control/quality assurance laboratories supporting a stationary source and research and development laboratories.
    - ii. Individual sampling points, analyzers, and process instrumentation, whose operation may result in emissions but that are not regulated as emission units.
  - f. Ancillary Non-Industrial Activities
    - i. General office activities, such as paper shredding, copying, photographic activities, and blueprinting, but not to include incineration.
    - ii. Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) where the product is used at a source in the same manner as normal consumer use.
    - iii. Activities directly used in the diagnosis and treatment of disease, injury or other medical condition.
  - g. Miscellaneous Activities
    - i. Installation and operation of potable, process and waste water observation wells, including drilling, pumping, filtering apparatus.
    - ii. Transformer vents.
69. "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking or digesting wood chips in a water solution of sodium hydroxide and sodium sulfide at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.
70. "Lead" means elemental lead or alloys in which the predominant component is lead.
71. "Lime hydrator" means a unit used to produce hydrated lime product.

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72. "Lime plant" includes any plant which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.
73. "Lime product" means any product produced by the calcination of limestone.
74. "Major modification" is defined as follows:
- a. A major modification is any physical change in or change in the method of operation of a major source that would result in both a significant emissions increase of any regulated NSR pollutant and a significant net emissions increase of that pollutant from the stationary source.
  - b. Any emissions increase or net emissions increase that is significant for nitrogen oxides or volatile organic compounds is significant for ozone.
  - c. For the purposes of this definition, none of the following is a physical change or change in the method of operation:
    - i. Routine maintenance, repair, and replacement;
    - ii. Use of an alternative fuel or raw material by reason of an order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C. 792 - 825r;
    - iii. Use of an alternative fuel by reason of an order or rule under section 125 of the Act;
    - iv. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
    - v. For purposes of determining the applicability of R18-2-403 through R18-2-405 or R18-2-411, any of the following:
      - (1) Use of an alternative fuel or raw material by a stationary source that the source was capable of accommodating before December 21, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976 under 40 CFR 52.21 or under Articles 3 or 4 of this Chapter; or
      - (2) Use of an alternative fuel or raw material by a stationary source that the source is approved to use under any permit issued under R18-2-403;
      - (3) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 21, 1976, under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter.
    - vi. For purposes of determining the applicability of R18-2-406 through R18-2-408 or R18-2-410, any of the following:
      - (1) Use of an alternative fuel or raw material by a stationary source that the source was capable of accommodating before January 6, 1975, unless the change would be prohibited under any federally enforceable permit condition established after January 6, 1975 under 40 CFR 52.21 or under Articles 3 or 4 of this Chapter;
      - (2) Use of an alternative fuel or raw material by a stationary source that the source is approved to use under any permit issued under 40 CFR 52.21, or under R18-2-406; or
      - (3) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after January 6, 1975, under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter.
    - vii. Any change in ownership at a stationary source;
    - viii. [Reserved.]
    - ix. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
      - (1) The SIP, and
      - (2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;
    - x. For electric utility steam generating units located in attainment and unclassifiable areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit any regulated pollutant emitted by the unit. This exemption applies on a pollutant-by-pollutant basis; and
    - xi. For electric utility steam generating units located in attainment and unclassifiable areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.
  - d. This definition shall not apply with respect to a particular regulated NSR pollutant when the major source is complying with the requirements of R18-2-412 for a PAL for that regulated NSR pollutant. Instead, the definition of PAL major modification in R18-2-401(20) shall apply.
75. "Major source" means:
- a. A major source as defined in R18-2-401.
  - b. A major source under section 112 of the Act:
    - i. For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emission 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Article 11 of this Chapter. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

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- ii. For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.
  - c. A major stationary source, as defined in section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to a section 302(j) category.
76. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment, process equipment or a process to operate in a normal and usual manner, but does not include failures that are caused by poor maintenance, careless operation or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care.
  77. "Minor source" means a source of air pollution which is not a major source for the purposes of Article 4 of this Chapter and over which the Director, acting pursuant to A.R.S. § 49-402(B), has asserted jurisdiction.
  78. "Minor source baseline area" means the air quality control region in which the source is located.
  79. "Mobile source" means any combustion engine, device, machine or equipment that operates during transport and that emits or generates air contaminants whether in motion or at rest. A.R.S. § 49-401.01(23).
  80. "Modification" or "modify" means a physical change in or change in the method of operation of a source that increases the emissions of any regulated air pollutant emitted by such source by more than any relevant de minimis amount or that results in the emission of any regulated air pollutant not previously emitted by more than such de minimis amount. An increase in emissions at a minor source shall be determined by comparing the source's potential to emit before and after the modification. The following exemptions apply:
    - a. A physical or operational change does not include routine maintenance, repair or replacement.
    - b. An increase in the hours of operation or if the production rate is not considered an operational change unless such increase is prohibited under any permit condition that is legally and practically enforceable by the department.
    - c. A change in ownership at a source is not considered a modification. A.R.S. § 49-401.01(24).
  81. "Monitoring device" means the total equipment, required under the applicable provisions of this Chapter, used to measure and record, if applicable, process parameters.
  82. "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on public highways.
  83. "Multiple chamber incinerator" means three or more refractory-lined combustion chambers in series, physically separated by refractory walls and interconnected by gas passage ports or ducts.
  84. "Natural conditions" includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.
  85. "National ambient air quality standard" means the ambient air pollutant concentration limits established by the Administrator pursuant to section 109 of the Act. A.R.S. § 49-401.01(25).
  86. "National emission standards for hazardous air pollutants" or "NESHAP" means standards adopted by the Administrator under section 112 of the Act.
  87. "Necessary preconstruction approvals or permits" means those permits or approvals required under the Act and those air quality control laws and rules which are part of the SIP.
  88. "Net emissions increase" means:
    - a. The amount by which the sum of subsections (88)(a)(i) and (ii) exceeds zero:
      - i. The increase in emissions of a regulated NSR pollutant from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to R18-2-402(D); and
      - ii. Any other increases and decreases in actual emissions of the regulated NSR pollutant at the source that are contemporaneous with the particular change and are otherwise creditable.
      - iii. For purposes of calculating increases and decreases in actual emissions under subsection (88)(a)(ii), baseline actual emissions shall be determined as provided in the definition of baseline actual emissions in R18-2-401(2), except that R18-2-401(2)(a)(iii) and (b)(iv) shall not apply.
    - b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
      - i. The date five years before a complete application for a permit or permit revision authorizing the particular change is submitted or actual construction of the particular change begins, whichever occurs earlier, and
      - ii. The date that the increase from the particular change occurs.
    - c. For purposes of determining the applicability of R18-2-403 through R18-2-405 or R18-2-411, an increase or decrease in actual emissions is creditable only if the Director has not relied on it in issuing a permit or permit revision under R18-2-403, which permit is in effect when the increase in actual emissions from the particular change occurs. For purposes of determining the applicability of R18-2-406 through R18-2-408 or R18-2-410, an increase or decrease in actual emissions is creditable only if the Director has not relied on it in issuing a permit under R18-2-406, which permit is in effect when the increase in actual emissions from the particular change occurs.
    - d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, PM<sub>10</sub>, or PM<sub>2.5</sub> which occurs before the applicable minor source baseline date, as defined in R18-2-218, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
    - e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

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- f. A decrease in actual emissions is creditable only to the extent that it satisfies all of the following conditions:
- The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions.
  - It is enforceable as a practical matter at and after the time that actual construction on the particular change begins.
  - It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
  - The emissions unit was actually operated and emitted the specific pollutant.
  - For purposes of determining the applicability of R18-2-403 through R18-2-405 or R18-2-411, the Director has not relied on it in issuing any permit, permit revision, or registration under Article 4, R18-2-302.01, or R18-2-334, and the state has not relied on it in demonstrating attainment or reasonable further progress.
- g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit, as defined in R18-2-401(24), that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.
- h. Subsection (2)(a) shall not apply for determining creditable increases and decreases.
89. "New source" means any stationary source of air pollution which is subject to a new source performance standard.
90. "New source performance standards" or "NSPS" means standards adopted by the Administrator under section 111(b) of the Act.
91. "Nitric acid plant" means any facility producing nitric acid 30% to 70% in strength by either the pressure or atmospheric pressure process.
92. "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.
93. "Nonattainment area" means an area so designated by the Administrator acting pursuant to section 107 of the Act as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.
94. "Nonpoint source" means a source of air contaminants which lacks an identifiable plume or emission point.
95. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
96. "Operation" means any physical or chemical action resulting in the change in location, form, physical properties, or chemical character of a material.
97. "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source.
98. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
99. "Particulate matter emissions" means all finely divided solid or liquid materials other than uncombined water, emitted to the ambient air as measured by applicable test methods and procedures described in R18-2-311.
100. "Permitting authority" means the department or a county department, agency or air pollution control district that is charged with enforcing a permit program adopted pursuant to A.R.S. § 49-480(A). A.R.S. § 49-401.01(28).
101. "Permitting exemption thresholds" for a regulated minor NSR pollutant means the following:
- | Regulated Air Pollutant   | Emission Rate in tons per year (TPY) |
|---|--------------------------------------|
| PM <sub>2.5</sub> (primary emissions only; levels for precursors are set below) | 5                                    |
| PM <sub>10</sub>  | 7.5                                  |
| SO <sub>2</sub>   | 20                                   |
| NO <sub>x</sub>   | 20                                   |
| VOC   | 20                                   |
| CO  | 50                                   |
| Pb  | 0.3                                  |
102. "Person" means any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.
103. "Planning agency" means an organization designated by the governor pursuant to 42 U.S.C. 7504. A.R.S. § 49-401.01(29).
104. "PM<sub>2.5</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53.
105. "PM<sub>10</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53.
106. "PM<sub>10</sub> emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by applicable test methods and procedures described in R18-2-311.
107. "Plume" means visible effluent.
108. "Pollutant" means an air contaminant the emission or ambient concentration of which is regulated pursuant to this Chapter.
109. "Portable source" means any stationary source that is capable of being operated at more than one location.
110. "Potential to emit" or "potential emission rate" means the maximum capacity of a stationary source to emit a pollutant, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is legally and practically enforceable by the Department or a county under A.R.S. Title 49, Chapter 3; any rule, ordinance, order or permit adopted or issued

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- under A.R.S. Title 49, Chapter 3 or the state implementation plan.
111. "Predictive Emissions Monitoring System" or "PEMS" means the total equipment, required under the emission monitoring provisions in this Chapter, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.
  112. "Primary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary, with an adequate margin of safety, to protect the public health, as specified in Article 2 of this Chapter.
  113. "Process" means one or more operations, including equipment and technology, used in the production of goods or services or the control of by-products or waste.
  114. "Project" means a physical change in, or change in the method of operation of, an existing major source.
  115. "Proposed final permit" means the version of a Class I permit or Class I permit revision that the Department proposes to issue and forwards to the Administrator for review in compliance with R18-2-307(A). A proposed final permit constitutes a final and enforceable authorization to begin actual construction of, but not to operate, a new Class I source or a modification to a Class I source.
  116. "Proposed permit" means the version of a permit for which the Director offers public participation under R18-2-330 or affected state review under R18-2-307(D).
  117. "Reactivation of a very clean coal-fired electric utility steam generating unit" means any physical change or change in the method of operation associated with commencing commercial operations by a coal-fired utility unit after a period of discontinued operation if the unit:
    - a. Has not been in operation for the two-year period before enactment of the Clean Air Act Amendments of 1990, and the emissions from the unit continue to be carried in the Director's emissions inventory at the time of enactment;
    - b. Was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;
    - c. Is equipped with low-NO<sub>x</sub> burners before commencement of operations following reactivation; and
    - d. Is otherwise in compliance with the Act.
  118. "Reasonable further progress" means the schedule of emission reductions defined within a nonattainment area plan as being necessary to come into compliance with a national ambient air quality standard by the primary standard attainment date.
  119. "Reasonably available control technology" (RACT) means devices, systems, process modifications, work practices or other apparatus or techniques that are determined by the Director to be reasonably available taking into account:
    - a. The necessity of imposing the controls in order to attain and maintain a national ambient air quality standard;
    - b. The social, environmental, energy and economic impact of the controls;
    - c. Control technology in use by similar sources; and
    - d. The capital and operating costs and technical feasibility of the controls.
  120. "Reclaiming machinery" means any machine, equipment device or other Article used for picking up stored granular material and either depositing this material on a conveyor or reintroducing this material into the process.
  121. "Reference method" means the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual; 40 CFR 50, Appendices A through K; 40 CFR 51, Appendix M; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C, as incorporated by reference in 18 A.A.C. 2, Appendix 2.
  122. "Regulated air pollutant" means any of the following:
    - a. Any conventional air pollutant.
    - b. Nitrogen oxides and volatile organic compounds.
    - c. Any pollutant that is subject to a new source performance standard.
    - d. Any pollutant that is subject to a national emission standard for hazardous air pollutants or other requirements established under section 112 of the Act, including sections 112(g), (j), and (r), including the following:
      - i. Any pollutant subject to requirements under section 112(j) of the act. If the administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the Act; and
      - ii. Any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to the section 112(g)(2) requirement.
    - e. Any Class I or II substance subject to a standard promulgated under title VI of the Act.
  123. "Regulated minor NSR pollutant" means any pollutant for which a national ambient air quality standard has been promulgated and the following precursors for such pollutants:
    - a. VOC and nitrogen oxides as precursors to ozone.
    - b. Nitrogen oxides and sulfur dioxide as precursors to PM<sub>2.5</sub>.
  124. "Regulated NSR pollutant" is defined as follows:
    - a. For purposes of determining the applicability of R18-2-403 through R18-2-405 and R18-2-411, regulated NSR pollutant means any pollutant for which a national ambient air quality standard has been promulgated and any pollutant identified under this subsection as a constituent of or precursor to such pollutant, provided that such constituent or precursor pollutant may only be regulated under NSR as part of the regulation of the general pollutant. Precursors for purposes of NSR are the following:
      - i. Volatile organic compounds and nitrogen oxides are precursors to ozone in all areas.
      - ii. Sulfur dioxide is a precursor to PM<sub>2.5</sub> in all areas.
      - iii. Nitrogen oxides are precursors to PM<sub>2.5</sub> in all areas.
      - iv. VOC and ammonia are precursors to PM<sub>2.5</sub> in PM<sub>2.5</sub> nonattainment areas.

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- b. For all other purposes, regulated NSR pollutant means the pollutants identified in subsection (a) and the following:
- Any pollutant that is subject to any new source performance standard except greenhouse gases as defined in 40 CFR 86.1818-12(a).
  - Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act as of July 1, 2011.
  - Any pollutant that is otherwise subject to regulation under the Act, except greenhouse gases as defined in 40 CFR 86.1818-12(a).
- c. Notwithstanding subsections (124)(a) and (b), the term regulated NSR pollutant shall not include any or all hazardous air pollutants either listed in section 112 of the Act, or added to the list pursuant to section 112(b)(2) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.
- d. PM<sub>2.5</sub> emissions and PM<sub>10</sub> emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On and after January 1, 2011, condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> in permits issued under Article 4.
125. "Repowering" means:
- Replacing an existing coal-fired boiler with one of the following clean coal technologies:
    - Atmospheric or pressurized fluidized bed combustion;
    - Integrated gasification combined cycle;
    - Magnetohydrodynamics;
    - Direct and indirect coal-fired turbines;
    - Integrated gasification fuel cells; or
    - As determined by the Administrator, in consultation with the United States Secretary of Energy, a derivative of one or more of the above technologies; and
    - Any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.
  - Repowering also includes any oil, gas, or oil and gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the United States Department of Energy.
  - The Director shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection (and) is granted an extension under section 409 of the Act.
126. "Run" means the net period of time during which an emission sample is collected, which may be, unless otherwise specified, either intermittent or continuous within the limits of good engineering practice.
127. "Secondary ambient air quality standards" means the ambient air quality standards which define levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant, as specified in Article 2 of this Chapter.
128. "Secondary emissions" means emissions which are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.
129. "Section 302(j) category" means:
- Any of the classes of sources listed in the definition of categorical source in subsection (23); or
  - Any category of affected facility which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.
130. "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.
131. "Significant" means, in reference to a significant emissions increase, a net emissions increase, a stationary source's potential to emit or a stationary source's maximum capacity to emit with any elective limits as defined in R18-2-301(13):
- A rate of emissions of conventional pollutants that would equal or exceed any of the following:

Pollutant	Emissions Rate
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
PM <sub>10</sub>	15 tpy
PM <sub>2.5</sub>	10 tpy of direct PM <sub>2.5</sub> emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions.
Ozone	40 tpy of VOC or nitrogen oxides
Lead	0.6 tpy
  - For purposes of determining the applicability of R18-2-302(B)(2) or R18-2-406, in addition to the rates specified in subsection (131)(a), a rate of emissions of non-conventional pollutants that would equal or exceed any of the following:

Pollutant	Emissions Rate
Particulate matter	25 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy

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- |  |                            |
|--|----------------------------|
| Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzop-dioxins and dibenzofurans) | 3.5 x 10 <sup>-6</sup> tpy |
| Municipal waste combustor metals (measured as particulate matter)  | 15 tpy                     |
| Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)                                  | 40 tpy                     |
| Municipal solid waste landfill emissions (measured as nonmethane organic compounds)                                      | 50 tpy                     |
| Any regulated NSR pollutant not specifically listed in this subsection (or) subsection (131)(a), except for ammonia.     | Any emission rate          |
- c. In ozone nonattainment areas classified as serious or severe, the emission rate for nitrogen oxides or VOC determined under R18-2-405.
- d. In a carbon monoxide nonattainment area classified as serious, a rate of emissions that would equal or exceed 50 tons per year, if the Administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
- e. In PM<sub>2.5</sub> nonattainment areas, an emission rate that would equal or exceed 40 tons per year of VOC as a precursor of PM<sub>2.5</sub>.
- f. In PM<sub>2.5</sub> nonattainment areas, for purposes of determining the applicability of R18-2-403 or R18-2-404, an emission rate that would equal or exceed 40 tons per year of ammonia, as a precursor to PM<sub>2.5</sub>. This subsection shall take effect on the effective date of the Administrator's action approving it as part of the state implementation plan.
- g. Notwithstanding the emission rates listed in subsection (131)(a) or (b), for purposes of determining the applicability of R18-2-406, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers of a Class I area and have an impact on the ambient air quality of such area equal to or greater than 1 µg/m<sup>3</sup> (24-hour average).
132. "Significant emissions increase" means, for a regulated NSR pollutant, an increase in emissions that is significant as defined in this Section for that pollutant.
133. "Smoke" means particulate matter resulting from incomplete combustion.
134. "*Source*" means any building, structure, facility or installation that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution. A.R.S. § 49-401.01(23).
135. "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.
136. "Stack in existence" means that the owner or operator had either:
- Begun, or caused to begin, a continuous program of physical onsite construction of the stack;
  - Entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.
137. "Start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.
138. "State implementation plan" or "SIP" means the accumulated record of enforceable air pollution control measures, programs and plans adopted by the Director and submitted to and approved by the Administrator pursuant to 42 U.S.C. 7410.
139. "Stationary rotating machinery" means any gas engine, diesel engine, gas turbine, or oil fired turbine operated from a stationary mounting and used for the production of electric power or for the direct drive of other equipment.
140. "Stationary source" means any building, structure, facility or installation which emits or may emit any regulated NSR pollutant, any regulated air pollutant or any pollutant listed under section 112(b) of the act. "Building," "structure," "facility," or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987."
141. "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the Act, or a nationally-applicable regulation codified by the administrator in 40 CFR chapter I, subchapter C, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity.
142. "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized as a means of preventing emissions of sulfur dioxide or other sulfur compounds to the atmosphere.
143. "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project operated for five years or less, and that complies with the applicable implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.
144. "Temporary source" means a source which is portable, as defined in A.R.S. § 49-401.01(23) and which is not an affected source.
145. "Total reduced sulfur" (TRS) means the sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during kraft pulping and other operations and measured by Method 16 in 40 CFR 60, Appendix A.
146. "Trivial activities" means activities and emissions units, such as the following, that may be omitted from a permit or registration application. Certain of the following listed activities include qualifying statements intended to exclude similar activities:
- Low-Emitting Combustion



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- i. Combustion emissions from propulsion of mobile sources;
- ii. Emergency or backup electrical generators at residential locations;
- iii. Portable electrical generators that can be moved by hand from one location to another. "Moved by hand" means capable of being moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device;
- b. Low- Or Non-Emitting Industrial Activities
  - i. Blacksmith forges;
  - ii. Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, sawing, grinding, turning, routing or machining of ceramic art work, precision parts, leather, metals, plastics, fiberboard, masonry, carbon, glass, or wood;
  - iii. Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals. Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are insignificant activities based on size or production level thresholds. Brazing, soldering, and welding equipment, and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this definition;
  - iv. Drop hammers or hydraulic presses for forging or metalworking;
  - v. Air compressors and pneumatically operated equipment, including hand tools;
  - vi. Batteries and battery charging stations, except at battery manufacturing plants;
  - vii. Drop hammers or hydraulic presses for forging or metalworking;
  - viii. Equipment used exclusively to slaughter animals, not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;
  - ix. Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation;
  - x. Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOC or HAP;
  - xi. CO2 lasers used only on metals and other materials that do not emit HAP in the process;
  - xii. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;
  - xiii. Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants;
  - xiv. Laser trimmers using dust collection to prevent fugitive emissions;
  - xv. Process water filtration systems and demineralizers;
  - xvi. Demineralized water tanks and demineralizer vents;
  - xvii. Oxygen scavenging or de-aeration of water;
  - xviii. Ozone generators;
  - xix. Steam vents and safety relief valves;
  - xx. Steam leaks; and
  - xxi. Steam cleaning operations and steam sterilizers;
  - xxii. Use of vacuum trucks and high pressure washer/cleaning equipment within the stationary source boundaries for cleanup and in-source transfer of liquids and slurried solids to waste water treatment units or conveyances;
  - xxiii. Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing.
  - xxiv. Electric motors.
- c. Building and Site Maintenance Activities
  - i. Plant and building maintenance and upkeep activities, including grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots, if these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and do not otherwise trigger a permit revision. Cleaning and painting activities qualify as trivial activities if they are not subject to VOC or hazardous air pollutant control requirements;
  - ii. Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating, de-greasing, or solvent metal cleaning activities, and not otherwise triggering a permit revision;
  - iii. Janitorial services and consumer use of janitorial products;
  - iv. Landscaping activities;
  - v. Routine calibration and maintenance of laboratory equipment or other analytical instruments;
  - vi. Sanding of streets and roads to abate traffic hazards caused by ice and snow;
  - vii. Street and parking lot striping;
  - viii. Caulking operations which are not part of a production process.
- d. Incidental, Non-Industrial Activities
  - i. Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act;
  - ii. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process;
  - iii. Tobacco smoking rooms and areas;
  - iv. Non-commercial food preparation;
  - v. General office activities, such as paper shredding, copying, photographic activities, pencil sharpening and blueprinting, but not including incineration;
  - vi. Laundry activities, except for dry-cleaning and steam boilers;
  - vii. Bathroom and toilet vent emissions;

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- viii. Fugitive emissions related to movement of passenger vehicles, if the emissions are not counted for applicability purposes under subsection (146)(c) of the definition of major source in this Section and any required fugitive dust control plan or its equivalent is submitted with the application;
- ix. Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) where the product is used at a source in the same manner as normal consumer use;
- x. Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;
- xi. Circuit breakers;
- xii. Adhesive use which is not related to production.
- e. Storage, Piping and Packaging
  - i. Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOC or HAP;
  - ii. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, if appropriate lids and covers are used;
  - iii. Chemical storage associated with water and wastewater treatment where the water is treated for consumption and/or use within the permitted facility;
  - iv. Chemical storage associated with water and wastewater treatment where the water is treated for consumption and/or use within the permitted facility;
  - v. Storage cabinets for flammable products;
  - vi. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities;
  - vii. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, if appropriate lids and covers are used;
- f. Sampling and Testing
  - i. Vents from continuous emissions monitors and other analyzers;
  - ii. Bench-scale laboratory equipment used for physical or chemical analysis, but not laboratory fume hoods or vents;
  - iii. Equipment used for quality control, quality assurance, or inspection purposes, including sampling equipment used to withdraw materials for analysis;
  - iv. Hydraulic and hydrostatic testing equipment;
  - v. Environmental chambers not using HAP gases;
  - vi. Soil gas sampling;
  - vii. Individual sampling points, analyzers, and process instrumentation, whose operation may result in emissions but that are not regulated as emission units;
- g. Safety Activities
  - i. Fire suppression systems;
  - ii. Emergency road flares;
- h. Miscellaneous Activities
  - i. Shock chambers;
  - ii. Humidity chambers;
  - iii. Solar simulators;
  - iv. Cathodic protection systems;
  - v. High voltage induced corona; and
  - vi. Filter draining.
- 147. "Unclassified area" means an area which the Administrator, because of a lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant, and which, for purposes of this Chapter, is treated as an attainment area.
- 148. "Uncombined water" means condensed water containing analytical trace amounts of other chemical elements or compounds.
- 149. "Urban or suburban open area" means an unsubdivided tract of land surrounding a substantial urban development of a residential, industrial, or commercial nature and which, though near or within the limits of a city or town, may be uncultivated, used for agriculture, or lie fallow.
- 150. "Vacant lot" means a subdivided residential or commercial lot which contains no buildings or structures of a temporary or permanent nature.
- 151. "Vapor" means the gaseous form of a substance normally occurring in a liquid or solid state.
- 152. "Visibility impairment" means any humanly perceptible change in visibility (light extinction, visual range, contrast, coloration) from that which would have existed under natural conditions.
- 153. "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate matter.
- 154. "Volatile organic compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions. This includes any such organic compound other than the following:
  - a. Methane;
  - b. Ethane;
  - c. Methylene chloride (dichloromethane);
  - d. 1,1,1-trichloroethane (methyl chloroform);
  - e. 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
  - f. Trichlorofluoromethane (CFC-11);
  - g. Dichlorodifluoromethane (CFC-12);
  - h. Chlorodifluoromethane (HCFC-22);
  - i. Trifluoromethane (HFC-23);
  - j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
  - k. Chloropentafluoroethane (CFC-115);
  - l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
  - m. 1,1,1,2-tetrafluoroethane (HFC-134(a));
  - n. 1,1-dichloro 1-fluoroethane (HCFC-141(b));
  - o. 1-chloro 1,1-difluoroethane (HCFC-142(b));
  - p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
  - q. Pentafluoroethane (HFC-125);
  - r. 1,1,2,2-tetrafluoroethane (HFC-134);
  - s. 1,1,1-trifluoroethane (HFC-143(a));
  - t. 1,1-difluoroethane (HFC-152(a));
  - u. Parachlorobenzotrifluoride (PCBTF);
  - v. Cyclic, branched, or linear completely methylated siloxanes;
  - w. Acetone;
  - x. Perchloroethylene (tetrachloroethylene);
  - y. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225(ca));

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- z. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225(cb));
- aa. 1,1,1,2,3,3,4,4,5,5-decafluoropentane (HFC 43-10mee);
- bb. Difluoromethane (HFC-32);
- cc. Ethylfluoride (HFC-161);
- dd. 1,1,1,3,3,3-hexafluoropropane (HFC-236(fa));
- ee. 1,1,2,2,3-pentafluoropropane (HFC-245(ca));
- ff. 1,1,2,3,3-pentafluoropropane (HFC-245(ea));
- gg. 1,1,1,2,3-pentafluoropropane (HFC-245(eb));
- hh. 1,1,1,3,3-pentafluoropropane (HFC-245(fa));
- ii. 1,1,1,2,3,3-hexafluoropropane (HFC-236(ea));
- jj. 1,1,1,3,3-pentafluorobutane (HFC-365(mfc));
- kk. Chlorofluoromethane (HCFC-31);
- ll. 1-chloro-1-fluoroethane (HCFC-151(a));
- mm. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123(a));
- nn. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>);
- oo. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>);
- pp. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>);
- qq. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>);
- rr. Methyl acetate; and
- ss. 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>, HFE—7000);
- tt. 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE – 7500);
- uu. 1,1,1,2,3,3,3-hentafluoropropane (HFC 227ea);
- vv. Methyl formate (HCOOCH<sub>3</sub>); and
- ww. (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE–7300);
- xx. Propylene carbonate;
- yy. Dimethyl carbonate; and
- zz. Trans -1,3,3,3-tetrafluoropropene;
- aaa. HCF<sub>2</sub>OCF<sub>2</sub>H (HFE-134);
- bbb. HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>H (HFE-236(cal2));
- ccc. HCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (HFE-338(pcc13));
- ddd. HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
- eee. Trans 1-chloro-3,3,3-trifluoroprop-1-ene;
- fff. 2,3,3,3-tetrafluoropropene;
- ggg. 2-amino-2-methyl-1-propanol; and
- hhh. Perfluorocarbon compounds that fall into these classes:
  - i. Cyclic, branched, or linear, completely fluorinated alkanes.
  - ii. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.
  - iii. Cycle, branched, or linear, completely fluorinated tertiary amines with no unsaturations; or
  - iv. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
  - v. The following compound is VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but is not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

- 155. “Wood waste burner” means an incinerator designed and used exclusively for the burning of wood wastes consisting of wood slabs, scraps, shavings, barks, sawdust or other wood material, including those that generate steam as a by-product.

**Historical Note**

Former Section R9-3-101 repealed, new Section R9-3-101 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, paragraph (133) (Supp. 80-1). Editorial correction, paragraph (58) (Supp. 80-2). Amended effective July 9, 1980. Amended by adding new paragraphs (24), (55), (102), and (115) and renumbering accordingly, effective August 29, 1980 (Supp. 80-4). Amended effective May 28, 1982 (Supp. 82-3). Amended effective September 22, 1983 (Supp. 83-5). Amended paragraph (133), added paragraph (156) and renumbered accordingly effective September 28, 1984 (Supp. 84-5). Amended paragraph (29) by deleting (aa) and (bb) effective August 9, 1985 (Supp. 85-4). Former Section R9-3-101 renumbered without change as R18-2-101 (Supp. 87-3). Amended paragraph (98) effective December 1, 1988 (Supp. 88-4). Amended effective September 26, 1990 (Supp. 90-3). Amended effective November 15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended effective October 7, 1994 (Supp. 94-4). Amended effective February 28, 1995 (Supp. 95-1). Amended effective August 1, 1995 (Supp. 95-3). Amended effective January 31, 1997; filed with the Office of Secretary of State January 10, 1997 (Supp. 97-1). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 11 A.A.R. 5504, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective February 1, 2020 (Supp. 19-4). Amended by final expedited rulemaking at 28 A.A.R. 1135 (May 27, 2022), with an immediate effective date of May 4, 2022 (Supp. 22-2).

**R18-2-102. Incorporated Materials**

- A. The following documents are incorporated by reference and are on file with the Office of the Secretary of State (1700 W. Washington St., Suite 103, Phoenix, AZ 85007) and the Department (1110 W. Washington St., Phoenix, AZ 85007):
  - 1. Sections 1 and 7 of the Department’s “Arizona Testing Manual for Air Pollutant Emissions,” amended as of March 1992 (and no future editions).
  - 2. All ASTM test methods referenced in this Chapter as of the year specified in the reference (and no future amendments). They are available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103-1187.

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3. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987" (and no future editions).
  - B. The Code of Federal Regulations is published by the United States Government Printing Office, 732 North Capital Street, NW, Washington, DC 20401-0001, is on file with the Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007, and is available at the Arizona State Library, Archives & Public Records, 1700 West Washington Street, Phoenix, Arizona 85007 and at other Federal depository libraries in the state (see [http://catalog.gpo.gov/fdlpdir/FDLP-dir.jsp?st\\_12=AZ&flag=searchp](http://catalog.gpo.gov/fdlpdir/FDLP-dir.jsp?st_12=AZ&flag=searchp)). It is also available online at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
- Historical Note**
- Adopted effective September 26, 1990 (Supp. 90-3).  
 Amended effective February 3, 1993 (Supp. 93-1).  
 Amended effective November 15, 1993 (Supp. 93-4).  
 Amended effective June 10, 1994 (Supp. 94-2). Amended effective December 7, 1995 (Supp. 95-4). Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-103. Applicable Implementation Plan; Savings**

No rule adopted in this Chapter shall preempt or nullify any applicable requirement or emission standard in an applicable implementation plan unless the Director revises the applicable implementation plan in conformance with the requirements of 40 CFR 51, Subpart F, and the Administrator approves the revision.

**Historical Note**

Adopted effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS****R18-2-201. Particulate Matter: PM<sub>10</sub> and PM<sub>2.5</sub>**

- A. PM<sub>10</sub> Standards
  1. The level of the primary and secondary ambient air quality standards for PM<sub>10</sub> is 150 micrograms per cubic meter of PM<sub>10</sub> – 24-hour average concentration.
  2. To determine attainment of the primary and secondary standards, a person shall measure PM<sub>10</sub> in the ambient air by:
    - a. A reference method based on 40 CFR 50, Appendix J, and designated according to 40 CFR 53; or
    - b. An equivalent method designated according to 40 CFR 53.
  3. The primary and secondary 24-hour ambient air quality standards for PM<sub>10</sub> are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, determined according to 40 CFR 50, Appendix K, is less than or equal to one.
- B. PM<sub>2.5</sub> Standards
  1. The primary ambient air quality standards for PM<sub>2.5</sub> are:
    - a. 12 micrograms per cubic meter of PM<sub>2.5</sub> – annual arithmetic mean concentration.
    - b. 35 micrograms per cubic meter of PM<sub>2.5</sub> – 24-hour average concentration.

2. The secondary ambient air quality standards for PM<sub>2.5</sub> are:
  - a. 15 micrograms per cubic meter of PM<sub>2.5</sub> – annual arithmetic mean concentration.
  - b. 35 micrograms per cubic meter of PM<sub>2.5</sub> – 24-hour average concentration.
3. To determine attainment of the primary and secondary standards, a person shall measure PM<sub>2.5</sub> in the ambient air by:
  - a. A reference method based on 40 CFR 50, Appendix L, and designated according to 40 CFR 53; or
  - b. An equivalent method designated according to 40 CFR 53.
4. The primary annual ambient air quality standard for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, determined according to 40 CFR 50, Appendix N, is less than or equal to 12 micrograms per cubic meter.
5. The secondary annual ambient air quality standard for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, determined according to 40 CFR 50, Appendix N, is less than or equal to 15 micrograms per cubic meter.
6. The primary and secondary 24-hour ambient air quality standards for PM<sub>2.5</sub> are met when the 98th percentile 24-hour concentration, determined according to 40 CFR 50, Appendix N, is less than or equal to 35 micrograms per cubic meter.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5). Former Section R9-3-201 repealed, new Section R9-3-201 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (E) (Supp. 80-2). Amended effective August 29, 1980 (Supp. 80-4). Amended subsection(B)(1) and deleted subsections (C) through (E) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-201 renumbered without change as Section R18-2-201 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Section corrected to include subsection (B), which was inadvertently omitted in Supp. 05-3 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-202. Sulfur Oxides (Sulfur Dioxide)**

- A. The primary ambient air quality standards for sulfur oxides, measured as sulfur dioxide, are:
  1. 0.03 parts per million (ppm) (80 µg/m<sup>3</sup>) -- annual arithmetic mean.
  2. 0.14 parts per million (ppm) (365 µg/m<sup>3</sup>) – maximum 24-hour concentration not to be exceeded more than once per calendar year.
  3. 75 parts per billion (ppb) – maximum one-hour concentration. The one-hour primary standard is met at an ambient air quality monitoring site when the three-year average of the annual 99th percentile of the daily maximum one-hour average concentrations is less than or equal to 75 parts per billion, as determined according to 40 CFR 50, Appendix T.
- B. The secondary ambient air quality standard for sulfur oxides, measured as sulfur dioxide, is 0.5 parts per million (ppm)

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(1300 µg/m<sup>3</sup>) -- maximum three-hour concentration not to be exceeded more than once per year.

- C. The level of the standards shall be measured by a reference method based on 40 CFR 50, Appendix A or A-1, or by a Federal Equivalent Method designated according to 40 CFR 53.
- D. The standards in subsections (A)(1) and (2) shall apply:
1. In an area designated nonattainment for a standard in subsections (A)(1) or (2) as of August 23, 2011, and areas not meeting a state implementation plan call for a standard in subsections (A)(1) or (2), until the state submits pursuant to section 191 of the Act, and the Administrator approves, a state implementation plan providing for attainment the standard in subsection (A)(3) in that area.
  2. In areas other than those identified in subsection (D)(1), until the effective date of the designation of that area, pursuant to section 107 of the act, for the standard in subsection (A)(3).

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5).

Former Section R9-3-202 repealed, new Section R9-3-202 adopted effective May 14, 1979 (Supp. 79-1).

Amended effective October 2, 1979 (Supp. 79-5).

Amended effective August 29, 1980 (Supp. 80-4).

Amended subsection (B) effective May 28, 1982 (Supp. 82-3). Amended by deleting subsections (C) through (E) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-202 renumbered without change as Section R18-2-202 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-203. Ozone**

- A. The eight-hour average primary ambient air quality standard for ozone is 0.070 ppm.
- B. The eight-hour average secondary ambient air quality standard for ozone is 0.070 ppm.
- C. To determine attainment of the primary and secondary standards, a person shall measure ozone in the ambient air by:
1. A reference method based on 40 CFR 50, Appendix D, and designated according to 40 CFR 53; or
  2. An equivalent method designated according to 40 CFR 53.
- D. The eight-hour average primary ambient air quality standard for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, determined according to 40 CFR 50, Appendix U.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5).

Former Section R9-3-204 repealed, new Section R9-3-204 adopted effective May 14, 1979 (Supp. 79-1).

Amended effective October 2, 1979 (Supp. 79-5).

Amended effective August 29, 1980 (Supp. 80-4).

Amended by deleting subsections (B) through (D) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-204 renumbered without change as Section R18-2-204 (Supp. 87-3). Section R18-2-103 renumbered from R18-2-204 and amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August

7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-204. Carbon monoxide**

- A. The primary ambient air quality standards for carbon monoxide are:
1. 9 parts per million (10 milligrams per cubic meter) -- maximum eight-hour concentration not to be exceeded more than once per year.
  2. 35 parts per million (40 milligrams per cubic meter) -- maximum one-hour concentration not to be exceeded more than once per year.
- B. An eight-hour average shall be considered valid if at least 75% of the hourly averages for the eight-hour period are available. In the event that only six or seven hourly averages are available, the eight-hour average shall be computed on the basis of the hours available using 6 or 7 as the divisor.
- C. When summarizing data for comparison with the standards, averages shall be stated to one decimal place. Comparison of the data with the levels of the standards in parts per million shall be made in terms of integers with fractional parts of 0.5 or greater rounding up.

**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5).

Former Section R9-3-205 repealed, new Section R9-3-205 adopted effective May 14, 1979 (Supp. 79-1).

Amended effective October 2, 1979 (Supp. 79-5).

Amended effective August 29, 1980 (Supp. 80-4).

Amended by deleting subsections (B) through (D) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-205 renumbered without change as Section R18-2-205 (Supp. 87-3). Former Section R18-2-204 renumbered to R18-2-203, new Section R18-2-204 renumbered from R18-2-205 and amended effective September 26, 1990 (Supp. 90-3).

**R18-2-205. Nitrogen Oxides (Nitrogen Dioxide)**

- A. The primary ambient air quality standards for oxides of nitrogen, measured in the ambient air as nitrogen dioxide, are:
1. 53 parts per billion -- annual average concentration.
  2. 100 parts per billion -- one-hour average concentration.
- B. The secondary ambient air quality standard for nitrogen dioxide is 0.053 (parts per million (100 micrograms per cubic meter) -- annual arithmetic mean.
- C. The levels of the standards shall be measured by a reference method based on 40 CFR 50, Appendix F or a federal equivalent method designated in accordance with 40 CFR 53.
- D. The annual primary standard is met when the annual average concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with 40 CFR, Appendix S for the annual standard.
- E. The one-hour primary standard is met when the three-year average of the annual 98th percentile of the daily maximum one-hour average concentration is less than or equal to 100 parts per billion, as determined in accordance with 40 CFR 50, Appendix S.
- F. The secondary standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places, with fractional parts equal to or greater than 0.0005 ppm rounded up. To demonstrate attainment, an annual mean shall be based upon hourly data that is at least 75% complete or upon data derived from the manual methods, that is at least 75% complete for the scheduled sampling days in each calendar quarter.

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**Historical Note**

Amended effective December 22, 1976 (Supp. 76-5). Former Section R9-3-206 repealed, new Section R9-3-206 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective August 29, 1980 (Supp. 80-4). Amended by deleting subsections (B) through (D) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-206 renumbered without change as Section R18-2-206 (Supp. 87-3). Former Section R18-2-205 renumbered to R18-2-204, new Section R18-2-205 renumbered from R18-2-206 and amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-206. Lead**

- A. The primary ambient air quality standard for lead and its compounds, measured as elemental lead, is 0.15 micrograms per cubic meter – maximum arithmetic mean averaged over a three-month period.
- B. The secondary ambient air quality standard for lead and its compounds, measured as elemental lead, is 0.15 micrograms per cubic meter – maximum arithmetic mean averaged over a three-month period.
- C. The level of the standards shall be measured by a reference method based on 40 CFR 50, Appendix G and designated in accordance with 40 CFR 53, or by an equivalent designated in accordance with part 53 of this chapter.
- D. The national primary and secondary ambient air quality standards for lead are met when the maximum arithmetic three-month mean concentration for a three-year period, as determined in accordance with 40 CFR 50, Appendix R, is less than or equal to 0.15 micrograms per cubic meter.
- E. The former primary and secondary ambient air quality standards for lead of 1.5 micrograms per cubic meter averaged over a calendar quarter shall apply to an area until one year after the effective date of the designation of that area, pursuant to section 107 of the Act, for the standards in subsections (A) and (B).

**Historical Note**

Former Section R9-3-207 repealed effective May 14, 1979 (Supp. 79-1). New Section R9-3-207 adopted effective October 2, 1979 (Supp. 79-5). Amended effective August 29, 1980 (Supp. 80-4). Amended by deleting subsections (B) through (D) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-207 renumbered without change as Section R18-2-207 (Supp. 87-3). Former Section R18-2-206 renumbered to R18-2-205, new Section R18-2-206 renumbered from R18-2-207 and amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-207. Renumbered****Historical Note**

Former Section R9-3-207 renumbered to R18-2-206 effective September 26, 1990 (Supp. 90-3).

**R18-2-208. Reserved****R18-2-209. Reserved****R18-2-210. Attainment, Nonattainment, and Unclassifiable Area Designations**

40 CFR 81.303 as amended as of July 1, 2014 (and no future amendments or editions) is incorporated by reference as an applica-

ble requirement and on file with the Department of Environmental Quality. 40 CFR 81.303 is available from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4). Amended effective December 7, 1995 (Supp. 95-4). Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-211. Reserved****R18-2-212. Reserved****R18-2-213. Reserved****R18-2-214. Reserved****R18-2-215. Ambient air quality monitoring methods and procedures**

- A. Only those methods which have been either designated by the Administrator as reference or equivalent methods or approved by the Director shall be used to monitor ambient air.
- B. Quality assurance, monitor siting, and sample probe installation procedures shall be in accordance with procedures described in the Appendices to 40 CFR 58.
- C. The Director may approve other procedures upon a finding that the proposed procedures are substantially equivalent or superior to procedures in the Appendices to 40 CFR 58.

**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-215 renumbered without change as Section R18-2-215 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3).

**R18-2-216. Interpretation of Ambient Air Quality Standards and Evaluation of Air Quality Data**

Unless otherwise specified, interpretation of all ambient air quality standards contained in this Article shall be in accordance with 40 CFR 50, incorporated by reference in Appendix 2 of this Chapter.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-216 repealed, new Section R9-3-216 adopted effective August 29, 1980 (Supp. 80-4). Former Section R9-3-216 renumbered without change as Section R18-2-216 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-217. Designation and Classification of Attainment Areas**

- A. All areas shall be classified as either Class I, Class II or Class III.
- B. All of the following areas which were in existence on August 7, 1977 shall be Class I areas irrespective of attainment status and shall not be redesignated:

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1. International parks;
  2. National wilderness areas which exceed 5,000 acres in size;
  3. National memorial parks which exceed 5,000 acres in size; and
  4. National parks which exceed 6,000 acres in size.
- C.** Areas which were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this Section.
- D.** Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this Section.
- E.** The following areas shall be designated only as Class I or II:
1. An area which as of August 7, 1977, exceeds 10,000 acres in size and is one of the following:
    - a. A national monument,
    - b. A national primitive area,
    - c. A national preserve,
    - d. A national recreational area,
    - e. A national wild and scenic river,
    - f. A national wildlife refuge,
    - g. A national lakeshore or seashore.
  2. A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.
- F.** Except as otherwise provided in subsections (B) to (E), the Governor may redesignate areas of the state as Class I or Class II, provided that the following requirements are fulfilled:
1. At least one public hearing is held in or near the area affected in accordance with 40 CFR 51.102;
  2. Other states, Indian governing bodies and Federal Land Managers, whose land may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing.
  3. A discussion document of the reasons for the proposed redesignation including a description and analysis of health, environmental, economic, social and energy effects of the proposed redesignation is prepared by the Governor or the Governor's designee. The discussion document shall be made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing shall contain appropriate notification of the availability of such discussion document.
  4. Prior to the issuance of notice respecting the redesignation of an area which includes any federal lands, the Governor or the Governor's designee has provided written notice to the appropriate Federal Land Manager and afforded the Federal Land Manager adequate opportunity, not in excess of 60 days, to confer with the state respecting the redesignation and to submit written comments and recommendations. The Governor or the Governor's designee shall publish a list of any inconsistency between such redesignation and such recommendations, together with the reasons for making such redesignation against the recommendation of the Federal Land Manager, if any Federal Land Manager has submitted written comments and recommendations.
  5. The redesignation is proposed after consultation with the elected leadership of local governments in the area covered by the proposed redesignation.
  6. The redesignation is submitted to the Administrator as a revision to the SIP.
- G.** Except as otherwise provided in subsections (B) to (E), the Governor may redesignate areas of the state as Class III if all of the following criteria are met:
1. Such redesignation meets the requirements of subsection (F);
  2. Such redesignation has been approved after consultation with the appropriate committee of the legislature if it is in session or with the leadership of the legislature if it is not in session.
  3. The general purpose units of local government representing a majority of the residents of the area to be redesignated concur in the redesignation;
  4. Such redesignation shall not cause, or contribute to, a concentration of any air pollutant which exceeds any national ambient air quality standard or any maximum increase allowed under R18-2-218;
  5. For any new major source as defined in R18-2-401 or a major modification of such source which may be permitted to be constructed and operated only if the area in question is redesignated as Class III, any permit application and materials submitted as part of the application shall be available for public inspection prior to any public hearing on the redesignation of the area as Class III.
  6. The redesignation is submitted to the Administrator as a revision to the SIP.
- H.** A redesignation shall not be effective until approved by the Administrator as part of an applicable implementation plan. If the Administrator disapproves the redesignation, the classification of the area shall be that which was in effect before the disapproved redesignation.
- I.** Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (A), paragraph (5), subparagraph (d) (Supp. 80-2). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-217 renumbered without change as Section R18-2-217 (Supp. 87-3). Amended and subsection (B) renumbered to Section R18-2-218 effective September 26, 1990 (Supp. 90-3). Amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-218. Limitation of Pollutants in Classified Attainment Areas**

- A.** Areas designated as Class I, II, or III shall be limited to the following increases in air pollutant concentrations occurring over the baseline concentration; provided that for any period other than an annual period, the applicable maximum allowable increase may be exceeded once per year at any one location:

**CLASS I**

Maximum Allowable Increase (Micrograms per cubic meter)

Particulate matter: PM<sub>2.5</sub>

Annual arithmetic mean	1
24-hr maximum	2

Particulate matter: PM<sub>10</sub>

Annual arithmetic mean	4
24-hour maximum	8

Sulfur dioxide:

Annual arithmetic mean	2
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24-hour maximum	5
3-hour maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5

## CLASS II

Particulate matter: PM <sub>2.5</sub>	
Annual arithmetic mean	4
24-hr maximum	9
Particulate matter: PM <sub>10</sub>	
Annual arithmetic mean	17
24-hour maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
Nitrogen dioxide:	
Annual arithmetic mean	25

## CLASS III

Particulate matter: PM <sub>2.5</sub>	
Annual arithmetic mean	8
24-hr maximum	18
Particulate matter: PM <sub>10</sub>	
Annual arithmetic mean	34
24-hour maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hour maximum	182
3-hour maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50

**B.** The baseline concentration is that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date.

1. The major source baseline date is:
  - a. January 6, 1975, for sulfur dioxide and PM<sub>10</sub>.
  - b. February 8, 1988, for nitrogen dioxide.
  - c. October 20, 2010, for PM<sub>2.5</sub>.
2. The minor source baseline date shall be the earliest date after the trigger date on which a major source as defined in R18-2-401 or major modification subject to 40 CFR 52.21 or R18-2-406 submits a complete application under the relevant regulations.
  - a. The trigger date is:
    - i. August 7, 1977, for PM<sub>10</sub> and sulfur dioxide.
    - ii. February 8, 1988, for nitrogen dioxide.
    - iii. October 20, 2011, for PM<sub>2.5</sub>.
  - b. Any minor source baseline date established originally for total suspended particulates shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that the Department may rescind any such minor source baseline date where it can be shown, to the

satisfaction of the Department, that the emissions increase from the major source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM-10 emissions.

3. A baseline concentration shall be determined for each pollutant for which there is a minor source baseline date and shall include both:
  - a. The actual emissions representative of sources in existence on the minor source baseline date, except as provided in subsection (B)(4); and
  - b. The allowable emissions of major sources as defined in R18-2-401 which commenced construction before the major source baseline date but were not in operation by the applicable minor source baseline date.
4. The following shall not be included in the baseline concentration and shall affect the applicable maximum allowable increase:
  - a. Actual emissions from any major source as defined in R18-2-401 on which construction commenced after the major source baseline date; and
  - b. Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.
- C. The baseline date shall be established for each pollutant for which maximum allowable increases or other equivalent measures have been established if both:
  1. The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or R18-2-406; and
  2. In the case of a major source as defined in R18-2-401, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.
- D. The baseline area shall be the AQCR that contains the area, designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act, in which the major source as defined in R18-2-401 or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the minor source baseline date is established, as follows: greater than or equal to 1 microgram per cubic meter (annual average) for sulfur dioxide, nitrogen dioxide or PM<sub>10</sub>; or greater than or equal to 0.3 microgram per cubic meter (annual average) for PM<sub>2.5</sub>.
  1. Area redesignations under section 107(d)(1)(A)(ii) or (iii) of the Act that would redesignate a baseline area may not intersect or be smaller than the area of impact of any new major source as defined in R18-2-401 or a major modification which either:
    - a. Establishes a minor source baseline date, or
    - b. Is subject to either 40 CFR 52.21 or R18-2-406 and would be constructed in Arizona.
  2. Any baseline area established originally for total suspended particulates shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that such baseline area shall not remain in effect if the Department rescinds the corresponding minor source baseline date in accordance with subsection (B)(2)(b).
- E. The maximum allowable concentration of any air pollutant in any area to which subsection (A) applies shall not exceed a



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concentration for each pollutant equal to the concentration permitted under the national ambient air quality standards.

- F.** For purposes of determining compliance with the maximum allowable increases in ambient concentrations of an air pollutant, the following concentrations of such pollutant shall not be taken into account:
1. Concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from the use of petroleum products, or natural gas, or both, by reason of a natural gas curtailment order which is in effect under the provisions of sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792, over the emissions from such sources before the effective date of such order;
  2. The concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from using gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, 16 U.S.C. 792 - 825r, over the emissions from such sources before the effective date of the natural gas curtailment plan;
  3. Concentrations of PM<sub>10</sub> or PM<sub>2.5</sub> attributable to the increase in emissions from construction or other temporary emission related activities of a new or modified source;
  4. The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and
  5. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen oxides, PM<sub>2.5</sub>, or PM<sub>10</sub> from major sources as defined in R18-2-401 when the following conditions are met:
    - a. The permits issued to such sources specify the time period during which the temporary emissions increase of sulfur dioxide, nitrogen oxides, PM<sub>2.5</sub> or PM<sub>10</sub> would occur. Such time period shall not be renewable and shall not exceed two years.
    - b. The temporary emissions increase will not:
      - i. Impact any Class I area or any area where a maximum increase allowed by subsection (A) is known to be violated; or
      - ii. Cause or contribute to the violation of a national ambient air quality standard.
    - c. The operating permit issued to such sources specifies that, at the end of the time period described in subsection (F)(5)(a), the emissions levels from the sources would not exceed the levels occurring before the temporary emissions increase was approved.
  6. The exception granted by subsections (F)(1) and (2) with respect to maximum increases allowed under subsection (A) shall not apply more than five years after the effective date of the order or natural gas curtailment plan on which the exception is based.
- G.** If the Director or the Administrator determines that the SIP is substantially inadequate to prevent significant deterioration or that an applicable maximum allowable increase as specified in subsection (A) is being violated, the SIP shall be revised to correct the inadequacy or the violation. The SIP shall be revised within 60 days of such a finding by the Director or within 60 days following notification by the Administrator, or

by such later date as prescribed by the Administrator after consultation with the Director.

- H.** The Director shall review the adequacy of the SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable maximum allowable increase is being violated.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (A), paragraph (5), subparagraph (d) (Supp. 80-2). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-217 renumbered without change as Section R18-2-217 (Supp. 87-3). Former Section R18-2-218 renumbered to R18-2-219, new Section R18-2-218 renumbered from R18-2-217(B) and amended effective September 26, 1990 (Supp. 90-3). Amended effective November 15, 1993 (Supp. 93-4). Amended effective February 28, 1995 (Supp. 95-1). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-219. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-218 repealed, new Section R9-3-218 adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-218 renumbered without change as Section R18-2-218 (Supp. 87-3). Former Section R18-2-219 renumbered to R18-2-220, new Section R18-2-219 renumbered from R18-2-218 and amended effective September 26, 1990 (Supp. 90-3). Section repealed by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-220. Air Pollution Emergency Episodes**

- A.** Procedures shall be implemented by the Director in order to prevent the occurrence of ambient air pollutant concentrations which would cause significant harm to the health of persons, as specified in subsection (B)(4). The procedures and actions required for each stage are described in the Department's "Procedures for Prevention of Emergency Episodes," amended as of August 2018 (and no future edition), which is incorporated herein by reference and on file with the Department.
- B.** The following stages are identified by air quality criteria in order to provide for sequential emissions reductions, public notification and increased Department monitoring and forecast responsibilities. The declaration of any stage, and the area of the state affected, shall be based on air quality measurements and meteorological analysis and forecast.
1. A Stage I air pollution alert shall be declared when any of the alert level concentrations listed in subsection (B)(4) are exceeded at any monitoring site and when meteorological conditions indicate that there will be a continuance or recurrence of alert level concentrations for the same pollutant during the subsequent 24-hour period. If, 48 hours after an alert has been initially declared, air pollution concentrations and meteorological conditions do not improve, the warning stage control actions shall be implemented but no warning shall be declared, unless air quality has deteriorated to the extent described in subsection (B)(2).

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2. A Stage II air pollution warning shall be declared when any of the warning level concentrations listed in subsection (B)(4) are exceeded at any monitoring site and when meteorological conditions indicate that there will be a continuance or recurrence of concentrations of the same pollutant exceeding the warning level during the subsequent 24-hour period. If, 48 hours after a warning has been initially declared, air pollution concentrations and meteorological conditions do not improve, the emergency stage shall be declared and its control actions implemented.
3. A Stage III air pollution emergency shall be declared when any of the emergency level concentrations listed in subsection (B)(4) are exceeded at any monitoring site and when meteorological conditions indicate that there will be a continuance or recurrence of concentrations of the same pollutant exceeding the emergency level during the subsequent 24-hour period.
4. Summary of emergency episode and significant harm levels:

Pollutant	Averaging Time	Alert	Warning	Emergency	Significant Harm
Carbon monoxide (mg/m <sup>3</sup> )	1-hr	--	--	--	144
	4-hr	--	--	--	86.3
	8-hr	17	34	46	57.5
Nitrogen dioxide (µg/m <sup>3</sup> )	1-hr	1,130	2,260	3,000	3,750
	24-hr	282	565	750	938
Ozone (ppm)	1-hr	.2	.4	.5	.6
PM <sub>2.5</sub> (µg/m <sup>3</sup> )	24-hr	140.5	210.5	280.5	350.5
PM <sub>10</sub> (µg/m <sup>3</sup> )	24-hr	350	420	500	600
Sulfur dioxide (µg/m <sup>3</sup> )	24-hr	800	1,600	2,100	2,620

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Editorial correction, subsection (B), paragraph (2) (Supp. 80-1). Editorial correction, subsection (A) (Supp. 80-2). Former Section R9-3-219 repealed, new Section R9-3-219 adopted effective May 28, 1982 (Supp. 82-3). Former Section R9-3-219 renumbered without change as Section R18-2-219 (Supp. 87-3). Section R18-2-220 renumbered from R18-2-219 and amended effective September 26, 1990 (Supp. 90-3). Section amended by final rulemaking at 25 A.A.R. 888, effective May 18, 2019 (Supp. 19-1).

**ARTICLE 3. PERMITS AND PERMIT REVISIONS****R18-2-301. Definitions**

The following definitions apply to this Article:

1. "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to produce results adequate for the Director's determination of compliance in accordance with R18-2-311(D).
2. "Billable permit action" means the issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.
3. "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.
4. "CEM" means a continuous emission monitoring system as defined in R18-2-101.
5. "Complete" means, in reference to an application for a permit, permit revision or registration, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of a permit, permit revisions or registration processing does not preclude the Director from requesting or accepting any additional information.
6. "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by any of the following:
  - a. Using that portion of a stack which exceeds good engineering practice stack height;
  - b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
- c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This shall not include any of the following:
  - i. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.
  - ii. The merging of exhaust gas streams under any of the following conditions:
    - (1) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;
    - (2) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or
    - (3) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior

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to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

- iii. Smoke management in agricultural or silvicultural prescribed burning programs.
  - iv. Episodic restrictions on residential woodburning and open burning.
  - v. Techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.
7. "Emissions allowable under the permit" means a permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.
8. "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.
9. "Fuel oil" means Number 2 through Number 6 fuel oils as specified in ASTM D-396-90a (Specification for Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D-2880-90a (Specification for Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D-975-90a (Specification for Diesel Fuel Oils).
10. "Itemized bill" means a breakdown of the permit processing time into the categories of pre-application activities, completeness review, substantive review, and public involvement activities, and within each category, a further breakdown by employee name.
11. "Major source threshold" means the lowest applicable emissions rate for a pollutant that would cause the source to be a major source at the particular time and location, under the definition of major source in R18-2-101.
12. "Maximum capacity to emit" means the maximum amount a source is capable of emitting under its physical and operational design without taking any limitations on operations or air pollution controls into account.
13. "Maximum capacity to emit with any elective limits" means the maximum amount a source is capable of emitting under its physical and operational design taking into account the effect on emissions of any elective limits included in the source's registration under R18-2-302.01(F).
14. "Minor NSR Modification" means any of the following changes that do not qualify as a major source or major modification:
- a. Any physical change in or change in the method of operation of an emission unit or a stationary source that either:
    - i. Increases the potential to emit of a regulated minor NSR pollutant by an amount greater than or equal to the permitting exemption thresholds, or
    - ii. Results in emissions of a regulated minor NSR pollutant not previously emitted by such emission unit or stationary source in an amount greater than or equal to the permitting exemption thresholds.
  - b. Construction of one or more new emissions units that have the potential to emit regulated minor NSR pollutants at an amount greater than or equal to the permitting exemption threshold.
  - c. A change covered by subsections (12)(a) or (b) constitutes a minor NSR modification regardless of whether there will be a net decrease in total source emissions or a net increase in total source emissions that is less than the permitting exemption threshold as a result of decreases in the potential to emit of other emission units at the same stationary source.
  - d. For the purposes of this subsection (the) following do not constitute a physical change or change in the method of operation:
    - i. A change consisting solely of the construction of, or changes to, a combination of emissions units qualifying as a categorically exempt activity.
    - ii. For a stationary source that is required to obtain a Class II permit under R18-2-302 and that is subject to source-wide emissions caps under R18-2-306.01 or R18-2-306.02, a change that will not result in the violation of the existing emissions cap for that regulated minor NSR pollutant.
    - iii. Replacement of an emission unit by a unit with a potential to emit regulated minor NSR pollutants that is less than or equal to the potential to emit of the existing unit, provided the replacement does not cause an increase in emissions at other emission units at the stationary source. A unit installed under this provision is subject to any limits applicable to the unit it replaced.
    - iv. Routine maintenance, repair, and replacement.
    - v. Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C. 792 to 825r.
    - vi. Use of an alternative fuel by reason of an order or rule under Section 125 of the Act.
    - vii. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
    - viii. Use of an alternative fuel or raw material by a stationary source that either:
      - (1) The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter; or
      - (2) The source is approved to use under any permit issued under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter.

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- ix. An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Articles 3 or 4 of this Chapter.
- x. Any change in ownership at a stationary source.
- xi. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
  - (1) The SIP, and
  - (2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
- xii. For electric utility steam generating units located in attainment and unclassifiable areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit any regulated pollutant emitted by the unit. This exemption applies on a pollutant-by-pollutant basis.
- xiii. For electric utility steam generating units located in attainment and unclassifiable areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.
- e. For purposes of this subsection:
  - i. "Potential to emit" means the lower of a source's or emission unit's potential to emit or its allowable emissions.
  - ii. In determining potential to emit, the fugitive emissions of a stationary source shall not be considered unless the source belongs to a section 302(j) category.
  - iii. All of the roadways located at a stationary source constitute a single emissions unit.
- 15. "NAICS" means the five- or six-digit North American Industry Classification System-United States, 1997, number for industries used by the U.S. Department of Commerce.
- 16. "Permit processing time" means all time spent by Air Quality Division staff or consultants on tasks specifically related to the processing of an application for the issuance or renewal of a particular permit or permit revision, including time spent processing an application that is denied.
- 17. "Quantifiable" means, with respect to emissions, including the emissions involved in equivalent emission limits and emission trades, capable of being measured or otherwise determined in terms of quantity and assessed in terms of character. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, materials used in a process or production, modeling, or other reasonable measurement practices.
- 18. "Registration" means a registration under R18-2-302.01.
- 19. "Replicable" means, with respect to methods or procedures, sufficiently unambiguous that the same or equivalent results would be obtained by the application of the method or procedure by different users.
- 20. "Responsible official" means one of the following:
  - a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
    - i. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
    - ii. The delegation of authority to such representatives is approved in advance by the permitting authority;
  - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
  - c. For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this Article, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
  - d. For affected sources:
    - i. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and
    - ii. The designated representative for any other purposes under 40 CFR 70.
- 21. "Screening model" means air dispersion modeling performed with screening techniques in accordance with 40 CFR 51, Appendix W as of June 30, 2017 (and no future amendments or additions).
- 22. "Small source" means a source with a potential to emit, without controls, less than the rate defined as permitting exemption thresholds in R18-2-101, but required to obtain a permit solely because it is subject to a standard under 40 CFR 63.
- 23. "Startup" means the setting in operation of a source for any purpose.
- 24. "Synthetic minor" means a source with a permit that contains voluntarily accepted emissions limitations, controls, or other requirements (for example, a cap on production rates or hours of operation, or limits on the type of fuel) under R18-2-306.01 to reduce the potential to emit to a level below the major source threshold.

**Historical Note**

Former Section R18-2-301 renumbered to R18-2-302, new Section R18-2-301 adopted effective September 26, 1990 (Supp. 90-3). Correction to table in subsection (A)(13) (Supp. 93-1). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective August 1, 1995 (Supp. 95-3). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 7 A.A.R. 5670, effective January 1, 2002 (Supp. 01-4). Amended

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by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective February 1, 2020 (Supp. 19-4).

**R18-2-302. Applicability; Registration; Classes of Permits**

- A.** Except as otherwise provided in this Article, no person shall begin actual construction of, operate, or make a modification to any stationary source subject to regulation under this Article, without obtaining a registration, permit or permit revision from the Director.
- B.** Class I and II permits and registrations shall be required as follows:
1. A Class I permit shall be required for a person to begin actual construction of or operate any of the following:
    - a. Any major source,
    - b. Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act,
    - c. Any affected source, or
    - d. Any stationary source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the Director by rule.
  2. Unless a Class I permit is required, a Class II permit shall be required for:
    - a. A person to begin actual construction of or operate any stationary source that emits, or has the maximum capacity to emit with any elective limits, any regulated NSR pollutant in an amount greater than or equal to the significant level.
    - b. A person to make a physical or operational change to a stationary source that would cause the source to emit, or have the maximum capacity to emit with any elective limits, any regulated NSR pollutant in an amount greater than or equal to the significant level.
    - c. A person to begin actual construction of or modify a stationary source that otherwise would be subject to registration but that the Director has determined requires a permit under R18-2-302.01(C)(4) or (D).
  3. Unless a Class I or II permit is required, registration shall be required for:
    - a. A person to begin actual construction of or operate any stationary source that emits or has the maximum capacity to emit any regulated minor NSR pollutant in an amount greater than or equal to a permitting exemption threshold.
    - b. A person to begin actual construction of or operate any stationary source subject to a standard under section 111 of the Act, except that a stationary source is not required to register solely because it is subject to any of the following standards:
      - i. 40 CFR 60, Subpart AAA (Residential Wood Heaters).
      - ii. 40 CFR 60, Subpart IIII (Stationary Compression Ignition Internal Combustion Engines).
      - iii. 40 CFR 60, Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines).
      - iv. 40 CFR 60, Subpart QQQQ (Residential Hydronic Heaters and Forced-Air Furnaces).
    - c. A person to begin actual construction of or operate any stationary source, including an area source, subject to a standard under section 112 of the Act, except that a stationary source is not required to register solely because it is subject to any of the following standards:
      - i. 40 CFR 61.145.
      - ii. 40 CFR 63, Subpart ZZZZ (Reciprocating Internal Combustion Engines).
      - iii. 40 CFR 63, Subpart WWWW (Ethylene Oxide Sterilizers).
      - iv. 40 CFR 63, Subpart CCCCCC (Gasoline Distribution).
      - v. 40 CFR 63, Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations).
      - vi. 40 CFR 63, Subpart JJJJJJ (Industrial, Commercial, and Institutional Boilers Area Sources), published at 76 FR 15554 (March 21, 2011).
      - vii. A regulation or requirement under section 112(r) of the Act.
    - d. A physical or operational change to a source that would cause the source to emit or have the maximum capacity to emit any regulated minor NSR pollutant in an amount greater than or equal to the permitting exemption threshold.
- C.** Notwithstanding subsections (A) and (B), the following stationary sources do not require a permit or registration unless the source is a major source, or unless operation without a permit would result in a violation of the Act:
1. A stationary source that consists solely of a single categorically exempt activity plus any combination of trivial activities.
  2. Agricultural equipment used in normal farm operations. "Agricultural equipment used in normal farm operations" does not include equipment classified as a source that requires a permit under Title V of the Act, or that is subject to a standard under 40 CFR 60, 61 or 63.
- D.** No person may construct or reconstruct any major source of hazardous air pollutants, unless the Director determines that maximum achievable control technology emission limitation (MACT) for new sources under Section 112 of the Act will be met. If MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR 63.40 through 63.44, as incorporated by reference in R18-2-1101(B). For purposes of this subsection, constructing and reconstructing a major source shall have the meaning prescribed in 40 CFR 63.41.
- E.** Elective limits or controls adopted under R18-2-302.01(F) shall not be considered in determining whether a source requires registration or a Class I permit but shall be considered in determining any of the following:
1. Whether the registration is subject to the public participation requirements of R18-2-330, as provided in R18-2-302.01(B)(3).
  2. Whether review for possible interference with attainment or maintenance of ambient standards is required under R18-2-302.01(C).
  3. Whether the source requires a Class II permit, as provided in subsections (B)(2)(a) or (b).
- F.** The fugitive emissions of a stationary source shall not be considered in determining whether the source requires a Class II permit under subsections (B)(2)(a) or (b) or a registration under subsections (B)(3)(a) or (d), unless the source belongs to a section 302(j) category. If a permit is required for a stationary source, the fugitive emissions of the source shall be subject to all of the requirements of this Article.

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- G. Notwithstanding subsections (A) and (B), a person may begin actual construction, but not operation, of a source requiring a Class I permit or Class I permit revision upon the Director's issuance of the proposed final permit or proposed final permit revision.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1).  
 Amended as an emergency effective December 15, 1975 (Supp. 75-2). Amended effective May 10, 1976 (Supp. 76-3). Amended effective April 12, 1977 (Supp. 77-2).  
 Amended effective March 24, 1978 (Supp. 78-2). Former Section R9-3-301 repealed, new Section R9-3-301 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended effective May 28, 1982 (Supp. 82-3). Amended subsections (B) and (C) effective September 22, 1983 (Supp. 83-5). Amended subsection (B), paragraph (3) effective September 28, 1984 (Supp. 84-5). Former Section R9-3-301 renumbered without change as Section R18-2-301 (Supp. 87-3). Former Section R18-2-302 renumbered to R18-2-302.01, new Section R18-2-302 renumbered from R18-2-301 and amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-302.01. Source Registration Requirements**

- A. Application. An application for registration shall be submitted on the form specified by the Director and shall include the following information:
1. The name of the applicant.
  2. The physical location of the source, including the street address, city, county, zip code and latitude and longitude coordinates.
  3. The source's maximum capacity to emit with any elective limits each regulated minor NSR pollutant.
  4. Identification of any elective limits or controls adopted under subsection (F).
  5. In the case of a modification, each increase in the source's maximum capacity to emit with any elective limits that exceeds the applicable threshold in subsection (G)(1)(a).
  6. Identification of the method used to determine the maximum capacity to emit under R18-2-302(B)(3)(a), a change in the maximum capacity to emit under R18-2-302(B)(3)(d), or the maximum capacity to emit with any elective limits under subsection (G)(1)(a).
  7. Process information for the source, including a list of emission units, design capacity, operations schedule, and identification of emissions control devices.
- B. Registration Processing Procedures.
1. The Department shall complete a review of a registration application for administrative completeness within 30 calendar days, calculated in accordance with A.A.C. R18-1-503, after its receipt.
  2. The Department shall complete a substantive review and take final action on a registration application within 60 calendar days if no hearing is requested, and 90 calendar days if a hearing is requested, calculated in accordance with A.A.C. R18-1-504, after the application is administratively complete.
3. Except as provided in subsection (B)(5), a registration for construction of a source shall be subject to the public notice and participation requirements of R18-2-330. The materials relevant to the registration decision made available to the public under R18-2-330(D) shall include any determination made or modeling conducted by the Director under subsection (C).
  4. The Department shall also send a copy of the notice required by subsection (B)(3) to the administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which the source subject to the registration will be located. The notice shall also be sent to any other agency in the region having responsibility for implementing the procedures required under 40 CFR 51, Subpart I.
  5. A registration for construction of a source shall not be subject to subsections (B)(3) or (4), if the source's maximum capacity to emit with any elective limits each regulated minor NSR pollutant is less than the applicable permitting exemption threshold.
- C. Review for National Ambient Air Quality Standards Compliance; Requirement to Obtain a Permit.
1. The Director shall review each application for registration of a source with the maximum capacity to emit with any elective limits any regulated minor NSR pollutant in an amount equal to or greater than the permitting exemption threshold. The purpose of the review shall be to determine whether the new or modified source may interfere with attainment or maintenance of a national ambient air quality standard in any area. In making the determination required by this subsection, the Director shall take into account the following factors:
    - a. The source's emission rates, including fugitive emission rates, taking into account any elective limits or controls adopted under subsection (F).
    - b. The location of emission units within the facility and their proximity to the ambient air.
    - c. The terrain in which the source is or will be located.
    - d. The source type.
    - e. The location and emissions of nearby sources.
    - f. Background concentrations of regulated minor NSR pollutants.
  2. The Director may undertake the review specified in subsection (C)(1) for a source with the maximum capacity to emit with any elective limits regulated minor NSR pollutants in an amount less than the permitting exemption threshold.
  3. If the Director determines under subsections (C)(1) or (C)(2) that a source's emissions may interfere with attainment or maintenance of a national ambient air quality standard, the Director shall perform a screening model run for each regulated minor NSR pollutant for which that determination has been made.
  4. If the Director determines, based on performance of the screening model pursuant to subsection (C)(3), that a source's emissions, taking into account any elective limits or controls adopted under subsection (F), will interfere with attainment or maintenance of a national ambient air quality standard, the Director shall deny the application for registration. Notwithstanding R18-2-302(B)(3), the owner or operator of the source shall be required to obtain

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a permit under R18-2-302 and shall comply with R18-2-334 before beginning actual construction of the source or modification.

- D. Requirement to Obtain a Permit.** Notwithstanding R18-2-302(B)(3)(b) and (c), the Director shall deny an application for registration for a source subject to a standard under section 111 or 112 of the Act and require the owner or operator to obtain a permit under R18-2-302, if the Director determines based on the following factors that the requirement to obtain a permit is warranted:

1. The size and complexity of the source.
2. The complexity of the section 111 or 112 standard applicable to the source.
3. The public health or environmental risks posed by the pollutants subject to regulation under the section 111 or 112 standard.

- E. Registration Contents.** A registration shall contain the following elements:

1. Enforceable emission limitations and standards, including operational requirements and limitations, that ensure compliance with all applicable SIP requirements at the time of issuance and any testing, monitoring, recordkeeping and reporting obligations imposed by the applicable requirement or by R18-2-312.
2. Any elective limits or controls and associated operating, maintenance, monitoring and recordkeeping requirements adopted pursuant to subsection (F).
3. A requirement to retain any records required by the registration at the source for at least three years in a form that is suitable for expeditious inspection and review.
4. For any source that has adopted elective limits or controls under subsection (F), a requirement to submit an annual compliance report on the form provided by the Director in the registration.

- F. Elective Limits or Controls.** The owner or operator of a source requiring registration may elect to include any of the following emission limitations in the registration, provided the Department approves the limitation and the registration also includes the operating, maintenance, monitoring, and recordkeeping requirements specified below for the limitation.

1. A limitation on the hours of operation of any process or combination of processes.
  - a. The registration shall express the limitation in terms of hours per rolling 12-month period and shall specify the process or combination of processes subject to the limitation.
  - b. The owner or operator shall maintain a log or readily available business records showing actual operating hours through the preceding operating day for the process or processes subject to the limitation.
2. A limitation on the production rate for any process or combination of processes.
  - a. The registration shall express the limitation in terms of an appropriate unit of mass or production per rolling 12-month period and shall specify the process or combination of processes subject to the limitation.
  - b. The owner or operator shall maintain a log or readily available business records showing the actual production rate through the preceding operating day for the process or processes subject to the limitation. The owner or operator shall update the log or business records at least once per operating day.
3. A requirement to operate a fabric filter for the control of particulate matter emissions.

- a. The owner or operator shall operate the fabric filter at all times that the emission unit controlled by the fabric filter is operated.
- b. The owner or operator shall inspect the fabric filter at least once per month for tears and leaks and shall promptly repair any tears or leaks identified. If the fabric filter is subject to a limit on the opacity of emissions, the inspection shall include an opacity observation in accordance with the applicable reference method.
- c. The owner or operator shall operate and maintain the fabric filter in substantial compliance with the manufacturer's operation and maintenance recommendations.
- d. The owner or operator shall keep a log or readily available business records of the inspections required by subsection (F)(3)(b) and the maintenance activities required by subsection (F)(3)(c). The owner or operator shall update the log or business records within 24 hours after an inspection or maintenance activity is performed.
- e. The registration shall identify the fabric filters and processes subject to this requirement.

4. Limitations on the total amount of VOC or hazardous air pollutants in solvents, coatings or other process materials used at the registered source.

- a. The registration shall identify the pollutants and processes covered by the limitations and shall express the limitations in terms of pounds per rolling 12-month period.
- b. The owner or operator shall maintain a log or readily available business records showing the concentration of each covered VOC or hazardous air pollutant in each VOC or hazardous air pollutant containing material used at the source. The owner or operator shall update the records whenever the concentration in any material changes or a new material is used. The presence at the source of a current material safety data sheet for a material used without dilution or other alteration satisfies this requirement.
- c. The owner or operator shall maintain a spreadsheet or database to record the amount of each material containing a covered VOC or hazardous air pollutant used. The spreadsheet or database shall calculate the total pounds of the VOC or hazardous air pollutant used by multiplying the concentration of VOC or hazardous air pollutant in a material by the amount of material used and shall employ appropriate units of measurement and conversion factors. The owner or operator shall update the spreadsheet or database at least once per operating day.

- G. Revised Registrations.**

1. Unless a Class II permit is required under R18-2-302(B)(2)(b), the owner or operator of a registered source shall file a revised registration on the occurrence of any of the following:
  - a. A modification to the source that would result in an increase in the source's maximum capacity to emit with any elective limits exceeding any of the following amounts:
    - i. 2.5 tons per year for NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, VOC or CO.
    - ii. 0.3 tons per year for lead.
  - b. Relocation of a portable source.

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- c. The transfer of the source to a new owner.
- 2. The requirements of subsection (B) shall not apply to a revised registration. The owner or operator may begin actual construction and operation of the modified, relocated or transferred source on filing the revised registration.

**H. Registration Term.**

- 1. A source's registration shall expire five years after the date of issuance of the last registration for the source or any modification to the source.
- 2. A source shall submit an application for renewal of a registration not later than six months before expiration of the registration's term.
- 3. If a source submits a timely and complete application for renewal of a registration, the source's authorization to operate under its existing registration shall continue until the Director takes final action on the application.
- 4. The Director may terminate a registration under R18-2-321(C). If the Director terminates a registration under R18-2-321(C)(3), the owner or operator shall be required to apply for a permit for the source under R18-2-302.

- I.** Issuance of a registration shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1); Former Section R9-3-302 repealed, new Section R9-3-302 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-302 repealed, new Section R9-3-302 adopted effective October 2, 1979 (Supp. 79-5). Former Section R9-3-302 repealed, new Section R9-3-302 adopted effective May 28, 1982 (Supp. 82-3). Former Section R9-3-302 renumbered without change as Section R18-2-302 (Supp. 87-3). Section R18-2-302.01 renumbered from Section R18-2-302 and amended effective September 26, 1990 (Supp. 90-3). Section repealed effective November 15, 1993 (Supp. 93-4). New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective February 1, 2020 (Supp. 19-4).

**R18-2-303. Transition from Installation and Operating Permit Program to Unitary Permit Program; Registration Transition; Minor NSR Transition**

- A.** An installation or operating permit issued before September 1, 1993, and the authority to operate, as provided in Laws 1992, Ch. 299, § 65, continues in effect until the installation or operating permit is terminated, or until the Director issues or denies a Class I or Class II permit to the source, whichever is earlier.
- B.** The terms and conditions of installation permits issued before September 1, 1993, or in permits or permit revisions issued under R18-2-302 and authorizing the construction or modification of a stationary source, remain federal applicable requirements unless modified or revoked by the Director.
- C.** All sources in existence on September 1, 2012, requiring a registration shall provide notice to the Director by no later than December 1, 2012, on a form provided by the Director.
- D.** All sources requiring a registration that are in existence on the date R18-2-302.01 becomes effective under R18-2-302.01(I) may submit applications for registration at any time after R18-

2-302.01 is effective and shall submit an application no later than 180 days after receipt of written notice from the Director that an application is required.

- E.** Sources in existence on December 2, 2015 are not subject to R18-2-334, unless the source undertakes a minor NSR modification after that date. Notwithstanding any other provision of this Chapter, R18-2-334 shall apply only to applications for permits or permit revisions filed after December 2, 2015.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1). Amended effective August 6, 1976 (Supp. 76-4). Former Section R9-3-303 repealed, new Section R9-3-303 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-303 repealed, new Section R9-3-303 adopted effective October 2, 1979 (Supp. 79-5). Amended effective May 28, 1982 (Supp. 82-3). Amended subsection (D), paragraph (1) effective September 28, 1984 (Supp. 84-5). Former Section R9-3-303 renumbered without change as Section R18-2-303 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-304. Permit Application Processing Procedures**

- A.** Unless otherwise noted, this Section applies to each source requiring a Class I or II permit or permit revision.
- B.** Standard Application Form and Required Information. To apply for a permit required by this Chapter, applicants shall complete the applicable standard application form provided by the Director and supply all information required by the form's filing instructions. The application forms and filing instructions for Class I Permits shall at a minimum require submission of the following elements:
  - 1. Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.
  - 2. A description of the source's processes and products (by Standard Industrial Classification (SIC) Code), including those associated with any proposed alternative operating scenarios (AOS) identified by the source.
  - 3. The following emission-related information:
    - a. All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except as otherwise provided in R18-2-304(F)(8). The Director shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under R18-2-326.
    - b. Identification and description of all points of emissions described in subsection (B)(3)(a) in sufficient detail to establish the basis for fees and applicability of requirements.
    - c. Emissions rate in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method. For emissions units subject to an annual emissions cap, tpy can be reported as part of the



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- aggregate emissions associated with the cap, except where more specific information is needed, including where necessary to determine and/or assure compliance with an applicable requirement.
- d. The following information to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules.
  - e. Identification and description of air pollution control equipment and compliance monitoring devices or activities.
  - f. Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the Class I source.
  - g. Other information required by any applicable requirement (including information related to stack height limitations in R18-2-332).
  - h. Calculations on which the information in subsections (B)(3)(a) through (g) is based.
4. The following air pollution control requirements:
    - a. Citation and description of all applicable requirements, and
    - b. Description of or reference to any applicable test method for determining compliance with each applicable requirement.
  5. Other specific information that may be necessary to implement and enforce other applicable requirements or to determine the applicability of such requirements.
  6. An explanation of any proposed exemptions from otherwise applicable requirements.
  7. Additional information as determined to be necessary by the Director to define proposed AOS identified by the source pursuant to R18-2-306(A)(11) or to define permit terms and conditions implementing any AOS under R18-2-306(A)(11) or implementing R18-2-317, R18-2-306(A)(12), R18-2-306(A)(14), or R18-2-306.02. The permit application shall include documentation demonstrating that the source has obtained all authorizations required under the applicable requirements relevant to any proposed AOS, or a certification that the source has submitted all relevant materials to the Director for obtaining such authorizations.
  8. A compliance plan for all Class I sources that contains all of the following:
    - a. A description of the compliance status of the source with respect to all applicable requirements.
    - b. A description as follows:
      - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
      - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
      - iii. For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
      - iv. For applicable requirements associated with a proposed AOS, a statement that the source will meet such requirements upon implementation of the AOS. If a proposed AOS would implicate an applicable requirement that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
  - c. A compliance schedule as follows:
    - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
    - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet, in a timely manner, applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.
    - iii. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
    - iv. For applicable requirements associated with a proposed AOS, a statement that the source will meet such requirements upon implementation of the AOS. If a proposed AOS would implicate an applicable requirement that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet, in a timely manner, applicable requirements that become effective during the permit term will satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.
  - d. A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation.
  - e. The compliance plan content requirements specified in subsection (B)(8) shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under title IV of the Act with regard to the schedule and methods the source will use to achieve compliance with the acid rain emissions limitations.
9. Requirements for compliance certification, including the following:
    - a. A certification of compliance with all applicable requirements by a responsible official, which shall include:

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- i. Identification of the applicable requirement that is the basis of the certification;
      - ii. The method used for determining the compliance status of the source, including a description of monitoring, recordkeeping, and reporting requirements and test methods;
      - iii. The compliance status; and
      - iv. Such other facts as the Director may require;
    - b. A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the permitting authority;
    - c. A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act; and
    - d. A certification of truth, accuracy, and completeness pursuant to R18-2-304(I).
  - 10. The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under title IV of the act.
- C. The Director, either upon the Director's own initiative or on the request of a permit applicant, may waive a requirement that specific information or data be submitted in the application for a Class II permit for a particular source or category of sources if the Director determines that the information or data would be unnecessary to determine all of the following:
- 1. The applicable requirements to which the source may be subject;
  - 2. That the source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of A.R.S. Title 49, Chapter 3, Article 2 and this Chapter;
  - 3. The fees to which the source may be subject; and
  - 4. A proposed emission limitation, control, or other requirement that meets the requirements of R18-2-306.01 or R18-2-306.02.
- D. A timely application is:
- 1. For a source, that becomes subject to the permit program as a result of a change in regulation and not as a result of construction or a physical or operational change, one that is submitted within 12 months after the source becomes subject to the permit program.
  - 2. For purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration.
  - 3. Any source under R18-2-326(A)(3) which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act shall, within 12 months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.
- E. If an applicable implementation plan allows the determination of an alternative emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable, and subject to replicable compliance determination procedures.
- F. A complete application shall comply with all of the following:
- 1. To be complete, an application shall provide all information required by subsection (B) (standard application form section). An application for permit revision only need supply information related to the proposed change, unless the source's proposed permit revision will change the permit from a Class II permit to a Class I permit. A responsible official shall certify the submitted information consistent with subsection (I) (Certification of Truth, Accuracy, and Completeness).
  - 2. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Article 4 of this Chapter. If the applicant determines that the proposed new source is a major source as defined in R18-2-401, or the proposed permit revision constitutes a major modification as defined in R18-2-101, then the application shall comply with all applicable requirements of Article 4.
  - 3. An application for a new permit or permit revision shall contain an assessment of the applicability of Minor New Source Review requirements in R18-2-334. If the applicant determines that the proposed new source is subject to R18-2-334, or the proposed permit revision constitutes a Minor NSR Modification, then the application shall comply with all applicable requirements of R18-2-334.
  - 4. Except for proposed new major sources or major modifications subject to the requirements of Article 4 of this Chapter, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless, within 60 days of receipt of the application, the Director notifies the applicant by certified mail that the application is not complete.
  - 5. If a source wishes to voluntarily enter into an emissions limitation, control, or other requirement pursuant to R18-2-306.01, the source shall describe that emissions limitation, control, or other requirement in its application, along with proposed associated monitoring, recordkeeping, and reporting requirements necessary to demonstrate that the emissions limitation, control, or other requirement is permanent, quantifiable, and otherwise enforceable as a practical matter.
  - 6. If, while processing an application that has been determined or deemed to be complete, the Director determines that additional information is necessary to evaluate or take final action on that application, the Director may request such information in writing and set a reasonable deadline for a response. Except for minor permit revisions as set forth in R18-2-319, a source's ability to continue operating without a permit, as set forth in subsection (K), shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Director.
  - 7. The completeness determination shall not apply to revisions processed through the minor permit revision process.
  - 8. Activities which are insignificant pursuant to the definition of insignificant activities in R18-2-101 shall be listed in the application. Except as necessary to complete the assessment required by subsections (F)(2) or (3), the application need not provide emissions data regarding insignificant activities. If the Director determines that an activity listed as insignificant does not meet the require-

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ments of the definition of insignificant activities in R18-2-101 or that emissions data for the activity is required to complete the assessment required by subsections (F)(2) or (3), the Director shall notify the applicant in writing and specify additional information required.

9. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.
  10. The Director is not in disagreement with a notice of confidentiality submitted with the application pursuant to A.R.S. § 49-432.
- G.** A source applying for a Class I permit that has submitted information with an application under a claim of confidentiality pursuant to A.R.S. § 49-432 and R18-2-305 shall submit a copy of such information directly to the Administrator.
- H.** Duty to Supplement or Correct Application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.
- I.** Certification of Truth, Accuracy, and Completeness. Any application form, report, or compliance certification submitted pursuant to this Chapter shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Article shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- J.** Action on Application.
1. The Director shall issue or deny each permit according to the provisions of A.R.S. § 49-427. The Director may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
  2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:
    - a. The application received by the Director for a permit, permit revision, or permit renewal shall be complete according to subsection (F).
    - b. Except for revisions qualifying as administrative or minor under R18-2-318 and R18-2-319, all of the requirements for public notice and participation under R18-2-330 shall have been met.
    - c. For Class I permits, the Director shall have complied with the requirements of R18-2-307 for notifying and responding to affected states, and if applicable, other notification requirements of R18-2-402(D)(2) and R18-2-410(C)(2).
    - d. For Class I and II permits, the conditions of the permit shall require compliance with all applicable requirements.
    - e. For permits for which an application is required to be submitted to the Administrator under R18-2-307(A), and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Department, the Director has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit within 45 days of receipt.
    - f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR 70.8(d), the Administrator's objection has been resolved.
    - g. For a Class II permit that contains voluntary emission limitations, controls, or other requirements established pursuant to R18-2-306.01, the Director shall have complied with the requirement of R18-2-306.01(C) to provide the Administrator with a copy of the proposed permit.
  3. If the Director denies a permit under this Section, a notice shall be served on the applicant by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial and a statement that the permit applicant is entitled to a hearing.
  4. The Director shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. The Director shall send this statement to any person who requests it and, for Class I permits, to the Administrator.
  5. Priority shall be given by the Director to taking action on applications for construction or modification submitted pursuant to Title I, Parts C (Prevention of Significant Deterioration) and D (New Source Review) of the Act.
- K.** Requirement for a Permit. Except as noted under the provisions in R18-2-317 and R18-2-319, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued pursuant to this Chapter. However, if a source under R18-2-326(A)(3) submits a timely and complete application for continued operation under a permit revision or renewal, the source's failure to have a permit is not a violation of this Article until the Director takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Director, any additional information identified as being needed to process the application. This subsection does not affect a source's obligation to obtain a permit revision before making a modification to the source.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1). Former Section R9-3-304 repealed, new Section R9-3-304 formerly Section R9-3-305 renumbered and amended effective August 6, 1976 (Supp. 76-4). Former Section R9-3-304 repealed, new Section R9-3-304 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-304 repealed, new Section R9-3-304 adopted effective May 28, 1982 (Supp. 82-3). Former Section R9-3-304 renumbered without change as Section R18-2-304 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective October 7, 1994 (Supp. 94-4). Amended effective August 1, 1995 (Supp. 95-3). The reference to R18-2-101(54) in subsec-

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tion (E)(8) corrected to reference R18-2-101(57) (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, February 1, 2020 (Supp. 19-4).

**R18-2-305. Public Records; Confidentiality**

- A. The Director shall make all permits, including all elements required to be in the permit pursuant to R18-2-306, available to the public. No permit shall be issued unless the information required by R18-2-306 is present in the permit.
- B. A notice of confidentiality pursuant to A.R.S. § 49-432(C) shall:
  1. Precisely identify the information in the documents submitted which is considered confidential.
  2. Contain sufficient supporting information to allow the Director to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, is likely to cause substantial harm to the person's competitive position.
- C. Within 30 days of receipt of a notice of confidentiality that complies with subsection (B) above, the Director shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to A.R.S. § 49-432(C)(1) and so notify the applicant in writing. If the Director agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Director shall include a notice in the file for the permit or permit application that certain information has been considered confidential.
- D. If the Director takes action pursuant to A.R.S. § 49-432(D) and obtains a final order authorizing disclosure, the Director shall place the information in the public file and shall notify any person who has requested disclosure. If the court determines that the information is not subject to disclosure, the Director shall provide the notice specified in subsection (C) above.

**Historical Note**

Amended effective August 7, 1975 (Supp. 75-1).  
 Amended as an emergency effective December 15, 1975 (Supp. 75-2). Amended effective May 10, 1976 (Supp. 76-3). Former Section R9-3-306 renumbered as Section R9-3-305 effective August 6, 1976. References changed to conform (Supp. 76-4). Amended effective April 12, 1977 (Supp. 77-2). Amended effective March 24, 1978 (Supp. 78-2). Former Section R9-3-305 repealed, new Section R9-3-305 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-305 repealed, new Section R9-3-305 adopted effective May 28, 1982 (Supp. 82-3). Former Section R9-3-305 renumbered without change as R18-2-305 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-306. Permit Contents**

- A. Each permit issued by the Director shall include the following elements:
  1. The date of issuance and the permit term.
  2. Enforceable emission limitations and standards, including operational requirements and limitations that ensure

compliance with all applicable requirements at the time of issuance and operational requirements and limitations that have been voluntarily accepted under R18-2-306.01.

- a. The permit shall specify and reference the origin of and authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
  - b. The permit shall state that, if an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.
  - c. Any permit containing an equivalency demonstration for an alternative emission limit submitted under R18-2-304(E) shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
  - d. The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in R18-2-101.
3. Each permit shall contain the following requirements with respect to monitoring:
    - a. All monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including:
      - i. Monitoring and analysis procedures or test methods under 40 CFR 64;
      - ii. Other procedures and methods promulgated under sections 114(a)(3) or 504(b) of the Act; and
      - iii. Monitoring and analysis procedures or test methods required under R18-2-306.01.
    - b. 40 CFR 64 as adopted July 1, 1998, is incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions if the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements not included in the permit as a result of such streamlining;
    - c. If the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported under subsection (A)(4). The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement, and as otherwise required under R18-2-306.01. Recordkeeping provisions may be sufficient to meet the requirements of this subsection; and

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- d. As necessary, requirements concerning the use, maintenance, and, if appropriate, installation of monitoring equipment or methods.
4. The permit shall incorporate all applicable recordkeeping requirements including recordkeeping requirements established under R18-2-306.01, for the following:
  - a. Records of required monitoring information that include the following:
    - i. The date, place as defined in the permit, and time of sampling or measurement;
    - ii. The date any analyses was performed;
    - iii. The name of the company or entity that performed the analysis;
    - iv. A description of the analytical technique or method used;
    - v. The results of any analysis; and
    - vi. The operating conditions existing at the time of sampling or measurement;
  - b. Retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by the permit.
5. The permit shall incorporate all applicable reporting requirements including reporting requirements established under R18-2-306.01 and require the following:
  - a. Submittal of reports of any required monitoring. All instances of deviations from permit requirements shall be clearly identified in the reports. All required reports shall be certified by a responsible official consistent with R18-2-304(I) and R18-2-309(A)(5) and shall be submitted with the following frequency:
    - i. For a Class I permit, at least once every six months;
    - ii. For a Class II permit, at least once per year.
  - b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of the deviations, and any corrective actions or preventive measures taken. Where the applicable requirement contains a definition of prompt or otherwise specifies a timeframe for reporting deviations, that definition or timeframe shall govern. Where the applicable requirement does not address the timeframe for reporting deviations, the permittee shall submit reports of deviations in compliance with the following schedule:
    - i. Notice that complies with timeframe in R18-2-310.01(A) is prompt for deviations that constitute excess emissions;
    - ii. Except as otherwise provided in the permit, notice that complies with subsection (A)(5)(a) is prompt for all other types of deviation.
6. A permit condition prohibiting emissions exceeding any allowances the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder.
  - a. A permit revision is not required for increases in emissions that are authorized by allowances acquired under the acid rain program, if the increases do not require a permit revision under any other applicable requirement.
  - b. A limit shall not be placed on the number of allowances held by the source. The source shall not, however, use allowances as a defense to noncompliance with any other applicable requirement.
  - c. Any allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act.
  - d. Any permit issued under the requirements of this Chapter and Title V of the Act to a unit subject to the provisions of Title IV of the Act shall include conditions prohibiting all of the following:
    - i. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owner or operator of the unit or the designated representative of the owner or operator,
    - ii. Exceedances of applicable emission rates,
    - iii. Use of any allowance before the year for which it is allocated, and
    - iv. Contravention of any other provision of the permit.
7. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.
8. Provisions stating the following:
  - a. The permittee shall comply with all conditions of the permit including all applicable requirements of Arizona air quality statutes A.R.S. Title 49, Chapter 3, and the air quality rules, 18 A.A.C. 2. Any permit noncompliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Noncompliance with any federally enforceable requirement in a permit is a violation of the Act.
  - b. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
  - c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
  - d. The permit does not convey any property rights of any sort, or any exclusive privilege to the permit holder.
  - e. The permittee shall furnish to the Director, within a reasonable time, any information that the Director may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon the Director's request, the permittee shall also furnish to the Director copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of the records directly to the Administrator along with a claim of confidentiality.
  - f. For any major source operating in a nonattainment area for all pollutants for which the source is classified as a major source, the source shall comply with reasonably available control technology.

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9. A provision to ensure that the source pays fees to the Director under A.R.S. § 49-426(E), R18-2-326, and R18-2-511.
10. A provision stating that a permit revision shall not be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes provided for in the permit.
11. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Director. The terms and conditions shall:
  - a. Require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
  - b. Extend the permit shield described in R18-2-325 to all terms and conditions under each such operating scenario; and
  - c. Ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this Chapter.
12. Terms and conditions, if the permit applicant requests them, and as approved by the Director, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading the increases and decreases without a case-by-case approval of each emissions trade. The terms and conditions:
  - a. Shall include all terms required under subsections (A) and (C) to determine compliance;
  - b. Shall not extend the permit shield in subsection (D) to all terms and conditions that allow the increases and decreases in emissions;
  - c. Shall not include trading that involves emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades; and
  - d. Shall meet all applicable requirements and requirements of this Chapter.
13. Terms and conditions, if the permit applicant requests them and they are approved by the Director, setting forth intermittent operating scenarios including potential periods of downtime. If the terms and conditions are included, the state's emissions inventory shall not reflect the zero emissions associated with the periods of downtime.
14. Upon request of a permit applicant, the Director shall issue a permit that contains terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Director shall not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this subsection (shall) not include modifications under any provision of Title I of the Act and shall not exceed emissions allowable under the permit. The terms and conditions shall provide, for Class I sources, for notice that conforms to R18-2-317(D) and (E), and for Class II sources, for logging that conforms to R18-2-317.02(B)(5). In addition, the notices for Class I and Class II sources shall describe how the increases and decreases in emissions will comply with the terms and conditions of the permit.
15. Other terms and conditions as are required by the Act, A.R.S. Title 49, Chapter 3, Articles 1 and 2, and the rules adopted in 18 A.A.C. 2.
  - B. Federally-enforceable Requirements.**
    1. The following permit conditions shall be enforceable by the Administrator and citizens under the Act:
      - a. Except as provided in subsection (B)(2), all terms and conditions in a Class I permit, including any provision designed to limit a source's potential to emit;
      - b. Terms or conditions in a Class II permit setting forth federal applicable requirements; and
      - c. Terms and conditions in any permit entered into voluntarily under R18-2-306.01, as follows:
        - i. Emissions limitations, controls, or other requirements; and
        - ii. Monitoring, recordkeeping, and reporting requirements associated with the emissions limitations, controls, or other requirements in subsection (B)(1)(c)(i).
    2. Notwithstanding subsection (B)(1)(a), the Director shall specifically designate as not being federally enforceable under the Act any terms and conditions included in a Class I permit that are not required under the Act or under any of its applicable requirements.
  - C. Each permit shall contain a compliance plan as specified in R18-2-309.**
  - D. Each permit shall include the applicable permit shield provisions under R18-2-325.**
  - E. Emergency provision.**
    1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, that requires immediate corrective action to restore normal operation and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
    2. An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of subsection (E)(3) are met.
    3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
      - a. An emergency occurred and the permittee can identify the cause or causes of the emergency;
      - b. At the time of the emergency the permitted facility was being properly operated;
      - c. During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
      - d. The permittee submitted notice of the emergency to the Director by certified mail, facsimile, or hand

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delivery within two working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
  5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
- F.** A Class I permit issued to a major source shall require that revisions be made under R18-2-321 to incorporate additional applicable requirements adopted by the Administrator under the Act that become applicable to a source with a permit with a remaining permit term of three or more years. A revision shall not be required if the effective date of the applicable requirement is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than 18 months after the promulgation of the standards and regulations. Any permit revision required under this subsection (shall) comply with R18-2-322 for permit renewal and shall reset the five-year permit term.

**Historical Note**

Adopted effective August 7, 1975 (Supp. 75-1). Former Section R9-3-307 renumbered as Section R9-3-306 effective August 6, 1976. Reference changed to conform (Supp. 76-4). Former Section R9-3-306 repealed, new Section R9-3-306 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 28, 1984 (Supp. 84-5). Former Section R9-3-306 renumbered without change as R18-2-306 (Supp. 87-3). Amended subsection (I) effective December 1, 1988 (Supp. 88-4). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective August 1, 1995 (Supp. 95-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-306.01. Permits Containing Voluntarily Accepted Emission Limitations and Standards**

- A.** A source may voluntarily propose in its application, and accept in its permit, emissions limitations, controls, or other requirements that are permanent, quantifiable, and otherwise enforceable as a practical matter in order to avoid classification as a source that requires a Class I permit or to avoid one or more other applicable requirements. For the purposes of this Section, "enforceable as a practical matter" means that specific means to assess compliance with an emissions limitation, control, or other requirement are provided for in the permit in a manner that allows compliance to be readily determined by an inspection of records and reports.
- B.** In order for a source to obtain a permit containing voluntarily accepted emissions limitations, controls, or other requirements, the source shall demonstrate all of the following in its permit application:

1. The emissions limitations, controls, or other requirements to be imposed for the purpose of avoiding an applicable requirement are at least as stringent as the emissions limitations, controls, or other requirements that would otherwise be applicable to that source, including those that originate in an applicable implementation plan; and the permit does not waive, or make less stringent, any limitations or requirements contained in or issued pursuant to an applicable implementation plan, or that are otherwise federally enforceable.
  2. All voluntarily accepted emissions limitations, controls, or other requirements will be permanent, quantifiable, and otherwise enforceable as a practical matter.
- C.** At the same time as notice of proposed issuance is first published pursuant to A.R.S. § 49-426(D), the Director shall send a copy of any Class II permit proposed to be issued pursuant to this Section to the Administrator for review during the comment period described in the notice pursuant to R18-2-330(C)(3).
- D.** The Director shall send a copy of each final permit issued pursuant to this Section to the Administrator.

**Historical Note**

Adopted effective August 1, 1995 (Supp. 95-3). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-306.02. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2982, effective September 15, 2016 (Supp. 16-3).

**R18-2-307. Permit Review by the EPA and Affected States**

- A.** Except as provided in R18-2-304(G) and as waived by the Administrator, for each Class I permit, a copy of each of the following shall be provided to the Administrator as follows:
  1. The applicant shall provide a complete copy of the application including any attachments, compliance plans, and other information required by R18-2-304(F) at the time of submittal of the application to the Director.
  2. The Director shall provide the proposed final permit after public and affected state review.
  3. The Director shall provide the final permit at the time of issuance.
- B.** The Director shall keep all records associated with all permits for a minimum of five years from issuance.
- C.** No permit for which an application is required to be submitted to the Administrator under subsection (A) shall be issued if the Administrator properly objects to its issuance in writing within 45 days of receipt of the proposed final permit from the Department and all necessary supporting information.
- D.** Review by Affected States.
  1. For each Class I permit, the Director shall provide notice of each proposed permit to any affected state on or before the time that the Director provides this notice to the public as required under R18-2-330 except to the extent R18-2-319 requires the timing of the notice to be different.
  2. If the Director refuses to accept a recommendation of any affected state submitted during the public or affected state review period, the Director shall notify the Administrator and the affected state in writing. The notification shall

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include the Director's reasons for not accepting any such recommendation and shall be provided to the Administrator as part of the submittal of the proposed final permit. The Director shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of state law.

- E. Any person who petitions the Administrator pursuant to 40 CFR 70.8(d) shall notify the Department by certified mail of such petition as soon as possible, but in no case more than 10 days following such petition. Such notice shall include the grounds for objection and whether such objections were raised during the public comment period. If the Administrator objects to the permit as a result of a petition filed under this subsection, the Director shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the Administrator's objection.
- F. If the Director has issued a permit prior to receipt of the Administrator's objection under subsection (E), and the Administrator indicates that it should be revised, terminated, or revoked and reissued, the Director shall reopen the permit in accordance with R18-2-321 and may thereafter issue only a revised permit that satisfies the Administrator's objection. In any case, the source shall not be in violation of the requirement to have submitted a timely and complete application.
- G. Prohibition on Default Issuance.
  - 1. No Class I permit including a permit renewal or revision shall be issued until affected states and the Administrator have had an opportunity to review the proposed permit.
  - 2. No permit or renewal shall be issued unless the Director has acted on the application.

**Historical Note**

Adopted effective August 7, 1975 (Supp. 75-1). Former Section R9-3-307 renumbered as Section R9-3-306 effective August 6, 1976 (Supp. 76-4). New Section R9-3-307 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-307 repealed, new Section R9-3-307 adopted effective May 28, 1982 (Supp. 82-3). Amended subsection (B)(4)(b) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-307 renumbered without change as R18-2-307 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-308. Emission Standards and Limitations**

Wherever applicable requirements apply different standards or limitations to a source for the same item, all applicable requirements shall be included in the permit.

**Historical Note**

Adopted effective August 7, 1975 (Supp. 75-1). Former Section R9-3-308 repealed, new Section R9-3-308 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-308 renumbered without change as R18-2-308 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-309. Compliance Plan; Certification**

All permits shall contain the following elements with respect to compliance:

- 1. The elements required by R18-2-306(A)(3), (4), and (5).

- 2. Requirements for certifications of compliance with terms and conditions contained in the permit, including emissions limitations, standards, and work practices. Permits shall include each of the following:
  - a. The frequency of submissions of compliance certifications, which shall not be less than annually;
  - b. The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;
  - c. A requirement that the compliance certification include all of the following (the identification of applicable information may cross-reference the permit or previous reports, as applicable):
    - i. The identification of each term or condition of the permit that is the basis of the certification;
    - ii. The identification of the methods or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. The methods and other means shall include, at a minimum, the methods and means required under R18-2-306(A)(3). If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;
    - iii. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in subsection (2)(c)(ii). The certification shall identify each deviation and take it into account in the compliance certification. For emission units subject to 40 CFR 64, the certification shall also identify as possible exceptions to compliance any period during which compliance is required and in which an excursion or exceedance defined under 40 CFR 64 occurred; and
    - iv. Other facts the Director may require to determine the compliance status of the source.
  - d. A requirement that permittees submit all compliance certifications to the Director. Class I permittees shall also submit compliance certifications to the Administrator.
  - e. Additional requirements specified in sections 114(a)(3) and 504(b) of the Act or pursuant to R18-2-306.01.
- 3. A requirement for any document required to be submitted by a permittee, including reports, to contain a certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Section shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 4. Inspection and entry provisions that require that upon presentation of proper credentials, the permittee shall allow the Director to:
  - a. Enter upon the permittee's premises where a source is located, emissions-related activity is conducted, or



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- records are required to be kept under the conditions of the permit;
- b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
  - d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
  - e. Record any inspection by use of written, electronic, magnetic, or photographic media.
5. A compliance plan that contains all the following:
    - a. A description of the compliance status of the source with respect to all applicable requirements;
    - b. A description as follows:
      - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements;
      - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis; and
      - iii. For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements;
    - c. A compliance schedule as follows:
      - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements;
      - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement;
      - iii. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. The schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. The schedule of compliance shall supplement, and shall not sanction noncompliance with, the applicable requirements on which it is based.
    - d. A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation. The progress reports shall contain:
      - i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and
      - ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
  6. The compliance plan content requirements specified in subsection (5) shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act, and incorporated under R18-2-333 with regard to the schedule and each method the source will use to achieve compliance with the acid rain emissions limitations.
  7. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amendment filed September 18, 1979, effective following the adoption of Article 7. Nonferrous Smelter Orders.

Amended effective October 2, 1979 (Supp. 79-5). Article 7. Nonferrous Smelter Orders adopted effective January 8, 1980. Amendment filed September 18, 1979 effective January 8, 1980 (Supp. 80-2). Amended effective September 28, 1984 (Supp. 84-5). Former Section R9-3-309 renumbered without change as R18-2-309 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective October 7, 1994 (Supp. 94-4). Amended effective August 1, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4).

Amended by final rulemaking at 10 A.A.R. 2833, effective June 17, 2004 (Supp. 04-2).

**R18-2-310. Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown****A. Applicability.**

This rule establishes affirmative defenses for certain emissions in excess of an emission standard or limitation and applies to all emission standards or limitations except for standards or limitations:

1. Promulgated pursuant to Sections 111 or 112 of the Act,
2. Promulgated pursuant to Titles IV or VI of the Clean Air Act,
3. Contained in any Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permit issued by the U.S. E.P.A.,
4. Contained in R18-2-715(F), or
5. Included in a permit to meet the requirements of R18-2-406(A)(5).

**B. Affirmative Defense for Malfunctions.**

Emissions in excess of an applicable emission limitation due to malfunction shall constitute a violation. The owner or operator of a source with emissions in excess of an applicable emission limitation due to malfunction has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the owner or operator of the source has

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complied with the reporting requirements of R18-2-310.01 and has demonstrated all of the following:

1. The excess emissions resulted from a sudden and unavoidable breakdown of process equipment or air pollution control equipment beyond the reasonable control of the operator;
2. The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
3. If repairs were required, the repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded. Off-shift labor and overtime were utilized where practicable to ensure that the repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, the owner or operator satisfactorily demonstrated that the measures were impracticable;
4. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
5. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
6. The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
7. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Article 2 of this Chapter that could be attributed to the emitting source;
8. The excess emissions did not stem from any activity or event that could have been foreseen and avoided, or planned, and could not have been avoided by better operations and maintenance practices;
9. All emissions monitoring systems were kept in operation if at all practicable; and
10. The owner or operator's actions in response to the excess emissions were documented by contemporaneous records.

**C. Affirmative Defense for Startup and Shutdown.**

1. Except as provided in subsection (C)(2), and unless otherwise provided for in the applicable requirement, emissions in excess of an applicable emission limitation due to startup and shutdown shall constitute a violation. The owner or operator of a source with emissions in excess of an applicable emission limitation due to startup and shutdown has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the owner or operator of the source has complied with the reporting requirements of R18-2-310.01 and has demonstrated all of the following:
  - a. The excess emissions could not have been prevented through careful and prudent planning and design;
  - b. If the excess emissions were the result of a bypass of control equipment, the bypass was unavoidable to prevent loss of life, personal injury, or severe damage to air pollution control equipment, production equipment, or other property;
  - c. The source's air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;

- d. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
- e. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
- f. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Article 2 of this Chapter that could be attributed to the emitting source;
- g. All emissions monitoring systems were kept in operation if at all practicable; and
- h. The owner or operator's actions in response to the excess emissions were documented by contemporaneous records.

2. If excess emissions occur due to a malfunction during routine startup and shutdown, then those instances shall be treated as other malfunctions subject to subsection (B).

**D. Affirmative Defense for Malfunctions During Scheduled Maintenance.**

If excess emissions occur due to a malfunction during scheduled maintenance, then those instances will be treated as other malfunctions subject to subsection (B).

**E. Demonstration of Reasonable and Practicable Measures.**

For an affirmative defense under subsections (B) or (C), the owner or operator of the source shall demonstrate, through submission of the data and information required by this Section and R18-2-310.01, that all reasonable and practicable measures within the owner or operator's control were implemented to prevent the occurrence of the excess emissions.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective June 19, 1981 (Supp. 81-3). Amended Arizona Testing Manual for Air Pollutant Emissions, effective September 22, 1983 (Supp. 83-5). Amended Arizona Testing Manual for Air Pollutant Emissions, as of September 15, 1984, effective August 9, 1985 (Supp. 85-4). Amended effective September 28, 1984 (Supp. 84-5). Former Section R9-3-310 renumbered without change as R18-2-310 (Supp. 87-3). Amended effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1164, effective February 15, 2001 (Supp. 01-1).

**R18-2-310.01. Reporting Requirements**

- A.** The owner or operator of any source shall report to the Director any emissions in excess of the limits established by this Chapter or the applicable permit. The owner or operator of any registered source may report excess emissions in accordance with this Section in order to qualify for the affirmative defense established in R18-2-310. The report shall be in two parts as specified below:
  1. Notification by telephone or facsimile within 24 hours of the time the owner or operator first learned of the occurrence of excess emissions that includes all available information from subsection (B).
  2. Detailed written notification by submission of an excess emissions report within 72 hours of the notification under subsection (A)(1).
- B.** The excess emissions report shall contain the following information:

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1. The identity of each stack or other emission point where the excess emissions occurred;
  2. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
  3. The time and duration or expected duration of the excess emissions;
  4. The identity of the equipment from which the excess emissions emanated;
  5. The nature and cause of the emissions;
  6. The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions;
  7. The steps that were or are being taken to limit the excess emissions; and
  8. If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, a list of the steps taken to comply with the permit procedures.
- C. In the case of continuous or recurring excess emissions, the notification requirements of this Section shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in the notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification pursuant to subsections (A) and (B).

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1164, effective February 15, 2001 (Supp. 01-1).  
Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-311. Test Methods and Procedures**

- A. Except as otherwise specified in this Chapter, the applicable procedures and testing methods contained in the Arizona Testing Manual; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C shall be used to determine compliance with the requirements established in this Chapter or contained in permits issued pursuant to this Chapter.
- B. Except as otherwise provided in this subsection the opacity of visible emissions shall be determined by Reference Method 9 of the Arizona Testing Manual or by alternative method ALT-082 approved by the Administrator on May 15, 2012. A permit may specify a method, other than Method 9 or ALT-082, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the Administrator in 40 CFR 60, Appendix A or approved by the Administrator as an alternative method.
- C. Except as otherwise specified in this Chapter, the heat content of solid fuel shall be determined according to ASTM method D-3176-89, (Practice for Ultimate Analysis of Coal and Coke) and ASTM method D-2015-91, (Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter).
- D. Except for ambient air monitoring and emissions testing required under Articles 9 and 11 of this Chapter, alternative and equivalent test methods in any test plan submitted to the

Director may be approved by the Director for the duration of that plan provided that the following three criteria are met:

1. The alternative or equivalent test method measures the same chemical and physical characteristics as the test method it is intended to replace.
2. The alternative or equivalent test method has substantially the same or better reliability, accuracy, and precision as the test method it is intended to replace.
3. Applicable quality assurance procedures are followed in accordance with the Arizona Testing Manual, 40 CFR 60 or other quality assurance methods which are consistent with principles contained in the Arizona Testing Manual or 40 CFR 60 as approved by the Director.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Amended effective September 28, 1984 (Supp. 84-5). Former Section R9-3-311 renumbered without change as R18-2-311 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-312. Performance Tests**

- A. Except as provided in subsection (J), within 60 days after a source subject to the permit requirements of this Article has achieved the capability to operate at its maximum production rate on a sustained basis but no later than 180 days after initial start-up of such source and at such other times as may be required by the Director, the owner or operator of such source shall conduct performance tests and furnish the Director a written report of the results of the tests.
- B. Performance tests shall be conducted and data reduced in accordance with the test method and procedures contained in the Arizona Testing Manual unless the Director:
  1. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology;
  2. Approves the use of an equivalent method;
  3. Approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance; or
  4. Waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Director's satisfaction that the source is in compliance with the standard.
  5. Nothing in this Section shall be construed to abrogate the Director's authority to require testing.
- C. Performance tests shall be conducted under such conditions as the Director shall specify to the plant operator based on representative performance of the source. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the performance tests. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.
- D. The owner or operator of a permitted source shall provide the Director two weeks prior notice of the performance test to afford the Director the opportunity to have an observer present.
- E. The owner or operator of a permitted source shall provide, or cause to be provided, performance testing facilities as follows:
  1. Sampling ports adequate for test methods applicable to such facility.

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2. Safe sampling platform(s).
  3. Safe access to sampling platform(s).
  4. Utilities for sampling and testing equipment.
- F.** Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs is required to be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Director's approval, be determined using the arithmetic means of the results of the two other runs. If the Director, or the Director's designee is present, tests may only be stopped with the Director's or such designee's approval. If the Director, or the Director's designee is not present, tests may only be stopped for good cause, which includes forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the operator's control. Termination of testing without good cause after the first run is commenced shall constitute a failure of the test.
- G.** Except as provided in subsection (H) compliance with the emission limits established in this Chapter or as prescribed in permits issued pursuant to this Chapter shall be determined by the performance tests specified in this Section or in the permit.
- H.** In addition to performance tests specified in this Section, compliance with specific emission limits may be determined by:
1. Opacity tests.
  2. Emission limit compliance tests specifically designated as such in the regulation establishing the emission limit to be complied with.
  3. Continuous emission monitoring, where applicable quality assurance procedures are followed and where it is designated in the permit or in an applicable requirement to show compliance.
- I.** Nothing in this Section shall be so construed as to prevent the utilization of measurements from emissions monitoring devices or techniques not designated as performance tests as evidence of compliance with applicable good maintenance and operating requirements.
- J.** The owner or operator of a source subject to this Section may request an extension to the performance test deadline due to a force majeure event as follows:
1. If a force majeure event is about to occur, occurs, or has occurred for which the owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the Director in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline. The notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall be given as soon as practicable.
  2. The owner or operator shall provide to the Director a written description of the force majeure event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct

the performance test. The performance test shall be conducted as soon as practicable after the force majeure event occurs.

3. The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Director. The Director shall notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practicable.
4. Until an extension of the performance test deadline has been approved by the Director under subsections (1), (2), and (3), the owner or operator remains subject to the requirements of this Section.
5. For purposes of this subsection, a "force majeure event" means an event that will be or has been caused by circumstances beyond the control of the source, its contractors, or any entity controlled by the source that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the source's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the source.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective September 28, 1984 (Supp. 84-5). Former Section R9-3-312 renumbered without change as R18-2-312 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-313. Existing Source Emission Monitoring**

- A.** Every source subject to an existing source performance standard as specified in this Chapter shall install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants and other gases specified in this Section for the applicable source category.
1. Applicability.
    - a. Fossil-fuel fired steam generators, as specified in subsection (C)(1), shall be monitored for opacity, nitrogen oxides emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.
    - b. Fluid bed catalytic cracking unit catalyst regenerators, as specified in subsection (C)(4), shall be monitored for opacity.
    - c. Sulfuric acid plants, as specified in subsection (C)(3), shall be monitored for sulfur dioxide emissions.
    - d. Nitric acid plants, as specified in subsection (C)(2), shall be monitored for nitrogen oxides emissions.
  2. Emission monitoring shall not be required when the source of emissions is not operating.
  3. Variations.
    - a. Unless otherwise prohibited by the Act, the Director may approve, on a case-by-case basis, alternative monitoring requirements different from the provisions of this Section if the installation of a continuous emission monitoring system cannot be implemented by a source due to physical plant limitations or extreme economic reasons. Alternative monitoring procedures shall be specified by the Director on a case-by-case basis and shall include, as a minimum, annual manual stack tests for the pollutants identified for each type of source in this Sec-

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tion. Extreme economic reasons shall mean that the requirements of this Section would cause the source to be unable to continue in business.

- b. Alternative monitoring requirements may be prescribed when installation of a continuous emission monitoring system or monitoring device specified by this Section would not provide accurate determinations of emissions (e.g., condensed, uncombined water vapor may prevent an accurate determination of opacity using commercially available continuous emission monitoring systems).
  - c. Alternative monitoring requirements may be prescribed when the affected facility is infrequently operated (e.g., some affected facilities may operate less than one month per year).
4. Monitoring system malfunction: A temporary exemption from the monitoring and reporting requirements of this Section may be provided during any period of monitoring system malfunction, provided that the source owner or operator demonstrates that the malfunction was unavoidable and is being repaired expeditiously.
- B.** Installation and performance testing required under this Section shall be completed and monitoring and recording shall commence within 18 months of the effective date of this Section.
- C.** Minimum monitoring requirements:
1. Fossil-fuel fired steam generators: Each fossil-fuel fired steam generator, except as provided in the following subsections, with an annual average capacity factor of greater than 30%, as reported to the Federal Power Commission for calendar year 1976, or as otherwise demonstrated to the Department by the owner or operator, shall conform with the following monitoring requirements when such facility is subject to an emission standard for the pollutant in question.
    - a. A continuous emission monitoring system for the measurement of opacity which meets the performance specifications of this Section shall be installed, calibrated, maintained, and operated in accordance with the procedures of this Section by the owner or operator of any such steam generator of greater than 250 million Btu per hour heat input except where:
      - i. Gaseous fuel is the only fuel burned; or
      - ii. Oil or a mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity regulations without utilization of particulate matter collection equipment, and where the source has never been found to be in violation through any administrative or judicial proceedings, or accepted responsibility for any violation of any visible emission standard.
    - b. A continuous emission monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section shall be installed, calibrated, using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the Director, maintained and operated on any fossil-fuel fired steam generator of greater than 250 million Btu per hour heat input which has installed sulfur dioxide pollutant control equipment.
    - c. A continuous emission monitoring system for the measurement of nitrogen oxides which meets the performance specification of this Section shall be installed, calibrated using nitric oxide calibration gas mixtures or other gas mixtures approved by the Director, maintained and operated on fossil-fuel fired steam generators of greater than 1000 million Btu per hour heat input when such facility is located in an air quality control region where the Director has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in R18-2-205, unless the source owner or operator demonstrates during source compliance tests as required by the Department that such a source emits nitrogen oxides at levels 30% or more below the emission standard within this Chapter.
  2. Nitric acid plants: Each nitric acid plant of greater than 300 tons per day production capacity, the production capacity being expressed as 100% acid located in an air quality control region where the Director has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the ambient air quality standard specified in R18-2-205, shall install, calibrate using nitrogen dioxide calibration gas mixtures, maintain, and operate a continuous emission monitoring system for the measurement of nitrogen oxides which meets the performance specifications of this Section for each nitric acid producing facility within such plant.
  3. Sulfuric acid plants: Each sulfuric acid plant as defined in R18-2-101, of greater than 300 tons per day production capacity, the production being expressed as 100% acid, shall install, calibrate using sulfur dioxide calibration gas mixtures or other gas mixtures approved by the Director, maintain and operate a continuous emission monitoring system for the measurement of sulfur dioxide which meets the performance specifications of this Section for each sulfuric acid producing facility within such a plant.
  4. Fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries. Each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh-feed capacity shall install, calibrate, maintain and operate a continuous emission monitoring system for the measurement of opacity which meets the performance specifications of this Section for each regenerator within such refinery.
- D.** Minimum specifications: Owners or operators of monitoring equipment installed to comply with this Section shall demonstrate compliance with the following performance specifications.
1. The performance specifications set forth in Appendix B of 40 CFR 60 are incorporated herein by reference and shall be used by the Director to determine acceptability of monitoring equipment installed pursuant to this Section. However where reference is made to the Administrator in Appendix B of 40 CFR 60, the Director may allow the

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use of either the state-approved reference method or the federally approved reference method as published in 40 CFR 60. The performance specifications to be used with each type of monitoring system are listed below.

- a. Continuous emission monitoring systems for measuring opacity shall comply with performance specification 1.
- b. Continuous emission monitoring systems for measuring nitrogen oxides shall comply with performance specification 2.
- c. Continuous emission monitoring systems for measuring sulfur dioxide shall comply with performance specification 2.
- d. Continuous emission monitoring systems for measuring sulfur dioxide shall comply with performance specification 3.
- e. Continuous emission monitoring systems for measuring carbon dioxide shall comply with performance specification 3.
2. Calibration gases: Span and zero gases shall be traceable to National Bureau of Standards reference gases whenever these reference gases are available. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses using the reference methods in Appendix A of 40 CFR 60 (Chapter 1) as amended: For sulfur dioxide, use Reference Method 6; for nitrogen oxides, use Reference method 7; and for carbon dioxide or oxygen, use Reference Method 3. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.
3. Cycling time: Time includes the total time required to sample, analyze, and record an emission measurement.
  - a. Continuous emission monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive six-minute period.
  - b. Continuous emission monitoring systems for measuring oxides of nitrogen, carbon dioxide, oxygen, or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
4. Monitor location: All continuous emission monitoring systems or monitoring devices shall be installed such that representative measurements of emissions of process parameter (i.e., oxygen, or carbon dioxide) from the affected facility are obtained. Additional guidance for location of continuous emission monitoring systems to obtain representative samples are contained in the applicable performance specifications of Appendix B of 40 CFR 60.
5. Combined effluents: When the effluents from two or more affected facilities of similar design and operating characteristics are combined before being released to the atmosphere through more than one point, separate monitors shall be installed.
6. Zero and drift: Owners or operators of all continuous emission monitoring systems installed in accordance with the requirements of this Section shall record the zero and span drift in accordance with the method prescribed by the manufacturer's recommended zero and span check at least once daily, using calibration gases specified in subsection (C) as applicable, unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; shall adjust the zero span whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of Part 60, Chapter 1, Title 40 CFR are exceeded.
7. Span: Instrument span should be approximately 200% of the expected instrument data display output corresponding to the emission standard for the source.
- E. Minimum data requirement: The following subsections set forth the minimum data reporting requirements for sources employing continuous monitoring equipment as specified in this Section. These periodic reports do not relieve the source operator from the reporting requirements of R18-2-310.01.
  1. The owners or operators of facilities required to install continuous emission monitoring systems shall submit to the Director a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known. The averaging period used for data reporting shall correspond to the averaging period specified in the emission standard for the pollutant source category in question. The required report shall include, as a minimum, the data stipulated in this subsection.
  2. For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of all six-minute opacity averages greater than any applicable standards for each hour of operation of the facility. Average values may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced, instantaneous opacity measurements per minute. Any time periods exempted shall be deleted before determining any averages in excess of opacity standards.
  3. For gaseous measurements the summary shall consist of emission averages in the units of the applicable standard for each averaging period during which the applicable standard was exceeded.
  4. The date and time identifying each period during which the continuous emission monitoring system was inoperative, except for zero and span checks and the nature of system repair or adjustment shall be reported. The Director may require proof of continuous emission monitoring system performance whenever system repairs or adjustments have been made.
  5. When no excess emissions have occurred and the continuous emission monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.
  6. Owners or operators of affected facilities shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous emission monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.
- F. Data reduction: Owners or operators of affected facilities shall use the following procedures for converting monitoring data to units of the standard where necessary.
  1. For fossil-fuel fired steam generators the following procedures shall be used to convert gaseous emission monitoring data in parts per million to g/million cal (lb/million Btu) where necessary.
    - a. When the owner or operator of a fossil-fuel fired steam generator elects under subsection (C)(1)(d) to measure oxygen in the flue gases, the measurements

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of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry).

- i. When measurements are on a wet basis, except where wet scrubbers are employed or where moisture is otherwise added to stack gases, the following conversion procedure shall be used:

$$E(Q) = C(ws)F(w)\left[\frac{20.9}{20.9(1 - B(wa)) - \%O(2ws)}\right]$$

- ii. When measurements are on a wet basis and the water vapor content of the stack gas is determined at least once every 15 minutes the following conversion procedure shall be used:

$$E(Q) = C(ws)F\left[\frac{20.9}{20.9(1 - B(wa))\%O(2ws)}\right]$$

Use of this equation is contingent upon demonstrating the ability to accurately determine B(ws) such that any absolute error in B(ws) will not cause an error of more than  $\pm 1.5\%$  in the term:

$$\left[\frac{20.9}{20.9(1 - B(wa)) - \%O(2ws)}\right]$$

- iii. When measurements are on a dry basis, the following conversion procedure shall be used:

$$E(Q) = CF\left[\frac{20.9}{20.9 - \%O(2ws)}\right]$$

- b. When the owner or operator elects under subsection (C)(1)(d) to measure carbon dioxide in the flue gases, the measurement of the pollutant concentration and the carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used;

$$E(Q) = CF(c)\left[\frac{100}{\%CO(2)}\right]$$

- c. The values used in the equations under subsection (F)(1) above are derived as follows:

E(Q) = pollutant emission, g/million cal (lb/million Btu).

C = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each hourly period by  $4.16 \times 10^{-5}$  M g/dscm per ppm ( $2.64 \times 10^{-9}$  M lb/dscf per ppm) where M = pollutant molecular weight, g/g-mole (lb/lb-mole), M = 64 for sulfur dioxide and 46 for oxides of nitrogen.

C(ws) = pollutant concentrations at stack conditions, g/wscm (lb/wscf), determined by multi-

plying the average concentration (ppm) for each one-hour period by  $4.15 \times 10^{-5}$  M lb/wscm per ppm ( $2.59 \times 10^{-5}$  M lb/wscf per ppm) where M = pollutant molecular weight, g/g mole (lb/lb mole). M = 64 for sulfur dioxide and 46 for nitrogen oxides.

%O(2), %CO(2) = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under subsection (D)(1)(d).

F, F(c) = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted (F), a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted (F(c)), respectively. Values of F and F(c) are given in 40 CFR 60.45(f) (Chapter 1).

F(w) = A factor representing a ratio of the volume of wet flue gases generated to the calorific value of the fuel combusted. Values of F(w) are given in Reference Method 19 of the Arizona Testing Manual.

B(wa) = Proportion by volume of water vapor in the ambient air. Approval may be given for determination of B(wa) by on-site instrumental measurement provided that the absolute accuracy of the measurement technique can be demonstrated to be within  $\pm 0.7\%$  water vapor. Estimation methods for B(wa) are given in Reference Method 19 of the Arizona Testing Manual.

B(ws) = Proportion by volume of water vapor in the stack gas.

2. For sulfuric acid plants as defined in R18-2-101, the owner or operator shall:
  - a. Establish a conversion factor three times daily according to the procedures of 40 CFR 60.84(b) (Chapter 1),
  - b. Multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain average sulfur dioxide emissions in Kg/metric ton (lb/short ton), and
  - c. Report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly summary.
3. For nitric acid plants, the owner or operator shall:
  - a. Establish a conversion factor according to the procedures of 40 CFR 60.73(b) (Chapter 1),
  - b. Multiply the conversion factor by the average nitrogen oxides concentration in the flue gases to obtain the nitrogen oxides emissions in the units of the applicable standard,
  - c. Report the average nitrogen oxides emission for each averaging period in excess of applicable emission standard in the quarterly summary.
4. The Director may allow data reporting or reduction procedures varying from those set forth in this Section if the owner or operator of a source shows to the satisfaction of the Director that his procedures are at least as accurate as those in this Section. Such procedures may include but are not limited to the following:
  - a. Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability

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of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the averaging period).

- b. Alternative methods of converting pollutant concentration measurements to the units of the emission standards.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (C), paragraph (1), subparagraph (d) (Supp. 80-2). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-313 renumbered without change as R18-2-313 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 1164, effective February 15, 2001 (Supp. 01-1).

**R18-2-314. Quality Assurance**

Facilities subject to the permit requirements of this Article shall submit a quality assurance plan to the Director that meets the requirements of R18-2-311(D)(3) within 12 months of the effective date of this Section. Facilities subject to the requirements of R18-2-313 shall submit a quality assurance plan as specified in the permit.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-314 renumbered without change as R18-2-314 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-315. Posting of Permit**

- A. Any person who has been granted an individual or general permit shall post such permit or a certificate of permit issuance on location where the equipment is installed in such a manner as to be clearly visible and accessible. All equipment covered by the permit shall be clearly marked with one of the following:
  1. The current permit number,
  2. A serial number or other equipment number that is also listed in the permit to identify that piece of equipment.
- B. A copy of the complete permit shall be kept on the site.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-315 renumbered without change as R18-2-315 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-316. Notice by Building Permit Agencies**

All agencies of the county or political subdivisions of the county that issue or grant building permits or approvals shall examine the plans and specifications submitted by an applicant for a permit or approval to determine if an air pollution permit will possibly be required under the provisions of this Chapter. If it appears that an air pollution permit will be required, the agency or political subdivision shall give written notice to the applicant to contact the Director and shall furnish a copy of that notice to the Director.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-316 renumbered without change as R18-2-316 (Supp. 87-3).

**R18-2-317. Facility Changes Allowed Without Permit Revi-****sions - Class I**

- A. A facility with a Class I permit may make changes that contravene an express permit term without a permit revision if all of the following apply:
  1. The changes are not modifications under any provision of Title I of the Act or under A.R.S. § 49-401.01(24);
  2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions;
  3. The changes do not violate any applicable requirements or trigger any additional applicable requirements;
  4. The changes satisfy all requirements for a minor permit revision under R18-2-319(A);
  5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements; and
  6. The changes do not constitute a minor NSR modification.
- B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if the substitution meets all of the requirements of subsections (A), (D), and (E).
- C. Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted facility, as established in the permit under R18-2-306(A)(12), if an applicable implementation plan provides for the emissions trades without applying for a permit revision and based on the seven working days notice prescribed in subsection (D). This provision is available if the permit does not provide for the emissions trading as a minor permit revision.
- D. For each change under subsections (A) through (C), a written notice by certified mail or hand delivery shall be received by the Director and the Administrator a minimum of seven working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than seven working days in advance of the change but must be provided as far in advance of the change or, if advance notification is not practicable, as soon after the change as possible.
- E. Each notification shall include:
  1. When the proposed change will occur;
  2. A description of the change;
  3. Any change in emissions of regulated air pollutants;
  4. The pollutants emitted subject to the emissions trade, if any;
  5. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade;
  6. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply; and
  7. Any permit term or condition that is no longer applicable as a result of the change.
- F. The permit shield described in R18-2-325 shall not apply to any change made under subsections (A) through (C). Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.



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- G. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under R18-2-306(A)(11) shall not require any prior notice under this Section.
- H. The Director shall make available to the public monthly summaries of all notices received under this Section.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-317 renumbered without change as R18-2-317 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-317.01. Facility Changes that Require a Permit Revision - Class II**

- A. The following changes at a source with a Class II permit shall require a permit revision:
1. A change that would trigger a new applicable requirement or violate an existing applicable requirement.
  2. Establishment of, or change in, an emissions cap under R18-2-306.02;
  3. A change that will require a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis;
  4. A change that results in emissions that are subject to monitoring, recordkeeping or reporting under R18-2-306(A)(3), (4), or (5) if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
  5. A change that will authorize the burning of used oil, used oil fuel, hazardous waste, or hazardous waste fuel, or any other fuel not currently authorized by the permit;
  6. A change that requires the source to obtain a Class I permit;
  7. Replacement of an item of air pollution control equipment listed in the permit with one that does not have the same or better pollutant removal efficiency;
  8. Establishment or revision of a limit under R18-2-306.01;
  9. Increasing operating hours or rates of production above the permitted level;
  10. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
    - a. From removing equipment that results in a permanent decrease in actual emissions, if the source keeps onsite records of the change in a log that satisfies Appendix 3 of this Chapter and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
    - b. From a change in an applicable requirement; and
  11. A minor NSR modification.
- B. A source with a Class II permit may make any physical change or change in the method of operation without revising the source's permit unless the change is specifically prohibited in the source's permit or is a change described in subsection (A). A change that does not require a permit revision may still be subject to requirements in R18-2-317.02.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3).

Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-317.02. Procedures for Certain Changes that Do Not Require a Permit Revision - Class II**

- A. Except for a physical change or change in the method of operation at a Class II source requiring a permit revision under R18-2-317.01, or a change subject to logging or notice requirements in subsections (B) or (C), a change at a Class II source shall not be subject to revision, notice, or logging requirements under this Chapter.
- B. Except as otherwise provided in the conditions applicable to an emissions cap created under R18-2-306.02, the following changes may be made if the source keeps onsite records of the changes according to Appendix 3:
1. Implementing an alternative operating scenario, including raw material changes;
  2. Changing process equipment, operating procedures, or making any other physical change if the permit requires the change to be logged;
  3. Engaging in any new insignificant activity listed in the definition of insignificant activities in R18-2-101 but not listed in the permit;
  4. Replacing an item of air pollution control equipment listed in the permit with an identical (same model, different serial number) item. The Director may require verification of efficiency of the new equipment by performance tests; and
  5. A change that results in a decrease in actual emissions if the source wants to claim credit for the decrease in determining whether the source has a net emissions increase for any purpose. The logged information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.
- C. Except as provided in the conditions applicable to an emissions cap created under R18-2-306.02, the following changes may be made if the source provides written notice to the Department in advance of the change as provided below:
1. Replacing an item of air pollution control equipment listed in the permit with one that is not identical but that is substantially similar and has the same or better pollutant removal efficiency: seven days. The Director may require verification of efficiency of the new equipment by performance tests;
  2. A physical change or change in the method of operation that increases actual emissions more than 10% of the major source threshold for any conventional pollutant but does not require a permit revision: seven days;
  3. Replacing an item of air pollution control equipment listed in the permit with one that is not substantially similar but that has the same or better efficiency: 30 days. The Director may require verification of efficiency of the new equipment by performance tests;
  4. A change that would trigger an applicable requirement that already exists in the permit: 30 days unless otherwise required by the applicable requirement;
  5. A change that amounts to reconstruction of the source or an affected facility: seven days. For purposes of this subsection, reconstruction of a source or an affected facility shall be presumed if the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a

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comparable entirely new source or affected facility and the changes to the components have occurred over the 12 consecutive months beginning with commencement of construction; and

6. A change that will result in the emissions of a new regulated air pollutant above an applicable regulatory threshold but that does not trigger a new applicable requirement for that source category: 30 days. For purposes of this requirement, an applicable regulatory threshold for a conventional air pollutant shall be 10% of the applicable major source threshold for that pollutant.
- D. For each change under subsection (C), the written notice shall be by certified mail or hand delivery and shall be received by the Director the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change as possible. The written notice shall include:
  1. When the proposed change will occur,
  2. A description of the change,
  3. Any change in emissions of regulated air pollutants, and
  4. Any permit term or condition that is no longer applicable as a result of the change.
- E. A source may implement any change in subsection (C) without the required notice by applying for a minor permit revision under R18-2-319 and complying with R18-2-319(D)(2) and (G).
- F. The permit shield described in R18-2-325 shall not apply to any change made under this Section, other than implementation of an alternate operating scenario under subsection (B)(1).
- G. Notwithstanding any other part of this Section, the Director may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this Section over the term of the permit, constitutes a change under R18-317.01(A).
- H. If a source change is described under both subsections (B) and (C), the source shall comply with subsection (C). If a source change is described under both subsection (C) and R18-2-317.01(B), the source shall comply with R18-2-317.01(B).
- I. A copy of all logs required under subsection (B) shall be filed with the Director within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3).

Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-318. Administrative Permit Amendments**

- A. Except for provisions pursuant to Title IV of the Act, an administrative permit amendment is a permit revision that does any of the following:
  1. Corrects typographical errors;
  2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
  3. Requires more frequent monitoring or reporting by the permittee;
  4. Allows for a change in ownership or operational control of a source as approved under R18-2-323 where the

Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage, and liability between the current and new permittee has been submitted to the Director;

- B. Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act.
- C. The Director shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and for Class I permits may incorporate such changes without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this Section.
- D. The Director shall submit a copy of Class I permits revised under this Section to the Administrator.
- E. Except for administrative permit amendments involving a transfer under R18-2-323, the source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-318 renumbered without change as R18-2-318 (Supp. 87-3). Amended subsection (A) effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-318.01. Annual Summary Permit Amendments for Class II Permits**

The Director may amend any Class II permit annually without following R18-2-321 in order to incorporate changes reflected in logs or notices filed under R18-2-317.02. The amendment shall be effective to the anniversary date of the permit. The Director shall make available to the public for any source:

1. A complete record of logs and notices sent to the Department under R18-2-317.02; and
2. Any amendments or revisions to the source's permit.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3).

**R18-2-319. Minor Permit Revisions**

- A. Minor permit revision procedures may be used only for those changes at a Class I source that satisfy all of the following:
  1. Do not violate any applicable requirement;
  2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
  3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or an analysis of impacts on visibility or maximum increases allowed under R18-2-218;
  4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. The terms and conditions include:
    - a. A federally enforceable emissions cap that the source would assume to avoid classification as a modification under any provision of Title I of the Act; and

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- b. An alternative emissions limit approved under regulations promulgated under the section 112(i)(5) of the Act.
  - 5. Are not modifications under any provision of Title I of the Act;
  - 6. Are not changes in fuels not represented in the permit application or provided for in the permit;
  - 7. Are not minor NSR modifications subject to R18-2-334; and
  - 8. Are not required to be processed as a significant permit revision under R18-2-320.
- B.** Minor permit revision procedures shall be used for the following changes at a Class II source:
- 1. A change that triggers a new applicable requirement if all of the following apply:
    - a. The change is not a minor NSR modification subject to R18-2-334;
    - b. A case-by-case determination of an emission limitation or other standard is not required; and
    - c. The change does not require the source to obtain a Class I permit.
  - 2. A change that increases emissions above the permitted level unless the increase otherwise creates a condition that requires a significant permit revision;
  - 3. A change in fuel from fuel oil or coal, to natural gas or propane, if not authorized in the permit;
  - 4. A change that results in emissions subject to monitoring, recordkeeping, or reporting under R18-2-306(A)(3),(4), or (5) and that cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
  - 5. A decrease in the emissions permitted under an emissions cap unless the decrease requires a change in the conditions required to enforce the cap or to ensure that emissions trades conducted under the cap are quantifiable and enforceable; and
  - 6. Replacement of an item of air pollution control equipment listed in the permit with one that does not have the same or better efficiency.
- C.** As approved by the Director, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.
- D.** An application for minor permit revision shall be on the standard application form provided under R18-2-304(B) and include the following:
- 1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - 2. For Class I sources, and any source that is making the change immediately after it files the application, the source's suggested draft permit;
  - 3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that the procedures be used;
- E.** EPA and affected state notification. For Class I permits, within five working days of receipt of an application for a minor permit revision, the Director shall notify the Administrator and affected states of the requested permit revision in accordance with R18-2-307.
- F.** For Class I permits, the Director shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the Director that the Administrator will not object to issuance of the permit revision, whichever is first, although the Director may approve the permit revision before that time. Within 90 days of the Director's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the Director shall do one or more of the following:
- 1. Issue the permit revision as proposed,
  - 2. Deny the permit revision application,
  - 3. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures, or
  - 4. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in R18-2-307.
- G.** The source may make the change proposed in its minor permit revision application immediately after it files the application. After a Class I source makes a change allowed by the preceding sentence, and until the Director takes any of the actions specified in subsection (F), the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the Class I source need not comply with the existing permit terms and conditions it seeks to modify. However, if the Class I source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.
- H.** The permit shield under R18-2-325 shall not extend to minor permit revisions.
- I.** Notwithstanding any other part of this Section, the Director may require a permit to be revised under R18-2-320 for any change that, when considered together with any other changes submitted by the same source under this Section or R18-2-317.02 over the life of the permit, do not satisfy subsection (A) for Class I sources or subsection (B) for Class II sources.
- J.** The Director shall make available to the public monthly summaries of all applications for minor permit revisions.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-319 renumbered without change as R18-2-319 (Supp. 87-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-320. Significant Permit Revisions**

- A.** For Class I sources, a significant revision shall be used for an application requesting a permit revision that does not qualify as a minor permit revision or as an administrative amendment. A significant revision that is only required because of a change described in R18-2-319(A)(6) or (7) shall not be considered a significant permit revision under part 70 for the purposes of 40 CFR 64.5(a)(2). Every significant change in existing monitoring permit terms or conditions and every relaxation of report-

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ing or recordkeeping permit terms or conditions shall follow significant revision procedures.

- B.** A source with a Class II permit shall make the following changes only after the permit is revised following the public participation requirements of R18-2-330:
1. Establishing or revising a voluntarily accepted emission limitation or standard as described by R18-2-306.01 or R18-2-306.02, except a decrease in the limitation authorized by R18-2-319(B)(5);
  2. Making any change in fuel not authorized by the permit and that is not fuel oil or coal, to natural gas or propane;
  3. A change that is a minor NSR modification subject to R18-2-334;
  4. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results from:
    - a. Removing equipment that results in a permanent decrease in actual emissions, if the source keeps onsite records of the change in a log that satisfies Appendix 3 of this Chapter and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
    - b. A change in an applicable requirement.
  5. A change that will cause the source to violate an existing applicable requirement including the conditions establishing an emissions cap;
  6. A change that will require any of the following:
    - a. A case-by-case determination of an emission limitation or other standard;
    - b. A source-specific determination of ambient impacts, or an analysis of impacts on visibility or maximum allowable increases allowed under R18-2-218; or
    - c. A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.
  7. A change that requires the source to obtain a Class I permit.
- C.** Any modification to a major source of federally listed hazardous air pollutants, and any reconstruction of a source, or a process or production unit, under section 112(g) of the Act and regulations promulgated thereunder, shall follow significant permit revision procedures and any rules adopted under A.R.S. § 49-426.03.
- D.** Significant permit revisions shall meet all requirements of this Article for applications, public participation, review by affected states, and review by the Administrator that apply to permit issuance and renewal. Notwithstanding R18-2-330(C), the Director may provide notice for changes requiring a significant permit revision solely under subsections (B)(2), (4) or (6)(c) by posting a notice on the Department's web site, sending e-mails to persons who have requested electronic notification of the Department's proposed air quality permit actions and by mailing a copy of the notice as provided in R18-2-330(C)(1).
- E.** When an existing source applies for a significant permit revision to revise its permit from a Class II permit to a Class I permit, it shall submit a Class I permit application in accordance with R18-2-304. The Director shall issue the entire permit, and not just the portion being revised, in accordance with Class I permit content and issuance requirements, including requirements for public, affected state, and EPA review, contained in R18-2-307 and R18-2-330.

**Historical Note**

Adopted effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November

15, 1993 (Supp. 93-4). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3).

Amended by final rulemaking at 6 A.A.R. 343, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-321. Permit Reopenings; Revocation and Reissuance; Termination****A. Reopening for Cause.**

1. Each issued permit shall include provisions specifying the conditions under which the permit shall be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:
  - a. Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to R18-2-322(B). Any permit revision required pursuant to this subsection shall comply with provisions in R18-2-322 for permit renewal and shall reset the five-year permit term.
  - b. Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Class I permit.
  - c. The Director or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - d. The Director or the Administrator determines that the permit needs to be revised or revoked to assure compliance with the applicable requirements.
2. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under subsection (A)(1)(a), affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.
3. Reopenings under subsection (A)(1) shall not be initiated before a notice of such intent is provided to the source by the Director at least 30 days in advance of the date that the permit is to be reopened, except that the Director may provide a shorter time period in the case of an emergency.
4. When a permit is reopened and revised pursuant to this Section, the Director may make appropriate revisions to the permit shield established pursuant to R18-2-325.

- B.** Within 10 days of receipt of notice from the Administrator that cause exists to reopen a Class I permit, the Director shall notify the source. The source shall have 30 days to respond to the Director. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, or within any extension to the 90 days granted by EPA, the Director

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shall forward to the Administrator and the source a proposed determination of termination, revision, or revocation and reissuance of the permit. Within 90 days of receipt of an EPA objection to the Director's proposal, the Director shall resolve the objection and act on the permit.

- C. The Director may issue a notice of termination of a permit or registration issued pursuant to this Chapter if:
1. The Director has reasonable cause to believe that the permit or registration was obtained by fraud or misrepresentation.
  2. The person applying for the permit or registration failed to disclose a material fact required by the application form or the regulation applicable to the permit or registration, of which the applicant had or should have had knowledge at the time the application was submitted.
  3. The terms and conditions of the permit or registration have been or are being violated.
- D. If the Director issues a notice of termination under this Section, the notice shall be served on the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation and a statement that the permittee is entitled to a hearing.

**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-321 renumbered without change as R18-2-321 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-322. Permit Renewal and Expiration**

- A. A permit being renewed is subject to the same procedural requirements, including any for public participation and affected states and Administrator review, that would apply to that permit's initial issuance.
- B. Except as provided in R18-2-303(A), permit expiration terminates the source's right to operate unless a timely application for renewal that is sufficient under A.R.S. § 41-1064 has been submitted in accordance with R18-2-304. Any testing that is required for renewal shall be completed before the proposed permit is issued by the Director.
- C. The Director shall act on an application for a permit renewal within the same time-frames as on an initial permit.

**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-322 renumbered without change as R18-2-322 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-323. Permit Transfers**

- A. Except as provided in A.R.S. § 49-429 and subsection (B), a Class I or II permit may be transferred to another person if the person who holds the permit gives notice to the Director in writing at least 30 days before the proposed transfer. The notice shall contain the following:
1. The permit number and expiration date;
  2. The name, address, and telephone number of the current permit holder;
  3. The name, address and telephone number of the person to receive the permit;
  4. The name and title of the individual within the organization who is accepting responsibility for the permit along

with a signed statement by that person indicating such acceptance;

5. A description of the equipment to be transferred;
  6. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee;
  7. Provisions for the payment of any fees pursuant to R18-2-326 or R18-2-501 that will be due and payable before the effective date of transfer;
  8. Sufficient information about the source's technical and financial capabilities of operating the source to allow the Director to make the decision in subsection (B) including:
    - a. The qualifications of each person principally responsible for the operation of the source;
    - b. A statement by the chief financial officer of the new permittee that it is financially capable of operating the facility in compliance with the law, and the information that provides the basis for that statement;
    - c. A brief description of any action for the enforcement of any federal or state law, or any county, city, or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the facility during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-K form required under A.R.S. § 49-109, or a statement that this information has been filed in compliance with A.R.S. § 49-109.
- B. The Director shall deny the transfer if the Director determines that the organization receiving the permit is not capable of operating the source in compliance with A.R.S. Title 49, Chapter 3, Article 2, the provisions of this Chapter or the provisions of the permit. Notice of the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within 10 working days of the Director's receipt of the application. If the transfer is not denied within 10 working days after receipt of the notice, it shall be deemed approved.
- C. To appeal the transfer denial:
1. Both the transferor and transferee shall petition the Office of Administrative Hearings in writing for a public hearing; and
  2. All parties shall follow the appeal process for a permit.
- D. The Director shall make available to the public monthly summaries of all notices received under this Section.

**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-323 renumbered without change as R18-2-323 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Section repealed, new Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 12 A.A.R. 4698, effective February 3, 2007 (Supp. 06-4).

**R18-2-324. Portable Sources**

- A. A portable source that will operate for the duration of its permit solely in one county that has established a local air pollution control program pursuant to A.R.S. § 49-479 shall obtain a permit from that county. A portable source with a county permit shall not operate in any other county. A portable source that has a permit issued by the Director and obtains a county permit shall request that the Director terminate the permit.

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Upon issuance of the county permit, the permit issued by the Director is no longer valid.

- B.** A portable source which has a county permit but proposes to operate outside that county shall obtain a permit from the Director. A portable source that has a permit issued by a county and obtains a permit issued by the Director shall request that the county terminate the permit. Upon issuance of a permit by the Director, the county permit is no longer valid. Before commencing operation in the new county, the source shall notify the Director and the control officer who has jurisdiction in the county that includes the new location according to subsection (C).
- C.** A portable source may be transferred from one location to another provided that the owner or operator of such equipment notifies the Director and any control officer who has jurisdiction over the geographic area that includes the new location of the transfer prior to the transfer. The notification required under this subsection shall include:
1. A description of the equipment to be transferred including the permit number for such equipment;
  2. A description of the present location;
  3. A description of the new location;
  4. The date on which the equipment is to be moved; and
  5. The date on which operation of the equipment will begin at the new location.
- D.** Any permit for a portable source shall contain conditions that will assure compliance with all applicable requirements at all authorized locations.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-325. Permit Shields**

- A.** Each Class I or II permit issued under this Chapter shall specifically identify all federal, state, and local air pollution control requirements applicable to the source at the time the permit is issued. The permit shall state that compliance with the conditions of the permit shall be deemed compliance with any applicable requirement as of the date of permit issuance, provided that such applicable requirements are included and expressly identified in the permit. The Director may include in a permit determinations that other requirements specifically identified are not applicable. Any permit under this Chapter that does not expressly state that a permit shield exists shall not provide such a shield.
- B.** Nothing in this Section or in any permit shall alter or affect the following:
1. The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that Section;
  2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
  3. The applicable requirements of the acid rain program, consistent with Section 408(a) of the Act;
  4. The ability of the Administrator or the Director to obtain information from a source pursuant to Section 114 of the Act, or any provision of state law;
  5. The authority of the Director to require compliance with new applicable requirements adopted after the permit is issued.

- C.** In addition to the provisions of R18-2-321, a permit may be reopened by the Director and the permit shield revised when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant.

**Historical Note**

Emergency rule adopted effective September 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule re-adopted without change effective December 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency expired; text deleted (Supp. 93-1). New Section adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-326. Fees Related to Individual Permits**

- A.** Source Categories. The owner or operator of a source required to have an air quality permit from the Director shall pay the fees described in this Section unless authorized to operate under a general permit issued under Article 5. The fees are based on a source being classified in one of the following three categories:
1. Class I Title V sources are those required or that elect to have a permit under R18-2-302(B)(1).
  2. Class II Title V sources are those required to have a permit under R18-2-302(B)(2) and that are subject to new source performance standards or national emission standards for hazardous air pollutants.
  3. Class II Non-Title V sources are those required to have a permit under R18-2-302(B)(2) and that are not subject to new source performance standards or national emission standards for hazardous air pollutants.
- B.** Fees for Permit Actions.
1. The owner or operator of a Class I Title V source, Class II Title V source, or Class II Non-Title V source shall pay to the Director the following:
    - a. \$133.50 per hour, adjusted annually under subsection (H), for all permit processing time required for a billable permit action; and
    - b. The actual costs of public notice conducted according to R18-2-330.
  2. The Director may require periodic payment of permit processing fees based on the most recent accounting of time spent processing the permit including any fees for contractors.
  3. Upon completion of permit processing activities other than issuance or denial of the permit or permit revision, the Director shall send notice of the decision to the applicant along with a final itemized bill. The maximum fee for any billable permit action for a non-Title V source is \$25,000. Except as provided in subsection (G), the Director shall not issue a permit or permit revision until the final bill is paid in full.
- C.** Class I Title V Fees. The owner or operator of a Class I Title V source that has undergone initial startup by January 1 shall annually pay to the Director an administrative fee plus an emissions-based fee as follows:
1. The applicable administrative fee from the table below, as adjusted annually under subsection (H). The fee is due by February 1 or 60 days after the Director mails the invoice under subsection (F), whichever is later.

Class I Title V Source Category	Administrative Fee
Aerospace	\$20,800
Air Curtain Destructors	\$750

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Cement Plants	\$63,690
Combustion/Boilers	\$15,480
Compressor Stations	\$12,730
Electronics	\$20,490
Expandable Foam	\$14,680
Foundries	\$19,520
Landfills	\$15,960
Lime Plants	\$60,160
Copper & Nickel Mines	\$15,000
Gold Mines	\$15,000
Mobile Home Manufacturing	\$14,830
Paper Mills	\$20,480
Paper Coaters	\$15,480
Petroleum Products Terminal Facilities	\$22,730
Polymeric Fabric Coaters	\$20,480
Reinforced Plastics	\$15,480
Semiconductor Fabrication	\$26,930
Copper Smelters	\$63,690
Utilities - Fossil Fuel Fired Except Coal	\$16,440
Utilities - Coal Fired	\$32,570
Vitamin/Pharmaceutical Manufacturing	\$15,800
Wood Furniture	\$15,480
Others	\$20,490
Others with Continuous Emissions Monitoring	\$20,490

2. An emissions-based fee of \$38.25 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year ending 12 months earlier. The fee is adjusted annually under subsection (C)(2)(d) and due by February 1 or 60 days after the Director mails the invoice under subsection (F), whichever is later.
- For purposes of this Section, "actual emissions" means the quantity of all regulated pollutants emitted during the calendar year, as determined by the annual emissions inventory under R18-2-327.
  - For purposes of this Section, regulated pollutants consist of the following:
    - Nitrogen oxides and any volatile organic compounds;
    - Conventional air pollutants, except carbon monoxide and ozone;
    - Any pollutant that is subject to any standard promulgated under Section 111 of the Act, including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds; and
    - Any federally listed hazardous air pollutant.
  - For purposes of this Section, the following emissions of regulated pollutants are excluded from a source's actual emissions:
    - Emissions of any regulated pollutant from the source in excess of 4,000 tons per year;
    - Emissions of any regulated pollutant already included in the actual emissions for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM<sub>10</sub>;

- Emissions from insignificant activities listed in the permit application for the source under R18-2-304(F)(8);
  - Fugitive emissions of PM<sub>10</sub> from activities other than crushing, belt transfers, screening, or stacking; and
  - Fugitive emissions of VOC from solution-extraction units.
- d. The Director shall adjust the rate for emission-based fees every November 1, after December 4, 2007, by multiplying \$38.25 by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

- D. Class II Title V Fees. The owner or operator of a Class II Title V source that has undergone initial startup by January 1 shall pay the applicable administrative fee from the table below, adjusted under subsection (H), for that calendar year, and annually thereafter. The fee is due by February 1 or 60 days after the Director mails the invoice under subsection (F), whichever is later.

Class II Title V Source Category	Administrative Fee
Synthetic minor sources, except portable sources	Administrative fee from Class I Title V table for category
Stationary	\$8,070
Portables	\$8,070
Small Source	\$750

- E. Class II Non-Title V Fees. The owner or operator of a Class II Non-Title V source that has undergone initial startup by January 1 shall pay the applicable inspection fee from the table below, adjusted under subsection (H), for that calendar year, and annually thereafter. The fee is due by February 1 or 60 days after the Director mails the invoice under subsection (F), whichever is later.

Class II Non-Title V Source Category	Inspection Fee
Stationary	\$5,230
Portables	\$5,230
Gasoline Service Stations	\$750

- F. The Director shall mail the owner or operator of each source an invoice for all fees due under subsections (C), (D), or (E) by December 1.
- G. Any person who receives a final itemized bill from the Director under this Section for a billable permit action may request an informal review of the hours billed and may pay the bill under protest as provided below:
- The request shall be made in writing, and received by the Director within 30 days of the date of the final bill. Unless the Director and person agree otherwise, the informal review shall take place within 30 days after the Director's receipt of the request. The Director shall arrange the date and location of the informal review with the person at least 10 business days before the informal review. The Director shall review whether the amounts of time billed are correct and reasonable for the tasks

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involved. The Director shall mail his or her decision on the informal review to the person within 10 business days after the informal review date.

2. The Director's decision after informal review shall become final unless, within 30 days after person's receipt of the informal review decision, the person requests a hearing under R18-1-202.
  3. If the final itemized bill is paid under protest, the Director shall take final action on the permit or permit revision.
- H.** The Director shall adjust the hourly rate every November 1, to the nearest 10 cents per hour, after December 4, 2007, by multiplying \$133.50 by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The Director shall adjust the administrative or inspection fees listed in subsections (C), (D), and (E) every November 1, to the nearest \$10, beginning December 4, 2007, by multiplying the administrative or inspection fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2007. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.
- I.** An applicant for a Class I or Class II permit or permit revision may request that the Director provide accelerated processing of the application by providing the Director written notice 60 days before filing the application. The request shall be accompanied by an initial fee of \$15,000. The fee is non-refundable to the extent of the Director's costs for accelerating the processing if the Director undertakes the accelerated processing described below:
1. If an applicant requests accelerated permit processing, the Director may, to the extent practicable, undertake to process the permit or permit revision according to the following schedule:
    - a. For applications for initial Class I and II permits under R18-2-302 or significant permit revisions under R18-2-320, the Director shall issue or deny the proposed permit or permit revision within 120 days after the Director determines that the application is complete.
    - b. For minor permit revisions under R18-2-319, the Director shall issue or deny the permit revision within 60 days after receiving a complete application.
  2. At any time after an applicant requests accelerated permit processing, the Director may require additional advance payments based on the most recent estimate of additional costs.
  3. Upon completion of permit processing activities but before issuance or denial of the permit or permit revision, the Director shall send notice of the decision to the applicant along with a final bill. The maximum fee for any billable permit action for a non-Title V source is \$25,000. The final bill shall include all regular permit processing and other fees due, and, in addition, the difference between the cost of accelerating the permit application, including any costs incurred by the Director in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the Director shall refund the excess advance payments. Nothing in this subsection affects the public participation requirements of R18-2-

330, or EPA and affected state review as required under R18-2-307 or R18-2-319.

- J.** Inactive Sources. The owner or operator of a permitted source that has undergone initial startup but was shut down for the entire preceding year shall pay 50 percent of the administrative or inspection fee required under subsections (C), (D), or (E). The owner or operator of a source claiming inactive status under this subsection shall submit a letter to the Director by December 15 of the calendar year for which the source was inactive. Termination of a permit does not relieve a source of any past fees due.
- K.** If an applicant uses the Tier 4 method for conducting a risk management analysis (RMA) according to R18-2-1708(B), the applicant shall pay any costs incurred by the Director in contracting for, hiring or supervising work of outside consultants.
- L.** Transition.
1. Subsections (A) through (J) of this Section are effective December 4, 2007. The first administrative or inspection fees are due on February 1, 2008.
  2. Except as provided in subsection (b), all fees incurred after December 4, 2007, are payable in accordance with the rates contained in this Section.
    - a. Emission-based fees for calendar year 2006 shall be billed at \$38.25 per ton and be due February 1, 2008.
    - b. The hourly rates and maximum fees for a new permit or permit revision are those in effect when the application for the permit or revision is determined to be complete.
    - c. Fees accrued but not yet paid before the effective date of this Section remain as obligations to be paid to the Department.

**Historical Note**

Emergency rule adopted effective September 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule re-adopted without change effective December 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency expired; text deleted (Supp. 93-1). New Section adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 5670, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 10 A.A.R. 4767, effective November 4, 2004 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 4379, effective December 4, 2007 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-326.01. Expired****Historical Note**

New Section made by exempt rulemaking at 16 A.A.R. 844, effective July 1, 2010 (Supp. 10-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 613, effective February 14, 2017 (Supp. 17-1).

**R18-2-327. Emissions Inventory Questionnaire and Emissions Statement**

- A.** Emissions Inventory Questionnaire Requirements
1. Every source subject to permit requirements under this Chapter shall complete and submit to the Director an emissions inventory questionnaire as follows:
    - a. Sources Requiring a Class I Permit under R18-2-302(B). Sources requiring a Class I permit under R18-2-302(B) shall complete and submit to the



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Director an emissions inventory questionnaire no later than June 1 of each year.

- b. Sources Requiring a Class II Permit under R18-2-302(B)
  - i. Sources requiring a Class II permit under R18-2-302(B) shall complete and submit to the Director an emissions inventory questionnaire no later than June 1 every three years beginning June 1, 2021.
  - ii. At the Director's request, sources requiring a Class II permit under R18-2-302(B) may be required to complete and submit emissions inventory questionnaires in addition to the triennial emissions inventory questionnaire required under subsection (A)(1)(b)(i). The Director shall notify the owner or operator of the source in writing of the decision to require additional emissions inventory questionnaires.
2. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.
3. The emissions inventory questionnaire shall be on an electronic or paper form provided by the Director and shall include the following information for the previous calendar year:
  - a. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
  - b. Process information for the source, including design capacity, throughput, operations schedule, and emissions control devices, their description and efficiencies.
  - c. The actual quantity of emissions from permitted emission points and fugitive emissions as provided in the permit, including documentation of the method of measurement, calculation, or estimation, determined pursuant to subsection (C), of the following regulated air pollutants:
    - i. Any single regulated air pollutant in a quantity greater than 1 ton or the amount listed for the pollutant in the definition of "significant" in R18-2-101(131)(a) or (b), whichever is less.
    - ii. Any combination of regulated air pollutants in a quantity greater than 2 1/2 tons.
  - d. A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
4. An amendment to an emissions inventory questionnaire, containing the documentation required by subsection (A)(3), shall be submitted to the Director by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the Director by a previous emissions inventory questionnaire. The amendment shall be submitted to the Director within 30 days of discovery or receipt of notice. If the incorrect or insufficient information resulted in an incorrect annual emissions fee, the Director shall require that additional payment be made or shall apply an amount as a credit to a future annual emissions fee. The submittal of an amendment under this sub-

section shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was not due to willful neglect.

5. The Director may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. §§ 49-422, 49-424, and 49-426.03 through 49-426.08.

**B. Emissions Statement Requirements**

1. Any stationary source located in an ozone nonattainment area that has actual emissions of 25 tons or more of nitrogen oxides (NO<sub>x</sub>) or volatile organic compounds (VOCs) during the calendar year shall complete and submit to the Director an emissions statement no later than June 1 of the following year, except as provided in subsection (B)(5).
2. The emissions statement shall be on an electronic or paper form provided by the Director and shall require the following information for the previous calendar year:
  - a. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
  - b. Process information for the source, including design capacity, throughput, operations schedule, and emissions control devices, their description and efficiencies.
  - c. Actual emissions of NO<sub>x</sub> and VOC including documentation of the method of measurement, calculation, or estimation, determined pursuant to subsection (C).
  - d. A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
3. If either NO<sub>x</sub> or VOC annual emissions are greater than or equal to 25 tons, the other pollutant shall be included in the emissions statement even if less than 25 tons.
4. An amendment to an emissions statement, containing the documentation required by subsection (B)(2), shall be submitted to the Director by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the Director by a previous emissions statement. The amendment shall be submitted to the Director within 30 days of discovery or receipt of notice. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was not due to willful neglect.
5. A source that submits an emissions inventory questionnaire under subsection (A) is exempt from subsection (B) requirements for that submission year.

**C. Emissions Estimation Methodology**

1. Actual quantities of emissions shall be determined using the following emission factors or data.
  - a. Whenever available, emissions estimates shall either be calculated from continuous emissions monitors certified pursuant to 40 CFR 75, Subpart C and referenced appendices, or data quality assured pursuant to Appendix F of 40 CFR 60.

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- b. When sufficient data pursuant to subsection (C)(1)(a) is not available, emissions estimates shall be calculated from data from source performance tests conducted pursuant to R18-2-312 in the calendar year being reported or, when not available, conducted in the most recent calendar year representing the operating conditions of the year being reported.
  - c. When sufficient data pursuant to subsections (C)(1)(a) or (b) is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, 1995, U.S. Environmental Protection Agency, Research Triangle Park, NC, including Supplements A through F and all updates published through July 1, 2011 (and no future editions). AP-42 is incorporated by reference and is on file with the Department of Environmental Quality and can be obtained from the Government Printing Office, 732 North Capitol Street, NW, Washington, D.C. 20401, telephone (202) 512-1800, or by downloading the document from the website for the EPA Clearinghouse for Emission Inventories and Emission Factors.
  - d. When sufficient data pursuant to subsections (C)(1)(a) through (c) is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.
  - e. When sufficient data pursuant to subsections (C)(1)(a) through (d) is not available, emissions estimates shall be calculated by equivalent methods approved by the Director. The Director shall only approve methods that are demonstrated as accurate and reliable as one of the methods in subsections (C)(1)(a) through (d).
2. Actual quantities of emissions calculated under subsection (C) shall be determined on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

**Historical Note**

Emergency rule adopted effective September 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule re-adopted without change effective December 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency expired; text deleted (Supp. 93-1). New Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective December 7, 1995 (Supp. 95-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 26 A.A.R. 3092, effective January 19, 2021 (Supp. 20-4.)

**R18-2-328. Conditional Orders**

- A. The Director may grant to any person a conditional order for each air pollution source which allows such person to vary from any provision of A.R.S. Title 49, Chapter 3, Article 2, or this Chapter, for any non-federally enforceable requirement of a permit issued pursuant to this Chapter if the Director makes each of the following findings:
  - 1. Issuance of the conditional order will not endanger public health or the environment, impede attainment or maintenance

of the national ambient air quality standards, or constitute a violation of the Act; and

- 2. Either of the following is true:
  - a. There has been a breakdown of equipment or upset of operations beyond the control of the petitioner which causes the source to be out of compliance with the requirements of this Chapter; the source was in compliance with the requirements of this Chapter before the breakdown or upset, and the breakdown or upset may be corrected within a reasonable time;
  - b. There is no reasonable relationship between the economic and social cost of, and benefits to be obtained from, achieving compliance.
- B. The following procedures shall apply to a person seeking a conditional order:
  - 1. The person shall file a petition for a conditional order with the Director. The petition shall contain at a minimum:
    - a. A description of the breakdown or upset;
    - b. A description of corrective action being undertaken to bring the source back into compliance;
    - c. An estimate of emissions related to the breakdown or upset;
    - d. A compliance schedule with a date of final compliance and interim dates as appropriate;
    - e. A detailed analysis of the economic and social costs and benefits of achieving compliance with the requirement for which the variance is sought, if the petition is based on subsection (A)(2)(b).
  - 2. If the issuance of the conditional order requires a public hearing pursuant to R18-2-330, the Director shall set the hearing date within 30 days after the filing of the petition and the hearing shall be held within 60 days after the filing of the petition.
  - 3. Notice of the filing of a petition for a conditional order and of the hearing date on said petition shall be published in the manner provided in A.R.S. § 49-444 and R18-2-330.
- C. Decisions on petitions for a conditional order shall be made as follows:
  - 1. For any conditional order that requires a revision to the SIP, the Director shall comply with the requirements contained in 40 CFR 51, Subpart F.
  - 2. For any other conditional order, the Director shall grant or deny the petition with such terms and conditions as are listed in subsection (E)(2) within 30 days after the conclusion of any required hearing, or, if no hearing is held, within 60 days after the filing of the petition.
- D. A fee to cover the costs of processing conditional orders may be charged by the Director prior to issuance consistent with R18-2-326(I) or (J). The fee shall be deposited in the permit administration fund established in A.R.S. § 49-455.
- E. The terms of a conditional order or its renewal shall conform to the following:
  - 1. A conditional order issued by the Director shall be valid for such period as the Director prescribes but in no event for more than one year in the case of a source that is required to obtain a permit pursuant to this Chapter and Title V of the Act, and three years in the case of any other source that is required to obtain a permit pursuant to this Chapter.

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2. The terms and conditions which are imposed as a condition to the granting or the continued existence of a conditional order shall include:
  - a. A detailed plan for completion of corrective steps needed to conform to the provisions of A.R.S. Title 49, Chapter 3, Article 2, this Chapter, and the requirements of any permit issued pursuant to this Chapter;
  - b. A requirement that necessary construction shall begin as expeditiously as practicable and proceed as specified in the compliance schedule;
  - c. Written reports, at least quarterly, of the status of the source and construction progress;
  - d. The right of the Director to make periodic inspection of the facilities for which the conditional order is granted;
  - e. Such additional terms and conditions as the Director finds necessary to meet the requirements of this Section and A.R.S. § 49-437.
3. A holder of a conditional order may petition the Director to renew the order. The total term of the initial period and all renewals shall not exceed three years from the date of initial issuance of the order. Petitions for renewal may be filed at any time not more than 60 days nor less than 30 days prior to the expiration of the order. The Director, within 30 days of receipt of a petition, shall renew the conditional order for one year if the petitioner is in compliance and conforming with the terms and conditions imposed. The Director may refuse to renew the conditional order if, after a public hearing held within 30 days of receipt of a petition, the Director finds that the petitioner is not in compliance and conforming with the terms and conditions of the conditional order. If, after a period of three years from the date of original issuance, the petitioner is not in compliance and conforming with the terms and conditions, the Director may renew a conditional order for a total term of two additional years only if the Director finds that failure to comply and conform is due to conditions beyond the control of such petitioner.
4. If the Director amends or adopts any rule imposing conditions on the operation of an air pollution source which have become effective as to the source by reason of the action of the Director or otherwise, and which require the implementation of control strategies necessitating the installation of additional or different air pollution control equipment, the Director may renew a conditional order for an additional term. The term of the renewal shall be governed by the preceding subsections of this Section, except that the total term of the renewal shall not exceed two years.
5. A conditional order issued by the Director shall be effective when issued unless:
  - a. The conditional order varies from the requirements of the applicable implementation plan, in which case the conditional order shall be submitted to the Administrator as a revision to the applicable implementation plan pursuant to Section 110(I) of the Act and shall become effective upon approval by the Administrator.
  - b. The conditional order varies from the requirements of a permit issued for a facility that is required to obtain a permit pursuant to Title V of the Act, in which case the conditional order shall be submitted to the Administrator if required by Section 505 of

the Act and shall be effective at the end of the review period specified in such section, unless objected to within such period by the Administrator.

- F. Violation of the terms and conditions of the conditional order shall subject the source to suspension or revocation of the conditional order in accordance with A.R.S. § 49-441.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-329. Permits Containing the Terms and Conditions of Federal Delayed Compliance Orders (DCO) or Consent Decrees**

- A. The terms and conditions of either a delayed compliance order (DCO) or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.
- B. The owner or operator of a source subject to a DCO or consent decree shall submit to the Director a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The Director may require additional reporting requirements and conditions in permits issued under this Article.
- C. For the purpose of this Chapter, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-330. Public Participation**

- A. The Director shall provide public notice, an opportunity for public comment, and an opportunity for a hearing before taking any of the following actions:
  1. The issuance or denial of a permit or permit renewal,
  2. The issuance or denial of a significant permit revision,
  3. The revocation and reissuance or reopening of a permit,
  4. The grant of any conditional orders pursuant to R18-2-328,
  5. The issuance or denial of a registration for the construction of a source, except as provided in R18-2-302.01(B)(5).
- B. The Director shall provide public notice of receipt of complete applications for permits or permit revisions subject to Article 4 of this Chapter by publishing a notice in a newspaper of general circulation in the county where the source is or will be located.
- C. The Director shall provide the notice required pursuant to subsection (A) as follows:
  1. The Director shall publish the notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.
  2. The Director shall mail a copy of the notice to persons on a mailing list developed by the Director consisting of those persons who have requested in writing to be placed on such a mailing list.
  3. The notice shall include the following:
    - a. Identification of the affected facility;
    - b. Name and address of the permittee or applicant;
    - c. Name and address of the permitting authority processing the permit action;
    - d. The activity or activities involved in the permit action;

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- e. The emissions change involved in any permit revisions;
  - f. The air contaminants to be emitted;
  - g. If applicable, that a notice of confidentiality has been filed under R18-2-305;
  - h. If applicable, that the source has submitted a risk management analysis under R18-2-1708;
  - i. A statement that any person may submit written comments, or a written request for a public hearing, or both, on the proposed permit action, along with the deadline for such requests or comments;
  - j. The name, address, and telephone number of a person from the Department from whom additional information may be obtained;
  - k. Locations where the materials identified in subsection (D) may be reviewed and the times at which they shall be available for public inspection.
  - l. The Director shall include a statement in the public notice if the permit or permit revision would result in the generation of emission reduction credits under R18-2-1204, or the utilization of emission reduction credits under R18-2-1206.
- D. By no later than the date notice is first published under subsection (A), the Department shall make copies of the following materials available at a public location in the same county as the stationary source that is the subject of the application and at the closest Department office:
- 1. The application;
  - 2. The proposed permit or permit revision, if applicable;
  - 3. The Department's analysis in support of the grant or denial of the permit or permit revision; and
  - 4. All other materials available to the Director that are relevant to the permit decision.
- E. The Director shall hold a public hearing to receive comments on petitions for conditional orders which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the Director shall hold a public hearing only upon written request. If a public hearing is requested, the Director shall schedule the hearing and publish notice as described in A.R.S. § 49-444 and subsection (D). The Director shall give notice of any public hearing at least 30 days in advance of the hearing.
- F. At the time the Director publishes the first notice under subsection (C)(1), the applicant shall post a notice containing the information required in subsection (C)(3) at the site where the source is or may be located. Consistent with federal, state, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.
- G. The Director shall provide at least 30 days from the date of its first notice for public comment to receive comments and requests for a hearing. The Director shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final proposed permit is submitted to EPA, in the case of a Class I permit, or a final decision is made, in the case of a Class II permit, the record and copies of the Director's responses shall be made available to the applicant and all commenters.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). R18-2-330 has been corrected to include subsection (D)(12), which was omitted when the Section was amended in the 02-1 supplement (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-331. Material Permit Conditions**

- A. For the purposes of A.R.S. §§ 49-464(G) and 49-514(G), a "material permit condition" shall mean a condition which satisfies all of the following:
- 1. The condition is in a permit or permit revision issued by the Director or a control officer after November 15, 1993.
  - 2. The condition is identified within the permit as a material permit condition.
  - 3. The condition is one of the following:
    - a. An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement;
    - b. A requirement to install, operate, or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required under Article 17 of this Chapter;
    - c. A requirement for the installation or certification of a monitoring device;
    - d. A requirement for the installation of air pollution control equipment;
    - e. A requirement for the operation of air pollution control equipment;
    - f. An opacity standard required by Section 111 or Title I, Part C or D of the Act.
  - 4. Violation of the condition is not covered by A.R.S. § 49-464(A) through (F), or (H) through (J) or A.R.S. § 49-514(A) through (F), or (H) through (J).
- B. For the purposes of subsections (A)(3)(c), (d), and (e), a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source. As used in this Section, "circumstances outside the control of the source" shall mean circumstances where the violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a start up or shut down or resulted from upset of operations.
- C. For purposes of this Section, the term "emission standard" shall have the meaning specified in A.R.S. §§ 49-464(U) and 49-514(T).

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2).

**R18-2-332. Stack Height Limitation**

- A. The degree of emission limitation required of any source for control of any pollutant shall not be affected by so much of the source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in subsection (B). This Section does not require the plan to restrict, in any manner, the actual stack height of any source.
- B. Subsection (A) shall not apply to:

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1. Stacks in existence, or dispersion techniques implemented, on or before December 31, 1970, unless the stationary source or emission unit emitting pollutants through the stack, or employing the dispersion technique, was constructed, reconstructed or underwent a major modification after December 31, 1970; or
  2. Coal-fired steam electric generating units, subject to the provisions of Section 118 of the Act which commenced operation before July 1, 1957, with stacks constructed under a construction contract awarded before February 8, 1974.
- C. Good engineering practice stack height is the greater of the following heights:
1. 213.25 feet (65 meters) measured from the ground-level elevation at the base of the stack;
  2. The result of one of the following equations, where "Hg" = good engineering practice stack height measured from the ground-level elevation at the base of the stack; "H" = height of nearby structures measured from the ground-level elevation at the base of the stack; and "L" = lesser dimension (height or projected width) of nearby structures:
    - a. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under 40 CFR 51 and 52,  $H_g = 2.5H$ , provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; or
    - b. For all other stacks,  $H_g = H + 1.5L$ , provided that EPA, the Director, or local control agency may require the use of a field study or fluid model to verify good engineering practice stack height for the source;
  3. The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.
- D. As used in this Section:
1. For a specific structure or terrain feature, "nearby" means:
    - a. For purposes of applying the formulae in subsection (C)(2), that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (1/2 mile).
    - b. For conducting demonstrations under subsection (C)(3), not greater than 0.8 km (1/2 mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height (Ht) of the feature, not to exceed 2 miles if such feature achieved a height (Ht) 0.8 km from the stack that is at least 40% of the good engineering practice stack height determined by the formula provided in subsection (C)(2)(b), or 85 feet (26 meters), whichever is greater, as measured from the ground-level elevation at the base of the stack.
  2. "Excessive concentrations" means:
    - a. For sources seeking credit for stack height exceeding that established under subsection (C)(2), a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than a national ambient air quality standard. For sources subject to R18-2-406, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than the applicable maximum allowable increase contained in R18-2-218. The allowable emission rate to be used in making demonstrations under subsection (C)(3) shall be prescribed by the new source performance standard which is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate shall be established in consultation with the source owner or operator;
    - b. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subsection (C)(2), either:
      - i. A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in subsection (D)(2)(a), except that emission rate specified by any applicable SIP (or, in the absence of such a limit, the actual emission rate) shall be used; or
      - ii. The actual presence of a local nuisance caused by the existing stack, as determined by the Director; and
    - c. For sources seeking credit after January 12, 1979, for a stack height determined under subsection (C)(2), where the Director requires the use of a field study or fluid model to verify good engineering practice stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in subsection (C)(2), a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.
- E. Before the Director issues a permit or permit revision under R18-2-334 or Article 4 to a source based on a good engineering practice stack height that exceeds the height allowed by subsections (B)(1) or (2), the Director shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing in accordance with the requirements of R18-2-330.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4).  
 Amended by final rulemaking at 23 A.A.R. 333, effective  
 March 21, 2017 (Supp. 17-1).

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**R18-2-333. Acid Rain**

- A.** 40 CFR 72, 74, 75 and 76 and all accompanying appendices, adopted as of June 28, 2013, (and no future amendments) are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.
- B.** When used in 40 CFR 72, 74, 75 or 76, "Permitting Authority" means the Arizona Department of Environmental Quality and "Administrator" means the Administrator of the United States Environmental Protection Agency.
- C.** If the provisions or requirements of the regulations incorporated in this Section conflict with any of the remaining portions of this Title, the regulations incorporated in this Section apply and take precedence.

**Historical Note**

Adopted effective October 7, 1994 (Supp. 94-4).  
 Amended effective December 7, 1995 (Supp. 95-4).  
 Amended effective December 4, 1997 (Supp. 97-4).  
 Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 4170, effective October 11, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 5504, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 21 A.A.R. 2747, effective December 13, 2015 (Supp. 15-4).

**R18-2-334. Minor New Source Review**

- A.** Applicability.
1. Except as provided in subsection (A)(4), this Section shall apply to the following activities:
    - a. Construction of any new Class I or Class II source, including the construction of any source requiring a Class II permit under R18-2-302.01(C)(4); or
    - b. Any minor NSR modification to a Class I or Class II source.
  2. This Section shall apply to a regulated minor NSR pollutant emitted by a new stationary source subject to this Section, if the source will have the potential to emit that pollutant at an amount equal to or greater than the permitting exemption threshold.
  3. This Section shall apply to an increase in emissions of a regulated minor NSR pollutant from a minor NSR modification, if the modification would increase the source's potential to emit that pollutant by an amount equal to or greater than the permitting exemption threshold.
  4. This Section shall not apply to the emissions of a pollutant from any of the activities identified in this subsection, if the emissions of that pollutant are subject to Article 4 of this Chapter.
- B.** No person shall begin actual construction of a new stationary source, or minor NSR modification, subject to this Section without first obtaining a permit, a permit revision, a proposed final permit, or a proposed final permit revision from the Director in accordance with R18-2-304.
- C.** The Director shall not issue a proposed final Class I permit or permit revision or a Class II permit or permit revision subject

to this Section to a person proposing to construct a new source or make a minor NSR modification unless the source or modification meets one of the following conditions for each regulated minor NSR pollutant subject to this Section:

1. The owner or operator elects to implement RACT.
  - a. In the case of a new source, the owner or operator shall implement RACT for each emissions unit that has the potential to emit a regulated minor NSR pollutant in an amount equal to or greater than 20% of the permitting exemption threshold.
  - b. In the case of a minor NSR modification, the owner or operator shall implement RACT for each emissions unit that will experience an increase in the potential to emit a regulated minor NSR pollutant equal to or greater than 20% of the permitting exemption threshold.
  - c. When it is technically feasible and otherwise consistent with the definition of RACT to apply the same devices, systems, process modifications, work practices or other apparatus or techniques to a group of emissions units, that group of emissions units shall be treated as a single emissions unit for purposes of subsections (C)(1)(a) and (b). The following are examples of situations to which this subsection (may) apply:
    - i. Emissions from a group of emissions units can be vented to a single control device.
    - ii. A low-VOC coating can be used in several spray-painting booths.
2. An ambient air quality assessment demonstrates that emissions from the source or minor NSR modification will not interfere with attainment or maintenance of a national ambient air quality standard in any area.
  - a. An owner or operator may elect to have the Director perform a screening model of its emissions. If the results of the screening model indicate that the source or minor NSR modification will interfere with attainment or maintenance of a national ambient air quality standard, the owner or operator may perform a more refined model to make the demonstration required by this subsection.
  - b. The requirements of this subsection shall be satisfied, if the results of the screening or more refined model conducted pursuant to subsection (B)(2)(a) demonstrate either of the following:
    - i. Ambient concentrations resulting from emissions from the source or modification combined with existing concentrations of regulated minor NSR pollutants will not interfere with attainment or maintenance of a national ambient air quality standard.
    - ii. Emissions from the source or minor modification will have an ambient impact below the significance levels as defined in R18-2-401.
  - c. The assessment required by this subsection shall take into account any limitations, controls or emissions decreases that are or will be enforceable in the permit or permit revision for the source.
- D.** RACT Determinations.
  1. Except as otherwise provided in this subsection, the Director shall determine RACT on the basis of a case-by-case analysis performed by the permit applicant of the emission reduction methods available for each emission

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- unit subject to the RACT requirement under subsection (C)(1).
2. The Director shall accept a requirement proposed by a permit applicant as RACT under subsection (C)(1) if it complies with the most recently adopted of the following guidelines or standards in effect at the time of the application:
    - a. A control technique guideline issued by the Administrator under section 108(f)(1) of the Act.
    - b. An emissions standard established or revised by the Administrator for the same type of source under section 111 or 112 of the Act after November 15, 1990.
    - c. An applicable requirement of this Chapter or of air quality control regulations adopted by a County under A.R.S. § 49-479 that has been specifically identified as constituting RACT.
    - d. A RACT standard imposed on the same type of source by a general permit.
    - e. A RACT standard imposed on the same type of source under this Section no more than 10 years before submission of the application by the permit applicant. To facilitate identification of previously imposed RACT standards, the Director shall establish an online database of RACT determinations made under this Section.
- E.** Notwithstanding an election to adopt RACT under subsection (C)(1), a permit applicant subject to this Section shall conduct an ambient air quality impact assessment under subsection (C)(2) upon the Director's request. The Director shall make such a request, if there is reason to believe that a source or minor NSR modification could interfere with attainment or maintenance of a national ambient air quality standards. In making that determination, the Director shall take into consideration:
1. The source's emission rates.
  2. The location of emission units within the facility and their proximity to the ambient air.
  3. The terrain in which the source is or will be located.
  4. The source type.
  5. The location and emissions of nearby sources.
  6. Background concentrations of regulated minor NSR pollutants.
- F.** The Director shall deny an application for a Class I permit or permit revision or a Class II permit or permit revision subject to this Section, if an assessment conducted pursuant to subsection (C)(2) demonstrates that the source or modification will interfere with attainment or maintenance of a national ambient air quality standard.
- G.** A copy of the notice required by R18-2-330 for permits or significant permit revisions subject to this Section must also be sent to the Administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which the source subject to the permit or permit revision will be located. The notice also must be sent to any other agency in the region having responsibility for implementing the procedures required under 40 CFR 51, Subpart I.
- H.** All modeling required pursuant to this Section shall be conducted in accordance with 40 CFR 51, Appendix W as of June 30, 2017 (and no future amendments or additions).
- I.** The Director shall specify those conditions in the permit that are implemented pursuant to this Section. The specified conditions shall be included in subsequent permit renewals unless modified pursuant to this Section or Article 4 of this Chapter.
- J.** The issuance of a permit or permit revision under this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

**Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective February 1, 2020 (Supp. 19-4).

**ARTICLE 4. PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES****R18-2-401. Definitions**

The following definitions apply to this Article:

1. "Adverse impact on visibility" means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a federal Class I area, as determined according to R18-2-410. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with times of visitor use of the federal Class I area and the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.
2. "Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with subsections (2)(a) through (d).
  - a. For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the five-year period immediately preceding when the owner or operator begins actual construction of the project. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation.
    - i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
    - ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
    - iii. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
    - iv. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsection (2)(a)(ii).
  - b. For any existing emissions unit (other than an electric utility steam generating unit), baseline actual

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emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Administrator for a permit required under 40 CFR 52.21 or by the Director for a permit required under the state implementation plan, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.

- i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
- ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period. This provision applies to excess emissions associated with a malfunction.
- iii. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major source must currently comply, had such major source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR 63, the baseline actual emissions need only be adjusted if the state of Arizona has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR 51.165(a)(3)(ii)(G).
- iv. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units affected by the project. A different consecutive 24-month period may be used for each regulated NSR pollutant.
- v. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsection (2)(b)(ii) or (iii).
- c. For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.
- d. For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures in subsection (2)(a), for other existing emissions units in accordance with the procedures contained in subsection (2)(b), and for new emissions units in accordance with the procedures contained in subsection (2)(c).
3. "Basic design parameter" means:
  - a. Except as provided in subsection (3)(c), for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on Btu content shall be used for determining the basic design parameters for a coal-fired electric utility steam generating unit.
  - b. Except as provided in subsection (3)(c), the basic design parameters for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.
  - c. If the owner or operator believes the basic design parameters in subsections (3)(a) and (b) are not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Director an alternative basic design parameters for the source's process unit. If the Director approves of the use of an alternative basic design parameters, the Director shall issue a permit that is legally enforceable that records such basic design parameters and requires the owner or operator to comply with such parameters.
  - d. The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameters specified in subsections (3)(a) and (b).
  - e. If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameters using the maximum value achieved by the process unit in the five-year period immediately preceding the planned activity.
  - f. Efficiency of a process unit is not a basic design parameter.
  - g. The replacement activity shall not cause the process unit to exceed any emission limitation, or operational limitation that has the effect of constraining emissions, that applies to the process unit and that is legally enforceable.
4. "Complete" means, in reference to an application for a permit or permit revision, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Department from requesting or accepting any additional information.
5. "Dispersion technique" means any technique that attempts to affect the concentration of a pollutant in the ambient air by any of the following:



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- a. Using that portion of a stack that exceeds good engineering practice stack height;
- b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
- c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams that increases the exhaust gas plume rise. This shall not include any of the following:
  - i. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.
  - ii. The merging of exhaust gas streams under any of the following conditions:
    - (1) The source owner or operator demonstrates that the facility was originally designed and constructed with the merged gas streams;
    - (2) After July 8, 1985, the merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or
    - (3) Before July 8, 1985, the merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Department shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Department shall deny credit for the effects of the merging in calculating the allowable emissions for the source.
  - iii. Smoke management in agricultural or silvicultural prescribed burning programs.
  - iv. Episodic restrictions on residential woodburning and open burning.
  - v. Techniques that increase final exhaust gas plume rise if the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.
6. "Existing emissions unit" is any emissions unit that is currently in existence and that is not a new emissions unit. A replacement unit is an existing emissions unit.
7. "Federal Class I area" means an area designated as Class I under R18-2-217.
8. "High terrain" means any area having an elevation of 900 feet or more above the base of the stack of a source.
9. "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.
10. "Low terrain" means any area other than high terrain.
11. "Lowest achievable emission rate" (LAER) means, for any source, the more stringent rate of emissions based on one of the following:
  - a. The most stringent emissions limitation that is contained in any implementation plan approved or promulgated under sections 110 or 172 of the Act for the class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that the limitation is not achievable; or
  - b. The most stringent emissions limitation that is achieved in practice by the class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. The application of this term shall not permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under the applicable new source performance standards.
12. "Major emissions unit" means:
  - a. Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or
  - b. Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant for nonattainment areas. For example, in accordance with the definition of major stationary source in section 182(c) of the Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit 50 or more tons of VOC per year.
13. "Major source" is defined as follows:
  - a. For purposes of determining the applicability of R18-2-403 through R18-2-405 or R18-2-411, major source means any stationary source that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant, except that the following thresholds shall apply in areas subject to subpart 2, subpart 3 or subpart 4 of part D, Title I of the Act:

Pollutant Emitted	Nonattainment Pollutant and Classification	Quantity Threshold tons/year or more
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Carbon Monoxide (CO)	CO, Serious, if stationary sources contribute significantly to CO levels in the area as determined under rules issued by the Administrator	50
VOC	Ozone, Serious	50
VOC	Ozone, Severe	25
PM <sub>10</sub>	PM <sub>10</sub> , Serious	70
PM <sub>2.5</sub>	PM <sub>2.5</sub> Serious	70
PM <sub>2.5</sub> precursors identified in R18-2-101(124)(a)	PM <sub>2.5</sub> Serious	70
NO <sub>x</sub>	Ozone, Serious	50
NO <sub>x</sub>	Ozone, Severe	25

- b. For purposes of determining the applicability of R18-2-406 through R18-2-408 or R18-2-410, major source means any stationary source that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant if the source is classified as a categorical source, or 250 tons per year or more of any regulated NSR pollutant if the source is not classified as a categorical source;
  - c. A major source includes a physical change that would occur at a stationary source, not otherwise qualifying under subsection (13)(a) or (b) as a major source, if the change would constitute a major source by itself.
  - d. A major source that is major for VOC or nitrogen oxides shall be considered major for ozone.
  - e. The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Article whether it is a major source, unless the source belongs to a section 302(j) category.
14. "Mandatory federal Class I area" means an area identified in R18-2-217(B).
  15. "New emissions unit" means any emissions unit which is (or will be) newly constructed and which has existed for less than two years from the date such emissions unit first operated.
  16. "Plantwide applicability limitation" or "PAL" means an emission limitation that is based on the baseline actual emissions of all emissions units at the stationary source that emit or have the potential to emit the PAL pollutant, expressed in tons per year, for a pollutant at a major source, that is enforceable as a practical matter and established source-wide in accordance with this Section.
  17. "PAL allowable emissions" means "allowable emissions" as defined in R18-2-101, except that the allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.
  18. PAL effective date generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
  19. "PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.
  20. "PAL major modification" means any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.
  21. "PAL permit" means the permit issued by the Director that establishes a PAL for a major source under Article 3 or 4 of this Chapter.
  22. "PAL pollutant" means the pollutant for which a PAL is established at a major source.
  23. "Projected actual emissions" means:
    - a. The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant during any 12-month period in the 60 calendar months following the date the unit resumes regular operation after the project, or in any 12-month period in the 120 calendar months following that date if the project involves increasing the design capacity or potential to emit of any emissions unit for that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major source.
    - b. In determining the projected actual emissions before beginning actual construction, the owner or operator of the major source:
      - i. Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the county, state or federal regulatory authorities, and compliance plans under these regulations; and
      - ii. Shall include fugitive emissions to the extent quantifiable;
      - iii. Shall include emissions associated with start-ups, shutdowns, and malfunctions; and
      - iv. Shall exclude, only for calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or
    - c. In lieu of using the method set out subsections 23(b)(i) through (iv), the owner or operator may elect to use the emissions unit's potential to emit, in tons per year.
  24. "Replacement unit" means an emissions unit for which all the criteria listed in subsections (24)(a) through (d) are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.
    - a. The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.
    - b. The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

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- c. The replacement does not alter the basic design parameters of the process unit.
- d. The replaced emissions unit is permanently removed from the major source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.
25. "Resource recovery project" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Only energy conversion facilities that utilize solid waste that provides more than 50% of the heat input shall be considered a resource recovery project under this Article.
26. "Significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.
27. "Significance levels" means the following ambient concentrations for the enumerated pollutants:

Averaging Time					
Pollutant	Annual	24-Hour	8-Hour	3-Hour	1-Hour
SO <sub>2</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>		25 µg/m <sup>3</sup>	
NO <sub>2</sub>	1 µg/m <sup>3</sup>				
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
PM <sub>10</sub>	1 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>			
PM <sub>2.5</sub> federal Class I area	0.06 µg/m <sup>3</sup>	0.07 µg/m <sup>3</sup>			
PM <sub>2.5</sub> federal Class II area	0.3 µg/m <sup>3</sup>	1.2 µg/m <sup>3</sup>			
PM <sub>2.5</sub> federal Class III area	0.3 µg/m <sup>3</sup>	1.2 µg/m <sup>3</sup>			

Except for the annual pollutant concentrations, the Department shall deem that exceedance of significance levels has occurred when the ambient concentration of the above pollutant is exceeded more than once per year at any one location. If the concentration occurs at a specific location and at a time when the national ambient air quality standards for the pollutant are not violated, the significance level does not apply.

28. "Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-401 renumbered without change as Section R18-2-401 (Supp. 87-3). Section R18-2-401 renumbered to R18-2-601. New Section R18-2-401 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22,

1999 (Supp. 99-3). Typographical error corrected in R18-2-401(9)(a) (Supp. 00-4). Amended by final rulemaking at 13 A.A.R. 1134, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-402. General**

- A. The preconstruction review requirements of this Article shall apply to the construction of any new major source or any project at an existing major source.
- B. The requirements of R18-2-403 through R18-2-410 apply to the construction of any new major source or any major modification of any existing major source, except as this Article otherwise provides.
- C. No person shall begin actual construction of a new major source or a major modification subject to the requirements of R18-2-403 through R18-2-410 without first obtaining a proposed final permit from the Director, pursuant to R18-2-307(A)(2), stating that the major source or major modification shall meet those requirements.
- D. The requirements of this Article apply to projects at major sources in accordance with the following principles.
- Except as otherwise provided in subsection (E), a project is a major modification for a regulated NSR pollutant if it causes both a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.
  - The procedure for calculating before beginning actual construction whether a significant emissions increase will occur depends upon the types of emissions units being modified as set forth in subsections (D)(3) through (6). The procedure for calculating before beginning actual construction whether a significant net emissions increase will occur at the major source is set forth in the definition of net emissions increase in R18-2-101. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.
  - Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.
  - Actual-to-potential applicability test for projects that only involve new emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.
  - [Reserved.]
  - Hybrid applicability test for projects that involve both new emissions units and existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subsections (D)(3) through (D)(4), as applicable with

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respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

- E. Any major source with a PAL for a regulated NSR pollutant shall comply with R18-2-412.
- F. This subsection applies with respect to any regulated NSR pollutant emitted from projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility, within the meaning of subsection (F)(6), that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant and the owner or operator elects to use the method specified in R18-2-401(23)(b)(i) through (iv) of the definition of projected actual emissions for calculating projected actual emissions.
  1. Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
    - a. A description of the project;
    - b. Identification of the emissions unit(s) with emissions of a regulated NSR pollutant that could be affected by the project;
    - c. A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions the amount of emissions excluded under R18-2-401(23)(b)(iv) of the definition of projected actual emissions, and an explanation for why such amount was excluded; and
    - d. Any netting calculations, if applicable.
  2. If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in subsection (F)(1) to the Director. Nothing in this subsection shall be construed to require the owner or operator of such a unit to obtain any determination from the Director before beginning actual construction.
  3. The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subsection (F)(1)(b); and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit. For purposes of this subsection, fugitive emissions (to the extent quantifiable) shall be monitored if the emissions unit is part of a section 302(j) category or if the emissions unit is located at a major stationary source that belongs to a section 302(j) category.
  4. The owner or operator shall submit a report to the Director if for a calendar year the annual emissions, in tons per year, from the project identified in subsection (F)(1) exceed the sum of the baseline actual emissions, as documented and maintained under subsection (F)(1)(c), by a significant amount for that regulated NSR pollutant, and if the emissions differ from the preconstruction projection as documented and maintained under subsection (F)(1)(c). The owner or operator shall submit the report to the Director within 60 days after the end of the calendar year. The report shall contain the following:
    - a. The name, address and telephone number of the major source;
    - b. The annual emissions as calculated pursuant to subsection (F)(3); and
    - c. Any other information that the owner or operator wishes to include in the report, such as an explanation as to why the emissions differ from the preconstruction projection.
  5. Notwithstanding subsection (F)(4), if any existing emissions unit identified in subsection (F)(1)(b) is an electric utility steam generating unit, the owner or operator shall submit a report to the Director within 60 days after the end of each calendar year during which the owner or operator must generate records under subsection (F)(3). The report shall document the unit's post-project annual emissions during the calendar year that preceded submission of the report.
  6. A "reasonable possibility" under subsection (F) occurs when the owner or operator calculates the project to result in one of the following:
    - a. A projected actual emissions increase of at least 50% of the amount that is a significant emissions increase (without reference to the amount that is a significant net emissions increase) for the regulated NSR pollutant.
    - b. A projected actual emissions increase that, added to the amount of emissions excluded under subsection R18-2-401(23)(b)(iv) of the definition of projected actual emissions, sums to at least 50% of the amount that is a significant emissions increase (without reference to the amount that is a significant net emissions increase) for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of subsection (F)(6)(b), and not also within the meaning of subsection (F)(6)(a), subsections (F)(2) through (5) do not apply to the project.
  7. The owner or operator of the source shall make the information required to be documented and maintained under subsection (F) available for review upon request for inspection by the Department or the general public.
- G. An application for a permit or permit revision under this Article, other than a PAL permit pursuant to R18-2-412, shall not be considered complete unless the application demonstrates that:
  1. The requirements in subsection (H) are met;
  2. The more stringent of the applicable new source performance standards or the existing source performance standards in Article 7 of this Chapter are applied to the proposed new major source or major modification of a major source;
  3. The visibility requirements contained in R18-2-410 are satisfied;
  4. All applicable provisions of Article 3 of this Chapter are met;
  5. The new major source or major modification will be in compliance with whatever emission limitation, design, equipment, work practice or operational standard, or combination thereof is applicable to the source or modification. The degree of emission limitation required for control of any pollutant under this Article shall not be affected in any manner by:
    - a. Stack height in excess of GEP stack height except as provided in R18-2-332; or

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- b. Any other dispersion technique, unless implemented prior to December 31, 1970;
  - 6. The new major source or major modification will not exceed the applicable standards for hazardous air pollutants contained in this Chapter;
  - 7. The new major source or major modification will not exceed the limitations, if applicable, on emission from nonpoint sources contained in Article 6 of this Chapter;
  - 8. The new major source or major modification will not have an adverse impact on visibility, as determined according to R18-2-410.
- H.** Except for assessing air quality impacts within federal Class I areas, the air impact analysis required to be conducted as part of a permit application shall initially consider only the geographical area located within a 50 kilometer radius from the point of greatest emissions for the new major source or major modification. The Director, on his own initiative or upon receipt of written notice from any person shall have the right at any time to request an enlargement of the geographical area for which an air quality impact analysis is to be performed by giving the person applying for the permit or permit revision written notice thereof, specifying the enlarged radius to be so considered. In performing an air impact analysis for any geographical area with a radius of more than 50 kilometers, the person applying for the permit or permit revision may use monitoring or modeling data obtained from major sources having comparable emissions or having emissions which are capable of being accurately used in such demonstration, and which are subjected to terrain and atmospheric stability conditions which are comparable or which may be extrapolated with reasonable accuracy for use in such demonstration.
- I.** The Director shall comply with following requirements with respect to an application for a permit or permit revision subject to this Article:
- 1. Within 60 days after receipt of the application, or any addition to the application, the Director shall advise the applicant of any deficiency. The date of receipt of a complete application shall be, for the purpose of this Section, the date on which the Director receives all required information. The permit application shall not be deemed complete if the Director fails to meet the requirements of this subsection.
  - 2. Within one year after receipt of a complete application, the Director shall do all of the following:
    - a. Make a preliminary determination as to whether the permit or permit revision should be granted or denied.
    - b. Make the application, all materials the applicant submitted, the preliminary determination, and materials relating to the application available under R18-2-330(D).
    - c. Notify the public of the application, the preliminary determination and the opportunity for a public hearing and to submit written comments in accordance with R18-2-330(C). In the case of an application subject to R18-2-406, the notice shall include the degree of consumption of the maximum allowable increases allowed under R18-2-218 that is expected to occur as a result of emissions from the proposed source or modification.
    - d. Take final action on the application by denying the permit or permit revision or issuing a proposed final permit or permit revision.
    - e. Notify the applicant in writing of the approval or denial and make the notification, comments on the proposed action, and materials supporting the final action available for public inspection at the location where materials relating to the proposed action were placed under R18-2-330(D).
  - 3. A copy of any notice required by R18-2-330 and subsection (I)(2)(c) shall be sent to the permit applicant, to the Administrator, and to the following officials and agencies having cognizance over the location where the proposed major source or major modification would occur:
    - a. The air pollution control officer, if one exists, for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;
    - b. The county manager for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;
    - c. The city or town managers of the city or town which contains, and any city or town the boundaries of which are within 5 miles of, the location of the proposed or existing source that is the subject of the permit or permit revision application;
    - d. Any regional land use planning agency with authority for land use planning in the area where the proposed or existing source that is the subject of the permit or permit revision application is located; and
    - e. Any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the proposed source or modification.
  - J.** The authority to construct and operate a new major source or major modification under a permit or permit revision issued under this Article shall terminate if the owner or operator does not commence the proposed construction or major modification within 18 months of issuance or if, during the construction or major modification, the owner or operator suspends work for more than 18 months. The Director may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

**Historical Note**

Amended effective August 6, 1976 (Supp. 76-4). Former Section R9-3-402 repealed, new Section R9-3-402 adopted effective May 14, 1979 (Supp. 79-1). Amended and adopted by reference Open Burning Guidelines for Air Pollution Control effective September 22, 1983 (Supp. 83-5). Former Section R9-3-402 renumbered without change as Section R18-2-402 (Supp. 87-3). Section R18-2-402 renumbered to R18-2-602, new Section R18-2-402 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-403. Permits for Sources Located in Nonattainment Areas**

- A.** Except as provided in subsections (C) through (G) below, no permit or permit revision shall be issued under this Article to a person proposing to construct a new major source or make a

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major modification that is major for the pollutant for which the area is designated nonattainment unless:

1. The person demonstrates that the new major source or the major modification will meet an emission limitation which is the lowest achievable emission rate (LAER) for that source for that regulated NSR pollutant.
  2. The person demonstrates that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in the state are in compliance with, or on a schedule of compliance for, all conditions contained in permits of each of the sources and all other applicable emission limitations and standards under the Act and this Chapter.
  3. The person demonstrates that emission reductions for the specific pollutant(s) from source(s) in existence in the allowable offset area of the new major source or major modification (whether or not under the same ownership) meet the offset requirements of R18-2-404.
  4. The Administrator has not determined that the applicable implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements in this Section.
- B.** No permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source located in a nonattainment area unless:
1. The person performs an analysis of alternative sites, sizes, production processes, and environmental control techniques for such new major source or major modification; and
  2. The Director determines that the analysis demonstrates that the benefits of the new major source or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.
- C.** At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.
- D.** Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this Section on the basis of its direct emissions, a permit or permit revision under this Article to construct the new source or modification shall be denied unless the requirements of R18-2-403(A)(3) and R18-2-404 are met for reasonably quantifiable secondary emissions caused by the new source or modification.
- E.** A permit to construct a new major source or major modification shall be denied unless the conditions specified in subsections (A)(1), (2), and (3) are met for fugitive emissions caused by the new source or modification. However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source does not belong to a section 302(j) category.

- F.** The requirements of subsection (A)(3) shall not apply to temporary emissions units, such as pilot plants, portable facilities that will be relocated outside of the nonattainment area and the construction phase of a new source, if those units will operate for no more than 24 months in the nonattainment area, are otherwise in compliance with the requirement to obtain a permit under this Chapter and are in compliance with the conditions of that permit.
- G.** A decrease in actual emissions shall be considered in determining the potential of a new source or modification to emit only to the extent that the Director has not relied on it in issuing any permit or permit revision under this Article or the state has not relied on it in demonstrating attainment or reasonable further progress.
- H.** The Director shall transmit to the Administrator a copy of each permit application relating to a major stationary source or major modification under this Section. Within 30 days of the issuance of any permit under this Section, the Director shall also submit control technology information from the permit to the Administrator for the purposes listed in Section 173(d) of the Act.
- I.** The issuance of a permit or permit revision under this Article in accordance with this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

**Historical Note**

Former Section R9-3-403 repealed, new Section R9-3-403 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-403 renumbered without change as Section R18-2-403 (Supp. 87-3). Section R18-2-403 renumbered to R18-2-603, new Section R18-2-403 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-404. Offset Standards**

- A.** Increased emissions by a major source or major modification subject to R18-2-403 of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major shall be offset by real reductions in the actual emissions of the pollutant. Offsets shall be for the same regulated NSR Pollutant. Except as provided in R18-2-405 and subsection (J), the ratio of the total actual reductions to the emissions increase shall be at least 1 to 1.
- B.** Except as provided in subsections (B)(1) or (2), for sources and modifications subject to this Section, the baseline for determining credit for emissions reductions is the emissions limit for the source generating the offset credit under the applicable implementation plan in effect at the time the application for a permit or permit revision is filed.
1. The offset baseline shall be the actual emissions of the source from which offset credit is obtained where either of the following conditions is satisfied:
    - a. The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area for which the preconstruction review program was adopted.
    - b. The applicable implementation plan does not contain an emissions limitation for that source or source category.

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2. Where the emissions limit under the applicable implementation plan allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential.
- C. For an existing fuel combustion source, emissions offset credit shall be based on the allowable emissions under the applicable implementation plan for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable or actual emissions for the fuels involved is not acceptable, unless the permit for the existing source is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a fuel generating higher emissions. The owner or operator of the existing source must demonstrate that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.
- D. Offset Credit for Shutdowns.
  1. Emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be credited for offsets if they meet both of the following conditions.
    - a. The reductions are surplus, permanent, quantifiable, and federally enforceable.
    - b. The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this subsection, the Director may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.
  2. Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in subsection (D)(1)(b) may be credited only if one of the following conditions is satisfied:
    - a. The shutdown or curtailment occurred on or after the date the construction permit application is filed.
    - b. The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of subsection (D)(1)(a).
- E. No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds," 42 FR 35314 (July 8, 1977).
- F. All emission reductions claimed as offset credits shall be federally enforceable by the time a proposed final permit is issued to the owner or operator of the major source subject to this Section and shall be in effect by the time the new or modified source subject to the permit commences operation.
- G. The owner or operator of a major source or major modification subject to this Section must obtain offset credits from the same source or from other sources in the same nonattainment area, except that the Director may allow the owner or operator to obtain offset credits from another nonattainment area if both of the following conditions are satisfied:
  1. The other area has an equal or higher nonattainment classification than the area in which the source is located.
  2. Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.
- H. Credit for an emissions reduction can be claimed to the extent that the Director has not relied on it in issuing any permit under this Article, R18-2-334, or the state has not relied on it in a demonstration of attainment or reasonable further progress.
- I. The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset under this Section shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
- J. In ozone nonattainment areas classified as marginal, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.10 to 1. In ozone nonattainment areas classified as moderate, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.15 to 1. New major sources and major modifications in serious and severe ozone nonattainment areas shall comply with this Section and R18-2-405.

**Historical Note**

Former Section R9-3-404 repealed, new Section R9-3-404 adopted effective May 14, 1979 (Supp. 79-1).

Amended by adding subsection (C) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-404 renumbered without change as Section R18-2-404 (Supp. 87-3).

Amended subsection (C) effective December 1, 1988 (Supp. 88-4). Section R18-2-404 renumbered to R18-2-604, new Section R18-2-404 adopted effective November 15, 1993 (Supp. 93-4). Amended effective February 28, 1995 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final expedited rulemaking at 28 A.A.R. 1135 (May 27, 2022), with an immediate effective date of May 4, 2022 (Supp. 22-2).

**R18-2-405. Special Rule for Major Sources of VOC or Nitrogen Oxides in Ozone Nonattainment Areas Classified as Serious or Severe**

- A. Applicability. The provisions of this Section only apply to stationary sources of VOC or nitrogen oxides in ozone nonattainment areas classified as serious or severe. Unless otherwise provided in this Section, all requirements of Articles 3 and 4 of this Chapter apply.
- B. "Significant" means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds or nitrogen oxides that would result from any physical change in, or change in the method of operation of, a major source, if the emissions increase of volatile organic compounds or nitrogen oxides exceeds 25 tons per year.
- C. For any major source that emits or has the potential to emit less than 100 tons of VOC or oxides of nitrogen per year, a

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physical or operational change that results in a significant increase in VOC or oxides of nitrogen, respectively, from any discrete operation, unit, or other pollutant emitting activity at the source shall constitute a major modification, except that the increase shall not constitute a major modification, if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of VOC or oxides of nitrogen, as applicable, from other operations, units or activities at the source at an internal offset ratio of at least 1.3 to 1. If the owner or operator does not make such an election, the change shall constitute a major modification but BACT shall be substituted for LAER when applying R18-2-403(A)(1) to the major modification.

- D. For any stationary source that emits or has the potential to emit 100 tons or more of VOC or oxides of nitrogen per year, a physical or operational change that results in any significant increase in VOC from any discrete operation, unit or other pollutant emitting activity at the source or oxides of nitrogen, respectively, shall constitute a major modification except that if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of VOC or oxides of nitrogen, as applicable, from other operations, units or activities within the source at an internal offset ratio of at least 1.3 to 1, R18-2-403(A)(1) shall not apply to the change.
- E. For any new major source or major modification that is classified as major because of emissions or potential to emit VOC or nitrogen oxides in an ozone nonattainment area classified as serious, the increase in emissions of these pollutants from the source or modification shall be offset at a ratio of 1.2 to 1. The offset shall be made in accordance with the provisions of R18-2-404.
- F. For any new major source or major modification that is classified as such because of emissions or potential to emit VOC or nitrogen oxides in an ozone nonattainment area classified as severe, the increase in emissions of these pollutants from the source or modification shall be offset at a ratio of 1.3 to 1. These offsets shall be made in accordance with the provisions of R18-2-404.

**Historical Note**

Former R9-3-405, Other industries, renumbered R9-3-406, new Section adopted effective September 17, 1975 (Supp. 75-1). Former Section R9-3-405 repealed, new Section R9-3-405 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-405 renumbered without change as Section R18-2-405 (Supp. 87-3). Section R18-2-405 renumbered to R18-2-605, new Section R18-2-405 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-406. Permit Requirements for Sources Located in Attainment and Unclassifiable Areas**

- A. Except as provided in subsections (B) through (J) and R18-2-408 (Innovative control technology), no permit or permit revision under this Article shall be issued to a person proposing to construct a new major source or make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any regulated NSR pollutant unless the source or modification meets the following conditions:

1. A new major source shall apply best available control technology (BACT) for each regulated NSR pollutant for which the potential to emit is significant.
2. A major modification shall apply BACT for each regulated NSR pollutant for which the project would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.
3. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.
4. BACT shall be determined on a case-by-case basis and may constitute application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques, for control of such pollutant. In no event shall such application of BACT result in emissions of any pollutant, which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants or by the applicable implementation plan. If the Director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means which achieve equivalent results.
5. The person applying for the permit or permit revision under this Article performs an air impact analysis and monitoring as specified in R18-2-407, and the analysis demonstrates that allowable emission increases from the proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, would not cause or contribute to concentrations of conventional air pollutants in violation of:
  - a. Any national ambient air quality standard in any air quality control region; or
  - b. Any applicable maximum increase allowed under R18-2-218 over the baseline concentration in any area.
6. Air quality models:
  - a. All estimates of ambient concentrations required under this Section shall be based on the applicable air quality models, databases, and other requirements specified in 40 CFR 51, Appendix W, "Guideline On Air Quality Models," as of June 30, 2017 (and no future amendments or editions), which shall be referred to hereinafter as "Guideline" and is adopted by reference and is on file with the Department.



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- b. Where an air quality impact model specified in the "Guideline" is not applicable, the model may be modified or another model substituted. Such a change shall be subject to notice and opportunity for public comment under R18-2-330. Written approval of the EPA Administrator shall be obtained for any modification or substitution.
- B.** This Section and R18-2-407 shall not apply to a new major source or major modification to a source with respect to a particular pollutant if the person applying for the permit or permit revision under this Article demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment for the pollutant. This exemption shall not apply to an area designated nonattainment for a revoked national ambient air quality standard in 40 CFR 81.
- C.** This Section, R18-2-407, and R18-2-410(B), (F), and (G) shall not apply to a new major source or a major modification if the source or modification would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source does not belong to a section 302(j) category.
- D.** This Section, R18-2-407, and R18-2-410(B), (F), and (G) shall not apply to a new major source or major modification to a source when the owner or operator of the source is a nonprofit health or educational institution.
- E.** This Section, R18-2-407, and R18-2-410(B), (F) and (G) shall not apply to a portable source which would otherwise be a new major source or major modification to an existing source if all of the following conditions are satisfied:
1. The portable source proposes to relocate and will operate for no more than 24 months at its new location.
  2. The source is subject to a permit or permit revision issued under this Section or 40 CFR 52.21.
  3. The source is in compliance with the conditions of that permit or permit revision.
  4. Emissions from the source will not impact a federal Class I area or an area where an applicable maximum increase allowed under R18-2-218 is known to be violated.
  5. Reasonable notice is given to the Director prior to the relocation identifying the proposed new location and the probable duration of operation at the new location at least 10 calendar days in advance of the proposed relocation, unless a different time duration is previously approved by the Director.
- F.** Subsection (A)(5), R18-2-407, and R18-2-410(B) shall not apply to a proposed major source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification, would be temporary and impact no federal Class I area and no area where a maximum increase allowed under R18-2-218 is known to be violated.
- G.** Subsection (A)(5), R18-2-407, and R18-2-410(B) as they relate to any maximum allowable increase for a Class II area shall not apply to a modification of a major stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of best available control technology would be less than 50 tons per year.
- H.** Subsection (A)(5)(b) shall not apply to a stationary source or modification with respect to any maximum increase allowed for nitrogen oxides under R18-2-218 if the owner or operator of the source or modification submitted an application for a permit under the applicable permit program approved or promulgated under the Act before the provisions embodying the maximum allowable increase took effect as part of the state implementation plan and the Director subsequently determined that the application as submitted before that date was complete.
- I.** Subsection (A)(5)(b) shall not apply to a stationary source or modification with respect to any maximum increase allowed for PM<sub>10</sub> under R18-2-218 if the owner or operator of the source or modification submitted an application for a permit under the applicable permit program approved under the Act before the provisions embodying the maximum allowable increases for PM<sub>10</sub> took effect as part of the state implementation plan and the Director subsequently determined that the application as submitted before that date was complete. Instead, subsection (A)(5)(b) shall apply with respect to the maximum allowable increases for total suspended particulate as in effect on the date the application was submitted.
- J.** Subsection (A)(5)(a) shall not apply to a stationary source or modification with respect to the national ambient air quality standards for PM<sub>2.5</sub> in effect on March 18, 2013 if either of the following is true:
1. The Director determined a permit application subject to this Section was complete on or before December 14, 2012. Instead, subsection (A)(5)(a) shall apply with respect to the national ambient air quality standards for PM<sub>2.5</sub> in effect at the time the Director determined the permit application to be complete.
  2. The Director first published before March 18, 2013 a public notice of a proposed permit subject to this Section. Instead, subsection (A)(5)(a) shall apply with respect to the national ambient air quality standards for PM<sub>2.5</sub> in effect at the time of first publication of the public notice.
- K.** Subsection (A)(5)(a) shall not apply to a stationary source or modification with respect to the revised national ambient air quality standards for ozone published on October 26, 2015 if:
1. The Director has determined the permit application subject to this Section to be complete on or before October 1, 2015. Instead, subsection (A)(5)(a) shall apply with respect to the national ambient air quality standards for ozone in effect at the time the Director determined the permit application to be complete.
  2. The Director has first published, before December 25, 2015, a public notice of a preliminary determination or draft permit for the permit application subject to this Section. Instead, subsection (A)(5)(a) shall apply with respect to the national ambient air quality standards for ozone in effect at the time the Director determined the permit application to be complete.
- L.** The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make a determination required under this Section. The owner or operator shall also provide information regarding:
1. The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact, and
  2. The air quality impacts and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.
- M.** The issuance of a permit or permit revision under this Article in accordance with this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

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- N. At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

**Historical Note**

Former Section R9-3-405, renumbered effective September 17, 1975 (Supp. 75-1). Former Section R9-3-406 repealed, new Section R9-3-406 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-406 renumbered without change as Section R18-2-406 (Supp. 87-3). Section R18-2-406 renumbered to R18-2-606, new Section R18-2-406 adopted effective November 15, 1993 (Supp. 93-4). Amended effective February 28, 1995 (Supp. 95-1). The references to R18-2-101(97)(a) in subsection (A)(1) and (2) amended to reference R18-2-101(104)(a) (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 3630, effective February 1, 2020 (Supp. 19-4).

**R18-2-407. Air Quality Impact Analysis and Monitoring Requirements**

- A. Any application for a permit or permit revision under R18-2-406 to construct a new major source or major modification to a major source shall contain an analysis of ambient air quality in the area that the new major source or major modification would affect for each of the following pollutants:
1. For the new source, each pollutant that it would have the potential to emit in a significant amount;
  2. For the modification, each pollutant for which it would result in a significant net emissions increase.
- B. With respect to any such pollutant for which no national ambient air quality standard exists, the analysis shall contain all air quality monitoring data as the Director determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of the pollutant would affect.
- C. With respect to any such pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.
- D. In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the Director determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period.
- E. The owner or operator of a proposed stationary source or modification to a source of volatile organic compounds who satisfies all conditions of 40 CFR 51, Appendix S, Section IV, may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under subsections (B), (C), and (D) above.

- F. Post-construction monitoring. The owner or operator of a new major source or major modification shall, after construction of the source or modification, conduct such ambient monitoring as the Director determines is necessary to determine the effect emissions from the new source or modification may have, or are having, on air quality in any area.
- G. Operations of monitoring stations. The owner or operator of a new major source or major modification shall meet the requirements of 40 CFR 58, Appendix B, during the operation of monitoring stations for purposes of satisfying subsections (B) through (F) above.
- H. The requirements of subsections (B) through (G) above shall not apply to a new major source or major modification to an existing source with respect to monitoring for a particular pollutant if:
1. The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:
    - a. Carbon Monoxide - 575  $\mu\text{g}/\text{m}^3$ , eight-hour average;
    - b. Nitrogen dioxide - 14  $\mu\text{g}/\text{m}^3$ , annual average;
    - c.  $\text{PM}_{2.5}$  - 0  $\mu\text{g}/\text{m}^3$ , 24-hour average;
    - d.  $\text{PM}_{10}$  - 10  $\mu\text{g}/\text{m}^3$ , 24-hour average;
    - e. Sulfur dioxide - 13  $\mu\text{g}/\text{m}^3$ , 24-hour average;
    - f. Lead - 0.1  $\mu\text{g}/\text{m}^3$ , 3-month average;
    - g. Fluorides - 0.25  $\mu\text{g}/\text{m}^3$ , 24-hour average;
    - h. Total reduced sulfur - 10  $\mu\text{g}/\text{m}^3$ , one-hour average;
    - i. Hydrogen sulfide - 0.04  $\mu\text{g}/\text{m}^3$ , one-hour average;
    - j. Reduced sulfur compounds - 10  $\mu\text{g}/\text{m}^3$ , one-hour average;
    - k. Ozone - net emissions increases of less than 100 tons per year of volatile organic compounds or oxides of nitrogen;
  2. The concentrations of the pollutant in the area that the new source or modification would affect are less than the concentrations listed in subsection (H)(1); or
  3. The pollutant is not listed in subsection (H)(1).

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-407 renumbered without change as Section R18-2-407 (Supp. 87-3). Section R18-2-407 renumbered to R18-2-607, new Section R18-2-407 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-408. Innovative Control Technology**

- A. Notwithstanding the provisions of R18-2-406(A)(1) through (3), the owner or operator of a proposed new major source or major modification may request that the Director approve a system of innovative control technology rather than the best available control technology requirements otherwise applicable to the new source or modification.
- B. The Director shall approve the installation of a system of innovative control technology if the following conditions are met:
1. The owner or operator of the proposed source or modification satisfactorily demonstrates that the proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;
  2. The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under R18-2-406(A)(1) or (2) by a

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date specified in the permit or permit revision under this Article for the source. Such date shall not be later than four years from the time of start-up or seven years from the issuance of a permit or permit revision under this Article;

3. The source or modification would meet requirements equivalent to those in R18-2-406(A) based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified in the permit or permit revision under this Article.
  4. Before the date specified in the permit or permit revision under this Article, the source or modification would not:
    - a. Cause or contribute to any violation of an applicable national ambient air quality standard; or
    - b. Impact any area where an applicable maximum increase allowed under R18-2-208 is known to be violated.
  5. All other applicable requirements including those for public participation have been met.
  6. The Director receives the consent of the governors of other affected states.
  7. The requirements of R18-2-410 for federal Class I areas will be met for all periods during the life of the source or modification.
- C. The Director shall withdraw any approval to employ a system of innovative control technology made under this Section if:
1. The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or
  2. The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or
  3. The Director decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.
- D. If the new source or major modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with subsection (C) above, the Director may allow the owner or operator of the source or modification up to an additional three years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Former Section R9-3-408 renumbered without change as Section R18-2-408 (Supp. 87-3). Section R18-2-408 renumbered to R18-2-608, new Section R18-2-408 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-409. Air Quality Models**

- A. Where the Director requires a person requesting a permit or permit revision under this Article to perform air quality impact modeling to obtain such permit or permit revision under this Article, the modeling shall be performed in a manner consistent with the Guideline specified in R18-2-406(A)(6)(a).
- B. Where the person requesting a permit or permit revision under this Article can demonstrate that an air quality impact model specified in the Guideline is inappropriate, the model may be modified or another model substituted. However, before such

modification or substitution can occur, the Director shall make a written finding that:

1. No model in the Guideline is appropriate for a particular permit or permit revision under this Article under consideration, or
  2. The data base required for the appropriate model in the Guideline is not available, and
  3. The model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the Guideline, and
  4. The model proposed as a substitute or modification has been approved by the Administrator.
- C. The substitution or modification of an air quality model under this Section shall be included in the public notice under R18-2-330(C).

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-409 renumbered without change as Section R18-2-409 (Supp. 87-3). Section R18-2-409 renumbered to R18-2-609, new Section R18-2-409 adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-410. Visibility and Air Quality Related Value Protection**

- A. Applicability.
  1. All of the requirements of this Section apply to a new major source or major modification that would be constructed in an area that is designated attainment or unclassifiable.
  2. Subsections (B) to (D) apply to the following:
    - a. A new major source or major modification that may have an impact on any integral vista of a mandatory federal Class I area, if it is identified in accordance with 40 CFR 51.304 by the Federal Land Manager at least twelve months before submission of a complete permit application for the source or modification, except where the Federal Land Manager has provided notice and opportunity for public comment on the integral vista, in which case the review must include impacts on any integral vista identified at least six months before submission of a complete permit application. This subsection shall not apply if the Director determines under 40 CFR 51.304(d) that the identification was not in accordance with the identification criteria.
    - b. A new major source or major modification that proposes to locate in an area designated as nonattainment and that may have an impact on visibility in any mandatory federal Class I area.
- B. Application Requirements. Any application for a permit or permit revision to construct a major source or major modification subject to this Section shall contain:
  1. An analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the new source or modification and general commercial, residential, industrial, and other growth associated with the new source or modification. The applicant need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.
  2. An analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the new source or modification.
- C. Notification Requirements.

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1. The Director shall provide written notice of the application for a permit or permit revision subject to this Section to the Administrator, the Federal Land Manager and the federal official charged with direct responsibility for management of any lands within any Class I area that may be affected by the source or modification. The notice shall be provided within 30 days of receipt of the application and at least 60 days before any public hearing on the application. The notice shall:
    - a. Include a copy of the application and all information relevant to the permit or permit revision under this Article;
    - b. Include an analysis of the anticipated impacts of the proposed source on visibility in any federal Class I area; and
    - c. Provide for no less than a 30-day period within which written comments may be submitted.
  2. The Director shall notify the individuals identified in subsection (C)(1) within 30 days of receipt of any advance notification of any such permit or permit revision.
  3. The Director shall notify the individuals identified in subsection (C)(1) of the preliminary determination for the application under R18-2-402(I)(2)(c) and shall make available any materials used in making that determination.
  4. The Director shall provide notice to the administrator of every action related to the consideration of such permit or permit revision.
- D. Consideration of Federal Land Manager Analysis.**
1. The Federal Land Manager and the federal official charged with direct responsibility for management of federal Class I areas have an affirmative responsibility to protect the air quality related values, including visibility, of any such areas and to consider, in consultation with the Administrator, whether a proposed source or modification would have an adverse impact on such values.
  2. The Director shall consider any analysis performed by the Federal Land Manager and provided within 30 days of the notification required by subsection (C)(1) that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in a federal Class I area or integral vista.
  3. In considering the analysis, the Director shall ensure that the source's emissions will be consistent with making reasonable progress toward the national visibility goal referred to in 40 CFR 51.300(a), taking into account the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source.
  4. If the Director concurs with the analysis, the Director shall deny the permit or permit revision.
  5. If the Director finds that the analysis does not demonstrate to the satisfaction of the Director that an adverse impact on visibility will result in the federal Class I area or integral vista, the Director shall, in the notice required by R18-2-402(I)(2)(c), either explain that decision or give notice as to where the explanation can be obtained.
- E. Federal Land Manager Analysis Showing Adverse Impact Despite Compliance with Maximum Allowable Increases for Class I Area.**
1. Within 30 days after the notification required by subsection (C)(3), the Federal Land Manager may present to the Director a demonstration that the emissions attributed to a new major source or major modification would have an adverse impact on visibility or other specifically defined air quality related values of any mandatory federal Class I area, even though the change in air quality resulting from emissions attributable to the source or modification will not cause or contribute to concentrations that exceed the maximum increases allowed for the area in R18-2-218.
- F. Class I Variance with Federal Land Manager Concurrence.**
1. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that emissions from the source will have no adverse impact on the air quality related values (including visibility) of federal Class I areas, even though the change in air quality resulting from emissions from the source or modification are projected to cause or contribute to concentrations that exceed the maximum increases allowed for a Class I area under R18-2-218.
  2. If the Federal land manager concurs with the demonstration and so certifies to the Director, the Director may issue the permit, provided that:
    - a. Applicable requirements are otherwise met; and
    - b. The permit contains emission limits necessary to assure that emissions of sulfur dioxide, PM<sub>2.5</sub>, PM<sub>10</sub>, and nitrogen oxides will not cause increases in ambient concentrations of those pollutants exceeding the following maximum allowable increases over minor source baseline concentrations:
- | Pollutant              | Maximum allowable increase (micrograms per cubic meter) |
|------------------------|---|
| PM <sub>2.5</sub> :    |   |
| Annual arithmetic mean | 4   |
| 24-hr maximum          | 9   |
| PM <sub>10</sub> :     |   |
| Annual arithmetic mean | 17  |
| 24-hr maximum          | 30  |
| Sulfur dioxide:        |   |
| Annual arithmetic mean | 20  |
| 24-hr maximum          | 91  |
| 3-hr maximum           | 325   |
| Nitrogen dioxide       |   |
| Annual arithmetic mean | 25  |
- G. Class I Sulfur Dioxide Variance by Governor with Concurrence by Federal Land Manager or President.**
1. The owner or operator of a proposed source or modification that cannot be approved under subsection (F) may demonstrate to the Governor that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four hours or less applicable to any Class I area and, in the case of mandatory federal Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility). The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may, after notice and public hearing, grant a variance from the maximum allowable increase. If the

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variance is granted, the Director shall issue a permit or permit to the source or modification pursuant to the requirements of subsection (G)(3), provided that the applicable requirements of R18-2-406 are otherwise met.

2. In any case where the Governor recommends a variance in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may approve the Governor's recommendation if the President finds that the variance is in the national interest. If the variance is approved, the Director shall issue a permit pursuant to subsection (G)(3), provided that the applicable requirements of R18-2-406 are otherwise met.
3. In the case of a permit issued pursuant to subsections (G)(1) or (G)(2) the source or modification shall comply with emission limitations necessary to assure that emissions of sulfur dioxide from the source or modification will not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations that would exceed the following maximum allowable increases over the baseline concentration and to assure that the emissions will not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period:

Maximum Allowable Increase [Micrograms per cubic meter]		
Period of exposure	Terrain areas	
	Low	High
24-hr maximum	36	62
3-hr maximum	130	221

- H. Visibility Monitoring. The Director may require monitoring of visibility in any federal Class I area near a proposed major source or major modification for such purposes and by such means as the Director deems necessary and appropriate.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-410 renumbered without change as Section R18-2-410 (Supp. 87-3). Section R18-2-410 renumbered to R18-2-610, new Section R18-2-410 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-411. Permit Requirements for Sources that Locate in Attainment or Unclassifiable Areas and Cause or Contribute to a Violation of Any National Ambient Air Quality Standard**

- A. Except as provided in subsections (C) or (D), the Director shall deny a permit or permit revision to any major source or major modification that would locate in any attainment or unclassified area, if the source or modification would cause or contribute to a violation of any national ambient air quality standard.
- B. A major source or major modification will be considered to cause or contribute to a violation of a national ambient air quality standard when the source or modification would, at a minimum, cause an increase in the concentrations of a regulated NSR pollutant that exceeds the significance level at any locality that does not, or as a result of the increase would not, meet the standard.

- C. A proposed major source or major modification subject to subsection (A) may reduce the impact of its emissions upon air quality by obtaining sufficient emission reductions to, at a minimum, compensate for its adverse ambient impact where the major source or major modification would otherwise cause or contribute to a violation of any national ambient air quality standard.
- D. Subsection (A) shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as non-attainment pursuant to section 107 of the Act.

**Historical Note**

Adopted effective November 15, 1993 (Supp. 93-4). Section repealed by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). New Section made by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-412. PALs**

- A. Applicability.
  1. The Director may approve the use of a PAL for any existing major source if the PAL meets the requirements of this Section.
  2. Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of this Section, and complies with the PAL permit:
    - a. Is not a major modification for the PAL pollutant,
    - b. Does not have to be approved under R18-2-403 or R18-2-406, and
    - c. Is not subject to the provisions in R18-2-403(C) or R18-2-406(M).
  3. Except as provided under subsection (A)(2)(c), a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.
- B. Permit application requirements. As part of a permit application requesting a PAL, the owner or operator of a major source shall submit the following information to the Director for approval:
  1. A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit.
  2. Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions shall include emissions associated not only with operation of the unit, but also emissions associated with the startup, shutdown and malfunction.
  3. The calculation procedures that the major source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by subsection (L)(1).
- C. General requirements for establishing PALs.
  1. The Director is allowed to establish a PAL at a major source, provided that at a minimum, the following requirements are met:

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- a. The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month sum, rolled monthly). For each month during the first 11 months from the PAL effective date, the major source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.
  - b. The PAL shall be established in a PAL permit that meets the requirements in subsection (D).
  - c. The PAL permit shall contain all the requirements of subsection (F).
  - d. The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major source.
  - e. Each PAL shall regulate emissions of only one pollutant.
  - f. Each PAL shall have a PAL effective period of 10 years.
  - g. The owner or operator of the major source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in subsections (K) through (M) for each emissions unit under the PAL through the PAL effective period.
  2. At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under R18-2-404 unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.
- D. Action on PAL permit application.** A PAL permit application shall be processed in accordance with one of the following:
1. As an initial Class I permit pursuant to R18-2-304.
  2. As a renewal of a Class I permit pursuant to R18-2-322.
  3. As a significant revision to a Class I permit pursuant to R18-2-320.
- E. Setting the 10-year actuals PAL level.**
1. Except as provided in subsection (E)(2), the PAL level for a major source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant. When establishing the PAL level, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Director shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future compliance date(s) of any applicable federal or state regulatory requirement(s) that the Director is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO<sub>x</sub> to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).
  2. For newly constructed units (which do not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in subsection (E)(1), the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.
- F. Contents of the PAL permit.** The PAL permit must contain, at a minimum, the following information:
1. The PAL pollutant and the applicable source-wide emission limitation in tons per year.
  2. The PAL permit effective date and the expiration date of the PAL (PAL effective period).
  3. Specification in the PAL permit that if a major source owner or operator applies to renew a PAL in accordance with subsection (I) before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the Director.
  4. A requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions.
  5. A requirement that, once the PAL expires, the major source is subject to the requirements of subsection (H).
  6. The calculation procedures that the major source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by subsection (L)(1).
  7. A requirement that the major source owner or operator monitor all emissions units in accordance with the provisions under subsection (K).
  8. A requirement to retain the records required under subsection (L) onsite. Such records may be retained in an electronic format.
  9. A requirement to submit the reports required under subsection (M) by the required deadlines.
  10. Any other requirements that the Director deems necessary to implement and enforce the PAL.
- G. PAL effective period and reopening of the PAL permit.**
1. PAL effective period. The Director shall specify a PAL effective period of 10 years.
  2. Reopening of the PAL permit.
    - a. During the PAL effective period, the Director must reopen the PAL permit to:
      - i. Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL,
      - ii. Reduce the PAL if the owner or operator of the major source creates creditable emissions reductions for use as offsets under R18-2-404, and
      - iii. Revise the PAL to reflect an increase in the PAL as provided under subsection (J).
    - b. The Director shall have discretion to reopen the PAL permit for the following:
      - i. Reduce the PAL to reflect new federal applicable requirements with compliance dates after the PAL effective date;

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- ii. Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the state may impose on the major source under the State Implementation Plan; and
    - iii. Reduce the PAL if the Director determines that a reduction is necessary to avoid causing or contributing to a violation of a national ambient air quality standard or a maximum increase allowed under R18-2-208, or to an adverse impact on an air quality related value that has been identified for a federal Class I area by a Federal Land Manager and for which information is available to the general public.
  - c. Except for the permit reopening in subsection (G)(2)(a)(i) for the correction of typographical/calculational errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of subsection (D).
- H. Expiration of a PAL.** Any PAL that is not renewed in accordance with the procedures in subsection (I) shall expire at the end of the PAL effective period, and the following requirements shall apply.
- 1. Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following procedures.
    - a. Within the time-frame specified for PAL renewals in subsection (I)(2), the major source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate) by distributing the PAL allowable emissions for the major source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as would be required under subsection (I)(5), such distribution shall be made as if the PAL had been adjusted.
    - b. The Director shall decide how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Director determines is appropriate.
  - 2. Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Director may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.
  - 3. Until the Director issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under subsection (H)(1)(b), the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.
  - 4. Any physical change or change in the method of operation at the major source will be subject to the nonattainment major NSR requirements if such change meets the definition of major modification.
  - 5. The major source owner or operator shall continue to comply with any applicable requirements that may have applied either during the PAL effective period or before the PAL effective period except for those emission limitations that had been established pursuant to R18-2-403(C) or R18-2-406(H), but were eliminated by the PAL in accordance with subsection (A)(2)(c).
- I. Renewal of a PAL.**
- 1. The Director shall follow the procedures specified in subsection (D) in approving any request to renew a PAL for a major source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Director.
  - 2. Application deadline. A major source owner or operator shall submit a timely application to the Director to request renewal of a PAL. A timely application is one that is submitted at least six months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.
  - 3. Application requirements. The application to renew a PAL permit shall contain the following information.
    - a. The information required in subsections (B)(1) through (3).
    - b. A proposed PAL level.
    - c. The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).
    - d. Any other information the owner or operator wishes the Director to consider in determining the appropriate level for renewing the PAL.
  - 4. PAL adjustment. In determining whether and how to adjust the PAL, the Director shall consider the options outlined in subsections (I)(4)(a) and (b). However, in no case may any such adjustment fail to comply with subsection (I)(4)(c).
    - a. If the emissions level calculated in accordance with subsection (E) is equal to or greater than 80% of the PAL level, the Director may renew the PAL at the same level without considering the factors set forth in subsection (I)(4)(b); or
    - b. The Director may set the PAL at a level that the Director determines to be more representative of the source's baseline actual emissions, or that the Director determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Director in the Director's written rationale.
  - c. Notwithstanding subsections (I)(4)(a) and (b):
    - i. If the potential to emit of the major source is less than the PAL, the Director shall adjust the PAL to a level no greater than the potential to emit of the source; and
    - ii. The Director shall not approve a renewed PAL level higher than the current PAL, unless the PAL has been increased in accordance with subsection (J).

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5. If the compliance date for an applicable requirement that applies to the PAL source occurs during the PAL effective period, and if the Director has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or renewal of the source's Class I permit, whichever occurs first.
- J. Increasing a PAL during the PAL effective period.**
1. The Director may increase a PAL emission limitation only if the following requirements are met:
    - a. The owner or operator of the major source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major source's emissions to equal or exceed its PAL.
    - b. As part of this application, the major source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT or LAER equivalent controls, plus the sum of the PAL allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT or LAER equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT or LAER analysis at the time the application is submitted, as applicable for the particular PAL pollutant, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.
    - c. The owner or operator obtains a major NSR permit for all emissions unit(s) identified in subsection (J)(1)(a), regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.
    - d. The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
  2. The Director shall calculate the new PAL level as the sum of the PAL allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT or LAER equivalent controls as determined in accordance with subsection (J)(1)(b), plus the sum of the baseline actual emissions of the small emissions units.
  3. The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of subsection (D).
- K. Monitoring requirements for PALs.**
1. General requirements.
    - a. Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.
    - b. The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in subsections (K)(2)(a) through (d) and must be approved by the Director.
    - c. Notwithstanding subsection (K)(1)(b), the owner or operator may also employ an alternative monitoring approach if approved by the Director as meeting the requirements of subsection (K)(1)(a).
    - d. Failure to use a monitoring system that meets the requirements of this Section renders the PAL invalid.
  2. Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in subsections (K)(3) through (9):
    - a. Mass balance calculations for activities using coatings or solvents,
    - b. CEMS,
    - c. CPMS or PEMS, and
    - d. Emission factors.
  3. Mass balance calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:
    - a. Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;
    - b. Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and
    - c. Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Director determines there is site-specific data or a site-specific monitoring program to support another content within the range.
  4. CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:
    - a. CEMS must comply with applicable Performance Specifications found in 40 CFR 60, Appendix B; and
    - b. CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.
  5. CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:



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- a. The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and
  - b. Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Director, while the emissions unit is operating.
- 6. Emission factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:
  - a. All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;
  - b. The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and
  - c. If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six months of PAL permit issuance, unless the Director determines that testing is not required.
- 7. A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.
- 8. Notwithstanding the requirements in subsections (K)(3) through (7), where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Director shall, at the time of permit issuance:
  - a. Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s), or
  - b. Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.
- 9. Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Director. Such testing must occur at least once every five years after issuance of the PAL.
- L. Recordkeeping requirements.
  - 1. The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of this Section and with the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five years from the date of such record.
  - 2. The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five years:
    - a. A copy of the PAL permit application and any applications for revisions to the PAL, and
    - b. Each annual certification of compliance pursuant to R18-2-309(2) and the data relied on in certifying compliance.
- M. Reporting and notification requirements. The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Director in accordance with R18-2-306(A)(5). The reports shall meet the following requirements:
  - 1. Semi-annual report. The semi-annual report shall be submitted to the Director within 30 days of the end of each reporting period. This report shall contain the following information:
    - a. The identification of owner and operator and the permit number.
    - b. Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to subsection (L)(1).
    - c. All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.
    - d. A list of any emissions units modified or added to the major source during the preceding six-month period.
    - e. The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.
    - f. A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by subsection (K)(7).
    - g. A certification by the responsible official consistent with R18-2-304(I).
  - 2. Deviation report. The major source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL permit requirements, including periods where no monitoring is available, in accordance with R18-2-306(A)(5). The reports shall contain the following information:
    - a. The identification of owner and operator and the permit number,
    - b. The PAL permit requirement that experienced the deviation or that was exceeded,
    - c. Emissions resulting from the deviation or the exceedance, and
    - d. A certification by the responsible official consistent with R18-2-304(I).
  - 3. Re-validation results. The owner or operator shall submit to the Director the results of any re-validation test or method within three months after completion of such test or method.

**Historical Note**

New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

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## ARTICLE 5. GENERAL PERMITS

**R18-2-501. Applicability**

- A. The Director may issue general permits for a facility class that contains 10 or more facilities that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping. "Similar in nature" refers to facility size, processes, and operating conditions.
- B. The Director may issue general permits, in accordance with subsection (A), with emission limitations, controls, or other requirements that meet the requirements of R18-2-306.01. A source that seeks to vary from such a general permit, and obtain an emission limitation, control, or other requirement not contained in that general permit, shall apply for a permit pursuant to Article 3 of this Chapter.
- C. General permits shall not be issued for affected sources except as provided in regulations promulgated by the Administrator under Title IV of the Act.
- D. Unless otherwise stated, the provisions of Article 3 shall apply to general permits.

**Historical Note**

Former Section R18-2-501 renumbered to R18-2-502, new Section R18-2-501 adopted effective September 26, 1990 (Supp. 90-3). Former Section R18-2-501 renumbered to R18-2-701; new Section adopted effective November 15, 1993 (Supp. 93-4). Amended effective August 1, 1995 (Supp. 95-3).

**R18-2-502. General Permit Development**

- A. The Director may issue a general permit on the Director's own initiative or in response to a petition.
- B. Any person may submit a petition to the Director requesting the issuance of a general permit for a defined class of facilities. The petition shall propose a particular class of facilities, and list the approximate number of facilities in the proposed class along with their size, processes, and operating conditions, and demonstrate how the class meets the criteria for a general permit as specified in R18-2-501 and A.R.S. § 49-426(H). The Director shall provide a written response to the petition within 120 days of receipt.
- C. General permits shall be issued for classes of facilities using the same engineering principles that applies to permits for individual sources and following the public notice requirements of R18-2-504.
- D. General permits shall include all of the following:
  - 1. All elements required by R18-2-306(A) except R18-2-306(A)(2)(b) and (6).
  - 2. The process for individual sources to apply for coverage under the general permit.
- E. General permits may include conditions imposed under R18-2-515.

**Historical Note**

Former Section R9-3-501 repealed, new Section R9-3-501 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (D) effective June 19, 1981 (Supp. 81-3). Amended subsections (C) and (D) effective February 2, 1982 (Supp. 82-1). Amended subsection (D) effective May 25, 1982 (Supp. 82-3). Former Section R9-3-501 renumbered without change as Section R18-2-501 (Supp. 87-3). Former Section R18-2-502 repealed, new Section

R18-2-502 renumbered from R18-2-501 and amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-502 renumbered to R18-2-702; new Section R18-2-502 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-503. Application for Coverage under General Permit**

- A. Once the Director has issued a general permit, any source which is a member of the class of facilities covered by the general permit may apply to the Director for authority to operate under the general permit. At the time the Director issues a general permit, the Director may also establish a specific application form with filing instructions for sources in the category covered by the general permit. Applicants shall complete the specific application form or, if a specific form has not been adopted, the standard application form provided under R18-2-304(B). The specific application form shall, at a minimum, require the applicant to submit the following information:
  - 1. Information identifying and describing the source, its processes, and operating conditions in sufficient detail to allow the Director to determine qualification for, and to assure compliance with, the general permit.
  - 2. A compliance plan that meets the requirements of R18-2-514.
- B. For sources required to obtain a permit under Title V of the Act, the Director shall provide the Administrator with a permit application summary form and any relevant portion of the permit application and compliance plan. To the extent possible, this information shall be provided in computer-readable format compatible with the Administrator's national database management system.
- C. The Director shall act on the application for coverage under a general permit as expeditiously as possible. The source may operate under the terms of the applicable general permit during that time. The Director may defer acting on an application under this subsection (if) the Director has provided notice of intent to renew or not renew the permit.
- D. The Director shall deny an application for coverage from any Class I source that is subject to case-by-case standards or requirements.
- E. Upon notification from the Director of the availability of a web portal to apply for and obtain a general permit, an applicant shall file all applications and conduct all transactions related to the general permit through the portal.

**Historical Note**

Former Section R9-3-503 repealed, new Section R9-3-503 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (C), paragraph (6) effective June 19, 1981 (Supp. 81-3). Amended subsection (C) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-503 renumbered without change as Section R18-2-503 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-503 renumbered to R18-2-703; new Section R18-2-503 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-504. Public Notice**

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- A. This Section applies to issuance, revision, or renewal of a general permit.
- B. The Director shall provide public notice for any proposed new general permit, for any revision of an existing general permit, and for renewal of an existing general permit.
- C. The Director shall publish notice of the proposed general permit once each week for two consecutive weeks in a newspaper of general circulation in each county and shall provide at least 30 days from the date of the first notice for public comment. The notice shall describe the following:
1. The proposed permit;
  2. The category of sources that would be affected;
  3. The air contaminants which the Director expects to be emitted by a typical facility in the class and the class as a whole;
  4. The Director's proposed actions and effective date for the actions;
  5. Locations where documents relevant to the proposed permit will be available during normal business hours;
  6. The name, address, and telephone number of a person within the Department who may be contacted for further information;
  7. The address where any person may submit comments or request a public hearing and the date and time by which comments or a public hearing request are required to be received;
  8. The process by which sources may obtain authorization to operate under the general permit.
- D. A copy of the notice required by subsection (C), shall be sent to the Administrator through the appropriate regional office, and to all other state and local air pollution control agencies in the state. The notice shall also be sent to any other agency in the state having responsibility for implementing the procedures required under 40 CFR 51, I. For general permits under which operation may be authorized in lieu of Class I permits, the Director shall provide the proposed final permit to the Administrator after public and affected state review. No Class I permit shall be issued if the Administrator properly objects to its issuance in writing within 45 days from receipt of the proposed final permit and any necessary supporting information from the Director.
- E. By no later than the date notice is first published under subsection (A), the Department shall make copies of the following materials available at a public location in each county and at each Department office:
1. The proposed general permit;
  2. The Department's analysis in support of the grant of the general permit;
  3. All other materials available to the Director that are relevant to the permit decision.
- F. Written comments to the Director shall include the name of the person and the person's agent or attorney and shall clearly set forth reasons why the general permit should or should not be issued pursuant to the criteria for issuance in A.R.S. §§ 49-426 and 49-427 and this Chapter.
- G. At the time a general permit is issued, the Director shall make available a response to all relevant comments on the proposed permit raised during the public comment period and during any requested public hearing. The response shall specify which provisions, if any, of the proposed permit have been changed and the reason for the changes. The Director shall also notify in writing any petitioner and each person who has submitted written comments on the proposed general permit or requested notice of the final permit decision.

**Historical Note**

Former Section R9-3-504 repealed, new Section R9-3-504 adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-504 renumbered without change as Section R18-2-504 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-504 renumbered to R18-2-704; new Section R18-2-504 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-505. General Permit Renewal**

- A. The Director shall review and may renew general permits every five years. A source's authorization to operate under a general permit shall coincide with the term of the general permit regardless of when the authorization began during the five-year period, except as provided in R18-2-510(C). In addition to the public notice required to issue a proposed permit under R18-2-504, the Director shall notify in writing all sources who have been granted, or who have applications pending for, authorization to operate under the permit. The written notice shall describe the source's duty to reapply and may include requests for information required under the proposed permit.
- B. At the time a general permit is renewed, the Director shall notify in writing all sources who were granted coverage under the previous permit and shall require them to submit a timely renewal application. For purposes of general permits, a timely application is one that is submitted within the time-frame specified by the Director in the written notification. Until such time that a timely application is submitted, the source shall continue to comply with the previously issued general permit coverage. Upon submittal of a timely application, the source shall comply with the renewed permit. Failure to submit a timely application terminates the source's right to operate.

**Historical Note**

Former Section R9-3-1007 renumbered effective January 13, 1976 (Supp. 76-1). Former Section R9-3-505 repealed, new Section R9-3-505 adopted effective May 14, 1979 (Supp. 79-1). Editorial corrections, subsection (B), paragraph (5), and subsection (D), paragraph (1), subparagraph (d) (Supp. 80-2). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (B) effective May 28, 1982 (Supp. 82-3). Amended subsection (B) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-505 renumbered without change as Section R18-2-505 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-505 renumbered to R18-2-705; new Section R18-2-505 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-506. Relationship to Individual Permits**

Any source covered under a general permit may request to be excluded from coverage by applying for an individual source permit. Coverage under the general permit shall terminate on the date the individual permit is issued.

**Historical Note**

Former Section R9-3-1008 renumbered effective January 13, 1976 (Supp. 76-1). Former Section R9-3-506 repealed, new Section R9-3-506 adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980

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(Supp. 80-4). Amended subsection (C), paragraph (1) effective June 19, 1981 (Supp. 81-3). Former Section R9-3-506 renumbered without change as Section R18-2-506 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-506 renumbered to R18-2-706; new Section R18-2-506 adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-507. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-507 renumbered without change as Section R18-2-507 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-507 renumbered to R18-2-707; new Section R18-2-507 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Repealed by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-508. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (B) effective May 28, 1982 (Supp. 82-3). Amended subsection (B) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-508 renumbered without change as Section R18-2-508 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-508 renumbered to R18-2-708; new Section R18-2-508 adopted effective November 15, 1993 (Supp. 93-4). Repealed by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-509. General Permit Appeals**

Any person who filed a comment on a proposed general permit as provided in R18-2-504 may appeal the terms and conditions of the general permit, as they apply to the facility class covered under a general permit, by filing an appeal with the Office of Administrative Hearings within 30 days after receipt of notice that the general permit has been issued.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-509 renumbered without change as Section R18-2-509 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-509 renumbered to R18-2-709; new Section R18-2-509 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 12 A.A.R. 4698, effective February 3, 2007 (Supp. 06-4).

**R18-2-510. Terminations of General Permits and Revocations of Authority to Operate under a General Permit**

- A. The Director may terminate a general permit at any time if:
1. The Director has determined that the emissions from the sources in the facility class cause or contribute to ambient air quality standard violations which are not adequately addressed by the requirements in the general permit, or
  2. The Director has determined that the terms and conditions of the general permit no longer meet the requirements of A.R.S. §§ 49-426 and 49-427.

- B. The Director shall provide written notice to all sources operating under a general permit prior to termination of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within 180 days of receipt of the notice of the expiration, termination or cancellation of any general permit, sources notified shall submit an application to the Director for an individual permit.
- C. The Director may require a source authorized to operate under a general permit to apply for and obtain an individual source permit at any time if the source is not in compliance with the terms and conditions of the general permit.
- D. If the Director revokes a source's authority to operate under a general permit pursuant to subsection (C), the Director shall notify the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation of authority and a statement that the permittee is entitled to a hearing. A source previously authorized to operate under a general permit may operate under the terms of the general permit until the earlier of the date it submits a complete application for an individual permit, at which time it may operate under that application, or 180 days after receipt of the notice of revocation of authority to operate under the general permit.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsections (E)(3) and (E)(4) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-510 renumbered without change as Section R18-2-510 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-510 renumbered to R18-2-710; new Section R18-2-510 adopted effective November 15, 1993 (Supp. 93-4).

**R18-2-511. Fees Related to General Permits**

- A. Permit Processing Fee. The owner or operator of a source that applies for authority to operate under a general permit shall pay to the Director \$500 with the submittal of each application. This fee applies to the owner or operator of any source who intends to continue operating under the authority of a general permit that has been proposed for renewal. This fee also applies to requests for new Authorizations to Operate (ATOs) for new equipment.
- B. Administrative or Inspection Fee. The owner or operator of a source required to have a general permit, that has undergone initial startup by January 1, shall pay, for each calendar year, the applicable administrative or inspection fee from the table below, by February 1 or 60 days after the Director mails the invoice, whichever is later.

General Permit Source Category	Administrative Fee
Class I Title V General Permits	Administrative fee for category from R18-2-326(C)
Class II Title V Small Source	\$750
Other Class II Title V General Permits	\$4,520
	<b>Inspection Fee</b>
Class II Non-Title V Crematories	\$1,500
Other Class II Non-Title V General Permits	\$3,020

**Historical Note**

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Former Section R18-2-511 renumbered to R18-2-711; new Section R18-2-511 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 5670, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 10 A.A.R. 4767, effective November 4, 2004 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 4379, effective December 4, 2007 (Supp. 07-4).

**R18-2-512. Changes to Facilities Granted Coverage under General Permits**

- A. This Section applies to changes made at a facility that has been granted coverage under a general permit.
- B. Facility Changes that Require New Authorization to Operate. The following changes at a source that has been granted coverage under a general permit shall be made only after the source requests new authorization to operate from the Director:
  1. Adding new emissions units that require new authorization to operate,
  2. Installing replacement emissions units that require authorization to operate.
- C. Facility Changes that Do Not Require Authorization to Operate. The following changes at a source that has been granted coverage under a general permit shall be made only after the source provides notification to the Department:
  1. Adding new emissions units that do not require authorization to operate,
  2. Installing a replacement emissions unit with a higher capacity that does not require authorization to operate,
  3. Adding or replacing air pollution control equipment.
- D. A source that has been granted coverage under a general permit shall keep a record of any physical change or change in the method of operation that could affect emissions. The record shall include a description of the change and the date the change occurred.
- E. For sources that submit a request or notification under subsections (B) or (C), the applicant shall provide information identifying and describing the source, its processes, and operating conditions in sufficient detail to allow the Director to determine continued qualification for, and to assure compliance with, the general permit. The Director shall act on a request for new authority to operate under a general permit as expeditiously as possible. The source may operate under the terms of the applicable general permit during that time.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-512 renumbered without change as Section R18-2-512 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-712 effective November 15, 1993 (Supp. 93-4). New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-513. Portable Sources Covered under a General Permit**

- A. This Section applies to sources that have been granted coverage under a general permit that allows for the operation of a source at more than one location.
- B. General permits developed by the Director for portable sources shall contain conditions that assure compliance with all applicable requirements at all authorized locations.

- C. Owners and operators that hold multiple coverages under the same general permit:
  1. Shall have separate coverage under the general permit for each location at which each portable source operates.
  2. Until the Director notifies permittees of the availability of a web portal under R18-2-503(E), may move equipment between portable sources without obtaining a new authorization to operate. At no time shall an owner or operator move equipment to a portable source if the move would cause emissions from the portable source to exceed emission limitations in the general permit. Equipment from a portable source covered by one general permit shall not be moved to a portable source covered by a different general permit, unless the owner or operator obtains a new authorization to operate under the general permit covering the new location.
  3. After the Director notifies permittees of the availability of a web portal under R18-2-503(E), must use the portal to obtain authorizations to operate for each location at which the equipment will operate.

- D. A portable source that will operate for the duration of its permit solely in one county that has established a local air pollution control program pursuant to A.R.S. § 49-479 shall obtain a permit from that county. A portable source with a county permit shall not operate in any other county. A portable source that has been granted coverage under a general permit that subsequently obtains a county permit shall request that the Director terminate the coverage under the general permit. Upon issuance of the county permit, the coverage under the general permit issued by the Director is no longer valid.

- E. A portable source which has a county permit but proposes to operate outside that county may obtain coverage under a general permit from the Director. A portable source that has a permit issued by a county and obtains coverage under a general permit issued by the Director shall request that the county terminate the permit. Upon issuance of coverage under a general permit by the Director, the county permit is no longer valid. Before commencing operation in the new county, the source shall notify the Director and the control officer who has jurisdiction in the county that includes the new location according to subsection (F).

- F. A portable source granted coverage under a general permit may be transferred from one location to another provided that the owner or operator of the portable source notifies the Director and any control officer who has jurisdiction over the geographic area that includes the new location of the transfer prior to the transfer. The notification required under this subsection (shall) include:
  1. A description of the equipment to be transferred including the permit number and as appropriate the Authorization-to-Operate number for each piece of equipment;
  2. A description of the present location;
  3. A description of the new location;
  4. The date on which the equipment is to be moved;
  5. The date on which operation of the equipment will begin at the new location;
  6. A complete list of all equipment requiring authorization to operate that may be located at the new location; and
  7. Revised emissions calculations demonstrating that the equipment at the new location continues to qualify for the general permit under which the portable source has coverage.

**Historical Note**

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Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (A), paragraph (2) (Supp. 80-2). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-513 renumbered without change as Section R18-2-513 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-713 effective November 15, 1993 (Supp. 93-4). New Section made by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-514. General Permit Compliance Certification**

- A. A compliance certification submitted by the owner or operator of a stationary source covered by a general permit shall be on a form provided by the Director and shall include the following information:
1. The source's name, mailing address, contact person and contact person phone number, permit number, compliance reporting period, and physical address and location, if different than the mailing address.
  2. A certification of truth, accuracy, and completeness signed by the facility's responsible officer.
  3. Process information for the source, including design capacity, operations schedule, hours of operation, and total production.
  4. Method of documenting compliance and the status of compliance with all recordkeeping, reporting, monitoring, and testing requirements and all emission limitations and standards imposed in the permit.
- B. Upon notification from the Director of the availability of a web portal to complete and submit a compliance certification, the owner or operator shall complete and submit all compliance certifications through the portal.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-514 renumbered without change as Section R18-2-514 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-714 effective November 14, 1993 (Supp. 93-4). New Section made by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-515. Minor NSR in General Permits**

- A. A general permit may include emission standards designed to assure that a stationary source covered by the permit will comply with minor new source review under R18-2-334(C). The emission standards may consist of any combination of the following:
1. Limits designed to assure that emissions from a stationary source that is a member of the class of facilities covered by the permit will not interfere with attainment or maintenance of a NAAQS.
  2. Limits imposing reasonably available control technology.
- B. Except as provided in subsection (C), if a general permit includes emission standards under subsection (A), then any stationary source that is a member of the class of facilities covered by the permit or any minor NSR modification to such a source may comply with R18-2-334 by obtaining coverage under the permit.

- C. An owner or operator seeking coverage under a general permit in order to obtain authorization to construct or make a minor NSR modification to a stationary source shall instead apply for an individual permit, if the Department determines there is reason to believe the source or modification could interfere with attainment or maintenance of any national ambient air quality standard. In making this determination, the Department:
1. Shall consider the factors in R18-2-334(E)(1) to (6).
  2. Shall consider whether the dispersion characteristics of the source are likely to result in higher ambient concentrations of a conventional pollutant than the modeling assumptions used to establish an emission standard under subsection (A)(1).
  3. May apply a screening model to the source's emissions.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Section R9-3-515 will be repealed and new Section R9-3-515 adopted effective following the adoption of Article 7. Nonferrous Smelter Orders, filed September 18, 1979 for public hearing (Supp. 79-5). Section R9-3-515 adopted effective May 14, 1979, amended effective October 2, 1979 (Supp. 79-5). Article 7. Nonferrous Smelter Orders adopted effective January 8, 1980. Section R9-3-515 filed September 18, 1979 for public hearing and effective following the adoption of Article 7 now amended and effective January 8, 1980 (Supp. 80-1). Amended as an emergency effective March 6, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-2). Emergency adoption effective March 6, 1980 now adopted and amended effective July 9, 1980. Amended subsection (C), paragraph (1) effective August 29, 1980 (Supp. 80-4). Amended as an emergency effective October 9, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 9, 1980, now adopted and amended effective June 19, 1981 (Supp. 81-3). Amended subsection (B), paragraph (1) effective February 2, 1982 (Supp. 82-1). Amended effective May 25, 1982 (Supp. 82-3). Amended subsections ((C)(3) and (C)(5) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-515 renumbered without change as Section R18-2-515 (Supp. 87-3). Section amended and subsections (C)(1)(h) through (C)(7) renumbered to R18-2-515.01 and subsections (C)(8) through (C)(9) renumbered to R18-2-515.02 effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-715 effective November 15, 1993 (Supp. 93-4). New Section made by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**R18-2-515.01. Renumbered****Historical Note**

Section R18-2-515.01 renumbered from R18-2-515(C)(1)(h) through (C)(7) and amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-715.01 effective November 15, 1993 (Supp. 93-4).

**R18-2-515.02. Renumbered****Historical Note**

R18-2-515.02 renumbered from R18-2-515(C)(8) through (C)(9) and amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-715.02 effective November 15, 1993 (Supp. 93-4).

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**R18-2-516. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-4). Former Section R9-3-516 renumbered without change as Section R18-2-516 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-716 effective November 15, 1993 (Supp. 93-4).

**R18-2-517. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (C), paragraph (1) (Supp. 80-1). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-517 renumbered without change as Section R18-2-517 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-2). Renumbered to R18-2-717 effective November 15, 1993 (Supp. 93-4).

**R18-2-518. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended effective September 22, 1983 (Supp. 83-4). Former Section R9-3-518 renumbered without change as Section R18-2-518 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-718 effective November 15, 1993 (Supp. 93-4).

**R18-2-519. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Editorial correction, subsection (A), paragraph (1) (Supp. 80-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-519 renumbered without change as Section R18-2-519 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-719 effective November 15, 1993 (Supp. 93-4).

**R18-2-520. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Editorial correction, subsection (A), paragraph (1) (Supp. 80-2). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-520 renumbered without change as Section R18-2-520 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-720 effective November 15, 1993 (Supp. 93-4).

**R18-2-521. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-521 renumbered without change as Section R18-2-521 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-721 effective November 15, 1993 (Supp. 93-4).

**R18-2-522. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective May 28, 1982 (Supp. 82-3). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-522 renumbered without change as Section R18-2-522 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-722 effective November 15, 1993 (Supp. 93-4).

**R18-2-523. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-523 renumbered without change as Section R18-2-523 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-2). Renumbered to R18-2-723 effective November 15, 1993 (Supp. 93-4).

**R18-2-524. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Amended subsection (A) effective September 22, 1983 (Supp. 83-5). Former Section R9-3-524 renumbered without change as Section R18-2-524 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-724 effective November 15, 1993 (Supp. 93-4).

**R18-2-525. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Editorial correction, subsection (B) (Supp. 79-6). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-525 renumbered without change as Section R18-2-525 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-725 effective November 15, 1993 (Supp. 93-4).

**R18-2-526. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-526 renumbered without change as Section R18-2-526 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-726 effective November 15, 1993 (Supp. 93-4).

**R18-2-527. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-527 renumbered without change as Section R18-2-527 (Supp. 87-3). Amended effective September

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26, 1990 (Supp. 90-3). Renumbered to R18-2-727 effective November 15, 1993 (Supp. 93-4).

**R18-2-528. Renumbered****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Former Section R9-3-528 renumbered without change as Section R18-2-528 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-728 effective November 15, 1993 (Supp. 93-4).

**R18-2-529. Renumbered****Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Former Section R9-3-529 renumbered without change as Section R18-2-529 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-729 effective November 15, 1993 (Supp. 93-4).

**R18-2-530. Renumbered****Historical Note**

Adopted effective September 26, 1990 (Supp. 90-3). Renumbered to R18-2-730 effective November 15, 1993 (Supp. 93-4).

**ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES****R18-2-601. General**

For purposes of this Article, any source of air contaminants which due to lack of an identifiable emission point or plume cannot be considered a point source, shall be classified as a nonpoint source. In applying this criteria, such items as air-curtain destructors, heater-planners, and conveyor transfer points shall be considered to have identifiable plumes. Any affected facility subject to regulation under Article 7 of this Chapter or Title 18, Chapter 2, Article 9, shall not be subject to regulation under this Article.

**Historical Note**

Former Section R9-3-601 repealed, new Section R9-3-601 adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-601 renumbered without change as Section R18-2-601 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-601 renumbered to R18-2-801, new Section R18-2-601 renumbered from R18-2-401 and amended effective November 15, 1993 (Supp. 93-4). Section updated to reflect corrected citation reference (Supp. 08-1).

**R18-2-602. Unlawful Open Burning**

A. In addition to the definitions contained in A.R.S. § 49-501, in this Section:

1. "Agricultural burning" means burning vegetative materials related to producing and harvesting crops and raising animals for the purpose of marketing for profit, or providing a livelihood, but does not include burning of household waste or prohibited materials. A person may conduct agricultural burns in fields, piles, ditch banks, fence rows, or canal laterals for purposes such as weed control, waste disposal, disease and pest prevention, or site preparation.
2. "Approved waste burner" means an incinerator constructed of fire resistant material with a cover or screen that is closed when in use, and has openings in the sides or top no greater than 1 inch in diameter.

3. "Class I Area" means any one of the Arizona mandatory federal Class I areas defined in A.R.S. § 49-401.01.
4. "Construction burning" means burning wood or vegetative material from land clearing, site preparation, or fabrication, erection, installation, demolition, or modification of any buildings or other land improvements, but does not include burning household waste or prohibited material.
5. "Dangerous material" means any substance or combination of substances that is capable of causing bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner.
6. "Delegated authority" means any of the following:
  - a. A county, city, town, air pollution control district, or fire district that has been delegated authority to issue open burning permits by the Director under A.R.S. § 49-501(E); or
  - b. A private fire protection service provider that has been assigned authority to issue open burning permits by one of the authorities in subsection (A)(6)(a).
7. "Director" means the Director of the Department of Environmental Quality, or designee.
8. "Emission reduction techniques" means methods for controlling emissions from open outdoor fires to minimize the amount of emissions output per unit of area burned.
9. "Flue," as used in this Section, means any duct or passage for air or combustion gases, such as a stack or chimney.
10. "Household waste" means any solid waste including garbage, rubbish, and sanitary waste from a septic tank that is generated from households including single and multiple family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas, but does not include construction debris, landscaping rubble, or demolition debris.
11. "Independent authority to permit fires" means the authority of a county to permit fires by a rule adopted under Arizona Revised Statutes, Title 49, Chapter 3, Article 3, and includes only Maricopa, Pima, and Pinal counties.
12. "Open outdoor fire or open burning" means the combustion of material of any type, outdoors and in the open, where the products of combustion are not directed through a flue. Open outdoor fires include agricultural, residential, prescribed, and construction burning, and fires using air curtain destructors.
13. "Prohibited materials" means nonpaper garbage from the processing, storage, service, or consumption of food; chemically treated wood; lead-painted wood; linoleum flooring, and composite counter-tops; tires; explosives or ammunition; oleanders; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products, such as waste crankcase oil, transmission oil, and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury, or arsenic compounds.
14. "Residential burning" means open burning of vegetative materials conducted by or for the occupants of residential



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dwellings, but does not include burning household waste or prohibited material.

15. "Prescribed burning" has the same meaning as in R18-2-1501.

**B.** Unlawful open burning. Notwithstanding any other rule in this Chapter, a person shall not ignite, cause to be ignited, permit to be ignited, allow, or maintain any open outdoor fire in a county without independent authority to permit fires except as provided in A.R.S. § 49-501 and this Section.

**C.** Open outdoor fires exempt from a permit. The following fires do not require an open burning permit from the Director or a delegated authority:

1. Fires used only for:
  - a. Cooking of food,
  - b. Providing warmth for human beings,
  - c. Recreational purposes,
  - d. Branding of animals,
  - e. Orchard heaters for the purpose of frost protection in farming or nursery operations, and
  - f. The proper disposal of flags under 4 U.S.C. 1, § 8.
2. Any fire set or permitted by any public officer in the performance of official duty, if the fire is set or permission given for the following purpose:
  - a. Control of an active wildfire; or
  - b. Instruction in the method of fighting fires, except that the person setting these fires must comply with the reporting requirements of subsection (D)(3)(f).
3. Fire set by or permitted by the Director of Department of Agriculture for the purpose of disease and pest prevention in an organized, area-wide control of an epidemic or infestation affecting livestock or crops.
4. Prescribed burns set by or assisted by the federal government or any of its departments, agencies, or agents, or the state or any of its agencies, departments, or political subdivisions, regulated under Article 15 of this Chapter.

**D.** Open outdoor fires requiring a permit.

1. The following open outdoor fires are allowed with an open burning permit from the Director or a delegated authority:
  - a. Construction burning;
  - b. Agricultural burning;
  - c. Residential burning;
  - d. Prescribed burns conducted on private lands without the assistance of a federal or state land manager as defined under R18-2-1501;
  - e. Any fire set or permitted by a public officer in the performance of official duty, if the fire is set or permission given for the purpose of weed abatement, or the prevention of a fire hazard, unless the fire is exempt from the permit requirement under subsection (C)(3);
  - f. Open outdoor fires of dangerous material under subsection (E);
  - g. Open outdoor fires of household waste under subsection (F); and
  - h. Open outdoor fires that use an air curtain destructor, as defined in R18-2-101.
2. A person conducting an open outdoor fire in a county without independent authority to permit fires shall obtain a permit from the Director or a delegated authority unless exempted under subsection (C). Permits may be issued for a period not to exceed one year. A person shall obtain a permit by completing an ADEQ-approved application form.

3. Open outdoor fire permits issued under this Section shall include:

- a. A list of the materials that the permittee may burn under the permit;
- b. A means of contacting the permittee authorized by the permit to set an open fire in the event that an order to extinguish the open outdoor fire is issued by the Director or the delegated authority;
- c. A requirement that burns be conducted during the following periods, unless otherwise waived or directed by the Director on a specific day basis:
  - i. Year-round: ignite fire no earlier than one hour after sunrise; and
  - ii. Year-round: extinguish fire no later than two hours before sunset;
- d. A requirement that the permittee conduct all open burning only during atmospheric conditions that:
  - i. Prevent dispersion of smoke into populated areas;
  - ii. Prevent visibility impairment on traveled roads or at airports that result in a safety hazard;
  - iii. Do not create a public nuisance or adversely affect public safety;
  - iv. Do not cause an adverse impact to visibility in a Class I area; and
  - v. Do not cause uncontrollable spreading of the fire;
- e. A list of the types of emission reduction techniques that the permittee shall use to minimize fire emissions.;
- f. A reporting requirement that the permittee shall meet by providing the following information in a format provided by the Director for each date open burning occurred, on either a daily basis on the day of the fire, or an annual basis in a report to the Director or delegated authority due on March 31 for the previous calendar year:
  - i. The date of each burn;
  - ii. The type and quantity of fuel burned for each date open burning occurred;
  - iii. The fire type, such as pile or pit, for each date open burning occurred; and
  - iv. For each date open burning occurred, the legal location, to the nearest section, or latitude and longitude, to the nearest degree minute, or street address for residential burns;
- g. A requirement that the person conducting the open burn notify the local fire-fighting agency or private fire protection service provider, if the service provider is a delegated authority, before burning. If neither is in existence, the person conducting the burn shall notify the state forester.;
- h. A requirement that the permittee start each open outdoor fire using items that do not cause the production of black smoke;
- i. A requirement that the permittee attend the fire at all times until it is completely extinguished;
- j. A requirement that the permittee provide fire extinguishing equipment on-site for the duration of the burn;
- k. A requirement that the permittee ensure that a burning pit, burning pile, or approved waste burner be at least 50 feet from any structure;

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- l. A requirement that the permittee have a copy of the burn permit on-site during open burning;
  - m. A requirement that the permittee not conduct open burning when an air stagnation advisory, as issued by the National Weather Service, is in effect in the area of the burn or during periods when smoke can be expected to accumulate to the extent that it will significantly impair visibility in Class I areas;
  - n. A requirement that the permittee not conduct open burning when any stage air pollution episode is declared under R18-2-220;
  - o. A statement that the Director, or any other public officer, may order that the burn be extinguished or prohibit burning during periods of inadequate smoke dispersion, excessive visibility impairment, or extreme fire danger; and
  - p. A list of the activities prohibited and the criminal penalties provided under A.R.S. § 13-1706.
4. The Director or a delegated authority shall not issue an open burning permit under this Section:
    - a. That would allow burning prohibited materials other than under a permit for the burning of dangerous materials;
    - b. If the applicant has applied for a permit under this Section to burn a dangerous material which is also hazardous waste under 40 CFR 261, but does not have a permit to burn hazardous waste under 40 CFR 264, or is not an interim status facility allowed to burn hazardous waste under 40 CFR 265; or
    - c. If the burning would occur at a solid waste facility in violation of 40 CFR 258.24 and the Director has not issued a variance under A.R.S. § 49-763.01.
- E.** Open outdoor fires of dangerous material. A fire set for the disposal of a dangerous material is allowed by the provisions of this Section, when the material is too dangerous to store and transport, and the Director has issued a permit for the fire. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(e) and (D)(3)(f). The Director shall permit fires for the disposal of dangerous materials only when no safe alternative method of disposal exists, and burning the materials does not result in the emission of hazardous or toxic substances either directly or as a product of combustion in amounts that will endanger health or safety.
- F.** Open outdoor fires of household waste. An open outdoor fire for the disposal of household waste is allowed by provisions of this Section when permitted in writing by the Director or a delegated authority. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(e) and (D)(3)(f). The permittee shall conduct open outdoor fires of household waste in an approved waste burner and shall either:
1. Burn household waste generated on-site on farms or ranches of 40 acres or more where no household waste collection or disposal service is available; or
  2. Burn household waste generated on-site where no household waste collection and disposal service is available and where the nearest other dwelling unit is at least 500 feet away.
- G.** Permits issued by a delegated authority. The Director may delegate authority for the issuance of open burning permits to a county, city, town, air pollution control district, or fire district. A delegated authority may not issue a permit for its own open burning activity. The Director shall not delegate authority to

issue permits to burn dangerous material under subsection (E). A county, city, town, air pollution control district, or fire district with delegated authority from the Director may assign that authority to one or more private fire protection service providers that perform fire protection services within the county, city, town, air pollution control district, or fire district. A private fire protection provider shall not directly or indirectly condition the issuance of open burning permits on the applicant being a customer. Permits issued under this subsection shall comply with the requirements in subsection (D)(3) and be in a format prescribed by the Director. Each delegated authority shall:

1. Maintain a copy of each permit issued for the previous five years available for inspection by the Director;
2. For each permit currently issued, have a means of contacting the person authorized by the permit to set an open fire if an order to extinguish open burning is issued; and
3. Annually submit to the Director by May 15 a record of daily burn activity, excluding household waste burn permits, on a form provided by the Director for the previous calendar year containing the information required in subsections (D)(3)(e) and (D)(3)(f).

**H.** The Director shall hold an annual public meeting for interested parties to review operations of the open outdoor fire program and discuss emission reduction techniques.

**I.** Nothing in this Section is intended to permit any practice that is a violation of any statute, ordinance, rule, or regulation.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Correction, subsection (C) repealed effective October 2, 1979, not shown (Supp. 80-1). Former Section R9-3-602 renumbered without change as Section R18-2-602 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-602 renumbered to R18-2-802, new Section R18-2-602 renumbered from R18-2-401 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

**R18-2-603. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-603 renumbered without change as Section R18-2-603 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-603 renumbered to R18-2-803, new Section R18-2-603 renumbered from R18-2-403 effective November 15, 1993 (Supp. 93-4). Repealed effective October 8, 1996 (Supp. 96-4).

**R18-2-604. Open Areas, Dry Washes, or Riverbeds**

- A.** No person shall cause, suffer, allow, or permit a building or its appurtenances, or a building or subdivision site, or a driveway, or a parking area, or a vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, without taking reasonable precautions to limit excessive amounts of particulate matter from becoming airborne. Dust and other types of air contaminants shall be kept to a minimum by good modern practices such as using an approved dust suppressant or adhesive soil stabilizer, paving, covering, landscaping, continuous wetting, detouring, barring access, or other acceptable means.

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- B.** No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, trucks, cars, cycles, bikes, or buggies, or by animals such as horses, without taking reasonable precautions to limit excessive amounts of particulates from becoming airborne. Dust shall be kept to a minimum by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means.
- C.** No person shall operate a motor vehicle for recreational purposes in a dry wash, riverbed or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional, educational, retail sales, hotel or business premises. For purposes of this subsection "motor vehicles" shall include, but not be limited to trucks, cars, cycles, bikes, buggies and 3-wheelers. Any person who violates the provisions of this subsection shall be subject to prosecution under A.R.S. § 49-463.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-604 renumbered without change as Section R18-2-604 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-604 renumbered to R18-2-804, new Section R18-2-604 renumbered from R18-2-404 and amended effective November 15, 1993 (Supp. 93-4).

**R18-2-605. Roadways and Streets**

- A.** No person shall cause, suffer, allow or permit the use, repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust suppressants, wetting down, detouring or by other reasonable means.
- B.** No person shall cause, suffer, allow or permit transportation of materials likely to give rise to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or covering the load, to prevent particulate matter from becoming airborne. Earth or other material that is deposited by trucking or earth moving equipment shall be removed from paved streets by the person responsible for such deposits.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-605 renumbered without change as Section R18-2-605 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-605 renumbered to R18-2-805, new Section R18-2-605 renumbered from R18-2-405 effective November 15, 1993 (Supp. 93-4).

**R18-2-606. Material Handling**

No person shall cause, suffer, allow or permit crushing, screening, handling, transporting or conveying of materials or other operations likely to result in significant amounts of airborne dust without taking reasonable precautions, such as the use of spray bars, wetting agents, dust suppressants, covering the load, and hoods to prevent excessive amounts of particulate matter from becoming airborne.

**Historical Note**

Section R18-2-606 renumbered from R18-2-406 effective November 15, 1993 (Supp. 93-4).

**R18-2-607. Storage Piles**

- A.** No person shall cause, suffer, allow, or permit organic or inorganic dust producing material to be stacked, piled, or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.
- B.** Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne.

**Historical Note**

Section R18-2-607 renumbered from R18-2-407 effective November 15, 1993 (Supp. 93-4).

**R18-2-608. Mineral Tailings**

No person shall cause, suffer, allow, permit construction of, or otherwise own or operate, mineral tailing piles without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as are approved by the Director.

**Historical Note**

Section R18-2-608 renumbered from R18-2-408, new Section R18-2-408 adopted effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 228, effective March 7, 2009 (Supp. 09-1).

**R18-2-609. Agricultural Practices**

A person shall not cause, suffer, allow, or permit the performance of agricultural practices outside the Phoenix and Yuma planning areas, as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210, including tilling of land and application of fertilizers without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.

**Historical Note**

Section R18-2-609 renumbered from R18-2-409 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2).

**R18-2-610. Definitions for R18-2-610.01, R18-2-610.02, and R18-2-610.03**

The definitions in R18-2-101 and the following definitions apply to R18-2-610.01, R18-2-610.02, and R18-2-610.03:

1. "Access restriction" means reducing PM emissions by reducing the number of trips driven on agricultural aprons and access roads by restricting or eliminating public access to noncropland or commercial farm roads with signs or physical obstruction at locations that effectively control access to the area.
2. "Aggregate cover" means reducing PM emissions and wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to noncropland or commercial farm roads. The aggregate should be clean, hard and durable, and should be applied and maintained to a depth sufficient to reduce PM emissions.
3. "Area A" means the area delineated according to A.R.S. § 49-541(1).
4. "Best management practice" (BMP) means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in

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- reducing PM emissions from a regulated agricultural activity.
5. "Cessation of Night Tilling" means the discontinuation of tillage from sunset to sunrise on a day identified by the Maricopa or Pinal County Dust Control Forecast as being high risk of dust generation.
  6. "Chemical irrigation" means reducing a minimum of one ground operation across a commercial farm by applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system, which reduces soil disturbance and increases efficiency of application.
  7. "Chips/ mulches" means reducing PM emissions and soil movement and preserving soil moisture by applying and maintaining nontoxic chemical or organic dust suppressants to a depth sufficient to reduce PM emissions. Materials shall meet all specifications required by federal, state, or local water agencies, and is not prohibited for use by any applicable regulations.
  8. "Combining tractor operations" means reducing soil compaction and a minimum of one tillage or ground operation across a commercial farm by using a tractor, implement, harvester, or other farming support vehicle to perform two or more tillage, cultivation, planting, or harvesting operations at the same time. If Equipment modification is also chosen as a BMP, and uses the same practices as described in this BMP, this action is considered one BMP.
  9. "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(O)(1)(f), or the Pinal County PM Nonattainment Area.
  10. "Commercial farm road" means a road that is unpaved, owned by a commercial farmer, and is used exclusively to service a commercial farm.
  11. "Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.
  12. "Committee" means the Governor's Agricultural Best Management Practices Committee as established by A.R.S. § 49-457.
  13. "Conservation Tillage" means a tillage system that reduces a minimum of three tillage operations. This system reduces soil and water loss by planting into existing plant stubble on the field after harvest as well as managing the stubble so that it remains intact during the planting season.
  14. "Cover crop" means establishing cover crops that maintain a minimum of 60 percent ground cover. Native or volunteer vegetation that meets the minimum ground cover requirement is acceptable. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).
  15. "Critical area planting" means reducing PM<sub>10</sub> emissions and wind erosion by planting trees, shrubs, vines, grasses, or other vegetative cover on noncropland in order to maintain at least 60 percent ground cover. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).
  16. "Cropland" means land on a commercial farm that:
    - a. Is within the time-frame of final harvest to plant emergence, but does not include tillage activities;
    - b. Has been tilled in a prior year and is suitable for crop production, but is currently fallow; or
    - c. Is a turn-row.
  17. "Cross-wind ridges" means stabilizing soil and reducing PM emissions and wind erosion by creating soil ridges in a commercial farm by tillage or planting operations. Ridges should be at least four inches in height, and be aligned as perpendicular as possible to the prevailing wind direction.
  18. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the Department shall consider all of the following:
    - a. Projected meteorological conditions, including:
      - i. Wind speed and direction,
      - ii. Stagnation,
      - iii. Recent precipitation, and
      - iv. Potential for precipitation;
    - b. Existing concentrations of air pollution at the time of the forecast; and
    - c. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
  19. "Equipment modification" means reducing PM emissions and soil erosion during tillage or ground operations by modifying and maintaining an existing piece of agricultural equipment, installing shielding equipment, modifying land planting and land leveling, matching the equipment to row spacing, or grafting to new varieties or technological improvements. If combining tractor operations is also chosen as a BMP, and uses the same practices as described in this BMP, this action is considered one BMP.
  20. "Fallow Field" means an area of land that is routinely cultivated, planted and harvested and is unplanted for one or more growing seasons or planting cycles, but is intended to be placed back in agricultural production.
  21. "Field Capacity" means the amount of water remaining in the soil two days after having been saturated and after free drainage has ceased.
  22. "Forage Crop" means a product grown for consumption by any domestic animal.
  23. "Genetically Modified" (GMO) means a living organism whose genetic material has been altered, changing one or more of its characteristics.
  24. "GPS: Global Position Satellite System" means using a satellite navigation system on farm equipment to calculate position in the field.
  25. "Green chop" means reducing soil compaction, soil disturbance and a minimum of one ground operation across a commercial farm by harvesting a Forage Crop without allowing it to dry in the field.
  26. "Ground operation" means an agricultural operation that is not a tillage operation, which involves equipment passing across the field. A ground operation includes harvest activities. A pass through the field may be a subset of a ground operation.
  27. "Harvest" means the time after planting up through harvest, including gathering mature crops from a commer-

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- cial farm, as well as all actions taken immediately after crop removal, such as cooling, sorting, cleaning, and packing.
28. "Integrated Pest Management" means reducing soil compaction and a minimum of one ground operation across a commercial farm for spraying by using a combination of techniques including organic, conventional, and biological farming practices to suppress pest problems.
  29. "Limited harvest activity" means performing no ground operations on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation.
  30. "Limited tillage activity" means performing no tillage operations on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation.
  31. "Maricopa PM nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
  32. "Multi-year crop" means reducing PM emissions from wind erosion and a minimum of one tillage and ground operation across a commercial farm, by protecting the soil surface by growing a crop, pasture, or orchard that is grown, or will be grown, on a continuous basis for more than one year.
  33. "Noncropland" means any commercial farm land that:
    - a. Is no longer used for agricultural production;
    - b. Is no longer suitable for production of crops;
    - c. Is subject to a restrictive easement or contract that prohibits use for the production of crops; or
    - d. Includes a ditch, or ditch bank, equipment yard, storage yard, or well head.
  34. "NRCS" means the Natural Resource Conservation Service.
  35. "Organic material cover" means reducing PM emissions and wind erosion and preserving soil moisture by applying and maintaining cover material such as animal waste or plant residue, to a soil surface to reduce soil movement. Material shall be evenly applied and maintained to a depth sufficient to reduce PM emissions and coverage should be a minimum of 70 percent.
  36. "Permanent cover" means reducing PM emissions and wind erosion by maintaining a long-term perennial vegetative cover on cropland that is temporarily not producing a major crop. Perennial species such as grasses and/or legumes shall be used to establish at least 60 percent cover. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).
  37. "Pinal County PM Nonattainment Area" means the West Pinal PM<sub>10</sub> planning area and the West Central PM<sub>2.5</sub> planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.
  38. "Plant stubble" means stubble on the soil surface, which insulates soil to reduce evaporation of moisture, and also protects the soil from wind and water erosion.
  39. "Planting based on soil moisture" means reducing PM emissions and wind erosion by applying water or having enough moisture in the soil to germinate the seed prior to planting. Soil must have a minimum soil moisture content of 60% of field capacity at planting depth. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions).
  40. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.
  41. "Precision Farming" means reducing the number of passes across a commercial farm by at least 12 inches per pass by using GPS to precisely guide farm equipment in the field.
  42. "Reduce vehicle speed" means reducing PM emissions and soil erosion from the operation of farm vehicles or farm equipment on noncropland or commercial farm roads at speeds not to exceed 15 mph. This can be achieved through installation of engine speed governors, signage, or speed control devices.
  43. "Reduced harvest activity" means reducing soil disturbance, soil and water loss, and the number of mechanical harvest passes by a minimum of one ground operation across a commercial farm, by means other than equipment modification or combining tractor operations.
  44. "Reduced tillage system" means reducing soil disturbance, soil and water loss, by using a single piece of equipment that reduces a minimum of three tillage operations, by means other than equipment modification or combining tractor operations.
  45. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(O)(1)(a) through (O)(1)(d).
  46. "Regulated area" means the regulated area as defined in A.R.S. § 49-457(O)(6).
  47. "Residue management" means reducing PM emissions and wind erosion by maintaining a minimum of 60 percent ground cover of crop and other plant residues on a soil surface between the time of harvest of one crop and the commencement of tillage for a new crop. Compliance shall be determined by the Line Transect Test Method, NRCS National Agronomy Manual, Subpart 503.51, Estimating Crop Residue Cover, amended through February 2011 (and no future editions).
  48. "Sequential cropping" means reducing PM emissions and wind erosion by growing crops in a sequence or close rotation that limits the amount of time bare soil is exposed on a commercial farm to 30 days or less.
  49. "Shuttle System/Larger Carrier" means reducing one out of every four trips across a commercial farm by using multiple or larger bins/trailers to haul commodity from the field.
  50. "Significant Agricultural Earth Moving Activities" means either leveling activities conducted on a commercial farm that disturb the soil more than 4 inches below the surface, or the creation, maintenance and relocation of: ditches, canals, ponds, irrigation lines, tailwater recovery systems (agricultural sumps) and other water conveyances, not to include activities performed on cropland for tillage, ground operations or harvest.
  51. "Silt content test method" means the test method as described in Appendix 2.

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52. "Stabilization of soil prior to plant emergence" means reducing PM emissions by applying water to soil prior to crop emergence in order to cause the soil to form a visible crust.
53. "Surface roughening" means reducing PM emissions or wind erosion by manipulating a soil surface by means such as rough discing or tillage in order to produce or maintain clods on the land surface. Compliance shall be determined by NRCS Practice Code 609, Surface Roughening, amended through November 2008 (and no future editions).
54. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on noncropland or commercial farm roads with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
55. "Tillage" means any mechanical practice that physically disturbs the soil, and includes preparation for planting, such as plowing, ripping, or discing.
56. "Tillage based on soil moisture" means reducing PM emissions by irrigating fields to the depth of the proposed cut prior to soil disturbances or conducting tillage to coincide with precipitation. Soil must have a minimum soil moisture content of 40-60% of field capacity at planting depth. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions).
57. "Timing of a tillage operation" means reducing wind erosion and PM emissions by performing tillage operations that minimize the amount of time within 45 days.
58. "Tillage operation" means an agricultural operation that mechanically manipulates the soil for the enhancement of crop production. Examples include discing or bedding. A pass through the field may be a subset of a tillage operation.
59. "Track-out control system" means minimizing any and all material that adheres to and agglomerates on all vehicles and equipment from noncropland or commercial farm roads or and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.
60. "Transgenic Crops" means reducing a minimum of one tillage or ground operation, the number of chemical spray applications, or soil disturbances by using plants that are genetically modified.
61. "Transplanting" means reducing a minimum of one ground operation across a commercial farm and minimizing soil disturbance by utilizing plants already in a growth state as compared to seeding.
62. "Unpaved vehicle or equipment traffic area" means any area of noncropland that is used for the fueling, servicing, receiving, transfer, parking or storing of equipment or vehicles.
63. "VDT" (Vehicle trips per day) means trips per day made by one vehicle, in one direction.
64. "Watering" means reducing PM emissions and wind erosion by applying water to noncropland or commercial farm road bare soil surfaces during periods of high traffic until the surfaces are visibly moist.
65. "Watering on a high risk day" means reducing PM emissions and wind erosion by applying water to commercial farm road bare soil surfaces until the surfaces are visibly moist, on a day forecast to be high risk for dust generation by the Maricopa or Pinal County Dust Control Forecast.
66. "Wind barrier" means reducing PM emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).

**Historical Note**

Former Section R18-2-610 renumbered to R18-2-612; new Section R18-2-610 adopted by final rulemaking at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2).

Amended by exempt rulemaking at 13 A.A.R. 4326, effective November 14, 2007 (Supp. 07-4). Amended by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4). Subsection (A) corrected at the request of the Department, Office File No. M12-133, filed April 5, 2012 (Supp. 11-4). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

Amended by final exempt rulemaking at 27 A.A.R. 2747 (November 26, 2021), with an immediate effective date of November 3, 2021 (Supp. 21-4).

**R18-2-610.01. Agricultural PM General Permit for Crop Operations; Maricopa County PM Nonattainment Area**

- A. A commercial farmer within the Maricopa County PM Nonattainment Area shall implement at least two best management practices from each category to reduce PM emissions.
- B. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions during tillage, harvest or ground operation activities:
  1. Chemical irrigation,
  2. Combining tractor operations,
  3. Equipment modification,
  4. Green Chop,
  5. Integrated Pest Management,
  6. Limited harvest activity,
  7. Limited tillage activity,
  8. Multi-year crop,
  9. Cessation of Night Tilling,
  10. Planting based on soil moisture,
  11. Precision Farming,
  12. Reduced harvest activity,
  13. Reduced tillage system,
  14. Tillage based on soil moisture,
  15. Timing of a tillage operation,
  16. Transgenic Crops,
  17. Transplanting,
  18. Shuttle System/Larger Carrier, or
  19. Conservation Tillage.

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- C. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from noncropland and commercial farm roads:
1. Access restriction,
  2. Aggregate cover,
  3. Wind barrier,
  4. Critical area planting,
  5. Organic material cover,
  6. Reduce vehicle speed,
  7. Synthetic particulate suppressant,
  8. Track-out control system, or
  9. Watering.
- D. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from cropland:
1. Wind barrier,
  2. Cover crop,
  3. Cross-wind ridges,
  4. Chips/mulches,
  5. Multi-year crop,
  6. Permanent cover,
  7. Stabilization of soil prior to plant emergence,
  8. Residue management,
  9. Sequential cropping, or
  10. Surface roughening.
- E. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions when conducting Significant Agricultural Earth Moving Activities as defined in R18-2-610:
1. Apply water prior to conducting Significant Agricultural Earth Moving Activities and/or time Significant Agricultural Earth Moving Activities to coincide with precipitation. Soil must have a minimum soil moisture content of 50% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  2. Apply water during Significant Agricultural Earth Moving Activities. Soil must have a minimum soil moisture content of 30% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  3. Limit activities on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation; or
  4. Conduct Significant Agricultural Earth Moving Activities in a manner to reduce a minimum of one ground operation across a commercial farm by using equipment that is the most efficient means of moving the soil.
- F. From and after December 31, 2015, a commercial farmer who engages in a regulated agricultural activity shall complete and maintain a Best Management Practices Program General Permit Record Form demonstrating compliance with this Section. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial farmer. The Best Management Practice Program General Permit Record Form shall include the following information:
1. The name of the commercial farmer, signature, and date signed;
  2. The mailing address or physical address of the commercial farm; and
  3. The best management practices selected for tillage, harvest, and ground operation activities, cropland, noncropland and commercial farm roads, and significant earth moving activities (if applicable).
- G. Records of any changes to the Best Management Practices identified in the most recently submitted Best Management Practices Program General Permit Record Form shall be kept by the commercial farmer onsite and made available for review by the Director within two business days of notice to the commercial farmer.
- H. A person may develop different practices to control PM emissions not contained in subsections (B), (C), (D), or (E) and may submit such practices that are proven effective through on-farm demonstration trials to the Committee. The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).
- I. A commercial farmer shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.
- J. The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM<sub>10</sub> general permit.
- K. A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- L. The Director shall document noncompliance with this Section before issuing a compliance order.
- M. A commercial farmer who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).
- Historical Note**
- New Section made by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4).  
Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).
- R18-2-610.02. Agricultural PM General Permit for Crop Operations; Moderate PM Nonattainment Areas, Designated After June 1, 2009**
- A. A commercial farmer within a PM Moderate Nonattainment Area, designated after June 1, 2009, shall implement at least one best management practice from each category to reduce PM emissions.
- B. A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions during tillage, harvest and ground operation activities:
1. Chemical irrigation,
  2. Combining tractor operations,
  3. Equipment modification,
  4. Green Chop,
  5. Integrated Pest Management,
  6. Limited harvest activity,
  7. Limited tillage activity,
  8. Multi-year crop,
  9. Cessation of Night Tilling,
  10. Planting based on soil moisture,
  11. Precision Farming,
  12. Reduced harvest activity,
  13. Reduced tillage system,

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14. Tillage based on soil moisture,
  15. Timing of a tillage operation,
  16. Transgenic Crops,
  17. Transplanting, or
  18. Shuttle System/Larger Carrier, or
  19. Conservation Tillage.
- C.** A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from noncropland and commercial farm roads:
1. Access restriction,
  2. Aggregate cover,
  3. Wind barrier,
  4. Critical area planting,
  5. Organic material cover,
  6. Reduce vehicle speed,
  7. Synthetic particulate suppressant,
  8. Track-out control system, or
  9. Watering.
- D.** A commercial farmer shall implement from the following best management practices, as described in subsection (A), to reduce PM emissions from cropland:
1. Wind barrier,
  2. Cover crop,
  3. Cross-wind ridges,
  4. Chips/mulches,
  5. Multi-year crop,
  6. Permanent cover,
  7. Stabilization of soil prior to plant emergence,
  8. Residue management,
  9. Sequential cropping, or
  10. Surface roughening.
- E.** A commercial farmer shall implement from the following best management practices, as described in subsection (A), when conducting Significant Agricultural Earth Moving Activities as defined in R18-2-610:
1. Apply water prior to conducting Significant Agricultural Earth Moving Activities and/or time Significant Agricultural Earth Moving Activities to coincide with precipitation. Soil must have a minimum soil moisture content of 50% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  2. Apply water during Significant Agricultural Earth Moving Activities. Soil must have a minimum soil moisture content of 30% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  3. Limit activities on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation; or
  4. Conduct Significant Agricultural Earth Moving Activities in a manner to reduce a minimum of one ground operation across a commercial farm by using equipment that is the most efficient means of moving the soil.
- F.** From and after December 31, 2015, a commercial farmer who engages in a regulated agricultural activity shall complete and maintain a Best Management Practices Program General Permit Record Form demonstrating compliance with this Section. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial farmer. The Best Management Practice Program General Permit Record Form shall include the following information:
1. The name of the commercial farmer, signature, and date signed;
  2. The mailing address or physical address of the commercial farm; and
  3. The best management practice selected for tillage, harvest and ground operation activities, cropland, noncropland and commercial farm roads, and significant earth moving activities (if applicable).
- G.** Records of any changes to the Best Management Practices shall be noted on the Best Management Practices Program General Permit Record Form and shall be kept by the commercial farmer onsite and made available for review by the Director within two business days of notice to the commercial farmer.
- H.** A person may develop different practices to control PM emissions not contained in subsections (B), (C), (D), or (E) and may submit such practices that are proven effective through on-farm demonstration trials to the Committee. The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).
- I.** A commercial farmer shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.
- J.** The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM general permit.
- K.** A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- L.** The Director shall document noncompliance with this Section before issuing a compliance order.
- M.** A commercial farmer who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

**Historical Note**

New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-610.03. Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area**

- A.** On the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of best management practices as described in subsections (B)(1)(b), (B)(2)(b), (B)(3)(b), (B)(4)(b), and (B)(5)(b).
- B.** On all days, a commercial farmer shall implement at least two best management practices from each category to reduce PM emissions, as described in subsections (1)(a), (2)(a), (3)(a), (4)(a), (5)(a), and (6). If a commercial farmer implements the Conservation tillage or Reduced tillage system best management practice for the tillage category, they do not have to implement a best management practice from the subsections (2)(a), (2)(b), (5)(a) and (5)(b).
1. Tillage:
    - a. A commercial farmer shall implement at least two of the following:
      - i. Combining tractor operations,
      - ii. Equipment modification,
      - iii. Multi-year crop,



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- iv. Cessation of night tilling,
  - v. Planting based on soil moisture,
  - vi. Precision farming,
  - vii. Tillage based on soil moisture,
  - viii. Timing of a tillage operation,
  - ix. Transgenic crops,
  - x. Transplanting,
  - xi. Reduced tillage system, or
  - xii. Conservation tillage.
  - b. Unless choosing limited tillage activity (subsection iv, below), on the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of at least one of the following:
    - i. Multi-year crop,
    - ii. Planting based on soil moisture,
    - iii. Tillage based on soil moisture,
    - iv. Limited tillage activity,
    - v. Reduced tillage system, or
    - vi. Conservation tillage.
2. Ground Operations and Harvest:
- a. A commercial farmer shall implement at least two of the following:
    - i. Combining tractor operations,
    - ii. Equipment modification,
    - iii. Chemical irrigation,
    - iv. Green chop,
    - v. Integrated pest management,
    - vi. Multi-year crop,
    - vii. Precision farming,
    - viii. Reduced harvest activity,
    - ix. Transgenic crops, or
    - x. Shuttle System/Larger Carrier.
  - b. Unless choosing limited harvest activity in subsection (iv), on the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of at least one of the following:
    - i. Green chop,
    - ii. Integrated pest management,
    - iii. Multi-year crop, or
    - iv. Limited harvest activity.
3. Noncropland:
- a. A commercial farmer shall implement at least two of the following best management practices:
    - i. Access restriction,
    - ii. Aggregate cover,
    - iii. Wind barrier,
    - iv. Critical area planting,
    - v. Organic material cover,
    - vi. Reduce vehicle speed,
    - vii. Synthetic particulate suppressant, or
    - viii. Watering.
  - b. Unless choosing watering on a high risk day in subsection (vi), on the day before and during a day forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, on a noncropland area that experiences more than 20 VDT from two or more axle vehicles, commercial farmer shall ensure implementation of at least one of the following best management practices:
    - i. Aggregate cover,
    - ii. Wind barrier,
    - iii. Critical area planting,
    - iv. Organic material cover,
    - v. Synthetic particulate suppressant, or
    - vi. Watering on a high risk day.
4. Commercial farm roads:
- a. A commercial farmer shall implement at least two of the following best management practices:
    - i. Access restriction,
    - ii. Reduce vehicle speed,
    - iii. Track-out control system,
    - iv. Aggregate cover,
    - v. Synthetic particulate suppressant,
    - vi. Watering, or,
    - vii. Organic material cover.
  - b. Unless choosing watering on a high risk day in subsection (vi), on the day before and during a day forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, on a road that experiences more than 20 VDT from two or more axle vehicles, a commercial farmer shall ensure implementation of at least one of the following best management practices:
    - i. Aggregate cover,
    - ii. Synthetic particulate suppressant,
    - iii. Wind barrier,
    - iv. Organic material cover,
    - v. Roads are stabilized as determined by the silt content test method,
    - vi. Watering on a high risk day.
5. Cropland:
- a. A commercial farmer shall implement at least two of the following best management practices, one from subsections (i) through (vii), and one from subsections (viii) through (xi), to reduce PM emissions from cropland:
    - i. Wind barrier,
    - ii. Cover crop,
    - iii. Cross-wind ridges,
    - iv. Chips/mulches,
    - v. Sequential cropping,
    - vi. Residue management,
    - vii. Surface roughening,
    - viii. Multi-year crop,
    - ix. Permanent cover, or
    - x. Stabilization of soil prior to plant emergence.
  - b. On the day before and during the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, a commercial farmer shall ensure implementation of at least one of the following:
    - i. Wind barrier,
    - ii. Cover crop,
    - iii. Cross-wind ridges,
    - iv. Chips/mulches,
    - v. Surface roughening,
    - vi. Multi-year crop,

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- vii. Permanent cover,
  - viii. Stabilization of soil prior to plant emergence, or
  - ix. Residue management.
- 6. Significant Agricultural Earth Moving Activities:
  - a. Apply water prior to conducting Significant Agricultural Earth Moving Activities and/or time Significant Agricultural Earth Moving Activities to coincide with precipitation. Soil must have a minimum soil moisture content of 50% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  - b. Apply water during Significant Agricultural Earth Moving Activities. Soil must have a minimum soil moisture content of 30% of field capacity. Compliance shall be determined by NRCS Estimating Soil Moisture by Feel and Appearance Method, amended through April 1998 (and no future editions);
  - c. Limit activities on a day identified by the Maricopa or Pinal County Dust Control Forecast to be high risk for dust generation; or
  - d. Conduct Significant Agricultural Earth Moving Activities in a manner to reduce a minimum of one ground operation across a commercial farm by using equipment that is the most efficient means of moving the soil.
- C. From and after December 31, 2015, a commercial farmer who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form demonstrating compliance with this rule. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial farmer. The Best Management Practice Program General Permit Record Form shall include the following information:
  - 1. The name of the commercial farmer, signature, and date signed.
  - 2. The mailing address or physical address of the commercial farm; and
  - 3. The following information for each best management practice selected for tillage, ground operations and harvest, cropland, noncropland, commercial farm roads, and significant earth moving activities (if applicable); and
  - 4. Any additional best management practices selected for high risk days as predicted by the Pinal County Dust Control Forecast.
- D. Beginning in calendar year 2017, and no more than once every subsequent three calendar years, the Director, in conjunction with the Arizona Department of Agriculture, shall provide the commercial farmer with a Best Management Practices Program Three-year Survey. The commercial farmer shall complete the Survey with data from the preceding calendar year and submit the Survey to the Arizona Department of Agriculture (ADA) by January 31, 2018, and every three years thereafter. The Survey information submitted to the ADA shall be compiled by the ADA without reference to a commercial farmer's name, shall aggregate the data from the Surveys received, and be submitted to the Department. The Three-year Survey shall include the following information:
  - 1. The name, business address, and phone number of the commercial farmer responsible for the preparation and implementation of the best management practices;
  - 2. The signature of the commercial farmer and the date the form was signed;
  - 3. The acreage of each crop type planted/growing during the calendar year that the survey is conducted;
  - 4. The total miles of commercial farm roads at the commercial farm;
  - 5. The total acreage of the noncropland at the commercial farm;
  - 6. The best management practices selected for tillage, ground operations and harvest, cropland, noncropland, commercial farm roads, and significant earth moving activities (if applicable); and
  - 7. Any additional best management practices selected for high risk days as predicted by the Pinal County Dust Control Forecast.
- E. Records of any changes to the Best Management Practices shall be noted on the Best Management Practices Program General Permit Record Form and shall be kept by the commercial farmer onsite and made available for review by the Director within two business days of notice to the commercial farmer.
- F. A person may develop different practices to control PM emissions not contained in subsections (B)(1) through (B)(6) and may submit such practices that are proven effective through on-farm demonstration trials to the Committee.
- G. A commercial farmer shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.
- H. The Director shall not assess a fee to a commercial farmer for coverage under the agricultural PM general permit.
- I. A commercial farmer shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- J. The Director shall document noncompliance with this Section before issuing a compliance order.
- K. A commercial farmer who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(J), (K), and (L).

**Historical Note**

New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 27 A.A.R. 2747 (November 26, 2021), with an immediate effective date of November 3, 2021 (Supp. 21-4).

**R18-2-611. Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03**

The definitions in R18-2-101 and the following definitions apply to R18-2-611.01, R18-2-611.02, and R18-611.03:

- 1. The following definitions apply to a commercial dairy operation, a commercial beef feedlot, a commercial poultry facility, and commercial swine facility:
  - a. "Animal waste handling and transporting" means the processes by which any animal excretions and mixtures containing animal excretions are collected and transported.
  - b. "Arenas, corrals and pens" means areas where animals are confined for the purposes of, but not limited to, feeding, displaying, safety, racing, exercising, or husbandry.

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- c. "Commercial animal operation" means a commercial dairy operation, a commercial beef feedlot, a commercial poultry facility, and a commercial swine facility, as defined in this Section.
- d. "Commercial animal operator" means an individual, entity, or joint operation in general control of a commercial animal operation.
- e. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the Department shall consider all of the following:
  - i. Projected meteorological conditions, including:
    - (1) Wind speed and direction,
    - (2) Stagnation,
    - (3) Recent precipitation, and
    - (4) Potential for precipitation;
  - ii. Existing concentrations of air pollution at the time of the forecast; and
  - iii. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
- f. "High traffic areas" means areas that experience more than 20 VDT from two or more axle vehicles.
- g. "Maricopa PM nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
- h. "Paved Public Road" means any paved roadways that are open to public travel and maintained by a City, County, State, or Federal entities.
- i. "Pinal County PM Nonattainment Area" means the West Pinal PM<sub>10</sub> planning area and the West Central PM<sub>2.5</sub> planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.
- j. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50, Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.
- k. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(O)(5).
- l. "Regulated area" means the regulated area as defined in A.R.S. § 49-457(O)(6).
- m. "Track-out control device" means minimizing any and all material that adheres to and agglomerates on all vehicles and equipment from unpaved access connections and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.
- n. "Unpaved access connections" means any unpaved road connection which connects to a paved public road.
- o. "Unpaved roads or feed lanes" means roads and feed lanes that are unpaved, owned by a commercial animal operator, and used exclusively to service a commercial animal operation.
- p. "Unpaved vehicle or equipment traffic area" means any area that is used for the fueling, servicing, receiving, transfer, parking or storing of equipment or vehicles.
- q. "VDT" (Vehicle trips per day) means trips per day made by one vehicle, in one direction.
- 2. The following definitions apply to a commercial dairy operation:
  - a. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
  - b. "Apply a fibrous layer" means reducing PM emissions and soil movement, and preserving soil moisture by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas. Material shall be consistently applied to a minimum depth of two inches above the soil surface and coverage should be a minimum of 70 percent.
  - c. "Bunkers" means below ground level storage systems for storing large amount of silage, which is covered with a plastic tarp.
  - d. "Calves" means young dairy stock under two months of age.
  - e. "Cement cattle walkways to milk barn" means reducing PM emissions by fencing pathways from the corrals to the milking barn, restricting dairy cattle to surfaces with concrete floors.
  - f. "Commercial dairy operation" means a dairy operation:
    - i. With more than 150 dairy cattle within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A or a PM nonattainment area designated after June 1, 2009, or
    - ii. With more than 50 dairy cattle within the boundary of the Pinal County PM Nonattainment Area.
  - g. "Cover manure hauling trucks" means reducing PM emissions by completely covering the top of the loaded area.
  - h. "Covers for silage" means reducing PM emissions and wind erosion by using large plastic tarps to completely cover silage.
  - i. "Do not run cattle" means reducing PM emissions by walking dairy cattle to the milking barn.
  - j. "Feed higher moisture feed to dairy cattle" means reducing PM emissions by feeding dairy cattle one or any combination of the following:
    - i. Add water to ration mix to achieve a 20% minimum moisture level,
    - ii. Add molasses or tallow to ration mix at a minimum of 1%,
    - iii. Add silage, or
    - iv. Add green chop.

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- k. "Feed green chop" means feeding high moisture feed that contains at least 30% moisture directly to dairy cattle.
  - l. "Groom manure surface" means reducing PM emissions and wind erosion by:
    - i. Flushing or vacuuming lanes daily,
    - ii. Scraping and harrowing pens on a weekly basis, and
    - iii. Removing manure every four months with equipment that leaves an even corral surface of compacted manure on top of the soil.
  - m. "Hutches" means raised, roofed enclosures that protect the calves from the elements.
  - n. "Pile manure between cleanings" means reducing PM emissions by collecting loose surface materials within the confines of the surface area of the occupied feed pen every two weeks.
  - o. "Provide cooling in corral" means reducing PM emissions by using cooling systems under the corral shades to reduce the ambient air temperature, thereby increasing stocking density in the cool areas of the corrals.
  - p. "Provide shade in corral" means reducing PM emissions by increasing stocking density and reducing animal movement by using a permanent structure, which provides at least 16 square feet per animal of shaded pen surface.
  - q. "Push equipment" means manure harvesting equipment pushed in front of a tractor.
  - r. "Silage" means fermented, high-moisture fodder that can be fed to ruminants, such as cattle and sheep; usually made from grass crops including corn, sorghum or other cereals, by using the entire green plant.
  - s. "Store and maintain feed stock" means reducing PM emissions and wind erosion by storing feed stock in a covered area where the commodity is surrounded on at least three sides by a structure.
  - t. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial dairy operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
  - u. "Use drag equipment to maintain pens" means reducing PM emissions by using manure equipment pulled behind a tractor instead of using push equipment, which avoids dust accumulation in floor depressions.
  - v. "Use free stall housing" means reducing PM emissions by enclosing one cow per stall, which are outfitted with concrete floors.
  - w. "Water misting systems" means reducing PM emissions from dry manure by using systems that project a cloud of very small water particles onto the manure surface, keeping the surface visibly moist.
  - x. "Wind barrier" means reducing PM<sub>10</sub> emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).
3. The following definitions apply to a commercial beef cattle feedlot:
- a. "Add moisture to pen surface" means reducing PM emissions and wind erosion by applying at least three to six gallons of water per head/per day in pens occupied by beef cattle.
  - b. "Add molasses or tallow to feed" means reducing PM emissions by adding molasses or tallow so that it equals three percent of the total ration.
  - c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
  - d. "Apply a fibrous layer in working areas" means reducing PM emissions and soil movement, and preserving soil moisture by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas. Material shall be consistently applied to a minimum depth of two inches above the soil surface and coverage should be a minimum of 70%.
  - e. "Bulk materials" means reducing PM emissions by using a closed conveyor system instead of vehicular means to move grain or other.
  - f. "Commercial beef cattle feedlot" means a beef cattle feedlot:
    - i. With more than 500 beef cattle within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A or a PM nonattainment area designated after June 1, 2009, or
    - ii. With more than 50 beef cattle within the Pinal County PM Nonattainment Area.
  - g. "Concrete apron" means reducing PM emissions by using solidly formed concrete surface, at least 4 inches thick on top of the soil surface, inside the feed pen for 8 feet approaching the feed bunk or water trough.
  - h. "Control cattle during movements" means reducing PM emissions by suppressing the animal's ability to run by driving them forward while intruding on their "flight zones" or restraining the animal's movement.
  - i. "Cover manure hauling trucks" means reducing PM emissions by completely covering the top of the loaded area.
  - j. "Feed higher moisture feed to beef cattle" means reducing PM emissions by feeding beef cattle feed that contains at least 30% moisture.
  - k. "Frequent manure removal" means reducing PM emissions and wind erosion by harvesting loose manure on top of the pen surface at least once every six months.

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- l. "Pile manure between cleanings" means reducing PM emissions by collecting loose manure surface materials, by scraping or pushing, within the confines of the surface area of the occupied feed pen at least four times per year.
  - m. "Provide shade in corral" means reducing PM emissions by increasing stocking density and reducing animal movement by using a permanent structure, which provides at least 16 square feet per animal of shaded pen surface.
  - n. "Push equipment" means manure harvesting equipment pushed in front of a tractor.
  - o. "Store and maintain feed stock" means reducing PM emissions and wind erosion by storing feed stock in a covered area where the commodity is surrounded on at least three sides by a structure.
  - p. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial beef feedlot with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
  - q. "Use drag equipment to maintain pens" means reducing PM emissions by using manure harvesting equipment pulled behind a tractor instead of using push equipment, which avoids dust accumulation in floor depressions.
  - r. "Wind barrier" means reducing PM<sub>10</sub> emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).
4. The following definitions apply to a commercial poultry facility:
    - a. "Add moisture through ventilation systems" means reducing PM emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while maintaining a minimum of 20% moisture in the air within the housing system to bind small particles to larger particles.
    - b. "Add oil and/or moisture to the feed" means reducing PM emissions by adding a minimum of 1% edible oil and/or moisture to feed rations to bind small particles to larger particles.
    - c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of 3 inches deep.
    - d. "Clean aisles between cage rows" means reducing PM emissions by cleaning the aisles between cage rows at least twice every 14 days to prevent dried manure, spilled feed, and debris accumulation.
    - e. "Clean fans, louvers, and soffit inlets in a commercial poultry facility" means reducing PM emissions by cleaning fans, louvers, and soffit inlets when the facility is empty between depopulating and populating the facility.
    - f. "Clean floors and walls in a commercial poultry facility" means reducing PM emissions by cleaning floors and walls to prevent dried manure, spilled feed, and debris accumulation when the facility is empty between depopulating and populating the facility.
    - g. "Commercial poultry facility" means a poultry operation with more than 25,000 egg laying hens within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009, as stated in A.R.S. § 49-457(O)(1)(f), or the Pinal County PM Nonattainment Area.
    - h. "Control vegetation on building exteriors" means reducing PM emissions by removing, cutting, or trimming vegetation that accumulates PM and restricts ventilation of the building, so as to leave approximately 3 feet between the vegetation and building.
    - i. "Enclose transfer points" means reducing PM emissions by enclosing the points of transfer between the enclosed, weatherproof storage structure and the enclosed feed distribution system, which reduce air contact with the feed rations during feed conveyance.
    - j. "House in fully enclosed ventilated buildings" means reducing PM emissions by utilizing fully enclosed buildings with sufficient ventilation.
    - k. "Maintain moisture in manure solids" means reducing PM emissions by maintaining a moisture content of a minimum of 15% in the solids sufficient to bind small particles to larger particles.
    - l. "Minimize drop distance" means reducing PM emissions by designing the feed distribution system so that the distance the feed ration drops from the feed distribution system into feeders is approximately 1 foot or less, which reduces air contact with the feed rations during feed conveyance.
    - m. "Poultry" means any domesticated bird including chickens, turkeys, ducks, geese, guineas, ratites and squabs.
    - n. "Remove spilled feed" means reducing PM emissions by removing spilled feed from the housing facility at least once every 14 days.
    - o. "Stack separated manure solids" means reducing PM emissions and wind erosion by reducing the amount of exposed surface area of manure solids.
    - p. "Store feed" means reducing PM emissions by storing feed in a structure that is enclosed and weatherproof, which reduces air contact with the feed rations during feed storage.
    - q. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial poultry operation with a manufactured product such as

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- lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
- r. "Use enclosed feed distribution system" means reducing PM emissions by using an enclosed feed conveyance system that distributes feed rations throughout the housing facility, which reduces air contact with the feed rations during feed conveyance.
  - s. "Use a flexible discharge spout" means reducing PM emissions and wind erosion at the time of bulk feed deliveries to the housing units by using a flexible discharge spout on the end of the feed truck transfer auger.
  - t. "Use no bedding in the production facility" means reducing PM emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.
  - u. "Use of a rotary dryer to dry manure waste" means reducing PM<sub>10</sub> emissions by drying the manure waste in a rotary dryer fitted with a baghouse or wet scrubber. A commercial poultry facility using a rotary dryer must comply with all of the following:
    - i. Install, maintain, and operate the baghouse or wet scrubber in a manner consistent with the manufacturer's specifications at all times the rotary dryer is operated. The manufacturer specifications must be available on site upon request.
    - ii. Conduct monthly observations using EPA Method 22 on the control equipment to ensure proper operation. If improper operation is observed through EPA Method 22, the dryer must stop immediately and the equipment repaired before resuming operations.
    - iii. For baghouses, conduct an annual black light inspection of the bags to detect broken or leaking bags. If broken or leaking bags are detected it must be repaired or replaced immediately.
    - iv. Maintain a record of all repair activity required under (ii) and (iii) that must be made available within two days of Director's request for inspection.
5. The following definitions apply to a commercial swine facility:
- a. "Add oil and/or moisture to the feed" means reducing PM emissions by adding a minimum of 0.5% edible oil and/or moisture to feed rations to bind small particles to larger particles.
  - b. "Add moisture through ventilation systems" means reducing PM emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while maintaining minimum of 15% moisture in the air within the housing system to bind small particles to larger particles.
  - c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
  - d. "Clean aisles between pens and stalls" means reducing PM emissions by cleaning the aisles between pens and stalls at least twice every 14 days to prevent dried manure, spilled feed, and debris accumulation.
  - e. "Clean fans, louvers, and soffit inlets in a commercial swine facility" means reducing PM emissions by cleaning fans, louvers, and soffit inlets between transfer of animal groups, but in any case, at least every six months.
  - f. "Clean pens, floors and walls in a commercial swine facility" means reducing PM emissions by cleaning pens, floors, and walls between transfer of animal groups to prevent dried manure, spilled feed, and debris accumulation, but in any case, at least every six months.
  - g. "Commercial swine facility" means a swine operation with more than 50 animal units for more than 30 consecutive days within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(O)(1)(f), or the Pinal County PM Nonattainment Area. One thousand pounds equals one animal unit.
  - h. "Control vegetation on building exteriors" means reducing PM emissions by removing, cutting, or trimming vegetation that accumulates PM and restricts ventilation of the building, so as to leave approximately 3 feet between the vegetation and the building.
  - i. "Enclose transfer points" means reducing PM emissions by enclosing the points of transfer between the enclosed, weatherproof storage structure and the enclosed feed distribution system, which reduces air contact with the feed rations during feed conveyance.
  - j. "House in fully enclosed ventilated buildings" means reducing PM emissions by utilizing fully enclosed buildings with sufficient ventilation.
  - k. "Lagoon" means a liquid manure storage and treatment pond.
  - l. "Maintain moisture in manure solids" means reducing PM<sub>10</sub> emissions by maintaining a minimum moisture content of 10% in the solids sufficient to bind small particles to larger particles.
  - m. "Minimize drop distance" means reducing PM emissions by designing the feed distribution system so that the distance the feed ration drops from the feed distribution system into feeders is 3 feet or less, which reduces air contact with the feed rations during feed conveyance.
  - n. "Remove spilled feed" means reducing PM emissions by removing spilled feed from the housing facility at least once every 14 days.
  - o. "Slatted flooring" means reducing PM emissions by using flooring that is a slotted concrete or wire-mesh floor set above a liquid manure collection pit, which allows the excrement to fall through the flooring into the liquid pit below, which prevents solids build-up. Slats 4 to 8 inches wide with spacing of about 1 inch in between are recommended.
  - p. "Sloped concrete flooring" means reducing PM emissions by pouring concrete with a minimum of

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- 0.25% grade inside of the barns which provides drainage and easier cleaning of floor areas.
- q. "Stack separated manure solids" means reducing PM emissions and wind erosion by reducing the amount of exposed surface area of manure solids.
  - r. "Store feed" means reducing PM emissions by storing feed in a structure that is enclosed and weather-proof, which reduces air contact with the feed rations during feed storage.
  - s. "Store separated manure solids" means reducing PM emissions by storing manure solids in a wind-blocked area behind a wall, structure, or area with natural wind protection to minimize blowing air movement over the manure stack.
  - t. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial swine operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
  - u. "Use a flexible discharge spout" means reducing PM emissions and wind erosion at the time of bulk feed deliveries to the housing units by using a flexible discharge spout on the end of the feed truck transfer auger.
  - v. "Use enclosed feed distribution system" means reducing PM emissions by using an enclosed feed conveyance system that distributes feed rations throughout the housing facility, which reduces air contact with the feed rations during the feed conveyance.
  - w. "Use no bedding in the production facility" means reducing PM emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.
- b. Provide shade in corral,
  - c. Provide cooling in corral,
  - d. Cement cattle walkways to milk barn,
  - e. Groom manure surface,
  - f. Water misting systems,
  - g. Use drag equipment to maintain pens,
  - h. Pile manure between cleanings,
  - i. Feed green chop,
  - j. Keep calves in barns or hutches,
  - k. Do not run cattle,
  - l. Apply a fibrous layer, or
  - m. Wind barrier.
2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to dairy cattle,
    - b. Store and maintain feed stock,
    - c. Covers for silage,
    - d. Store silage in bunkers,
    - e. Cover manure hauling trucks, or
    - f. Do not load manure trucks with dry manure when wind exceeds 15 mph.
  3. Unpaved Access Connections:
    - a. Install signage to limit vehicle speed to 15 mph,
    - b. Install speed control devices,
    - c. Restrict access to through traffic,
    - d. Install and maintain a track-out control device,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant, or
    - h. Apply and maintain water as a dust suppressant.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed truck to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict access to through traffic,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant,
    - h. Apply and maintain water as a dust suppressant,
    - i. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks, or
    - j. Apply and maintain pavement or cement feed lanes.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Amended by exempt rulemaking at 13 A.A.R. 4326, effective November 14, 2007 (Supp. 07-4). Section repealed; new Section made by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4). Subsection (2)(a) corrected at request of the Department, Office File No. M12-133, filed April 5, 2012 (Supp. 11-4). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 22 A.A.R. 987, effective April 5, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 27 A.A.R. 2747 (November 26, 2021), with an immediate effective date of November 3, 2021 (Supp. 21-4).

**R18-2-611.01. Agricultural PM General Permit for Animal Operations; Maricopa County Serious PM Nonattainment Areas**

- A. A commercial animal operator within a Serious PM Nonattainment Area shall implement at least two best management practices from each category to reduce PM emissions.
- B. A commercial dairy operation shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  1. Arenas, Corrals, and Pens:
    - a. Use free stall housing,

- C. A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  1. Arenas, Corrals, and Pens:
    - a. Concrete aprons,
    - b. Provide shade in corral,
    - c. Add moisture to pen surface,
    - d. Manure removal,
    - e. Pile manure between cleanings,
    - f. Feed higher moisture feed to beef cattle,
    - g. Control cattle during movements,
    - h. Use drag equipment to maintain pens,
    - i. Apply a fibrous layer, or
    - j. Wind barrier.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to beef cattle,
    - b. Add molasses or tallow to feed,
    - c. Store and maintain feed stock,
    - d. Bulk materials,
    - e. Use drag equipment to maintain pens,

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- f. Cover manure hauling trucks, or
    - g. Do not load manure when wind exceeds 15 mph.
  - 3. Unpaved Access Connections:
    - a. Install and maintain a track-out control device,
    - b. Apply and maintain pavement in high traffic areas,
    - c. Apply and maintain aggregate cover,
    - d. Apply and maintain synthetic particulate suppressant, or
    - e. Apply and maintain water as a dust suppressant.
  - 4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed truck to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict access to through traffic,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant,
    - h. Apply and maintain water as a dust suppressant, or
    - i. Apply and maintain oil on roads or feed lanes.
- D.** A commercial poultry facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
    - a. Clean fans, louvers, and soffit inlets in a commercial poultry facility,
    - b. Use no bedding,
    - c. Control vegetation on building exteriors,
    - d. Add moisture through ventilation systems, or
    - e. House in fully enclosed ventilated buildings.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to the feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean floors and walls in a commercial poultry facility,
    - i. Clean aisles between cage rows,
    - j. Stack separated manure solids,
    - k. Maintain moisture in manure solids, or
    - l. Use of a rotary dryer to dry manure waste.
  3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system, or
    - d. Install signage to limit vehicle speed to 15 mph.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water, or
    - h. Apply and maintain oil on roads or feed lanes.
- E.** A commercial swine facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
    - a. House in fully enclosed ventilated buildings,
    - b. Use no bedding,
    - c. Use a slatted floor system,
    - d. Use sloped concrete flooring,
    - e. Clean fans, louvers, and soffit inlets in a commercial swine facility,
    - f. Control vegetation on building exteriors, or
    - g. Add moisture through ventilation systems.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean pens, floors, and walls in a commercial swine facility,
    - i. Clean aisles between pens and stalls,
    - j. Store separated manure solids in a wind-blocked area,
    - k. Stack separated manure solids,
    - l. Maintain moisture in manure solids, or
    - m. Maintain liquid lagoon level.
  3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system,
    - d. Install signage to limit vehicle speed to 15 mph.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water,
    - h. Apply and maintain oil on roads or feed lanes, or
    - i. Wind barrier.
- F.** From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practice Program General Permit Record form shall include the following information:
1. The name of the commercial animal operator, signature, and date signed,
  2. The mailing address or physical address of the commercial animal operation, and
  3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting, Unpaved Access Connections, and Unpaved Roads or Feed Lanes.
- G.** Beginning January 1, 2016, a commercial animal operator shall maintain records demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit



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Record Form to confirm implementation of each best management practice and any changes to the best management practices. Records shall be kept by the commercial animal operator onsite and made available for review by the Director within two business days of notice to the commercial animal operator.

- H. A person may develop different practices not contained in subsection (B), (C), (D), or (E), that reduce PM and may submit such practices that are proven effective through on-operation demonstration trials to the Committee.
- I. The Director shall not assess a fee to a commercial animal operator for coverage under the Best Management Practice Program General Permit Record Form.
- J. A commercial animal operator shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- K. The Director shall document noncompliance with this Section before issuing a compliance order.
- L. A commercial animal operator who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

**Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 137, effective December 29, 2011 (Supp. 11-4).

Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 22 A.A.R. 987, effective April 5, 2016 (Supp. 16-2).

**R18-2-611.02. Agricultural PM General Permit for Animal Operations; Moderate PM Nonattainment Areas Designated After June 1, 2009, Except Pinal County PM Nonattainment Area**

- A. A commercial animal operator within a Moderate PM Nonattainment Area, designated after June 1, 2009, shall implement at least one best management practice from each category to reduce PM emissions.
- B. A commercial dairy operation shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  - 1. Arenas, Corrals, and Pens:
    - a. Use free stall housing,
    - b. Provide shade in corral,
    - c. Provide cooling in corral,
    - d. Cement cattle walkways to milk barn,
    - e. Groom manure surface,
    - f. Water misting systems,
    - g. Use drag equipment to maintain pens,
    - h. Pile manure between cleanings,
    - i. Feed green chop,
    - j. Keep calves in barns or hutches,
    - k. Do not run cattle,
    - l. Apply a fibrous layer, or
    - m. Wind barrier.
  - 2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to dairy cattle,
    - b. Store and maintain feed stock,
    - c. Covers for silage,
    - d. Store silage in bunkers,
    - e. Cover manure hauling trucks, or
    - f. Do not load manure trucks with dry manure when wind exceeds 15 mph.
  - 3. Unpaved Access Connections:
    - a. Install signage to limit vehicle speed to 15 mph,

- b. Install speed control devices,
  - c. Restrict access to through traffic,
  - d. Install and maintain a track-out control device,
  - e. Apply and maintain pavement in high traffic areas,
  - f. Apply and maintain aggregate cover,
  - g. Apply and maintain synthetic particulate suppressant, or
  - h. Apply and maintain water as a dust suppressant.
- 4. Unpaved Roads or Feed Lanes:
  - a. Install engine speed governors on feed truck to 15 mph,
  - b. Install signage to limit vehicle speed to 15 mph,
  - c. Install speed control devices,
  - d. Restrict access to through traffic,
  - e. Apply and maintain pavement in high traffic areas,
  - f. Apply and maintain aggregate cover,
  - g. Apply and maintain synthetic particulate suppressant,
  - h. Apply and maintain water as a dust suppressant,
  - i. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks, or
  - j. Apply and maintain pavement or cement feed lanes.
- C. A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  - 1. Arenas, Corrals, and Pens:
    - a. Concrete aprons,
    - b. Provide shade in corral,
    - c. Add moisture to pen surface,
    - d. Manure removal,
    - e. Pile manure between cleanings,
    - f. Feed higher moisture feed to beef cattle,
    - g. Control cattle during movements,
    - h. Use drag equipment to maintain pens,
    - i. Apply a fibrous layer, or
    - j. Wind barrier.
  - 2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to beef cattle,
    - b. Add molasses or tallow to feed,
    - c. Store and maintain feed stock,
    - d. Bulk materials,
    - e. Use drag equipment to maintain pens,
    - f. Cover manure hauling trucks, or
    - g. Do not load manure when wind exceeds 15 mph.
  - 3. Unpaved Access Connections:
    - a. Install and maintain a track-out control device,
    - b. Apply and maintain pavement in high traffic areas,
    - c. Apply and maintain aggregate cover,
    - d. Apply and maintain synthetic particulate suppressant, or
    - e. Apply and maintain water as a dust suppressant.
  - 4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed truck to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict access to through traffic,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant,
    - h. Apply and maintain water as a dust suppressant, or
    - i. Apply and maintain oil on roads or feed lanes.

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- D.** A commercial poultry facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
    - a. Clean fans, louvers, and soffit inlets in a commercial poultry facility,
    - b. Use no bedding,
    - c. Control vegetation on building exteriors;
    - d. Add moisture through ventilation systems, or
    - e. House in fully enclosed ventilated buildings.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to the feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean floors and walls in a commercial poultry facility,
    - i. Clean aisles between cage rows,
    - j. Stack separated manure solids, or
    - k. Maintain moisture in manure solids.
  3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system, or
    - d. Install signage to limit vehicle speed to 15 mph.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water, or
    - h. Apply and maintain oil on roads or feed lanes.
- E.** A commercial swine facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
    - a. House in fully enclosed ventilated buildings,
    - b. Use no bedding,
    - c. Use a slatted floor system,
    - d. Use sloped concrete flooring,
    - e. Clean fans, louvers, and soffit inlets in a commercial swine facility,
    - f. Control vegetation on building exteriors, or
    - g. Add moisture through ventilation systems.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean pens, floors, and walls in a commercial swine facility,
    - i. Clean aisles between pens and stalls,
    - j. Store separated manure solids in a wind-blocked area,
    - k. Stack separated manure solids,
    - l. Maintain moisture in manure solids, or
    - m. Maintain liquid lagoon level.
  3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system,
    - d. Install signage to limit vehicle speed to 15 mph.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water,
    - h. Apply and maintain oil on roads or feed lanes, or
    - i. Wind barrier.
- F.** From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practices Program General Permit Record Form shall include the following information:
1. The name of the commercial animal operator, signature, and date signed,
  2. The mailing address or physical address of the commercial animal operation, and
  3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting, Unpaved Access Connections, and Unpaved Roads or Feed Lanes.
- G.** Beginning January 1, 2016, a commercial animal operator shall maintain records demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice and any changes to the best management practices. Records shall be kept by the commercial animal operator onsite and made available for review by the Director within two business days of notice to the commercial animal operator.
- H.** A person may develop different practices not contained in subsection (B), (C), (D), or (F) that reduce PM and may submit such practices that are proven effective through on-operation demonstration trials to the Committee. The new best management practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).
- I.** The Director shall not assess a fee to a commercial animal operator for coverage under the agricultural PM general permit.
- J.** A commercial animal operator shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- K.** The Director shall document noncompliance with this Section before issuing a compliance order.
- L.** A commercial animal operator who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

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**Historical Note**

New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-611.03. Agricultural PM General Permit for Animal Operations; Pinal County PM Nonattainment Area**

- A.** A commercial animal operator within the Pinal County PM Nonattainment Area shall implement at least one best management practice from each of the categories identified in subsection (D)(5) and (E)(5) and two best management practices from each of the other categories to reduce PM emissions.
- B.** In addition to subsection (A), on the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast, commercial dairy operations within the Pinal County PM Nonattainment Area shall apply and maintain one of the four following BMPs on unpaved roads that experience more than 20 VDT from two or more axle vehicles:
  1. Apply and maintain pavement in high traffic areas,
  2. Apply and maintain aggregate cover,
  3. Apply and maintain synthetic particulate suppressant, or
  4. Apply and maintain water as a dust suppressant.
- C.** In addition to subsection (A), commercial beef feedlots within the Pinal County PM Nonattainment Area, shall add water to pen surface, as defined in R18-2-611(3)(a), on the day that is forecast to be high risk for dust generation by the Pinal County Dust Control Forecast.
- D.** A commercial dairy operation shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  1. Arenas, Corrals, and Pens:
    - a. Use free stall housing,
    - b. Provide shade in corral,
    - c. Provide cooling in corral,
    - d. Cement cattle walkways to milk barn,
    - e. Groom manure surface,
    - f. Water misting systems,
    - g. Use drag equipment to maintain pens,
    - h. Pile manure between cleanings,
    - i. Feed green chop,
    - j. Keep calves in barns or hutches,
    - k. Do not run cattle,
    - l. Apply a fibrous layer, or
    - m. Wind barrier.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to dairy cattle,
    - b. Store and maintain feed stock,
    - c. Covers for silage,
    - d. Store silage in bunkers,
    - e. Cover manure hauling trucks, or
    - f. Do not load manure trucks with dry manure when wind exceeds 15 mph.
  3. Unpaved Access Connections:
    - a. Install signage to limit vehicle speed to 15 mph,
    - b. Install speed control devices,
    - c. Restrict access to through traffic,
    - d. Install and maintain a track-out control device,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant, or
    - h. Apply and maintain water as a dust suppressant.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed truck to 15 mph,
- E.** A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (A), from each of the following categories:
  1. Arenas, Corrals, and Pens:
    - a. Concrete aprons,
    - b. Provide shade in corral,
    - c. Add water to pen surface,
    - d. Manure removal,
    - e. Pile manure between cleanings,
    - f. Feed higher moisture feed to beef cattle,
    - g. Control cattle during movements,
    - h. Use drag equipment to maintain pens,
    - i. Apply a fibrous layer, or
    - j. Wind barrier.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Feed higher moisture feed to beef cattle;
    - b. Add molasses or tallow to feed,
    - c. Store and maintain feed stock,
    - d. Bulk materials,
    - e. Use drag equipment to maintain pens,
    - f. Cover manure hauling trucks, or
    - g. Do not load manure when wind exceeds 15 mph.
  3. Unpaved Access Connections:
    - a. Install and maintain a track-out control device,
    - b. Apply and maintain pavement in high traffic areas,
    - c. Apply and maintain aggregate cover,
    - d. Apply and maintain synthetic particulate suppressant, or
    - e. Apply and maintain water as a dust suppressant.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed truck to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict access to through traffic,
    - e. Apply and maintain pavement in high traffic areas,
    - f. Apply and maintain aggregate cover,
    - g. Apply and maintain synthetic particulate suppressant,
    - h. Apply and maintain water as a dust suppressant, or
    - i. Apply and maintain oil on roads or feed lanes.
  5. Unpaved Vehicle or Equipment Traffic Area:
    - a. Apply and maintain aggregate cover,
    - b. Apply and maintain synthetic particulate suppressant,
    - c. Apply and maintain water as a dust suppressant, or
    - d. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks.

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- d. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks.
- F.** A commercial poultry facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
    - a. Clean fans, louvers, and soffit inlets in a commercial poultry facility,
    - b. Use no bedding,
    - c. Control vegetation on building exteriors,
    - d. Add moisture through ventilation systems, or
    - e. House in fully enclosed ventilated buildings.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to the feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean floors and walls in a commercial poultry facility,
    - i. Clean aisles between cage rows,
    - j. Stack separated manure solids, or
    - k. Maintain moisture in manure solids.
  3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system, or
    - d. Install signage to limit vehicle speed to 15 mph.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water, or
    - h. Apply and maintain oil on roads or feed lanes.
- G.** A commercial swine facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
    - a. House in fully enclosed ventilated buildings,
    - b. Use no bedding,
    - c. Use a slatted floor system,
    - d. Use sloped concrete flooring,
    - e. Clean fans, louvers, and soffit inlets in a commercial swine facility,
    - f. Control vegetation on building exteriors, or
    - g. Add moisture through ventilation systems.
  2. Animal Waste (and Feed) Handling and Transporting:
    - a. Remove spilled feed,
    - b. Store feed,
    - c. Add oil and/or moisture to feed,
    - d. Use enclosed feed distribution system,
    - e. Use flexible discharge spout,
    - f. Minimize drop distance,
    - g. Enclose transfer points,
    - h. Clean pens, floors, and walls in a commercial swine facility,
    - i. Clean aisles between pens and stalls,
    - j. Store separated manure solids in a wind-blocked area,
    - k. Stack separated manure solids,
    - l. Maintain moisture in manure solids, or
    - m. Maintain liquid lagoon level.
  3. Unpaved Access Connections:
    - a. Install speed control devices,
    - b. Restrict traffic access,
    - c. Install and maintain a track-out control system,
    - d. Install signage to limit vehicle speed to 15 mph.
  4. Unpaved Roads or Feed Lanes:
    - a. Install engine speed governors on feed trucks to 15 mph,
    - b. Install signage to limit vehicle speed to 15 mph,
    - c. Install speed control devices,
    - d. Restrict traffic access,
    - e. Apply and maintain aggregate cover,
    - f. Apply and maintain synthetic particulate suppressant,
    - g. Apply and maintain water,
    - h. Apply and maintain oil on roads or feed lanes, or
    - i. Wind barrier.
- H.** From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practices Program General Permit Record Form shall include the following information:
1. The name of the commercial animal operator, signature, and date signed,
  2. The mailing address or physical address of the commercial animal operation, and
  3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting, Unpaved Access Connections, and Unpaved Roads or Feed Lanes.
- I.** Beginning in calendar year 2017, and no more than once every subsequent three calendar years, the Director shall provide the commercial animal operator with a Best Management Practices Program Three-year Survey. The commercial animal operator shall complete the Survey with data from the preceding calendar year and submit the Survey to the Arizona Department of Agriculture (ADA) by January 31, 2018, and every three years thereafter. The Survey information submitted to the ADA shall be compiled by the ADA in a format that does not refer to a commercial animal operator's name, shall aggregate the data from the Surveys received, and be submitted to the Department. The Three-year Survey shall include the following information:
1. The name, business address, and phone number of the commercial farmer responsible for the preparation and implementation of the best management practices;
  2. The signature of the commercial farmer and the date the form was signed;
  3. The number of animals in a commercial dairy operation, beef cattle feed lot, poultry facility or swine facility;
  4. The total miles of unpaved roads at the commercial dairy operation, beef cattle feed lot, poultry facility or swine facility;

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5. The total acreage of the unpaved access connections and equipment areas at the commercial dairy operation, beef cattle feed lot, poultry facility or swine facility;
  6. The best management practices selected for each category; and
  7. For commercial dairy operations and beef cattle feedlots, an acknowledgment that water was applied on the day of a high risk day as predicted by the Pinal County Dust Control Forecast.
- J.** Beginning January 1, 2016, a commercial animal operator shall maintain records demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice and any changes to the best management practices. Records shall be kept by the commercial animal operator onsite and made available for review by the Director within two business days of notice to the commercial animal operator.
- K.** A person may develop different practices not contained in subsections (D), (E), (F), or (G) that reduce PM and may submit such practices that are proven effective through on-operation demonstration trials to the Committee.
- L.** The Director shall not assess a fee to a commercial animal operator for coverage under the agricultural PM general permit.
- M.** A commercial animal operator shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- N.** The Director shall document noncompliance with this Section before issuing a compliance order.
- O.** A commercial animal operator who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(J), (K), and (L).
- Historical Note**
- New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 27 A.A.R. 2747 (November 26, 2021), with an immediate effective date of November 3, 2021 (Supp. 21-4).
- R18-2-612. Definitions for R18-2-612.01**
- The definitions in R18-2-101 and the following definitions apply to R18-2-612.01:
1. "Access restriction" means reducing PM emission by reducing the number of trips driven on unpaved operation and maintenance and unpaved utility roads by restricting or eliminating public access by the use of signs or physical obstruction at locations that effectively control access to roads.
  2. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads. The aggregate should be clean, hard and durable, and should be applied a depth sufficient to create soil stabilization in accordance with material specifications. A minimum depth of three inches is the standard in the absence of such specifications.
  3. "Apply and maintain water" means reducing PM emissions and wind erosion by applying water to bare soil surfaces until the surfaces are visibly moist.
  4. "Best management practice" means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM emissions from a regulated agricultural activity.
  5. "Biological control of aquatic weeds" means reducing at least one trip, or to one trip if only one trip is needed, per treatment, made by vehicles for the purposes of removing aquatic weeds from canals by using fish, and other biologic means, within the canal through the use of to control the growth of aquatic weeds that reduce operating capacities and create debris that causes other operational issues.
  6. "Canals" means facilities constructed for the sole purpose of the control, conveyance, and delivery of water. These facilities may be either open earthen channels, lined or unlined, or buried pipelines, which are used to convey water uphill and under obstructions, such as roadways and wash and river channels. These facilities include, but are not limited to, gate, inlet, outlet, safety, and measuring structures required to control water along the canals and deliver water to irrigation district customers, as well as compacted earthen banks constructed to protect these facilities from storm runoff events.
  7. "Committee" means the Governor's Agricultural Best Management Practices Committee.
  8. "Debris" means trash, rubble, and other non-soil materials.
  9. "Dredge canals" means reducing PM emissions by mechanically removing muck, debris, and other foreign objects from canals while material is still wet or damp.
  10. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the Department shall consider all of the following:
    - a. Projected meteorological conditions, including:
      - i. Wind speed and direction,
      - ii. Stagnation,
      - iii. Recent precipitation, and
      - iv. Potential for precipitation;
    - b. Existing concentrations of air pollution at the time of the forecast; and
    - c. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
  11. "Earth materials" means natural materials covering the ground surface, which includes, but are not limited to, dirt, rocks, or soil.
  12. "Grading roadways" means mechanically smoothing and compacting the roadway surface.
  13. "Irrigation District" means a political subdivision, governed by A.R.S. Title 48, Chapter 19.
  14. "Limit activity" means performing only critical operational or emergency activity on a day forecast to be high risk for dust generation as forecasted by the Pinal County Dust Control Forecast.
  15. "Major earth moving activities" means the mechanical movement of earth materials to reconstruct, relocate, reshape, reconfigure canals, including operation and maintenance roads and utility access roads.
  16. "Maricopa PM nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
  17. "Minor earth moving activities" means the mechanical movement of earth materials to repair and maintain the

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- existing configuration, location, bank slopes, or inclines of canals.
18. "Muck" means water that is saturated with mud, dirt, and soil, which accumulates over time along the bottom of canals.
  19. "Paved Public Road" means any paved roadways that are open to public travel and maintained by a City, County, or the State.
  20. "Pinal County PM Nonattainment Area" means the West Pinal PM10 planning area and the West Central PM2.5 planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.
  21. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50, Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.
  22. "Reduce vehicle speed" means reducing PM emissions and soil erosion from the use of vehicles owned or operated by the irrigation district on unpaved operation, maintenance, and utility access roads, at speeds not to exceed 25 mph. This can be achieved through worker behavior modifications, signage, or any other necessary means.
  23. "Regulated agricultural activity" means activities of an irrigation district, which affects those lands and facilities that are under the jurisdiction and control of an irrigation district, as described in A.R.S. §§ 49-457(P)(1)(f) and 49-457(P)(5)(b).
  24. "Regulated area" means a regulated area as defined in A.R.S. § 49-457(P)(6)(c).
  25. "Sediment" means muck that has dried after removal from canals.
  26. "Supervisory control system" means a system that allows the irrigation district to control operational structures from a remote computer location in order to reduce at least one trip made by vehicles to access structures for operational purposes.
  27. "Synthetic or natural particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface with organic material, such as muck, animal waste or biosolids, or with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide.
  28. "Track-out control system" means minimizing any and all material that adheres to and agglomerates on all vehicles and equipment and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.
  29. "Unauthorized use" means any travel or access by non-district personnel in non-district vehicles along roadways under the control of an irrigation district without the permission of the irrigation district.
  30. "Unpaved operation and maintenance roads" means unpaved roadways that lay adjacent to canals, which provide access for irrigation district personnel and equipment for direct operation and maintenance of canals, and are under the control of the irrigation district.
  31. "Unpaved utility access roads" means unpaved roadways used to provide access to canals, and also includes office and shop facilities, equipment yards, staging areas and other lands under the control of the irrigation district.
  32. "Weed management" means reducing at least one trip made by vehicles for the purposes of removing weeds by using a combination of techniques, including organic, chemical, or biological means, to control weeds along canal banks and land surfaces not used for conveying water, excluding unpaved roadways.
  33. "Wind barrier" means reducing PM10 emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).

**Historical Note**

New Section R18-2-612 renumbered from R18-2-610 at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Former Section R18-2-612 renumbered to R18-2-614; new Section R18-2-612 made by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-612.01. Agricultural PM General Permit For Irrigation Districts; PM Nonattainment Areas Designated After June 1, 2009**

- A. An irrigation district within a PM Nonattainment Area, designated after June 1, 2009, shall implement at least one best management practice from each of the following categories to reduce PM emissions:
  1. Unpaved operation and maintenance roads:
    - a. Access restriction,
    - b. Apply and maintain aggregate cover,
    - c. Install supervisory control system to limit vehicle travel,
    - d. Limit activity,
    - e. Install signage to limit vehicle speed to 25 mph,
    - f. Post warning signs for unauthorized use at point of entry to roads,
    - g. Reduce vehicle speed,
    - h. Install and maintain a track-out control system,
    - i. Apply and maintain synthetic or natural particulate suppressant,
    - j. Apply and maintain water before, during, and after major and minor earth moving activities,
    - k. Apply and maintain water when grading roadways,
    - l. Use paved non-district or paved public roads to access structures, or
    - m. Install wind barriers.
  2. Canals:

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- a. Dredge canals while muck or debris is still wet,
  - b. Dispose of muck or debris while still damp,
  - c. Weed management,
  - d. Biological control of aquatic weeds, or
  - e. Apply and maintain water before, during and after major and minor earth moving activities.
3. Unpaved utility access roads:
  - a. Access restriction,
  - b. Apply and maintain aggregate cover,
  - c. Limit activity,
  - d. Install signage to limit vehicle speed to 25 mph,
  - e. Post warning signs for unauthorized use at points of entry to roads,
  - f. Reduce vehicle speed,
  - g. Install and maintain a track-out control system,
  - h. Apply and maintain pavement,
  - i. Apply and maintain synthetic or natural particulate suppressant,
  - j. Apply and maintain water before, during and after major and minor earth moving activities,
  - k. Apply and maintain water when grading roadways,
  - l. Use paved non-district or paved public roads to access structures, or
  - m. Install wind barriers.
- B. From and after December 31, 2015, an irrigation district engaged in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the irrigation district. The Best Management Practice Program General Permit Record form shall include the following information:
  1. The name, business address, and the irrigation district representative responsible for the preparation and implementation of the best management practices;
  2. The signature of the irrigation district representative and the date the form was signed; and
  3. The best management practice selected for unpaved operation and utility roads, canals, and unpaved utility access roads.
- C. Beginning in calendar year 2017, and no more than once every subsequent three calendar years, the Director, in conjunction with the Arizona Department of Agriculture, shall provide the irrigation district with a Best Management Practices Program Three-year Survey. The irrigation district shall complete the Survey with data from the preceding calendar year and submit the Survey to the Arizona Department of Agriculture (ADA) by January 31, 2018, and every three years thereafter. The Survey information submitted to the ADA shall be compiled by the ADA then be submitted to the Department. The Three-year Survey shall include the following information:
  1. The name, business address, and phone number of the irrigation district representative responsible for the preparation and implementation of the best management practices;
  2. The signature of the irrigation district representative and the date the form was signed;
  3. The total miles of canals that the irrigation district controls;
  4. The total miles of unpaved operation and maintenance roads;
  5. The total miles of the unpaved utility access roads; and
  6. The best management practices selected for unpaved operation and utility roads, canals, and unpaved utility access roads.
- D. Records of any changes to those Best Management Practices shall be noted on the Best Management Practices Program General Permit Record Form and shall be kept by the irrigation district onsite and made available for review by the Director within two business days of notice to the irrigation district by the Department.
- E. An irrigation district may develop different practices not contained in either of the categories of subsections (A)(1), (A)(2), or (A)(3) that reduce PM and may submit such practices that are proven effective through in-district trials. The proposed new practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).
- F. An irrigation district shall maintain a record demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice.
- G. The Director shall not assess a fee to an irrigation district for coverage under the agricultural PM general permit.
- H. An irrigation district shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.
- I. The Director shall document noncompliance with this Section before issuing a compliance order.
- J. An irrigation district that is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

**Historical Note**

New Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-613. Definitions for R18-2-613.01**

1. "Access restriction" means restricting or eliminating public access to noncropland with signs or physical obstruction.
2. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to non-cropland.
3. "Artificial wind barrier" means a physical barrier to the wind.
4. "Bed row spacing" means increasing or decreasing the size of a planting bed area to reduce the number of passes and soil disturbance by increasing plant density.
5. "Best management practice" means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM10 emissions from a regulated agricultural activity.
6. "Chemical irrigation" means applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system.
7. "Combining tractor operations" means performing two or more tillage, cultivation, planting, or harvesting operations with a single tractor or harvester pass.
8. "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Yuma PM10 nonattainment area.
9. "Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.
10. "Conservation irrigation" means the use of drips, sprinklers, or underground lines to conserve water, and to

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- reduce the weed population, the need for tillage, and soil compaction.
11. "Conservation tillage" means types of tillage that reduce the number of passes and the amount of soil disturbance.
  12. "Cover crop" means plants or a green manure crop grown for seasonal soil protection or soil improvement.
  13. "Critical area planting" means using trees, shrubs, vines, grasses, or other vegetative cover on noncropland.
  14. "Cropland" means land on a commercial farm that:
    - a. Is within the time-frame of final harvest to plant emergence;
    - b. Has been tilled in a prior year and is suitable for crop production, but is currently fallow; or
    - c. Is a turn-row.
  15. "Cross-wind ridges" means soil ridges formed by a tillage operation.
  16. "Cross-wind strip-cropping" means planting strips of alternating crops within the same field.
  17. "Cross-wind vegetative strips" means herbaceous cover established in one or more strips within the same field.
  18. "Equipment modification" means modifying agricultural equipment to prevent or reduce particulate matter generation from cropland.
  19. "Limited activity during a high-wind event" means performing no tillage or soil preparation activity when the measured wind speed at 6 feet in height is more than 25 mph at the commercial farm site.
  20. "Manure application" means applying animal waste or biosolids to a soil surface.
  21. "Mulching" means applying plant residue or other material that is not produced onsite to a soil surface.
  22. "Multi-year crop" means a crop, pasture, or orchard that is grown, or will be grown, on a continuous basis for more than one year.
  23. "Night farming" means performing regulated agricultural activities at night when moisture levels are higher and winds are lighter.
  24. "Noncropland" means any commercial farmland that:
    - a. Is no longer used for agricultural production;
    - b. Is no longer suitable for production of crops;
    - c. Is subject to a restrictive easement or contract that prohibits use for the production of crops; or
    - d. Includes a private farm road, ditch, ditch bank, equipment yard, storage yard, or well head.
  25. "Permanent cover" means a perennial vegetative cover on cropland.
  26. "Planting based on soil moisture" means applying water to soil before performing planting operations.
  27. "Precision farming" means use of satellite navigation to calculate position in the field, to reduce overlap during field operations, and allow operations to occur during nighttime and inclement weather, thus generating less PM<sub>10</sub>.
  28. "Reduce vehicle speed" means operating farm vehicles or farm equipment on unpaved farm roads at speeds not to exceed 20 mph.
  29. "Reduced harvest activity" means reducing the number of harvest passes using a mechanized method to cut and remove crops from a field.
  30. "Regulated agricultural activity" means a commercial farming practice that may produce PM<sub>10</sub> within the Yuma PM<sub>10</sub> nonattainment area.
  31. "Residue management" means managing the amount and distribution of crop and other plant residues on a soil surface.
  32. "Sequential cropping" means growing crops in a sequence that minimizes the amount of time bare soil is exposed on a field.
  33. "Surface roughening" means manipulating a soil surface to produce or maintain clods.
  34. "Synthetic particulate suppressant" means a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, and polyacrylamide, an emulsion of a petroleum product, and an enzyme product that is used to control particulate matter.
  35. "Tillage and harvest" means any mechanical practice that physically disturbs cropland or crops on a commercial farm.
  36. "Tillage based on soil moisture" means applying water to soil before or during tillage, or delaying tillage to coincide with precipitation.
  37. "Timing of a tillage operation" means performing tillage operations at a time that will minimize the soil's susceptibility to generate PM<sub>10</sub>.
  38. "Transgenic crops" means the use of genetically modified crops such as "herbicide ready" crops, which reduces the need for tillage or cultivation operations, and reduces soil disturbance.
  39. "Track-out control system" means a device to remove mud or soil from a vehicle before the vehicle enters a paved public road.
  40. "Tree, shrub, or windbreak planting" means providing a woody vegetative barrier to the wind.
  41. "Watering" means applying water to noncropland.
  42. "Yuma PM<sub>10</sub> nonattainment area" means the Yuma PM<sub>10</sub> planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2). Section R18-2-313 renumbered to R18-2-613.01; new Section made by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-613.01. Yuma PM<sub>10</sub> Nonattainment Area; Agricultural Best Management Practices**

- A. A commercial farmer shall comply with this Section by August 1, 2005.
- B. A commercial farmer who begins a regulated agricultural activity after August 1, 2005, shall comply with this Section within 60 days after beginning the regulated agricultural activity.
- C. A commercial farmer shall implement at least one of the best management practices from each of the following categories at each commercial farm:
  1. Tillage and harvest, subsection (E);
  2. Noncropland, subsection (F); and
  3. Cropland, subsection (G).
- D. A commercial farmer shall ensure that the implementation of each selected best management practice does not violate any other local, state, or federal law.
- E. A commercial farmer shall implement at least one of the following best management practices to reduce PM<sub>10</sub> emissions from tillage and harvest:
  1. Bed row spacing,
  2. Chemical irrigation,



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3. Combining tractor operations,
4. Conservation irrigation,
5. Conservation tillage,
6. Equipment modification,
7. Limited activity during a high-wind event,
8. Multi-year crop,
9. Night farming,
10. Planting based on soil moisture,
11. Precision farming,
12. Reduced harvest activity,
13. Tillage based on soil moisture,
14. Timing of a tillage operation, or
15. Transgenic crops.

**F.** A commercial farmer shall implement at least one of the following best management practices to reduce PM<sub>10</sub> emissions from noncropland:

1. Access restriction;
2. Aggregate cover;
3. Artificial wind barrier;
4. Critical area planting;
5. Manure application;
6. Reduce vehicle speed;
7. Synthetic particulate suppressant;
8. Track-out control system;
9. Tree, shrub, or windbreak planting; or
10. Watering.

**G.** A commercial farmer shall implement at least one of the following best management practices to reduce PM<sub>10</sub> emissions from cropland:

1. Artificial wind barrier;
2. Cover crop;
3. Cross-wind ridges;
4. Cross-wind strip-cropping;
5. Cross-wind vegetative strips;
6. Manure application;
7. Mulching;
8. Multi-year crop;
9. Permanent cover;
10. Planting based on soil moisture;
11. Precision farming;
12. Residue management;
13. Sequential cropping;
14. Surface roughening; or
15. Tree, shrub, or windbreak planting.

**H.** A person may develop different practices not contained in subsections (E), (F), or (G) that reduce PM<sub>10</sub>. A person may submit practices that are proven effective through demonstration trials to the Director. The Director shall review the submitted practices.

**I.** A commercial farmer shall maintain records demonstrating compliance with this Section. The commercial farmer shall provide the records to the Director within two business days of written notice to the commercial farmer. The records shall contain:

1. The name of the commercial farmer,
2. The mailing address or physical location of the commercial farm, and
3. The best management practices selected for tillage and harvest, noncropland, and cropland by the commercial farmer, and the date each best management practice was implemented.

**Historical Note**

New Section R18-2-313.01 renumbered from Section R18-2-313 by exempt rulemaking pursuant to Laws 2011,

Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3).

**R18-2-614. Evaluation of Nonpoint Source Emissions**

Opacity of an emission from any nonpoint source shall not be greater than 40% measured according to the 40 CFR 60, Appendix A, Reference Method 9. An open fire permitted under R18-2-602 or regulated under Article 15 is exempt from this requirement.

**Historical Note**

Section R18-2-614 renumbered from R18-2-612; amended by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS****R18-2-701. Definitions**

For purposes of this Article:

1. "Acid mist" means sulfuric acid mist as measured in the Arizona Testing Manual and 40 CFR 60, Appendix A.
2. "Architectural coating" means a coating used commercially or industrially for residential, commercial or industrial buildings and their appurtenances, structural steel, and other fabrications such as storage tanks, bridges, beams and girders.
3. "Asphalt concrete plant" means any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements. This is limited to facilities, including drum dryer plants that introduce asphalt into the dryer, which employ two or more of the following processes:
  - a. A dryer.
  - b. Systems for screening, handling, storing, and weighing hot aggregate.
  - c. Systems for loading, transferring, and storing mineral filler.
  - d. Systems for mixing asphalt concrete.
  - e. The loading, transferring, and storage systems associated with emission control systems.
4. "Black liquor" means waste liquor from the brown stock washer and spent cooking liquor which have been concentrated in the multiple-effect evaporator system.
5. "Calcine" means the solid materials produced by a lime plant.
6. "Coal" means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite by the ASTM Method D388-05 "Standard Classification of Coals by Rank" and coal refuse. Synthetic fuels derived from coal for the purpose of creating useful heat including but not limited to, coal derived gases (not meeting the definition of natural gas), solvent-refined coal, coal-oil mixtures, and coal-water mixtures, are considered "coal" for the purposes of this subpart.
7. "Coal refuse" means any by-product of coal mining, physical coal cleaning, and coal preparation operations (e.g., culm, gob, etc.) containing coal, matrix material, clay, and other organic and inorganic material with an ash content greater than 50 percent (by weight) and a heating value less than 13,900 kilojoules per kilogram (6,000 Btu per pound) on a dry basis.
8. "Concentrate" means enriched copper ore recovered from the froth flotation process.

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9. "Concentrate dryer" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than 5% of the sulfur contained in the charge is eliminated in the facility.
10. "Concentrate roaster" means any facility in which a copper sulfide ore concentrate is heated in the presence of air to eliminate 5% or more of the sulfur contained in the charge.
11. "Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, TRS compounds from condensate streams from various processes within a kraft pulp mill.
12. "Control device" means the air pollution control equipment used to remove particulate matter or gases generated by a process source from the effluent gas stream.
13. "Converter" means any vessel to which copper matte is charged and oxidized to copper.
14. "Electric generating plant" means all electric generating units located at a stationary source.
15. "Electric generating unit" means a combustion unit of more than 25 megawatts electric that serves a generator that produces electricity for sale and that burns coal for more than 10.0 percent of the average annual heat input during any three consecutive calendar years or for more than 15.0 percent of the annual heat input during any one calendar year. A unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electric output to any utility power distribution system for sale is considered an electric generating unit.
16. "Existing source" means any source which does not have an applicable new source performance standard under Article 9 of this Chapter.
17. "Facility" means an identifiable piece of stationary process equipment along with all associated air pollution equipment.
18. "Federal mercury standards" means the emissions limits, monitoring, testing, recordkeeping, reporting and notification requirements applicable or relating to emissions of mercury from electric generating units under 40 CFR Part 63, Subpart UUUUU.
19. "Fugitive dust" means fugitive emissions of particulate matter.
20. "High sulfur oil" means fuel oil containing 0.90% or more by weight of sulfur.
21. "Inlet mercury" means the average concentration of mercury in the coal burned at an electric generating unit, as determined by ASTM methods, EPA-approved methods or alternative methods approved by the Director.
22. "Lime kiln" means a unit used to calcinate lime rock or kraft pulp mill lime mud, which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.
23. "Low sulfur oil" means fuel oil containing less than 0.90% by weight of sulfur.
24. "Matte" means a metallic sulfide made by smelting copper sulfide ore concentrate or the roasted product of copper sulfide ores.
25. "Mercury" means mercury or mercury compounds in either a gaseous or particulate form.
26. "Miscellaneous metal parts and products" for purposes of industrial coating include all of the following:
  - a. Large farm machinery, such as harvesting, fertilizing and planting machines, tractors, and combines;
  - b. Small farm machinery, such as lawn and garden tractors, lawn mowers, and rototillers;
  - c. Small appliances, such as fans, mixers, blenders, crock pots, dehumidifiers, and vacuum cleaners;
  - d. Commercial machinery, such as office equipment, computers and auxiliary equipment, typewriters, calculators, and vending machines;
  - e. Industrial machinery, such as pumps, compressors, conveyor components, fans, blowers, and transformers;
  - f. Fabricated metal products, such as metal-covered doors and frames;
  - g. Any other industrial category which coats metal parts or products under the Code in the "Standard Industrial Classification Manual, 1987" of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries), except all of the following:
    - i. Automobiles and light-duty trucks;
    - ii. Metal cans;
    - iii. Flat metal sheets and strips in the form of rolls or coils;
    - iv. Magnet wire for use in electrical machinery;
    - v. Metal furniture;
    - vi. Large appliances;
    - vii. Exterior of airplanes;
    - viii. Automobile refinishing;
    - ix. Customized top coating of automobiles and trucks, if production is less than 35 vehicles per day;
    - x. Exterior of marine vessels.
27. "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser and hotwell used to concentrate the spent cooking liquid that is separated from the pulp.
28. "Neutral sulfite semichemical pulping" means any operation in which pulp is produced from wood by cooking or digesting wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating or grinding.
29. "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in ASTM D396-90a (Specification for Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D2880-90a (Specification for Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D975-90 (Specification for Diesel Fuel Oils).
30. "Potential electric output capacity" means 33% of a unit's maximum design heat input, divided by 3,413 Btu per kilowatt-hour, divided by 1,000 kilowatt-hours per megawatt-hour, and multiplied by 8,760 hours per year.
31. "Process source" means the last operation or process which produces an air contaminant resulting from either:
  - a. The separation of the air contaminants from the process material, or
  - b. The conversion of constituents of the process materials into air contaminants which is not an air pollution abatement operation.

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32. "Process weight" means the total weight of all materials introduced into a process source, including fuels, where these contribute to pollution generated by the process.
33. "Process weight rate" means a rate established pursuant to R18-2-702(E).
34. "Recovery furnace" means the unit, including the direct-contact evaporator for a conventional furnace, used for burning black liquor to recover chemicals consisting primarily of sodium carbonate and sodium sulfide.
35. "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D-323-90 (Test Method for Vapor Pressure of Petroleum Products) (Reid Method).
36. "Reveratory smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided primarily by combustion of a fossil fuel.
37. "Rotary lime kiln" means a unit with an included rotary drum which is used to produce a lime product from limestone by calcination.
38. "Slag" means fused and vitrified matter separated during the reduction of a metal from its ore.
39. "Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the kraft mill recovery furnace.
40. "Smelter feed" means all materials utilized in the operation of a copper smelter, including metals or concentrates, fuels and chemical reagents, calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere.
41. "Smelting" means processing techniques for the smelting of a copper sulfide ore concentrate or calcine charge leading to the formation of separate layers of molten slag, molten copper, or copper matte.
42. "Smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided by an electric current, rapid oxidation of a portion of the sulfur contained in the concentrate as it passes through an oxidizing atmosphere, or the combustion of a fossil fuel.
43. "Standard conditions" means a temperature of 293K (68°F or 20°C) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb).
44. "Supplementary control system" (SCS) means a system by which sulfur dioxide emissions are curtailed during periods when meteorological conditions conducive to ground-level concentrations in excess of ambient air quality standards for sulfur dioxide either exist or are anticipated.
45. "Vapor pressure" means the pressure exerted by the gaseous form of a substance in equilibrium with its liquid or solid form.

**Historical Note**

Former Section R18-2-701 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-701 renumbered from R18-2-501 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 12 A.A.R. 4701, effective January 29, 2007 (Supp. 06-4). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2). Amended by final

rulemaking at 21 A.A.R. 711, effective June 30, 2015 (Supp. 15-2).

**R18-2-702. General Provisions**

- A. The provisions of this Article shall only apply to a source that is all of the following:
  1. An existing source, as defined in R18-2-101;
  2. A point source. For the purposes of this Section, "point source" means a source of air contaminants that has an identifiable plume or emissions point; and
  3. A stationary source, as defined in R18-2-101.
- B. Except as otherwise provided in this Chapter relating to specific types of sources, the opacity of any plume or effluent, from a source described in subsection (A), as determined by Reference Method 9 in 40 CFR 60, Appendix A, shall not be:
  1. Greater than 20% in an area that is nonattainment or maintenance for any particulate matter standard, unless an alternative opacity limit is approved by the Director and the Administrator as provided in subsections (D) and (E), after February 2, 2004;
  2. Greater than 40% in an area that is attainment or unclassifiable for each particulate matter standard; and
  3. After April 23, 2006, greater than 20% in any area that is attainment or unclassifiable for each particulate matter standard except as provided in subsections (D) and (E).
- C. If the presence of uncombined water is the only reason for an exceedance of any visible emissions requirement in this Article, the exceedance shall not constitute a violation of the applicable opacity limit.
- D. A person owning or operating a source may petition the Director for an alternative applicable opacity limit. The petition shall be submitted to ADEQ by May 15, 2004.
  1. The petition shall contain:
    - a. Documentation that the affected facility and any associated air pollution control equipment are incapable of being adjusted or operated to meet the applicable opacity standard. This includes:
      - i. Relevant information on the process operating conditions and the control devices operating conditions during the opacity or stack tests;
      - ii. A detailed statement or report demonstrating that the source investigated all practicable means of reducing opacity and utilized control technology that is reasonably available considering technical and economic feasibility; and
      - iii. An explanation why the source cannot meet the present opacity limit although it is in compliance with the applicable particulate mass emission rule.
    - b. If there is an opacity monitor, any certification and audit reports required by all applicable subparts in 40 CFR 60 and in Appendix B, Performance Specification 1.
    - c. A verification by a responsible official of the source of the truth, accuracy, and completeness of the petition. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
  2. If the unit for which the alternative opacity standard is being applied is subject to a stack test, the petition shall also include:
    - a. Documentation that the source conducted concurrent EPA Reference Method stack testing and visible emissions readings or is utilizing a continuous opac-

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ity monitor. The particulate mass emission test results shall clearly demonstrate compliance with the applicable particulate mass emission limitation by being at least 10% below that limit. For multiple units that are normally operated together and whose emissions vent through a single stack, the source shall conduct simultaneous particulate testing of each unit. Each control device shall be in good operating condition and operated consistent with good practices for minimizing emissions.

- b. Evidence that the source conducted the stack tests according to R18-2-312, and that they were witnessed by the Director or the Director's agent or representative.
  - c. Evidence that the affected facility and any associated air pollution control equipment were operated and maintained to the maximum extent practicable to minimize the opacity of emissions during the stack tests.
3. If the source for which the alternative opacity standard is being applied is located in a nonattainment area, the petitioner shall include all the information listed in subsections (D)(1) and (D)(2), and in addition:
    - a. In subsection (D)(1)(a)(ii), the detailed statement or report shall demonstrate that the alternative opacity limit fulfills the Clean Air Act requirement for reasonably available control technology; and
    - b. In subsection (D)(2)(b), the stack tests shall be conducted with an opportunity for the Administrator or the Administrator's agent or representative to be present.
- E. If the Director receives a petition under subsection (D) the Director shall approve or deny the petition as provided below by October 15, 2004:
1. If the petition is approved under subsection (D)(1) or (D)(2), the Director shall include an alternative opacity limit in a proposed significant permit revision for the source under R18-2-320 and R18-2-330. The proposed alternative opacity limit shall be set at a value that has been demonstrated during, and not extrapolated from, testing, except that an alternative opacity limit under this Section shall not be greater than 40%. For multiple units that are normally operated together and whose emissions vent through a single stack, any new alternative opacity limit shall reflect the opacity level at the common stack exit, and not individual in-duct opacity levels.
  2. If the petition is approved under subsection (D)(3), the Director shall include an alternative opacity limit in a proposed revision to the applicable implementation plan, and submit the proposed revision to EPA for review and approval. The proposed alternative opacity limit shall be set at a value that has been demonstrated during, and not extrapolated from, testing, except that the alternative opacity limit shall not be greater than 40%.
  3. If the petition is denied, the source shall either comply with the 20% opacity limit or apply for a significant permit revision to incorporate a compliance schedule under R18-2-309(5)(c)(iii) by April 23, 2006.
  4. A source does not have to petition for an alternative opacity limit under subsection (D) to enter into a revised compliance schedule under R18-2-309(5)(c).
- F. The Director, Administrator, source owner or operator, inspector or other interested party shall determine the process weight rate, as used in this Article, as follows:

1. For continuous or long run, steady-state process sources, the process weight rate is the total process weight for the entire period of continuous operation, or for a typical portion of that period, divided by the number of hours of the period, or portion of hours of that period.
2. For cyclical or batch process sources, the process weight rate is the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during the period.

**Historical Note**

Former Section R18-2-702 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-702 renumbered from R18-2-502 and amended effective November 15, 1993 (Supp. 93-4). Amended by exempt rulemaking at 9 A.A.R. 5550, effective February 3, 2004 (Supp. 03-4).

**R18-2-703. Standards of Performance for Existing Fossil-fuel Fired Steam Generators and General Fuel-burning Equipment****A.** This Section applies to the following:

1. Installations in which fuel is burned for the primary purpose of producing power, steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitation shall apply, except for wood waste burners as regulated under R18-2-704.
2. All fossil-fuel fired steam generating units or general fuel burning equipment which are greater than or equal to 73 megawatts capacity.

**B.** For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with R18-2-311. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit.**C.** No person shall cause, allow or permit the emission of particulate matter in excess of the amounts calculated by one of the following equations:

1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 1.02Q^{0.769}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu per hour, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in subsection (C)(1).

**D.** Actual values shall be calculated from the applicable equations and rounded off to two decimal places.**E.** When low sulfur oil is fired:

1. Existing fuel-burning equipment or steam-power generating installations which commenced construction or a major modification prior to May 30, 1972, shall not emit more than 1.0 pounds sulfur dioxide maximum three-

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hour average, per million Btu (430 nanograms per joule) heat input.

2. Existing fuel-burning equipment or steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit more than 0.80 pounds of sulfur dioxide maximum three-hour average per million Btu (340 nanograms per joule) heat input.
- F.** When high sulfur oil is fired, all existing steam-power generating and general fuel-burning installations which are subject to the provisions of this Section shall not emit more than 2.2 pounds of sulfur dioxide maximum three-hour average per million Btu (946 nanograms per joule) heat input.
- G.** When solid fuel is fired:
1. Existing general fuel-burning equipment and steam-power generating installations which commenced construction or a major modification prior to May 30, 1972, shall not emit more than 1.0 pounds of sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.
  2. Existing general fuel-burning equipment and steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit more than 0.80 pounds of sulfur dioxide, maximum three-hour average, per million Btu (340 nanograms per joule) heat input.
- H.** Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee, unless the applicant demonstrates to the satisfaction of the Director that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to ensure that the sulfur dioxide ambient air quality standards set forth in R18-2-202 will not be violated.
1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.
  2. In cases where the permittee is authorized to use high sulfur oil, it shall submit to the Department monthly reports detailing its efforts to obtain low sulfur oil.
  3. When the conditions justifying the use of high sulfur oil no longer exists, the permit shall be modified accordingly.
  4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.
- I.** Existing steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit nitrogen oxides in excess of the following amounts:
1. 0.20 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when gaseous fossil fuel is fired.
  2. 0.30 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when liquid fossil fuel is fired.
  3. 0.70 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when solid fossil fuel is fired.
- J.** Emission and fuel monitoring systems, where deemed necessary by the Director for sources subject to the provisions of this Section shall, conform to the requirements of R18-2-313.
- K.** The applicable reference methods given in the Appendices to 40 CFR 60 shall be used to determine compliance with the

standards as prescribed in subsections (C) through (G) and (I). All tests shall be run at the heat input calculated under subsection (B).

**Historical Note**

Former Section R18-2-703 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-703 renumbered from R18-2-503 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-704. Standards of Performance for Incinerators**

- A.** No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20% opacity except during the times specified in subsection (D).
- B.** No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any incinerator, in excess of the following limits:
1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, emissions shall not exceed 0.1 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
  2. For wood waste burners other than air curtain destructors, emissions discharged from the stack or burner top opening shall not exceed 0.2 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
- C.** Air curtain destructors shall not be used within 500 feet of the nearest dwelling.
- D.** Incinerators shall be exempt from the opacity and emission requirements described in subsections (A) and (B) as follows:
1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, such exemption shall be for not more than 30 seconds in any 60-minute period.
  2. Wood waste burners shall be exempt both:
    - a. For a period once each day for the purpose of building a new fire but not to exceed 60 minutes, and
    - b. For an upset of operations not to exceed three minutes in any 60-minute period.
- E.** The owner or operator of any incinerator subject to the provisions of this Section shall record the daily charging rates and hours of operation.
- F.** The test methods and procedures required by this Section are as follows:
1. The reference methods in 40 CFR 60, Appendix A, shall be used to determine compliance with the standards prescribed in subsection (B) as follows:
    - a. Method 5 for the concentration of particulate matter and the associated moisture content;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis and calculation of excess air, using the integrated sampling technique.
  2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process

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variables or other factors, may be approved by the Director.

**Historical Note**

Former Section R18-2-704 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-704 renumbered from R18-2-504 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2).

**R18-2-705. Standards of Performance for Existing Portland Cement Plants**

- A. The provisions of this Section are applicable to the following affected facilities in portland cement plants: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.
- B. No person shall cause, allow or permit the discharge of particulate matter from any identifiable process source within any existing cement plant subject to the provisions of this Section which exceeds the amounts calculated by one of the following equations:
  1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11} - 40$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. No process source within any portland cement plant shall exceed 20% opacity.
- D. No person shall cause, allow or permit discharge into the atmosphere of an amount in excess of 6 pounds of sulfur oxides, calculated as sulfur dioxide, per ton cement kiln feed from cement plants subject to the provisions of this Section.
- E. The owner or operator of any portland cement plant subject to the provisions of this Section shall record the daily production rates and the kiln feed rates.
- F. The test methods and procedures required by this Section are as follows:
  1. The reference methods in 40 CFR 60, Appendix A, except as provided for in R18-2-312 shall be used to determine compliance with the standards prescribed in subsection (B) as follows:
    - a. Method 5 for the concentration of particulate matter and the associated moisture content;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis.
  2. For Method 5, the minimum sampling time and minimum sample volume for each run except when process variables or other factors justifying otherwise to the satisfaction of the Director, shall be as follows:
    - a. 60 minutes and 0.85 dscm (30.0 dscf) for the kiln,

- b. 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.
3. Total kiln feed rate, except fuels, expressed in metric tons per hour on a dry basis, shall be both:
  - a. Determined during each testing period by suitable methods; and
  - b. Confirmed by a material balance over the production system.
4. For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation,  $g/hr = Q_s \times c$ , where  $Q_s$  = volumetric flow rate of the total effluent in dscm/hr as determined in accordance with subsection (F)(1)(c), and  $c$  = particulate concentration in g/dscm as determined in accordance with subsection (F)(1)(a).

**Historical Note**

Former Section R18-2-705 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-705 renumbered from R18-2-505 effective November 15, 1993 (Supp. 93-4).

**R18-2-706. Standards of Performance for Existing Nitric Acid Plants**

- A. No person shall cause, allow or permit discharge from any nitric acid plant producing weak nitric acid, which is either:
  1. 30 to 70% in strength by either the increased pressure or atmospheric pressure process, or
  2. More than 1.5 kg of total oxides of nitrogen per metric ton (3.0 lbs/ton) of acid produced expressed as nitrogen dioxide.
- B. The opacity of any plume subject to the provisions of this Section shall not exceed 10%.
- C. A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with Section R18-2-313.
- D. The test methods and procedures required by this Section are as follows:
  1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standard prescribed in subsection (A) as follows:
    - a. Method 7 for the concentration of  $NO_x$ ;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis.
  2. For Method 7, the sample site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft.). Each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.
  3. Acid production rate, expressed in metric tons per hour of 100% nitric acid, shall be both:
    - a. Determined during each testing period by suitable methods, and
    - b. Confirmed by a material balance over the production system.
  4. For each run, nitrogen oxides, expressed in g/metric ton of 100% nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation:

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$$\text{g/hr} = Q_s \times c$$

where  $Q_s$  = volumetric flow rate of the effluent in dscm/hr, as determined in accordance with subsection (D)(1)(c), and  $c = \text{NO}_x$  concentration in g/dscm, as determined in accordance with subsection (D)(1)(a).

**Historical Note**

Former Section R18-2-706 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-706 renumbered from R18-2-506 effective November 15, 1993 (Supp. 93-4).

**R18-2-707. Standards of Performance for Existing Sulfuric Acid Plants**

- A. Facilities that produce sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfide and mercaptans or acid sludge shall not discharge into the atmosphere:
  1. Greater than 2 kg of sulfur dioxide per metric ton (4 lbs/ton) of sulfuric acid produced (calculated as 100%  $\text{H}_2\text{SO}_4$ ), or
  2. Greater than 0.075 kg of sulfuric acid mist per metric ton (0.15 lbs/ton) or sulfuric acid produced (calculated as 100%  $\text{H}_2\text{SO}_4$ ).
- B. This Section shall not apply to metallurgical plants or other facilities where conversion to sulfuric acid is utilized as a means of controlling emissions to the atmosphere of sulfur dioxide or other sulfur compounds.
- C. A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained and operated by the owner or operator, in accordance with R18-2-313.
- D. The test methods and procedures required by this Section are as follows:
  1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with standards prescribed in subsection (A) as follows:
    - a. Method 8 for concentration of  $\text{SO}_2$  and acid mist;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis.
  2. The moisture content can be considered to be zero. For Method 8 the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 1.15 dscm (40.6 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Director.
  3. Acid production rate, expressed in metric tons per hour of 100%  $\text{H}_2\text{SO}_4$ , shall be both:
    - a. Determined during each testing period by suitable methods, and
    - b. Confirmed by a material balance over the production system.
  4. Acid mist and sulfur dioxide emissions, expressed in g/metric ton of 100%  $\text{H}_2\text{SO}_4$ , shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation,  $\text{g/hr} = Q_s \times c$ , where  $Q_s$  = volumetric flow rate of the effluent in dscm/hr as determined in accordance with subsection (D)(1)(c), and  $c$  = acid mist and  $\text{SO}_2$  concentrations in g/dscm as determined in accordance with subsection (D)(1)(a).

**Historical Note**

Former Section R18-2-707 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-707 renum-

bered from R18-2-507 effective November 15, 1993 (Supp. 93-4).

**R18-2-708. Standards of Performance for Existing Asphalt Concrete Plants**

- A. Fixed asphalt concrete plants and portable asphalt concrete plants shall meet the standards set forth in this Section.
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing asphalt concrete plant in total quantities in excess of the amounts calculated by one of the following equations:
  1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:
 
$$E = 4.10P^{0.67}$$
 where:  
 $E$  = the maximum allowable particulate emission rate in pounds-mass per hour.  
 $P$  = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:
 
$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.
- E. Liquid fuel containing greater than 0.9% sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.
- F. Solid fuel containing greater than 0.5% sulfur by weight shall not be utilized for asphalt concrete plants subject to this Section.
- G. The test methods and procedures required under this Section are:
  1. The referenced methods given in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standards prescribed in subsection (B).
    - a. Method 5 for the concentration of particulate matter and the associated moisture content,
    - b. Method 1 for sample and velocity traverses,
    - c. Method 2 for velocity and volumetric flow rate,
    - d. Method 3 for gas analysis.
  2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Director.
  3. Percent sulfur in liquid fuel shall be determined by ASTM method D-129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method), and the percent sulfur in solid fuel shall be determined by ASTM method D-3177-89 (Test Method for Total Sulfur in the Analysis Sample of Coal and Coke).

**Historical Note**

Former Section R18-2-708 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-708 renum-

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bered from R18-2-508 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-709. Expired****Historical Note**

Former Section R18-2-709 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-709 renumbered from R18-2-509 and amended effective November 15, 1993 (Supp. 93-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-710. Standards of Performance for Existing Storage Vessels for Petroleum Liquids**

A. No person shall place, store or hold in any reservoir, stationary tank or other container having a capacity of 40,000 (151,400 liters) or more gallons any petroleum liquid having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

1. A floating roof consisting of a pontoon type double-deck type roof resting on the surface of the liquid contents and equipped with a closure seal to close the space between the roof eave and tank wall and a vapor balloon or vapor dome, designed in accordance with accepted standards of the petroleum industry. The control equipment shall not be used if the petroleum liquid has a vapor pressure of 12 pounds per square inch absolute or greater under actual storage conditions.
  - a. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
  - b. There shall be no visible holes, tears, or other openings in the seal or any seal fabric. Where applicable, all openings except drains shall be equipped with a cover, seal, or lid. The cover, seal, or lid shall be in a closed position at all times, except when the device is in actual use.
  - c. Automatic bleeder vents shall be closed at all times, except when the roof is floated off or landed on the roof leg supports.
  - d. Rim vents, if provided, shall be set to open when the roof is being floated off the roof leg supports, or at the manufacturer's recommended setting.
2. Other equipment proven to be of equal efficiency for preventing discharge of hydrocarbon gases and vapors to the atmosphere.

- B. Any other petroleum liquid storage tank shall be equipped with a submerged filling device, or acceptable equivalent, for the control of hydrocarbon emissions.
- C. All facilities for dock loading of petroleum products, having a vapor pressure of 1.5 pounds per square inch absolute or greater at loading pressure, shall provide for submerged filling or acceptable equivalent for control of hydrocarbon emissions.
- D. All pumps and compressors which handle volatile organic compounds shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere.
- E. The monitoring of operations required by this Section is as follows:

1. The owner or operator of any petroleum liquid storage vessel to which this Section applies shall for each such storage vessel maintain a file of each type of petroleum liquid stored, of the typical Reid vapor pressure of each type of petroleum liquid stored and of dates of storage. Dates on which the storage vessel is empty shall be shown.
2. The owner or operator of any petroleum liquid storage vessel to which this Section applies shall for such storage vessel determine and record the average monthly storage temperature and true vapor pressure of the petroleum liquid stored at such temperature if either:
  - a. The petroleum liquid has a true vapor pressure, as stored, greater than 26 mm Hg (0.5 psia) but less than 78 mm Hg (1.5 psia) and is stored in a storage vessel other than one equipped with a floating roof, a vapor recovery system or their equivalents; or
  - b. The petroleum liquid has a true vapor pressure, as stored, greater than 470 mm Hg (9.1 psia) and is stored in a storage vessel other than one equipped with a vapor recovery system or its equivalent.
3. The average monthly storage temperature shall be an arithmetic average calculated for each calendar month, or portion thereof, if storage is for less than a month, from bulk liquid storage temperatures determined at least once every seven days.
4. The true vapor pressure shall be determined by the procedures in American Petroleum Institute Bulletin 2517, amended as of February 1980 (and no future editions), which is incorporated herein by reference and on file with the Office of the Secretary of State. This procedure is dependent upon determination of the storage temperature and the Reid vapor pressure, which requires sampling of the petroleum liquids in the storage vessels. Unless the Director requires in specific cases that the stored petroleum liquid be sampled, the true vapor pressure may be determined by using the average monthly storage temperature and the typical Reid vapor pressure. For those liquids for which certified specifications limiting the Reid vapor pressure exist, the Reid vapor pressure may be used. For other liquids, supporting analytical data must be made available upon request to the Director when typical Reid vapor pressure is used.

**Historical Note**

Section R18-2-710 renumbered from R18-2-510 effective November 15, 1993 (Supp. 93-4).

**R18-2-711. Expired****Historical Note**

Section R18-2-711 renumbered from R18-2-511 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-712. Expired****Historical Note**

Section R18-2-712 renumbered from R18-2-512 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).



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**R18-2-713. Expired****Historical Note**

Section R18-2-713 renumbered from R18-2-513 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-714. Standards of Performance for Existing Sewage Treatment Plants**

- A.** No person shall cause, allow or permit to be emitted into the atmosphere, from any municipal sewage treatment plant sludge incinerator:
1. Smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20% opacity for more than 30 seconds in any 60-minute period.
  2. Particulate matter in concentrations in excess of 0.1 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
- B.** The owner or operator of any sludge incinerator subject to the provisions of this Section shall monitor operations by doing all of the following:
1. Install, calibrate, maintain and operate a flow measuring device which can be used to determine either the mass or volume of sludge charged to the incinerator. The flow measuring device shall have an accuracy of  $\pm 5\%$  over its operating range.
  2. Provide access to the sludge charged so that a well-mixed representative grab sample of the sludge can be obtained.
  3. Install, calibrate, maintain and operate a weighing device for determining the mass of any municipal solid waste charged to the incinerator when sewage sludge and municipal solid wastes are incinerated together. The weighing device shall have an accuracy of  $\pm 5\%$  over its operating range.
- C.** The test methods and procedures required by this Section are as follows:
1. The reference methods set forth in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in subsection (A) as follows:
    - a. Method 5 for concentration of particulate matter and associated moisture content;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for volumetric flow rate; and
    - d. Method 3 for gas analysis.
  2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.015 dscm/min (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Director.

**Historical Note**

Section R18-2-714 renumbered from R18-2-514 effective November 15, 1993 (Supp. 93-4).

**R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements**

- A.** No owner or operator of a primary copper smelter shall cause, allow or permit the discharge of particulate matter into the atmosphere from any process in total quantities in excess of the amount calculated by one of the following equations:
1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the

maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11-40}$$

where "E" and "P" are defined as indicated in subsection (A)(1).

- B.** Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- C.** For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter for that process.
- D.** The opacity of emissions subject to the provisions of this Section shall not exceed 20%.
- E.** The reference methods set forth in the Arizona Testing Manual and 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standards prescribed in this Section as follows:
1. Method A1 or Reference Method 5 for concentration of particulate matter and associated moisture content,
  2. Reference Method 1 for sample and velocity traverses,
  3. Reference Method 2 for volumetric flow rate,
  4. Reference Method 3 for gas analysis.
- F.** Except as provided in a consent decree or a delayed compliance order, the owner or operator of any primary copper smelter shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from any stack required to be monitored by R18-2-715.01(K) in excess of the following:
1. For the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17" W:
    - a. Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 6,882 pounds per hour.
    - b. The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):

n, Cumulative Occurrences	E, (lb/hr)
0	24,641
1	22,971
2	21,705
4	20,322
7	19,387
12	18,739
20	17,656
32	16,988
48	16,358
68	15,808
94	15,090
130	14,423

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180	13,777
245	13,212
330	12,664
435	12,129
560	11,621
710	11,165
890	10,660
1100	10,205
1340	9,748
1610	9,319
1910	8,953
2240	8,556

2. For the copper smelter located near Miami, Arizona at latitude 33°24'50"N and longitude 110°51'25"W:
- Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 604 pounds per hour.
  - The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed *n* cumulative occurrences in excess of *E*, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):

<i>n</i> , Cumulative Occurrences	<i>E</i> , (lb/hr)
0	8678
1	7158
2	5903
4	4575
7	4074
12	3479
20	3017
32	2573
48	2111
68	1703
94	1461
130	1274
180	1145
245	1064
330	1015
435	968
560	933
710	896
890	862
1100	828
1340	797
1610	765
1910	739
2240	712

- G. Except as provided in a consent decree or a delayed compliance order, for the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17"W, annual average fugitive emissions calculated under R18-2-715.01(T) shall not exceed 295 pounds per hour.
- H. In addition to the limits in subsection (F)(3), except as provided in a consent decree or a delayed compliance order, the

owner or operator of the copper smelter located near Miami, Arizona at latitude 33°24'50"N and longitude 110°51'25"W shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from combined stack and fugitive emissions units in excess of the 2420 pounds per hour annual average calculated under R18-2-715.01(U).

- I. The owner and operator of the copper smelter located near Hayden, Arizona at the latitude and longitude provided in R18-2-715(F)(1) shall comply with Section R18-2-715(F)(1) and R18-2-715(G) until the effective date of R18-2-B1302 as determined by R18-2-B1302(A)(2). The owner and operator of the copper smelter located near Miami, Arizona at the latitude and longitude provided in R18-2-715(F)(2) shall comply with Section R18-2-715(F)(2) and R18-2-715(H) until the effective date of R18-2-C1302 as determined by R18-2-C1302(A)(2).

**Historical Note**

Section R18-2-715 renumbered from R18-2-515 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 575, effective January 15, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 3365, effective July 18, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 23 A.A.R. 767, effective May 7, 2017, (Supp. 17-1).

**R18-2-715.01. Standards of Performance for Existing Primary Copper Smelters; Compliance and Monitoring**

- A. The cumulative occurrence and emission limits in R18-2-715(F) apply to the total of sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not uncaptured fugitive emissions or emissions due solely to the use of fuel for space heating or steam generation.
- B. The owner or operator shall include periods of malfunction, startup, shutdown or other upset conditions when determining compliance with the cumulative occurrence or annual average emission limits in R18-2-715(F), (G), or (H).
- C. The owner or operator shall determine compliance with the cumulative occurrence and emission limits contained in R18-2-715(F) as follows:
- The owner or operator shall calculate annual average emissions at the end of each day by averaging the emissions for all hours measured during the compliance period defined in subsection (J) ending on that day. An annual emissions average in excess of the allowable annual average emission limit is a violation of R18-2-715(F) if either:
    - The annual average is greater than the annual average computed for the preceding day; or
    - The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.
  - The owner or operator shall calculate a three-hour emissions average at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours provided each hour was measured according to the requirements in subsection (K).
- D. For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986, except that:

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1. The compliance date for the cumulative occurrence and emissions limits in R18-2-715(F)(1) and R18-2-715(G) is January 15, 2002, and
  2. The compliance date for the cumulative occurrence and emissions limits in R18-2-715(F)(2), (F)(3), (G), and (H) is the effective date of this rule.
- E.** For purposes of subsection (C), a three-hour emissions average in excess of an emission level E violates the associated cumulative occurrence limit n listed in R18-2-715(F) if:
1. The number of all three-hour emissions averages calculated during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and
  2. The average is calculated during the last operating day of the compliance period being reported.
- F.** A three-hour emissions average only violates the cumulative occurrence limit n of an emission level E on the day containing the last hour in the average.
- G.** Multiple violations of the same cumulative occurrence limit on the same day and violations of different cumulative occurrence limits on the same day constitute a single violation of R18-2-715(F).
- H.** The violation of any cumulative occurrence limit and an annual average emission limit on the same day constitutes only a single violation of the requirements of R18-2-715(F).
- I.** Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour constitutes a single violation of R18-2-715(F).
- J.** To determine compliance with subsections (C) through (I), the compliance period consists of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days, in which case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. For purposes of this Section, an operating day is any day on which sulfur-containing feed is introduced into the smelting process.
- K.** To determine compliance with R18-2-715(F) or (H), the owner or operator of any smelter subject to R18-2-715(F) or (H) shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in each stack that could emit five percent or more of the allowable annual average sulfur dioxide emissions from the smelter.
1. The owner or operator shall continuously monitor sulfur dioxide concentrations and stack gas volumetric flow rates in the outlet of each piece of sulfur dioxide control equipment.
  2. The owner or operator shall continuously monitor captured fugitive emissions for sulfur dioxide concentrations and stack gas volumetric flow rates and include these emissions as part of total plant emissions when determining compliance with the cumulative occurrence and emission limits in R18-2-715(F) and (H).
  3. If the owner or operator demonstrates to the Director that measurement of stack gas volumetric flow in the outlet of any particular piece of sulfur dioxide control equipment would yield inaccurate results once operational or would be technologically infeasible, then the Director may allow measurement of the flow rate at an alternative sampling point.
  4. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, outlet, or other approved measurement location in each 15-minute period. Fifteen-minute periods start at the beginning of each clock hour, and run consecutively. An hour of smelter emissions is considered continuously monitored if the emissions from all monitored stacks, outlets, or other approved measurement locations are measured for at least 45 minutes of any hour according to the requirements of this subsection.
5. The owner or operator shall demonstrate that the continuous monitoring system meets all of the following requirements:
- a. The sulfur dioxide continuous emission monitoring system installed and operated under this Section meets the requirements of 40 CFR 60, Appendix B, Performance Specification 6.
  - b. The sulfur dioxide continuous emission monitoring system installed and operated under this Section meets the quality assurance requirements of 40 CFR 60, Appendix F.
  - c. The owner or operator shall notify the Director in writing at least 30 days in advance of the start of relative accuracy test audit (RATA) procedures performed on the continuous monitoring system.
  - d. The Director shall approve the location of all sampling points for monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in writing before installation and operation of measurement instruments.
  - e. The measurement system installed and used under this subsection is subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case specifications or recommendations shall be followed. The owner or operator shall make available a record of these procedures that clearly shows instrument readings before and after zero adjustment and calibration.
- L.** The owner or operator of a smelter subject to this Section shall measure at least 95 percent of the hours during which emissions occurred in any month.
- M.** Failure of the owner or operator of a smelter subject to this Section to measure any 12 consecutive hours of emissions according to the requirements of subsection (K) or (S) is a violation of this Section.
- N.** The owner or operator of any smelter subject to this Section shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the continuous monitoring equipment required by this Section to allow for the replacement within six hours of any monitoring equipment part that fails or malfunctions during operation.
- O.** To determine total overall emissions, the owner or operator of any smelter subject to this Section shall perform material balances for sulfur according to the procedures prescribed by Appendix 8 of this Chapter.
- P.** The owner or operator of any smelter subject to this Section shall maintain a record of all average hourly emissions measurements and all calculated average monthly emissions required by this Section. The record of the emissions shall be retained for at least five years following the date of measurement or calculation. The owner or operator shall record the measurement or calculation results as pounds per hour of sul-

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fur dioxide. The owner or operator shall summarize the following data monthly and submit the summary to the Director within 20 days after the end of each month:

1. For all periods described in subsection (C) and (R), the annual average emissions as calculated at the end of each day of the month;
  2. The total number of hourly periods during the month in which measurements were not taken and the reason for loss of measurement for each period;
  3. The number of three-hour emissions averages that exceeded each of the applicable emissions levels listed in R18-2-715(F) and (G) for the compliance periods ending on each day of the month being reported;
  4. The date on which a cumulative occurrence limit listed in R18-2-715(F) or (G) was exceeded if the exceedance occurred during the month being reported; and
  5. For all periods described in subsection (T) and (U), the annual average emissions as calculated at the end of the last day of each month.
- Q.** An owner or operator shall install instrumentation to monitor each point in the smelter facility where a means exists to bypass the sulfur removal equipment, to detect and record all periods that the bypass is in operation. An owner or operator of a copper smelter shall report to the Director, not later than the 15th day of each month, the recorded information required by this Section, including an explanation for the necessity of the use of the bypass.
- R.** The owner or operator shall determine compliance with the cumulative occurrence and fugitive emission limits contained in R18-2-715(G) as follows:
1. The owner or operator shall calculate annual average emissions at the end of each day by averaging the emissions for all hours measured during the compliance period, as defined in subsection (R)(8), ending on that day. An annual emissions average in excess of the allowable annual average emission limit is a violation of R18-2-715(G) if either:
    - a. The annual average is greater than the annual average computed for the preceding day; or
    - b. The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.
  2. The owner or operator shall calculate a three-hour emissions average at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours provided each hour was measured according to the requirements contained in subsection (S).
  3. For purposes of subsection (R)(2), a three-hour emissions average in excess of an emission level  $E_f$  violates the associated cumulative occurrence limit listed in R18-2-715(G) if:
    - a. The number of all three-hour emissions averages calculated during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and
    - b. The average is calculated during the last operating day of the compliance period being reported.
  4. A three-hour emissions average only violates the cumulative occurrence limit  $n$  of an emission level  $E_f$  on the day containing the last hour in the average.
  5. Multiple violations of the same cumulative occurrence limit on the same day and violations of different cumulative occurrence limits on the same day constitute a single violation of R18-2-715(G).
  6. The violation of any cumulative occurrence limit and an annual average emission limit on the same day constitutes only a single violation of the requirements of R18-2-715(G).
  7. Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour constitutes a single violation of R18-2-715(G).
  8. To determine compliance with subsections (R)(1) through (7), the compliance period consists of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days, in which case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. For purposes of this Section, an operating day is any day on which sulfur-containing feed is introduced into the smelting process.
- S.** To determine compliance with R18-2-715(G), the owner or operator of the smelter subject to R18-2-715(G) shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations of the converter roof fugitive emissions.
1. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration from an approved measurement location in each 15-minute period. Fifteen-minute periods start at the beginning of each clock hour, and run consecutively. An hour of smelter emissions is considered continuously monitored if the emissions from all approved measurement locations are measured for at least 45 minutes of any hour according to the requirements of this subsection.
  2. The owner or operator of a smelter subject to the requirements of this subsection shall conduct quality assurance procedures on the continuous monitoring system according to the methods in 40 CFR 60, Appendix F, except that an annual relative accuracy test audit (RATA) is not required.
- T.** The emission limit in R18-2-715(G) applies to the total of uncaptured fugitive sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not emissions due solely to the use of fuel for space heating or steam generation. The owner or operator shall determine compliance with the emission limit contained in R18-2-715(G) as follows:
1. The owner or operator shall calculate annual average fugitive emissions at the end of the last day of each month by averaging the monthly emissions for the previous 12-month period ending on that day. To determine monthly fugitive emissions, the owner or operator shall perform material balances for sulfur according to the sulfur balance procedures prescribed in Appendix 8 of this Chapter.
  2. An annual emissions average in excess of the allowable annual average emission limit violates R18-2-715(G) if the fugitive annual average computed at the end of each month exceeds the allowable annual average emission limit.
- U.** The emission limit in R18-2-715(H) applies to the total of stack and uncaptured fugitive sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not emissions due solely to the use of fuel for space heating or steam generation. The owner or oper-

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ator shall determine compliance with the emission limit contained in R18-2-715(H) as follows:

1. The owner or operator shall calculate annual average stack emissions at the end of the last day of each month by averaging the emissions for all hours measured during the previous 12-month period ending on that day according to the requirements contained in subsection (K).
  2. The owner or operator shall calculate annual average fugitive emissions at the end of the last day of each month by averaging the monthly emissions for the previous 12-month period ending on that day. To determine monthly fugitive emissions, the owner or operator shall perform material balances for sulfur according to the sulfur balance procedures prescribed in Appendix 8 of this Chapter.
  3. An annual emissions average in excess of the allowable annual average emission limit violates R18-2-715(H) if the total of the stack and fugitive annual averages computed at the end of each month exceeds the allowable annual average emission limit.
- V. The owner and operator of the copper smelter located near Hayden, Arizona at the latitude and longitude provided in R18-2-715(F)(1) shall comply with Section R18-2-715.01 until the effective date of R18-2-B1302 as determined by R18-2-B1302(A)(2). The owner and operator of the copper smelter located near Miami, Arizona at the latitude and longitude provided in R18-2-715(F)(2) shall comply with Section R18-2-715.01 until the effective date of R18-2-C1302 as determined by R18-2-C1302(A)(2).
- Historical Note**
- Section R18-2-715.01 renumbered from R18-2-515.01 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 8 A.A.R. 575, effective January 15, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 3365, effective July 18, 2002 (Supp. 02-3). Amended by final rulemaking at 23 A.A.R. 767, effective May 7, 2017, (Supp. 17-1).
- R18-2-715.02. Standards of Performance for Existing Primary Copper Smelters; Fugitive Emissions**
- A. For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.
- B. No later than 24 months before the compliance date, the owner or operator of a smelter subject to R18-2-715 shall submit to the Director the results of an evaluation of the fugitive emissions from the smelter. The evaluation results shall contain all of the following information:
1. A measurement or accurate estimate of total fugitive emissions from the smelter during typical operations, including planned start-up and shutdown. The measurement or estimate shall contain the amount of both average short-term (24 hours) and average long-term (monthly) fugitive emissions from the smelter. The evaluation plan shall be approved in advance by the Department and shall specify the method used to determine the fugitive emission amounts, including the conditions determined to be "typical operations" for the smelter.
  2. A measurement or accurate estimate of the relative proportion, expressed as a percentage, of total fugitive emissions during typical operations, including planned start-up and shutdown, produced by any of the following smelter processes:
    - a. Roaster or dryer operation;
    - b. Calcine or dried concentrate transfer;
    - c. Reverberatory furnace operations, including feeding, slag return, matte and slag tapping;
    - d. Matte transfer; and
    - e. Converter operations.
3. The measurement technique or method of estimation used to fulfill the requirement in subsection (B)(2) shall be approved in advance by the Department.
4. The results of at least a six-month fugitive emission impact analysis conducted during that part of the year when fugitive emissions are expected to have the greatest ambient air quality impact. The study shall utilize sufficient measurements of fugitive emissions, meteorological conditions and ambient sulfur dioxide concentrations to associate fugitive emissions with specific measured ambient concentrations of sulfur dioxide. The study shall describe in detail the techniques used to make the required determinations. The design of the study shall be approved in advance by the Department.
- C. On the basis of the results of the evaluation as well as other data and information contained in the records of the Department, the Director shall determine whether fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of the ambient sulfur dioxide standards in the vicinity of the smelter. If the Director finds that fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of a smelter, then the Director shall adopt rules specifying the emission limits and undertake other appropriate measures necessary to maintain ambient sulfur dioxide standards.
- D. The requirements of subsection (B) shall not apply to a smelter subject to this Section if the owner or operator of that smelter can demonstrate to the Director both that:
1. Compliance with the applicable cumulative occurrence and emission limits listed in R18-2-715(F) will require the smelter to undergo major modifications to its physical configuration or work practices prior to the compliance date, and
  2. That the modification will reduce fugitive emissions to such an extent that such emissions will not cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of the smelter.
- E. In order to assess the sufficiency of the cumulative occurrence and emission limits contained in R18-2-715(F) to maintain the ambient air quality standards for sulfur dioxide set forth in R18-2-202, an owner or operator of a smelter subject to this Section shall continue to calibrate, maintain and operate any ambient sulfur dioxide monitoring equipment owned by the smelter owner or operator and in operation within the area of the smelter enclosed by a circle with 10-mile radius as calculated from a center point which shall be the point of the smelter's greatest sulfur dioxide emissions, for a period of at least three years after the compliance date.
1. Such monitors shall be operated and maintained in accordance with 40 CFR 50 and 58 and such other conditions as the Director deems necessary.
  2. The location of ambient sulfur dioxide monitors and length of time such monitors remain at a location shall be determined by the Director.
- F. The owner and operator of the copper smelter located near Hayden, Arizona at the latitude and longitude provided in R18-2-715(F)(1) shall comply with Section R18-2-715.02 until the effective date of R18-2-B1302 as determined by R18-

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2-B1302(A)(2). The owner and operator of the copper smelter located near Miami, Arizona at the latitude and longitude provided in R18-2-715(F)(2) shall comply with Section R18-2-715.02 until the effective date of R18-2-C1302 as determined by R18-2-C1302(A)(2).

**Historical Note**

Section R18-2-715.02 renumbered from R18-2-515.02 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 23 A.A.R. 767, effective May 7, 2017, (Supp. 17-1).

**R18-2-716. Standards of Performance for Existing Coal Preparation Plants**

- A. The provisions of this Section are applicable to any of the following affected facilities in coal preparation plants: thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment including breakers and crushers, coal storage systems, and coal transfer and loading systems. For purposes of this Section, the definitions contained in 40 CFR 60.251 are adopted by reference and incorporated herein.
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing coal preparation plant in total quantities in excess of the amounts calculated by one of the following equations:
  1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 $E$  = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 $P$  = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.
- E. Fugitive emissions from coal preparation plants shall be controlled in accordance with R18-2-604 through R18-2-607.
- F. The test methods and procedures required by this Section are as follows:
  1. The reference methods in the 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, are used to determine compliance with standards prescribed in subsection (B) as follows:
    - a. Method 5 for the concentration of particulate matter and associated moisture content,
    - b. Method 1 for sample and velocity traverses,
    - c. Method 2 for velocity and volumetric flow rate,
    - d. Method 3 for gas analysis.
  2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf) except that short sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Director. Sam-

pling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the Director.

3. The owner or operator shall construct the facility so that particulate emissions from thermal dryers or pneumatic coal cleaning equipment can be accurately determined by applicable test methods and procedures under subsection (F)(1).

**Historical Note**

Section R18-2-716 renumbered from R18-2-516 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-717. Expired****Historical Note**

Section R18-2-717 renumbered from R18-2-517 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-718. Repealed****Historical Note**

Section R18-2-718 renumbered from R18-2-518 effective November 15, 1993 (Supp. 93-4). Section repealed by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2).

**R18-2-719. Standards of Performance for Existing Stationary Rotating Machinery**

- A. The provisions of this Section are applicable to the following affected facilities: all stationary gas turbines, oil-fired turbines, or internal combustion engines. This Section also applies to an installation operated for the purpose of producing electric or mechanical power with a resulting discharge of sulfur dioxide in the installation's effluent gases.
- B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. Compliance tests shall be conducted during operation at the normal rated capacity of each unit. The total heat input of all operating fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.
- C. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any stationary rotating machinery in excess of the amounts calculated by one of the following equations:
  1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 1.02Q^{0.769}$$
 where:  
 $E$  = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 $Q$  = the heat input in million Btu per hour.
  2. For equipment having a heat input rate greater than 4200 million Btu per hour, the maximum allowable emissions shall be determined by the following equation:  

$$E = 17.0Q^{0.432}$$

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where "E" and "Q" have the same meaning as in subsection (C)(1).

- D. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- E. No person shall cause, allow or permit to be emitted into the atmosphere from any stationary rotating machinery, smoke for any period greater than 10 consecutive seconds which exceeds 40% opacity. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.
- F. When low sulfur oil is fired, stationary rotating machinery installations shall burn fuel which limits the emission of sulfur dioxide to 1.0 pound per million Btu heat input.
- G. When high sulfur oil is fired, stationary rotating machinery installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input.
- H. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee. This condition may not be included in the permit if the applicant demonstrates to the satisfaction of the Director both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to ensure that the sulfur dioxide ambient air quality standards set forth in R18-2-202 will not be violated.
  - 1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.
  - 2. In cases where the permittee is authorized to use high sulfur oil, it shall submit to the Department monthly reports detailing its efforts to obtain low sulfur oil.
  - 3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.
  - 4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.
- I. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall record daily the sulfur content and lower heating value of the fuel being fired in the machine.
- J. The owner or operator of any stationary rotating machinery subject to the provisions of this Section shall report to the Director any daily period during which the sulfur content of the fuel being fired in the machine exceeds 0.8%.
- K. The test methods and procedures required by this Section are as follows:
  - 1. To determine compliance with the standards prescribed in subsections (C) through (H), the following reference methods shall be used:
    - a. Reference Method 20 in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, for the concentration of sulfur dioxide and oxygen.
    - b. ASTM Method D129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.
    - c. ASTM Method D1072-90 (Test Method for Total Sulfur in Fuel Gases for the sulfur content of gaseous fuels).
  - 2. To determine compliance with the standards prescribed in subsection (J), the following reference methods shall be used:
    - a. ASTM Method D129-91 (Test Method for Sulfur in Petroleum Products) (General Bomb Method) for the sulfur content of liquid fuels.

- b. ASTM Method D1072-90 (Test Method for Total Sulfur in Fuel Gases) for the sulfur content of gaseous fuels.

**Historical Note**

Section R18-2-719 renumbered from R18-2-519 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 18 A.A.R. 1542, effective August 7, 2012 (Supp. 12-2).

**R18-2-720. Standards of Performance for Existing Lime Manufacturing Plants**

- A. The provisions of this Section are applicable to the following affected facilities used in the manufacture of lime: rotary lime kilns, vertical lime kilns, lime hydrators, and limestone crushing facilities. This Section is also applicable to limestone crushing equipment which exists apart from other lime manufacturing facilities.
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any lime manufacturing or limestone crushing facility in total quantities in excess of the amounts calculated by one of the following equations:
  - 1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
  - 2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.
- E. Fugitive emissions from lime plants shall be controlled in accordance with R18-2-604 through R18-2-607.
- F. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate a continuous monitoring system, except as provided in subsection (G), to monitor and record the opacity of the gases discharged into the atmosphere from any rotary lime kiln. The span of this system shall be set at 70% opacity.
- G. The owner or operator of any rotary lime kiln using a wet scrubbing emission control device subject to the provisions of this Section shall not be required to monitor the opacity of the gases discharged as required in subsection (F).
- H. The test methods and procedures required by this Section are as follows:
  - 1. The reference methods in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with this Section as follows:

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- a. Method 5 for the measurement of particulate matter,
  - b. Method 1 for sample and velocity traverses,
  - c. Method 2 for velocity and volumetric flow rate,
  - d. Method 3 for gas analysis,
  - e. Method 4 for stack gas moisture,
  - f. Method 9 for visible emissions.
2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Director.
  3. Because of the high moisture content of the exhaust gases from the hydrators, in the range of 40 to 85% by volume, the Method 5 sample train may be modified to include a calibrated orifice immediately following the sample nozzle when testing lime hydrators. In this configuration, the sampling rate necessary for maintaining isokinetic conditions can be directly related to exhaust gas velocity without a correction for moisture content.

**Historical Note**

Section R18-2-720 renumbered from R18-2-520 and amended effective November 15, 1993 (Supp. 93-4).  
Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-721. Standards of Performance for Existing Nonferrous Metals Industry Sources**

- A. The provisions of this Section are applicable to the following affected facilities:
  1. Mines,
  2. Mills,
  3. Concentrators,
  4. Crushers,
  5. Screens,
  6. Material handling facilities,
  7. Fine ore storage,
  8. Dryers,
  9. Roasters, and
  10. Loaders.
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any process source subject to the provisions of this Section in total quantities in excess of the amounts calculated by one of the following equations:
  1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
  2. For process sources having a process weight greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (B)(1).
- C. Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in

determining the maximum allowable emission of particulate matter.

- E. No person shall cause, allow or permit to be discharged into the atmosphere from any dryer or roaster the operating temperature of which exceeds 700°F, reduced sulfur in excess of 10% of the sulfur entering the process as feed. Reduced sulfur includes sulfur equivalent from all sulfur emissions including sulfur dioxide, sulfur trioxide, and sulfuric acid.
- F. The owner or operator of any mining property subject to the provisions of this Section shall record the daily process rates and hours of operation of all material handling facilities.
- G. A continuous monitoring system for measuring sulfur dioxide emissions shall be installed, calibrated, maintained and operated by the owner or operator where dryers or roasters are not expected to achieve compliance with the standard under subsection (E).
- H. The test methods and procedures required by this Section are as follows:
  1. The reference methods in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standard prescribed in this Section as follows:
    - a. Method 5 for the concentration of particulate matter and the associated moisture content;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;
    - e. Method 6 for concentration of SO<sub>2</sub>.
  2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the Director. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C. (320°F.).
  3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft.). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.
  4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

**Historical Note**

Section R18-2-721 renumbered from R18-2-521 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-722. Standards of Performance for Existing Gravel or Crushed Stone Processing Plants**

- A. The provisions of this Section are applicable to the following affected facilities: primary rock crushers, secondary rock crushers, tertiary rock crushers, screens, conveyors and conveyor transfer points, stackers, reclaimers, and all gravel or crushed stone processing plants and rock storage piles.



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- B.** No person shall cause, allow or permit the discharge of particulate matter into the atmosphere except as fugitive emissions in any one hour from any gravel or crushed stone processing plant in total quantities in excess of the amounts calculated by one of the following equations:

- For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

- For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11-40}$$

where "E" and "P" are defined as indicated in subsection (B)(1).

- C.** Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D.** Spray bar pollution controls shall be utilized in accordance with "EPA Control of Air Emissions From Process Operations In The Rock Crushing Industry" (EPA 340/1-79-002), "Wet Suppression System" (pages 15-34, amended as of January 1979 (and no future amendments or editions)), as incorporated herein by reference and on file with the Office of the Secretary of State, with placement of spray bars and nozzles as required by the Director to minimize air pollution.
- E.** Fugitive emissions from gravel or crushed stone processing plants shall be controlled in accordance with R18-2-604 through R18-2-607.
- F.** The owner or operator of any affected facility subject to the provisions of this Section shall install, calibrate, maintain, and operate monitoring devices which can be used to determine daily the process weight of gravel or crushed stone produced. The weighing devices shall have an accuracy of  $\pm 5\%$  over their operating range.
- G.** The owner or operator of any affected facility shall maintain a record of daily production rates of gravel or crushed stone produced.
- H.** The test methods and procedures required by this Section are as follows:
- The reference methods in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standards prescribed in this Section as follows:
    - Method 5 for concentration of particulate matter and moisture content,
    - Method 1 for sample and velocity traverses,
    - Method 2 for velocity and volumetric flow rate,
    - Method 3 for gas analysis.
  - For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume is 0.85 dscm (30 dscf), except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Director. Sampling shall not be started until 30 minutes after start-up and shall be terminated before shutdown procedures commence. The owner or operator of the affected facility shall eliminate cyclonic flow during performance tests in a manner acceptable to the Director.

**Historical Note**

Section R18-2-722 renumbered from R18-2-522 and amended effective November 15, 1993 (Supp. 93-4).  
Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-723. Standards of Performance for Existing Concrete Batch Plants**

Fugitive dust emitted from concrete batch plants shall be controlled in accordance with R18-2-604 through R18-2-607.

**Historical Note**

Section R18-2-723 renumbered from R18-2-523 and amended effective November 15, 1993 (Supp. 93-4).

**R18-2-724. Standards of Performance for Fossil-fuel Fired Industrial and Commercial Equipment**

- A.** This Section applies to industrial and commercial installations which are less than 73 megawatts capacity (250 million Btu per hour), but in the aggregate on any premises are rated at greater than 500,000 Btu per hour (0.146 megawatts), and in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.
- B.** For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with R18-2-311. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.
- C.** No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any fuel-burning operation in excess of the amounts calculated by one of the following equations:
- For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:
 
$$E = 1.02Q^{0.769}$$
 where:  
E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
Q = the heat input in million Btu per hour.
  - For equipment having a heat input rate greater than 4200 million Btu per hour, the maximum allowable emissions shall be determined by the following equation:
 
$$E = 17.0Q^{0.432}$$
 where "E" and "Q" have the same meanings as in subsection (C)(1).
- D.** Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- E.** Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pounds of sulfur dioxide per million Btu heat input when low sulfur oil is fired.
- F.** Fossil-fuel fired industrial and commercial equipment installations shall not emit more than 2.2 pounds of sulfur dioxide per million Btu heat input when high sulfur oil is fired.
- G.** Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permit-

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tee. This condition may be omitted from the permit if the applicant demonstrates to the satisfaction of the Director both that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to ensure that the sulfur dioxide ambient air quality standards set forth in R18-2-202 will not be violated.

1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.
  2. In cases where the permittee is authorized to use high sulfur oil, it shall submit to the Department monthly reports detailing its efforts to obtain low sulfur oil.
  3. When the conditions justifying the use of high sulfur oil no longer exist, the permit shall be modified accordingly.
  4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.
- H.** When coal is fired, fossil-fuel fired industrial and commercial equipment installations shall not emit more than 1.0 pounds of sulfur dioxide per million Btu heat input.
- I.** The owner or operator subject to the provisions of this Section shall install, calibrate, maintain and operate a continuous monitoring system for measurement of the opacity of emissions discharged into the atmosphere from the control device.
- J.** For the purpose of reports required under excess emissions reporting required by R18-2-310.01, the owner or operator shall report all six-minute periods in which the opacity of any plume or effluent exceeds 15%.
- K.** The test methods and procedures required by this Section are as follows:
1. The reference methods in 40 CFR 60, Appendix A, as incorporated by reference in Appendix 2 of this Chapter, shall be used to determine compliance with the standards as prescribed in this Section.
    - a. Method 1 for selection of sampling site and sample traverses,
    - b. Method 3 for gas analysis to be used when applying Reference Methods 5 and 6,
    - c. Method 5 for concentration of particulate matter and the associated moisture content,
    - d. Method 6 for concentration of SO<sub>2</sub>.
  2. For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf), except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the Director. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160°C. (320°F.).
  3. For Method 6, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.
  4. For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.
  5. Gross calorific value shall be determined in accordance with the applicable ASTM methods: D-2015-91 (Test for Gross Calorific Value of Solid Fuel by the Adiabatic

Bomb Calorimeter) for solid fuels; D-240-87 (Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter) for liquid fuels; and D-1826-88 (Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter) for gaseous fuels. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the fossil-fuel fired system.

**Historical Note**

Section R18-2-724 renumbered from R18-2-524 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 1164, effective February 15, 2001 (Supp. 01-1). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-725. Standards of Performance for Existing Dry Cleaning Plants**

- A.** No person shall conduct any dry cleaning operation using chlorinated synthetic solvents without minimizing organic solvent emissions by good modern practices including but not limited to the use of an adequately sized and properly maintained activated carbon absorber or other equally effective control device.
- B.** No person shall operate any dry cleaning establishment using petroleum solvents other than non-photochemically reactive solvents without reducing solvent emissions by at least 90%. For purposes of this subsection, a photochemically reactive solvent shall be any solvent with an aggregate of more than 20% of its total volume composed of the chemical compounds classified in subsections (B)(1) through (3), or which exceeds any of the following percentage composition limitations, referred to the total volume of solvent:
1. A combination of the following types of compounds having an olefinic or cyclo-olefinic type of unsaturation -- hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones: 5%.
  2. A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene: 8%.
  3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichlorethylene or toluene: 20%.
- C.** Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution is discharged to adjoining property, the Director may require the installation of abatement equipment or the alteration of such stack, vent, or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to the adjoining property.

**Historical Note**

Section R18-2-725 renumbered from R18-2-525 effective November 15, 1993 (Supp. 93-4).

**R18-2-726. Standards of Performance for Sandblasting Operations**

No person shall cause or permit sandblasting or other abrasive blasting without minimizing dust emissions to the atmosphere through the use of good modern practices. Examples of good modern practices include wet blasting and the use of effective enclosures with necessary dust collecting equipment.

**Historical Note**

Section R18-2-726 renumbered from R18-2-526 effective November 15, 1993 (Supp. 93-4).

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**R18-2-727. Standards of Performance for Spray Painting Operations**

- A.** No person shall conduct any spray paint operation without minimizing organic solvent emissions. Such operations other than architectural coating and spot painting, shall be conducted in an enclosed area equipped with controls containing no less than 96% of the overspray.
- B.** No person shall either:
1. Employ, apply, evaporate or dry any architectural coating containing photochemically reactive solvents for industrial or commercial purposes; or
  2. Thin or dilute any architectural coating with a photochemically reactive solvent.
- C.** For purposes of subsection (B), a photochemically reactive solvent shall be any solvent with an aggregate of more than 20% of its total volume composed of the chemical compounds classified in subsections (1) through (3), or which exceeds any of the following percentage composition limitations, referred to the total volume of solvent:
1. A combination of the following types of compounds having an olefinic or cyclo-olefinic type of unsaturation -- hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones: 5%.
  2. A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene: 8%.
  3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichlorethylene or toluene: 20%.
- D.** Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the groups or organic compounds described in subsection (C)(1) through (3), it shall be considered to be a member of the group having the least allowable percent of the total volume of solvents.

**Historical Note**

Section R18-2-727 renumbered from R18-2-527 effective November 15, 1993 (Supp. 93-4).

**R18-2-728. Standards of Performance for Existing Ammonium Sulfide Manufacturing Plants**

- A.** The provisions of this Section are applicable to the following affected facilities in ammonium sulfide manufacturing plants: sulfide unloading facilities, reactor-absorbers, bubble cap scrubbers, and fume incinerators.
- B.** No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator or other outlet smoke, fumes, gases, particulate matter or other gas-borne material, the opacity of which exceeds 20%.
- C.** No person shall cause, allow or permit to be emitted into the atmosphere from any emission point from any incinerator, or to pass a convenient measuring point near such emission point, particulate matter of concentrations in excess of 0.1 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
- D.** No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.
- E.** Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the Director may require the installation of abatement equipment or the alteration of such stack, vent, or other outlet by the

owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property.

- F.** The owner or operator of any ammonium sulfide tailgas incinerator subject to the provisions of this Section shall do both of the following:
1. Install, calibrate, maintain, and operate a flow measuring device which can be used to determine either the mass or volume of tailgas charged to the incinerator. The flow measuring device shall have an accuracy of  $\pm 5\%$  over its operating range.
  2. Provide access to the tailgas charged so that a well-mixed representative grab sample can be obtained.
- G.** The test methods and procedures required by this Section are as follows:
1. The reference methods in 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:
    - a. Method 5 for the concentration of particulate matter and the associated moisture content;
    - b. Method 1 for sample and velocity traverse;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis and calculation of excess air, using the integrated sample technique;
    - e. Method 11 shall be used to determine the concentration of  $H_2S$  and Method 6 shall be used to determine the concentration of  $SO_2$ .
  2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the Director.
  3. Particulate matter emissions, expressed in g/dscm, shall be corrected to 12%  $CO_2$  by using the following formula:
 
$$C_{12} = \frac{12c}{\%CO_2}$$
 where:  
 $C_{12}$  = the concentration of particulate matter corrected to 12%  $CO_2$ ,  
 $c$  = the concentration of particulate matter as measured by Method 5, and  
 $\%CO_2$  = the percentage of  $CO_2$  as measured by Method 3, or, when applicable, the adjusted outlet  $CO_2$  percentage.
  4. If Method 11 is used, the gases sampled shall be introduced into the sampling train at approximately atmospheric pressure. Where fuel gas lines are operating at pressures substantially above atmosphere, this may be accomplished with a flow control valve. If the line pressure is high enough to operate the sampling train without a vacuum pump, the pump may be eliminated from the sampling train. The sample shall be drawn from a point near the centroid of the fuel gas line. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals. For most fuel gases, sample times exceeding 20 minutes may result in depletion of the collecting solution, although fuel gases containing low concentrations of hydrogen sulfide may necessitate sampling for longer periods of time.

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5. If Method 5 is used, Method 1 shall be used for velocity traverses and Method 2 for determining velocity and volumetric flow rate. The sampling site for determining CO<sub>2</sub> concentration by Method 3 shall be the same as for determining volumetric flow rate by Method 2. The sampling point in the duct for determining SO<sub>2</sub> concentration by Method 3 shall be at the centroid of the cross section if the cross sectional area is less than 5 m<sup>2</sup> (54 ft<sup>2</sup>) or at a point no closer to the walls than 1 m (3.28 feet) if the cross sectional area is 5 m<sup>2</sup> or more and the centroid is more than 1 meter from the wall. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.36 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals.

**Historical Note**

Section R18-2-728 renumbered from R18-2-528 effective November 15, 1993 (Supp. 93-4).

**R18-2-729. Standards of Performance for Cotton Gins**

- A.** Fugitive dust, lint, bolls, cotton seed or other material emitted from a cotton gin or lying loose in a yard shall be collected and disposed of in an efficient manner or shall be treated in accordance with R18-2-604 through R18-2-607.
- B.** No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 40% opacity.
- C.** No person shall cause, allow, or permit the discharge of particulate matter into the atmosphere in any one hour from any cotton gin in total quantities in excess of the amounts calculated by one of the following equations:
- For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
  - For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (C)(1).
- D.** The test methods and procedures required by this Section are as follows:
- The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with this Section as follows:
    - Method A-2 for the measurement of particulate matter,
    - Method 1 for sample and velocity traverses,
    - Method 2 for velocity and volumetric flow rate,
    - Method 3 for gas analysis,
    - Method 9 for visible emissions.
  - For Method A-2, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least

0.85 dry standard cubic meters per hour (0.53 dry standard cubic feet per minute), except that shorter sampling times, when necessitated by progress variables or other factors, may be approved by the Director.

**Historical Note**

Section R18-2-729 renumbered from R18-2-529 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2).

**R18-2-730. Standards of Performance for Unclassified Sources**

- A.** No existing source which is not otherwise subject to standards of performance under this Article or Article 9 or 11 of this Chapter, shall cause or permit the emission of pollutants at rates greater than the following:
- For particulate matter discharged into the atmosphere in any one hour from any unclassified process source in total quantities in excess of the amounts calculated by one of the following equations:
    - For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 4.10P^{0.67}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.  
 P = the process weight rate in tons-mass per hour.
    - For process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 55.0P^{0.11-40}$$
 where "E" and "P" are defined as indicated in subsection (A)(1)(a).
  - Sulfur dioxide – 600 parts per million.
  - Nitrogen oxides expressed as NO<sub>2</sub> – 500 parts per million.
- B.** For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.
- C.** Actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- D.** No person shall emit gaseous or odorous materials from equipment, operations or premises under the person's control in such quantities or concentrations as to cause air pollution.
- E.** No person shall operate or use any machine, equipment, or other contrivance for the treatment or processing of animal or vegetable matter, separately or in combination, unless all gaseous vapors and gas entrained effluents from such operations, equipment, or contrivance have been either:
- Incinerated to destruction, as indicated by a temperature measuring device, at not less than 1,200°F if constructed or reconstructed prior to January 1, 1989, or 1,600°F with a minimum residence time of 0.5 seconds if constructed or reconstructed thereafter; or
  - Passed through such other device which is designed, installed and maintained to prevent the emission of odors or other air contaminants and which is approved by the Director.

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- F. Materials including solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizers and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices, or equipment shall be mandatory.
- G. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution is discharged to adjoining property, the Director may require the installation of abatement equipment or the alteration of such stack, vent, or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property.
- H. No person shall allow hydrogen sulfide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.
- I. No person shall cause, allow or permit discharge from any stationary source carbon monoxide emissions without the use of complete secondary combustion of waste gases generated by any process source.
- J. No person shall allow hydrogen cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.3 parts per million by volume for any averaging period of eight hours.
- K. No person shall allow sodium cyanide dust or dust from any other solid cyanide to be emitted from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 140 micrograms per cubic meter for any averaging period of eight hours.
- L. No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may operate a coating application system subject to this Section that emits volatile organic compounds in excess of any of the following:
  1. 4.3 pounds per gallon (0.5 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies clear coatings.
  2. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194°F (90°C).
  3. 3.5 pounds per gallon (0.42 kilograms per liter) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings.
  4. 3.0 pounds per gallon (0.36 kilograms per liter) of coating, excluding water, delivered to a coating applicator for all other coatings and application systems.
- M. If more than one emission limitation in subsection (L) applies to a specific coating, then the least stringent emission limitation shall be applied.
- N. All VOC emissions from solvent washings shall be considered in the emission limitations in subsection (L), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

**Historical Note**

Renumbered from R18-2-530 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**R18-2-731. Standards of Performance for Existing Municipal Solid Waste Landfills**

- A. This Section applies to each municipal solid waste landfill (MSW landfill) at which:
  1. Construction, reconstruction, or modification began on or before July 17, 2014; and
  2. Waste was accepted at any time since November 8, 1987, or additional design capacity is available for future waste deposition.
- B. For the purposes of this Section, "Municipal solid waste landfill or MSW landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA (Resource Conservation and Recovery Act) Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned.
- C. MSW landfills covered by this Section shall comply with 40 CFR 60, Subpart Cf, effective as of the date of EPA approval of the state plan under section 111(d) of the Act. 40 CFR 60, Subpart WWW, "Standards of Performance for Municipal Solid Waste Landfills," will remain in effect until Arizona's state plan implementing Subpart Cf is approved by EPA. 40 CFR 60, Subpart Cf "Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills," as adopted on August 29, 2016 (and no future amendments) is hereby incorporated by reference as applicable requirements. MSW landfills may meet the requirements of Subpart Cf by complying with 40 CFR 60, Subpart XXX. 40 CFR 60, Subpart XXX "Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction or Modification After July 17, 2014," is incorporated by reference in R18-2-901.

**Historical Note**

Adopted effective April 4, 1997; filed with the Office of the Secretary of State March 14, 1997 (Supp. 97-1). Amended by final rulemaking at 24 A.A.R. 1864, effective August 10, 2018 (Supp. 18-2).

**R18-2-732. Expired****Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 3058, effective August 10, 1999 (Supp. 99-3). Amended by final rulemaking at 13 A.A.R. 2157, effective August 4, 2007 (Supp. 07-2). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 15, effective September 30, 2015 (Supp. 15-4).

**R18-2-733. Repealed****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 4701, effective January 29, 2007 (Supp. 06-4). Section repealed by final rulemaking at 21 A.A.R. 711, effective June 30, 2015 (Supp. 15-2).

**R18-2-733.01. Repealed****Historical Note**

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New Section made by final rulemaking at 12 A.A.R. 4701, effective January 29, 2007 (Supp. 06-4). Section repealed by final rulemaking at 21 A.A.R. 711, effective June 30, 2015 (Supp. 15-2).

**R18-2-734. Standards of Performance for Mercury Emissions from Electric Generating Units**

- A.** Applicability and Purpose. The requirements of this Section apply to owners and operators of electric generating units. The purpose of this Section is to establish:
1. Interim standards for mercury emissions from electric generating units that shall apply until compliance with the emissions limits in the federal mercury standards is required.
  2. State standards for mercury emissions from electric generating units that shall apply if the federal mercury standards are vacated by a federal court or repealed by the administrator.
- B.** Interim Standards. The following requirements shall apply until the date that compliance with the federal mercury standards or subsection (G) is required:
1. The owners and operators shall comply with the mercury control strategy operations and maintenance plan approved as part of the permit for the electric generating plant.
  2. The owners and operators shall operate and maintain the electric generating plant, including any associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing mercury emissions. This requirement shall apply to any air pollution control equipment installed pursuant to subsection (B)(1) or to any new air pollution control equipment installed to comply with the federal mercury standards if such equipment replaces equipment installed pursuant to subsection (B)(1).
- C.** Incorporation of Federal Mercury Standards. The federal mercury standards in 40 CFR Part 63, Subpart UUUUU, as of July 1, 2013 (and no future amendments or editions) are incorporated by reference and shall remain effective to the extent specified in this Section regardless of whether they are vacated by a federal court or repealed by the administrator. Subpart UUUU of 40 C.F.R. Part 63 is published by the United States Government Printing Office, 732 North Capital Street, NW, Washington, DC 20401-0001, is on file with the Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007, and is available at the Arizona State Library, Archives & Public Records, 1700 West Washington Street, Phoenix, Arizona 85007 and at other Federal depository libraries in the state (see [http://catalog.gpo.gov/fdlpdir/FDLPdir.jsp?st\\_12=AZ&flag=searchp](http://catalog.gpo.gov/fdlpdir/FDLPdir.jsp?st_12=AZ&flag=searchp)). It is also available online at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>. The owners and operators shall provide to the director a copy of all notices and reports submitted to the Administrator under the federal mercury standards, except for any reports or data submitted to the Administrator through electronic systems (for example, Compliance and Emissions Data Reporting Interface (CEDRI), Emission Collection Monitoring Plan System Client Tool (ECMPS) or the Emissions Reporting Tool (ERT)).
- D.** Notice of State Standard Applicability. The director shall provide notice to the responsible official for each electric generating plant of any repeal or federal court vacatur of the federal mercury standards. If the repeal or vacatur occurred after the date the electric generating plant was required to comply with the emission limits in the federal mercury standards, the plant

shall continue to comply with the federal mercury standards until the date that compliance with subsection (G) is required.

- E.** Application for Permit Revision. Within 120 days of receipt of written notice from the director under subsection (D), the owners and operators shall submit an application for a permit revision that proposes:
1. The mercury emission limit or limits in subsection (G) that shall apply to the electric generating plant.
  2. A date for demonstrating compliance with the mercury emission limit consistent with subsection (F)(2).
  3. A mercury monitoring plan consistent with subsection (H)(2).
- F.** Permit Revision Setting State Standard. A permit revision granted in response to the application submitted under subsection (E) shall contain the following conditions:
1. The mercury emission limit or limits in subsection (G) that shall apply to the electric generating plant.
  2. The date compliance with the emission limit or limits shall be required. Unless the application requests an earlier date, the compliance date shall be the later of December 31, 2016 or the end of the first averaging period commencing no later than 180 days after permit issuance.
  3. The date for demonstrating initial compliance with the emission limit or limits, which shall be 45 days after completion of the first full averaging period after the compliance date established under subsection (F)(2).
  4. The date on which compliance with subsection (B), or the obligation to comply with the federal mercury standards in subsection (D), as applicable, shall no longer be required.
  5. A mercury monitoring plan consistent with subsection (H).
  6. Compliance reporting requirements consistent with subsection (I).
- G.** State Mercury Emission Limits. Emissions from an electric generating unit shall comply with one or more of the emission limits specified in the following table, as selected by the owners and operators under subsection (F).

No.	Limit	Averaging Period	Applicable To
1.	10 % of inlet mercury	Rolling 12-month	Electric generating plant
2.	0.0087 pounds per gigawatt-hour	Rolling 12-month	Electric generating plant
3.	0.011 pounds per gigawatt-hour	Rolling 90-boiler operating days	EGUs identified in averaging group
4.	1.0 pounds per Trillion Btu	Rolling 90-boiler operating days	EGUs identified in averaging group
5.	0.013 pounds per gigawatt-hour	Rolling 30-boiler operating days	Individual electric generating unit
6.	1.2 pounds per Trillion Btu	Rolling 30-boiler operating days	Individual electric generating unit

- H.** Compliance Monitoring and Recordkeeping.
1. Compliance with subsection (G) shall be determined using a mercury CEMS or sorbent trap monitoring system

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pursuant to Appendix A of the federal mercury standards and in accordance with an approved mercury monitoring plan.

2. The mercury monitoring plan shall include the following elements:
  - a. Identification of the emission limit or limits in subsection (G) for which compliance will be demonstrated.
  - b. Identification of whether a mercury CEMS or sorbent trap monitoring system will be used as the primary compliance method. Backup methods may be identified and approved in the plan.
  - c. Description of the parameters that will be monitored, including mercury concentration, stack flow, fuel mercury content, fuel rate, electricity generation rate, moisture percent, and any diluent or other gas or process parameters necessary to calculate compliance in terms of the applicable emission limit.
  - d. Description and example of the calculations required to convert monitored parameters to mercury emissions in terms of the emission limit.
  - e. Establishment of CEMS analyzer data availability, and QA/QC requirements.
  - f. Procedures for completing an initial demonstration of compliance, except as otherwise provided in subsection (I)(1).
2. At least once per month, the mercury emissions data shall be compiled into a record demonstrating compliance with the emission limit or limits established in the permit revision issued under subsection (F). This record shall be completed no later than the 15th day of the following month.
3. Records shall be maintained as follows:
  - a. Records demonstrating compliance with the emissions limits shall be maintained for five years.
  - b. If a mercury CEMS is used, daily CEMS data, QA/QC data identified in the mercury monitoring plan, any maintenance work conducted on the CEMS or data logging system, and a calculation of all mercury CEMS downtime shall be maintained for five years.
  - c. If a sorbent trap monitoring system is used, all sorbent monitoring data and any maintenance work conducted on the system shall be maintained for five years.
- I. Reporting. The owners and operators shall submit to the director the following reports:
  1. An initial demonstration of compliance, which must be submitted to the director within 180 days after completion of the first full averaging period. This requirement shall not apply to an electric generating unit if an initial demonstration of compliance has been completed for that unit under 40 C.F.R. 63.10005(d)(3) and the demonstration shows compliance with subsection (G) for that unit. The report shall include:
    - a. The name of the electric generating plant and electric generating units.
    - b. The applicable emission limit or limits for the plant or the electric generating units.
    - c. The mercury emissions for the plant, group of averaged units, or each unit, as applicable, during the initial compliance demonstration in terms of the applicable standard.
    - d. A certification by a responsible official.

2. Semiannual compliance reports, which must be submitted to the director on the dates established in the electric generating plant's air quality permit. The report shall include:
  - a. The name of the electric generating plant and electric generating units;
  - b. The applicable emission limit or limits for the plant or the electric generating units.
  - c. The mercury emissions for the plant, or each unit, as applicable, for each month during the six month period ending the month prior to the semiannual report in terms of the applicable standard.
  - d. An explanation of any excess emissions, the duration of the excess emissions, and corrective actions taken, if any, to resolve those excess emissions.
  - e. A certification by a responsible official.
- J. Exemption. After receipt of notice under subsection (D), in lieu of submitting the permit revision application required by subsection (E), the owners and operators may notify the director in writing that they elect to comply with the vacated or repealed federal mercury standards at an electric generating plant. If the owners and operators for an electric generating plant make this election, the plant shall be exempt from subsections (E) through (I). If the owners and operators of an electric plant elect this option:
  1. "Administrator" shall mean "Director" whenever it appears in the federal mercury standards or regulations referenced therein.
  2. "EPA" shall mean "ADEQ, Air Quality Division" whenever it appears in the federal mercury standards or regulations referenced therein.
3. In lieu of reports submitted to the Administrator through electronic systems (for example, Compliance and Emissions Data Reporting Interface (CEDRI), Emission Collection Monitoring Plan System Client Tool (ECMPS) or Emissions Reporting Tool (ERT)) pursuant to the federal mercury standards, the owners or operators shall submit to the Director, semiannually at the time required by permit, the RATA or the rolling 30-day or rolling 90-day average mercury value for each EGU or the plant, as applicable.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 4701, effective January 29, 2007 (Supp. 06-4). Amended by final rulemaking at 21 A.A.R. 711, effective June 30, 2015 (Supp. 15-2).

**Table 1. Expired****Historical Note**

Table 1 adopted by final rulemaking at 5 A.A.R. 3058, effective August 10, 1999 (Supp. 99-3). Table 1 expired under A.R.S. § 41-1056(J) at 23 A.A.R. 3427, effective October 10, 2017 (Supp. 17-4).

**Table 2. Expired****Historical Note**

Table 2 adopted by final rulemaking at 5 A.A.R. 3058, effective August 10, 1999 (Supp. 99-3). Table 2 expired under A.R.S. § 41-1056(J) at 23 A.A.R. 3427, effective October 10, 2017 (Supp. 17-4).

**ARTICLE 8. EMISSIONS FROM MOBILE SOURCES (NEW AND EXISTING)****R18-2-801. Classification of Mobile Sources**

- A. This Article is applicable to mobile sources which either move while emitting air contaminants or are frequently moved

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during the course of their utilization but are not classified as motor vehicles, agricultural vehicles, or agricultural equipment used in normal farm operations.

- B.** Unless otherwise specified, no mobile source shall emit smoke or dust the opacity of which exceeds 40%.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1).  
Amended effective September 26, 1990 (Supp. 90-3).  
Amended effective February 3, 1993 (Supp. 93-1). Former Section R18-2-801 renumbered to Section R18-2-901, new Section R18-2-801 renumbered from R18-2-601 effective November 15, 1993 (Supp. 93-4).

**R18-2-802. Off-road Machinery**

- A.** No person shall cause, allow or permit to be emitted into the atmosphere from any off-road machinery, smoke for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.
- B.** Off-road machinery shall include trucks, graders, scrapers, rollers, locomotives and other construction and mining machinery not normally driven on a completed public roadway.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1).  
Amended effective September 26, 1990 (Supp. 90-3).  
Former Section R18-2-802 renumbered to Section R18-2-902, new Section R18-2-802 renumbered from R18-2-602 effective November 15, 1993 (Supp. 93-4).

**R18-2-803. Heater-planer Units**

No person shall cause, allow or permit to be emitted into the atmosphere from any heater-planer operated for the purpose of reconstructing asphalt pavements smoke the opacity of which exceeds 20%. However three minutes' upset time in any one hour shall not constitute a violation of this Section.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1).  
Amended effective September 26, 1990 (Supp. 90-3).  
Former Section R18-2-803 renumbered to Section R18-2-903, new Section R18-2-803 renumbered from R18-2-603 effective November 15, 1993 (Supp. 93-4).

**R18-2-804. Roadway and Site Cleaning Machinery**

- A.** No person shall cause, allow or permit to be emitted into the atmosphere from any roadway and site cleaning machinery smoke or dust for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.
- B.** In addition to complying with subsection (A), no person shall cause, allow or permit the cleaning of any site, roadway, or alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions may include applying dust suppressants. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1).  
Amended effective September 26, 1990 (Supp. 90-3).  
Amended effective February 3, 1993 (Supp. 93-1). Former Section R18-2-804 renumbered to Section R18-2-

904, new Section R18-2-804 renumbered from R18-2-604 effective November 15, 1993 (Supp. 93-4).

**R18-2-805. Asphalt or Tar Kettles**

- A.** No person shall cause, allow or permit to be emitted into the atmosphere from any asphalt or tar kettle smoke for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%.
- B.** In addition to complying with subsection (A), no person shall cause, allow or permit the operation of an asphalt or tar kettle without minimizing air contaminant emissions by utilizing all of the following control measures:
1. The control of temperature recommended by the asphalt or tar manufacturer;
  2. The operation of the kettle with lid closed except when charging;
  3. The pumping of asphalt from the kettle or the drawing of asphalt through cocks with no dipping;
  4. The dipping of tar in an approved manner;
  5. The maintaining of the kettle in clean, properly adjusted, and good operating condition;
  6. The firing of the kettle with liquid petroleum gas or other fuels acceptable to the Director.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1).  
Amended effective September 26, 1990 (Supp. 90-3).  
Former Section R18-2-805 renumbered to Section R18-2-905, new Section R18-2-805 renumbered from R18-2-605 effective November 15, 1993 (Supp. 93-4).

**ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS****R18-2-901. Standards of Performance for New Stationary Sources**

Except as provided in R18-2-902 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of June 28, 2013, unless otherwise specified, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

1. Subpart A - General Provisions.
2. Subpart D - Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
3. Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
4. Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
6. Subpart E - Standards of Performance for Incinerators.
7. Subpart Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after December 20, 1989 and on or Before September 20, 1994.
8. Subpart Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which



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- Modification or Reconstruction is Commenced After June 19, 1996.
9. Subpart Ec - Standards of Performance for Hospital/Medical/ Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.
  10. Subpart F - Standards of Performance for Portland Cement Plants.
  11. Subpart G - Standards of Performance for Nitric Acid Plants.
  12. Subpart Ga - Standards of Performance for Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced after October 14, 2011.
  13. Subpart H - Standards of Performance for Sulfuric Acid Plants.
  14. Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.
  15. Subpart J - Standards of Performance for Petroleum Refineries.
  16. Subpart Ja - Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.
  17. Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
  18. Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
  19. Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
  20. Subpart L - Standards of Performance for Secondary Lead Smelters.
  21. Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.
  22. Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
  23. Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
  24. Subpart O - Standards of Performance for Sewage Treatment Plants.
  25. Subpart P - Standards of Performance for Primary Copper Smelters.
  26. Subpart Q - Standards of Performance for Primary Zinc Smelters.
  27. Subpart R - Standards of Performance for Primary Lead Smelters.
  28. Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.
  29. Subpart T - Standards of Performance for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
  30. Subpart U - Standards of Performance for Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
  31. Subpart V - Standards of Performance for Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
  32. Subpart W - Standards of Performance for Phosphate Fertilizer Industry: Triple Superphosphate Plants.
  33. Subpart X - Standards of Performance for Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
  34. Subpart Y - Standards of Performance for Coal Preparation Plants.
  35. Subpart Z - Standards of Performance for Ferroalloy Production Facilities.
  36. Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
  37. Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
  38. Subpart BB - Standards of Performance for Kraft Pulp Mills.
  39. Subpart BBa - Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.
  40. Subpart CC - Standards of Performance for Glass Manufacturing Plants.
  41. Subpart DD - Standards of Performance for Grain Elevators.
  42. Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.
  43. Subpart GG - Standards of Performance for Stationary Gas Turbines.
  44. Subpart HH - Standards of Performance for Lime Manufacturing Plants.
  45. Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.
  46. Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.
  47. Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
  48. Subpart NN - Standards of Performance for Phosphate Rock Plants.
  49. Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.
  50. Subpart QQ - Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing.
  51. Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
  52. Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.
  53. Subpart TT - Standards of Performance for Metal Coil Surface Coating.
  54. Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
  55. Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
  56. Subpart VVa - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
  57. Subpart WW - Standards of Performance for Beverage Can Surface Coating Industry.
  58. Subpart XX - Standards of Performance for Bulk Gasoline Terminals.
  59. Subpart AAA - Standards of Performance for New Residential Wood Heaters.

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60. Subpart BBB - Standards of Performance for Rubber Tire Manufacturing Industry.
61. Subpart DDD - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
62. Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
63. Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
64. Subpart GGGa - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
65. Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.
66. Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
67. Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.
68. Subpart KKK - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
69. Subpart LLL - Standards of Performance for Onshore Natural Gas Processing; SO<sub>2</sub> Emissions.
70. Subpart NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
71. Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.
72. Subpart PPP - Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.
73. Subpart QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.
74. Subpart RRR - Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
75. Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities.
76. Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
77. Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries.
78. Subpart VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
79. Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills.
80. Subpart XXX - Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014. This subpart and all accompanying appendices are adopted as of August 29, 2016 (and no future amendments), and are incorporated by reference as applicable requirements.
81. Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction Is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commenced after June 6, 2001.
82. Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced after November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.
83. Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.
84. Subpart IIII - Standards of Performance for Stationary Compression Ignition Combustion Engines.
85. Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
86. Subpart KKKK - Standards of Performance for Stationary Combustion Turbines.
87. Subpart LLLL - Standards of Performance for New Sewage Sludge Incineration Units.
88. Subpart OOOO - Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.
89. Subpart OOOOa - Standards of Performance for Crude Oil and natural gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015.
90. Subpart PPPP [Reserved].
91. Subpart QQQQ - Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces.
92. Subpart TTTT - Standards of Performance for Greenhouse Gas Emission for Electric Generating Units

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective February 3, 1993 (Supp. 93-1). Section R18-2-901 renumbered to R18-2-1101, new Section R18-2-901 renumbered from R18-2-801 and amended effective November 15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended effective December 7, 1995 (Supp. 95-4). Amended effective May 9, 1996 (Supp. 96-2). Amended effective April 4, 1997; filed with the Office of the Secretary of State March 14, 1997 (Supp. 97-1). Amended effective December 4, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 3058, effective August 10, 1999, and at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 4170, effective October 11, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 5504, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 21 A.A.R. 2747, effective December 13, 2015 (Supp. 15-4). Amended by final expedited rulemaking at 24 A.A.R. 1564, with an immediate effective date of May 2, 2018 (Supp. 18-2). Amended by final rulemaking at 24 A.A.R. 1864, effective August 10, 2018 (Supp. 18-3).

**R18-2-902. General Provisions**

- A. As used in 40 CFR 60: "Administrator" means the Director of the Arizona Department of Environmental Quality, except that the Director shall not be authorized to approve alternate or equivalent test methods or alternative standards or work practices.

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- B. From the general standards identified in R18-2-901, delete the following:
1. 40 CFR 60.4. All requests, reports, applications, submittals, and other communications to the Director pursuant to this Article shall be submitted to the Arizona Department of Environmental Quality, Air Quality Division, 1110 West Washington Street, Phoenix, Arizona 85007.
  2. 40 CFR 60.5 and 60.6.
- C. The Director shall not be delegated authority to deal with equivalency determinations or innovative technology waivers as covered in Sections 111(h)(3) and 111(j) of the Act.

**Historical Note**

Adopted effective February 26, 1988 (Supp. 88-1).  
Amended effective September 26, 1990 (Supp. 90-3).  
Section R18-2-902 renumbered to R18-2-1102, new Section R18-2-902 renumbered from R18-2-802 and amended effective November 15, 1993 (Supp. 93-4).  
Amended effective June 10, 1994 (Supp. 94-2). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4).

**R18-2-903. Standards of Performance for Fossil-fuel Fired Steam Generators**

As exceptions to 40 CFR 60.40 through 60.47:

1. In place of 40 CFR 60.43(a)(2), the following language shall be substituted: 340 nanograms per joule heat input (0.8 pounds per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue.
2. Delete 40 CFR 60.43(b).
3. If an owner or operator of a fossil-fuel fired steam generator obtained an installation permit for two or more fuel-burning equipment or steam-power generating installations before May 14, 1979, that permitted the installation to comply with the sulfur dioxide emission standards specified in R18-2-901 and this Section as if the equipment or installations were one emission discharge point:
  - a. The owner or operator shall comply with the applicable sulfur dioxide emission standards in the manner specified in the installation permit;
  - b. The Department shall incorporate the emission standards under subsection (3)(a) into each owner's or operator's operating permit as an enforceable permit condition;
  - c. No single fuel-burning equipment or steam-power generating installation shall emit sulfur dioxide in excess of:
    - i. 520 nanograms per joule heat input (1.2 pounds per million BTU) for solid fossil fuel or solid fossil fuel and wood residue; or
    - ii. 340 nanograms per joule heat input (0.8 pounds per million BTU) for liquid fossil fuel or liquid fossil fuel and wood residue.
4. When an owner or operator subject to subsection (3) changes the equipment configuration so that each fuel-burning equipment or steam-powered generating installation constitutes one emission discharge point:
  - a. The owner or operator shall comply with the emissions standards specified in subsection (1) and R18-2-901; and
  - b. The Department shall incorporate the emissions standards into the owner's or operator's operating permit as enforceable permit conditions.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-903 renumbered without change as Section R18-2-903 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1). New Section R18-2-903 renumbered from R18-2-803 and amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 14 A.A.R. 230, effective March 8, 2008 (Supp. 08-1).

**R18-2-904. Standards of Performance for Incinerators**

- A. Incinerators with a charging rate of more than 45 metric tons or 49.6 tons per day shall conform to the requirements of 40 CFR 60.50 through 60.54.
- B. Incinerators with a charging rate of 45 metric tons or 49.6 tons per day or less that commence construction or modification after May 14, 1979, shall conform to the requirements of 40 CFR 60.52 through 60.54 and of R18-2-704(A).

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-904 renumbered without change as Section R18-2-904 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1). New Section R18-2-904 renumbered from R18-2-804 and amended effective November 15, 1993 (Supp. 93-4).

**R18-2-905. Standards of Performance for Storage Vessels for Petroleum Liquids**

In addition to 40 CFR 60.110 - 60.113:

1. Any petroleum liquid storage tank of less than 40,000 gallons (151,412 liters) capacity shall be equipped with a submerged filling device or acceptable equivalent as determined by the Director for the control of hydrocarbon emissions.
2. All facilities for dock loading of petroleum products having a vapor pressure of 2.0 pounds per square inch absolute, or greater, at loading pressure shall provide for submerged filling or other acceptable equivalent for control of hydrocarbon emissions.
3. All pumps and compressors which handle volatile organic compounds shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-905 renumbered without change as Section R18-2-905 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1). New Section R18-2-905 renumbered from R18-2-805 effective November 15, 1993 (Supp. 93-4).

**R18-2-906. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective May 28, 1982 (Supp. 82-3). Former Section R9-3-906 renumbered without change as Section R18-2-906 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1).

**R18-2-907. Reserved****R18-2-908. Reserved****R18-2-909. Reserved****R18-2-910. Repealed**

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**Historical Note**

Adopted effective August 9, 1985 (Supp. 85-4). Former Section R9-3-910 renumbered without change as Section R18-2-910 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1).

**R18-2-911. Reserved**

**R18-2-912. Reserved**

**R18-2-913. Repealed**

**Historical Note**

Adopted effective August 9, 1985 (Supp. 85-4). Former Section R9-3-913 renumbered without change as Section R18-2-913 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1).

**R18-2-914. Reserved**

**R18-2-915. Reserved**

**R18-2-916. Reserved**

**R18-2-917. Reserved**

**R18-2-918. Reserved**

**R18-2-919. Reserved**

**R18-2-920. Reserved**

**R18-2-921. Reserved**

**R18-2-922. Repealed**

**Historical Note**

Adopted effective August 9, 1985 (Supp. 85-4). Former Section R9-3-922 renumbered without change as Section R18-2-922 (Supp. 87-3). Repealed effective February 26, 1988 (Supp. 88-1).

**ARTICLE 10. MOTOR VEHICLES; INSPECTIONS AND MAINTENANCE****R18-2-1001. Definitions**

The following definitions apply to this Article:

1. Abbreviations and symbols are defined as follows:
  - a. "A/F" means air/fuel.
  - b. "CO" means carbon monoxide.
  - c. "CO<sub>2</sub>" means carbon dioxide.
  - d. "EGR" means exhaust gas recirculation.
  - e. "GVWR" means gross vehicle weight rating.
  - f. "HC" means hydrocarbon.
  - g. "HP" means horsepower.
  - h. "LNG" means liquefied natural gas.
  - i. "LPG" means liquid petroleum gas.
  - j. "MIL" means malfunction indicator lamp.
  - k. "MPH" means miles per hour.
  - l. "MVD" means the Motor Vehicle Division of the Arizona Department of Transportation.
  - m. "NDIR" means nondispersive infrared.
  - n. "NO<sub>x</sub>" means the sum of nitrogen oxide and nitrogen dioxide.
  - o. "%" means percent.
  - p. "OEM" means original equipment manufacturer.
  - q. "OBD" means on-board diagnostics.
  - r. "PCV" means positive crankcase ventilation.
  - s. "PPM" means parts per million by volume.
  - t. "RPM" means revolutions per minute.
  - u. "VIN" means vehicle identification number.

2. "All-terrain vehicle" (ATV) means a vehicle that is defined as an "all-terrain vehicle" in A.R.S. § 28-101.
3. "Alternative fuel vehicle" means a vehicle powered by an alternative fuel as defined in A.R.S. § 1-215(4).
4. "Annual test" means a test for which an annual frequency is specified in the applicable table in R18-2-1006(B).
5. "Apportioned vehicle" means a vehicle that is subject to the proportional registration provisions of A.R.S. § 28-2233.
6. "Area A" has the meaning in A.R.S. § 49-541.
7. "Area B" has the meaning in A.R.S. § 49-541.
8. "Biennial test" means a test for which a biennial frequency is specified in the applicable table in R18-2-1006(B).
9. "Calibration gas" means a reference gas or gas mixture with assigned concentrations that is used to check the accuracy of emissions analyzers.
10. "Certificate of compliance" means a uniquely numbered document issued as part of the vehicle inspection report by a state station at the time of a vehicle inspection indicating that the vehicle has met the emissions standards.
11. "Certificate of exemption" means a uniquely numbered document issued by the Director providing an exemption from the testing requirements of this Article for a vehicle that is outside of the state on the emissions compliance expiration date.
12. "Certificate of inspection" means a uniquely numbered document issued by the Director indicating that a vehicle has been inspected under A.R.S. § 49-546 and has passed inspection.
13. "Certificate of waiver" means a uniquely numbered document issued by the Department indicating that the requirement of passing reinspection has been waived for a vehicle under A.R.S. § 49-542.
14. "CFR" means the Code of Federal Regulations, with standard reference in this Chapter by Title and Part, so that "40 CFR 280" means Title 40 of the Code of Federal Regulations, Part 280.
15. "Collectible vehicle" has the meaning in A.R.S. § 49-542(Z).
16. "Constant 4-wheel drive vehicle" means any 4-wheel drive vehicle that cannot be converted to 2-wheel drive except by disconnecting one of the vehicle's drive shafts, or any vehicle equipped with non-disengageable traction control which cannot be safely tested on conventional 2-wheel drive dynamometers.
17. "Constant volume sampler" means a system that dilutes engine exhaust to be sampled with ambient air so that the total combined flow rate of exhaust and dilution air mix is nearly constant for all engine operating conditions.
18. "Contractor" means a person, business, firm, partnership, or corporation with whom the Director has a contract that provides for the operation of one or more official emissions inspection stations.
19. "Dealer" means a person or organization licensed by the Arizona Department of Transportation as a new motor vehicle dealer or used motor vehicle dealer.
20. "Department" means the Department of Environmental Quality.
21. "Diagnostic Trouble Code" (DTC) means an alphanumeric code which is set in a vehicle's on-board diagnostic system when the OBD system detects an emissions control device or system failure.

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22. "Diesel" or "Diesel Fuel" has the same meaning as in A.R.S. § 3-3401.
23. "Director" means the Director of the Department of Environmental Quality.
24. "Director's certificate" means a uniquely numbered document issued by the Director in certain circumstances for the vehicle to show evidence of meeting the minimum standards for registration.
25. "Electrically-powered vehicle" means a vehicle that uses electricity as the means of propulsion and does not require the combustion of fossil fuel within the confines of the vehicle to generate electricity.
26. "Emissions compliance expiration date" means:
  - a. Each registration expiration date for a vehicle subject to an annual test; and
  - b. The registration expiration date in the second year after the initial biennial test required under this Article or R18-2-1005(B) for a vehicle subject to a biennial test.
27. "Emissions inspection station permit" means a certificate issued by the Director authorizing the holder to perform vehicle emissions inspections under this Article.
28. "Exhaust emissions" means products of combustion emitted into the atmosphere from any opening in the exhaust system downstream of the exhaust ports of a motor vehicle engine.
29. "Exhaust pipe" means the pipe that attaches to the muffler and exits the vehicle.
30. "Fleet emissions inspection station" or "fleet station" means any vehicle emissions inspection facility operated under a permit issued pursuant to A.R.S. § 49-546.
31. "Fleet vehicle" means any vehicle owned, leased, or operated by an individual or entity granted a vehicle emissions testing license under A.R.S. § 49-546.
32. "Fuel" means any material that is burned within the confines of a vehicle to propel the vehicle.
33. "Fuel Cell Electric Vehicle" or "FCEV" means a zero-emission vehicle that runs on compressed hydrogen fed into a fuel cell stack that produces electricity to power the vehicle.
34. "Golf cart" means a motor vehicle that is defined as a "golf cart" in A.R.S. § 28-101.
35. "Government vehicle" means a registered motor vehicle exempt from the payment of a registration fee, or a federally owned or leased vehicle.
36. "Gross vehicle weight rating" (GVWR) means the maximum vehicle weight that a vehicle is designed for as established by the manufacturer.
37. "Idle test" means an exhaust emissions test conducted with the engine of the vehicle running at the manufacturer's idle speed  $\pm$  100 RPM but without pressure exerted on the accelerator.
38. "Inspection" means the mandatory vehicle emissions inspection including the tampering inspection.
39. "Mass emissions measurement" means measurement of a vehicle's exhaust in mass units such as grams.
40. "Maximum required repair cost" means the applicable maximum required repair cost under R18-2-1010(F) or (G) for a vehicle that has failed inspection.
41. "Model year" means the date of manufacture of the original vehicle within the annual production period of the vehicle as designated by the manufacturer or, if a reconstructed vehicle, the first year of titling.
42. "Motorcycle" means a vehicle that is defined as a "motorcycle" as in A.R.S. § 28-101.
43. "New aftermarket catalytic converter" means a new catalytic converter manufactured as an OEM part that meets the standards under 40 CFR 86.
44. "On-board diagnostics" or "OBD" means an on-board diagnostic system required by Section 202(m) of the Clean Air Act. For the purposes of the Article, OBD certification refers to United States Environmental Protection Agency OBD certification.
45. "Opacity" means the degree of absorption of transmitted light.
46. "Reconditioned OEM catalytic converter" means a catalytic converter remanufactured, as a non-OEM part, with new catalytic material housed in the original catalyst casing.
47. "Recognized repair facility" means a business with an Arizona Department of Revenue transaction privilege tax license pursuant to Title 15, Chapter 5 of the Arizona Revised Statutes whose primary purpose is vehicle repair, and who has at least one employee with a nationally recognized certification for emissions-related diagnosis and repair.
48. "Reconstructed vehicle" means a vehicle that has been assembled or constructed largely by means of essential parts, new or used, derived from vehicles or makes of vehicles of various names, models and types or that, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles. For the purposes of this paragraph, "essential parts" means integral and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.
49. "Specially constructed vehicle" means any vehicle not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.
50. "State inspector" means an employee of the Department designated to perform quality assurance or waiver functions under this Article.
51. "State station" means a facility, other than a fleet emissions inspection station, established for the purpose of conducting inspections under A.R.S. § 49-542.
52. "Tampering" means removing, defeating, or altering an emissions control device that was installed on a vehicle at the time the vehicle was manufactured.
53. "Two-stroke vehicle" means a vehicle equipped with an engine that requires one revolution of the crankshaft for each power stroke.
54. "Vehicle" or "Motor Vehicle" means any automobile, truck, truck tractor, motor bus, or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, roadrollers, or road machinery temporarily operated upon the highway.
55. "Vehicle emissions inspector" means an individual who is licensed by the Director to perform vehicle emissions inspections under this Article.
56. "Waiver inspector" means an employee of the contractor or the Department who is authorized to issue waivers under R18-2-1008.

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57. "Zero Emissions Vehicle" means a battery electric vehicle that runs on electricity stored in the batteries and has only an electric motor rather than an internal combustion engine, or a fuel cell electric vehicle that produces no emissions from the on-board source of power.

**Historical Note**

Former Section R9-3-1001 repealed, new Section R9-3-1001 adopted effective January 13, 1976 (Supp. 76-1). Former Section R9-3-1001 repealed, former Section R9-3-1002 renumbered and amended as Section R9-3-1001 effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1001 renumbered as Section R18-2-1001 and amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1002. Applicable Implementation Plan**

- A. Substantive revisions to the rules in this Article that are included in the Arizona State Clean Air Act Implementation Plan cannot become effective until approved by the Administrator of the United States Environmental Protection Agency. Amendments adopted by the Department but not yet approved as of the date of the latest amendments are therefore identified in this Article as not applying until the Administrator approves them.
- B. The Administrator's approvals of revisions to an applicable implementation plan are published as final rules in the Federal Register, which is available online at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. The Department publishes a list of Article 10 provisions approved since the last revisions to the Article at: <http://azdeq.gov/VECS/Rulemaking>.

**Historical Note**

New Section made by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1003. Vehicles to be Inspected by the Mandatory Vehicle Emissions Inspection Program**

- A. The following vehicles shall be inspected according to this Article:
1. A vehicle to be registered within Area A or Area B. For the purposes of this Article, registration within Area A or Area B shall be determined by the vehicle owner's permanent and actual residence. The permanent address in the MVD database shall be presumed to be the owner's permanent and actual residence. A post office box address listed on a title or registration document under A.R.S. § 28-2051(C) is not evidence of the owner's permanent and actual residence;
  2. Each vehicle delivered to a retail purchaser by a dealer licensed to sell used motor vehicles under A.R.S. Title 28 and whose place of business is located in Area A or Area B;
  3. Each vehicle registered outside Area A and Area B but used to commute to the driver's principal place of employment located within Area A or Area B;

4. Each vehicle owned by a person who is subject to A.R.S. §§ 15-1444(C) or 15-1627(G); and
5. An Area A or Area B vehicle owned or operated by the United States, this state, or a political subdivision of this state without regard to whether those vehicles are required to be registered in this state.

- B. The following vehicles are exempt from the inspection requirements of this Article:

1. A vehicle manufactured in or before the 1966 model year;
2. A vehicle leased to a person residing outside Area A and Area B by a leasing company whose place of business is in Area A or Area B, except as provided in subsection (A)(3);
3. A vehicle sold between motor vehicle dealers;
4. A zero-emissions vehicle;
5. An apportioned vehicle;
6. A golf cart;
7. A vehicle with an engine displacement of less than 90 cubic centimeters;
8. A vehicle registered at the time of change of name of ownership if an emissions test is current and valid, except when the change results from the sale by a dealership whose place of business is located in Area A or Area B;
9. A vehicle for which a current certificate of exemption or Director's certificate is issued;
10. A new vehicle before the sixth registration year after initial purchase or lease; except that:
  - a. A reconstructed vehicle or specially constructed vehicle is not exempt.
  - b. A vehicle converted to operate on an alternative fuel, as defined in A.R.S. § 1-215, is not exempt.
  - c. A vehicle failing an emissions inspection the owner chooses to have under A.R.S. § 49-543 is not exempt for the current registration year.
11. A vehicle designed to operate exclusively on hydrogen, as defined in A.R.S. § 1-215;
12. A collectible vehicle;
13. A motorcycle;
14. An all-terrain vehicle (ATV);
15. These exemptions apply after the Administrator approves this subsection, (B)(15), into the applicable implementation plan:
  - a. Cranes and oversized vehicles that require permits pursuant to A.R.S. §§ 28-1100, 28-1103, and 28-1144;
  - b. A vehicle not in use and owned by a resident of this state while on active military duty outside of this state.

- C. Government vehicles operated in Area A or Area B and not exempted by this Article shall be emissions inspected according to R18-2-1017.

**Historical Note**

Former Section R9-3-1003 repealed, new Section R9-3-1003 adopted effective January 13, 1976; Amended as an emergency effective January 19, 1976 (Supp. 76-1). Amended effective January 3, 1977 (Supp. 77-1). Amended effective January 3, 1979 (Supp. 79-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1003 as amended effective January 3, 1979 and amended as an emergency effective January 2, 1981 now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended subsection (A) effective

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January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1003 renumbered as Section R18-2-1003 and amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended effective October 15, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2722, effective June 28, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1004. Repealed****Historical Note**

Former Section R9-3-1004 repealed, new Section R9-3-1004 adopted effective January 13, 1976 (Supp. 76-1). Amended effective January 3, 1977 (Supp. 77-1). Former Section R9-3-1004 renumbered as Section R18-2-1004 and amended effective August 1, 1988 (Supp. 88-3). Section repealed by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4).

**R18-2-1005. Time of Inspection**

- A.** All Area A and Area B vehicles subject to an annual test shall be inspected at the following times:
1. For a non-fleet vehicle, within 90 days before each registration expiration date.
  2. For a fleet vehicle inspected at a licensed fleet station, at least once within each 12 month period following any initial registration.
  3. For a government vehicle:
    - a. For a vehicle not exempt under R18-2-1003(B)(10), within 12 months after acquisition by the operating entity and then annually on or before the anniversary date of the previous inspection;
    - b. For a vehicle exempt under R18-2-1003(B)(10), within 90 days after the vehicle becomes subject to testing, and then annually on or before the anniversary date of the previous inspection; and
    - c. A government vehicle is subject to testing on the anniversary of its date of acquisition.
  4. For a vehicle registered outside Area A and Area B and used to commute to the driver's principal place of work located in Area A or Area B, upon vehicle registration and annually thereafter.
  5. For a vehicle owned by a person subject to A.R.S. §§ 15-1444(D) or 15-1627(G), within 30 calendar days following the date of initial registration at the institution located in Area A or Area B and annually thereafter.
- B.** All Area A and Area B vehicles subject to a biennial test shall be inspected at the following times:
1. For a non-fleet vehicle, within 90 days before the vehicle's emissions compliance expiration date.
  2. For a fleet vehicle inspected at a fleet station, at least once within each successive 24 month period following initial registration.
  3. For a government vehicle:
    - a. For a vehicle not exempt under R18-2-1003(B)(10), within 12 months after acquisition by the operating entity, and biennially thereafter, on or before the anniversary date of the previous inspection; or
    - b. For a vehicle exempt under R18-2-1003(B)(10), within 90 days after the vehicle becomes subject to

testing, and biennially thereafter, on or before the anniversary date of the previous inspection.

4. For a vehicle registered outside Area A or Area B but used to commute to the driver's principal place of employment located in Area A or Area B, upon vehicle registration and biennially thereafter.
  5. For a vehicle owned by a person subject to A.R.S. §§ 15-1444(D) or 15-1627(G), within 30 days following the date of initial registration at the institution located in Area A or Area B and biennially thereafter.
- C.** All vehicles sold by a dealer licensed to sell used motor vehicles under A.R.S. Title 28, whose place of business is located in Area A or Area B, shall pass the applicable emissions test prescribed by R18-2-1006 before delivery of the vehicle to a retail purchaser.
- D.** An Area B vehicle being registered in Area A is subject to the appropriate annual or biennial test from Area A before registration even if the Area A test, or test period, is different from the test required for the same vehicle in Area B.
- E.** Nothing in this Section shall be construed to waive a late registration fee because of failure to meet inspection requirements by the registration deadline, except that a motor vehicle that fails the initial or subsequent test shall not be subject to a penalty fee for late registration renewal if:
1. The initial test is accomplished before the emissions compliance expiration date; and
  2. The registration renewal is received by MVD within 30 days of the initial test.
- F.** An owner of a vehicle may submit the vehicle for emissions inspection more than 90 days before the emissions compliance expiration date but the inspection does not satisfy the registration testing requirement under R18-2-1003.

**Historical Note**

Former Section R9-3-1005 repealed, new Section R9-3-1005 adopted effective January 31, 1976 (Supp. 76-1). Amended effective January 3, 1977 (Supp. 77-1). Amended effective March 2, 1978 (Supp. 78-2). Amended effective January 3, 1979 (Supp. 79-1). Amended effective February 20, 1980 (Supp. 80-1). Amended as an emergency effective January 2, 1981 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-2). Former Section R9-3-1005 as amended effective February 20, 1980 and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1005 renumbered as Section R18-2-1005 and subsections (A) and (C) amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1006. Emissions Test Procedures**

- A.** This Section establishes the testing requirements for vehicles in the State of Arizona. Subsection (B) identifies which tests apply to a particular type and model year of vehicle. Subsection (C) establishes the procedures and criteria for, passing, failing, or being rejected from each test.
- B.** Test applicability.

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1. Area A and Area B non-diesel. The following general requirements govern test applicability for non-diesel vehicles in both Area A and Area B:
  - a. A rotary engine shall be inspected as a 4-stroke engine with four cylinders or less.
  - b. For a vehicle in which an engine has been replaced:
    - i. A vehicle owner shall not install a heavy-duty engine in a light-duty chassis.
    - ii. A vehicle owner shall not install a light-duty engine in a heavy-duty chassis.
    - iii. The replacement engine package shall include all emissions control equipment and devices that were required by the manufacturer for an engine-chassis certification. All emissions control equipment and devices shall be properly installed and in operating condition, and the resulting engine-chassis configuration shall be equivalent to a verified configuration of the same, or newer, model year as that of the vehicle chassis.
2. Area A Non-Diesel. Non-diesel vehicles in Area A are subject to the test procedures identified in this subsection:
  - a. Vehicles other than alternative fuel vehicles operated by a school district in Area A, heavy duty alternative fuel vehicles, reconstructed vehicles, and constant 4-wheel-drive vehicles that are not equipped with OBD, are subject to the following test procedures until the Administrator approves subsection (B)(2)(a)(i) into the applicable implementation plan:

Area A Non-Diesel Testing Procedures Until SIP Revision is Approved				
Model Year	GVWR	Test Frequency	Tests Applicable	Test Subsection
1996 or later	8,500 pounds or less	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1981 through 1995	8,500 pounds or less	Biennial	Transient loaded and evaporative system pressure Functional gas cap Tampering	C.5 C.16 C.17
1975 through 1980	8,500 pounds or less	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1975 or later	More than 8,500 pounds	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1967 through 1974	Any	Annual	Loaded test Functional gas cap	C.6 C.16

- i. Test procedures that apply after the Administrator approves this subsection, (B)(2)(a)(i), into the applicable implementation plan:

Area A Non-Diesel Testing Procedures After SIP Revision is Approved					
Model Year	GVWR	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
1996 or Later	Any	Yes	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1981 or later	8,500 pounds or less	No	Biennial	Transient loaded and evaporative system pressure Functional gas cap Tampering	C.5 C.16 C.17
1975 through 1980	8,500 pounds or less	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1975 or later	More than 8,500 pounds	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1967 through 1974	Any	No	Annual	Loaded test Functional gas cap	C.6 C.16

- b. Alternative fuel vehicles operated by a school district in Area A are subject to the following testing procedures until the Administrator approves subsection (B)(2)(b)(i) into the applicable implementation plan. After subsection (B)(2)(b)(i) has been approved into the applicable implementation plan, alternative fuel vehicles operated by a school district in Area A will be subject to subsection (B)(2)(b)(i).



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Area A Alt. Fuel Vehicles Operated by a School District Testing Procedures Until SIP Revision is Approved				
Model Year	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
1975 or later	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1967 through 1974	No	Annual	Loaded test Functional gas cap	C.8 C.16

- i. Test procedures that apply after the Administrator approves this subsection, (B)(2)(b)(i), into the applicable implementation plan.

Area A Alt. Fuel Vehicles Operated by a School District Testing Procedures After SIP Revision is Approved				
Model Year	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
Any	Yes	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1975 or later	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1967 through 1974	No	Annual	Loaded test Functional gas cap	C.6 C.16

- c. Heavy duty alternative fuel vehicles in Area A that are not owned by a school district are subject to the following testing procedures.

Model Year	GVWR	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
Any	More than 14,500 pounds	Yes	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1975 or later	More than 14,500 pounds	No	Annual	Idle test Functional gas cap Tampering	C.8 C.16 C.17
1967 through 1974	More than 14,500 pounds	No	Annual	Idle test Functional gas cap	C.8 C.16

3. Area B Non-Diesel. Non-diesel vehicles in Area B are subject to the test procedures identified in this subsection:

- a. Vehicles other than reconstructed vehicles and constant 4-wheel-drive vehicles that are not

equipped with OBD shall be subject to the following test procedures until the Administrator approves subsection (B)(2)(a)(i) into the applicable implementation plan:

Area B Non-Diesel Testing Procedures Until SIP Revision is Approved				
Model Year	GVWR	Test Frequency	Tests Applicable	Test Subsection
1996 or later	8,500 pounds or less	Annual	OBD Functional gas cap Tampering	C.4 C.16 C.17
1981 through 1995	8,500 pounds or less	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1975 through 1980	8,500 pounds or less	Annual	Idle test Functional gas cap Tampering	C.8 C.16 C.17
1975 or later	More than 8,500 pounds	Annual	Idle test Functional gas cap Tampering	C.8 C.16 C.17
1967 through 1974	Any	Annual	Idle test Functional gas cap	C.8 C.16

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- i. Test procedures that apply after the Administrator approves this subsection (B)(2)(a)(i) into the applicable implementation plan:

Area B Non-Diesel Testing Procedures After SIP Revision is Approved					
Model Year	GVWR	OBD Certified?	Test Frequency	Tests Applicable	Test Subsection
Any	Any	Yes	Biennial	OBD Functional gas cap Tampering	C.4 C.16 C.17
1981 or later	8,500 pounds or less	No	Annual	Loaded test Functional gas cap Tampering	C.6 C.16 C.17
1975 through 1980	8,500 pounds or less	No	Annual	Loaded Test Functional gas cap Tampering	C.6 C.16 C.17
1975 or later	More than 8,500 pounds	No	Annual	Idle test Functional gas cap Tampering	C.8 C.16 C.17
1967 through 1974	Any	No	Annual	Idle test Functional gas cap	C.9 C.16

4. Reconstructed non-diesel vehicles. Reconstructed non-diesel vehicles in both Area A and Area B are subject to the tests specified in the following table:

Model Year	Test Frequency	Tests Applicable	Test Subsection
1967 or later	Annual	Loaded test Visual gas cap	C.6 C.18

5. Constant 4-wheel-drive vehicles. Constant 4-wheel-drive vehicles in both Area A and Area B that are not equipped with OBD are subject to the tests specified in the following table:

Model Year	Test Frequency	Tests Applicable	Test Subsection
1975 or later	Annual	Idle Test Functional gas cap Tampering	C.8 C.16 C.17
1967 through 1974	Annual	Idle Test Functional gas cap	C.8 C.16

6. Area A Diesel. Diesel vehicles that require inspection in Area A are subject to the test procedures specified in this subsection until the Administrator approves subsection (B)(8) into the applicable implementation plan:

Area A Diesel Testing Procedures Until SIP Revision is Approved					
GVWR	OBD Certified?	Model Year	Test Frequency	Tests Applicable	Test Subsection
8,500 and less	Yes	Any	Annual	OBD Tampering	C.4 C.17
More than 8,500 pounds	No	1975 or later	Annual	Snap idle Tampering	C.10 C.17
More than 8,500 pounds	No	1967 through 1974	Annual	Snap idle	C.10
More than 4,000 and less than or equal to 8,500 pounds	No	1975 or later	Annual	Loaded opacity B Tampering	C.12 C.17
More than 4,000 and less than or equal to 8,500 pounds	No	1967 through 1974	Annual	Loaded opacity B	C.12
4,000 pounds or less	No	1975 or later	Annual	Loaded opacity C Tampering	C.13 C.17
4,000 pounds or less	No	1967 through 1974	Annual	Loaded opacity C	C.13

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7. Area B Diesel. Diesel vehicles that require inspection in Area B are subject to the test procedures specified in this subsection until the Administrator approves subsection (B)(8) into the applicable implementation plan:

Area B Diesel Testing Procedures Until SIP Revision is Approved				
GVWR	Model Year	Test Frequency	Tests Applicable	Test Subsection
More than 26,000 pounds	1975 or later	Annual	Loaded opacity A Tampering	C.12 C.18
More than 26,000 pounds	1967 through 1974	Annual	Loaded opacity A	C.12
More than 10,500 and less than or equal to 26,000 pounds	1975 or later	Annual	Any of the following: Loaded opacity A Loaded opacity B Tampering	C.12 C.13 C.18
More than 10,500 and less than or equal to 26,000 pounds	1967 through 1974	Annual	Any of the following: Loaded opacity A Loaded opacity B	C.12 C.13
More than 4,000 and less than or equal to 10,500	1975 or later	Annual	Loaded opacity B Tampering	C.13 C.18
More than 4,000 and less than or equal to 10,500	1967 through 1974	Annual	Loaded opacity B	C.13
4,000 pounds or less	1975 or later	Annual	Loaded opacity C Tampering	C.14 C.18
4,000 pounds or less	1967 through 1974	Annual	Loaded opacity C	C.14

8. Test procedures that apply for diesel vehicles in both Area A and Area B after the Administrator approves this subsection (B)(8) into the applicable implementation plan:

Area A and Area B Diesel Testing Procedures After SIP Revision is Approved					
GVWR	OBD Certified?	Model Year	Test Frequency	Tests Applicable	Test Subsection
Any	Yes	Any	Biennial	OBD Tampering	C.4 C.17
More than 8,500 pounds	No	1975 or later	Annual	Snap idle Tampering	C.10 C.17
More than 8,500 pounds	No	1967 through 1974	Annual	Snap idle	C.10
More than 4,000 and less than or equal to 8,500 pounds	No	1975 or later	Annual	Loaded opacity B Tampering	C.12 C.17
More than 4,000 and less than or equal to 8,500 pounds	No	1967 through 1974	Annual	Loaded opacity B	C.12
4,000 pounds or less	No	1975 or later	Annual	Loaded opacity C Tampering	C.13 C.17
4,000 pounds or less	No	1967 through 1974	Annual	Loaded opacity C	C.13

9. Dealer Fleet Testing Procedures. The test procedures in the table in this Section apply until the administrator approves subsections (B)(2)(a)(i), (B)(3)(a)(i), and (B)(8) into the applicable implementation plan for used vehicles sold by a motor vehicle dealer who is a fleet operator and who has been issued a permit pursuant to A.R.S. § 49-546. After those sections are approved into the applicable implementation plan, used vehicles sold by a motor vehicle dealer who is a fleet operator and who has been issued a permit pursuant to A.R.S. § 49-546 will be subject to the same testing procedures as vehicles tested at state stations and the table in this Section will no longer be applicable.

Area A and Area B Dealer Fleet Testing Procedures Until SIP Revision is Approved			
Model Year	Test Frequency	Tests Applicable	Test Subsection

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1981 or later	Annual	Two speed idle test Functional gas cap Tampering	C.6 C.16 C.17
1975 through 1980	Annual	Idle Test Functional gas cap Tampering	C.7 C.16 C.17
1967 through 1974	Annual	Idle Test Functional gas cap	C.8 C.16

**C. Test Requirements**

1. Conditions for Pass. A vehicle passes inspection if the vehicle:
  - a. Is subjected to all applicable tests required by subsection (B);
  - b. Is not rejected from any of the tests for any of the reasons specified in (C)(2) or (C)(3) of this subsection; and
  - c. Does not fail any of the applicable tests for any of the reasons specified in this subsection.
2. Pre-Test Safety Inspection
  - a. The Department shall inspect each vehicle visually before the emissions test for any of the following unsafe or untestable conditions:
    - i. A fuel leak that causes wetness or pooling of fuel;
    - ii. A continuous engine or transmission oil leak onto the floor;
    - iii. A continuous engine coolant leak onto the floor such that the engine is overheating or may overheat within a short time;
    - iv. A tire on a driving wheel with less than 2/32-inch tread, metal protuberances, unmatched tire size, obviously low tire pressure as determined by visual inspection;
    - v. An exhaust pipe that does not allow for safe exhaust probe insertion;
    - vi. An exhaust pipe on a diesel-powered vehicle that does not allow for safe exhaust probe insertion and attachment of opacity meter sensor units;
    - vii. Improperly operating brakes;
    - viii. Any vehicle modification or mechanical condition that prevents dynamometer operation;
    - ix. Loud internal engine noise;
    - x. An obvious exhaust leak;
    - xi. Towing a trailer or carrying a heavy load;
    - xii. Carrying explosives or any hazardous material not used as a fuel for the vehicle; or
    - xiii. Any other condition that in the judgment of the inspector makes testing unsafe or the vehicle untestable.
  - b. If the inspector determines that a vehicle is unsafe or otherwise untestable by the visual inspection the following shall apply:
    - i. The vehicle shall be rejected without an emissions test;
    - ii. The inspector shall notify the vehicle owner or operator of all untestable or unsafe conditions found;
    - iii. A state station shall not charge a fee; and
    - iv. A state station shall not test the vehicle until the cause for rejection is repaired.
3. Test Operating Conditions. When conducting the emissions test required by this Section, the vehicle emissions

inspector shall ensure that all of the following requirements are satisfied:

- a. The vehicle shall be tested in the condition presented, unless rejected under R18-2-1006(C)(2);
- b. The vehicle's engine shall be operating at normal temperature and not be overheating as indicated by a gauge, warning light, or boiling radiator; and
- c. All vehicle accessories shall be turned off during testing.
4. OBD Test.
  - a. Test Procedure. The OBD test shall consist of:
    - i. A visual inspection of the MIL function; and
    - ii. An electronic examination of the OBD computer by connecting a scan tool to the data link connector and interrogating the OBD system to determine vehicle readiness status, MIL status, and the presence of diagnostic trouble codes.
  - b. Equipment Specifications. The OBD equipment shall conform to the requirements of "Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program," EPA420-R-01-015, EPA, June 2001 (and no future editions or amendments), which is incorporated by reference. A copy of this incorporated material is on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
  - c. OBD scan tools shall have the most recent available software downloaded and installed before inspection.
  - d. Test Rejection. A vehicle shall be rejected from an OBD test if any of the following conditions occurs:
    - i. The number of unset readiness indicators, excluding continuous indicators, is three or more for a model year 1996-2000 vehicle, or two or more for a model year 2001 and newer vehicle;
    - ii. The data link connector cannot be located or is inaccessible;
    - iii. The data link connector is loose and the scan tool cannot be inserted into the connector;
    - iv. The data link connector has no voltage; or
    - v. The eVIN and monitors are mismatched.
  - e. Test Failure. A vehicle fails the OBD test if any of the following conditions occurs:
    - i. The vehicle's MIL does not illuminate when the ignition is on and the engine is off;
    - ii. The vehicle's MIL illuminates continuously or flashes with the engine running;
    - iii. The OBD system is not communicating;
    - iv. The vehicle's OBD system reports the MIL as commanded on;
    - v. The vehicle's OBD system data is inappropriate for the vehicle being tested; or

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- vi. The vehicle's OBD system data does not match the original equipment manufacturer (OEM) or a Department exempted OBD software configuration.
- 5. Transient Loaded and Evaporative System Pressure Test.
  - a. Transient Loaded Test Procedure.
    - i. The transient loaded test shall consist of 147 seconds of mass emissions measurement using a constant volume sampler while the vehicle is driven by an inspector through a computer-monitored driving cycle on a dynamometer with inertial weight settings appropriate for the weight of the vehicle.
    - ii. The driving cycle shall include the acceleration, deceleration, and idle operating modes described in Table 4.
    - iii. The 147-second sequence may be ended earlier using a fast-pass or fast-fail algorithm.
    - iv. A retest algorithm shall be used to determine if a test failure is due to insufficient vehicle preconditioning. As determined by the retest algorithm, an additional test may be performed on a failing vehicle.
    - v. The highest selectable drive gear shall be used for automatic transmissions and first gear shall be used for manual transmission acceleration from idle.
    - vi. Exhaust emissions concentrations in grams per mile for HC, CO, NO<sub>x</sub> and CO<sub>2</sub> shall be recorded continuously beginning with the first second.
    - vii. All testing and test equipment for the transient loaded emissions test shall conform to "IM240 & Evap Technical Guidance," EPA420-R-00-007, EPA, April 2000, and no future editions or amendments, which is incorporated by reference, except that the transient driving cycle in Table 4, the standards in Table 4, and the fast-pass, fast-fail retest algorithms described in subsection (C)(5)(a) shall be used. A copy of the incorporated material is on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
    - viii. In determining compliance under subsection (C)(5)(d) for a vehicle that operates on natural gas, HC emissions shall be multiplied by 0.19, when an analyzer with a flame ionization detector is used or 0.61, when an NDIR analyzer is used.
  - b. Evaporative System Pressure Test Procedure. The evaporative system pressure test shall consist of the following steps in sequence:
    - i. Connect the test equipment to either the fuel tank vent hose at the canister or the fuel tank filler neck;
    - ii. Pressurize the system to  $14 \pm 0.5$  inches of water without exceeding 26 inches of water system pressure; and
    - iii. Close off the pressure source, seal the evaporative system, and monitor pressure decay for two minutes unless a failure is detected or a fast-pass determination is made as defined in EPA420-R-00-007, which is incorporated by reference in subsection (C)(5)(a)(vii) of this rule.
  - c. Test Rejection. A vehicle shall be rejected from the transient loaded and evaporative system pressure test if it has an audible or visible exhaust leak during emissions testing, or if the vehicle displays unsafe behavior on the dynamometer during testing.
  - d. Transient Loaded Test Failure. A vehicle fails the transient loaded test if emissions measured during the test exceed the Table 3 standard applicable to the model year and type of the vehicle being tested as follows:
    - i. The average emissions measured for the entire test exceed the "composite standard" for any pollutant; or
    - ii. The average emissions measured during seconds 65 through 146 exceed the "phase-2" standard for any pollutant.
  - e. Evaporative System Pressure Test Failure. A vehicle fails the evaporative system pressure test if any of the following conditions occurs:
    - i. The evaporative system cannot maintain a system pressure above eight inches of water for two minutes after being pressurized to  $14 \pm 0.5$  inches of water;
    - ii. The canister is missing or damaged; or
    - iii. The hose or electrical system is missing, routed incorrectly, or disconnected, according to the vehicle emissions control information label.
  - f. Test Failure. A vehicle fails the transient loaded and evaporative system pressure test if it fails the test under either subsection R10-2-1006(C)(5)(d) or R10-2-1006(C)(5)(e).
- 6. Loaded Test.
  - a. Loaded Cruise Test Procedure. The vehicle's drive wheels shall be placed on a dynamometer and the vehicle shall be operated according to the Table 1 of this Article.
  - b. Besides the Arizona specific dynamometer test schedule, loaded tests shall conform to the procedures listed at 40 CFR 51, Subpart S, Appendix B, Section III, amended as of July 1st, 2017, which is incorporated by reference and on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
  - c. Loaded Test Equipment Specifications.
    - i. The equipment used in Area A state stations for loaded cruise and curb idle testing shall conform to "IM240 & Evap Technical Guidance," EPA420-R-00-007, EPA, April 2000, and no future editions or amendments, which is incorporated by reference in subsection (C)(5)(a)(vii) of this rule.
    - ii. The equipment used in Area B state stations and all Arizona fleet emission testing stations for the loaded test shall comply with 40 CFR 51, Subpart S, Appendix A, Section I, amended as of July 1, 2017, which is incorporated by reference and on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
  - d. In determining whether a vehicle that operates on natural gas complies with the HC emissions standards in Table 2 of this Article, the results of the test

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- shall be multiplied by 0.19, when an analyzer with a flame ionization detector is used or 0.61, when an NDIR analyzer is used.
- e. Test Rejection. A vehicle shall be rejected from a loaded cruise and curb idle test, if the CO<sub>2</sub> plus CO reading during the curb idle test is less than 6%.
  - f. Test Failure. A vehicle fails the loaded cruise and curb idle test if tailpipe emissions measured by the test exceed the applicable standards in Table 2 for loaded cruise mode or curb idle mode for the type and model year of the vehicle being tested.
7. Two Speed Idle Test
    - a. All two speed idle testing shall conform to the procedures listed at 40 CFR 51, Subpart S, Appendix B, Section II, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference and on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
    - b. All equipment used for two speed idle testing shall conform with the requirements of 40 CFR 51, Subpart S, Appendix A, Section I, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference and on file with the Department.
    - c. Test Failure. A vehicle fails the two speed idle test if tailpipe emissions measured by the test exceed the applicable standards in Table 2 for the type and model year of the vehicle being tested.
  8. Idle Test
    - a. All idle testing shall conform to the procedures listed at 40 CFR 51, Subpart S, Appendix B, Section I, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference and on file with the Department, the Secretary of State, and is available online at <http://azdeq.gov/VECS/Rulemaking>.
    - b. All equipment used for two speed idle testing shall conform with the requirements of 40 CFR 51, Subpart S, Appendix B, Section I, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference and on file with the Department.
    - c. Test Failure. A vehicle fails the idle test if tailpipe emissions measured by the test exceed the applicable standards in Table 2 for the type and model year of the vehicle being tested.
  9. Exhaust Sampling Requirements for Annual Tests on Non-Diesel Vehicles.
    - a. All CO and HC emissions analyzers shall have water traps incorporated in the sampling lines. Sampling probes shall be capable of taking undiluted exhaust samples from a vehicle exhaust system.
    - b. A vehicle, other than a diesel-powered vehicle, shall be inspected with a gas analyzer capable of determining concentrations of CO and HC within the ranges and tolerances specified in Table 5.
    - c. A vehicle with multiple exhaust pipes shall be inspected by collecting and averaging samples by one of the following methods:
      - i. Collecting separate samples from each exhaust pipe and use the average concentration to determine the test result;
      - ii. Using manifold exhaust probes to simultaneously sample approximately equal volumes from each exhaust pipe; or
      - iii. Using manifold exhaust pipe adapters to collect approximately equal volume samples from each exhaust pipe.
  10. Snap Idle Test.
    - a. Snap Idle Test Procedure.
      - i. The Department shall test the vehicle with a procedure that conforms to Society of Automotive Engineers Recommended Practice J1667, February 1996, incorporated by reference and on file with the Department, the Secretary of State and is available online at <http://azdeq.gov/VECS/Rulemaking>. This incorporation by reference contains no future editions or amendments.
      - ii. All testing and test equipment shall conform to the J1667 Recommended Practice.
      - iii. The procedure shall use the corrections for ambient test conditions in Appendix B of the J1667 Recommended Practice for all tests.
      - iv. To expedite testing throughput, the Department may implement rapid testing procedures.
      - v. The test results shall be reported as the percentage of smoke opacity.
    - b. Snap Idle Test Failure.
      - i. Except as provided in subsection (C)(10)(c), a vehicle fails the snap idle test if the opacity of emissions exceeds the level specified in the following table:
 

Model Year	Standard
1991 or later	40%
1990 or earlier	55%
      - ii. The engine model year is determined by the emission control label. If the emission control label is missing, illegible, or incorrect, the test standard shall be 40%, unless a correct, legible, emission control label replacement is attached to the vehicle within 30 days of the inspection.
    - c. Alternative Opacity Standard. The Director shall identify an alternative, less stringent opacity standard for an engine family if the conditions of either subsection (C)(10)(c)(i) or (C)(10)(c)(ii) are satisfied.
      - i. The engine family exhibits smoke opacity greater than the applicable standard in subsection (C)(10)(b)(i) when in good operating condition and adjusted to the manufacturer's specifications. If this condition is satisfied, the Director shall identify a technologically appropriate less stringent standard based on a review of data obtained from engines in good operating condition and adjusted to manufacturer's specifications.
      - ii. The engine family has been granted an exemption from a standard equivalent to the applicable standard in subsection (C)(10)(b)(i) based on the J1667 Recommended Practice by the executive officer of the California Air Resources Board (CARB). If this condition is satisfied, the Director shall allow the engine family to comply with any technologically

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- appropriate less stringent standard identified by the executive officer of CARB.
- iii. A demonstration under subsection (C)(10)(c)(i) shall be based on data from at least three vehicles. Data from official inspections under this subsection (C)(10) showing that vehicles in the engine family meet the standard may be used to rebut the demonstration.
  - iv. The Director shall implement any new standard resulting from each exemption as soon as practicable for all subsequent tests and provide notice at all affected test stations and fleets.
11. Loaded Opacity A Test.
    - a. Test Procedure.
      - i. The vehicle shall be tested on a chassis dynamometer beginning with no power absorption by selecting a gear ratio that produces a maximum vehicle speed of 30-35 MPH at governed or maximum rated RPM.
      - ii. If the vehicle has a manual transmission or an automatic transmission with individual gear selection, the engine shall be operated at governed or maximum rated engine RPM, at normal operating temperature under a power absorption load applied to the dynamometer until the loading reduces the engine RPM to 80% of the governed speed at wide-open throttle position.
      - iii. If the vehicle has an automatic transmission and automatic gear kickdown, the engine shall be loaded to a speed just above the kickdown speed or 80% of the governed speed, whichever is greater.
      - iv. If the chassis dynamometer does not have enough horsepower absorption capability to lug the engine down to these speeds, the vehicle's brakes may be used to assist the dynamometer.
    - b. Test Failure. A vehicle fails the test if the opacity reading for a period of 10 consecutive seconds exceeds the applicable standard in R18-2-1030(B).
  12. Loaded Opacity B Test.
    - a. Test Procedure. The vehicle shall be tested by a loaded dynamometer test by applying a single load of 30 HP,  $\pm$  2 HP, while operated at 50 MPH.
    - b. Test Failure. A vehicle fails the test if the opacity reading for a period of 10 consecutive seconds exceeds the applicable standard in R18-2-1030(B).
  13. Loaded Opacity C Test.
    - a. Test Procedure. The vehicle shall be tested by a loaded dynamometer test by applying a single load of between 6.4 - 8.4 HP while operated at 30 MPH.
    - b. Test Failure. A vehicle fails the test if the opacity reading for a period of 10 consecutive seconds exceeds the applicable standard in R18-2-1030(B).
  14. Exhaust Sampling Requirements for Diesel Vehicles Tests other than the Snap Idle Test.
    - a. For a diesel-powered vehicle equipped with multiple exhaust pipes, separate measurements shall be made on each exhaust pipe. The reading taken from the exhaust pipe that has the highest opacity reading shall be used for comparison with the standard in R18-2-1030(B).
    - b. A vehicle shall be inspected with either a full-flow or sampling-type opacity meter. The opacity meter shall be a direct reading, continuous reading light extinction-type using a collimated light source and photo-electric cell, accurate to a value within  $\pm$  2% of full scale.
  15. Functional Gas Cap Test.
    - a. Test Procedure.
      - i. The vehicle shall undergo a functional test of the gas cap to determine cap leakage.
      - ii. A vehicle with a non-sealing gas cap shall be checked for the presence of a properly fitting gas cap.
    - b. Exemption. A vehicle with a vented fuel system is exempt from this subsection.
    - c. Exemption. A vehicle that is manufactured without a gas cap is exempt from this subsection.
    - d. Test Failure.
      - i. A vehicle fails the test if cap leakage exceeds 60 cubic centimeters of air per minute at a pressure of 30 inches of water gauge.
      - ii. Notwithstanding subsection 18-2-1006(C)(15)(d)(i), a vehicle does not fail the test if the failing cap is immediately replaced at the state station by a gas cap that satisfies the requirements of this subsection.
  16. Tampering Inspection.
    - a. The inspection shall be based on the original configuration of the vehicle as manufactured. The Department shall verify the applicable emissions system requirements shall be verified by the "Vehicle Emission Control Information" label. "Original configuration" for a foreign manufactured vehicle means the design and construction of a vehicle produced by the manufacturer for original entry and sale in the United States.
    - b. The Department's tampering inspection shall consist of the following:
      - i. A visual inspection to determine the presence and proper installation of each required catalytic converter system or OEM equivalent;
      - ii. An examination to determine the presence of an operational injection system, if applicable;
      - iii. A visual inspection to determine the presence of an operational positive crankcase ventilation system or closed crankcase ventilation system, if applicable; and
      - iv. A visual inspection to determine the presence of an operational evaporative control system, if applicable.
  17. Visual Gas Cap Test. The visual gas cap test consists of the inspector's ocular verification that a gas cap is properly fitted to the vehicle.
  18. Testing Vehicles that Operate on More than One Fuel. A vehicle, other than a vehicle for which an OBD test is required, designed to operate on more than one fuel, shall be tested on the fuel in use when the vehicle is presented for inspection, except vehicles that operate on alternative fuel, as defined in A.R.S. § 1-215.
  19. Testing Vehicles that Operate on Alternative Fuels.
    - a. The inspector shall test vehicles that operate on an alternative fuel, as defined in A.R.S. § 1-215, other than a vehicle for which an OBD test is required, on each fuel that the vehicle is intended to operate on, using the appropriate emissions test procedure and standards for that vehicle.

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- b. The vehicle shall be operated for a minimum of 30 seconds after switching fuels and before testing begins. The vehicle shall be rejected for testing if it is not able to operate on each fuel that the vehicle is intended to operate on or if the vehicle operator cannot switch fuels.
- c. A vehicle that operates exclusively on propane or natural gas, as defined in A.R.S. § 1-215, shall be exempt from the functional gas cap test in subsection 10-2-1006(C)(15) and the evaporative pressure system test in subsection 10-2-1006(C)(5)(b).

**Historical Note**

Former Section R9-3-1006 repealed, new Section R9-3-1006 adopted effective January 13, 1976 (Supp. 76-1). Amended effective November 1, 1976 (Supp. 76-5). Amended effective March 2, 1978 (Supp. 78-2). Amended effective January 3, 1979 (Supp. 79-1). Amended effective February 20, 1980 (Supp. 80-1). Former Section R9-3-1006 repealed, new Section R9-3-1006 adopted as an emergency effective January 2, 1981 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1006 as amended effective February 20, 1980 repealed and a new Section R9-3-1006 adopted as an emergency effective January 2, 1981 now adopted and amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1006 renumbered as Section R18-2-1006 and subsections (A), (C) and (D) amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended effective October 15, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 2722, effective June 28, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1007. Evidence of Meeting State Inspection Requirements**

- A. A vehicle required to be inspected under this Article shall pass inspection before registration by meeting the requirements of R18-2-1006, unless the vehicle owner obtains a certificate of waiver under R18-2-1008.
- B. The MVD or its agent may use the MVD motor vehicles emissions database, if available, as evidence that a vehicle complies with the requirements of this Article.
- C. If the MVD motor vehicles emissions database is not available, the MVD or its agent shall accept any of the following documents identified in subsections (C)(1) to (C)(5), when complete, unaltered, and dated no more than 90 days before registration expiration date, as evidence that a vehicle complies with the requirements of this Article unless the MVD or its agent has reason to believe it is false. Documents accompanying a late registration may be dated subsequent to the registration expiration date:
  - 1. Certificate of compliance,
  - 2. Certificate of waiver (except from auto dealers licensed to sell used motor vehicles under Title 28),
  - 3. Certificate of exemption,

- 4. Director's certificate, or
- 5. The upper section of the vehicle inspection report with "PASS" in the final results block.

- D. A complete certificate of inspection or government vehicle certificate of inspection dated within 12 months of registration for an annually tested vehicle and 24 months for a biennially tested vehicle shall be accepted by the MVD or its agent as evidence that a vehicle is in compliance with the requirements of this Article unless the MVD or its agent has reason to believe it is false.
- E. Documents listed in subsection (C) and originating in Area B are not acceptable for meeting the inspection requirements in Area A, unless the tests required in Area A and Area B for the vehicle under R18-2-1006 are identical.
- F. Government vehicles for which only weight fees are paid shall be registered without evidence of inspection.

**Historical Note**

Former Section R9-3-1007 repealed, new Section R9-3-1007 adopted effective January 13, 1976 (Supp. 76-1). Former Section R9-3-1007 repealed, new Section R9-3-1007 adopted effective January 3, 1977 (Supp. 77-1). Amended effective February 20, 1980 (Supp. 80-1). Amended effective January 1, 1986 (Supp. 85-6). Former Section R9-3-1007 renumbered without change as Section R18-2-1007 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1008. Procedure for Issuing Certificates of Waiver**

- A. Unless prohibited under subsection (D), a waiver inspector shall issue a certificate of waiver after reinspection at a state station to a vehicle that failed the emissions reinspection when the vehicle owner demonstrates any of the following conditions have been satisfied:
  - 1. The requirements of R18-2-1009 and R18-2-1010, to the extent applicable, have been satisfied;
  - 2. The vehicle owner has spent the maximum required repair cost on the maintenance and repair procedures required by R18-2-1010; or
  - 3. Any further repairs within the maximum required repair cost would not enable the vehicle to pass the required vehicle emissions inspection.
- B. The demonstration required by subsection (A) may consist of repair receipts, emissions test results, evidence of repairs performed, under hood verification, repair cost estimates, or similar evidence.
- C. A temporary certificate of waiver may be issued to a vehicle failing the tampering inspection if the vehicle owner provides to a waiver inspector a written statement from an automobile parts or repair business that an emission control device necessary to repair the tampering is not available and cannot be obtained from any usual source of supply, and if all requirements of R18-2-1008(A) have been met. All written statements are subject to verification for authenticity and accuracy by the waiver inspector. The Department may deny a temporary certificate of waiver if the state inspector has any reason to believe the written statement is false or a usual source of supply exists and the device necessary to repair the tampering is available. Certificates of waiver may be issued under this subsection for a specified period, not to exceed 90 days, that



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allows sufficient time for the procurement and installation of a proper emissions control device. A receipt or bill from a vehicle repair facility or automobile parts store shall be an acceptable proof of purchase. Before the end of the specified time period, the vehicle owner shall present to the waiver inspector proof of purchase and installation of the device. The Department shall track all issued temporary certificates of waiver and if no proof of purchase and installation is received before the end of the specified time period, the Department shall forward to the MVD an order to cancel the vehicle's registration.

- D.** The Director shall not issue a waiver to a vehicle under any of the circumstances described in subsections (D)(1) through (4).
1. The vehicle failed the emissions test due to the catalytic converter system. A vehicle fails the emissions test due to the catalytic converter system if:
    - a. The vehicle has a catalytic converter system that is missing or defeated;
    - b. The vehicle is equipped with an on-board diagnostic computer (OBD) with a malfunction indicator light (MIL), "check engine" or "service engine soon" light commanded on by the computer and containing diagnostic trouble codes indicating the catalytic converter must be replaced; or
    - c. A vehicle with a repair order or estimate paperwork provided the waiver technician at the time of waiver inspection shows that a diagnostic determination has been made by the mechanic that the catalytic converter must be replaced.
  2. The vehicle failed the emissions test with an HC, CO, NOx, or opacity emission level greater than two times the pass-fail standard in R18-2-1006.
  3. The same vehicle has previously received a certificate of waiver.
  4. The waiver request is based upon repair estimates and the waiver inspector demonstrates that a recognized repair facility can repair or improve the vehicle's test readings within the repair cost limit.
- E.** The fee for a certificate of waiver under this Section shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated costs to the state for administering and enforcing the provisions of this Article for issuance of certificates of waiver under this Section. The fee shall be payable at the time the certificate of waiver is issued.
- F.** If a waiver inspector denies a certificate of waiver under this Section, the vehicle owner may request review of the denial by a state inspector.

**Historical Note**

Former Section R9-3-1008 repealed, new Section R9-3-1008 adopted effective January 13, 1976 (Supp. 76-1).

Former R9-3-1008 repealed, new Section R9-3-1008 adopted effective January 3, 1977 (Supp. 77-1). Amended effective March 2, 1978 (Supp. 78-2). Amended effective January 3, 1979 (Supp. 79-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1008 as amended effective January 3, 1979, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended subsection (A) and added subsection (D) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1008 renumbered as Section R18-2-1008 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4).

Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1009. Tampering Repair Requirements**

- A.** When a vehicle fails the visual inspection for properly installed catalytic converters, the vehicle owner shall replace the converters with new or reconditioned OEM converters, or equivalent new aftermarket converters.
- B.** When a vehicle fails the visual inspection for the presence of an operational air injection system, the vehicle owner shall install a new, used, or reconditioned, operational air pump on the vehicle according to manufacturer specifications.
- C.** When a gasoline vehicle fails the visual inspection for the presence or malfunction of the positive crankcase ventilation system, the vehicle owner shall repair or replace the system with OEM or equivalent aftermarket parts.
- D.** When a diesel-powered vehicle fails the visual inspection for the presence or malfunction of the closed crankcase ventilation system, the vehicle owner shall repair or replace the system with OEM or equivalent aftermarket parts.
- E.** When a vehicle fails the visual inspection for the presence or malfunction of the evaporative control system, the vehicle owner shall repair or replace the system with OEM or equivalent aftermarket parts.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Repealed effective January 3, 1977 (Supp. 77-1). New Section R9-3-1009 adopted effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1009 renumbered without change as Section R18-2-1009 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1010. Low Emissions Tune-up, Emissions and Evaporative System Repair**

- A.** Vehicle maintenance and repairs under subsection (B) and the failure-specific maintenance and repair requirements of subsection (C) must be performed before reinspection of a vehicle that fails a tailpipe emissions or OBD test under R18-2-1006.
- B.** Vehicle maintenance and repairs on a non-diesel powered vehicle consists of the following procedures:
  1. Emissions Failure Diagnosis. For a computer-controlled vehicle, the on-board computer shall be accessed and any stored trouble codes recorded. For a model year 1996 or newer vehicle equipped with an OBD system, a compatible scan tool shall be used to access and record diagnostic trouble codes. The following instruments or equipment are required to complete a low emissions tune-up:
    - a. Tachometer, although for 1996 and later vehicles an OBD scanner can be used to monitor engine RPMs;
    - b. A compatible OBD scan tool, if appropriate;
    - c. Engine analyzer or oscilloscope; and
    - d. A HC/CO NDIR analyzer to make final A/F adjustments, if specified by the manufacturer.
  2. Adjustment. All adjustments shall be made according to the manufacturer's specifications and procedures. Final

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adjustment shall be made on the vehicle engine only after the engine is at normal operating temperature.

3. Inspection of Air Cleaner, Choke, and Air Intake System. The vehicle owner shall repair or replace a dirty or plugged air cleaner, stuck choke, or restricted air intake system as required.
  4. Dwell and Basic Timing Check. Dwell and basic engine timing shall be checked and the vehicle owner shall make adjustments, if necessary, according to manufacturer's specifications.
  5. Inspection of PCV System. The PCV system shall be checked to ensure that it is the type recommended by the manufacturer and is correctly operating. Free flow through the PCV system passages and hoses shall be verified. The vehicle owner shall repair or replace the system as required.
  6. Inspection of Vacuum Hoses. The vacuum hoses shall be inspected for leaks, obstruction, and proper routing and connection. The vehicle owner shall repair or replace as required.
  7. Fuel Lines and System Components Inspection. A visual inspection for leaking fuel lines or system components shall be performed. The vehicle owner shall repair or replace any leaking lines or systems as required.
  8. Idle Speed and A/F Mixture Check. The idle speed and A/F mixture shall be checked and the vehicle owner shall make adjustments according to manufacturer's specifications and procedures. If the vehicle is equipped with a fuel injection system or an alternate fuel (LPG or LNG), the manufacturer's recommended adjustment procedure shall be followed.
- C. Failure-specific recommended repairs and maintenance. If the maximum required repair cost in subsection (F) or (G) is not exceeded after the diagnosis and vehicle maintenance and repairs described in subsection (B), then the following procedures apply:
1. CO failure.
    - a. If a vehicle fails CO only, the vehicle shall be checked for:
      - i. Proper canister purge system operation,
      - ii. High float setting,
      - iii. Leaky power valve, and
      - iv. Faulty or worn needles, seats, jets or improper jet size.
    - b. If applicable, the vehicle shall be checked for the following items:
      - i. Computer,
      - ii. Engine and computer sensors,
      - iii. Engine solenoids,
      - iv. Engine thermostats,
      - v. Engine switches,
      - vi. Coolant switches,
      - vii. Throttle body or port fuel injection system,
      - viii. Fuel injectors,
      - ix. Fuel line routing and integrity,
      - x. Air in fuel system including line and pump,
      - xi. Fuel return system,
      - xii. Injection pump,
      - xiii. Fuel injection timing,
      - xiv. Routing of vacuum hoses, and
      - xv. Electrical connections.
    - c. The items in subsections (C)(1)(a) and (b) shall be repaired or replaced as required.
  2. HC, or HC and CO failure.
    - a. If a vehicle fails HC, or HC and CO emissions, the vehicle shall be checked for:
      - i. Faulty spark plugs and faulty, open, crossed, or disconnected plug wires;
      - ii. Distributor module;
      - iii. Vacuum hose routing and electrical connections;
      - iv. Distributor component malfunctions including vacuum advance;
      - v. Faulty points or condenser;
      - vi. Distributor cap crossfire;
      - vii. Catalytic converter efficiency air supply;
      - viii. Vacuum leaks at intake manifold, carburetor base gasket, EGR, and vacuum-operated components.
    - b. The vehicle owner shall repair or replace the items in subsection (C)(2)(a) as required.
3. NOx failure.
- a. If a vehicle fails for NOx emissions, the vehicle shall be checked for:
    - i. Removed, plugged, or malfunctioning EGR valve, exhaust gas ports, lines, and passages;
    - ii. EGR valve electrical and vacuum control circuitry, components, and computer control, as applicable;
    - iii. Above normal engine operating temperature;
    - iv. Proper air management;
    - v. Lean A/F mixture;
    - vi. Catalytic converter efficiency; and
    - vii. Over-advanced off-idle timing.
  - b. The items in subsection (C)(3)(a) shall be repaired or replaced as required.
4. OBD failure. If the vehicle fails the OBD test, the vehicle owner shall repair the items indicated on the vehicle emissions report as causing the failure. If the failure results from diagnostic trouble codes (DTCs) that caused the malfunction indicator lamp (MIL) to be illuminated, the vehicle owner shall repair or replace the components or systems causing the DTCs. After repair of a DTC failure, and before reinspection, the vehicle shall be operated under conditions recommended by the vehicle manufacturer for the OBD computer to evaluate the repaired system.
- D. For Evaporative System Failures, the following procedures apply:
1. If a vehicle fails the evaporative system pressure test, the vehicle shall be checked for leaking or disconnected vapor hoses, line, gas cap, and fuel tank.
  2. If a vehicle fails a visual inspection of the evaporative system, the vehicle shall be checked for a missing or damaged canister, canister electrical and vacuum control circuits and components, disconnected, damaged, mis-routed or plugged hoses, and damaged or missing purge valves. The vehicle owner shall repair or replace the system with OEM or equivalent aftermarket parts.
- E. If a vehicle fails the functional gas cap pressure test described in R18-2-1006, the vehicle owner shall replace the gas cap with one that meets the requirements of that subsection. If a vehicle designed with a vented system fails a visual inspection for the presence of a gas cap, the vehicle owner shall install a properly fitting gas cap on the vehicle.
- F. The maximum required repair cost for a vehicle in Area A, not including cost to repair the vehicle for failing an evaporative

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system pressure test due to tampering, or other tampering repair cost, is:

1. For a diesel-powered vehicle with a GVWR greater than 26,000 pounds or a diesel-powered vehicle with tandem axles: \$500; and
2. For a vehicle that is not a diesel-powered vehicle with a GVWR greater than 26,000 pounds and is not a diesel-powered vehicle with tandem axles:
  - a. Manufactured in or before the 1974 model year: \$200;
  - b. Manufactured in the 1975 through 1979 model years: \$300; and
  - c. Manufactured in or after the 1980 model year: \$450.
3. Subsection (F) does not prevent a vehicle owner from authorizing or performing more than the required repairs. A vehicle operator who has a vehicle reinspected shall have the repair receipts available when requesting a certificate of waiver.

**G.** The maximum required repair cost for vehicles in Area B, not including tampering repair cost, is:

1. For a diesel-powered vehicle with a GVWR greater than 26,000 pounds or a diesel-powered vehicle with tandem axles: \$300; and
2. For a vehicle that is not a diesel-powered vehicle with a GVWR greater than 26,000 pounds and is not a diesel-powered vehicle with tandem axles:
  - a. Manufactured in or before the 1974 model year: \$50;
  - b. Manufactured in the 1975 through 1979 model years: \$200; and
  - c. Manufactured in or after the 1980 model year: \$300.
3. Subsection (G) does not prevent a vehicle owner from authorizing or performing more than the required repairs. A vehicle operator who has a vehicle reinspected shall have the repair receipts available when requesting a certificate of waiver.

**H.** Before reinspection of a diesel vehicle that has failed an inspection, the vehicle owner shall comply with the following maintenance and repair requirements to the extent that the total cost of meeting the requirements does not exceed the maximum required repair cost in subsection (F) or (G):

1. Inspect for dirty or plugged air cleaner, or restricted air intake system. Repair or replace as required.
2. Check fuel injection system timing according to manufacturer's specifications. Adjust as required.
3. Check for fuel injector fouling, leaking, or mismatch. Repair or replace as required.
4. Check fuel pump and A/F ratio control according to manufacturer's specifications. Adjust as required.
5. If the vehicle fails the J1667 procedure, check smoke-limiting devices, if any, including the aneroid valve and puff limiter. Repair or replace as required.

**I.** The vehicle owner shall use any available warranty coverage for a vehicle to obtain needed repairs before an expenditure can be counted toward the cost limits in subsection (F) and (G). If the operator of a vehicle within the age and mileage coverage of section 207(b) of the Clean Air Act presents a written denial of warranty coverage from the manufacturer or authorized dealer, warranty coverage is not considered available under this subsection.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R9-3-1010 repealed, new Section R9-3-1010 adopted effective January 3, 1977 (Supp. 77-1). Amended

effective March 2, 1978 (Supp. 78-2). Amended effective January 3, 1979 (Supp. 79-1). Amended effective February 20, 1980 (Supp. 80-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1010 as amended effective February 20, 1980, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1010 renumbered as Section R18-2-1010 and subsection (D) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994

(Supp. 94-4). Amended effective October 15, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4).

Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1011. Vehicle Inspection Report**

**A.** The Department shall provide a vehicle inspected at a state station with a uniquely numbered vehicle inspection report of a design approved by the Director that contains, at a minimum, the following information, as applicable to the tests required for the vehicle under R18-2-1006:

1. License plate number;
2. Vehicle identification number;
3. Model year of vehicle;
4. Make of vehicle;
5. Style of vehicle;
6. Type of fuel;
7. Odometer reading;
8. Emissions standards for idle and loaded cruise modes, if applicable;
9. Emissions measurements during idle and loaded cruise modes, if applicable;
10. Opacity measurements and standards, if applicable;
11. Emissions standards and measurements for the transient loaded test, and the evaporative system pressure test, if applicable;
12. Results of OBD test including all diagnostic trouble codes that commanded the illumination of the malfunction indicator lamp;
13. Tampering inspection results;
14. Repair requirements;
15. Final test results;
16. Repairs performed;
17. Cost of emissions-related repairs;
18. Cost of tampering-related repairs;
19. Name, address, and telephone number of the business or person making repairs;
20. Signature and certification number of person certifying repairs;
21. Date of inspection;
22. Test results of the previous inspection if the inspection is a reinspection;
23. Inspection station, lane locators; and
24. Test number and time of test.

**B.** A vehicle failing the initial inspection shall receive the Department's approved inspection report supplement containing, at a minimum, the following:

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1. Diagnostic and tampering information including acceptable replacement units, and
  2. Applicable maximum repair costs.
- C. The inspection report shall include a section that may be used as a certificate of compliance for vehicles passing the inspection or as a certificate of waiver, if applicable. The section shall contain all of the following information:
1. License plate number,
  2. Vehicle identification number,
  3. Final results,
  4. Serial number of the inspection report,
  5. Date of inspection,
  6. Model year,
  7. Make,
  8. Date of initial inspection,
  9. Inspection fee, and
  10. Label as either a certificate of compliance or a certificate of waiver.
- D. At the time of registration, the certificate of compliance or certificate of waiver may be submitted to the Arizona Department of Transportation Motor Vehicle Division as evidence of meeting the requirements of this Article.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R9-3-1011 repealed, new Section R9-3-1011 adopted effective January 3, 1977 (Supp. 77-1). Amended effective January 3, 1979 (Supp. 79-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1011 as amended effective January 3, 1979, and as amended as an emergency effective January 2, 1981 now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended subsections (A) and (B) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1011 renumbered as Section R18-2-1011 and amended by removing subsection (E) effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1012. Inspection and Reinspections; Procedures and Fee**

- A. The fees vehicle owners are required to pay for emissions inspections at a state station shall be specified in the contract between the contractor and the state of Arizona according to A.R.S. § 49-543, and shall include the full cost of the vehicle emissions inspection program including administration, implementation, and enforcement. Each fee is payable by the vehicle owner directly to the contractor at the time and place of inspection as specified in the contract, and deposited into an account established by the Department for administration of fees. The contractor will be compensated by the Department for services provided on a schedule and in a manner defined in the contract.
- B. A vehicle failing the initial paid inspection or any subsequent paid inspection is entitled to one reinspection at no additional charge under the following conditions:

1. The vehicle is presented for inspection within 60 calendar days of the initial or any subsequent paid inspection.
  2. Emissions-related repairs or adjustments and any tampering repairs have been made.
  3. The vehicle is accompanied by the vehicle inspection report from the initial or subsequent inspection.
- C. A vehicle failing the reinspection shall be provided a vehicle inspection report and a vehicle inspection report supplement.
- D. A state station emissions inspector shall not recommend repairs or repair facilities.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R9-3-1012 repealed, new Section R9-3-1012 adopted effective January 3, 1977 (Supp. 77-1). Amended effective January 3, 1979 (Supp. 79-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1012 as amended effective January 3, 1979, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended subsections (A) and (D) effective November 9, 1982 (Supp. 82-6). Amended effective January 1, 1986 (Supp. 85-6). Former Section R9-3-1012 renumbered as Section R18-2-1012 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1013. Repealed****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R9-3-1013 repealed, new Section R9-3-1013 adopted effective January 3, 1977 (Supp. 77-1). Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1013 adopted effective January 3, 1977, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1013 renumbered as Section R18-2-1013 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Repealed by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1014. Repealed****Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Section repealed by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**R18-2-1015. Repealed****Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective

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December 20, 1999 (Supp. 99-4). Section repealed by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**R18-2-1016. Licensing of Inspectors and Fleet Agents****A. Emissions inspectors shall be licensed as follows:**

1. To obtain a license as a vehicle emissions inspector, an applicant shall pass a written test with a score greater than or equal to 80%. After passing the written test, the applicant shall pass a separate practical examination.
  - a. Applications to become an emissions inspector may be obtained from the Department and an applicant must submit a completed application to the Department. The Department must deem an application administratively complete before an applicant will be allowed to sit for the written test. If the Department finds the application to be incomplete, the applicant shall be provided an opportunity to submit sufficient information to enable the Department to deem the application administratively complete.
  - b. The written test shall cover the following subjects:
    - i. The air pollution problem in Arizona, its causes and effects;
    - ii. The purpose, function, and goals of the vehicle inspection program;
    - iii. State vehicle inspection regulations and procedures;
    - iv. Technical details of the test procedures and rationale for their design;
    - v. Emission control device function, configuration, and inspection;
    - vi. Test equipment operation, calibration, and maintenance;
    - vii. Quality control procedures and their purpose;
    - viii. Public relations; and
    - ix. Safety and health issues related to the inspection process.
  - c. After passing the written test, the inspector applicant shall pass a practical exam where the applicant shall demonstrate the ability to conduct a proper emissions inspection, including proper use of equipment and procedures, in accordance with the testing procedures in R18-2-1006(C). An inspector applicant shall pass a practical examination for each type of test the applicant intends to perform.
2. Licenses issued to vehicle emissions inspectors shall be renewed biannually, on or before the expiration date.
3. An inspector whose license is expired or suspended shall not inspect vehicles.
4. A vehicle emissions inspector shall submit an application for a renewal of the vehicle emissions inspector's license at least 90 days before the current license expiration date.
5. The Department may suspend, revoke, or refuse to renew a license if the licensee has violated any provision of A.R.S. Title 49, Chapter 3, Article 5, any provision of this Article, or fails to continue to demonstrate proficiency to the Department.
6. A vehicle emissions inspector shall notify the Department of any change in employment status no later than fourteen days after the change.
7. The Department shall assign a single, unique, nontransferable inspector's number to each vehicle emissions inspector.
8. If a licensed emissions inspector fails to demonstrate the ability to conduct a proper vehicle emissions inspection

during any audit, the Department shall suspend the vehicle emissions inspector's license. The suspended emissions inspector shall pass a practical examination within 30 days after suspension or the inspector's license shall be revoked. An inspector's license may be reinstated once the inspector passes a written examination with a score of 80% or greater and demonstrates the ability to properly conduct a vehicle emissions test during a practical examination.

**B. Fleet Agents shall be licensed as follows:**

1. To obtain a license as a fleet agent, an applicant shall pass a written test with a score greater than or equal to 80%. A fleet agent is an individual associated with a fleet emissions testing permit who is ultimately responsible for making sure a fleet complies with the requirements of this Article. This license is separate and distinct from a fleet emissions inspector license.
  - a. Applications to become a fleet agent may be obtained from the Department. An application must be administratively complete and submitted in the manner required by the Department before an applicant will be allowed to sit for the written test.
  - b. The written test shall cover the following subjects:
    - i. The statutes and rules governing the operation and administration of a fleet emissions inspection station.
    - ii. The duties of a fleet agent.
    - iii. How to operate an account on the Department's web portal.
    - iv. Purchasing certificates of inspection.
2. If a licensed fleet agent fails to assure that the agent's fleet complies with this Article, the agent's license shall be suspended. The suspended agent shall pass a written test within 30 days of suspension or such license shall be revoked.
3. Licenses issued to fleet agents shall be renewed biannually, on or before the expiration date.
4. A fleet represented by an agent that has a suspended license may not inspect vehicles.
5. The Department may suspend, revoke, or refuse to renew a fleet agent's license if the licensee has violated any provision of A.R.S. Title 49, Chapter 3, Article 5, any provision of this Article, or fails to continue to demonstrate proficiency to the Department as required.
6. A fleet agent shall notify the Department of any change in employment status within seven days of the change.
7. The Department shall assign a single, unique, nontransferable agent's number to each fleet agent.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).

Amended effective January 3, 1977 (Supp. 77-1).

Amended effective March 2, 1978 (Supp. 78-2).

Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1016 as amended effective March 2, 1978, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1016 renumbered as Section R18-2-1016 and subsection (G) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective

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January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1017. Inspection of Government Vehicles**

A. Government vehicles operated in Area A and Area B shall be inspected as follows:

1. At a licensed fleet station operated by the government entity;
2. At a state station upon payment of the fee; or
3. At a state station upon payment of the contracted fee, either singly or in combination with other government fleet operators.

B. A government vehicle, except a federally owned vehicle that is excluded from the definition of motor vehicle under 40 CFR 85.1703, shall be inspected according to this Article and shall have a government vehicle certificate of inspection (GVCOI) affixed to the vehicle if in compliance with state emissions requirements.

1. The vehicle emissions inspector performing the inspection shall punch out the appropriate year and month on the GVCOI to designate the date of the vehicle's next annual or biennial inspection.
2. If the vehicle emissions inspection is performed at a fleet station, the emissions inspector shall record administratively complete results of the inspection into the Department's web portal on the day of the inspection. The unique number on the GVCOI sticker must be entered along with the emissions testing results for the vehicle.
3. A government vehicle, with the exception of a motorcycle or an undercover law enforcement vehicle, shall have the GVCOI affixed to the lower left side of the rear window as determined from a position facing the window, from outside the vehicle. If a vehicle does not have a rear window, the GVCOI shall be affixed to the lower left corner of the windshield as determined from the driver's position.

C. The GVCOI shall be purchased from the Department's web portal.

1. The fee for a certificate of inspection shall be fixed by the Director according to A.R.S. § 49-543, and shall be based upon the Director's estimated costs to the state of administering and enforcing the provisions of this Article as they apply to issuance of certificates of inspections.
2. Only the Department may sell or otherwise transfer GVCOI.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
Amended effective January 3, 1977 (Supp. 77-1).  
Amended effective January 3, 1979 (Supp. 79-1).  
Amended effective January 1, 1986 (Supp. 85-6). Former Section R9-3-1017 renumbered as Section R18-2-1017 and subsection (E) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1018. Certificate of Inspection**

A. A fleet inspector shall submit and certify administratively complete certificates of inspection (COI) to the Department through the Department's web portal. A COI is used as evi-

dence that the vehicle it is assigned to has passed the tests required by this Article and complies with the applicable state emissions standards for that vehicle. Inspection data may be electronically transmitted to MVD under A.R.S. § 49-542(Q).

- B. On the day a vehicle is inspected, a licensed vehicle emissions inspector shall enter an administratively complete record of the inspection into the Department's web portal.
- C. A certificate of inspection issued to a fleet vehicle is valid for a period of 180 days unless the vehicle is reregistered with a new owner.
- D. The following individuals are authorized to purchase certificates of inspection as long as the fleet they are associated with meets the requirements of this Article:
  1. A fleet agent who is licensed by the Department under R18-2-1016;
  2. A responsible corporate officer; or
  3. A designated responsible officer.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
Amended effective January 3, 1977 (Supp. 77-1).  
Amended effective March 2, 1978 (Supp. 78-2).  
Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1018 renumbered as Section R18-2-1018 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1019. Fleet Station Procedures and Permits**

A. A fleet emissions testing station applicant or permittee shall create and manage an account on the Department's web portal.

B. To obtain a fleet emissions inspection station permit, an applicant shall:

1. Be a registered owner or lessee of a fleet of at least 25 nonexempt vehicles.
  - a. A motor vehicle dealer's business inventory of vehicles held for resale over the previous 12 months shall be used to determine compliance with this subsection.
  - b. A motor vehicle dealer with less than 12 months of operations that applies for a fleet emissions testing permit shall certify that it intends to test at least 25 vehicles per year.
2. Be located within Area A, within 50 miles of the border of Area A, or within Area B. A dealer outside these areas who certifies to the Department that customers who reside in Area A are the primary source of the dealer's business may also apply for a fleet permit.
3. Maintain a facility that has space devoted principally to maintaining or repairing the fleet's motor vehicles.
  - a. The space shall be large enough to conduct maintenance or repair of at least one motor vehicle.
  - b. Any fleet station shall be exclusively rented, leased, or owned by the applicant.
4. Own or lease the machinery, tools, and equipment required for the specific tests the applicant wishes to perform. Equipment and testing requirements are listed in R18-2-1006(C).
5. Employ the following personnel:

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- a. At least one fleet agent licensed pursuant to R18-2-1016.
  - b. At least one emissions inspector licensed pursuant to R18-2-1016.
  - c. At least one person who is able to perform necessary emissions related repairs for fleet vehicles.
  - d. A single person may fill two or more of these roles for a fleet.
6. Provide data to the Department as required by this Section.
  7. Pass an initial inspection to determine compliance with this Section.
  8. Submit to the ongoing inspections and audits prescribed in this Article.
- C.** A fleet emissions inspection testing permittee shall continuously comply with all requirements of this Article.
- D.** The equipment used at a fleet emissions inspection station is subject to the following requirements:
1. A fleet emissions testing station applicant or permittee shall own or lease the equipment referenced in R18-2-1006 that is necessary for the specific type of testing that the permittee is licensed to perform.
  2. All testing equipment and instruments shall be maintained in accurate working condition as required by the manufacturer. An instrument requiring periodic calibration shall be calibrated according to instruction and recommendations of the instrument or equipment manufacturer. Calibration records shall be submitted through the web portal for review by the Department. The calibration records shall be certified by the technician performing each calibration.
    - a. Fleet station analyzers shall comply with, be calibrated, and be quality control checked according to 40 CFR 51, Subpart S, Appendix A, Section I, amended as of July 1, 2017, and no future editions or amendments, which is incorporated by reference in (C)(7)(b) and on file with the Department.
    - b. A fleet station opacity meter used for emission inspections is required to read the equivalent opacity value of neutral density filter within +/- 5% opacity at any point in the range of meter.
  3. Calibration gases used by the fleet station shall be subject to analysis and comparison to the Department's standard gases at any time.
  4. Fleet testing equipment shall be subject to both scheduled and unscheduled audits by state inspectors.
  5. A fleet's analyzer shall be calibrated at least monthly with calibration gases approved by the Department. A registered opacity meter shall be calibrated according to manufacturer's specifications before performing the first vehicle emissions inspection in any month.
- E.** For every test performed by a vehicle emissions inspector, that vehicle emissions inspector shall log into the Department's web portal the same day that the inspection takes place to report the results of the test to the Department.
- F.** A fleet's activities shall be governed by the following compliance and enforcement rules:
1. All requirements in this Article apply at all times after a fleet emissions testing license has been issued.
  2. The Director may suspend or revoke a fleet emissions testing license according to A.R.S. § 49-546(F) and A.R.S. Title 41, Chapter 6, if the permittee, or any person employed by the permittee:
    - a. Violates any provisions of A.R.S. Title 49, Chapter 3, Article 5 or any provision of this Article;
    - b. Misrepresents a material fact in obtaining a permit;
    - c. Fails to make, keep, and submit to the Department records for a vehicle tested; or
    - d. Does not provide a state inspector access to the information required in this Article.
  3. If a fleet emissions inspection permit is surrendered, suspended or revoked, all unused certificates of inspection shall be refunded.
  4. Any fleet vehicle is subject to inspection by a state inspector.
- G.** A fleet emissions inspection station permit is non-transferable and does not expire.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
 Amended effective January 3, 1977 (Supp. 77-1).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended effective January 3, 1979 (Supp. 79-1).  
 Amended effective February 20, 1980 (Supp. 80-1).  
 Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1019 as amended effective February 20, 1980, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1019 renumbered as Section R18-2-1019 and amended effective August 1, 1988 (Supp. 88-3).  
 Amended effective September 19, 1990 (Supp. 90-3).  
 Amended effective February 4, 1993 (Supp. 93-1).  
 Amended effective November 14, 1994 (Supp. 94-4).  
 Amended effective October 15, 1998 (Supp. 98-4).  
 Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1020. Department Issuance of Alternative Fuel Certificates**

Issuing Alternative Fuel Certificates. The Department shall inspect a vehicle converted to run on alternative fuel and issue an alternative fuel certificate according to A.R.S. § 28-2416(2)(b) if the vehicle is currently powered by an alternative fuel.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1021. Reserved****R18-2-1022. Procedure for Waiving Inspections Due to Technical Difficulties**

A vehicle emissions station manager employed by an official emissions inspection station may issue a Director's certificate for a vehicle that cannot be inspected as required by this Article because of technical difficulties inherent in the manufacturer's design or construction of the vehicle.

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**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
 Amended effective January 3, 1977 (Supp. 77-1).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended effective January 3, 1979 (Supp. 79-1).  
 Amended effective January 1, 1986 (Supp. 85-6). Former  
 Section R9-3-1022 renumbered without change as Sec-  
 tion R18-2-1022 (Supp. 88-3). Amended by final  
 rulemaking at 6 A.A.R. 562, effective January 14, 2000  
 (Supp. 00-1).

**R18-2-1023. Certificate of Exemption for Out-of-State Vehicles**

- A. If a vehicle being registered in Area A or Area B requires an emission test and will not be physically available for inspection within the state during the 90-day period before the emissions compliance expiration date, the owner or owner's agent may submit an application to the Department for a certificate of exemption.
- B. The owner or owner's agent shall apply for a certificate of exemption in the manner and form required by the Department.
- C. The Department may issue a certificate of exemption:
  - 1. For a vehicle that will not be located in the state during the 90-day period before the emissions compliance expiration date and is located in an area where emissions testing is not available. This exemption shall only be granted if an affidavit confirming the location of the vehicle is signed and submitted with the application.
  - 2. For a vehicle that has passed an official emissions inspection in another state during the 90 days before emissions compliance expiration upon submission of the inspection compliance document issued by the entity conducting the inspection program.
- D. The fee for a certificate of exemption shall be fixed by the Director according to A.R.S. § 49-543 and shall be based upon the Director's estimated costs to the state of administering and enforcing the provisions of this Article as they apply to issuance of certificates of exemption. The payment for the certificates shall be included with the application for certificates.

**Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1).  
 Amended effective January 3, 1977 (Supp. 77-1).  
 Amended effective January 3, 1979 (Supp. 79-1).  
 Amended as an emergency effective January 2, 1981 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1023 as amended effective January 3, 1979 and amended as an emergency effective January 2, 1981 now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Former Section R9-3-1023 renumbered without change as Section R18-2-1023 (Supp. 88-3). Amended effective February 4, 1993 (Supp. 93-1). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1024. Expired****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 84, effective December 14, 2001 (Supp. 01-4). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 1128, effective April 30, 2008 (Supp. 09-2).

**R18-2-1025. Inspection of Contractor's Equipment and Personnel**

- A. State inspectors shall conduct performance audits to determine whether a state station is correctly performing all inspection and functions related to inspections as follows:
  - 1. Overt audits shall be completed at least two times each year for each inspection lane. Overt audits shall include:
    - a. A check for the observance of appropriate document security;
    - b. A check to see that required recordkeeping practices are being followed;
    - c. A check for licenses, certificates, and other required display information;
    - d. An observation and evaluation of each vehicle emissions inspector's ability to perform an inspection; and
    - e. A check to ensure all emissions testing equipment is calibrated and operating correctly.
  - 2. If a vehicle emissions inspector fails an audit, the vehicle emissions inspector's license may be suspended or revoked under R18-2-1016(A)(4).
  - 3. Vehicle emissions inspection records shall be reviewed at least monthly to assess station performance and identify any problems, potential fraud, or incompetence.
  - 4. Covert audits may be performed as necessary to confirm compliance with this Article.
- B. If an equipment audit indicates that equipment is not calibrated and accurate, the equipment shall not be used to conduct emissions testing until it is replaced or repaired.
- C. Equipment that is removed from testing may be returned to service upon its repair and a state inspector's verification of a passing calibration audit.
- D. A state inspector shall inspect on-road emissions analyzers at least monthly.

**Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1025 as amended effective March 2, 1978, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended subsection (A) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1025 renumbered as Section R18-2-1025 and subsection (C) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1026. Inspection of Fleet Stations**

- A. Equipment used to perform emissions testing shall meet the requirements for the type of testing a fleet station is licensed to perform.
- B. A fleet station's gas analyzer shall not be used for an official emissions inspection if:
  - 1. The calibration gases are not read within the following tolerances:



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- a. Within plus 0.50% CO to minus 0.25% CO in the range from 0 to 2% CO; and
- b. Within plus 60 PPM HC to minus 30 PPM HC in the range from 0 to 500 PPM HC when read as N-HEXANE.
2. The calibration gases are not read within the manufacturer specified tolerances;
3. There is a leak in the sampling systems or the calibration port; or
4. The sample handling system is restricted.
- C. The fleet emissions testing station shall acquire and utilize calibration gases with assigned HC and CO concentrations to calibrate fleet emission analyzers.
- D. A state inspector shall fail a fleet emissions analyzer if the analyzer does not meet the requirements of this Section. A fleet emission inspector shall not use the analyzer for inspection until the analyzer is cleared for return to service by a state inspector.
- E. A state inspector shall conduct performance audits to determine whether a fleet emissions inspection station is correctly performing inspections and functions related to inspections as follows:
  1. Overt audits at least two times each year that include:
    - a. A check for the observance of appropriate document security;
    - b. A check to see that required recordkeeping practices are being followed;
    - c. A check for licenses, certificates, and other required display information;
    - d. An observation and evaluation of each vehicle emissions inspector's ability to perform an inspection; and
    - e. A check to ensure all emissions testing equipment is calibrated and operating correctly.
  2. Fleet station and vehicle emissions inspector records shall be reviewed at least monthly to assess fleet performance and identify any problems, potential fraud, or incompetence.
  3. If a vehicle emissions inspector fails an audit, the vehicle emissions inspector's license may be suspended or revoked according to R18-2-1016(A)(4).
  4. Covert audits may be performed as necessary to confirm compliance with this Article.

**Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1).  
 Amended effective January 1, 1986 (Supp. 85-6).  
 Amended subsections (A) and (J) and added subsection (K) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1026 renumbered as Section R18-2-1026 and subsections (B), (F), (G) and (H) amended effective August 1, 1988 (Supp. 88-3).  
 Amended effective November 14, 1994 (Supp. 94-4).  
 Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1027. Repealed****Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1).  
 Amended effective March 2, 1978 (Supp. 78-2).  
 Amended effective January 3, 1979 (Supp. 79-1).  
 Amended as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days

(Supp. 81-1). Former Section R9-3-1027 as amended effective January 3, 1979, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1027 renumbered as Section R18-2-1027 and subsections (B), (D), (F) and (G) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4). Amended by final rulemaking at 14 A.A.R. 2834, effective July 1, 2008 (Supp. 08-3). Repealed by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1028. Repealed****Historical Note**

Adopted effective January 1, 1986 (Supp. 85-6).  
 Amended subsections (A) and (F) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1028 renumbered as Section R18-2-1028 and subsection (D) amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1). Repealed by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**R18-2-1029. Vehicle Emission Control Devices**

For the purposes of A.R.S. §§ 28-955 and 49-447, a registered motor vehicle shall have in operating condition all emission control devices installed by the vehicle manufacturer to comply with federal requirements for motor vehicle emissions or equivalent after-market replacement parts or devices.

**Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1). Former Section R9-3-1029 renumbered as Section R18-2-1029 and amended effective August 1, 1988 (Supp. 88-3).  
 Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1).

**R18-2-1030. Visible Emissions; Mobile Sources**

- A. A vehicle other than a diesel-powered vehicle or 2-stroke vehicle that emits any visible emissions for 10 consecutive seconds or more is "excessive" for the purposes of A.R.S. § 28-955(C).
- B. A diesel-powered vehicle shall not emit any visible emissions in excess of:
  1. Twenty percent visual opacity for 10 consecutive seconds or more at or below 2,000 feet elevation;
  2. Thirty percent visual opacity for 10 consecutive seconds or more above 2,000 feet and at or below 4,000 feet elevation; and
  3. Forty percent visual opacity for 10 consecutive seconds above 4,000 feet elevation.
- C. A vehicle that exceeds the standards in subsection (B) fails the inspection under R18-2-1006 and is considered to have "excessive" emissions under A.R.S. § 28-955(C).

**Historical Note**

Adopted effective January 3, 1977 (Supp. 77-1).  
 Adopted as an emergency effective January 2, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-1). Former Section R9-3-1030 as adopted

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effective January 3, 1977, and amended as an emergency effective January 2, 1981, now amended effective April 15, 1981 (Supp. 81-2). Amended effective January 1, 1986 (Supp. 85-6). Amended subsection (C) effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1030 renumbered as Section R18-2-1030 and subsection (C) amended effective August 1, 1988 (Supp. 88-3). Amended effective September 19, 1990 (Supp. 90-3). Amended by final rulemaking at 6 A.A.R. 562, effective January 14, 2000 (Supp. 00-1).

**R18-2-1031. Repealed****Historical Note**

Adopted effective January 1, 1987, filed December 31, 1986 (Supp. 86-6). Former Section R9-3-1031 renumbered as Section R18-2-1031 and amended effective August 1, 1988 (Supp. 88-3). Amended effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking

at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Repealed by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**Table 1. Dynamometer Loading Table - Annual Tests**

<b>Gross Vehicle Weight</b>			
<b>Rating (Pounds)</b>	<b>Engine Size</b>	<b>Speed (MPH)</b>	<b>Load (HP)</b>
8500 or less	4 cyl. or less	22-25	2.8-4.1
8500 or less	5 or 6 cyl.	29-32	6.4-8.4
8500 or less	8 cyl. or more	32-35	8.4-10.8
8501 or more	All	37-40	12.7-15.8

**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4).

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Table 2. Emissions Standards - Annual Tests

**MAXIMUM ALLOWABLE****Motorcycles**

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	N/A	N/A
4-Stroke	All	All	500	5.00	1,800	5.50	N/A	N/A

**Reconstructed Vehicles**

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
4-Stroke	1967-1980	All	700	5.25	1,200	7.50	1,200	5.60
4-Stroke	1980 & newer	All	700	5.25	1,200	7.50	700	5.25

**Light-Duty Vehicles**

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	4 or less	120	1.00	250	2.20	250	1.65
4-Stroke	1975-1978	more than 4	120	1.00	250	2.00	250	1.50
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

**Light-Duty Truck 1 (0-6000 lbs GVWR)**

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	4 or less	120	1.00	250	2.20	250	1.65
4-Stroke	1975-1978	more than 4	120	1.00	250	2.00	250	1.50
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

**Light-Duty Truck 2 (6001 - 8500 lbs GVWR)**

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	All	300	3.00	350	4.00	350	3.00
4-Stroke	1979	4 or less	120	1.00	220	2.20	220	1.65
4-Stroke	1979	more than 4	120	1.00	220	2.00	220	1.50
4-Stroke	1980 & newer	All	100	0.50	220	1.20	220	1.20

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**Heavy-Duty Truck (8501 lbs or greater GVWR)**

Vehicle Engine Type	Vehicle Model Year	Number of Cylinders	Conditioning Mode		Curb Idle Mode Test		Loaded Cruise Mode Test	
			HC PPM	CO %	HC PPM	CO %	HC PPM	CO %
2-Stroke	All	All	18,000	5.00	18,000	5.00	18,000	5.00
4-Stroke	1967-1971	4 or less	450	3.75	500	5.50	500	4.20
4-Stroke	1967-1971	more than 4	380	3.00	450	5.00	450	3.75
4-Stroke	1972-1974	4 or less	380	3.50	400	5.50	400	4.20
4-Stroke	1972-1974	more than 4	300	3.00	400	5.00	400	3.75
4-Stroke	1975-1978	All	300	3.00	350	4.00	350	3.00
4-Stroke	1979 & newer	All	300	3.00	300	4.00	300	3.00

**Historical Note**

Renumbered from R18-2-1006 and amended effective November 14, 1994 (Supp. 94-4). See emergency amendment below (Supp. 94-4). Emergency amendment adopted effective December 23, 1994, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 95-2). Emergency amendment expired, previous text placed back into effect effective June 21, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**Table 3. Emissions Standards - Transient Loaded Emissions Tests**  
FINAL STANDARDS (Standards are in grams per mile)

## (i) Light Duty Vehicles

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1981-1982	3.0	2.5	25.0	21.8	3.5	3.4
1983-1985	2.4	2.0	20.0	17.3	3.5	3.4
1986-1989	1.6	1.4	15.0	12.8	2.5	2.4
1990-1993	1.0	0.8	12.0	10.1	2.5	2.4
1994+	0.8	0.7	12.0	10.1	2.0	1.9

## (ii) Light Duty Trucks 1 (less than 6000 pounds GVWR)

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1981-1985	4.0	3.4	40.0	35.3	5.5	5.4
1986-1989	3.0	2.5	25.0	21.8	4.5	4.4
1990-1993	2.0	1.7	20.0	17.3	4.0	3.9
1994+	1.6	1.4	20.0	17.3	3.0	2.9

## (iii) Light Duty Trucks 2 (greater than 6000 pounds GVWR)

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1981-1985	4.4	3.7	48.0	42.5	7.0	6.9
1986-1987	4.0	3.4	40.0	35.3	5.5	5.4
1988-1989	3.0	2.5	25.0	21.8	5.5	5.4
1990-1993	3.0	2.5	25.0	21.8	5.0	4.9
1994+	2.4	2.0	25.0	21.8	4.0	3.9

**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Table heading amended by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**Table 4. Transient Driving Cycle**

Time second	Speed mph	Time second	Speed mph	Time second	Speed mph	Time second	Speed mph	Time second	Speed mph
0	0	30	20.7	60	26	90	51.5	120	54.9
1	0	31	21.7	61	26	91	52.2	121	55.4
2	0	32	22.4	62	25.7	92	53.2	122	55.6
3	0	33	22.5	63	26.1	93	54.1	123	56
4	0	34	22.1	64	26.5	94	54.6	124	56
5	3.3	35	21.5	65	27.3	95	54.9	125	55.8
6	6.6	36	20.9	66	30.5	96	55	126	55.2
7	9.9	37	20.4	67	33.5	97	54.9	127	54.5

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Time second	Speed mph	Time second	Speed mph	Time second	Speed mph	Time second	Speed mph	Time second	Speed mph
8	13.2	38	19.8	68	36.2	98	54.6	128	53.6
9	16.5	39	17	69	37.3	99	54.6	129	52.5
10	19.8	40	17.1	70	39.3	100	54.8	130	51.5
11	22.2	41	15.8	71	40.5	101	55.1	131	50.8
12	24.3	42	15.8	72	42.1	102	55.5	132	48
13	25.8	43	17.7	73	43.5	103	55.7	133	44.5
14	26.4	44	19.8	74	45.1	104	56.1	134	41
15	25.7	45	21.6	75	46	105	56.3	135	37.5
16	25.1	46	22.2	76	46.8	106	56.6	136	34
17	24.7	47	24.5	77	47.5	107	56.7	137	30.5
18	25.2	48	24.7	78	47.5	108	56.7	138	27
19	25.4	49	24.8	79	47.3	109	56.3	139	23.5
20	27.2	50	24.7	80	47.2	110	56	140	20
21	26.5	51	24.6	81	47.2	111	55	141	16.5
22	24	52	24.6	82	47.4	112	53.4	142	13
23	22.7	53	25.1	83	47.9	113	51.6	143	9.5
24	19.4	54	25.6	84	48.5	114	51.8	144	6
25	17.7	55	25.7	85	49.1	115	52.1	145	2.5
26	17.2	56	25.4	86	49.5	116	52.5	146	0
27	18.1	57	24.9	87	50	117	53		
28	18.6	58	25	88	50.6	118	53.5		
29	20	59	25.4	89	51	119	54		

**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4).

**Table 5. Tolerances**

	Range	State Station	Fleet Station
4 and 2 stroke vehicles: CO in MOL percent	0 to 2.0% 2 to 10.0%	±0.1% ±0.25%	±0.25% ±0.5%
4-stroke vehicles: HC as N-hexane in PPM	0 to 500 PPM 500 to 2000 PPM	±15 PPM ±50 PPM	±30 PPM ±100 PPM
2-stroke vehicles: HC as propane in PPM	0 to 25,000 PPM	±1250 PPM	±1250 PPM

**Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). Amended by final rulemaking at 25 A.A.R. 485, effective June 1, 2019 (Supp. 19-1).

**Table 6. Repealed****Historical Note**

Adopted effective November 14, 1994 (Supp. 94-4). See emergency amendment below (Supp. 94-4). Emergency amendment adopted effective December 23, 1994, pursuant to A.R.S. § 41-1026, valid for 180 days (Supp. 95-2). Emergency amendment expired, previous text placed back into effect effective June 21, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 382, effective December 20, 1999 (Supp. 99-4). Table 6 repealed by final rulemaking at 8 A.A.R. 90, effective January 1, 2002 (Supp. 01-4).

**ARTICLE 11. FEDERAL HAZARDOUS AIR POLLUTANTS****R18-2-1101. National Emission Standards for Hazardous Air Pollutants (NESHAPs)**

A. Except as provided in R18-2-1102, the following subparts of 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs), and all accompanying appendices, adopted as of June 30, 2017, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and

shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

1. Subpart A - General Provisions.
2. Subpart B - Radon Emissions from Underground Uranium Mines.
3. Subpart C - Beryllium.
4. Subpart D - Beryllium Rocket Motor Firing.
5. Subpart E - Mercury.
6. Subpart F - Vinyl Chloride.
7. Subpart H - Radionuclides Other Than Radon from Department of Energy Facilities.
8. Subpart I - Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.
9. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
10. Subpart K - Radionuclide Emissions From Elemental Phosphorus Plants.
11. Subpart L - Benzene Emissions from Coke By-Product Recovery Plants.
12. Subpart M - Asbestos.

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13. Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.
  14. Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.
  15. Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production.
  16. Subpart Q - Radon Emissions from Department of Energy Facilities.
  17. Subpart R - Radon Emissions from Phosphogypsum Stacks.
  18. Subpart T - Radon Emissions from the Disposal of Uranium Mill Tailings.
  19. Subpart V - Equipment Leaks (Fugitive Emission Sources).
  20. Subpart W - Radon Emissions from Operating Mill Tailings.
  21. Subpart Y - Benzene Emissions From Benzene Storage Vessels.
  22. Subpart BB - Benzene Emissions from Benzene Transfer Operations.
  23. Subpart FF - Benzene Waste Operations.
- B.** Except as provided in R18-2-1102, the following subparts of 40 CFR 63, NESHAPs for Source Categories, and all accompanying appendices, adopted as of June 30, 2017, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.
1. Subpart A - General Provisions.
  2. Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
  3. Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
  4. Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
  5. Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
  6. Subpart J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
  7. Subpart L - National Emission Standards for Coke Oven Batteries.
  8. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
  9. Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
  10. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities.
  11. Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
  12. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
  13. Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
  14. Subpart T - National Emission Standards for Halogenated Solvent Cleaning.
  15. Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
  16. Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
  17. Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations.
  18. Subpart AA - National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.
  19. Subpart BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.
  20. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
  21. Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
  22. Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations.
  23. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.
  24. Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.
  25. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations.
  26. Subpart KK - National Emission Standards for the Printing and Publishing Industry.
  27. Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.
  28. Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-chemical Pulp Mills.
  29. Subpart OO - National Emission Standards for Tanks - Level 1.
  30. Subpart PP - National Emission Standards for Containers.
  31. Subpart QQ - National Emission Standards for Surface Impoundments.
  32. Subpart RR - National Emission Standards for Individual Drain Systems.
  33. Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
  34. Subpart TT - National Emission Standards for Equipment Leaks - Control Level 1.
  35. Subpart UU - National Emission Standards for Equipment Leaks - Control Level 2 Standards.
  36. Subpart VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators.
  37. Subpart WW - National Emission Standards for Storage Vessels (Tanks) - Control Level 2.
  38. Subpart XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
  39. Subpart YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
  40. Subpart CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

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41. Subpart DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
42. Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.
43. Subpart GGG - National Emission Standards for Pharmaceuticals Production.
44. Subpart HHH - National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.
45. Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
46. Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
47. Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.
48. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
49. Subpart NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
50. Subpart OOO - National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
51. Subpart PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
52. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
53. Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
54. Subpart TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
55. Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
56. Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
57. Subpart XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
58. Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
59. Subpart CCCC - National Emission Standards for Hazardous Air Pollutants: Manufacture of Nutritional Yeast.
60. Subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
61. Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
62. Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
63. Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
64. Subpart HHHH - National Emissions Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
65. Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
66. Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
67. Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
68. Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
69. Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
70. Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
71. Subpart PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
72. Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
73. Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
74. Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
75. Subpart TTTT - National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
76. Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
77. Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
78. Subpart WWWW - National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
79. Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
80. Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
81. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
82. Subpart AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
83. Subpart BBBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
84. Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
85. Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
86. Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
87. Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing.
88. Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation.

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89. Subpart HHHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
90. Subpart IIIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants.
91. Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
92. Subpart KKKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
93. Subpart LLLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
94. Subpart MMMMM - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
95. Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
96. Subpart PPPPP - National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands.
97. Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
98. Subpart RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
99. Subpart SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
100. Subpart TTTTT - National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
101. Subpart WWWWW - National Emission Standards for Hospital Ethylene Oxide Sterilizers.
102. Subpart YYYYY - National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
103. Subpart ZZZZZ - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
104. Subpart BBBBBB - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
105. Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
106. Subpart DDDDDD - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
107. Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.
108. Subpart FFFFFF - National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.
109. Subpart GGGGGG - National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources-Zinc, Cadmium, and Beryllium.
110. Subpart HHHHHH - National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
111. Subpart JJJJJJ - National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers Area Sources.
112. Subpart LLLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
113. Subpart MMMMMM - National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
114. Subpart NNNNNN - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.
115. Subpart OOOOOO - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
116. Subpart PPPPPP - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.
117. Subpart QQQQQQ - National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
118. Subpart RRRRRR - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
119. Subpart SSSSSS - National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.
120. Subpart TTTTTT - National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.
121. Subpart VVVVVV - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.
122. Subpart WWWWWW - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
123. Subpart XXXXXX - National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.
124. Subpart YYYYYY - National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
125. Subpart ZZZZZZ - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and other Nonferrous Foundries.
126. Subpart AAAAAA - National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.
127. Subpart BBBBBBB - National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
128. Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
129. Subpart DDDDDDD - National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
130. Subpart EEEEEEE - National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.
131. Subpart HHHHHHHH - National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

**Historical Note**

Former Section R18-2-1101 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-1101 renumbered from R18-2-901 and amended effective November



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15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended effective February 17, 1995 (Supp. 95-1). Amended effective December 7, 1995 (Supp. 95-4). Amended effective May 9, 1996 (Supp. 96-2). Amended effective April 4, 1997; filed with the Office of the Secretary of State March 14, 1997 (Supp. 97-1). Amended effective December 4, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 4170, effective October 11, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 5504, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by final expedited rulemaking at 21 A.A.R. 2747, effective December 13, 2015 (Supp. 15-4). Amended by final expedited rulemaking at 23 A.A.R. 1564, effective May 2, 2018 (Supp. 18-2).

**R18-2-1102. General Provisions**

- A. When used in 40 CFR 61 or 63, "Administrator" means the Director of the Arizona Department of Environmental Quality except that the Director shall not be authorized to approve alternate or equivalent test methods or alternate standards or work practices, except as specifically provided in Part 63, Subpart B.
- B. From the general standards identified in R18-2-1101(A), delete 40 CFR 61.04. All requests, reports, applications, submittals, and other communications to the Director pursuant to this Article shall be submitted to the Arizona Department of Environmental Quality, Air Quality Division, 1110 West Washington Street, Phoenix, Arizona 85007.
- C. The Director shall not be delegated authority to deal with equivalency determinations that are nontransferable through Section 112(h)(3) of the Act.

**Historical Note**

Former Section R18-2-1102 repealed effective September 26, 1990 (Supp. 90-3). New Section R18-2-1102 renumbered from R18-2-902 and amended effective November 15, 1993 (Supp. 93-4). Amended effective June 10, 1994 (Supp. 94-2). Amended effective February 17, 1995 (Supp. 95-1). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4).

**ARTICLE 12. VOLUNTARY EMISSIONS BANK****R18-2-1201. Definitions**

In addition to the definitions contained in Article 1 of this Chapter, and A.R.S. § 49-401.01, the following definitions apply to this Article:

- "Account holder" means any person or entity who has opened an account in the emissions bank under R18-2-1206.
- "Certification authority" means the Department or the county or multi-county district to which the Department has delegated authority to certify emission reduction credits under A.R.S. § 49-410(C).
- "Certified credit" means an emission reduction credit that has been issued under R18-2-1203(C)(2), R18-2-1204(B), or R18-2-1205(E)(3).
- "Conditional credit" means an emission reduction credit for a reduction in emissions by a plan generator that the certification

authority has issued under R18-2-1205(D)(2) but the Administrator has not yet approved under R18-2-1205(E)(3).

"Emissions bank" means the system created by the Department to record and make publicly available information on the issuance, certification, transfer, retirement, and use of emission reduction credits.

"Emission reduction credit" or "credit" means a reduction in qualifying emissions expressed in tons per year for which the generator has submitted an application under R18-2-1203, R18-2-1204, or R18-2-1205 and which has not been withdrawn from the emissions bank under R18-2-1208(B)(5) or (C).

"Emission reduction plan" means a plan submitted under R18-2-1205 for assuring that reductions in qualifying emissions by a plan generator are permanent, quantifiable, surplus, enforceable, and real.

"Enforceable" means that specific measures for assessing compliance with an emissions limitation, control, or other requirement are established in a permit, offset-creation rule, or emission reduction plan in a manner that allows compliance to be readily determined by an inspection of records and reports.

"Form" means a paper document or online form provided through a web portal.

"Generator" means any permitted source or other activity that has made or proposes to make reductions in qualifying emissions.

"Issue," with respect to emission reduction credits, means to create and provide evidence of the creation of conditional credits or certified credits in the form or manner prescribed by the Department.

"Offset-creation rule" means a state, county, or multi-county district rule that has been approved into the state implementation plan and provides a method for allowing emission reductions from specific activities to qualify as offsets. Rule 242 of the Maricopa County Air Pollution Control Regulations is an example of an offset-creation rule.

"Offsets" means reductions in emissions required under R18-2-404 or the equivalent rule of a county or multi-county district.

"Pending credits" means emission reduction credits for which an application has been submitted under R18-2-1203, R18-2-1204, or R18-2-1205 but that have not yet been issued as conditional or certified credits.

"Permanent" means that the reduction in qualifying emissions are long-lasting and unchanging for the remaining life of the relevant activity.

"Permitted generator" means a generator that is a stationary source subject to a permit, other than a general permit, issued under A.R.S. § 49-426 or 49-480 and that seeks credits for reductions that are or will be made enforceable through permit condition.

"Plan generator" means a generator that intends to achieve or has achieved reductions in qualifying emissions in compliance with an emission reduction plan under R18-2-1205.

"Planning authority" means the organization responsible for preparing the state implementation plan for an area under A.R.S. § 49-404 or 49-406.

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*“Qualifying emissions” means emissions of any conventional air pollutant, other than elemental lead, or any precursor of a conventional air pollutant from any activity. Qualifying emissions does not include emissions from a fleet of motor vehicles if the fleet operates outside of a nonattainment area. A.R.S. § 49-410(H)(2).*

“Quantifiable” means that the amount, rate, and characteristics of a reduction in qualifying emissions can be measured through reliable, replicable methods.

“Real” means that a reduction in qualifying emissions is a reduction in actual emissions released to the air resulting from a physical change or change in the method of operations of a generator.

“Regulatory generator” means a generator that has achieved reductions in qualifying emissions in compliance with an offset-creation rule.

“Surplus” means that a reduction in qualifying emissions is not otherwise required by an applicable requirement and not relied upon in the state implementation plan.

“Ton” includes fraction of a ton as necessary to reflect the total amount of emissions reductions achieved or to be achieved by a generator.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1202. Applicability**

- A.** Applicability. This Article applies to the following persons and entities:
1. The owners or operators of generators.
  2. The owners or operators of stationary sources that intend to use credits as offsets.
  3. Other account holders.
  4. Planning authorities.
- B.** Voluntary Participation. The certification of credits and registration of credits in the emissions bank under this Article is voluntary and is not a condition to the creation or use of emission reductions as offsets.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1203. Certification of Credits for Emission Reductions by Permitted Generators**

- A.** Application.
1. The owner or operator of a permitted generator may apply for credits for reductions in qualifying emissions at any time after filing either:
    - a. An application for a permit revision seeking the imposition of conditions to make the reductions in qualifying emissions enforceable; or
    - b. A notice of permit termination seeking to make the shutdown of a stationary source, and the resulting reductions in qualifying emissions, enforceable.
  2. An application for credits shall be filed with the certification authority on the form prescribed by the Department and shall include:

- a. The emissions bank account number obtained under R18-2-1206 for the owner or operator;
- b. Information on the identity, type, ownership, and location of the permitted generator;
- c. A description of the actions that have resulted or will result in the reductions in qualifying emissions;
- d. Information on the amount of and methodology for calculating the reductions in qualifying emissions for each pollutant subject to the application;
- e. Other information necessary to verify that the reductions in qualifying emissions qualify as permanent, quantifiable, surplus, enforceable, and real;
- f. The actual dates or anticipated dates of the reductions in qualifying emissions, as applicable; and
- g. A signed statement by a responsible official, as defined in R18-2-301, verifying the truthfulness and accuracy of all information provided in the application.

**B. Notification and Consultation.**

1. If the certification authority is not the permitting authority for the generator, the certification authority shall:
  - a. Provide a copy of the application for credits to the permitting authority; and
  - b. Consult with permitting authority on whether the reductions in qualifying emissions qualify as permanent, quantifiable, enforceable, surplus, and real.
2. If the owner or operator files the application for credits before final action on the permit revision or termination of the permit and the permitting authority for the generator is not the certification authority, the permitting authority shall provide notice of final action on the permit revision or termination of the permit to the certification authority.

**C. Action on Application.**

1. The certification authority shall deny the application for credits if:
  - a. The permitting authority denies the permit revision or termination on which enforceability of the reductions in qualifying emissions is based; or
  - b. None of the reductions in emissions qualify as permanent, quantifiable, surplus, enforceable, and real.
2. The certification authority shall grant the application and issue one certified credit for each ton per year of reduction that qualifies as permanent, quantifiable, surplus, enforceable, and real.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1204. Certification of Credits for Emission Reductions by Regulatory Generators**

- A.** Application.
1. The owner or operator of a regulatory generator may apply for credits for reductions in qualifying emissions at any time after complying with the applicable offset-creation rule.
  2. An application for credits shall be filed with the certification authority on the form prescribed by the Department and shall include:
    - a. The emissions bank account number obtained under R18-2-1206 for the owner or operator;

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- b. A copy of a determination of compliance with the offset-creation rule by the agency administering the rule; and
- c. A signed statement by a responsible official, as defined in R18-2-301, verifying the truthfulness and accuracy of all information provided in the application.

**B. Action on Application.** The certification authority shall grant the application and issue one certified credit for each ton per year of reduction that the agency administering the offset-creation rule has determined to be in compliance with the rule.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1205. Certification of Credits for Emission Reductions by Plan Generators; Enforcement**

**A. Application.** The owner or operator of a plan generator may apply for credits for reductions in qualifying emissions by filing an application with the certification authority. The application shall be filed on the form prescribed by the Department and shall include:

- 1. The emissions bank account number obtained under R18-2-1206 for the owner or operator;
- 2. Information on the identity, type, ownership, and location of the plan generator;
- 3. An emission reduction plan satisfying subsection (B); and
- 4. A signed statement by a responsible official, as defined in R18-2-301, verifying the truthfulness and accuracy of all information provided in the application.

**B. Emission Reduction Plan Contents.** An emission reduction plan for a program to reduce qualifying emissions at a plan generator shall include the following elements:

- 1. A clearly defined purpose and goal;
- 2. A clearly defined scope that identifies affected activities and assures that the program will not interfere with any other applicable requirements;
- 3. The composition of any fleet of mobile sources that will participate in the program;
- 4. A calculation of baseline emissions;
- 5. A calculation of projected emissions after implementation of the program;
- 6. Methods for accounting for uncertainty in the projection of program results;
- 7. Reliable, replicable procedures for quantifying emissions or emission-related parameters, as appropriate;
- 8. Monitoring, recordkeeping, and reporting requirements that are consistent with the specified quantification procedures and allow for compliance certification and enforcement;
- 9. An implementation schedule, administrative system, and enforcement provisions adequate for ensuring enforceability of the program; and
- 10. Such other elements as the Department may reasonably require in order to assure that reductions in qualifying emissions are permanent, quantifiable, surplus, enforceable, and real.

**C. Proposed Action and Public Process.**

- 1. The certification authority shall publish notice of the proposed action on an application submitted under this Section in the manner prescribed by A.R.S. § 49-444 and as follows:

- a. On the website for the certification authority; and
  - b. By mail or email to persons on a mailing list who have requested notice of applications under this Section.
- 2. By no later than the date public notice is published under subsection (C)(1), the certification authority shall make a copy of the following materials available at a public location in the same county as the proposed program to reduce qualifying emissions, at the closest office of the certification authority, and on the certification authority's website:
    - a. The application, including the emission reduction plan;
    - b. The proposed action;
    - c. The certification authority's analysis in support of the proposed action; and
    - d. All other materials in the certification authority's possession that are relevant to the proposed action.
  - 3. The certification authority shall accept public comment on the proposed action for at least 30 days after the first publication of the notice under subsection (C)(1).
  - 4. The certification authority shall hold a public hearing no sooner than 30 days after the first publication of the notice under subsection (C)(1).
  - 5. The notice shall include the following:
    - a. The identity and location of the applicant;
    - b. A concise description of the program for reducing qualifying emissions;
    - c. The locations at which materials relating to the proposed action are available under subsection (C)(2);
    - d. The date by and manner in which written comments on the proposed action may be submitted; and
    - e. The location, date, and time for the hearing under subsection (C)(4).

**D. Action on Application.**

- 1. The certification authority shall deny the application for certification if none of the reductions in emissions qualifies as permanent, quantifiable, surplus, enforceable, and real.
- 2. The certification authority shall grant the application and issue one conditional credit for each ton per year of reductions that qualifies as permanent, quantifiable, surplus, enforceable, and real.

**E. Approval by Administrator.**

- 1. On grant of an application under subsection (D)(2) by a certification authority other than the Department, the certification authority shall transmit the conditional credits and the associated emission reduction plan to the Department for submission to the Administrator under subsection (E)(2). In addition to the credits and plan, the submission shall include all of the elements required for a revision to the state implementation plan under 40 CFR 51.
- 2. On issuance of conditional credits by the Department under subsection (D)(2) or receipt of conditional credits under subsection (E)(1), the Department shall submit the conditional credits and the associated emission reduction plan to the Administrator for approval as a revision to the state implementation plan.
- 3. On final action by the Administrator on the state implementation plan revision submitted under subsection (E)(2), the certification authority shall issue certified credits and revoke conditional credits as necessary to be consistent with the Administrator's action.

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- F. Enforcement.** A violation of any provision of an emission reduction plan approved by the Administrator under subsection (E) is a violation of this rule by the owner or operator of the plan generator.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1206. Opening Emissions Bank Accounts**

- A.** Any person or entity may open an account in the emissions bank by submitting the form prescribed by the Department.
- B.** The owner or operator of a generator must open an account in the emissions bank before submitting an application under R18-2-1203(A), R18-2-1204(A), or R18-2-1205(A).

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1207. Registration of Emission Reduction Credits in Emissions Bank**

- A.** Notice to Department. A certification authority other than the Department shall provide notice on the form prescribed by the Department of the following events related to emissions reduction credits:
1. Receipt of an application under R18-2-1203(A), R18-2-1204(A), or R18-2-1205(A);
  2. Proposal to issue conditional credits;
  3. Issuance of conditional credits;
  4. Denial of an application for credits;
  5. Issuance of certified credits; and
  6. Revocation or reduction of credits.
- B.** Registration by Department.
1. The Department shall register pending credits in the emissions bank account for the owner or operator of the generator on:
    - a. Receipt of an application under R18-2-1203(A), R18-2-1204(A), or R18-2-1205(A); or
    - b. Receipt of notice under subsection (A)(1).
  2. The Department shall register conditional credits in the emissions bank account for the owner or operator of the generator on:
    - a. Approval of the application under R18-2-1205(D); or
    - b. Receipt of notice under subsection (A)(3).
  3. The Department shall register certified credits in the emissions bank account for the owner or operator of the generator on:
    - a. Issuance of certified credits under R18-2-1203(C)(2), R18-2-1204(B), or R18-2-1205(E)(3).
    - b. Receipt of notice under subsection (A)(5).
  4. The Department shall adjust each account in which credits are deposited as necessary to reflect:
    - a. The denial of an application for credits under R18-2-1203(C)(1) or R18-2-1205(D)(1);
    - b. The Administrator's final action on a state implementation plan under R18-2-1205(E);
    - c. The revocation or reduction of credits by a permitting authority or an agency responsible for administering an offset-creation rule.

- C.** Notice of Reductions. If reductions in qualifying emissions represented by credits have not occurred by the time pending credits are registered, the generator shall provide notice to the Department and the certifying authority on the form prescribed by the Department within five days after the reductions are achieved.

- D.** Registration Information. For credits registered in the emissions bank, the Department shall include the following information:

1. The name and contact information of the account holder;
2. The name, location, and description of the generator;
3. The name, contact information, and location of the owner or operator of the generator;
4. For each pollutant covered by the credits, the amount and date or expected date of the reductions;
5. The status of the credits, including whether the reductions in qualifying emissions represented by the credits have occurred and whether their use has been approved under R18-2-1208(B)(2).

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1208. Transfer, Use, and Retirement of Emission Reduction Credits**

- A.** Transfer Procedures.
1. An account holder may transfer certified credits held in its account to any other account holder by filing the form prescribed by the Department.
  2. On verification of the information in the transfer form, the Department shall adjust the emissions bank accounts of the transferor and transferee to reflect the transfer.
- B.** Use Procedures.
1. An account holder who intends to use credits held in its account as offsets shall file an application to use the credits on the form prescribed by the Department. The notice shall include:
    - a. Information on the identity, location, ownership, and emissions of the stationary source;
    - b. Specification of the amount of credits to be used;
    - c. Identification of the permitting authority with jurisdiction over the stationary source;
    - d. If the stationary source is seeking a permit revision, the identification number for the permit being revised.
  2. On approval of the application, the Department shall:
    - a. Issue a certificate representing the credits that may be included in the permit or permit revision application of the stationary source;
    - b. Notify the permitting authority of the issuance of the certificate; and
    - c. Change the status of the credits to use approved.
  3. The permitting authority shall provide notice to the Department of final action on the stationary source's application for a permit or permit revision.
  4. Reductions in qualifying emissions reflected in the credits must be implemented before actual construction of the new stationary source or modification begins.
  5. The Department shall register a withdrawal and use of credits used under subsection (B) on the later of:

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- a. Receipt of notice of approval of the application for a permit or permit revision for the stationary source; or
- b. Implementation of the reductions reflected in the credits.

**C. Retirement.**

- 1. An account holder may retire credits in its account without using them as offsets by submitting the form prescribed by the Department.
- 2. On verification of the information contained in the form, the Department shall register a withdrawal and retirement of the credits from the account.

**D. Continuation of Credits.** Except to the extent otherwise required by the act, certified credits do not expire and continue in effect until withdrawn under subsection (B) or (C).**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1). Section R18-2-1208 renumbered to R18-2-1210; new Section R18-2-1208 made by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1209. Exclusion of Emission Reduction Credits from Planning**

Except to the extent otherwise required by the act, with regard to credits for emission reductions in an area for which a planning authority has responsibility, the planning authority shall:

- 1. Include the emissions for which the credits have been issued in the emissions inventory for the area as if reductions in those emissions had not yet occurred;
- 2. Account for the emissions for which the credits have been issued in any reasonable further progress or attainment demonstration for the area as if the reductions had not yet occurred; and
- 3. Refrain from relying on the reductions in any revision to the state implementation plan for the area.

**Historical Note**

New Section R18-2-1209 made by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**R18-2-1210. Fees**

- A.** The owner or operator of a generator shall pay a non-refundable administrative fee of \$200.00 to the Department when submitting an application for certification. This fee is in addition to the fees specified in R18-2-326.
- B.** An account holder using a credit under R18-2-1207(B) shall pay a non-refundable administrative fee of \$200.00 to the Department when submitting the application for use. This fee is in addition to the fees specified in R18-2-326.

**Historical Note**

New Section R18-2-1210 renumbered from R18-2-1208 and amended by final rulemaking at 25 A.A.R. 1433, effective July 28, 2019 (Supp. 19-2).

**ARTICLE 13. STATE IMPLEMENTATION PLAN RULES FOR SPECIFIC LOCATIONS****R18-2-1301. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1302. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1303. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1304. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1305. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1306. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1307. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**PART A. RESERVED****PART B. HAYDEN, ARIZONA, PLANNING AREA****R18-2-B1301. Limits on Lead Emissions from the Hayden Smelter****A. Applicability.**

- 1. This Section applies to the owner or operator of the Hayden Smelter.
- 2. Effective date. Except as otherwise provided, the requirements of this Section shall become applicable on the earlier of July 1, 2018 or 180 days after completion of all project improvements authorized by Significant Permit Revision No. 60647.

**B. Definitions.** In addition to general definitions contained in R18-2-101, the following definitions apply to this Section:

- 1. "ACFM" means actual cubic feet per minute.
- 2. "Anode furnace baghouse stack" means the dedicated stack that vents controlled off-gases from the anode furnaces to the Main Stack.
- 3. "Blowing" shall mean the introduction of air or oxygen-enriched air into the converter furnace molten bath through tuyeres that are submerged below the level of the molten bath. The flow of air through the tuyeres above

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the level of the molten bath or into an empty converter shall not constitute blowing.

4. "Capture system" means the collection of components used to capture gases and fumes released from one or more emission units, and to convey the captured gases and fumes to one or more control devices or a stack. A capture system may include, but is not limited to, the following components as applicable to a given capture system design: duct intake devices, hoods, enclosures, ductwork, dampers, manifolds, plenums, and fans.
  5. "Control device" means a piece of equipment used to clean and remove pollutants from gases and fumes released from one or more emission units that would otherwise be released to the atmosphere. Control devices may include, but are not limited to, baghouses, Electrostatic Precipitators (ESPs), and sulfuric acid plants.
  6. "Hayden Smelter" means the primary copper smelter located in Hayden, Gila County, Arizona at latitude 33°0'15"N and longitude 110°46'31"W.
  7. "Main Stack" means the center and annular portions of the 1,000-foot stack, which vents controlled off-gases from the INCO flash furnace, the converters, and anode furnaces and also vents exhaust from the tertiary hoods.
  8. "SCFM" means standard cubic feet per minute.
  9. "SLAMS monitor" means an ambient air monitor part of the State and Local Air Monitoring Stations network operated by State or local agencies for the purpose of demonstrating compliance with the National Ambient Air Quality Standards.
  10. "Smelting process-related fugitive lead emissions" means uncaptured and/or uncontrolled lead emissions that are released into the atmosphere from smelting copper in the INCO flash furnace, converters, and anode furnaces.
- C. Emission limit.** Main Stack lead emissions shall not exceed 0.683 pound of lead per hour.
- D. Operational Standards.**
1. Process equipment and control device operations. At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate smelter processes and associated emission capture and/or control equipment in a manner consistent with good air pollution control practices for minimizing lead emissions to the level required by subsection (C). Determination of whether acceptable operating and maintenance procedures are being used shall be based on all information available to the Department and EPA Region IX, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures and records, and inspection of the relevant equipment.
  2. Capture system and control device operations and maintenance plan. The owner or operator shall develop and implement an operations and maintenance plan for each capture system and/or control device used to ventilate or control process gas or emissions from the flash furnace, including matte tapping, slag skimming and slag return operations; converter primary hoods, converter secondary hoods, tertiary ventilation system; and anode refining operations. The operations and maintenance plan must address the following requirements as applicable to each capture system and/or control device.
    - a. Monitoring devices. The plan shall provide for installation, operation, calibration, and maintenance of appropriate monitoring devices to measure and record operating limit values or settings at all times the required capture and control system is operating, except during periods of monitor calibration, repair, and malfunction. The initial plan shall provide for volumetric flow monitoring on the vent gas baghouse (inlet or outlet), each converter primary hood, each converter secondary hood, the tertiary ventilation system, and the anode furnace baghouse (inlet or outlet). All monitoring devices shall be accurate within +/- 10% and calibrated according to manufacturer's instructions. If direct measurement of the exhaust flow is infeasible due to physical limitations or exhaust characteristics, the owner or operator may propose a reliable equivalent method for approval. Initial monitoring may be adjusted as provided in subsection (D)(2)(e). Dampers that are manually set and remain in the same position while the capture system is operating are exempt from these monitoring requirements. Capture system damper position setting(s) shall be specified in the plan.
    - b. Operational limits. The owner or operator shall establish operating limits in the operations and maintenance plan for the capture systems and/or control devices that are representative and reliable indicators of the performance of the capture system and control device operations. Initial operating limits may be adjusted as provided in subsection (D)(2)(e). Initial operating limits shall include the following:
      - i. A minimum air flow for the furnace ventilation system and associated damper positions for each matte tapping hood or slag skimming hood when operating to ensure that the operation(s) are within the confines or influence of the capture system.
      - ii. A minimum air flow for the secondary hood baghouse and associated damper positions for each slag return hood to ensure that the operation is within the confines or influence of the capture system's ventilation draft during times when the associated process is operating.
      - iii. A minimum air infiltration ratio for the converter primary hoods of 1:1 averaged over 24 converter Blowing hours, rolled hourly measured as volumetric flow in primary hood less the volumetric flow of tuyere Blowing compared to the volumetric flow of tuyere Blowing.
      - iv. A minimum secondary hood exhaust rate of 35,000 SCFM during converter Blowing, averaged over 24 converter Blowing hours, rolled hourly.
      - v. A minimum secondary hood exhaust rate of 133,000 SCFM during all non-Blowing operating hours, averaged over 24 non-Blowing hours, rolled hourly.
      - vi. A minimum negative pressure drop across the secondary hood when the doors are closed equivalent to 0.007 inches of water.
      - vii. A minimum exhaust rate on the tertiary hooding of 400,000 ACFM during all times material is processed in the converter aisle, averaged over 24 hours and rolled hourly.

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- viii. Fan amperes or minimum air flow for the anode furnace baghouse and associated damper positions for each anode furnace hood to ensure that the anode furnace off-gas port is within the confines or influence of the capture system's ventilation draft during times when the associated furnace is operating.
  - ix. The anode furnace charge mouth shall be kept covered when the tuyeres are submerged in the metal bath except when copper is being charged to or transferred from the furnace.
  - c. Preventative maintenance. The owner or operator shall perform preventative maintenance on each capture system and control device according to written procedures specified in the operations and maintenance plan. The procedures must include a preventative maintenance schedule that is consistent with the manufacturer's or engineer's instructions, or operator's experience working with the equipment, and frequency for routine and long-term maintenance. This provision does not prohibit additional maintenance beyond that required by the plan.
  - d. Inspections. The owner or operator shall perform inspections in accordance with written procedures in the operations and maintenance plan for each capture system and control device that are consistent with the manufacturer's, engineer's, or operator's instructions for each system and device.
  - e. Plan development and revisions.
    - i. The owner or operator shall develop and keep current the plan required by this Section. Any plan or plan revision shall be consistent with this Section, shall be designed to ensure that the capture and control system performance conforms to the attainment demonstration in the Hayden 2008 Lead National Ambient Air Quality Standards Nonattainment Area State Implementation Plan (SIP), and shall be submitted to the Department for review. Any plan or plan revision submitted shall include the associated manufacturer's, engineer's or operator's recommendations and/or instructions used for capture system and control device operations and maintenance.
    - ii. The owner or operator shall submit the initial plan to the Department no later than May 1, 2018 and shall include the initial volumetric flow monitoring provisions in subsection (D)(2)(a), the initial operational limits in subsection (D)(2)(b), the preventative maintenance procedures in subsection (D)(2)(c), and the inspection procedures in subsection (D)(2)(d).
    - iii. The owner or operator shall submit to the Department for approval a plan revision with changes, if any, to the initial volumetric flow monitoring provisions in subsection (D)(2)(a) and initial operational limits in subsection (D)(2)(b) not later than six months after completing a fugitive emissions study conducted in accordance with Appendix 14. The Department shall submit the approved changes to the volumetric flow monitoring provisions and operational limits pursuant to this subsection to EPA Region IX as a SIP revision not later than 12 months after completion of a fugitive emissions study.
  - iv. Other plan revisions may be submitted at any time when necessary. All plans and plan revisions shall be designed to achieve operation of the capture system and/or control device consistent with the attainment demonstration in the Hayden 2008 Lead National Ambient Air Quality Standards Nonattainment Area SIP. Except for changes to the volumetric flow monitoring provisions in subsection (D)(2)(a) and operational limits in subsection (D)(2)(b), which shall require prior approval, plans and plan revisions may be implemented upon submittal and shall remain in effect until superseded or until disapproved by the Department. Disapprovals are appealable Department actions.
- 3. Emissions from the anode furnace baghouse stack shall be routed to the Main Stack.
- E. Performance Test Requirements.
- 1. Main stack performance tests. No later than 180 calendar days after completion of all Converter Retrofit Project improvements authorized by Significant Permit Revision No. 60647, the owner or operator shall conduct initial performance tests on the following:
    - a. The gas stream exiting the anode furnaces baghouse prior to mixing with other gas streams routed to the Main Stack.
    - b. The gas stream exiting the acid plant at a location prior to mixing with other gas streams routed to the Main Stack.
    - c. The gas stream exiting the secondary baghouse at a location prior to mixing with other gas streams routed to the Main Stack.
    - d. The gas stream collected by the tertiary hooding at a location prior to mixing with other gas streams routed to the Main Stack.
    - e. The gas stream exiting the vent gas baghouse at a location prior to mixing with other gas streams routed to the Main Stack.
  - 2. Subsequent performance tests on the gas streams specified in subsection (E)(1) shall be conducted at least annually.
  - 3. Performance tests shall be conducted under such conditions as the Department specifies to the owner or operator based on representative performance of the affected sources and in accordance with 40 CFR 60, Appendix A, Reference Method 29.
  - 4. At least 30 calendar days prior to conducting a performance test pursuant to subsection (E)(1), the owner or operator shall submit a test plan, in accordance with R18-2-312(B) and the Arizona Testing Manual, to the Department for approval. The test plan must include the following:
    - a. Test duration;
    - b. Test location(s);
    - c. Test method(s), including those for test method performance audits conducted in accordance with subsection (E)(6); and
    - d. Source operation and other parameters that may affect the test result.
  - 5. The owner or operator may use alternative or equivalent performance test methods as defined in 40 CFR § 60.2

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when approved by the Department and EPA Region IX, as applicable, prior to the test.

6. The owner or operator shall include a test method performance audit during every performance test in accordance with 40 CFR § 60.8(g).
- F. Compliance Demonstration Requirements.**
1. For purposes of determining compliance with the Main Stack emission limit in subsection (C), the owner or operator shall calculate the combined lead emissions in pounds per hour from the gas streams identified in subsection (E)(1) based on the most recent performance tests conducted in accordance with subsection (E).
  2. The owner or operator shall determine compliance with the requirements in subsection (D)(2) as follows:
    - a. Maintaining and operating the emissions capture and control equipment in accordance with the capture system and control device operations and maintenance plan required in subsection (D)(2) and recording operating parameters for capture and control equipment as required in subsection (D)(2)(b); and
    - b. Conducting a fugitive emissions study in accordance with Appendix 14 starting not later than six months after completion of the Converter Retrofit Project authorized by Significant Permit Revision No. 60647. The fugitive emissions study shall demonstrate, as set forth in Appendix 14, that fugitive emissions from the smelter are consistent with estimates used in the attainment demonstration in the Hayden 2008 Lead National Ambient Air Quality Standards Nonattainment Area SIP.
  3. The owner or operator shall include periods of startup, shutdown, malfunction, or other upset conditions when determining compliance with the emission limit in subsection (C).
- G. Recordkeeping.** The owner or operator shall maintain the following records for at least five years and keep on-site for at least two years:
1. All records as specified in the operations and maintenance plan required under subsection (D)(2).
  2. All records of major maintenance activities and inspections conducted on emission units, capture systems, monitoring devices, and air pollution control equipment, including those set forth in the operations and maintenance plan required by subsection (D)(2).
  3. All records of performance tests, test plans, and audits required by subsection (E).
  4. All records of compliance calculations required by subsection (F).
  5. All records of fugitive emission studies and study protocols conducted in accordance with Appendix 14.
  6. All records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of concentrate drying, smelting, converting, anode refining, and casting emission units; and any malfunction of the associated air pollution control equipment that is inoperative or not operating correctly.
  7. All records of reports and notifications required by subsection (H).
- H. Reporting.** The owner or operator shall provide the following to the Department:
1. Notification of commencement of construction of any equipment necessary to comply with the operational or emission limits.
  2. Semiannual progress reports on construction of any such equipment postmarked by July 30 for the preceding January-June period and January 30 for the preceding July-December period.
  3. Notification of initial startup of any such equipment within 15 business days of such startup.
  4. Whenever the owner or operator becomes aware of any exceedance of the emission limit set forth in subsection (C), the owner or operator shall notify the Department orally or by electronic or facsimile transmission as soon as practicable, but no later than two business days after the owner or operator first knew of the exceedance.
  5. Within 30 days after the end of each calendar-year quarter, the owner or operator shall submit a quarterly report to the Department for the preceding quarter that shall include dates, times, and descriptions of deviations when the owner or operator operated smelting processes and related control equipment in a manner inconsistent with the operations and maintenance plan required by subsection (D)(2).
  6. Reports from performance testing conducted pursuant to subsection (E) shall be submitted to the Department within 60 calendar days of completion of the performance test. The reports shall be submitted in accordance with the Arizona Testing Manual and A.A.C. R18-2-312(A).

**Historical Note**

New Section R18-2-B1301 made by final rulemaking at 23 A.A.R. 767, effective on the earlier of July 1, 2018, or 180 calendar days after completion of all Converter Retrofit Project improvements authorized by Significant Permit Revision No. 60647 (Supp. 17-1).

**R18-2-B1301.01.Limits on Lead-Bearing Fugitive Dust from the Hayden Smelter**

- A. Applicability.**
1. This Section applies to the owner or operator of the Hayden Smelter.
  2. Effective Date. Except as otherwise provided, the requirements of this Section shall become applicable on December 1, 2018.
- B. Definitions.** In addition to definitions contained in R18-2-101 and R18-2-B1301, the following definitions apply to this Section:
1. “Acid plant scrubber blowdown drying system” means the process in which Venturi scrubber blowdown solids are dried and packaged via a thickener, filter press, electric dryer, and supersack filling stations.
  2. “Control measure” means a piece of equipment used, or actions taken, to minimize lead-bearing fugitive dust emissions that would otherwise be released to the atmosphere. Control equipment may include, but are not limited to, wind fences, chemical dust suppressants, and water sprayers. Actions may include, but are not limited to, relocating sources, curtailing operations, or ceasing operations.
  3. “Hayden Lead Nonattainment Area” means the townships in Gila and Pinal Counties, as identified and codified in 40 CFR § 81.303, that are designated nonattainment for the 2008 Lead National Ambient Air Quality Standards.
  4. “High wind event” means any period of time beginning when the average wind speed, as measured at a meteorological station maintained by the owner or operator that is approved by the Department, is greater than or equal to



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15 mph over a 15 minute period, and ending when the average wind speed, as measured at the approved meteorological station maintained by the owner or operator, falls below 15 mph over a 15 minute period.

5. "Lead-bearing fugitive dust" means uncaptured and/or uncontrolled particulate matter containing lead that is entrained in the ambient air and is caused by activities, including, but not limited to, the movement of soil, vehicles, equipment, and wind.
  6. "Material pile" means material, including concentrate, uncrushed reverts, crushed reverts, and bedding material, that is stored in a pile outside a building or warehouse and is capable of producing lead-bearing fugitive dust.
  7. "Non-smelting process sources" means sources of lead-bearing fugitive dust that are not part of the hot metal process, which includes smelting in the INCO flash furnace, converting, and anode refining and casting. Non-smelting process sources include storage, handling, and unloading of concentrate, uncrushed reverts, crushed reverts, and bedding material; acid plant scrubber blowdown solids; and paved and unpaved roads.
  8. "Ongoing visible emissions" means observed emissions to the outside air that are not brief in duration.
  9. "Road" means any surface on which vehicles pass for the purpose of carrying people or materials from one place to another in the normal course of business at the Hayden Smelter.
  10. "Slag" means the inorganic molten material that is formed during the smelting process and has a lower specific gravity than copper-bearing matte.
  11. "Slag hauler" means any vehicle used to transport molten slag.
  12. "Storage and handling" means all activities associated with the handling and storage of materials that take place at the Hayden Smelter, including, but not limited to, stockpiling, transport on conveyor belts, transport or storage in rail cars, crushing and milling, arrival and handling of offsite concentrate, bedding, and handling of reverts.
  13. "Trackout/carry-out" means any materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that may then fall onto the road.
- C. Operational Standards.
1. Equipment operations. At all times, the owner or operator shall operate and maintain all non-smelting process sources, including all associated air pollution control equipment, control measures, and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing lead-bearing fugitive dust, and in accordance with the fugitive dust plan required by subsection (C)(2) and performance and housekeeping requirements in subsection (D). A determination of whether acceptable operating and maintenance procedures are being used shall be based on all available information to the Department and EPA Region IX, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures and records, review of fugitive dust plans, and inspection of the relevant equipment.
  2. Fugitive dust plan. The owner or operator shall develop, implement, and follow a fugitive dust plan that is designed to minimize lead-bearing fugitive dust from non-smelting process sources. At minimum, the fugitive dust plan shall contain the following:
    - a. Performance and housekeeping requirements in subsection (D).
    - b. Design plans and specifications for each wind fence to be installed to control lead-bearing fugitive dust from non-smelting process sources identified in subsections (D)(11) through (D)(14). The dust plan shall contain height limits for the materials being stored in each wind fence, consistent with the design plans and specifications for that particular wind fence. Wind fence design and specifications shall:
      - i. Require full encircling of the source to be controlled, with reasonable and sufficient openings for ingress and egress;
      - ii. Consider the orientation of the wind fence to the prevailing winds;
      - iii. Consider the strength of the winds in the area where the fence will be located;
      - iv. Consider the porosity of the material to be used, which shall not exceed 50%; and
      - v. Consider the height of the fence relative to the height of the material being stored. At minimum, wind fence height shall be greater than or equal to the material pile height.
    - c. Design plans and specifications for each new or modified water sprayer system used to control lead-bearing fugitive dust from non-smelting process sources specified in subsections (D)(11) through (D)(14). The number, type, location, watering intensity, flow rates, and other operational parameters of the water sprayers must meet moisture content objectives for sources specified in subsections (D)(11) through (D)(14). The owner or operator may include in the dust plan an exemption to the water requirements at times when the materials are sufficiently moist or it is raining and thus there is no need for additional wetting until the next scheduled watering to meet moisture content objectives. The dust plan shall include the following for each water sprayer:
      - i. Watering schedule;
      - ii. Watering intensity;
      - iii. Minimum flow rate or pressure drop;
      - iv. Appropriate and/or continuous monitoring;
      - v. Schedule for calibration based on the manufacturer's recommended calibration schedule;
      - vi. Preventative maintenance schedule; and
      - vii. Other applicable operational parameters.
    - d. Necessary improvements and/or modifications to material conveyor systems, along with a schedule for implementing improvements or modifications, targeted to minimize lead-bearing fugitive dust from non-smelting process sources specified in subsections (D)(11) through (D)(14), as applicable, to the greatest extent practicable. The improvements or modifications may include, but is not limited to, hooding of transfer points, utilizing water sprayers, and employing scrapers, brushes, or cleaning systems at all points where belts loop around themselves to catch and contain material before it falls to the ground.
    - e. Design plans for the concrete pads for the non-smelting process sources specified in subsections (D)(11) and (D)(13). The concrete pads shall be designed to capture, store, and control stormwater or

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sprayed water to minimize emissions to the greatest extent practicable, including curbing around the outer edges of the concrete pad where feasible.

- f. Additional controls and measures for sources specified in subsections (D)(11) through (D)(14) to be implemented during high wind events. These additional controls or measures, which must include curtailment or other alteration of activity when appropriate, must be implemented at these sources during all periods of high wind.
  - g. Sample inspection sheets, checklists, or logsheets for each of the inspections identified in subsection (D)(6), and in accordance with the following:
    - i. The inspection sheets or checklists shall include:
      - (1) Specific descriptions of the equipment being inspected and the specific functions being evaluated;
      - (2) The findings of the inspection;
      - (3) The date, time, and location of inspections; and
      - (4) An identification of who performed the inspection or logged the results.
    - ii. The logsheets for high wind events shall include:
      - (1) High wind event start time;
      - (2) High wind event end time;
      - (3) Description of area or activity inspected; and
      - (4) Description of corrective action taken if necessary.
  - h. Design plans of the new acid plant scrubber blow-down drying system specified in subsection (D)(15).
  - i. The name and location of the meteorological station, which must be approved by the Department, that is to be used by the owner or operator for determining high wind events pursuant to subsection (B)(4) and for implementing control requirements pursuant to subsection (D)(5).
3. Plan development and revisions. The owner or operator shall develop and keep current the fugitive dust plan required by subsection (C)(2). Any plan or plan revision shall be consistent with this Section and shall be submitted to the Department for review. The initial plan shall be submitted to the Department for review no later than May 1, 2017. Plans and plan revisions shall be consistent with good air pollution control practice for fugitive dust. Except for the meteorological station to be used for high wind events pursuant to subsection (D)(5), which shall require prior approval, plans and plan revisions may be implemented upon submittal and shall remain in effect until superseded or until disapproved by the Department. Disapprovals are appealable Department actions.
- D. Performance and Housekeeping Requirements.** The owner or operator shall comply with these requirements at all times regardless of a fugitive dust plan.
1. Water sprayers. The owner or operator shall implement a recordkeeping system to capture sprayer operations, including identification of the particular operation, lead-bearing fugitive dust source, timing and intensity of watering, and data regarding the quantity of water used at each water sprayer.
  2. Wind fences. The owner or operator shall ensure that wind fences used to control lead-bearing fugitive dust from the non-smelting process sources specified in subsections (D)(11) through (D)(14) meet the following requirements:
    - a. Wind fence height shall be greater than or equal to the material pile height. The allowed material pile height shall be posted in a readily visible location at each wind fence.
    - b. Wind fence porosity shall not exceed 50%.
  3. Material conveyor systems. For sources specified in subsections (D)(11) through (D)(14), as applicable, the owner or operator shall:
    - a. Minimize conveyor drop heights to the greatest extent practicable.
    - b. Clean any spills from conveyors within 30 minutes of discovery. The material collected must be handled in such a way so as to minimize lead-bearing fugitive dust to the maximum extent practicable.
  4. Vehicle transport of materials. The owner or operator shall maintain vehicle cargo compartments used to transport materials capable of producing lead-bearing fugitive dust so that the cargo compartment is free of holes or other openings and is covered by a tarp.
  5. High wind event requirements.
    - a. During high wind events, the owner or operator shall evaluate the non-smelting process sources specified in subsections (D)(11) through (D)(14) for ongoing visible emissions using the appropriate logsheet for each source.
    - b. If ongoing visible emissions are observed, the owner or operator shall promptly wet the source of emissions with the objective of mitigating further emissions.
    - c. If wetting does not appear to mitigate the ongoing visible emissions to 20% opacity or less, the owner or operator shall postpone associated handling of the source until the high wind event has ceased.
  6. Physical inspections. The owner or operator shall conduct physical inspections as follows:
    - a. Daily inspections of all water sprayers to make sure they are functioning and are in accordance with the dust plan;
    - b. Daily visual inspections of all material piles to make sure they are maintained within areas protected by a wind fence, that they are not higher than allowed for the wind fence, and to verify that moisture content requirements are met;
    - c. Daily inspections of all material handling areas to identify and clean up track out or spills of materials;
    - d. Daily inspections of conveyor systems to identify and clean up material spills;
    - e. Daily inspections of rumble grates sump levels;
    - f. Daily spot inspections of vehicles carrying lead-bearing fugitive dust-producing materials when vehicles are in use to ensure that material is not overloaded, is properly covered, and cargo compartments are intact;
    - g. Weekly inspections of wind fences for material integrity and structural stability;
    - h. Daily inspections of all paved roads to identify and clean up track out or spills of materials;
    - i. Daily inspections of unpaved roads in subsection (D)(10)(a) to identify areas where chemical dust suppressant coverage has broken down; and

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- j. Bi-weekly inspections of the acid plant scrubber blowdown drying system enclosure.
- 7. Opacity limit and Method 9 readings.
  - a. Opacity from lead-bearing fugitive dust emissions shall not exceed 20% from any part of the facility at any time. Opacity shall be determined by using 40 CFR 60, Appendix A, Reference Method 9, except for unpaved roads, in which opacity shall be determined pursuant to subsection (D)(10)(c).
  - b. In the event that an employee observes ongoing visible emissions at a non-smelting process source covered by this Section, that employee shall promptly contact a Reference Method 9-certified observer, who shall promptly evaluate the emissions and conduct a Reference Method 9 reading, if possible.
  - c. A Reference Method 9-certified observer shall conduct a weekly visible emissions survey of all non-smelting process sources covered by this Section and perform a Reference Method 9 reading for any plumes that on an instantaneous basis appear to exceed 15% opacity.
- 8. Corrective actions.
  - a. At any time that visible emissions from the non-smelting process sources covered by this Section appear to exceed 15% opacity, the owner or operator shall take prompt corrective action to identify the source of the emissions and abate such emissions, with the corrective action starting within 30 minutes after discovery. For any non-smelting process source that produces visible emissions that appear to exceed 15% opacity, the owner or operator shall perform an analysis of the root cause, and implement a strategy designed to prevent, to the extent feasible, the ongoing recurrence of the source of visible emissions. Within 14 days of completion of its analysis, if appropriate, the owner or operator shall modify the fugitive dust plan in subsection (C)(2) for any changes identified from the analysis differing from the current provisions of the fugitive dust plan.
  - b. At any time that the owner or operator becomes aware that provisions of the fugitive dust plan and/or performance and housekeeping provisions required by this Section are not being met, the owner or operator shall take prompt action to return to compliance, which may include modifications to monitoring, recordkeeping, and reporting requirements in the fugitive dust plan. This includes, but is not limited to, the following actions:
    - i. Return water sprayers to full operational status;
    - ii. Repair damaged conveyor hoodings or other enclosures;
    - iii. Apply additional water to ensure that sources are meeting moisture content requirements;
    - iv. Clean any trackout or spillage of dust-producing material, including dropoff of dust producing material from conveyors, using a street sweeper, vacuum, or wet broom with sufficient water and at the speed recommended by the manufacturer;
    - v. Reapplication of chemical dust suppressants in areas where the coating has broken down on unpaved roads; and
    - vi. Revisions to the fugitive dust plan to undertake improved monitoring, recordkeeping, and reporting requirements necessary to ensure that the controls contained in the fugitive dust plan are being implemented as contemplated by the fugitive dust plan.
- 9. Paved Roads. These requirements apply to all roads at the facility currently paved and roads to be paved in the future. The owner or operator shall:
  - a. Clean roads at least once daily with a sweeper, vacuum, or wet broom in accordance with applicable manufacturer recommendations.
  - b. Maintain the integrity of the road surface.
  - c. Clean up trackout and carry-out of material on the following schedule:
    - i. As expeditiously as practicable, when trackout and carry-out extends a cumulative distance of 50 linear feet or more; and
    - ii. At the end of the workday, for all other trackout and carry-out.
  - d. Comply with a speed limit not to exceed 15 mph for all vehicular traffic. At minimum, speed limit signs shall be posted at all entrances and truck loading and unloading areas and/or at conspicuous areas along the roadway.
- 10. Unpaved Roads. These requirements apply to the unpaved roads identified in subsections (D)(10)(a)(i) through (D)(10)(a)(iii) below, including any access points where the unpaved roads adjoin paved roads and any areas of vehicular handling of material. The owner or operator shall:
  - a. Implement a chemical dust suppressant application intensity and schedule, which at minimum shall be:
    - i. For the slag hauler road and all other unpaved roads used or to be used by the slag hauler, chemical dust suppressant shall be applied at least once per week during the summer, and once per every two weeks during the winter.
    - ii. For the main road to the secondary crusher, chemical dust suppressant shall be applied at least once every six weeks, year-round.
    - iii. For unpaved roads near reverts and silica flux crushing operations, chemical dust suppressant shall be applied at least once per two weeks during the summer, and once per month in the winter.
  - b. Increase the frequency of chemical dust suppressant application if necessary to reduce fugitive dust emissions from unpaved roads.
  - c. Not allow visible emissions to exceed 20% opacity and shall not allow silt loading equal to or greater than 0.33 oz/ft<sup>2</sup>. However, if silt loading is equal to or greater than 0.33 oz/ft<sup>2</sup>, then the owner or operator shall not allow the average percent silt content to exceed 6%. Compliance with these requirements shall be determined by the test methods described in Appendix 15.
  - d. Maintain sufficient watering trucks and personnel to operate such trucks to be employed as an interim measure whenever visible emissions or a breakdown in dust suppressant covering are observed at any point along the treated unpaved road system.
  - e. Immediately, but no later than 30 minutes after initial observation of any visible emissions, apply water or chemical dust suppressant to the portion of

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- the unpaved road where the visible emissions were observed.
- f. Reapply chemical dust suppressant within 24 hours of discovery of any area where the surface chemical dust suppressant coverage has broken down.
  - g. Collect and prevent from becoming airborne any runoff or material from rinsing or sweeping as soon as practicable.
  - h. Comply with a speed limit not to exceed 15 mph for all vehicular traffic. At minimum, speed limit signs shall be posted at all entrances and truck loading and unloading areas and/or at conspicuous areas along the roadway.
11. Concentrate Storage, Handling, and Unloading. The owner or operator shall:
    - a. Consolidate and manage all concentrate storage piles in one or more concrete storage pads.
    - b. Store concentrate in an area with a wind fence in accordance with requirements set forth in the fugitive dust plan and pursuant to subsection (D)(2).
    - c. Maintain water sprayers in accordance with requirements set forth in the fugitive dust plan and to ensure the surfaces of concentrate piles are wetted to maintain a nominal 10% surface moisture content as determined from representative samples using ASTM Method D2216-10 or other equivalent methods approved by the Department and EPA Region IX.
    - d. Minimize the footprint of the concentrate storage piles by pushing into the stockpile with a front end loader and sweeping open areas of the pads with a self-powered vacuum sweeper at least daily during use.
  12. Uncrushed Reverts Handling and Storage. The owner or operator shall:
    - a. Manage uncrushed revert material only in areas protected by a wind fence in accordance with requirements set forth in the fugitive dust plan and pursuant to subsection (D)(2).
    - b. Maintain water sprayers in accordance with requirements set forth in the fugitive dust plan and to ensure the surface of uncrushed revert material is wetted with the objective to minimize lead-bearing fugitive dust emissions to the greatest extent practicable.
  13. Reverts Crushing Operations and Crushed Reverts Storage. The owner or operator shall:
    - a. Crush revert and store crushed revert only on one or more concrete pads.
    - b. Crush revert and store crushed revert only within an area protected by a wind fence in accordance with requirements set forth in the fugitive dust plan and pursuant to subsection (D)(2).
    - c. Maintain water sprayers in accordance with requirements set forth in the fugitive dust plan and to ensure the surfaces of all crushed revert material, including revert managed after it is crushed, is wetted to maintain a nominal 10% surface moisture content as determined from representative samples using ASTM Method D2216-10 or other equivalent methods approved by the Department and EPA Region IX.
    - d. By October 2017, relocate all revert crushing operations to 33° 00' 25.84" N, 110° 46' 26.55" W and shall crush revert only at this new location.
  14. Bedding Operations, Including Handling, Storage, and Unloading. The owner or operator shall:
    - a. Perform all bedding activities, including loading and unloading of materials to be blended, only within an area protected by a wind fence in accordance with requirements set forth in the fugitive dust plan and pursuant to subsection (D)(2). These activities include the storage and handling areas for potentially lead-bearing fugitive dust-producing material within the bedding plant area.
    - b. Maintain water sprayers in accordance with requirements set forth in the fugitive dust plan and to ensure the surfaces of material in the bedding area is wetted to maintain a nominal 10% surface moisture content as determined from representative samples using ASTM Method D2216-10 or other equivalent methods approved by the Department and EPA Region IX.
    - c. Maintain rumble grates at all of the bedding plant's entrances and exits to shake off material on the loader tires as they enter and exit the area. Material that is tracked out of the bedding area must be cleaned up at the end of the workday.
    - d. Operate its bedding activities in a manner designed to avoid any trackout outside an area protected by a wind fence. Areas of material spillage or trackout, whether inside or outside of an area protected by a wind fence, shall be rinsed or cleaned daily.
  15. Acid Plant Scrubber Blowdown Drying System.
    - a. The owner or operator shall dry acid plant scrubber blowdown solids only in an enclosed system that uses a venturi scrubber, thickener, filter press, and electric dryer that is maintained under negative pressure at all times that materials are being dried.
    - b. The owner or operator shall maintain the negative pressure of the electric dryer using a 2,500 ACFM dryer ventilation fan that must run at all times the electric dryer is operational. Monitoring of the negative pressure shall be demonstrated through the run and stop states of the ventilation fan and electric dryer.
    - c. The acid plant scrubber blowdown drying system shall include the following elements:
      - i. Venturi scrubber slurry that reports to a new thickener.
      - ii. Underflow from the thickener that goes to a filter press for further liquid removal, with the resulting filter cake sent to two electric dryers operating in parallel to provide final drying of the dust cake.
      - iii. Exhaust from the dryers sent to the packed gas cooling tower inlet duct.
      - iv. Dried cake discharged directly into bags.
    - d. The owner or operator shall clean all areas previously used for scrubber blowdown drying and no longer use previous areas for scrubber blowdown drying.
- E. Contingency Requirements.
1. If the owner or operator does not meet the compliance schedule below in subsection (E)(3), or if the Hayden Lead Nonattainment Area does not attain the 2008 Lead National Ambient Air Quality Standards by the attainment date established in the Act, whichever occurs first, then the owner or operator shall increase the paved road

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cleaning frequency specified in subsection (D)(9) to twice per day.

2. The owner or operator shall implement the contingency measure in subsection (E)(1) within 60 days of notification by EPA Region IX of either a failure to meet the compliance schedule in subsection (E)(3) or a failure to attain by the attainment date established in the Act, whichever occurs first.
3. The compliance schedule is as follows. The Fugitive Dust Plan referred to in the compliance schedule shall mean the Fugitive Dust Plan submitted to the Administrator by the owner or operator to comply with requirements set forth in Consent Decree No. CV-15-02206-PHX-DLR, which became effective on December 30, 2015 in the United States District Court for the District of Arizona, as that plan may be later revised pursuant to subsection (C)(3):

Control Measure	Date of Implementation
Implementation of chemical dust suppression for unpaved roads.	Within 30 days of Administrator approval of application intensity and schedules in Fugitive Dust Plan.
Implementation of wind fences for materials piles (uncrushed reverts, reverts crushing and crushed reverts, bedding materials, and concentrate).	Within 120 days of Administrator approval of the Fugitive Dust Plan or the date of completion in the approved Fugitive Dust Plan, whichever is later.
Implementation of water sprays for materials piles (uncrushed reverts, reverts crushing and crushed reverts, bedding materials, and concentrate).	Within 120 days of Administrator approval of the Fugitive Dust Plan or the date of completion in the approved Fugitive Dust Plan, whichever is later.
Implementation of new acid plant scrubber blow-down drying system.	November 30, 2016
Implementation of new primary, secondary, and tertiary hooding systems for converter aisle for purposes of complying with requirements in R18-2-B1301.	July 1, 2018
Implementation of new ventilation system for matte tapping and slag skimming for flash furnace for purposes of complying with requirements in R18-2-B1301.	July 1, 2018

**F. Ambient Air and Meteorological Monitoring Requirements.**

1. The owner or operator shall conduct ambient air monitoring and sampling for lead as follows:
  - a. At minimum, the owner or operator shall continue to maintain and operate the ambient lead monitors located at ST-14 (the smelter parking lot), ST-23 (Hillcrest area), ST-26 (post office), and ST-18 (next to the concentrate handling area).

- b. Samples must be collected continuously at all monitor sites specified in subsection (F)(1)(a). For the purposes of this requirement, "continuously" means that 24-hour filters are placed and collected at minimum, every six calendar days at all sites consistent with 40 CFR § 58.12.
  - c. The owner or operator shall follow the Hayden Smelter's Quality Assurance Project Plan (QAPP) applicable to these monitors.
  - d. The monitors must be operated and maintained in accordance with 40 CFR 58, Appendix A.
  - e. The owner or operator shall submit each filter removed from each monitor to a certified laboratory for analysis no later than 18 calendar days after the filter's removal. The owner or operator shall ensure that the laboratory performs its analysis and submits the results to the owner or operator no later than 21 calendar days from the lab's receipt of the filter.
  - f. The owner or operator shall calculate, update, and maintain as a record the following data within 14 calendar days of receipt of any results pertaining to the monitor filters received from a certified lab:
    - i. The total pollutants on the filters collected and analyzed; and
    - ii. Calculations of 30-day rolling average ambient air levels of lead for the ST-23, ST-26, and ST-18 monitors, and 60-day rolling average ambient air levels of lead for the ST-14 monitor, expressed as µg/m<sup>3</sup>.
  - g. The owner or operator shall retain lead samples collected pursuant to this Section for at least three years. The samples shall be stored in individually sealed containers and labeled with the applicable monitor and date. Upon request, the samples shall be provided to the Department within five business days.
2. The owner or operator shall conduct meteorological monitoring as follows:
    - a. Continuously monitor and record wind speed and direction data using equipment and a meteorological station approved by the Department.
    - b. The owner or operator shall calculate and record average wind speed in miles per hour over 15 minutes, rolled each minute.
    - c. Conduct wind speed and direction measurements using methods in accordance with EPA's Quality Assurance Handbook for Air Pollution Measurement Systems, Volume IV, Meteorological Measurements, Version 2.0.
  3. The ambient air and meteorological monitoring stations required by this Section may be discontinued at the end of three full calendar years after the Hayden Lead Nonattainment Area is redesignated attainment for the 2008 Lead National Ambient Air Quality Standards.

**G. Compliance Demonstration Requirements.** The owner or operator shall demonstrate compliance with this Section by complying with all requirements in the fugitive dust plan pursuant to subsection (C)(2) and implementing all housekeeping and performance requirements pursuant to subsection (D).

**H. Recordkeeping.**

1. The owner or operator shall maintain the following records for at least five years and keep on-site for at least two years:

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- a. Current and past fugitive dust plans required by subsection (C)(2).
  - b. Physical inspection sheets, checklists, and logsheets for inspections conducted in accordance with subsection (D)(6).
  - c. All records of opacity and stabilization tests, if any, conducted in accordance with subsection (D)(10)(c).
  - d. All records of surface moisture content tests, if any, conducted in accordance with subsection (D)(11), subsection (D)(13), and subsection (D)(14).
  - e. All records of major maintenance activities and inspections conducted on monitors required by subsection (F).
  - f. All records of quality assurance and quality control activities for the monitors required by subsection (F).
  - g. All air quality monitoring samples, rolling averages of ambient lead concentrations and necessary calculations, and data required by subsection (F).
  - h. All records of wind data from the meteorological station required by subsection (F).
  - i. All records of any periods during which a monitoring device required by subsection (F) is inoperative or not operating correctly.
  - j. All records of reports and notifications required by subsection (I).
2. All of the following records maintained for the purposes of the fugitive dust plan required by subsection (C)(2) must be maintained in a recordkeeping log or recordkeeping system. As part of the records, the owner or operator shall include the dates and times for each of the following observations or activities, the name of the employee documenting each activity or observation, and the nature and location of each observation activity:
    - a. Each instance of observed visible emissions of 15% opacity or greater, along with a description of any corrective action undertaken and its success.
    - b. Water sprayer operations, including timing and intensity of watering to be captured in the water sprayer recordkeeping system.
    - c. Timing, location, type, and amount of chemical suppressant and water applied to unpaved roads, and a description of the nature and timing of any additional corrective action taken, as necessary, to minimize emissions to the greatest extent practicable.
    - d. Timing and location of all sweeping and cleaning of trackout or spillage material.
    - e. Timing and location of all washdown of concrete areas.
    - f. Timing and location of sump cleanouts.
    - g. Results of all visible emissions surveys and Reference Method 9 readings.
    - h. Appropriate records for operating conditions, including electric dryer ventilation fan start and stop times for the newly designed acid plant scrubber blowdown drying system.
    - i. Calibration records for all measurement devices, including maintenance of manufacturer's manuals or other documentation for suggested calibration schedules and accuracy levels for each measurement device.
    - j. Dates, times, and descriptions of deviations when the owner or operator's operations was carried out in a manner inconsistent with the fugitive dust plan required by subsection (C)(2).
- I. Reporting. Within 30 days after the end of each calendar-year quarter, the owner or operator shall submit a report to the Department covering the prior quarter that includes the following:
    1. All instances where observed fugitive emissions coming from sources covered in this Section were 15% or greater.
    2. The date of all high wind events, with an identification of the location of the reading, wind speed, and duration of the event, and a description of actions taken as a result of the event on a source-by-source basis.
    3. All instances where corrective action was required with identification of the emission source involved, what triggered the corrective action, what action the owner or operator undertook to abate or mitigate the problem, and whether the corrective action achieved the intended results.
    4. A summary of all times when the electronic recordkeeping system was not recording data, and a summary and indication of the period when recorded data was outside of established operating parameters.
    5. A summary of progress of all new construction, installation, upgrades, or modifications to equipment or structures at the facility required by the fugitive dust plan and subsection (D), including dates of commencement and completion of construction, dates of operations of new or modified equipment or structures, and dates old or outdated equipment or structures were permanently retired.
    6. Raw monitoring data and calculated ambient lead concentrations from the ambient air monitoring stations required by subsection (F).

**Historical Note**

New Section R18-2-B1301.01 made by final rulemaking at 23 A.A.R. 767, effective December 1, 2018 (Supp. 17-1).

**R18-2-B1302. Limits on SO<sub>2</sub> Emissions from the Hayden Smelter**

- A. Applicability.
  1. This Section applies to the owner or operator of the Hayden Smelter. It establishes limits on sulfur dioxide emissions from the Hayden Smelter and monitoring, recordkeeping and reporting requirements for those limits.
  2. Effective date. Except as otherwise provided, the requirements of this Section shall become applicable on the earlier of July 1, 2018 or 180 days after completion of all project improvements authorized by Significant Permit Revision No. 60647.
- B. Definitions. In addition to definitions contained in R18-2-101 and R18-2-B1301, the following definitions apply to this rule.
  1. "Continuous emissions monitoring system" or "CEMS" means the total equipment, required under the emission monitoring provisions in this Chapter, used to sample, condition (if applicable), analyze, and to provide, on a continuous basis, a permanent record of emissions.
  2. "Operating day" means any calendar day in which any of the following occurs:
    - a. Concentrate is smelted in the smelting furnace;
    - b. Copper or sulfur bearing materials are processed in the converters;
    - c. Blister or scrap copper is processed in the anode furnaces;

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- d. Molten metal, including slag, matte or blister copper, is transferred between vessels; or
  - e. Molten metal is cast into anodes or other intermediate or final products.
3. "Out of control period" means the time that begins with the completion of the fifth, consecutive, daily calibration drift check with a calibration drift in excess of two times the allowable limit, or the time corresponding to the completion of the daily calibration drift check preceding the daily calibration drift check that results in a calibration drift in excess of four times the allowable limit, and the time that ends with the completion of the calibration check following corrective action that results in the calibration drifts at both the zero (or low-level) and high-level measurement points being within the corresponding allowable calibration drift limit.
- C. Sulfur Dioxide Emissions Limitations.
- 1. Emissions from the Main Stack shall not exceed 1069.1 pounds per hour on a 14-operating day average unless 1,518 pounds or less is emitted during each hour of the 14-operating day period.
  - 2. The owner and operator shall not cause to be discharged into the atmosphere from any affected unit subject to 40 CFR 60 subpart P any gases which contain sulfur dioxide in excess of the limit set forth in 40 CFR § 60.163(a) (as in effect on July 1, 2016 and no later editions).
- D. Operational Standards.
- 1. Process equipment and control device operations. At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate smelter processes and associated emission control and/or control equipment in a manner consistent with good air pollution control practices for minimizing SO<sub>2</sub> emissions to the levels required by subsection (C). Determination of whether acceptable operating and maintenance procedures are being used will be based on all information available to the Director and EPA Region IX, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures and records, and inspection of the relevant equipment.
  - 2. Capture system and control device operations and maintenance plan. The owner or operator shall develop and implement an operations and maintenance plan for each capture system and/or control device used to ventilate or control process gas or emissions from the flash furnace including matte tapping, slag skimming, and slag return operations; converter primary hoods, converter secondary hoods, tertiary ventilation system, and anode refining operations. The operations and maintenance plan must address the following requirements as applicable to each capture system and/or control device.
    - a. Monitoring devices. The plan shall provide for installation, operation, calibration, and maintenance of appropriate monitoring devices to measure and record operating limit values or settings at all times the required capture and control system is operating, except during periods of monitor calibration, repair and malfunction. The initial plan shall provide for volumetric flow monitoring on the vent gas baghouse (inlet or outlet), each converter primary hood, each converter secondary hood, the tertiary ventilation system and the anode furnace baghouse (inlet or outlet). All monitoring devices shall be accurate within +/- 10% and calibrated according to manufacturer's instructions. If direct measurement of the exhaust flow is infeasible due to physical limitations or exhaust characteristics, the owner or operator may propose a reliable equivalent method for approval. Initial monitoring may be adjusted as provided in subsection (D)(2)(e). Dampers that are manually set and remain in the same position while the capture system is operating are exempt from these monitoring requirements. Capture system damper position setting(s) shall be specified in the plan.
    - b. Operational limits. The owner or operator shall establish operating limits in the operations and maintenance plan for the capture systems and/or control devices that are representative and reliable indicators of the performance of the capture system and control device operations. The initial operating limits may be adjusted as provided in subsection (D)(2)(e). Initial operating limits shall include the following:
      - i. Identification of those modes of operation when the double dampers between the flash furnace vessel and the vent gas system will be closed and the interstitial space evacuated to the acid plant.
      - ii. A minimum air flow for the furnace ventilation system and associated damper positions for each matte tapping hood or slag skimming hood when operating to ensure that the operation(s) are within the confines or influence of the capture system.
      - iii. A minimum air flow for the secondary hood baghouse and associated damper positions for each slag return hood to ensure that the operation is within the confines or influence of the capture system's ventilation draft during times when the associated process is operating.
      - iv. A minimum air infiltration ratio for the converter primary hoods of 1:1 averaged over 24 converter Blowing hours, rolled hourly measured as volumetric flow in primary hood less the volumetric flow of tuyere Blowing compared to the volumetric flow of tuyere Blowing.
      - v. A minimum secondary hood exhaust rate of 35,000 SCFM during converter Blowing, averaged over 24 converter Blowing hours, rolled hourly.
      - vi. A minimum secondary hood exhaust rate of 133,000 SCFM during all non-Blowing operating hours, averaged over 24 non-Blowing hours, rolled hourly.
      - vii. A minimum negative pressure drop across the secondary hood when the doors are closed equivalent to 0.007 inches of water.
      - viii. A minimum exhaust rate on the tertiary hooding of 400,000 ACFM during all times material is processed in the converter aisle, averaged over 24 hours and rolled hourly.
      - ix. Fan amperes or minimum air flow for the anode furnace baghouse and associated damper positions for each anode furnace hood to ensure that the anode furnace off-gas port is within the confines or influence of the capture system's

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- ventilation draft during times when the associated furnace is operating.
- x. The anode furnace charge mouth shall be kept covered when the tuyeres are submerged in the metal bath except when copper is being charged to or transferred from the furnace.
  - xi. The temperatures of the acid plant catalyst bed, which shall at minimum, meet the manufacturer's recommendations.
  - xii. The acid plant catalyst replenishment criteria, which shall at minimum, meet the manufacturer's recommendations.
- c. Preventative maintenance. The owner or operator must perform preventative maintenance on each capture system and control device according to written procedures specified in the operation and maintenance plan. The procedures must include a preventative maintenance schedule that is consistent with the manufacturer's or engineer's instructions, or operator's experience working with equipment, and frequency for routine and long-term maintenance. This provision does not prohibit additional maintenance beyond that required by the plan.
  - d. Inspections. The owner or operator must perform inspections in accordance with written procedures in the operations and maintenance plan for each capture system and control device that are consistent with the manufacturer's, engineer's or operator's instructions for each system and device.
  - e. Plan development and revisions.
    - i. The owner or operator shall develop and keep current the plan required by this Section. Any plan or plan revision shall be consistent with this Section, shall be designed to ensure that the capture and control system performance conforms to the attainment demonstration in the Hayden 2010 Sulfur Dioxide National Ambient Air Quality Standards Nonattainment Area State Implementation Plan (SIP), and shall be submitted to the Department for review. Any plan or plan revision submitted shall include the associated manufacturer's recommendations and/or instructions used for capture system and control device operations and maintenance.
    - ii. The owner or operator shall submit the initial plan to the Department no later than May 1, 2018 and shall include the initial volumetric flow monitoring provisions in subsection (D)(2)(a), the initial operational limits in subsection (D)(2)(b), the preventative maintenance procedures in subsection (D)(2)(c), and the inspection procedures in subsection (D)(2)(d).
    - iii. The owner or operator shall submit to the Department for approval a plan revision with changes, if any, to the initial volumetric flow monitoring provisions in subsection (D)(2)(a) and initial operational limits in subsection (D)(2)(b) not later than six months after completing a fugitive emissions study conducted in accordance with Appendix 14. The Department shall submit the approved changes to the volumetric flow monitoring provisions and operational limits pursuant to this subsection to EPA Region IX as a SIP revision not later than 12 months after completion of a fugitive emissions study.
    - iv. Other plan revisions may be submitted at any time when necessary. All plans and plan revisions shall be designed to achieve operation of the capture system and/or control device consistent with the attainment demonstration in the Hayden 2010 Sulfur Dioxide National Ambient Air Quality Standards Nonattainment Area SIP. Except for changes to the volumetric flow monitoring provisions in subsection (D)(2)(a) and operational limits in subsection (D)(2)(b), which shall require prior approval, plans and plan revisions may be implemented upon submittal and shall remain in effect until superseded or until disapproved by the Department. Disapprovals are appealable Department actions.
3. Emissions from the anode furnace baghouse stack shall be routed to the Main Stack.
- E. Monitoring.**
1. To determine compliance with subsection (C)(1) the owner or operator of the Hayden Smelter shall install, calibrate, maintain, and operate a CEMS for continuously monitoring and recording SO<sub>2</sub> concentrations and stack gas volumetric flow rates at the following locations.
    - a. The exit of the acid plant;
    - b. The exit of the secondary hood particulate control device after the High Surface Area (HSA) lime injection system;
    - c. The exit of the flash furnace particulate control device after the HSA lime injection system;
    - d. The tertiary ventilation system prior to mixing with any other exhaust streams; and
    - e. The anode furnace baghouse stack prior to mixing with any other exhaust streams.
  2. Except during periods of systems breakdown, repairs, maintenance, out-of-control periods, calibration checks, and zero and span adjustments, the owner or operator shall continuously monitor SO<sub>2</sub> concentrations and stack gas volumetric flow rates at each location in subsection (E)(1).
  3. For purposes of this Section, continuous monitoring means the taking and recording of at least one measurement of SO<sub>2</sub> concentration and stack gas flow rate reading from the effluent of each affected stack, outlet, or other approved measurement location in each 15-minute period when the associated process units are operating. Fifteen-minute periods start at the beginning of each clock hour, and run consecutively. All CEMS required by subsection (E)(1) shall complete at least one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
  4. If the owner or operator can demonstrate to the Director that measurement of stack gas volumetric flow rate in the outlet of any particular piece of SO<sub>2</sub> control equipment would yield inaccurate results or would be technologically infeasible, then the Director may allow measurement of the flow rate at an alternative sampling point.
  5. The owner or operator shall demonstrate that the CEMS required by subsection (E)(1) meet all of the following requirements:



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- a. The SO<sub>2</sub> CEMS installed and operated under this Section meets the requirements of 40 CFR 60, Appendix B, Performance Specification 2 and Performance Specification 6. The CEMS on the anode furnace baghouse stack and tertiary ventilation system shall complete an initial Relative Accuracy Test Audit (RATA) in accordance with Performance Specification 2. The RATA runs shall be tied to when the anode furnace is in use and, for the tertiary system, when the converters are in operation and/or material is being transferred in the converter aisle. Asarco may petition the Department and EPA Region IX on the criteria for subsequent RATAs for the anode furnace baghouse stack or tertiary ventilation system CEMS. The petition shall include submittal of CEMS data during the year.
  - b. The SO<sub>2</sub> CEMS installed and operated under this Section meets the quality assurance requirements of 40 CFR 60, Appendix F.
  - c. The owner or operator shall notify the Director in writing at least 30 days in advance of the start of the relative accuracy test audit (RATA) performed on the CEMS.
  - d. The Director shall approve the location of all sampling points for monitoring SO<sub>2</sub> concentration and stack gas volumetric flow rates and the appropriate span values for the monitoring systems. This approval shall be in writing before installation and operation of the measurement instruments.
  - e. The measurement system installed and used under this subsection is subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per operating day unless the manufacturer specifies or recommends calibration at shorter intervals, in which case the owner or operator shall follow those specifications or recommendations. The owner or operator shall make available a record of these procedures that clearly shows instrument readings before and after zero adjustment and calibration.
  - f. The owner or operator shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the CEMS required by this Section to allow for the replacement within six hours of any monitoring equipment part that fails or malfunctions during operation.
6. The owner or operator of the Hayden Smelter may petition the Department to substitute annual stack testing for the tertiary ventilation or the anode furnace baghouse stack CEMS if the owner or operator demonstrates, for a period of two years, that either CEMS contribute(s) less than 5% individually of the total sulfur dioxide emissions. The Department must determine the demonstration adequate to approve the petition. Annual stack testing shall use EPA Methods 1, 4, and 6C in 40 CFR 60 Appendix A or an alternate method approved by the Department and EPA Region IX. Annual stack testing shall commence no later than the one year after the date the continuous emission monitoring system was removed. The owner or operator shall submit a test protocol to the Department at least 30 days in advance of testing. The protocol shall provide for three or more 24-hour runs unless the owner or operator justifies a different period and the Department approves such different period.
- Reports of testing shall be submitted to the Department no later than 60 days after testing or 30 days after receipt, whichever is later. The report shall provide an emissions rate, in the form of a pound per hour or pound per unit of production factor, that shall be used in the compliance demonstration in subsection (F)(1). Except as provided herein, the owner or operator shall otherwise comply with Section R18-2-312 in conducting such testing.
- F. Compliance Demonstration Requirements.
    1. For purposes of determining compliance with the emission limit in subsection (C)(1) the owner or operator shall calculate emissions for each operating day as follows:
      - a. Sum the hourly pounds of SO<sub>2</sub> vented to each uncontrolled shutdown ventilation flue and through each monitoring point listed in subsection (E)(1) for the current operating day and the preceding 13-operating days to calculate the total pounds of SO<sub>2</sub> emissions over the 14-operating day averaging period, as applicable.
      - b. Divide the total amount of SO<sub>2</sub> emissions calculated from subsection (F)(1)(a) by 336 to calculate the 14-operating day average SO<sub>2</sub> emissions.
      - c. If the calculation in subsection (F)(1)(b) exceeds 1069.1 pounds per hour, then the owner or operator shall sum the hourly pounds of SO<sub>2</sub> vented to each uncontrolled shutdown ventilation flue and through each monitoring point listed in subsection (E)(1) for each hour of the current operating day and each hour of the preceding 13-operating days to ascertain if any hour exceeded 1,518 pounds per hour.
    2. When no valid hour or hours of data have been recorded by a continuous monitoring system required by subsections (E)(1) and (E)(2) and the associated process unit is operating, the owner or operator shall calculate substitute data for each such period according to the following procedures:
      - a. For a missing data period less than or equal to 24 hours, substitute the average of the hourly SO<sub>2</sub> concentrations recorded by the system for the hour before and the hour after the missing data period.
      - b. For a missing data period greater than 24 hours, substitute the greater of:
        - i. The 90th percentile hourly SO<sub>2</sub> concentrations recorded by the system during the previous 720 quality-assured monitor operating hours.
        - ii. The average of the hourly SO<sub>2</sub> concentrations recorded by the system for the hour before and the four hours after the missing data period.
      - c. Notwithstanding subsections (F)(3)(a) and (F)(3)(b), the owner or operator may present any credible evidence as to the quantity or concentration of emissions during any period of missing data.
    3. The owner or operator shall determine compliance with the requirements in subsection (D)(2) as follows:
      - a. Maintaining and operating the emissions capture and control equipment in accordance with the capture system and control device operations and maintenance plan required in subsection (D)(2) and recording operating parameters for capture and control equipment as required in subsection (D)(2)(b); and
      - b. Conducting a fugitive study in accordance with Appendix 14 starting not later than six months after completion of the Converter Retrofit Project authorized by Significant Permit Revision No. 60647. The

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fugitive study shall demonstrate, as set forth in Appendix 14, that fugitive emissions from the smelter are consistent with estimates used in the attainment demonstration in the Hayden 2010 Sulfur Dioxide National Ambient Air Quality Standards Nonattainment Area SIP.

4. The owner or operator shall include periods of startup, shutdown, malfunction, or other upset conditions when determining compliance with the emission limits in subsection (C).
5. The owner and operator shall demonstrate compliance with the limit in subsection (C)(2) in accordance with 40 CFR §§ 60.165 and 60.166 (as in effect on July 1, 2016 and not later editions).

**G. Recordkeeping.**

1. The owner or operator shall maintain a record of each operation and maintenance plan required under subsection (D)(2).
2. The owner or operator shall maintain the following records for at least five years:
  - a. All measurements from the continuous monitoring system required by subsection (E)(1), including the date, place, and time of sampling or measurement; parameters sampled or measured; and results. All measurements will be calculated daily.
  - b. All records of quality assurance and quality control activities for emissions measuring systems required by subsection (E)(1).
  - c. All records of calibration checks, adjustments, maintenance, and repairs conducted on the continuous monitoring systems required by subsection (E); including records of all compliance calculations required by subsection (F).
  - d. All records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of concentrate drying, smelting, converting, anode refining and casting emission units; any malfunction of the associated air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device required by subsection (E)(1) is inoperative or not operating correctly.
  - e. All records of planned and unplanned shutdown ventilation flue utilization events and calculations used to determine emissions from shutdown ventilation flue utilization events if the owner or operator chooses to use the alternative compliance determination method.
  - f. All records of major maintenance activities and inspections conducted on emission units, capture system, air pollution control equipment, and CEMS, including those set forth in the operations and maintenance plan required by subsection (D)(2).
  - g. All records of operating days and production records required for calculations in subsection (F).
  - h. All records of fugitive emissions studies and study protocols conducted in accordance with Appendix 14.
  - i. All records of reports and notifications required by subsection (H).

**H. Reporting.**

1. The owner or operator shall notify the Director in writing at least 30 days in advance of the start of relative accuracy test audit (RATA) procedures performed on the con-

tinuous monitoring systems required by subsection (E)(1).

2. Within 30 days after the end of each calendar quarter, the owner or operator shall submit a data assessment report to the Director in accordance with 40 CFR Part 60, Appendix F for the continuous monitoring systems required by subsection (E).
3. The owner or operator shall submit an excess emissions and monitoring systems performance report or summary report form in accordance with 40 CFR § 60.7(c) to the Director quarterly for the continuous monitoring systems required by subsection (E)(1). Excess emissions means any 14-operating day average as calculated in subsection (F) in excess of the emission limit in subsection (C)(1), any period in which the capture and control system was operating outside of its parameters specified in the capture system and control device operation and maintenance plan in subsection (D)(2). For any 14-operating day period exceeding 1069.1 pounds per hour that the owner or operator claims does not exceed the limit in subsection (C)(1) because all hours in the operating period are below 1,518 pounds per hour, the owner or operator shall submit the CEMS data for each hour during that period. All reports shall be postmarked by the 30th day following the end of each calendar quarter time period.
4. The owner or operator shall provide the following to the Director:
  - a. The owner or operator shall notify the Director of commencement of construction of any equipment necessary to comply with the operational or emission limits.
  - b. The owner or operator shall submit semiannual progress reports on construction of any such equipment postmarked by July 30 for the preceding January-June period and January 30 for the preceding July-December period.
  - c. The owner or operator shall submit notification of initial startup of any such equipment within 15 business days of such startup.
- I. Preconstruction review. This Section is determined to be Reasonably Available Control Technology (RACT) for SO<sub>2</sub> emissions from the operations subject to subsection (C) for purposes of minor source NSR requirement addressed in R18-2-334.

**Historical Note**

New Section R18-2-B1302 made by final rulemaking at 23 A.A.R. 767, effective on the earlier of July 1, 2018, or 180 calendar days after completion of all Converter Retrofit Project improvements authorized by Significant Permit Revision No. 60647 (Supp. 17-1).

**PART C. MIAMI, ARIZONA, PLANNING AREA****R18-2-C1301. Reserved****Historical Note**

New Section R18-2-C1301 reserved at 23 A.A.R. 767 (Supp. 17-1).

**R18-2-C1302. Limits on SO<sub>2</sub> Emissions from the Miami Smelter****A. Applicability.**

1. This Section applies to the owner or operator of the Miami Smelter. It establishes limits on SO<sub>2</sub> emissions from the Miami Smelter and monitoring, recordkeeping and reporting requirements for those limits.

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2. Effective date. Except as otherwise provided, the provisions of this Section shall take effect on the later of the effective date of the Administrator's action approving it as part of the state implementation plan or January 1, 2018.
- B. Definitions. In addition to general definitions contained in R18-2-101, the following definitions apply to this rule.
  1. "Capture system" means the collection of components used to capture gases and fumes released from one or more emission points, and to convey the captured gases and fumes to one or more control devices. A capture system may include, but is not limited to, the following components as applicable to a given capture system design: duct intake devices, hoods, enclosures, ductwork, dampers, manifolds, plenums, and fans.
  2. "Electric furnace" means a furnace in which copper matte and slag are heated by electrical resistance without the mechanical introduction of air or oxygen.
  3. "IsaSmelt® furnace" means a furnace in which air, oxygen, and fuel are injected through a top-submerged lance into a molten slag bath to produce slag and copper matte.
  4. "Miami Smelter" means the primary copper smelter located near Miami, Gila County, Arizona at latitude 33°24'50"N and longitude 110°51'25"W.
  5. "Out of control period" means the time that begins with the completion of the fifth, consecutive, daily calibration drift check with a calibration drift in excess of two times the allowable limit, or the time corresponding to the completion of the daily calibration drift check preceding the daily calibration drift check that results in a calibration drift in excess of four times the allowable limit, and the time that ends with the completion of the calibration check following corrective action that results in the calibration drifts at both the zero (or low-level) and high-level measurement points being within the corresponding allowable calibration drift limit.
  6. "Operating day" means any calendar day in which any of the following occurs:
    - a. Concentrate is smelted in the Electric furnace or IsaSmelt® furnace;
    - b. Copper or sulfur bearing materials are processed in the converters;
    - c. Blister or scrap copper is processed in the anode furnaces or mold vessel;
    - d. Molten metal, including slag, matte or blister copper, is transferred between vessels;
    - e. Molten metal is cast into molds, anodes, or other intermediate or final products;
    - f. Power is provided to the electric furnace to make or maintain a molten bath; or
    - g. The anode furnace is heated to make or maintain a molten bath.
- C. Sulfur Dioxide Emission Limitations. Combined SO<sub>2</sub> emissions from the tail gas stack, vent fume stack, aisle scrubber stack, bypass stack, and smelter roofline fugitives shall not exceed 142.45 pounds per hour on a 30-day rolling average basis.
- D. Operational Standards.
  1. Process Equipment and control device operations. At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate smelter processes and associated emission control devices in a manner consistent with good air pollution control practices for minimizing SO<sub>2</sub> emissions from the process gases associated with the IsaSmelt® furnace, electric furnace, and converters at least to the levels required by subsection (C). Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director and EPA Region IX, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures and records, and inspection of the relevant equipment.
  2. Capture system and control device operations and maintenance plan. The owner or operator shall develop and implement an operations and maintenance plan for each capture system and control device used to ventilate or control process gas or emissions associated with the IsaSmelt® furnace, electric furnace, and converters. The owner or operator shall submit the initial plan to the Department and EPA Region IX for review and approval by July 1, 2017.
    - a. The operations and maintenance plan must address the following requirements as applicable to each capture system and control device:
      - i. Monitoring devices. The plan shall provide for installation, operation, calibration, and maintenance of appropriate monitoring devices to measure and record operating limit or range values at all times the required system is operating. Dampers that are manually set and remain in the same position while the capture system is operating are exempt from these monitoring requirements.
      - ii. Operational limits and ranges. The owner or operator shall establish operating limits and ranges in the plan for each capture system and control device that are representative and reliable indicators of capture system performance and control device operation. If selected as an operational limit or range, capture system damper position settings shall be specified in the plan.
      - iii. Preventative maintenance. The owner or operator must perform preventative maintenance for each capture system and control device according to written procedures in the plan. The procedures must include a preventative maintenance schedule that is consistent with the manufacturer's or engineer's instructions and specified frequency for routine and long-term maintenance.
      - iv. Inspections. The owner or operator must perform inspections in accordance with written procedures in the plan for each capture system and control device, including position verification of any manual damper settings specified in the plan, that are consistent with the manufacturer's or engineer's instructions for each system and device.
    - b. The owner or operator shall operate and maintain each capture system and each control device in accordance with the plan required by subsection (D)(2) and as approved by the Department and EPA Region IX, except as provided herein. Until receiving initial approval of the plan, the owner or operator shall operate and maintain each capture system and each control device in accordance with the plan

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as initially submitted pursuant to subsection (D)(2). The owner or operator shall submit plan revisions for review by the Department and EPA Region IX. At any time, the Department and/or EPA Region IX may require the owner or operator to revise the plan if determined to be inconsistent with subsection (D)(2)(a). Within 60 days of receiving written notification from the Department or EPA Region IX specifying such inconsistency, the owner or operator shall submit a proposal to the Department and EPA Region IX that addresses the inconsistency. The owner or operator shall maintain a current copy of the plan onsite and available for review and inspection upon request.

## E. Monitoring.

1. To determine compliance with subsection (C), the owner or operator shall install, calibrate, maintain, and operate continuous monitoring systems to monitor and record SO<sub>2</sub> concentrations and stack gas volumetric flow rates at the following locations.
  - a. The acid plant tail gas stack;
  - b. The vent fume stack;
  - c. The aisle scrubber stack; and
  - d. The bypass stack.
2. To determine compliance with the emission limit in subsection (C), the owner or operator shall install, calibrate, maintain, and operate a continuous monitoring system to monitor and record fugitive SO<sub>2</sub> concentrations at the Miami Smelter roofline.
3. Except during periods of continuous monitoring system breakdown, repairs, maintenance, out-of-control periods, calibration checks, and zero and span adjustments, the owner or operator shall continuously monitor SO<sub>2</sub> concentrations and stack gas volumetric flow rates at each location specified in subsection (E)(1) and use the monitored concentrations and volumetric flow rates when demonstrating compliance with the SO<sub>2</sub> emission limit in subsection (C) in accordance with subsection (F).
4. Except during periods of continuous monitoring system breakdown, repairs, maintenance, out-of-control periods, calibration checks and zero and span adjustments, the owner or operator shall continuously monitor fugitive SO<sub>2</sub> emissions at the Miami Smelter roofline and use the monitored concentrations and volumetric flow rates when demonstrating compliance with the SO<sub>2</sub> emission limit in subsection (C) in accordance with subsection (F).
5. For purposes of subsections (E)(3) and (E)(4), continuous monitoring means the taking and recording of at least one measurement of SO<sub>2</sub> concentration and stack gas flow rate reading from the effluent of each affected stack, outlet, or other approved measurement location in each 15-minute period when the associated process units are operating. Fifteen-minute periods start at the beginning of each clock hour, and run consecutively. All continuous monitoring systems required by subsection (E)(1) shall complete at least one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
6. If the owner or operator can demonstrate to the Director and EPA Region IX that measurement of stack gas volumetric flow rate in the outlet of any particular piece of SO<sub>2</sub> control equipment would yield inaccurate results or would be technologically infeasible, then the Director and EPA Region IX may allow measurement of the flow rate at an alternative sampling point.
7. The owner or operator shall demonstrate that the continuous monitoring systems required by subsection (E)(1) meet all of the following requirements:
  - a. Each SO<sub>2</sub> continuous monitoring system shall meet the specifications under 40 CFR 60, Appendix B, Performance Specification 6.
  - b. Each SO<sub>2</sub> continuous monitoring system installed and operated under this Section shall also meet the quality assurance requirements of 40 CFR 60, Appendix F, Procedure 1.
  - c. The owner or operator shall notify the Director in writing at least 30 days in advance of the start of the relative accuracy test audit (RATA) procedures performed on each continuous monitoring system.
  - d. The Director shall approve the location of all sampling points for monitoring SO<sub>2</sub> concentrations and stack gas volumetric flow rates in writing before installation and operation of measurement instruments.
  - e. The span of each continuous monitoring system for the acid plant tail stack, vent fume stack, and aisle scrubber stack shall be set at a SO<sub>2</sub> concentration of zero to 0.20% by volume.
  - f. The span of the continuous monitoring system for the bypass stack shall be set at a SO<sub>2</sub> concentration of zero to 20% by volume.
  - g. The zero (or low-level value between 0 and 20% of the span value) and span (50% to 100% of span value) calibration drifts shall be checked at least once each operating day in accordance with a written procedure. The zero and span must, at a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit in 40 CFR Part 60, Appendix B, Performance Specification 2. The system must allow the amount of the excess zero and span drift to be recorded and quantified.
  - h. The owner or operator shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the continuous monitoring system equipment required by this Section to allow for the replacement within six hours of any monitoring system equipment part that fails or malfunctions during operation.
8. The owner or operator shall develop and implement a roofline fugitive emissions monitoring plan for the continuous monitoring system required by subsection (E)(2). The owner or operator shall submit the initial plan to the Department and EPA Region IX for review and approval by July 1, 2017.
  - a. The roofline fugitive emissions monitoring plan must address the following requirements:
    - i. The continuous monitoring system required by subsection (E)(2) must include measurement of fugitive emissions from, at a minimum, the Converter, Electric Furnace, Anode Furnace, and IsaSmelt<sup>®</sup> systems that is representative of total fugitive emissions.
    - ii. Each measurement system shall include at least one SO<sub>2</sub> analyzer and sufficient sampling locations that ensure collection of a representative sample along the roof monitor for each monitor

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- system. The number of sample probes and their locations for each monitoring system shall account for the physical configuration of the vent, the locations of emitting activities relative to the vent, and heat generated by the equipment served by the vent.
- iii. Each measurement system shall include validation of adequate velocity for flow measurements and sufficient flow and temperature sensors to ensure calculation of representative exhaust flows through each vent. The number of such sensors and their locations for each monitoring system shall account for the physical configuration of the vent, the locations of emitting activities relative to the vent, and heat generated by the equipment served by the vent.
  - iv. Each measurement system shall include an on-site data collection system that continuously logs and stores the measured SO<sub>2</sub> concentration, the measured flow velocity, and the measured temperature.
  - v. An appropriate range for zero-span drift shall be established for all SO<sub>2</sub> analyzers to ensure proper calibration and operation. Unless otherwise provided in the roofline fugitive emissions monitoring plan required by subsection (E)(8), the zero (or low-level) value determination shall be made using a gas containing between zero to 20% of the span value for SO<sub>2</sub> and the span (or high-level) value determination shall be made using a certified gas with a value between 50% and 100% of the span value for SO<sub>2</sub>. For each SO<sub>2</sub> analyzer, a daily zero-span check shall be performed by introducing zero gas and a known concentration of span gas to the analyzer. If the zero or span drift for an analyzer is greater than 5% of the span gas concentration for five consecutive days or greater than 10% of the span gas concentration for one day, the analyzer shall be found to be operating improperly and appropriate measures shall be taken to return the analyzer to proper operation. The zero-span check shall be repeated after any such corrective action is taken.
  - vi. All SO<sub>2</sub> analyzers shall be inspected quarterly by the owner or operator and inspected annually by an independent auditor. The inspections shall be conducted in accordance with the data accuracy assessment requirements of 40 CFR 60, Appendix F, Procedure 1, Section 5 or as otherwise provided in the roofline fugitive emissions monitoring plan required by subsection (E)(8). The quarterly inspections consist of two certified concentrations of SO<sub>2</sub> to each sample probe system and comparing the known concentrations to the concentrations logged by the corresponding on-site data collection system to generate a relative error for each system.
  - vii. The flow and temperature data shall be checked daily for proper operation of flow and temperature sensors in accordance with the roofline fugitive emissions monitoring plan required by subsection (E)(8). If a flow or temperature sensor is found to be operating improperly, appropriate measures shall be taken to return the sensor to proper operation.
  - viii. All temperature sensors shall be inspected annually. The inspection shall be conducted according to the manufacturer's specification. A temperature sensor tolerance range representative of proper sensor operation shall be established in the roofline fugitive emissions monitoring plan required by subsection (E)(8). If a temperature sensor is found to measure outside of an established tolerance range, the sensor shall be found to be operating improperly and appropriate measures shall be taken to return the sensor to proper operation.
  - ix. All flow sensors shall be calibrated semi-annually with calibration tools according to the manufacturer's specifications. A calibration tool range representative of proper sensor operation shall be established in the roofline fugitive emissions monitoring plan required by subsection (E)(8). If a flow sensor is found to measure outside of an established range, the sensor shall be found to be operating improperly and appropriate measures shall be taken to return the sensor to proper operation.
- b. The owner or operator shall operate and maintain the continuous monitoring system required by subsection (E)(2) in accordance with the roofline fugitive emissions monitoring plan required by subsection (E)(2) and as approved by the Department and EPA Region IX, except as provided herein. Until receiving initial approval of the plan, the owner or operator shall operate and maintain the continuous monitoring system required by subsection (E)(2) in accordance with the plan as initially submitted pursuant to subsection (E)(2). The owner or operator shall keep the plan current and consistent with subsection (E)(8)(a). The owner or operator shall maintain a current copy of the plan onsite and available for review and inspection upon request. The Department and/or EPA Region IX may require the owner or operator to revise the plan if determined to be inconsistent with subsection (E)(8)(a). Within 60 days of receiving written notification from the Department or EPA Region IX specifying such inconsistency, the owner or operator shall submit a proposal to the Department and EPA Region IX that addresses the inconsistency.
- F. Compliance Demonstration Requirements.
- 1. Within 180 days of the effective date set forth in subsection (A)(2), the owner or operator shall demonstrate compliance with the emission limit in subsection (C) by calculating SO<sub>2</sub> emissions for each operating day as follows:
    - a. Sum the hourly pounds of SO<sub>2</sub> measured by the continuous monitoring systems required by subsection (E)(1) and (E)(2) for the current operating day and the preceding 29 operating days to calculate the total pounds of SO<sub>2</sub> emissions over the 30-operating day averaging period.
    - b. Multiply the operating days occurring during a 30-day averaging period by 24 to calculate the total operating hours over the most recent 30-operating day period.

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- c. Divide the total amount of SO<sub>2</sub> emissions calculated from subsection (F)(1)(a) by the total operating hours calculated from subsection (F)(1)(b) to calculate the 30-day rolling hourly average SO<sub>2</sub> emissions.
  2. For the continuous monitoring systems required by subsections (E)(1) and (E)(2), hourly emissions shall be computed as follows:
    - a. Except as provided under subsection (F)(2)(c), for a full operating hour (any clock hour with 60 minutes of unit operation), at least four valid data points are required to calculate the hourly average, i.e., one data point in each of the 15-minute quadrants of the hour.
    - b. Except as provided under subsection (F)(2)(c), for a partial operating hour (any clock hour with less than 60 minutes of unit operation), at least one valid data point in each 15-minute quadrant of the hour in which the unit operates is required to calculate the hourly average.
    - c. For any operating hour in which required maintenance or quality-assurance activities are performed:
      - i. If the unit operates in two or more quadrants of the hour, a minimum of two valid data points, separated by at least 15 minutes, is required to calculate the hourly average; or
      - ii. If the unit operates in only one quadrant of the hour, at least one valid data point is required to calculate the hourly average.
    - d. If a daily calibration error check is failed during any operating hour, all data for that hour shall be invalidated, unless a subsequent calibration error test is passed in the same hour and the requirements of subsection (F)(2)(c) are met, based solely on valid data recorded after the successful calibration.
    - e. For each full or partial operating hour, all valid data points shall be used to calculate the hourly average.
    - f. Data recorded during periods of continuous monitoring system breakdown, repair, maintenance, out of control periods, calibration checks, and zero and span adjustments shall not be included in the data averages computed under subsection (F)(3).
    - g. Either arithmetic or integrated averaging of all data may be used to calculate the hourly average. The data may be recorded in reduced or non-reduced form.
  3. When no valid hour or hours of data have been recorded by a continuous monitoring system required by subsections (E)(1) and (E)(2) and the associated process unit is operating, the owner or operator shall calculate substitute data for each such period according to the following procedures:
    - a. For a missing data period less than or equal to 24 hours, substitute the average of the hourly SO<sub>2</sub> concentrations recorded by the system for the hour before and the hour after the missing data period.
    - b. For a missing data period greater than 24 hours, substitute the greater of:
      - i. The 90th percentile hourly SO<sub>2</sub> concentrations recorded by the system during the previous 720 quality-assured monitor operating hours; or
      - ii. The average of the hourly SO<sub>2</sub> concentrations recorded by the system for the hour before and the hour after the missing data period.
  4. The owner or operator shall include periods of startup, shutdown, malfunction, or other upset conditions when determining compliance with the emission limit in subsection (C).
- G. Recordkeeping.
  1. The owner or operator shall maintain records as specified in the capture system and control device operations and maintenance plan required under subsection (D)(2) and the roofline fugitive emissions monitoring plan required under subsection (E)(8).
  2. The owner or operator shall maintain the following records for at least five years:
    - a. All measurements from the continuous monitoring systems required by subsection (E)(1) and (E)(2); including the date, place, and time of sampling or measurement, parameters sampled or measured, and results.
    - b. All records of all compliance calculations required by subsection (F).
    - c. All records of quality assurance and quality control activities conducted on the continuous monitoring systems required by subsection (E)(1) and (E)(2).
    - d. All records of continuous monitoring system breakdowns, repairs, maintenance, out of control periods, calibration checks, and zero and span adjustments for the continuous monitoring systems required by subsection (E)(1) and (E)(2).
    - e. All records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of Smelter processes; any malfunction of the associated air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device required by subsection (E)(1) and (E)(2) is inoperative.
    - f. All records of all major maintenance activities conducted on emission units, capture system, air pollution control equipment, and continuous monitoring systems; including those set forth in the operations and maintenance plan required by subsection (D)(2).
    - g. All records of reports and notifications required by subsection (H).
- H. Reporting
  1. Within 30 days after the end of each calendar quarter, the owner or operator shall submit a data assessment report to the Director in accordance with 40 CFR Part 60, Appendix F, Procedure 1 for the continuous monitoring systems required by subsection (E).
  2. The owner or operator shall submit an excess emissions and monitoring systems performance report and-or summary report form in accordance with 40 CFR § 60.7(c) to the Director semiannually for the continuous monitoring systems required by subsection (E)(1) and (E)(2). All reports shall be postmarked by the 30th day following the end of each six-month period.
  3. The owner or operator shall provide the following to the Director:
    - a. Notification of commencement of construction of the project improvements and equipment authorized by Significant Permit Revision No. 53592 to comply with the operational or emission limits in this Section no later than 30 days after such date.
    - b. Semiannual progress reports on construction of any such improvements and equipment on January 1 and

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July 1 of each calendar year until construction is complete.

- c. Notification of initial startup of any such improvements and equipment within 15 days after such date.

- I. Preconstruction review. This Section is determined to be Reasonably Available Control Technology (RACT) for SO<sub>2</sub> emissions from the operations subject to subsection (C) for purposes of minor source NSR requirements addressed in R18-2-334.

**Historical Note**

New Section R18-2-C1302 made by final rulemaking at 23 A.A.R. 767, on the later of the effective date of the Administrator's action approving it as part of the state implementation plan or January 1, 2018.

**PART D. ARIZONA REGIONAL HAZE CLASS I AREAS****R18-2-D1301. Definitions for R18-2-D1302 and R18-2-D1303**

The following definitions apply to R18-2-D1302 and R18-2-D1303:

1. "Average Daily Vehicle Trips (ADT)" means the average number of vehicles that cross a given point on a road over a 24-hour period.
2. "Bulk material" means any material, including but not limited to earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter, dirt, mud, demolition debris, trash, cinders, pumice, saw dust, and dry concrete, which are capable of producing fugitive dust.
3. "Class I area" means any international park, national wilderness area and national memorial park that exceeds 5,000 acres, or any national park that exceeds 6,000 acres, which are designated under the Clean Air Act as mandatory Federal Class I areas in order to preserve, protect and enhance air quality. The full list of Arizona Federal Class I areas as of the effective date of this Part is defined at 40 CFR 81.403.
4. "Chemical stabilizer/dust suppressant" means hygroscopic material, solution of water and chemical surfactant foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited by the U.S. Environmental Protection Agency (EPA), the Arizona Department of Environmental Quality (ADEQ), or any applicable law or regulation, as a treatment material for reducing fugitive dust emissions.
5. "Clean gravel" means a mineral or rock aggregate ranging in size from 0.25 to 3 inches on its longest dimension that is either natural or the product of a mineral processing operation and contains no more than 6% silt by weight.
6. "Construction" means building a capital improvement resting upon, connected to or buried in the earth; modifications to existing structures, including additions, alterations, conversions, expansions, reconstruction, renovations, rehabilitations, and major replacements; or installing infrastructure associated with a new or modified structure, such as roads, flood structures, drainage works and irrigation works, and installation of above- or below-ground utilities.
7. "Construction site" means any property or portion of a property upon which dust generating operations occur as a result of construction.
8. "Disturbed Surface Area" means any portion of the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural condition.
9. "Dust generating operations" means any activity capable of generating fugitive dust, including but not limited to:
  - a. Earthmoving activities;
  - b. Land clean-up, leveling, back filling;
  - c. Drilling;
  - d. Construction;
  - e. Demolition;
  - f. Bulk material handling, storage or transporting operations;
  - g. Operation of motorized machinery used in Construction;
  - h. Establishing or using unpaved parking lots, haul/access roads within a construction site; or
  - i. Installing initial landscapes using mechanized equipment.
10. "Dust Visibility Protection Areas" means the following townships associated with the Chiricahua National Monument and Wilderness Area, Galiuro Wilderness Area, Saguaro National Park (Wilderness Area), and Superstition Wilderness Area, (except those areas in Tribal Nations and Communities land, which has the same meaning as the term defined in 18 U.S.C. 1151):
  - a. In Cochise County: Township 12 South, Range 19 through 25 East (T12S, R19-25E); T12S, R27-32E; T13S, R19-32E; T14S, R19-32E; T15S, R19-32E; T16S, R19-22E; T16S, R24-32E; T17S, R19-22E; T17S, R24-32E; T18S, R19-21E; T18S, R24-32E; T19S, R19-20E; T19S, R25-32E; T20S, R25-32E; T21S, R26-32E; T22S, R26-32E; T23S, R27-32E; T24S, R28-32E.
  - b. In Graham County: T4S, R19-21E; T5S, R19-22E; T6S, R19-23E; T7S, R19-24E; T8S, R19-24E; T9S, R19-25E; T10S, R19-25E; T11S, R19-25E.
  - c. In Gila County: T7N, R9-14E; T6N, R9-15E; T5N, R9-15.5E; T4.5N, R15.5-16E; T4N, R10-16E; T3N, R11-17E; T2N, R13-17E; T1N, R13-17E; T1S, R13-17E; T2S, R14-17E; T3S, R14-16E; T4S, R14-16E; T5S, R15-16E.
  - d. In Maricopa County: T7N, R9E; T6N, R7-10E; T5N, R6-10E; T4N, R5-12E; T3N, R5-12E; T2N, R4-13E; T1N, R4-7E; T1S, R5-7E; T2S, R5-7E.
  - e. In Pima County: T11S, R7-18E; T12S, R7-18E; T13S, R7-18E; T14S, R7-18E; T15S, R7-18E; T16S, R8-18E; T17S, R9-18E; T18S, R11-18E; T19S, R15-18E.
  - f. In Pinal County: T1N, R8-13E; T1S, R8-14E; T2S, R8-14E; T3S, R6-14E; T3S, R17-18E; T4S, R7-18E; T5S, R9-18E; T6S, R15-18E; T7S, R15-18E; T8S, R10-18E; T9S, R9-18E; T10S, R8-18E.
11. "Earthmoving activity" means any land clearing, land cutting and filling operations, blasting, trenching, road construction, grading, landscaping, landfill operations, weed abatement through discing, soil mulching, or any other activity associated with land development where the objective is to disturb the surface of the earth.
12. "Modified unpaved access point" means a project where paving operations are an integral part of new construction, reconstruction, or a pavement rehabilitation project on the paved public road.
13. "Nonresidential construction site" means a construction site where industrial, commercial, or institutional construction is taking place, including roads on the project

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site and excluding single family or multifamily home construction. Nonresidential construction does not include:

- a. Dust generating activities associated with the emergency repair of utilities;
  - b. Roadway construction, unless it is associated with a nonresidential construction site; or
  - c. Ongoing mining and quarrying activities, except construction of new structures.
14. "Owner or operator" means any person including, but not limited to, the property owner, lessee, developer, responsible official, general or prime contractor, supervisor, management company, or any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this Part.
  15. "Pave/Pavement" means the application and maintenance of asphalt, concrete, or other similar material to a roadway surface, such as asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt.
  16. "Paved public road" means a public road that is covered with asphalt, recycled asphalt, asphaltic concrete, concrete, or any other pavement.
  17. "Private road" means any road, equipment path or travel way used for motorized vehicle travel that is not a "public road" defined in R18-2-D1301.18.
  18. "Public road" means any road, equipment path or travel way used for motorized vehicle travel that is owned by federal, state, county, municipal or other governmental or quasi-governmental agencies.
  19. "Trackout" means any and all bulk materials that adhere to and agglomerate on the exterior surface of motor vehicles, haul trucks, or equipment (including tires) and that have fallen onto a paved roadway.
  20. "Unpaved access point" means a location where an "unpaved public road" intersects with, adjoins, or otherwise connects to a "paved public road."
  21. "Unpaved haul/access road" means any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.
  22. "Unpaved parking and staging area" means any nonresidential area that is not covered by asphalt, recycled asphalt, asphaltic concrete, concrete, or any other pavement that is used for fueling and servicing; shipping, receiving and transfer; or parking or storing equipment, haul trucks, vehicles, and any conveyances, including on-site unpaved access routes to such an area.
  23. "Unpaved public road" means a public road that is not covered with asphalt, recycled asphalt, asphaltic concrete, concrete, or any other pavement.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 1658 (July 28, 2023), effective September 10, 2023 (Supp. 23-3).

**R18-2-D1302. Fugitive Dust Emissions from Nonresidential Construction****A. Applicability.**

1. This Section applies to the owner or operator of a nonresidential construction site, as defined in R18-2-D1301(13), within the Dust Visibility Protection Areas, as defined in R18-2-D1301(10).
2. Effective date. Except as otherwise provided, the provisions of this Section shall take effect on January 1, 2025.

**B. Exemptions.** This Section shall not apply to:

1. Areas subject to Maricopa County Air Pollution Control Regulations, Rule 310 Fugitive Dust From Dust-Generating Operations (as amended January 27, 2010);
2. Areas subject to Pinal County Air Quality Control District Code of Regulations, Chapter 4, Article 3. Construction Sites - Fugitive Dust (as amended October 28, 2015) and Chapter 4, Article 7. Construction Sites in Nonattainment Areas – Fugitive Dust (as amended June 3, 2009);

**C. Notification.**

1. The owner or operator of a nonresidential construction site shall notify the Director at least 30 days before beginning any construction activity by submitting a notification form prescribed by the Director.
2. Notification under subsection (C)(1) shall include:
  - a. Applicant name, organization/company, address, phone number, and email address;
  - b. Location of the construction site (street address or GPS coordinates of the center of the site);
  - c. The total area of the property upon which construction activities occur and an estimate of the area expected to be used for parking and staging activities;
  - d. Expected start and completion date of any construction activities;
  - e. Control measures selected from subsections (D)(1) and (2).
3. The owner or operator shall notify the director of any changes to the information included in the notification required under subsection (C)(1) as soon as practicable. Notification of a change to the construction start date must be provided no later than 30 days before the new start date.

**D. Standards.**

1. Unpaved parking and staging areas. The owner or operator of a nonresidential construction site with unpaved parking and staging areas that have a cumulative area of one acre or more shall implement and use at least one of the following measures to reduce emissions of fugitive dust:
  - a. Apply and maintain chemical stabilizers/dust suppressants;
  - b. Apply and maintain clean gravel to a depth of two inches;
  - c. Install and maintain pavement.
2. Application and maintenance of chemical stabilizers/dust suppressants under subsection (D)(1)(a) shall be made in accordance with the manufacturer's recommendation.
3. Speed limit. To reduce emissions of fugitive dust, the owner or operator of a nonresidential construction site with 10 acres or more of disturbed surface area associated with the construction project shall restrict maximum vehicular speeds to 15 miles per hour on all unpaved traffic areas of the site including unpaved easements, right of way, unpaved haul/access roads and parking areas by installing speed limit signs at each entrance and along haul/access roads, with a minimum of four signs per site.

**E. Monitoring.**

1. To demonstrate compliance with subsection (D)(1), the owner or operator shall perform inspections on each day dust-generating operations are conducted of all parking and staging areas, including routinely traveled surfaces as evidenced by tire tracks, to ensure continued implementation of required control measures.



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2. To demonstrate compliance with subsection (D)(2), the owner or operator shall perform inspections on each day dust-generating operations are conducted of vehicular traffic at the construction site to ensure continued implementation of required control measures.
- F. Recordkeeping and Reporting.**
1. The owner or operator shall maintain the following records:
    - a. Records of control measures implemented and maintained as required by subsection (D) including:
      - i. The types of surface treatments, extent of coverage, and frequency/date of application/installation;
      - ii. Copies of manufacturer specifications for chemical stabilizers/dust suppressants, if applicable; and
      - iii. The number and placement of speed limit signs.
    - b. Written records of self-inspection required by subsections (E)(1) and (E)(2) on each day dust-generating operations are conducted. Inspection records shall, at a minimum, include:
      - i. Identification of inspector;
      - ii. Inspection date and time;
      - iii. General findings of inspection;
      - iv. Gravel coverage and measurements of depth, if applicable;
      - v. A description of how vehicle speed limits are restricted and enforced, such as, speed checks with radar guns, or other effective means; and
      - vi. Any corrective action or preventive measures taken as a result of the self-inspection, such as, application of additional dust suppressants or gravel and maintenance or replacement of speed limit signs.
  2. Records required by subsections (F)(1)(a) and (F)(1)(b) shall be kept onsite and made available for review by the Director within two business days of notice to the owner or operator. For onsite requests by the Director, the owner or operator shall provide such records without delay.
  3. The owner or operator shall retain all records, including supporting documentation, required by this Section for five years from the date of such record.
- Historical Note**
- New Section made by final rulemaking at 29 A.A.R. 1658 (July 28, 2023), effective September 10, 2023 (Supp. 23-3).
- R18-2-D1303. Fugitive Dust Emissions from Paved Roads**
- A. Applicability.** This Section applies to the owner or operator of an unpaved access point within the Dust Visibility Protection Areas, as defined in R18-2-D1301(10).
- B. Exemptions.** The provisions of subsection (C)(2) shall not apply to areas subject to Pinal County Air Quality Control District Code of Regulations, Chapter 4, Article 1. West Pinal PM10 Moderate Nonattainment Area Fugitive Dust (as amended October 28, 2015).
- C. Standards.**
1. Application of dust controls measures to unpaved access points. The owner or operator of a new or modified unpaved access point with a paved road exceeding 2,700 ADT shall apply dust controls measures to the unpaved access point by implementing and using at least one of the following measures to reduce trackout onto the paved roadway:
    - a. Apply and maintain chemical stabilizers/dust suppressants;
    - b. Apply and maintain clean gravel to a depth of two inches;
    - c. Install and maintain pavement.
  2. Control measures under subsections (C)(1)(a) through (C)(1)(c) shall be applied for the full width of the unpaved roadway and up to the right-of-way limits of the paved road or up to 100 ft. from the centerline of the adjoining paved road, whichever is less. Application and maintenance of chemical stabilizers/dust suppressants under subsection (C)(1)(a) shall be made in accordance with the manufacturer's recommendation.
  3. Cleanup of trackout, spillage, and erosion-caused deposition of any bulk material on paved public roadways. The owner or operator of the property within the Dust Visibility Protection Areas from which the trackout, spillage, or erosion caused deposition came shall, upon discovery of bulk material that extends 50 feet or more from the nearest unpaved surface exit onto the paved public roadway:
    - a. Within 24 hours of discovery, remove the bulk material from the paved public roadway with one of the following control measures:
      - i. Manual sweeping and pickup; or
      - ii. Operating a rotary brush or broom accompanied or preceded by sufficient wetting to limit fugitive dust emissions; or
      - iii. Operating a street sweeper; or
      - iv. Flushing with water, if curb and gutters are not present and where the use of water will not result in a source of trackout material or result in adverse impacts on storm water drainage systems or violate any Arizona Pollutant Discharge Elimination System permit program.
    - b. During removal of bulk material, do so in a manner that does not cause another source of fugitive dust.
    - c. If needed, restrict vehicles from traveling over the bulk material until such time as the material can be removed from the travel lanes of the paved public roadway pursuant to subsection (C)(2)(a). In the event unsafe travel conditions would result from restricting traffic and:
      - i. Removal of such material isn't possible within 72 hours due to a weekend or holiday condition; or
      - ii. After reasonable effort, the owner or operator of the property is unable to obtain state or local agency approval to restrict vehicle traffic and removal of such material isn't possible within 72 hours, the provisions of subsection (C)(2)(a) may be extended upon notification to and approval of the Director.
    - d. The removal of carryout and trackout from paved public roads does not exempt an owner/operator from obtaining state or local agency permits which may be required for the cleanup of bulk material on paved public roads.
- D. Recordkeeping and Reporting.**
1. The owner or operator shall maintain records of control measures implemented and maintained as required by subsection (C) including the date and time of application/

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- installation, and copies of manufacturer specifications for chemical stabilizers/dust suppressants, if applicable.
2. Records required by subsection (D)(1) shall be made available for review by the Director within two business days of notice to the owner or operator.
  3. The owner or operator shall retain all records, including supporting documentation, required by this Section for five years from the date of such record.
  4. Initial inventory. Within one year from the effective date of this Section, each city, county, state, or federal agency with primary responsibility for any existing paved public roadway with 2,700 ADT or greater shall provide the Director with a list of all unpaved access points under its jurisdiction. Evaluation of ADT shall be based on actual collected ADT data if available, or estimated based on state roadway functional classification designations or other similar means. The evaluation method shall be reported in the initial inventory.
  5. Annual report. By April 1 of each year the owner or operator of a public roadway shall submit to the Director a report containing the following information:
    - a. Location of any unpaved access points to which control measures were applied during the previous calendar year according to subsection (C)(1) (street address or GPS coordinates);
    - b. Actual or estimated ADT of the intersecting paved public roadway portion of each access point and the evaluation method used;
    - c. The control measure applied/installed according to subsection (C)(1);
    - d. The length and width of the unpaved roadway upon which control measures were applied/installed according to subsection (C)(1);
    - e. The start and completion date of initial application/installation of controls according to subsection (C)(1); and
    - f. An update to the list of unpaved access points required under subsection (D)(4) to include any new access points that become subject to this Section due to changes in ADT.
  4. "CAA" means the Clean Air Act, as amended.
  5. "Cause or contribute to a new violation" for a project means either of the following:
    - a. To cause or contribute to a new violation of a standard in the area substantially affected by the project or over a region which would otherwise not be in violation of the standard during the future period in question, if the project were not implemented.
    - b. To contribute to a new violation in a manner that would increase the frequency or severity of a new violation of a standard in such area.
  6. "Consultation" means that one party confers with another identified party, provides access to all appropriate information to that party needed for meaningful input, and, prior to taking any action, considers the views of that party and responds in accordance with the procedures established in R18-2-1405.
  7. "Control strategy implementation plan revision" is the applicable implementation plan which contains specific strategies for controlling the emissions of and reducing ambient levels of pollutants in order to satisfy CAA requirements for demonstrations of reasonable further progress and attainment (CAA §§ 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 189(a)(1)(B), and 189(b)(1)(A); and §§ 192(a) and 192(b), for nitrogen dioxide).
  8. "Control strategy period" with respect to particulate matter less than 10 microns in diameter (PM<sub>10</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), or ozone precursors (volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>)), means that period of time after EPA approves control strategy implementation plan revisions containing strategies for controlling PM<sub>10</sub>, NO<sub>2</sub>, CO, or ozone, as appropriate. This period ends when the state submits and EPA approves a request under § 107(d) of the CAA for redesignation to an attainment area.
  9. "Design concept" means the type of facility identified by the project, e.g., freeway, expressway, arterial highway, grade-separated highway, reserved right-of-way rail transit, mixed traffic rail transit, exclusive busway, etc.
  10. "Design scope" means the design aspects of a facility which will affect the proposed facility's impact on regional emissions, usually as they relate to vehicle or person carrying capacity and control, e.g., number of lanes or tracks to be constructed or added, length of project, signalization, access control including approximate number and location of interchanges, preferential treatment for high-occupancy vehicles, etc.
  11. "EPA" means the United States Environmental Protection Agency.
  12. "FHWA" means the Federal Highway Administration of USDOT.
  13. "FHWA or FTA project" means any highway or transit project which is proposed to receive funding assistance and approval through the Federal-Aid Highway program or the federal mass transit program, or requires Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) approval for some aspect of the project, such as connection to an interstate highway or deviation from applicable design standards on the interstate system.
  14. "FTA" means the Federal Transit Administration of USDOT.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 1658 (July 28, 2023), effective September 10, 2023 (Supp. 23-3).

**ARTICLE 14. CONFORMITY DETERMINATIONS****R18-2-1401. Definitions**

Terms used in this Article but not defined in this Article, Article 1 of this Chapter, or A.R.S. § 49-401.01 shall have the meaning given them by the CAA, Titles 23 and 40 U.S.C., other EPA regulations, or other USDOT regulations, in that order of priority. The following definitions and the definitions contained in Article 1 of this Chapter and in A.R.S. § 49-401.01 shall apply to this Article:

1. "ADEQ" means the Arizona Department of Environmental Quality.
2. "ADOT" means the Arizona Department of Transportation.
3. "Applicable implementation plan" is defined in § 302(q) of the CAA and means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under § 110, or promulgated under § 110(c), or promulgated or approved pursuant to regulations promulgated under § 301(d) and which implements the relevant requirements of the CAA.

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15. "Forecast period" with respect to a transportation plan means the period covered by the transportation plan pursuant to 23 CFR 450.
16. "Highway project" means an undertaking to implement or modify a highway facility or highway-related program. Such an undertaking consists of all required phases necessary for implementation. For analytical purposes, it shall be defined sufficiently to:
  - a. Connect logical termini and be of sufficient length to address environmental matters on a broad scope.
  - b. Have independent utility or significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made.
  - c. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.
17. "Horizon year" means a year for which the transportation plan describes the envisioned transportation system in accordance with R18-2-1406.
18. "Hot-spot analysis" means an estimation of likely future localized CO and PM<sub>10</sub> pollutant concentrations and a comparison of those concentrations to the national ambient air quality standards. Pollutant concentrations to be estimated should be based on the total emissions burden which may result from the implementation of a single, specific project, summed together with future background concentrations (which can be estimated using the ratio of future to current traffic multiplied by the ratio of future to current emission factors) expected in the area. The total concentration shall be estimated and analyzed at appropriate receptor locations in the area substantially affected by the project. Hot-spot analysis assesses impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, and uses an air quality dispersion model to determine the effects of emissions on air quality.
19. "Incomplete data area" means any ozone nonattainment area which EPA has classified, in 40 CFR 81, as an incomplete data area.
20. "Increase the frequency or severity of a violation" means to cause a location or region to exceed a standard more often or to cause a violation at a greater concentration than previously existed or would otherwise exist during the future period in question, if the project were not implemented.
21. "ISTEA" means the Intermodal Surface Transportation Efficiency Act of 1991.
22. "Local transportation agency" means a city, town, or county.
23. "Maintenance area" means any geographic region of the United States previously designated nonattainment pursuant to the CAA Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under § 175A of the CAA.
24. "Maintenance period" with respect to a pollutant or pollutant precursor means that period of time beginning when a state submits and EPA approves a request under § 107(d) of the CAA for redesignation to an attainment area, and lasting for 20 years, unless the applicable implementation plan specifies that the maintenance period shall last for more than 20 years.
25. "Metropolitan planning organization (MPO)" means the organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607.
26. "Milestone" means an emissions level and the date on which it is required to be achieved as described in § 182(g)(1) and § 189(c) of the CAA.
27. "Motor vehicle emissions budget" means that portion of the total allowable emissions defined in a revision to the applicable implementation plan (or in an implementation plan revision which was endorsed by the Governor or Director of ADEQ, subject to a public hearing, and submitted to EPA, but not yet approved by EPA) for a certain date for the purpose of meeting reasonable further progress milestones or attainment or maintenance demonstrations, for any criteria pollutant or its precursors, allocated by the applicable implementation plan to highway and transit vehicles. The applicable implementation plan for an ozone nonattainment area may also designate a motor vehicle emissions budget for oxides of nitrogen (NO<sub>x</sub>) for a reasonable further progress milestone year if the applicable implementation plan demonstrates that this NO<sub>x</sub> budget will be achieved with measures in the implementation plan (as an implementation plan must do for VOC milestone requirements). The applicable implementation plan for an ozone nonattainment area includes a NO<sub>x</sub> budget if NO<sub>x</sub> reductions are being substituted for reductions in volatile organic compounds in milestone years required for reasonable further progress.
28. "National ambient air quality standards (NAAQS)" means those standards established pursuant to § 109 of the CAA.
29. "NEPA" means the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).
30. "NEPA process completion" with respect to FHWA or FTA, means the point at which there is a specific action to do any of the following:
  - a. Make a formal final determination that a project is categorically excluded.
  - b. Make a Finding of No Significant Impact.
  - c. Issue a record of decision on a Final Environmental Impact Statement under NEPA.
31. "Nonattainment area" means any geographic region of the United States which has been designated as nonattainment under § 107 of the CAA for any pollutant for which a national ambient air quality standard exists.
32. "Not classified area" means any carbon monoxide nonattainment area which EPA has not classified as either moderate or serious.
33. "Phase II of the interim period" with respect to a pollutant or pollutant precursor means that period of time after December 27, 1993, lasting until the earlier of the following:
  1. Submission to EPA of the relevant control strategy implementation plan revisions which have been endorsed by the Governor or the Director of ADEQ and have been subject to a public hearing.
  2. The date that the CAA requires relevant control strategy implementation plans to be submitted to EPA, provided EPA has made a finding of the state's failure to submit any such plans and the state, MPO, and USDOT have received notice of such finding of the state's failure to submit any such plans.

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34. "Project" means a highway project or transit project.
35. "Recipient of funds designated under 23 U.S.C. or the Federal Transit Act" means any agency at any level of state, county, or city government, including any political subdivision or MPO, that routinely receives 23 U.S.C. or Federal Transit Act funds to construct FHWA or FTA projects, operate FHWA or FTA projects or equipment, purchase equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners or developers, or contractors or entities that are only paid for services or products created by their own employees.
36. "Regional transportation agency" means a regional transit authority established pursuant to A.R.S. Title 28, Chapter 20 or Chapter 24, or a formal association of political subdivisions involved in regional transportation issues.
37. "Regionally significant transportation project" means a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals, as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.
38. "Rural transport ozone nonattainment area" means an ozone nonattainment area that does not include, and is not adjacent to, any part of a Metropolitan Statistical Area or, where one exists, a Consolidated Metropolitan Statistical Area (as defined by the United States Bureau of the Census) and is classified under CAA § 182(h) as a rural transport area.
39. "Standard" means a national ambient air quality standard.
40. "Statewide transportation improvement program (STIP)" means a staged, multi-year, intermodal program of transportation projects covering the state, which is consistent with the statewide transportation plan and metropolitan transportation plans, and developed pursuant to 23 CFR 450.
41. "Statewide transportation plan" means the official intermodal statewide transportation plan that is developed through the statewide planning process for the state, developed pursuant to 23 CFR 450.
42. "Submarginal area" means any ozone nonattainment area which EPA has classified as submarginal in 40 CFR 81.
43. "Transit" is mass transportation by bus, rail, or other conveyance which provides general or special service to the public on a regular and continuing basis. It does not include school buses or charter or sightseeing services.
44. "Transit project" means an undertaking to implement or modify a transit facility or transit-related program, purchase transit vehicles or equipment, or provide financial assistance for transit operations. It does not include actions that are solely within the jurisdiction of local transit agencies, such as changes in routes, schedules, or fares. It may consist of several phases. For analytical purposes, it shall be defined inclusively enough to:
  - a. Connect logical termini and be of sufficient length to address environmental matters on a broad scope.
  - b. Have independent utility or independent significance, i.e., be a reasonable expenditure even if no additional transportation improvements in the area are made.
  - c. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.
45. "Transitional area" means any ozone nonattainment area which EPA has classified as transitional in 40 CFR 81.
46. "Transitional period" with respect to a pollutant or pollutant precursor means that period of time which begins after submission to EPA of the relevant control strategy implementation plan which has been endorsed by the Governor or Director of ADEQ and has been subject to a public hearing. The transitional period lasts until EPA takes final approval or disapproval action on the control strategy implementation plan submission or finds it to be incomplete. The precise beginning and end of the transitional period is defined in R18-2-1428.
47. "Transportation control measure (TCM)" means any measure that is specifically identified and committed to in the applicable implementation plan that is either one of the types listed in § 108 of the CAA, or any other measure for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. Notwithstanding the above, vehicle technology-based, fuel-based, and maintenance-based measures which control the emissions from vehicles under fixed traffic conditions are not TCMs for the purposes of this Part.
48. "Transportation improvement program (TIP)" means a staged, multi-year, intermodal program of transportation projects covering a metropolitan planning area which is consistent with the metropolitan transportation plan and developed pursuant to 23 CFR 450.
49. "Transportation plan" means the official intermodal metropolitan transportation plan that is developed through the metropolitan planning process for the metropolitan planning area, developed pursuant to 23 CFR 450.
50. "Transportation project" means a highway project or a transit project.
51. "USDOT" means the United States Department of Transportation.
52. "VMT" means the number of vehicle miles traveled.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1402. Applicability**

- A. Except as provided for in subsection (F) or R18-2-1434, conformity determinations are required for all of the following:
  1. The adoption, acceptance, approval, or support of transportation plans developed pursuant to 23 CFR 450 or 49 CFR 613 by an MPO or USDOT.
  2. The adoption, acceptance, approval, or support of TIPs developed pursuant to 23 CFR 450 or 49 CFR 613 by an MPO or USDOT.
  3. The approval, funding, or implementation of FHWA or FTA projects.
- B. Conformity determinations are not required under this Article for individual projects which are not FHWA or FTA projects. However, R18-2-1429 applies to such projects if they are regionally significant.
- C. The provisions of this Article shall apply in all nonattainment and maintenance areas for transportation-related criteria pol-

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lutants for which the area is designated nonattainment or has a maintenance plan.

- D. The provisions of this Article apply with respect to emissions of the following criteria pollutants: ozone, carbon monoxide, nitrogen dioxide, and particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>).
- E. The provisions of this Article apply with respect to emissions of the following precursor pollutants:
  1. Volatile organic compounds and nitrogen oxides in ozone areas (unless the Administrator determines under § 182(f) of the CAA that additional reductions of NO<sub>x</sub> would not contribute to attainment).
  2. Nitrogen oxides in nitrogen dioxide areas.
  3. Volatile organic compounds, nitrogen oxides, and PM<sub>10</sub> in PM<sub>10</sub> areas if either of the following apply:
    - a. During the interim period, the EPA Regional Administrator or the Director of ADEQ has made a finding (including a finding in an applicable implementation plan or a submitted implementation plan revision) that transportation-related precursor emissions within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified ADOT or the MPO where one exists and USDOT.
    - b. During the transitional, control strategy, and maintenance periods, the applicable implementation plan or implementation plan submission establishes a budget for such emissions as part of the reasonable further progress, attainment, or maintenance strategy.
- F. Projects subject to this Article for which the NEPA process and a conformity determination have been completed by FHWA or FTA may proceed toward implementation without further conformity determinations if one of the following major steps has occurred within the most recent three-year period: NEPA process completion; formal start of final design; acquisition of a significant portion of the right-of-way; or approval of the plans, specifications, and estimates. All phases of such projects which were considered in the conformity determination are also included, if those phases were for the purpose of funding, final design, right-of-way acquisition, construction, or any combination of these phases.
- G. A new conformity determination for the project will be required if there is a significant change in project design concept and scope, if a supplemental environmental document for air quality purposes is initiated, or if no major steps to advance the project have occurred within the most recent three-year period.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1403. Priority**

When assisting or approving any action with air quality-related consequences, FHWA and FTA shall give priority to the implementation of those transportation portions of an applicable implementation plan prepared to attain and maintain the NAAQS. This priority shall be consistent with statutory requirements for allocation of funds among states or other jurisdictions.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1404. Frequency of Conformity Determinations**

- A. Conformity determinations and conformity redeterminations for transportation plans, TIPs, and FHWA or FTA projects

shall be made according to the requirements of this Section and the applicable implementation plan.

- B. Each new transportation plan shall be found to conform before the transportation plan is approved by the MPO or accepted by USDOT.
- C. All transportation plan revisions shall be found to conform before the transportation plan revisions are approved by the MPO or accepted by USDOT, unless the revision merely adds or deletes exempt projects listed in R18-2-1434 and has been made in accordance with the notification provisions contained in R18-2-1405. The conformity determination shall be based on the transportation plan and the revision taken as a whole.
- D. An existing conformity determination shall lapse unless conformity of existing transportation plans is redetermined:
  1. By May 25, 1995, unless previously redetermined consistent with 40 CFR 51, subpart T.
  2. Within 18 months after EPA approval of an implementation plan revision which either:
    - a. Establishes or revises a transportation-related emissions budget (as required by CAA §§ 175A(a), 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 189(a)(1)(B), and 189(b)(1)(A); and §§ 192(a) and 192(b), for nitrogen dioxide); or
    - b. Adds, deletes, or changes TCMs.
  3. Within 18 months after EPA promulgation of an implementation plan which establishes or revises a transportation-related emissions budget or adds, deletes, or changes TCMs.
- E. In any case, conformity determinations shall be made no less frequently than every three years, or the existing conformity determination will lapse.
- F. A new TIP shall be found to conform before the TIP is approved by the MPO or accepted by USDOT.
- G. A TIP amendment requires a new conformity determination for the entire TIP before the amendment is approved by the MPO or accepted by USDOT, unless the amendment merely adds or deletes exempt projects listed in R18-2-1434 and has been made in accordance with the notification procedures under R18-2-1405.
- H. After an MPO adopts a new or revised transportation plan, TIP conformity shall be redetermined by the MPO and USDOT within six months from the date of adoption of the plan, unless the new or revised plan merely adds or deletes exempt projects listed in R18-2-1434. Otherwise, the existing conformity determination for the TIP shall lapse.
- I. In any case, TIP conformity determinations shall be made no less frequently than every three years or the existing TIP conformity determination shall lapse.
- J. FHWA or FTA projects shall be found to conform before they are adopted, accepted, approved, or funded. Conformity shall be redetermined for any FHWA or FTA project if none of the following major steps has occurred within the most recent three-year period:
  1. NEPA process completion,
  2. Start of final design,
  3. Acquisition of a significant portion of the right-of-way,
  4. Approval of the plans, specifications, and estimates.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1405. Consultation**

- A. Consultation procedures as described in this Section shall be undertaken by all of the following entities and shall include the public and affected local and regional transportation agencies

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in preparing for and making conformity determinations and in developing applicable implementation plans:

1. An MPO where one exists.
  2. The Arizona Department of Transportation (ADOT).
  3. The United States Department of Transportation (USDOT).
  4. The Arizona Department of Environmental Quality (ADEQ).
  5. The county air pollution control agency established pursuant to A.R.S. Title 49 where one exists.
  6. The United States Environmental Protection Agency (EPA).
- B.** The following elements shall be used to implement the consultation processes under subsection (M), with the exception of subsection (M)(8), and under subsection (N), with the exception of subsections (N)(2) and (N)(3), and shall include all affected agencies and interested members of the public, and may be conducted at separate times or in combination:
1. Providing to the affected agencies and interested members of the public information describing the upcoming decision process,
  2. Distributing or providing access to draft documents,
  3. Providing an opportunity for informal question and answer on the draft document or proposed decision,
  4. Providing an opportunity for formal written comment,
  5. Writing and distributing both a response to comments and the final document or decision.
- C.** An MPO where one exists, ADEQ, a county air pollution control agency where one exists, ADOT, a transit authority where one exists, and any local transportation agency shall undertake a consultation process in accordance with this Section with each other, with the local or regional offices of EPA, FHWA and FTA, with affected regional transportation agencies, and with the public on the development of the following as described in subsections (D) through (G):
1. The implementation plan, including the emission budget and list of TCMs in the applicable implementation plan;
  2. The unified planning work program under 23 CFR § 450.314;
  3. The transportation plan and TIP;
  4. The statewide transportation plan and STIP;
  5. Any revisions to the preceding documents;
  6. All transportation conformity determinations.
- D.** ADEQ, or the MPO in a county having a population greater than 250,000 persons, shall be the lead agency responsible for preparing an implementation plan, the associated emission budgets, and the list of TCMs in the plan. The lead agency shall also be responsible for assuring the adequacy of the consultation process. The concurrence of ADEQ on each implementation plan is required before ADEQ adopts the plan and transmits it to EPA for inclusion in the state implementation plan pursuant to A.R.S. § 49-406.
- E.** ADOT, or the MPO where one exists, shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the consultation process with respect to the development of the transportation plan and the TIP. The MPO shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the consultation process with respect to the development of the unified planning work program under 23 CFR 450.314.
- F.** ADOT shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the consultation process with respect to the development of the statewide transportation plan and the STIP.
- G.** ADOT, or the MPO where one exists, shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the consultation process with respect to determinations of transportation conformity, except that the entity authorized to adopt or approve a project shall be the lead agency responsible for project-level conformity determinations for projects outside of the transportation plan or TIP and shall assure the adequacy of the consultation process.
- H.** Each lead agency described in subsections (D) through (G) shall:
1. Confer with all other agencies having an interest in the document or decision to be developed;
  2. Provide access to all information needed for meaningful input;
  3. Solicit early and continuing input from those agencies;
  4. Conduct the public consultation process described in subsection (P);
  5. Assure policy-level contact with agencies;
  6. With the exception of notifications pursuant to subsection (M)(8), prior to taking any action required pursuant to subsections (D) through (G), consider the views of each agency and the public and respond to significant comments in a timely, substantive written manner prior to taking any final action and assure that such views and written response are made part of the record of any action.
- I.** FHWA and FTA shall be responsible for assuring timely action on final findings of conformity for transportation plans, TIPs, and federally funded projects, including the basis for those findings, after consulting with other agencies as provided in this Section. FHWA and FTA shall also be responsible for providing guidance on conformity and the transportation planning process to agencies in consultation. FHWA and FTA may rely on the consultation process initiated by ADOT or the MPO where one exists and shall not be required to duplicate that process.
- J.** EPA shall be responsible for reviewing and approving updated motor vehicle emissions factors and providing guidance on conformity criteria and procedures to agencies in consultation.
- K.** Each lead agency subject to a consultation process under this Section, including any federal agency, shall provide or notice the availability of each final document that is the product of the consultation process, together with all supporting information, to each other agency and members of the public that have participated in the consultation process within 15 days of adopting or approving the document or making the determination. An agency may supply a checklist of available supporting information, which other participating agencies or the public may use to request all or part of the supporting information, in lieu of generally distributing all supporting information.
- L.** A meeting that is scheduled or required for another purpose may be used for the purposes of consultation if the conformity consultation purpose is identified in the public notice for the meeting.
- M.** A consultation process involving an MPO where one exists, ADEQ, a county air pollution control agency where one exists, ADOT, a transit authority where one exists, local and regional transportation agencies, EPA, USDOT, and the public shall be undertaken for the following:
1. Evaluating and choosing each model and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses including vehicle miles

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- traveled (VMT) forecasting. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
2. Determining whether the responsible agency identified in R18-2-1433 has demonstrated that the requirements of R18-2-1416, R18-2-1418 and R18-2-1419 are satisfied without a particular mitigation or control measure. The consultation process pursuant to this subsection shall be initiated by the responsible agency.
  3. Making a determination, as required by R18-2-1429(C)(2), whether the project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, even if the project is not included in the TIP for the purposes of MPO project selection or endorsement, and whether the project's design concept and scope have changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility. The consultation process pursuant to this subsection shall be initiated by the MPO. In nonattainment areas where no MPO exists, ADOT shall initiate the consultation process for making a determination, as required by R18-2-1429(C)(2), whether a project that is outside of a TIP is included in the regional emissions analysis, and whether the project's design concept and scope have changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility.
  4. Determining pursuant to subsection (R) which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP. The consultation process pursuant to this subsection shall be initiated by the MPO. In nonattainment areas where no MPO exists, ADOT shall initiate the consultation process for determining pursuant to subsection (R) which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis.
  5. Evaluating whether exempt projects as described in R18-2-1434 and R18-2-1435 should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
  6. Making a determination, as required by R18-2-1413, whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This consultation process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or to substitute TCMs or other emission reduction measures. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
  7. Identifying, as required by R18-2-1431, projects located at sites in PM<sub>10</sub> nonattainment areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM<sub>10</sub> hot-spot analysis. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
  8. Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in R18-2-1434. Notice shall be provided by the MPO and need not be provided prior to final action. Notice shall be provided by ADOT for revisions and amendments affecting the state transportation plan and the state TIP. The public involvement process described in subsection (P) is not required for the purposes of this subsection.
  9. Project-level conformity determinations pursuant to R18-2-1416. The consultation process pursuant to this subsection shall be initiated by the recipient of the funds designated under 23 U.S.C. or the Federal Transit Act.
- N. A consultation process involving the MPO, ADEQ, a county air pollution control agency where one exists, ADOT, appropriate political subdivisions, regional transportation agencies, if any, and the public shall be undertaken for the following:
1. Evaluating events which will trigger new conformity determinations in addition to those triggering events established in R18-2-1404 and including any changes in planning assumptions that may trigger a new conformity determination. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
  2. Consulting on emissions analysis for transportation activities which cross the borders of MPOs or nonattainment areas or air basins. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists. The public involvement process described in subsection (P) is not required for the purposes of this subsection.
  3. Where the metropolitan planning area does not include the entire nonattainment or maintenance area, a consultation process involving the MPO and ADOT for cooperative planning and analysis for purposes of determining conformity of all projects outside the metropolitan area and within the nonattainment or maintenance area. The consultation process pursuant to this subsection shall be initiated by ADOT. The public involvement process described in subsection (P) is not required for the purposes of this subsection.
  4. The design, schedule, and funding of research and data collection efforts and regional transportation model development. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
  5. Determining that a conforming project approved with mitigation no longer requires mitigation. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
- O. The following consultation processes involve recipients of funds designated under 23 U.S.C. or the Federal Transit Act:
1. A consultation process involving the MPO, ADEQ, a county air pollution control agency where one exists, ADOT, recipients of funds designated under 23 U.S.C. or the Federal Transit Act and any agency created under state law that sponsors or approves transportation projects shall be undertaken to assure that plans for construction of regionally significant projects which are not FHWA or

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FTA projects, including projects for which alternative locations, design concept or scope, or the no-build option are still being considered, are disclosed as soon as practicable to ADOT or the MPO where one exists, so as to assure that any significant changes to the design concept or scope of those plans are disclosed as soon as practicable. The political subdivision having authority to adopt or approve a regionally significant transportation project, and any agency that becomes aware of any such project through applications for approval, permitting, funding, or otherwise shall disclose such project to ADOT or the MPO if one exists as soon as practicable. To help assure timely disclosure, the political subdivision having authority to adopt or approve any potential regionally significant transportation project shall disclose to ADOT or the MPO on a schedule prescribed by ADOT or the MPO, whichever is appropriate, each project for which alternatives have been identified through the NEPA process and, in particular, any preferred alternative that may be a regionally significant project. The consultation process shall include assuming the location, design concept, and scope of the project, where the sponsor has not yet decided these features, in sufficient detail to allow ADOT or the MPO to perform a regional emissions analysis. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.

2. A consultation process involving the MPO, ADEQ, a county air pollution control agency where one exists, ADOT, recipients of funds designated under 23 U.S.C. or the Federal Transit Act, any agency created under state law that sponsors or approves transportation projects, and the public shall be undertaken for the development of procedures as described in R18-2-1429. The consultation process pursuant to this subsection shall be initiated by ADOT or the MPO where one exists.
- P. Public involvement processes shall be conducted according to the requirements of this subsection.**
1. ADOT or the MPO, where one exists, when making conformity determinations on transportation plans, programs, and projects shall establish and continuously implement a proactive public involvement process which provides opportunity for public review and comment prior to taking formal action on a conformity determination for all transportation plans and TIPs, that meets the following minimum requirements:
    - a. Includes a process that provides complete information, timely public notice, full public access to key decisions and supports early and continuing involvement of the public in developing plans and TIPs.
    - b. Requires a minimum public comment period of 45 days before the public involvement process is initially adopted or revised.
    - c. Provides timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs, and projects, including but not limited to central city and other local jurisdiction concerns.
    - d. Provides reasonable public access to technical and policy information used in the development of plans and TIPs and open public meetings where matters related to the federal-aid highway and transit programs are being considered.
  - e. Requires adequate public notice of public involvement activities and time for public review and comment at key decision points, including, but not limited to, approval of plans and TIPs and approval of changes in plans and TIPs. In nonattainment areas classified as serious and above, the comment period shall be at least 30 days for the plan, TIP, and major amendments. Public notice shall include mailing of notice to a list of all persons who have requested notice of actions covered by this Article.
  - f. Demonstrates explicit consideration and response to public input received during the planning and program development processes.
  - g. Seeks out and considers the needs of those traditionally underserved by existing transportation systems, including but not limited to low-income and minority households.
  - h. When significant written and oral comments are received on a draft transportation plan or TIP, including the financial plan, as a result of the public involvement process or the consultation process required by this Section, a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP.
  - i. If the final transportation plan or TIP differs significantly from the one which was made available for public comment by the MPO and it raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity for public comment on the revised plan or TIP shall be made available.
  - j. ADOT or the MPO where one exists shall specifically address in writing all public comments that known plans for a regionally significant transportation project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP.
  - k. Public involvement processes shall be periodically reviewed by ADOT or the MPO in terms of their effectiveness in assuring that the process provides full and open access to all.
    - l. These procedures will be reviewed by the FHWA and the FTA during certification reviews for TMAs, and as otherwise necessary for all MPOs, to assure that full and open access is provided to MPO decisionmaking processes.
  - m. Metropolitan public involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and to reduce redundancies and costs.
2. Local and regional transportation agencies when making conformity determinations on regionally significant transportation projects shall establish and implement a public involvement process which meets, at a minimum, the following requirements:
    - a. Provides to the affected agencies and interested members of the public information describing the upcoming decision process.



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- b. Distributes or provides access to draft documents and all information needed for meaningful input.
  - c. Solicits early and continuing input from interested agencies and the public.
  - d. Provides an opportunity for informal question and answer on the draft document or proposed decision.
  - e. Provides an opportunity for formal written comment.
  - f. Provides for writing and distributing both a response to comments and the final document or decision. The response to comments shall consider the views of each agency and the public. The response to comments shall be made in a timely, substantive written manner prior to taking any final action and shall be made part of the record of any action.
- Q.** Any conflict among state agencies or between state agencies and an MPO shall be escalated to the Governor if the conflict cannot be resolved by the directors of the involved agencies. In the first instance, such entities shall make every effort to resolve any differences, including personal meetings between the directors of such entities or their policy-level representatives, to the extent possible. Within 14 calendar days after ADOT or the MPO has notified ADEQ of its decision, ADEQ may appeal a proposed determination of conformity, or other policy decision under this Article, to the Governor. ADEQ must provide notice of any appeal under this subsection to ADOT or the MPO. If ADEQ does not appeal to the Governor within 14 days, ADOT or the MPO may proceed with the final determination or decision. If ADEQ appeals to the Governor, the final conformity determination or policy decision shall have the concurrence of the Governor. The Governor may delegate to another official or agency within the state the role of hearing any appeal under this subsection and of deciding whether to concur in the determination or decision but may not delegate these functions to the director or staff of ADEQ, to any local air quality agency, to ADOT, to any state transportation commission or board, to an MPO, or to any agency that has responsibility for any of these functions.
- R.** The following procedures shall govern the consultation process regarding regionally significant transportation projects as defined in R18-2-1401(37):
1. By September 1, 1995, ADOT or the MPO where one exists shall develop and make available, for each nonattainment or maintenance area, consistent with A.R.S. § 49-408(A), the following:
    - a. A map of the highway or transit facilities in the nonattainment or maintenance area that serve regional transportation needs.
    - b. Guidance on which undertakings to implement or modify a highway facility are not transportation projects as defined in this Article, because they are not of sufficient length to address environmental matters on a broad scope.
    - c. Guidance on which types of transportation projects are normally included in the regional transportation model.
  2. The map and guidance described in subsection (R)(1) shall be produced only after consultation with ADEQ, a county air pollution control agency where one exists, ADOT, a transit authority where one exists, local and regional transportation agencies, and the public. The map developed pursuant to subsection (R)(1) shall be updated prior to the commencement of the next TIP or STIP development cycle, unless no changes have occurred. The guidance developed pursuant to subsection (R)(3) shall be revised as necessary to reflect changes in the regional transportation model.
  3. ADOT or the MPO where one exists shall develop and initiate the consultation process described in subsection (H) for a proposed list of transportation projects to be considered regionally significant. The consultation process shall include the MPO where one exists, ADEQ, a county air pollution control agency where one exists, ADOT, a transit authority where one exists, local and regional transportation agencies, EPA, USDOT, and the public. The list shall include information supporting the proposed classification.
  4. In determining whether a facility serves regional transportation needs, ADOT or the MPO where one exists shall consider at a minimum whether the facility:
    - a. Would be classified as a principal arterial based on average daily traffic or other factors, if not for limitations that the USDOT places on the percentage of streets that can be so classified.
    - b. For all other roadways, whether the facility:
      - i. Serves regional mobility needs, as opposed to local access.
      - ii. Carries regional traffic from one principal arterial to another.
      - iii. Is a modification that expands a facility such that it would serve regional transportation needs.
  5. For the purposes of this Article, a street with a lower classification than a collector street, as specified in the most recent federal classification map for the region, does not serve regional transportation needs.
  6. None of the following attributes, by itself, shall require a transportation project to be included in the modeling of a metropolitan area's transportation network:
    - a. The connection of a facility that does not serve regional transportation needs to a facility that does serve regional transportation needs.
    - b. The addition or modification of a lane other than a through lane.
- S.** An agency having a role or responsibility under this Section may delegate that role or responsibility to another entity pursuant to the applicable state law but shall notify all other parties to the consultation process of this fact when the delegation occurs and shall also provide to the other parties the name, address, and telephone number of one or more contact persons representing the entity that is accepting the delegated role or responsibility.
- T.** The provisions of this Section apply only to TIP and STIP planning cycles beginning with the cycles next following the effective date of this Section. The provisions of 40 CFR 51, Subpart T, continue to apply to all TIP and STIP planning cycles in progress at the time of the effective date of this Section. The provisions of this Section apply to consultation on projects and TIP amendments as of the effective date of this Section.
- Historical Note**  
Adopted effective June 15, 1995 (Supp. 95-2).
- R18-2-1406. Content of Transportation Plans**
- A.** For transportation plans adopted after January 1, 1995, in serious, severe, or extreme ozone nonattainment areas and in serious carbon monoxide nonattainment areas, the following shall apply:

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1. The transportation plan shall specifically describe the transportation system envisioned for certain future years which shall be called horizon years.
2. The agency or organization developing the transportation plan, after consultation pursuant to R18-2-1405, may choose any years to be horizon years, subject to the following restrictions:
  - a. Horizon years may be no more than 10 years apart.
  - b. The first horizon year may be no more than 10 years from the base year used to validate the transportation demand planning model.
  - c. If the attainment year is in the time span of the transportation plan, the attainment year shall be a horizon year.
  - d. The last horizon year shall be the last year of the transportation plan's forecast period.
3. For these horizon years all of the following apply:
  - a. The transportation plan shall quantify and document the demographic and employment factors influencing expected transportation demand, including land-use forecasts, in accordance with implementation plan provisions and R18-2-1405.
  - b. The highway and transit system shall be described in terms of the regionally significant additions or modifications to the existing transportation network which the transportation plan envisions to be operational in the horizon years. Additions and modifications to the highway network shall be sufficiently identified to indicate intersections with existing regionally significant facilities and to determine their effect on route options between transportation analysis zones. Each added or modified highway segment shall also be sufficiently identified in terms of its design concept and design scope to allow modeling of travel times under various traffic volumes, consistent with the modeling methods for area-wide transportation analysis in use by the MPO. Transit facilities, equipment, and services envisioned for the future shall be identified in terms of design concept, design scope, and operating policies sufficiently to allow modeling of their transit ridership. The description of additions and modifications to the transportation network shall also be sufficiently specific to show that there is a reasonable relationship between expected land use and the envisioned transportation system.
  - c. Other future transportation policies, requirements, services, and activities, including intermodal activities, shall be described.
- B. Ozone or CO nonattainment areas which are reclassified from moderate to serious shall meet the requirements of subsection (A) within two years from the date of reclassification.
- C. Transportation plans for other areas shall meet the requirements of subsection (A) at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans shall describe the transportation system envisioned for the future specifically enough to allow determination of conformity according to the criteria and procedures of R18-2-1409 through R18-2-1427.
- D. The requirements of this Section supplement other requirements of applicable law or regulation governing the format or content of transportation plans.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1407. Relationship of Transportation Plan and TIP Conformity with the NEPA Process**

The degree of specificity required in the transportation plan and the specific travel network assumed for air quality modeling do not preclude the consideration of alternatives in the NEPA process or other project development studies. Should the NEPA process result in a project with design concept and scope significantly different from that in the transportation plan or TIP, the project shall meet the criteria in R18-2-1409 through R18-2-1427 for projects not from a TIP before NEPA process completion.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1408. Fiscal Constraints for Transportation Plans and TIPs**

Transportation plans and TIPs shall demonstrate that they are fiscally constrained consistent with USDOT's metropolitan planning regulations at 23 CFR 450 in order to be found in conformity.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1409. Criteria and Procedures for Determining Conformity of Transportation Plans, Programs, and Projects: General**

- A. In order to be found to conform, each transportation plan, program, and FHWA or FTA project shall satisfy the applicable criteria and procedures in R18-2-1410 through R18-2-1427 as listed in Table 1 of this Section and shall comply with all applicable conformity requirements of implementation plans and of court orders for the area which pertain specifically to conformity determination requirements. The criteria for making conformity determinations differ based on the action under review (transportation plans, TIPs, and FHWA or FTA projects), the time period in which the conformity determination is made, and the relevant pollutant.
- B. The following table indicates the criteria and procedures in R18-2-1410 through R18-2-1427 which apply for each action in each time period:

**Table 1. Conformity Criteria  
DURING ALL PERIODS**

Action	Criteria
Transportation Plan	R18-2-1410, R18-2-1411, R18-2-1412, R18-2-1413(B)
TIP	R18-2-1410, R18-2-1411, R18-2-1412, R18-2-1413(C)
Project (from a conforming plan and TIP)	R18-2-1410, R18-2-1411, R18-2-1412, R18-2-1414, R18-2-1415, R18-2-1416, R18-2-1417
Project (not from a conforming plan and TIP)	R18-2-1410, R18-2-1411, R18-2-1412, R18-2-1413(D), R18-2-1414, R18-2-1416, R18-2-1417

**PHASE II OF THE INTERIM PERIOD**

Action	Criteria
Transportation Plan	R18-2-1422, R18-2-1425
TIP	R18-2-1423, R18-2-1426
Project (from a conforming plan and TIP)	R18-2-1421
Project (not from a conforming plan and TIP)	R18-2-1421, R18-2-1424, R18-2-1427

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## TRANSITIONAL PERIOD

Action	Criteria
Transportation Plan	R18-2-1418, R18-2-1422, R18-2-1425
TIP	R18-2-1419, R18-2-1423, R18-2-1426
Project (from a conforming plan and TIP)	R18-2-1421
Project (not from a conforming plan and TIP)	R18-2-1420, R18-2-1421, R18-2-1424, R18-2-1427

## CONTROL STRATEGY AND MAINTENANCE PERIODS

Action	Criteria
Transportation Plan	R18-2-1418
TIP	R18-2-1419
Project (from a conforming plan and TIP)	No additional criteria
Project (not from a conforming plan and TIP)	R18-2-1420

R18-2-1410. The conformity determination must be based on the latest planning assumptions.

R18-2-1411. The conformity determination must be based on the latest emission estimation model available.

R18-2-1412. The MPO must make the conformity determination according to the consultation procedures of this rule and the implementation plan revision required by 40 CFR 51.396.

R18-2-1413. The transportation plan, TIP, or FHWA or FTA project which is not from a conforming plan and TIP must provide for the timely implementation of TCMs from the applicable implementation plan.

R18-2-1414. There must be a currently conforming transportation plan and currently conforming TIP at the time of project approval.

R18-2-1415. The project must come from a conforming transportation plan and program.

R18-2-1416. The FHWA or FTA project must not cause or contribute to any new localized CO or PM<sub>10</sub> violations or increase the frequency or severity of any existing CO or PM<sub>10</sub> violations in CO and PM<sub>10</sub> nonattainment and maintenance areas.

R18-2-1417. The FHWA or FTA project must comply with PM<sub>10</sub> control measures in the applicable implementation plan.

R18-2-1418. The transportation plan must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.

R18-2-1419. The TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.

R18-2-1420. The project which is not from a conforming transportation plan and conforming TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.

R18-2-1421. The FHWA or FTA project must eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project (in CO nonattainment areas).

R18-2-1422. The transportation plan must contribute to emissions reductions in ozone and CO nonattainment areas.

R18-2-1423. The TIP must contribute to emissions reductions in ozone and CO nonattainment areas.

R18-2-1424. The project which is not from a conforming transportation plan and TIP must contribute to emissions reductions in ozone and CO nonattainment areas.

R18-2-1425. The transportation plan must contribute to emission reductions or must not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas.

R18-2-1426. The TIP must contribute to emission reductions or must not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas.

R18-2-1427. The project which is not from a conforming transportation plan and TIP must contribute to emission reductions or must not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1410. Criteria and Procedures: Latest Planning Assumptions**

- A. During all periods the conformity determination, with respect to all other applicable criteria in R18-2-1411 through R18-2-1427, shall be based upon the most recent complete planning assumptions in force at the time of the conformity determination. The conformity determination shall satisfy the requirements of subsections (B) through (F).
- B. Assumptions, including vehicle miles traveled per capita or per household, trip generation per household, vehicle occupancy, household size, vehicle fleet mix, vehicle ownership, and the geographic distribution of population growth shall be derived from the estimates of current and future population, employment, travel, and congestion most recently used by ADOT or the MPO where one exists. Population estimates shall be consistent with the estimates developed by the Arizona Department of Economic Security pursuant to A.R.S. § 41-1954(A). The conformity determination shall also be based on the latest assumptions about current and future background concentrations.
- C. The conformity determination for each transportation plan and TIP shall discuss how transit operating policies (including fares and service levels) and assumed transit ridership have changed since the previous conformity determination.
- D. The conformity determination shall include reasonable assumptions about transit service and increases in transit fares and road and bridge tolls over time.
- E. The conformity determination shall use the latest existing information regarding the effectiveness of the TCMs which have already been implemented.
- F. Key assumptions shall be specified and included in the draft documents and supporting materials used for the interagency and public consultation required by R18-2-1405.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1411. Criteria and Procedures: Latest Emissions Model**

- A. During all periods the conformity determination shall be based on the latest emission estimation model available. This criterion is satisfied if the most current version of the motor vehicle emissions model specified by EPA for use in the preparation or revision of implementation plans in that state or area is used for the conformity analysis. Where EMFAC is the motor vehicle emissions model used in preparing or revising the applicable implementation plan, new versions shall be approved by EPA before they are used in the conformity analysis.
- B. Conformity analyses for which the emissions analysis was begun during the grace period or before the Federal Register notice of availability of the latest emission model, or during any grace period announced in such notice, may continue to

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use the previous version of the model for transportation plans and TIPs. The previous model may also be used for projects if the analysis was begun during the grace period or before the Federal Register notice of availability, provided no more than three years have passed since the draft environmental document was issued.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1412. Criteria and Procedures: Consultation**

All conformity determinations shall be made according to the consultation procedures in R18-2-1405. This criterion applies during all periods. Until the implementation plan revision required by 40 CFR 51.396 is approved by EPA, the conformity determination shall be made according to the procedures in R18-2-1405. Once the implementation plan revision has been approved by EPA, this criterion is satisfied if the conformity determination is made consistent with the implementation plan's consultation requirements.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1413. Criteria and Procedures: Timely Implementation of TCMs**

- A. During all periods the transportation plan, TIP, or FHWA, or FTA project which is not from a conforming plan and TIP shall provide for the timely implementation of TCMs from the applicable implementation plan.
- B. For transportation plans, this criterion is satisfied if the following two conditions are met:
  1. The transportation plan, in describing the envisioned future transportation system, provides for the timely completion or implementation of all TCMs in the applicable implementation plan which are eligible for funding under 23 U.S.C. or the Federal Transit Act, consistent with schedules included in the applicable implementation plan.
  2. Nothing in the transportation plan interferes with the implementation of any TCM in the applicable implementation plan.
- C. For TIPs, this criterion is satisfied if all of the following conditions are met:
  1. An examination of the specific steps and funding source needed to fully implement each TCM indicates that TCMs which are eligible for funding under 23 U.S.C. or the Federal Transit Act are on or ahead of the schedule established in the applicable implementation plan, or, if such TCMs are behind the schedule established in the applicable implementation plan, the MPO and USDOT have determined that past obstacles to implementation of the TCMs have been identified and have been or are being overcome, and that all state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding of TCMs over other projects within their control, including projects in locations outside the nonattainment or maintenance area. Maximum priority to approval or funding of TCMs includes demonstrations with respect to funding acceleration, commitment of staff or other agency resources, diligent efforts to seek approvals, and similar actions.
  2. If federal funding intended for TCMs in the applicable implementation plan has previously been programmed but is reallocated to projects in the TIP other than TCMs, (or if there are no other TCMs in the TIP, to projects in the TIP other than projects which are eligible for federal

funding under ISTEA's Congestion Mitigation and Air Quality Improvement Program), and the TCMs are behind the schedule in the implementation plan, the TIP cannot be found to conform.

3. Nothing in the TIP may interfere with the implementation of any TCM in the applicable implementation plan.
- D. For FHWA or FTA projects which are not from a conforming transportation plan and TIP, this criterion is satisfied if the project does not interfere with the implementation of any TCM in the applicable implementation plan.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1414. Criteria and Procedures: Currently Conforming Transportation Plan and TIP**

During all periods there shall be a currently conforming transportation plan and currently conforming TIP at the time of project approval. This criterion is satisfied if the current transportation plan and TIP have been found to conform to the applicable implementation plan by the MPO and USDOT according to the procedures of this subpart. Only one conforming transportation plan or TIP may exist in an area at any time; conformity determinations of a previous transportation plan or TIP expire once the current plan or TIP is found to conform by USDOT. The conformity determination on a transportation plan or TIP will also lapse if conformity is not determined according to the frequency requirements of R18-2-1404.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1415. Criteria and Procedures: Projects from a Plan and TIP**

- A. During all periods the project shall come from a conforming transportation plan and program. Otherwise, the project shall satisfy all criteria in Table 1 of R18-2-1409 for a project not from a conforming transportation plan and TIP. A project is considered to be from a conforming transportation plan if it meets the requirements of subsection (B) and from a conforming program if it meets the requirements of subsection (C).
- B. A project is considered to be from a conforming transportation plan if one of the following conditions applies:
  1. For projects which are required to be identified in the transportation plan in order to satisfy R18-2-1406, the project is specifically included in the conforming transportation plan and the project's design concept and scope have not changed significantly from those which were described in the transportation plan, or in a manner which would significantly impact use of the facility.
  2. For projects which are not required to be specifically identified in the transportation plan, the project is identified in the conforming transportation plan, or is consistent with the policies and purpose of the transportation plan and will not interfere with other projects specifically included in the transportation plan.
- C. A project is considered to be from a conforming program if all of the following conditions are met:
  1. The project is included in the conforming TIP and the design concept and scope of the project were adequate at the time of the TIP conformity determination to determine its contribution to the TIP's regional emissions and have not changed significantly from those which were described in the TIP, or in a manner which would significantly impact use of the facility.
  2. If the TIP describes a project design concept and scope which includes project-level emissions mitigation or con-

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trol measures, enforceable written commitments to implement such measures shall be obtained from the project sponsor or operator as required by R18-2-1433 in order for the project to be considered from a conforming program. Any change in these mitigation or control measures that would significantly reduce their effectiveness constitutes a change in the design concept and scope of the project.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1416. Criteria and Procedures: Localized CO and PM<sub>10</sub> Violations (Hot Spots)**

- A. During all periods any FHWA or FTA project shall not cause or contribute to any new localized CO or PM<sub>10</sub> violations or increase the frequency or severity of any existing CO or PM<sub>10</sub> violations in CO and PM<sub>10</sub> nonattainment and maintenance areas. This criterion is satisfied if it is demonstrated that no new local violations will be created and the severity or number of existing violations will not be increased as a result of the project.
- B. The demonstration shall be performed according to the requirements of R18-2-1405 and R18-2-1431.
- C. For projects which are not of the type identified by R18-2-1431(A) or R18-2-1431(D), this criterion may be satisfied if consideration of local factors clearly demonstrates that no local violations presently exist and no new local violations will be created as a result of the project. Otherwise, in CO nonattainment and maintenance areas, a quantitative demonstration shall be performed according to the requirements of R18-2-1431(B).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1417. Criteria and Procedures: Compliance with PM<sub>10</sub> Control Measures**

During all periods any FHWA or FTA project shall comply with PM<sub>10</sub> control measures in the applicable implementation plan. This condition is satisfied if control measures (for the purpose of limiting PM<sub>10</sub> emissions from the construction activities or normal use and operation associated with the project) contained in the applicable implementation plan are included in the final plans, specifications, and estimates for the project.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1418. Criteria and Procedures: Motor Vehicle Emissions Budget (Transportation Plan)**

- A. The transportation plan shall be consistent with the motor vehicle emissions budget in the applicable implementation plan or implementation plan submission. This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in R18-2-1436. This criterion may be satisfied if the requirements in subsections (B) and (C) are met:
- B. A regional emissions analysis shall be performed as follows:
  1. The regional analysis shall estimate emissions of any of the following pollutants and pollutant precursors for which the area is in nonattainment or maintenance and for which the applicable implementation plan or implementation plan submission establishes an emissions budget:
    - a. VOC as an ozone precursor.

- b. NO<sub>x</sub> as an ozone precursor, unless the Administrator determines that additional reductions of NO<sub>x</sub> would not contribute to attainment.
  - c. CO.
  - d. PM<sub>10</sub> (and its precursors VOC or NO<sub>x</sub> if the applicable implementation plan or implementation plan submission identifies transportation-related precursor emissions within the nonattainment area as a significant contributor to the PM<sub>10</sub> nonattainment problem or establishes a budget for such emissions).
  - e. NO<sub>x</sub> (in NO<sub>2</sub> nonattainment or maintenance areas).
2. The regional emissions analysis shall estimate emissions from the entire transportation system, including all regionally significant transportation projects contained in the transportation plan and all other regionally significant highway and transit projects expected in the nonattainment or maintenance area in the time-frame of the transportation plan.
  3. The emissions analysis methodology shall meet the requirements of R18-2-1430.
  4. For areas with a transportation plan that meets the content requirements of R18-2-1406(A), the emissions analysis shall be performed for each horizon year. Emissions in milestone years which are between the horizon years may be determined by interpolation.
  5. For areas with a transportation plan that does not meet the content requirements of R18-2-1406(A), the emissions analysis shall be performed for all of the following:
    - a. The last year of the plan's forecast period.
    - b. The attainment year, if the attainment year is in the time span of the transportation plan.
    - c. Any other years in the time span of the transportation plan such that there is not a gap of more than 10 years between analysis years. Emissions in milestone years which are between these analysis years may be determined by interpolation.
- C. The regional emissions analysis shall demonstrate that for each of the applicable pollutants or pollutant precursors in subsection (B)(1) the emissions are less than or equal to the motor vehicle emissions budget as established in the applicable implementation plan or implementation plan submission as follows:
    1. If the applicable implementation plan or implementation plan submission establishes emissions budgets for milestone years, emissions in each milestone year are less than or equal to the motor vehicle emissions budget established for that year.
    2. For nonattainment areas, emissions in the attainment year are less than or equal to the motor vehicle emissions budget established in the applicable implementation plan or implementation plan submission for that year.
    3. For nonattainment areas, emissions in each analysis or horizon year after the attainment year are less than or equal to the motor vehicle emissions budget established by the applicable implementation plan or implementation plan submission for the attainment year. If emissions budgets are established for years after the attainment year, emissions in each analysis year or horizon year shall be less than or equal to the motor vehicle emissions budget for that year, if any, or the motor vehicle emissions budget for the most recent budget year prior to the analysis year or horizon year.
    4. For maintenance areas, emissions in each analysis or horizon year are less than or equal to the motor vehicle

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emissions budget established by the maintenance plan for that year, if any, or the emissions budget for the most recent budget year prior to the analysis or horizon year.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1419. Criteria and Procedures: Motor Vehicle Emissions Budget (TIP)**

- A. The TIP shall be consistent with the motor vehicle emissions budgets in the applicable implementation plan or implementation plan submission. This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in R18-2-1436. This criterion may be satisfied if the requirements in subsections (B) and (C) are met.
- B. For areas with a conforming transportation plan that fully meets the content requirements of R18-2-1406(A), this criterion may be satisfied without additional regional emissions analysis if:
  1. Each program year of the TIP is consistent with the federal funding which may be reasonably expected for that year, and required state or local matching funds and funds for state or local funding-only projects are consistent with the revenue sources expected over the same period; and
  2. The TIP is consistent with the conforming transportation plan such that the regional emissions analysis already performed for the plan applies to the TIP also. This requires a demonstration that:
    - a. The TIP contains all projects which shall be started in the TIP's time-frame in order to achieve the highway and transit system envisioned by the transportation plan in each of its horizon years;
    - b. All TIP projects which are regionally significant are part of the specific highway or transit system envisioned in the transportation plan's horizon years; and
    - c. The design concept and scope of each regionally significant transportation project in the TIP is not significantly different from that described in the transportation plan.
  3. If the requirements in subsections (B)(1) and (B)(2) are not met, then either:
    - a. The TIP may be modified to meet those requirements; or
    - b. The transportation plan shall be revised so that the requirements in subsections (B)(1) and (B)(2) are met. Once the revised plan has been found to conform, this criterion is met for the TIP with no additional analysis except a demonstration that the TIP meets the requirements of subsections (B)(1) and (B)(2).
- C. For areas with a transportation plan that does not meet the content requirements of R18-2-1406(A), a regional emissions analysis shall meet all of the following requirements:
  1. The regional emissions analysis shall estimate emissions from the entire transportation system, including all projects contained in the proposed TIP, the transportation plan, and all other regionally significant highway and transit projects expected in the nonattainment or maintenance area in the time-frame of the transportation plan.
  2. The analysis methodology shall meet the requirements of R18-2-1430(C).
  3. The regional emissions analysis shall satisfy the requirements of R18-2-1418(B)(1), R18-2-1418(B)(5), and R18-2-1418(C).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1420. Criteria and Procedures: Motor Vehicle Emissions Budget (Project Not from a Plan and TIP)**

- A. The project which is not from a conforming transportation plan and a conforming TIP shall be consistent with the motor vehicle emissions budget in the applicable implementation plan or implementation plan submission. This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in R18-2-1436. It is satisfied if emissions from the implementation of the project, when considered with the emissions from the projects in the conforming transportation plan and TIP and all other regionally significant transportation projects expected in the area, do not exceed the motor vehicle emissions budget in the applicable implementation plan or implementation plan submission.
- B. For areas with a conforming transportation plan that meets the content requirements of R18-2-1406(A):
  1. This criterion may be satisfied without additional regional analysis if the project is included in the conforming transportation plan, even if it is not specifically included in the latest conforming TIP. This requires a demonstration that all of the following apply:
    - a. Allocating funds to the project will not delay the implementation of projects in the transportation plan or TIP which are necessary to achieve the highway and transit system envisioned by the transportation plan in each of its horizon years.
    - b. The project is not regionally significant or is part of the specific highway or transit system envisioned in the transportation plan's horizon years.
    - c. The design concept and scope of the project is not significantly different from that described in the transportation plan.
  2. If the requirements in subsection (B)(1) are not met, a regional emissions analysis shall be performed as follows:
    - a. The analysis methodology shall meet the requirements of R18-2-1430.
    - b. The analysis shall estimate emissions from the transportation system, including the proposed project and all other regionally significant transportation projects expected in the nonattainment or maintenance area in the time-frame of the transportation plan. The analysis shall include emissions from all previously approved projects which were not from a transportation plan and TIP.
    - c. The regional emissions analysis shall meet the requirements of R18-2-1418(B)(1), R18-2-1418(B)(4) and R18-2-1418(C).
- C. For areas with a transportation plan that does not meet the content requirements of R18-2-1406(A), a regional emissions analysis shall be performed for the project together with the conforming TIP and all other regionally significant transportation projects expected in the nonattainment or maintenance area. This criterion may be satisfied if all of the following apply:
  1. The analysis methodology meets the requirements of R18-2-1430(C).
  2. The analysis estimates emissions from the transportation system, including the proposed project, and all other regionally significant transportation projects expected in the nonattainment or maintenance area in the time-frame of the transportation plan.

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3. The regional emissions analysis satisfies the requirements of R18-2-1418(B)(1), R18-2-1418(B)(5), and R18-2-1418(C).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1421. Criteria and Procedures: Localized CO Violations (Hot Spots) in the Interim and Transitional Periods**

- A. Each FHWA or FTA project shall eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project (in CO nonattainment areas). This criterion applies during the interim and transitional periods only. This criterion is satisfied with respect to existing localized CO violations if it is demonstrated that existing localized CO violations will be eliminated or reduced in severity and number as a result of the project.
- B. The demonstration shall be performed according to the requirements of R18-2-1405 and R18-2-1431.
- C. For projects which are not of the type identified by R18-2-1431(A), this criterion may be satisfied if consideration of local factors clearly demonstrates that existing CO violations will be eliminated or reduced in severity and number. Otherwise, a quantitative demonstration shall be performed according to the requirements of R18-2-1431(B).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1422. Criteria and Procedures: Interim and Transitional Period Reductions in Ozone and CO Areas (Transportation Plan)**

- A. A transportation plan shall contribute to emissions reductions in ozone and CO nonattainment areas. This criterion applies during the interim and transitional periods only, except as otherwise provided in R18-2-1436. It applies to the net effect on emissions of all projects contained in a new or revised transportation plan. This criterion may be satisfied if a regional emissions analysis is performed as described in subsections (B) through (F).
- B. Determine the analysis years for which emissions are to be estimated. Analysis years shall be no more than 10 years apart. The first analysis year shall be no later than the first milestone year (1995 in CO nonattainment areas and 1996 in ozone nonattainment areas). The second analysis year shall be either the attainment year for the area or, if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.
- C. Define the Baseline scenario for each of the analysis years to be the future transportation system that would result from current programs, composed of all of the following, except that projects listed in R18-2-1434 and R18-2-1435 need not be explicitly considered:
  1. All in-place regionally significant highway and transit facilities, services and activities.
  2. All ongoing travel demand management or transportation system management activities.
  3. Completion of all regionally significant transportation projects, regardless of funding source, which are currently under construction or are undergoing right-of-way acquisition (except for hardship acquisition and protective buying); come from the first three years of the previously conforming transportation plan or TIP; or have completed the NEPA process. For the first conformity

determination on the transportation plan after November 24, 1993, a project may not be included in the Baseline scenario and shall be included in the Action scenario as described in subsection (D), if one of the following major steps has not occurred within the most recent three-year period:

- a. NEPA process completion;
  - b. Start of final design;
  - c. Acquisition of a significant portion of the right-of-way;
  - d. Approval of the plans, specifications and estimates.
- D. Define the Action scenario for each of the analysis years as the transportation system that will result in that year from the implementation of the proposed transportation plan, TIPs adopted under it, and other expected regionally significant transportation projects in the nonattainment area. The Action scenario will include all of the following except that projects listed in R18-2-1434 and R18-2-1435 need not be explicitly considered:
    1. All facilities, services, and activities in the Baseline scenario;
    2. Completion of all TCMs and regionally significant transportation projects, including facilities, services, and activities, specifically identified in the proposed transportation plan which will be operational or in effect in the analysis year, except that regulatory TCMs may not be assumed to begin at a future time unless the regulation is already adopted by the enforcing jurisdiction or the TCM is identified in the applicable implementation plan;
    3. All travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which have been fully adopted or funded by the enforcing jurisdiction or sponsoring agency since the last conformity determination on the transportation plan;
    4. The incremental effects of any travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which were adopted or funded prior to the date of the last conformity determination on the transportation plan, but which have been modified since then to be more stringent or effective;
    5. Completion of all expected regionally significant highway and transit projects which are not from a conforming transportation plan and TIP;
    6. Completion of all expected regionally significant non-FHWA/FTA highway and transit projects that have clear funding sources and commitments leading toward their implementation and completion by the analysis year.
  - E. Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the Baseline and Action scenarios and determine the difference in regional VOC and NO<sub>x</sub> emissions (unless the Administrator determines that additional reductions of NO<sub>x</sub> would not contribute to attainment) between the two scenarios for ozone nonattainment areas and the difference in CO emissions between the two scenarios for CO nonattainment areas. The analysis shall be performed for each of the analysis years according to the requirements of R18-2-1430. Emissions in milestone years which are between the analysis years may be determined by interpolation.

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- F. This criterion is met if the regional VOC and NO<sub>x</sub> emissions (for ozone nonattainment areas) and CO emissions (for CO nonattainment areas) predicted in the Action scenario are less than the emissions predicted from the Baseline scenario in each analysis year, and if this can reasonably be expected to be true in the periods between the first milestone year and the analysis years. The regional analysis shall show that the Action scenario contributes to a reduction in emissions from the 1990 emissions by any nonzero amount.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1423. Criteria and Procedures: Interim Period Reductions in Ozone and CO Areas (TIP)**

- A. A TIP shall contribute to emissions reductions in ozone and CO nonattainment areas. This criterion applies during the interim and transitional periods only, except as otherwise provided in R18-2-1436. It applies to the net effect on emissions of all projects contained in a new or revised TIP. This criterion may be satisfied if a regional emissions analysis is performed as described in subsections (B) through (F).
- B. Determine the analysis years for which emissions are to be estimated. The first analysis year shall be no later than the first milestone year (1995 in CO nonattainment areas and 1996 in ozone nonattainment areas). The analysis years shall be no more than 10 years apart. The second analysis year shall be either the attainment year for the area or, if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.
- C. Define the Baseline scenario as the future transportation system that would result from current programs, composed of all of the following, except that projects listed in R18-2-1434 and R18-2-1435 need not be explicitly considered:
1. All in-place regionally significant highway and transit facilities, services, and activities.
  2. All ongoing travel demand management or transportation system management activities.
  3. Completion of all regionally significant transportation projects, regardless of funding source, which are currently under construction or are undergoing right-of-way acquisition, except for hardship acquisition and protective buying; come from the first three years of the previously conforming TIP; or have completed the NEPA process. For the first conformity determination on the TIP after November 24, 1993, a project may not be included in the Baseline scenario if one of the following major steps has not occurred within the most recent three-year period:
    - a. NEPA process completion.
    - b. Start of final design.
    - c. Acquisition of a significant portion of the right-of-way.
    - d. Approval of the plans, specifications, and estimates. Such a project shall be included in the Action scenario, as described in subsection (D).
- D. Define the Action scenario as the future transportation system that will result from the implementation of the proposed TIP and other expected regionally significant transportation projects in the nonattainment area in the time-frame of the transportation plan. It will include all of the following, except that projects listed in R18-2-1434 and R18-2-1435 need not be explicitly considered:
1. All facilities, services, and activities in the Baseline scenario;
  2. Completion of all TCMs and regionally significant transportation projects, including facilities, services, and activities, included in the proposed TIP, except that regulatory TCMs may not be assumed to begin at a future time unless the regulation is already adopted by the enforcing jurisdiction or the TCM is contained in the applicable implementation plan;
  3. All travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which have been fully adopted or funded by the enforcing jurisdiction or sponsoring agency since the last conformity determination on the TIP;
  4. The incremental effects of any travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which were adopted or funded prior to the date of the last conformity determination on the TIP, but which have been modified since then to be more stringent or effective;
  5. Completion of all expected regionally significant highway and transit projects which are not from a conforming transportation plan and TIP;
  6. Completion of all expected regionally significant non-FHWA/FTA highway and transit projects that have clear funding sources and commitments leading toward their implementation and completion by the analysis year.
- E. Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the Baseline and Action scenarios, and determine the difference in regional VOC and NO<sub>x</sub> emissions (unless the Administrator determines that additional reductions of NO<sub>x</sub> would not contribute to attainment) between the two scenarios for ozone nonattainment areas and the difference in CO emissions between the two scenarios for CO nonattainment areas. The analysis shall be performed for each of the analysis years according to the requirements of R18-2-1430. Emissions in milestone years which are between analysis years may be determined by interpolation.
- F. This criterion is met if the regional VOC and NO<sub>x</sub> emissions in ozone nonattainment areas and CO emissions in CO nonattainment areas predicted in the Action scenario are less than the emissions predicted from the Baseline scenario in each analysis year, and if this can reasonably be expected to be true in the period between the analysis years. The regional analysis shall show that the Action scenario contributes to a reduction in emissions from the 1990 emissions by any nonzero amount.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1424. Criteria and Procedures: Interim Period Reductions for Ozone and CO Areas (Project Not from a Plan and TIP)**

A transportation project shall contribute to emissions reductions in ozone and CO nonattainment areas. This criterion applies during the interim and transitional periods only, except as otherwise provided in R18-2-1436. This criterion is satisfied if a regional emissions analysis is performed which meets the requirements of R18-2-1422 and which includes the transportation plan and project in the Action scenario. If the project which is not from a conforming



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transportation plan and TIP is a modification of a project currently in the plan or TIP, the Baseline scenario shall include the project with its original design concept and scope, and the Action scenario shall include the project with its new design concept and scope.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1425. Criteria and Procedures: Interim Period Reductions for PM<sub>10</sub> and NO<sub>2</sub> Areas (Transportation Plan)**

- A. A transportation plan shall contribute to emission reductions or shall not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas. This criterion applies only during the interim and transitional periods. It applies to the net effect on emissions of all projects contained in a new or revised transportation plan. This criterion may be satisfied if the requirements of either subsections (B) or (C) are met.
- B. Demonstrate that implementation of the plan and all other regionally significant transportation projects expected in the nonattainment area will contribute to reductions in emissions of PM<sub>10</sub> in a PM<sub>10</sub> nonattainment area, and of each transportation-related precursor of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified the MPO and USDOT, and of NO<sub>x</sub> in an NO<sub>2</sub> nonattainment area, by performing a regional emissions analysis as follows:
  1. Determine the analysis years for which emissions are to be estimated. Analysis years shall be no more than 10 years apart. The first analysis year shall be no later than 1996 (for NO<sub>2</sub> areas) or four years and six months following the date of designation (for PM<sub>10</sub> areas). The second analysis year shall be either the attainment year for the area or, if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.
  2. Define for each of the analysis years the Baseline scenario, as defined in R18-2-1422(C), and the Action scenario, as defined in R18-2-1422(D).
  3. Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the Baseline and Action scenarios and determine the difference between the two scenarios in regional PM<sub>10</sub> emissions in a PM<sub>10</sub> nonattainment area (and transportation-related precursors of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified ADOT, the MPO where one exists and USDOT) and in NO<sub>x</sub> emissions in an NO<sub>2</sub> nonattainment area. The analysis shall be performed for each of the analysis years according to the requirements of R18-2-1430. The analysis shall address the periods between the analysis years and the periods between 1990, the first milestone year if any, and the first of the analysis years. Emissions in milestone years which are between the analysis years may be determined by interpolation.
  4. Demonstrate that the regional PM<sub>10</sub> emissions and PM<sub>10</sub> precursor emissions, where applicable, (for PM<sub>10</sub> nonattainment areas) and NO<sub>x</sub> emissions (for NO<sub>2</sub> nonattainment areas) predicted in the Action scenario are less than

the emissions predicted from the Baseline scenario in each analysis year, and that this can reasonably be expected to be true in the periods between the first milestone year (if any) and the analysis years.

- C. Demonstrate that when the projects in the transportation plan and all other regionally significant transportation projects expected in the nonattainment area are implemented, the transportation system's total highway and transit emissions of PM<sub>10</sub> in a PM<sub>10</sub> nonattainment area (and transportation-related precursors of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified the MPO and USDOT) and of NO<sub>x</sub> in an NO<sub>2</sub> nonattainment area will not be greater than baseline levels, by performing a regional emissions analysis as follows:
  1. Determine the baseline regional emissions of PM<sub>10</sub> and PM<sub>10</sub> precursors, where applicable (for PM<sub>10</sub> nonattainment areas) and NO<sub>x</sub> (for NO<sub>2</sub> nonattainment areas) from highway and transit sources. Baseline emissions are those estimated to have occurred during calendar year 1990, unless the control strategy implementation plan for that area includes a baseline emissions inventory for a different year.
  2. Estimate the emissions of the applicable pollutant or pollutants from the entire transportation system, including projects in the transportation plan and TIP and all other regionally significant transportation projects in the nonattainment area, according to the requirements of R18-2-1430. Emissions shall be estimated for analysis years which are no more than 10 years apart. The first analysis year shall be no later than 1996 (for NO<sub>2</sub> areas) or four years and six months following the date of designation (for PM<sub>10</sub> areas). The second analysis year shall be either the attainment year for the area or, if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.
  3. Demonstrate that for each analysis year the emissions estimated in subsection (C)(2) are no greater than baseline emissions of PM<sub>10</sub> and PM<sub>10</sub> precursors, where applicable (for PM<sub>10</sub> nonattainment areas) or NO<sub>x</sub> (for NO<sub>2</sub> nonattainment areas) from highway and transit sources.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1426. Criteria and Procedures: Interim Period Reductions for PM<sub>10</sub> and NO<sub>2</sub> Areas (TIP)**

- A. A TIP shall contribute to emission reductions or shall not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas. This criterion applies only during the interim and transitional periods. It applies to the net effect on emissions of all projects contained in a new or revised TIP. This criterion may be satisfied if the requirements of either subsection (B) or subsection (C) are met.
- B. Demonstrate that implementation of the plan and TIP and all other regionally significant transportation projects expected in the nonattainment area will contribute to reductions in emissions of PM<sub>10</sub> in a PM<sub>10</sub> nonattainment area (and transportation-related precursors of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has

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made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified the MPO and USDOT) and of NO<sub>x</sub> in an NO<sub>2</sub> nonattainment area, by performing a regional emissions analysis as follows:

1. Determine the analysis years for which emissions are to be estimated, according to the requirements of R18-2-1425(B)(1).
  2. Define for each of the analysis years the Baseline scenario, as defined in R18-2-1423(C), and the Action scenario, as defined in R18-2-1423(D).
  3. Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the Baseline and Action scenarios as required by R18-2-1425(B)(3), and make the demonstration required by R18-2-1425(B)(4).
- C. Demonstrate that when the projects in the transportation plan and TIP and all other regionally significant transportation projects expected in the area are implemented, the transportation system's total highway and transit emissions of PM<sub>10</sub> in a PM<sub>10</sub> nonattainment area (and transportation-related precursors of PM<sub>10</sub> in PM<sub>10</sub> nonattainment areas if the EPA Regional Administrator or the Director of ADEQ has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM<sub>10</sub> nonattainment problem and has so notified the MPO and USDOT) and of NO<sub>x</sub> in an NO<sub>2</sub> nonattainment area will not be greater than baseline levels, by performing a regional emissions analysis as required by R18-2-1425(C).

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1427. Criteria and Procedures: Interim Period Reductions for PM<sub>10</sub> and NO<sub>2</sub> Areas (Project Not from a Plan and TIP)**

A transportation project which is not from a conforming transportation plan and TIP shall contribute to emission reductions or shall not increase emissions in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas. This criterion applies during the interim and transitional periods only. This criterion is met if a regional emissions analysis is performed which meets the requirements of R18-2-1425 and which includes the transportation plan and project in the Action scenario. If the project which is not from a conforming transportation plan and TIP is a modification of a project currently in the transportation plan or TIP, and R18-2-1425(B) is used to demonstrate satisfaction of this criterion, the Baseline scenario shall include the project with its original design concept and scope, and the Action scenario shall include the project with its new design concept and scope.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1428. Transition from the Interim Period to the Control Strategy Period**

- A. For areas which submit a control strategy implementation plan revision after November 24, 1993:
1. The transportation plan and TIP shall be demonstrated to conform according to transitional period criteria and procedures by one year from the date the CAA requires submission of such control strategy implementation plan revision. Otherwise, the conformity status of the transportation plan and TIP will lapse, and no new project-level conformity determinations may be made.
    - a. The conformity of new transportation plans and TIPs may be demonstrated according to Phase II

interim period criteria and procedures for 90 days following submission of the control strategy implementation plan revision, provided the conformity of such transportation plans and TIPs is redetermined according to transitional period criteria and procedures as required in subsection (A)(1) and such transportation plans and TIPs are consistent with the motor vehicle emissions budget in the applicable implementation plan or any previously submitted control strategy implementation plan revision.

- b. Beginning 90 days after submission of the control strategy implementation plan revision, new transportation plans and TIPs shall demonstrate conformity according to transitional period criteria and procedures.
  2. If EPA disapproves the submitted control strategy implementation plan revision and so notifies the state, the MPO where one exists, and USDOT, which initiates the sanction process under CAA §§ 179 or 110(m), the conformity status of the transportation plan and TIP shall lapse 120 days after EPA's disapproval, and no new project-level conformity determinations may be made. No new transportation plan, TIP, or project may be found to conform until another control strategy implementation plan revision is submitted and conformity is demonstrated according to transitional period criteria and procedures.
  3. Notwithstanding subsection (A)(2), if EPA disapproves the submitted control strategy implementation plan revision but determines that the control strategy contained in the revision would have been considered approvable with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by CAA § 110(a)(2)(A), the provisions of subsection (A)(1) shall apply for 12 months following the date of disapproval. The conformity status of the transportation plan and TIP shall lapse 12 months following the date of disapproval unless another control strategy implementation plan revision is submitted to EPA and found to be complete.
- B. For areas which have not submitted a control strategy implementation plan revision:
1. For areas whose CAA deadline for submission of the control strategy implementation plan revision is after November 24, 1993, and EPA has notified the state, the MPO where one exists, and USDOT of the state's failure to submit a control strategy implementation plan revision, which initiates the sanction process under CAA §§ 179 or 110(m) all of the following shall apply:
    - a. No new transportation plans or TIPs may be found to conform beginning 120 days after the CAA deadline.
    - b. The conformity status of the transportation plan and TIP shall lapse one year after the CAA deadline, and no new project-level conformity determinations may be made.
  2. For areas whose CAA deadline for submission of the control strategy implementation plan was before November 24, 1993, and EPA has made a finding of failure to submit a control strategy implementation plan revision, which initiates the sanction process under CAA §§ 179 or 110(m), all of the following apply unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator:

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- a. No new transportation plans or TIPs may be found to conform beginning March 24, 1994.
  - b. The conformity status of the transportation plan and TIP shall lapse November 25, 1994, and no new project-level conformity determinations may be made.
- C. For areas which have not submitted a complete control strategy implementation plan revision:
- 1. For areas where EPA notifies the state, the MPO where one exists, and USDOT after November 24, 1993, that the control strategy implementation plan revision submitted by the state is incomplete, which initiates the sanction process under CAA §§ 179 or 110(m), all of the following apply unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator:
    - a. No new transportation plans or TIPs may be found to conform beginning 120 days after EPA's incompleteness finding.
    - b. The conformity status of the transportation plan and TIP shall lapse one year after the CAA deadline, and no new project-level conformity determinations may be made.
    - c. Notwithstanding subsections (C)(1)(a) and (b), if EPA notes in its incompleteness finding that the submittal would have been considered complete with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by CAA § 110(a)(2)(A), the provisions of subsection (A)(1) shall apply for a period of 12 months following the date of the incompleteness determination. The conformity status of the transportation plan and TIP shall lapse 12 months following the date of the incompleteness determination unless another control strategy implementation plan revision is submitted to EPA and found to be complete.
  - 2. For areas where EPA has determined before November 24, 1993, that the control strategy implementation plan revision is incomplete, which initiates the sanction process under CAA §§ 179 or 110(m), all of the following apply unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator:
    - a. No new transportation plans or TIPs may be found to conform beginning March 24, 1994.
    - b. The conformity status of the transportation plan and TIP shall lapse November 25, 1994, and no new project-level conformity determinations may be made.
    - c. Notwithstanding subsections (C)(2)(a) and (b), if EPA notes in its incompleteness finding that the submittal would have been considered complete with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by CAA § 110(a)(2)(A), the provisions of subsection (D)(1) shall apply for a period of 12 months following the date of the incompleteness determination. The conformity status of the transportation plan and TIP shall lapse 12 months following the date of the incompleteness determination unless another control strategy implementation plan revision is submitted to EPA and found to be complete.
- D. For areas which submitted a control strategy implementation plan before November 24, 1993:
- 1. The transportation plan and TIP shall have been demonstrated to conform according to transitional period criteria and procedures by November 25, 1994. Otherwise, their conformity status will lapse, and no new project-level conformity determinations may be made. From and after February 22, 1994, new transportation plans and TIPs shall demonstrate conformity according to transitional period criteria and procedures.
  - 2. If EPA has disapproved the most recent control strategy implementation plan submission, the conformity status of the transportation plan and TIP shall lapse March 24, 1994, and no new project-level conformity determinations may be made. No new transportation plans, TIPs, or projects may be found to conform until another control strategy implementation plan revision is submitted and conformity is demonstrated according to transitional period criteria and procedures.
  - 3. Notwithstanding subsection (D)(2), if EPA has disapproved the submitted control strategy implementation plan revision but determines that the control strategy contained in the revision would have been considered approvable with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by CAA § 110(a)(2)(A), the provisions of subsection (D)(1) shall apply until November 25, 1994. The conformity status of the transportation plan and TIP shall lapse November 25, 1994, unless another control strategy implementation plan revision is submitted to EPA and found to be complete.
- E. If the currently conforming transportation plan and TIP have not been demonstrated to conform according to transitional period criteria and procedures, the requirements of subsections (E)(1) and (2) shall be met.
- 1. Before a FHWA or FTA project which is regionally significant and increases single-occupant vehicle capacity (a new general purpose highway on a new location or adding general purpose lanes) may be found to conform, ADEQ shall be consulted on how the emissions which the existing transportation plan and TIP's conformity determination estimates for the Action scenario, as required by R18-2-1422 through R18-2-1427, compare to the motor vehicle emissions budget in the implementation plan submission or the projected motor vehicle emissions budget in the implementation plan under development.
  - 2. In the event of unresolved disputes on such project-level conformity determinations, ADEQ may escalate the issue to the governor consistent with the procedure in R18-2-1405, which applies for ADEQ comments on a conformity determination.
- F. Redetermination of conformity of the existing transportation plan and TIP according to the transitional period criteria and procedures:
- 1. The redetermination of the conformity of the existing transportation plan and TIP according to transitional period criteria and procedures (as required by subsections (A)(1) and (D)(1)) does not require new emissions analysis and does not have to satisfy the requirements of R18-2-1410 and R18-2-1411 if all of the following are met:
    - a. The control strategy implementation plan revision submitted to EPA uses the MPO's modeling of the existing transportation plan and TIP for its projections of motor vehicle emissions.

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- b. The control strategy implementation plan does not include any transportation projects which are not included in the transportation plan and TIP.
2. A redetermination of conformity as described in subsection (F)(1) is not considered a conformity determination for the purposes of R18-2-1404(E) or R18-2-1404(I) regarding the maximum intervals between conformity determinations. Conformity shall be determined according to all the applicable criteria and procedures of R18-2-1409 within three years of the last determination which did not rely on subsection (F)(1).
- G. Ozone nonattainment areas:**
1. The requirements of subsection (B)(1) apply if a serious or above ozone nonattainment area has not submitted the implementation plan revisions which CAA §§ 182(c)(2)(A) and 182(c)(2)(B) require to be submitted to EPA November 15, 1994, even if the area has submitted the implementation plan revision which CAA § 182(b)(1) requires to be submitted to EPA November 15, 1993.
  2. The requirements of subsection (B)(1) apply if a moderate ozone nonattainment area which is using photochemical dispersion modeling to demonstrate the "specific annual reductions as necessary to attain" required by CAA § 182(b)(1), and which has permission from EPA to delay submission of such demonstration until November 15, 1994, does not submit such demonstration by that date. The requirements of subsection (B)(1) apply in this case even if the area has submitted the 15% emission reduction demonstration required by CAA § 182(b)(1).
  3. The requirements of subsection (A) apply when the implementation plan revisions required by CAA §§ 182(c)(2)(A) and 182(c)(2)(B) are submitted.
- H. Nonattainment areas which are not required to demonstrate reasonable further progress and attainment.** If an area listed in R18-2-1436 submits a control strategy implementation plan revision, the requirements of subsections (A) and (E) apply. Because the areas listed in R18-2-1436 are not required to demonstrate reasonable further progress and attainment and therefore have no CAA deadline, the provisions of subsection (B) do not apply to these areas at any time.
- I. If a control strategy implementation plan revision is not submitted to EPA but a maintenance plan required by CAA § 175A is submitted to EPA, the requirements of subsection (A) or (D) apply, with the maintenance plan submission treated as a "control strategy implementation plan revision" for the purposes of those requirements.**
- J. This Section does not become effective until June 1, 1996.**
- Historical Note**  
Adopted effective June 15, 1995 (Supp. 95-2).
- R18-2-1429. Requirements for Adoption or Approval of Projects by Recipients of Funds Designated under 23 U.S.C. or the Federal Transit Act**
- A.** This Section shall not apply to any of the following:
1. A transportation project that is a street with a lower classification than a collector street, as specified in the most recent federal classification map for the region.
  2. An exempt project listed in R18-2-1434.
- B.** No recipient of federal funds designated under 23 U.S.C. or the Federal Transit Act shall adopt or approve a transportation project, regardless of funding source, without first determining whether the transportation project is regionally significant. In making this determination, the recipient shall not take any action that is inconsistent with the procedures developed by ADOT or the MPO pursuant to R18-2-1405(R).
- C.** No recipient of federal funds designated under 23 U.S.C. or the Federal Transit Act shall adopt or approve a regionally significant highway or transit project, regardless of funding source, unless both of the following apply:
1. There is a currently conforming transportation plan and TIP consistent with the requirements of R18-2-1414.
  2. The requirements of one of the following are met:
    - a. The project comes from a conforming plan and program consistent with the requirements of R18-2-1415.
    - b. The project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, even if the project is not strictly "included" in the TIP for the purposes of MPO project selection or endorsement, and the project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility.
    - c. During the control strategy or maintenance period, the project is consistent with the motor vehicle emissions budget in the applicable implementation plan consistent with the requirements of R18-2-1420.
    - d. During Phase II of the interim period, the project contributes to emissions reductions or does not increase emissions consistent with the requirements of R18-2-1424 (in ozone and CO nonattainment areas) or R18-2-1427 (in PM<sub>10</sub> and NO<sub>2</sub> nonattainment areas).
    - e. During the transitional period, the project satisfies the requirements of both subsections (1)(2)(c) and (d).
- D.** Pursuant to the consultation process established in R18-2-1405(O), ADOT or the MPO where one exists shall, not later than September 1, 1995, develop and make available the procedures to be used by any recipient of federal funds designated under 23 U.S.C. or the Federal Transit Act to comply with subsections (B) and (C). These procedures may be revised periodically, as needed, using the same consultation process. At a minimum, such procedures shall provide for the following:
1. The minimum information required by the recipient to make determinations in compliance with subsections (B) and (C);
  2. The time-frames for action to be taken by the recipient;
  3. For transportation projects determined to be regionally significant, the documentation necessary to demonstrate that the requirements of 23 CFR 450.324(e), (g), and (h) have been met.
- E.** After a transportation project is adopted or approved, no subsequent act defined as adoption or approval under this Section or under procedures developed to implement this Section shall be subject to subsection (B) or (C), unless project's design concept or scope have changed significantly since the project was first adopted or approved.
- F.** A regionally significant transportation project found to be in conformity, either as a result of a TIP or a separate project analysis, shall retain such conformity finding, irrespective of subsequent analysis, unless the project fails to meet the conditions of its approval or undergoes a significant change in scope. In any event, a conformity determination shall lapse after three years in the absence of a redetermination; except that a project undergoing NEPA approval shall retain its con-

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formity determination, unless none of the following major steps has occurred within the most recent three-year period:

1. NEPA process completion;
2. Start of final design;
3. Acquisition of a significant portion of the right-of-way;
4. Approval of the plans, specifications, and estimates.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1430. Procedures for Determining Regional Transportation-related Emissions**

A. The following are general requirements for determining regional transportation-related emissions:

1. The regional emissions analysis for the transportation plan, TIP, or project not from a conforming plan and TIP shall include all regionally significant transportation projects expected in the nonattainment or maintenance area, including FHWA or FTA projects proposed in the transportation plan and TIP and all other regionally significant transportation projects which are disclosed to ADOT or the MPO as required by R18-2-1405. Projects which are not regionally significant are not required to be explicitly modeled, but VMT from such projects shall be estimated in accordance with reasonable professional practice. The effects of TCMs and similar projects that are not regionally significant may also be estimated in accordance with reasonable professional practice.
2. The emissions analysis may not include for emissions reduction credit any TCMs which have been delayed beyond the scheduled date until such time as implementation has been assured. If the TCM has been partially implemented and it can be demonstrated that it is providing quantifiable emission reduction benefits, the emissions analysis may include that emissions reduction credit.
3. Emissions reduction credit from projects, programs, or activities which require a regulation in order to be implemented may not be included in the emissions analysis unless the regulation is already adopted by the enforcing jurisdiction. Adopted regulations are required for demand management strategies for reducing emissions which are not specifically identified in the applicable implementation plan, and for control programs which are external to the transportation system itself, such as tailpipe or evaporative emission standards, limits on gasoline volatility, inspection and maintenance programs, and oxygenated or reformulated gasoline or diesel fuel. A regulatory program may also be considered to be adopted if an opt-in to a federally enforced program has been approved by EPA, if EPA has promulgated the program (if the control program is a federal responsibility, such as tailpipe standards), or if the CAA requires the program without need for individual state action and without any discretionary authority for EPA to set its stringency, delay its effective date, or not implement the program.
4. Notwithstanding subsection (A)(3), during the transitional period, control measures or programs which are committed to in an implementation plan submission as described in R18-2-1418 through R18-2-1420, but which has not received final EPA action in the form of a finding of incompleteness, approval, or disapproval, may be assumed for emission reduction credit for the purpose of demonstrating that the requirements of R18-2-1418 through R18-2-1420 are satisfied.

5. A regional emissions analysis for the purpose of satisfying the requirements of R18-2-1422 through R18-2-1424 may account for the programs in subsection (A)(4), but the same assumptions about these programs shall be used for both the Baseline and Action scenarios.

6. Ambient temperatures shall be consistent with those used to establish the emissions budget in the applicable implementation plan. Factors other than temperatures, for example the fraction of travel in a hot stabilized engine mode, may be modified after interagency consultation according to R18-2-1405 if the newer estimates incorporate additional or more geographically specific information or represent a logically estimated trend in such factors beyond the period considered in the applicable implementation plan.

B. For serious, severe, and extreme ozone nonattainment areas and serious carbon monoxide areas after January 1, 1995, estimates of regional transportation-related emissions used to support conformity determinations shall be made according to procedures which meet the requirements in subsections (B)(1) through (5).

1. A network-based transportation demand model or models relating travel demand and transportation system performance to land-use patterns, population demographics, employment, transportation infrastructure, and transportation policies shall be used to estimate travel within the metropolitan planning area of the nonattainment area. Such a model shall possess all of the following attributes:
  - a. The modeling methods and the functional relationships used in the model shall in all respects be in accordance with acceptable professional practice and reasonable for purposes of emission estimation.
  - b. The network-based model shall be validated against ground counts for a base year that is not more than 10 years prior to the date of the conformity determination. Land use, population, and other inputs shall be based on the best available information and appropriate to the validation base year.
  - c. For peak-hour or peak-period traffic assignments, a capacity sensitive assignment methodology shall be used.
  - d. Zone-to-zone travel times used to distribute trips between origin and destination pairs shall be in reasonable agreement with the travel times which result from the process of assignment of trips to network links. Where use of transit currently is anticipated to be a significant factor in satisfying transportation demand, these times should also be used for modeling mode splits.
  - e. Free-flow speeds on network links shall be based on empirical observations.
  - f. Peak and off-peak travel demand and travel times shall be provided.
  - g. Trip distribution and mode choice shall be sensitive to pricing, where pricing is a significant factor, if the network model is capable of such determinations and the necessary information is available.
  - h. The model shall utilize and document a logical correspondence between the assumed scenario of land development and use and the future transportation system for which emissions are being estimated. Reliance on a formal land-use model is not specifically required but is encouraged.

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- i. A dependence of trip generation on the accessibility of destinations via the transportation system, including pricing, is strongly encouraged but not specifically required, unless the network model is capable of such determinations and the necessary information is available.
  - j. A dependence of regional economic and population growth on the accessibility of destinations via the transportation system is strongly encouraged but not specifically required, unless the network model is capable of such determinations and the necessary information is available.
  - k. Consideration of emissions increases from construction-related congestion is not specifically required.
2. Highway Performance Monitoring System (HPMS) estimates of vehicle miles traveled shall be considered the primary measure of vehicle miles traveled within the portion of the nonattainment or maintenance area and for the functional classes of roadways included in HPMS, for urban areas which are sampled on a separate urban area basis. A factor or factors shall be developed to reconcile and calibrate the network-based model estimates of vehicle miles traveled in the base year of its validation to the HPMS estimates for the same period, and these factors shall be applied to model estimates of future vehicle miles traveled. In this factoring process, consideration will be given to differences in the facility coverage of the HPMS and the modeled network description. Departure from these procedures is permitted with the concurrence of USDOT and EPA.
  3. Reasonable methods shall be used to estimate nonattainment area vehicle travel on off-network roadways within the urban transportation planning area and on roadways outside the urban transportation planning area.
  4. Reasonable methods in accordance with good practice shall be used to estimate traffic speeds and delays in a manner that is sensitive to the estimated volume of travel on each roadway segment represented in the network model.
- C. For areas which are not serious, severe, or extreme ozone nonattainment areas or serious carbon monoxide areas, or before January 1, 1995:
1. Procedures which satisfy some or all of the requirements of subsection (A) shall be used in all areas not subject to subsection (A) in which those procedures have been the previous practice of the MPO.
  2. Regional emissions may be estimated by methods which do not explicitly or comprehensively account for the influence of land use and transportation infrastructure on vehicle miles traveled and traffic speeds and congestion. Such methods shall account for VMT growth by extrapolating historical VMT or projecting future VMT by considering growth in population and historical growth trends for vehicle miles travelled per person. These methods shall also consider future economic activity, transit alternatives, and transportation system policies.
- D. This subsection applies to any nonattainment or maintenance area or any portion thereof which does not have a metropolitan transportation plan or TIP and whose projects are not part of the emissions analysis of any MPO's metropolitan transportation plan or TIP (because the nonattainment or maintenance area or portion thereof does not contain a metropolitan planning area or portion of a metropolitan planning area and is not part of a Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area which is or contains a nonattainment or maintenance area).
1. Conformity demonstrations for projects in these areas may satisfy the requirements of R18-2-1420, R18-2-1424, and R18-2-1427 with one regional emissions analysis which includes all the regionally significant transportation projects in the nonattainment or maintenance area or portion thereof.
  2. The requirements of R18-2-1420 shall be satisfied according to the procedures in R18-2-1420(C), with references to the "transportation plan" taken to mean the statewide transportation plan.
  3. The requirements of R18-2-1424 and R18-2-1427 which reference "transportation plan" or "TIP" shall be taken to mean those projects in the statewide transportation plan or statewide TIP which are in the nonattainment or maintenance area or portion thereof.
  4. The requirement of R18-2-1429(A)(2) shall be satisfied if all of the following are met:
    - a. The project is included in the regional emissions analysis which includes all regionally significant highway and transportation projects in the nonattainment or maintenance area or portion thereof and supports the most recent conformity determination made according to the requirements of R18-2-1420, R18-2-1424 or R18-2-1427 (as modified by subsections (D)(2) and (D)(3)), as appropriate for the time period and pollutant.
    - b. The project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis or in a manner which would significantly impact use of the facility.
- E. For areas in which the implementation plan does not identify construction-related fugitive PM<sub>10</sub> as a contributor to the nonattainment problem, the fugitive PM<sub>10</sub> emissions associated with highway and transit project construction are not required to be considered in the regional emissions analysis.
- F. In PM<sub>10</sub> nonattainment and maintenance areas with implementation plans which identify construction-related fugitive PM<sub>10</sub> as a contributor to the nonattainment problem, the regional PM<sub>10</sub> emissions analysis shall consider construction-related fugitive PM<sub>10</sub> and shall account for the level of construction activity, the fugitive PM<sub>10</sub> control measures in the applicable implementation plan, and the dust-producing capacity of the proposed activities.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1431. Procedures for Determining Localized CO and PM<sub>10</sub> Concentrations (Hot-spot Analysis)**

- A. In the following cases, CO hot-spot analyses shall be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR 51 Appendix W ("Guideline on Air Quality Models (Revised)" (1988), supplement (A) (1987) and supplement (B) (1993), EPA publication no. 450/2-78-027R, incorporated by reference and on file with the Department and with the Secretary of State), unless, after the interagency consultation process described in R18-2-1405 and with the approval of the EPA Regional Administrator, these models, data bases, and other requirements are determined to be inappropriate:
1. For projects in or affecting locations, areas, or categories of sites which are identified in the applicable implemen-

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tation plan as sites of current violation or possible current violation;

2. For those intersections at Level-of-Service D, E, or F, or those that will change to Level-of-Service D, E, or F because of increased traffic volumes related to a new project in the vicinity;
  3. For any project involving or affecting any of the intersections which the applicable implementation plan identifies as the top three intersections in the nonattainment or maintenance area based on the highest traffic volumes;
  4. For any project involving or affecting any of the intersections which the applicable implementation plan identifies as the top three intersections in the nonattainment or maintenance area based on the worst Level-of-Service;
  5. Where use of the "Guideline" models is practicable and reasonable given the potential for violations.
- B.** In cases other than those described in subsection (A), other quantitative methods may be used if they represent reasonable and common professional practice.
- C.** CO hot-spot analyses shall include the entire project and may be performed only after the major design features which will significantly impact CO concentrations have been identified. The background concentration may be estimated using the ratio of future to current traffic multiplied by the ratio of future to current emission factors.
- D.** PM<sub>10</sub> hot-spot analysis shall be performed for projects which are located at sites at which violations have been verified by monitoring, and at sites which have essentially identical vehicle and roadway emission and dispersion characteristics (including sites near one at which a violation has been monitored). The projects which require PM<sub>10</sub> hot-spot analysis shall be determined through the interagency consultation process required in R18-2-1405. In PM<sub>10</sub> nonattainment and maintenance areas, new or expanded bus and rail terminals and transfer points which increase the number of diesel vehicles congregating at a single location require hot-spot analysis. USDOT may choose to make a categorical conformity determination on bus and rail terminals or transfer points based on appropriate modeling of various terminal sizes, configurations, and activity levels. The requirements of this subsection for quantitative hot-spot analysis will not take effect until EPA releases modeling guidance on this subject and announces in the Federal Register that these requirements are in effect.
- E.** Hot-spot analysis assumptions shall be consistent with those in the regional emissions analysis for those inputs which are required for both analyses.
- F.** PM<sub>10</sub> or CO mitigation or control measures shall be assumed in the hot-spot analysis only where there are enforceable written commitments from the project sponsor or operator to the implementation of such measures, as required by R18-2-1433(A).
- G.** CO and PM<sub>10</sub> hot-spot analyses are not required to consider construction-related activities which cause temporary increases in emissions. Each site which is affected by construction-related activities shall be considered separately, using established "Guideline" methods. Temporary increases are defined as those which occur only during the construction phase and last five years or less at any individual site.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1432. Using the Motor Vehicle Emissions Budget in the Applicable Implementation Plan or Implementation Plan Submission**

- A.** In interpreting an applicable implementation plan or implementation plan submission with respect to its motor vehicle emissions budget, ADOT or the MPO where one exists and USDOT may not infer additions to the budget that are not explicitly intended by the implementation plan or submission. Unless the implementation plan explicitly quantifies the amount by which motor vehicle emissions could be higher while still allowing a demonstration of compliance with the milestone, attainment, or maintenance requirement and explicitly states an intent that some or all of this additional amount should be available to ADOT or the MPO and USDOT in the emission budget for conformity purposes, ADOT or the MPO may not interpret the budget to be higher than the implementation plan's estimate of future emissions. This applies in particular to applicable implementation plans or submissions which demonstrate that after implementation of control measures in the implementation plan any of the following apply:
1. Emissions from all sources will be less than the total emissions that would be consistent with a required demonstration of an emissions reduction milestone.
  2. Emissions from all sources will result in achieving attainment prior to the attainment deadline or ambient concentrations in the attainment deadline year will be lower than needed to demonstrate attainment.
  3. Emissions will be lower than needed to provide for continued maintenance.
- B.** If an applicable implementation plan submitted before November 24, 1993, demonstrates that emissions from all sources will be less than the total emissions that would be consistent with attainment and quantifies that "safety margin," the state may submit a SIP revision which assigns some or all of this safety margin to highway and transit mobile sources for the purposes of conformity. Such a SIP revision, once it is endorsed by the governor and has been subject to a public hearing, may be used for the purposes of transportation conformity before it is approved by EPA.
- C.** A conformity demonstration shall not trade emissions among budgets which the applicable implementation plan or implementation plan submission allocates for different pollutants or precursors, or among budgets allocated to motor vehicles and other sources, without a SIP revision or a SIP which establishes mechanisms for such trades.
- D.** If the applicable implementation plan or implementation plan submission estimates future emissions by geographic subarea of the nonattainment area, ADOT or the MPO where one exists and USDOT are not required to consider this to establish subarea budgets, unless the applicable implementation plan or implementation plan submission explicitly indicates an intent to create such subarea budgets for the purposes of conformity.
- E.** If a nonattainment area includes more than one MPO, the SIP may establish motor vehicle emissions budgets for each MPO. Otherwise, the MPOs shall collectively make a conformity determination for the entire nonattainment area.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1433. Enforceability of Design Concept and Scope and Project-level Mitigation and Control Measures**

- A.** Prior to determining that a transportation project is in conformity, ADOT, the MPO where one exists, other recipient of funds designated under 23 U.S.C. or the Federal Transit Act, FHWA, or FTA shall obtain from the project sponsor or operator enforceable written commitments to implement in the construction of the project and operation of the resulting facility or

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service any project-level mitigation or control measures which are identified as conditions for NEPA process completion with respect to local PM<sub>10</sub> or CO impacts. Before making conformity determinations enforceable written commitments shall also be obtained for project-level mitigation or control measures which are conditions for making conformity determinations for a transportation plan or TIP and included in the project design concept and scope which is used in the regional emissions analysis required by R18-2-1418 through R18-2-1420 and R18-2-1422 through R18-2-1424 or used in the project-level hot-spot analysis required by R18-2-1416 and R18-2-1421.

- B. Project sponsors voluntarily committing to mitigation measures to facilitate positive conformity determinations shall provide enforceable written commitments and comply with the obligations of such commitments.
- C. Enforceable written commitments to mitigation or control measures shall be obtained prior to a positive conformity determination, and that project sponsors shall comply with such commitments.
- D. During the control strategy and maintenance periods, if ADOT, the MPO, or project sponsor believes the mitigation or control measure is no longer necessary for conformity, the project sponsor or operator may be relieved of its obligation to implement the mitigation or control measure if it can demonstrate that the requirements of R18-2-1416, R18-2-1418, and R18-2-1419 are satisfied without the mitigation or control measure and so notifies the agencies involved in the inter-agency consultation process required under R18-2-1405. ADOT or the MPO where one exists and USDOT shall confirm that the transportation plan and TIP still satisfy the requirements of R18-2-1418 and R18-2-1419 and that the project still satisfies the requirements of R18-2-1416, and therefore that the conformity determinations for the transportation plan, TIP, and project are still valid.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1434. Exempt Projects**

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 2 are exempt from the requirement that a conformity determination be made. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 2 is not exempt if ADOT or the MPO where one exists in consultation with other agencies pursuant to R18-2-1405, the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs shall ensure that exempt projects do not interfere with TCM implementation.

**Table 2. Exempt Projects**  
**Exempt Projects**  
**SAFETY**

1. Railroad or highway crossing.
2. Hazard elimination program.
3. Safer non-federal-aid system roads.
4. Shoulder improvements.
5. Increasing sight distance.
6. Safety improvement program.
7. Traffic control devices and operating assistance other than signalization projects.
8. Railroad or highway crossing warning devices.
9. Guardrails, median barriers, crash cushions.
10. Pavement resurfacing or rehabilitation.

11. Pavement marking demonstration.
12. Emergency relief (23 U.S.C. 125).
13. Fencing.
14. Skid treatments.
15. Safety roadside rest areas.
16. Adding medians.
17. Truck climbing lanes outside the urbanized area.
18. Lighting improvements.
19. Widening narrow pavements or reconstructing bridges (no additional travel lanes).
20. Emergency truck pullovers.

**MASS TRANSIT**

1. Operating assistance to transit agencies.
2. Purchase of support vehicles.
3. Rehabilitation of transit vehicles. (In PM<sub>10</sub> nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.)
4. Purchase of office, shop, and operating equipment for existing facilities.
5. Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
6. Construction or renovation of power, signal, and communications systems.
7. Construction of small passenger shelters and information kiosks.
8. Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
9. Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way.
10. Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet. (In PM<sub>10</sub> nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.)
11. Construction of new bus or rail storage or maintenance facilities categorically excluded in 23 CFR 771.

**AIR QUALITY**

1. Continuation of ride-sharing and van-pooling promotion activities at current levels.
2. Bicycle and pedestrian facilities.

**OTHER**

1. Specific activities which do not involve or lead directly to construction, such as:
  - a. Planning and technical studies.
  - b. Grants for training and research programs.
  - c. Planning activities conducted pursuant to Titles 23 and 49 U.S.C.
  - d. Federal-aid systems revisions.
2. Engineering to assess social, economic and environmental effects of the proposed action or alternatives to that action.
3. Noise attenuation.
4. Advance land acquisitions (23 CFR 712 or 23 CFR 771).
5. Acquisition of scenic easements.
6. Plantings, landscaping, etc.
7. Sign removal.
8. Directional and informational signs.
9. Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities).
10. Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes.

**Historical Note**



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Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1435. Projects Exempt from Regional Emissions Analyses**

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 3 are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO or PM<sub>10</sub> concentrations shall be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 is not exempt from regional emissions analysis if the MPO in consultation with other agencies pursuant to R18-2-1405, the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason.

**Table 3. Projects Exempt From Regional Emissions Analyses**

**Projects Exempt From Regional Emissions Analyses**

1. Intersection channelization projects.
2. Intersection signalization projects at individual intersections.
3. Interchange reconfiguration projects.
4. Changes in vertical and horizontal alignment.
5. Truck size and weight inspection stations.
6. Bus terminals and transfer points.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1436. Special Provisions for Nonattainment Areas Which are Not Required to Demonstrate Reasonable Further Progress and Attainment**

- A. This Section applies in the following areas:
  1. Rural transport ozone nonattainment areas,
  2. Marginal ozone areas,
  3. Submarginal ozone areas,
  4. Transitional ozone areas,
  5. Incomplete data ozone areas,
  6. Moderate CO areas with a design value of 12.7 ppm or less,
  7. Not classified CO areas.
- B. The criteria and procedures in R18-2-1422 through R18-2-1424 will remain in effect throughout the control strategy period for transportation plans, TIPs, and projects (not from a conforming plan and TIP) in lieu of the procedures in R18-2-1418 through R18-2-1420, except as otherwise provided in subsection (C).
- C. The state or MPO may voluntarily develop an attainment demonstration and corresponding motor vehicle emissions budget like those required in areas with higher nonattainment classifications. In this case, the state shall submit an implementation plan revision which contains that budget and attainment demonstration. Once EPA has approved this implementation plan revision, the procedures in R18-2-1418 through R18-2-1420 apply in lieu of the procedures in R18-2-1422 through R18-2-1424.

**Historical Note**

Adopted effective June 15, 1995 (Supp. 95-2).

**R18-2-1437. Reserved****R18-2-1438. General Conformity for Federal Actions**

The following subparts of 40 CFR 93, Determining Conformity of Federal Actions to State or Federal Implementation Plans, and all

accompanying appendices, adopted as of July 1, 1994, and no future editions, are incorporated by reference. These standards are on file with the Office of the Secretary of State and with the Department and shall be applied by the Department.

Subpart B - Determining Conformity of General Federal Actions to State or Federal Implementation Plans (58 FR 63253, November 30, 1993).

**Historical Note**

Adopted effective January 31, 1995 (Supp. 95-1).

**ARTICLE 15. FOREST AND RANGE MANAGEMENT BURNS****R18-2-1501. Definitions**

In addition to the definitions contained in A.R.S. § 49-501 and R182-101, in this Article:

1. "Activity fuels" means those fuels created by human activities such as thinning or logging.
2. "ADEQ" means the Arizona Department of Environmental Quality.
3. "Annual emissions goal" means the annual establishment in cooperation with the F/SLMs, under R18-2-1503(G), of a planned quantifiable value of emissions reduction from prescribed fires and fuels management activities.
4. "Assisting" means an agency or organization providing personnel, services, or other resources to the agency with direct responsibility for prescribed fire management.
5. "Burn Accomplishment Form" means the online database form as provided by the director to be completed for each approved or approved with conditions Daily Burn Request, with details of the conducted prescribed burn.
6. "Burn plan" for the purposes of this Article means the ADEQ online database form as provided by the director that includes information on the conditions under which a burn will occur with details of the burn and smoke management prescriptions.
7. "Burn prescription" means, with regard to a burn project, the pre-determined area, fuel, and weather conditions required to attain planned resource management objectives.
8. "Burn project" means an active or planned prescribed burn.
9. "Daily Burn Request" means the online database form as provided by the director that allows burners to request for permission to ignite on a single specific day, submitted under an acknowledged Burn Plan.
10. "Daily Burn Authorization Process" means the daily process by which ADEQ reviews and approves, approves with conditions, or disapproves "Daily Burn Requests" for the following day.
11. "Director" means the Director of ADEQ.
12. "Duff" means forest floor material consisting of decomposing needles and other natural materials.
13. "Emission reduction techniques (ERT)" means methods for controlling emissions from prescribed fires to minimize the amount of emission output per unit of area burned.
14. "Federal land manager (FLM)" means any department, agency, delegee, or agent of the federal government, including the following:
  - a. United States Forest Service,
  - b. United States Fish and Wildlife Service,
  - c. National Park Service,
  - d. Bureau of Land Management,
  - e. Bureau of Reclamation,

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- f. Department of Defense,
  - g. Bureau of Indian Affairs, and
  - h. Natural Resources Conservation Service.
15. "F/SLM" means a federal land manager or a state land manager.
  16. "Local fire management officer" means a person designated by a F/SLM as responsible for fire management in a local district or area.
  17. "National Wildfire Coordinating Group" means the national inter-agency group of federal and state land managers that shares similar wildfire management programs and has established standardized inter-agency training courses and qualifications for fire management positions.
  18. "New Burn Plan" means a Burn Plan that has never been submitted to ADEQ.
  19. "Non-burning alternatives to fire" means techniques that replace fire for at least five years as a means to treat activity fuels created to achieve a particular land management objective (e.g., reduction of fuel-loading, manipulation of fuels, enhancement of wildlife habitat, and ecosystem restoration). These alternatives are not used in conjunction with fire. Techniques used in conjunction with fire are referred to as emission reduction techniques (ERTs).
  20. "Planned resource management objectives" means public interest goals in support of land management agency objectives including silviculture, wildlife habitat management, grazing enhancement, fire hazard reduction, wilderness management, cultural scene maintenance, weed abatement, watershed rehabilitation, vegetative manipulation, and disease and pest prevention.
  21. "Prescribed burning" means the controlled application of fire to wildland fuels that are in either a natural or modified state, under certain burn and smoke management prescription conditions that have been specified by the F/SLM in charge of or assisting the burn, to attain planned resource management objectives. Prescribed burning does not include a fire set or permitted by a public officer to provide instruction in fire-fighting methods, or construction or residential burning under R18-2-602.
  22. "Prescribed Fire Burn Boss" means a person designated by their respective F/SLM with the requisite training and certification to ensure that all ADEQ prescribed fire burn plan specifications and requirements are met before, during, and after a prescribed fire. This includes the following NWCG positions: Prescribed Fire Burn Boss Type 1, Prescribed Fire Burn Boss Type 2, and Prescribed Fire Burn Boss Type 3. A private burner does not qualify as a Burn Boss under this Article.
  23. "Private Burner" means a private person or company assisted by a F/SLM in conducting a prescribed burn under this Article. A person not covered under this definition shall be regulated under A.R.S. § 49-501 and A.A.C. R18-2-602.
  24. "Revised Burn Plan" means any Burn Plan that has been submitted to ADEQ by way of the online database which has remaining un-accomplished acres available and has been revised.
  25. "Smoke management prescription" means the predetermined meteorological conditions that affect smoke transport and dispersion under which a burn could occur without adversely affecting public health and welfare, including transportation networks, considering such factors as National Ambient Air Quality Standard and Class I Visibility Areas.
  26. "Smoke management techniques (SMT)" means management and dispersion practices used during a prescribed burn which affect the direction, duration, height, or density of smoke.
  27. "Smoke management unit" means any of the geographic areas defined by ADEQ whose area is based on primary watershed boundaries and whose outline is determined by diurnal windflow patterns that allow smoke to follow predictable drainage patterns. A map of the state divided into the smoke management units is on file with ADEQ.
  28. "State land manager (SLM)" means any department, agency, or political subdivision of the state government including the following:
    - a. State Land Department,
    - b. Department of Transportation,
    - c. Department of Game and Fish,
    - d. Parks Department,
    - e. Local and Municipal Governments and Agencies,
    - f. Arizona Department of Forestry and Fire Management, and
    - g. Fire Districts.
  29. "Smoke Sensitive Area" means areas where ADEQ determines that smoke and air pollutants can adversely affect public health or welfare. Such areas may include, but are not limited to cities, towns, villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.
  30. "Wildfire" means an unplanned ignition, such as lightning, unauthorized and accidental human fires. Wildfires include those incidents where suppression may be limited for safety, economic, or resource concerns.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
 Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1502. Applicability**

- A. A F/SLM that is conducting or assisting a prescribed burn shall follow the requirements of this Article.
- B. A private burner may conduct burns under this Article if assisted by an F/SLM.
- C. The provisions of this Article apply to all areas of the state except Tribal Nations and Communities land which has the same meaning as the term defined in 18 U.S.C. § 1151. All federally managed lands and all state lands, parks, and forests are under the jurisdiction of ADEQ in matters relating to air pollution from prescribed burning.
- D. Notwithstanding subsection (C), any Tribal Nations and Communities may enter into a memorandum of agreement with ADEQ to implement this Article.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
 Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1503. Annual, Program Evaluation and Planning**

- A. ADEQ shall hold a meeting after January 31 and before April 1 of each year between ADEQ and F/SLM to evaluate the program and set the annual emissions goals to minimize pre-

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scribed fire emissions to the maximum extent feasible using emission reduction techniques and non-burning alternatives to fire subject to economic, technical, and safety feasibility criteria, and consistent with land management objectives.

- B. Outside of the annual meeting, ADEQ may request additional information about future prescribed burns to support regional coordination of smoke management, annual emission goal setting using ERTs, and non-burning alternatives to fire.
- C. At least once every five years, ADEQ shall request long-term projections of future prescribed fire activity from the F/SLM to support planning for visibility impairment and assessment of air quality concerns by ADEQ.
- D. F/SLM may submit topics to discuss at the yearly meeting by contacting ADEQ.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1504. Prescribed Burn Plan**

Each F/SLM planning a prescribed burn shall complete and submit to ADEQ the "Burn Plan" form supplied by ADEQ no later than 14 days before the date on which the F/SLM requests permission to burn. ADEQ shall consider the information supplied on the Burn Plan Form as binding conditions under which the burn shall be conducted. A Burn Plan shall be maintained by ADEQ until notification from the F/SLM of the completion of the burn project. The Burn Plan provisions listed in A.A.C. R18-2-1504(1) through (5), may be revised no later than 2:00 p.m. the business day before the burn. Any other revision to the Burn Plan for a burn project shall be submitted in writing no later than 14 days before the date on which the F/SLM requests permission to burn. ADEQ shall not act on the Daily Burn Request until the Burn Plan is submitted by the F/SLM and acknowledged as complete by ADEQ. To facilitate the Daily Burn Authorization Process under R18-2-1505, the Burn Plan Form shall include:

1. An emergency telephone number that is answered 24 hours a day, seven days a week;
2. Burn prescription;
3. Smoke management prescription;
4. The name of the person submitting the Burn Plan on behalf of the F/SLM;
5. Any other information to support the Burn Plan needed by ADEQ to assist in the Daily Burn Authorization Process for smoke management purposes, prevention of negative impacts on smoke sensitive areas, or assessment of contribution to visibility impairment of Class I areas.
6. The total number of acres in the project to be burned, the quantity and type of fuel, type of burn, and the ignition technique to be used;
7. The land management objective or purpose for the burn such as restoration or maintenance of ecological function and indicators of fire resiliency;
8. A map depicting the potential impact of the smoke unless waived either orally or in writing by ADEQ. The potential impact shall be determined by mapping both the daytime and nighttime smoke path and down-drainage flow for 15 miles from the burn site, with smoke-sensitive areas delineated. The map shall use the appropriate scale to show the impacts of the smoke adequately;
9. Modeling of smoke impacts unless waived either orally or in writing by ADEQ, for burns greater than 250 acres

per day, or greater than 50 acres per day if the burn is within 15 miles of a Class I Area, an area that is nonattainment for particulates, a carbon monoxide nonattainment area, or other smoke-sensitive area. In consultation with the F/SLM, ADEQ shall provide guidelines on modeling.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1505. Prescribed Burn Requests and Authorization**

- A. Each F/SLM planning a prescribed burn, shall complete and submit to ADEQ the "Daily Burn Request" form supplied by ADEQ for each day the F/SLM will complete ignitions. The Daily Burn Request form shall include:
  1. The contact information of the F/SLM conducting the burn;
  2. Acknowledgement that a qualified Prescribed Fire Burn Boss is conducting the burn;
  3. Date of the ignition;
  4. The area to be burned on the day for which the Burn Request is submitted, with reference to the Burn Plan, including size, legal location to the section, and latitude and longitude to the minute;
  5. Projected smoke impacts; and
  6. Any local conditions or circumstances known to the F/SLM that, could impact the Daily Burn Authorization Process or the burn.
- B. After consultation and upon request by ADEQ, the F/SLM shall provide additional information related to the burn or any ongoing prescribed fires or wildfires such as: reports, digital photographs, meteorological, smoke dispersion, or air quality conditions to supplement the Daily Burn Request form and to aid in the Daily Burn Authorization Process. F/SLM may coordinate with ADEQ prior to submitting a Daily Burn Request to discuss potential air quality impacts or other concerns.
- C. The F/SLM shall submit the Daily Burn Request form to ADEQ as expeditiously as practicable, but no later than 2:00 p.m. of the business day preceding the burn.
- D. An F/SLM shall not ignite a prescribed burn without receiving the approval of ADEQ, as follows:
  1. ADEQ shall only approve, approve with conditions, or disapprove a burn on the business day before the burn is to take place.
  2. If ADEQ fails to address a Burn Request by 10:00 p.m. the business day before the burn is to take place the Burn Request is approved by default after the burner makes a good faith effort to contact ADEQ to confirm that the Burn Request was received by exhausting available methods of communication, which may include contracting the ADEQ smoke management team directly, as well as the main number for the ADEQ air quality division, and leaving voicemails if there is no response.
  3. ADEQ may communicate its decision by verbal, written, or electronic means. ADEQ shall provide a written or electronic reply if requested by the F/SLM.
- E. If weather conditions cease to conform to those in the smoke management prescription of either the Burn Plan or any conditions on the approval of the applicable Burn Request, the F/SLM shall take appropriate action to reduce

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further smoke impacts, ensure safe and appropriate fire mitigation, and notify the public as per the requirements established by the National Wildfire Coordinating Group or F/SLM equivalent. The F/SLM may modify the smoke management prescription in the Burn Plan after consultation with ADEQ. A F/SLM conducting a burn shall contact ADEQ if there is any change in the burn conditions that ceases to conform with the Burn Plan and could cause negative impacts to smoke sensitive areas and communicate what areas of the submitted smoke management prescription in the Burn Plan need to be modified.

- F.** The F/SLM shall ensure that there is industry-standard signage and notification to protect public safety on transportation corridors including roadways and airports during a prescribed fire.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1506. Smoke Dispersion Evaluation**

ADEQ shall approve, approve with conditions, or disapprove a Daily Burn Request submitted under R18-2 1505, by using the following factors for each smoke management unit:

1. Analysis of the emissions from burns in progress and residual emissions from previous burns on a day-to-day basis;
2. Analysis of the emissions from wildfires and consideration of their potential long-term growth;
3. Local burn conditions;
4. Burn prescription and smoke management prescription from the applicable Burn Plan;
5. Existing and predicted local air quality, i.e. meteorological or smoke modeling;
6. Local and synoptic meteorological conditions;
7. Type and location of areas to be burned;
8. Protection of the national visibility goal for Class I Areas under § 169A(a)(1) of the Clean Air Act and 40 CFR 51.309;
9. Assessment of duration and intensity of smoke emissions to minimize cumulative impacts;
10. Minimization of smoke impacts in Class I Areas, areas that are non-attainment for particulate matter, carbon monoxide, and ozone non-attainment areas, or other smoke sensitive areas including transportation corridors;
11. Protection of the National Ambient Air Quality Standards.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1507. Prescribed Burn Accomplishment; Wildfire Reporting**

- A.** Each F/SLM conducting a prescribed burn shall complete and submit to ADEQ the "Burn Accomplishment" form supplied by ADEQ. For each burn approval, the F/SLM shall submit a Burn Accomplishment form to ADEQ within seven calendar days following the approved burn. The F/SLM shall include the following information on the Burn Accomplishment form:

1. Any known conditions or circumstances that could impact subsequent Daily Burn approvals;
  2. The date, location, fuel type, fuel loading, and acreage accomplishments;
  3. The ERTs and SMTs described in R18-2-1509 and may include any further ERTs and SMTs that become available, that the F/SLM used to reduce emissions or manage the smoke from the burn.
- B.** The F/SLM shall submit the Burn Accomplishment form as an electronic submittal.
- C.** ADEQ shall maintain a record of Daily Burn Requests, Burn Plan Form Burn Approvals with Conditions, Denials, and Burn Accomplishments data for five years.
- D.** ADEQ may request information about a burn prior to the submission of the Burn Accomplishment Form.
- E.** The F/SLM in whose jurisdiction a wildfire occurs shall, upon request, make available to ADEQ no later than the day after the request is made and may include any necessary information for wildfire incidents, including the location, and estimate of predominant fuel type and quantity consumed, and an estimate of the area blackened that day. The F/SLM shall participate in air quality coordination calls upon request by ADEQ.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1508. Repealed****Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4).  
Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Repealed by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1509. Emission Reduction and Smoke Management Techniques**

- A.** Each F/SLM conducting a prescribed burn shall implement as many Emission Reduction Techniques and Smoke Management Techniques as are feasible subject to economic, technical, and safety feasibility criteria, and land management objectives.
- B.** Emission Reduction Techniques include:
1. Reducing biomass to be burned by use of techniques such as yarding or consolidation of unmerchandisable material, multi-product timber sales, or public firewood access, when economically feasible;
  2. Reducing biomass to be burned by fuel exclusion practices such as preventing the fire from consuming dead snags or dead and downed woody material through lining, application of fire-retardant foam, or water;
  3. Using mass ignition techniques such as aerial ignition by helicopter to produce high intensity fires of high fuel density areas such as logging slash decks;
  4. Burning only fuels essential to meet resource management objectives;
  5. Minimizing consumption and smoldering by burning under conditions of high fuel moisture of duff and litter;
  6. Minimizing fuel consumption and smoldering by burning under conditions of high fuel moisture of large woody fuels;

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7. Minimizing soil content when slash piles are constructed by using brush blades on material-moving equipment and by constructing piles under dry soil conditions or by using hand piling methods;
  8. Burning fuels in piles or windrows;
  9. Using a backing fire in grass fuels;
  10. Burning fuels with an air curtain destructor, as defined in R18-2-101, operated according to manufacturer specifications and meeting applicable state or local opacity requirements;
  11. Extinguishing or mopping-up of smoldering fuels;
  12. Chunking of piles and other consolidations of burning material to enhance flaming and fuel consumption, and to minimize smoke production;
  13. Burning before litter fall, green-up of fuels, recently cut large fuels cure in areas with fuels reduction activity, and just before precipitation to reduce fuel smoldering and consumption;
  14. Reduce the area burned, by only burning a portion of the area within a designated perimeter or through mosaic burning.
- C. Smoke management techniques include:
1. Burning from March 15 through September 15, when meteorological conditions allow for good smoke dispersion;
  2. Igniting burns under good-to-excellent ventilation conditions;
  3. Suspending operations under poor smoke dispersion conditions;
  4. Considering smoke impacts on local community activities and land users;
  5. Burning piles when other burns are not feasible, such as when snow or rain is present;
  6. Using mass ignition techniques such as aerial ignition by helicopter to produce high combustion efficiency with short duration impacts;
  7. Using all opportunities that meet the burn prescription and all burn locations to spread smoke impacts over a broader time period and geographic area;
  8. Burning during optimum mid-day dispersion hours, with all ignitions in a burn unit completed by 3:00 p.m. to prevent trapping smoke in inversion or diurnal windflow patterns;
  9. Providing information on the adverse impacts of using green or wet wood as fuel when public firewood access is allowed;
  10. Implementing maintenance burning in a periodic rotation to shorten prescribed fire duration and reduce excessive fuel accumulations that could result in excessive smoke production in a wildfire; and
  11. Using fire-management strategies to shift smoke into more favorable smoke dispersion seasons.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1510. Repealed****Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1510 renumbered to R18-2-1511; new R18-2-1510 made by final rulemaking at 10 A.A.R. 388,

effective March 16, 2004 (Supp. 04-1). Repealed by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1511. Monitoring**

- A. ADEQ may require a F/SLM to monitor air quality before, during, or after a prescribed burn as reasonably necessary to assess smoke impacts. Air quality monitoring may be conducted using both federal and non-federal reference methods, as well as other techniques including but not limited to digital photographs, video calling, webcams, visibility monitors, and air quality sensors.
- B. Unless waived by ADEQ, a F/SLM shall conduct a test burn at the burn site to verify the needed wind speed, direction, and stability, for burns greater than 250 acres per day, or greater than 50 acres per day if the burn is within 15 miles of a Class I Area, an area that is non-attainment for particulate matter, carbon monoxide, or ozone, or other smoke sensitive area.
- C. An F/SLM shall make monitoring information required under subsection (B) available to ADEQ on the business day following the burn ignition, if an instantaneous method was not used to convey the information.
- D. The F/SLM shall keep on file for one year following the burn date any monitoring information required under this Section.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1511 renumbered to R18-2-1512; new R18-2-1511 renumbered from R18-2-1510 and amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1512. Burner Qualifications**

- A. All burn projects shall be conducted by personnel trained and certified in prescribed fire and smoke management techniques. Burn project personnel shall be trained in the fire and smoke management techniques required by the F/SLM in charge of the burn or the training requirements established by the National Wildfire Coordinating Group.
- B. A Prescribed Fire Burn Boss of the F/SLM with jurisdiction over the prescribed burn shall have smoke management training obtained through one of the following:
  1. Successful completion of a National Wildfire Coordinating Group or F/SLM-equivalent course addressing smoke management; or
  2. Attendance at an ADEQ-approved smoke management workshop.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1512 renumbered to R18-2-1513; new R18-2-1512 renumbered from R18-2-1511 and amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1513. Public Notification and Awareness Program; Regional Coordination**

- A. The Director shall maintain a public education and awareness program webpage, in cooperation with the F/SLM and other interested parties, to inform the general public of the smoke management program described by this Article. The webpage shall inform the public about the health risks and impacts from smoke and prescribed fires; how smoke management tech-

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niques can protect air quality; and the role of prescribed fire in natural ecosystems.

- B. ADEQ shall make prescribed burn approval, and wildfire activity information readily available to the public and to facilitate regional coordination efforts and public notification.
- C. ADEQ shall ensure all publicly available information concerning smoke management, including electronic material, is updated annually, or as new information is published.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1513 renumbered to R18-2-1514; new R18-2-1513 renumbered from R18-2-1512 and amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1514. Surveillance and Enforcement**

- A. An F/SLM conducting a prescribed burn shall permit and provide safe escort to ADEQ for the purpose of entering and inspecting burn sites to verify the accuracy of the Daily Burn Request, Burn Plan, or Accomplishment data as well as matching burn approval with actual conditions, smoke dispersion, and air quality impacts. Onground site inspection procedures and aerial surveillance shall be coordinated by ADEQ and the F/SLM for safety purposes.
- B. ADEQ may use remote automated weather station data if necessary to verify current and previous meteorological conditions at or near the burn site.
- C. ADEQ may audit burn accomplishment data, smoke dispersion measurements, or weather measurements from previously conducted burns, if necessary to verify conformity with, or deviation from, procedures and authorizations approved by ADEQ.
- D. Deviation from procedures and authorizations approved by ADEQ constitute a violation of this Article. Violations may require containment or appropriate smoke mitigation action of any active burns and may also require, in the Director's discretion, a five-day moratorium on ignitions by the responsible F/SLM. Violations of this Article are also subject to a civil penalty of not more than \$10,000 per day per violation under A.R.S. § 49-463.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Former Section R18-2-1514 repealed; new R18-2-1514 renumbered from R18-2-1513 and amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**R18-2-1515. Forms and Information Transfers**

- A. ADEQ shall make all forms for completion by a F/SLM available in electronic format as provided by the Director.
- B. After consultation with an F/SLM, ADEQ may require the F/SLM to provide data or completed forms in an electronic format as provided by the Director.

**Historical Note**

Adopted effective October 8, 1996 (Supp. 96-4). Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1). Amended by final rulemaking at 29 A.A.R. 1427 (June 30, 2023), effective August 7, 2023 (Supp. 23-2).

**ARTICLE 16. EXPIRED**

*Article 16, consisting of Sections R18-2-1601 through R18-2-1606, made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4).*

**R18-2-1601. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1602. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1603. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1604. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1605. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1606. Expired****Historical Note**

New Section made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4). Section expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1607. Expired****Historical Note**

Section reserved at 11 A.A.R. 386, effective December 20, 2004, expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1608. Expired****Historical Note**

Section reserved at 11 A.A.R. 386, effective December 20, 2004, expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1609. Expired****Historical Note**

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Section reserved at 11 A.A.R. 386, effective December 20, 2004, expired under A.R.S. § 41-1056(J) at 24 A.A.R. 2500, effective August 14, 2018 (Supp. 18-3).

**R18-2-1610. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 386, effective December 20, 2004 (Supp. 04-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1611. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 386, effective December 20, 2004 (Supp. 04-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1612. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 386, effective December 20, 2004 (Supp. 04-4). Section heading corrected at request of the Department, Office File No. M12-134, filed April 5, 2012 (Supp. 11-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**R18-2-1613. Expired****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 386, effective December 20, 2004 (Supp. 04-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2856, effective April 30, 2013 (Supp. 13-3).

**ARTICLE 17. EXPIRED****R18-2-1701. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**Table 1. Expired****Historical Note**

Table 1 made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Table 1 expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1702. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**Table 2. Expired****Historical Note**

Table 2 made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Table 2 expired

under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1703. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1704. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1705. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1706. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1707. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1708. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**Table 3. Expired****Historical Note**

Table 3 made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Table 3 expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**R18-2-1709. Expired****Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Section

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expired under A.R.S. § 41-1056(J) at 23 A.A.R.135, effective August 26, 2016; filed in the Office of the Secretary of State December 23, 2016 (Supp. 16-4).

**ARTICLE 18. REPEALED****R18-2-1801. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1802. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1803. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1804. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1805. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1806. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1807. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1808. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1809. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1810. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1811. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**R18-2-1812. Repealed****Historical Note**

New Section made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Section repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**CHAPTER APPENDICES****Appendix 1. Repealed****Historical Note**

Former Appendix 1 repealed, new Appendix 1 adopted effective October 2, 1979 (Supp. 79-5). Amended effective May 28, 1982 (Supp. 82-3). Amended effective September 22, 1983 (Supp. 83-5). Amended effective December 1, 1988 (Supp. 88-4). Appendix 1 repealed, new Appendix 1 adopted effective November 15, 1993 (Supp. 93-4). Amended effective October 7, 1994 (Supp. 94-4). Amended effective August 1, 1995 (Supp. 95-3). The reference to R18-2-101(80) amended to reference R18-2-101(84) (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Repealed by final rulemaking at 23 A.A.R. 333, effective March 21, 2017 (Supp. 17-1).

**Appendix 2. Test Methods and Protocols**

The following test methods and protocols are approved for use as directed by the Department under this Chapter. These standards are incorporated by reference as applicable requirements revised as of June 30, 2017, and no future editions or amendments. These standards are on file with the Department, and are also available from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

- A.** 40 CFR 50;
- B.** 40 CFR 50, all appendices;
- C.** 40 CFR 51, Appendix M, Section IV of Appendix S, and Appendix W;
- D.** 40 CFR 52, Appendices D and E;
- E.** 40 CFR 53;
- F.** 40 CFR 58;
- G.** 40 CFR 58, all appendices;
- H.** 40 CFR 60, all appendices;
- I.** 40 CFR 61, all appendices;
- J.** 40 CFR 63, all appendices;
- K.** 40 CFR 75, all appendices.



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L. 40 CFR 51.128, Appendix A(1)(B).

M. Silt Content Test Method. The purpose of this test method is to estimate the silt content of the trafficked parts of commercial farm roads, as defined in R18-2-610. The higher the silt content, the more fine dust particles that are released when cars and trucks drive on commercial farm roads.

1. Equipment:

- a. A set of sieves with the following openings: 4 millimeters (mm), 2mm, 1 mm, 0.5 mm and 0.25 mm and a lid and collector pan
  - b. A small whisk broom or paintbrush with stiff bristles and dustpan 1 ft. in width. (The broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length.)
  - c. A spatula without holes A small scale with half ounce increments (e.g. postal/package scale)
  - d. A shallow, lightweight container (e.g. plastic storage container)
  - e. A sturdy cardboard box or other rigid object with a level surface
  - f. Basic calculator
  - g. Cloth gloves (optional for handling metal sieves on hot, sunny days)
  - h. Sealable plastic bags (if sending samples to a laboratory)
  - i. Pencil/pen and paper
2. Step 1: Look for a routinely-traveled surface, as evidenced by tire tracks. [Only collect samples from surfaces that are not wet or damp due to precipitation, dew or watering.] Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material using a whisk broom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is < 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to 1 cm. in depth, a wooden dowel or other similar narrow object at least 1 foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel. At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is in subsection (10) below.
3. Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.
4. Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.
5. Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whisk broom or brush. (On

windy days, use the trunk or door of a car as a wind barricade.) Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways for at least 1 minute.

6. Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass; e.g. material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size. If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. (You only need to reassemble the sieve(s) that contain material which requires further sifting.)
7. Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves -- only the collector pan. Weigh the container with the material from the collector pan and record its weight.
8. Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an unpaved parking lot, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 and multiply by 100 to estimate the percent silt content.
9. Step 8: Select another two routinely-traveled portions of the unpaved road or unpaved parking lot and repeat this test method. Once you have calculated the silt loading and percent silt content of the three samples collected, average your results together.
10. Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft<sup>2</sup>, the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft<sup>2</sup>, then proceed to examine the average percent silt content. If the source is an unpaved road and the average percent silt content is 6% or less, the surface is STABLE. If the source is an unpaved parking lot and the average percent silt content is 8% or less, the surface is STABLE. If your field test results are within 2% of the standard (for example, 4%-8% silt content on an unpaved road), it is recommended that you collect three additional samples from the source according to Step 1 and take them to an independent laboratory for silt content analysis.
11. Independent Laboratory Analysis: You may choose to collect 3 samples from the source, according to Step 1, and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use comes from the following text: *Procedures For Laboratory Analysis Of Surface/Bulk Dust Loading Samples*, (Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis", 1995), AP-42, Office of air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.

#### Historical Note

Former Appendix 2 repealed, new Appendix 2 adopted effective October 2, 1979 (Supp. 79-5). Amended effective May 28, 1982 (Supp. 82-3). Amended effective December 1, 1988 (Supp. 88-4). Repealed effective

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November 15, 1993 (Supp. 93-4). New Appendix 2 adopted effective December 7, 1995 (Supp. 95-4). Amended effective May 9, 1996 (Supp. 96-2). Amended effective April 4, 1997; filed with the Office of the Secretary of State March 14, 1997 (Supp. 97-1). Amended effective December 4, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 4170, effective October 11, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 3305, effective October 3, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4). Amended by exempt rulemaking pursuant to Laws 2011, Ch. 214, § 4, at 21 A.A.R. 1156, effective July 2, 2015 (Supp. 15-3). Amended by final expedited rulemaking at 21 A.A.R. 2747, effective December 13, 2015 (Supp. 15-4). Amended by final expedited rulemaking at 23 A.A.R. 1564, effective May 2, 2018 (Supp. 18-2). Missing subsection number in (M) added at Step 4, as (5), subsections following (M)(5) corrected (Supp. 21-4).

**Appendix 3. Logging**

1. Each log entry required by a change under R18-2-317.02(B) shall include at least the following information:
  - a. A description of the change, including:
    - i. A description of any process change.
    - ii. A description of any equipment change, including both old and new equipment descriptions, model numbers and serial numbers, or any other unique equipment number.
    - iii. A description of any process material change.
  - b. The date and time that the change occurred.
  - c. The provision of R18-2-317.02(B) that authorizes the change to be made with logging.
  - d. The date the entry was made and the first and last name of the person making the entry.
2. Logs shall be kept for five years from the date created. Logging shall be performed in indelible ink in a bound log book with sequentially numbered pages, or in any other form, including electronic format, approved by the Director.

**Historical Note**

Appendix 3 adopted by final rulemaking at 5 A.A.R. 4074, effective September 22, 1999 (Supp. 99-3).

**Appendix 4. Reserved****Appendix 5. Repealed****Historical Note**

Appendix 5 repealed effective November 15, 1993 (Supp. 93-4).

**Appendix 6. Repealed****Historical Note**

Adopted effective August 7, 1975 (Supp. 75-1). Former Appendix 6 repealed, new Appendix 6 adopted effective July 7, 1978 (Supp. 78-4). Former Appendix 6 repealed effective May 14, 1979 (Supp. 79-1).

**Appendix 7. Repealed****Historical Note**

Adopted effective December 22, 1976 (Supp. 76-5). Former Appendix 7 repealed, new Appendix 7 adopted effective January 8, 1980 (Supp. 80-1). Editorial correction, Instructions for Schedule 2, paragraph (15) (Supp. 80-2). Repealed effective September 26, 1990 (Supp. 90-3).

**A8 Appendix 8. Procedures for Utilizing the Sulfur Balance Method for Determining Sulfur Emissions****PROCEDURES FOR UTILIZING THE SULFUR BALANCE METHOD FOR DETERMINING SULFUR EMISSIONS****A8.1. Calculating Input Sulfur**

Total sulfur input is the sum of the product of the weight of each sulfur bearing material introduced into the smelting process as calculated in A8.1.1. multiplied by the fraction of sulfur contained in that material as calculated in A8.1.2. plus the amount of sulfur contained in fuel utilized in the smelting process as calculated in A8.1.3.

**A8.1.1. Material Weight**

The owner or operator of a copper smelter shall weigh all sulfur-bearing materials, other than fuels, introduced into the smelting process. The weighing shall be subject to the following conditions:

- A8.1.1.1.** Weight shall be determined on a belt scale, rail or truck scales, or other weighing device.
- A8.1.1.2.** Weight shall be determined within an accuracy of  $\pm 5\%$ .
- A8.1.1.3.** All devices or scales used for weighing shall be calibrated to manufacturer's specifications at least once a month.
- A8.1.1.4.** Sulfur-bearing materials subject to being weighed include concentrate, cement copper, reverts that are discarded and not part of the internal circulating load and precipitates. Materials such as limestone and silica flux that are mixed with a charge of sulfur bearing materials shall be weighed and reported by the owner or operator.

**A8.1.2. Sulfur Content**

The owner or operator shall calculate the sulfur content of all sulfur-bearing materials introduced into the smelting process using the following steps or an alternative method approved according to A8.4.1.

**A8.1.2.1. Sampling**

The procedures followed by the owner or operator in sampling are dependent upon the input vehicles for the sulfur-bearing material.

**A8.1.2.1.1. Beltfeed**

The smelter owner or operator shall collect a five-pound sample each hour. The owner or operator shall combine hourly samples for a total daily sample.

**A8.1.2.1.2. Railcar**

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The smelter owner or operator shall collect a 24-pound sample from each car by the auger method at a minimum of four locations. The owner or operator shall combine each car sample with all other car samples for a total lot sample.

**A8.1.2.1.3. Truck**

The owner or operator shall collect a 12-pound sample from each truck load. The owner or operator shall take samples at two locations during unloading. If more than one truck delivers a single lot, the samples from each truck shall be combined for a total lot sample.

**A8.1.2.2. Sample Preparation**

The owner or operator shall prepare each total sample for analysis in the following manner:

**A8.1.2.2.1.** The sample shall be crushed to minus 1/4 inch particles.

**A8.1.2.2.2.** 2000 gm of the sample shall be split out using a Jones Riffle Splitter or similar device.

**A8.1.2.2.3.** The 2000 gm sample shall be pulverized to minus 150 mesh.

**A8.1.2.2.4.** The pulverized mass shall be mixed using a rolling cloth.

**A8.1.2.2.5.** 500 gm shall be split out for sample analysis.

**A8.1.2.3. Sample Analysis**

**A8.1.2.3.1.** The owner or operator shall analyze the sample to determine sulfur content using the Barium Sulfate ( $\text{BaSO}_4$ ) Gravimetric Method according to A8.4.3. The analysis shall be accurate to within  $\pm 1\%$ .

**A8.1.2.3.2.** For purposes of comparison, the owner or operator shall analyze the sample for copper content using the Potassium Iodide (KI) Titration Method according to A8.4.3. The analysis shall be accurate to within  $\pm 1\%$ .

**A8.1.3. Fuel Sulfur Content**

The owner or operator shall calculate sulfur in fuels by multiplying the amount of fuel that enters the process by the fraction of sulfur in the fuel, as reported to the smelter operator by the fuel's supplier. The sulfur content determination shall be accurate to within  $\pm 5\%$ .

**A8.2. Calculating Removed Sulfur**

Total removed sulfur is the sum of the removed sulfur in each of the following products as determined by each process set forth below, or by other processes approved according to A8.4.1.

**A8.2.1. Furnace and Converter Slags**

**A8.2.1.1.** The owner or operator shall determine the weight of each slag using a scale with an accuracy within  $\pm 5\%$ .

**A8.2.1.2.** The owner or operator shall collect a five-pound sample from each slag pot during tapping operations.

**A8.2.1.3.** The owner or operator shall prepare the sample and determine the amount of sulfur and copper using the procedures specified in A8.1.2.2. and A8.1.2.3.

**A8.2.2. Dust Collection Equipment Dusts**

**A8.2.2.1.** After the owner or operator collects the dust and places it in a rail car or truck they shall weigh it using a scale with an accuracy within  $\pm 5\%$ .

**A8.2.2.2.** The owner or operator shall sample the dust and prepare and analyze a sample for sulfur and copper using the procedures specified in A8.1.2.1., A8.1.2.2., and A8.1.2.3.

**A8.2.3. Strong Acids**

**A8.2.3.1.** The owner or operator shall take an inventory of strong acids daily by means of a manometer or sight glass, and increase the inventory by the amounts of acid shipped or otherwise transferred during that day.

**A8.2.3.2.** The owner or operator shall ensure the daily inventory will be accurate to within  $\pm 5\%$ .

**A8.2.3.3.** The owner or operator shall take a sample of each batch of the inventoried acid and analyze the sample for sulfur, according to the procedures in A8.1.2.3.

**A8.2.4. Weak Acids**

**A8.2.4.1.** The owner or operator shall determine the amount of weak acid discharged from an acid plant and scrubber systems by a time volumetric method of measurement in gallons per minute and to an accuracy of within  $\pm 20\%$ .

**A8.2.4.2.** The owner or operator shall analyze a 500 ml sample of the weak acid daily for sulfur content according to the procedures in A8.1.2.3.

**A8.2.5. Sulfur in Copper Production**

**A8.2.5.1.** The owner or operator shall determine the weight of copper produced

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- by weight of copper cast to an accuracy of within  $\pm 5\%$ .
- A8.2.5.2.** The owner or operator shall record the weight and number of castings.
- A8.2.5.3.** The owner or operator shall obtain a sample of the copper, either by the grab sample method while casting, or by the use of at least three drill holes on a representative casting from each charge.
- A8.2.5.4.** The owner or operator shall obtain at least one sample from each charge.
- A8.2.5.5.** The owner or operator shall analyze each sample for sulfur content using the Barium Sulfate ( $\text{BaSO}_4$ ) Gravimetric Method according to A8.4.3. The analysis shall be accurate to within  $\pm 50\%$ .
- A8.2.6. Materials in Process**
- A8.2.6.1.** The owner or operator shall determine the total tonnage of materials in process by physical inventory on the first or last day of each month.
- A8.2.6.2.** The owner or operator shall calculate a monthly change in in-process inventory for each material in process by taking the difference between the inventory from each material in process on the first or last day of the preceding month and multiplying that difference by the monthly composite sulfur assay for that material.
- A8.2.6.3.** The change in monthly in-process inventory shall be accurate to within  $\pm 50\%$ .
- A8.3. Sulfur Dioxide Emissions Monitoring**
- A8.3.1.** The sulfur dioxide emissions monitoring and recording system required under R18-2-715.01(K) through R18-2-715.01(N) shall meet the following specifications:
- A8.3.1.1.** The monitoring system shall be capable of continuously monitoring sulfur dioxide emissions with an accuracy of within  $\pm 20\%$  and a confidence level of 95%.
- A8.3.1.2.** The owner or operator shall operate and calibrate the sulfur dioxide emission monitoring and recording equipment according to manufacturer's specifications for the equipment except that calibration shall be done at least once every 24 hours.
- A8.3.2.** The sulfur removal equipment bypass monitoring required under R18-2-715.01(Q) shall consist of a detector and recorder system capable of producing a permanent record of all periods that the bypass is in operation.
- A8.4. General Provisions**
- A8.4.1.** For purposes of this Appendix, an approved alternative method, process, or procedure, must be approved in writing by the Director and the U.S. Environmental Protection Agency.
- A8.4.2.** The processes and procedures specified in this Appendix shall be available for inspection, review and verification by the Department at all reasonable times.
- A8.4.3.** The barium sulfate gravimetric test method and potassium iodide titration test method provided in *Standard Methods of Chemical Analysis*, Volume One, *The Elements*, Sixth Edition, N. Howell Furman (ed.), D. Van Nostrand Company, Inc., Princeton, New Jersey, 1962, pages 410-411, 1006-1011, and 1342-1343 (and no future editions or amendments) is incorporated by reference and available at the Department.
- Historical Note**  
Adopted effective December 22, 1976 (Supp. 76-5). Correction, Appendix 8, A8-2-1.1 (Supp. 77-2). Amended effective May 28, 1982 (Supp. 82-3). Amended effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 11 A.A.R. 2216, effective July 18, 2005 (Supp. 05-2). Subsection levels updated for clarity. No other changes have been made to Appendix 8 (Supp. 21-4).
- A9. Appendix 9. Monitoring Requirements**
- MONITORING REQUIREMENTS**
- A9.1.** Unless otherwise approved by the Director or specified in applicable Sections, the requirements of this Appendix shall apply to all continuous monitoring systems required under applicable Sections.
- A9.2.** All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under rule R18-2-312. Verification of operational status shall, as a minimum, consist of the following:
- A9.2.1.** For continuous monitoring systems referenced in A9.3.1. below, completion of the conditioning period specified by applicable requirements in the Arizona Testing Manual and 40 CFR 60.
- A9.2.2.** For continuous monitoring systems referenced in A9.3.2. below, completion of seven days of operation.
- A9.2.3.** For monitoring devices referenced in other applicable Sections, completions of the manufacturer's written requirements or recommendations for checking the operation or calibration of the device.
- A9.3.** During any performance tests required under rule R18-2-312 or within 30 days thereafter and at such other times as may be required by the Director, the owner or operator of any

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affected facility shall conduct continuous monitoring system performance evaluations and furnish the Director within 60 days thereof, 2, or upon request, more copies of a written report of the results of such tests. The continuous monitoring system performance evaluations shall be conducted in accordance with the following specifications and procedures:

**A9.3.1.** Continuous monitoring systems listed within this subsection, except as provided in A9.3.2. below shall be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of the Arizona Testing Manual and 40 CFR 60.

**A9.3.1.1.** Continuous monitoring systems for measuring opacity of emissions shall comply with Performance Specification 1.

**A9.3.1.2.** Continuous monitoring systems for measuring nitrogen oxides emissions shall comply with Performance Specification 2.

**A9.3.1.3.** Continuous monitoring systems for measuring sulfur dioxide emissions shall comply with Performance Specification 2.

**A9.3.1.4.** Continuous monitoring systems for measuring the oxygen content or carbon dioxide content of effluent gases shall comply with Performance Specification 3.

**A9.3.2.** An owner or operator who, prior to September 11, 1974, entered into a binding contractual obligation to purchase specific continuous monitoring system components except as referenced by A9.3.2.3. below shall comply with the following requirements:

**A9.3.2.1.** Continuous monitoring systems for measuring opacity of emissions shall be capable of measuring emission levels within  $\pm 20\%$ . The Calibration Error Test and associated calculation procedures set forth in Performance Specification 1 of 40 CFR 60, Appendix B shall be used for demonstrating compliance with this specification.

**A9.3.2.2.** Continuous monitoring systems for measurement of nitrogen oxides or sulfur dioxide shall be capable of measuring emission levels within  $\pm 20\%$  with a confidence level of 95%. The Calibration Error Test, the Field Test for Accuracy (Relative), and associated operating and calculation procedures set forth in Performance Specification 2 of 40 CFR 60, Appendix B shall be used for demonstrating compliance with this specification.

**A9.3.2.3.** Owners or operators of all continuous monitoring systems installed on an affected facility prior to October 6, 1975, are not required to conduct tests under A9.3.2.1. and/or

A9.3.2.2. above unless requested by the Director.

**A9.3.3.** All continuous monitoring systems referenced by A9.3.2. above shall be upgraded or replaced (if necessary) with new continuous monitoring systems, and such improved systems shall be demonstrated to comply with applicable performance specifications under A9.3.1. above by September 11, 1979.

**A9.4.** Owners or operators of all continuous monitoring systems installed in accordance with the provisions of these rules shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of such systems unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in 40 CFR 60, Appendix B are exceeded. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero or span drift adjustments except that for systems using automatic zero adjustments, the optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4% opacity. Unless otherwise approved by the Director, the following procedures, as applicable, shall be followed:

**A9.4.1.** For extractive continuous monitoring systems measuring gases, minimum procedures shall include introducing applicable zero and span gas mixtures into the measurement system as near the probe as practical. Span and zero gases certified by their manufacturer to be traceable to the National Bureau of Standards reference gases will be used whenever these reference gases are available. The span and zero gas mixtures shall be the same composition as specified in the 40 CFR 60, Appendix B. Every six months from date of manufacture, span and zero gases shall be re-analyzed by conducting triplicate analyses with Reference Methods 6 for SO<sub>2</sub>, 7 for NO<sub>x</sub> and 3 for O<sub>2</sub> and CO<sub>2</sub>, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

**A9.4.2.** For nonextractive continuous monitoring systems measuring gases, minimum procedures shall include upscale check(s) using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.

**A9.4.3.** For continuous monitoring systems measuring opacity of emissions, minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

**A9.5.** Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under A9.4. above,

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all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

- A9.5.1.** All continuous monitoring systems referenced by A9.3.1. and A9.3.2. above for measuring opacity of emissions shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 10-second period.
- A9.5.2.** All continuous monitoring systems referenced by A9.3.1. above for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide, or oxygen shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
- A9.5.3.** All continuous monitoring systems referenced by A9.3.2. above, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive one-hour period.
- A9.6.** All continuous monitoring systems for monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of 40 CFR 60, Appendix B shall be used.
- A9.7.** When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install applicable continuous monitoring systems on each separate effluent unless the installation of fewer systems is approved by the Director.
- A9.8.** Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to six-minute averages and for systems other than opacity to one-hour averages, respectively. Six minute opacity averages shall be calculated from 24 or more data points equally spaced over each six-minute period. For systems other than opacity, one-hour averages shall be computed from four or more data points equally spaced over each one-hour period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this subsection. An arithmetic or integrated average of all data may be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form (e.g. ppm pollutant and percent O<sub>2</sub> or lb/million Btu of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in these rules to specify the applicable standard (e.g., rounded to the nearest 1% opacity).
- A9.9.** Upon written application by an owner or operator, the Director may approve alternatives to any monitoring procedures or requirements of these rules including, but not limited to the following:

- A9.9.1.** Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by these rules would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.
- A9.9.2.** Alternative monitoring requirements when the affected facility is infrequently operated.
- A9.9.3.** Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
- A9.9.4.** Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
- A9.9.5.** Alternative methods of converting pollutant concentration measurements to units of the standards.
- A9.9.6.** Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
- A9.9.7.** Alternatives to the ASTM test methods or sampling procedures specified by any subpart.
- A9.9.8.** Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1 in 40 CFR 60, Appendix B but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Director may require that such demonstration be performed for each affected facility.
- A9.9.9.** Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

**Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective June 15, 1995 (Supp. 95-2). Subsection levels updated for clarity. No other changes have been made to Appendix 9 (Supp. 21-4).

**Appendix 10. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective July 9, 1980 (Supp. 80-4). Amended effective June 19, 1981 (Supp. 81-3). Repealed by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**Appendix 11. Repealed****Historical Note**

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective September 11, 1983 (Supp. 83-5). Repealed by final rulemaking at 15 A.A.R. 281, effective March 7, 2009 (Supp. 09-1).

**Appendix 12. Expired****Historical Note**

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New Appendix 12 made by final rulemaking at 12 A.A.R. 1953, effective January 1, 2007 (Supp. 06-2). Appendix 12 expired under A.R.S. § 41-1056(J) at 23 A.A.R. 3427, effective October 10, 2017 (Supp. 17-4).

**Appendix 13. Repealed****Historical Note**

New Appendix 13 made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2). Appendix repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

**A14. Appendix 14. Procedures for Sulfur Dioxide and Lead Fugitive Emissions Studies for the Hayden Smelter****A14.1. Applicability**

This Appendix applies to the owner or operator of the primary copper smelter located in Hayden, Arizona at latitude 33°0'15"N and longitude 110°46'31"W.

**A14.2. Study Objectives**

The owner or operator shall conduct fugitive emissions studies to derive a measurement or accurate estimate of total fugitive sulfur dioxide and lead emissions from the Hayden smelter during operations, including planned and unplanned start-up and shutdown periods and malfunctions, for the processes identified in A14.3 below. The studies shall include uncaptured fugitive sulfur dioxide emissions from the smelter processing units, but not emissions due solely to the use of fuel for space heating or steam generation, burners at anode casting, or slag pouring at the slag dump. The studies shall evaluate the extent to which correlations may exist between fugitive sulfur dioxide, lead, and particulate matter (PM/PM<sub>10</sub>/PM<sub>2.5</sub>) emissions, and shall develop such correlations as feasible.

The studies shall also be used to help validate that the operating conditions or ranges specified in the capture and control device maintenance and operations plans required in R18-2-B1301(D)(2) and R18-2-B1302(D)(2) are consistent with operating conditions demonstrating attainment of the 2008 Lead National Ambient Air Quality Standards (NAAQS) in the Hayden 2008 Lead NAAQS Nonattainment Area State Implementation Plan (SIP) and the 2010 Sulfur Dioxide NAAQS in the Hayden 2010 Sulfur Dioxide NAAQS Nonattainment Area SIP.

**A14.3. Processes Evaluated**

From the fugitive emissions studies, the owner or operator shall develop an emission factor or accurate estimate of fugitive emissions for sulfur dioxide and lead during operations, including planned and unplanned start-up and shutdown periods and malfunctions, produced by each of the following smelting processes:

- i. Flash furnace building, including flash furnace and dryer operations
- ii. Converter aisle, including converter and related operations
- iii. Anode furnace aisle, including oxidizing, poling and related operations

**A14.4. Averaging Periods**

The emission estimate shall include the average pounds per hour emission factor for the fugitive lead and sulfur dioxide emissions from each step in the smelting process identified in A14.3. The estimate shall include all time periods, including planned and unplanned start-up and shutdown periods and malfunctions.

**A14.5. Methods and Study Protocols**

The owner or operator shall submit to the Department and EPA Region IX for review and approval study protocols at least six months prior to conducting fugitive emission studies. Study protocols must be approved by the Department and EPA Region IX prior to commencement of fugitive emissions studies. Study protocols shall specify the method(s) used to meet the study objectives as described in A14.2, including during all recurring operating scenarios from all processes identified in A14.3.

Each fugitive emissions measurement system shall include validation of adequate velocity for flow measurements (i.e., the expected exhaust velocity is within the measurement range of the instrument), and have a sufficient number of flow and temperature sensors to ensure calculation of representative exhaust flows through each roof monitor vent. The number of such sensors and their locations for each monitoring system shall account for the physical configuration of the roof monitor vent, the locations of emitting activities relative to the roof monitor vent, and heat generated by the equipment served by the roof monitor vent.

The fugitive emissions studies shall include operation and process information to help understand the emission impacts of startup, shutdown, malfunctions, and significant changes in process operations. This shall include, for example, dates, times and duration of these events, cause of malfunctions, and descriptions of process changes.

After the completion of each fugitive emissions study, the owner or operator shall modify study methods based on data and lessons learned from previous studies, and submit such modified methods in the proceeding study protocols prior to conducting future emissions studies.

**A14.6. Study Duration, Frequency, and Submission Schedule**

The first fugitive emissions study must commence not later than six months after the completion of the Converter Retrofit Project authorized by Significant Permit Revision No. 60647. The second study commencement date shall occur within the same calendar quarter, but five years later from the date of commencement of the first study. The owner or operator shall submit the results of each fugitive emissions study in a report to the Department and EPA Region IX for review and approval not later than six months after completing a study. The data collection portion of the first and second fugitive emissions studies shall be conducted for a period of 12 months to assess the content and quantity of fugitive sulfur dioxide and lead emissions.

**A14.7. Study Reports and Subsequent Studies**

At minimum, fugitive emission study reports submitted pursuant to A14.6 must include:

- i. Resultant emission factors used to determine fugitive emissions of sulfur dioxide and lead.
- ii. Resultant average fugitive lead emissions for each process identified in A14.3.
- iii. Resultant peak one-hour fugitive sulfur dioxide emissions for each process identified in A14.3.
- iv. Seasonal differences, if any.
- v. Comparisons of results from past studies, if any.
- vi. Descriptions and identification of volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and operational limits R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) that are associated with fugitive emissions.

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- vii. An analysis of whether the results from a study demonstrate that the volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and the operational limits in R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) continuously ensure that actual fugitive sulfur dioxide and lead emissions are consistent with the modeled emission rates used in the attainment demonstrations in the Hayden 2008 Lead NAAQS Nonattainment Area SIP and the Hayden 2010 Sulfur Dioxide NAAQS Nonattainment Area SIP. The analysis must also identify subsequent fugitive emissions studies, if any, needed to remedy inaccurate operational limits and volumetric flow monitoring provisions and to ensure attainment of the 2008 Lead NAAQS and 2010 Sulfur Dioxide NAAQS. The scope, duration, and frequency of any subsequent fugitive emissions studies must also be identified. This provision and the report's conclusion neither require nor prohibit future fugitive emission studies.
- viii. An analysis of whether supplemental modeling is needed to demonstrate that resultant fugitive emissions from a study provide attainment of the 2008 Lead NAAQS and 2010 Sulfur Dioxide NAAQS.
- ix. A summary of methods as followed per approved study protocols.

**A14.8. Revisions to Operations and Maintenance Plan**

If an analysis conducted in accordance with A14.7(vi) demonstrates that fugitive emissions associated with volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and operational limits in R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) may exceed the modeled emission rates used in the Hayden 2008 Lead NAAQS Nonattainment Area SIP attainment demonstration and/or the Hayden 2010 Sulfur Dioxide NAAQS Nonattainment Area SIP attainment demonstration, and result in an increased likelihood of a NAAQS exceedance based on modeling required under A14.9, then the owner or operator shall submit to the Department for approval, not later than six months after completing a study, recommended changes to operational limits and volumetric flow monitoring provisions as an operations and maintenance plan revision pursuant to R18-2-B1301(D)(2)(e) and R18-2-B1302(D)(2)(e) that would achieve necessary fugitive emissions levels to demonstrate attainment of the NAAQS at the same level of assurance as in the attainment demonstrations. Until receiving approval of the plan revision, the owner or operator shall operate and maintain the volumetric flow monitoring provisions and the operational limits in accordance with the plan as initially submitted pursuant to R18-2-B1301(D)(2)(e) and R18-2-B1302(D)(2)(e). Additionally, the owner and operator shall submit new attainment demonstrations pursuant to A14.9, making appropriate demonstrations of attainment at adjusted fugitive emissions levels.

Similarly, if an analysis conducted in accordance with A14.7(vi) demonstrates that fugitive emissions associated with the volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and operational limits in R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) may exceed the modeled emission rates used in the Hayden 2008 Lead NAAQS Nonattainment Area SIP attainment demonstration and/or the Hayden

2010 Sulfur Dioxide NAAQS Nonattainment Area SIP attainment demonstration, and result in an increased likelihood of a NAAQS exceedance based on modeling required under A14.9, then the Department shall submit appropriate changes to the operational limits and volumetric flow monitoring provisions, and any revised attainment demonstration pursuant to A14.9, if applicable, to EPA Region IX as a SIP revision not later than 12 months after completion of a fugitive emissions study.

**A14.9. Supplemental Modeling**

If an analysis conducted in accordance with A14.7(vii) demonstrates that fugitive emissions associated with volumetric flow monitoring provisions in R18-2-B1301(D)(2)(a) and R18-2-B1302(D)(2)(a) and operational limits in R18-2-B1301(D)(2)(b) and R18-2-B1302(D)(2)(b) are greater than the modeled emission rates used in the Hayden 2008 Lead NAAQS Nonattainment Area SIP attainment demonstration and/or the Hayden 2010 Sulfur Dioxide NAAQS Nonattainment Area SIP attainment demonstration, the owner or operator shall remodel to demonstrate whether the 2010 Sulfur Dioxide NAAQS and/or 2008 Lead NAAQS will be attained as such higher rates. The owner or operator shall submit such modeling to the Department and EPA Region IX for review and approval not later than six months after completing a fugitive emissions study.

If the revised modeling demonstrates that the 2010 Sulfur Dioxide NAAQS and/or 2008 Lead NAAQS will be attained, the Department shall submit such modeling demonstration and revised fugitive emissions assumptions as a SIP revision to EPA Region IX not later than 12 months after completion of a fugitive emissions study. Alternatively, the owner or operator shall propose additional emission control requirements to revise the SIP, or any combination of revised control measures and modeled attainment, to demonstrate attainment of the 2010 Sulfur Dioxide NAAQS and/or 2008 Lead NAAQS.

**Historical Note**

A14, Appendix 14 made by final rulemaking at 23 A.A.R. 722, effective May 7, 2017 (Supp. 17-1). Because of a clerical error in Supp. 17-1, A14, Appendix 14 was inadvertently published at the end of Article 13. At the request of the Department it has been moved to the end of this Chapter (Supp. 17-3). Subsection levels updated for clarity. No other changes have been made to Appendix 14 (Supp. 21-4).

**A15. Appendix 15. Test Methods for Determining Opacity and Stabilization of Unpaved Roads****A15.1. Applicability**

This Appendix applies to unpaved roads at the primary copper smelter located in Hayden, Arizona at latitude 33°0'15"N and longitude 110°46'31"W.

**A15.2. Opacity Test Method**

The purpose of this test method is to estimate the percent opacity of fugitive dust plumes caused by vehicle movement on unpaved roads. This method can only be conducted by an individual who has received certification as a qualified observer. Qualification and testing requirements can be found in Section A15.4 of this Appendix.

**A15.2.1. Step 1**

Stand at least 16.5 feet from the fugitive dust source in order to provide a clear view of the emissions with the sun oriented in the 140° sector to the



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back. Following the above requirements, make opacity observations so that the line of vision is approximately perpendicular to the dust plume and wind direction. If multiple plumes are involved, do not include more than one plume in the line of sight at one time.

**A15.2.2. Step 2**

Record the fugitive dust source location, source type, method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the fugitive dust source. Also record the time, estimated distance to the fugitive dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position to the fugitive dust source, and color of the plume and type of background on the visible emission observation from both when opacity readings are initiated and completed.

**A15.2.3. Step 3**

Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make opacity observations approximately 1 meter above the surface from which the plume is generated. Note that the observation is to be made at only one visual point upon generation of a plume, as opposed to visually tracking the entire length of a dust plume as it is created along a surface. Make two observations per vehicle, beginning with the first reading at zero seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume briefly at zero seconds and then again at five seconds.

**A15.2.4. Step 4**

Record the opacity observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 5-second period. While it is not required by the test method, EPA recommends that the observer estimate the size of vehicles which generate dust plumes for which readings are taken (e.g. midsize passenger car or heavy-duty truck) and the approximate speeds the vehicles are traveling when readings are taken.

**A15.2.5. Step 5**

Repeat Step 3 (Section A15.2.3 of this Appendix) and Step 4 (Section A15.2.4 of this Appendix) until you have recorded a total of 12 consecutive opacity readings. This will occur once six vehicles have driven on the source in your line of observation for which you are able to take proper readings. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.

**A15.2.6. Step 6**

Average the 12 opacity readings together. If the average opacity reading equals 20% or lower, the source is in compliance.

**A15.3. Silt Content Test Method**

The purpose of this test method is to estimate the silt content of the trafficked parts of unpaved roads. The higher the silt content, the more fine dust particles that are released when cars and trucks drive on unpaved roads.

**A15.3.1. Equipment**

**A15.3.1.1.** A set of sieves with the following openings: 4 millimeters (mm), 2 mm, 1 mm, 0.5 mm and 0.25 mm (or a set of standard/commonly available sieves), a lid, and collector pan.

**A15.3.1.2.** A small whisk broom or paintbrush with stiff bristles and dustpan 1 ft. in width. (The broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length).

**A15.3.1.3.** A spatula without holes.

**A15.3.1.4.** A small scale with half-ounce increments (e.g., postal/package scale).

**A15.3.1.5.** A shallow, lightweight container (e.g., plastic storage container).

**A15.3.1.6.** A sturdy cardboard box or other rigid object with a level surface.

**A15.3.1.7.** A basic calculator.

**A15.3.1.8.** Cloth gloves (optional for handling metal sieves on hot, sunny days).

**A15.3.1.9.** Sealable plastic bags (if sending samples to a laboratory).

**A15.3.1.10.** A pencil/pen and paper.

**A15.3.2. Step 1**

Look for a routinely traveled surface, as evidenced by tire tracks. (Only collect samples from surfaces that are not damp due to precipitation or dew. This statement is not meant to be a standard in itself for dampness where watering is being used as a control measure. It is only intended to ensure that surface testing is done in a representative manner.) Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material using a whiskbroom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is < 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to 1 cm in depth, a wooden dowel or other similar narrow object at least 1 foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel. At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is at the end of this section.

**A15.3.3. Step 2**

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Place a scale on a level surface. Place a light-weight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.

**A15.3.4. Step 3**

Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.

**A15.3.5. Step 4**

Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whisk-broom or brush. (On windy days, use the trunk or door of a car as a wind barricade.) Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways for at least 1 minute.

**A15.3.6. Step 5**

Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass (e.g., material in each sieve [besides the top sieve that captures a range of larger elements] should look the same size). If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. (You only need to reassemble the sieve(s) that contain material, which requires further sifting.)

**A15.3.7. Step 6**

After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves; only the collector pan. Weigh the container with the material from the collector pan and record its weight.

**A15.3.8. Step 7**

If the source is an unpaved road, multiply the resulting weight by 0.38. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 (Section A15.3.3 of this Appendix) and multiply by 100 to estimate the percent silt content.

**A15.3.9. Step 8**

Select another two routinely traveled portions of the unpaved road and repeat this test method. Once you have calculated the silt loading and percent silt content of the three samples collected, average your results together.

**A15.3.10. Step 9**

Examine results. If the average silt loading is less than 0.33 oz/ft<sup>2</sup>, the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft<sup>2</sup>, then proceed to examine the average percent silt content. If the source is an unpaved road and the average percent silt content is 6% or less, the surface is STABLE. If your field test results are

within 2% of the standard (for example, 4%–8% silt content on an unpaved road), it is recommended that you collect three additional samples from the source according to Step 1 (Section A15.3.2 of this Appendix) and take them to an independent laboratory for silt content analysis.

**A15.3.11. Independent Laboratory Analysis**

You may choose to collect 3 samples from the source, according to Step 1 (Section A15.3.2 of this Appendix), and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use is: U.S. Environmental Protection Agency (1995), "Procedures for Laboratory Analysis of Surface/Bulk Dust Loading Samples", (AP-42 Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis"), Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina.

**A15.4. Qualification and Testing****A15.4.1. Certification Requirements**

To receive certification as a qualified observer, a candidate must be tested and demonstrate the ability to assign opacity readings in 5% increments to 25 different black plumes and 25 different white plumes, with an error not to exceed 15% opacity on any one reading and an average error not to exceed 7.5% opacity in each category. Candidates shall be tested according to the procedures described in Section A15.4.2 of this Appendix. Any smoke generator used pursuant to Section A15.4.2 of this Appendix shall be equipped with a smoke meter which meets the requirements of Section A15.4.3 of this Appendix. Certification tests that do not meet the requirements of Sections A15.4.2 and A15.4.3 of this Appendix are not valid. The certification shall be valid for a period of six months, and after each six-month period the qualification procedures must be repeated by an observer in order to retain certification.

**A15.4.2. Certification Procedure**

The certification test consists of showing the candidate a complete run of 50 plumes, 25 black plumes and 25 white plumes, generated by a smoke generator. Plumes shall be presented in random order within each set of 25 black and 25 white plumes. The candidate assigns an opacity value to each plume and records the observation on a suitable form. At the completion of each run of 50 readings, the score of the candidate is determined. If a candidate fails to qualify, the complete run of 50 readings must be repeated in any retest. The smoke test may be administered as part of a smoke school or training program, and may be preceded by training or familiarization runs of the smoke generator, during which candidates are shown black and white plumes of known opacity.

**A15.4.3. Smoke Generator Specifications**

Any smoke generator used for the purpose of Section A15.4.2 of this Appendix shall be equipped with a smoke meter installed to measure opacity across the diameter of the smoke generator stack. The smoke meter output shall display in-stack opacity, based upon a path length equal to the

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stack exit diameter on a full 0% to 100% chart recorder scale. The smoke meter optical design and performance shall meet the specifications shown in Table 1 of this Appendix. The smoke meter shall be calibrated as prescribed in Section A15.4.3.1 of this Appendix prior to conducting each smoke reading test. At the completion of each test, the zero and span drift shall be checked, and if the drift exceeds plus or minus 1% opacity, the condition shall be corrected prior to conducting any subsequent test runs. The smoke meter shall be demonstrated, at the time of installation, to meet the specifications listed in Table 1 of this Appendix. This demonstration shall be repeated following any subsequent repair or replacement of the photocell or associated electronic circuitry, including the chart recorder or output meter, or every six months, whichever occurs first.

**A15.4.3.1. Calibration**

The smoke meter is calibrated after allowing a minimum of 30 minutes warm-up by alternately producing simulated opacity of 0% and 100%. When stable response at 0% or 100% is noted, the smoke meter is adjusted to produce an output of 0% or 100%, as appropriate. This calibration shall be repeated until stable 0% and 100% readings are produced without adjustment. Simulated 0% and 100% opacity values may be produced by alternately switching the power to the light source on and off while the smoke generator is not producing smoke.

**A15.4.3.2. Smoke Meter Evaluation**

The smoke meter design and performance are to be evaluated as follows:

**A15.4.3.2.1. Light Source**

Verify, from manufacturer's data and from voltage measurements made at the lamp, as installed, that the lamp is operated within plus or minus 5% of the nominal rated voltage.

**A15.4.3.2.2. Spectral Response of Photocell**

Verify from manufacturer's data that the photocell has a photopic response (i.e., the spectral sensitivity of the cell shall closely approximate the standard spectral-luminosity curve for photopic vision which is referenced in (b) of Table 1 of this Appendix).

**A15.4.3.2.3. Angle of View**

Check construction geometry to ensure that the total angle of view of the smoke plume, as seen by the photocell, does not exceed 15°. Calculate the total angle of view ( $\phi$ ) as follows:

$$\text{Total Angle of View} = 2 \tan^{-1} (d/2L)$$

where:

d = The photocell diameter + the diameter of the limiting aperture; and

L = The distance from the photocell to the limiting aperture. The limiting aperture is the point in the path between the photocell and the smoke plume where the angle of view is most restricted. In smoke generator smoke meters, this is normally an orifice plate.

**A15.4.3.2.4. Angle of Projection**

Check construction geometry to ensure that the total angle of projection of the lamp on the smoke plume does not exceed 15°. Calculate the total angle of projection ( $\phi$ ) as follows:

$$\text{Total Angle of Projection} = 2 \tan^{-1} (d/2L)$$

where:

d = The sum of the length of the lamp filament + the diameter of the limiting aperture; and

L = The distance from the lamp to the limiting aperture.

**A15.4.3.2.5. Calibration Error**

Using neutral-density filters of known opacity, check the error between the actual response and the theoretical linear response of the smoke meter. This check is accomplished by first calibrating the smoke meter, according to Section A15.4.3.1 of this Appendix, and then inserting a series of three neutral-density filters of nominal opacity of 20%, 50%, and 75% in the smoke meter path length. Use filters calibrated within plus or minus 2%. Care should be taken when inserting the filters to prevent stray light from affecting the meter. Make a total of five nonconsecutive readings for each filter. The maximum opacity error on any one reading shall be plus or minus 3%.

**A15.4.3.2.6. Zero and Span Drift**

Determine the zero and span drift by calibrating and operating the smoke generator in a normal manner over a 1-hour period. The drift is measured by checking the zero and span at the end of this period.

**A15.4.3.2.7. Response Time**

Determine the response time by producing the series of five simulated 0% and 100% opacity values and observing the time required to reach stable response. Opacity values of 0% and 100% may be simulated by alternately switching the power to the light source off and on while the smoke generator is not operating.

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**Historical Note**

A15, Appendix 15, made by final rulemaking at 23 A.A.R. 767, effective May 7, 2017 (Supp. 17-1). Because of a clerical error in Supp. 17-1, A15. Appendix 15 was inadvertently published at the end of Article 13. At the request of the Department it has been moved to the end of this Chapter (Supp. 17-3). Subsection levels updated for clarity. No other changes have been made to Appendix 15 (Supp. 21-4).

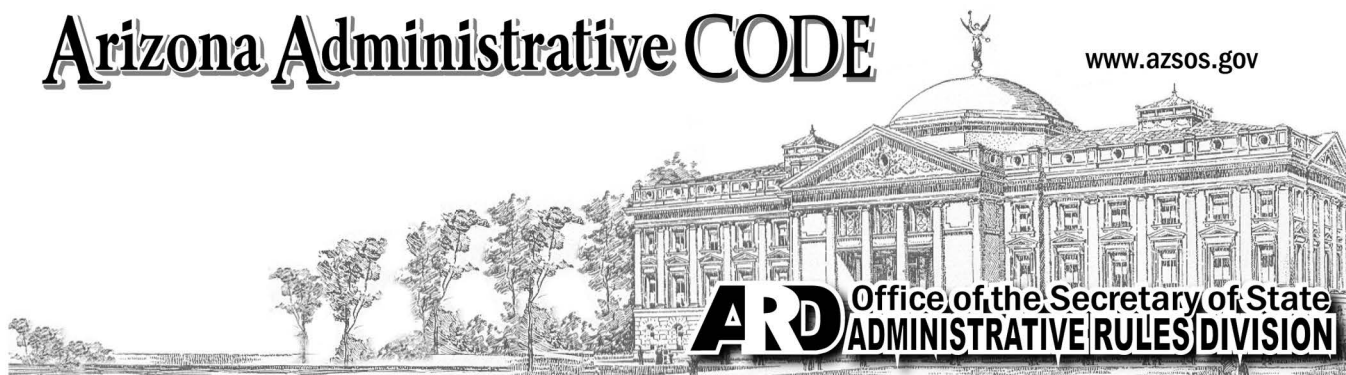
**Table 1. Smoke Meter Design and Performance Specifications**

Parameter	Specification
a. Light source	Incandescent lamp operated at nominal rated voltage
b. Spectral response of photocell	Photopic (daylight spectral response of the human eye)

c. Angle of view	15° maximum total angle
d. Angle of projection	15° maximum total angle
e. Calibration error	Plus or minus 3% opacity; maximum
f. Zero and span drift	Plus or minus 1% opacity, 30 minutes
g. Response time	Less than or equal to 5 seconds

**Historical Note**

Table 1 made by final rulemaking at 23 A.A.R. 767, effective May 7, 2017 (Supp. 17-1). Table 1 separated from Appendix 15. No other changes have been made to Table 1 (Supp. 21-4).



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### CHAPTER 5. DEPARTMENT OF ENVIRONMENTAL QUALITY - ENVIRONMENTAL REVIEWS AND CERTIFICATION

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

<a href="#">R18-5-401.</a>	<a href="#">Definitions .....</a>	<a href="#">24</a>	<a href="#">R18-5-409.</a>	<a href="#">Refuse Disposal .....</a>	<a href="#">26</a>
<a href="#">R18-5-406.</a>	<a href="#">Public Water Systems .....</a>	<a href="#">25</a>	<a href="#">R18-5-410.</a>	<a href="#">Condominiums .....</a>	<a href="#">26</a>
<a href="#">R18-5-407.</a>	<a href="#">Public Sewerage Systems .....</a>	<a href="#">25</a>			

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**The release of this Chapter in Supp. 23-3 replaces Supp. 08-4, 1-28 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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## Administrative Rules Division

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## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 5. DEPARTMENT OF ENVIRONMENTAL QUALITY - ENVIRONMENTAL REVIEWS AND CERTIFICATION

Authority: A.R.S. § 49-104(A)(1) and (A)(10), A.R.S. § 49-202(A)

## Supp. 23-3

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*Article 5 renumbered as Article 1 consisting of Sections R18-4-101 through R18-4-115, effective October 23, 1987.*

*Former Sections R9-20-504 through R9-20-512, R9-20-517, R9-20-519, and R9-20-520 amended and renumbered as Article 5 consisting of Sections R9-20-501, R9-20-503 through R9-20-510, R9-20-512, R9-20-514, and R9-20-515; and new Sections R9-20-502, R9-20-511, and R9-20-513 adopted effective October 23, 1987.*

*Former Sections R9-20-501 through R9-20-503, R9-20-513 through R9-20-516, and R9-20-518 repealed effective October 23, 1987.*

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## CHAPTER 5. DEPARTMENT OF ENVIRONMENTAL QUALITY - ENVIRONMENTAL REVIEWS AND CERTIFICATION

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*Article 3, consisting of Sections R18-5-301 through R18-5-303, adopted by final rulemaking at 7 A.A.R. 559, effective January 2, 2001 (Supp. 01-1).*

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## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 5. DEPARTMENT OF ENVIRONMENTAL QUALITY - ENVIRONMENTAL REVIEWS AND CERTIFICATION

**ARTICLE 1. CLASSIFICATION OF WATER AND WASTEWATER FACILITIES AND CERTIFICATION OF OPERATORS****R18-5-101. Definitions**

The terms in this Article have the following meanings:

“Certified operator” or “operator” means an individual who holds a current certificate issued by the Department in the field of water or wastewater treatment, water distribution, or wastewater collection.

“Collection system” means a pipeline or conduit, a pumping station, a force main, or any other device or appurtenance used to collect and conduct wastewater to a central point for treatment and disposal.

“Department” means the Department of Environmental Quality or its designated representative.

“Director” means the Director of the Department of Environmental Quality or the Director’s designated representative.

“Direct responsible charge” means day-to-day decision making responsibility for a facility or a major portion of a facility.

“Distribution system” means a pipeline, appurtenance, or device of a public water system that conducts water from a water source or treatment plant to consumers for domestic or potable use.

“Facility” means a water treatment plant, wastewater treatment plant, distribution system, or collection system.

“Industrial waste” means the liquid, gaseous, or solid waste produced at an industrial operation.

“Onsite operator” means an operator who visits a facility at least daily to ensure that the facility is operating properly.

“Onsite representative” means an individual located at a facility who monitors the daily operation at the facility and maintains contact with the remote operator regarding the facility.

“Operator” has the same meaning as certified operator, as defined in this Section.

“PDH” means professional development hour, as defined in this Section.

“Population equivalent” means the population that would contribute an equal amount of biochemical oxygen demand (BOD) computed on the basis of 0.17 pounds of five-day, 20-degree centigrade BOD per capita per day.

“Professional development hour” or “PDH” means one hour of participation in an organized educational activity related to engineering, biological or chemical sciences, a closely related technical or scientific discipline, or operations management.

“Public water system” has the same meaning prescribed in A.R.S. § 49-352.

“Qualifying discipline” means engineering, biology, chemistry, or a closely related technical or scientific discipline.

“Qualifying experience” means experience, skill, or knowledge obtained through employment that is applicable to the technical or operational control of all or part of a facility.

“Remote operator” means an operator who is not an onsite operator.

“Validated examination” means an examination that is approved by the Department after being reviewed to ensure

that the examination is based on the class and grade of a system or facility.

“Wastewater” means sewage, industrial waste, and all other waterborne waste that may pollute any lands or waters of the state.

“Wastewater treatment plant” means a process, device, or structure used to treat or stabilize wastewater or industrial waste and dispose of the effluent.

“Water treatment plant” means a process, device, or structure used to improve the physical, chemical, or biological quality of the water in a public water system.

**Historical Note**

Former Section R9-20-504 repealed, new Section R9-20-504 adopted effective November 1, 1979 (Supp. 79-6). Former Section R9-20-504 amended, renumbered as Section R9-20-501, then renumbered as Section R18-4-101 effective October 23, 1987 (Supp. 87-4). R18-5-101 recodified from R18-4-101 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 5079, effective October 16, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 998, effective April 2, 2005 (Supp. 05-1).

**R18-5-102. Applicability**

- A. The rules in this Article apply to owners and operators of facilities in Arizona.
- B. The following facilities are exempt from the requirements of this Article:
  1. A public water system that meets the nonapplicability criteria in R18-4-102.
  2. A septic tank or collection system that discharges to a septic tank.
  3. A collection system that serves 2,500 or fewer persons and discharges into a facility that is operated by a certified operator.
  4. A collection system that serves a nonresident population and discharges into a collection system operated by a certified operator.
  5. An irrigation system, an industrial water facility, or a similar facility in which water is not used for domestic or drinking purposes.
  6. An irrigation or industrial wastewater facility used to treat, recycle, or impound industrial or agricultural wastes within the boundaries of the industrial or agricultural property.
  7. An industrial waste pretreatment facility in which treated wastewater is released to a collection system or wastewater treatment plant that is regulated by this Article.
  8. A facility for treating industrial wastes that are not treatable by biological means.
  9. A facility used to impound surface water before the water is conducted to a water treatment plant.
  10. A wastewater treatment device that serves a home.

**Historical Note**

Adopted as Section R9-20-502 and renumbered as Section R18-4-102 effective October 23, 1987 (Supp. 87-4). R18-5-102 recodified from R18-4-102 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 5079, effective October 16, 2001 (Supp. 01-4).

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**R18-5-103. Certification Committee**

- A. Upon the effective date of this rule, the Director shall establish a certification committee to make recommendations and to provide the Department with technical advice and assistance related to this Article when requested.
- B. The certification committee shall consist of 11 members as follows:
  - 1. One employee of the Department;
  - 2. One currently employed wastewater treatment plant operator with Grade 4 certification;
  - 3. One currently employed water treatment plant operator with Grade 4 certification;
  - 4. One currently employed wastewater collection system operator with Grade 4 certification;
  - 5. One currently employed water distribution system operator with Grade 4 certification;
  - 6. One faculty member teaching sanitary sciences at an Arizona university or community college;
  - 7. One professional engineer, registered and residing in Arizona, engaged in consulting in the field of sanitary engineering;
  - 8. One elected or appointed municipal official;
  - 9. One representative of an investor-owned water or wastewater facility;
  - 10. One representative of a small public water system; and
  - 11. One currently employed remote operator representative.
- C. The Director shall appoint each certification committee member.
- D. The certification committee shall meet at least twice a year. At the first meeting of each calendar year, the certification committee shall select, from its membership, a chairperson and other officers as necessary. The Department's certification committee member is the executive secretary, who is responsible for keeping records of all meetings.
- E. The term of a certification committee member is three years.
- F. A meeting quorum consists of the chairperson or the chairperson's designated representative, the executive secretary or the executive secretary's designated representative, and three other members of the committee.
- G. In the event of a vacancy caused by death, resignation, or removal for cause, the Director shall appoint a successor for the unexpired term.
- H. A certification committee member may be reappointed, but a member shall not serve more than three consecutive terms.

**Historical Note**

Former Section R9-20-505 repealed, new Section R9-20-505 adopted effective November 1, 1979 (Supp. 79-6).  
 Former Section R9-20-505 amended, renumbered as Section R9-20-503, then renumbered as Section R18-4-103 effective October 23, 1987 (Supp. 87-4). R18-5-103 recodified from R18-4-103 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1).

**R18-5-104. General Requirements**

- A. A facility owner shall ensure that at all times:
  - 1. A facility has an operator in direct responsible charge who is certified for the class of the facility and at or above the grade of the facility;
  - 2. An operator makes all decisions about process control or system integrity regarding water quality or water quantity that affects public health; however, an administrator who is not a certified operator may make a planning decision regarding water quality or water quantity if the decision is not a direct operational process control or system integrity decision that affects public health;
- 3. An operator who is in direct responsible charge of more than one facility is certified for the class of each facility and at or above the grade of the facility with the highest grade;
- 4. An operator who replaces the operator in direct responsible charge does not begin operation of the facility before being certified for the applicable class and at or above the grade of the facility;
- 5. In the absence of the operator in direct responsible charge, the operator in charge of the facility is certified for the applicable class of facility and at a grade no lower than one grade below the grade of the facility; and
- 6. The names of all current operators are on file with the Department.
- B. If the owner of a facility replaces an operator in direct responsible charge with another operator, the facility owner shall notify the Department in writing within 10 days of the replacement.
- C. An operator shall notify the Department in writing within 10 days of the date the operator either ceases operation of a facility or commences operation of another facility.
- D. An operator shall operate each facility in compliance with applicable state and federal law.
- E. A facility owner shall ensure that a Grade 3 or Grade 4 facility has an onsite operator.
- F. An operator holding certification in a particular class and grade may operate one or more Grade 1 or Grade 2 facilities as a remote operator if the facility owner ensures that the following requirements are met:
  - 1. The remote operator is certified for the class of each facility and at or above the grade of each facility operated by the remote operator.
  - 2. There is an onsite representative on the premises of each Grade 1 or Grade 2 facility, except for a Grade 1 water distribution system that serves fewer than 100 people, which is not required to have an onsite representative if the conditions of subsection (F)(8) are met. The onsite representative is not required to be an operator if the facility has a remote operator who is certified at or above the grade of the facility.
  - 3. The remote operator instructs, supervises, and provides written instructions to the onsite representative in the proper operation and maintenance of each facility and ensures that adequate records are kept.
  - 4. The remote operator provides the onsite representative with a telephone number at which the remote operator can be reached at all times. If the remote operator is not available for any reason, the remote operator shall provide the onsite representative with the name and telephone number of a qualified substitute operator who will be available while the remote operator is not available.
  - 5. The remote operator resides no more than 200 miles by ground travel from any facility that the remote operator serves.
  - 6. The remote operator operates each facility in compliance with applicable state and federal laws.
  - 7. The remote operator inspects a facility as often as necessary to ensure proper operation and maintenance, but in no case less than:
    - a. Monthly for a Grade 1 or Grade 2 water treatment plant or distribution system that produces and distributes groundwater;

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- b. Monthly for a Grade 1 wastewater treatment plant;
  - c. Twice a month for a collection system that serves fewer than 2,500 people; and
  - d. Weekly for a Grade 2 wastewater treatment plant or collection system that serves fewer than 1,000 people.
8. For a Grade 1 water distribution system that does not have an onsite representative and serves fewer than 100 people, the following conditions are met:
- a. The name and telephone number at which the remote operator can be reached is posted at the facility, enclosed with water bills, or otherwise made readily available to water users. If the remote operator is not available for any reason, the remote operator shall post at the facility the name and telephone number of a substitute operator of the applicable facility class and grade who will be available while the remote operator is not available;
  - b. The remote operator or substitute operator resides no more than 200 miles by ground travel from the facility; and
  - c. The remote operator inspects the facility weekly.

**Historical Note**

Former Section R9-20-506 repealed, new Section R9-20-506 adopted effective November 1, 1979 (Supp. 79-6). Amended effective March 19, 1980 (Supp. 80-2). Former Section R9-20-506 amended, renumbered as Section R9-20-504, then renumbered as Section R18-4-104 effective October 23, 1987 (Supp. 87-4). R18-5-104 recodified from R18-4-104 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 5079, effective October 16, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 998, effective April 2, 2005 (Supp. 05-1).

**R18-5-105. Certification**

- A. The Department shall issue an operator certificate to an applicant if the applicant:
  - 1. Meets the experience and education requirements in R18-5-112 for the applicable class and grade,
  - 2. Passes a written examination for the applicable class and grade, and
  - 3. Has not had an operator's certificate revoked in Arizona or permanently revoked in another jurisdiction.
- B. To apply for operator certification, an applicant shall submit or arrange to have submitted to the Department the following information, as applicable, in a format acceptable to the Department:
  - 1. The applicant's full name, Social Security number, and operator number;
  - 2. The applicant's current mailing address, home and work telephone numbers, fax number, and e-mail address;
  - 3. The applicant's place of employment, including the facility identification number;
  - 4. The class and grade of the facility where the applicant is employed;
  - 5. Proof of successful completion of the examination for the applicable class and grade; and
  - 6. Documentation of the applicant's experience and education required under R18-5-112.

**Historical Note**

Former Section R9-20-507 repealed, new Section R9-20-507 adopted effective November 1, 1979 (Supp. 79-6).

Former Section R9-20-507 amended, renumbered as Section R9-20-505, then renumbered as Section R18-4-105 effective October 23, 1987 (Supp. 87-4). R18-5-105 recodified from R18-4-105 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1). Amended by final rulemaking at 14 A.A.R. 4527, effective January 31, 2009 (Supp. 08-4).

**R18-5-106. Examinations**

- A. The Department shall provide for examinations for certification of operators. The Department may contract with third party examiners for administration of examinations, based on its assessment of the quality of the examination services. The Department shall ensure that a list of approved examiners is available upon request.
- B. The Department shall validate all examinations before administration. Each examination shall include topics such as treatment technologies, system maintenance, regulatory protocols, safety, mathematics, and general system management.
- C. The examiner shall grade the examination and make the results available to the applicant and the Department within seven days of the date of the examination.
- D. An applicant shall not be admitted to an examination without a valid picture I.D.
- E. An individual shall make a score of 70 percent on the examination in order to attain a passing grade.

**Historical Note**

Adopted effective March 19, 1980 (Supp. 80-2). Former Section R9-20-508 amended, renumbered as Section R9-20-506, then renumbered as Section R18-4-106 effective October 23, 1987 (Supp. 87-4). Amended subsection (F) effective November 30, 1988 (Supp. 88-4). R18-5-106 recodified from R18-4-106 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1).

**R18-5-107. Certificate Renewal**

- A. If the Department renews a certificate, the certificate is renewed for three years, unless the operator requests a shorter renewal period in writing.
- B. To renew a certificate, an operator shall complete and submit to the Department an operator certificate renewal form approved by the Department. An operator shall maintain documentation and provide the documentation to the Department upon request to verify completion of at least 30 PDHs accumulated during a certification period. The operator shall provide documentation of PDHs in a format acceptable to the Department. At least 10 of the PDHs shall directly relate to the specific job functions of the operator. If an operator holds multiple certificates, the operator may apply required PDHs to all certificates if the PDHs are acquired within the applicable certification period. The operator's supervisor or the entity that provides the education or training shall verify completion of each PDH in writing. An operator shall maintain documentation of completion of PDHs for a minimum of five years.
- C. As an alternative to the requirements of subsection (B), an operator may renew a certificate by taking and passing an examination for the applicable class and grade.

**Historical Note**

Former Section R9-20-509 repealed, new Section R9-20-509 adopted effective November 1, 1979 (Supp. 79-6). Former Section R9-20-509 amended, renumbered as Section R9-20-507, then renumbered as Section R18-4-107 effective October 23, 1987 (Supp. 87-4). Amended sub-

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section (B) effective November 30, 1988 (Supp. 88-4). R18-5-107 recodified from R18-4-107 (Supp. 95-1). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1). Amended by final rulemaking at 11 A.A.R. 998, effective April 2, 2005 (Supp. 05-1).

**R18-5-108. Certificate Expiration**

- A. A certificate expires on the expiration date printed on the certificate. An operator may reinstate an expired certificate for the same class and grade without examination if the operator files the documentation required in R18-5-107(B) with the Department within 90 days of the certificate expiration date.
- B. If an expired certificate is not renewed within 90 days of the certificate expiration date, the Department shall not reinstate the certificate. To be recertified, the operator shall reapply and be reexamined as a new applicant.

**Historical Note**

Former Section R9-20-510 repealed, new Section R9-20-510 adopted effective November 1, 1979 (Supp. 79-6). Former Section R9-20-510 amended, renumbered as Section R9-20-508, then renumbered as Section R18-4-108 effective October 23, 1987 (Supp. 87-4). Amended subsection (D) effective November 30, 1988 (Supp. 88-4). R18-5-108 recodified from R18-4-108 (Supp. 95-2). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1).

**R18-5-109. Denial, Suspension, Probation, and Revocation**

- A. If the Department decides to deny, suspend, or revoke a certificate, or to place an operator on probation, the Department shall act in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 18 A.A.C. 1, Article 2.
- B. The Department may revoke or suspend a certificate, or place an operator on probation, if the Department finds that the operator:
  - 1. Operates a facility in a manner that violates federal or state law;
  - 2. Negligently operates a facility or negligently supervises the operation of a facility;
  - 3. Fails to comply with a Department order or order of a court;
  - 4. Obtains, or attempts to obtain, a certificate by fraud, deceit, or misrepresentation;
  - 5. Engages in fraud, deceit, or misrepresentation in the operation or supervision of a facility;
  - 6. Knowingly or negligently prepares a false or fraudulent report or record regarding the operation or supervision of a facility;
  - 7. Endangers the public health, safety, or welfare;
  - 8. Fails to comply with the terms or conditions of probation or suspension; or
  - 9. Fails to cooperate with an investigation by the Department including failing or refusing to provide information required by this Article.
- C. The Department shall deny certification to an applicant who does not meet the requirements of R18-5-105 or R18-5-110, or who is ineligible for certification pursuant to a Department order or order of a court.
- D. The Department may place an operator on probation or suspend an operator's certificate to address deficiencies in operator performance. The terms of probation or suspension may include completion of additional PDHs, increased reporting of operator activity, limitations on activities the operator may

perform, or other terms to address deficiencies in operator performance.

- E. During the period of suspension, an individual whose certificate is suspended shall not operate a facility of the class of the suspended certificate.
- F. An operator whose certificate is suspended or revoked, or who has been placed on probation, shall immediately notify the owner of a facility where the operator is employed of the suspension, revocation, or probation.

**Historical Note**

Former Section R9-20-511 repealed, new Section R9-20-511 adopted effective November 1, 1979 (Supp. 79-6). Former Section R9-20-511 amended, renumbered as Section R9-20-509, then renumbered as Section R18-4-109 effective October 23, 1987 (Supp. 87-4). R18-5-109 recodified from R18-4-109 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1). Amended by final rulemaking at 11 A.A.R. 998, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 14 A.A.R. 4527, effective January 31, 2009 (Supp. 08-4).

**R18-5-110. Reciprocity**

The Department shall issue a certificate to an applicant who holds a valid certificate from another jurisdiction, if the applicant:

- 1. Passes a written, validated examination in Arizona or in another jurisdiction that administers an examination that is substantially equivalent to the examination in Arizona and validated by the Department, and
- 2. Submits written evidence of the experience and education required under R18-5-112.

**Historical Note**

Former Section R9-20-512 repealed, new Section R9-20-512 adopted effective November 1, 1979 (Supp. 79-6). Former Section R9-20-512 amended, renumbered as Section R9-20-510, then renumbered as Section R18-4-110 effective October 23, 1987 (Supp. 87-4). Amended subsection (B) effective November 30, 1988 (Supp. 88-4). R18-5-110 recodified from R18-4-110 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1).

**R18-5-111. Repealed****Historical Note**

Adopted as Section R9-20-511 and renumbered as Section R18-4-111 effective October 23, 1987 (Supp. 87-4). R18-5-111 recodified from R18-4-111 (Supp. 95-2). Section repealed by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1).

**R18-5-112. Experience and Education**

- A. The Department shall consider the following criteria to determine whether an applicant has the experience and education required for certification in a specific class and grade:
  - 1. Years of experience at a lower grade;
  - 2. Qualifying experience in the same or a related field; and
  - 3. Education in a qualifying discipline.
- B. An applicant shall provide written evidence of education in a qualifying discipline. The applicant shall provide transcripts if the Department determines that the transcripts are necessary to verify completion of the education requirements.
- C. An applicant shall provide written evidence of qualifying experience in the applicable facility class.

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- D.** An applicant shall meet the following requirements for admission to a certification examination:
1. For Grade 1, high school graduation or the equivalent.
  2. For Grade 2, at least:
    - a. High school graduation or the equivalent and one year of qualifying experience as a Grade 1 operator or the equivalent of a Grade 1 operator in another jurisdiction;
    - b. Two years of postsecondary education in a qualifying discipline and one year of qualifying experience, including six months as a Grade 1 operator or the equivalent of a Grade 1 operator in another jurisdiction; or
    - c. A bachelor's degree in a qualifying discipline and six months of qualifying experience.
  3. For Grade 3, at least:
    - a. High school graduation or the equivalent and two years of qualifying experience, including one year as a Grade 2 operator or the equivalent of a Grade 2 operator in another jurisdiction;
    - b. Two years of postsecondary education in a qualifying discipline, and 18 months of qualifying experience as a Grade 2 operator or the equivalent of a Grade 2 operator in another jurisdiction; or
    - c. A bachelor's degree in a qualifying discipline and one year of qualifying experience.
  4. For Grade 4, at least:
    - a. High school graduation or the equivalent and three years of qualifying experience, including one year as a Grade 3 operator or the equivalent of a Grade 3 operator in another jurisdiction;
    - b. Two years of postsecondary education in a qualifying discipline and 30 months of qualifying experience, including one year as a Grade 3 operator or the equivalent of a Grade 3 operator in another jurisdiction; or
    - c. A bachelor's degree in a qualifying discipline, and two years of qualifying experience.

**Historical Note**

Former Section R9-20-517 repealed, new Section R9-20-517 adopted effective November 1, 1979 (Supp. 79-6). Amended effective March 19, 1980 (Supp. 80-2). Former Section R9-20-517 amended, renumbered as Section R9-20-512, then renumbered as Section R18-4-112 effective October 23, 1987 (Supp. 87-4). R18-5-112 recodified from R18-4-112 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 5079, effective October 16, 2001 (Supp. 01-4).

**R18-5-113. Classes of Facilities**

- A.** The Department shall classify a facility in one of four classes:
1. Water treatment plant,
  2. Water distribution system,
  3. Wastewater treatment plant, or
  4. Wastewater collection system.
- B.** The Department shall classify a facility as one of four grades, Grades 1-4. The grade corresponds with the level of system complexity, with Grade 1 being the most simple and Grade 4 being the most complex.
- C.** For a multi-facility system, the Department shall grade each facility according to complexity and the total population or population equivalent served.

**Historical Note**

Adopted as Section R9-20-513 and renumbered as Section R18-4-113 effective October 23, 1987 (Supp. 87-4).

Amended subsections (A) and (C) effective November 30, 1988 (Supp. 88-4). R18-5-113 recodified from R18-4-113 (Supp. 95-2). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1).

**R18-5-114. Grades of Wastewater Treatment Plants and Collection Systems**

The Department shall grade a wastewater treatment plant or collection system according to population equivalent served, degree of hazard to public health, class of facility, and degree of treatment, as follows:

1. Grade 1 includes:
  - a. A stabilization pond that serves 2,000 or fewer persons;
  - b. A wastewater treatment plant not designated as Grade 2, 3, or 4; or
  - c. A collection system that serves 2,500 or fewer persons.
2. Grade 2 includes:
  - a. A stabilization pond that is designed to serve more than 2,000 persons;
  - b. An aerated lagoon;
  - c. A facility that employs biological treatment based upon the activated sludge principle or trickling filters and is designed to serve 5,000 or fewer persons, except as provided in subsection (3)(c); or
  - d. A collection system that serves between 2,501 to 10,000 persons.
3. Grade 3 includes:
  - a. A facility that employs biological treatment based upon the activated sludge principle and is designed to serve 5,001 to 20,000 persons;
  - b. A facility that employs trickling filtration and is designed to serve 5,001 to 25,000 persons;
  - c. A variation of biological treatment based on the activated sludge principle that requires specialized knowledge, including contact stabilization, and is designed to serve 20,000 or fewer persons; or
  - d. A collection system that serves 10,001 to 25,000 persons.
4. Grade 4 includes:
  - a. A facility that employs biological treatment based upon the activated sludge principle and is designed to serve more than 20,000 persons;
  - b. A facility that employs trickling filtration and is designed to serve a population equivalent more than 25,000 persons; or
  - c. A collection system that serves more than 25,000 persons.

**Historical Note**

Former Section R9-20-519 repealed, new Section R9-20-519 adopted effective November 1, 1979 (Supp. 79-6). Former Section R9-20-519 amended, renumbered as Section R9-20-514, then renumbered as Section R18-4-114 effective October 23, 1987 (Supp. 87-4). R18-5-114 recodified from R18-4-114 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1). Amended to correct manifest typographical error in subsection (3)(d) (Supp. 01-3).

**R18-5-115. Grades of Water Treatment Plants and Distribu-**

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**tion Systems**

- A.** Grading of water treatment plants. This subsection does not apply to a facility that distributes water but does not treat water or to a facility that distributes water and disinfects by chlorine gas or hypochlorite only to maintain disinfection levels in the distribution system. The Department shall grade a water treatment plant according to the sum of the points it the Department assigns for each plant characteristic.

1. The Department shall assign points for the purpose of grading a water treatment plant as follows:

Plant Characteristics	Points
Population	1 per 5,000
Maximum Design Capacity	1 per Millions of Gallons per Day up to 10
Groundwater Source	3
Surface or Groundwater Under the Direct Influence of Surface Water Source	5
Carbon Dioxide	2
pH Adjustment	3
Packed Tower Aeration	6
Air Stripping	6
Stability or Corrosion Control	3
Taste and Odor	8
Iron/Manganese Removal	8
Ion Exchange Softening	10
Chemical Precipitation Softening	15
Coagulant Addition	6
Flocculation	4
Sedimentation	4
Upflow Clarification	2
Fluoridation	5
Activated Alumina	6
Blending	5
Residual Waste Stream	5
Control Systems Technology	2
Biologically Active Filter	20
Granular Media Filter	15
Pressure Filter	15
Gravity Sand Filter	10
Membrane Filtration	15
Chlorine Gas	6
Hypochlorite Liquid	2
Hypochlorite Solid	2
Chloramine	9
Chlorine Dioxide	9

Ozone	12
Ultraviolet	3

2. The Department shall assign a grade by the total number of points assigned to the facility, as follows:

Grade	Point Range
Grade 1	1 to 25
Grade 2	26 to 50
Grade 3	51 to 70
Grade 4	More than 70

- B.** Grading of water distribution systems. The Department shall grade a distribution system according to the sum of the points the Department assigns for each system characteristic.

1. The Department shall assign points for the purpose of grading a distribution system as follows:

System Characteristics	Points
Population	1 per 5,000
Maximum Design Capacity	1 per Millions of Gallons per Day up to 10
Pressure Zones	5
Booster Stations	5
Storage Tanks	3
Blending	5
Fire Protection Systems/Testable Backflow Prevention Assemblies*	5
Cathodic Protection	3
Control System Technologies	2
Chlorine Gas	6
Hypochlorite Liquid	2
Hypochlorite Solid	2
Chloramine	9
Chlorine Dioxide	9

\*The presence of one or both of these devices earns five points for the facility.

2. No points are added for Grade 1 small systems that:
- Only distribute groundwater;
  - Serve fewer than 501 persons;
  - Have no disinfection or disinfect by chlorine gas or hypochlorite only; and
  - Do not store water or store water only in storage tanks.
3. The Department shall assign a grade by the total number of points assigned to the facility, as follows:

Grade	Point Range
Grade 1	0

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Grade 2	1 to 20
Grade 3	21 to 35
Grade 4	More than 35

**Historical Note**

Former Section R9-20-520 repealed, new Section R9-20-520 adopted effective November 1, 1979 (Supp. 79-6). Former Section R9-20-520 amended, renumbered as Section R9-20-515, then renumbered as Section R18-4-115 effective October 23, 1987 (Supp. 87-4). R18-5-115 recodified from R18-4-115 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 5079, effective October 16, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 998, effective April 2, 2005 (Supp. 05-1).

**R18-5-116. Initial Grading and Regrading of Facilities**

- A. The Department shall act under A.R.S. Title 41, Chapter 6, Article 10 and 18 A.A.C. 1, Article 2 when initially grading or when regrading a facility.
- B. If it is determining the initial grade of a facility or whether to regrade a facility, the Department shall consider the facility characteristics in R18-5-114 and R18-5-115, and whether:
  1. The facility has special design features or characteristics that make it unusually difficult to operate;
  2. The water or wastewater is unusually difficult to treat;
  3. The facility uses effluent; or
  4. The facility poses a potential risk to public health, safety or welfare.
- C. The owner of a facility that is regraded under this Article shall ensure that the facility is operated by an operator, in compliance with this Article, no later than one year from the effective date of the facility regrading.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 1171, effective February 16, 2001 (Supp. 01-1).

**ARTICLE 2. PUBLIC AND SEMIPUBLIC SWIMMING POOLS AND SPAS****R18-5-201. Definitions**

“Air induction system” means a system whereby a volume of air is induced into a hollow ducting in a spa floor, bench, or wall. An air induction system is activated by an air power blower and is separate from the water circulation system.

“Artificial lake” means a man-made lake, lagoon, or basin, lined or unlined, with a surface area equal to or greater than two acres (87,120 square feet), that is used or intended to be used for water contact recreation.

“Backwash” means the process of thoroughly cleaning a filter by the reverse flow of water through the filter.

“Barrier” means a fence, wall, building, or landscaping that obstructs access to a public or semipublic swimming pool or spa.

“Cartridge filter” means a depth, pleated, or surface-type filter component with fixed dimensions that is designed to remove suspended particles from water flowing through the filter.

“Construct” means to build or install a new public or semipublic swimming pool or spa or to enlarge, deepen, or make a

major modification to an existing public or semipublic swimming pool or spa.

“Coping” means the cap on a swimming pool or spa wall that provides a finished edge around the swimming pool or spa.

“Cross-connection” means any physical connection or structural arrangement between a potable water system and the piping system for a public or semipublic swimming pool or spa through which it is possible to introduce used water, gas, or any other substance into the potable water system. A bypass arrangement, jumper connection, removable section, swivel or change-over device, or any other temporary or permanent device that may cause backflow is a cross-connection.

“Deck” means a hard surface area immediately adjacent or attached to a swimming pool or spa that is designed for sitting, standing, or walking.

“Deep area” means the portion of a public or semipublic swimming pool that is more than 5 feet in depth.

“Discharge piping” means the portion of the circulation system that carries water from the filter back to the swimming pool or spa.

“Diving area” means the area of a public or semipublic swimming pool that is designated for diving from a diving board, diving platform, or starting block.

“Fill-and-draw swimming pool or spa” means a swimming pool or spa where the principal means of cleaning is the complete removal of the used water and its replacement with potable water.

“Filtration rate” means the rate of water flowing through a filter during the filter cycle expressed in gallons per minute per square foot of effective filter area.

“Flow-through swimming pool or spa” means a swimming pool or spa where new water enters the swimming pool or spa to replace an equal quantity of water that constantly flows out.

“Freeboard” means the vertical wall section of a swimming pool or spa wall between the waterline and the deck.

“Hose bibb” means a faucet with a threaded nozzle to which a hose may be attached.

“Hydrotherapy jet” means a fitting that blends air and water and creates a high-velocity, turbulent stream of air-enriched water for injection into a spa.

“Make-up water” means fresh water used to fill or refill a swimming pool or spa.

“Maximum bathing load” means the design capacity or the maximum number of users that a public or semipublic swimming pool or spa is designed to hold.

“Natural bathing place” means a lake, pond, river, stream, swimming hole, or hot springs which has not been modified by man.

“Operate” means to run, maintain, or otherwise control or direct the functioning of a public or semipublic swimming pool or spa.

“Overflow collection system” means equipment designed to remove water from a swimming pool or spa, including gutters, overflows, surface skimmers, and other surface water collection systems of various designs and manufacture.

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“Potable water” means drinking water.

“Private residential spa” means a spa at a private residence used only by the owner, members of the owner’s family, and invited guests, or a spa that serves a housing group consisting of no more than three living units [for example, duplexes or triplexes].

“Private residential swimming pool” means a swimming pool at a private residence used only by the owner, members of the owner’s family, and invited guests, or a swimming pool that serves a housing group consisting of no more than three living units [for example, duplexes or triplexes].

“Public spa” means a spa that is open to the public with or without a fee, including a spa that is operated by a county, municipality, political subdivision, school district, university, college, or a commercial establishment whose primary business is the operation of a spa.

“Public swimming pool” means a swimming pool that is open to the public with or without a fee, including a swimming pool that is operated by a county, municipality, political subdivision, school district, university, college, or a commercial establishment whose primary business is the operation of a swimming pool.

“Recessed treads” means a series of vertically spaced, pre-formed stepholes in a swimming pool wall.

“Return inlet” means an aperture or fitting through which filtered water returns to a swimming pool or spa.

“Rope and float line” means a continuous line not less than 3/4 inch in diameter that is supported by buoys and attached to opposite sides of a swimming pool to separate areas of the swimming pool.

“Semi-artificial bathing place” means a natural bathing place that has been modified by man.

“Semipublic spa” means a spa operated for the residents of lodgings such as hotels, motels, resorts, apartments, condominiums, townhouse complexes, trailer courts, mobile home parks, or similar establishments. A semipublic spa includes a spa that is operated by a neighborhood or community association for the residents of the community and their guests and any spa at a country club, health club, camp, or similar establishment where the primary business of the establishment is not the operation of a spa and where the use of the spa is included in the fee for the primary use of the establishment.

“Semipublic swimming pool” means a swimming pool operated for the residents of lodgings such as hotels, motels, resorts, apartments, condominiums, townhouse complexes, trailer courts, mobile home parks, or similar establishments. A semipublic swimming pool includes a swimming pool that is operated by a neighborhood or community association for the residents of the community and their guests and a swimming pool at a country club, health club, camp, or similar establishment where the primary business of the establishment is not the operation of a swimming pool and where the use of the swimming pool is included in the fee for the primary use of the establishment.

“Shallow area” means the portion of a public or semipublic swimming pool that is 5 feet or less in depth.

“Slip-resistant” means a surface that has a static coefficient of friction [wet or dry] of at least 0.50.

“Spa” means an artificial basin, chamber, or tank of irregular or geometric shell design that is intended only for bathing or soaking and that is not drained, cleaned, or refilled for each user. A spa may include features such as hydrotherapy jet circulation, hot water, cold water mineral baths, or an air induction system. Industry terminology for a spa includes “hydrotherapy pool,” “whirlpool,” “hot tub,” and “therapy pool.”

“Special use pool” means a swimming pool intended for competitive aquatic events, aquatic exercise, or lap swimming. A special use pool includes a wave action pool, exit pool for a water slide, swimming pool that is part of an attraction at a water recreation park, water volleyball pool, or a swimming pool with special features used for training and instruction.

“Suction outlet” means the aperture or fitting through which water is withdrawn from a swimming pool or spa.

“Suction piping” means the water circulation system piping that carries water from a swimming pool or spa to the filter.

“Swimming pool” means an artificial basin, chamber, or tank that is designed for swimming or diving.

“Turnover rate” means the number of hours required to circulate a volume of water equal to the capacity of the swimming pool or spa.

“User” means a person who uses a swimming pool, spa, or adjoining deck area.

“Wading pool” means a shallow swimming pool used for bathing and wading by small children.

“Water circulation system” means an arrangement of mechanical equipment connected to a swimming pool or spa by piping in a closed loop that directs water from the swimming pool or spa to the filtration and disinfection equipment and returns the water to the swimming pool or spa.

“Water circulation system components” means the mechanical components that are part of a water circulation system of a swimming pool or spa, including pumps, filters, valves, surface skimmers, ion generators, electrolytic chlorine generators, ozone process equipment, and chemical feeding equipment.

“Water level” means either:

- a. On swimming pools and spas with skimmer systems, the midpoint of the operating range of the skimmers, or
- b. On swimming pools and spas with overflow gutters, the height of the overflow rim of the gutter.

#### Historical Note

Adopted effective February 19, 1998 (Supp. 98-1).

#### R18-5-202. Applicability

- A. This Article applies to public and semipublic swimming pools and spas.
- B. This Article does not apply to the following:
  1. A private residential swimming pool or spa,
  2. A swimming pool or spa used for medical treatment or physical therapy and supervised by licensed medical personnel,
  3. A semi-artificial bathing place,
  4. A natural bathing place, or
  5. An artificial lake.

#### Historical Note



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Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-203. Design Approval**

- A.** A person shall obtain design approval from the Department before starting construction of:
  1. A new public or semipublic swimming pool or spa;
  2. A major modification to an existing public or semipublic swimming pool or spa. For purposes of this subsection, a major modification means a change to the shape, depth, water circulation system, or disinfection system of a public or semipublic swimming pool or spa or the installation of diving equipment at a public or semipublic swimming pool;
  3. A change in use from a semipublic swimming pool to a public swimming pool; and
  4. A change in use from a private residential swimming pool to a public or semipublic swimming pool.
- B.** An applicant for a design approval shall submit an ADEQ application form to the Department in quadruplicate with four complete sets of plans and specifications for the swimming pool or spa and the information in subsection (C).
- C.** The application for design approval shall include four copies of the following:
  1. A general plot plan;
  2. Plans and specifications showing the size, shape, cross-section, slope, and dimensions of each swimming pool or spa, deck areas, and barriers;
  3. Plans and specifications showing the water circulation and disinfection systems, including all piping, fittings, drains, suction outlets, filters, pumps, surface skimmers, return inlets, chemical feeders, disinfection equipment, gauges, flow meters, and strainers;
  4. Plans and specifications showing the source of water supply and the method of disposal of filter backwash water; used swimming pool or spa water, and wastewater from toilets, urinals, sinks, and showers;
  5. Detailed plans of bathhouses, dressing rooms, equipment rooms, and other appurtenances; and
  6. Additional data required by the Department for a complete understanding of the project.
- D.** A professional engineer, architect, or a swimming pool or spa contractor with a current A-9, A-19, KA-5, KA-6 license shall prepare or supervise the preparation of all plans and specifications submitted to the Department for review.
- E.** An applicant shall submit an application for design approval to the Department at least 60 days prior to the date that the applicant wishes to begin construction of a swimming pool or spa.
- F.** The Department shall determine whether the application for design approval is complete within 30 days of the date of receipt of the application by the Department.
- G.** The Department shall issue or deny the application for design approval within 30 days of the date that the Department determines that the application for design approval is complete.
- H.** Unless an extension of time is granted in writing by the Department, a design approval is void if construction is not started within one year after the date of its issuance or there is a halt in construction of more than one year.
- I.** The Department may issue a design approval with conditions. The Department shall not issue an Approval of Construction if the design approval is conditioned and the construction of the swimming pool or spa does not comply with the stated conditions.
- J.** The Department may issue design approvals in phases to allow a political subdivision to start construction of a public swimming pool or spa without issuing a design approval for the

entire construction project. A design approval may be issued in phases provided all of the following conditions are met:

1. A phased design approval is needed to accommodate a design/build contract, phased construction contract, multiple construction contracts, turnkey contract, or special contract that requires construction to begin prior to the completion of design plans and specifications for the entire public swimming pool or spa construction project.
2. The applicant submits a detailed project description for the entire public swimming pool or spa construction project to the Department.
3. There is a written agreement between the applicant and the Department which includes the following:
  - a. A construction project schedule,
  - b. A schedule to submit applications and supporting documentation for the phased design approval including any anticipated variance requests,
  - c. Negotiated time-frames for administrative completeness and substantive review of each application for phased design approval, and
  - d. A schedule of construction inspections by the Department or third-party certifications by the applicant.
4. The applicant certifies in writing that the applicant understands that the public swimming pool or spa cannot be operated without an Approval of Construction for each phase of the construction project pursuant to R18-5-204.
5. If the applicant and the Department cannot reach agreement regarding a phased design approval or Approval of Construction, then the requirements of R18-5-203(A) through (I) and R18-5-204 apply.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-204. Approval of Construction**

- A.** A public or semipublic swimming pool or spa shall not operate without receiving an Approval of Construction issued by the Department.
- B.** The construction of a public or semipublic swimming pool or spa shall conform to plans and specifications that have been approved by the Department. If the applicant wishes to make a change to the approved plans and specifications, the applicant shall submit revised plans and specifications with a written statement of the reasons for the change to the Department. The applicant shall obtain Department approval of the revised plans and specifications before starting any work affected by the change.
- C.** Prior to any construction that will cover the piping arrangement of the swimming pool or spa and at least 30 days prior to the expected date of completion of construction of a public swimming pool or spa, the applicant shall notify the Department to permit a construction inspection. The Department shall inspect the construction of a swimming pool or spa to determine if the swimming pool or spa has been constructed in accordance with Department-approved plans, specifications, and conditions unless a professional engineer, architect, or registered sanitarian certifies that the swimming pool or spa has been constructed in accordance with Department-approved plans, specifications, and conditions.
- D.** If the swimming pool or spa has been constructed in accordance with Department-approved plans, specifications, and conditions, the Department shall issue the Approval of Construction within 30 days of the date of the construction inspection.

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tion by the Department or the date the Department receives third-party certification.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-205. Prohibitions**

- A. A fill-and-draw swimming pool or spa shall not be used as a public or semipublic swimming pool or spa.
- B. A private residential spa shall not be used as a public or semipublic spa.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-206. Water Source**

Only water from a source that is approved by the Department shall be used in a public or semipublic swimming pool or spa. Reclaimed wastewater shall not be used as make-up water for a public or semipublic swimming pool or spa.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-207. Construction Materials**

- A. A public or semipublic swimming pool or spa shall be constructed of concrete or other structurally rigid material that is equivalent in strength or durability to concrete, except that a public or semipublic spa may be constructed of fiberglass or acrylic.
- B. A public or semipublic swimming pool or spa shall be constructed of materials that are nontoxic.
- C. A public or semipublic swimming pool or spa shall be constructed of waterproof materials that provide a watertight structure.
- D. A public or semipublic swimming pool or spa shall have a smooth and easily cleaned surface, without cracks or joints, excluding structural joints, or to which a smooth, easily cleaned surface finish is applied or attached.
- E. All corners in a public or semipublic swimming pool or spa shall be rounded, including the corners formed by the intersection of a wall and floor.
- F. A surface within a public or semipublic swimming pool or spa intended to provide footing for users shall have a slip-resistant surface. The roughness or irregularity of the surface shall not cause injury or discomfort to users' feet during normal use.
- G. The color, pattern, or finish of the interior of a public or semipublic swimming pool or spa shall not obscure objects, surfaces within the swimming pool or spa, debris, sediment, or algae. Surface finishes shall be white, pastel, or other light color. The interior finish shall completely line the swimming pool or spa to the coping, tile, or gutter system.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-208. Maximum Bathing Load**

- A. The maximum bathing load for a public or semipublic swimming pool or spa shall not be exceeded.
- B. The maximum bathing load for a public or semipublic swimming pool shall be calculated as the sum of the following:
  1. The shallow area of the swimming pool in square feet divided by 10 square feet, plus
  2. The deep area of the swimming pool in square feet minus 300 square feet for each diving board divided by 24 square feet.
- C. The maximum bathing load for a public swimming pool shall be limited by the number of users for the toilets, showers, or

lavatories that are provided in the bathhouses or dressing rooms prescribed in R18-5-242.

- D. The maximum bathing load for a public or semipublic spa shall not exceed the area of the spa in square feet divided by 9 square feet.
- E. The maximum bathing load for a public or semipublic swimming pool or spa shall be posted.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-209. Shape**

- A. A public or semipublic swimming pool or spa may be any shape except that the designer shall shape a public or semipublic swimming pool or spa to minimize hazards to users and provide adequate circulation of swimming pool or spa water.
- B. There shall be no protrusions, extensions, means of entanglement, or other obstructions in a public or semipublic swimming pool or spa that may cause entrapment of or injury to the user. This subsection does not prohibit water features such as water fountains, slides, water play equipment, or water volleyball and basketball nets.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-210. Walls**

- A. Where a racing lane terminates in a swimming pool, the wall shall be plumb to a minimum depth of 5 feet below the waterline. Below the 5-foot depth, the wall shall be radiused to join the floor.
- B. There shall be no projections from a swimming pool or spa wall except for coping, cantilevered deck, ladders, and steps.
- C. An underwater seat shall comply with the following:
  1. The edges of an underwater seat shall be outlined with a sharply contrasting colored tile or other material that is clearly visible from the deck adjacent to the underwater seat;
  2. An underwater seat shall have a slip-resistant surface;
  3. An underwater seat shall be located outside of the deep area of a swimming pool that is equipped for diving. An underwater seat may be located in the deep area of a swimming pool that is not equipped for diving provided the underwater seat is either completely recessed into the swimming pool wall, shaped to be compatible with the shape of the swimming pool wall, or in a corner of the swimming pool;
  4. The maximum depth of an underwater seat is 24 inches below the waterline. The minimum depth of an underwater seat is 12 inches below the waterline; and
  5. The maximum width of an underwater seat is 20 inches.
- D. If a spa is located immediately adjacent to a swimming pool, the separating wall between the spa and the swimming pool shall be no more than 8 inches wide. The top of the separating wall shall be no lower than the level of the coping of the swimming pool. If a separating wall is more than 8 inches wide, then the deck width shall comply with R18-5-217(D). A spa shall not be located immediately adjacent to the deep area of a swimming pool.
- E. Coping or cantilevered deck may project from a swimming pool or spa wall to provide a handhold for users. The coping or deck shall be rounded, have a slip-resistant surface finish, and shall not exceed 3 1/2 inches in thickness. The overhang of the coping or deck shall not exceed 2 inches or be less than 1 inch. All corners created by coping or cantilevered deck shall be

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rounded in both the vertical and horizontal dimensions to eliminate sharp corners.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-211. Freeboard**

- A. The freeboard in a public or semipublic swimming pool or spa shall not exceed 8 inches, except as provided in subsection (B).
- B. The freeboard in a semipublic swimming pool may exceed 8 inches to provide for walls, terraces, or other design features. The Department shall review each request to allow an increase in freeboard on a case-by-case basis. In reviewing the request, the Department shall consider safety, exit distances, alternative exits, and location. The length and height of the section where the freeboard area may be increased is limited. All of the following requirements shall be met:
  1. Guard rails or similar devices are provided to prevent any raised area from being used as a diving platform.
  2. The vertical surfaces of the freeboard area are constructed of inorganic materials. All vertical surfaces shall be rigid, smooth, and easily cleanable.
  3. The horizontal surface areas comply with the provisions of this Article for decks.
  4. The vertical surface area is included as surface area of the swimming pool to determine the type, size, location, and numbers of equipment and piping.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-212. Floors**

- A. The slope of the floor of a public or semipublic swimming pool, from the end wall in the shallow area towards the deep area to the point of the first slope change shall be uniform and shall not exceed 1 foot of fall in 10 feet. The floor slope in a public or semipublic spa shall not exceed 1 foot of fall in 10 feet.
- B. The floor slope of a public or semipublic swimming pool, from the point of the first slope change to the deepest part of the swimming pool, shall not exceed 1 foot of fall in 3 feet.
- C. For a public or semipublic swimming pool that is equipped for diving, the depth of the swimming pool at the point of the first slope change shall be a minimum of 5 feet. For a public or semipublic swimming pool that is not equipped for diving, the depth of the swimming pool at the point of the first slope change shall be a minimum of 4 feet.
- D. All portions of a swimming pool or spa floor shall slope towards a main drain.
- E. The transitional radius where the floor of a public or semipublic swimming pool joins a wall shall comply with the following:
  1. The center of the radius shall be no less than 3 feet below the waterline in the deep area or 2 feet below the waterline in the shallow area.
  2. The radius shall be tangent at the point where the radius meets the wall or floor.
  3. The radius shall be equal to or greater than the depth of the swimming pool minus the vertical wall depth measured from the waterline minus 3 inches.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-213. Entries and Exits**

- A. Each public or semipublic swimming pool shall have at least two means of entry or exit consisting of ladders, steps, or recessed treads.
- B. There shall be at least one ladder, set of steps, or set of recessed treads for each 75 feet of perimeter of a public or semipublic swimming pool or spa.
- C. At least one means of entry and exit shall be provided in the deep area and at least one means of entry and exit shall be provided in the shallow area of a public or semipublic swimming pool. Where the water depth is 2 feet at the swimming pool wall in the shallow area or where there is a zero depth entry pool [for example, an artificial beach], the area shall be considered a means of entry or exit.
- D. A set of steps shall be provided in a public or semipublic spa.
- E. The location of stairs, ladders, and recessed treads shall not interfere with racing lanes.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-214. Steps**

- A. Each set of steps shall be provided with at least one handrail to serve all treads and risers. Handrails shall be provided at one side or in the center of all steps. Handrails shall be installed in such a way that they can be removed only with tools.
- B. Steps shall be permanently marked to be clearly visible from above and below the water level in a swimming pool or spa. The edges of steps shall be outlined with a sharply contrasting colored tile or other material that is clearly visible from the deck adjacent to the steps.
- C. Steps may be constructed only in the shallow area of a public or semipublic swimming pool.
- D. Steps shall not project into a public or semipublic swimming pool or spa in a manner that creates a hazard to users.
- E. All tread surfaces on steps shall have slip-resistant surfaces.
- F. Step treads shall have a minimum unobstructed horizontal depth of 10 inches. Risers shall have a maximum uniform height of 12 inches, with the bottom riser height allowed to vary  $\pm 2$  inches from the uniform riser height.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-215. Ladders**

- A. At least one ladder shall be provided in the deep area of a public or semipublic swimming pool. If the width of the deep area of a swimming pool is greater than 20 feet, then one ladders shall be located on opposite sides of the deep area.
- B. A swimming pool or spa ladder shall be equipped with two handrails.
- C. All treads on ladders shall have slip-resistant surfaces.
- D. Ladder treads shall have a minimum horizontal depth of 1 1/2 inches. The distance between ladder treads shall range from a minimum of 7 inches to a maximum of 12 inches.
- E. Below the waterline, there shall be a clearance of not more than 6 inches and not less than 3 inches between any ladder tread edge and the wall as measured from the side of the tread closest to the wall.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-216. Recessed Treads**

- A. Recessed treads with handrails may be substituted for ladders.

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- B. Recessed treads shall be pre-formed, readily cleanable, and designed to drain into the swimming pool or spa to prevent the accumulation of dirt in the recessed treads.
- C. Each set of recessed treads shall be equipped with two hand-rails.
- D. All recessed treads shall have slip-resistant surfaces.
- E. The vertical distance between the swimming pool or spa coping edge or deck and the uppermost recessed tread shall be a maximum of 12 inches. Recessed treads at the centerline shall have a uniform vertical spacing of 12 inches maximum and 7 inches minimum.
- F. Recessed treads shall be at least 5 inches deep and 12 inches wide.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-217. Decks and Deck Equipment**

- A. Decks, ramps, coping, and similar step surfaces shall be constructed of concrete or other inorganic material, have a slip-resistant finish, and be easily cleanable.
- B. The minimum continuous unobstructed deck width, including the coping, shall be 10 feet for a public swimming pool and 4 feet for a semipublic swimming pool. The dimensional design of decks at public and semipublic swimming pools shall comply with the dimensions shown in Illustration B.
- C. A minimum 5 feet of deck width shall be provided on the sides and rear of any diving equipment at a public swimming pool. A minimum 4 feet of deck width shall be provided on the sides and rear of any diving equipment at a semipublic swimming pool. If diving equipment is installed at a public swimming pool, there shall be a minimum 15 feet of deck width from the swimming pool wall to the edge of the deck behind the diving equipment [See Illustration B].
- D. A continuous unobstructed deck width of at least 4 feet, which may include the coping, shall be provided on at least two contiguous sides and around at least 50% of the perimeter of a public or semipublic spa.
- E. Decks shall be sloped to effectively drain either to perimeter areas or to deck drains. Drainage shall remove splash water, deck cleaning water, and rain water without leaving standing water. The minimum slope of the deck shall be 1/4 inch per 1 foot. The maximum slope of the deck shall be 1 inch per 1 foot, except for ramps.
- F. Decks shall be edged to eliminate sharp corners.
- G. Site drainage shall be provided to direct all perimeter deck drainage and general site and roof drainage away from a public or semipublic swimming pool or spa. Yard drains may be required to prevent the accumulation or puddling of water in the general area of the deck and related improvements.
- H. Hose bibbs shall be provided along the perimeter of the deck so that all parts of the deck may be washed down. At a minimum, each hose bibb shall be protected against back siphonage with an atmospheric vacuum breaker. The Department may approve quick disconnect style hose bibbs.
- I. Any valve that is installed in or under any deck shall provide a minimum 10-inch diameter access cover and a valve pit to facilitate the repair and maintenance of the valve.
- J. Joints in decks shall be provided to minimize the potential for cracks due to changes in elevations or movement of the slab. The maximum voids between adjoining concrete slabs or between concrete slabs and expansion joint material shall be 3/16 inch of horizontal clearance with a maximum difference in vertical elevation of 1/4 inch. Areas where the deck joins concrete shall be protected by expansion joints to protect the

swimming pool or spa from the pressures of relative movements. Construction joints where pool or spa coping meets the deck shall be watertight and shall not allow water to pass through to the underlying ground.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-218. Lighting**

- A. A public or semipublic swimming pool or spa and adjacent deck areas shall be lighted by natural or artificial means when they are in use.
- B. A public or semipublic swimming pool or spa that is intended to be used at night shall be equipped with artificial lighting that is designed and spaced so that all parts of the swimming pool or spa, including the bottom, may be seen without glare.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-219. Water Depths**

- A. Except as provided in subsection (B), the minimum water depth in the shallowest area of a public or semipublic swimming pool shall be 2 feet. The maximum water depth in the shallowest area of a public or semipublic swimming pool shall be 3 feet. In public swimming pools, where racing lanes terminate, the minimum depth shall be 5 feet from the water level to the point where the vertical wall is radiused to join the floor.
- B. The Department may approve a depth of less than 2 feet in a wading pool or to allow a zero depth entry swimming pool.
- C. The maximum water depth in a public or semipublic spa shall be 42 inches, measured from the water level.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-220. Depth Markers**

- A. Water depths shall be conspicuously and permanently marked at or above the water level on the vertical wall and on the top of the coping or the edge of the deck next to a swimming pool.
  1. Depth markers on a vertical wall shall be positioned to be read from the water side.
  2. Depth markers on a deck shall be located within 18 inches of the side of the swimming pool and positioned to be read while standing on the deck facing the water. Depth markers that are located on a deck shall be made of slip-resistant materials.
- B. Depth markers for a public or semipublic swimming pool shall be installed at points of maximum and minimum water depth and at all points of slope change. Depth markers are required in the shallow area at 1-foot depth intervals to a depth of 5 feet. Thereafter, depth markers shall be installed at 2-foot depth intervals. Depth markers shall not be spaced at distances greater than 25 feet.
- C. Depth markers shall be located on both sides and at both ends of a public or semipublic swimming pool.
- D. Depth markers shall be in Arabic numerals with a 4-inch minimum height. Arabic numerals shall be of contrasting color to the background.
- E. In public swimming pools with racing lanes, approach warning markers shall be placed below the water level on the opposite walls at the ends of each racing lane. Warning markers shall be of contrasting color to the background. Warning markers shall be clearly visible in or out of the water from a minimum distance of 10 feet.

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- F. The shallow area of a public swimming pool shall be visually set apart from the deep area of the pool by a rope and float line.
- G. Depth markers for a public or semipublic spa shall comply with all of the following:
  1. A public or semipublic spa shall have permanent depth markers with numbers that are a minimum of 4 inches high. Depth markers shall be plainly and conspicuously visible from all points of entry.
  2. The maximum depth of a public or semipublic spa shall be clearly indicated by depth markers.
  3. There shall be a minimum of 2 depth markers at each public or semipublic spa.
  4. Depth markers shall be spaced at no more than 25-foot intervals and shall be uniformly located around the perimeter of the spa.
  5. Depth markers shall be positioned on the deck within 18 inches of the side of the spa. A depth marker shall be positioned so that it can be read by a person standing on the deck facing the water.
  6. Depth markers that are on deck surfaces shall be made of slip-resistant material.
- K. Starting blocks shall be located in the deep end of a public swimming pool or where the depth of the water is at least 5 feet.
- L. There shall be a completely unobstructed clear vertical distance of 13 feet above any diving board measured from the center of the front end of the board. This clear, unobstructed vertical space shall extend horizontally at least 8 feet behind, 8 feet to each side, and 16 feet ahead of the front end of the board.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-222. Prohibition Against Diving; Warning Signs**

- A. Diving equipment is prohibited in a public or semipublic swimming pool that does not meet the minimum diving well dimensions specified in Illustration A. If a public or semipublic swimming pool does not meet the dimensional requirements prescribed in Illustration A for diving, then the owner shall prominently display at least one sign that cautions users that the swimming pool is not suitable for diving. The warning sign shall state "NO DIVING" in letters that are 4 inches or larger or display the international symbol for no diving.
- B. Diving from the deck of a public or semipublic swimming pool into water that is less than 5 feet deep shall be prohibited. Warning markers indicating in words or symbols that diving is prohibited shall be placed on the deck within 18 inches of the side of the shallow area of the swimming pool. A warning marker shall be positioned so that it can be read by a person standing on the deck facing the water.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-221. Diving Areas and Equipment**

- A. The dimensions of a diving area in a public or semipublic swimming pool shall comply with minimum requirements for length, width, depth, area, and other dimensions specified in Illustration A. The diving well profile in Illustration A does not apply to a special use pool that is intended for competitive diving and has been approved by Department pursuant to R18-5-248(A).
- B. Diving equipment shall be permanently anchored to the swimming pool deck. Equipment shall be rigidly constructed with sufficient bracing to ensure stability. Supports, platforms, steps, and ladders for diving equipment shall be designed to carry anticipated loads.
- C. All diving stands higher than 21 inches, measured from the deck to the top of the board, shall be provided with stairs or a ladder.
- D. Diving equipment shall have a durable finish. The surface finish shall be free of tears, splinters, or cracks that may be a hazard to users.
- E. Steps and ladders leading to diving boards and diving platforms shall be of corrosion-resisting materials and shall have slip-resistant tread surfaces. Step treads shall be self-draining.
- F. Diving boards, diving platforms, and starting blocks shall have slip-resistant tread surfaces.
- G. Handrails shall be provided at all steps and ladders leading to diving boards that are 1 meter or more above the water.
- H. Diving boards and diving platforms that are 1 meter or higher shall be protected with guard rails. Guard rails shall be at least 30 inches above the diving board or diving platform and shall extend to the edge of the swimming pool wall.
- I. A label shall be permanently affixed to a diving board and shall include the following:
  1. Manufacturer's name and address,
  2. Board length, and
  3. Fulcrum setting instructions.
- J. The maximum diving board height over the water is 3 meters. The maximum height of a diving platform over the water is 10 meters.

**R18-5-223. Water Circulation System**

- A. A public or semipublic swimming pool or spa shall have a water circulation system that provides complete circulation of water through all parts of the swimming pool or spa and can maintain water chemistry and water clarity requirements.
- B. The water circulation system for a public or semipublic swimming pool shall have a turnover rate of at least once every 8 hours. The water circulation system of a public or semipublic spa shall have a turnover rate of at least once every 30 minutes. The water circulation system for a wading pool shall have a turnover rate of at least once every hour. The water circulation system shall be designed to give the proper turnover rate without exceeding the maximum filtration rate for the filter in R18-5-227(E).
- C. Water circulation system components shall comply with American National Standard/NSF International Standard Number 50, "Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs," NSF International, 3475 Plymouth Road, P.O. Box 130140, Ann Arbor, Michigan [revised July, 1996, and no future editions] which is incorporated by reference and on file with the Office of the Secretary of State and the Department.
- D. Water circulation system components shall be accessible for inspection, repair, or replacement.
- E. Except as provided by this subsection, water withdrawn from a public or semipublic swimming pool or spa shall not be returned unless it has been filtered and adequately disinfected. Water may be withdrawn from a swimming pool for a water slide or a water fountain without being filtered or disinfected.
- F. In a swimming pool complex with more than one swimming pool or where there is a combination of swimming pools and

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spas, each swimming pool and spa shall have a separate water circulation system.

- G. Hydrotherapy jets or other devices which create roiling water or similar effects in a spa shall not be connected to the water circulation system, but shall be operated through a separate system.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1). Manifest typographical error corrected in subsection (B) (Supp. 01-1).

**R18-5-224. Piping and Fittings**

- A. The water velocity in discharge piping for public and semipublic swimming pools and spas shall not exceed 10 feet per second, except for copper discharge piping where the velocity shall not exceed 8 feet per second. The water velocity in suction piping shall not exceed 6 feet per second. Piping shall be sized to permit the rated flows for filtering and cleaning without exceeding the maximum head of the pump.
- B. Water circulation system piping and fittings shall be constructed of materials that are able to withstand 150% of normal operating pressures. Suction piping shall be of sufficient strength so that it does not collapse when there is a complete shutoff of flow on the suction side of the pump. A licensed Arizona contractor shall conduct an induced static hydraulic pressure test of the water circulation system piping at 25 pounds per square inch for at least 30 minutes. The pressure test shall be performed before the deck is poured. Pressure in the water circulation system piping shall be maintained during the deck pour.
- C. Water circulation piping and fittings shall be made of non-toxic, corrosion-resistant materials.
- D. Water circulation piping and fittings shall be installed so that piping or fittings do not project into a public or semipublic swimming pool or spa in a manner that is hazardous to users.
- E. Piping that is subject to damage by freezing shall have a uniform slope in one direction and shall be equipped with valves that will permit the complete drainage of the water in the swimming pool or spa.
- F. Piping shall be designed to drain the swimming pool or spa water by removing drain plugs, manipulating valves, or other means.
- G. Piping systems shall be identified by color or by stencils or labels located at conspicuous points.
- H. Plastic water circulation piping shall comply with American National Standard/NSF International Standard Number 14, "Plastics Piping System Components and Related Materials," NSF International, 3475 Plymouth Road, P.O. Box 130140, Ann Arbor, Michigan [revised September, 1996, and no future editions] which is incorporated by reference and on file with the Office of the Secretary of State and the Department.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-225. Pumps and Motors**

- A. A pump and motor shall be provided for each water circulation system. The pump shall be sized to meet but not to exceed the flow rate required for filtering against the total head developed by the complete water circulation system. The pump shall be sized to comply with the turnover rate prescribed in R18-5-223(B).
- B. Pumps and motors shall be readily and easily accessible for inspection, maintenance, and repair. When the pump is below the waterline, valves shall be installed on permanently con-

nected suction and discharge lines. The valves shall be readily and easily accessible for maintenance and removal of the pump.

- C. Each motor shall have an open, drip-proof enclosure. Each motor shall be constructed electrically and mechanically to perform satisfactorily and safely under the conditions of load in the environment normally encountered in swimming pool or spa installations. Each motor shall be capable of operating the pump under full load with a voltage variation of  $\pm 10\%$  from the nameplate rating. Each motor shall have thermal or current overload protection to provide locked rotor and running protection. Thermal or current overload protection may be built into the motor or in the line starter.
- D. The pump shall be equipped with an emergency shut-off switch that is located within the swimming pool or spa enclosure to cut off power to the water circulation system if someone is entrapped on a main drain or suction outlet.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-226. Drains and Suction Outlets**

- A. A public and semipublic swimming pool shall be equipped with at least two main drains located in the deepest part of the swimming pool or a single gravity drain that discharges to a surge tank.
- B. Each main drain shall be covered by a grate that is not be readily removable by users. The openings in the grate shall have a total area that is at least four times the area of the drain pipe.
- C. The spacing of the main drains shall not be greater than 20 feet on centers and not more than 15 feet from each side wall.
- D. A minimum of two suction outlets shall be provided for each pump in a suction outlet system for a public or semipublic spa. The suction outlets shall be separated by a minimum of 3 feet or located on two different planes [that is, one suction outlet on the bottom and one on a vertical wall or one suction outlet each on two separate vertical walls]. The suction outlets shall be plumbed to draw water through them simultaneously through a common line to the pump. Suction outlets shall be plumbed to eliminate the possibility of entrapping suction.
- E. If the suction outlet system for a public or semipublic swimming pool or spa has multiple suction outlets that can be isolated by valves, then each suction outlet shall protect against user entrapment by either an antivortex cover, a grate, or other means approved by the Department.
- F. A public or semipublic spa may be equipped with a single gravity drain which discharges to a surge tank instead of suction outlets. The total velocity of water through grate openings of the drain shall not exceed 2 feet per second.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-227. Filters**

- A. Filters shall be designed, located, and constructed to permit removal of filter manhole covers or heads for inspection, replacement, or repair of filter elements or filter media. No filtration system shall be installed beneath the surface of the ground or within an enclosure without providing adequate access for inspection and maintenance.
- B. Pressure-type filters shall be equipped with a means to release internal pressure. Each pressure filter shall be equipped with an air relief piping system connected at an accessible point near the crown. Automatic air relief systems may be used instead of manual systems. The design of a filter with an automatic air relief system as its principal means of air release

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shall include lids that provide a slow and safe release of pressure. The design of a separation tank used in conjunction with any filter tank shall include a manual means of air release or a lid which provides a slow and safe release of pressure as it is opened.

- C. Pressure filter systems shall be equipped with a sight glass installed on the waste discharge pipe.
- D. Swimming pool and spa filters shall comply with American National Standard/NSF International Standard Number 50, "Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs," NSF International, 3475 Plymouth Road, P.O. Box 130140, Ann Arbor, Michigan [revised July, 1996, and no future editions] which is incorporated by reference and on file with the Office of the Secretary of State and the Department.
- E. The maximum filtration rate shall not exceed the design flow rate prescribed by the National Sanitation Foundation Standard 50 for commercial filters. In no case shall the maximum filtration rate exceed the following:
  1. The rate of filtration in a high-rate sand filter shall not exceed 25 gallons/minute/square foot.
  2. The rate of filtration of a diatomaceous earth filter shall not exceed 2 gallons/minute/square foot.
  3. The rate of filtration of a cartridge filter shall not exceed 0.375 gallons/minute/square foot.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-228. Return Inlets**

- A. Adjustable return inlets shall be provided for each public and semipublic swimming pool or spa. Return inlets shall be designed, sized, and installed to produce a uniform circulation of water throughout the swimming pool or spa. Where surface skimmers are used, return inlets on vertical walls shall be located to help bring floating particles within range of the surface skimmers.
- B. A public or semipublic swimming pool shall have a minimum of two return inlets, regardless of the size of the swimming pool. The number of return inlets shall be based on two return inlets per 600 square feet of surface area, or fraction thereof.
- C. Return inlets in a public or semipublic swimming pool shall be on a closed loop piping system. Public or semipublic spas with three or more return inlets shall be on a closed loop piping system.
- D. Where the width of a public or semipublic swimming pool exceeds 30 feet, bottom returns shall be required. Bottom returns shall be flush with the pool bottom or designed to prevent injury to users.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-229. Gauges**

- A. Pressure gauges shall be installed on the water circulation system for each public and semipublic swimming pool and spa. Pressure gauges shall be installed in accessible locations where they can be read easily.
- B. Pressure gauges shall be installed on the inlet and outlet manifold of the filter. Pressure gauges shall read at intervals of 1 pound per square inch [psi].

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-230. Flow meter**

A public swimming pool shall be equipped with, a flow meter which indicates the rate of backwash through the filter. The flow meter shall be installed between the pump and the filter on a straight section of pipe in accordance with the manufacturer's specifications in a location where it can be read easily. The flow meter shall measure the rate of flow through the filter in gallons per minute and shall be accurate to within 5% under all conditions of flow. The flow meter shall have an indicator with a range of at least 150% of the normal flow rate.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-231. Strainers**

The water circulation system shall include a removable strainer located upstream of the pump to prevent solids, debris, hair, or lint from reaching the pump and filters. The strainer shall be made of corrosion-resistant material. A strainer shall have openings that have a total area which is equal to at least four times the area of the suction piping.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-232. Overflow Collection Systems**

- A. An overflow collection system shall be installed in each public or semipublic swimming pool or spa.
- B. The overflow collection system shall be designed and constructed so that the water level of the swimming pool is maintained at the mid-point of the operating range of the system's rim or weir device.
- C. Rim type overflow collection systems shall be installed on at least two opposite sides and have a total length of at least 50% of the perimeter of a public or semipublic swimming pool. The overflow collection system shall be capable of carrying 50% of the design capacity of the water circulation system.
- D. If overflow gutters are used, they shall be installed continuously around the swimming pool with the lip of the gutter level throughout its perimeter. Overflow gutters shall be provided with sufficient opening at the top and width at the bottom to permit easy cleaning. The overflow gutter bottom shall be pitched 1/4 inch per foot to drainage outlets located not more than 10 feet apart. Outlet piping shall be sized to circulate at least 50% of the capacity of the water circulation system and be properly covered by a drain grate. The surge tank for the overflow gutters shall be equipped with float controls which regulate the main drain, fill line, and overflow. The system surge capacity shall not be less than one gallon for each square foot of swimming pool surface area. Stainless steel gutters and other specialty gutter systems may be used if they are hydraulically equivalent to overflow gutters.
- E. Surface skimmers shall be recessed into the swimming pool or spa wall and shall be installed to achieve effective skimming action throughout the swimming pool or spa.
  1. A surface skimmer shall be provided for each 400 square feet of surface area, or fraction thereof, of a public or semipublic swimming pool. A minimum of two surface skimmers are required in a public or semipublic swimming pool. A surface skimmer shall be provided for each 200 square feet of surface area, or fraction thereof, of a public or semipublic spa.
  2. The overflow slot shall be set level and shall not be less than 8 inches in width at the narrowest section.
  3. The rate of flow through the skimmers shall be a minimum of 75% of the water circulation system capacity.

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Surface skimmers shall be designed to carry at least 30 gallons per minute per lineal foot of weir throat.

4. Where three or more surface skimmers are used, they must be on a closed loop piping system.
  5. At least one surface skimmer shall be located on the side or near the corner of the swimming pool that is downwind of the area's prevailing winds.
  6. Main drain piping shall be designed to carry at least 50% of the design flow.
- F. Mixed inlet types [for example, surface skimmers and gutters] are prohibited in a public or semipublic swimming pool.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-233. Vacuum Cleaning Systems**

A vacuum cleaning system shall be provided for each public and semipublic swimming pool. A vacuum cleaning system shall not create a hazard or interfere with the operation or use of the swimming pool. In integral systems, a sufficient number of vacuum cleaner fittings shall be located in accessible positions at least 10 inches below the water line. Alternatively, vacuum cleaner fittings may be installed as an attachment to the surface skimmers. A pressure cleaning system may be installed in addition to the required vacuum cleaning system.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-234. Disinfection**

- A. An adjustable automatic chemical feeder shall be provided to ensure the continuous disinfection of the water in a public or semipublic swimming pool or spa. Timers on disinfection equipment are prohibited. Disinfection shall be accomplished by chlorination or by another method that is approved by the Department. The method of disinfection shall effectively maintain an adequate disinfectant residual in the water which is subject to field testing by methods that are easy to use and accurate.
1. Chlorine disinfection equipment for a public or semipublic swimming pool shall be designed to maintain a free chlorine residual of 1.0 to 3.0 ppm. Chlorine disinfection equipment for a public or semipublic spa shall be designed to maintain a free chlorine residual of 3.0 to 5.0 ppm.
  2. Bromine disinfection equipment for a public or semipublic swimming pool shall be designed to maintain a bromine residual of 2.0 to 4.0 ppm. Bromine disinfection equipment for a public or semipublic spa shall be designed to maintain a bromine residual of 3.0 to 5.0 ppm.
- B. The use of chlorinated isocyanurates or cyanuric acid stabilizer for disinfection and stabilization is permitted. If used, chlorinated isocyanurates shall be fed so as to maintain required disinfectant residual levels. Cyanuric acid levels, whether from chlorinated isocyanurates or from the separate addition of cyanuric acid stabilizer, shall not exceed 150 ppm.
- C. The use of chloramines as a primary disinfectant of swimming pool or spa water is prohibited.
- D. The addition of gaseous disinfectant directly into a public or semipublic swimming pool is prohibited. The addition of dry or liquid disinfectant directly into a public or semipublic swimming pool or spa for routine disinfection is prohibited. This prohibition does not prohibit the use of liquid or dry disinfectants for shock treatment of a swimming pool or spa. A

chlorine gas disinfection system shall not be used for the disinfection of water in a public or semipublic spa.

- E. A common chlorine gas disinfection system may be utilized in separate swimming pools if separate metering and feeding devices are provided for each swimming pool.
- F. If gaseous chlorine is used for disinfection, the following shall be provided:
1. The chlorinator, chlorine cylinders, and associated chlorination equipment shall be located in a separate well ventilated enclosure at or above ground level. The enclosure shall be reasonably gas-tight, noncombustible, and corrosion-resistant. The door of the enclosure shall open to the outside and shall not open directly toward the swimming pool.
  2. If chlorination equipment is placed in a room, then an exhaust fan or gravity ventilation system shall be provided. Mechanical exhausters shall take suction 6 inches or less above the floor and discharge through corrosion-resistant louvers to a safe outside location. A gravity ventilation system shall be designed and constructed to discharge to the outside from floor level. Fresh air intakes shall be located no closer than 3 feet above the ventilation discharge. Chlorine room exhausts shall be directed away from the swimming pool to an area which is normally unoccupied. Chlorine room fans shall be capable of completely changing the air in the room at least once a minute.
  3. Electrical switches to control lighting and ventilation in the chlorine room shall be located on the outside of the enclosure and adjacent to the door.
  4. Chlorine cylinders shall be kept in an upright position and securely anchored to prevent them from falling. Chlorine cylinders may be stored indoors or out. If stored outside, chlorine cylinders shall not be stored in direct sunlight. Chlorine cylinders shall not be stored near an elevator, ventilation system, or heat source.
  5. A warning sign shall be placed on the outside of the door to the chlorine room which cautions persons of the danger of chlorine gas within the enclosure. The warning shall be in letters 3 inches high or larger. The door to the chlorine room shall be provided with a shatter resistant inspection window.
  6. Chlorinators shall be a solution-feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere. Chlorinators shall be designed to prevent the backflow of water into the chlorine solution container.
- G. Granular, tablet, stick, and other forms of dry disinfectant shall be fed by an adjustable automatic feeding device.
- H. Disinfection equipment and chemical feeders shall comply with the requirements set forth in American National Standard/NSF International Standard 50, "Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs," NSF International, 3475 Plymouth Road, P.O. Box 130140, Ann Arbor, Michigan [revised July, 1996, and no future editions] which is incorporated by reference and on file with the Office of the Secretary of State and the Department.
- I. If a chemical feeder is used, it shall be installed to inject solution downstream from the filter and the heater. An erosion-type feeder may be installed to feed solution to the suction side of the pump. A chemical feeder shall be wired so it cannot operate unless the filter pump is running.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).



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**R18-5-235. Cross-Connection Control**

- A. Cross-connections between the distribution system of a public water system and the water circulation system of a public or semipublic swimming pool or spa are prohibited.
- B. Potable water for make-up water purposes may be introduced into a public or semipublic swimming pool or spa in any of the following ways:
1. Through an over-the-rim spout with an air-gap of at least twice the diameter of the pipe and not less than 6 inches above the overflow level. If an over-the-rim spout is used, it shall be located so that it does not present a tripping hazard. The open end of an over-the-rim spout shall have no sharp edges and shall not protrude more than 2 inches beyond the edge of the swimming pool or spa wall;
  2. Through a float controlled make-up water feed tank with an air gap of at least 3 inches above the overflow level; or
  3. Through a submerged inlet that is protected against back-siphonage by at least a pressure vacuum breaker that is installed so that the bottom of the backflow prevention assembly is a minimum of 12 inches above the level of the coping.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-236. Disposal of Filter Backwash, Wasted Swimming Pool or Spa Water, and Wastewater**

All sewage from plumbing fixtures, including urinals, toilets, lavatories, showers, drinking fountains, floor drains, and other sanitary facilities shall be disposed of in a sanitary manner. Filter backwash and wasted swimming pool or spa water shall be discharged into a sanitary sewer through an approved air gap, an approved subsurface disposal system, or by other means that are approved by the Department. The method of disposal shall comply with applicable disposal requirements established by a county, municipal, or other local authority. There shall be no direct physical connection between the sewer system and the water circulation system of a public or semipublic swimming pool or spa.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-237. Lifeguard Chairs**

Each public swimming pool shall have at least one elevated lifeguard chair for each 3,000 square feet of pool surface area or fraction thereof. At least one lifeguard chair shall be located close to the deep area of the swimming pool and shall provide a clear, unobstructed view of the swimming pool bottom. If a public swimming pool is provided with more than one lifeguard chair or the width of the public swimming pool is 45 feet or more, then lifeguard chairs shall be located on each side of the public swimming pool.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-238. Lifesaving and Safety Equipment**

- A. Public and semipublic swimming pools shall have lifesaving and safety equipment that is conspicuously and conveniently located and maintained ready for immediate use at all times.
- B. Each public or semipublic swimming pool shall have one ring buoy or a similar flotation device. Each ring buoy or flotation device shall be attached to 50 feet of 1/4 inch rope.
- C. Each semipublic and public swimming pool shall have at least one shepherd crook that is mounted on a rigid 16-foot pole.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-239. Rope and Float Lines**

A rope and float line shall be installed across each public swimming pool on the shallow side of the break in grade between the shallow and deep portions of the pool [that is, within 1 to 2 feet of the point where the floor slope begins to exceed 1 foot in 10 feet]. The rope shall be a minimum of 3/4 inch in diameter and supported by floats spaced at intervals not greater than 7 feet. The rope and float line shall be securely fastened to wall anchors that are made of corrosion-resistant materials. The wall anchors shall be recessed or have no projection that constitutes a hazard when the float line is removed.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-240. Barriers**

- A. A public swimming pool or spa and deck shall be entirely enclosed by a fence, wall, or barrier that is at least 6 feet high. A semipublic swimming pool or spa and deck shall be entirely enclosed by a fence, wall, or barrier that is at least 5 feet high. The height of the fence, wall, or barrier shall be measured on the side of the barrier which faces away from the swimming pool or spa.
- B. Fences or walls shall:
1. Be constructed to afford no external handholds or footholds;
  2. Be of materials that are impenetrable to small children;
  3. Have no openings or spacings of a size that a spherical object 4 inches in diameter can pass through; and
  4. Be equipped with a gate that opens outward from the swimming pool or spa. The gate shall be equipped with a self-closing and self-latching closure mechanism or a locking closure located at or near the top of the gate, on the pool side of the gate, and at least 54 inches above the floor.
- C. The distance between the horizontal components of a fence shall not be less than 45 inches apart. The horizontal members shall be located on the interior side of the fence. Spacing or openings between vertical members shall be of a size that a spherical object 4 inches in diameter cannot pass through.
- D. The maximum mesh size for a wire mesh or chain link fence shall be a 1 3/4 inches square.
- E. Masonry or stone walls shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- F. If a wall of a building serves as part of the barrier around a public or semipublic swimming pool or spa, there shall be no direct access to the swimming pool or spa through the wall except as follows:
1. Windows leading to the swimming pool or spa area shall be equipped with a screwed-in place wire mesh screen or a keyed lock that prevents opening the window more than 4 inches.
  2. A hinged door leading to the swimming pool or spa area shall be self-closing and shall have a self-latching device. The release mechanism of the self-latching device shall be located at least 54 inches above the floor.
  3. If an additional set of doors is required by the fire code allowing access to the swimming pool or spa, they shall be self-closing and self-latching, equipped with panic bars no less than 54 inches from the floor to the bottom of the bar and designated "For Emergency Use Only."
  4. Sliding doors leading to the swimming pool or spa area are prohibited except for sliding doors that are self-closing and self-latching.

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- G. If a barrier is composed of a combination concrete masonry unit and wrought-iron, the wrought iron portion shall be installed flush with the outside vertical surface of the concrete masonry unit. The space between the wrought iron and the concrete masonry unit shall be 1/2 inch or less. The vertical members of the wrought iron shall be spaced 4 inches on center.
- H. Filtration, disinfection, and water circulation equipment shall be enclosed by a wall or fence.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-241. Public Swimming Pools; Bathhouses and Dressing Rooms**

- A. Separate dressing rooms shall be provided for each sex. Dressing rooms shall be equipped with baskets or other checking facilities.
- B. All entrances to and exits from the dressing rooms shall be effectively screened to interrupt the line of sight of persons outside the dressing rooms.
- C. Walls and partitions of dressing rooms, locker rooms, toilets, and showers shall be light colored, smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide a smooth and easily cleanable surface. Partitions shall be designed so that a waterway is provided between partitions and the floor to permit thorough cleaning of the walls and floor areas with hoses and brooms.
- D. Floors shall be of nonslip construction, free of cracks or openings, and sloped to adequate drains so the surface will be free of standing water and puddles. Floors shall be sloped not less than 1/4 inch per foot toward the drains to ensure positive drainage. Carpeting is prohibited.
- E. All furniture shall be of simple character and easily cleanable. Locker compartments, partitions, booths, furniture, and other appurtenances in dressing rooms shall be so installed or raised above the floor to permit washing down the dressing rooms and bathhouse interiors.
- F. An adequate number of hose bibs shall be provided for washing down the dressing room or bathhouse interior.
- G. Dressing rooms, toilets, and showers shall be provided with adequate lighting and ventilation.
- H. Toilet facilities shall be provided for each sex. For male users, there shall be one toilet and one urinal for each 100 bathers or fraction thereof. For female users, there shall be one toilet for each 50 bathers, or fraction thereof. In no case shall less than two toilets be provided for female users. Sanitary napkin dispensers shall be installed in toilet or shower areas designated for female users.
- I. Shower and handwashing facilities with hot and cold water and soap shall be provided for each dressing room. Hot and cold water shall be provided at all shower heads. The water heater and thermostatic mixing valve shall be inaccessible to users and shall be capable of providing two gallons per minute of 90°F water to each shower head. A minimum of two shower heads shall be provided in each dressing room. Each dressing room shall have one shower head for each 50 bathers or fraction thereof.
- J. One lavatory with an unbreakable mirror shall be provided in each dressing room for the first 100 users. An additional lavatory and unbreakable mirror shall be provided for each additional 100 users or fraction thereof. Soap dispensers for providing either liquid or powdered soap shall be provided at

each lavatory. Soap dispensers shall be made of metal or plastic with no glass permitted.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-242. Semipublic Swimming Pools; Toilets and Lavatories**

- A. A bathroom with a minimum of one toilet shall be provided for each sex.
- B. Each bathroom shall have at least one lavatory. Soap dispensers for providing either liquid or powdered soap shall be provided at each lavatory. Soap dispensers shall be made of metal or plastic with no glass permitted.
- C. An establishment that operates a semipublic swimming pool or spa and provides a private room with a toilet and lavatory for bathers shall be deemed to have complied with the requirements of this Section.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-243. Drinking Water Fountains**

Drinking water from an approved source and dispensed through one or more drinking fountains shall be located on the deck of each public swimming pool or spa.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-244. Wading Pools**

- A. A wading pool is a type of public or semipublic swimming pool. The design criteria prescribed in this Article for public or semipublic swimming pools apply, except as provided in this Section.
- B. A wading pool shall be physically set apart from public and semipublic swimming pools.
  - 1. A wading pool shall be separated from a public swimming pool by a minimum 4-foot high fence or partition with a self-closing, self-latching gate.
  - 2. A wading pool shall be separated from a semipublic swimming pool by at least 4 feet of deck.
  - 3. A wading pool shall not be located adjacent to the deep area of a public or semipublic swimming pool.
- C. A wading pool shall have a maximum depth of 24 inches. Water depths may be reduced from the stated maximums and brought to zero at the most shallow point of the wading pool.
- D. The floor of a wading pool shall be uniform with a maximum slope of 1 foot of fall in 10 feet. The floor of a wading pool shall have a slip-resistant surface.
- E. All wading pools shall have separate equipment for water circulation and disinfection. There shall be no cross-connection between the water circulation system of a wading pool and a public or semipublic swimming pool. The water in a wading pool shall have a maximum turnover cycle of 1 hour.
- F. At least two main drains shall be provided at the deepest point in a wading pool. Each main drain shall be covered by a grate which cannot be removed by users. The openings in the grate shall have a total area that is at least four times the area of the drain pipe. In the alternative, a wading pool may be equipped with a single gravity drain which discharges to a surge tank.
- G. Surface skimmers shall be provided on the basis of at least one skimmer for each 200 square feet of wading pool surface area. Surface skimmer flow rates shall be the same as required for public and semipublic swimming pools. Where only one skimmer is provided, the main drain may be connected through the skimmer.

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- H. Return inlets shall be provided and arranged to produce a uniform circulation of water and maintain a uniform disinfectant residual throughout the wading pool. Where three or more return inlets are required, they shall be on a closed loop piping system.
- I. Suction outlets in a wading pool shall have plumbing provisions so as to relieve any possibility of entrapping suction.
- J. Gaseous chlorine shall not be used for the disinfection of wading pool water.
- K. A drinking fountain at a height convenient to small children or a drinking fountain with a raised step shall be provided in the area of the wading pool.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-245. Timers for Public and Semipublic Spas**

The timer for a public or semipublic spa which controls the hydrotherapy jets shall be located at least 5 feet from the spa and shall have a maximum time limit of 15 minutes.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-246. Air blower and Air Induction Systems for Public and Semipublic Spas**

An air blower system or air induction system for a public or semipublic spa shall comply with the following requirements:

1. The system shall prevent water backflow which could cause an electrical shock hazard.
2. Air intake sources shall not introduce water, dirt, or contaminants into the spa.
3. The system shall be properly sized for a commercial spa application.
4. If the air blower is installed within an enclosure or indoors, then adequate ventilation shall be provided.
5. Integral air passages shall be pressure tested and shall provide structural integrity to a value of 1 1/2 times the intended working pressure.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-247. Water Temperature in Public and Semipublic Spas**

The temperature of heated water coming into a public or semipublic spa shall not exceed 104°.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-248. Special Use Pools**

- A. A person who intends to construct a special use pool shall notify the Department and provide plans, specifications, and a description of the intended use of the special use pool. The Department shall use best professional judgment in approving a special use pool, taking into consideration the intended use of the pool, the conditions under which it will operate, and the safety of users. The Department may consider the design requirements prescribed by an official sanctioning athletic body such as the National Collegiate Athletic Association [NCAA], National Federation of State High School Associations [NFSHA], U.S. Swimming, U.S. Diving, or the Internationale de Natation Amateur [FINA] in using best professional judgement to approve a special use pool that is intended for competitive swimming and diving.

- B. A special use pool that is designed with exercise or training bars in the pool shall be restricted to the special use when the bars are located in the pool. The bars shall:

1. Be constructed of durable and corrosion-resistant material;
2. Be sealed, welded shut, or capped at both ends to prevent retention of water within the bars;
3. Bars may be removable. Removable bars shall be wedge anchored in place and the anchors shall be covered. Water-tight anchor plugs [95% efficiency] shall be provided when the bars are removed; and
4. Extend not more than 4 inches from the side of the pool into the water. The minimum clear opening from the inside of the bar to the side of the swimming pool shall not be less than 2 inches.

- D. A special use pool that is designed with a ramp shall comply with the following:

1. The ramp shall be constructed of slip-resistant material;
2. The slope of the ramp shall not exceed 1 foot in 12 feet;
3. The width of the ramp shall be at least 3 feet;
4. The ramp shall have a level platform at the top and the bottom of the ramp;
5. The ramp shall be equipped with at least a 3 1/2 foot high guardrail installed on the deck and extending the length of the ramp;
6. The ramp shall be constructed with return inlets located on the pool and ramp walls along the length of the ramp.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-249. Variances**

- A. The Department may grant a variance from a requirement prescribed in this Article upon a demonstration by the applicant that an alternative design, material, appurtenance, or technology is equivalent to a requirement prescribed in this Article. If a variance is granted, it shall be conditioned upon the applicant's use of the approved alternative.
- B. The Department shall not grant a variance that results in an unreasonable risk to the health of swimming pool or spa users.
- C. The applicant shall request a variance in writing. A variance request shall contain the following information:
  1. Identification of the requirement prescribed in this Article for which a variance is requested;
  2. Explanation of the reasons why the applicant cannot comply with the requirement;
  3. A complete description of the alternative design, material, or technology to be installed and used in the swimming pool or spa, including design plans, specifications, and a description of the cost;
  4. A demonstration that the alternative design, material, or technology to be installed and used in the swimming pool or spa is equivalent to the requirement in this Article and will not result in an unreasonable risk to users; and
  5. A statement that the applicant will perform reasonable requirements prescribed by the Department that are conditions of a variance.
- D. The applicant shall submit a request for a variance with an application for design approval. The Department shall determine whether the application for design approval and the variance request are complete. Within 30 days after the date of the submittal of the application for design approval and the variance request, the Department shall issue a written notice to the applicant that states that the request for a variance and the application for design approval are complete or which states

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that the request for a variance or the application for design approval is incomplete and identifies specific information deficiencies in the application for design approval or the variance request.

- E. The Department may convene an advisory committee consisting of representatives of public and semipublic swimming pool and spa owners, public and semipublic swimming pool and spa building contractors, professional engineers, and county environmental and health departments to make a recommendation on a variance request.
- F. If the Department grants the request for a variance, the Department shall identify the requirement for which the variance is granted, specify any conditions to the grant of a variance, and issue a design approval. If the Department denies the request for a variance, the Department shall issue a notice of intent to deny the request for a variance to the applicant. The notice shall state the reasons for the denial of the request for a variance and shall include a description of the applicant's right to request a hearing on the denial of the variance request pursuant to A.R.S. § 41-1092.03 and to request an informal settlement conference pursuant to A.R.S. § 41-1092.06. If the Department denies a request for a variance, the Department may either deny the application for design approval or issue a design approval that requires compliance with the requirement for which the variance is requested.
- G. In considering a request for a variance from a requirement prescribed in this Article, the Director shall consider the following factors:
  1. The intended use of the public or semipublic swimming pool or spa;
  2. The safety of the alternative design, material, or technology for which a variance is requested; and
  3. The cost and other economic considerations associated with requiring compliance with the requirement prescribed in this Article as compared to the alternative for which a variance is requested.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-250. Inspections**

- A. An inspector from the Department, upon presentation of credentials, may enter into any public or semipublic swimming pool or spa to determine compliance with this Article. The inspector may inspect records, equipment, and facilities; take photographs; and take other action reasonably necessary to determine compliance with this Article.
- B. The owner or manager of a public or semipublic swimming pool or spa may accompany the inspector during an inspection.
- C. An inspector from the Department may inspect a public or semipublic swimming pool or spa without giving prior notice of the inspection to the owner or operator of the swimming pool or spa.

**Historical Note**

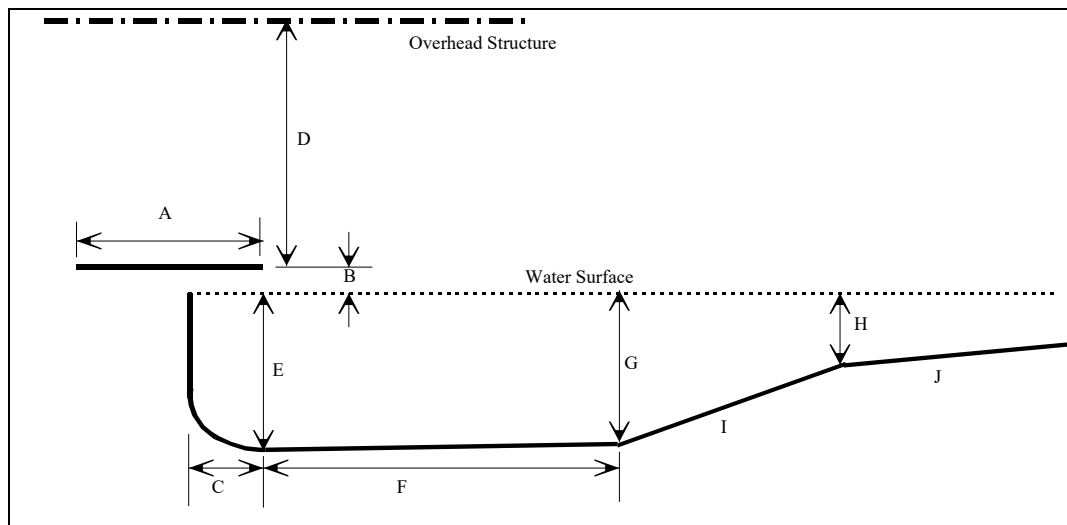
Adopted effective February 19, 1998 (Supp. 98-1).

**R18-5-251. Enforcement**

- A. If an inspector finds a violation of this Article, the Department may issue a notice of violation to the owner of a public or semipublic swimming pool or spa. A notice of violation shall state specifically the nature of the violation and shall allow a reasonable time for the owner to correct the violation.
- B. If the Director has reasonable cause to believe that a person has constructed a public or semipublic swimming pool or spa in violation of this Article, the Director may order the closure of the swimming pool or spa by issuing a cease and desist order by following the procedures for abatement of environmental nuisances in A.R.S. § 49-142.

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**Illustration A. Diving Well Dimensions for Swimming Pools**

Note: This profile does not apply to a special use pool that is designed for competitive diving.

A. Maximum length of diving board	10 feet
B. Maximum height of board above the water	20 inches
C. Overhang of the board from wall	Minimum: 2 feet Maximum: 3 feet

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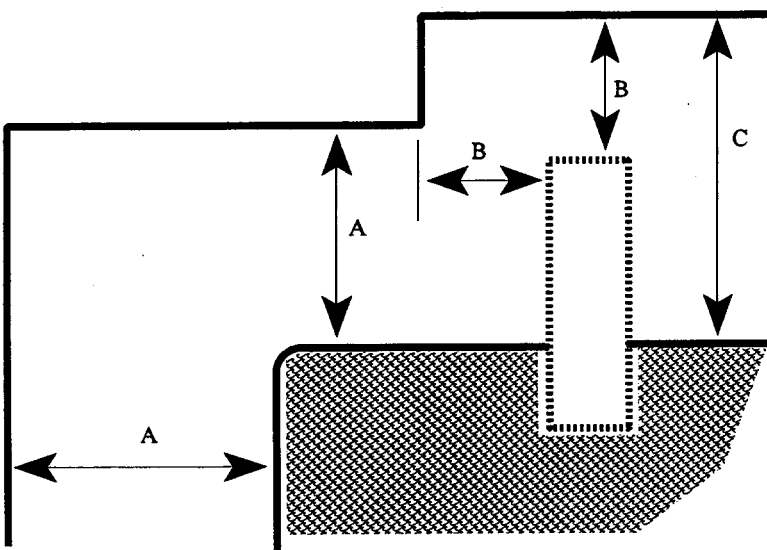
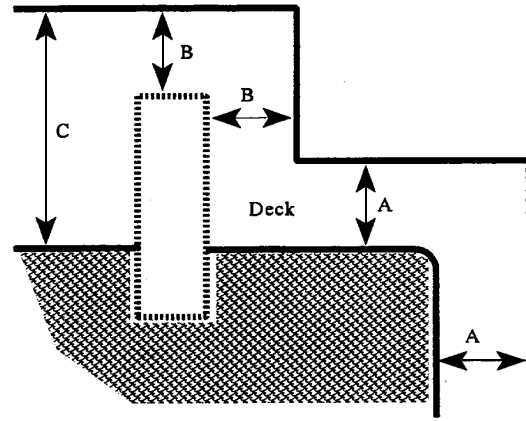
D. Minimum distance to an overhead structure	15 feet
E. Minimum depth of water at the plummet	9 feet
F. Distance from plummet to start of upslope	18 feet
G. Minimum depth of water at start of the upslope	Depth of water at plummet minus 6 inches
H. Depth of water at the breakpoint	Public swimming pool: 5 feet Semipublic swimming pool: 4 feet
I. Maximum slope: breakpoint towards deep end	1 foot of fall in 3 feet
J. Slope of bottom in shallow area	1 foot of fall in 10 feet
Minimum width of pool in diving area	20 feet
From plummet to pool wall at the side	10 feet

**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

**Illustration B. Minimum Distance Requirements for Decks**

Dimension	Public (in Feet)	Semipublic (in feet)
A	10	4
B	5	4
C	15	11



**Historical Note**

Adopted effective February 19, 1998 (Supp. 98-1).

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**ARTICLE 3. WATER QUALITY MANAGEMENT PLANNING****R18-5-301. Definitions**

In addition to the definitions established in R18-9-101, the following terms apply to this Article:

1. "Certified Areawide Water Quality Management Plan" means a plan prepared by a designated Water Quality Management Planning Agency under Section 208 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Water Quality Act of 1987 (P.L. 100-4), certified by the Governor or the Governor's designee, and approved by the United States Environmental Protection Agency.
2. "Designated management agency" means those entities designated in a Certified Areawide Water Quality Management Plan to manage sewage treatment facilities and sewage collection systems in their respective area.
3. "Designated water quality planning agency" means the single representative organization designated by the Governor under Section 208 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Water Quality Act of 1987 (P.L. 100-4) as capable of developing effective areawide sewage treatment management plans for the respective area. The state acts as the planning agency for those non-tribal portions of the state for which there is no designated water quality planning agency.
4. "Facility Plan" means the plans, specifications, and estimates for a proposed sewage treatment facility, prepared under Section 201 and 203 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Water Quality Act of 1987 (P.L. 100-4), and submitted to the Department by and for a designated management agency.
5. "General Plan" means a municipal statement of land-development policies that may include maps, charts, graphs, and text that list objectives, principles, and standards for local growth and development enacted under state law.
6. "Service area" means the geographic region specified for a designated management agency by the applicable Certified Areawide Water Quality Management Plan, Facility Plan, or General Plan.
7. "State water quality management plan" means the following elements:
  - a. Certified Areawide Water Quality Management Plans and amendments;
  - b. Water quality rules and laws;
  - c. Final total maximum daily loads approved by the United States Environmental Protection Agency for impaired waters;
  - d. Water quality priorities established by the Department;
  - e. Intergovernmental agreements between the Department and a designated water quality planning agency or a designated management agency; and
  - f. Active management area plans adopted by the Department of Water Resources.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 559, effective January 2, 2001 (Supp. 01-1).

**R18-5-302. Certified Areawide Water Quality Management Plan Approval**

A designated water quality planning agency shall submit a proposed Certified Areawide Water Quality Management Plan or plan

amendment to the Director for review and approval. Upon approval, the Governor or the Governor's designee shall:

1. Certify that the plan or plan amendment is incorporated into and is consistent with the state water quality management plan, and
2. Submit the plan or plan amendment to the United States Environmental Protection Agency for approval.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 559, effective January 2, 2001 (Supp. 01-1).

**R18-5-303. Determination of Conformance**

All sewage treatment facilities, including an expansion of a facility, shall, before construction, conform with the Certified Areawide Water Quality Management Plan, Facility Plan, and General Plans as specified in subsections (1) and (2).

1. The Department shall make the determination of conformance if the sewage treatment facility or expansion of the facility conforms with the Certified Areawide Water Quality Management Plan and Facility Plan that prescribe a configuration for sewage treatment and sewage collection system management by a designated management agency within the service area.
2. If the condition specified in subsection (1) is not met, the Department shall make the determination of conformance as follows:
  - a. If no Facility Plan is applicable and a Certified Areawide Water Quality Management Plan as described in subsection (1) is available, the Department shall rely on the Certified Areawide Water Quality Management Plan for the determination of conformance.
  - b. If no Certified Areawide Water Quality Management Plan as described in subsection (1) is available, the Department shall make the determination of conformance based on conformance with applicable General Plans and after conferring with the designated water quality planning agency for the area and any responsible and affected governmental unit.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 559, effective January 2, 2001 (Supp. 01-1).

**ARTICLE 4. SUBDIVISIONS****R18-5-401. Definitions**

In this Article unless the context otherwise requires:

1. "Approved" or "approval" means approved in writing by the Department.
2. "Condominium" means a subdivision established as a horizontal property regime pursuant to A.R.S. § 33-1201 et seq.
3. "Department" means the Department of Environmental Quality or its designated representative.
4. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
5. "Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
6. "Subdivision" has the meaning defined in A.R.S. § 32-2101.

**Historical Note**

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Correction in subsection (E) citation to A.R.S. should have read § 32-2101. Amended effective June 21, 1978 (Supp. 78-3). Former Section R9-8-1011 renumbered without change as Section R18-5-401 (Supp. 89-2).

Amended by final expedited rulemaking at 29 A.A.R. 2337 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-5-402. Approval of plans required**

- A. No subdivision or portion thereof shall be sold, offered for sale, leased or rented by any corporation, company or person, or offered to the public in any manner, and no permanent building shall be erected thereon until plans and specifications for the water supply, sewage disposal and method of garbage disposal to be provided in or to serve such subdivision shall have been submitted to and approved by the Department.
- B. The plans of any proposed water supply and sewage disposal system shall be submitted in quadruplicate on a plat of the subdivision as recorded, or as will be recorded, in the office of the county recorder.

**Historical Note**

Former Section R9-8-1012 renumbered without change as Section R18-5-402 (Supp. 89-2).

**R18-5-403. Application for approval**

- A. An application for approval, prepared in duplicate on forms furnished by the Department, shall be filed at the time the plans are submitted for approval. The form shall be completely filled out unless indicated otherwise.
- B. The distance to the nearest public water supply main and to a sewer main of a municipal or community system shall be given.

**Historical Note**

Former Section R9-8-1013 renumbered without change as Section R18-5-403 (Supp. 89-2).

**R18-5-404. Size of lots**

The minimum size lot approved by the Department will be governed largely by the area necessary for the safe accommodation of individual wells and/or sewage disposal systems. Where both the water supply and sewage disposal system must be developed on the same lot, the minimum size shall be at least one acre, excluding streets, alleys and other rights-of-way. Where water from a central system is provided for residential uses, the lot shall be sufficient to accommodate the sewage disposal system and provide for at least 100 percent expansion of the system based on a four-bedroom house within the bounds of the property allowing a minimum of five feet distance to the property lines. Where lots are zoned for commercial uses, the lot shall be sufficient to accommodate the sewage disposal system and provide for at least 100 percent expansion of the system within the bounds of the property allowing a minimum of five feet distance to the property lines.

**Historical Note**

Former Section R9-8-1014 renumbered without change as Section R18-5-404 (Supp. 89-2).

**R18-5-405. Responsibility of subdivider**

Where plans for a subdivision include a public water supply system, or public sewerage system, it shall be the responsibility of the subdivider to provide the facilities to each lot in the subdivision prior to human occupancy. The installation of such facilities shall be in accordance with plans, or any revisions thereof, approved by the Department.

**Historical Note**

Former Section R9-8-1015 renumbered without change as Section R18-5-405 (Supp. 89-2).

**R18-5-406. Public Water Systems**

- A. Where water from an approved public water system is proposed for use in a subdivision, the inside diameter, length, and location of all proposed and existing water mains and valves necessary to serve each and every lot shall be shown on the subdivision plat. If the existing main to which a connection will be made is not immediately adjacent to the property, the direction and distance shall be indicated on the plat by an arrow or other suitable means.
- B. A letter shall be obtained and submitted with the application for approval of the subdivision from responsible officials of the water system indicating that an agreement has been reached to supply water to each individual lot in the subdivision.
- C. Where the owner of a subdivision, or other interested person, firm, company or corporation, proposes to develop a source or sources of supply and to construct a distribution system to furnish water to the subdivision, either free or for charge, complete details of the proposed water system including plans and specifications shall be furnished. Department approval of the supply and proposed system shall first be obtained before an approval for the sale of lots will be granted. The installation of such facilities shall be in accordance with the plans, and any revisions thereof, approved by the Department.
- D. Proposed water supply and distribution systems shall comply with 18 A.A.C. 4, Articles 1 and 2, except those distribution lines which are a common element of a condominium shall be exempt.
- E. Where water from an approved public water system is proposed for use in a subdivision, the Department shall issue a Certificate of Approval for Sanitary Facilities for a Subdivision only if the applicant has complied with subsections (A) and (B) and the public water system is either:
  - 1. In compliance with the provisions of 18 A.A.C. 4, Article 2; or
  - 2. Making satisfactory progress toward compliance with the provisions of 18 A.A.C. 4, Article 2 under a schedule approved by the Department.
- F. The Department shall revoke the Certificate of Approval for Sanitary Facilities for a Subdivision and notify the Department of Real Estate of such action if the public water system in use by the subdivision is creating an environmental nuisance pursuant to A.R.S. § 49-141 and is neither:
  - 1. Is compliance with the provisions of 18 A.A.C. 4, Article 2; nor
  - 2. Making satisfactory progress toward compliance with the provisions of 18 A.A.C. 4, Article 2 under a schedule approved by the Department.

**Historical Note**

Amended effective June 21, 1978 (Supp. 78-3). Former Section R9-8-1021 renumbered without change as Section R18-5-406 (Supp. 89-2). Amended effective July 25, 1990 (Supp. 90-3). Amended by final expedited rulemaking at 29 A.A.R. 2337 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

Amended by final expedited rulemaking at 29 A.A.R. 2337 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-5-407. Public Sewerage Systems**

- A. Where a public sewerage system is already in existence, or if sewers are proposed and have been approved by the Depart-

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ment, it shall be necessary to show lines indicating the approximate location and size of the sewers on the subdivision plat.

- B. Where the proposed sewers will connect to an existing public sewerage system, a letter from officials of the system shall be required stating that acceptable plans have been submitted and that the subdivider has been granted permission to connect to and become a part of the public sewerage system.
- C. Proposed sewage disposal facilities shall comply with 18 A.A.C. 9, except those drain lines which are a common element of a condominium shall be exempt from R18-5-502(C).
- D. Where a public sewerage system is already in existence, or if sewers are proposed and have been approved by the Department, the Department shall issue a Certificate of Approval for Sanitary Facilities for a Subdivision only if the applicant has complied with subsections (A) and (B) and the public sewerage system is either:
  - 1. In compliance with the provisions of 18 A.A.C. 9; or
  - 2. Making satisfactory progress toward compliance with the provisions of 18 A.A.C. 9 under a schedule approved by the Department.
- E. The Department shall revoke the Certificate of Approval for Sanitary Facilities for a Subdivision and notify the Department of Real Estate of such action if the public sewerage system in use by the subdivision is creating an environmental nuisance pursuant to A.R.S. § 49-141 and is neither:
  - 1. In compliance with the provisions of 18 A.A.C. 9; nor
  - 2. Making satisfactory progress toward compliance with the provisions of 18 A.A.C. 9 under a schedule approved by the Department.

**Historical Note**

Amended effective June 21, 1978 (Supp. 78-3). Former Section R9-8-1026 renumbered without change as Section R18-5-407 (Supp. 89-2). Amended effective July 25, 1990 (Supp. 90-3). Amended by final expedited rulemaking at 29 A.A.R. 2337 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-5-408. Individual sewage disposal systems**

- A. Recommendations are found in the engineering bulletins of the Department and such additional requirements as may be provided by local health departments to assist in approval regarding the design, installation and operation of individual sewage disposal systems. Copies of these bulletins may be obtained from the Department.
- B. Where soil conditions and terrain features or other conditions are such that individual sewage disposal systems cannot be expected to function satisfactorily or where groundwater or soil conditions are such that individual sewage disposal systems may cause pollution of groundwater, they are prohibited.
- C. Where such installations may create an unsanitary condition or public health nuisance, individual sewage disposal systems are prohibited.
- D. The use of cesspools is prohibited.
- E. Where an individual sewage disposal system is proposed, the following conditions shall be satisfied:
  - 1. A geological report shall be made by an engineer, geologist or other qualified person. The geological report shall include results from percolation tests and boring logs obtained at locations designated by the county health departments. There shall be a minimum of one percolation test and boring log per acre, or one percolation test and boring log per lot where lots are larger than one acre, except when it can be shown by submission of other reliable data that soil conditions are such that individual dis-

posal systems could reasonably be expected to function properly on each lot in the proposed subdivision. The Department may require additional tests when it deems necessary. The approval of a subdivision, based upon such reports, shall not extend to the plat if it is further subdivided or lot lines are substantially relocated.

- 2. Results of all tests shall be submitted to the Department and the local health department for review and approval of the subdivision for the use of individual sewage disposal systems.
- 3. Such approval must be obtained in writing from the local health department and a copy of the approval shall be submitted to the Department with the subdivision application for approval.

**Historical Note**

Former Section R9-8-1027 renumbered without change as Section R18-5-408 (Supp. 89-2).

**R18-5-409. Refuse Disposal**

- A. The storage, collection, transportation and disposal of refuse and other objectionable wastes shall be governed by 18 A.A.C. 13, Article 3.
- B. Where an approved community or private refuse collection service is available, arrangements shall be made to have this service furnished to the subdivision. A letter, from the community or private collection company, stating that the collection service will be made available to the subdivision, is required.
- C. Where refuse collection service is not available, it will be the responsibility of the subdivider to notify each purchaser or tenant that the hauling of all refuse is an individual responsibility and that all refuse must be properly stored pending removal and disposed of at disposal areas specified in the plan approved by the Department.
- D. Where a collection service or an existing approved disposal area is not available to the subdivision, a plan approval will not be granted unless a separate disposal area is provided by the subdivider or arrangements are made to utilize a new, conveniently located disposal area. Such arrangements shall include, but not be limited to, the written permission of the person responsible for the operation of the new site.

**Historical Note**

Former Section R9-8-1031 renumbered without change as Section R18-5-409 (Supp. 89-2). Amended by final expedited rulemaking at 29 A.A.R. 2337 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-5-410. Condominiums**

- A. New water distribution lines and new wastewater drain lines which are to be used as a common element of a condominium and are not under the ownership and control of a public utility shall be constructed in accordance with applicable provisions of the International Plumbing Code adopted by reference in A.A.C. R9-10-104.01, including the minimum standards for construction contained therein.
- B. Plans to be submitted shall include inside diameter, length and location of all proposed and existing common usage water distribution lines and inside diameter, length, slope and location of all proposed and existing common usage wastewater drain lines necessary to serve each and every unit. Plans and specifications should be submitted with sufficient detail to indicate compliance with subsection (A).
- C. Appropriate sections of the covenants shall be submitted that indicate adequate provisions have been made for the mainte-



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nance of water distribution lines and wastewater drain lines in common usage.

- D.** Approval of existing housing to be converted to condominiums is conditioned upon the water distribution system and wastewater drainage system being:
1. Approved in writing at the time of original construction by the local building inspection authority, or
  2. Currently operating under a permit issued by a local building inspection authority, or
  3. Certified to be adequate by an Arizona registered professional engineer who has affixed his signature and seal to as-built plans submitted for approval.

**Historical Note**

Adopted effective June 21, 1978 (Supp. 78-3). Former Section R9-8-1032 renumbered without change as Section R18-5-410 (Supp. 89-2). Amended by final expedited rulemaking at 29 A.A.R. 2337 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-5-411. Violations**

Any person, firm, company or corporation who offers for sale, lease or rent any tract of land contrary to these regulations shall be prosecuted in accordance with A.R.S. § 49-142 or as otherwise may be provided by law.

**Historical Note**

Adopted effective June 21, 1978 (Supp. 78-3). Former Section R9-8-1036 renumbered without change as Section R18-5-411 (Supp. 89-2). Amended effective April 2, 1990 (Supp. 90-2).

**ARTICLE 5. MINIMUM DESIGN CRITERIA**

*Article 5, consisting of R18-5-501 through R18-5-509, recodified from 18 A.A.C. 4, Article 5 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).*

**R18-5-501. Siting Requirements**

To the extent practicable, a new public water system or an extension to an existing public water system shall be geographically located to avoid a site which is:

1. Subject to a significant risk from earthquakes, floods, fires, or other disasters which could cause a breakdown of the public water system or portion thereof; or
2. Within the flood plain of a 100-year flood, except for intake structures and properly protected wells.

**Historical Note**

Section recodified from R18-4-501 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).

**R18-5-502. Minimum Design Criteria**

- A.** A public water system shall be designed using good engineering practices. A public water system which is designed in a manner consistent with the criteria contained in Engineering Bulletin No. 10, "Guidelines for the Construction of Water Systems," issued by the Arizona Department of Health Services, May 1978 (and no future editions), which is incorporated herein by reference and on file with the Office of the Secretary of State, shall be considered to have been designed using good engineering practices. Other system designs shall be approved if the applicant can demonstrate that the system will function properly and may be operated reliably in compliance with this Chapter. Minimum design criteria which are not subject to modification are listed in this Section.

- B.** A potable water distribution system shall be designed to maintain and shall maintain a pressure of at least 20 pounds per square inch at ground level at all points in the distribution system under all conditions of flow.
- C.** Water and sewer mains shall be separated in order to protect public water systems from possible contamination. All distances are measured perpendicularly from the outside of the sewer main to the outside of the water main. Separation requirements are as follows:
1. A water main shall not be placed:
    - a. Within 6 feet, horizontal distance, and below 2 feet, vertical distance, above the top of a sewer main unless extra protection is provided. Extra protection shall consist of constructing the sewer main with mechanical joint ductile iron pipe or with slip-joint ductile iron pipe if joint restraint is provided. Alternate extra protection shall consist of encasing both the water and sewer mains in at least 6 inches of concrete for at least 10 feet beyond the area covered by this subsection (C)(1)(a).
    - b. Within 2 feet horizontally and 2 feet below the sewer main.
  2. No water pipe shall pass through or come into contact with any part of a sewer manhole. The minimum horizontal separation between water mains and manholes shall be 6 feet, measured from the center of the manhole.
  3. The minimum separation between force mains or pressure sewers and water mains shall be 2 feet vertically and 6 feet horizontally under all conditions. Where a sewer force main crosses above or less than 6 feet below a water line, the sewer main shall be encased in at least 6 inches of concrete or constructed using mechanical joint ductile iron pipe for 10 feet on either side of the water main.
  4. The separation requirements do not apply to building, plumbing, or individual house service connections.
  5. Sewer mains (gravity, pressure, and force) shall be kept a minimum of 50 feet from wells unless the following conditions are met:
    - a. Water main pipe, pressure tested in place to 50 psi without excessive leakage, is used for gravity sewers at distances greater than 20 feet from water wells; or
    - b. Water main pipe, pressure tested in place to 150 psi without excessive leakage, is used for pressure sewers and force mains at distances greater than 20 feet from water wells. "Excessive leakage" means any amount of leakage which is greater than that permitted under the AWWA Standard applicable to the particular pipe material or valve type.
  6. Requests for authorization to use alternate construction techniques, materials, and joints shall be reviewed by the Department, and such requests may be approved on a case-by-case basis.
- D.** A public water system shall not construct or add to its system a well which is located:
1. Within 50 feet from existing sewers unless the sewer main has been constructed in accordance with subsection (C)(5)(a) or (b) of this Section;
  2. Within 100 feet of any existing septic tank or subsurface disposal system;
  3. Within 100 feet of a discharge or activity which is required to obtain an Individual Aquifer Protection Permit, pursuant to A.R.S. §§ 49-241(A) through 49-251;
  4. Within 100 feet of an underground storage tank as defined in A.R.S. § 49-1001; or

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5. Within 100 feet of hazardous waste facilities operated by large quantity generators and treatment, storage, and disposal facilities regulated under the Arizona Hazardous Waste Management Act, A.R.S. § 49-921 et seq.

**Historical Note**

Section recodified from R18-4-502 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).

**R18-5-503. Storage Requirements**

- A. The minimum storage capacity for a CWS or a noncommunity water system that serves a residential population or a school shall be equal to the average daily demand during the peak month of the year. Storage capacity may be based on existing consumption and phased as the water system expands.
- B. The minimum storage capacity for a multiple-well system for a CWS or a noncommunity water system that serves a residential population or a school may be reduced by the amount of the total daily production capacity minus the production from the largest producing well.

**Historical Note**

Section recodified from R18-4-503 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).

**R18-5-504. Prohibition on the Use of Lead Pipe, Solder, and Flux**

Construction materials used in a public water system, including residential and non-residential facilities connected to the public water system, shall be lead-free as defined at R18-4-101. This Section shall not apply to leaded joints necessary for the repair of cast iron pipes.

**Historical Note**

Section recodified from R18-4-504 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).

**R18-5-505. Approval to Construct**

- A. The Department shall only approve an addition or a water main extension to a public water system that is in compliance with this Chapter or is making satisfactory progress towards compliance under a schedule approved by the Department. The Department shall approve a properly designed modification that can be expected to return a public water system to compliance.
- B. A person shall not start to construct a new public water system, modify an existing facility, including an extension to an existing public water system, or make an alteration that will affect the treatment, capacity, water quality, flow, distribution, or operational performance of a public water system before receiving an Approval to Construct from the Department. Designing or consulting engineers may confer with the Department before proceeding with detailed designs of complex or innovative facilities. The following provisions shall apply:
1. An application for Approval to Construct, including the following documents and data, shall be submitted to the Department:
    - a. Detailed construction plans of the site and work to be done, presented in legible form and of sufficient scale, to establish construction requirements to facilitate effective review;
    - b. Complete specifications to supplement the plans;
    - c. A design report that describes the proposed construction and basis of design, provides design data and other pertinent information that defines the work

- to be done, and establishes the adequacy of the design to meet the system demand;
  - d. Analyses of a proposed new source of water that include:
    - i. Microbiological; physical; radiochemical; inorganic, organic, and volatile organic chemicals; and
    - ii. Microscopic particulates if the source meets the criteria of R18-4-301.01(A); and
  - e. Other pertinent data required to evaluate the application for Approval to Construct.
2. All plans, specifications, and design reports submitted for a public water system shall be prepared by, or under the supervision of, a professional engineer registered in Arizona and have the seal and signature of the engineer affixed to them, except that an engineer not registered in Arizona may design a water treatment plant or additions, modifications, revisions, or extensions, which include extensions to potable water distribution systems, if the total cost of the construction does not exceed \$12,500 for material, equipment, and labor, as verified by a cost estimate submitted with plan documents.
  3. An existing public water system shall be exempt from the plan review requirements of this Article if the public water system is in compliance with this Chapter or is making satisfactory progress towards compliance under a schedule approved by the Department if the applicable structural revision, addition, extension, or modification:
    - a. Has a project cost of \$12,500 or less; or
    - b. Is made to a water line that:
      - i. Is not for a subdivision requiring plat approval by a city, town, or county;
      - ii. Has a project cost of more than \$12,500 but less than \$50,000; and
      - iii. Has a design that is sealed and signed by a professional engineer registered in Arizona and the construction of which is reviewed for conformance with the design by a professional engineer registered in Arizona.
  4. Upon completion of a project exempt from the plan review requirements of this Article pursuant to subsection (B)(3), the public water system shall submit a notice of compliance which contains:
    - a. A fair market value cost estimate for the project,
    - b. The name of the design engineer and the review engineer, and
    - c. The project completion date and the total construction time.
  - C. The Department shall act upon a complete Approval to Construct application submitted for approval within 30 days after its receipt.
  - D. The Department shall issue an Approval to Construct only when the following conditions have been met:
    1. Plans and specifications submitted to the Department demonstrate that the proposed public water system reasonably can be expected to comply with this Chapter, including the MCLs in Article 2; and
    2. The water system is in compliance with this Chapter or reasonably can be expected to return to compliance with this Chapter as a result of the proposed construction.
  - E. An Approval to Construct becomes void if an extension of time is not granted by the Department within 90 days after the passage of one of the following:

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 5. DEPARTMENT OF ENVIRONMENTAL QUALITY - ENVIRONMENTAL REVIEWS AND CERTIFICATION

1. Construction does not begin within one year after the date the Approval to Construct is issued, or
2. There is a halt in construction of more than one year, or
3. Construction is not completed within three years after the date construction begins.

**Historical Note**

Section recodified from R18-4-505 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).

**R18-5-506. Compliance with Approved Plans**

All construction shall conform to approved plans and specifications. In order to make a change in an approved design that will affect water quality, capacity, flow, sanitary features, or performance, a public water system shall submit revised plans and specifications to the Department for review, together with a written statement regarding the reasons for the change. The public water system shall not proceed with the construction affected by the design change without written approval from the Department. Revisions not affecting water quality, capacity, flow, sanitary features, or performance may be permitted during construction without further approval if record drawings documenting these changes, prepared by a professional engineer registered in Arizona, are submitted to the Department under R18-5-508.

**Historical Note**

Section recodified from R18-4-506 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).

**R18-5-507. Approval of Construction**

- A. A person shall not operate a newly constructed facility until an Approval of Construction is issued by the Department.
- B. The Department shall not issue an Approval of Construction on a newly constructed public water system, an extension to an existing public water system, or any alteration of an existing public water system that affects its treatment, capacity, water quality, flow, distribution, or operational performance unless the following requirements have been met:
  1. A professional engineer registered in Arizona or a person under the direct supervision of a professional engineer registered in Arizona, has completed a final inspection and submitted a Certificate of Completion on a form approved by the Department to which the seal and signature of the professional engineer registered in Arizona have been affixed;
  2. The construction conforms to approved plans and specifications, as indicated in the Certificate of Completion, and all changes have been documented by the submission of record drawings under R18-5-508;
  3. An operations and maintenance manual has been submitted and approved by the Department if construction includes a new water treatment facility; and
  4. An operator, who is certified by the Department at a grade appropriate for each facility, is employed to operate

each water treatment plant and the potable water distribution system.

- C. The Department may conduct the final inspection required in subsection (B)(1), at a public water system's request, if both of the following notification requirements are met:
  1. The public water system notifies the Department at least seven days before beginning construction on a public water system installation, change, or addition that is authorized by an Approval to Construct; and
  2. The public water system notifies the Department of completion of construction at least 10 working days before the expected completion date.

**Historical Note**

Section recodified from R18-4-507 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).

**R18-5-508. Record Drawings**

- A. A professional engineer registered in Arizona shall clearly and accurately record or mark, on a complete set of working project drawings, each deviation from the original plan and the dimensions of the deviation. The set of marked drawings becomes the record drawings, reflecting the project as actually built.
- B. The professional engineer registered in Arizona shall sign, date, and place the engineer's seal on each sheet of the record drawings and submit them to the Department upon completion of the project. The record drawings shall be accompanied by an Engineer's Certificate of Completion, signed by the professional engineer registered in Arizona, and submitted on a form approved by the Department for any project inspected under R18-5-507(B).
- C. Quality control testing results and calculations, including pressure and microbiological testing, and disinfectant residual records, shall be submitted with the Engineer's Certificate of Completion together with field notes and the name of the individual witnessing the tests.

**Historical Note**

Section recodified from R18-4-508 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).

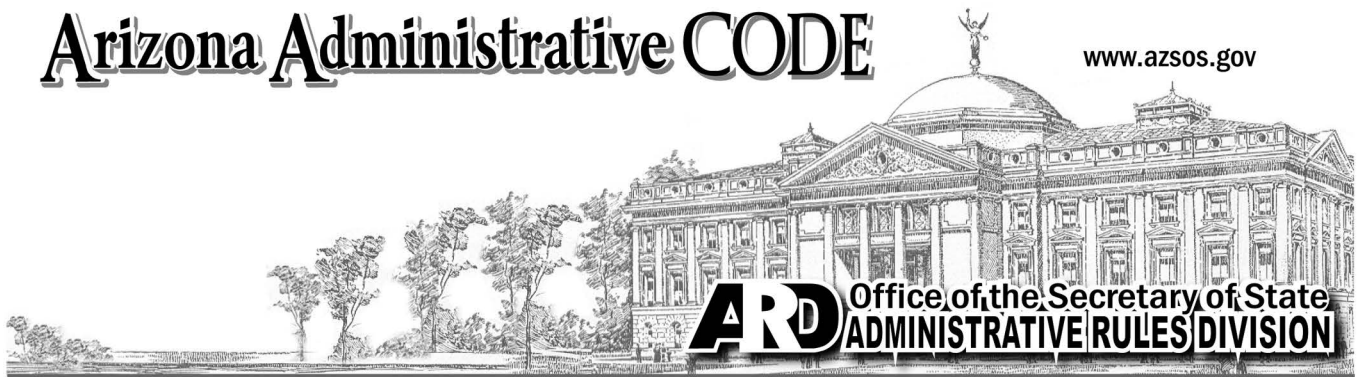
**R18-5-509. Modification to Existing Treatment Process**

Before a public water system may make a modification to its existing treatment process, the public water system shall submit and obtain the Department's approval for a detailed plan that explains the proposed modifications and the safeguards that the public water system will implement to ensure that the quality of the water served by the system will not be adversely affected by the modification. The public water system shall comply with the provisions in the approved plans.

**Historical Note**

Section recodified from R18-4-509 at 10 A.A.R. 585, effective January 30, 2004 (Supp. 04-1).

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## TITLE 18. ENVIRONMENTAL QUALITY

### CHAPTER 6. DEPARTMENT OF ENVIRONMENTAL QUALITY - PESTICIDES AND WATER POLLUTION CONTROL

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

<a href="#">R18-6-106.</a>	<a href="#">Informational Requirements for a Pesticide</a>	<a href="#">R18-6-301.</a>	<a href="#">Groundwater Protection List</a>
	<a href="#">Formulator</a>		
	3		4

#### Questions about these rules? Contact:

Department: Arizona Department of Environmental Quality  
Address: 1110 W. Washington St.  
Phoenix, AZ 85007  
Website: [www.azdeq.gov](http://www.azdeq.gov)  
Name: Jon Rezabek  
Telephone: (602) 771-8219  
Email: [rezabek.jon@azdeq.gov](mailto:rezabek.jon@azdeq.gov)

**The release of this Chapter in Supp. 23-3 replaces Supp. 05-3, 1-4 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 6. DEPARTMENT OF ENVIRONMENTAL QUALITY - PESTICIDES AND WATER POLLUTION CONTROL**

Authority: A.R.S. § 49-104(A)(1) and (A)(10), A.R.S. § 49-202(A)

**Supp. 23-3**

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SUBMITTAL**

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*Article 2 heading removed and corrected to "Repealed" (Supp. 23-3).*

*Article 2 consisting of Section R18-6-201 repealed effective September 23, 1992 (Supp. 92-3).*

*Article 2 consisting of Section R18-6-201 adopted effective August 27, 1987.*

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## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 6. DEPARTMENT OF ENVIRONMENTAL QUALITY - PESTICIDES AND WATER POLLUTION CONTROL

**ARTICLE 1. NUMERIC VALUES AND INFORMATION SUBMITTAL****R18-6-101. Definitions**

In addition to the definitions established in A.R.S. § 49-301, the following terms apply to this Chapter:

1. "Agricultural use pesticide" means any pesticide intended for use directly on a crop. An agricultural use pesticide does not include animal pesticide cartags or pesticides intended solely for use within and around a confined structure.
2. "Crop" means any plant, animal, plant product, or animal product produced for commercial or research purposes.
3. "Data generator" means any person providing information to support the registration in this state of an agricultural use pesticide in accordance with A.R.S. § 49-302(A).
4. "EPA" means the United States Environmental Protection Agency.
5. "Formulator" means any person who purchases an EPA-registered pesticide to reformulate or repack and register the pesticide for sale in this state.
6. "Label" means the written, printed, or graphic matter on, or attached to, the pesticide container, and the outside container or wrapper of the retail package, if any, of the pesticide.
7. "Pest" means any weed, insect, vertebrate pest, nematode, fungus, virus, bacteria, or other pathogenic organism, or any other form of terrestrial or aquatic plant or animal life, except virus, bacteria, or other microorganism on or in living humans or other living animals, that is declared a pest by the Director of the Arizona Department of Agriculture.
8. "Soil-applied" means an agricultural use pesticide intended for application to or injection into the soil by ground-based application equipment or chemigation, or the label of the pesticide requires or recommends that the application is followed within 72 hours by flood or furrow irrigation.

**Historical Note**

Adopted effective May 10, 1988 (Supp. 88-2). Amended effective September 23, 1992 (Supp. 92-3). Amended by final rulemaking at 11 A.A.R. 3949, effective November 22, 2005 (Supp. 05-3).

**R18-6-102. Agricultural Use Pesticide Submittal Requirements****A. Pre-registration data requirements for new agricultural use pesticides.**

1. Before registering a new agricultural use pesticide under A.R.S. § 3-351, an applicant shall submit information that enables the Department to determine whether the new agricultural use pesticide has the potential to pollute groundwater in the state. This information shall include:
  - a. A transmittal letter;
  - b. The following information on a Data Summary form obtained from the Department:
    - i. The company name and address;
    - ii. The name and contact information of the person making the submittal;
    - iii. The date of filing;
    - iv. The product information, including the brand name, EPA registration number, formulation category, and intended use; and

- v. The active ingredient technical name, Chemical Abstract Service (CAS) number, common name, molecular weight, and bulk density; and
- c. The following information for each active ingredient:
  - i. Water solubility;
  - ii. Vapor pressure;
  - iii. Octanol-water partition coefficient;
  - iv. Soil adsorption coefficient;
  - v. Henry's law constant;
  - vi. Dissipation studies, including hydrolysis, photolysis, aerobic and anaerobic soil metabolism, and field dissipation, performed under conditions in Arizona, or similar environmental and use conditions, if that information exists in studies and conclusions from other states or the United States government. The studies shall, at a minimum, meet EPA testing methods and reporting guidelines.

**2. The applicant may submit the following alternate information:**

- a. Upon Director approval, alternate information to satisfy one or more of the data requirements in subsection (A)(1)(c). The alternate information shall accurately describe the relevant data required for each new agricultural use pesticide active ingredient under conditions in Arizona or under similar environmental and use conditions;
- b. California registration.
  - i. Evidence that the California Department of Food and Agriculture registered the agricultural use pesticide following the data requirements under California Food and Agricultural Code Section 13143; and
  - ii. Documentation showing that required studies were performed under environmental and use conditions that are similar to those conditions in Arizona.

**3. Waiver. The Director may waive some or all of the information required in subsection (A)(1)(c) if the applicant demonstrates that:**

- a. Due to the nature of the active ingredient, it is not scientifically possible to obtain meaningful results for the specified tests; or
- b. Due to the application or cultural practices for the active ingredient, it is not necessary to obtain some or all of the information.

**B. Pre-registration data submittal completeness.**

1. The Department shall notify the Arizona Department of Agriculture when the applicant submits all the information on the active ingredient required under subsection (A) and the Director has concluded that the information is sufficient to determine whether the active ingredient has the potential to pollute groundwater of the state.
2. If the Director cannot determine that the data submittal requirements for agricultural use registration in Arizona have been met, the person may apply for a conditional registration under A.R.S. § 49-310.

**C. Information submittal for the product chemistry and environmental fate assessment evaluation. After satisfying the data submittal required in subsection (A) and registering the pesticide with the Arizona Department of Agriculture:**



## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 6. DEPARTMENT OF ENVIRONMENTAL QUALITY - PESTICIDES AND WATER POLLUTION CONTROL

1. A registrant may prepare an assessment of the product chemistry and environmental fate parameters for the Department to evaluate the potential for a new agricultural use pesticide to pollute groundwater. The assessment shall include:
  - a. Patterns for using the agricultural use pesticide in Arizona;
  - b. Cultural practices for those areas within Arizona where the agricultural use pesticide is intended for use;
  - c. Geological and meteorological conditions of the regions within Arizona where the agricultural use pesticide is intended for use; and
  - d. Any other information the Director determines is necessary to support the assessment.
2. A registrant may submit any of the following information if it is directly relevant to the agricultural use pesticide active ingredient evaluation:
  - a. Relevant scientific data and summaries, including those submitted to or required by federal and state agencies that further support the studies required in R18-6-102(A)(1)(c);
  - b. Relevant evaluations and conclusions by federal and state agencies, including evaluations of the studies required in R18-6-102(A)(1)(c);
  - c. Documentation that addresses whether the studies required in R18-6-102(A)(1)(c) were performed under environmental and use conditions that are similar to those in Arizona.

- D. If new information is available about the active ingredient of an agricultural use pesticide currently registered by the Arizona Department of Agriculture, the Director may require the registrant to submit the new information to the Director to assess whether the information is relevant to the Director's determination under subsection (B)(1).

**Historical Note**

Adopted effective May 10, 1988 (Supp. 88-2). Amended effective September 23, 1992 (Supp. 92-3). Section repealed; new Section made by final rulemaking at 11 A.A.R. 3949, effective November 22, 2005 (Supp. 05-3).

**R18-6-103. Agricultural Use Active Ingredient Evaluation**

For each new or existing agricultural use pesticide registered in Arizona, the Director shall determine whether each active ingredient has the potential to pollute groundwater in the state. The Director shall either:

1. Base the evaluation on the information submitted in accordance with R18-6-102(A) to determine whether the active ingredient fails any of the following mobility factors and one or more of the following persistence factors; or

**SPECIFIC NUMERIC VALUES****MOBILITY FACTORS      PERSISTENCE FACTORS**

Water solubility	No greater than 30 ppm
Soil adsorption coefficient	K <sub>d</sub> no less than 5
Hydrolysis	Half-life no greater than 25 weeks
Aerobic soil metabolism	Half-life no greater than 3 weeks
Anaerobic soil metabolism	Half-life no greater than 3 weeks
Field dissipation	Half-life no greater than 3 weeks

2. Base the evaluation on the product chemistry and environmental fate assessment submitted in accordance with R18-6-102(C).

**Historical Note**

Adopted effective May 10, 1988 (Supp. 88-2). Amended by final rulemaking at 11 A.A.R. 3949, effective November 22, 2005 (Supp. 05-3).

**R18-6-104. Monitoring and Testing**

- A. The Director shall conduct soil and groundwater monitoring for active ingredients contained in agricultural use pesticides placed upon the Groundwater Protection List as required under A.R.S. § 49-307(A). The Department may conduct soil and groundwater monitoring for other specified ingredients or degradation products based on active ingredient test results or other information about the pesticide.
- B. The Director shall use the results of soil and groundwater monitoring and testing after considering the factors in A.R.S. §§ 49-307(C) to make the determination in 49-308(A) and 49-309(A), (B), or (D).
- C. If the Director determines that an agricultural use pesticide meets the criteria or conditions specified in A.R.S. § 49-308(A), the Director shall notify the registrant in writing.

**Historical Note**

Adopted effective May 10, 1988 (Supp. 88-2). Amended by final rulemaking at 11 A.A.R. 3949, effective November 22, 2005 (Supp. 05-3).

**R18-6-105. Repealed****Historical Note**

Adopted effective May 10, 1988 (Supp. 88-2). Section repealed by final rulemaking at 11 A.A.R. 3949, effective November 22, 2005 (Supp. 05-3).

**R18-6-106. Informational Requirements for a Pesticide Formulator**

- A. A pesticide formulator may rely upon the data generated by another person to meet the requirements in R18-6-102.
- B. The pesticide formulator shall submit to the Department the name of every third-party person who is a source of each agricultural use pesticide active ingredient, including evidence of the formulator's business relationship with each third party by way of:
  1. A signed contract, or
  2. Any other documentation of a business arrangement, endorsed by each party.
- C. If the pesticide formulator does not produce acceptable documentation of a business relationship under subsection (B) or if a person identified by the pesticide formulator is not a data generator for the active ingredient in question, the Director shall find that a groundwater protection data gap exists for the agricultural use pesticide, and the formulator is subject to the provisions in A.R.S. § 49-304.
- D. Any pesticide formulator who relies on data submitted by a person identified as a source under subsection (B) shall notify the Department of any change in the source within 60 days of a similar notification to the EPA.

**Historical Note**

Adopted effective September 23, 1992 (Supp. 92-3). Amended by final rulemaking at 11 A.A.R. 3949, effective November 22, 2005 (Supp. 05-3). Amended by final expedited rulemaking at 29 A.A.R. 2341 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 6. DEPARTMENT OF ENVIRONMENTAL QUALITY - PESTICIDES AND WATER POLLUTION CONTROL

**ARTICLE 2. REPEALED****R18-6-201. Repealed****Historical Note**

Adopted effective August 27, 1987 (Supp. 87-3).  
Repealed effective September 23, 1992 (Supp. 92-3).

**ARTICLE 3. GROUNDWATER PROTECTION LIST****R18-6-301. Groundwater Protection List**

- A.** Groundwater Protection List. The Director shall, using an evaluation process specified in R18-6-103 and the addition and deletion criteria specified in subsections (B) and (C), annually develop and maintain a list of agricultural use pesticides that have the potential to pollute groundwater.
1. The Department shall publish the proposed Groundwater Protection List in the Arizona Administrative Register and accept written comments from the public.
  2. The written public comment period begins on the publication date of the list and extends for 30 calendar days.
  3. The Department shall publish the final Groundwater Protection List each year in the Arizona Administrative Register on or before July 1. The list is effective on December 1 of the publication year.
- B.** Adding an agricultural use pesticide. The Director shall add an agricultural use pesticide to the Groundwater Protection List for any of the following reasons:
1. An agricultural use pesticide active ingredient is identified under R18-6-103 as having the potential to pollute groundwater;
  2. An agricultural use pesticide active ingredient is detected in Arizona consistent with the testing requirements of R18-6-104 and is found:
    - a. At or below the deepest of the following depths:
      - i. Eight feet below the soil surface, or
      - ii. Below the root zone of the crop where the active ingredient was found;
    - b. In the groundwater of this state;
  3. An agricultural use pesticide degradation product or other specified ingredient that poses a threat to public health has been found under the conditions described in subsection (B)(2).
- C.** Deleting an agricultural use pesticide. The Director shall delete an agricultural use pesticide from the Groundwater Protection List under any of the following circumstances:
1. The results of monitoring and testing conducted by the Department, a government agency, or other reliable source establish that the active ingredient has not been detected in Arizona under the conditions described in subsection (B)(2).
  2. The Director no longer considers the agricultural use pesticide to have the potential to pollute groundwater in Arizona based on:
    - a. A change in a specific numeric value established in R18-6-103(1),
    - b. A revision in the specific numeric values established by new research studies or new procedures, or
    - c. The results of the evaluation under R18-6-103(2).
  3. Agricultural use pesticide registration cancellation. The Arizona Department of Agriculture no longer registers the agricultural use pesticide under A.R.S. § 3-351(I).
- D.** Pesticide review. Any person may request that the Director add or delete an agricultural use pesticide from the Groundwater Protection List by submitting an explanation of the request to the Department with studies and conclusions of support.

1. The Director shall notify the registrant in writing after receiving a request to add or delete an agricultural use pesticide from the Groundwater Protection List and again upon making the determination.
2. The Director shall consider whether the supporting documentation:
  - a. Is based upon procedures consistent with those described in R18-6-104 and A.R.S. Title 49, Chapter 2, Article 6; and
  - b. Justifies the addition or deletion of the agricultural use pesticide from the Groundwater Protection List.
3. Director determination.
  - a. If the Director determines that the agricultural use pesticide has the potential to pollute groundwater, the Director shall add the pesticide to, or retain the pesticide on, the Groundwater Protection List.
  - b. If the Director determines that the agricultural use pesticide does not have the potential to pollute groundwater, the Director shall, if the pesticide is on the Groundwater Protection List, delete it from the list.

**Historical Note**

Adopted effective September 23, 1992 (Supp. 92-3).  
Amended by final rulemaking at 11 A.A.R. 3949, effective November 22, 2005 (Supp. 05-3). Amended by final expedited rulemaking at 29 A.A.R. 2341 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-6-302. Findings and Determinations**

- A.** If the Director discovers or becomes aware of the illegal sale or use of any agricultural use pesticide on the Groundwater Protection List, the Director shall report the sale or use to the appropriate regulatory agency and to the Office of the Attorney General.
- B.** If the Director finds that an active ingredient, degradation product, or other specified ingredient of an agricultural use pesticide has been detected under the conditions specified in R18-6-104, the Director shall refer these findings to the state or federal agency responsible for further investigation and enforcement.
- C.** If the Director discovers a site that demonstrates pesticide contamination, the Director shall determine whether remedial action is required under A.R.S. Title 49, Chapter 2, Article 5.

**Historical Note**

Adopted effective May 10, 1988 (Supp. 88-2). Amended effective September 23, 1992 (Supp. 92-3). Amended by final rulemaking at 11 A.A.R. 3949, effective November 22, 2005 (Supp. 05-3).

**R18-6-303. Requirements for an Agricultural Use Pesticide on the Groundwater Protection List**

- A.** Any person who causes another person to soil-apply an agricultural use pesticide on the Groundwater Protection List shall implement Best Management Practices to reduce or prevent the pollution of groundwater. In implementing the Best Management Practices, the person shall consider the following factors:
1. Application site characteristics, including soil texture, slope, organic matter, and depth to groundwater to determine site susceptibility. The person shall consider:
    - a. Selecting a pesticide based on the intended application site characteristics;

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 6. DEPARTMENT OF ENVIRONMENTAL QUALITY - PESTICIDES AND WATER POLLUTION CONTROL

- b. Minimizing or avoiding the use of any pesticide with high leaching or high runoff potential;
  - c. Incorporating erosion control practices to minimize runoff; and
  - d. Using an alternative pest control method, if practical.
2. Protection of water resources from potential contamination during mixing, loading, or application. The person shall consider:
  - a. Applying the correct amount of pesticide according to the label and employ methods that avoid overspray or drift;
  - b. Weather patterns, soil moisture, and crop needs before pesticide application; and
  - c. Maintaining buffer zones, where applicable.
- B. The Director shall annually obtain the following information from the Arizona Department of Agriculture for each

agricultural use pesticide on the Groundwater Protection List that is soil-applied:

1. The pest condition that the agricultural use pesticide will control;
2. The name of the crop and number of acres to which the agricultural use pesticide has been applied;
3. The location of use including the county, township, range, and section;
4. The name of the product used, including the EPA registration number; and
5. The amount of agricultural use pesticide applied per acre.

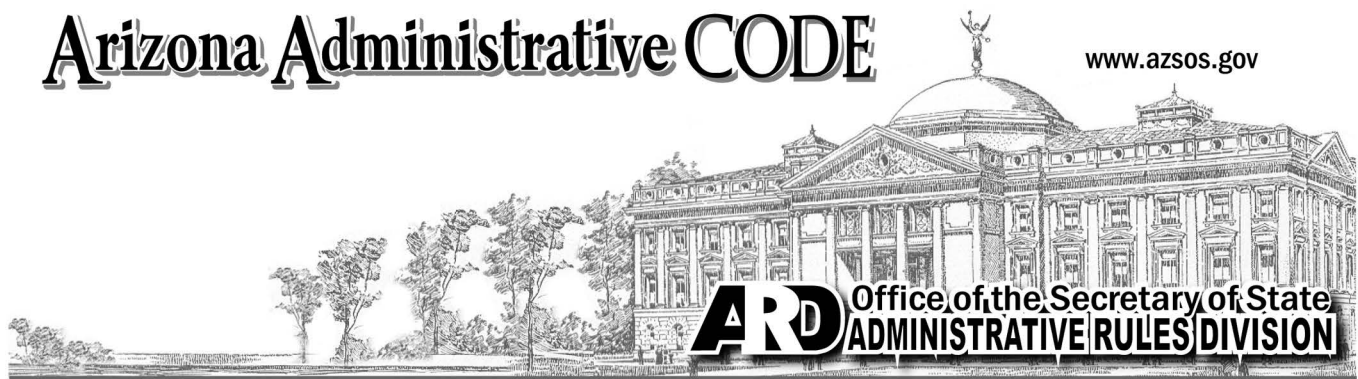
**Historical Note**

Adopted effective September 23, 1992 (Supp. 92-3).  
Amended by final rulemaking at 11 A.A.R. 3949, effective November 22, 2005 (Supp. 05-3).

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18 A.A.C. 11

Supp. 23-3

## TITLE 18. ENVIRONMENTAL QUALITY

### CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

<a href="#">R18-11-403.</a>	<a href="#">Analytical Methods .....</a>	<a href="#">83</a>	<a href="#">R18-11-502.</a>	<a href="#">Aquifer Boundaries .....</a>	<a href="#">86</a>
<a href="#">R18-11-407.</a>	<a href="#">Aquifer Water Quality Standards in Reclassified</a>		<a href="#">R18-11-504.</a>	<a href="#">Agency Action on Petition .....</a>	<a href="#">87</a>
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#### Questions about these rules? Contact:

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**The release of this Chapter in Supp. 23-3 replaces Supp. 22-4, 1-99 pages.**

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

## PREFACE

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Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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### RULE HISTORY

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

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

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## Administrative Rules Division

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## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Authority: A.R.S. §§49-202(A), 49-203(A)(1)

## Supp. 23-3

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*Article 1, consisting of Section R18-11-103, reserved effective April 24, 1996 (Supp. 96-2).*

*Article 1, consisting of Sections R18-11-105 and R18-11-106, and Appendices A and B, adopted April 24, 1996 (Supp. 96-2).*

*Article 1, consisting of Sections R18-11-101 and R18-11-102, R18-11-104, R18-11-107 through R18-11-109, R18-11-111 through R18-11-113, R18-11-115, R18-11-117 and R18-11-118, R18-11-120 and R18-11-121, amended effective April 24, 1996 (Supp. 96-2).*

*Article 1, consisting of Sections R18-11-101 through R18-11-121 and Appendices A through C, adopted effective February 18, 1992 (Supp. 92-1).*

*Article 1, consisting of Section R18-11-101, repealed effective February 18, 1992 (Supp. 92-1).*

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*Article 2, consisting of Sections R18-11-201 through R18-11-205, adopted effective February 18, 1992 (Supp. 92-1).*

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*Article 2, consisting of Sections R18-11-201 through R18-11-214 and Appendices A and B, repealed effective February 18, 1992 (Supp. 92-1).*

*Article 2 consisting of Sections R9-21-201 through R9-21-214 and Appendices A and B renumbered as Article 2, Sections R18-11-201 through R18-11-214 and Appendices A and B (Supp. 87-3).*

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*Article 3 heading repealed effective April 24, 1996 (Supp. 96-2).*

*Article 3, consisting of Sections R18-11-301 through R18-11-304 repealed effective February 18, 1992 (Supp. 92-1).*

*Article 3 consisting of Sections R9-21-301 through R9-21-304 renumbered as Article 3, Sections R18-11-301 through R18-11-304 (Supp. 87-3).*

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**ARTICLE 1. WATER QUALITY STANDARDS FOR SURFACE WATERS****R18-11-101. Definitions**

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation (AgI)" means the use of a surface water for crop irrigation.
3. "Agricultural livestock watering (AgL)" means the use of a surface water as a water supply for consumption by livestock.
4. "Annual mean" is the arithmetic mean of monthly values determined over a consecutive 12-month period, provided that monthly values are determined for at least three months. A monthly value is the arithmetic mean of all values determined in a calendar month.
5. "Aquatic and wildlife (cold water) (A&Wc)" means the use of a surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
6. "Aquatic and wildlife (effluent-dependent water) (A&Wedw)" means the use of an effluent-dependent water by animals, plants, or other organisms for habitation, growth, or propagation.
7. "Aquatic and wildlife (ephemeral) (A&We)" means the use of an ephemeral water by animals, plants, or other organisms, excluding fish, for habitation, growth, or propagation.
8. "Aquatic and wildlife (warm water) (A&Ww)" means the use of a surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
9. "Arizona Pollutant Discharge Elimination System (AZPDES)" means the point source discharge permitting program established under 18 A.A.C. 9, Article 9.
10. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
11. "Clean Water Act" means the Federal Water Pollution Control Act [33 U.S.C. 1251 to 1387].
12. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
13. "Criteria" means elements of water quality standards that are expressed as pollutant concentrations, levels, or narrative statements representing a water quality that supports a designated use.
14. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
  - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
  - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
  - c. For human health based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
15. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
  - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
  - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
  - c. For human health based water quality standard criteria, in order to simulate long-term exposure, the receiving water critical flow condition is the harmonic mean flow.
16. "Deep lake" means a lake or reservoir with an average depth of more than 6 meters.
17. "Designated use" means a use specified in Appendix B of this Article for a surface water.
18. "Domestic water source (DWS)" means the use of a surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
19. "Effluent-dependent water (EDW)" means a surface water or portion of a surface water, that consists of a point source discharge without which the surface water would be ephemeral. An effluent-dependent water may be perennial or intermittent depending on the volume and frequency of the point source discharge of treated wastewater.
20. "Ephemeral water" means a surface water or portion of surface water that flows or pools only in direct response to precipitation.
21. "Existing use" means a use attained in the waterbody on or after November 28, 1975, whether or not it is included in the water quality standards.
22. "Fish consumption (FC)" means the use of a surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
23. "Full-body contact (FBC)" means the use of a surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
24. "Geometric mean" means the  $n$ th root of the product of  $n$  items or values. The geometric mean is calculated using the following formula:
 
$$GM_Y = \sqrt[n]{(Y_1)(Y_2)(Y_3) \dots (Y_n)}$$
25. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO<sub>3</sub>) in milligrams per liter.
26. "Igneous lake" means a lake located in volcanic, basaltic, or granite geology and soils.

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27. "Intermittent water" means a surface water or portion of surface water that flows continuously during certain times of the year and more than in direct response to precipitation, such as when it receives water from a spring, elevated groundwater table or another surface source, such as melting snowpack.
28. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
29. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
30. "Outstanding Arizona water (OAW)" means a surface water that is classified as an outstanding state resource water by the Director under R18-11-112.
31. "Partial-body contact (PBC)" means the recreational use of a surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
32. "Perennial water" means a surface water or portion of surface water that flows continuously throughout the year.
33. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance. A.R.S. § 49-201(29)
34. "Pollutant Minimization Program" means a structured set of activities to improve processes and pollutant controls that will prevent and reduce pollutant loadings.
35. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
36. "Reference condition" means a set of abiotic physical stream habitat, water quality, and site selection criteria established by the Director that describe the typical characteristics of stream sites in a region that are least disturbed by environmental stressors. Reference biological assemblages of macroinvertebrates and algae are collected from these reference condition streams for calculating the Arizona Indexes of Biological Integrity thresholds.
37. "Regional Administrator" means the Regional Administrator of Region IX of the U.S. Environmental Protection Agency.
38. "Regulated discharge" means a point-source discharge regulated under an AZPDES permit, a discharge regulated by a § 404 permit, and any discharge authorized by a federal permit or license that is subject to state water quality certification under § 401 of the Clean Water Act.
39. "Riffle habitat" means a stream segment where moderate water velocity and substrate roughness produce moderately turbulent conditions that break the surface tension of the water and may produce breaking wavelets that turn the surface water into white water.
40. "Run habitat" means a stream segment where there is moderate water velocity that does not break the surface tension of the water and does not produce breaking wavelets that turn the surface water into white water.
41. "Sedimentary lake" means a lake or reservoir in sedimentary or karst geology and soils.
42. "Shallow lake" means a lake or reservoir, excluding an urban lake, with a smaller, flatter morphology and an average depth of less than 3 meters and a maximum depth of less than 4 meters.
43. "Significant degradation" means:
  - a. The consumption of 20 percent or more of the available assimilative capacity for a pollutant of concern at critical flow conditions, or
  - b. Any consumption of assimilative capacity beyond the cumulative cap of 50 percent of assimilative capacity.
44. "Surface water" means "WOTUS" as defined in A.R.S. § 49-201(53).
45. "Total nitrogen" means the sum of the concentrations of ammonia (NH<sub>3</sub>), ammonium ion (NH<sub>4</sub><sup>+</sup>), nitrite (NO<sub>2</sub>), and nitrate (NO<sub>3</sub>), and dissolved and particulate organic nitrogen expressed as elemental nitrogen.
46. "Total phosphorus" means all of the phosphorus present in a sample, regardless of form, as measured by a persulfate digestion procedure.
47. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
48. "Urban lake" means a manmade lake within an urban landscape.
49. "Use attainability analysis" means a structured scientific assessment of the factors affecting the attainment of a designated use including physical, chemical, biological, and economic factors.
50. "Variance" means a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the variance.
51. "Wadable" means a surface water can be safely crossed on foot and sampled without a boat.
52. "Wastewater" does not mean:
  - a. Stormwater,
  - b. Discharges authorized under the De Minimus General Permit,
  - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
  - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
53. "Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland includes a swamp, marsh, bog, cienega, tinaja, and similar areas.

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54. “Zone of initial dilution” means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

**Historical Note**

Former Section R9-21-101 repealed, new Section R9-21-101 adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Amended effective January 7, 1985 (Supp. 85-1). Amended by adding subsection (C) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-101 renumbered without change as Section R18-11-101 (Supp. 87-3). Former Section R18-11-101 repealed, new Section R18-11-101 adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Deleted first definition to R18-11-101(32) “Navigable Water”, previously printed in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-102. Applicability**

- A. The water quality standards prescribed in this Article apply to surface waters.
- B. The water quality standards prescribed in this Article do not apply to the following:
  1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is a part of the waste treatment system;
  2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores that is not a surface water or is located in an area that once was a surface water but is no longer a surface water because it has been and remains legally converted, including:
    - a. A pit,
    - b. Pregnant leach solution pond,
    - c. Raffinate pond,
    - d. Tailing impoundment,
    - e. Decant pond,
    - f. Pond or a sump in a mine pit associated with dewatering activity,
    - g. Pond holding water that has come into contact with a process or product and that is being held for recycling,
    - h. Spill or upset catchment pond, or
    - i. A pond used for onsite remediation;
  3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
  4. A surface water located on tribal lands.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-103. Repealed****Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Repealed effective April 24, 1996 (Supp. 96-2).

**R18-11-104. Designated Uses**

- A. The Director shall adopt or remove a designated use or subcategory of a designated use by rule.
- B. Designated uses of a surface water may include full-body contact, partial-body contact, domestic water source, fish consumption, aquatic and wildlife (cold water), aquatic and wildlife (warm water), aquatic and wildlife (ephemeral), aquatic and wildlife (effluent-dependent water), agricultural irrigation, and agricultural livestock watering. The designated uses for specific surface waters are listed in Appendix B of this Article.
- C. Numeric water quality criteria to maintain and protect water quality for the designated uses are prescribed in Appendix A, R18-11-109, R18-11-110, and R18-11-112. Narrative water quality standards to protect all surface waters are prescribed in R18-11-108.
- D. If a surface water has more than one designated use listed in Appendix B, the most stringent water quality criterion applies.
- E. The Director shall revise the designated uses of a surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in Appendix B.
- F. In designating uses of a surface water and in establishing water quality criteria to protect the designated uses, the Director shall take into consideration the applicable water quality standards for downstream surface waters and shall ensure that the water quality standards that are established for an upstream surface water also provide for the attainment and maintenance of the water quality standards of downstream surface waters.
- G. A use attainability analysis shall be conducted prior to removal of a designated use or adoption of a subcategory of a designated use that requires less stringent water quality criteria.
- H. The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria, provided the designated use is not an existing use and it is demonstrated through a use attainability analysis that attaining the designated use is not feasible for any of the following reasons:
  1. A naturally-occurring pollutant concentration prevents the attainment of the use;
  2. A natural, ephemeral, intermittent, or low-flow condition or water level prevents the attainment of the use;
  3. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;
  4. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
  5. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use; or
  6. Controls more stringent than those required by § 301 (b) and § 306 of the Clean Water Act [33 U.S.C. § 1311 and § 1316] are necessary to attain the use and implementation

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of the controls would result in substantial and widespread economic and social impact.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

**R18-11-105. Tributaries; Designated Uses**

The following water quality standards apply to a surface water that is not listed in Appendix B but that is a tributary to a listed surface water.

1. The aquatic and wildlife (ephemeral) and partial-body contact standards apply to an unlisted tributary that is an ephemeral water.
2. The aquatic and wildlife (cold water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is above 5000 feet in elevation.
3. The aquatic and wildlife (warm water), full-body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is below 5000 feet in elevation.

**Historical Note**

Adopted effective April 24, 1996 (Supp. 96-2). Section heading amended per instructions of the Department of Environmental Quality, August 9, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

**R18-11-106. Net Ecological Benefit**

- A. The Director may, by rule, modify a water quality standard on the ground that there is a net ecological benefit associated with the discharge of effluent to support or create a riparian and aquatic habitat in an area where water resources are limited. The Director may modify a water quality standard for a pollutant if it is demonstrated that:
  1. The discharge of effluent creates or supports an ecologically valuable aquatic, wetland, or riparian ecosystem in an area where these resources are limited;
  2. The ecological benefits associated with the discharge of effluent under a modified water quality standard exceed the environmental costs associated with the elimination of the discharge of effluent;
  3. The cost of treatment to achieve compliance with a water quality standard is so high that it is more cost effective to eliminate the discharge of effluent to the surface water. The discharger shall demonstrate that it is feasible to eliminate the discharge of effluent that creates or supports the ecologically valuable aquatic, wetland, or riparian ecosystem;
  4. The discharge of effluent to the surface water will not cause or contribute to a violation of a water quality standard that has been established for a downstream surface water;
  5. All practicable point source discharge control programs, including local pretreatment, waste minimization, and source reduction programs are implemented; and
  6. The discharge of effluent does not produce or contribute to the concentration of a pollutant in the tissues of aquatic organisms or wildlife that is likely to be harmful to humans or wildlife through food chain concentration.
- B. The Director shall not modify a water quality criterion for a pollutant to be less stringent than a technology-based effluent

limitation that applies to the discharge of that effluent. The discharge of effluent shall, at a minimum, comply with applicable technology-based effluent limitations.

**Historical Note**

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**R18-11-107. Antidegradation**

- A. The Director shall, using R18-11-107.01 and this Section, determine whether there is degradation of water quality in a surface water on a pollutant-by-pollutant basis.
- B. Tier 1: The level of water quality necessary to support an existing use shall be maintained and protected. No degradation of existing water quality is permitted in a surface water where the existing water quality does not meet the applicable water quality standards.
- C. Tier 2: Where existing water quality in a surface water is better than the applicable water quality standard the existing water quality shall be maintained and protected. The Director may allow degradation of existing water quality in the surface water, if the Director makes all of the following findings:
  1. The water quality necessary for existing uses is fully protected and water quality is not lowered to a level that does not comply with applicable water quality standards,
  2. The highest statutory and regulatory requirements for new and existing point sources are achieved,
  3. All cost-effective and reasonable best management practices for nonpoint source pollution control are implemented, and
  4. Allowing lower water quality is necessary to accommodate important economic or social development in the area where the surface water is located.
- D. Tier 3: Existing water quality shall be maintained and protected in a surface water that is classified as an OAW under R18-11-112. Degradation of an OAW under subsection (C) is prohibited.
- E. The Director shall implement this Section in a manner consistent with § 316 of the Clean Water Act [33 U.S.C. 1326] if a potential water quality impairment associated with a thermal discharge is involved.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-107.01. Antidegradation Criteria**

- A. Tier 1 antidegradation protection.
  1. Tier 1 antidegradation protection applies to the following surface waters:
    - a. A surface water listed on the 303(d) list for the pollutant that resulted in the listing,
    - b. An effluent dependent water,
    - c. An ephemeral water,
    - d. An intermittent water, and
    - e. A canal listed in Appendix B.
  2. A regulated discharge shall not cause a violation of a surface water quality standard or a wasteload allocation in a total maximum daily load approved by EPA.

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3. Except as provided in subsections (E) and (F), Tier 1 antidegradation review requirements are satisfied for a point-source discharge regulated under an individual AZPDES permit to an ephemeral water, effluent dependent water, intermittent water, or a canal listed in Appendix B, if water quality-based effluent limitations designed to achieve compliance with applicable surface water quality standards are established in the permit and technology-based requirements of the Clean Water Act for the point source discharge are met.

**B. Tier 2 antidegradation protection.**

1. Tier 2 antidegradation protection applies to a perennial water with existing water quality that is better than applicable water quality standards. A perennial water that is not listed in subsection (A)(1) nor classified as an OAW under A.A.C. R18-9-112(G) has Tier 2 antidegradation protection for all pollutants of concern.
2. A regulated discharge that meets the following criteria, at critical flow conditions, does not cause significant degradation:
  - a. The regulated discharge consumes less than 20 percent of the available assimilative capacity for each pollutant of concern, and
  - b. At least 50 percent of the assimilative capacity for each pollutant of concern remains available in the surface water for each pollutant of concern.
3. Antidegradation review. Any person proposing a new or expanded regulated discharge under an individual AZPDES permit that may cause significant degradation shall provide ADEQ with the following information:
  - a. Baseline characterization. A person seeking authorization to discharge under an individual AZPDES permit to a perennial water shall provide baseline water quality data on pollutants of concern where no data exists or there are insufficient data to characterize baseline water quality and to determine available assimilative capacity. A discharger shall characterize baseline water quality at a location upstream of the proposed discharge location;
  - b. Alternative analysis.
    - i. The person seeking authorization for the discharge shall prepare and submit a written analysis of alternatives to the discharge. The analysis shall provide information on all reasonable, cost-effective, less-degrading or non-degrading discharge alternatives. Alternatives may include wastewater treatment process changes or upgrades, pollution prevention measures, source reduction, water reclamation, alternative discharge locations, groundwater recharge, land application or treatment, local pretreatment programs, improved operation and maintenance of existing systems, seasonal or controlled discharge to avoid critical flow conditions, and zero discharge;
    - ii. The alternatives analysis shall include cost information on base pollution control measures associated with the regulated discharge and cost information for each alternative;
    - iii. The person shall implement the alternative that is cost-effective and reasonable, results in the least degradation, and is approved by the Director. An alternative is cost-effective and reasonable if treatment costs associated with the

alternative are less than a 10 percent increase above the cost of base pollution control measures;

- iv. For purposes of this subsection, "base pollution control measures" are water pollution control measures required to meet technology-based requirements of the Clean Water Act and water quality-based effluent limits designed to achieve compliance with applicable water quality standards; and

- c. Social and economic justification. The person shall demonstrate to the Director that significant degradation is necessary to accommodate important economic or social development in the local area. The person seeking authorization for the discharge shall prepare a written social and economic justification that includes a description of the following:

- i. The geographic area where significant degradation of existing water quality will occur;
- ii. The current baseline social and economic conditions in the local area;
- iii. The net positive social and economic effects of development associated with the regulated discharge and allowing significant degradation;
- iv. The negative social, environmental, and economic effects of allowing significant degradation of existing water quality; and
- v. Alternatives to the regulated discharge that do not significantly degrade water quality yet may yield comparable social and economic benefits.

4. For purposes of this Section, the term "pollutant of concern" means a pollutant with either a numeric or narrative water quality standard.

5. Public participation. The Director shall provide public notice and an opportunity to comment on an antidegradation review under subsection (B)(3) and shall provide an opportunity for a public hearing under A.A.C. R18-9-A908(B).

**C. Tier 3 antidegradation protection.**

1. Tier 3 antidegradation protection applies only to an OAW listed in R18-11-112(G).
2. A new or expanded point-source discharge directly to an OAW is prohibited.
3. A person seeking authorization for a regulated discharge to a tributary to, or upstream of, an OAW shall demonstrate in a permit application or in other documentation submitted to ADEQ that the regulated discharge will not degrade existing water quality in the downstream OAW.
4. A discharge regulated under a § 404 permit that may affect existing water quality of an OAW requires a determination by the Director to ensure that existing water quality is maintained and protected and any water quality impacts are temporary. Temporary water quality impacts are those impacts that occur for a period of six months or less and are not regularly occurring. The form of such a determination shall be as follows:
  - a. For Corps-issued § 404 permits, an individual § 401 water quality certification.
  - b. For Director-issued § 404 permits, a § 404 permit action, wherein the Director shall conduct a water quality evaluation as a part of the state's requirements for issuing § 404 permits and in accordance with this Section.

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**D.** Antidegradation review of a § 404 permit shall be conducted as follows:

1. For a Corps-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a nationwide or regional § 404 permit as part of the § 401 water quality certification prior to issuance of the nationwide or regional permit. The Director shall conduct the antidegradation review of an individual § 404 permit if the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters. For regulated discharges that may degrade water quality in an OAW or a water that is on the 303(d) List of impaired waters, the Director shall conduct the antidegradation review as part of the § 401 water quality certification process.
2. For a Director-issued § 404 permit. The Director shall conduct the antidegradation review of any discharge authorized under a general § 404 permit as a part of its determination whether to issue a general permit in accordance with state requirements for issuing a § 404 general permit and with this Section. The Director shall conduct the antidegradation review of an individual § 404 permit as part of the § 404 permit action in accordance with state requirements for issuing a § 404 permit and in accordance with this Section.

**E.** Antidegradation review of an AZPDES stormwater permit. An individual stormwater permit for a municipal separate storm sewer system (MS4) meets antidegradation requirements if the permittee complies with the permit, including developing a stormwater management plan containing controls that reduce the level of pollutants in stormwater discharges to the maximum extent practicable.**F.** Antidegradation review of a general permit. The Director shall conduct the antidegradation review of a regulated discharge authorized by a general permit at the time the general permit is issued or renewed. A person seeking authorization to discharge under a general permit is not required to undergo an individual antidegradation review at the time the Notice of Intent is submitted unless the discharge may degrade existing water quality in an OAW or a water listed on the 303(d) List of impaired waters.**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**R18-11-108. Narrative Water Quality Standards**

- A.** A surface water shall not contain pollutants in amounts or combinations that:
1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
  2. Cause objectionable odor in the area in which the surface water is located;
  3. Cause off-taste or odor in drinking water;
  4. Cause off-flavor in aquatic organisms;
  5. Are toxic to humans, animals, plants, or other organisms;
  6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
  7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or

8. Change the color of the surface water from natural background levels of color.

- B.** A surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard.
- C.** A surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.
- D.** A surface water shall not contain solid waste such as refuse, rubbish, demolition or construction debris, trash, garbage, motor vehicles, appliances, or tires.
- E.** A Wadeable, perennial stream shall support and maintain a community of organisms having a taxa richness, species composition, tolerance, and functional organization comparable to that of a stream with reference conditions in Arizona.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-108.01. Narrative Biological Criteria for Wadeable, Perennial Streams**

- A.** The narrative biological criteria in this Section apply to a wadeable, perennial stream with either an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.
- B.** The biological standard in R18-11-108(E) is met when a bioassessment result, as measured by the Arizona Index of Biological Integrity (IBI), for cold or warm water is:
1. Greater than or equal to the 25th percentile of reference condition, or
  2. Greater than the 10th percentile of reference condition and less than the 25th percentile of reference condition and a verification bioassessment result is greater than or equal to the 25th percentile of reference condition.
- C.** Arizona Index of Biological Integrity (IBI) scores:

Bioassessment Result	Index of Biological Integrity Scores	
	A&Wc	A&Ww
Greater than or equal to the 25th percentile of reference condition	≥52	≥50
Greater than the 10th and less than the 25th percentile of reference condition	46 - 51	40 - 49

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-108.02. Narrative Bottom Deposit Criteria for Wadeable, Perennial Streams**

- A.** The narrative bottom deposit criteria in this Section apply to wadeable, perennial streams with an aquatic and wildlife (cold water) or an aquatic and wildlife (warm water) designated use.

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**B.** The narrative water quality standard for bottom deposits at R18-11-108(A)(1) is met when:

1. The percentage of fine sediments in the riffle habitats of a wadeable, perennial stream with an A&Wc designated use, as determined by a riffle pebble count, is less than or equal to 30 percent.
2. The percentage of fine sediments in all stream habitats of a wadeable, perennial stream with an A&Ww designated use, as determined by a reach level pebble count, is equal to or less than 50 percent.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-108.03. Narrative Nutrient Criteria for Lakes and Reservoirs****A.** The narrative nutrient criteria in this Section apply to those lakes and reservoirs categorized in Appendix B.**B.** The narrative water quality standard for nutrients at R18-11-108(A)(6) is met when, based on a minimum of two lake sample events conducted during the peak season based on lake productivity, the results show an average chlorophyll-*a* value below the applicable threshold for designated use and lake and reservoir category in subsection (D).

1. The mean chlorophyll-*a* concentration is less than the lower value in the target range chlorophyll-*a* for the lake and reservoir category, or
2. The mean chlorophyll-*a* concentration is within the target range for the lake and reservoir category and:
  - a. The mean blue green algae count is at or below 20,000 per milliliter, and

**b.** The blue green algae count is less than 50 percent of the total algae count, and**c.** There is no evidence of nutrient-related impairments such as:

- i. An exceedance of dissolved oxygen or pH standards;
- ii. A fish kill coincident with a dissolved oxygen or pH exceedance;
- iii. A fish kill or other aquatic organism mortality coincident with algal toxicity;
- iv. Secchi depth is less than the lower value prescribed for the lake and reservoir category;
- v. A nuisance algal bloom is present in the limnetic portion of the lake or reservoir; or
- vi. The concentration of total phosphorous, total nitrogen, or total Kjeldahl nitrogen (TKN) is greater than the upper value in the range prescribed for the lake and reservoir category; or

**3.** For a shallow lake. In addition to meeting the mean chlorophyll-*a* concentrations in subsections (B)(1) or (2), submerged aquatic vegetation covers 50 percent or less of the lake bottom and there is less than a 5 mg/L swing in diel-dissolved oxygen concentration measured within the photic zone.**C.** The following threshold ranges apply during the peak season for lake productivity:

1. Warm water lakes peak season, April – October;
2. Cold water lakes peak season, May – September.

**D.** The following table lists the numeric targets for lakes and reservoirs.

NUMERIC TARGETS FOR LAKES AND RESERVOIRS										
Designated Use	Lake Category	Chl- <i>a</i> (µg/L)	Secchi Depth (m)	Total Phosphorus (µg/L)	Total Nitrogen (mg/L)	Total Kjeldahl Nitrogen (TKN) (mg/L)	Blue-Green Algae (per ml)	Blue-Green Algae (% of total count)	Dissolved Oxygen (mg/L)	pH (SU)
FBC and PBC	Deep	10-15	1.5-2.5	70-90	1.2-1.4	1.0-1.1	20,000			6.5-9.0
	Shallow	10-15	1.5-2.0	70-90	1.2-1.4	1.0-1.1				
	Igneous	20-30	0.5-1.0	100-125	1.5-1.7	1.2-1.4				
	Sedimentary	20-30	1.5-2.0	100-125	1.5-1.7	1.2-1.4				
	Urban	20-30	0.5-1.0	100-125	1.5-1.7	1.2-1.4				
A&Wc	All	5-15	1.5-2.0	50-90	1.0-1.4	0.7-1.1		<50	7 (top m)	6.5-9.0
A&Ww	All (except urban lakes)	25-40	0.8-1.0	115-140	1.6-1.8	1.3-1.6			6 (top m)	
	Urban	30-50	0.7-1.0	125-160	1.7-1.9	1.4-1.7				
A&Wedw	All	30-50	0.7-1.0	125-160	1.7-1.9	1.4-1.7				6.5-9.0
DWS	All	10-20	0.5-1.5	70-100	1.2-1.5	1.0-1.2	20,000			5.0-9.0

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-109. Numeric Water Quality Standards****A.** *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

<i>E. coli</i>	FBC	PBC
Geometric mean (minimum of four samples in 30 days)	126	126
Statistical threshold value	410	576

**B.** pH. The following water quality standards for pH are expressed in standard units:

pH	DWS	FBC, PBC, A&W <sup>1</sup>	AgI	AgL
Maximum	9.0	9.0	9.0	9.0
Minimum	5.0	6.5	4.5	6.5

**Footnotes:**

1. "1" Includes A&Wc, A&Ww, A&Wedw, and A&We.

**C.** The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

A&Ww	A&Wedw	A&Wc
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- D. Suspended sediment concentration.
- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:
- |  | 3.0° C | 3.0° C | 1.0° C |
|--|--------|--------|--------|
|  |        |        |        |
- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.
- E. Dissolved oxygen. A surface water meets the water quality standard for dissolved oxygen when either:
- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
  - The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

Designated Use	Single sample minimum concentration in mg/L
A&Ww	6.0
A&Wc	7.0
A&W edw for a sample taken from three hours after sunrise to sunset	3.0
A&W edw for a sample taken from sunset to three hours after sunrise	1.0

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

- F. Nutrient criteria. The following are water quality standards for total phosphorus and total nitrogen (expressed in milligrams per liter (mg/L)) that apply to the surface waters listed below. A minimum of 10 samples, each taken at least 10 days apart in a consecutive 12-month period, are required to determine a 90th percentile. Not more than 10 percent of the samples may exceed the 90th percentile value listed below. The Director will apply these water quality standards for total phosphorus and total nitrogen to the surface waters listed below, and to their perennial tributaries, if listed. The Director may also apply these total phosphorus and total nitrogen standards to any source discharging to any tributary (ephemeral, intermittent, effluent dependent water, or perennial) of the surface waters listed below, if necessary to protect nutrient water quality in the listed surface water, based on the volume, frequency, magnitude and duration of the discharge, and distance to the downstream surface water listed below:
- Verde River and its perennial tributaries from the Verde headwaters to Bartlett Lake:

Surface Water	Annual Mean	90th Percentile	Single Sample Maximum
Total phosphorus	0.10	0.30	1.00
Total nitrogen	1.00	1.50	3.00

- Black River, Tonto Creek and their perennial tributaries for any segments that are not located on tribal lands:

Surface Water	Annual Mean	90th Percentile	Single Sample Maximum
Total phosphorus	0.10	0.20	0.80
Total nitrogen	0.50	1.00	2.00

- Salt River and its perennial tributaries above Roosevelt Lake for any segments that are not located on tribal lands:

Surface Water	Annual Mean	90th Percentile	Single Sample Maximum
Total phosphorus	0.12	0.30	1.00
Total nitrogen	0.60	1.20	2.00

- Salt River below Stewart Mountain Dam to its confluence with the Verde River:

Surface Water	Annual Mean	90th Percentile	Single Sample Maximum
Total phosphorus	0.05	–	0.20
Total nitrogen	0.60	–	3.00

- Little Colorado River and its perennial tributaries upstream from:
  - The headwaters to River Reservoir,
  - South Fork of Little Colorado River at 34°00'49"/109°24'18" to above South Fork Campground at 34°04'49"/109°24'18", and
  - The headwaters of Water Canyon Creek to the Apache-Sitgreaves National Forest boundary:

Surface Water	Annual Mean	90th Percentile	Single Sample Maximum
Total phosphorus	0.08	0.10	0.75
Total nitrogen	0.60	0.75	1.10

- From the Little Colorado River and State Route 260 at 34°06'39"/109°18'55" to Lyman Lake:

Surface Water	Annual Mean	90th Percentile	Single Sample Maximum
Total phosphorus	0.20	0.30	0.75
Total nitrogen	0.70	1.20	1.50

- Colorado River at the Northern International Boundary near Morelos Dam:

Surface Water	Annual Mean	90th Percentile	Single Sample Maximum
Total phosphorus	–	0.33	–
Total nitrogen	–	2.50	–

- Oak Creek from its headwaters at 35°01'30"/111°44'12" to its confluence with the Verde River and the West Fork of Oak Creek from its headwaters at 35°02'44"/111°54'48" to its confluence with Oak Creek.

Surface Water	Annual Mean	90th Percentile	Single Sample Maximum
Total phosphorus	0.1	0.25	0.30
Total nitrogen	1.00	1.50	2.50

- No discharge of wastewater to Show Low Creek or its perennial tributaries upstream of and including Fools Hollow Lake shall exceed 0.16 mg/L total phosphates as P.
- No discharge of wastewater to the San Francisco River or its perennial tributaries upstream of Luna Lake Dam shall exceed 1.0 mg/L total phosphates as P.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final

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rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**R18-11-110. Salinity Standards for the Colorado River**

- A. The flow-weighted average annual salinity in the lower main stem of the Colorado River shall not exceed the following criteria:

Location	Total Dissolved Solids
Below Hoover Dam	723 mg/L
Below Parker Dam	747 mg/L
At Imperial Dam	879 mg/L

- B. The plan of implementation contained in the “2014 Review, Water Quality Standards for Salinity, Colorado River System,” approved October 2014, is incorporated by reference to preserve the basin-wide approach to salinity control developed by the Colorado River Basin Salinity Control Forum and to ensure compliance with the numeric criteria for salinity in subsection (A). This material does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the Colorado River Basin Salinity Control Forum, 106 West 500 South, Suite 101, Bountiful, Utah 84010-6232 or at <http://www.coloradoriversalinity.org/>.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1).  
Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**R18-11-111. Analytical Methods**

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610, 40 CFR 136.3, or an alternative analytical method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1).  
Amended effective April 24, 1996 (Supp. 96-2).  
Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-112. Outstanding Arizona Waters**

- A. The Director shall classify a surface water as an outstanding Arizona water (OAW) by rule.
- B. The Director may adopt, under R18-11-115, a site-specific standard to maintain and protect existing water quality in an OAW.
- C. Any person may nominate a surface water for classification as an OAW by filing a nomination with the Director. The nomination shall include:
1. A map and a description of the surface water;

2. A written statement in support of the nomination, including specific reference to the applicable criteria for an OAW classification prescribed in subsection (D);
  3. Supporting evidence demonstrating that the criteria prescribed in subsection (D) are met; and
  4. Available water quality data relevant to establishing the baseline water quality of the proposed OAW.
- D. The Director may classify a surface water as an OAW based upon the following criteria:
1. The surface water is a perennial or intermittent water;
  2. The surface water is in a free-flowing condition. For purposes of this subsection, “in a free-flowing condition” means that a surface water does not have an impoundment, diversion, channelization, rip-rapping or other bank armor, or another hydrological modification within the reach nominated for an OAW classification;
  3. The surface water has good water quality. For purposes of this subsection, “good water quality” means that the surface water has water quality that meets or is better than applicable surface water quality standards. A surface water that is listed as impaired under R18-11-604(E) is ineligible for OAW classification; and
  4. The surface water meets one or both of the following conditions:
    - a. The surface water is of exceptional recreational or ecological significance because of its unique attributes, such as the geology, flora and fauna, water quality, aesthetic value, or the wilderness characteristic of the surface water;
    - b. An endangered or threatened species is associated with the surface water and the existing water quality is essential to the species' maintenance and propagation or the surface water provides critical habitat for the threatened or endangered species. An endangered or threatened species is identified in “Endangered and Threatened Wildlife,” 50 CFR 17.11 (revised 2005), and “Endangered and Threatened Plants,” 50 CFR 17.12 (revised 2005). This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the National Archives and Records Administration at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.
- E. The Director shall hold at least one public meeting in the local area of a surface water that is nominated for classification as an OAW to solicit public comment on the nomination.
- F. The Director shall consider the following factors when deciding whether to classify a surface water as an OAW:
1. Whether there is the ability to manage the surface water and its watershed to maintain and protect existing water quality;
  2. The social and economic impact of Tier 3 antidegradation protection;
  3. The public comments in support of, or in opposition to, an OAW classification;
  4. The timing of the nomination relative to the triennial review of surface water quality standards;
  5. The consistency of an OAW classification with applicable water quality management plans; and

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6. Whether the nominated surface water is located within a national or state park, national monument, national recreation area, wilderness area, riparian conservation area, area of critical environmental concern, or it has another special use designation (for example, Wild and Scenic River).
- G.** The following surface waters are classified as OAWs:
1. The West Fork of the Little Colorado River, from its headwaters to Government Springs (approximately 9.1 river miles);
  2. Oak Creek, from its headwaters to its confluence with the Verde River (approximately 50.3 river miles);
  3. West Fork of Oak Creek, from its headwaters to its confluence with Oak Creek (approximately 15.8 river miles);
  4. Peeples Canyon Creek, from its headwaters to its confluence with the Santa Maria River (approximately 8.1 river miles);
  5. Burro Creek, from its headwaters to its confluence with Boulder Creek (approximately 29.5 miles);
  6. Francis Creek, from its headwaters to its confluence with Burro Creek (approximately 22.9 river miles);
  7. Bonita Creek, from its boundary of the San Carlos Indian Reservation to its confluence with the Gila River (approximately 14.7 river miles);
  8. Cienega Creek, from its confluence with Gardner Canyon to the USGS gaging station (#09484600) (approximately 28.3 river miles);
  9. Aravaipa Creek, from its confluence with Stowe Gulch to the downstream boundary of the Aravaipa Canyon Wilderness Area (approximately 15.5 river miles);
  10. Cave Creek, from its confluence with the Coronado National Forest boundary (approximately 10.4 river miles);
  11. South Fork of Cave Creek, from its headwaters to its confluence with Cave Creek (approximately 8.6 river miles);
  12. Buehman Canyon Creek, from its headwaters to its confluence with unnamed tributary at 32°24'31"/110°32'08" (approximately 9.8 river miles);
  13. Lee Valley Creek, from its headwaters to Lee Valley Reservoir (approximately 1.6 river miles);
  14. Bear Wallow Creek, from its headwaters to the boundary of the San Carlos Indian Reservation (approximately 4.25 river miles);
  15. North Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
  16. South Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
  17. Snake Creek, from its headwaters to its confluence with the Black River (approximately 6.2 river miles);
  18. Hay Creek, from its headwaters to its confluence with the West Fork of the Black River (approximately 5.5 river miles);
  19. Stinky Creek, from the White Mountain Apache Indian Reservation boundary to its confluence with the West Fork of the Black River (approximately 3.0 river miles);
  20. KP Creek, from its headwaters to its confluence with the Blue River (approximately 12.7 river miles);
  21. Davidson Canyon, from the unnamed spring at 31°59'00"/110°38'49" to its confluence with Cienega Creek; and
  22. Fossil Creek, from its headwaters at the confluence of Sandrocks and Calf Pen Canyons above Fossil Springs to its confluence with the Verde River (approximately 17.2 river miles).
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Added "water quality standards" to R18-11-112, previously omitted in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).
- R18-11-113. Effluent-Dependent Waters**
- A.** The Director shall classify a surface water as an effluent-dependent water by rule.
  - B.** The Director may adopt, under R18-11-115, a site-specific water quality standard for an effluent-dependent water.
  - C.** Any person may submit a petition for rule adoption requesting that the Director classify a surface water as an effluent-dependent water. The petition shall include:
    1. A map and a description of the surface water;
    2. Information that demonstrates that the surface water consists of a point source discharge of wastewater; and
    3. Information that demonstrates that, without a point source discharge of a wastewater, the receiving water is an ephemeral water.
  - D.** The Director shall use the water quality standards that apply to an effluent-dependent water to derive water quality-based effluent limits for a point source discharge of wastewater to an ephemeral water.
  - E.** The Director may use aquatic and wildlife (edw) acute standards only to derive water quality based effluent limits for a sporadic, infrequent, or emergency point source discharge to an ephemeral water or to an effluent-dependent water. The Director shall consider the following factors when deciding whether to apply A&Wedw (acute) standards:
    1. The amount, frequency, and duration of the discharge;
    2. The length of time water may be present in the receiving water;
    3. The distance to a downstream water with aquatic and wildlife chronic standards; and
    4. The likelihood of chronic exposure to pollutants.
  - F.** The Director may establish alternative water quality-based effluent limits in an AZPDES permit based on seasonal differences in the discharge.
- Historical Note**
- Adopted effective February 18, 1992 (Supp. 92-1). Amended effective December 18, 1992 (Supp. 92-4). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).
- R18-11-114. Mixing Zones**
- A.** The Director may establish a mixing zone for a point source discharge to a surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited in an ephemeral water or where there is no water for dilution, or as prohibited pursuant to subsection (H).
  - B.** The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director

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for a mixing zone as part of an application for an AZPDES permit. The request shall include:

1. An identification of the pollutant for which the mixing zone is requested;
  2. A proposed outfall design;
  3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
  4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C.** The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
1. The assimilative capacity of the receiving water;
  2. The likelihood of adverse human health effects;
  3. The location of drinking water plant intakes and public swimming areas;
  4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
  5. Bioaccumulation;
  6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
  7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
  8. The size of the mixing zone;
  9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
  10. The concentration gradient of the pollutant within the mixing zone;
  11. Sediment deposition;
  12. The potential for attracting aquatic life to the mixing zone; and
  13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D.** Director determination.
1. The Director shall deny a request to establish a mixing zone if a water quality standard will be violated outside the boundaries of the proposed mixing zone.
  2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E.** Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F.** The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.
- G.** Mixing zone requirements.
1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
  2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
  3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
  4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
  5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.
- H.** The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:
1. Chlordane,
  2. DDT and its metabolites (DDD and DDE),
  3. Dieldrin,
  4. Dioxin,
  5. Endrin,
  6. Endrin aldehyde,
  7. Heptachlor,
  8. Heptachlor epoxide,
  9. Lindane,
  10. Mercury,
  11. Polychlorinated biphenyls (PCBs), and
  12. Toxaphene.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**R18-11-115. Site-Specific Standards**

- A.** The Director shall adopt a site-specific standard by rule.
- B.** The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
1. Local physical, chemical, or hydrological conditions of a surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
  2. The sensitivity of resident aquatic organisms that occur in a surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in Appendix A;
  3. Resident aquatic organisms that occur in a surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in Appendix A;
  4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in Appendix A. "Natural background" means the concentration of a pollutant in a surface water due only to non-anthropogenic sources; or
  5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a surface water.
- C.** Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically-defensible procedure.

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1. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
  - a. Identifies the pollutant;
  - b. Describes the reach's boundaries;
  - c. Uses one of the following procedures, as defined by the most recent EPA guidance documents:
    - i. The recalculation procedure,
    - ii. The water effects ratio for metals,
    - iii. The streamlined water effects ratio, or
    - iv. The Biotic ligand model.
  - d. Demonstrates that all designated uses are protected.
2. Alternatively, a study outline submitted for the Director's approval must contain the following elements:
  - a. Identifies the pollutant;
  - b. Describes the reach's boundaries;
  - c. Describes the hydrologic regime of the waterbody;
  - d. Describes the scientifically-defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
  - e. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
  - f. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
  - g. Demonstrates that all designated uses are protected; and
  - h. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration. Modeling approaches include Better Assessment Science Integrating Source and Nonpoint Sources (Basins), Hydrologic Simulation Program-Fortran (HSPF), and Hydrologic Engineering Center (HEC) programs developed by the U.S. Army Corps of Engineers.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Section repealed by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). New Section made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**R18-11-116. Resource Management Agencies**

Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-117. Canals and Urban Park Lakes**

A. Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified in Appendix B. Physical or mechanical maintenance

includes dewatering, lining, dredging, and the physical, biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified in Appendix B.

B. The discharge of lubricating oil associated with the start-up of well pumps that discharge to canals is not a violation of R18-11-108(B).

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-118. Dams and Flood Control Structures**

Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article. Nothing in this Article requires the release of water from a dam or a flood control structure.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

**R18-11-119. Natural background**

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is not caused by human activity but is due solely to naturally-occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1).

**R18-11-120. Enforcement of Non-permitted Discharges**

- A. The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.
- B. Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**R18-11-121. Schedules of Compliance**

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve com-

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pliance. The permittee shall demonstrate that all requirements under § 301(b) and § 306 of the Clean Water Act [33 U.S.C. 1311(b) and 1316] are achieved and that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1).

Amended effective April 24, 1996 (Supp. 96-2).

Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**R18-11-122. Variances**

- A. Upon request, the Director may establish, by rule, a discharger-specific or water segment(s)-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B. A person who requests a variance must demonstrate all of the following information:
  1. Identification of the specific pollutant and water quality standard for which a variance is sought.
  2. Identification of the receiving surface water segment or segments to which the variance would apply.
  3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.
  4. A detailed discussion of the discharge control technologies that are available for achieving compliance with the water quality standard for which a variance is sought.
  5. Documentation that more advanced treatment technology than applicable technology-based effluent limitations is necessary to achieve compliance with the water quality standard for which a variance is sought.
  6. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
  7. Documentation that the proposed term is only as long as necessary to achieve the highest attainable condition.
  8. Documentation that is appropriate to the type of use to which the variance would apply as follows:
    - a. For a water quality standard variance to a use specified in Clean Water Act § 101(a)(2), documentation must include demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
      - i. Naturally occurring pollutant concentrations prevent attainment of the use;
      - ii. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
      - iii. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
      - iv. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
      - v. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
      - vi. That installation and operation of each of the available discharge technologies more advanced than those required to comply with technology-based effluent limitations to achieve compliance with the water quality standard would result in substantial and widespread economic and social impact; or
      - vii. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
    - b. For a water quality standard variance to a use other than those uses specified in Clean Water Act § 101(a)(2), documentation must justify how consideration and value of the water subject to the use appropriately supports the variance and term. A demonstration consistent with (B)(8)(a) of this Section may be used to satisfy this requirement.
9. For a waterbody segment(s)-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
  - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant(s) or water quality parameter(s) and water body or waterbody segment(s) specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
  - b. If any variance pursuant to subsection (B)(9)(a) previously applied to the water body or waterbody seg-

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ment(s), documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant(s) or water quality parameter(s) subject to the water quality variance and the water quality progress achieved.

10. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
  - a. Identification of the permittee subject to the variance;
  - b. For an existing point source discharge, a detailed description of the existing discharge control technologies that are used to achieve compliance with applicable water quality standards. For a new point source discharge, a detailed description of the proposed discharge control technologies that will be used to achieve compliance with applicable water quality standards; and
  - c. Documentation that the existing or proposed discharge control technologies will comply with applicable technology-based effluent limitations.
- C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
  1. Bioaccumulation,
  2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
  3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
  4. The likelihood of adverse human health effects.
- D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
- E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(8)(a)(vii). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
  1. The highest attainable interim criterion,
  2. The interim effluent condition that reflects the greatest pollutant reduction achievable; or
  3. If no additional feasible pollutant control technology can be identified, the interim criterion or interim effluent condition that reflects the greatest pollutant reduction achievable with the pollutant control technologies installed at the time of the issuance of the variance, and the adoption and implementation of a Pollutant Minimization Program.
- F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
- G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
- H. The Director may not grant a variance for a point source discharge to an OAW listed in R18-11-112(G).
- I. Each variance established by the Director is subject to review and approval by the Regional Administrator.
- J. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E). The variance term runs from the approval of the variance by the Regional Administrator.
- K. The Director shall reevaluate, in its triennial review, whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance in its triennial review rulemaking.
- L. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
- M. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.
- N. The following are discharger-specific variances adopted by the Director:
- O. The following are water body and waterbody segment-specific variances adopted by the Director:

**Historical Note**

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**R18-11-123. Discharge Prohibitions**

- A. The discharge of wastewater to the following surface waters is prohibited:
  1. Sabino Canyon Creek;
  2. Vekol Wash, upstream of the Ak-Chin Indian Reservation; and
  3. Smith Wash, upstream of the Ak-Chin Indian Reservation.
- B. The discharge to Lake Powell of human body wastes and the wastes from toilets and other receptacles intended to receive or retain wastes from a vessel is prohibited.

**Historical Note**

Adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4).

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## Appendix A. Numeric Water Quality Standards

Table 1. Water Quality Criteria By Designated Use (see f) Footnotes

Parameter	CAS NUMBER	DWS (µg/L)	FC (µg/L)	FBC (µg/L)	PBC (µg/L)	A&Wc Acute (µg/L)	A&Wc Chronic (µg/L)	A&Ww Acute (µg/L)	A&Ww Chronic (µg/L)	A&Wedw Acute (µg/L)	A&Wedw Chronic (µg/L)	A&We Acute (µg/L)	AgI (µg/L)	AgL (µg/L)
Acenaphthene	83329	420	198	56,000	56,000	850	550	850	550	850	550			
Acrolein	107028	3.5	1.9	467	467	3	3	3	3	3	3			
Acrylonitrile	107131	0.06	0.2	3	37,333	3,800	250	3,800	250	3,800	250			
Alachlor	15972608	2		9,333	9,333	2,500	170	2,500	170	2,500	170			
Aldrin	309002	0.002	0.00005	0.08	28	3		3		3		4.5	0.003	See (b)
Alpha Particles (Gross) Radioactivity		15 pCi/L See (h)												
Ammonia	7664417					See (e) & Tables 11 (present) & 14 (absent)	See (e) & Tables 13 (present) & 17 (absent)	See (e) & Tables 12 (present) & 15 (absent)	See (e) & Tables 13 (present) & 16 (absent)	See (e) & Table 15 (absent)	See (e) & Table 16 (absent)			
Anthracene	120127	2,100	74	280,000	280,000									
Antimony	7440360	6 T	640 T	747 T	747 T	88 D	30 D	88 D	30 D	1,000 D	600 D			
Arsenic	7440382	10 T	80 T	30 T	280 T	340 D	150 D	340 D	150 D	340 D	150 D	440 D	2,000 T	200 T
Asbestos	1332214	See (a)												
Atrazine	1912249	3		32,667	32,667									
Barium	7440393	2,000 T		98,000 T	98,000 T									
Benz(a)anthracene	56553	0.005	0.02	0.2	0.2									
Benzene	71432	5	140	93	3,733	2,700	180	2,700	180	8,800	560			
Benzo(b)fluoranthene	205992	0.005	0.02	1.9	1.9									
Benzidine	92875	0.0002	0.0002	0.01	2,800	1,300	89	1,300	89	1,300	89	10,000	0.01	0.01
Benzo(a)pyrene	50328	0.2	0.02	0.2	0.2									
Benzo(k)fluoranthene	207089	0.005	0.02	1.9	1.9									
Beryllium	7440417	4 T	84 T	1,867 T	1,867 T	65 D	5.3 D	65 D	5.3 D	65 D	5.3 D			
Beta particles and photon emitters		4 millirems / year See (i)												
Bis(2-chloroethyl) ether	111444	0.03	0.5	1	1	120,000	6,700	120,000	6,700	120,000	6,700			
Bis(2-chloroisopropyl) ether	108601	280	3,441	37,333	37,333									
Boron	7440428	1,400 T		186,667 T	186,667 T								1,000 T	
Bromodichloromethane	75274	TTHM See (g)	17	TTHM	18,667									
4-Bromophenyl phenyl ether	101553					180	14	180	14	180	14			
Bromoform	75252	TTHM See (g)	133	180	18,667	15,000	10,000	15,000	10,000	15,000	10,000			
Bromomethane	74839	9.8	299	1,307	1,307	5,500	360	5,500	360	5,500	360			
Butyl benzyl phthalate	85687	1,400	386	186,667	186,667	1,700	130	1,700	130	1,700	130			
Cadmium	7440439	5 T	84 T	700 T	700 T	See (d) & Table 2	See (d) & Table 3	See (d) & Table 2	See (d) & Table 3	See (d) & Table 2	See (d) & Table 3	See (d) & Table 2	50	50
Carbaryl	63252					2.1	2.1	2.1	2.1	2.1	2.1			
Carbofuran	1563662	40		4,667	4,667	650	50	650	50	650	50			
Carbon tetrachloride	56235	5	2	11	980	18,000	1,100	18,000	1,100	18,000	1,100			
Chlordane	57749	2	0.0008	4	467	2.4	0.004	2.4	0.2	2.4	0.2	3.2		
Chlorine (total residual)	7782505	4,000		4,000	4,000	19	11	19	11	19	11			
Chlorobenzene	108907	100	1,553	18,667	18,667	3,800	260	3,800	260	3,800	260			
2-Chloroethyl vinyl ether	110758					180,000	9,800	180,000	9,800	180,000	9,800			
Chloroform	67663	TTHM See (g)	470	230	9,333	14,000	900	14,000	900	14,000	900			
p-Chloro-m-cresol	59507					15	4.7	15	4.7	15	4.7	48,000		
Chloromethane	74873					270,000	15,000	270,000	15,000	270,000	15,000			
beta-Chloronaphthalene	91587	560	1267 317	74,667	74,667									
2-Chlorophenol	95578	35	30	4,667	4,667	2,200	150	2,200	150	2,200	150			
Chloropyrifos	2921882	21		2,800	2,800	0.08	0.04	0.08	0.04	0.08	0.04			
Chromium III	16065831		75,000 T	1,400,000 T	1,400,000 T	See (d) & Table 4	See (d) & Table 4	See (d) & Table 4	See (d) & Table 4	See (d) & Table 4	See (d) & Table 4	See (d) & Table 4		
Chromium VI	18540299	21 T	150 T	2,800 T	2,800 T	16 D	11 D	16 D	11 D	16 D	11 D	34 D		
Chromium (Total)	7440473	100 T											1,000	1,000
Chrysene	218019	0.005	0.02	19	19									
Copper	7440508	1,300 T		1,300 T	1,300 T	See (d) & Table 5	See (d) & Table 5	See (d) & Table 5	See (d) & Table 5	See (d) & Table 5	See (d) & Table 5	See (d) & Table 5	5,000 T	500 T
Cyanide (as free cyanide)	57125	200 T	16,000 T	18,667 T	18,667 T	22 T	5.2 T	41 T	9.7 T	41 T	9.7 T	84 T		200 T
Dalapon	75990	200	8,000	28,000	28,000									
DDT and its breakdown products	50293	0.1	0.0002	4	467	1.1	0.001	1.1	0.001	1.1	0.001	1.1	0.001	0.001
Demeton	8065483						0.1		0.1		0.1			
Diazinon	333415					0.17	0.17	0.17	0.17	0.17	0.17	0.17		
Dibenz (ah) anthracene	53703	0.005	0.02	1.9	1.9									
Dibromochloromethane	124481	TTHM See (g)	13	TTHM	18,667									
1,2-Dibromo-3-chloropropane	96128	0.2		2,800	2,800									
1,2-Dibromoethane	106934	0.05		8,400	8,400									
Dibutyl phthalate	84742	700	899	93,333	93,333	470	35	470	35	470	35	1,100		
1,2-Dichlorobenzene	95501	600	205	84,000	84,000	790	300	1,200	470	1,200	470	5,900		
1,3-Dichlorobenzene	541731					2,500	970	2,500	970	2,500	970			
1,4-Dichlorobenzene	106467	75	5755	373,333	373,333	560	210	2,000	780	2,000	780	6,500		
3,3'-Dichlorobenzidine	91941	0.08	0.03	3	3									
1,2-Dichloroethane	107062	5	37	15	186,667	59,000	41,000	59,000	41,000	59,000	41,000			



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1,1-Dichloroethylene	75354	7	7,143	46,667	46,667	15,000	950	15,000	950	15,000	950				
1,2-cis-Dichloroethylene	156592	70		70	70										
1,2-trans-Dichloroethylene	156605	100	10,127	18,667	18,667	68,000	3,900	68,000	3,900	68,000	3,900				
Dichloromethane	75092	5	593	190	56,000	97,000	5,500	97,000	5,500	97,000	5,500				
2,4-Dichlorophenol	120832	21	59	2,800	2,800	1,000	88	1,000	88	1,000	88				
2,4-Dichlorophenoxyacetic acid (2,4-D)	94757	70		9,333	9,333										
1,2-Dichloropropane	78875	5	17,518	84,000	84,000	26,000	9,200	26,000	9,200	26,000	9,200				
1,3-Dichloropropene	542756	0.7	42	420	28,000	3,000	1,100	3,000	1,100	3,000	1,100				
Dieldrin	60571	0.002	0.00005	0.09	47	0.2	0.06	0.2	0.06	0.2	0.06	4	0.003	See (b)	
Diethyl phthalate	84662	5,600	8,767	746,667	746,667	26,000	1,600	26,000	1,600	26,000	1,600				
Di (2-ethylhexyl) adipate	103231	400		560,000	560,000										
Di (2-ethylhexyl) phthalate	117817	6	3	100	18,667	400	360	400	360	400	360	3,100			
2,4-Dimethylphenol	105679	140	171	18,667	18,667	1,000	310	1,000	310	1,000	310	150,000			
Dimethyl phthalate	131113					17,000	1,000	17,000	1,000	17,000	1,000				
4,6-Dinitro-o-cresol	534521	28	582	3,733	3,733	310	24	310	24	310	24				
2,4-Dinitrophenol	51285	14	1,067	1,867	1,867	110	9.2	110	9.2	110	9.2				
2,4-Dinitrotoluene	121142	14	421	1,867	1,867	14,000	860	14,000	860	14,000	860				
2,6-Dinitrotoluene	606202	0.05		2	3,733										
Di-n-octyl phthalate	117840	2,800		373,333	373,333										
Dinoseb	88857	7		933	933										
1,2-Diphenylhydrazine	122667	0.04	0.2	1.8	1.8	130	11	130	11	130	11				
Diquat	85007	20		2,053	2,053										
Endosulfan sulfate	1031078	42	18	5,600	5,600	0.2	0.06	0.2	0.06	0.2	0.06	3			
Endosulfan (Total)	115297	42	18	5,600	5,600	0.2	0.06	0.2	0.06	0.2	0.06	3			
Endothall	145733	100		18,667	18,667										
Endrin	72208	2	0.06	280	280	0.09	0.04	0.09	0.04	0.09	0.04	0.7	0.004	0.004	
Endrin aldehyde	7421934					0.09	0.04	0.09	0.04	0.09	0.04	0.7			
Ethylbenzene	100414	700	2,133	93,333	93,333	23,000	1,400	23,000	1,400	23,000	1,400				
Fluoranthene	206440	280	28	37,333	37,333	2,000	1,600	2,000	1,600	2,000	1,600				
Fluorene	86737	280	1,067	37,333	37,333										
Fluoride	7782414	4,000		140,000	140,000										
Glyphosate	1071836	700	266,667	93,333	93,333										
Guthion	86500					0.01		0.01		0.01					
Heptachlor	76448	0.4	0.00008	0.4	467	0.5	0.004	0.5	0.004	0.6	0.01	0.9			
Heptachlor epoxide	1024573	0.2	0.00004	0.2	12	0.5	0.004	0.5	0.004	0.6	0.01	0.9			
Hexachlorobenzene	118741	1	0.0003	1	747	6	3.7	6	3.7	6	3.7				
Hexachlorobutadiene	87683	0.4	18	18	187	45	8.2	45	8.2	45	8.2				
Hexachlorocyclohexane alpha	319846	0.006	0.005	0.22	7,467	1,600	130	1,600	130	1,600	130	1,600			
Hexachlorocyclohexane beta	319857	0.02	0.02	0.78	560	1,600	130	1,600	130	1,600	130	1,600			
Hexachlorocyclohexane delta	319868					1,600	130	1,600	130	1,600	130	1,600			
Hexachlorocyclohexane gamma (lindane)	58899	0.2	1.8	280	280	1	0.08	1	0.28	1	0.61	11			
Hexachlorocyclopentadiene	77474	50	580	9,800	9,800	3.5	0.3	3.5	0.3	3.5	0.3				
Hexachloroethane	67721	2.5	3.3	100	933	490	350	490	350	490	350	850			
Hydrogen sulfide	7783064					2 See (c)		2 See (c)		2 See (c)					
Indeno (1,2,3-cd) pyrene	193395	0.05	0.49	1.9	1.9										
Iron	7439896					1,000 D		1,000 D		1,000 D					
Isophorone	78591	37	961	1,500	186,667	59,000	43,000	59,000	43,000	59,000	43,000				
Lead	7439921	15 T		15 T	15 T	See (d) & Table 6	See (d) & Table 6	See (d) & Table 6	See (d) & Table 6	See (d) & Table 6	See (d) & Table 6	See (d) & Table 6	See (d) & Table 6	10,000 T	100 T
Malathion	121755	140		18,667	18,667		0.1		0.1		0.1				
Manganese	7439965	980		130,667	130,667									10,000	
Mercury	7439976	2 T		280 T	280 T	2.4 D	0.01 D	2.4 D	0.01 D	2.4 D	0.01 D	5 D			10 T
Methoxychlor	72435	40		4,667	4,667		0.03		0.03		0.03				
Methylmercury	22967926		0.3 mg/kg												
Mirex	2385855	1		187	187		0.001		0.001		0.001				
Naphthalene	91203	140	1,524	18,667	18,667	1,100	210	3,200	580	3,200	580				
Nickel	7440020	140 T	4,600 T	28,000 T	28,000 T	See (d) & Table 7	See (d) & Table 7	See (d) & Table 7	See (d) & Table 7	See (d) & Table 7	See (d) & Table 7	See (d) & Table 7	See (d) & Table 7		
Nitrate	14797558	10,000		3,733,333	3,733,333										
Nitrite	14797650	1,000		233,333	233,333										
Nitrate + Nitrite		10,000													
Nitrobenzene	98953	3.5	138	467	467	1,300	850	1,300	850	1,300	850				
p-Nitrophenol	100027					4,100	3,000	4,100	3,000	4,100	3,000				
N-nitrosodimethylamine	62759	0.001	3	0.03	0.03										
N-Nitrosodiphenylamine	86306	7.1	6	290	290	2,900	200	2,900	200	2,900	200				
N-nitrosodi-n-propylamine	621647	0.005	0.5	0.2	88,667										
Nonylphenol	104405					28	6.6	28	6.6	28	6.6	28			
Oxamyl	23135220	200		23,333	23,333										
Parathion	56382					0.07	0.01	0.07	0.01	0.07	0.01				
Paraquat	1910425	32		4,200	4,200	100	54	100	54	100	54				
Pentachlorophenol	87865	1	1,000	12	28,000	See (e), (j) & Table 10	See (e), (j) & Table 10	See (e), (j) & Table 10	See (e), (j) & Table 10	See (e), (j) & Table 10	See (e), (j) & Table 10	See (e), (j) & Table 10	See (e), (j) & Table 10		
Permethrin	52645531	350		46,667	46,667	0.3	0.2	0.3	0.2	0.3	0.2				
Phenanthrene	85018					30	6.3	30	6.3	30	6.3				
Phenol	108952	2,100	37	280,000	280,000	5,100	730	7,000	1,000	7,000	1,000	180,000			
Picloram	1918021	500	2,710	65,333	65,333										

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Polychlorinatedbiphenyls (PCBs)	1336363	0.5	0.00006	19	19	2	0.01	2	0.02	2	0.02	11	0.001	0.001
Pyrene	129000	210	800	28,000	28,000									
Radium 226 + Radium 228		5 pCi/L												
Selenium	7782492	50 T	667 T	4,667 T	4,667 T		2 T		2 T		2 T	33 T	20 T	50 T
Silver	7440224	35 T	8,000 T	4,667 T	4,667 T	See (d) & Table 8		See (d) & Table 8		See (d) & Table 8		See (d) & Table 8		
Simazine	112349	4		4,667	4,667									
Strontium	7440246	8 pCi/L												
Styrene	100425	100		186,667	186,667	5,600	370	5,600	370	5,600	370			
Sulfides												100		
2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD)	1746016	0.00003	5x10-9	0.00003	0.0009	0.01	0.005	0.01	0.005	0.01	0.005	0.1		
1,1,2,2-Tetrachloroethane	79345	0.2	4	7	56,000	4,700	3,200	4,700	3,200	4,700	3,200			
Tetrachloroethylene	127184	5	261	9,333	9,333	2,600	280	6,500	680	6,500	680	15,000		
Thallium	7440280	2 T	7.2 T	75 T	75 T	700 D	150 D	700 D	150 D	700 D	150 D			
Toluene	108883	1,000	201,000	280,000	280,000	8,700	180	8,700	180	8,700	180			
Toxaphene	8001352	3	0.0003	1.3	933	0.7	0.0002	0.7	0.0002	0.7	0.0002	11	0.005	0.005
Tributyltin						0.5	0.07	0.5	0.07	0.5	0.07			
1,2,4-Trichlorobenzene	120821	70	70	9,333	9,333	750	130	1,700	300	1,700	300			
1,1,1-Trichloroethane	71556	200	428,571	1,866,667	1,866,667	2,600	1,600	2,600	1,600	2,600	1,600		1,000	
1,1,2-Trichloroethane	79005	5	16	25	3,733	18,000	12,000	18,000	12,000	18,000	12,000			
Trichloroethylene	79016	5	29	280,000	280	20,000	1,300	20,000	1,300	20,000	1,300			
2,4,6-Trichlorophenol	88062	3.2	2	130	130	160	25	160	25	160	25	3,000		
2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP)	93721	50		7,467	7,467									
Trihalomethanes (T)		80												
Tritium	10028178	20,000 pCi/L												
Uranium	7440611	30 D		2,800	2,800									
Vinyl chloride	75014	2	5	2	2,800									
Xylenes (T)	1330207	10,000		186,667	186,667									
Zinc	7440666	2,100 T	5,106 T	280,000 T	280,000 T	See (d) & Table 9	See (d) & Table 9	See (d) & Table 9	See (d) & Table 9	See (d) & Table 9	See (d) & Table 9	See (d) & Table 9	10,000 T	25,000 T

## Footnotes

- a. The asbestos standard is 7 million fibers (longer than 10 micrometers) per liter.
- b. The aldrin/dieldrin standard is exceeded when the sum of the two compounds exceeds 0.003 µg/L.
- c. In lakes, the acute criteria for hydrogen sulfide apply only to water samples taken from the epilimnion, or the upper layer of a lake or reservoir.
- d. Hardness, expressed as mg/L CaCO<sub>3</sub>, is determined according to the following criteria:
  - i. If the receiving water body has an A&Wc or A&Ww designated use, then hardness is based on the hardness of the receiving water body from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO<sub>3</sub>.
  - ii. If the receiving water has an A&Wedw or A&We designated use, then the hardness is based on the hardness of the effluent from a sample taken at the same time that the sample for the metal is taken, except that the hardness may not exceed 400 mg/L CaCO<sub>3</sub>.
  - iii. The mathematical equations for the hardness-dependent parameter represent the water quality standards. Examples of criteria for the hardness-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- e. pH is determined according to the following criteria:
  - i. If the receiving water has an A&Wc or A&Ww designated use, then pH is based on the pH of the receiving water body from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
  - ii. If the receiving water body has an A&Wedw or A&We designated use, then the pH is based on the pH of the effluent from a sample taken at the same time that the sample for pentachlorophenol or ammonia is taken.
  - iii. The mathematical equations for ammonia represent the water quality standards. Examples of criteria for ammonia have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- f. Table 1 abbreviations.
  - i. µg/L = micrograms per liter,
  - ii. mg/kg = milligrams per kilogram,
  - iii. pCi/L = picocuries per liter,
  - iv. D = dissolved,
  - v. T = total recoverable,
  - vi. TTHM indicates that the chemical is a trihalomethane.
- g. The total trihalomethane (TTHM) standard is exceeded when the sum of these four compounds exceeds 80 µg/L, as a rolling annual average.
- h. The concentration of gross alpha particle activity includes radium-226, but excludes radon and uranium.
- i. The average annual concentration of beta particle activity and photon emitters from manmade radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirems per year.
- j. The mathematical equations for the pH-dependent parameters represent the water quality standards. Examples of criteria for the pH-dependent parameters have been calculated and are presented in separate tables at the end of Appendix A for the convenience of the user.
- k. Abbreviations for the mathematical equations are as follows:
 

e = the base of the natural logarithm and is a mathematical constant equal to 2.71828  
 LN = is the natural logarithm  
 CMC = Criterion Maximum Concentration (acute)  
 CCC = Criterion Continuous Concentration (chronic)

## Historical Note

Appendix A repealed; new Appendix A, Table 1 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 1 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 1 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 1 repealed; new Appendix A, Table 1 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 1 amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

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**Table 2. Acute Water Quality Standards for Dissolved Cadmium**

Aquatic and Wildlife coldwater		Aquatic and Wildlife warm water, and edw		Aquatic and Wildlife ephemeral	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	0.40	20	2.1	20	4.9
100	1.8	100	9.4	100	22
400	6.5	400	34	400	80
$e(0.9789*LN(Hardness)-3.866)*(1.136672-LN(Hardness)*0.041838)$		$e(0.9789*LN(Hardness)-2.208)*(1.136672-LN(Hardness)*0.041838)$		$e(0.9789*LN(Hardness)-1.363)(1.136672-LN(Hardness)*0.041838)$	

**Historical Note**

Appendix A repealed; new Appendix A, Table 2 adopted effective April 24, 1996 (Supp. 96-2). Appendix A, Table 2 amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 2 amended to correct references to footnotes (Supp. 02-4). Appendix A, Table 2 footnotes amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 2 repealed; new Appendix A, Table 2 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 2 repealed; new Table 2 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**Table 3. Chronic Water Quality Standards for Dissolved Cadmium**

Aquatic and Wildlife coldwater, warmwater, and edw	
Hard. mg/L	Std. µg/L
20	0.21
100	0.72
400	2.0
$e(0.7977*LN(Hardness)-3.909)*(1.101672-LN(Hardness)*0.041838)$	

**Historical Note**

Appendix A, Table 3 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 3 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 3 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 3 repealed; new Table 3 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**Table 4. Water Quality Standards for Dissolved Chromium III**

Acute Aquatic and Wildlife coldwater, warmwater and edw		Chronic Aquatic and Wildlife coldwater, warmwater and edw		Acute Aquatic and Wildlife ephemeral	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	152	20	19.8	20	512
100	570	100	74.1	100	1,912
400	1,773	400	231	400	5,950
$e(0.819*LN(Hardness)+3.7256)*(0.316)$		$e(0.819*LN(Hardness)+0.6848)*(0.86)$		$e(0.819*LN(Hardness)+4.9361)*(0.316)$	

**Historical Note**

Appendix A, Table 4 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 4 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 4 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 4 repealed; new Table 4 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**Table 5. Water Quality Standards for Dissolved Copper**

Acute Aquatic and Wildlife coldwater, warmwater and edw		Chronic Aquatic and Wildlife coldwater, warmwater and edw		Acute Aquatic and Wildlife ephemeral	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	2.9	20	2.3	20	5.1
100	13	100	9.0	100	23
400	50	400	29	400	86
$e(0.9422*LN(Hardness)-1.702)*(0.96)$		$e(0.8545*LN(Hardness)-1.702)*(0.96)$		$e(0.9422*LN(Hardness)-1.1514)*(0.96)$	

**Historical Note**

Appendix A, Table 5 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 5 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 5 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 5 repealed; new Table 5 made by final

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rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**Table 6. Water Quality Standards for Dissolved Lead**

Acute Aquatic and Wildlife coldwater, warmwater and edw		Chronic Aquatic and Wildlife coldwater, warmwater and edw		Acute Aquatic and Wildlife ephemeral	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	10.8	20	0.42	20	22.8
100	64.6	100	2.5	100	136.3
400	281	400	10.9	400	592.7
$e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 1.46) \cdot (1.46203 - \text{LN}(\text{Hardness})) \cdot (0.145712)}$		$e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 4.705) \cdot (1.46203 - \text{LN}(\text{Hardness})) \cdot (0.145712)}$		$e^{(1.273 \cdot \text{LN}(\text{Hardness}) - 0.7131) \cdot (1.46203 - \text{LN}(\text{Hardness})) \cdot (0.145712)}$	

**Historical Note**

Appendix A, Table 6 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 6 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 6 renumbered to Table 9; new Table 6 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 6 repealed; new Table 6 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**Table 7. Water Quality Standards for Dissolved Nickel**

Acute Aquatic and Wildlife coldwater, warmwater and edw		Chronic Aquatic and Wildlife coldwater, warmwater and edw		Acute Aquatic and Wildlife ephemeral	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	120.0	20	13.3	20	1066
100	468	100	52.0	100	4158
400	1513	400	168	400	13436
$e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 2.255) \cdot (0.998)}$		$e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 0.0584) \cdot (0.997)}$		$e^{(0.846 \cdot \text{LN}(\text{Hardness}) + 4.4389) \cdot (0.998)}$	

**Historical Note**

Appendix A, Table 7 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 7 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 7 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 7 repealed; new Table 7 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 8. Water Quality Standards for Dissolved Silver**

Acute Aquatic and Wildlife coldwater, warmwater, edw, and ephemeral	
Hard. mg/L	Std. µg/L
20	0.20
100	3.2
400	34.9
$e^{(1.72 \cdot \text{LN}(\text{Hardness}) - 6.59) \cdot (0.85)}$	

**Historical Note**

Appendix A, Table 8 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 8 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 8 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 8 repealed; new Table 8 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 9. Water Quality Standards for Dissolved Zinc**

Acute and Chronic Aquatic and Wildlife coldwater, warmwater and edw		Acute Aquatic and Wildlife ephemeral	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	30.0	20	284
100	117	100	1112
400	379	400	3599
$e^{(0.8473 \cdot \text{LN}(\text{Hardness}) + 0.884) \cdot (0.978)}$		$e^{(0.8473 \cdot \text{LN}(\text{Hardness}) + 3.1342) \cdot (0.978)}$	

**Historical Note**

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Appendix A, Table 9 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 9 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 9 renumbered to Table 11; new Table 9 renumbered from Table 6 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 9 repealed; new Table 9 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 10. Water Quality Standards for Pentachlorophenol**

Acute Aquatic and Wildlife coldwater, warmwater and edw			Chronic Aquatic and Wildlife coldwater, warmwater and edw			Acute Aquatic and Wildlife ephemeral	
pH	µg/L		pH	µg/L		pH	µg/L
3	0.16		3	0.1		3	0.66
6	3.3		6	2.1		6	13.5
9	67.7		9	42.7		9	274
$c(1.005^{*(pH-4.83)})$			$c(1.005^{*(pH-5.29)})$			$c(1.005^{*(pH-3.4306)})$	

**Historical Note**

Appendix A, Table 10 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 10 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 10 renumbered to Table 12; new Table 10 renumbered from Table 11 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 10 repealed; new Table 10 made by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Present**

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

pH	Temperature (°C)																
	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	33	33	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	31	31	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	30	30	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	28	28	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	26	26	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7	24	24	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	8	7.3
7.1	22	22	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7
7.2	20	20	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	18	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	15	15	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	13	13	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	11	11	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	9.6	9.6	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	3
7.8	8.1	8.1	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	6.8	6.8	6.6	6	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8	5.6	5.6	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	4.6	4.6	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	3.8	3.8	3.7	3.5	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	3.1	3.1	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	0.96
8.4	2.6	2.6	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79
8.5	2.1	2.1	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	0.98	0.9	0.83	0.77	0.71	0.65
8.6	1.8	1.8	1.7	1.6	1.5	1.3	1.2	1.1	1	0.96	0.88	0.81	0.75	0.69	0.63	0.59	0.54
8.7	1.5	1.5	1.4	1.3	1.2	1.1	1	0.94	0.87	0.8	0.74	0.68	0.62	0.57	0.53	0.49	0.45
8.8	1.2	1.2	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37
8.9	1	1	1	0.93	0.85	0.79	0.72	0.67	0.61	0.56	0.52	0.48	0.44	0.4	0.37	0.34	0.32
9	0.88	0.88	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37	0.34	0.32	0.29	0.27

$$MIN\left(\frac{0.275}{1+10^{7.204-pH}}+\frac{39.0}{1+10^{pH-7.204}}\right)\cdot\left(0.7249\times\left(\frac{0.0114}{1+10^{7.204-pH}}+\frac{1.6181}{1+10^{pH-7.204}}\right)\times\left(23.12\times10^{0.096\times(20-T)}\right)\right)$$
**Historical Note**

Appendix A, Table 11 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 11 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 11 renumbered to Table

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10; new Table 11 renumbered from Table 9 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 11 repealed; new Table 11 renumbered from Table 25 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater, Unionid Mussels Present**

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

pH	Temperature (°C)																				
	0-10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	51	48	44	41	37	34	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	49	46	42	39	36	33	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	46	44	40	37	34	31	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	44	41	38	35	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	41	38	35	32	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7	38	35	33	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9	7.3
7.1	34	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7
7.2	31	29	27	25	23	21	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	27	26	24	22	20	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	24	22	21	19	18	16	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	21	19	18	17	15	14	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	18	17	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	2.9
7.8	13	12	11	10	9.3	8.5	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	11	9.9	9.1	8.4	7.7	7.1	6.6	6	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8	8.8	8.2	7.6	7	6.4	5.9	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	7.2	6.8	6.3	5.8	5.3	4.9	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	6	5.6	5.2	4.8	4.4	4	3.7	3.4	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	4.9	4.6	4.3	3.9	3.6	3.3	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	0.96
8.4	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79
8.5	3.3	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	0.98	0.9	0.83	0.77	0.71	0.65
8.6	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.5	1.3	1.2	1.1	1	0.96	0.88	0.81	0.75	0.69	0.63	0.58	0.54
8.7	2.3	2.2	2	1.8	1.7	1.6	1.4	1.3	1.2	1.1	1	0.94	0.87	0.8	0.74	0.68	0.62	0.57	0.53	0.49	0.45
8.8	1.9	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37
8.9	1.6	1.5	1.4	1.3	1.2	1.1	1	0.93	0.85	0.79	0.72	0.67	0.61	0.56	0.52	0.48	0.44	0.4	0.37	0.34	0.32
9	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37	0.34	0.32	0.29	0.27
$0.7249 \times \left( \frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times MIN(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$																					

$$0.7249 \times \left( \frac{0.0114}{1 + 10^{7.204 - \text{pH}}} + \frac{1.6181}{1 + 10^{\text{pH} - 7.204}} \right) \times \text{MIN}(51.93, 23.12 \times 10^{0.036 \times (20 - T)})$$

## Historical Note

Appendix A, Table 12 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 12 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 12 renumbered to Table 18; new Table 12 renumbered from Table 10 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 12 repealed; new Table 12 renumbered from Table 26 and amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 11 repealed; new Appendix A, Table 11 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix A, Table 12 repealed; new Appendix A, Table 12 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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**Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater and warmwater, Unionid Mussels Present**

For the aquatic and wildlife cold and warm water uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

	Temperature (°C)																													
pH	0-7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30						
6.5	4.9	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.5	1.4	1.3	1.2	1.1						
6.6	4.8	4.5	4.3	4	3.8	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1						
6.7	4.8	4.5	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1						
6.8	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1						
6.9	4.5	4.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1						
7	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	0.99						
7.1	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95						
7.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.96	0.9						
7.3	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.97	0.91	0.85						
7.4	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.96	0.9	0.85	0.79						
7.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95	0.89	0.83	0.78	0.73						
7.6	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.4	1.4	1.3	1.2	1.1	1.1	0.98	0.92	0.86	0.81	0.76	0.71	0.67						
7.7	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.6						
7.8	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53						
7.9	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53	0.5	0.47						
8	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.6	0.56	0.53	0.5	0.44	0.44	0.41						
8.1	1.5	1.5	1.4	1.3	1.2	1.1	1.1	0.99	0.92	0.87	0.81	0.76	0.71	0.67	0.63	0.59	0.55	0.52	0.49	0.46	0.43	0.4	0.38	0.35						
8.2	1.3	1.2	1.2	1.1	1	0.96	0.9	0.84	0.79	0.74	0.7	0.65	0.61	0.57	0.54	0.5	0.47	0.44	0.42	0.39	0.37	0.34	0.32	0.3						
8.3	1.1	1.1	0.99	0.93	0.87	0.82	0.76	0.72	0.67	0.63	0.59	0.55	0.52	0.49	0.46	0.43	0.4	0.38	0.35	0.33	0.31	0.29	0.27	0.26						
8.4	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53	0.5	0.47	0.44	0.41	0.39	0.36	0.34	0.32	0.3	0.28	0.26	0.25	0.23	0.22						
8.5	0.8	0.75	0.71	0.67	0.62	0.58	0.55	0.51	0.48	0.45	0.42	0.4	0.37	0.35	0.33	0.31	0.29	0.27	0.25	0.24	0.22	0.21	0.2	0.18						
8.6	0.68	0.64	0.6	0.56	0.53	0.49	0.46	0.43	0.41	0.38	0.36	0.33	0.31	0.29	0.28	0.26	0.24	0.23	0.21	0.2	0.19	0.18	0.16	0.15						
8.7	0.57	0.54	0.51	0.47	0.44	0.42	0.39	0.37	0.34	0.32	0.3	0.28	0.27	0.25	0.23	0.22	0.21	0.19	0.18	0.17	0.16	0.15	0.14	0.13						
8.8	0.49	0.46	0.43	0.4	0.38	0.35	0.33	0.31	0.29	0.27	0.26	0.24	0.23	0.21	0.2	0.19	0.17	0.16	0.15	0.14	0.13	0.13	0.12	0.11						
8.9	0.42	0.39	0.37	0.34	0.32	0.3	0.28	0.27	0.25	0.23	0.22	0.21	0.19	0.18	0.17	0.16	0.15	0.14	0.13	0.12	0.12	0.11	0.1	0.09						
9	0.36	0.34	0.32	0.3	0.28	0.26	0.24	0.23	0.21	0.2	0.19	0.18	0.17	0.16	0.15	0.14	0.13	0.12	0.11	0.11	0.1	0.09	0.09	0.08						
$0.8876 \times \left( \frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - MAX(T, 7))})$																														

**Historical Note**

Appendix A, Table 13 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 13 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 13 renumbered to Table 15; new Table 13 renumbered from Table 14 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 13 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 13 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

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**Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater, Unionid Mussels Absent**

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

pH	Temperature (°C)																
	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	33	33	33	33	33	33	33	33	33	33	33	33	33	33	31	29	27
6.6	31	31	31	31	31	31	31	31	31	31	31	31	31	31	30	28	26
6.7	30	30	30	30	30	30	30	30	30	30	30	30	30	30	29	26	24
6.8	28	28	28	28	28	28	28	28	28	28	28	28	28	28	27	25	23
6.9	26	26	26	26	26	26	26	26	26	26	26	26	26	26	25	23	21
7	24	24	24	24	24	24	24	24	24	24	24	24	24	24	23	21	20
7.1	22	22	22	22	22	22	22	22	22	22	22	22	22	22	21	19	18
7.2	20	20	20	20	20	20	20	20	20	20	20	20	20	20	19	17	16
7.3	18	18	18	18	18	18	18	18	18	18	18	18	18	18	17	16	14
7.4	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	14	13
7.5	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	12	11
7.6	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	10	9.3
7.7	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.3	8.6	7.9
7.8	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	7.8	7.2	6.6
7.9	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.5	6	5.5
8	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.4	5	4.6
8.1	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.5	4.1	3.8
8.2	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.7	3.4	3.1
8.3	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3	2.8	2.6
8.4	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.5	2.3	2.1
8.5	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	1.9	1.8
8.6	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.7	1.6	1.4
8.7	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.4	1.3	1.2
8.8	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.1	1
8.9	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0.92	0.85
9	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.85	0.78	0.72
$MIN\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)$																	

**Historical Note**

Appendix A, Table 14 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 14 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 14 renumbered to Table 13; new Table 14 renumbered from Table 15 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 14 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).



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## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent**

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

pH	Temperature (°C)																
	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	51	51	51	51	51	51	51	51	51	48	44	40	37	34	31	29	27
6.6	49	49	49	49	49	49	49	49	49	46	42	39	36	33	30	28	26
6.7	46	46	46	46	46	46	46	46	46	43	40	37	34	31	29	26	24
6.8	44	44	44	44	44	44	44	44	44	41	38	35	32	29	27	25	23
6.9	41	41	41	41	41	41	41	41	41	38	35	32	30	27	25	23	21
7	38	38	38	38	38	38	38	38	38	35	32	30	27	25	23	21	20
7.1	34	34	34	34	34	34	34	34	34	32	29	27	25	23	21	19	18
7.2	31	31	31	31	31	31	31	31	31	29	26	24	22	21	19	17	16
7.3	27	27	27	27	27	27	27	27	27	26	23	22	20	18	17	16	14
7.4	24	24	24	24	24	24	24	24	24	22	21	19	17	16	15	14	13
7.5	21	21	21	21	21	21	21	21	21	19	18	16	15	14	13	12	11
7.6	18	18	18	18	18	18	18	18	18	17	15	14	13	12	11	10	9.3
7.7	15	15	15	15	15	15	15	15	15	14	13	12	11	10	9.3	8.6	7.9
7.8	13	13	13	13	13	13	13	13	13	12	11	10	9.2	8.5	7.8	7.2	6.6
7.9	11	11	11	11	11	11	11	11	11	9.9	9.1	8.4	7.7	7.1	6.5	6	5.5
8	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.2	7.5	6.9	6.4	5.9	5.4	5	4.6
8.1	7.3	7.3	7.3	7.3	7.3	7.3	7.3	7.3	7.3	6.8	6.2	5.7	5.3	4.9	4.5	4.1	3.8
8.2	6	6	6	6	6	6	6	6	6	5.6	5.1	4.7	4.4	4	3.7	3.4	3.1
8.3	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6
8.4	4.1	4.1	4.1	4.1	4.1	4.1	4.1	4.1	4.1	3.8	3.4	3.2	3	2.7	2.5	2.3	2.1
8.5	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.1	2.9	2.6	2.4	2.2	2.1	1.9	1.8
8.6	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4
8.7	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.2	2	1.8	1.7	1.5	1.4	1.3	1.2
8.8	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1
8.9	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.5	1.4	1.3	1.2	1.1	1	0.92	0.85
9	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.3	1.2	1.1	1	0.93	0.85	0.78	0.72
$0.7249 \times \left( \frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times MIN \left( 51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$																	

**Historical Note**

Appendix A, Table 15 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 15 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 15 renumbered to Table 14; new Table 15 renumbered from Table 13 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 15 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). New Appendix A, Table 14 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater and Effluent Dependent, Unionid Mussels Absent**

For the aquatic and wildlife warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

pH	Temperature (°C)																							
	0-7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	19	17	16	15	14	13	13	12	11	10	9.7	9.1	8.5	8	7.5	7	6.6	6.2	5.8	5.4	5.1	4.8	4.5	4.2
6.6	18	17	16	15	14	13	12	12	11	10	9.6	9	8.4	7.9	7.4	6.9	6.5	6.1	5.7	5.4	5	4.7	4.4	4.1
6.7	18	17	16	15	14	13	12	11	11	10	9.4	8.8	8.3	7.7	7.3	6.8	6.4	6	5.6	5.3	4.9	4.6	4.3	4.1
6.8	17	16	15	14	14	13	12	11	10	9.8	9.2	8.6	8.1	7.6	7.1	6.7	6.2	5.8	5.5	5.1	4.8	4.5	4.2	4
6.9	17	16	15	14	13	12	12	11	10	9.5	8.9	8.4	7.8	7.4	6.9	6.5	6.1	5.7	5.3	5	4.7	4.4	4.1	3.9
7	16	15	14	14	13	12	11	10	9.8	9.2	8.6	8.1	7.6	7.1	6.7	6.2	5.9	5.5	5.1	4.8	4.5	4.2	4	3.7
7.1	16	15	14	13	12	11	11	10	9.4	8.8	8.3	7.7	7.3	6.8	6.4	6	5.6	5.3	4.9	4.6	4.3	4.1	3.8	3.6
7.2	15	14	13	12	12	11	10	9.5	9	8.4	7.9	7.4	6.9	6.5	6.1	5.7	5.3	5	4.7	4.4	4.1	3.9	3.6	3.4
7.3	14	13	12	12	11	10	9.6	9	8.4	7.9	7.4	6.9	6.5	6.1	5.7	5.4	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2
7.4	13	12	12	11	10	9.5	9	8.4	7.9	7.4	6.9	6.5	6.1	5.7	5.3	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2	3
7.5	12	11	11	10	9.4	8.8	8.2	7.7	7.2	6.8	6.4	6	5.6	5.2	4.9	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8
7.6	11	10	10	9.1	8.5	8	7.5	7	6.6	6.2	5.8	5.4	5.1	4.8	4.5	4.2	3.9	3.7	3.5	3.2	3	2.9	2.7	2.5
7.7	9.9	9.3	8.7	8.1	7.7	7.2	6.8	6.3	5.9	5.6	5.2	4.9	4.6	4.3	4	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.3
7.8	8.8	8.3	7.8	7.3	6.8	6.4	6	5.6	5.3	5	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2
7.9	7.8	7.3	6.8	6.4	6	5.6	5.3	5	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8
8	6.8	6.3	6	5.6	5.2	4.9	4.6	4.3	4	3.8	3.6	3.3	3.1	2.9	2.7	2.6	2.4	2.3	2.1	2	1.9	1.7	1.6	1.5
8.1	5.8	5.5	5.1	4.8	4.5	4.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3
8.2	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2	3	2.8	2.6	2.5	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1
8.3	4.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.96
8.4	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	0.99	0.92	0.87	0.81
8.5	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95	0.89	0.83	0.78	0.73	0.69
8.6	2.6	2.4	2.2	2.1	2	1.9	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.97	0.91	0.85	0.8	0.75	0.7	0.66	0.62	0.58
8.7	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.93	0.88	0.82	0.77	0.72	0.68	0.63	0.6	0.56	0.52	0.49
8.8	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.96	0.9	0.85	0.79	0.74	0.7	0.65	0.61	0.58	0.54	0.51	0.47	0.44	0.42
8.9	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.94	0.88	0.82	0.77	0.72	0.68	0.64	0.6	0.56	0.52	0.49	0.46	0.43	0.4	0.38	0.36
9	1.4	1.3	1.2	1.1	1	0.98	0.92	0.86	0.81	0.76	0.71	0.66	0.62	0.58	0.55	0.51	0.48	0.45	0.42	0.4	0.37	0.35	0.33	0.31

$$0.9405 \times \left( \frac{0.0278}{1 + 10^{7.688 - \text{pH}}} + \frac{1.1994}{1 + 10^{\text{pH} - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7,7)))}$$

**Historical Note**

Appendix A, Table 16 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 16 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 16 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 16 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife coldwater, Unionid Mussels Absent**

For the aquatic and wildlife coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

pH	Temperature (°C)																
	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	7.3	7.3	7.3	7.3	7.3	7.3	7.3	7.3	7	6.6	6.2	5.8	5.4	5.1	4.8	4.5	4.2
6.6	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	6.9	6.5	6.1	5.7	5.4	5	4.7	4.4	4.1
6.7	7.1	7.1	7.1	7.1	7.1	7.1	7.1	7.1	6.8	6.4	6	5.6	5.3	4.9	4.6	4.3	4.1
6.8	6.9	6.9	6.9	6.9	6.9	6.9	6.9	6.9	6.6	6.2	5.8	5.5	5.1	4.8	4.5	4.2	4
6.9	6.7	6.7	6.7	6.7	6.7	6.7	6.7	6.7	6.5	6.1	5.7	5.3	5	4.7	4.4	4.1	3.9
7	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.2	5.8	5.5	5.1	4.8	4.5	4.2	4	3.7
7.1	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6	5.6	5.3	4.9	4.6	4.3	4.1	3.8	3.6
7.2	5.9	5.9	5.9	5.9	5.9	5.9	5.9	5.9	5.7	5.3	5	4.7	4.4	4.1	3.9	3.6	3.4
7.3	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.4	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2
7.4	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2	3
7.5	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8
7.6	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.2	3.9	3.7	3.5	3.2	3	2.9	2.7	2.5
7.7	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.3
7.8	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2
7.9	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8
8	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.6	2.4	2.3	2.1	2	1.9	1.7	1.6	1.5
8.1	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3
8.2	2	2	2	2	2	2	2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1
8.3	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.96
8.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.3	1.2	1.1	1.1	0.99	0.93	0.87	0.81
8.5	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.1	1	0.95	0.89	0.83	0.78	0.73	0.69
8.6	1	1	1	1	1	1	1	1	0.97	0.91	0.85	0.8	0.75	0.7	0.66	0.62	0.58
8.7	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.82	0.77	0.72	0.68	0.64	0.6	0.56	0.52	0.49
8.8	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.7	0.65	0.61	0.58	0.54	0.51	0.47	0.44	0.42
8.9	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.6	0.56	0.52	0.49	0.46	0.43	0.41	0.38	0.36
9	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.51	0.48	0.45	0.42	0.4	0.37	0.35	0.33	0.31
$0.9405 \times \left( \frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times \text{MIN} \left( 6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$																	

**Historical Note**

Appendix A, Table 17 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 17 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 17 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 17 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix A, Table 16 made by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**Table 18. Repealed****Historical Note**

Appendix A, Table 18 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 18 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 18 repealed; new Table 18 renumbered from Table 12 and amended by final rulemaking at 14 A.A.R.

4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 18 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 19. Repealed****Historical Note**

Appendix A, Table 19 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

Appendix A, Table 19 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 19 renumbered to Table 21; new Table 19 made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 19 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 20. Repealed****Historical Note**

Appendix A, Table 20 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 20 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 20 amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 20 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 21. Repealed****Historical Note**

Appendix A, Table 21 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 21 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 21 renumbered to Table 22; new Table 21 renumbered from Table 19 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 21 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 22. Repealed****Historical Note**

Appendix A, Table 22 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 22 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 22 renumbered to Table 23; new Table 22 renumbered from Table 21 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 22 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 23. Repealed****Historical Note**

Appendix A, Table 23 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 23 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 23 renumbered to Table 24; new Table 23 renumbered from Table 22 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 23 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 24. Repealed****Historical Note**

Appendix A, Table 24 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 24 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 24 renumbered to Table 25; new Table 24 renumbered from Table 23 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 24 repealed by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 25. Renumbered****Historical Note**

Appendix A, Table 25 adopted by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Appendix A, Table 25 amended by final rulemaking at 9 A.A.R. 716, effective April 8, 2003 (Supp. 03-1). Appendix A, Table 25 renumbered to Table 26; new Table 25 renumbered from Table 24 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 25 renumbered to Table 11 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

**Table 26. Renumbered****Historical Note**

Appendix A, Table 26 renumbered from Table 25 and amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Appendix A, Table 26 renumbered to Table 12 by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4).

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**Appendix B. Surface Waters and Designated Uses**

(Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Appendix B table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.)

**Watersheds:**

BW = Bill Williams

CG = Colorado – Grand Canyon

CL = Colorado – Lower Gila

LC = Little Colorado

MG = Middle Gila

SC = Santa Cruz – Rio Magdalena – Rio Sonoyta

SP = San Pedro – Willcox Playa – Rio Yaqui

SR = Salt River

UG = Upper Gila

VR = Verde River

**Other Abbreviations:**

WWTP = Wastewater Treatment Plant

Km = kilometers

Watershed	Surface Waters	Segment Description and Location (Latitude and Longitudes are in NAD 83)	Lake Category	Aquatic and Wildlife				Human Health				Agricultural	
				A&Wc	A&Ww	A&We	A&Wedw	FBC	PBC	DWS	FC	AgI	AgL
BW	Alamo Lake	34°14'06"/113°35'00"	Deep		A&Ww			FBC			FC		AgL
BW	Big Sandy River	Headwaters to Alamo Lake			A&Ww			FBC			FC		AgL
BW	Bill Williams River	Alamo Lake to confluence with Colorado River			A&Ww			FBC			FC		AgL
BW	Blue Tank	34°40'14"/112°58'17"			A&Ww			FBC			FC		AgL
BW	Boulder Creek	Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37"		A&Wc				FBC			FC		AgL
BW	Boulder Creek	Below confluence with unnamed tributary to confluence with Burro Creek			A&Ww			FBC			FC		AgL
BW	Burro Creek (OAW)	Headwaters to confluence with Boulder Creek			A&Ww			FBC			FC		AgL
BW	Burro Creek	Below confluence with Boulder Creek to confluence with Big Sandy River			A&Ww			FBC			FC		AgL
BW	Carter Tank	34°52'27"/112°57'31"			A&Ww			FBC			FC		AgL
BW	Conger Creek	Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46"		A&Wc				FBC			FC		AgL
BW	Conger Creek	Below confluence with unnamed tributary to confluence with Burro Creek			A&Ww			FBC			FC		AgL
BW	Copper Basin Wash	Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33"		A&Wc				FBC			FC		AgL
BW	Copper Basin Wash	Below confluence with unnamed tributary to confluence with Skull Valley Wash				A&We			PBC				AgL
BW	Cottonwood Canyon	Headwaters to Bear Trap Spring		A&Wc				FBC			FC		AgL
BW	Cottonwood Canyon	Below Bear Trap Spring to confluence at Sycamore Creek			A&Ww			FBC			FC		AgL
BW	Date Creek	Headwaters to confluence with Santa Maria River			A&Ww			FBC			FC		AgL
BW	Francis Creek (OAW)	Headwaters to confluence with Burro Creek			A&Ww			FBC		DWS	FC	AgI	AgL
BW	Kirkland Creek	Headwaters to confluence with Santa Maria River			A&Ww			FBC			FC	AgI	AgL
BW	Knight Creek	Headwaters to confluence with Big Sandy River			A&Ww			FBC			FC		AgL
BW	Peoples Canyon (OAW)	Headwaters to confluence with Santa Maria River			A&Ww			FBC			FC		AgL
BW	Red Lake	35°12'18"/113°03'57"	Sedimentary		A&Ww			FBC			FC		AgL
BW	Santa Maria River	Headwaters to Alamo Lake			A&Ww			FBC			FC	AgI	AgL
BW	Trout Creek	Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01"		A&Wc				FBC			FC		AgL
BW	Trout Creek	Below confluence with unnamed tributary to confluence with Knight Creek			A&Ww			FBC			FC		AgL
CG	Agate Canyon	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Beaver Dam Wash	Headwaters to confluence with the Virgin River			A&Ww			FBC			FC		AgL
CG	Big Springs Tank	36°36'08"/112°21'01"		A&Wc				FBC			FC		AgL
CG	Boucher Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Bright Angel Creek	Headwaters to confluence with Roaring Springs Creek		A&Wc				FBC			FC		
CG	Bright Angel Creek	Below Roaring Spring Springs Creek to confluence with Colorado River			A&Ww			FBC			FC		
CG	Bright Angel Wash	Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02"				A&We			PBC				
CG	Bright Angel Wash (EDW)	Grand Canyon National Park South Rim WWTP outfall to Coconino Wash					A&Wedw		PBC				AgL
CG	Bulrush Canyon Wash	Headwaters to confluence with Kanab Creek				A&We			PBC				
CG	Catacraft Creek	Headwaters to Santa Fe Reservoir		A&Wc				FBC		DWS	FC	AgI	AgL
CG	Catacraft Creek	Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18"		A&Wc				FBC			FC	AgI	AgL
CG	Catacraft Creek (EDW)	City of Williams WWTP outfall to 1 km downstream					A&Wedw		PBC				
CG	Catacraft Creek	Red Lake Wash to Havasupai Indian Reservation boundary				A&We			PBC				AgL
CG	Catacraft Lake	35°15'04"/112°12'58"	Igneous	A&Wc				FBC		DWS	FC		AgL
CG	Chuar Creek	Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20"		A&Wc				FBC			FC		
CG	Chuar Creek	Below unnamed tributary to confluence with the Colorado River			A&Ww			FBC			FC		

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CG	City Reservoir	35°13'57"/112°11'25"	Igneous	A&Wc				FBC		DWS	FC		
CG	Clear Creek	Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03"		A&Wc				FBC			FC		
CG	Clear Creek	Below confluence with unnamed tributary to confluence with Colorado River			A&Ww			FBC			FC		
CG	Coconino Wash (EDW)	South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream					A&Wedw		PBC				
CG	Colorado River	Lake Powell to Lake Mead		A&Wc				FBC		DWS	FC	AgL	AgL
CG	Crystal Creek	Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49"		A&Wc				FBC			FC		
CG	Crystal Creek	Below confluence with unnamed tributary to confluence with Colorado River			A&Ww			FBC			FC		
CG	Deer Creek	Headwaters to confluence with unnamed tributary at 36°28'15"/112°28'20"		A&Wc				FBC			FC		
CG	Deer Creek	Below confluence with unnamed tributary to confluence with Colorado River			A&Ww			FBC			FC		
CG	Detrital Wash	Headwaters to Lake Mead				A&We			PBC				
CG	Dogtown Reservoir	35°12'40"/112°07'54"	Igneous	A&Wc				FBC		DWS	FC	AgL	AgL
CG	Dragon Creek	Headwaters to confluence with Milk Creek		A&Wc				FBC			FC		
CG	Dragon Creek	Below confluence with Milk Creek to confluence with Crystal Creek			A&Ww			FBC			FC		
CG	Garden Creek	Headwaters to confluence with Pipe Creek			A&Ww			FBC			FC		
CG	Gonzalez Lake	35°15'26"/112°12'09"	Shallow		A&Ww			FBC			FC	AgL	AgL
CG	Grand Wash	Headwaters to Colorado River				A&We			PBC				
CG	Grapevine Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Grapevine Wash	Headwaters to Colorado River				A&We			PBC				
CG	Hakatai Canyon	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Hance Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Havasupai Creek	From the Havasupai Indian Reservation boundary to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Hermit Creek	Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00"		A&Wc				FBC			FC		
CG	Hermit Creek	Below Hermit Pack Trail crossing to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Horn Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Hualapai Wash	Headwaters to Lake Mead				A&We			PBC				
CG	Jacob Lake	36°42'27"/112°13'50"	Sedimentary	A&Wc				FBC			FC		
CG	Kaibab Lake	35°17'04"/112°09'32"	Igneous	A&Wc				FBC		DWS	FC	AgL	AgL
CG	Kanab Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC		DWS	FC		AgL
CG	Kwagunt Creek	Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50"		A&Wc				FBC			FC		
CG	Kwagunt Creek	Below confluence with unnamed tributary to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Lake Mead	36°06'18"/114°26'33"	Deep	A&Wc				FBC		DWS	FC	AgL	AgL
CG	Lake Powell	36°59'53"/111°08'17"	Deep	A&Wc				FBC		DWS	FC	AgL	AgL
CG	Lonetree Canyon Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Matkatamiba Creek	Below Havasupai Indian Reservation boundary to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Monument Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Nankoweap Creek	Headwaters to confluence with unnamed tributary at 36°15'29"/111°57'26"		A&Wc				FBC			FC		
CG	Nankoweap Creek	Below confluence with unnamed tributary to confluence with Colorado River			A&Ww			FBC			FC		
CG	National Canyon Creek	Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34"			A&Ww			FBC			FC		
CG	North Canyon Creek	Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41"		A&Wc				FBC			FC		
CG	North Canyon Creek	Below confluence with unnamed tributary to confluence with Colorado River			A&Ww			FBC			FC		
CG	Olo Canyon	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Parashant Canyon	Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56"		A&Wc				FBC			FC		
CG	Parashant Canyon	Below confluence with unnamed tributary to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Paria River	Utah border to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Phantom Creek	Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13"		A&Wc				FBC			FC		
CG	Phantom Creek	Below confluence with unnamed tributary to confluence with Bright Angel Creek			A&Ww			FBC			FC		
CG	Pipe Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Red Canyon Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Roaring Springs	36°11'45"/112°02'06"		A&Wc				FBC		DWS	FC		
CG	Roaring Springs Creek	Headwaters to confluence with Bright Angel Creek		A&Wc				FBC			FC		
CG	Royal Arch Creek	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Ruby Canyon	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Russell Tank	35°52'21"/111°52'45"		A&Wc				FBC			FC		AgL
CG	Saddle Canyon Creek	Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43"		A&Wc				FBC			FC		
CG	Saddle Canyon Creek	Below confluence with unnamed tributary to confluence with Colorado River			A&Ww			FBC			FC		
CG	Santa Fe Reservoir	35°14'31"/112°11'10"	Igneous	A&Wc				FBC		DWS	FC		
CG	Sapphire Canyon	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Serpentine Canyon	Headwaters to confluence with the Colorado River			A&Ww			FBC			FC		
CG	Shinumo Creek	Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07"		A&Wc				FBC			FC		

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CG	Shinumo Creek	Below confluence with unnamed tributary to confluence with the Colorado River		A&Ww		FBC		FC		
CG	Short Creek	Headwaters to confluence with Fort Pearce Wash			A&We		PBC			
CG	Slate Creek	Headwaters to confluence with the Colorado River		A&Ww		FBC		FC		
CG	Spring Canyon Creek	Headwaters to confluence with the Colorado River		A&Ww		FBC		FC		
CG	Stone Creek	Headwaters to confluence with the Colorado River		A&Ww		FBC		FC		
CG	Tapeats Creek	Headwaters to confluence with the Colorado River		A&Wc		FBC		FC		
CG	Thunder River	Headwaters to confluence with Tapeats Creek		A&Wc		FBC		FC		
CG	Trail Canyon Creek	Headwaters to confluence with the Colorado River		A&Ww		FBC		FC		
CG	Transept Canyon	Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35"			A&We		PBC			
CG	Transept Canyon (EDW)	Grand Canyon National Park North Rim WWTP outfall to 1 km downstream				A&Wedw	PBC			
CG	Transept Canyon	From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek			A&We		PBC			
CG	Travertine Canyon Creek	Headwaters to confluence with the Colorado River		A&Ww		FBC		FC		
CG	Turquoise Canyon	Headwaters to confluence with the Colorado River		A&Ww		FBC		FC		
CG	Unkar Creek	Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River		A&Ww		FBC		FC		
CG	Unnamed Wash (EDW)	Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon				A&Wedw	PBC			
CG	Unnamed Wash (EDW)	Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash				A&Wedw	PBC			
CG	Vasey's Paradise	A spring at 36°29'52"/111°51'26"		A&Wc		FBC		FC		
CG	Virgin River	Headwaters to confluence with the Colorado River		A&Ww		FBC		FC	AgL	AgL
CG	Vishnu Creek	Headwaters to confluence with the Colorado River		A&Ww		FBC		FC		
CG	Warm Springs Creek	Headwaters to confluence with the Colorado River		A&Ww		FBC		FC		
CG	West Cataract Creek	Headwaters to confluence with Cataract Creek		A&Wc		FBC		FC		AgL
CG	White Creek	Headwaters to confluence with unnamed tributary at 36°18'45"/112°21'03"		A&Wc		FBC		FC		
CG	White Creek	Below confluence with unnamed tributary to confluence with the Colorado River		A&Ww		FBC		FC		
CL	A10 Backwater	33°31'45"/114°33'19"	Shallow	A&Ww		FBC		FC		
CL	A7 Backwater	33°34'27"/114°32'04"	Shallow	A&Ww		FBC		FC		
CL	Adobe Lake	33°02'36"/114°39'26"	Shallow	A&Ww		FBC		FC		
CL	Cibola Lake	33°14'01"/114°40'31"	Shallow	A&Ww		FBC		FC		
CL	Clear Lake	33°01'59"/114°31'19"	Shallow	A&Ww		FBC		FC		
CL	Columbus Wash	Headwaters to confluence with the Gila River			A&We		PBC			
CL	Colorado River	Lake Mead to Topock Marsh		A&Wc		FBC		DWS	FC	AgL
CL	Colorado River	Topock Marsh to Morelos Dam		A&Ww		FBC		DWS	FC	AgL
CL	Gila River	Painted Rock Dam to confluence with the Colorado River		A&Ww		FBC			FC	AgL
CL	Holy Moses Wash	Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46"			A&We		PBC			
CL	Holy Moses Wash (EDW)	City of Kingman Downtown WWTP outfall to 3 km downstream				A&Wedw	PBC			
CL	Holy Moses Wash	From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash			A&We		PBC			
CL	Hunter's Hole Backwater	32°31'13"/114°48'07"	Shallow	A&Ww		FBC		FC		AgL
CL	Imperial Reservoir	32°53'02"/114°27'54"	Shallow	A&Ww		FBC		DWS	FC	AgL
CL	Island Lake	33°01'44"/114°36'42"	Shallow	A&Ww		FBC			FC	
CL	Laguna Reservoir	32°51'35"/114°28'29"	Shallow	A&Ww		FBC		DWS	FC	AgL
CL	Lake Havasu	34°35'18"/114°25'47"	Deep	A&Ww		FBC		DWS	FC	AgL
CL	Lake Mohave	35°26'58"/114°38'30"	Deep	A&Wc		FBC		DWS	FC	AgL
CL	Martinez Lake	32°58'49"/114°28'09"	Shallow	A&Ww		FBC			FC	AgL
CL	Mittry Lake	32°49'17"/114°27'54"	Shallow	A&Ww		FBC			FC	
CL	Mohave Wash	Headwaters to Lower Colorado River			A&We		PBC			
CL	Nortons Lake	33°02'30"/114°37'59"	Shallow	A&Ww		FBC			FC	
CL	Painted Rock (Borrow Pit) Lake	33°04'55"/113°01'17"	Sedimentary	A&Ww		FBC			FC	AgL
CL	Pretty Water Lake	33°19'51"/114°42'19"	Shallow	A&Ww		FBC			FC	
CL	Quigley Pond	32°43'40"/113°57'44"	Shallow	A&Ww		FBC			FC	
CL	Redondo Lake	32°44'32"/114°29'03"	Shallow	A&Ww		FBC			FC	
CL	Sacramento Wash	Headwaters to Topock Marsh			A&We		PBC			
CL	Sawmill Canyon	Headwaters to abandoned gaging station at 35°09'45"/113°57'56"		A&Ww		FBC			FC	AgL
CL	Sawmill Canyon	Below abandoned gaging station to confluence with Holy Moses Wash			A&We		PBC			AgL
CL	Topock Marsh	34°43'27"/114°28'59"	Shallow	A&Ww		FBC		DWS	FC	AgL
CL	Tyson Wash (EDW)	Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream				A&Wedw	PBC			
CL	Wellton Canal	Wellton-Mohawk Irrigation District						DWS		AgL
CL	Yuma Area Canals	Above municipal water treatment plant intakes						DWS		AgL
CL	Yuma Area Canals	Below municipal water treatment plant intakes and all drains								AgL
LC	Als Lake	35°02'10"/111°25'17"	Igneous	A&Ww		FBC			FC	AgL
LC	Ashurst Lake	35°01'06"/111°24'18"	Igneous	A&Wc		FBC			FC	AgL
LC	Atcheson Reservoir	33°59'59"/109°20'43"	Igneous	A&Ww		FBC			FC	AgL
LC	Auger Creek	Headwaters to confluence with Nutrioso Creek		A&Wc		FBC			FC	AgL
LC	Barbershop Canyon Creek	Headwaters to confluence with East Clear Creek		A&Wc		FBC			FC	AgL
LC	Bear Canyon Creek	Headwaters to confluence with General Springs Canyon		A&Wc		FBC			FC	AgL
LC	Bear Canyon Creek	Headwaters to confluence with Willow Creek		A&Wc		FBC			FC	AgL
LC	Bear Canyon Lake	34°24'00"/111°00'06"	Sedimentary	A&Wc		FBC			FC	AgL

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LC	Becker Lake	34°09'11"/109°18'23"	Shallow	A&Wc				FBC			FC		AgL
LC	Billy Creek	Headwaters to confluence with Show Low Creek		A&Wc				FBC			FC		AgL
LC	Black Canyon	Headwaters to confluence with Chevelon Creek		A&Wc				FBC			FC	AgL	AgL
LC	Black Canyon Lake	34°20'32"/110°40'13"	Sedimentary	A&Wc				FBC		DWS	FC	AgL	AgL
LC	Bow and Arrow Wash	Headwaters to confluence with Rio de Flag				A&We			PBC				
LC	Buck Springs Canyon Creek	Headwaters to confluence with Leonard Canyon Creek		A&Wc				FBC			FC		AgL
LC	Bunch Reservoir	34°02'20"/109°26'48"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Camero Lake	34°06'57"/109°31'42"	Shallow	A&Wc				FBC			FC		AgL
LC	Chevelon Canyon Lake	34°29'18"/110°49'30"	Sedimentary	A&Wc				FBC			FC	AgL	AgL
LC	Chevelon Creek	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC	AgL	AgL
LC	Chevelon Creek, West Fork	Headwaters to confluence with Chevelon Creek		A&Wc				FBC			FC		AgL
LC	Chilson Tank	34°51'43"/111°22'54"	Igneous		A&Ww			FBC			FC		AgL
LC	Clear Creek	Headwaters to confluence with the Little Colorado River		A&Wc				FBC		DWS	FC		AgL
LC	Clear Creek Reservoir	34°57'09"/110°39'14"	Shallow	A&Wc				FBC		DWS	FC	AgL	AgL
LC	Coconino Reservoir	35°00'05"/111°24'10"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Colter Creek	Headwaters to confluence with Nutrioso Creek		A&Wc				FBC			FC		AgL
LC	Colter Reservoir	33°56'39"/109°28'53"	Shallow	A&Wc				FBC			FC		AgL
LC	Concho Creek	Headwaters to confluence with Carrizo Wash		A&Wc				FBC			FC		AgL
LC	Concho Lake	34°26'37"/109°37'40"	Shallow	A&Wc				FBC			FC	AgL	AgL
LC	Cow Lake	34°53'14"/111°18'51"	Igneous		A&Ww			FBC			FC		AgL
LC	Coyote Creek	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC	AgL	AgL
LC	Cragin Reservoir (formerly Blue Ridge Reservoir)	34°32'40"/111°11'33"	Deep	A&Wc				FBC			FC	AgL	AgL
LC	Crisis Lake (Snake Tank #2)	34°47'51"/111°17'32"			A&Ww			FBC			FC		AgL
LC	Dane Canyon Creek	Headwaters to confluence with Barbershop Canyon Creek		A&Wc				FBC			FC		AgL
LC	Daves Tank	34°44'22"/111°17'15"			A&Ww			FBC			FC		AgL
LC	Deep Lake	35°03'34"/111°25'00"	Igneous		A&Ww			FBC			FC		AgL
LC	Ducksnest Lake	34°59'14"/111°23'57"			A&Ww			FBC			FC		AgL
LC	East Clear Creek	Headwaters to confluence with Clear Creek		A&Wc				FBC			FC	AgL	AgL
LC	Ellis Wiltbank Reservoir	34°05'25"/109°28'25"	Igneous		A&Ww			FBC			FC	AgL	AgL
LC	Estates at Pine Canyon lakes (EDW)	35°09'32"/111°38'26"	EDW				A&Wedw		PBC				
LC	Fish Creek	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC		AgL
LC	Fool's Hollow Lake	34°16'30"/110°03'43"	Igneous	A&Wc				FBC			FC		AgL
LC	General Springs Canyon Creek	Headwaters to confluence with East Clear Creek		A&Wc				FBC			FC		AgL
LC	Geneva Reservoir	34°01'45"/109°31'46"	Igneous		A&Ww			FBC			FC		AgL
LC	Hall Creek	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC	AgL	AgL
LC	Hart Canyon Creek	Headwaters to confluence with Willow Creek		A&Wc				FBC			FC		AgL
LC	Hay Lake	34°00'11"/109°25'57"	Igneous	A&Wc				FBC			FC		AgL
LC	Hog Wallow Lake	33°58'57"/109°25'39"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Horse Lake	35°03'55"/111°27'50"			A&Ww			FBC			FC		AgL
LC	Hulsey Creek	Headwaters to confluence with Nutrioso Creek		A&Wc				FBC			FC		AgL
LC	Hulsey Lake	33°55'58"/109°09'40"	Sedimentary	A&Wc				FBC			FC		AgL
LC	Indian Lake	35°00'39"/111°22'41"			A&Ww			FBC			FC		AgL
LC	Jacks Canyon Creek	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC	AgL	AgL
LC	Jarvis Lake	33°58'59"/109°12'36"	Sedimentary		A&Ww			FBC			FC		AgL
LC	Kinnikinick Lake	34°53'53"/111°18'18"	Igneous	A&Wc				FBC			FC		AgL
LC	Knoll Lake	34°25'38"/111°05'13"	Sedimentary	A&Wc				FBC			FC		AgL
LC	Lake Humphreys (EDW)	35°11'51"/111°35'19"	EDW				A&Wedw		PBC				
LC	Lake Mary, Lower	35°06'21"/111°34'38"	Igneous	A&Wc				FBC		DWS	FC		AgL
LC	Lake Mary, Upper	35°03'23"/111°28'34"	Igneous	A&Wc				FBC		DWS	FC		AgL
LC	Lake of the Woods	34°09'40"/109°58'47"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Lee Valley Creek (OAW)	Headwaters to Lee Valley Reservoir		A&Wc				FBC			FC		
LC	Lee Valley Creek	From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River		A&Wc				FBC			FC		AgL
LC	Lee Valley Reservoir	33°56'29"/109°30'04"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Leonard Canyon Creek	Headwaters to confluence with Clear Creek		A&Wc				FBC			FC		AgL
LC	Leonard Canyon Creek, East Fork	Headwaters to confluence with Leonard Canyon Creek		A&Wc				FBC			FC		AgL
LC	Leonard Canyon Creek, Middle Fork	Headwaters to confluence with Leonard Canyon, West Fork		A&Wc				FBC			FC		AgL
LC	Leonard Canyon Creek, West Fork	Headwaters to confluence with Leonard Canyon, East Fork		A&Wc				FBC			FC		AgL
LC	Lily Creek	Headwaters to confluence with Coyote Creek		A&Wc				FBC			FC		AgL
LC	Little Colorado River	Headwaters to Lyman Reservoir		A&Wc				FBC			FC	AgL	AgL
LC	Little Colorado River	Below Lyman Reservoir to confluence with the Puerco River		A&Wc				FBC		DWS	FC	AgL	AgL
LC	Little Colorado River	Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands			A&Ww			FBC		DWS	FC	AgL	AgL
LC	Little Colorado River, East Fork	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC		AgL
LC	Little Colorado River, South Fork	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC		AgL
LC	Little Colorado River, West Fork (OAW)	Headwaters to Government Springs		A&Wc				FBC			FC		



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## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

LC	Little Colorado River, West Fork	Below Government Springs to confluence with the Little Colorado River		A&Wc				FBC			FC		AgL
LC	Little George Reservoir	34°00'37"/109°19'15"	Igneous		A&Ww			FBC			FC	AgL	AgL
LC	Little Mormon Lake	34°17'00"/109°58'06"	Igneous		A&Ww			FBC			FC	AgL	AgL
LC	Long Lake, Lower	34°47'16"/111°12'40"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Long Lake, Upper	35°00'08"/111°21'23"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Long Tom Tank	34°20'35"/110°49'22"		A&Wc				FBC			FC		AgL
LC	Lower Walnut Canyon Lake (EDW)	35°12'04"/111°34'07"	EDW				A&Wedw		PBC				
LC	Lyman Reservoir	34°21'21"/109°21'35"	Deep	A&Wc				FBC			FC	AgL	AgL
LC	Mamie Creek	Headwaters to confluence with Coyote Creek		A&Wc				FBC			FC		AgL
LC	Marshall Lake	35°07'18"/111°32'07"	Igneous	A&Wc				FBC			FC		AgL
LC	McKay Reservoir	34°01'27"/109°13'48"		A&Wc				FBC			FC	AgL	AgL
LC	Merritt Draw Creek	Headwaters to confluence with Barbershop Canyon Creek		A&Wc				FBC			FC		AgL
LC	Mexican Hay Lake	34°01'58"/109°21'25"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Milk Creek	Headwaters to confluence with Hulsey Creek		A&Wc				FBC			FC		AgL
LC	Miller Canyon Creek	Headwaters to confluence with East Clear Creek		A&Wc				FBC			FC		AgL
LC	Miller Canyon Creek, East Fork	Headwaters to confluence with Miller Canyon Creek		A&Wc				FBC			FC		AgL
LC	Morton Lake	34°53'37"/111°17'41"	Igneous	A&Wc				FBC			FC		AgL
LC	Mud Lake	34°55'19"/111°21'29"	Shallow		A&Ww			FBC			FC		AgL
LC	Ned Lake (EDW)	34°17'17"/110°03'22"	EDW				A&Wedw		PBC				
LC	Nelson Reservoir	34°02'52"/109°11'19"	Sedimentary	A&Wc				FBC			FC	AgL	AgL
LC	Norton Reservoir	34°03'57"/109°31'27"	Igneous		A&Ww			FBC			FC		AgL
LC	Nutrisio Creek	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC	AgL	AgL
LC	Paddy Creek	Headwaters to confluence with Nutrisio Creek		A&Wc				FBC			FC		AgL
LC	Pierce Seep	34°23'39"/110°31'17"		A&Wc					PBC				
LC	Pine Tank	34°46'49"/111°17'21"	Igneous		A&Ww			FBC			FC		AgL
LC	Pintail Lake (EDW)	34°18'05"/110°01'21"	EDW				A&Wedw		PBC				
LC	Porter Creek	Headwaters to confluence with Show Low Creek		A&Wc				FBC			FC		AgL
LC	Puerco River	Headwaters to confluence with the Little Colorado River			A&Ww			FBC		DWS	FC	AgL	AgL
LC	Puerco River (EDW)	Sanders Unified School District WWTP outfall at 35°12'52"/109°19'40" to 0.5 km downstream					A&Wedw		PBC				
LC	Rainbow Lake	34°09'00"/109°59'09"	Shallow Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Reagan Reservoir	34°02'09"/109°08'41"	Igneous		A&Ww			FBC			FC		AgL
LC	Rio de Flag	Headwaters to City of Flagstaff WWTP outfall at 35°12'21"/111°39'17"				A&We			PBC				
LC	Rio de Flag (EDW)	From City of Flagstaff WWTP outfall to the confluence with San Francisco Wash					A&Wedw		PBC				
LC	River Reservoir	34°02'01"/109°26'07"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Rogers Reservoir	33°56'30"/109°16'20"	Igneous		A&Ww			FBC			FC		AgL
LC	Rudd Creek	Headwaters to confluence with Nutrisio Creek		A&Wc				FBC			FC		AgL
LC	Russel Reservoir	33°59'29"/109°20'01"	Igneous		A&Ww			FBC			FC	AgL	AgL
LC	San Salvador Reservoir	33°58'51"/109°19'55"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Scott Reservoir	34°10'31"/109°57'31"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Show Low Creek	Headwaters to confluence with Silver Creek		A&Wc				FBC			FC	AgL	AgL
LC	Show Low Lake	34°11'36"/110°00'12"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Silver Creek	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC	AgL	AgL
LC	Slade Reservoir	33°59'41"/109°20'26"	Igneous		A&Ww			FBC			FC	AgL	AgL
LC	Soldiers Annex Lake	34°47'15"/111°13'51"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Soldiers Lake	34°47'47"/111°14'04"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Spaulding Tank	34°30'17"/111°02'06"			A&Ww			FBC			FC		AgL
LC	St Johns Reservoir (Little Reservoir)	34°29'10"/109°22'06"	Igneous		A&Ww			FBC			FC	AgL	AgL
LC	Telephone Lake (EDW)	34°17'35"/110°02'42"	EDW				A&Wedw		PBC				
LC	Tremaine Lake	34°46'02"/111°13'51"	Igneous	A&Wc				FBC			FC		AgL
LC	Tunnel Reservoir	34°01'53"/109°26'34"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Turkey Draw (EDW)	High Country Pines II WWTP outfall at 33°25'35"/110°38'13" to confluence with Black Canyon Creek					A&Wedw		PBC				
LC	Unnamed Wash (EDW)	Bison Ranch WWTP outfall at 34°23'31"/110°31'29" to Pierce Seep					A&Wedw		PBC				
LC	Walnut Creek	Headwaters to confluence with Billy Creek		A&Wc				FBC			FC		AgL
LC	Water Canyon Creek	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC		AgL
LC	Whale Lake (EDW)	35°11'13"/111°35'21"	EDW				A&Wedw		PBC				
LC	Whipple Lake	34°16'49"/109°58'29"	Igneous		A&Ww			FBC			FC		AgL
LC	White Mountain Lake	34°21'57"/109°59'21"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	White Mountain Reservoir	34°00'12"/109°30'39"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Willow Creek	Headwaters to confluence with Clear Creek		A&Wc				FBC			FC		AgL
LC	Willow Springs Canyon Creek	Headwaters to confluence with Chevelon Creek		A&Wc				FBC			FC		AgL
LC	Willow Springs Lake	34°18'13"/110°52'16"	Sedimentary	A&Wc				FBC			FC	AgL	AgL
LC	Woodland Reservoir	34°07'35"/109°57'01"	Igneous	A&Wc				FBC			FC	AgL	AgL
LC	Woods Canyon Creek	Headwaters to confluence with Chevelon Creek		A&Wc				FBC			FC		AgL
LC	Woods Canyon Lake	34°20'09"/110°56'45"	Sedimentary	A&Wc				FBC			FC	AgL	AgL
LC	Zuni River	Headwaters to confluence with the Little Colorado River		A&Wc				FBC			FC	AgL	AgL
MG	Agua Fria River	Headwaters to confluence with unnamed tributary at 34°35'14"/112°16'18"				A&We			PBC				AgL
MG	Agua Fria River (EDW)	Below confluence with unnamed tributary to State Route 169					A&Wedw		PBC				AgL
MG	Agua Fria River	From State Route 169 to Lake Pleasant			A&Ww			FBC		DWS	FC	AgL	AgL

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MG	Agua Fria River	Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32"			A&We		PBC			AgL
MG	Agua Fria River (EDW)	From City of El Mirage WWTP outfall to 2 km downstream				A&Wedw	PBC			
MG	Agua Fria River	Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16"			A&We		PBC			
MG	Agua Fria River	From City of Avondale WWTP outfall to confluence with Gila River				A&Wedw	PBC			
MG	Andorra Wash	Headwaters to confluence with Cave Creek Wash			A&We		PBC			
MG	Antelope Creek	Headwaters to confluence with Martinez Creek			A&Ww		FBC		FC	AgL
MG	Arlington Canal	From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15"								AgL
MG	Ash Creek	Headwaters to confluence with Tex Canyon		A&Wc			FBC		FC	AgL
MG	Ash Creek	Below confluence with Tex Canyon to confluence with Agua Fria River			A&Ww		FBC		FC	AgL
MG	Beehive Tank	32°52'37"/111°02'20"			A&Ww		FBC		FC	AgL
MG	Big Bug Creek	Headwaters to confluence with Eugene Gulch		A&Wc			FBC		FC	AgL
MG	Big Bug Creek	Below confluence with Eugene Gulch to confluence with Agua Fria River			A&Ww		FBC		FC	AgL
MG	Black Canyon Creek	Headwaters to confluence with the Agua Fria River			A&Ww		FBC		FC	AgL
MG	Blind Indian Creek	Headwaters to confluence with the Hassayampa River			A&Ww		FBC		FC	AgL
MG	Cave Creek	Headwaters to the Cave Creek Dam			A&Ww		FBC		FC	AgL
MG	Cave Creek	Cave Creek Dam to the Arizona Canal				A&We	PBC			
MG	Centennial Wash	Headwaters to confluence with the Gila River at 33°16'32"/112°48'08"				A&We	PBC			AgL
MG	Centennial Wash Ponds	33°54'52"/113°23'47"			A&Ww		FBC		FC	AgL
MG	Chaparral Park Lake	Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27"	Urban		A&Ww		PBC		FC	AgL
MG	Devils Canyon	Headwaters to confluence with Mineral Creek			A&Ww		FBC		FC	AgL
MG	East Maricopa Floodway	From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary			A&We		PBS			AgL
MG	Eldorado Park Lake	Miller Road & Oak Street, Tempe at 33°28'25"/111°54'53"	Urban		A&Ww		PBC		FC	
MG	Fain Lake	Town of Prescott Valley Park Lake 34°34'29"/112°21'06"	Urban		A&Ww		PBC		FC	
MG	French Gulch	Headwaters to confluence with Hassayampa River			A&Ww		PBC			AgL
MG	Galena Gulch	Headwaters to confluence with the Agua Fria River				A&We	PBC			AgL
MG	Galloway Wash (EDW)	Town of Cave Creek WWTP outfall at 33°50'15"/111°57'35" to confluence with Cave Creek				A&Wedw	PBC			
MG	Gila River	San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam			A&Ww		FBC		FC	AgL
MG	Gila River	Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19"				A&We	PBC			AgL
MG	Gila River (EDW)	Town of Florence WWTP outfall to Felix Road				A&Wedw	PBC			
MG	Gila River	Felix Road to the Gila River Indian Reservation boundary				A&We	PBC			AgL
MG	Gila River (EDW)	From the confluence with the Salt River to Gillespie Dam				A&Wedw	PBC		FC	AgL
MG	Gila River	Gillespie Dam to confluence with Painted Rock Dam			A&Ww		FBC		FC	AgL
MG	Groom Creek	Headwaters to confluence with the Hassayampa River		A&Wc			FBC		DWS	AgL
MG	Hassayampa Lake	34°25'45"/112°25'33"	Igneous	A&Wc			FBC		DWS	FC
MG	Hassayampa River	Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32"		A&Wc			FBC		FC	AgL
MG	Hassayampa River	Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56"			A&Ww		FBC		FC	AgL
MG	Hassayampa River	Below unnamed tributary to the Buckeye Irrigation Company Canal				A&We	PBC			AgL
MG	Hassayampa River	Below Buckeye Irrigation Company canal to the Gila River			A&Ww		FBC		FC	AgL
MG	Horsethief Lake	34°09'42"/112°17'57"	Igneous	A&Wc			FBC		DWS	FC
MG	Indian Bend Wash	Headwaters to confluence with the Salt River				A&We	PBC			
MG	Indian Bend Wash Lakes	Scottsdale at 33°30'32"/111°54'24"	Urban				PBC		FC	
MG	Indian School Park Lake	Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37"	Urban		A&Ww		PBC		FC	
MG	Kiwanis Park Lake	6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22"	Urban		A&Ww		PBC		FC	AgL
MG	Lake Pleasant	33°53'46"/112°16'29"	Deep		A&Ww		FBC		DWS	FC
MG	Lake Pleasant, Lower	33°50'32"/112°16'03"			A&Ww		FBC		FC	AgL
MG	Lion Canyon	Headwaters to confluence with Weaver Creek			A&Ww		FBC		FC	AgL
MG	Little Ash Creek	Headwaters to confluence with Ash Creek at			A&Ww		FBC		FC	AgL
MG	Lynx Creek	Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07"		A&Wc			FBC		FC	AgL
MG	Lynx Creek	Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River			A&Ww		FBC		FC	AgL
MG	Lynx Lake	34°31'07"/112°23'07"	Deep	A&Wc			FBC		DWS	FC
MG	Martinez Canyon	Headwaters to confluence with Box Canyon			A&Ww		FBC		FC	AgL
MG	Martinez Creek	Headwaters to confluence with the Hassayampa River			A&Ww		FBC		FC	AgL
MG	McKellips Park Lake	Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49"	Urban		A&Ww		PBC		FC	AgL
MG	McMicken Wash (EDW)	City of Peoria Jomax WWTP outfall at 33°43'31"/112°20'15" to confluence with Agua Fria River				A&Wedw	PBC			
MG	Mineral Creek	Headwaters to 33°12'34"/110°59'58"			A&Ww		FBC		FC	AgL
MG	Mineral Creek (diversion tunnel and lined channel)	33°12'24"/110°59'58" to 33°07'56"/110°58'34"					PBC			
MG	Mineral Creek	End of diversion channel to confluence with Gila River			A&Ww		FBC		FC	AgL
MG	Minnehaha Creek	Headwaters to confluence with the Hassayampa River			A&Ww		FBC		FC	AgL
MG	New River	Headwaters to Interstate 17 at 33°54'19.5"/112°08'46"			A&Ww		FBC		FC	AgL
MG	New River	Below Interstate 17 to confluence with Agua Fria River				A&We	PBC			AgL
MG	Painted Rock Reservoir	33°04'23"/113°00'38"	Sedimentary		A&Ww		FBC		FC	AgL
MG	Papago Park Ponds	Galvin Parkway, Phoenix at 33°27'15"/111°56'45"	Urban		A&Ww		PBC		FC	
MG	Papago Park South Pond	Curry Road, Tempe 33°26'22"/111°55'55"	Urban		A&Ww		PBC		FC	
MG	Perry Mesa Tank	34°11'03"/112°02'01"			A&Ww		FBC		FC	AgL

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MG	Phoenix Area Canals	Granite Reef Dam to all municipal WTP intakes								DWS		AgI	AgL
MG	Phoenix Area Canals	Below municipal WTP intakes and all other locations										AgI	AgL
MG	Picacho Reservoir	32°51'10"/111°28'25"	Shallow		A&Ww			FBC				FC	AgI
MG	Poland Creek	Headwaters to confluence with Lorena Gulch		A&Wc				FBC				FC	AgL
MG	Poland Creek	Below confluence with Lorena Gulch to confluence with Black Canyon Creek			A&Ww			FBC				FC	AgL
MG	Queen Creek	Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44"			A&Ww				PBC			FC	AgL
MG	Queen Creek (EDW)	Below Town of Superior WWTP outfall to confluence with Potts Canyon					A&Wedw		PBC				
MG	Queen Creek	Below Potts Canyon to Whitlow Dam			A&Ww			FBC				FC	AgL
MG	Queen Creek	Below Whitlow Dam to confluence with Gila River				A&We			PBC				
MG	Salt River	Verde River to 2 km below Granite Reef Dam			A&Ww			FBC		DWS		FC	AgI
MG	Salt River	2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14"				A&We			PBC				
MG	Salt River (EDW)	City of Mesa NW WRF outfall to Tempe Town Lake					A&Wedw		PBC				
MG	Salt River	Below Tempe Town Lake to Interstate 10 bridge				A&We			PBC				
MG	Salt River	Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/112°07'59"			A&Ww				PBC			FC	
MG	Salt River (EDW)	From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River					A&Wedw		PBC			FC	AgI
MG	Siphon Draw (EDW)	Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream					A&Wedw		PBC				
MG	Sycamore Creek	Headwaters to confluence with Tank Canyon		A&Wc				FBC				FC	AgL
MG	Sycamore Creek	Below confluence with Tank Canyon to confluence with Agua Fria River			A&Ww			FBC				FC	AgL
MG	Tempe Town Lake	At Mill Avenue Bridge at 33°26'00"/111°56'26"	Urban		A&Ww			FBC				FC	
MG	The Lake Tank	32°54'14"/111°04'15"			A&Ww			FBC				FC	AgL
MG	Tule Creek	Headwaters to confluence with the Agua Fria River			A&Ww			FBC				FC	AgL
MG	Turkey Creek	Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33"		A&Wc				FBC				FC	AgI
MG	Turkey Creek	Below confluence with unnamed tributary to confluence with Poland Creek			A&Ww			FBC				FC	AgI
MG	Unnamed Wash (EDW)	Gila Bend WWTP outfall to confluence with the Gila River					A&Wedw		PBC				
MG	Unnamed Wash (EDW)	Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River					A&Wedw		PBC				
MG	Unnamed Wash (EDW)	North Florence WWTP outfall at 33°03'50"/111°23'13" to confluence with Gila River					A&Wedw		PBC				
MG	Unnamed Wash (EDW)	Town of Prescott Valley WWTP outfall at 34°35'16"/112°16'18" to confluence with the Agua Fria River					A&Wedw		PBC				
MG	Unnamed Wash (EDW)	Town of Cave Creek WRF outfall at 33°48'02"/111°59'22" to confluence with Cave Creek					A&Wedw		PBC				
MG	Wagner Wash (EDW)	City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream					A&Wedw		PBC				
MG	Walnut Canyon Creek	Headwaters to confluence with the Gila River			A&Ww			FBC				FC	AgL
MG	Weaver Creek	Headwaters to confluence with Antelope Creek, tributary to Martinez Creek			A&Ww			FBC				FC	AgL
MG	White Canyon Creek	Headwaters to confluence with Walnut Canyon Creek			A&Ww			FBC				FC	AgL
MG	Yavapai Lake (EDW)	Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash	EDW				A&Wedw		PBC				
SC	Agua Caliente Lake	12325 East Roger Road, Tucson 32°16'51"/110°43'52"	Urban		A&Ww				PBC			FC	
SC	Agua Caliente Wash	Headwaters to confluence with Soldier Trail			A&Ww			FBC				FC	AgL
SC	Agua Caliente Wash	Below Soldier Trail to confluence with Tanque Verde Creek				A&We			PBC				AgL
SC	Aguirre Wash	From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51"				A&We			PBC				
SC	Alambre Wash	Headwaters to confluence with Brawley Wash				A&We			PBC				
SC	Alamo Wash	Headwaters to confluence with Rillito Creek				A&We			PBC				
SC	Altar Wash	Headwaters to confluence with Brawley Wash				A&We			PBC				
SC	Alum Gulch	Headwaters to 31°28'20"/110°43'51"				A&We			PBC				AgL
SC	Alum Gulch	From 31°28'20"/110°43'51" to 31°29'17"/110°44'25"			A&Ww			FBC				FC	AgL
SC	Alum Gulch	Below 31°29'17"/110°44'25" to confluence with Sonoita Creek				A&We			PBC				AgL
SC	Arivaca Creek	Headwaters to confluence with Altar Wash			A&Ww			FBC				FC	AgL
SC	Arivaca Lake	31°31'52"/111°15'06"	Igneous		A&Ww			FBC				FC	AgI
SC	Atterbury Wash	Headwaters to confluence with Pantano Wash				A&We			PBC				AgL
SC	Bear Grass Tank	31°33'01"/111°11'03"			A&Ww			FBC				FC	AgL
SC	Big Wash	Headwaters to confluence with Cañada del Oro				A&We			PBC				
SC	Black Wash (EDW)	Pima County WMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash					A&Wedw		PBC				
SC	Bog Hole Tank	31°28'36"/110°37'09"			A&Ww			FBC				FC	AgL
SC	Brawley Wash	Headwaters to confluence with Los Robles Wash				A&We			PBC				
SC	California Gulch	Headwaters To U.S./Mexico border			A&Ww			FBC				FC	AgL
SC	Cañada del Oro	Headwaters to State Route 77			A&Ww			FBC				FC	AgI
SC	Cañada del Oro	Below State Route 77 to confluence with the Santa Cruz River				A&We			PBC				AgL
SC	Cienega Creek	Headwaters to confluence with Gardner Canyon			A&Ww			FBC				FC	AgL
SC	Cienega Creek (OAW)	From confluence with Gardner Canyon to USGS gaging station (#09484600)			A&Ww			FBC				FC	AgL
SC	Davidson Canyon	Headwaters to unnamed spring at 31°59'00"/110°38'49"				A&We			PBC				AgL
SC	Davidson Canyon (OAW)	From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44"			A&Ww			FBC				FC	AgL
SC	Davidson Canyon (OAW)	Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36"				A&We			PBC				AgL

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## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

SC	Davidson Canyon (OAW)	From unnamed spring to confluence with Cienega Creek			A&Ww			FBC			FC		AgL
SC	Empire Gulch	Headwaters to unnamed spring at 31°47'18"/110°38'17"				A&We			PBC				
SC	Empire Gulch	From 31°47'18"/110°38'17" to 31°47'03"/110°37'35"			A&Ww			FBC			FC		
SC	Empire Gulch	From 31°47'03"/110°37'35" to 31°47'05"/110°36'58"				A&We			PBC				AgL
SC	Empire Gulch	From 31°47'05"/110°36'58" to confluence with Cienega Creek			A&Ww			FBC			FC		
SC	Flux Canyon	Headwaters to confluence with Alum Gulch				A&We			PBC				AgL
SC	Gardner Canyon Creek	Headwaters to confluence with Sawmill Canyon			A&Wc			FBC			FC		
SC	Gardner Canyon Creek	Below Sawmill Canyon to confluence with Cienega Creek			A&Ww			FBC			FC		
SC	Greene Wash	Santa Cruz River to the Tohono O'odham Indian Reservation boundary				A&We			PBC				
SC	Greene Wash	Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/111°56'48"				A&We			PBC				
SC	Harshaw Creek	Headwaters to confluence with Sonoita Creek at				A&We			PBC				AgL
SC	Hit Tank	32°43'57"/111°03'18"			A&Ww			FBC			FC		AgL
SC	Holden Canyon Creek	Headwaters to U.S./Mexico border			A&Ww			FBC			FC		
SC	Huachuca Tank	31°21'11"/110°30'18"			A&Ww			FBC			FC		AgL
SC	Julian Wash	Headwaters to confluence with the Santa Cruz River				A&We			PBC				
SC	Kennedy Lake	Mission Road & Ajo Road, Tucson at 32°10'49"/111°00'27"	Urban		A&Ww				PBC		FC		
SC	Lakeside Lake	8300 East Stella Road, Tucson at 32°11'11"/110°49'00"	Urban		A&Ww				PBC		FC		
SC	Lemmon Canyon Creek	Headwaters to confluence with unnamed tributary at 32°23'48"/110°47'49"			A&Wc			FBC			FC		
SC	Lemmon Canyon Creek	Below unnamed tributary at 32°23'48"/110°47'49" to confluence with Sabino Canyon Creek			A&Ww			FBC			FC		
SC	Los Robles Wash	Headwaters to confluence with the Santa Cruz River				A&We			PBC				
SC	Madera Canyon Creek	Headwaters to confluence with unnamed tributary at 31°43'42"/110°52'51"			A&Wc			FBC			FC		AgL
SC	Madera Canyon Creek	Below unnamed tributary at 31°43'42"/110°52'51" to confluence with the Santa Cruz River			A&Ww			FBC			FC		AgL
SC	Mattie Canyon	Headwaters to confluence with Cienega Creek			A&Ww			FBC			FC		AgL
SC	Nogales Wash	Headwaters to confluence with Potrero Creek			A&Ww				PBC		FC		
SC	Oak Tree Canyon	Headwaters to confluence with Cienega Creek				A&We			PBC				
SC	Palisade Canyon	Headwaters to confluence with unnamed tributary at 32°22'33"/110°45'31"			A&Wc			FBC			FC		
SC	Palisade Canyon	Below 32°22'33"/110°45'31" to unnamed tributary of Sabino Canyon			A&Ww			FBC			FC		
SC	Pantano Wash	Headwaters to confluence with Tanque Verde Creek				A&We			PBC				
SC	Parker Canyon Creek	Headwaters to confluence with unnamed tributary at 31°24'17"/110°28'47"	A&Wc					FBC			FC		
SC	Parker Canyon Creek	Below unnamed tributary to U.S./Mexico border			A&Ww			FBC			FC		
SC	Parker Canyon Lake	31°25'35"/110°27'15"	Deep	A&Wc				FBC			FC	AgL	AgL
SC	Patagonia Lake	31°29'56"/110°50'49"	Deep		A&Ww			FBC			FC	AgL	AgL
SC	Peña Blanca Lake	31°24'15"/111°05'12"	Igneous		A&Ww			FBC			FC	AgL	AgL
SC	Potrero Creek	Headwaters to Interstate 19				A&We			PBC				AgL
SC	Potrero Creek	Below Interstate 19 to confluence with Santa Cruz River			A&Ww			FBC			FC		AgL
SC	Puertocito Wash	Headwaters to confluence with Altar Wash				A&We			PBC				
SC	Quitobaquito Spring	(Pond and Springs) 31°56'39"/113°01'06"			A&Ww			FBC			FC		AgL
SC	Redrock Canyon Creek	Headwaters to confluence with Harshaw Creek			A&Ww			FBC			FC		
SC	Rillito Creek	Headwaters to confluence with the Santa Cruz River				A&We			PBC				AgL
SC	Romero Canyon Creek	Headwaters to confluence with unnamed tributary at 32°24'29"/110°50'39"			A&Wc			FBC			FC		
SC	Romero Canyon Creek	Below unnamed tributary to confluence with Sutherland Wash			A&Ww			FBC			FC		
SC	Rose Canyon Creek	Headwaters to confluence with Sycamore Canyon			A&Wc			FBC			FC		
SC	Rose Canyon Lake	32°23'13"/110°42'38"	Igneous	A&Wc				FBC			FC		AgL
SC	Ruby Lakes	31°26'29"/111°14'22"	Igneous		A&Ww			FBC			FC		AgL
SC	Sabino Canyon	Headwaters to 32°23'20"/110°47'06"			A&Wc			FBC		DWS	FC	AgL	
SC	Sabino Canyon	Below 32°23'20"/110°47'06" to confluence with Tanque Verde River			A&Ww			FBC		DWS	FC	AgL	
SC	Salero Ranch Tank	31°35'43"/110°53'25"			A&Ww			FBC			FC		AgL
SC	Santa Cruz River	Headwaters to the at U.S./Mexico border			A&Ww			FBC			FC	AgL	AgL
SC	Santa Cruz River	U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04"			A&Ww			FBC		DWS	FC	AgL	AgL
SC	Santa Cruz River (EDW)	Nogales International WWTP outfall to the Tubac Bridge				A&Wedw			PBC				AgL
SC	Santa Cruz River	Tubac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45"				A&We			PBC				AgL
SC	Santa Cruz River (EDW)	Agua Nueva WRF outfall to Baumgartner Road				A&Wedw			PBC				
SC	Santa Cruz River, West Branch	Headwaters to the confluence with Santa Cruz River				A&We			PBC				AgL
SC	Santa Cruz River	Baumgartner Road to the Ak Chin Indian Reservation boundary				A&We			PBC				AgL
SC	Santa Cruz Wash, North Branch	Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13"				A&We			PBC				
SC	Santa Cruz Wash, North Branch (EDW)	City of Casa Grande WRF outfall to 1 km downstream				A&Wedw			PBC				
SC	Santa Rosa Wash	Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation				A&We			PBC				
SC	Santa Rosa Wash (EDW)	Palo Verde Utilities CO-WRF outfall at 33°04'20"/112°01'47" to the Chin Indian Reservation				A&Wedw			PBC				
SC	Soldier Tank	32°25'34"/110°44'43"			A&Wc			FBC			FC		AgL
SC	Sonoita Creek	Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31"				A&We			PBC				AgL
SC	Sonoita Creek (EDW)	Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall						A&Wedw	PBC				AgL

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SC	Sonoita Creek	Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River		A&Ww		FBC		FC	AgL
SC	Split Tank	31°28'11"/111°05'12"		A&Ww		FBC		FC	AgL
SC	Sutherland Wash	Headwaters to confluence with Cañada del Oro		A&Ww		FBC		FC	
SC	Sycamore Canyon	Headwaters to 32°21'60" / 110°44'48"	A&Wc			FBC		FC	
SC	Sycamore Canyon	From 32°21'60" / 110°44'48" to Sycamore Reservoir		A&Ww		FBC		FC	
SC	Sycamore Canyon	Headwaters to the U.S./Mexico border		A&Ww		FBC		FC	AgL
SC	Sycamore Reservoir	32°20'57"/110°47'38"	A&Wc			FBC		FC	AgL
SC	Tanque Verde Creek	Headwaters to Houghton Road		A&Ww		FBC		FC	AgL
SC	Tanque Verde Creek	Below Houghton Road to confluence with Rillito Creek			A&We		PBC		AgL
SC	Three R Canyon	Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04"			A&We		PBC		AgL
SC	Three R Canyon	From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch)		A&Ww		FBC		FC	AgL
SC	Three R Canyon	From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek			A&We		PBC		AgL
SC	Tinaja Wash	Headwaters to confluence with the Santa Cruz River			A&We		PBC		AgL
SC	Unnamed Wash (EDW)	Oracle Sanitary District WWTP outfall at 32°36'54"/110°48'02" to 5 km downstream			A&Wedw		PBC		
SC	Unnamed Wash (EDW)	Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash			A&Wedw		PBC		
SC	Unnamed Wash (EDW)	Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro			A&Wedw		PBC		
SC	Vekol Wash	Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations			A&We		PBC		
SC	Wakefield Canyon	Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27"	A&Wc			FBC		FC	AgL
SC	Wakefield Canyon	Below confluence with unnamed tributary to confluence with Cienega Creek		A&Ww		FBC		FC	AgL
SC	Wild Burro Canyon	Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47"		A&Ww		FBC		FC	AgL
SC	Wild Burro Canyon	Below confluence with unnamed tributary to confluence with Santa Cruz River			A&We		PBC		AgL
SP	Abbot Canyon	Headwaters to confluence with Whitewater Draw		A&Ww		FBC		FC	AgL
SP	Aravaipa Creek	Headwaters to confluence with Stowe Gulch		A&Ww		FBC		FC	AgL
SP	Aravaipa Creek (OAW)	Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area		A&Ww		FBC		FC	AgL
SP	Aravaipa Creek	Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River		A&Ww		FBC		FC	AgL
SP	Ash Creek	Headwaters to 31°50'28"/109°40'04"		A&Ww		FBC		FC	AgL
SP	Babocomari River	Headwaters to confluence with the San Pedro River		A&Ww		FBC		FC	AgL
SP	Bass Canyon Creek	Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22"	A&Wc			FBC		FC	AgL
SP	Bass Canyon Creek	Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek		A&Ww		FBC		FC	AgL
SP	Bass Canyon Tank	32°24'00"/110°13'00"		A&Ww		FBC		FC	AgL
SP	Bear Creek	Headwaters to U.S./Mexico border		A&Ww		FBC		FC	AgL
SP	Blacktail Pond	Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon		A&Ww		FBC		FC	
SP	Black Draw	Headwaters to the U.S./Mexico border		A&Ww		FBC		FC	AgL
SP	Booger Canyon	Headwaters to confluence with Aravaipa Creek		A&Ww		FBC		FC	AgL
SP	Buck Canyon	Headwaters to confluence with Buck Creek Tank		A&Ww		FBC		FC	AgL
SP	Buck Canyon	Below Buck Creek Tank to confluence with Dry Creek			A&We		PBC		AgL
SP	Buehman Canyon Creek (OAW)	Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10"		A&Ww		FBC		FC	AgL
SP	Buehman Canyon Creek	Below confluence with unnamed tributary to confluence with San Pedro River		A&Ww		FBC		FC	AgL
SP	Bullock Canyon	Headwaters to confluence with Buehman Canyon		A&Ww		FBC		FC	AgL
SP	Carr Canyon Creek	Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48"	A&Wc			FBC		FC	AgL
SP	Carr Canyon Creek	Below confluence with unnamed tributary to confluence with the San Pedro River		A&Ww		FBC		FC	AgL
SP	Copper Creek	Headwaters to confluence with Prospect Canyon		A&Ww		FBC		FC	AgL
SP	Copper Creek	Below confluence with Prospect Canyon to confluence with the San Pedro River			A&We		PBC		AgL
SP	Deer Creek	Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11"	A&Wc			FBC		FC	AgL
SP	Deer Creek	Below confluence with unnamed tributary to confluence with Aravaipa Creek		A&Ww		FBC		FC	AgL
SP	Dixie Canyon	Headwaters to confluence with Mexican Canyon		A&Ww		FBC		FC	AgL
SP	Double R Canyon Creek	Headwaters to confluence with Bass Canyon		A&Ww		FBC		FC	
SP	Dry Canyon	Headwaters to confluence with Whitewater draw		A&Ww		FBC		FC	AgL
SP	East Gravel Pit Pond	Fort Huachuca Military Reservation at 31°30'54"/110°19'44"	Sedimentary	A&Ww		FBC		FC	
SP	Espiritu Canyon Creek	Headwaters to confluence with Soza Wash		A&Ww		FBC		FC	AgL
SP	Fournmile Creek	Headwaters to confluence with Aravaipa Creek		A&Ww		FBC		FC	AgL
SP	Fournmile Canyon, Left Prong	Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46"	A&Wc			FBC		FC	AgL
SP	Fournmile Canyon, Left Prong	Below confluence with unnamed tributary to confluence with Fournmile Canyon Creek		A&Ww		FBC		FC	AgL
SP	Fournmile Canyon, Right Prong	Headwaters to confluence with Fournmile Canyon		A&Ww		FBC		FC	AgL
SP	Gadwell Canyon	Headwaters to confluence with Whitewater Draw		A&Ww		FBC		FC	AgL
SP	Garden Canyon Creek	Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44"	A&Wc			FBC	DWS	FC	AgL

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SP	Garden Canyon Creek	Below confluence with unnamed tributary to confluence with the San Pedro River		A&Ww		FBC		DWS	FC	AgI	
SP	Glance Creek	Headwaters to confluence with Whitewater Draw		A&Ww		FBC			FC		AgL
SP	Gold Gulch	Headwaters to U.S./Mexico border		A&Ww		FBC			FC		AgL
SP	Gravel Pit Pond	Fort Huachuca Military Reservation at 31°30'52"/ 110°19'49"	Sedimentary	A&Ww		FBC			FC		
SP	Greenbush Draw	From U.S./Mexico border to confluence with San Pedro River			A&We		PBC				
SP	Hidden Pond	Fort Huachuca Military Reservation at 32°30'30"/ 109°22'17"		A&Ww		FBC			FC		
SP	Horse Camp Canyon	Headwaters to confluence with Aravaipa Creek		A&Ww		FBC			FC		AgL
SP	Hot Springs Canyon Creek	Headwaters to confluence with the San Pedro River		A&Ww		FBC			FC		AgL
SP	Johnson Canyon	Headwaters to Whitewater Draw at 31°32'46"/ 109°43'32"		A&Ww		FBC			FC		AgL
SP	Leslie Canyon Creek	Headwaters to confluence with Whitewater Draw		A&Ww		FBC			FC		AgL
SP	Lower Garden Canyon Pond	Fort Huachuca Military Reservation at 31°29'39"/ 110°18'34"		A&Ww		FBC			FC		
SP	Mexican Canyon	Headwaters to confluence with Dixie Canyon		A&Ww		FBC			FC		AgL
SP	Miller Canyon	Headwaters to Broken Arrow Ranch Road at 31°25'35"/110°15'04"	A&Wc			FBC		DWS	FC		AgL
SP	Miller Canyon	Below Broken Arrow Ranch Road to confluence with the San Pedro River		A&Ww		FBC		DWS	FC		AgL
SP	Mountain View Golf Course Pond	Fort Huachuca Military Reservation at 31°32'14"/ 110°18'52"	Sedimentary	A&Ww			PBC		FC		
SP	Mule Gulch	Headwaters to the Lavender Pit at 31°26'11"/ 109°54'02"		A&Ww			PBC		FC		
SP	Mule Gulch	The Lavender Pit to the Highway 80 bridge at 31°26'30"/109°49'28"			A&We		PBC				
SP	Mule Gulch	Below the Highway 80 bridge to confluence with Whitewater Draw			A&We		PBC				AgL
SP	Oak Grove Canyon	Headwaters to confluence with Turkey Creek		A&Ww		FBC			FC		AgL
SP	Officers Club Pond	Fort Huachuca Military Reservation at 31°32'51"/ 110°21'37"	Sedimentary	A&Ww			PBC		FC		
SP	Paige Canyon Creek	Headwaters to confluence with the San Pedro River		A&Ww		FBC			FC		AgL
SP	Parsons Canyon Creek	Headwaters to confluence with Aravaipa Creek		A&Ww		FBC			FC		AgL
SP	Ramsey Canyon Creek	Headwaters to Forest Service Road #110 at 31°27'44"/110°17'30"	A&Wc			FBC			FC	AgI	AgL
SP	Ramsey Canyon Creek	Below Forest Service Road #110 to confluence with Carr Wash		A&Ww		FBC			FC	AgI	AgL
SP	Rattlesnake Creek	Headwaters to confluence with Brush Canyon	A&Wc			FBC			FC		AgL
SP	Rattlesnake Creek	Below confluence with Brush Canyon to confluence with Aravaipa Creek		A&Ww		FBC			FC		AgL
SP	Redfield Canyon	Headwaters to confluence with unnamed tributary at 32°33'40"/ 110°18'42"	A&Wc			FBC			FC		AgL
SP	Redfield Canyon	Below confluence with unnamed tributary to confluence with the San Pedro River		A&Ww		FBC			FC		AgL
SP	Rucker Canyon	Headwaters to confluence with Whitewater Draw		A&Wc		FBC			FC		AgL
SP	Rucker Canyon Lake	31°46'46"/109°18'30"	Shallow	A&Wc		FBC			FC		AgL
SP	San Pedro River	U.S./ Mexico Border to Buehman Canyon		A&Ww		FBC			FC	AgI	AgL
SP	San Pedro River	From Buehman canyon to confluence with the Gila River		A&Ww		FBC			FC		AgL
SP	Soto Canyon	Headwaters to confluence with Dixie Canyon		A&Ww		FBC			FC		AgL
SP	Swamp Springs Canyon	Headwaters to confluence with Redfield Canyon		A&Ww		FBC			FC		AgL
SP	Sycamore Pond I	Fort Huachuca Military Reservation at 31°35'12"/ 110°26'11"	Sedimentary	A&Ww		FBC			FC		
SP	Sycamore Pond II	Fort Huachuca Military Reservation at 31°34'39"/ 110°26'10"	Sedimentary	A&Ww		FBC			FC		
SP	Turkey Creek	Headwaters to confluence with Aravaipa Creek		A&Ww		FBC			FC		AgL
SP	Unnamed Wash (EDW)	Mt. Lemmon WWTP outfall at 32°26'51"/110°45'08" to 0.25 km downstream			A&Wedw		PBC				
SP	Virgus Canyon	Headwaters to confluence with Aravaipa Creek		A&Ww		FBC			FC		AgL
SP	Walnut Gulch	Headwaters to Tombstone WWTP outfall at 31°43'47"/110°04'06"			A&We		PBC				
SP	Walnut Gulch (EDW)	Tombstone WWTP outfall to the confluence with Tombstone Wash			A&Wedw		PBC				
SP	Walnut Gulch	Tombstone Wash to confluence with San Pedro River			A&We		PBC				
SP	Whitewater Draw	Headwaters to confluence with unnamed tributary at 31°20'36"/ 109°43'48"			A&We		PBC				AgL
SP	Whitewater Draw	Below confluence with unnamed tributary to U.S./ Mexico border		A&Ww		FBC			FC		AgL
SP	Woodcutters Pond	Fort Huachuca Military Reservation at 31°30'09"/ 110°20'12"	Igneous	A&Ww		FBC			FC		
SR	Ackre Lake	33°37'01"/109°20'40"		A&Wc		FBC			FC	AgI	AgL
SR	Apache Lake	33°37'23"/111°12'26"	Deep	A&Ww		FBC		DWS	FC	AgI	AgL
SR	Barnhard Creek	Headwaters to confluence with unnamed tributary at 34°05'37/ 111°26'40"		A&Wc		FBC			FC		AgL
SR	Barnhardt Creek	Below confluence with unnamed tributary to confluence with Rye Creek		A&Ww		FBC			FC		AgL
SR	Basin Lake	33°55'00"/109°26'09"	Igneous	A&Ww		FBC			FC		AgL
SR	Bear Creek	Headwaters to confluence with the Black River		A&Wc		FBC			FC	AgI	AgL
SR	Bear Wallow Creek (OAW)	Headwaters to confluence with the Black River		A&Wc		FBC			FC		AgL
SR	Bear Wallow Creek, North Fork (OAW)	Headwaters to confluence with Bear Wallow Creek		A&Wc		FBC			FC		AgL
SR	Bear Wallow Creek, South Fork (OAW)	Headwaters to confluence with Bear Wallow Creek		A&Wc		FBC			FC		AgL
SR	Beaver Creek	Headwaters to confluence with Black River		A&Wc		FBC			FC	AgI	AgL
SR	Big Lake	33°52'36"/109°25'33"	Igneous	A&Wc		FBC		DWS	FC	AgI	AgL
SR	Black River	Headwaters to confluence with Salt River		A&Wc		FBC		DWS	FC	AgI	AgL
SR	Black River, East Fork	From 33°51'19"/109°18'54" to confluence with the Black River		A&Wc		FBC		DWS	FC	AgI	AgL
SR	Black River, North Fork of East Fork	Headwaters to confluence with Boneyard Creek		A&Wc		FBC		DWS	FC	AgI	AgL
SR	Black River, West Fork	Headwaters to confluence with the Black River		A&Wc		FBC		DWS	FC	AgI	AgL
SR	Bloody Tanks Wash	Headwaters to Schulze Ranch Road			A&We		PBC				AgL
SR	Bloody Tanks Wash	Schulze Ranch Road to confluence with Miami Wash			A&We		PBC				
SR	Boggy Creek	Headwaters to confluence with Centerfire Creek		A&Wc		FBC			FC	AgI	AgL
SR	Boneyard Creek	Headwaters to confluence with Black River, East Fork		A&Wc		FBC			FC	AgI	AgL
SR	Boulder Creek	Headwaters to confluence with LaBarge Creek		A&Ww		FBC			FC		
SR	Campaign Creek	Headwaters to Roosevelt Lake		A&Ww		FBC			FC		AgL

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SR	Canyon Creek	Headwaters to the White Mountain Apache Reservation boundary		A&Wc				FBC		DWS	FC	AgI	AgL
SR	Canyon Lake	33°32'44"/111°26'19"	Deep		A&Ww			FBC		DWS	FC	AgI	AgL
SR	Centerfire Creek	Headwaters to confluence with the Black River		A&Wc				FBC			FC	AgI	AgL
SR	Chambers Draw Creek	Headwaters to confluence with the North Fork of the East Fork of Black River		A&Wc				FBC			FC		AgL
SR	Cherry Creek	Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07"		A&Wc				FBC			FC	AgI	AgL
SR	Cherry Creek	Below unnamed tributary to confluence with the Salt River			A&Ww			FBC			FC	AgI	AgL
SR	Christopher Creek	Headwaters to confluence with Tonto Creek		A&Wc				FBC			FC	AgI	AgL
SR	Cold Spring Canyon Creek	Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58"		A&Wc				FBC			FC		AgL
SR	Cold Spring Canyon Creek	Below confluence with unnamed tributary to confluence with Cherry Creek			A&Ww			FBC			FC		AgL
SR	Conklin Creek	Headwaters to confluence with the Black River		A&Wc				FBC			FC	AgI	AgL
SR	Coon Creek	Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26"		A&Wc				FBC			FC		AgL
SR	Coon Creek	Below confluence with unnamed tributary to confluence with Salt River			A&Ww			FBC			FC		AgL
SR	Corduroy Creek	Headwaters to confluence with Fish Creek		A&Wc				FBC			FC	AgI	AgL
SR	Coyote Creek	Headwaters to confluence with the Black River, East Fork		A&Wc				FBC			FC	AgI	AgL
SR	Crescent Lake	33°54'38"/109°25'18"	Shallow	A&Wc				FBC			FC	AgI	AgL
SR	Deer Creek	Headwaters to confluence with the Black River, East Fork		A&Wc				FBC			FC		AgL
SR	Del Shay Creek	Headwaters to confluence with Gun Creek			A&Ww			FBC			FC		AgL
SR	Devils Chasm Creek	Headwaters to confluence with unnamed tributary at 33°48'46"/110°52'35"		A&Wc				FBC			FC		AgL
SR	Devils Chasm Creek	Below confluence with unnamed tributary to confluence with Cherry Creek			A&Ww			FBC			FC		AgL
SR	Dipping Vat Reservoir	33°55'47"/109°25'31"	Igneous		A&Ww			FBC			FC		AgL
SR	Double Cienega Creek	Headwaters to confluence with Fish Creek		A&Wc				FBC			FC		AgL
SR	Fish Creek	Headwaters to confluence with the Black River		A&Wc				FBC			FC	AgI	AgL
SR	Fish Creek	Headwaters to confluence with the Salt River			A&Ww			FBC			FC		
SR	Gold Creek	Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10"		A&Wc				FBC			FC		AgL
SR	Gold Creek	Below confluence with unnamed tributary to confluence with Tonto Creek			A&Ww			FBC			FC		AgL
SR	Gordon Canyon Creek	Headwaters to confluence with Hog Canyon		A&Wc				FBC			FC		AgL
SR	Gordon Canyon Creek	Below confluence with Hog Canyon to confluence with Haigler Creek			A&Ww			FBC			FC		AgL
SR	Greenback Creek	Headwaters to confluence with Tonto Creek			A&Ww			FBC			FC		AgL
SR	Haigler Creek	Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15"		A&Wc				FBC			FC	AgI	AgL
SR	Haigler Creek	Below confluence with unnamed tributary to confluence with Tonto Creek			A&Ww			FBC			FC	AgI	AgL
SR	Hannagan Creek	Headwaters to confluence with Beaver Creek		A&Wc				FBC			FC		AgL
SR	Hay Creek (OAW)	Headwaters to confluence with the Black River, West Fork		A&Wc				FBC			FC		AgL
SR	Horne Creek	Headwaters to confluence with the Black River, West Fork		A&Wc				FBC			FC		AgL
SR	Horse Creek	Headwaters to confluence with the Black River, West Fork		A&Wc				FBC			FC		AgL
SR	Horse Camp Creek	Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07"		A&Wc				FBC			FC		AgL
SR	Horse Camp Creek	Below confluence with unnamed tributary to confluence with Cherry Creek			A&Ww			FBC			FC		AgL
SR	Horton Creek	Headwaters to confluence with Tonto Creek		A&Wc				FBC			FC	AgI	AgL
SR	Houston Creek	Headwaters to confluence with Tonto Creek			A&Ww			FBC			FC		AgL
SR	Hunter Creek	Headwaters to confluence with Christopher Creek		A&Wc				FBC			FC		AgL
SR	LaBarge Creek	Headwaters to Canyon Lake			A&Ww			FBC			FC		
SR	Lake Sierra Blanca	33°52'25"/109°16'05"		A&Wc				FBC			FC	AgI	AgL
SR	Miami Wash	Headwaters to confluence with Pinal Creek				A&We			PBC				
SR	Mule Creek	Headwaters to confluence with Canyon Creek		A&Wc				FBC		DWS	FC	AgI	AgL
SR	Open Draw Creek	Headwaters to confluence with the East Fork of Black River		A&Wc				FBC			FC		AgL
SR	P B Creek	Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12"		A&Wc				FBC			FC		AgL
SR	P B Creek	Below Forest Service Road #203 to Cherry Creek			A&Ww			FBC			FC		AgL
SR	Pinal Creek	Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20"				A&We			PBC				AgL
SR	Pinal Creek (EDW)	Confluence with unnamed EDW wash (Globe WWTP) to 33°26'55"/110°49'25"					A&Wedw		PBC				
SR	Pinal Creek	From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55"				A&We			PBC				AgL
SR	Pinal Creek	From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28"					A&Wedw		PBC				
SR	Pinal Creek	From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31"			A&Ww			FBC					
SR	Pinal Creek	From unnamed tributary to confluence with Salt River			A&Ww			FBC			FC		
SR	Pine Creek	Headwaters to confluence with the Salt River			A&Ww			FBC			FC		
SR	Pinto Creek	Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58"		A&Wc				FBC			FC	AgI	AgL
SR	Pinto Creek	Below confluence with unnamed tributary to Roosevelt Lake			A&Ww			FBC			FC	AgI	AgL
SR	Pole Corral Lake	33°30'38"/110°00'15"	Igneous		A&Ww			FBC			FC	AgI	AgL
SR	Pueblo Canyon Creek	Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37"		A&Wc				FBC			FC		AgL
SR	Pueblo Canyon Creek	Below confluence with unnamed tributary to confluence with Cherry Creek			A&Ww			FBC			FC		AgL
SR	Reevis Creek	Headwaters to confluence with Pine Creek			A&Ww			FBC			FC		
SR	Reservation Creek	Headwaters to confluence with the Black River		A&Wc				FBC			FC		AgL
SR	Reynolds Creek	Headwaters to confluence with Workman Creek		A&Wc				FBC			FC		AgL

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SR	Roosevelt Lake	33°52'17"/111°00'17"	Deep	A&Ww		FBC	DWS	FC	AgL	AgL
SR	Russell Gulch	From Headwaters to confluence with Miami Wash		A&We		PBC				
SR	Rye Creek	Headwaters to confluence with Tonto Creek		A&Ww		FBC		FC		AgL
SR	Saguaro Lake	33°33'44"/111°30'55"	Deep	A&Ww		FBC	DWS	FC	AgL	AgL
SR	Salome Creek	Headwaters to confluence with the Salt River		A&Ww		FBC		FC	AgL	AgL
SR	Salt House Lake	33°57'04"/109°20'11"	Igneous	A&Ww		FBC		FC		AgL
SR	Salt River	White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake		A&Ww		FBC		FC		AgL
SR	Salt River	Theodore Roosevelt Dam to 2 km below Granite Reef Dam		A&Ww		FBC	DWS	FC	AgL	AgL
SR	Slate Creek	Headwaters to confluence with Tonto Creek		A&Ww		FBC		FC		AgL
SR	Snake Creek (OAW)	Headwaters to confluence with the Black River		A&Wc		FBC		FC		AgL
SR	Spring Creek	Headwaters to confluence with Tonto Creek		A&Ww		FBC		FC		AgL
SR	Stinky Creek (OAW)	Headwaters to confluence with the Black River, West Fork		A&Wc		FBC		FC		AgL
SR	Thomas Creek	Headwaters to confluence with Beaver Creek		A&Wc		FBC		FC		AgL
SR	Thompson Creek	Headwaters to confluence with the West Fork of the Black River		A&Wc		FBC		FC		AgL
SR	Tonto Creek	Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18"		A&Wc		FBC		FC	AgL	AgL
SR	Tonto Creek	Below confluence with unnamed tributary to Roosevelt Lake		A&Ww		FBC		FC	AgL	AgL
SR	Turkey Creek	Headwaters to confluence with Rock Creek		A&Wc		FBC		FC		
SR	Wildcat Creek	Headwaters to confluence with Centerfire Creek		A&Wc		FBC		FC		AgL
SR	Willow Creek	Headwaters to confluence with Beaver Creek		A&Wc		FBC		FC		AgL
SR	Workman Creek	Headwaters to confluence with Reynolds Creek		A&Wc		FBC		FC	AgL	AgL
SR	Workman Creek	Below confluence with Reynolds Creek to confluence with Salome Creek		A&Ww		FBC		FC	AgL	AgL
UG	Apache Creek	Headwaters to confluence with the Gila River		A&Ww		FBC		FC		AgL
UG	Ash Creek	Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45"		A&Wc		FBC		FC		AgL
UG	Ash Creek	Below confluence with unnamed tributary to confluence with the Gila River		A&Ww		FBC		FC		AgL
UG	Bennett Wash	Headwaters to the Gila River		A&We		PBC				
UG	Bitter Creek	Headwaters to confluence with the Gila River		A&Ww		FBC		FC		
UG	Blue River	Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14"		A&Wc		FBC		FC	AgL	AgL
UG	Blue River	Below confluence with Strayhorse Creek to confluence with San Francisco River		A&Ww		FBC		FC	AgL	AgL
UG	Bonita Creek (OAW)	San Carlos Indian Reservation boundary to confluence with the Gila River		A&Ww		FBC	DWS	FC		AgL
UG	Buckelew Creek	Headwaters to confluence with Castle Creek		A&Wc		FBC		FC		AgL
UG	Campbell Blue Creek	Headwaters to confluence with the Blue River		A&Wc		FBC		FC		AgL
UG	Castle Creek	Headwaters to confluence with Campbell Blue Creek		A&Wc		FBC		FC		AgL
UG	Cave Creek (OAW)	Headwaters to confluence with South Fork Cave Creek		A&Wc		FBC		FC	AgL	AgL
UG	Cave Creek (OAW)	Below confluence with South Fork Cave Creek to Coronado National Forest boundary		A&Ww		FBC		FC	AgL	AgL
UG	Cave Creek	Below Coronado National Forest boundary to New Mexico border		A&Ww		FBC		FC	AgL	AgL
UG	Cave Creek, South Fork	Headwaters to confluence with Cave Creek		A&Wc		FBC		FC	AgL	AgL
UG	Chase Creek	Headwaters to the Phelps-Dodge Morenci Mine		A&Ww		FBC		FC		AgL
UG	Chase Creek	Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River		A&We		PBC		FC		
UG	Chitty Canyon Creek	Headwaters to confluence with Salt House Creek		A&Wc		FBC		FC		AgL
UG	Cima Creek	Headwaters to confluence with Cave Creek		A&Wc		FBC		FC		AgL
UG	Cluff Reservoir #1	32°48'55"/109°50'46"	Sedimentary	A&Ww		FBC		FC	AgL	AgL
UG	Cluff Reservoir #3	32°48'21"/109°51'46"	Sedimentary	A&Ww		FBC		FC	AgL	AgL
UG	Coleman Creek	Headwaters to confluence with Campbell Blue Creek		A&Wc		FBC		FC		AgL
UG	Dankworth Lake	32°43'13"/109°42'17"	Sedimentary	A&Wc		FBC		FC		
UG	Deadman Canyon Creek	Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03"		A&Wc		FBC	DWS	FC		AgL
UG	Deadman Canyon Creek	Below confluence with unnamed tributary to confluence with Graveyard Wash		A&Ww		FBC	DWS	FC		AgL
UG	Eagle Creek	Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43"		A&Wc		FBC	DWS	FC	AgL	AgL
UG	Eagle Creek	Below confluence with unnamed tributary to confluence with the Gila River		A&Ww		FBC	DWS	FC	AgL	AgL
UG	East Eagle Creek	Headwaters to confluence with Eagle Creek		A&Wc		FBC		FC		AgL
UG	East Turkey Creek	Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20"		A&Wc		FBC		FC		AgL
UG	East Turkey Creek	Below confluence with unnamed tributary to terminus near San Simon River		A&Ww		FBC		FC		AgL
UG	East Whitetail	Headwaters to terminus near San Simon River		A&Ww		FBC		FC		AgL
UG	Emigrant Canyon	Headwaters to terminus near San Simon River		A&Ww		FBC		FC		AgL
UG	Evans Pond #1	32°49'19"/109°51'12"	Sedimentary	A&Ww		FBC		FC	AgL	AgL
UG	Evans Pond #2	32°49'14"/109°51'09"	Sedimentary	A&Ww		FBC		FC	AgL	AgL
UG	Fishhook Creek	Headwaters to confluence with the Blue River		A&Wc		FBC		FC		AgL
UG	Foot Creek	Headwaters to confluence with the Blue River		A&Wc		FBC		FC		AgL
UG	Frye Canyon Creek	Headwaters to Frye Mesa Reservoir		A&Wc		FBC	DWS	FC		AgL
UG	Frye Canyon Creek	Frye Mesa reservoir to terminus at Highline Canal.		A&Ww		FBC		FC		AgL
UG	Frye Mesa Reservoir	32°45'14"/109°50'02"	Igneous	A&Wc		FBC	DWS	FC		AgL
UG	Gibson Creek	Headwaters to confluence with Marjilda Creek		A&Wc		FBC		FC		AgL
UG	Gila River	New Mexico border to the San Carlos Indian Reservation boundary		A&Ww		FBC		FC	AgL	AgL
UG	Grant Creek	Headwaters to confluence with the Blue River		A&Wc		FBC		FC		AgL
UG	Judd Lake	33°51'15"/109°09'35"	Sedimentary	A&Wc		FBC		FC		
UG	K P Creek (OAW)	Headwaters to confluence with the Blue River		A&Wc		FBC		FC		AgL



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UG	Lanphier Canyon Creek	Headwaters to confluence with the Blue River		A&Wc				FBC			FC		AgL
UG	Little Blue Creek	Headwaters to confluence with Dutch Blue Creek		A&Wc				FBC			FC		AgL
UG	Little Blue Creek	Below confluence with Dutch Blue Creek to confluence with Blue Creek			A&Ww			FBC			FC		AgL
UG	Little Creek	Headwaters to confluence with the San Francisco River		A&Wc				FBC			FC		
UG	Georges Tank	33°51'24"/109°08'30"	Sedimentary	A&Wc				FBC			FC		AgL
UG	Luna Lake	33°49'50"/109°05'06"	Sedimentary	A&Wc				FBC			FC		AgL
UG	Marjilda Creek	Headwaters to confluence with Gibson Creek		A&Wc				FBC			FC		AgL
UG	Marjilda Creek	Below confluence with Gibson Creek to confluence with Stockton Wash			A&Ww			FBC			FC	AgL	AgL
UG	Markham Creek	Headwaters to confluence with the Gila River			A&Ww			FBC			FC		AgL
UG	Pigeon Creek	Headwaters to confluence with the Blue River			A&Ww			FBC			FC		AgL
UG	Raspberry Creek	Headwaters to confluence with the Blue River		A&Wc				FBC			FC		
UG	Roper Lake	32°45'23"/109°42'14"	Sedimentary		A&Ww			FBC			FC		
UG	San Francisco River	Headwaters to the New Mexico border		A&Wc				FBC			FC	AgL	AgL
UG	San Francisco River	New Mexico border to confluence with the Gila River			A&Ww			FBC			FC	AgL	AgL
UG	San Simon River	Headwaters to confluence with the Gila River				A&We			PBC				AgL
UG	Sheep Tank	32°46'14"/109°48'09"	Sedimentary		A&Ww			FBC			FC		AgL
UG	Smith Pond	32°49'15"/109°50'36"	Sedimentary		A&Ww			FBC			FC		
UG	Squaw Creek	Headwaters to confluence with Thomas Creek		A&Wc				FBC			FC		AgL
UG	Stone Creek	Headwaters to confluence with the San Francisco River		A&Wc				FBC			FC	AgL	AgL
UG	Strayhorse Creek	Headwaters to confluence with the Blue River		A&Wc				FBC			FC		
UG	Thomas Creek	Headwaters to confluence with Rousensock Creek		A&Wc				FBC			FC		AgL
UG	Thomas Creek	Below confluence with Rousensock Creek to confluence with Blue River			A&Ww			FBC			FC		AgL
UG	Tinny Pond	33°47'49"/109°04'27"	Sedimentary		A&Ww			FBC			FC		AgL
UG	Turkey Creek	Headwaters to confluence with Campbell Blue Creek		A&Wc				FBC			FC		AgL
VR	American Gulch	Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14"			A&Ww			FBC			FC	AgL	AgL
VR	American Gulch (EDW)	Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River					A&Wedw		PBC				
VR	Apache Creek	Headwaters to confluence with Walnut Creek			A&Ww			FBC			FC		AgL
VR	Ashbrook Wash	Headwaters to the Fort McDowell Indian Reservation boundary				A&We			PBC				
VR	Aspen Creek	Headwaters to confluence with Granite Creek			A&Ww			FBC			FC		
VR	Bar Cross Tank	35°00'41"/112°05'39"			A&Ww			FBC			FC		AgL
VR	Barrata Tank	35°02'43"/112°24'21"			A&Ww			FBC			FC		AgL
VR	Bartlett Lake	33°49'52"/111°37'44"	Deep		A&Ww			FBC		DWS	FC	AgL	AgL
VR	Beaver Creek	Headwaters to confluence with the Verde River			A&Ww			FBC			FC		AgL
VR	Big Chino Wash	Headwaters to confluence with Sullivan Lake				A&We			PBC				AgL
VR	Bitter Creek	Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24"				A&We			PBC				AgL
VR	Bitter Creek (EDW)	Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary					A&Wedw		PBC				AgL
VR	Bitter Creek	Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River			A&Ww			FBC			FC	AgL	AgL
VR	Black Canyon Creek	Headwaters to confluence with unnamed tributary at 34°39'20"/112°05'06"		A&Wc				FBC			FC		AgL
VR	Black Canyon Creek	Below confluence with unnamed tributary to confluence with the Verde River			A&Ww			FBC			FC		AgL
VR	Bonita Creek	Headwaters to confluence with Ellison Creek		A&Wc				FBC		DWS	FC		
VR	Bray Creek	Headwaters to confluence with Webber Creek		A&Wc				FBC			FC		AgL
VR	Camp Creek	Headwaters to confluence with the Verde River			A&Ww			FBC			FC		AgL
VR	Cereus Wash	Headwaters to the Fort McDowell Indian Reservation boundary				A&We			PBC				
VR	Chase Creek	Headwaters to confluence with the East Verde River		A&Wc				FBC		DWS	FC		
VR	Clover Creek	Headwaters to confluence with Headwaters of West Clear Creek		A&Wc				FBC			FC		AgL
VR	Coffee Creek	Headwaters to confluence with Spring Creek			A&Ww			FBC			FC		AgL
VR	Colony Wash	Headwaters to the Fort McDowell Indian Reservation boundary				A&We			PBC				
VR	Dead Horse Lake	34°45'08"/112°00'42"	Shallow		A&Ww			FBC			FC		
VR	Deadman Creek	Headwaters to Horseshoe Reservoir			A&Ww			FBC			FC		AgL
VR	Del Monte Gulch	Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46"				A&We			PBC				
VR	Del Monte Gulch (EDW)	City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River					A&Wedw		PBC				
VR	Del Rio Dam Lake	34°48'55"/112°28'03"	Sedimentary		A&Ww			FBC			FC		AgL
VR	Dry Beaver Creek	Headwaters to confluence with Beaver Creek			A&Ww			FBC			FC	AgL	AgL
VR	Dry Creek (EDW)	Sedona Ventures WWTP outfall at 34°50'02"/111°52'17" to 34°48'12"/111°52'48"					A&Wedw		PBC				
VR	Dude Creek	Headwaters to confluence with the East Verde River		A&Wc				FBC			FC	AgL	AgL
VR	East Verde River	Headwaters to confluence with Ellison Creek		A&Wc				FBC		DWS	FC	AgL	AgL
VR	East Verde River	Below confluence with Ellison Creek to confluence with the Verde River			A&Ww			FBC		DWS	FC	AgL	AgL
VR	Ellison Creek	Headwaters to confluence with the East Verde River		A&Wc				FBC			FC		AgL
VR	Fossil Creek (OAW)	Headwaters to confluence with the Verde River			A&Ww			FBC			FC		AgL
VR	Fossil Springs (OAW)	34°25'24"/111°34'27"			A&Ww			FBC		DWS	FC		
VR	Foxboro Lake	34°53'42"/111°39'55"			A&Ww			FBC			FC		AgL
VR	Fry Lake	35°03'45"/111°48'04"			A&Ww			FBC			FC		AgL
VR	Gap Creek	Headwaters to confluence with Government Spring		A&Wc				FBC			FC		AgL
VR	Gap Creek	Below Government Spring to confluence with the Verde River			A&Ww			FBC			FC		AgL
VR	Garrett Tank	35°18'57"/112°42'20"			A&Ww			FBC			FC		AgL
VR	Goldwater Lake, Lower	34°29'56"/112°27'17"	Sedimentary	A&Wc				FBC		DWS	FC		
VR	Goldwater Lake, Upper	34°29'52"/112°26'59"	Igneous	A&Wc				FBC		DWS	FC		
VR	Granite Basin Lake	34°37'01"/112°32'58"	Igneous	A&Wc				FBC			FC	AgL	AgL

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VR	Granite Creek	Headwaters to Watson Lake		A&Wc			FBC		FC	AgL	AgL
VR	Granite Creek	Below Watson Lake to confluence with the Verde River		A&Ww			FBC		FC	AgL	AgL
VR	Green Valley Lake (EDW)	34°13'54"/111°20'45"	Urban			A&Wedw		PBC	FC		
VR	Heifer Tank	35°20'27"/112°32'59"		A&Ww			FBC		FC		AgL
VR	Hells Canyon Tank	35°04'59"/112°24'07"	Igneous	A&Ww			FBC		FC		AgL
VR	Homestead Tank	35°21'24"/112°41'36"	Igneous	A&Ww			FBC		FC		AgL
VR	Horse Park Tank	34°58'15"/111°36'32"		A&Ww			FBC		FC		AgL
VR	Horseshoe Reservoir	34°00'25"/111°43'36"	Sedimentary	A&Ww			FBC		FC	AgL	AgL
VR	Houston Creek	Headwaters to confluence with the Verde River		A&Ww			FBC		FC		AgL
VR	Huffer Tank	34°27'46"/111°23'11"		A&Ww			FBC		FC		AgL
VR	J.D. Dam Lake	35°04'02"/112°01'48"	Shallow	A&Wc			FBC		FC	AgL	AgL
VR	Jacks Canyon	Headwaters to Big Park WWTP outfall at 34°45'46"/ 111°45'51"			A&We			PBC			
VR	Jacks Canyon (EDW)	Below Big Park WWTP outfall to confluence with Dry Beaver Creek				A&Wedw		PBC			
VR	Lime Creek	Headwaters to Horseshoe Reservoir		A&Ww			FBC		FC		AgL
VR	Masonry Number 2 Reservoir	35°13'32"/112°24'10"		A&Wc			FBC		FC	AgL	AgL
VR	McLellan Reservoir	35°13'09"/112°17'06"	Igneous	A&Ww			FBC		FC	AgL	AgL
VR	Meath Dam Tank	35°07'52"/112°27'35"		A&Ww			FBC		FC		AgL
VR	Mullican Place Tank	34°44'16"/111°36'10"	Igneous	A&Ww			FBC		FC		AgL
VR	Oak Creek (OAW)	Headwaters to confluence with unnamed tributary at 34°59'15"/ 111°44'47"		A&Wc			FBC	DWS	FC	AgL	AgL
VR	Oak Creek (OAW)	Below confluence with unnamed tributary to confluence with Verde River		A&Ww			FBC	DWS	FC	AgL	AgL
VR	Oak Creek, West Fork (OAW)	Headwaters to confluence with Oak Creek		A&Wc			FBC		FC		AgL
VR	Odell Lake	34°56'51"/111°37'53"	Igneous	A&Wc			FBC		FC		
VR	Peck's Lake	34°46'51"/112°02'01"	Shallow	A&Ww			FBC		FC	AgL	AgL
VR	Perkins Tank	35°06'42"/112°04'12"	Shallow	A&Wc			FBC		FC		AgL
VR	Pine Creek	Headwaters to confluence with unnamed tributary at 34°21'51"/ 111°26'49"		A&Wc			FBC	DWS	FC	AgL	AgL
VR	Pine Creek	Below confluence with unnamed tributary to confluence with East Verde River		A&Ww			FBC	DWS	FC	AgL	AgL
VR	Red Creek	Headwaters to confluence with the Verde River		A&Ww			FBC		FC		AgL
VR	Reservoir #1	35°13'51"/111°50'09"	Igneous	A&Ww			FBC		FC		
VR	Reservoir #2	35°13'17"/111°50'39"	Igneous	A&Ww			FBC		FC		
VR	Roundtree Canyon Creek	Headwaters to confluence with Tangle Creek		A&Ww			FBC		FC		AgL
VR	Scholz Lake	35°11'53"/112°00'37"	Igneous	A&Wc			FBC		FC		AgL
VR	Spring Creek	Headwaters to confluence with unnamed tributary at 34°57'23"/ 111°57'21"		A&Wc			FBC		FC	AgL	AgL
VR	Spring Creek	Below confluence with unnamed tributary to confluence with Oak Creek		A&Ww			FBC		FC	AgL	AgL
VR	Steel Dam Lake	35°13'36"/112°24'54"	Igneous	A&Wc			FBC		FC		AgL
VR	Stehr Lake	34°22'01"/111°40'02"	Sedimentary	A&Ww			FBC		FC		AgL
VR	Stoneman Lake	34°46'47"/111°31'14"	Shallow	A&Wc			FBC		FC	AgL	AgL
VR	Sullivan Lake	34°51'42"/112°27'51"		A&Ww			FBC		FC	AgL	AgL
VR	Sycamore Creek	Headwaters to confluence with unnamed tributary at 35°03'41"/ 111°57'31"		A&Wc			FBC		FC	AgL	AgL
VR	Sycamore Creek	Below confluence with unnamed tributary to confluence with Verde River		A&Ww			FBC		FC	AgL	AgL
VR	Sycamore Creek	Headwaters to confluence with Verde River at 33°37'55"/111°39'58"		A&Ww			FBC		FC	AgL	AgL
VR	Sycamore Creek	Headwaters to confluence with Fort McDowell Indian Reservation boundary at 33°39'19.8"/-111°37'42.7"		A&Ww			FBC		FC		AgL
VR	Tangle Creek	Headwaters to confluence with Verde River		A&Ww			FBC		FC	AgL	AgL
VR	Trinity Tank	35°27'44"/112°48'01"		A&Ww			FBC		FC		AgL
VR	Unnamed Wash	Flagstaff Meadows WWTP outfall at 35°13'59"/ 111°48'35" to Volunteer Wash				A&Wedw		PBC			
VR	Verde River	From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam		A&Ww			FBC		FC	AgL	AgL
VR	Verde River	Below Bartlett Lake Dam to Salt River		A&Ww			FBC	DWS	FC	AgL	AgL
VR	Walnut Creek	Headwaters to confluence with Big Chino Wash		A&Ww			FBC		FC		AgL
VR	Watson Lake	34°34'58"/112°25'26"	Igneous	A&Ww			FBC		FC	AgL	AgL
VR	Webber Creek	Headwaters to confluence with the East Verde River		A&Wc			FBC		FC		AgL
VR	West Clear Creek	Headwaters to confluence with Meadow Canyon		A&Wc			FBC		FC		AgL
VR	West Clear Creek	Below confluence with Meadow Canyon to confluence with the Verde River		A&Ww			FBC		FC	AgL	AgL
VR	Wet Beaver Creek	Headwaters to unnamed springs at 34°41'17"/ 111°34'34"		A&Wc			FBC		FC	AgL	AgL
VR	Wet Beaver Creek	Below unnamed springs to confluence with Dry Beaver Creek		A&Ww			FBC		FC	AgL	AgL
VR	Whitehorse Lake	35°06'59"/112°00'48"	Igneous	A&Wc			FBC	DWS	FC	AgL	AgL
VR	Williamson Valley Wash	Headwaters to confluence with Mint Wash			A&We			PBC			AgL
VR	Williamson Valley Wash	From confluence of Mint Wash to 10.5 km downstream		A&Ww			FBC		FC		AgL
VR	Williamson Valley Wash	From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash			A&We			PBC			AgL
VR	Williscraft Tank	35°11'22"/112°35'40"		A&Ww			FBC		FC		AgL
VR	Willow Creek	Above Willow Creek Reservoir		A&Wc			FBC		FC		AgL
VR	Willow Creek	Below Willow Creek Reservoir to confluence with Granite Creek		A&Ww			FBC		FC		AgL
VR	Willow Creek Reservoir	34°36'17"/112°26'19"	Shallow	A&Ww			FBC		FC	AgL	AgL
VR	Willow Valley Lake	34°41'08"/111°20'02"	Sedimentary	A&Ww			FBC		FC		AgL

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**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Appendix B repealed, new Appendix B adopted effective April 24, 1996 (Supp. 96-2). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1). Amended by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix B amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3). Appendix B amended by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Appendix C. Site-Specific Standards**

Watershed	Surface Water	Surface Water Description & Location	Parameter	Site-Specific Criterion
LC	Rio de Flag (EDW)	Flagstaff WWTP outfall to the confluence with San Francisco Wash	Copper (D)	36 µg/L (A&Wedw)
CL	Yuma East Wetlands	From inlet culvert from Colorado River into restored channel to Ocean Bridge	Selenium (T)	2.2 µg/L (A&Ww chronic)
			Total residual chlorine	33 µg/L (A&Ww acute)
				20 µg/L (A&Ww chronic)
SR	Pinto Creek	From confluence of Ellis Ranch tributary at 33°19'26.7"/110°54'57.5" to the confluence of West Fork of Pinto Creek at 33°27'32.3"/111°00'19.7"	Copper (D)	34 µg/L (A&Ww acute for hardness values below 268 mg/L)
				34 µg/L (A&Ww chronic)

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Appendix C repealed effective April 24, 1996 (Supp. 96-2). New Appendix C made by final rulemaking at 14 A.A.R. 4708, effective January 31, 2009 (Supp. 08-4). Amended by final rulemaking at 22 A.A.R. 2328, effective August 2, 2016 (Supp. 16-4). Appendix C amended by final rulemaking at 25 A.A.R. 2515, effective November 9, 2019 (Supp. 19-3).

**ARTICLE 2. WATER QUALITY STANDARDS FOR NON-WOTUS PROTECTED SURFACE WATERS****R18-11-201. Definitions**

The following terms apply to this Article:

1. "Acute toxicity" means toxicity involving a stimulus severe enough to induce a rapid response. In aquatic toxicity tests, an effect observed in 96 hours or less is considered acute.
2. "Agricultural irrigation AZ (AgI AZ)" means the use of a non-WOTUS protected surface water for crop irrigation.
3. "Agricultural livestock watering AZ (AgL AZ)" means the use of a non-WOTUS protected surface water as a water supply for consumption by livestock.
4. "Aquatic and wildlife AZ (cold water) (A&Wc AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other cold-water organisms, generally occurring at an elevation greater than 5000 feet, for habitation, growth, or propagation.
5. "Aquatic and wildlife AZ (warm water) (A&Ww AZ)" means the use of a non-WOTUS protected surface water by animals, plants, or other warm-water organisms, generally occurring at an elevation less than 5000 feet, for habitation, growth, or propagation.
6. "Assimilative capacity" means the difference between the baseline water quality concentration for a pollutant and the most stringent applicable water quality criterion for that pollutant.
7. "Complete Mixing" means the location at which concentration of a pollutant across a transect of a surface water differs by less than five percent.
8. "Criteria" means elements of water quality standards expressed as pollutant concentrations, levels, or narrative

statements representing a water quality that supports a designated use.

9. "Critical flow conditions of the discharge" means the hydrologically based discharge flow averages that the director uses to calculate and implement applicable water quality criteria to a mixing zone's receiving water as follows:
  - a. For acute aquatic water quality standard criteria, the discharge flow critical condition is represented by the maximum one-day average flow analyzed over a reasonably representative timeframe.
  - b. For chronic aquatic water quality standard criteria, the discharge flow critical flow condition is represented by the maximum monthly average flow analyzed over a reasonably representative timeframe.
  - c. For human health-based water quality standard criteria, the discharge flow critical condition is the long-term arithmetic mean flow, averaged over several years so as to simulate long-term exposure.
10. "Critical flow conditions of the receiving water" means the hydrologically based receiving water low flow averages that the director uses to calculate and implement applicable water quality criteria:
  - a. For acute aquatic water quality standard criteria, the receiving water critical condition is represented as the lowest one-day average flow event expected to occur once every ten years, on average (1Q10).
  - b. For chronic aquatic water quality standard criteria, the receiving water critical flow condition is represented as the lowest seven-consecutive-day average flow expected to occur once every 10 years, on average (7Q10), or
  - c. For human health-based water quality standard criteria, in order to simulate long-term exposure, the

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receiving water critical flow condition is the harmonic mean flow.

11. "Designated use" means a use specified on the Protected Surface Waters List for a non-WOTUS protected surface water.
12. "Domestic water source AZ (DWS AZ)" means the use of a non-WOTUS protected surface water as a source of potable water. Treatment of a surface water may be necessary to yield a finished water suitable for human consumption.
13. "Fish consumption AZ (FC AZ)" means the use of a non-WOTUS protected surface water by humans for harvesting aquatic organisms for consumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.
14. "Full-body contact AZ (FBC AZ)" means the use of a non-WOTUS protected surface water for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely, and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
15. "Geometric mean" means the  $n$ th root of the product of  $n$  items or values. The geometric mean is calculated using the following formula:

$$GM_y = \sqrt[n]{(Y_1)(Y_2)(Y_3)(Y_n)}$$

16. "Hardness" means the sum of the calcium and magnesium concentrations, expressed as calcium carbonate (CaCO<sub>3</sub>) in milligrams per liter.
17. "Mixing zone" means an area or volume of a surface water that is contiguous to a point source discharge where dilution of the discharge takes place.
18. "Non-WOTUS protected surface water" means a protected surface water designated in Table A of R18-11-216 or added to the PSWL by an emergency action authorized by A.R.S. § 49-221(G)(7) that is not a WOTUS.
19. "Oil" means petroleum in any form, including crude oil, gasoline, fuel oil, diesel oil, lubricating oil, or sludge.
20. "Partial-body contact AZ (PBC AZ)" means the recreational use of a non-WOTUS protected surface water that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and, sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
21. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and mining, industrial, municipal, and agricultural wastes or any other liquid, solid, gaseous, or hazardous substance.
22. "Practical quantitation limit" means the lowest level of quantitative measurement that can be reliably achieved during a routine laboratory operation.
23. "Recharge Project" means a facility necessary or convenient to obtain, divert, withdraw, transport, exchange,

deliver, treat, or store water to infiltrate or reintroduce that water into the ground.

24. "Toxic" means a pollutant or combination of pollutants, that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in the organism or its offspring.
25. "Urban lake" means a manmade lake within an urban landscape.
26. "Wastewater" does not mean:
  - a. Stormwater,
  - b. Discharges authorized under the De Minimis General Permit,
  - c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
  - d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.
27. "Wetland" means, for the purposes of non-WOTUS protected surface waters, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
28. "WOTUS" means waters of the state that are also navigable waters as defined by Section 502(7) of the Clean Water Act.
29. "WOTUS protected surface water" means a protected surface water that is a WOTUS.
30. "Zone of initial dilution" means a small area in the immediate vicinity of an outfall structure in which turbulence is high and causes rapid mixing with the surrounding water.

#### Historical Note

Amended effective January 29, 1980 (Supp. 80-1).  
 Amended subsection A. effective April 17, 1984 (Supp. 84-2). Former Section R9-21-201 repealed, former Section R9-21-203 renumbered as Section R9-21-201 and amended effective January 7, 1985 (Supp. 85-1).  
 Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-201 renumbered without change as Section R18-11-201 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

#### R18-11-202. Applicability

- A. The water quality standards prescribed in this Article apply to non-WOTUS protected surface waters.
- B. The water quality standards prescribed in this Article do not apply to the following:
  1. A waste treatment system, including an impoundment, pond, lagoon, or constructed wetland that is part of the waste treatment system;
  2. A man-made surface impoundment and any associated ditch and conveyance used in the extraction, beneficiation, or processing of metallic ores including:
    - a. A pit,
    - b. Pregnant leach solution pond

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- c. Raffinate pond,
  - d. Tailing impoundment,
  - e. Decant pond,
  - f. Pond of sump in a mine put associated with dewatering activity,
  - g. Pond holding water that has come into contact with a process or product that is being held for recycling,
  - h. Spill or catchment pond, or
  - i. A pond used for onsite remediation
- 3. A man-made cooling pond that is neither created in a surface water nor results from the impoundment of a surface water; or
  - 4. A surface water located on tribal lands.
  - 5. WOTUS Protected Surface Waters.

**Historical Note**

Former Section R9-21-202 repealed, former Section R9-21-102 renumbered as Section R9-21-202 and amended effective January 7, 1985 (Supp. 85-1). Amended subsections (B), (D), and (E) effective August 12, 1986 (Supp. 86-4). Former Section R9-21-202 renumbered without change as Section R18-11-202 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-203. Designated Uses for Non-WOTUS Protected Surface Waters**

- A. The designated uses for specific non-WOTUS protected surface waters are listed in the Protected Surface Waters List in this article. The designated uses that may be assigned to a non-WOTUS protected surface water are:
  - 1. Full-body contact AZ,
  - 2. Partial-body contact AZ,
  - 3. Domestic water source AZ,
  - 4. Fish consumption AZ,
  - 5. Aquatic and wildlife AZ (cold water),
  - 6. Aquatic and wildlife AZ (warm water),
  - 7. Agricultural irrigation AZ, and
  - 8. Agricultural livestock watering AZ.
- B. Numeric water quality criteria to maintain and protect water quality for the designated uses assigned to non-WOTUS protected surface waters are prescribed in R18-11-215. Narrative water quality standards to protect non-WOTUS protected surface waters are prescribed in R18-11-214.
- C. If a non-WOTUS protected surface water has more than one designated use listed in the Protected Surface Waters List, the most stringent water quality criterion applies.
- D. The Director shall revise the designated uses of a non-WOTUS protected surface water if water quality improvements result in a level of water quality that permits a use that is not currently listed as a designated use in the Protected Surface Waters List.
- E. The Director may remove a designated use or adopt a subcategory of a designated use that requires less stringent water quality criteria through a rulemaking action for any of the following reasons:
  - 1. A naturally-occurring pollutant concentration prevents the attainment of the use;
  - 2. A human-caused condition or source of pollution prevents the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;

- 3. A dam, diversion, or other type of hydrologic modification precludes the attainment of the use, and it is not feasible to restore the non-WOTUS protected surface water to its original condition or to operate the modification in a way that would result in attainment of the use;
- 4. A physical condition related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, precludes attainment of an aquatic life designated use.

**Historical Note**

Amended effective January 29, 1980 (Supp. 80-1). Amended subsection (B) by adding paragraphs (27) and (28) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-203 renumbered as Section R9-21-201, former Section R9-21-204 renumbered as Section R9-21-203 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-203 renumbered and amended as Section R9-21-204, new Section R9-21-203 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-203 renumbered without change as Section R18-11-203 (Supp. 87-3). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Section repealed, new Section adopted effective February 18, 1992 (Supp. 92-1). Section repealed effective April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-204. Interim, Presumptive Designated Uses**

The following water quality standards apply to a non-WOTUS protected surface water that is not listed on the Protected Surface Waters List but is added on an emergency basis pursuant to A.R.S. § 49-221(G)(7):

- 1. The aquatic and wildlife AZ (cold water use applies to a non-WOTUS protected surface water above 5000 feet in elevation;
- 2. The aquatic and wildlife AZ (warm water) applies to a non-WOTUS protected surface water below 5000 feet in elevation;
- 3. The full-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for swimming or other recreational activity that causes the human body to come into direct contact with the water to the point of complete submergence. The use is such that ingestion of the water is likely and sensitive body organs, such as the eyes, ears, or nose, may be exposed to direct contact with the water.
- 4. The partial-body contact AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans in a way that may cause the human body to come into direct contact with the water, but normally not to the point of complete submergence (for example, wading or boating). The use is such that ingestion of the water is not likely and sensitive body organs, such as the eyes, ears, or nose, will not normally be exposed to direct contact with the water.
- 5. The fish consumption AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans for harvesting aquatic organisms for con-

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sumption. Harvestable aquatic organisms include, but are not limited to, fish, clams, turtles, crayfish, and frogs.

6. The domestic water source AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used by humans as a source of potable water.
7. The agricultural irrigation AZ use applies to a non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used for crop irrigation.
8. The agricultural livestock watering AZ use applies to any non-WOTUS protected surface water if the Director makes a determination that the non-WOTUS protected surface water is used as a water supply for consumption by livestock.

**Historical Note**

Former Section R9-21-204 renumbered and amended as Section R9-21-207, former Section R9-21-206 renumbered and amended as Section R9-21-204 effective January 29, 1980 (Supp. 80-1). Former Section

R9-21-204 renumbered as Section R9-21-203, former Section R9-21-205 renumbered as Section R9-21-204 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-204 renumbered and amended as Section R9-21-205, former Section R9-21-203 renumbered and amended as Section R9-21-204 effective August 12, 1986 (Supp. 86-4). Former Section

R9-21-204 renumbered without change as Section R18-11-204 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-205. Analytical Methods**

- A. A person conducting an analysis of a sample taken to determine compliance with a water quality standard shall use an analytical method prescribed in A.A.C. R9-14-610 or an alternative method approved under A.A.C. R9-14-610(C).
- B. A test result from a sample taken to determine compliance with a water quality standard is valid only if the sample is analyzed by a laboratory that is licensed by the Arizona Department of Health Services, an out-of-state laboratory licensed under A.R.S. § 36-495.14, or a laboratory exempted under A.R.S. § 36-495.02, for the analysis performed.

**Historical Note**

Former Section R9-21-205 repealed, new Section R9-21-205 adopted effective January 29, 1980 (Supp. 80-1).

Former Section R9-21-205 renumbered as Section R9-21-204, former Section R9-21-206 renumbered as Section R9-21-205 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-205 renumbered and amended as Section R9-21-206, former Section R9-21-204 renumbered and amended as Section R9-21-205 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-205 renumbered without change as Section R18-11-205 (Supp. 87-3). Section repealed, new Section adopted effective February 18, 1992

(Supp. 92-1). Section repealed April 24, 1996 (Supp. 96-2). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-206. Mixing Zones**

- A. The Director may establish a mixing zone for a point source discharge to a non-WOTUS protected surface water as a condition of an individual AZPDES permit on a pollutant-by-pollutant basis. A mixing zone is prohibited where there is no water for dilution, or as prohibited pursuant to subsection (H).
- B. The owner or operator of a point source seeking the establishment of a mixing zone shall submit a request to the Director for a mixing zone as part of an application for an AZPDES permit. The request shall include:
  1. An identification of the pollutant for which the mixing zone is requested;
  2. A proposed outfall design;
  3. A definition of the boundary of the proposed mixing zone. For purposes of this subsection, the boundary of a mixing zone is where complete mixing occurs; and
  4. A complete and detailed description of the existing physical, biological, and chemical conditions of the receiving water and the predicted impact of the proposed mixing zone on those conditions. The description shall also address the factors listed in subsection (D) that the Director must consider when deciding to grant or deny a request and shall address the mixing zone requirements in subsection (H).
- C. The Director shall consider the following factors when deciding whether to grant or deny a request for a mixing zone:
  1. The assimilative capacity of the receiving water;
  2. The likelihood of adverse human health effects;
  3. The location of drinking water plant intakes and public swimming areas;
  4. The predicted exposure of biota and the likelihood that resident biota will be adversely affected;
  5. Bioaccumulation;
  6. Whether there will be acute toxicity in the mixing zone, and, if so, the size of the zone of initial dilution;
  7. The known or predicted safe exposure levels for the pollutant for which the mixing zone is requested;
  8. The size of the mixing zone;
  9. The location of the mixing zone relative to biologically sensitive areas in the surface water;
  10. The concentration gradient of the pollutant within the mixing zone;
  11. Sediment deposition;
  12. The potential for attracting aquatic life to the mixing zone; and
  13. The cumulative impacts of other mixing zones and other discharges to the surface water.
- D. Director determination.
  1. The Director shall deny a request to establish a mixing zone if an applicable water quality standard will be violated outside the boundaries of the proposed mixing zone.
  2. If the Director approves the request to establish a mixing zone, the Director shall establish the mixing zone as a condition of an AZPDES permit. The Director shall include any mixing zone condition in the AZPDES permit that is necessary to protect human health and the designated uses of the surface water.
- E. Any person who is adversely affected by the Director's decision to grant or deny a request for a mixing zone may appeal the decision under A.R.S. § 49-321 et seq. and A.R.S. § 41-1092 et seq.
- F. The Director shall reevaluate a mixing zone upon issuance, reissuance, or modification of the AZPDES permit for the point source or a modification of the outfall structure.

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**G. Mixing zone requirements.**

1. A mixing zone shall be as small as practicable in that it shall not extend beyond the point in the waterbody at which complete mixing occurs under the critical flow conditions of the discharge and of the receiving water.
2. The total horizontal area allocated to all mixing zones on a lake shall not exceed 10 percent of the surface area of the lake.
3. Adjacent mixing zones in a lake shall not overlap or be located closer together than the greatest horizontal dimension of the largest mixing zone.
4. The design of any discharge outfall shall maximize initial dilution of the wastewater in a surface water.
5. The size of the zone of initial dilution in a mixing zone shall prevent lethality to organisms passing through the zone of initial dilution. The mixing zone shall prevent acute toxicity and lethality to organisms passing through the mixing zone.

**H. The Director shall not establish a mixing zone in an AZPDES permit for the following persistent, bioaccumulative pollutants:**

1. Chlordane,
2. DDT and its metabolites (DDD and DDE),
3. Dieldrin,
4. Dioxin,
5. Endrin,
6. Endrin aldehyde,
7. Heptachlor,
8. Heptachlor epoxide,
9. Lindane,
10. Mercury,
11. Polychlorinated biphenyls (PCBs), and
12. Toxaphene.

**Historical Note**

Former Section R9-21-206 renumbered and amended as Section R9-21-204, new Section R9-21-206 adopted effective January 29, 1980 (Supp. 80-1). Amended by adding subsection (B) effective October 14, 1981 (Supp. 81-5). Amended subsection (B) and Table 1 effective January 29, 1982 (Supp. 82-1). Amended subsection (B) and Table 1 effective August 13, 1982 (Supp. 82-4). Former Section R9-21-206 renumbered as Section R9-21-205, former Section R9-21-207 renumbered as Section R9-21-206 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-206 renumbered and amended as Section R9-21-207, former Section R9-21-205 renumbered and amended as Section R9-21-206 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-206 renumbered without change as Section R18-11-206 (Supp. 87-3). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-207. Natural Background**

Where the concentration of a pollutant exceeds a water quality standard and the exceedance is caused solely by naturally occurring conditions, the exceedance shall not be considered a violation of the water quality standard.

**Historical Note**

Former Section R9-21-207 repealed, former Section R9-21-204 renumbered and amended as Section R9-21-207 effective January 29, 1980 (Supp. 80-1). Former Section R9-21-207 renumbered as Section R9-21-206, former Section R9-21-208 renumbered as Section R9-21-207

and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-207 renumbered without change as Section R9-21-208, former Section R9-21-206 renumbered and amended as Section R9-21-207 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-207 renumbered without change as Section R18-11-207 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-208. Schedules of Compliance**

A compliance schedule in an AZPDES permit shall require the permittee to comply with a discharge limitation based upon a new or revised water quality standard as soon as possible to achieve compliance. The permittee shall demonstrate that the point source cannot comply with a discharge limitation based upon the new or revised water quality standard through the application of existing water pollution control technology, operational changes, or source reduction. In establishing a compliance schedule, the Director shall consider:

1. How much time the permittee has already had to meet any effluent limitations under a prior permit;
2. The extent to which the permittee has made good faith efforts to comply with the effluent limitations and other requirements in a prior permit;
3. Whether treatment facilities, operations, or measures must be modified to meet the effluent limitations;
4. How long any necessary modifications would take to implement; and
5. Whether the permittee would be expected to use the same treatment facilities, operations or other measures to meet the effluent limitations as it would have used to meet the effluent limitations in a prior permit.

**Historical Note**

Former Section R9-21-208 repealed, new Section R9-21-208 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-208 renumbered as Section R9-21-207, Appendices 1 through 9 amended as Appendix A (now shown following R9-21-213), former Section R9-21-209 renumbered as R9-21-208 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-208 renumbered and amended as Section R9-21-209, former Section R9-21-207 renumbered without change as Section R9-21-208 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-208 renumbered without change as Section R18-11-208 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-209. Variances**

- A.** Upon request, the Director may establish, by rule, a discharger-specific or water segment-specific or water segments-specific variance from a water quality standard if requirements pursuant to this Section are met.
- B.** A person who requests a variance must demonstrate all of the following information:
  1. Identification of the specific pollutant and water quality standard for which a variance is sought.
  2. Identification of the receiving surface water segment or segments to which the variance would apply.
  3. A detailed discussion of the need for the variance, including the reasons why compliance with the water quality

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standard cannot be achieved over the term of the proposed variance, and any other useful information or analysis to evaluate attainability.

4. A detailed description of proposed interim discharge limitations and pollutant control activities that represent the highest level of treatment achievable by a point source discharger or dischargers during the term of the variance.
  5. Documentation that the proposed term is only as long as necessary to achieve compliance with applicable water quality standards.
  6. Documentation that is appropriate to the type of designated use to which the variance would apply as follows. For a water quality standard variance documentation must include a demonstration of at least one of the following factors that preclude attainment of the use during the term of the variance:
    - a. Naturally occurring pollutant concentrations prevent attainment of the use;
    - b. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
    - c. That human-caused conditions or sources of pollution prevent the attainment of the water quality standard for which the variance is sought and either (1) it is not possible to remedy the conditions or sources of pollution or (2) remedying the human-caused conditions would cause more environmental damage to correct than to leave in place;
    - d. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
    - e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
    - f. Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.
  7. For a waterbody segment-specific or segments-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section:
    - a. Identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant or pollutants or water quality parameter or parameters and water body or waterbody segment or segments specified in the variance that could be implemented to make progress towards attaining the underlying designated use and criterion; and
    - b. If any variance pursuant to subsection (B)(7)(a) previously applied to the water body or waterbody segment or segments, documentation must also demonstrate whether and to what extent best management practices for nonpoint source controls were implemented to address the pollutant or pollutants or water quality parameter or parameters subject to the water quality variance and the water quality progress achieved.
  8. For a discharger-specific variance, the following information is required before the Director may issue a variance, in addition to all other required documentation pursuant to this Section: Identification of the permittee subject to the variance.
- C. The Director shall consider the following factors when deciding whether to grant or deny a variance request:
    1. Bioaccumulation,
    2. The predicted exposure of biota and the likelihood that resident biota will be adversely affected,
    3. The known or predicted safe exposure levels for the pollutant for which the variance is requested, and
    4. The likelihood of adverse human health effects.
  - D. The variance shall represent the highest attainable condition of the water body or water body segment applicable throughout the term of the variance.
  - E. A variance shall not result in any lowering of the currently attained ambient water quality, unless the variance is necessary for restoration activities, consistent with subsection (B)(6)(a)(vi). The Director must specify the highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
    1. The highest attainable interim criterion,
    2. The interim effluent condition that reflects the greatest pollutant reduction achievable.
  - F. A variance shall not modify the underlying designated use and criterion. A variance is only a time limited exception to the underlying standard. For discharge-specific variances, other point source dischargers to the surface water that are not granted a variance shall still meet all applicable water quality standards.
  - G. Point source discharges shall meet all other applicable water quality standards for which a variance is not granted.
  - H. The term of the water quality variance may only be as long as necessary to achieve the highest attainable condition and must be consistent with the supporting documentation in subsection (E).
  - I. The Director shall periodically, but not more than every five years, reevaluate whether each variance continues to represent the highest attainable condition. Comment on the variance shall be considered regarding whether the variance continues to represent the highest attainable condition during each rulemaking for this Article. If the Director determines that the requirements of the variance do not represent the highest attainable condition, then the Director shall modify or repeal the variance during the rulemaking.
  - J. If the variance is modified by rulemaking, the requirements of the variance shall represent the highest attainable condition at the time of initial adoption of the variance, or the highest attainable condition identified during the current reevaluation, whichever is more stringent.
  - K. Upon expiration of a variance, point source dischargers shall comply with the water quality standard.

**Historical Note**

Former Section R9-21-209 renumbered and amended as Section R9-21-210, new Section R9-21-209 adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-209 renumbered as Section R9-21-208, Tables I and II amended as Appendix B (now shown following R9-21-213 and Appendix A), former Section R9-21-210 renumbered as Section R9-21-209 and amended effective



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January 7, 1985 (Supp. 85-1). Former Section R9-21-209 renumbered and amended as Section R9-21-210, former Section R9-21-208 renumbered and amended as Section R9-21-209 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-209 renumbered without change as Section R18-11-209 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-210. Site Specific Standards**

- A. The Director shall adopt a site-specific standard by rule.
- B. The Director may adopt a site-specific standard based upon a request or upon the Director's initiative for any of the following reasons:
  1. Local physical, chemical, or hydrological conditions of a non-WOTUS protected surface water such as pH, hardness, fate and transport, or temperature alters the biological availability or toxicity of a pollutant;
  2. The sensitivity of resident aquatic organisms that occur in a non-WOTUS protected surface water to a pollutant differs from the sensitivity of the species used to derive the numeric water quality standards to protect aquatic life in R18-11-215;
  3. Resident aquatic organisms that occur in a non-WOTUS protected surface water represent a narrower mix of species than those in the dataset used by ADEQ to derive numeric water quality standards to protect aquatic life in R18-11-215;
  4. The natural background concentration of a pollutant is greater than the numeric water quality standard to protect aquatic life prescribed in R18-11-215. "Natural background" means the concentration of a pollutant in a non-WOTUS protected surface water due only to non-anthropogenic sources; or
  5. Other factors or combination of factors that upon review by the Director warrant changing a numeric water quality standard for a non-WOTUS protected surface water.
- C. Site-specific standard by request. To request that the Director adopt a site-specific standard, a person must conduct a study to support the development of a site-specific standard using a scientifically defensible procedure. Before conducting the study, a person shall submit a study outline to the Director for approval that contains the following elements:
  1. Identifies the pollutant;
  2. Describes the reach's boundaries;
  3. Describes the hydrologic regime of the waterbody;
  4. Describes the scientifically defensible procedure, which can include relevant aquatic life studies, ecological studies, laboratory tests, biological translators, fate and transport models, and risk analyses;
  5. Describes and compares the taxonomic composition, distribution and density of the aquatic biota within the reach to a reference reach and describes the basis of any major taxonomic differences;
  6. Describes the pollutant's effect on the affected species or appropriate surrogate species and on the other designated uses listed for the reach;
  7. Demonstrates that all designated uses are protected; and
  8. A person seeking to develop a site-specific standard based on natural background may use statistical or modeling approaches to determine natural background concentration.

**Historical Note**

Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective January 29, 1980 (Supp. 80-1). Amended subsection (A) effective April 17, 1984 (Supp. 84-2). Former Section R9-21-210 renumbered as Section R9-21-209, former Section R9-21-211 renumbered as Section R9-21-210 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-210 renumbered and amended as Section R9-21-211, former Section R9-21-209 renumbered and amended as Section R9-21-210 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-210 renumbered without change as Section R18-11-210 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-211. Enforcement of Non-permitted Discharges to Non-WOTUS Protected Surface Waters**

- A. The Department may establish a numeric water quality standard at a concentration that is below the practical quantitation limit. Therefore, in enforcement actions pursuant to subsection (B), the water quality standard is enforceable at the practical quantitation limit.
- B. Except for chronic aquatic and wildlife criteria, for non-permitted discharge violations, the Department shall determine compliance with numeric water quality standard criteria from the analytical result of a single sample, unless additional samples are required under this article. For chronic aquatic and wildlife criteria, compliance for non-permitted discharge violations shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart. For the purposes of this Section, a "non-permitted discharge violation" does not include a discharge regulated under an AZPDES permit.

**Historical Note**

Former Section R9-21-210 renumbered and amended as Section R9-21-211 effective January 29, 1980 (Supp. 80-1). Amended subsections (D), (G) three (I), and added (J) effective October 14, 1981 (Supp. 81-5). Former Section R9-21-211 renumbered as Section R9-21-210, former Section R9-21-212 renumbered as Section R9-21-211 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-211 renumbered and amended as Section R9-21-212, former Section R9-21-210 renumbered and amended as Section R9-21-211 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-211 renumbered without change as Section R18-11-211 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-212. Statements of Intent and Limitations on the Reach of Article 2**

- A. Nothing in this Article prohibits fisheries management activities by the Arizona Game and Fish Department or the U.S. Fish and Wildlife Service. This Article does not exempt fish hatcheries from AZPDES permit requirements.
- B. Nothing in this Article prevents the routine physical or mechanical maintenance of canals, drains, and the urban lakes identified as non-WOTUS protected surface waters on the Protected Surface Waters List. Physical or mechanical maintenance includes dewatering, lining, dredging, and the physical,

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biological, or chemical control of weeds and algae. Increases in turbidity that result from physical or mechanical maintenance activities are permitted in canals, drains, and the urban lakes identified on the Protected Surface Waters List.

- C. Increases in turbidity that result from the routine physical or mechanical maintenance of a dam or flood control structure are not violations of this Article.
- D. Nothing in this Article requires the release of water from a dam or a flood control structure.

**Historical Note**

Adopted effective January 29, 1980 (Supp. 80-1). Former Section R9-21-212 renumbered as Section R9-21-211, former Section R9-21-213 renumbered as Section R9-21-212 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-212 repealed, former Section R9-21-211 renumbered and amended as Section R9-21-212 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-212 renumbered without change as Section R18-11-212 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-213. Procedures for Determining Economic, Social, and Environmental Cost and Benefits**

- A. The Director shall perform an economic, social, and environmental cost and benefits analysis that shows the benefits outweigh the costs before conducting any of the following rulemaking actions:
  1. Adopting a water quality standard that applies to non-WOTUS protected surface waters at a particular level or for a particular water category of non-WOTUS protected surface waters;
  2. Adding a non-WOTUS protected surface water to the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(4) apply; or
  3. Removing a non-WOTUS protected surface water from the Protected Surface Waters List when the conditions of A.R.S. § 49-221(G)(6) apply.
- B. The economic, social, and environmental cost and benefit analysis must include:
  1. A justification of the valuation methodology used to quantify the costs or benefits of the rulemaking action;
  2. A reference to any study relevant to the economic, social, and environmental cost and benefit analysis that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of the costs and benefits of the rulemaking action;
  3. A description of any data on which an economic, social, and environmental cost and benefits analysis is based and an explanation of how the data was obtained and why the data is acceptable data.
  4. A description of the probable impact of the rulemaking on any existing AZPDES permits that are impacted by the rulemaking action;
  5. A description of the probable amount of additional AZPDES permits that will be required for known and ongoing point-source discharges after the rulemaking is completed that otherwise would not have been required if the Director did not undertake the rulemaking action; and
  6. The administrative and other costs to ADEQ associated with the proposed rulemaking.
- C. The Director shall publish a copy of the economic, social, and environmental cost and benefits analysis to the agency website

prior to filing any rulemaking materials during any of the rulemaking actions listed in subsection (A) of this rule.

- D. If for any reason enough data is not reasonably available to comply with the requirements of subsection (B) of this section, the agency shall explain the limitations of the data and the methods that were employed in the attempt to obtain the data and shall characterize the probable impacts in qualitative terms.
- E. The Director is not required to prepare the economic, social, and environmental cost and benefits analysis required by this rule when:
  1. Adding or removing a WOTUS-protected surface water from the Protected Surface Waters List; or
  2. Adding a water to the Protected Surface Waters List on an emergency basis pursuant to A.R.S. § 49-221(G)(7).

**Historical Note**

Adopted effective January 29, 1980 (Supp. 80-1). Amended effective April 17, 1984 (Supp. 84-2). Former Section R9-21-213 renumbered as Section R9-21-212, former Section R9-21-103 renumbered as Section R9-21-213 and amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-213 renumbered without change as Section R9-21-214, new Section R9-21-213 adopted effective August 12, 1986 (Supp. 86-4). Former Section R9-21-213 renumbered without change as Section R18-11-213 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-214. Narrative Water Quality Standards for Non-WOTUS Protected Surface Waters**

- A. A non-WOTUS protected surface water shall not contain pollutants in amounts or combinations that:
  1. Settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life;
  2. Cause objectionable odor in the area in which the non-WOTUS protected surface water is located;
  3. Cause off-taste or odor in drinking water;
  4. Cause off-flavor in aquatic organisms;
  5. Are toxic to humans, animals, plants, or other organisms;
  6. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses;
  7. Cause or contribute to a violation of an aquifer water quality standard prescribed in R18-11-405 or R18-11-406; or
  8. Change the color of the non-WOTUS protected surface water from natural background levels of color.
- B. A non-WOTUS protected surface water shall not contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. The discharge of lubricating oil or gasoline associated with the normal operation of a recreational watercraft is not a violation of this narrative standard
- C. A non-WOTUS protected surface water shall not contain a discharge of suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant.

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**Historical Note**

Former Section R9-21-213 renumbered without change as Section R9-21-214 effective August 12, 1986 (Supp. 86-4). Former Section R9-21-214 renumbered without change as Section R18-11-214 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-215. Numeric Water Quality Standards for Non-WOTUS Protected Surface Waters**

- A. *E. coli* bacteria. The following water quality standards for *Escherichia coli* (*E. coli*) are expressed in colony-forming units per 100 milliliters of water (cfu / 100 ml) or as a Most Probable Number (MPN):

<i>E. coli</i>	FBC AZ	PBC AZ
Geometric mean (minimum of four samples in 30 days)	126	126
Statistical threshold value	410	576

- B. pH. The following water quality standards for non-WOTUS protected surface waters pH are expressed in standard units:

pH	DWS AZ	FBC AZ, PBC AZ, A&Ww AZ, A&Wc AZ	AgI AZ	AgL AZ
Maximum	9.0	9.0	9.0	9.0
Minimum	5.0	6.5	4.5	6.5

- C. The maximum allowable increase in ambient water temperature, due to a thermal discharge is as follows:

A&Ww AZ	A&Wc AZ
3.0° C	1.0° C

- D. Suspended sediment concentration.

- The following water quality standards for suspended sediment concentration, expressed in milligrams per liter (mg/L), are expressed as a median value determined from a minimum of four samples collected at least seven days apart:
- The Director shall not use the results of a suspended sediment concentration sample collected during or within 48 hours after a local storm event to determine the median value.

A&Wc AZ	A&Ww AZ
25	80

- E. Dissolved oxygen. A non-WOTUS protected surface water meets the water quality standard for dissolved oxygen when either:

- The percent saturation of dissolved oxygen is equal to or greater than 90 percent, or
- The single sample minimum concentration for the designated use, as expressed in milligrams per liter (mg/L) is as follows:

Designated Use	Single sample minimum concentration in mg/L
A&Ww AZ	6.0
A&Wc AZ	7.0

The single sample minimum concentration is the same for the designated use in a lake, but the sample must be taken from a depth no greater than one meter.

- F. Tables 1 through 17 prescribe water quality criteria for individual pollutants by designated use.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 1. Water Quality Criteria by Designated Use (see footnote)**

Parameter	CAS NUMBER	DWS AZ (µg/L)	FC AZ (µg/L)	FBC AZ (µg/L)	PBC AZ (µg/L)	A&Wc AZ Acute (µg/L)	A&Wc AZ Chronic (µg/L)	A&Ww AZ Acute (µg/L)	A&Ww AZ Chronic (µg/L)	AgI AZ (µg/L)	AgL AZ (µg/L)
Acenaphthene	83329	420	198	56,000	56,000	850	550	850	550		
Acrolein	107028	3.5	1.9	467	467	3	3	3	3		
Acrylonitrile	107131	0.06	0.2	3	37,333	3,800	250	3,800	250		
Alachlor	15972608	2		9,333	9,333	2,500	170	2,500	170		
Aldrin	309002	0.002	0.00005	0.08	28	3		3		0.003	See (b)
Alpha Particles (Gross) Radioactivity		15 pCi/L See (h)									
Ammonia	7664417					See (e) & Tables 11 (present) & 14 (absent)	See (e) & Tables 13 (present) & 17 (absent)	See (e) & Tables 12 (present) & 15 (absent)	See (e) & Tables 13 (present) & 16 (absent)		
Anthracene	120127	2,100	74	280,000	280,000						
Antimony	7440360	6 T	640 T	747 T	747 T	88 D	30 D	88 D	30 D		
Arsenic	7440382	10 T	80 T	30 T	280 T	340 D	150 D	340 D	150 D	2,000 T	200 T
Asbestos	1332214	See (a)									
Atrazine	1912249	3		32,667	32,667						
Barium	7440393	2,000 T		98,000 T	98,000 T						
Benz(a)anthracene	56553	0.005	0.02	0.2	0.2						
Benzene	71432	5	140	93	3,733	2,700	180	2,700	180		
Benzo[b]fluoranthene Benzfluoranthene	205992	0.005	0.02	1.9	1.9						
Benidine	92875	0.0002	0.0002	0.01	2,800	1,300	89	1,300	89	0.01	0.01
Benzo(a)pyrene	50328	0.2	0.02	0.2	0.2						
Benzo(k)fluoranthene	207089	0.005	0.02	1.9	1.9						
Beryllium	7440417	4 T	84 T	1,867 T	1,867 T	65 D	5.3 D	65 D	5.3 D		
Beta particles and photon emitters		4 millirems / year See (i)									
Bis(2-chloroethyl) ether	111444	0.03	0.5	1	1	120,000	6,700	120,000	6,700		
Bis(2-chloroisopropyl) ether	108601	280	3,441	37,333	37,333						
Boron	7440428	1,400 T		186,667 T	186,667 T					1,000 T	
Bromodichloromethane	75274	TTHM See (g)	17	TTHM	18,667						
4-Bromophenyl phenyl ether	101553					180	14	180	14		
Bromoform	75252	TTHM See (g)	133	180	18,667	15,000	10,000	15,000	10,000		
Bromomethane	74839	9.8	299	1,307	1,307	5,500	360	5,500	360		
Butyl benzyl phthalate	85687	1,400	386	186,667	186,667	1,700	130	1,700	130		

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Cadmium	7440439	5 T	84 T	700 T	700 T	See (d) & Table 2	See (d) & Table 3	See (d) & Table 2	See (d) & Table 3	50	50
Carbaryl	63252					2.1	2.1	2.1	2.1		
Carbofuran	1563662	40		4,667	4,667	650	50	650	50		
Carbon tetrachloride	56235	5	2	11	980	18,000	1,100	18,000	1,100		
Chlordane	57749	2	0.0008	4	467	2.4	0.004	2.4	0.2		
Chlorine (total residual)	7782505	4,000		4000	4000	19	11	19	11		
Chlorobenzene	108907	100	1,553	18,667	18,667	3,800	260	3,800	260		
2-Chloroethyl vinyl ether	110758					180,000	9,800	180,000	9,800		
Chloroform	67663	TTHM See (g)	470	230	9,333		900	14,000	900		
p-Chloro-m-cresol	59507					15	4.7	15	4.7		
Chloromethane	74873					270,000	15,000	270,000	15,000		
beta-Chloronaphthalene	91587	560	317	74,667	74,667						
2-Chlorophenol	95578	35	30	4,667	4,667	2,200	150	2,200	150		
Chloropyrifos	2921882	21		2,800	2,800	0.08	0.04	0.08	0.04		
Chromium III	16065831		75,000 T	1,400,000 T	1,400,000 T	See (d) & Table 4	See (d) & Table 4	See (d) & Table 4	See (d) & Table 4		
Chromium VI	18540299	21 T	150 T	2,800 T	2,800 T	16 D	11 D	16 D	11 D		
Chromium (Total)	7440473	100 T								1,000	1,000
Chrysene	218019	0.005	0.02	19	19						
Copper	7440508	1,300 T		1,300 T	1,300 T	See (d) & Table 5	See (d) & Table 5	See (d) & Table 5	See (d) & Table 5	5,000 T	500 T
Cyanide (as free cyanide)	57125	200 T	16,000 T	18,667 T	18,667 T	22 T	5.2 T	41 T	9.7 T		200 T
Dalapon	75990	200	8,000	28,000	28,000						
DDT and its breakdown products	50293	0.1	0.0002	14	467	1.1	0.001	1.1	0.001	0.001	0.001
Demeton	8065483						0.1		0.1		
Diazinon	333415					0.17	0.17	0.17	0.17		
Dibenz (ah) anthracene	53703	0.005	0.02	1.9	1.9						
Dibromochloromethane	124481	TTHM See (g)	13	TTHM	18,667						
1,2-Dibromo-3-chloropropane	96128	0.2		2,800	2,800						
1,2-Dibromoethane	106934	0.05		8,400	8,400						
Dibutyl phthalate	84742	700	899	93,333	93,333	470	35	470	35		
1,2-Dichlorobenzene	95501	600	205	84,000	84,000	790	300	1,200	470		
1,3-Dichlorobenzene	541731					2,500	970	2,500	970		
1,4-Dichlorobenzene	106467	75	5755	373,333	373,333	560	210	2,000	780		
3,3'-Dichlorobenzidine	91941	0.08	0.03	3	3						
1,2-Dichloroethane	107062	5	37	15	186,667	59,000	41,000	59,000	41,000		
1,1-Dichloroethylene	75354	7	7,143	46,667	46,667	15,000	950	15,000	950		
1,2-cis-Dichloroethylene	156592	70		70	70						
1,2-trans-Dichloroethylene	156605	100	10,127	18,667	18,667	68,000	3,900	68,000	3,900		
Dichloromethane	75092	5	593	190	56,000	97,000	5,500	97,000	5,500		
2,4-Dichlorophenol	120832	21	59	2,800	2,800	1,000	88	1,000	88		
2,4-Dichlorophenoxyacetic acid (2,4-D)	94757	70		9,333	9,333						
1,2-Dichloropropane	78875	5	17,518	84,000	84,000	26,000	9,200	26,000	9,200		
1,3-Dichloropropene	542756	0.7	42	420	28,000	3,000	1,100	3,000	1,100		
Dieldrin	60571	0.002	0.00005	0.09	47	0.2	0.06	0.2	0.06	0.003	See (b)
Diethyl phthalate	84662	5,600	8,767	746,667	746,667	26,000	1,600	26,000	1,600		
Di (2-ethylhexyl) adipate	103231	400		560,000	560,000						
Di (2-ethylhexyl) phthalate	117817	6	3	100	18,667	400	360	400	360		
2,4-Dimethylphenol	105679	140	171	18,667	18,667	1,000	310	1,000	310		
Dimethyl phthalate	131113					17,000	1,000	17,000	1,000		
4,6-Dinitro-o-cresol	534521	28	582	3,733	3,733	310	24	310	24		
2,4-Dinitrophenol	51285	14	1,067	1,867	1,867	110	9.2	110	9.2		
2,4-Dinitrotoluene	121142	14	421	1,867	1,867	14,000	860	14,000	860		
2,6-Dinitrotoluene	606202	0.05		2	3,733						
Di-n-octyl phthalate	117840	2,800		373,333	373,333						
Dinoseb	88857	7		933	933						
1,2-Diphenylhydrazine	122667	0.04	0.2	1.8	1.8	130	11	130	11		
Diquat	85007	20		2,053	2,053						
Endosulfan sulfate	1031078	42	18	5,600	5,600	0.2	0.06	0.2	0.06		
Endosulfan (Total)	115297	42	18	5,600	5,600	0.2	0.06	0.2	0.06		
Endothall	145733	100		18,667	18,667						
Endrin	72208	2	0.06	280	280	0.09	0.04	0.09	0.04	0.004	0.004
Endrin aldehyde	7421934	2				0.09	0.04	0.09	0.04		
Ethylbenzene	100414	700	2,133	93,333	93,333	23,000	1,400	23,000	1,400		
Fluoranthene	206440	280	28	37,333	37,333	2,000	1,600	2,000	1,600		
Fluorene	86737	280	1,067	37,333	37,333						
Fluoride	7782414	4,000		140,000	140,000						
Glyphosate	1071836	700	266,667	93,333	93,333						
Guthion	86500						0.01		0.01		
Heptachlor	76448	0.4	0.00008	0.4	467	0.5	0.004	0.5	0.004		
Heptachlor epoxide	1024573	0.2	0.00004	0.2	12	0.5	0.004	0.5	0.004		
Hexachlorobenzene	118741	1	0.0003	1	747	6	3.7	6	3.7		
Hexachlorobutadiene	87683	0.4	18	18	187	45	8.2	45	8.2		
Hexachlorocyclohexane alpha	319846	0.006	0.005	0.22	7,467	1,600	130	1,600	130		
Hexachlorocyclohexane beta	319857	0.02	0.02	0.78	560	1,600	130	1,600	130		
Hexachlorocyclohexane delta	319868					1,600	130	1,600	130		
Hexachlorocyclohexane gamma (lindane)	58899	0.2	1.8	280	280	1	0.08	1	0.28		
Hexachlorocyclopentadiene	77474	50	580	9,800	9,800	3.5	0.3	3.5	0.3		

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Hexachloroethane	67721	2.5	3.3	100	933	490	350	490	350		
Hydrogen sulfide	7783064						2 See (c)		2 See (c)		
Indeno (1,2,3-cd) pyrene	193395	0.05	0.49	1.9	1.9						
Iron	7439896						1,000 D		1,000 D		
Isophorone	78591	37	961	1,500	186,667	59,000	43,000	59,000	43,000		
Lead	7439921	15 T		15 T	15 T	See (d) & Table 6	See (d) & Table 6	See (d) & Table 6	See (d) & Table 6	10,000 T	100 T
Malathion	121755	140		18,667	18,667		0.1		0.1		
Manganese	7439965	980		130,667	130,667					10,000	
Mercury	7439976	2 T		280 T	280 T	2.4 D	0.01 D	2.4 D	0.01 D		10 T
Methoxychlor	72435	40		4,667	4,667		0.03		0.03		
Methylmercury	22967926		0.3 mg/kg								
Mirex	2385855	1		187	187		0.001		0.001		
Naphthalene	91203	140	1,524	18,667	18,667	1,100	210	3,200	580		
Nickel	7440020	140 T	4,600 T	28,000 T	28,000 T	See (d) & Table 7	See (d) & Table 7	See (d) & Table 7	See (d) & Table 7		
Nitrate	14797558	10,000		3,733,333	3,733,333						
Nitrite	14797650	1,000		233,333	233,333						
Nitrate + Nitrite		10,000									
Nitrobenzene	98953	3.5	138	467	467	1,300	850	1,300	850		
p-Nitrophenol	100027					4,100	3,000	4,100	3,000		
N-nitrosodimethylamine	62759	0.001	3	0.03	0.03						
N-Nitrosodiphenylamine	86306	7.1	6	290	290	2,900	200	2,900	200		
N-nitrosodi-n-propylamine	621647	0.005	0.5	0.2	88,667						
Nonylphenol	104405					28	6.6	28	6.6		
Oxamyl	23135220	200		23,333	23,333						
Parathion	56382					0.07	0.01	0.07	0.01		
Paraquat	1910425	32		4,200	4,200	100	54	100	54		
Pentachlorophenol	87865	1	1,000	12	28,000	See (e), (j) & Table 10	See (e), (j) & Table 10	See (e), (j) & Table 10	See (e), (j) & Table 10		
Permethrin	52645531	350		46,667	46,667	0.3	0.2	0.3	0.2		
Phenanthrene	85018					30	6.3	30	6.3		
Phenol	108952	2,100	37	280,000	280,000	5,100	730	7,000	1,000		
Picloram	1918021	500	2,710	65,333	65,333						
Polychlorinatedbiphenyls (PCBs)	1336363	0.5	0.00006	2 19	19	2	0.01	2	0.02	0.001	0.001
Pyrene	129000	210	800	28,000	28,000						
Radium 226 + Radium 228		5 pCi/L									
Selenium	7782492	50 T	667 T	4,667 T	4,667 T		2 T		2 T	20 T	50 T
Silver	7440224	35 T	8,000 T	4,667 T	4,667 T	See (d) & Table 8		See (d) & Table 8			
Simazine	112349	4		4,667	4,667						
Strontium	7440246	8 pCi/L									
Styrene	100425	100		186,667	186,667	5,600	370	5,600	370		
Sulfides											
2,3,7,8-Tetrachlorod-ibenzo-p-dioxin (2,3,7,8-TCDD)	1746016	0.00003	5x10-9	0.00003	0.0009	0.01	0.005	0.01	0.005		
1,1,2,2-Tetrachloroethane	79345	0.2	4	7	56,000	4,700	3,200	4,700	3,200		
Tetrachloroethylene	127184	5	261	9,333	9,333	2,600	280	6,500	680		
Thallium	7440280	2 T	7.2 T	75 T	75 T	700 D	150 D	700 D	150 D		
Toluene	108883	1,000	201,000	280,000	280,000	8,700	180	8,700	180		
Toxaphene	8001352	3	0.0003	1.3	933	0.7	0.0002	0.7	0.0002	0.005	0.005
Tributyltin						0.5	0.07	0.5	0.07		
1,2,4-Trichlorobenzene	120821	70	70	9,333	9,333	750	130	1,700	300		
1,1,1-Trichloroethane	71556	200	428,571	1,866,667	1,866,667	2,600	1,600	2,600	1,600	1,000	
1,1,2-Trichloroethane	79005	5	16	25	3,733	18,000	12,000	18,000	12,000		
Trichloroethylene	79016	5	29	280,000	280	20,000	1,300	20,000	1,300		
2,4,6-Trichlorophenol	88062	3.2	2	130	130	160	25	160	25		
2,4,5-Trichlorophenoxy propionic acid (2,4,5-TP)	93721	50		7,467	7,467						
Trihalomethanes (T)		80									
Tritium	10028178	20,000 pCi/L									
Uranium	7440611	30 D		2,800	2,800						
Vinyl chloride	75014	2	5	2	2,800						
Xylenes (T)	1330207	10,000		186,667	186,667						
Zinc	7440666	2,100 T	5,106 T	280,000 T	280,000 T	See (d) & Table 9	See (d) & Table 9	See (d) & Table 9	See (d) & Table 9	10,000 T	25,000 T

## Historical Note

Table 1 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 2. Acute Water Quality Standards for Dissolved Cadmium**

Aquatic and Wildlife Coldwater AZ		Aquatic and Wildlife Warm Water AZ	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	0.40	20	2.1
100	1.8	100	9.4
400	6.5	400	34
e(0.9789*LN(Hardness)-3.866)*(1.136672-LN(Hardness))*0.041838)		e(0.9789*LN(Hardness)-2.208)*(1.136672-LN(Hardness))*0.041838)	

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**Historical Note**

Table 2 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 3. Chronic Water Quality Standards for Dissolved Cadmium**

Aquatic and Wildlife Coldwater AZ and Warmwater AZ	
Hard. mg/L	Std. µg/L
20	0.21
100	0.72
400	2.0
$e(0.7977*LN(Hardness)-3.909)*(1.101672-LN(Hardness)*0.041838)$	

**Historical Note**

Table 3 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 4. Water Quality Standards for Dissolved Chromium III**

Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ		Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	152	20	19.8
100	570	100	74.1
400	1,773	400	231
$e(0.819*LN(Hardness)+3.7256)*(0.316)$		$e(0.819*LN(Hardness)+0.6848)*(0.86)$	

**Historical Note**

Table 4 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 5. Water Quality Standards for Dissolved Copper**

Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ		Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	2.9	20	2.3
100	13	100	9.0
400	50	400	29
$e(0.9422*LN(Hardness)-1.702)*(0.96)$		$e(0.8545*LN(Hardness)-1.702)*(0.96)$	

**Historical Note**

Table 5 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 6. Water Quality Standards for Dissolved Lead**

Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ		Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	10.8	20	0.42
100	64.6	100	2.5
400	281	400	10.9
$e(1.273*LN(Hardness)-1.46)*(1.46203-LN(Hardness))*(0.145712))$		$e(1.273*LN(Hardness)-4.705) * (1.46203-LN(Hardness))*(0.145712))$	

**Historical Note**

Table 6 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 7. Water Quality Standards for Dissolved Nickel**

Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ		Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ	
Hard. mg/L	Std. µg/L	Hard. mg/L	Std. µg/L
20	120.0	20	13.3
100	468	100	52.0
400	1513	400	168
$e(0.846*LN(Hardness)+2.255)*(0.998)$		$e(0.846*LN(Hardness)+0.0584)*(0.997)$	

**Historical Note**

Table 7 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 8. Water Quality Standards for Dissolved Silver**

Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ	
Hard. mg/L	Std. µg/L

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20	0.20
100	3.2
400	34.9
$e(1.72*LN(Hardness)-6.59)*(0.85)$	

**Historical Note**

Table 8 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 9. Water Quality Standards for Dissolved Zinc**

Acute and Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ	
Hard. mg/L	Std. µg/L
20	30.0
100	117
400	379
$e(0.8473*LN(Hardness)+0.884)*(0.978)$	

**Historical Note**

Table 9 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 10. Water Quality Standards for Pentachlorophenol**

Acute Aquatic and Wildlife Coldwater AZ and Warmwater AZ		Chronic Aquatic and Wildlife Coldwater AZ and Warmwater AZ	
pH	µg/L	pH	µg/L
3	0.16	3	0.1
6	3.3	6	2.1
9	67.7	9	42.7
$e(1.005*(pH)-4.83)$		$e(1.005*(pH)-5.29)$	

**Historical Note**

Table 10 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Table 11. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Present**  
 For the Aquatic and Wildlife Coldwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

pH	Temperature (°C)																
	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	33	33	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	31	31	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	30	30	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	28	28	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	26	26	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7	24	24	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	8	7.3
7.1	22	22	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7
7.2	20	20	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	18	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	15	15	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	13	13	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	11	11	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	9.6	9.6	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	3
7.8	8.1	8.1	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	6.8	6.8	6.6	6	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8	5.6	5.6	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	4.6	4.6	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	3.8	3.8	3.7	3.5	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	3.1	3.1	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	0.96
8.4	2.6	2.6	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79
8.5	2.1	2.1	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	0.98	0.9	0.83	0.77	0.71	0.65
8.6	1.8	1.8	1.7	1.6	1.5	1.3	1.2	1.1	1	0.96	0.88	0.81	0.75	0.69	0.63	0.59	0.54
8.7	1.5	1.5	1.4	1.3	1.2	1.1	1	0.94	0.87	0.8	0.74	0.68	0.62	0.57	0.53	0.49	0.45
8.8	1.2	1.2	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37

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<b>8.9</b>	1	1	1	0.93	0.85	0.79	0.72	0.67	0.61	0.56	0.52	0.48	0.44	0.4	0.37	0.34	0.32
<b>9</b>	0.88	0.88	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37	0.34	0.32	0.29	0.27
$\text{MIN}\left(\frac{0.275}{1+10^{7.204-\text{pH}}} + \frac{39.0}{1+10^{\text{pH}-7.204}}, \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-\text{pH}}} + \frac{1.6181}{1+10^{\text{pH}-7.204}}\right) \times (23.12 \times 10^{0.036 \times (20-T)})\right)\right)$																	

**Historical Note**

Table 11 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).



TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table 12. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Present**

For the Aquatic and Wildlife Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

pH	Temperature (°C)																				
	0-10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	51	48	44	41	37	34	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	49	46	42	39	36	33	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	46	44	40	37	34	31	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	44	41	38	35	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	41	38	35	32	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7	38	35	33	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9	7.3
7.1	34	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7
7.2	31	29	27	25	23	21	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	27	26	24	22	20	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	24	22	21	19	18	16	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	21	19	18	17	15	14	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	18	17	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	2.9
7.8	13	12	11	10	9.3	8.5	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	11	9.9	9.1	8.4	7.7	7.1	6.6	6	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8	8.8	8.2	7.6	7	6.4	5.9	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	7.2	6.8	6.3	5.8	5.3	4.9	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	6	5.6	5.2	4.8	4.4	4	3.7	3.4	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	4.9	4.6	4.3	3.9	3.6	3.3	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	0.96
8.4	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79
8.5	3.3	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	0.98	0.9	0.83	0.77	0.71	0.65
8.6	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.5	1.3	1.2	1.1	1	0.96	0.88	0.81	0.75	0.69	0.63	0.58	0.54
8.7	2.3	2.2	2	1.8	1.7	1.6	1.4	1.3	1.2	1.1	1	0.94	0.87	0.8	0.74	0.68	0.62	0.57	0.53	0.49	0.45
8.8	1.9	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37
8.9	1.6	1.5	1.4	1.3	1.2	1.1	1	0.93	0.85	0.79	0.72	0.67	0.61	0.56	0.52	0.48	0.44	0.4	0.37	0.34	0.32
9	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37	0.34	0.32	0.29	0.27
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**Historical Note**

Table 12 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table 13. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ and Warmwater AZ, Unionid Mussels Present**

For the Aquatic and Wildlife Coldwater and Warmwater AZ uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

pH	Temperature (°C)																								
	0-7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
6.5	4.9	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.5	1.4	1.3	1.2	1.1	
6.6	4.8	4.5	4.3	4	3.8	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	
6.7	4.8	4.5	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	
6.8	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	
6.9	4.5	4.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	
7	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	0.99	
7.1	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95	
7.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.96	0.9	
7.3	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.97	0.91	0.85	
7.4	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.96	0.9	0.85	0.79	
7.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95	0.89	0.83	0.78	0.73	
7.6	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.4	1.4	1.3	1.2	1.1	1.1	0.98	0.92	0.86	0.81	0.76	0.71	0.67	
7.7	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.6	
7.8	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53	
7.9	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53	0.5	0.47	
8	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.6	0.56	0.53	0.5	0.44	0.44	0.41	
8.1	1.5	1.5	1.4	1.3	1.2	1.1	1.1	0.99	0.92	0.87	0.81	0.76	0.71	0.67	0.63	0.59	0.55	0.52	0.49	0.46	0.43	0.4	0.38	0.35	
8.2	1.3	1.2	1.2	1.1	1	0.96	0.9	0.84	0.79	0.74	0.7	0.65	0.61	0.57	0.54	0.5	0.47	0.44	0.42	0.39	0.37	0.34	0.32	0.3	
8.3	1.1	1.1	0.99	0.93	0.87	0.82	0.76	0.72	0.67	0.63	0.59	0.55	0.52	0.49	0.46	0.43	0.4	0.38	0.35	0.33	0.31	0.29	0.27	0.26	
8.4	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53	0.5	0.47	0.44	0.41	0.39	0.36	0.34	0.32	0.3	0.28	0.26	0.25	0.23	0.22	
8.5	0.8	0.75	0.71	0.67	0.62	0.58	0.55	0.51	0.48	0.45	0.42	0.4	0.37	0.35	0.33	0.31	0.29	0.27	0.25	0.24	0.22	0.21	0.2	0.18	
8.6	0.68	0.64	0.6	0.56	0.53	0.49	0.46	0.43	0.41	0.38	0.36	0.33	0.31	0.29	0.28	0.26	0.24	0.23	0.21	0.2	0.19	0.18	0.16	0.15	
8.7	0.57	0.54	0.51	0.47	0.44	0.42	0.39	0.37	0.34	0.32	0.3	0.28	0.27	0.25	0.23	0.22	0.21	0.19	0.18	0.17	0.16	0.15	0.14	0.13	
8.8	0.49	0.46	0.43	0.4	0.38	0.35	0.33	0.31	0.29	0.27	0.26	0.24	0.23	0.21	0.2	0.19	0.17	0.16	0.15	0.14	0.13	0.13	0.12	0.11	
8.9	0.42	0.39	0.37	0.34	0.32	0.3	0.28	0.27	0.25	0.23	0.22	0.21	0.19	0.18	0.17	0.16	0.15	0.14	0.13	0.12	0.12	0.11	0.1	0.09	
9	0.36	0.34	0.32	0.3	0.28	0.26	0.24	0.23	0.21	0.2	0.19	0.18	0.17	0.16	0.15	0.14	0.13	0.12	0.11	0.11	0.1	0.09	0.09	0.08	
$0.8876 \times \left( \frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - MAX(T, 7))})$																									

**Historical Note**

Table 13 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table 14. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent**  
For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

pH	Temperature (°C)																
	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	33	33	33	33	33	33	33	33	33	33	33	33	33	33	31	29	27
6.6	31	31	31	31	31	31	31	31	31	31	31	31	31	31	30	28	26
6.7	30	30	30	30	30	30	30	30	30	30	30	30	30	30	29	26	24
6.8	28	28	28	28	28	28	28	28	28	28	28	28	28	28	27	25	23
6.9	26	26	26	26	26	26	26	26	26	26	26	26	26	26	25	23	21
7	24	24	24	24	24	24	24	24	24	24	24	24	24	24	23	21	20
7.1	22	22	22	22	22	22	22	22	22	22	22	22	22	22	21	19	18
7.2	20	20	20	20	20	20	20	20	20	20	20	20	20	20	19	17	16
7.3	18	18	18	18	18	18	18	18	18	18	18	18	18	18	17	16	14
7.4	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	14	13
7.5	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13	12	11
7.6	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	10	9.3
7.7	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.3	8.6	7.9
7.8	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	7.8	7.2	6.6
7.9	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.8	6.5	6	5.5
8	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.4	5	4.6
8.1	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.5	4.1	3.8
8.2	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.7	3.4	3.1
8.3	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3	2.8	2.6
8.4	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.6	2.5	2.3	2.1
8.5	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	1.9	1.8
8.6	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.7	1.6	1.4
8.7	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.4	1.3	1.2
8.8	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.1	1
8.9	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0.92	0.85
9	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.85	0.78	0.72

$$MIN\left(\left(\frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}\right), \left(0.7249 \times \left(\frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}}\right) \times (62.15 \times 10^{0.036 \times (20 - T)})\right)\right)$$

**Historical Note**

Table 14 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table 15. Acute Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ Uses, Unionid Mussels Absent**

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

pH	Temperature (°C)																
	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	51	51	51	51	51	51	51	51	51	48	44	40	37	34	31	29	27
6.6	49	49	49	49	49	49	49	49	49	46	42	39	36	33	30	28	26
6.7	46	46	46	46	46	46	46	46	46	43	40	37	34	31	29	26	24
6.8	44	44	44	44	44	44	44	44	44	41	38	35	32	29	27	25	23
6.9	41	41	41	41	41	41	41	41	41	38	35	32	30	27	25	23	21
7	38	38	38	38	38	38	38	38	38	35	32	30	27	25	23	21	20
7.1	34	34	34	34	34	34	34	34	34	32	29	27	25	23	21	19	18
7.2	31	31	31	31	31	31	31	31	31	29	26	24	22	21	19	17	16
7.3	27	27	27	27	27	27	27	27	27	26	23	22	20	18	17	16	14
7.4	24	24	24	24	24	24	24	24	24	22	21	19	17	16	15	14	13
7.5	21	21	21	21	21	21	21	21	21	19	18	16	15	14	13	12	11
7.6	18	18	18	18	18	18	18	18	18	17	15	14	13	12	11	10	9.3
7.7	15	15	15	15	15	15	15	15	15	14	13	12	11	10	9.3	8.6	7.9
7.8	13	13	13	13	13	13	13	13	13	12	11	10	9.2	8.5	7.8	7.2	6.6
7.9	11	11	11	11	11	11	11	11	11	9.9	9.1	8.4	7.7	7.1	6.5	6	5.5
8	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.2	7.5	6.9	6.4	5.9	5.4	5	4.6
8.1	7.3	7.3	7.3	7.3	7.3	7.3	7.3	7.3	7.3	6.8	6.2	5.7	5.3	4.9	4.5	4.1	3.8
8.2	6	6	6	6	6	6	6	6	6	5.6	5.1	4.7	4.4	4	3.7	3.4	3.1
8.3	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6
8.4	4.1	4.1	4.1	4.1	4.1	4.1	4.1	4.1	4.1	3.8	3.4	3.2	3	2.7	2.5	2.3	2.1
8.5	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.1	2.9	2.6	2.4	2.2	2.1	1.9	1.8
8.6	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4
8.7	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.2	2	1.8	1.7	1.5	1.4	1.3	1.2
8.8	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1
8.9	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.5	1.4	1.3	1.2	1.1	1	0.92	0.85
9	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.3	1.2	1.1	1	0.93	0.85	0.78	0.72
$0.7249 \times \left( \frac{0.0114}{1 + 10^{7.204 - pH}} + \frac{1.6181}{1 + 10^{pH - 7.204}} \right) \times MIN \left( 51.93, (62.15 \times 10^{0.036 \times (20 - T)}) \right)$																	

**Historical Note**

Table 15 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table 16. Chronic Standards for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Warmwater AZ, Unionid Mussels Absent**

For the Aquatic and Wildlife Warmwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment. For the aquatic and wildlife effluent dependent uses, unionids will be assumed to be absent.

pH	Temperature (°C)																							
	0-7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	19	17	16	15	14	13	13	12	11	10	9.7	9.1	8.5	8	7.5	7	6.6	6.2	5.8	5.4	5.1	4.8	4.5	4.2
6.6	18	17	16	15	14	13	12	12	11	10	9.6	9	8.4	7.9	7.4	6.9	6.5	6.1	5.7	5.4	5	4.7	4.4	4.1
6.7	18	17	16	15	14	13	12	11	11	10	9.4	8.8	8.3	7.7	7.3	6.8	6.4	6	5.6	5.3	4.9	4.6	4.3	4.1
6.8	17	16	15	14	14	13	12	11	10	9.8	9.2	8.6	8.1	7.6	7.1	6.7	6.2	5.8	5.5	5.1	4.8	4.5	4.2	4
6.9	17	16	15	14	13	12	12	11	10	9.5	8.9	8.4	7.8	7.4	6.9	6.5	6.1	5.7	5.3	5	4.7	4.4	4.1	3.9
7	16	15	14	14	13	12	11	10	9.8	9.2	8.6	8.1	7.6	7.1	6.7	6.2	5.9	5.5	5.1	4.8	4.5	4.2	4	3.7
7.1	16	15	14	13	12	11	11	10	9.4	8.8	8.3	7.7	7.3	6.8	6.4	6	5.6	5.3	4.9	4.6	4.3	4.1	3.8	3.6
7.2	15	14	13	12	12	11	10	9.5	9	8.4	7.9	7.4	6.9	6.5	6.1	5.7	5.3	5	4.7	4.4	4.1	3.9	3.6	3.4
7.3	14	13	12	12	11	10	9.6	9	8.4	7.9	7.4	6.9	6.5	6.1	5.7	5.4	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2
7.4	13	12	12	11	10	9.5	9	8.4	7.9	7.4	6.9	6.5	6.1	5.7	5.3	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2	3
7.5	12	11	11	10	9.4	8.8	8.2	7.7	7.2	6.8	6.4	6	5.6	5.2	4.9	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8
7.6	11	10	10	9.1	8.5	8	7.5	7	6.6	6.2	5.8	5.4	5.1	4.8	4.5	4.2	3.9	3.7	3.5	3.2	3	2.9	2.7	2.5
7.7	9.9	9.3	8.7	8.1	7.7	7.2	6.8	6.3	5.9	5.6	5.2	4.9	4.6	4.3	4	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.3
7.8	8.8	8.3	7.8	7.3	6.8	6.4	6	5.6	5.3	5	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2
7.9	7.8	7.3	6.8	6.4	6	5.6	5.3	5	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8
8	6.8	6.3	6	5.6	5.2	4.9	4.6	4.3	4	3.8	3.6	3.3	3.1	2.9	2.7	2.6	2.4	2.3	2.1	2	1.9	1.7	1.6	1.5
8.1	5.8	5.5	5.1	4.8	4.5	4.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3
8.2	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2	3	2.8	2.6	2.5	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1
8.3	4.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.96
8.4	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	0.99	0.92	0.87	0.81
8.5	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.95	0.89	0.83	0.78	0.73	0.69
8.6	2.6	2.4	2.2	2.1	2	1.9	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.97	0.91	0.85	0.8	0.75	0.7	0.66	0.62	0.58
8.7	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.93	0.88	0.82	0.77	0.72	0.68	0.63	0.6	0.56	0.52	0.49
8.8	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	0.96	0.9	0.85	0.79	0.74	0.7	0.65	0.61	0.58	0.54	0.51	0.47	0.44	0.42
8.9	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.94	0.88	0.82	0.77	0.72	0.68	0.64	0.6	0.56	0.52	0.49	0.46	0.43	0.4	0.38	0.36
9	1.4	1.3	1.2	1.1	1	0.98	0.92	0.86	0.81	0.76	0.71	0.66	0.62	0.58	0.55	0.51	0.48	0.45	0.42	0.4	0.37	0.35	0.33	0.31
$0.9405 \times \left( \frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (7.547 \times 10^{0.028 \times (20 - \text{MAX}(7,7))})$																								

**Historical Note**

Table 16 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table 17. Chronic Criteria for Total Ammonia (in mg/L, as N) for Aquatic and Wildlife Coldwater AZ, Unionid Mussels Absent**  
For the Aquatic and Wildlife Coldwater uses, unionids will be assumed to be present unless a study is performed demonstrating that they are absent and there is no historic evidence of their presence, or hydrologic modification has altered the flow regime in a way that would prevent their reestablishment.

pH	Temperature (°C)																
	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	7.3	7.3	7.3	7.3	7.3	7.3	7.3	7.3	7	6.6	6.2	5.8	5.4	5.1	4.8	4.5	4.2
6.6	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	6.9	6.5	6.1	5.7	5.4	5	4.7	4.4	4.1
6.7	7.1	7.1	7.1	7.1	7.1	7.1	7.1	7.1	6.8	6.4	6	5.6	5.3	4.9	4.6	4.3	4.1
6.8	6.9	6.9	6.9	6.9	6.9	6.9	6.9	6.9	6.6	6.2	5.8	5.5	5.1	4.8	4.5	4.2	4
6.9	6.7	6.7	6.7	6.7	6.7	6.7	6.7	6.7	6.5	6.1	5.7	5.3	5	4.7	4.4	4.1	3.9
7	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.2	5.8	5.5	5.1	4.8	4.5	4.2	4	3.7
7.1	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6	5.6	5.3	4.9	4.6	4.3	4.1	3.8	3.6
7.2	5.9	5.9	5.9	5.9	5.9	5.9	5.9	5.9	5.7	5.3	5	4.7	4.4	4.1	3.9	3.6	3.4
7.3	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.6	5.4	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2
7.4	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5	4.7	4.4	4.1	3.9	3.6	3.4	3.2	3
7.5	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8
7.6	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.4	4.2	3.9	3.7	3.5	3.2	3	2.9	2.7	2.5
7.7	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.9	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.3
7.8	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2
7.9	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8
8	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.6	2.4	2.3	2.1	2	1.9	1.7	1.6	1.5
8.1	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3
8.2	2	2	2	2	2	2	2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1
8.3	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	0.96
8.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.3	1.2	1.1	1.1	0.99	0.93	0.87	0.81
8.5	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.1	1	0.95	0.89	0.83	0.78	0.73	0.69
8.6	1	1	1	1	1	1	1	1	0.97	0.91	0.85	0.8	0.75	0.7	0.66	0.62	0.58
8.7	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.82	0.77	0.72	0.68	0.64	0.6	0.56	0.52	0.49
8.8	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.7	0.65	0.61	0.58	0.54	0.51	0.47	0.44	0.42
8.9	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.6	0.56	0.52	0.49	0.46	0.43	0.41	0.38	0.36
9	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.51	0.48	0.45	0.42	0.4	0.37	0.35	0.33	0.31
$0.9405 \times \left( \frac{0.0278}{1 + 10^{7.688 - \text{pH}}} + \frac{1.1994}{1 + 10^{\text{pH} - 7.688}} \right) \times \text{MIN} \left( 6.920, (7.547 \times 10^{0.028 \times (20 - T)}) \right)$																	

**Historical Note**

Table 17 made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-216. The Protected Surface Waters List**

Tables A through C prescribe the protected surface waters list.

**Historical Note**

Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table A. Non-WOTUS Protected Surface Waters and Designated Uses**

Watershed	Surface Waters	Segment Description and Location (Latitude and Longitudes are in NAD 83)	Aquatic and Wildlife		Human Health				Agricultural	
			A&Wc AZ	A&Ww AZ	FBC AZ	PBC AZ	DWS AZ	FC AZ	Agl AZ	AgL AZ
CG	Cottonwood Creek	Headwaters to confluence with unnamed tributary at 35°20'46"/113°35'31"	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
CG	Cottonwood Creek	Below confluence with unnamed tributary to confluence with Truxton Wash		A&Ww AZ	FBC AZ			FC AZ		AgL AZ
CG	Wright Canyon Creek	Headwaters to confluence with unnamed tributary at 35°20'48"/113°30'40"	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
CG	Wright Canyon Creek	Below confluence with unnamed tributary to confluence with Truxton Wash		A&Ww AZ	FBC AZ			FC AZ		AgL AZ
LC	Boot Lake	34°58'54"/111°20'11"	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
LC	Little Ortega Lake	34°22'47"/109°40'06"	A&Wc AZ		FBC AZ			FC AZ		
LC	Mormon Lake	34°56'38"/111°27'25"	A&Wc AZ		FBC AZ		DWS AZ	FC AZ	Agl AZ	AgL AZ
LC	Potato Lake	35°03'15"/111°24'13"	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
LC	Pratt Lake	34°01'32"/109°04'18"	A&Wc AZ		FBC AZ			FC AZ		
LC	Sponseller Lake	34°14'09"/109°50'45"	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
LC	Vail Lake	35°05'23"/111°30'46"	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
LC	Water Canyon Reservoir	34°03'38"/109°26'20"		A&Ww AZ	FBC AZ			FC AZ	Agl AZ	AgL AZ
MG	Bonsall Park Lake	59th Avenue & Bethany Home Road at 33°31'24"/112°11'08"		A&Ww AZ		PBC AZ		FC AZ		
MG	Canal Park Lake	College Avenue & Curry Road, Tempe at 33°26'54"/111°56'19"		A&Ww AZ		PBC AZ		FC AZ		
SP	Big Creek	Headwaters to confluence with Pitchfork Canyon Wash	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
SP	Goudy Canyon Wash	Headwaters to confluence with Grant Creek	A&Wc AZ		FBC AZ			FC AZ		
SP	Grant Creek	Headwaters to confluence with unnamed tributary at 32°38'10"/109°56'37"		A&Ww AZ	FBC AZ		DWS AZ	FC AZ		
SP	Grant Creek	Below confluence with unnamed tributary to terminus near Willcox Playa		A&Ww AZ	FBC AZ			FC AZ		
SP	High Creek	Headwaters to confluence with unnamed tributary at 32°33'08"/110°14'42"	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
SP	High Creek	Below confluence with unnamed tributary to terminus near Willcox Playa	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
SP	Pinery Creek	Headwaters to State Highway 181	A&Wc AZ		FBC AZ		DWS AZ	FC AZ		AgL AZ
SP	Pinery Creek	Below State Highway 181 to terminus near Willcox Playa		A&Ww AZ	FBC AZ		DWS AZ	FC AZ		AgL AZ
SP	Post Creek	Headwaters to confluence with Grant Creek	A&Wc AZ		FBC AZ			FC AZ	Agl AZ	AgL AZ
SP	Riggs Flat Lake	32°42'28"/109°57'53"	A&Wc AZ		FBC AZ			FC AZ	Agl AZ	AgL AZ
SP	Rock Creek	Headwaters to confluence with Turkey Creek			FBC AZ			FC AZ		AgL AZ
SP	Soldier Creek	Headwaters to confluence with Post Creek at 32°40'50"/109°54'41"	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
SP	Snow Flat Lake	32°39'10"/109°51'54"	A&Wc AZ		FBC AZ			FC AZ	Agl AZ	AgL AZ
SP	Stronghold Canyon East	Headwaters to 31°55'9.28"/109°57'53.24"	A&Wc AZ			PBC AZ				
SP	Stronghold Canyon East	31°55'9.28"/109°57'53.24" to confluence with Carlink Canyon		A&Ww AZ		PBC AZ				
SP	Turkey Creek	Headwaters to confluence with Rock Creek	A&Wc AZ		FBC AZ			FC AZ	Agl AZ	AgL AZ
SP	Turkey Creek	Below confluence with Rock Creek to terminus near Willcox Playa		A&Ww AZ	FBC AZ			FC AZ	Agl AZ	AgL AZ
UG	Ward Canyon	Headwaters to confluence with Turkey Creek	A&Wc AZ		FBC AZ			FC AZ		AgL AZ
VR	Moonshine Creek	Headwaters to confluence with Post Creek	A&Wc AZ		FBC AZ			FC AZ		AgL AZ

**Historical Note**

Table A made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table B. WOTUS Protected Surface Waters**

The waters listed in this table have been tentatively identified by ADEQ as WOTUS, under the law governing on 8/26/2022. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table B will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the WOTUS Protected Surface Waters Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

**Watersheds:**

BW = Bill Williams  
 CG = Colorado – Grand Canyon  
 CL = Colorado – Lower Gila  
 LC = Little Colorado  
 MG = Middle Gila  
 SC = Santa Cruz – Rio Magdalena – Rio Sonoyta  
 SP = San Pedro – Willcox Playa – Rio Yaqui  
 SR = Salt River  
 UG = Upper Gila  
 VR = Verde River

**Other Abbreviations:**

WWTP = Wastewater Treatment Plant  
 Km = kilometers

Watershed	Surface Water	Segment Description and Location (Latitude and Longitudes are in NAD 83)
BW	Big Sandy River	Headwaters to Alamo Lake
BW	Boulder Creek	Below confluence with unnamed tributary to confluence with Burro Creek
BW	Burro Creek	Below confluence with Boulder Creek to confluence with Big Sandy River
BW	Burro Creek (OAW)	Headwaters to confluence with Boulder Creek
BW	Francis Creek (OAW)	Headwaters to confluence with Burro Creek
BW	Kirkland Creek	Headwaters to confluence with Santa Maria River
BW	Trout Creek	Below confluence with unnamed tributary to confluence with Knight Creek
CG	Beaver Dam Wash	Headwaters to confluence with the Virgin River
CG	Bright Angel Creek	Headwaters to confluence with Roaring Springs Creek
CG	Bright Angel Creek	Below Roaring Spring Springs Creek to confluence with Colorado River
CG	Colorado River	Lake Powell to Lake Mead
CG	Crystal Creek	Below confluence with unnamed tributary to confluence with Colorado River
CG	Deer Creek	Below confluence with unnamed tributary to confluence with Colorado River
CG	Garden Creek	Headwaters to confluence with Pipe Creek
CG	Havas Creek	From the Havasupai Indian Reservation boundary to confluence with the Colorado River
CG	Hermit Creek	Below Hermit Pack Trail crossing to confluence with the Colorado River
CG	Kanab Creek	Headwaters to confluence with the Colorado River
CG	Lake Mead	36°06'18"/114°26'33"
CG	Lake Powell	36°59'53"/111°08'17"
CG	Nankoweap Creek	Below confluence with unnamed tributary to confluence with Colorado River
CG	Paria River	Utah border to confluence with the Colorado River
CG	Phantom Creek	Below confluence with unnamed tributary to confluence with Bright Angel Creek
CG	Pipe Creek	Headwaters to confluence with the Colorado River
CG	Shinumo Creek	Below confluence with unnamed tributary to confluence with the Colorado River
CG	Short Creek	Headwaters to confluence with Fort Pearce Wash
CG	Tapeats Creek	Headwaters to confluence with the Colorado River
CG	Thunder River	Headwaters to confluence with Tapeats Creek
CG	Vasey's Paradise	A spring at 36°29'52"/111°51'26"
CG	Virgin River	Headwaters to confluence with the Colorado River
CG	White Creek	Headwaters to confluence with unnamed tributary at 36°18'45"/112°21'03"
CG	White Creek	Below confluence with unnamed tributary to confluence with the Colorado River
CL	A10 Backwater	33°31'45"/114°33'19"
CL	A7 Backwater	33°34'27"/114°32'04"
CL	Adobe Lake	33°02'36"/114°39'26"
CL	Cibola Lake	33°14'01"/114°40'31"
CL	Clear Lake	33°01'59"/114°31'19"
CL	Colorado River	Lake Mead to Topock Marsh
CL	Colorado River	Topock Marsh to Morelos Dam
CL	Gila River	Painted Rock Dam to confluence with the Colorado River
CL	Hunter's Hole Backwater	32°31'13"/114°48'07"
CL	Imperial Reservoir	32°53'02"/114°27'54"
CL	Island Lake	33°01'44"/114°36'42"
CL	Laguna Reservoir	32°51'35"/114°28'29"
CL	Lake Havasu	34°35'18"/114°25'47"
CL	Lake Mohave	35°26'58"/114°38'30"
CL	Martinez Lake	32°58'49"/114°28'09"
CL	Mittry Lake	32°49'17"/114°27'54"
CL	Nortons Lake	33°02'30"/114°37'59"
CL	Pretty Water Lake	33°19'51"/114°42'19"
CL	Topock Marsh	34°43'27"/114°28'59"



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LC	Auger Creek	Headwaters to confluence with Nutrioso Creek
LC	Chevelon Canyon	Headwaters to confluence with the Little Colorado River
LC	Chevelon Canyon Lake	34°29'18"/110°49'30"
LC	Clear Creek	Headwaters to confluence with the Little Colorado River
LC	Clear Creek Reservoir	34°57'09"/110°39'14"
LC	Colter Creek	Headwaters to confluence with Nutrioso Creek
LC	Colter Reservoir	33°56'39"/109°28'53"
LC	Coyote Creek	Headwaters to confluence with the Little Colorado River
LC	Cragin Reservoir (formerly Blue Ridge Reservoir)	34°32'40"/111°11'33"
LC	East Clear Creek	Headwaters to confluence with Clear Creek
LC	Ellis Wiltbank Reservoir	34°05'25"/109°28'25"
LC	Fool's Hollow Lake	34°16'30"/110°03'43"
LC	Lee Valley Creek	From Lee Valley Reservoir to confluence with the East Fork of the Little Colorado River
LC	Lily Creek	Headwaters to confluence with Coyote Creek
LC	Little Colorado River	Headwaters to Lyman Reservoir
LC	Little Colorado River	Below Lyman Reservoir to confluence with the Puerco River
LC	Little Colorado River	Below Puerco River confluence to the Colorado River, excluding segments on Native American Lands
LC	Little Colorado River, East Fork	Headwaters to confluence with the Little Colorado River
LC	Little Colorado River, South Fork	Headwaters to confluence with the Little Colorado River
LC	Little Colorado River, West Fork	Below Government Springs to confluence with the Little Colorado River
LC	Lyman Reservoir	34°21'21"/109°21'35"
LC	Mamie Creek	Headwaters to confluence with Coyote Creek
LC	Morrison Creek	Headwaters to Mamie Creek @ 33°59'24.45"/109°03'51.94"
LC	Nutrioso Creek	Headwaters to confluence with the Little Colorado River
LC	Porter Creek	Headwaters to confluence with Show Low Creek
LC	Riggs Creek	Headwaters to Nutrioso Creek
LC	Rio de Flag	Headwaters to City of Flagstaff WWTP outfall at 35°12'21"/111°39'17"
LC	Rudd Creek	Headwaters to confluence with Nutrioso Creek
LC	Rosey Creek	Headwaters to 34°02'28.72"/109°27'24.3"
LC	Scott Reservoir	34°10'31"/109°57'31"
LC	Show Low Creek	Headwaters to confluence with Silver Creek
LC	Show Low Lake	34°11'36"/110°00'12"
LC	Silver Creek	Headwaters to confluence with the Little Colorado River
LC	White Mountain Lake	34°21'57"/109°59'21"
LC	Willow Creek	Headwaters to confluence with Clear Creek
LC	Zuni River	Headwaters to confluence with the Little Colorado River
MG	Agua Fria River	From State Route 169 to Lake Pleasant
MG	Ash Creek	Headwaters to confluence with Tex Canyon
MG	East Maricopa Floodway	From Brown and Greenfield Rds to the Gila River Indian Reservation Boundary
MG	Fain Lake	Town of Prescott Valley Park Lake 34°34'29"/112°21'06"
MG	Gila River	San Carlos Indian Reservation boundary to the Ashurst-Hayden Dam
MG	Gila River (EDW)	From the confluence with the Salt River to Gillespie Dam
MG	Hassayampa Lake	34°25'45"/112°25'33"
MG	Hassayampa River	Below unnamed tributary to the Buckeye Irrigation Company Canal
MG	Hassayampa River	Headwaters to confluence with unnamed tributary at 34°26'09"/112°30'32"
MG	Lake Pleasant	33°53'46"/112°16'29"
MG	Little Ash Creek	Headwaters to confluence with Ash Creek at 34°20'45.74"/112°41'26"
MG	Little Sycamore Creek	Headwaters to Sycamore Creek @ 34°21'39.13"/111°58'49.98"
MG	Mineral Creek (diversion tunnel and lined channel)	33°12'24"/110°59'58" to 33°07'56"/110°58'34"
MG	Papago Park South Pond	Curry Road, Tempe 33°26'22"/111°55'55"
MG	Salt River	Verde River to 2 km below Granite Reef Dam
MG	Seven Springs Wash	Headwaters to Unnamed trib @ 33°57'58.66"/111°51'52.07"
MG	Tempe Town Lake	At Mill Avenue Bridge at 33°26'00"/111°56'26"
MG	Turkey Creek	Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'33"
SC	Alum Gulch	Below 31°29'17"/110°44'25" to confluence with Sonoita Creek
SC	California Gulch	Headwaters To U.S./Mexico border
SC	Cienega Creek (OAW)	From confluence with Gardner Canyon to USGS gaging station (#09484600)
SC	Cox Gulch	Headwaters to Three R Canyon @ 31°28'28.03"/110°47'14.65"
SC	Holden Canyon Creek	Headwaters to U.S./Mexico border
SC	Julian Wash	Headwaters to confluence with the Santa Cruz River
SC	Nogales Wash	Headwaters to confluence with Potrero Creek
SC	Parker Canyon Creek	Below unnamed tributary to U.S./Mexico border
SC	Rillito Creek	Headwaters to confluence with the Santa Cruz River
SC	Romero Canyon Creek	Below unnamed tributary to confluence with Sutherland Wash
SC	Santa Cruz River	Headwaters to the at U.S./Mexico border
SC	Santa Cruz River	U.S./Mexico border to the Nogales International WWTP outfall at 31°27'25"/110°58'04"
SC	Santa Cruz River	Tubac Bridge to Agua Nueva WRF outfall at 32°17'04"/111°01'45"
SC	Santa Cruz River (EDW)	Agua Nueva WRF outfall to Baumgartner Road
SC	Sonoita Creek	Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31"
SC	Sonoita Creek (EDW)	Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall
SC	Sycamore Canyon	Headwaters to the U.S./Mexico border
SP	Aravaipa Creek	Below downstream boundary of Aravaipa Canyon Wilderness Area to confluence with the San Pedro River
SP	Aravaipa Creek (OAW)	Stowe Gulch to downstream boundary of Aravaipa Canyon Wilderness Area
SP	Bass Canyon Creek	Below confluence with unnamed tributary to confluence with Hot Springs Canyon Creek
SP	Bear Creek	Headwaters to U.S./Mexico border
SP	Black Draw	Headwaters to the U.S./Mexico border
SP	Carr Canyon Creek	Headwaters to confluence with unnamed tributary at 31°27'01"/110°15'48"
SP	Gold Gulch	Headwaters to U.S./Mexico border
SP	Ramsey Canyon Creek	Below Forest Service Road #110 to confluence with Carr Wash
SP	San Pedro River	U.S./ Mexico Border to Buehman Canyon

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SP	San Pedro River	From Buehman canyon to confluence with the Gila River
SP	Whitewater Draw	Headwaters to confluence with unnamed tributary at 31°20'36"/109°43'48"
SP	Whitewater Draw	Below confluence with unnamed tributary to U.S./ Mexico border
SR	Ackre Lake	33°37'01"/109°20'40"
SR	Apache Lake	33°37'23"/111°12'26"
SR	Bear Wallow Creek (OAW)	Headwaters to confluence with the Black River
SR	Beaver Creek	Headwaters to confluence with Black River
SR	Black River	Headwaters to confluence with Salt River
SR	Black River, East Fork	From 33°51'19"/109°18'54" to confluence with the Black River
SR	Black River, North Fork of East Fork	Headwaters to confluence with Boneyard Creek
SR	Black River, West Fork	Headwaters to confluence with the Black River
SR	Boggy Creek	Headwaters to confluence with Centerfire Creek
SR	Boneyard Creek	Headwaters to confluence with Black River, East Fork
SR	Canyon Lake	33°32'44"/111°26'19"
SR	Cherry Creek	Below unnamed tributary to confluence with the Salt River
SR	Conklin Creek	Headwaters to confluence with the Black River
SR	Corduoy Creek	Headwaters to confluence with Fish Creek
SR	Devils Chasm Creek	Below confluence with unnamed tributary to confluence with Cherry Creek
SR	Dipping Vat Reservoir	33°55'47"/109°25'31"
SR	Fish Creek	Headwaters to confluence with the Black River
SR	Haigler Creek	Headwaters to confluence with unnamed tributary at 34°12'23"/111°00'15"
SR	Haigler Creek	Below confluence with unnamed tributary to confluence with Tonto Creek
SR	Hannagan Creek	Headwaters to confluence with Beaver Creek
SR	Hay Creek (OAW)	Headwaters to confluence with the Black River, West Fork
SR	Horton Creek	Headwaters to confluence with Tonto Creek
SR	P B Creek	Below Forest Service Road #203 to Cherry Creek
SR	Pinal Creek	From Lower Pinal Creek WTP outfall # to See Ranch Crossing at 33°32'25"/110°52'28"
SR	Pinal Creek	From unnamed tributary to confluence with Salt River
SR	Pinto Creek	Headwaters to confluence with unnamed tributary at 33°19'27"/110°54'58"
SR	Roosevelt Lake	33°52'17"/111°00'17"
SR	Rye Creek	Headwaters to confluence with Tonto Creek
SR	Saguaro Lake	33°33'44"/111°30'55"
SR	Salt River	White Mountain Apache Reservation Boundary at 33°48'52"/110°31'33" to Roosevelt Lake
SR	Salt River	Theodore Roosevelt Dam to 2 km below Granite Reef Dam
SR	Thompson Creek	Headwaters to confluence with the West Fork of the Black River
SR	Tonto Creek	Headwaters to confluence with unnamed tributary at 34°18'11"/111°04'18"
SR	Tonto Creek	Below confluence with unnamed tributary to Roosevelt Lake
SR	Willow Creek	Headwaters to confluence with Beaver Creek
SR	Workman Creek	Below confluence with Reynolds Creek to confluence with Salome Creek
UG	Apache Creek	Headwaters to confluence with the Gila River
UG	Bitter Creek	Headwaters to confluence with the Gila River
UG	Blue River	Headwaters to confluence with Strayhorse Creek at 33°29'02"/109°12'14"
UG	Blue River	Below confluence with Strayhorse Creek to confluence with San Francisco River
UG	Bob Thomas Creek	Headwaters to Stone Creek 33°51'93"/109°42'52"
UG	Bonita Creek (OAW)	San Carlos Indian Reservation boundary to confluence with the Gila River
UG	Campbell Blue Creek	Headwaters to confluence with the Blue River
UG	Cave Creek (OAW)	Headwaters to confluence with South Fork Cave Creek
UG	Cave Creek (OAW)	Below confluence with South Fork Cave Creek to Coronado National Forest boundary
UG	Cave Creek, South Fork	Headwaters to confluence with Cave Creek
UG	Deadman Canyon Creek	Headwaters to confluence with unnamed tributary at 32°43'50"/109°49'03"
UG	Eagle Creek	Below confluence with unnamed tributary to confluence with the Gila River
UG	Gila River	New Mexico border to the San Carlos Indian Reservation boundary
UG	Grant Creek	Headwaters to confluence with the Blue River
UG	Judd Lake	33°51'15"/109°09'35"
UG	K P Creek (OAW)	Headwaters to confluence with the Blue River
UG	Little Blue Creek	Below confluence with Dutch Blue Creek to confluence with Blue Creek
UG	Luna Lake	33°49'50"/109°05'06"
UG	North Fork Cave Creek	Headwaters to Cave Creek @ 31°52'56.63"/109°12'19.75"
UG	Raspberry Creek	Headwaters to confluence with the Blue River
UG	San Francisco River	Headwaters to the New Mexico border
UG	San Francisco River	New Mexico border to confluence with the Gila River
UG	San Simon River	Headwaters to confluence with the Gila River
UG	Stone Creek	Headwaters to confluence with the San Francisco River
UG	Thomas Creek	Below confluence with Rousensock Creek to confluence with Blue River
UG	Turkey Creek	Headwaters to confluence with Campbell Blue Creek
VR	Bartlett Lake	33°49'52"/111°37'44"
VR	Beaver Creek	Headwaters to confluence with the Verde River
VR	Bitter Creek	Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24"
VR	Bitter Creek	Below the Yavapai Apache Indian Reservation boundary to confluence with the Verde River
VR	Dead Horse Lake	34°45'08"/112°00'42"
VR	East Verde River	Headwaters to confluence with Ellison Creek
VR	East Verde River	Below confluence with Ellison Creek to confluence with the Verde River
VR	Fossil Creek (OAW)	Headwaters to confluence with the Verde River
VR	Fossil Springs (OAW)	34°25'24"/111°34'27"
VR	Horseshoe Reservoir	34°00'25"/111°43'36"
VR	Oak Creek (OAW)	Headwaters to confluence with unnamed tributary at 34°59'15"/111°44'47"
VR	Oak Creek (OAW)	Below confluence with unnamed tributary to confluence with Verde River
VR	Spring Creek	Below confluence with unnamed tributary to confluence with Oak Creek
VR	Sullivan Lake	34°51'42"/112°27'51"
VR	Sycamore Creek	Headwaters to confluence with unnamed tributary at 35°03'41"/111°57'31"

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VR	Sycamore Creek	Headwaters to confluence with Verde River at 33°37'55"/111°39'58"
VR	Verde River	From headwaters at confluence of Chino Wash and Granite Creek to Bartlett Lake Dam
VR	Verde River	Below Bartlett Lake Dam to Salt River
VR	West Clear Creek	Headwaters to confluence with Meadow Canyon
VR	West Clear Creek	Below confluence with Meadow Canyon to confluence with the Verde River
VR	Wet Beaver Creek	Below unnamed springs to confluence with Dry Beaver Creek
VR	Willow Creek Reservoir	34°36'17"/112°26'19"

**Historical Note**

Table B made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

**Table C. Historically Regulated as WOTUS and in Need of Confirmation**

The waters listed in this table have historically been and will continue to be regulated as WOTUS unless ADEQ makes a determination that they are non-WOTUS. Notwithstanding its inclusion on the list below, the status of a particular water in this table can be contested by a person in an enforcement or permit proceeding, a challenge to an identification as an impaired water, or a challenge to a proposed TMDL for an impaired water. Any changes to Table C will be made through formal rulemaking.

The waters on this list have their designated uses assigned by Title 18, Chapter 11, Article 1. Coordinates are from the North American Datum of 1983 (NAD83). All latitudes in Arizona are north and all longitudes are west, but the negative signs are not included in the Historically Regulated as WOTUS and in Need of Confirmation Table. Some web-based mapping systems require a negative sign before the longitude values to indicate it is a west longitude.

**Watersheds:**

BW = Bill Williams  
 CG = Colorado – Grand Canyon  
 CL = Colorado – Lower Gila  
 LC = Little Colorado  
 MG = Middle Gila  
 SC = Santa Cruz – Rio Magdalena – Rio Sonoyta  
 SP = San Pedro – Willcox Playa – Rio Yaqui  
 SR = Salt River  
 UG = Upper Gila  
 VR = Verde River

**Other Abbreviations:**

WWTP = Wastewater Treatment Plant  
 Km = kilometers

Watershed	Surface Water	Segment Description and Location (Latitude and Longitudes are in NAD 83)
BW	Alamo Lake	34°14'06"/113°35'00"
BW	Bill Williams River	Alamo Lake to confluence with Colorado River
BW	Blue Tank	34°40'14"/112°58'17"
BW	Boulder Creek	Headwaters to confluence with unnamed tributary at 34°41'13"/113°03'37"
BW	Burro Creek	Below confluence with Boulder Creek to confluence with Big Sandy River
BW	Burro Creek (OAW)	Headwaters to confluence with Boulder Creek
BW	Carter Tank	34°52'27"/112°57'31"
BW	Conger Creek	Headwaters to confluence with unnamed tributary at 34°45'15"/113°05'46"
BW	Conger Creek	Below confluence with unnamed tributary to confluence with Burro Creek
BW	Copper Basin Wash	Headwaters to confluence with unnamed tributary at 34°28'12"/112°35'33"
BW	Copper Basin Wash	Below confluence with unnamed tributary to confluence with Skull Valley Wash
BW	Cottonwood Canyon	Headwaters to Bear Trap Spring
BW	Cottonwood Canyon	Below Bear Trap Spring to confluence at Sycamore Creek
BW	Date Creek	Headwaters to confluence with Santa Maria River
BW	Knight Creek	Headwaters to confluence with Big Sandy River
BW	Peoples Canyon (OAW)	Headwaters to confluence with Santa Maria River
BW	Red Lake	35°12'18"/113°03'57"
BW	Santa Maria River	Headwaters to Alamo Lake
BW	Trout Creek	Headwaters to confluence with unnamed tributary at 35°06'47"/113°13'01"
CG	Agate Canyon	Headwaters to confluence with the Colorado River
CG	Big Springs Tank	36°36'08"/112°21'01"
CG	Boucher Creek	Headwaters to confluence with the Colorado River
CG	Bright Angel Wash	Headwaters to Grand Canyon National Park South Rim WWTP outfall at 36°02'59"/112°09'02"
CG	Bright Angel Wash (EDW)	Grand Canyon National Park South Rim WWTP outfall to Coconino Wash
CG	Bulrush Canyon Wash	Headwaters to confluence with Kanab Creek
CG	Cataract Creek	Headwaters to Santa Fe Reservoir
CG	Cataract Creek	Santa Fe Reservoir to City of Williams WWTP outfall at 35°14'40"/112°11'18"
CG	Cataract Creek	Red Lake Wash to Havasupai Indian Reservation boundary
CG	Cataract Creek (EDW)	City of Williams WWTP outfall to 1 km downstream
CG	Cataract Lake	35°15'04"/112°12'58"
CG	Chuar Creek	Headwaters to confluence with unnamed tributary at 36°11'35"/111°52'20"
CG	Chuar Creek	Below unnamed tributary to confluence with the Colorado River
CG	City Reservoir	35°13'57"/112°11'25"
CG	Clear Creek	Headwaters to confluence with unnamed tributary at 36°07'33"/112°00'03"
CG	Clear Creek	Below confluence with unnamed tributary to confluence with Colorado River
CG	Coconino Wash (EDW)	South Grand Canyon Sanitary District Tusayan WRF outfall at 35°58'39"/112°08'25" to 1 km downstream
CG	Crystal Creek	Headwaters to confluence with unnamed tributary at 36°13'41"/112°11'49"
CG	Deer Creek	Headwaters to confluence with unnamed tributary at 36°26'15"/112°28'20"
CG	Detrital Wash	Headwaters to Lake Mead
CG	Dogtown Reservoir	35°12'40"/112°07'54"
CG	Dragon Creek	Headwaters to confluence with Milk Creek
CG	Dragon Creek	Below confluence with Milk Creek to confluence with Crystal Creek
CG	Gonzalez Lake	35°15'26"/112°12'09"
CG	Grand Wash	Headwaters to Colorado River
CG	Grapevine Creek	Headwaters to confluence with the Colorado River
CG	Grapevine Wash	Headwaters to Colorado River
CG	Hakatai Canyon	Headwaters to confluence with the Colorado River
CG	Hance Creek	Headwaters to confluence with the Colorado River
CG	Hermit Creek	Headwaters to Hermit Pack Trail crossing at 36°03'38"/112°14'00"
CG	Horn Creek	Headwaters to confluence with the Colorado River

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CG	Hualapai Wash	Headwaters to Lake Mead
CG	Jacob Lake	36°42'27"/112°13'50"
CG	Kaibab Lake	35°17'04"/112°09'32"
CG	Kwagunt Creek	Headwaters to confluence with unnamed tributary at 36°13'37"/111°54'50"
CG	Kwagunt Creek	Below confluence with unnamed tributary to confluence with the Colorado River
CG	Lonetree Canyon Creek	Headwaters to confluence with the Colorado River
CG	Matkatamiba Creek	Below Havasupai Indian Reservation boundary to confluence with the Colorado River
CG	Monument Creek	Headwaters to confluence with the Colorado River
CG	Nankoweap Creek	Below confluence with unnamed tributary to confluence with Colorado River
CG	National Canyon Creek	Headwaters to Hualapai Indian Reservation boundary at 36°15'15"/112°52'34"
CG	North Canyon Creek	Headwaters to confluence with unnamed tributary at 36°33'58"/111°55'41"
CG	North Canyon Creek	Below confluence with unnamed tributary to confluence with Colorado River
CG	Olo Canyon	Headwaters to confluence with the Colorado River
CG	Parashant Canyon	Headwaters to confluence with unnamed tributary at 36°21'02"/113°27'56"
CG	Parashant Canyon	Below confluence with unnamed tributary to confluence with the Colorado River
CG	Phantom Creek	Headwaters to confluence with unnamed tributary at 36°09'29"/112°08'13"
CG	Red Canyon Creek	Headwaters to confluence with the Colorado River
CG	Roaring Springs	36°11'45"/112°02'06"
CG	Roaring Springs Creek	Headwaters to confluence with Bright Angel Creek
CG	Royal Arch Creek	Headwaters to confluence with the Colorado River
CG	Ruby Canyon	Headwaters to confluence with the Colorado River
CG	Russell Tank	35°52'21"/111°52'45"
CG	Saddle Canyon Creek	Headwaters to confluence with unnamed tributary at 36°21'36"/112°22'43"
CG	Saddle Canyon Creek	Below confluence with unnamed tributary to confluence with Colorado River
CG	Santa Fe Reservoir	35°14'31"/112°11'10"
CG	Sapphire Canyon	Headwaters to confluence with the Colorado River
CG	Serpentine Canyon	Headwaters to confluence with the Colorado River
CG	Shinumo Creek	Headwaters to confluence with unnamed tributary at 36°18'18"/112°18'07"
CG	Slate Creek	Headwaters to confluence with the Colorado River
CG	Spring Canyon Creek	Headwaters to confluence with the Colorado River
CG	Trail Canyon Creek	Headwaters to confluence with the Colorado River
CG	Transept Canyon	Headwaters to Grand Canyon National Park North Rim WWTP outfall at 36°12'20"/112°03'35"
CG	Transept Canyon	From 1 km downstream of the Grand Canyon National Park North Rim WWTP outfall to confluence with Bright Angel Creek
CG	Transept Canyon (EDW)	Grand Canyon National Park North Rim WWTP outfall to 1 km downstream
CG	Travertine Canyon Creek	Headwaters to confluence with the Colorado River
CG	Turquoise Canyon	Headwaters to confluence with the Colorado River
CG	Unkar Creek	Below confluence with unnamed tributary at 36°07'54"/111°54'06" to confluence with Colorado River
CG	Unnamed Wash to Cedar Canyon (EDW)	Grand Canyon National Park Desert View WWTP outfall at 36°02'06"/111°49'13" to confluence with Cedar Canyon
CG	Unnamed Wash to Spring Valley Wash (EDW)	Valle Airpark WRF outfall at 35°38'34"/112°09'22" to confluence with Spring Valley Wash
CG	Vishnu Creek	Headwaters to confluence with the Colorado River
CG	Warm Springs Creek	Headwaters to confluence with the Colorado River
CG	West Cataract Creek	Headwaters to confluence with Cataract Creek
CL	Columbus Wash	Headwaters to confluence with the Gila River
CL	Holy Moses Wash	Headwaters to City of Kingman Downtown WWTP outfall at 35°10'33"/114°03'46"
CL	Holy Moses Wash	From 3 km downstream of City of Kingman Downtown WWTP outfall to confluence with Sawmill Wash
CL	Holy Moses Wash (EDW)	City of Kingman Downtown WWTP outfall to 3 km downstream
CL	Mohave Wash	Headwaters to Lower Colorado River
CL	Painted Rock (Borrow Pit) Lake	33°04'55"/113°01'17"
CL	Quigley Pond	32°43'40"/113°57'44"
CL	Redondo Lake	32°44'32"/114°29'03"
CL	Sacramento Wash	Headwaters to Topock Marsh
CL	Sawmill Canyon	Headwaters to abandoned gaging station at 35°09'45"/113°57'56"
CL	Sawmill Canyon	Below abandoned gaging station to confluence with Holy Moses Wash
CL	Tyson Wash (EDW)	Town of Quartzsite WWTP outfall at 33°42'39"/114°13'10" to 1 km downstream
CL	Wellton Canal	Wellton-Mohawk Irrigation District
CL	Yuma Area Canals	Above municipal water treatment plant intakes
CL	Yuma Area Canals	Below municipal water treatment plant intakes and all drains
LC	Als Lake	35°02'10"/111°25'17"
LC	Ashurst Lake	35°01'06"/111°24'18"
LC	Atcheson Reservoir	33°59'59"/109°20'43"
LC	Barbershop Canyon Creek	Headwaters to confluence with East Clear Creek
LC	Bear Canyon Creek	Headwaters to confluence with General Springs Canyon
LC	Bear Canyon Creek	Headwaters to confluence with Willow Creek
LC	Bear Canyon Lake	34°24'00"/111°00'06"
LC	Becker Lake	34°09'11"/109°18'23"
LC	Billy Creek	Headwaters to confluence with Show Low Creek
LC	Black Canyon	Headwaters to confluence with Chevelon Creek
LC	Bow and Arrow Wash	Headwaters to confluence with Rio de Flag
LC	Buck Springs Canyon Creek	Headwaters to confluence with Leonard Canyon Creek
LC	Bunch Reservoir	34°02'20"/109°26'48"
LC	Carrero Lake	34°06'57"/109°31'42"
LC	Chevelon Creek, West Fork	Headwaters to confluence with Chevelon Creek
LC	Chilson Tank	34°51'43"/111°22'54"
LC	Coconino Reservoir	35°00'05"/111°24'10"
LC	Colter Creek	Headwaters to confluence with Nutrioso Creek
LC	Concho Creek	Headwaters to confluence with Carrizo Wash
LC	Concho Lake	34°26'37"/109°37'40"
LC	Cow Lake	34°53'14"/111°18'51"
LC	Crisis Lake (Snake Tank #2)	34°47'51"/111°17'32"
LC	Dane Canyon Creek	Headwaters to confluence with Barbershop Canyon Creek

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LC	Daves Tank	34°44'22"/111°17'15"
LC	Deep Lake	35°03'34"/111°25'00"
LC	Ducksnest Lake	34°59'14"/111°23'57"
LC	Estates at Pine Canyon lakes (EDW)	35°09'32"/111°38'26"
LC	Fish Creek	Headwaters to confluence with the Little Colorado River
LC	General Springs Canyon Creek	Headwaters to confluence with East Clear Creek
LC	Geneva Reservoir	34°01'45"/109°31'46"
LC	Hall Creek	Headwaters to confluence with the Little Colorado River
LC	Hart Canyon Creek	Headwaters to confluence with Willow Creek
LC	Hay Lake	34°00'11"/109°25'57"
LC	Hog Wallow Lake	33°58'57"/109°25'39"
LC	Horse Lake	35°03'55"/111°27'50"
LC	Hulsey Creek	Headwaters to confluence with Nutrioso Creek
LC	Hulsey Lake	33°55'58"/109°09'40"
LC	Humphrey Lake (EDW)	35°11'51"/111°35'19"
LC	Indian Lake	35°00'39"/111°22'41"
LC	Jacks Canyon	Headwaters to confluence with the Little Colorado River
LC	Jarvis Lake	33°58'59"/109°12'36"
LC	Kinnikinick Lake	34°53'53"/111°18'18"
LC	Knoll Lake	34°25'38"/111°05'13"
LC	Lake Mary, Lower	35°06'21"/111°34'38"
LC	Lake Mary, Upper	35°03'23"/111°28'34"
LC	Lake of the Woods	34°09'40"/109°58'47"
LC	Lee Valley Creek (OAW)	Headwaters to Lee Valley Reservoir
LC	Lee Valley Reservoir	33°56'29"/109°30'04"
LC	Leonard Canyon Creek	Headwaters to confluence with Clear Creek
LC	Leonard Canyon Creek, East Fork	Headwaters to confluence with Leonard Canyon Creek
LC	Leonard Canyon Creek, Middle Fork	Headwaters to confluence with Leonard Canyon, West Fork
LC	Leonard Canyon Creek, West Fork	Headwaters to confluence with Leonard Canyon, East Fork
LC	Leroux Wash, tributary to Little Colorado River	From City of Holbrook-Painted Mesa WRF outfall at 34° 54' 30", -110° 11' 36" to Little Colorado River. The outfall discharges into Leroux Wash. All reaches of the Little Colorado River between the outfall to the Colorado River are perennial or intermittent.
LC	Little Colorado River, West Fork (OAW)	Headwaters to Government Springs
LC	Little George Reservoir	34°00'37"/109°19'15"
LC	Little Mormon Lake	34°17'00"/109°58'06"
LC	Long Lake, Lower	34°47'16"/111°12'40"
LC	Long Lake, Upper	35°00'08"/111°21'23"
LC	Long Tom Tank	34°20'35"/110°49'22"
LC	Lower Walnut Canyon Lake (EDW)	35°12'04"/111°34'07"
LC	Marshall Lake	35°07'18"/111°32'07"
LC	McKay Reservoir	34°01'27"/109°13'48"
LC	Merritt Draw Creek	Headwaters to confluence with Barbershop Canyon Creek
LC	Mexican Hay Lake	34°01'58"/109°21'25"
LC	Milk Creek	Headwaters to confluence with Hulsey Creek
LC	Miller Canyon Creek	Headwaters to confluence with East Clear Creek
LC	Miller Canyon Creek, East Fork	Headwaters to confluence with Miller Canyon Creek
LC	Morton Lake	34°53'37"/111°17'41"
LC	Mud Lake	34°55'19"/111°21'29"
LC	Ned Lake (EDW)	34°17'17"/110°03'22"
LC	Norton Reservoir	34°03'57"/109°31'27"
LC	Paddy Creek	Headwaters to confluence with Nutrioso Creek
LC	Pierce Seep	34°23'39"/110°31'17"
LC	Pine Tank	34°46'49"/111°17'21"
LC	Pintail Lake (EDW)	34°18'05"/110°01'21"
LC	Puerco River	Headwaters to confluence with the Little Colorado River
LC	Puerco River (EDW)	Sanders Unified School District WWTP outfall at 35°12'52"/109°19'40" to 0.5 km downstream
LC	Rainbow Lake	34°09'00"/109°59'09"
LC	Reagan Reservoir	34°02'09"/109°08'41"
LC	Rio de Flag (EDW)	From City of Flagstaff WWTP outfall to the confluence with San Francisco Wash
LC	River Reservoir	34°02'01"/109°26'07"
LC	Rogers Reservoir	33°56'30"/109°16'20"
LC	Russel Reservoir	33°59'29"/109°20'01"
LC	San Salvador Reservoir	33°58'51"/109°19'55"
LC	Slade Reservoir	33°59'41"/109°20'26"
LC	Soldiers Annex Lake	34°47'15"/111°13'51"
LC	Soldiers Lake	34°47'47"/111°14'04"
LC	Spaulding Tank	34°30'17"/111°02'06"
LC	St Johns Reservoir (Little Reservoir)	34°29'10"/109°22'06"
LC	Telephone Lake (EDW)	34°17'35"/110°02'42"
LC	Tremaine Lake	34°46'02"/111°13'51"
LC	Tunnel Reservoir	34°01'53"/109°26'34"
LC	Turkey Draw (EDW)	High Country Pines II WWTP outfall at 33°25'35"/ 110°38'13" to confluence with Black Canyon Creek
LC	Unnamed Wash to Pierce Wash (EDW)	Bison Ranch WWTP outfall at 34°23'31"/110°31'29" to Pierce Seep
LC	Unnamed wash, tributary to Rio de Flag River (Bow and Arrow Wash)	Treated municipal wastewater is piped from the Rio de Flag WWTP through a city-wide reuse system to the main effluent storage pond that is in an unnamed wash.
LC	Walnut Creek	Headwaters to confluence with Billy Creek
LC	Water Canyon Creek	Headwaters to confluence with the Little Colorado River
LC	Whale Lake (EDW)	35°11'13"/111°35'21"
LC	Whipple Lake	34°16'49"/109°58'29"
LC	White Mountain Reservoir	34°00'12"/109°30'39"
LC	Willow Creek	Headwaters to confluence with Clear Creek
LC	Willow Springs Canyon Creek	Headwaters to confluence with Chevelon Creek

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LC	Willow Springs Lake	34°18'13"/110°52'16"
LC	Woodland Reservoir	34°07'35"/109°57'01"
LC	Woods Canyon Creek	Headwaters to confluence with Chevelon Creek
LC	Woods Canyon Lake	34°20'09"/110°56'45"
MG	Agua Fria River	Headwaters to confluence with unnamed tributary at 34°35'14"/112°16'18"
MG	Agua Fria River	Below Lake Pleasant to the City of El Mirage WWTP at 33°34'20"/112°18'32"
MG	Agua Fria River	Below 2 km downstream of the City of El Mirage WWTP to City of Avondale WWTP outfall at 33°23'55"/112°21'16"
MG	Agua Fria River	From City of Avondale WWTP outfall to confluence with Gila River
MG	Agua Fria River (EDW)	Below confluence with unnamed tributary to State Route 169
MG	Agua Fria River (EDW)	From City of El Mirage WWTP outfall to 2 km downstream
MG	Andorra Wash	Headwaters to confluence with Cave Creek Wash
MG	Antelope Creek	Headwaters to confluence with Martinez Creek
MG	Arlington Canal	From Gila River at 33°20'54"/112°35'39" to Gila River at 33°13'44"/112°46'15"
MG	Arnett Creek	Headwaters to Queen Creek @ 33°16'43.24"/111°10'12.49"
MG	Ash Creek	Headwaters to confluence with Tex Canyon
MG	Beehive Tank	32°52'37"/111°02'20"
MG	Big Bug Creek	Headwaters to confluence with Eugene Gulch
MG	Big Bug Creek	Below confluence with Eugene Gulch to confluence with Agua Fria River
MG	Black Canyon Creek	Headwaters to confluence with the Agua Fria River
MG	Blind Indian Creek	Headwaters to confluence with the Hassayampa River
MG	Cash Gulch	Headwaters to Jersey Gulch @ 34°25'31.39"/112°25'30.96"
MG	Cave Creek	Headwaters to the Cave Creek Dam
MG	Cave Creek	Cave Creek Dam to the Arizona Canal
MG	Centennial Wash	Headwaters to confluence with the Gila River at 33°16'32"/112°48'08"
MG	Centennial Wash Ponds	33°54'52"/113°23'47"
MG	Chaparral Park Lake	Hayden Road & Chaparral Road, Scottsdale at 33°30'40"/111°54'27"
MG	Corgett Wash	From Corgett Wash WRF outfall at 33°21'42", -112°27'05" to Gila River. The discharge point is 0.5 miles from the ephemeral conveyance Corgett Wash. The Gila River is then 1.5 miles downstream from Corgett Wash.
MG	Devils Canyon	Headwaters to confluence with Mineral Creek
MG	Eldorado Park Lake	Miller Road & Oak Street, Tempe at 33°28'25"/111°54'53"
MG	Eugene Gulch	Headwaters to Big Bug Creek @ 34°27'11.51"/112°18'30.95"
MG	French Gulch	Headwaters to confluence with Hassayampa River
MG	Galena Gulch	Headwaters to confluence with the Agua Fria River
MG	Galloway Wash (EDW)	Town of Cave Creek WWTP outfall at 33°50'15"/111°57'35" to confluence with Cave Creek
MG	Gila River	Ashurst-Hayden Dam to the Town of Florence WWTP outfall at 33°02'20"/111°24'19"
MG	Gila River	Felix Road to the Gila River Indian Reservation boundary
MG	Gila River	Gillespie Dam to confluence with Painted Rock Dam
MG	Gila River (EDW)	Town of Florence WWTP outfall to Felix Road
MG	Groom Creek	Headwaters to confluence with the Hassayampa River
MG	Hassayampa River	Below confluence with unnamed tributary to confluence with unnamed tributary at 33°51'52"/112°39'56".
MG	Hassayampa River	Below Buckeye Irrigation Company canal to the Gila River
MG	Hassayampa River	From City of Buckeye-Palo Verde Road WWTP outfall at 33° 23' 54.3", -112° 40' 33.7" to Buckeye Canal
MG	Horsethief Lake	34°09'42"/112°17'57"
MG	Indian Bend Wash	Headwaters to confluence with the Salt River
MG	Indian Bend Wash Lakes	Scottsdale at 33°30'32"/111°54'24"
MG	Indian School Park Lake	Indian School Road & Hayden Road, Scottsdale at 33°29'39"/111°54'37"
MG	Jersey Gulch	Headwaters to Hassayampa River @ 34°25'40.16"/112°25'45.64"
MG	Kiwanis Park Lake	6000 South Mill Avenue, Tempe at 33°22'27"/111°56'22"
MG	Lake Pleasant, Lower	33°50'32"/112°16'03"
MG	Lion Canyon	Headwaters to confluence with Weaver Creek
MG	Lynx Creek	Headwaters to confluence with unnamed tributary at 34°34'29"/112°21'07"
MG	Lynx Creek	Below confluence with unnamed tributary at 34°34'29"/112°21'07" to confluence with Agua Fria River
MG	Lynx Lake	34°31'07"/112°23'07"
MG	Martinez Canyon	Headwaters to confluence with Box Canyon
MG	Martinez Creek	Headwaters to confluence with the Hassayampa River
MG	McKellips Park Lake	Miller Road & McKellips Road, Scottsdale at 33°27'14"/111°54'49"
MG	McMicken Wash (EDW)	City of Peoria Jomax WWTP outfall at 33°43'31"/112°20'15" to confluence with Agua Fria River
MG	Mineral Creek	Headwaters to 33°12'34"/110°59'58"
MG	Mineral Creek	End of diversion channel to confluence with Gila River
MG	Minnehaha Creek	Headwaters to confluence with the Hassayampa River
MG	Money Metals Trib	Headwaters to Unnamed Trib (UB1)
MG	New River	Headwaters to Interstate 17 at 33°54'19.5"/112°08'46"
MG	New River	Below Interstate 17 to confluence with Agua Fria River
MG	Painted Rock Reservoir	33°04'23"/113°00'38"
MG	Papago Park Ponds	Galvin Parkway, Phoenix at 33°27'15"/111°56'45"
MG	Perry Mesa Tank	34°11'03"/112°02'01"
MG	Phoenix Area Canals	Granite Reef Dam to all municipal WTP intakes
MG	Phoenix Area Canals	Below municipal WTP intakes and all other locations
MG	Picacho Reservoir	32°51'10"/111°28'25"
MG	Poland Creek	Headwaters to confluence with Lorena Gulch
MG	Poland Creek	Below confluence with Lorena Gulch to confluence with Black Canyon Creek
MG	Queen Creek	Headwaters to the Town of Superior WWTP outfall at 33°16'33"/111°07'44"
MG	Queen Creek	Below Potts Canyon to 'Whitlow Dam
MG	Queen Creek	Below Whitlow Dam to confluence with Gila River
MG	Queen Creek (EDW)	Below Town of Superior WWTP outfall to confluence with Potts Canyon
MG	Salt River	2 km below Granite Reef Dam to City of Mesa NW WRF outfall at 33°26'22"/111°53'14"
MG	Salt River	Below Tempe Town Lake to Interstate 10 bridge
MG	Salt River	Below Interstate 10 bridge to the City of Phoenix 23rd Avenue WWTP outfall at 33°24'44"/112°07'59"
MG	Salt River (EDW)	City of Mesa NW WRF outfall to Tempe Town Lake
MG	Salt River (EDW)	From City of Phoenix 23rd Avenue WWTP outfall to confluence with Gila River
MG	Siphon Draw (EDW)	Superstition Mountains CFD WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream

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MG	Sycamore Creek	Headwaters to confluence with Tank Canyon
MG	Sycamore Creek	Below confluence with Tank Canyon to confluence with Agua Fria River
MG	The Lake Tank	32°54'14"/111°04'15"
MG	Tule Creek	Headwaters to confluence with the Agua Fria River
MG	Turkey Creek	Below confluence with unnamed tributary to confluence with Poland Creek
MG	Unnamed Trib (UQ2) to Queen Creek	Headwaters to Queen Creek @ 33°18'26.15"/111°04'19.3"
MG	Unnamed Trib (UQ3) to Queen Creek	Headwaters to Queen Creek @ 33°18'33.75"/111°04'02.61"
MG	Unnamed Trib to Big Bug Creek (UB1)	Headwaters to Big Bug Creek @ 34°25'38.86"/112°22'29.32"
MG	Unnamed Trib to Eugene Gulch	Headwaters to Eugene Gulch @ 34°27'34.6"/112°20'24.53"
MG	Unnamed Trib to Lynx Creek	Headwaters to Superior Mining Div. Outfall @ Lynx Creek @ 34°27'10.57"/112°23'14.22"
MG	Unnamed tributary to Deadman's Wash	From EPCOR Water Anthem Water Campus WWTP outfall at 33° 50' 47.9", -112° 08' 25.6" to Deadman's Wash
MG	Unnamed tributary to Gila River (EDW)	Gila Bend WWTP outfall to confluence with the Gila River
MG	Unnamed tributary to Gila River (EDW)	North Florence WWTP outfall at 33°03'50"/ 111°23'13" to confluence with Gila River
MG	Unnamed tributary to the Agua Fria River	From Softwinds WWTP outfall at 34° 32' 43", -112° 14' 21" to the Agua Fria River. Discharges to Agua Fria which is a jurisdictional tributary to Lake Pleasant (TNW)
MG	Unnamed tributary to Winters Wash	From Balterra WWTP outfall at 33° 29' 45", -112° 55' 10" to Winters Wash
MG	Unnamed Wash (EDW)	Luke Air Force Base WWTP outfall at 33°32'21"/112°19'15" to confluence with the Agua Fria River
MG	Unnamed Wash (EDW)	Town of Prescott Valley WWTP outfall at 34°35'16"/ 112°16'18" to confluence with the Agua Fria River
MG	Unnamed Wash (EDW)	Town of Cave Creek WRF outfall at 33°48'02"/ 111°59'22" to confluence with Cave Creek
MG	Unnamed wash, tributary to Black Canyon Creek	From Black Canyon Ranch RV Resort WWTP outfall to Agua Fria River.
MG	Unnamed wash, tributary to Queen Creek	Queen Creek, AZ15050100-013B is closest WBID to outfall coordinates
MG	Unnamed wash, tributary to Waterman Wash	The Rainbow Valley outfall discharges to an unnamed wash to Waterman wash to the Gila River.
MG	Wagner Wash (EDW)	City of Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream
MG	Walnut Canyon Creek	Headwaters to confluence with the Gila River
MG	Weaver Creek	Headwaters to confluence with Antelope Creek, tributary to Martinez Creek
MG	White Canyon	Headwaters to confluence with Walnut Canyon Creek
MG	Yavapai Lake (EDW)	Town of Prescott Valley WWTP outfall 002 at 34°36'07"/112°18'48" to Navajo Wash
SC	Agua Caliente Lake	12325 East Roger Road, Tucson 32°16'51"/ 110°43'52"
SC	Agua Caliente Wash	Headwaters to confluence with Soldier Trail
SC	Agua Caliente Wash	Below Soldier Trail to confluence with Tanque Verde Creek
SC	Aguirre Wash	From the Tohono O'odham Indian Reservation boundary to 32°28'38"/111°46'51"
SC	Alambre Wash	Headwaters to confluence with Brawley Wash
SC	Alamo Wash	Headwaters to confluence with Rillito Creek
SC	Altar Wash	Headwaters to confluence with Brawley Wash
SC	Alum Gulch	Headwaters to 31°28'20"/110°43'51"
SC	Alum Gulch	From 31°28'20"/110°43'51" to 31°29'17"/110°44'25"
SC	Arivaca Creek	Headwaters to confluence with Altar Wash
SC	Arivaca Lake	31°31'52"/111°15'06"
SC	Atterbury Wash	Headwaters to confluence with Pantano Wash
SC	Bear Grass Tank	31°33'01"/111°11'03"
SC	Big Wash	Headwaters to confluence with Cañada del Oro
SC	Black Wash (EDW)	Pima County WWMMD Avra Valley WWTP outfall at 32°09'58"/111°11'17" to confluence with Brawley Wash
SC	Bog Hole Tank	31°28'36"/110°37'09"
SC	Brawley Wash	Headwaters to confluence with Los Robles Wash
SC	Cañada del Oro	Headwaters to State Route 77
SC	Cañada del Oro	Below State Route 77 to confluence with the Santa Cruz River
SC	Cienega Creek	Headwaters to confluence with Gardner Canyon
SC	Davidson Canyon	Headwaters to unnamed spring at 31°59'00"/ 110°38'49"
SC	Davidson Canyon (OAW)	From unnamed Spring to confluence with unnamed tributary at 31°59'09"/110°38'44"
SC	Davidson Canyon (OAW)	Below confluence with unnamed tributary to unnamed spring at 32°00'40"/110°38'36"
SC	Davidson Canyon (OAW)	From unnamed spring to confluence with Cienega Creek
SC	Empire Gulch	Headwaters to unnamed spring at 31°47'18"/ 110°38'17"
SC	Empire Gulch	From 31°47'18"/110°38'17" to 31°47'03"/110°37'35"
SC	Empire Gulch	From 31°47'03"/110°37'35" to 31°47'05"/ 110°36'58"
SC	Empire Gulch	From 31°47'05"/110°36'58" to confluence with Cienega Creek
SC	Flux Canyon	Headwaters to confluence with Alum Gulch
SC	Gardner Canyon Creek	Headwaters to confluence with Sawmill Canyon
SC	Gardner Canyon Creek	Below Sawmill Canyon to confluence with Cienega Creek
SC	Greene Wash	Santa Cruz River to the Tohono O'odham Indian Reservation boundary
SC	Greene Wash	Tohono O'odham Indian Reservation boundary to confluence with Santa Rosa Wash at 32°53'52"/ 111°56'48"
SC	Harshaw Creek	Headwaters to confluence with Sonoita Creek at
SC	Hit Tank	32°43'57"/111°03'18"
SC	Holden Canyon Creek	Headwaters to U.S./Mexico border
SC	Huachuca Tank	31°21'11"/110°30'18"
SC	Humboldt Canyon	Headwaters to Alum Gulch @ 31°28'25.84"/110°44'01.57"
SC	Julian Wash	Headwaters to confluence with the Santa Cruz River
SC	Kennedy Lake	Mission Road & Ajo Road, Tucson at 32°10'49"/ 111°00'27"
SC	Lakeside Lake	8300 East Stella Road, Tucson at 32°11'11"/ 110°49'00"
SC	Lemmon Canyon Creek	Headwaters to confluence with unnamed tributary at 32°23'48"/110°47'49"
SC	Lemmon Canyon Creek	Below unnamed tributary at 32°23'48"/110°47'49" to confluence with Sabino Canyon Creek
SC	Los Robles Wash	Headwaters to confluence with the Santa Cruz River
SC	Madera Canyon Creek	Headwaters to confluence with unnamed tributary at 31°43'42"/110°52'51"
SC	Madera Canyon Creek	Below unnamed tributary at 31°43'42"/110°52'51" to confluence with the Santa Cruz River
SC	Mattie Canyon	Headwaters to confluence with Cienega Creek
SC	Oak Tree Canyon	Headwaters to confluence with Cienega Creek
SC	Palisade Canyon	Headwaters to confluence with unnamed tributary at 32°22'33"/110°45'31"
SC	Palisade Canyon	Below 32°22'33"/110°45'31" to unnamed tributary of Sabino Canyon
SC	Pantano Wash	Headwaters to confluence with Tanque Verde Creek
SC	Parker Canyon Creek	Headwaters to confluence with unnamed tributary at 31°24'17"/110°28'47"
SC	Parker Canyon Lake	31°25'35"/110°27'15"
SC	Patagonia Lake	31°29'56"/110°50'49"



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## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

SC	Peña Blanca Lake	31°24'15"/111°05'12"
SC	Potrero Creek	Headwaters to Interstate 19
SC	Potrero Creek	Below Interstate 19 to confluence with Santa Cruz River
SC	Puertocito Wash	Headwaters to confluence with Altar Wash
SC	Quitobaquito Spring	(Pond and Springs) 31°56'39"/113°01'06"
SC	Redrock Canyon Creek	Headwaters to confluence with Harshaw Creek
SC	Rillito Creek	Headwaters to confluence with the Santa Cruz River
SC	Romero Canyon Creek	Headwaters to confluence with unnamed tributary at 32°24'29"/110°50'39"
SC	Rose Canyon Creek	Headwaters to confluence with Sycamore Canyon
SC	Rose Canyon Lake	32°23'13"/110°42'38"
SC	Ruby Lakes	31°26'29"/111°14'22"
SC	Sabino Creek	Headwaters to 32°23'20"/110°47'06"
SC	Sabino Creek	Below 32°23'20"/110°47'06" to confluence with Tanque Verde River
SC	Salero Ranch Tank	31°35'43"/110°53'25"
SC	Santa Cruz River	Headwaters to the at U.S./Mexico border
SC	Santa Cruz River	Baumgartner Road to the Ak Chin Indian Reservation boundary
SC	Santa Cruz River (EDW)	Nogales International WWTP outfall to the Tubac Bridge
SC	Santa Cruz River, West Branch	Headwaters to the confluence with Santa Cruz River
SC	Santa Cruz Wash, North Branch	Headwaters to City of Casa Grande WRF outfall at 32°54'57"/111°47'13"
SC	Santa Cruz Wash, North Branch (EDW)	City of Casa Grande WRF outfall to 1 km downstream
SC	Santa Rosa Wash	Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation
SC	Santa Rosa Wash (EDW)	Palo Verde Utilities CO-WRF outfall at 33°04'20"/ 112°01'47" to the Chin Indian Reservation
SC	Soldier Tank	32°25'34"/110°44'43"
SC	Sonoita Creek	Headwaters to the Town of Patagonia WWTP outfall at 31°32'25"/110°45'31"
SC	Sonoita Creek	Below 1600 feet downstream of Town of Patagonia WWTP outfall groundwater upwelling point to confluence with the Santa Cruz River
SC	Split Tank	31°28'11"/111°05'12"
SC	Sutherland Wash	Headwaters to confluence with Cañada del Oro
SC	Sycamore Canyon	Headwaters to 32°21'60" / 110°44'48"
SC	Sycamore Canyon	From 32°21'60" / 110°44'48" to Sycamore Reservoir
SC	Sycamore Reservoir	32°20'57"/110°47'38"
SC	Tanque Verde Creek	Headwaters to Houghton Road
SC	Tanque Verde Creek	Below Houghton Road to confluence with Rillito Creek
SC	Three R Canyon	Headwaters to Unnamed Trib to Three R Canyon at 31°28'26"/110°46'04"
SC	Three R Canyon	From 31°28'26"/110°46'04" to 31°28'28"/110°47'15" (Cox Gulch)
SC	Three R Canyon	From (Cox Gulch) 31°28'28"/110°47'15" to confluence with Sonoita Creek
SC	Tinaja Wash	Headwaters to confluence with the Santa Cruz River
SC	Unnamed Trib (Endless Mine Tributary) to Harshaw Creek	Headwaters to Harshaw Creek @ 31°26'12.3"/110°43'27.26"
SC	Unnamed Trib (UA2) to Alum Gulch	Headwaters to Alum Gulch @ 31°28'49.67"/110°44'12.86"
SC	Unnamed Trib to Cox Gulch	Headwaters to Cox Gulch @ 31°27'53.86"/110°46'51.29"
SC	Unnamed Trib to Three R Canyon	Headwaters to Three R Canyon @ 31°28'25.82"/110°46'04.11"
SC	Unnamed Wash to Canada Del Oro (EDW)	Oracle Sanitary District WWTP outfall at 32°36'54"/ 110°48'02" to 5 km downstream
SC	Unnamed Wash to Canada del Oro (EDW)	Saddlebrook WWTP outfall at 32°32'00"/110°53'01" to confluence with Cañada del Oro
SC	Unnamed Wash to Santa Cruz Wash (EDW)	Arizona City Sanitary District WWTP outfall at 32°45'43"/111°44'24" to confluence with Santa Cruz Wash
SC	Vekol Wash	Headwater to Santa Cruz Wash: Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations
SC	Wakefield Canyon	Headwaters to confluence with unnamed tributary at 31°52'48"/110°26'27"
SC	Wakefield Canyon	Below confluence with unnamed tributary to confluence with Cienega Creek
SC	Wild Burro Canyon	Headwaters to confluence with unnamed tributary at 32°27'43"/111°05'47"
SC	Wild Burro Canyon	Below confluence with unnamed tributary to confluence with Santa Cruz River
SP	Abbot Canyon	Headwaters to confluence with Whitewater Draw
SP	Aravaipa Creek	Headwaters to confluence with Stowe Gulch
SP	Ash Creek	Headwaters to 31°50'28"/109°40'04"
SP	Babocomari River	Headwaters to confluence with the San Pedro River
SP	Bass Canyon Creek	Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'22"
SP	Bass Canyon Tank	32°24'00"/110°13'00"
SP	Blacktail Pond	Fort Huachuca Military Reservation at 31°31'04"/110°24'47", headwater lake in Blacktail Canyon
SP	Booger Canyon	Headwaters to confluence with Aravaipa Creek
SP	Brewery Gulch	Headwaters to Mule Gulch @ 31°26'27.88"/109°54'48.1"
SP	Buck Canyon	Headwaters to confluence with Buck Creek Tank
SP	Buck Canyon	Below Buck Creek Tank to confluence with Dry Creek
SP	Buehman Canyon Creek	Below confluence with unnamed tributary to confluence with San Pedro River
SP	Buehman Canyon Creek (OAW)	Headwaters to confluence with unnamed tributary at 32°24'54"/110°32'10"
SP	Bullock Canyon	Headwaters to confluence with Buehman Canyon
SP	Carr Canyon Creek	Below confluence with unnamed tributary to confluence with the San Pedro River
SP	Copper Creek	Headwaters to confluence with Prospect Canyon
SP	Copper Creek	Below confluence with Prospect Canyon to confluence with the San Pedro River
SP	Curry Draw	Headwaters to San Pedro River
SP	Deer Creek	Headwaters to confluence with unnamed tributary at 32°59'57"/110°20'11"
SP	Deer Creek	Below confluence with unnamed tributary to confluence with Aravaipa Creek
SP	Dixie Canyon	Headwaters to confluence with Mexican Canyon
SP	Double R Canyon Creek	Headwaters to confluence with Bass Canyon
SP	Dry Canyon	Headwaters to confluence with Whitewater draw
SP	East Gravel Pit Pond	Fort Huachuca Military Reservation at 31°30'54"/ 110°19'44"
SP	Espiritu Canyon Creek	Headwaters to confluence with Soza Wash
SP	Fournmile Canyon Creek	Headwaters to confluence with Aravaipa Creek
SP	Fournmile Canyon, Left Prong	Headwaters to confluence with unnamed tributary at 32°43'15"/110°23'46"
SP	Fournmile Canyon, Left Prong	Below confluence with unnamed tributary to confluence with Fournmile Canyon Creek
SP	Fournmile Canyon, Right Prong	Headwaters to confluence with Fournmile Canyon
SP	Gadwell Canyon	Headwaters to confluence with Whitewater Draw
SP	Garden Canyon Creek	Headwaters to confluence with unnamed tributary at 31°29'01"/110°19'44"
SP	Garden Canyon Creek	Below confluence with unnamed tributary to confluence with the San Pedro River

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SP	Glance Creek	Headwaters to confluence with Whitewater Draw
SP	Gravel Pit Pond	Fort Huachuca Military Reservation at 31°30'52"/ 110°19'49"
SP	Greenbush Draw	From U.S./Mexico border to confluence with San Pedro River
SP	Greenbush Draw	From City of Bisbee San Jose WWTP outfall at 31° 20' 35.4", -109° 56' 10.2" to San Pedro River. The City of Bisbee San Jose WWTP outfall discharges to Greenbush Draw.
SP	Hidden Pond	Fort Huachuca Military Reservation at 32°30'30"/ 109°22'17"
SP	Horse Camp Canyon	Headwaters to confluence with Aravaipa Creek
SP	Hot Springs Canyon	Headwaters to confluence with the San Pedro River
SP	Johnson Canyon	Headwaters to Whitewater Draw at 31°32'46"/ 109°43'32"
SP	Leslie Creek	Headwaters to confluence with Whitewater Draw
SP	Lower Garden Canyon Pond	Fort Huachuca Military Reservation at 31°29'39"/ 110°18'34"
SP	Mexican Canyon	Headwaters to confluence with Dixie Canyon
SP	Miller Canyon	Headwaters to Broken Arrow Ranch Road at 31°25'35"/110°15'04"
SP	Miller Canyon	Below Broken Arrow Ranch Road to confluence with the San Pedro River
SP	Montezuma Creek	Headwaters to Mexico Border @ 31°20'01.87"/110°13'40.97"
SP	Mountain View Golf Course Pond	Fort Huachuca Military Reservation at 31°32'14"/ 110°18'52"
SP	Mule Gulch	Headwaters to the Lavender Pit at 31°26'11"/ 109°54'02"
SP	Mule Gulch	The Lavender Pit to the Highway 80 bridge at 31°26'30"/109°49'28"
SP	Mule Gulch	Below the Highway 80 bridge to confluence with Whitewater Draw
SP	Oak Grove Canyon	Headwaters to confluence with Turkey Creek
SP	Officers Club Pond	Fort Huachuca Military Reservation at 31°32'51"/ 110°21'37"
SP	Paige Canyon Creek	Headwaters to confluence with the San Pedro River
SP	Parsons Canyon	Headwaters to confluence with Aravaipa Creek
SP	Ramsey Canyon Creek	Headwaters to Forest Service Road #110 at 31°27'44"/110°17'30"
SP	Rattlesnake Creek	Headwaters to confluence with Brush Canyon
SP	Rattlesnake Creek	Below confluence with Brush Canyon to confluence with Aravaipa Creek
SP	Redfield Canyon	Headwaters to confluence with unnamed tributary at 32°33'40"/110°18'42"
SP	Redfield Canyon	Below confluence with unnamed tributary to confluence with the San Pedro River
SP	Rucker Canyon	Headwaters to confluence with Whitewater Draw
SP	Rucker Canyon Lake	31°46'46"/109°18'30"
SP	Soto Canyon	Headwaters to confluence with Dixie Canyon
SP	Swamp Springs Canyon Creek	Headwaters to confluence with Redfield Canyon
SP	Sycamore Pond I	Fort Huachuca Military Reservation at 31°35'12"/ 110°26'11"
SP	Sycamore Pond II	Fort Huachuca Military Reservation at 31°34'39"/ 110°26'10"
SP	Turkey Creek	Headwaters to confluence with Aravaipa Creek
SP	Unnamed Wash Mt. Lemmon (EDW)	Mt. Lemmon WWTP outfall at 32°26'51"/110°45'08" to 0.25 km downstream
SP	Virgus Canyon	Headwaters to confluence with Aravaipa Creek
SP	Walnut Gulch	Headwaters to Tombstone WWTP outfall at 31°43'47"/110°04'06"
SP	Walnut Gulch	Tombstone Wash to confluence with San Pedro River
SP	Walnut Gulch (EDW)	Tombstone WWTP outfall to the confluence with Tombstone Wash
SP	Woodcutters Pond	Fort Huachuca Military Reservation at 31°30'09"/ 110°20'12"
SR	Barnhard Creek	Headwaters to confluence with unnamed tributary at 34°05'37"/111°26'40"
SR	Barnhardt Creek	Below confluence with unnamed tributary to confluence with Rye Creek
SR	Basin Lake	33°55'00"/109°26'09"
SR	Bear Creek	Headwaters to confluence with the Black River
SR	Bear Wallow Creek, North Fork (OAW)	Headwaters to confluence with the Bear Wallow Creek
SR	Bear Wallow Creek, South Fork (OAW)	Headwaters to confluence with the Bear Wallow Creek
SR	Big Lake	33°52'36"/109°25'33"
SR	Bloody Tanks Wash	Headwaters to Schultze Ranch Road
SR	Bloody Tanks Wash	Schultze Ranch Road to confluence with Miami Wash
SR	Boulder Creek	Headwaters to confluence with LaBarge Creek
SR	Campaign Creek	Headwaters to Roosevelt Lake
SR	Canyon Creek	Headwaters to the White Mountain Apache Reservation boundary
SR	Centerfire Creek	Headwaters to confluence with the Black River
SR	Chambers Draw Creek	Headwaters to confluence with the North Fork of the East Fork of Black River
SR	Cherry Creek	Headwaters to confluence with unnamed tributary at 34°05'09"/110°56'07"
SR	Christopher Creek	Headwaters to confluence with Tonto Creek
SR	Cold Spring Canyon Creek	Headwaters to confluence with unnamed tributary at 33°49'50"/110°52'58"
SR	Cold Spring Canyon Creek	Below confluence with unnamed tributary to confluence with Cherry Creek
SR	Coon Creek	Headwaters to confluence with unnamed tributary at 33°46'41"/110°54'26"
SR	Coon Creek	Below confluence with unnamed tributary to confluence with Salt River
SR	Coyote Creek	Headwaters to confluence with the Black River, East Fork
SR	Deer Creek (D2E)	Headwaters to confluence with the Black River, East Fork
SR	Del Shay Creek	Headwaters to confluence with Gun Creek
SR	Devils Chasm Creek	Headwaters to confluence with unnamed tributary at 33°48'46" /110°52'35"
SR	Dipping Vat Reservoir	33°55'47"/109°25'31"
SR	Double Cienega Creek	Headwaters to confluence with Fish Creek
SR	Fish Creek	Headwaters to confluence with the Salt River
SR	Five Point Mountain Tributary	Headwaters to Pinto Creek @ 33°22'25.93"/110°58'14"
SR	Gibson Mine Tributary	Headwaters to Pinto Creek @ 33°20'48.99"/110°56'42.31"
SR	Gold Creek	Headwaters to confluence with unnamed tributary at 33°59'47"/111°25'10"
SR	Gold Creek	Below confluence with unnamed tributary to confluence with Tonto Creek
SR	Gordon Canyon Creek	Headwaters to confluence with Hog Canyon
SR	Gordon Canyon Creek	Below confluence with Hog Canyon to confluence with Haigler Creek
SR	Greenback Creek	Headwaters to confluence with Tonto Creek
SR	Home Creek	Headwaters to confluence with the Black River, West Fork
SR	Horse Camp Creek	Headwaters to confluence with unnamed tributary at 33°54'00"/110°50'07"
SR	Horse Camp Creek	Below confluence with unnamed tributary to confluence with Cherry Creek
SR	Houston Creek	Headwaters to confluence with Tonto Creek
SR	Hunter Creek	Headwaters to confluence with Christopher Creek
SR	LaBarge Creek	Headwaters to Canyon Lake

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SR	Lake Sierra Blanca	33°52'25"/109°16'05"
SR	Miami Wash	Headwaters to confluence with Pinal Creek
SR	Mule Creek	Headwaters to confluence with Canyon Creek
SR	Open Draw Creek	Headwaters to confluence with the East Fork of Black River
SR	P B Creek	Headwaters to Forest Service Road #203 at 33°57'08"/110°56'12"
SR	Pinal Creek	Headwaters to confluence with unnamed EDW wash (Globe WWTP) at 33°25'29"/110°48'20"
SR	Pinal Creek	From 33°26'55"/110°49'25" to Lower Pinal Creek water treatment plant outfall #001 at 33°31'04"/110°51'55"
SR	Pinal Creek	From See Ranch Crossing to confluence with unnamed tributary at 33°35'28"/110°54'31"
SR	Pinal Creek (EDW)	Confluence with unnamed EDW wash (Globe WWTP) to 33°25'29"/110°48'20"
SR	Pine Creek	Headwaters to confluence with the Salt River
SR	Pinto Creek	Below confluence with unnamed tributary to Roosevelt Lake
SR	Pole Corral Lake	33°30'38"/110°00'15"
SR	Pueblo Canyon Creek	Headwaters to confluence with unnamed tributary at 33°50'23"/110°51'37"
SR	Pueblo Canyon Creek	Below confluence with unnamed tributary to confluence with Cherry Creek
SR	Reevis Creek	Headwaters to confluence with Pine Creek
SR	Reservation Creek	Headwaters to confluence with the Black River
SR	Reynolds Creek	Headwaters to confluence with Workman Creek
SR	Russell Gulch	From Headwaters to confluence with Miami Wash
SR	Salome Creek	Headwaters to confluence with the Salt River
SR	Salt House Lake	33°57'04"/109°20'11"
SR	Slate Creek	Headwaters to confluence with Tonto Creek
SR	Snake Creek (OAW)	Headwaters to confluence with the Black River
SR	Spring Creek	Headwaters to confluence with Tonto Creek
SR	Stinky Creek (OAW)	Headwaters to confluence with the Black River, West Fork
SR	Thomas Creek	Headwaters to confluence with Beaver Creek
SR	Thompson Creek	Headwaters to confluence with the West Fork of the Black River
SR	Turkey Creek	Headwaters to confluence with Rock Creek
SR	Unnamed trib to Black River North Fork East Fork	Headwaters to Black River NF of EF
SR	Wildcat Creek	Headwaters to confluence with Centerfire Creek
SR	Workman Creek	Below confluence with Reynolds Creek to confluence with Salome Creek
UG	Ash Creek	Headwaters to confluence with unnamed tributary at 32°46'15"/109°51'45"
UG	Ash Creek	Below confluence with unnamed tributary to confluence with the Gila River
UG	Bennett Wash	Headwaters to the Gila River
UG	Buckelew Creek	Headwaters to confluence with Castle Creek
UG	Castle Creek	Headwaters to confluence with Campbell Blue Creek
UG	Cave Creek	Below Coronado National Forest boundary to New Mexico border
UG	Chase Creek	Headwaters to the Phelps-Dodge Morenci Mine
UG	Chase Creek	Below the Phelps-Dodge Morenci Mine to confluence with San Francisco River
UG	Chitty Canyon Creek	Headwaters to confluence with Salt House Creek
UG	Cima Creek	Headwaters to confluence with Cave Creek
UG	Cluff Reservoir #1	32°48'55"/109°50'46"
UG	Cluff Reservoir #3	32°48'21"/109°51'46"
UG	Coleman Creek	Headwaters to confluence with Campbell Blue Creek
UG	Dankworth Lake	32°43'13"/109°42'17"
UG	Deadman Canyon Creek	Below confluence with unnamed tributary to confluence with Graveyard Wash
UG	Eagle Creek	Headwaters to confluence with unnamed tributary at 33°22'32"/109°29'43"
UG	East Eagle Creek	Headwaters to confluence with Eagle Creek
UG	East Turkey Creek	Headwaters to confluence with unnamed tributary at 31°58'22"/109°12'20"
UG	East Turkey Creek	Below confluence with unnamed tributary to terminus near San Simon River
UG	East Whitetail	Headwaters to terminus near San Simon River
UG	Emigrant Canyon	Headwaters to terminus near San Simon River
UG	Evans Pond #1	32°49'19"/109°51'12"
UG	Evans Pond #2	32°49'14"/109°51'09"
UG	Fishhook Creek	Headwaters to confluence with the Blue River
UG	Footle Creek	Headwaters to confluence with the Blue River
UG	Frye Canyon Creek	Headwaters to Frye Mesa Reservoir
UG	Frye Canyon Creek	Frye Mesa reservoir to terminus at Highline Canal.
UG	Frye Mesa Reservoir	32°45'14"/109°50'02"
UG	Georges Tank	33°51'24"/109°08'30"
UG	Gibson Creek	Headwaters to confluence with Marjilda Creek
UG	Lanphier Canyon	Headwaters to confluence with the Blue River
UG	Little Blue Creek	Headwaters to confluence with Dutch Blue Creek
UG	Little Creek	Headwaters to confluence with the San Francisco River
UG	Marjilda Creek	Headwaters to confluence with Gibson Creek
UG	Marjilda Creek	Below confluence with Gibson Creek to confluence with Stockton Wash
UG	Markham Creek	Headwaters to confluence with the Gila River
UG	Pigeon Creek	Headwaters to confluence with the Blue River
UG	Roper Lake	32°45'23"/109°42'14"
UG	Sheep Tank	32°46'14"/109°48'09"
UG	Smith Pond	32°49'15"/109°50'36"
UG	Squaw Creek	Headwaters to confluence with Thomas Creek
UG	Stone Creek	Headwaters to confluence with the San Francisco River
UG	Strayhorse Creek	Headwaters to confluence with the Blue River
UG	Thomas Creek	Headwaters to confluence with Rousensock Creek
UG	Tinny Pond	33°47'49"/109°04'27"
VR	American Gulch	Headwaters to the Northern Gila County Sanitary District WWTP outfall at 34°14'02"/111°22'14"
VR	American Gulch (EDW)	Below Northern Gila County Sanitary District WWTP outfall to confluence with the East Verde River
VR	Apache Creek	Headwaters to confluence with Walnut Creek
VR	Ashbrook Wash	Headwaters to the Fort McDowell Indian Reservation boundary
VR	Aspen Creek	Headwaters to confluence with Granite Creek

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VR	Banning Creek	Headwaters to Granite Creek @ 34°31'01.02"/112°28'37.63"
VR	Bar Cross Tank	35°00'41"/112°05'39"
VR	Barrata Tank	35°02'43"/112°24'21"
VR	Big Chino Wash	Headwaters to confluence with Sullivan Lake
VR	Bitter Creek	Headwaters to the Jerome WWTP outfall at 34°45'12"/112°06'24"
VR	Bitter Creek (EDW)	Jerome WWTP outfall to the Yavapai Apache Indian Reservation boundary
VR	Black Canyon Creek	Headwaters to confluence with unnamed tributary at 34°39'20"/112°05'06"
VR	Black Canyon Creek	Below confluence with unnamed tributary to confluence with the Verde River
VR	Bonita Creek	Headwaters to confluence with Ellison Creek
VR	Bray Creek	Headwaters to confluence with Webber Creek
VR	Butte Creek	Headwaters to Miller Creek @ 34°32'49.03"/112°28'29.3"
VR	Camp Creek	Headwaters to confluence with Verde River
VR	Cereus Wash	Headwaters to the Fort McDowell Indian Reservation boundary
VR	Chase Creek	Headwaters to confluence with the East Verde River
VR	Clover Creek	Headwaters to confluence with Headwaters of West Clear Creek
VR	Coffee Creek	Headwaters to confluence with Spring Creek
VR	Colony Wash	Headwaters to the Fort McDowell Indian Reservation boundary
VR	Deadman Creek	Headwaters to Horseshoe Reservoir
VR	Del Monte Gulch	Headwaters to confluence with City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46"
VR	Del Monte Gulch (EDW)	City of Cottonwood WWTP outfall 002 at 34°43'57"/112°02'46" to confluence with Verde River
VR	Del Rio Dam Lake	34°48'55"/112°28'03"
VR	Dry Beaver Creek	Headwaters to confluence with Beaver Creek
VR	Dry Creek (EDW)	Sedona Ventures WWTP outfall at 34°50'42"/111°52'26" to 34°50'02"/111°52'17"
VR	Dude Creek	Headwaters to confluence with the East Verde River
VR	Ellison Creek	Headwaters to confluence with the East Verde River
VR	Foxboro Lake	34°53'42"/111°39'55"
VR	Fry Lake	35°03'45"/111°48'04"
VR	Gap Creek	Headwaters to confluence with Government Spring
VR	Gap Creek	Below Government Spring to confluence with the Verde River
VR	Garrett Tank	35°18'57"/112°42'20"
VR	Goldwater Lake, Lower	34°29'56"/112°27'17"
VR	Goldwater Lake, Upper	34°29'52"/112°26'59"
VR	Government Canyon	Headwaters to Granite Creek @ 34°33'29.49"/112°26'53.18"
VR	Granite Basin Lake	34°37'01"/112°32'58"
VR	Granite Creek	Headwaters to Watson Lake
VR	Granite Creek	Below Watson Lake to confluence with the Verde River
VR	Green Valley Lake (EDW)	34°13'54"/111°20'45"
VR	Heifer Tank	35°20'27"/112°32'59"
VR	Hells Canyon Tank	35°04'59"/112°24'07"
VR	Homestead Tank	35°21'24"/112°41'36"
VR	Horse Park Tank	34°58'15"/111°36'32"
VR	Houston Creek	Headwaters to confluence with the Verde River
VR	Huffer Tank	34°27'46"/111°23'11"
VR	J.D. Dam Lake	35°04'02"/112°01'48"
VR	Jacks Canyon	Headwaters to Big Park WWTP outfall at 34°45'46"/111°45'51"
VR	Jacks Canyon (EDW)	Below Big Park WWTP outfall to confluence with Dry Beaver Creek
VR	Lime Creek	Headwaters to Horseshoe Reservoir
VR	Mail Creek	Headwaters to East Verde River @ 34°25'03.88"/111°15'49.6"
VR	Manzanita Creek	Headwaters to Granite Creek @ 34°31'31.19"/112°28'44.34"
VR	Masonry Number 2 Reservoir	35°13'32"/112°24'10"
VR	McLellan Reservoir	35°13'09"/112°17'06"
VR	Meath Dam Tank	35°07'52"/112°27'35"
VR	Miller Creek	Headwaters to Granite Creek @ 34°32'48.55"/112°28'12.96"
VR	Mullican Place Tank	34°44'16"/111°36'10"
VR	Munds Creek (EDW), Tributary to Oak Creek	From Pinewood Sanitary District Kay S. Blackman WWTP outfall at 34°56'09", -111°38'35" to Oak Creek.
VR	North Fork Miller	Headwaters to Miller Creek
VR	North Granite Creek	Headwaters to Granite Creek @ 34°33'04.33"/112°27'50.45"
VR	Oak Creek, West Fork (OAW)	Headwaters to confluence with Oak Creek
VR	Odell Lake	34°56'5"/111°37'53"
VR	Peck's Lake	34°46'51"/112°02'01"
VR	Perkins Tank	35°06'42"/112°04'12"
VR	Pine Creek	Headwaters to confluence with unnamed tributary at 34°21'51"/111°26'49"
VR	Pine Creek	Below confluence with unnamed tributary to confluence with East Verde River
VR	Red Creek	Headwaters to confluence with the Verde River
VR	Reservoir #1	35°13'5"/111°50'09"
VR	Reservoir #2	35°13'17"/111°50'39"
VR	Roundtree Canyon Creek	Headwaters to confluence with Tangle Creek
VR	Scholze Lake	35°11'53"/112°00'37"
VR	Slaughterhouse Gulch	Headwaters to Yavapai Res. Boundary
VR	Spring Creek	Headwaters to confluence with unnamed tributary at 34°57'23"/111°57'21"
VR	Steel Dam Lake	35°13'36"/112°24'54"
VR	Stehr Lake	34°22'01"/111°40'02"
VR	Stoneman Lake	34°46'47"/111°31'14"
VR	Sycamore Creek	Below confluence with unnamed tributary to confluence with Verde River
VR	Sycamore Creek	Headwaters to confluence with Verde River at 34°04'42"/111°42'14"
VR	Tangle Creek	Headwaters to confluence with Verde River
VR	Trinity Tank	35°27'44"/112°48'01"
VR	Unnamed Trib to Granite Creek (UGC)	Headwaters to Yavapai Prescott Reservation Boundary
VR	Unnamed Trib to UGC (JUG)	Headwaters to Unnamed Trib to Granite Creek (UGC)
VR	Unnamed Wash	Flagstaff Meadows WWTP outfall at 35°13'53.54"/111°48'40.32" to Volunteer Wash

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VR	Walnut Creek	Headwaters to confluence with Big Chino Wash
VR	Watson Lake	34°34'58"/112°25'26"
VR	Webber Creek	Headwaters to confluence with the East Verde River
VR	Wet Beaver Creek	Headwaters to unnamed springs at 34°41'17"/111°34'34"
VR	Whitehorse Lake	35°06'59"/112°00'48"
VR	Williamson Valley Wash	Headwaters to confluence with Mint Wash
VR	Williamson Valley Wash	From confluence of Mint Wash to 10.5 km downstream
VR	Williamson Valley Wash	From 10.5 km downstream of Mint Wash confluence to confluence with Big Chino Wash
VR	Williscraft Tank	35°11'22"/112°35'40"
VR	Willow Creek	Above Willow Creek Reservoir
VR	Willow Valley Lake	34°41'08"/111°20'02"

**Historical Note**

Table C made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**R18-11-217. Best Management Practices for non-WOTUS Protected Surface Waters**

- A.** The BMPs described in this rule are intended to ensure that activities within the ordinary high-water mark of perennial or intermittent non-WOTUS protected surface waters, or within the bed and bank of other waters that materially impact (i.e., are within 1/4 mile upstream of) non-WOTUS protected surface waters, do not violate applicable surface water quality standards in the non-WOTUS protected surface waters. For purposes of this Section, the activities described in the prior sentence will be referred to as "regulated activities." Depending on the regulated activities conducted, not all of the BMPs described below may be applicable to a particular project. The owner or operator is responsible to consider the BMPs outlined below and to implement those necessary to ensure that the regulated activities will not violate applicable surface water quality standards in the non-WOTUS protected surface water.
- B.** The BMPs described below are not applicable to any activities that are addressed under an individual or general AZPDES permit that are otherwise regulated under A.R.S. Title 49.
- C.** Erosion and sedimentation control BMPs:
- When flow is present in any non-WOTUS protected surface waters within a project area, flow shall not be altered except to prevent erosion or pollution of any non-WOTUS protected surface waters.
  - Any disturbance within the ordinary high-water mark of non-WOTUS protected surface waters or within the bed and banks of other waters, that is not intended to be permanently altered, shall be stabilized as soon as practicable to prevent erosion and sedimentation.
  - When flow in any non-WOTUS protected surface water is sufficient to erode, carry, or deposit material, regulated activities shall cease until:
    - The flow decreases below the point where sediment movement ceases; or
    - Control measures have been undertaken, i.e., equipment and material easily transported by flow are protected within non-erodible barriers or moved outside the flow area.
  - Silt laden or turbid water resulting from regulated activities should be managed in a manner to reduce sediment load prior to discharging.
  - No washing or dewatering of fill material should occur within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters. Other than the replacement of native fill or material used to support vegetation rooting or growth, fill placed within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water must resist washout whether such resistance is derived via particle size limits, presence of a binder, vegetation, or other armoring.
- D.** Pollutant management BMPs:
- If regulated activities are likely to violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water, operations shall cease until the problem is resolved or until control measures have been implemented.
  - Construction material and/or fill (other than native fill or that necessary to support revegetation) placed within surface waters as a result of regulated activities shall not include pollutants in concentrations that will violate applicable surface water quality standards in a perennial or intermittent non-WOTUS protected surface water.
- E.** Construction phase BMPs:
- Equipment staging and storage areas or fuel, oil, and other petroleum products storage and solid waste containment should not be located within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water.
  - Any equipment maintenance, washing, or fueling shall not be done within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters with the following exception: Equipment too large or unwieldy to be readily moved, such as large cranes, may be fueled and serviced in non-WOTUS protected surface waters (but outside of standing or flowing water) provided material specifically manufactured and sold as spill containment is in place during fueling/servicing.
  - All equipment shall be inspected for leaks, all leaks shall be repaired, and all repaired equipment shall be cleaned to remove any fuel or other fluid residue prior to use within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.
  - Washout of concrete handling equipment shall not take place within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters.
- F.** Post-construction BMPs:
- Upon completion of regulated activities, areas within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface waters shall be promptly cleared of all forms, piling, construction residues, equipment, debris, or other obstructions.
  - If fully, partially, or occasionally submerged structures are constructed of cast-in-place concrete instead of precast concrete, steps will be taken using sheet piling or temporary dams to prevent contact between water (instream and runoff) and the concrete until it cures and until any curing agents have evaporated or are no longer a pollutant threat.
  - Any permanent water crossings within the ordinary high-water mark of any perennial or intermittent in a non-WOTUS protected surface water (other than fords) shall

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not be equipped with gutters, drains, scuppers, or other conveyances that allow untreated runoff (due to events equal to or lesser in magnitude than the design event for the crossing structure) to directly enter a non-WOTUS protected surface water if such runoff can be directed to a local stormwater drainage, containment, and/or treatment system.

4. Debris shall be cleared as needed from culverts, ditches, dips, and other drainage structures within the ordinary high-water mark of any perennial or intermittent non-WOTUS protected surface water to prevent clogging or conditions that may lead to a washout.
5. Temporary structures constructed or imported materials shall be removed no later than upon completion of the regulated activities.
6. Temporary structures constructed of native materials, if they provide an obstacle to flow or can contribute to or cause erosion, or cause changes in sediment load, shall be removed no later than upon completion of the regulated activities.

**G. Design consideration BMPs:**

1. All temporary structures constructed of imported materials and all permanent structures, including but not limited to, access roadways, culvert crossings, staging areas, material stockpiles, berms, dikes, and pads, shall be constructed so as to accommodate overtopping and resist washout by streamflow.
2. Any temporary crossing, other than fords on native material, shall be constructed in such a manner so as to provide armoring of the stream channel. Materials used to provide this armoring shall not include anything easily transportable by flow. Examples of acceptable materials include steel plates, untreated wooden planks, pre-cast concrete planks or blocks. Examples of unacceptable materials include clay, silt, sand, and gravel finer than cobble (roughly fist-sized). The armoring shall, via mass, anchoring systems, or a combination of the two, resist washout.

**H. Notification.** The owner or operator of any regulated activities shall, five days prior to initiation of the regulated activities, submit a notice to ADEQ on a form that includes basic information including the GPS location, the waterbody ID of the nearest non-WOTUS protected surface water, general description of planned activities, types of BMPs to be employed during the project, and phone number and email for a contact person. Work may proceed after five calendar days have passed since the owner/operator provided notification to ADEQ unless ADEQ responds in writing to the contact person for the owner/operator.

**I. Exclusions:** The BMPs and notification requirements in this Section shall not apply to:

1. Activities that are already regulated under A.R.S. Title 49.
2. Discharges to a non-WOTUS protected surface water incidental to a recharge project.
3. Established or ongoing farming, ranching and silviculture activities such as plowing, seeding, cultivating, minor drainage or harvesting for the production of food, fiber or forest products or upland soil and water conservation practices.
4. Maintenance but not construction of drainage ditches.
5. Construction and maintenance of irrigation ditches.
6. Maintenance of structures as dams, dikes, and levees.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 302 (January 27, 2023), effective February 20, 2023 (Supp. 22-4).

**Appendix A. Repealed**

**Historical Note**

Former Section R9-21-208, Appendices 1 through 9 renumbered and amended as new Appendix A adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

**Appendix B. Repealed**

**Historical Note**

Former R9-21-209, Table 1 and Table 2 renumbered and amended as Appendix B adopted effective January 7, 1985 (Supp.85-1). Amended effective August 12, 1986 (Supp. 86-4). Appendix repealed effective February 18, 1992 (Supp. 92-1).

**ARTICLE 3. RECLAIMED WATER QUALITY STANDARDS**

**R18-11-301. Definitions**

The terms in this Article have the following meanings:

“Direct reuse” has the meaning prescribed in R18-9-701(1).

“Disinfection” means a treatment process that uses oxidants, ultraviolet light, or other agents to kill or inactivate pathogenic organisms in wastewater.

“Filtration” means a treatment process that removes particulate matter from wastewater by passage through porous media.

“Gray water” means wastewater, collected separately from a sewage flow, that originates from a clothes washer, bathtub, shower, or sink, but it does not include wastewater from a kitchen sink, dishwasher, or a toilet.

“Industrial wastewater” means wastewater generated from an industrial process.

“Landscape impoundment” means a manmade lake, pond, or impoundment of reclaimed water where swimming, wading, boating, fishing, and other water-based recreational activities are prohibited. A landscape impoundment is created for storage, landscaping, or for aesthetic purposes only.

“NTU” means nephelometric turbidity unit.

“On-site wastewater treatment facility” has the meaning prescribed in A.R.S. § 49-201(24).

“Open access” means that access to reclaimed water by the general public is uncontrolled.

“Reclaimed water” has the meaning prescribed in A.R.S. § 49-201(31).

“Recreational impoundment” means a manmade lake, pond, or impoundment of reclaimed water where boating or fishing is an intended use of the impoundment. Swimming and other full-body recreation activities (for example, water-skiing) are prohibited in a recreational impoundment.

“Restricted access” means that access to reclaimed water by the general public is controlled.

“Secondary treatment” means a biological treatment process that achieves the minimum level of effluent quality defined by the federal secondary treatment regulation at 40 CFR § 133.102.

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“Sewage” means untreated wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in places of human habitation, employment, or recreation.

**Historical Note**

Adopted effective July 9, 1981 (Supp. 81-4). Former Section R9-21-301 renumbered without change as Section R18-11-301 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**R18-11-302. Applicability**

This Article applies to the direct reuse of reclaimed water, except for:

1. The direct reuse of gray water, or
2. The direct reuse of reclaimed water from an onsite wastewater treatment facility regulated by a general Aquifer Protection Permit under 18 A.A.C. 9, Article 3.

**Historical Note**

Adopted effective June 8, 1981 (Supp. 81-3). Amended effective January 7, 1985 (Supp. 85-1). Former Section R9-21-302 renumbered without change as Section R18-11-302 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**R18-11-303. Class A+ Reclaimed Water**

- A.** Class A+ reclaimed water is wastewater that has undergone secondary treatment, filtration, nitrogen removal treatment, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in (B)(1) is achieved without chemical addition.
- B.** An owner of a facility shall ensure that:
1. The turbidity of Class A+ reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
    - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
    - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
  2. Class A+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
    - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
    - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
    - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A+ reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
  3. The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.

- C.** An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A+ reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsection (B)(2) and the total nitrogen criteria in subsection (B)(3) before discharge to a reclaimed water distribution system.
- D.** Class A+ reclaimed water is not required for any type of direct reuse. A person may use Class A+ reclaimed water for any type of direct reuse listed in Table A.

**Historical Note**

Adopted effective January 7, 1985 (Supp. 85-1). Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-303 renumbered without change as Section R18-11-303 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**R18-11-304. Class A Reclaimed Water**

- A.** Class A reclaimed water is wastewater that has undergone secondary treatment, filtration, and disinfection. Chemical feed facilities to add coagulants or polymers are required to ensure that filtered effluent before disinfection complies with the 24-hour average turbidity criterion prescribed in subsection (B)(1). Chemical feed facilities may remain idle if the 24-hour average turbidity criterion in subsection (B)(1) is achieved without chemical addition.
- B.** An owner of a facility shall ensure that:
1. The turbidity of Class A reclaimed water at a point in the wastewater treatment process after filtration and immediately before disinfection complies with the following:
    - a. The 24-hour average turbidity of filtered effluent is two NTUs or less, and
    - b. The turbidity of filtered effluent does not exceed five NTUs at any time.
  2. Class A reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
    - a. There are no detectable fecal coliform organisms in four of the last seven daily reclaimed water samples taken, and
    - b. The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 23 / 100 ml.
    - c. If alternative treatment processes or alternative turbidity criteria are used, or reclaimed water is blended with other water to produce Class A reclaimed water under subsection (C), there are no detectable enteric virus in four of the last seven monthly reclaimed water samples taken.
- C.** An owner of a facility may use alternative treatment methods other than those required by subsection (A), or comply with alternative turbidity criteria other than those required by subsection (B)(1), or blend reclaimed water with other water to produce Class A reclaimed water provided the owner demonstrates through pilot plant testing, existing water quality data, or other means that the alternative treatment methods, alternative turbidity criteria, or blending reliably produces a reclaimed water that meets the disinfection criteria in subsec-

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tion (B)(2) before discharge to a reclaimed water distribution system.

- D. A person shall use Class A reclaimed water for a type of direct reuse listed as Class A in Table A. A person may use Class A reclaimed water for a type of direct reuse listed as Class B or Class C in Table A.

**Historical Note**

Adopted effective January 7, 1985 (Supp. 85-1).  
Amended effective August 12, 1986 (Supp. 86-4). Former Section R9-21-304 renumbered without change as Section R18-11-304 (Supp. 87-3). Section repealed effective February 18, 1992 (Supp. 92-1). New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**R18-11-305. Class B+ Reclaimed Water**

- A. Class B+ reclaimed water is wastewater that has undergone secondary treatment, nitrogen removal treatment, and disinfection.
- B. An owner of a facility shall ensure that:
- Class B+ reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
    - The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
    - The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
  - The 5-sample geometric mean concentration of total nitrogen in a reclaimed water sample is less than 10 mg / L.
- C. Class B+ reclaimed water is not required for a type of direct reuse. A person may use Class B+ reclaimed water for a type of direct reuse listed as Class B or Class C in Table A. A person shall not use Class B+ reclaimed water for a type of direct reuse listed as Class A in Table A.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**R18-11-306. Class B Reclaimed Water**

- A. Class B reclaimed water is wastewater that has undergone secondary treatment and disinfection.
- B. An owner of a facility shall ensure that Class B reclaimed water meets the following criteria after disinfection treatment and before discharge to a reclaimed water distribution system:
- The concentration of fecal coliform organisms in four of the last seven daily reclaimed water samples is less than 200 / 100 ml.
  - The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 800 / 100 ml.
- C. A person shall use a minimum of Class B reclaimed water for a type of direct reuse listed as Class B in Table A. A person may use Class B reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class B reclaimed water for a type of direct reuse listed as Class A in Table A.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**R18-11-307. Class C Reclaimed Water**

- A. Class C reclaimed water is wastewater that has undergone secondary treatment in a series of wastewater stabilization ponds, including aeration, with or without disinfection.
- B. The owner of a facility shall ensure that:
- The total retention time of Class C reclaimed water in wastewater stabilization ponds is at least 20 days.
  - Class C reclaimed water meets the following criteria after treatment and before discharge to a reclaimed water distribution system:
    - The concentration of fecal coliform organisms in four of the last seven reclaimed water samples taken is less than 1000 / 100 ml.
    - The single sample maximum concentration of fecal coliform organisms in a reclaimed water sample is less than 4000 / 100 ml.
- C. A person shall use a minimum of Class C reclaimed water for a type of direct reuse listed as Class C in Table A. A person shall not use Class C reclaimed water for a type of direct reuse listed as Class A or Class B in Table A.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**R18-11-308. Industrial Reuse**

- A. The reclaimed water quality requirements for the following direct reuse applications are industry-specific and shall be determined by the Department on a case-by-case basis in a reclaimed water permit issued by the Department under 18 A.A.C. 9, Article 7:
- Direct reuse of industrial wastewater containing sewage.
  - Direct reuse of industrial wastewater for the production or processing of any crop used as human or animal food.
- B. The Department shall use best professional judgment to determine the reclaimed water quality requirements needed to protect public health and the environment for a type of direct reuse specified in subsection (A).

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**R18-11-309. Reclaimed Water Quality Standards for an Unlisted Type of Direct Reuse**

- A. The Department may prescribe in an individual reclaimed water permit issued under 18 A.A.C. 9, Article 7, reclaimed water quality requirements for a type of direct reuse not listed in Table A. Before permitting a direct reuse of reclaimed water not listed in Table A, the Department shall, using its best professional judgment, determine and require compliance with reclaimed water quality requirements needed to protect public health and the environment.
- B. Department may determine that Class A+, A, B+, B, or C reclaimed water is appropriate for a new type of direct reuse.
- C. The Department shall consider the following factors when prescribing reclaimed water quality requirements for a new type of direct reuse:
- The risk to public health;
  - The degree of public access to the site where the reclaimed water is reused and human exposure to the reclaimed water;
  - The level of treatment necessary to ensure that the reclaimed water is aesthetically acceptable;
  - The level of treatment necessary to prevent nuisance conditions;



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5. Specific water quality requirements for the intended type of direct reuse;
6. The means of application of the reclaimed water;
7. The degree of treatment necessary to avoid a violation of surface water quality standards or aquifer water quality standards;
8. The potential for improper or unintended use of the reclaimed water;
9. The reuse guidelines, criteria, or standards adopted or recommended by the U.S. Environmental Protection Agency or other federal or state agencies that apply to the new type of direct reuse; and
10. Similar wastewater reclamation experience of reclaimed water providers in the United States.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**Table A. Minimum Reclaimed Water Quality Requirements for Direct Reuse**

Type of Direct Reuse	Minimum Class of Reclaimed Water Required
Irrigation of food crops	A
Recreational impoundments	A
Residential landscape irrigation	A
Schoolground landscape irrigation	A
Open access landscape irrigation	A
Toilet and urinal flushing	A
Fire protection systems	A
Spray irrigation of an orchard or vineyard	A
Commercial closed loop air conditioning systems	A
Vehicle and equipment washing (does not include self-service vehicle washes)	A
Snowmaking	A
Surface irrigation of an orchard or vineyard	B
Golf course irrigation	B
Restricted access landscape irrigation	B
Landscape impoundment	B
Dust control	B
Soil compaction and similar construction activities	B
Pasture for milking animals	B
Livestock watering (dairy animals)	B
Concrete and cement mixing	B
Materials washing and sieving	B
Street cleaning	B
Pasture for non-dairy animals	C
Livestock watering (non-dairy animals)	C
Irrigation of sod farms	C
Irrigation of fiber, seed, forage, and similar crops	C
Silviculture	C

Note: Nothing in this Article prevents a wastewater treatment plant from using a higher quality reclaimed water for a type of direct reuse than the minimum class of reclaimed water listed in Table A. For example, a wastewater treatment plant may provide Class A reclaimed water for a type of direct reuse where Class B or Class C reclaimed water is acceptable.

**Historical Note**

New Table adopted by final rulemaking at 7 A.A.R. 870, effective January 22, 2001 (Supp. 01-1).

**ARTICLE 4. AQUIFER WATER QUALITY STANDARDS****R18-11-401. Definitions**

In addition to the definitions contained in A.R.S. §§ 49-101 and 49-201, the terms of this Article shall have the following meanings:

1. "Beta particle and photon radioactivity from man-made radionuclides" means all radionuclides emitting beta particles or photons, except Thorium-232, Uranium-235, Uranium-238 and their progeny.
2. "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements.
3. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
4. "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
5. "Mg/l" means milligrams per liter.
6. "Millirem" means 1/1000 of a rem. A rem means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system.
7. "Non-drinking water protected use" means the protection and maintenance of aquifer water quality for a use other than for human consumption.
8. "pCi" means picocurie, or the quantity of radioactive material producing 2.22 nuclear transformations per minute.
9. "Total trihalomethanes" means the sum of the concentrations of the following trihalomethane compounds: trichloromethane (chloroform), dibromo-chloromethane, bromodichloromethane and tribromo-methane (bromoform).

**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Amended effective August 14, 1992 (Supp. 92-3).

**R18-11-402. Repealed****Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Repealed effective August 14, 1992 (Supp. 92-3).

**R18-11-403. Analytical Methods**

Analysis of a sample to determine compliance with an aquifer water quality standard shall be in accordance with an analytical method specified in A.A.C. Title 9, Chapter 14, Article 6 or an alternative analytical method that is approved by the Director of the Arizona Department of Health Services pursuant to A.A.C. R9-14-610(C).

**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Amended effective August 14, 1992 (Supp. 92-3).  
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-11-404. Laboratories**

A test result from a sample taken to determine compliance with an aquifer water quality standard shall be valid only if the sample has

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been analyzed by a laboratory that is licensed by the Arizona Department of Health Services for the analysis performed.

**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).

Amended effective August 14, 1992 (Supp. 92-3).

**R18-11-405. Narrative Aquifer Water Quality Standards**

- A.** A discharge shall not cause a pollutant to be present in an aquifer classified for a drinking water protected use in a concentration which endangers human health.
- B.** A discharge shall not cause or contribute to a violation of a water quality standard established for a navigable water of the state.
- C.** A discharge shall not cause a pollutant to be present in an aquifer which impairs existing or reasonably foreseeable uses of water in an aquifer.

**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).

Amended effective August 14, 1992 (Supp. 92-3).

**R18-11-406. Numeric Aquifer Water Quality Standards: Drinking Water Protected Use**

- A.** The aquifer water quality standards in this Section apply to aquifers that are classified for drinking water protected use.
- B.** The following are the aquifer water quality standards for inorganic chemicals:

Pollutant	mg/L)
Antimony	0.006
Arsenic	0.05
Asbestos	7 million fibers/liter (longer than 10 mm)
Barium	2
Beryllium	0.004
Cadmium	0.005
Chromium	0.1
Cyanide (As Free Cyanide)	0.2
Fluoride	4.0
Lead	0.05
Mercury	0.002
Nickel	0.1
Nitrate (as N)	10
Nitrite (as N)	1
Nitrate and nitrite (as N)	10
Selenium	0.05
Thallium	0.002

- C.** The following are the aquifer water quality standards for organic chemicals:

Pollutant	(mg/L)
Benzene	0.005
Benzo (a) pyrene	0.0002
Carbon Tetrachloride	0.005
o-Dichlorobenzene	0.6
para-Dichlorobenzene	0.075
1,2-Dichloroethane	0.005
1,1-Dichloroethylene	0.007
cis-1,2-Dichloroethylene	0.07
trans-1,2-Dichloroethylene	0.1
1,2-Dichloropropane	0.005
Dichloromethane	0.005
Di (2-ethylhexyl) adipate	0.4
Di (2-ethylhexyl) phthalate	0.006

Ethylbenzene	0.7
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Monochlorobenzene	0.1
Pentachlorophenol	0.001
Styrene	0.1
2,3,7,8-TCDD (Dioxin)	0.00000003
Tetrachloroethylene	0.005
Toluene	1
Trihalomethanes (Total)	0.10
1,2,4-Trichlorobenzene	0.07
1,1,1-Trichloroethane	0.20
1,1,2-Trichloroethane	0.005
Trichloroethylene	0.005
Vinyl Chloride	0.002
Xylenes (Total)	10

- D.** The following are the aquifer water quality standards for pesticides and polychlorinated biphenyls (PCBs):

Pollutant	(mg/L)
Alachlor	0.002
Atrazine	0.003
Carbofuran	0.04
Chlordane	0.002
Dalapon	0.2
1,2-Dibromo-3-Chloropropane (DBCP)	0.0002
2,4,-Dichlorophenoxyacetic Acid(2,4-D)	0.07
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene Dibromide (EDB)	0.00005
Glyphosate	0.7
Heptachlor	0.0004
Heptachlor Epoxide	0.0002
Lindane	0.0002
Methoxychlor	0.04
Oxamyl	0.2
Picloram	0.5
Polychlorinated Biphenols (PCBs)	0.0005
Simazine	0.004
Toxaphene	0.003
2,4,5-Trichlorophenoxypropionic Acid (2,4,5-TP or Silvex)	0.05

- E.** The following are the aquifer water quality standards for radionuclides:

1. The maximum concentration for gross alpha particle activity, including Radium-226 but excluding radon and uranium, shall not exceed 15 pCi/l.
2. The maximum concentration for combined Radium-226 and Radium-228 shall not exceed 5 pCi/l.
3. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.
4. Except for the radionuclides listed in this subsection, the concentration of man-made radionuclides causing 4 millirem total body or organ dose equivalents shall be calculated on the basis of a 2-liter-per-day drinking water intake using the 168-hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Con-

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centration of Radionuclides in Air or Water for Occupational Exposure,” National Bureau of Standards Handbook 69, National Bureau of Commerce, as amended August 1963 (and no future editions), incorporated herein by reference and on file with the Office of the Secretary of State and with the Department. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem/year. The following average annual concentrations are assumed to produce a total body or organ dose of 4 millirem/year:

Radionuclide	Critical Organ	pCi/l
Tritium	Total body	20,000
Strontium-90	Bone Marrow	8

- F. The aquifer water quality standard for microbiological contaminants is based upon the presence or absence of total coliforms in a 100-milliliter sample. If a sample is total coliform-positive, a 100-milliliter repeat sample shall be taken within two weeks of the time the sample results are reported. Any total coliform-positive repeat sample following a total coliform-positive sample constitutes a violation of the aquifer water quality standard for microbiological contaminants.
- G. The following are the aquifer water quality standards for turbidity:
- One nephelometric turbidity unit as determined by a monthly average except that five or fewer nephelometric turbidity units may be allowed if it can be determined that the higher turbidity does not interfere with disinfection, prevent maintenance of effective disinfectant agents in water supply distribution systems, or interfere with microbiological determinations.
  - Five nephelometric turbidity units based on an average of two consecutive days.

**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Amended effective August 14, 1992 (Supp. 92-3).  
Amended effective May 26, 1994 (Supp. 94-2).

**R18-11-407. Aquifer Water Quality Standards in Reclassified Aquifers**

- A. All aquifers in the state are classified for drinking water protected use except for aquifers which are reclassified to a non-drinking water protected use pursuant to A.R.S. § 49-224 and A.A.C. R18-11-503.
- B. Aquifer water quality standards for drinking water protected use apply to reclassified aquifers except where expressly superseded by aquifer water quality standards adopted pursuant to subsection (C).
- C. The Director shall adopt, by rule, aquifer water quality standards for reclassified aquifers within one year of the date of the order reclassifying the aquifer to a nondrinking water protected use. The Director shall adopt aquifer water quality standards for reclassified aquifers only for pollutants that are specifically identified in a petition for reclassification as prescribed by A.R.S. § 49-223(E) and A.A.C. R18-11-503(B). Aquifer water quality standards for reclassified aquifers shall be sufficient to protect the use of the reclassified aquifer.

**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Amended effective August 14, 1992 (Supp. 92-3).  
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-11-408. Petition for Adoption of a Numeric Aquifer Water Quality Standard**

- A. Any person may petition the Director to adopt, by rule, a numeric aquifer water quality standard for a pollutant for which no numeric aquifer water quality standard exists.
- B. Petitions for adoption of a numeric aquifer water quality standard shall be filed with the Department and shall comply with the requirements applicable to petitions for rule adoption as provided by A.R.S. § 41-1033 and A.A.C. R18-1-302, except as otherwise provided by A.R.S. § 49-223 or this Section.
- C. In addition to the requirements of A.A.C. R18-1-302, a petition for rule adoption to establish a numeric aquifer water quality standard shall include specific reference to:
- Technical information that the pollutant is a toxic pollutant.
  - Technical information upon which the Director reasonably may base the establishment of a numeric aquifer water quality standard.
  - Evidence that the pollutant that is the subject of the petition is or may in the future be present in an aquifer or part of an aquifer that is classified for drinking water protected use. Evidence may include, but is not limited to, any of the following:
    - A laboratory analysis of a water sample by a laboratory licensed by the Arizona Department of Health Services which indicates the presence of the pollutant in the aquifer.
    - A hydrogeological study which demonstrates that the pollutant that is the subject of the petition may be present in an aquifer in the future. The hydrogeological study shall include the following:
      - A description of the use that results in a discharge of the pollutant that is the subject of the petition.
      - A description of the mobility of the pollutant in the vadose zone and in the aquifer.
      - A description of the persistence of the pollutant in the vadose zone and in the aquifer.
- D. Within 180 calendar days of the receipt of a complete petition for rule adoption to establish a numeric aquifer water quality standard, the Director shall make a written determination of whether the petition should be granted or denied. The Director shall give written notice by regular mail of the determination to the petitioner.
- E. If the petition for rule adoption is granted, the Director shall initiate rulemaking proceedings to adopt a numeric aquifer water quality standard. The Director shall, within one year of the date that the petition for adoption of a numeric aquifer water quality standard is granted, either adopt a rule establishing a numeric aquifer water quality standard or publish a notice of termination of rulemaking in the Arizona Administrative Register.
- F. If the petition for rule adoption is denied, the Director shall issue a denial letter to the petitioner which explains the reasons for the denial. The denial of a petition for rule adoption to establish a numeric aquifer water quality standard is not subject to judicial review.

**Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).

**Appendix 1. Repealed****Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Repealed effective August 14, 1992 (Supp. 92-3).

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**Appendix 2. Repealed****Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Repealed effective August 14, 1992 (Supp. 92-3).

**Appendix 3. Repealed****Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Repealed effective August 14, 1992 (Supp. 92-3).

**Appendix 4. Repealed****Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Repealed effective August 14, 1992 (Supp. 92-3).

**Appendix 5. Repealed****Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Repealed effective August 14, 1992 (Supp. 92-3).

**Appendix 6. Repealed****Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Repealed effective August 14, 1992 (Supp. 92-3).

**Appendix 7. Repealed****Historical Note**

Adopted effective January 4, 1990 (Supp. 90-1).  
Repealed effective August 14, 1992 (Supp. 92-3).

## **ARTICLE 5. AQUIFER BOUNDARY AND PROTECTED USE CLASSIFICATION**

**R18-11-501. Definitions**

In addition to the definitions contained in A.R.S. § 49-201, the words and phrases of this Article shall have the following meaning:

1. "Drinking water protected use" means the protection and maintenance of aquifer water quality for human consumption.
2. "Hardrock areas containing little or no water" means areas of igneous or metamorphic rock which do not yield usable quantities of water.
3. "Nondrinking water protected use" means the protection and maintenance of aquifer water quality for a use other than human consumption.
4. "Usable quantities" means five gallons of water per day.

**Historical Note**

Adopted effective October 22, 1987 (Supp. 87-4).

**R18-11-502. Aquifer Boundaries**

- A. Except as provided in subsection (B), aquifer boundaries for the aquifers in this state are identified and defined as being identical to the hydrologic basin and subbasin boundaries, as found by the Director of the Department of Water Resources, Findings and Order In the Matter of The Designation of Groundwater Basins and Subbasins In The State of Arizona (dated June 21, 1984), pursuant to A.R.S. §§ 45-403 and 45-404, which is incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.
- B. Excluded from the boundaries of the aquifers are hard rock areas which contain little or no water, as identified in Plate 1 of the Department of Water Resources, Water Resource Hydro-

logic Map Series Report Number 2 (dated January 1981) and as further identified in the Bureau of Mines, University of Arizona County Geologic Map Series (individual county maps dated 1957 through 1960), which are incorporated herein by reference, on file and available for public inspection at the Department of Environmental Quality. No later amendments or editions are incorporated by reference.

- C. The Director may, by rule, modify or add an aquifer boundary provided that one or more of the following applies:
  1. The Department of Water Resources modifies the boundaries of its basins or subbasins.
  2. The Director is made aware of new technical information or data which supports refinement of an aquifer boundary.
- D. Facilities located outside of the boundaries defined in these rules shall be subject to A.R.S. § 49-241 except as provided therein.

**Historical Note**

Adopted effective October 22, 1987 (Supp. 87-4).  
Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-11-503. Petition for reclassification**

- A. Any person may petition the Director to reclassify an aquifer from a drinking water protected use to a nondrinking water protected use pursuant to A.R.S. § 49-224(C).
- B. A written petition for reclassification pursuant to A.R.S. § 49-224(C) or A.R.S. § 49-224(D) shall be filed with the Department and shall include the following categories of information:
  1. The proposed protected use for which the reclassification is being requested.
  2. The pollutant and affected aquifer water quality standards for which the reclassification is being requested.
  3. A hydrogeologic report which demonstrates that the aquifer proposed for reclassification is or will be hydrologically isolated, to the extent described in A.R.S. § 49-224(C)(1). This report and demonstration of hydrologic isolation for the area containing such aquifer, and immediate adjacent geologic units, shall include at least the following:
    - a. Hydrogeologic area maps and cross sections.
    - b. An analysis of subsurface geology, including geologic and hydrologic separation.
    - c. Water level elevation or piezometric level contour maps.
    - d. Analysis of hydrologic characteristics of the aquifer and the immediate adjacent geologic units.
    - e. Description of existing water quality and analysis of water chemistry.
    - f. Projected annual quantity of water to be withdrawn.
    - g. Identification of pumping centers, cones of depression and areas of recharge.
    - h. A water balance.
    - i. Existing flow direction and evaluation of the effects of seasonal and future pumping on flow.
    - j. An evaluation as to whether the reclassification will contribute to or cause a violation of aquifer water quality standards in other aquifers, or in parts of the aquifer not being proposed for reclassification.
  4. Documentation demonstrating that water from the aquifer or part of the aquifer for which reclassification is pro-

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posed is not being used as drinking water. This documentation shall include at least the following:

- a. A list of all wells or springs including their location, ownership and use within the aquifer or part of the aquifer being proposed for reclassification.
  - b. Identification of groundwater withdrawal rights, on file with the Department of Water Resources, within the aquifer or part of the aquifer being proposed for reclassification.
  - c. A comprehensive list of agencies, persons and other information sources consulted for aquifer use documentation.
5. A cost-benefit analysis developed pursuant to the requirements of A.R.S. § 49-224(C)(3), except for petitions submitted pursuant to A.R.S. § 49-224(D). This analysis shall identify potential future uses of the aquifer being proposed for reclassification, as well as other opportunity costs associated with reclassification, and shall contain a description of the cost-benefit methodology used, including all assumptions, data, data sources and criteria considered and all supporting statistical analyses.

**Historical Note**

Adopted effective October 22, 1987 (Supp. 87-4).

**R18-11-504. Agency Action on Petition**

- A. Upon receipt of a petition for reclassification, the Director shall review the petition for compliance with the requirements of R18-11-503. If additional information is necessary, the petitioner shall be notified of specific deficiencies in writing within 30 calendar days of receipt of the petition.
- B. Within 120 calendar days after receipt of a complete petition, and after consultation with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C), the Director shall make a final decision to grant or deny the petition and shall notify the petitioner of such decision and the reason for such determination in writing.
- C. Upon a decision to grant a petition for aquifer reclassification, the Director shall initiate proceedings for promulgation of aquifer water quality standards and, if applicable, for aquifer boundary designation for the reclassified aquifers.

**Historical Note**

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**R18-11-505. Public participation**

- A. Within 30 days of receipt of a complete petition for reclassification filed pursuant to A.R.S. § 49-224(D), or if the Director deems it necessary to consider a reclassification under A.R.S. § 49-224(C), the Director shall give public notice of the proposed reclassification pursuant to A.A.C. R18-1-401.
- B. The Director shall hold at least one public hearing at a location as near as practicable to the aquifer proposed for reclassification. The Director shall give notice of each public hearing and conduct the public hearing in accordance with the provisions of A.A.C. R18-1-402.

**Historical Note**

Adopted effective June 29, 1989 (Supp. 89-2).

**R18-11-506. Rescission of Reclassification**

The Director may, by rule, rescind an aquifer reclassification and return an aquifer to a drinking water protected use if he determines that any of the conditions under which the reclassification was

granted are no longer valid. If the Director initiates a change under this Section, he shall consult with the appropriate advisory council pursuant to A.R.S. §§ 49-224(C).

**Historical Note**

Adopted effective October 22, 1987 (Supp. 87-4).

Amended by final expedited rulemaking at 29 A.A.R. 2344 (October 6, 2023), with an immediate effective date of September 22, 2023 (Supp. 23-3).

**ARTICLE 6. IMPAIRED WATER IDENTIFICATION**

*Article 6, consisting of Sections R18-11-601 through R18-11-606, made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).*

**R18-11-601. Definitions**

In addition to the definitions established in A.R.S. §§ 49-201 and 49-231, and A.A.C. R18-11-101, the following terms apply to this Article:

1. "303(d) List" means the list of surface waters or segments required under section 303(d) of the Clean Water Act and A.R.S. Title 49, Chapter 2, Article 2.1, for which TMDLs are developed and submitted to EPA for approval.
2. "Attaining" means there is sufficient, credible, and scientifically defensible data to assess a surface water or segment and the surface water or segment does not meet the definition of impaired or not attaining.
3. "AZPDES" means the Arizona Pollutant Elimination Discharge System.
4. "Credible and scientifically defensible data" means data submitted, collected, or analyzed using:
  - a. Quality assurance and quality control procedures under A.A.C. R18-11-602;
  - b. Samples or analyses representative of water quality conditions at the time the data were collected;
  - c. Data consisting of an adequate number of samples based on the nature of the water in question and the parameters being analyzed; and
  - d. Methods of sampling and analysis, including analytical, statistical, and modeling methods that are generally accepted and validated by the scientific community as appropriate for use in assessing the condition of the water.
5. "Designated use" means those uses specified in 18 A.A.C. 11, Article 1 for each surface water or segment whether or not they are attaining.
6. "EPA" means the U.S. Environmental Protection Agency.
7. "Impaired water" means a Navigable water for which credible scientific data exists that satisfies the requirements of A.R.S. § 49-232 and that demonstrates that the water should be identified pursuant to 33 United States Code § 1313(d) and the regulations implementing that statute. A.R.S. § 49-231(1).
8. "Laboratory detection limit" means a "Method Reporting Limit" (MRL) or "Reporting Limit" (RL). These analogous terms describe the laboratory reported value, which is the lowest concentration level included on the calibration curve from the analysis of a pollutant that can be quantified in terms of precision and accuracy.
9. "Monitoring entity" means the Department or any person who collects physical, chemical, or biological data used for an impaired water identification or a TMDL decision.
10. "Naturally occurring condition" means the condition of a surface water or segment that would have occurred in the

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- absence of pollutant loadings as a result of human activity.
11. "Not attaining" means a surface water is assessed as impaired, but is not placed on the 303(d) List because:
    - a. A TMDL is prepared and implemented for the surface water;
    - b. An action, which meets the requirements of R18-11-604(D)(2)(h), is occurring and is expected to bring the surface water to attaining before the next 303(d) List submission; or
    - c. The impairment of the surface water is due to pollution but not a pollutant, for which a TMDL load allocation cannot be developed.
  12. "NPDES" means National Pollutant Discharge Elimination System.
  13. "Planning List" means a list of surface waters and segments that the Department will review and evaluate to determine if the surface water or segment is impaired and whether a TMDL is necessary.
  14. "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. 33 U.S.C. 1362(6). Characteristics of water, such as dissolved oxygen, pH, temperature, turbidity, and suspended sediment are considered pollutants if they result or may result in the non-attainment of a water quality standard.
  15. "Pollution" means "the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water." 33 U.S.C. 1362(19).
  16. "QAP" means a quality assurance plan detailing how environmental data operations are planned, implemented, and assessed for quality during the duration of a project.
  17. "Sampling event" means one or more samples taken under consistent conditions on one or more days at a distinct station or location.
  18. "SAP" means a site specific sampling and analysis plan that describes the specifics of sample collection to ensure that data quality objectives are met and that samples collected and analyzed are representative of surface water conditions at the time of sampling.
  19. "Spatially independent sample" means a sample that is collected at a distinct station or location. The sample is independent if the sample was collected:
    - a. More than 200 meters apart from other samples, or
    - b. Less than 200 meters apart, and collected to characterize the effect of an intervening tributary, outfall or other pollution source, or significant hydrographic or hydrologic change.
  20. "Temporally independent sample" means a sample that is collected at the same station or location more than seven days apart from other samples.
  21. "Threatened" means that a surface water or segment is currently attaining its designated use, however, trend analysis, based on credible and scientifically defensible data, indicates that the surface water or segment is likely to be impaired before the next listing cycle.
  22. "TMDL" means total maximum daily load.
  23. "TMDL decision" means a decision by the Department to:
    - a. Prioritize an impaired water for TMDL development,
    - b. Develop a TMDL for an impaired water, or
    - c. Develop a TMDL implementation plan.
  24. "Total maximum daily load" means an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain applicable surface water quality standards. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water, as required by section 303(d) of the clean water act (33 United States Code section 1313(d)) and regulations implementing that statute to achieve applicable surface water quality standards. A.R.S. § 49-231(4).
  25. "Water quality standard" means a standard composed of designated uses (classification of waters), the numerical and narrative criteria applied to the specific water uses or classification, the antidegradation policy, and moderating provisions, for example, mixing zones, site-specific alternative criteria, and exemptions, in A.A.C. Title 18, Chapter 11, Article 1.
  26. "WQARF" means the water quality assurance revolving fund established under A.R.S. § 49-282.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

**R18-11-602. Credible Data**

- A. Data are credible and relevant to an impaired water identification or a TMDL decision when:
  1. Quality Assurance Plan. A monitoring entity, which contribute data for an impaired water identification or a TMDL decision, provides the Department with a QAP that contains, at a minimum, the elements listed in subsections (A)(1)(a) through (A)(1)(f). The Department may accept a QAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be sampled, the type of surface water, and the purpose of the sampling.
    - a. An approval page that includes the date of approval and the signatures of the approving officials, including the project manager and project quality assurance manager;
    - b. A project organization outline that identifies all key personnel, organizations, and laboratories involved in monitoring, including the specific roles and responsibilities of key personnel in carrying out the procedures identified in the QAP and SAP, if applicable;
    - c. Sampling design and monitoring data quality objectives or a SAP that meets the requirements of subsection (A)(2) to ensure that:
      - i. Samples are spatially and temporally representative of the surface water,
      - ii. Samples are representative of water quality conditions at the time of sampling, and
      - iii. The monitoring is reproducible;
    - d. The following field sampling information to assure that samples meet data quality objectives:
      - i. Sampling and field protocols for each parameter or parametric group, including the sampling methods, equipment and containers, sample preservation, holding times, and any analysis

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- proposed for completion in the field or outside of a laboratory;
- ii. Field and laboratory methods approved under subsection (A)(5);
- iii. Handling procedures to identify samples and custody protocols used when samples are brought from the field to the laboratory for analysis;
- iv. Quality control protocols that describe the number and type of field quality control samples for the project that includes, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
- v. Procedures for testing, inspecting, and maintaining field equipment;
- vi. Field instrument calibration procedures that describe how and when field sampling and analytical instruments will be calibrated;
- vii. Field notes and records that describe the conditions that require documentation in the field, such as weather, stream flow, transect information, distance from water edge, water and sample depth, equipment calibration measurements, field observations of watershed activities, and bank conditions. Indicate the procedures implemented for maintaining field notes and records and the process used for attaching pertinent information to monitoring results to assist in data interpretation;
- viii. Minimum training and any specialized training necessary to do the monitoring, that includes the proper use and calibration of field equipment used to collect data, sampling protocols, quality assurance/quality control procedures, and how training will be achieved;
- e. Laboratory analysis methods and quality assurance/quality control procedures that assure that samples meet data quality objectives, including:
  - i. Analytical methods and equipment necessary for analysis of each parameter, including identification of approved laboratory methods described in subsection (A)(5), and laboratory detection limits for each parameter;
  - ii. The name of the designated laboratory, its license number, if licensed by the Arizona Department of Health Services, and the name of a laboratory contact person to assist the Department with quality assurance questions;
  - iii. Quality controls that describe the number and type of laboratory quality control samples for the project, including, if appropriate for the type of sampling being conducted, field blanks, travel blanks, equipment blanks, method blanks, split samples, and duplicate samples;
  - iv. Procedures for testing, inspecting, and maintaining laboratory equipment and facilities;
  - v. A schedule for calibrating laboratory instruments, a description of calibration methods, and a description of how calibration records are maintained; and
  - vi. Sample equipment decontamination procedures that outline specific methods for sample collection and preparation of equipment, identify the frequency of decontamination, and describe the procedures used to verify decontamination;
- f. Data review, management, and use that includes the following:
  - i. A description of the data handling process from field to laboratory, from laboratory to data review and validation, and from validation to data storage and use. Include the role and responsibility of each person for each step of the process, type of database or other storage used, and how laboratory and field data qualifiers are related to the laboratory result;
  - ii. Reports that describe the intended frequency, content, and distribution of final analysis reports and project status reports;
  - iii. Data review, validation, and verification that describes the procedure used to validate and verify data, the procedures used if errors are detected, and how data are accepted, rejected, or qualified; and
  - iv. Reconciliation with data quality objectives that describes the process used to determine whether the data collected meets the project objectives, which may include discarding data, setting limits on data use, or revising data quality objectives.
- 2. Sampling and analysis plan.
  - a. A monitoring entity shall develop a SAP that contains, at a minimum, the following elements:
    - i. The experimental design of the project, the project goals and objectives, and evaluation criteria for data results;
    - ii. The background or historical perspective of the project;
    - iii. Identification of target conditions, including a discussion of whether any weather, seasonal variations, stream flow, lake level, or site access may affect the project and the consideration of these factors;
    - iv. The data quality objectives for measurement of data that describe in quantitative and qualitative terms how the data meet the project objectives of precision, accuracy, completeness, comparability, and representativeness;
    - v. The types of samples scheduled for collection;
    - vi. The sampling frequency;
    - vii. The sampling periods;
    - viii. The sampling locations and rationale for the site selection, how site locations are benchmarked, including scaled maps indicating approximate location of sites; and
    - ix. A list of the field equipment, including tolerance range and any other manufacturer's specifications relating to accuracy and precision.
  - b. The Department may accept a SAP containing less than the required elements if the Department determines that an element is not relevant to the sampling activity and that its omission will not impact the quality of the results based upon the type of pollutants to be samples, the type of surface water, and the purpose of the sampling.
- 3. The monitoring entity may include any of the following in the QAP or SAP:

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- a. The name, title, and role of each person and organization involved in the project, identifying specific roles and responsibilities for carrying out the procedures identified in the QAP and SAP;
  - b. A distribution list of each individual and organization receiving a copy of the approved QAP and SAP;
  - c. A table of contents;
  - d. A health and safety plan;
  - e. The inspection and acceptance requirements for supplies;
  - f. The data acquisition that describes types of data not obtained through this monitoring activity, but used in the project;
  - g. The audits and response actions that describe how field, laboratory, and data management activities and sampling personnel are evaluated to ensure data quality, including a description of how the project will correct any problems identified during these assessments; and
  - h. The waste disposal methods that identify wastes generated in sampling and methods for disposal of those wastes.
4. Exceptions. The Department may determine that the following data are also credible and relevant to an impaired water identification or TMDL decision when data were collected, provided the conditions in subsections (A)(5), (A)(6), and (B) are met, and where the data were collected in the surface water or segment being evaluated for impairment:
    - a. The data were collected before July 12, 2002 and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2);
    - b. The data were collected after July 12, 2002 as part of an ongoing monitoring effort by a governmental agency and the Department determines that the data yield results of comparable reliability to the data collected under subsections (A)(1) and (A)(2); or
    - c. The instream water quality data were or are collected under the terms of a NPDES or AZPDES permit or a compliance order issued by the Department or EPA, a consent decree signed by the Department or EPA, or a sampling program approved by the Department or EPA under WQARF or CERCLA, and the Department determines that the data yield results of comparable reliability to data collected under subsections (A)(1) and (A)(2).
  5. Data collection, preservation, and analytical procedures. The monitoring entity shall collect, preserve, and analyze data using methods of sample collection, preservation, and analysis established under A.A.C. R9-14-610.
  6. Laboratory. The monitoring entity shall ensure that chemical and toxicological samples are analyzed in a state-licensed laboratory, a laboratory exempted by the Arizona Department of Health Services for specific analyses, or a federal or academic laboratory that can demonstrate proper quality assurance/quality control procedures substantially equal to those required by the Arizona Department of Health Services, and shall ensure that the laboratory uses approved methods identified in A.A.C. R9-14-610.
- B.** Documentation for data submission. The monitoring entity shall provide the Department with the following information either before or with data submission:
1. A copy of the QAP or SAP, or both, revisions to a previously submitted QAP or SAP, and any other information necessary for the Department to evaluate the data under subsection (A)(4);
  2. The applicable dates of the QAP and SAP, including any revisions;
  3. Written assurance that the methods and procedures specified in the QAP and SAP were followed;
  4. The name of the laboratory used for sample analyses and its certification number, if the laboratory is licensed by the Arizona Department of Health Services;
  5. The quality assurance/quality control documentation, including the analytical methods used by the laboratory, method number, detection limits, and any blank, duplicate, and spike sample information necessary to properly interpret the data, if different from that stated in the QAP or SAP;
  6. The data reporting unit of measure;
  7. Any field notes, laboratory comments, or laboratory notations concerning a deviation from standard procedures, quality control, or quality assurance that affects data reliability, data interpretation, or data validity; and
  8. Any other information, such as complete field notes, photographs, climate, or other information related to flow, field conditions, or documented sources of pollutants in the watershed, if requested by the Department for interpreting or validating data.
- C.** Recordkeeping. The monitoring entity shall maintain all records, including sample results, for the duration of the listing cycle. If a surface water or segment is added to the Planning List or to the 303(d) List, the Department shall coordinate with the monitoring entity to ensure that records are kept for the duration of the listing.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

**R18-11-603. General Data Interpretation Requirements**

- A.** The Department shall use the following data conventions to interpret data for impaired water identifications and TMDL decisions:
1. Data reported below laboratory detection limits.
    - a. When the analytical result is reported as <X, where X is the laboratory detection limit for the analyte and the laboratory detection limit is less than or equal to the surface water quality standard, consider the result as meeting the water quality standard:
      - i. Use these statistically derived values in trend analysis, descriptive statistics or modeling if there is sufficient data to support the statistical estimation of values reported as less than the laboratory detection limit; or
      - ii. Use one-half of the value of the laboratory detection limit in trend analysis, descriptive statistics, or modeling, if there is insufficient data to support the statistical estimation of values reported as less than the laboratory detection limit.
    - b. When the sample value is less than or equal to the laboratory detection limit but the laboratory detection limit is greater than the surface water quality standard, shall not use the result for impaired water identifications or TMDL decisions;



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2. Identify the field equipment specifications used for each listing cycle or TMDL developed. A field sample measurement within the manufacturer's specification for accuracy meets surface water quality standards;
  3. Resolve a data conflict by considering the factors identified under the weight-of-evidence determination in R18-11-605(B);
  4. When multiple samples from a surface water or segment are not spatially or temporally independent, or when lake samples are from multiple depths, use the following resultant value to represent the specific dataset:
    - a. The appropriate measure of central tendency for the dataset for:
      - i. A pollutant listed in the surface water quality standards 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
      - ii. A chronic water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2;
      - iii. A surface water quality standard for a pollutant that is expressed as an annual or geometric mean;
      - iv. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
      - v. The surface water quality standard for radiological chemicals in R18-11-109(G); or
      - vi. Except for chromium, all single sample maximum water quality standards in R18-11-112.
    - b. The maximum value of the dataset for:
      - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and acute water quality standard in R18-11-112;
      - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1;
      - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A); or
      - iv. The 90th percentile water quality standard for nitrogen and phosphorus in R18-11-109(F) and R18-11-112.
    - c. The worst case measurement of the dataset for:
      - i. Surface water quality standard for dissolved oxygen under R18-11-109(E). For purposes of this subsection, worst case measurement means the minimum value for dissolved oxygen;
      - ii. Surface water quality standard for pH under R18-11-109(B). For purposes of this subsection, "worst case measurement" means both the minimum and maximum value for pH.
- B.** The Department shall not use the following data for placing a surface water or segment on the Planning List, the 303(d) List, or in making a TMDL decision.
1. Any measurement outside the range of possible physical or chemical measurements for the pollutant or measurement equipment,
  2. Uncorrected data transcription errors or laboratory errors, and
  3. An outlier identified through statistical procedures, where further evaluation determines that the outlier represents a valid measure of water quality but should be excluded from the dataset.
- C.** The Department may employ fundamental statistical tests if appropriate for the collected data and type of surface water when evaluating a surface water or segment for impairment or in making a TMDL decision. The statistical tests include descriptive statistics, frequency distribution, analysis of variance, correlation analysis, regression analysis, significance testing, and time series analysis.
- D.** The Department may employ modeling when evaluating a surface water or segment for impairment or in making a TMDL decision, if the method is appropriate for the type of waterbody and the quantity and quality of available data meet the requirements of R18-11-602. Modeling methods include:
1. Better Assessment Science Integrating Source and Non-point Sources (BASINS),
  2. Fundamental statistics, including regression analysis,
  3. Hydrologic Simulation Program-Fortran (HSPF),
  4. Spreadsheet modeling, and
  5. Hydrologic Engineering Center (HEC) programs developed by the Army Corps of Engineers.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

**R18-11-604. Types of Surface Waters Placed on the Planning List and 303(d) List**

- A.** The Department shall evaluate, at least every five years, Arizona's surface waters by considering all readily available data.
1. The Department shall place a surface water or segment on:
    - a. The Planning List if it meets any of the criteria described in subsection (D), or
    - b. The 303(d) List if it meets the criteria for listing described in subsection (E).
  2. The Department shall remove a surface water or segment from the Planning List based on the requirements in R18-11-605(E)(1) or from the 303(d) List, based on the requirements in R18-11-605(E)(2).
  3. The Department may move surface waters or segments between the Planning List and the 303(d) List based on the criteria established in R18-11-604 and R18-11-605.
- B.** When placing a surface water or segment on the Planning List or the 303(d) List, the Department shall list the stream reach, derived from EPA's Reach File System or National Hydrography Dataset, or the entire lake, unless the data indicate that only a segment of the stream reach or lake is impaired or not attaining its designated use, in which case, the Department shall describe only that segment for listing.
- C.** Exceptions. The Department shall not place a surface water or segment on either the Planning List or the 303(d) List if the non-attainment of a surface water quality standard is due to one of the following:
1. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
  2. The data were collected within a mixing zone or under a variance or nutrient waiver established in a NPDES or AZPDES permit for the specific parameter and the result does not exceed the alternate discharge limitation established in the permit. The Department may use data collected within these areas for modeling or allocating loads in a TMDL decision; or

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3. An activity exempted under R18-11-117, R18-11-118, or a condition exempted under R18-11-119.

**D. Planning List.**

1. The Department shall:
  - a. Use the Planning List to prioritize surface waters for monitoring and evaluation as part of the Department's watershed management approach;
  - b. Provide the Planning List to EPA; and
  - c. Evaluate each surface water and segment on the Planning List for impairment based on the criteria in R18-11-605(D) to determine the source of the impairment.
2. The Department shall place a surface water or segment on the Planning List based the criteria in R18-11-605(C). The Department may also include a surface water or segment on the Planning List when:
  - a. A TMDL is completed for the pollutant and approved by EPA;
  - b. The surface water or segment is on the 1998 303(d) List but the dataset used for the listing:
    - i. Does not meet the credible data requirements of R18-11-602, or
    - ii. Contains insufficient samples to meet the data requirements under R18-11-605(D);
  - c. Some monitoring data exist but there are insufficient data to determine whether the surface water or segment is impaired or not attaining, including:
    - i. A numeric surface water quality standard is exceeded, but there are not enough samples or sampling events to fulfill the requirements of R18-11-605(D);
    - ii. Evidence exists of a narrative standard violation, but the amount of evidence is insufficient, based on narrative implementation procedures and the requirements of R18-11-605(D)(3);
    - iii. Existing monitoring data do not meet credible data requirements in R18-11-602; or
    - iv. A numeric surface water quality standard is exceeded, but there are not enough sample results above the laboratory detection limit to support statistical analysis as established in R18-11-603(A)(1).
  - d. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act, but insufficient current or original monitoring data exist to determine whether the surface water or segment will meet current surface water quality standards;
  - e. Trend analysis using credible and scientifically defensible data indicate that surface water quality standards may be exceeded by the next assessment cycle;
  - f. The exceedance of surface water quality standards is due to pollution, but not a pollutant;
  - g. Existing data were analyzed using methods with laboratory detection limits above the numeric surface water quality standard but analytical methods with lower laboratory detection limits are available;
  - h. The surface water or segment is expected to attain its designated use by the next assessment as a result of existing or proposed technology-based effluent limitations or other pollution control requirements

under local, state, or federal authority. The appropriate entity shall provide the Department with the following documentation to support placement on the Planning List:

- i. Verification that discharge controls are required and enforceable;
- ii. Controls are specific to the surface water or segment, and pollutant of concern;
- iii. Controls are in place or scheduled for implementation; and
- iv. There are assurances that the controls are sufficient to bring about attainment of water quality standards by the next 303(d) List submission; or
- i. The surface water or segment is threatened due to a pollutant and, at the time the Department submits a final 303(d) List to EPA, there are no federal regulations implementing section 303(d) of the Clean Water Act that require threatened waters be included on the list.

**E. 303(d) List. The Department shall:**

1. Place a surface water or segment on the 303(d) List if the Department determines:
  - a. Based on R18-11-605(D), that the surface water or segment is impaired due to a pollutant and that a TMDL decision is necessary; or
  - b. That the surface water or segment is threatened due to a pollutant and, at the time the Department submits a final 303(d) List to EPA, there are federal regulations implementing section 303(d) of the Clean Water Act that require threatened waters be included on the list.
2. Provide public notice of the 303(d) List according to the requirements of A.R.S. § 49-232 and submit the 303(d) List according to section 303(d) of the Clean Water Act.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

**R18-11-605. Evaluating A Surface Water or Segment For Listing and Delisting**

- A.** The Department shall compile and evaluate all reasonably current, credible, and scientifically defensible data to determine whether a surface water or segment is impaired or not attaining.
- B.** Weight-of-evidence approach.
  1. The Department shall consider the following concepts when evaluating data:
    - a. Data or information collected during critical conditions may be considered separately from the complete dataset, when the data show that the surface water or segment is impaired or not attaining its designated use during those critical conditions, but attaining its uses during other periods. Critical conditions may include stream flow, seasonal periods, weather conditions, or anthropogenic activities;
    - b. Whether the data indicate that the impairment is due to persistent, seasonal, or recurring conditions. If the data do not represent persistent, recurring, or seasonal conditions, the Department may place the surface water or segment on the Planning List;
    - c. Higher quality data over lower quality data when making a listing decision. Data quality is established by the reliability, precision, accuracy, and represen-

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tativeness of the data, based on factors identified in R18-11-602(A) and (B), including monitoring methods, analytical methods, quality control procedures, and the documented field and laboratory quality control information submitted with the data. The Department shall consider the following factors when determining higher quality data:

- i. The age of the measurements. Newer measurements are weighted heavier than older measurements, unless the older measurements are more representative of critical flow conditions;
  - ii. Whether the data provide a direct measure of an impact on a designated use. Direct measurements are weighted heavier than measurements of an indicator or surrogate parameter; or
  - iii. The amount or frequency of the measurements. More frequent data collection are weighted heavier than nominal datasets.
2. The Department shall evaluate the following factors to determine if the water quality evidence supports a finding that the surface water or segment is impaired or not attaining:
- a. An exceedance of a numeric surface water quality standard based on the criteria in subsections (C)(1), (C)(2), (D)(1), and (D)(2);
  - b. An exceedance of a narrative surface water quality standard based on the criteria in subsections (C)(3) and (D)(3);
  - c. Additional information that determines whether a water quality standard is exceeded due to a pollutant, suspected pollutant, or naturally occurring condition:
    - i. Soil type, geology, hydrology, flow regime, biological community, geomorphology, climate, natural process, and anthropogenic influence in the watershed;
    - ii. The characteristics of the pollutant, such as its solubility in water, bioaccumulation potential, sediment sorption potential, or degradation characteristics, to assist in determining which data more accurately indicate the pollutant's presence and potential for causing impairment; and
    - iii. Available evidence of direct or toxic impacts on aquatic life, wildlife, or human health, such as fish kills and beach closures, where there is sufficient evidence that these impacts occurred due to water quality conditions in the surface water.
  - d. Other available water quality information, such as NPDES or AZPDES water quality discharge data, as applicable.
  - e. If the Department determines that a surface water or segment does not merit listing under numeric water

quality standards based on criteria in subsections (C)(1), (C)(2), (D)(1), or (D)(2) for a pollutant, but there is evidence of a narrative standard exceedance in that surface water or segment under subsection (D)(3) as a result of the presence of the same pollutant, the Department shall list the surface water or segment as impaired only when the evidence indicates that the numeric water quality standard is insufficient to protect the designated use of the surface water or segment and the Department justifies the listing based on any of the following:

- i. The narrative standard data provide a more direct indication of impairment as supported by professionally prepared and peer-reviewed publications;
  - ii. Sufficient evidence of impairment exists due to synergistic effects of pollutant combinations or site-specific environmental factors; or
  - iii. The pollutant is bioaccumulative, relatively insoluble in water, or has other characteristics that indicate it is occurring in the specific surface water or segment at levels below the laboratory detection limits, but at levels sufficient to result in an impairment.
3. The Department may consider a single line of water quality evidence when the evidence is sufficient to demonstrate that the surface water or segment is impaired or not attaining.

C. Planning List.

1. When evaluating a surface water or segment for placement on the Planning List.
  - a. Consider at least ten spatially or temporally independent samples collected over three or more temporally independent sampling events; and
  - b. Determine numeric water quality standards exceedances. The Department shall:
    - i. Place a surface water or segment on the Planning List following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 1, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 80 percent confidence level using a binomial distribution for a given sample size; or
    - ii. For sample datasets exceeding those shown in Table 1, calculate the number of exceedances using the following equation:  $(X \geq x | n, p)$  where  $n$  = number of samples;  $p$  = exceedance probability of 0.1;  $x$  = smallest number of exceedances required for listing with “ $n$ ” samples; and confidence level  $\geq 80$  percent.

**Table 1. Minimum Number of Samples Exceeding the Numeric Standard**

MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD								
Number of Samples		Number of Samples Exceeding Standard	Number of Samples		Number of Samples Exceeding Standard	Number of Samples		Number of Samples Exceeding Standard
From	To		From	To		From	To	
10	15	3	173	181	22	349	357	41
16	23	4	182	190	23	358	367	42
24	31	5	191	199	24	368	376	43

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32	39	6	200	208	25	377	385	44
40	47	7	209	218	26	386	395	45
48	56	8	219	227	27	396	404	46
57	65	9	228	236	28	405	414	47
66	73	10	237	245	29	415	423	48
74	82	11	246	255	30	424	432	49
83	91	12	256	264	31	433	442	50
92	100	13	265	273	32	443	451	51
101	109	14	274	282	33	452	461	52
110	118	15	283	292	34	462	470	53
119	126	16	293	301	35	471	480	54
127	136	17	302	310	36	481	489	55
137	145	18	311	320	37	490	499	56
146	154	19	321	329	38	500		57
155	163	20	330	338	39			
164	172	21	339	348	40			

2. When there are less than ten samples, the Department shall place a surface water or segment on the Planning List following subsection (B), if three or more temporally independent samples exceed the following surface water quality standards:
  - a. The surface water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 1, except for nitrate or nitrate/nitrite;
  - b. The surface water quality standard for temperature or the single sample maximum water quality standard for suspended sediment concentration, nitrogen, and phosphorus in R18-11-109;
  - c. The surface water quality standard for radiochemicals in R18-11-109(G);
  - d. The surface water quality standard for dissolved oxygen under R18-11-109(E);
  - e. The surface water quality standard for pH under R18-11-109(B); or
  - f. The following surface water quality standards in R18-11-112:
    - i. Single sample maximum standards for nitrogen and phosphorus,
    - ii. All metals except chromium, or
    - iii. Turbidity.
3. The Department shall place a surface water or segment on the Planning List if information in subsections (B)(2)(c), (B)(2)(d), and (B)(2)(e) indicates that a narrative water

quality standard violation exists, but no narrative implementation procedure required under A.R.S. § 49-232(F) exists to support use of the information for listing.

**D. 303(d) List.**

1. When evaluating a surface water or segment for placement on the 303(d) List.
  - a. Consider at least 20 spatially or temporally independent samples collected over three or more temporally independent sampling events; and
  - b. Determine numeric water quality standards exceedances. The Department shall:
    - i. Place a surface water or segment on the 303(d) List, following subsection (B), if the number of exceedances of a surface water quality standard is greater than or equal to the number listed in Table 2, which provides the number of exceedances that indicate a minimum of a 10 percent exceedance frequency with a minimum of a 90 percent confidence level using a binomial distribution, for a given sample size; or
    - ii. For sample datasets exceeding those shown in Table 2, calculate the number of exceedances using the following equation:  $(X \geq x | n, p)$  where  $n$  = number of samples;  $p$  = exceedance probability of 0.1;  $x$  = smallest number of exceedances required for listing with “ $n$ ” samples; and confidence level  $\geq 90$  percent.

**Table 2. Minimum Number of Samples Exceeding the Numeric Standard**

MINIMUM NUMBER OF SAMPLES EXCEEDING THE NUMERIC STANDARD								
Number of Samples		Number of Samples Exceeding Standard	Number of Samples		Number of Samples Exceeding Standard	Number of Samples		Number of Samples Exceeding Standard
From	To		From	To		From	To	
20	25	5	174	182	24	344	352	43
26	32	6	183	191	25	353	361	44
33	40	7	192	199	26	362	370	45
41	47	8	200	208	27	371	379	46
48	55	9	209	217	28	380	388	47
56	63	10	218	226	29	389	397	48
64	71	11	227	235	30	398	406	49
72	79	12	236	244	31	407	415	50

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80	88	13	245	253	32	416	424	51
89	96	14	254	262	33	425	434	52
97	104	15	263	270	34	435	443	53
105	113	16	271	279	35	444	452	54
114	121	17	280	288	36	453	461	55
122	130	18	289	297	37	462	470	56
131	138	19	298	306	38	471	479	57
139	147	20	307	315	39	480	489	58
148	156	21	316	324	40	490	498	59
157	164	22	325	333	41	499	500	60
165	173	23	334	343	42			

2. The Department shall place a surface water or segment on the 303(d) List, following subsection (B) without the required number of samples or numeric water quality standard exceedances under subsection (D)(1), if either the following conditions occur:
    - a. More than one temporally independent sample in any consecutive three-year period exceeds the surface water quality standard in:
      - i. The acute water quality standard for a pollutant listed in 18 A.A.C. 11, Article 1, Appendix A, Table 2 and the acute water quality standards in R18-11-112;
      - ii. The surface water quality standard for nitrate or nitrate/nitrite in 18 A.A.C. 11, Article 1, Appendix A, Table 1; or
      - iii. The single sample maximum water quality standard for bacteria in subsections R18-11-109(A).
    - b. More than one exceedance of an annual mean, 90th percentile, aquatic and wildlife chronic water quality standard, or a bacteria 30-day geometric mean water quality standard occurs, as specified in R18-11-109, R18-11-110, R18-11-112, or 18 A.A.C. 11, Article 1, Appendix A, Table 2.
  3. Narrative water quality standards exceedances. The Department shall place a surface water or segment on the Planning List if the listing requirements are met under A.R.S. § 49-232(F).
- E. Removing a surface water, segment, or pollutant from the Planning List or the 303(d) List.**
1. Planning List. The Department shall remove a surface water, segment, or pollutant from the Planning List when:
    - a. Monitoring activities indicate that:
      - i. There is sufficient credible data to determine that the surface water or segment is impaired under subsection (D), in which case the Department shall place the surface water or segment on the 303(d) List. This includes surface waters with an EPA approved TMDL when the Department determines that the TMDL strategy is insufficient for the surface water or segment to attain water quality standards; or
      - ii. There is sufficient credible data to determine that the surface water or segment is attaining all designated uses and standards.
    - b. All pollutants for the surface water or segment are delisted.
  2. 303(d) List. The Department shall:
    - a. Remove a pollutant from a surface water or segment from the 303(d) List based on one or more of the following criteria:
      - i. The Department developed, and EPA approved, a TMDL for the pollutant;
      - ii. The data used for previously listing the surface water or segment under R18-11-605(D) is superseded by more recent credible and scientifically defensible data meeting the requirements of R18-11-602, showing that the surface water or segment meets the applicable numeric or narrative surface water quality standard. When evaluating data to remove a pollutant from the 303(d) List, the monitoring entity shall collect the more recent data under similar hydrologic or climatic conditions as occurred when the samples were taken that indicated impairment, if those conditions still exist;
      - iii. The surface water or segment no longer meets the criteria for impairment based on a change in the applicable surface water quality standard or a designated use approved by EPA under section 303(c)(1) of the Clean Water Act;
      - iv. The surface water or segment no longer meets the criteria for impairment for the specific narrative water quality standard based on a change in narrative water quality standard implementation procedures;
      - v. A re-evaluation of the data indicate that the surface water or segment does not meet the criteria for impairment because of a deficiency in the original analysis; or
      - vi. Pollutant loadings from naturally occurring conditions alone are sufficient to cause a violation of applicable water quality standards;
    - b. Remove a surface water, segment, or pollutant from the 303(d) List, based on criteria that are no more stringent than the listing criteria under subsection (D);
    - c. Remove a surface water or segment from the 303(d) List if all pollutants for the surface water or segment are removed from the list;
    - d. Remove a surface water, segment, or pollutant, from the 303(d) List and place it on the Planning List, if:
      - i. The surface water, segment or pollutant was on the 1998 303(d) List and the dataset used in the original listing does not meet the credible data requirements under R18-11-602, or contains insufficient samples to meet the data requirements under subsection (D); or

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- ii. The monitoring data indicate that the impairment is due to pollution, but not a pollutant.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

**R18-11-606. TMDL Priority Criteria for 303(d) Listed Surface Waters or Segments**

- A. In addition to the factors specified in A.R.S. § 49-233(C), the Department shall consider the following when prioritizing an impaired water for development of TMDLs:
  - 1. A change in a water quality standard;
  - 2. The date the surface water or segment was added to the 303(d) List;
  - 3. The presence in a surface water or segment of species listed as threatened or endangered under section 4 of the Endangered Species Act;
  - 4. The complexity of the TMDL;
  - 5. State, federal, and tribal policies and priorities; and
  - 6. The efficiencies of coordinating TMDL development with the Department's surface water monitoring program, the watershed monitoring rotation, or with remedial programs.
- B. The Department shall prioritize an impaired surface water or segment for TMDL development based on the factors specified in A.R.S. § 49-233(C) and subsection (A) as follows:
  - 1. Consider an impaired surface water or segment a high priority if:
    - a. The listed pollutant poses a substantial threat to the health and safety of humans, aquatic life, or wildlife based on:
      - i. The number and type of designated uses impaired;
      - ii. The type and extent of risk from the impairment to human health, aquatic life, or wildlife;
      - iii. The pollutant causing the impairment, or
      - iv. The severity, magnitude, and duration the surface water quality standard was exceeded;
    - b. A new or modified individual NPDES or AZPDES permit is sought for a new or modified discharge to the impaired water;
    - c. The listed surface water or segment is listed as a unique water in A.A.C. R18-11-112 or is part of an area classified as a "wilderness area," "wild and scenic river," or other federal or state special protection of the water resource;
    - d. The listed surface water or segment contains a species listed as threatened or endangered under the federal Endangered Species Act and the presence of the pollutant in the surface water or segment is likely to jeopardize the listed species;
    - e. A delay in conducting the TMDL could jeopardize the Department's ability to gather sufficient credible data necessary to develop the TMDL;
    - f. There is significant public interest and support for the development of a TMDL;
    - g. The surface water or segment has important recreational and economic significance to the public; or
    - h. The pollutant is listed for eight years or more.
  - 2. Consider an impaired surface water or segment a medium priority if:
    - a. The surface water or segment fails to meet more than one designated use;
    - b. The pollutant exceeds more than one surface water quality standard;
    - c. A surface water quality standard exceedance is correlated to seasonal conditions caused by natural events, such as storms, weather patterns, or lake turnover;
    - d. It will take more than two years for proposed actions in the watershed to result in the surface water attaining applicable water quality standards;
    - e. The type of pollutant and other factors relating to the surface water or segment make the TMDL complex; or
    - f. The administrative needs of the Department, including TMDL schedule commitments with EPA, permitting requirements, or basin priorities that require completion of the TMDL.
  - 3. Consider an impaired surface water or segment a low priority if:
    - a. The Department has formally submitted a proposal to delist the surface water, segment, or pollutant to EPA based on R18-11-605(E)(2). If the Department makes the submission outside the listing process cycle, the change in priority ranking will not be effective until EPA approves the submittal;
    - b. The Department has modified, or formally proposed for modification, the designated use or applicable surface water quality standard, resulting in an impaired water no longer being impaired, but the modification has not been approved by EPA;
    - c. The surface water or segment is expected to attain surface water quality standards due to any of the following:
      - i. Recently instituted treatment levels or best management practices in the drainage area,
      - ii. Discharges or activities related to the impairment have ceased, or
      - iii. Actions have been taken and controls are in place or scheduled for implementation that will likely to bring the surface water back into compliance;
    - d. The surface water or segment is ephemeral or intermittent. The Department shall re-prioritize the surface water or segment if the presence of the pollutant in the listed water poses a threat to the health and safety of humans, aquatic life, or wildlife using the water, or the pollutant is contributing to the impairment of a downstream perennial surface water or segment;
    - e. The pollutant poses a low ecological and human health risk;
    - f. Insufficient data exist to determine the source of the pollutant load;
    - g. The uncertainty of timely coordination with national and international entities concerning international waters;
    - h. Naturally occurring conditions are a major contributor to the impairment; and
    - i. No documentation or effective analytical tools exist to develop a TMDL for the surface water or segment with reasonable accuracy.
- C. The Department will target surface waters with high priority factors in subsections (B)(1)(a) through (B)(1)(d) for initiation of TMDLs within two years following EPA approval of the 303(d) List.

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER QUALITY STANDARDS

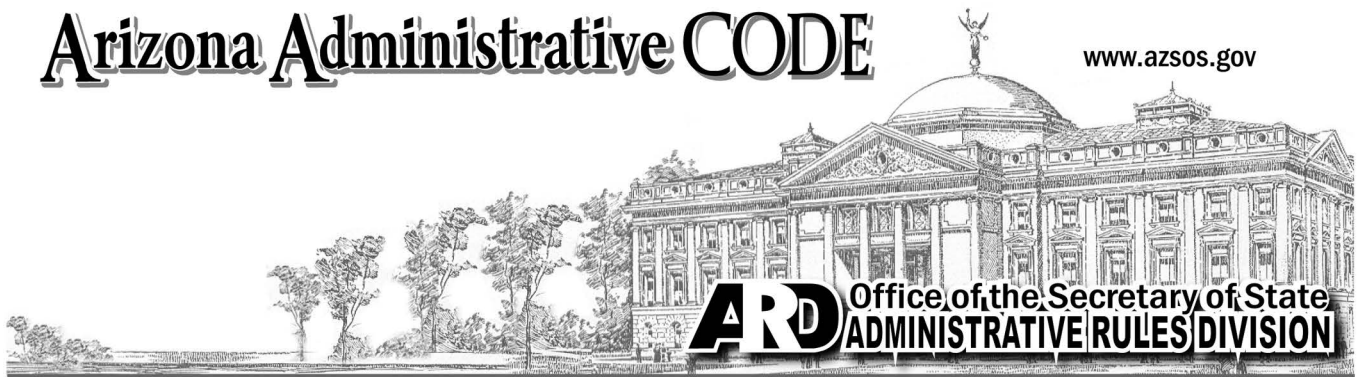
- D.** The Department may shift priority ranking of a surface water or segment for any of the following reasons:
1. A change in federal, state, or tribal policies or priorities that affect resources to complete a TMDL;
  2. Resource efficiencies for coordinating TMDL development with other monitoring activities, including the Department's ambient monitoring program that monitors watersheds on a five-year rotational basis;
  3. Resource efficiencies for coordinating TMDL development with Department remedial or compliance programs;
  4. New information is obtained that will revise whether the surface water or segment is a high priority based on factors in subsection (B); and
  5. Reduction or increase in staff or budget involved in the TMDL development.
- E.** The Department may complete a TMDL initiated before July 12, 2002 for a surface water or segment that was listed as impaired on the 1998 303(d) List but does not qualify for listing under the criteria in R18-11-605, if:
1. The TMDL investigation establishes that the water quality standard is not being met and the allocation of loads is expected to bring the surface water into compliance with standards,
  2. The Department estimates that more than 50 percent of the cost of completing the TMDL has been spent,
  3. There is community involvement and interest in completing the TMDL, or
  4. The TMDL is included within an EPA-approved state workplan initiated before July 12, 2002.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3380, effective July 12, 2002 (Supp. 02-3).

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18 A.A.C. 14

Supp. 23-3

## TITLE 18. ENVIRONMENTAL QUALITY

### CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY - PERMIT AND COMPLIANCE FEES

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

<a href="#">R18-14-101.</a>	<a href="#">Definitions .....</a>	<a href="#">2</a>	<a href="#">Table 5.</a>	<a href="#">Type 4 General Permit Fees .....</a>	<a href="#">6</a>
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#### Questions about these rules? Contact:

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Address: 1110 W. Washington St.  
Phoenix, AZ 85007  
[Website:](#) [www.azdeq.gov](http://www.azdeq.gov)  
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Telephone: (602) 771-4651  
[Email:](#) [lelsz.david@azdeq.gov](mailto:lelsz.david@azdeq.gov)

**The release of this Chapter in Supp. 23-3 replaces Supp. 22-3, 1-11 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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## Administrative Rules Division

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**TITLE 18. ENVIRONMENTAL QUALITY****CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY - PERMIT AND COMPLIANCE FEES**

Authority: A.R.S. §§ 49-203(A)(6), 49-203(A)(9), 49-104(C)(1)

**Supp. 23-3****CHAPTER TABLE OF CONTENTS****ARTICLE 1. WATER QUALITY PROTECTION FEES**

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*Article 3, consisting of Sections R18-14-301 through R18-14-303, made by final rulemaking at 21 A.A.R. 2597, effective July 1, 2016 (Supp. 15-4).*

## Section

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## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY - PERMIT AND COMPLIANCE FEES

**ARTICLE 1. WATER QUALITY PROTECTION FEES****R18-14-101. Definitions**

In addition to the definitions in A.R.S. §§ 49-201, 49-241.02, 49-255, 49-331, and A.A.C. R18-9-101, A.A.C. R18-9-701, and A.A.C. R18-9-A901, the following terms apply to this Article:

1. "APP" means an Aquifer Protection Permit.
2. "Complex modification" means:
  - a. A revision of an individual Aquifer Protection Permit for a facility within a mining sector as defined in A.R.S. § 49-241.02(F)(1); and
  - b. A revision of an individual Aquifer Protection Permit for a facility within a non-mining sector due to any of the following:
    - i. An expansion of an existing pollutant management area requiring a new or relocated point of compliance;
    - ii. A new subsurface disposal including injection or recharge, or new wetlands construction;
    - iii. Submission of data indicating contamination, or identification of a discharging facility or pollutants not included in previous applications that requires reevaluation of BADCT; or
    - iv. Closure of a facility that cannot meet the clean closure requirements of A.R.S. § 49-252 and requires post-closure care, monitoring, or remediation.
3. "Courtesy review" means a design review service that the Department performs within 30 days from the date of receiving the submittals, of the 60 percent completion specifications, design report, and construction drawings for a sewage collection system.
4. "Priority review" means a design review service for an APP Type 4 permit application that the Department completes using not more than 50 percent of the total review time-frame for the applicable Type 4 permit application as specified in 18 A.A.C. 1, Table 10.
5. "Request" means a written application, notice, letter, or memorandum submitted by an applicant to the Department for water quality protection services. The Department considers a request made on the date it is received by the Department.
6. "Review hours" means the hours or portions of hours that the Department's staff spends on a request for a water quality protection service. Review hours include the time spent by the project manager and technical review team members, and if requested by the applicant, the supervisor or unit manager.
7. "Review-related costs" means any of the following costs applicable to a specific request for water quality protection service:
  - a. Presiding officer services for public hearings on a permitting decision,
  - b. Court reporter services for public hearings on a permitting decision,
  - c. Facility rentals for public hearings on a permitting decision,
  - d. Charges for laboratory analyses performed during the review, and
  - e. Other reasonable and necessary review-related expenses documented in writing by the Department and agreed to by an applicant.
8. "Standard modification" means an amendment to an individual Aquifer Protection Permit that is not a complex modification.
9. "UIC" means Arizona's Underground Injection Control Program.
10. "Water quality protection service" means:
  - a. Reviewing a request for an APP determination of applicability;
  - b. Pre-application consultation, issuing, renewing, amending, modifying, transferring, or denying an aquifer protection permit, an AZPDES permit, a UIC permit, a UIC application for an aquifer exemption or an injection depth waiver or a reclaimed water permit;
  - c. Reviewing supplemental information required by a permit condition, including annual reports and closure for an APP;
  - d. Performing an APP clean closure plan review;
  - e. Issuing or denying a Certificate of Approval for Sanitary Facilities for a Subdivision;
  - f. Registering or transferring registration of a dry well;
  - g. Conducting a site visit;
  - h. Reviewing proprietary and other reviewed products under A.A.C. R18-9-A309(E);
  - i. Reviewing, processing, and managing documentation related to an AZPDES general permit, including a notice of intent, notice of termination, certificate of no exposure, and waiver;
  - j. Registering and reporting land application of biosolids; or
  - k. Pretreatment program review, inspection, or audit.

**Historical Note**

Adopted effective November 15, 1996 (Supp. 96-4).  
 Amended by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1). Amended by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Amended by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-102. Hourly Rate and Maximum Fees for Water Quality Protection Services**

- A. The Department shall assess and collect an hourly rate fee for a water quality protection service, except for APP minor permit amendments specified under A.A.C. R18-9-A211(C)(1), (2) and (3) and A.A.C. R18-9-B906(B), unless a flat fee is otherwise designated in this Article, and UIC minor modifications specified under A.A.C. R18-9-C633(A).
- B. Hourly rate fees. The Department shall calculate the fee using an hourly rate of \$174, adjusted annually under subsection (D), except for the UIC program, where the Department shall calculate the fee using an hourly rate of \$145, adjusted annually under subsection (D). These rates shall then be multiplied by the number of review hours to provide a water quality protection service, plus any applicable review-related costs, up to the maximum fee specified in subsection (C), adjusted annually under subsection (D).
- C. Maximum fees for a water quality protection service assessed at an hourly rate in Table 1, adjusted annually under subsection (D).
- D. The Director shall adjust the hourly rate and maximum fees listed in subsections (B) and (C) every August 1 to the nearest \$10, beginning August 4, 2023, by multiplying the hourly rate or maximum fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY - PERMIT AND COMPLIANCE FEES

2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items published by the United States Department of Labor, as of the close of the 12-month period ending on June 30 of that year.

**Historical Note**

Adopted effective November 15, 1996 (Supp. 96-4).  
Amended by final rulemaking at 7 A.A.R. 564, effective

January 2, 2001 (Supp. 01-1). Amended by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Amended by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**Table 1. Maximum Fees**

Program Area	Permit Type	Maximum Fee
APP	Individual or area-wide	\$285,400
APP	Complex modification to individual or area-wide	\$214,050
APP	Clean closure of facility	\$71,350
APP	Standard modification to individual or area-wide (per modification up to the maximum fee, and modification can be reassigned under A.A.C. R18-1-516):	
	▪ Maximum fee (cumulative per submittal)	\$214,050
	▪ Modification under A.A.C. R18-9-A211(C)(1) through (3)	No fee
	▪ Modification under A.A.C. R18-9-A211(C)(4) through (6)	\$7,135
	▪ Modification under A.A.C. R18-9-A211(C)(7), (D)(2)(b) through (i), and (k) through (l)	\$21,405
	▪ Modification under A.A.C. R18-9-A211(D)(2)(a) and (j)	\$35,675
	▪ Modification under A.A.C. R18-9-A211(B) that is not classified as complex modification under R18-14-101(2)	\$35,675
APP	For an APP issued before July 1, 2011, the fee for a submittal required by a compliance schedule is assessed per submittal and cumulative up to the maximum fee. The applicable maximum fee for all compliance schedule submissions shall be according to one of the three maximum fee categories listed below. The maximum fee is for the lifetime of the APP unless a new compliance schedule is established in the APP due to a modification that is classified as both a significant amendment under A.A.C. R18-9-A211(B) and a complex modification under R18-14-101(2).	
	▪ For a permit with a compliance schedule where one or more submissions require a permit modification that requires a determination or reevaluation of BADCT, the fee is assessed as described above for each standard modification, with a maximum fee for the permit's entire compliance schedule of:	\$214,050
	▪ For a permit with a compliance schedule where one or more submissions require a permit modification, but no determination or reevaluation of BADCT is required, the fee is assessed as described above for each standard modification, with a maximum fee for the permit's entire compliance schedule of:	\$142,700
	▪ For a permit with a compliance schedule requiring one or more submissions that require ADEQ review but do not require a permit modification, the maximum fee for the permit's entire compliance schedule is:	\$142,700
APP	For an APP issued on or after July 1, 2011, the fee for a submittal required by a compliance schedule is assessed per submittal and cumulative up to the maximum fee for the lifetime of the APP	\$142,700
APP	Determination of applicability	\$21,405
APP	Reviewing proprietary and other reviewed products under A.A.C. R18-9-A309(E)	\$21,405
AZPDES	Individual permit for municipal separate storm sewer system	\$57,080
AZPDES	Individual permit for wastewater treatment plant (based on gallons of discharge per day)	
	▪ 3,000 to 99,999	\$21,405
	▪ 100,000 to 999,999	\$28,540
	▪ 1,000,000 to 9,999,999	\$42,810
	▪ 10,000,000 or more	\$71,350
AZPDES	Individual permit for a facility or activity that is not a wastewater treatment plant or a municipal separate storm sewer	\$42,810
AZPDES	Amendment to an individual permit	\$17,838
AZPDES	Approval of a new or revised pretreatment program under AZPDES	\$14,270
AZPDES	Consolidated individual permit for multiple AZPDES individual permits, as allowed under A.A.C. R18-9-B901(C)	Aggregate of the applicable maximum fees
Reclaimed	Reclaimed water individual permit	\$45,664
UIC	Area	\$200,000
	Area Modification / Renewal	\$150,000
UIC	Classes I, II, III, V Individual	\$200,000
	Classes I, II, III, V Modification / Renewal	\$150,000

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY - PERMIT AND COMPLIANCE FEES

UIC	Classes VI Individual Classes VI Modification	No Max No Max
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**Historical Note**

Table 1 adopted by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1). Table 1 repealed; new Table 1 adopted by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Amended by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-103. Initial Fees**

A person shall submit the applicable fee at the time a request for a water quality protection service is submitted to the Department.

**Historical Note**

Adopted effective November 15, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1). Amended by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-104. Annual Fees for Water Quality Protection Services Subject to Hourly Rate Fee**

- A. Annual Registration Fees. The annual registration fee required under A.R.S. § 49-242 is in Table 2, adjusted annually under subsection (E).
- B. The Department shall assess an annual fee for an AZPDES-related water quality protection service subject to an hourly rate fee as listed in Table 3, adjusted annually under subsection (E).
- C. The Department shall assess an annual fee of \$714, adjusted annually under subsection (E), for an individual reclaimed water permit.

- D. The Department shall assess an annual fee and an annual waste disposal fee as applicable to UIC regulated facilities, subject to an hourly rate fee, as listed in Tables 3.1 and 3.2, adjusted annually under subsection (E).
- E. The Director shall adjust the annual fees listed in subsections (A), (B), (C), and (D) every August 1, to the nearest \$10, beginning August 4, 2023, by multiplying the annual fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items published by the United States Department of Labor, as of the close of the 12-month period ending on June 30 of that year.

**Historical Note**

Adopted effective November 15, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1). Amended by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Tables 2 and 3 removed from this Section to conform with the A.A.C. codification scheme; amended by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**Table 2. APP Annual Registration Fees**

Discharge or Influent per Day under the Individual APP or Notice of Disposal (in Gallons)	Annual Registration Fee	Annual Registration Fee if New Facility Under New APP Not Yet Constructed
3,000 to 9,999	\$714	\$357
10,000 to 99,999	\$1,427	\$357
100,000 to 999,999	\$3,568	\$714
1,000,000 to 9,999,999	\$8,562	\$892
10,000,000 or more	\$12,130	\$1,070

**Historical Note**

Table 2 made by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**Table 3. AZPDES Annual Fees**

Permit Type	Annual Fee	Annual Fee if New Facility Under New AZPDES Not Yet Constructed
Municipal separate storm sewer system	\$14,270	N/A
Wastewater treatment plant (based on gallons of discharge per day):		
▪ Less than 99,999	\$357	\$357
▪ 100,000 to 999,999	\$714	\$714
▪ 1,000,000 to 9,999,999	\$3,568	\$892
▪ 10,000,000 or more	\$5,708	\$1,070
Facility or activity that is not a wastewater treatment plant or municipal separate storm sewer and designated in the permit as either:		
Major	\$3,568	\$892
Minor	\$714	\$714
Pretreatment program	\$4,281	N/A
Consolidated individual permit for multiple AZPDES individual permits, as allowed under A.A.C. R18-9-B901(C)	Aggregate of the applicable annual fees of each individual permit	Aggregate of the applicable annual fees of each individual permit

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**Historical Note**

Table 3 made by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**Table 3.1. UIC Annual Fees**

Permit Type	Annual Registration Fee	Annual Waste Disposal Fee
Area	\$10,000 (and not subject to any other annual registration fee in Tables 3.1 and 3.2)	N/A
Class I	No Annual Registration Fee	\$0.002/gallon. Minimum Fee: \$10,000/year Maximum Fee: \$25,000/year
Class II	See Table 3.2	N/A
Class III	See Table 3.2	N/A
Class V "Individual"	See Table 3.2	N/A
Class VI	No Annual Registration Fee	\$0.08/ton Minimum Fee: \$10,000/year

**Historical Note**

Table 3.1 made by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3).

**Table 3.2. UIC Annual Registration Fees**

Design Injection Flow Rate in Gallons per day <sup>1, 2</sup>	Annual Registration Fee
3,000 to 9,999	\$600
10,000 to 99,999	\$1,200
100,000 to 999,999	\$3,000
1,000,000 to 9,999,999	\$7,000
10,000,000 or more	\$10,000

<sup>1</sup> A Class II, III or V Individual UIC permittee with multiple wells or multiple permits may consolidate their same-class wells for the purpose of "design injection flow rate in gallons per day" under Table 3.2.

<sup>2</sup> An Area permit is not subject to Table 3.2.

**Historical Note**

Table 3.2 made by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3).

**Schedule A. Repealed****Historical Note**

Schedule A adopted effective November 15, 1996 (Supp. 96-4). Schedule repealed by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1).

**Schedule B. Repealed****Historical Note**

Schedule B adopted effective November 15, 1996 (Supp. 96-4). Schedule repealed by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1).

**Schedule C. Repealed****Historical Note**

Schedule C adopted effective November 15, 1996 (Supp. 96-4). Schedule repealed by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1).

**Schedule D. Repealed****Historical Note**

Schedule D adopted effective November 15, 1996 (Supp. 96-4). Schedule repealed by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1).

**R18-14-105. Fee Assessment and Collection**

- A.** Billing. The Department shall bill an applicant for water quality protection services subject to an hourly rate no more than monthly, but at least quarterly. The following information shall be included in each bill:
1. The dates of the billing period;

2. The date and number of review hours itemized by employee name, position type and specifically describing:
    - a. Each water quality protection service performed,
    - b. Each facility involved and program component, and
    - c. The hourly rate for each water quality protection service performed;
  3. A description and amount of each review-related cost incurred for the project;
  4. The total fees due for the billing period, and the date when the fees are due, which shall be at least 35 days after the date on the bill. The total fees paid to date and the maximum fee for the project shall be provided upon request.
- B.** Final bill. After the Department makes a final determination whether to grant or deny a request for water quality protection services subject to an hourly rate fee, or when an applicant withdraws or closes the request, the Department shall prepare a final itemized bill of its review.
1. Fees for water quality protection services shall be paid in U.S. dollars by cash, check, cashier's check, money order, or any other method acceptable to the Department.
  2. The Department shall not release the final permit or approval until the final itemized bill is paid in full.

**Historical Note**

Adopted effective November 15, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1). Amended by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Amended by final rulemaking at 29 A.A.R.

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1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-106. Reconsideration of a Bill; Appeal Process**

- A. A person may seek review of a bill by filing a written request for reconsideration with the Director.
1. The request shall specify, in detail, why the bill is in dispute and shall include any supporting documentation.
  2. The written request for reconsideration shall be delivered to the Director in person, by mail, or by facsimile on or before the payment due date or within 35 days of the invoice print date, whichever is greater.
- B. The Director shall make a final decision on the request for reconsideration of the bill and mail a final written decision to the person within 20 working days after the date the Director receives the written request.

**Historical Note**

Adopted effective November 15, 1996 (Supp. 96-4).  
Amended by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1).

**R18-14-107. Effect on County Fees**

Nothing in this Chapter affects the authority of county or other local governments to charge fees for implementing delegated Department water quality protection programs in accordance with statutory authority.

**Historical Note**

Adopted effective November 15, 1996 (Supp. 96-4).  
Amended by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1).

**R18-14-108. APP Water Quality Protection Services Flat Fees**

- A. The Department shall assess a flat fee for an APP water quality protection service listed in this Section.

- B. Type 1 General Permits. No fee is required, except as stated in A.A.C. R18-9-A304(A)(2).
- C. Fees for Type 2 and Type 3 General Permits and related water quality protection services are listed in Table 4, adjusted annually under subsection (E). For purposes of this Section, "complex" is defined in A.A.C. R18-1-501(9). "Standard" means any permit that does not meet the definition of complex.
- D. Fees for Type 4 General Permits and related water quality protection services are listed in Table 5, adjusted annually under subsection (E).
- E. The Director shall adjust the APP water quality protection services flat fees listed in subsections (C) and (D) every August 1, to the nearest \$10, beginning August 4, 2023, by multiplying the APP water quality protection services flat fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items published by the United States Department of Labor, as of the close of the 12-month period ending on June 30 of that year.

**Historical Note**

Adopted effective November 15, 1996 (Supp. 96-4). Section repealed by final rulemaking at 7 A.A.R. 564, effective January 2, 2001 (Supp. 01-1). New Section made by exempt rulemaking at 16 A.A.R. 851, effective July 1, 2010 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 1505, effective July 1, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Tables 4 and 5 removed from this Section to conform with the A.A.C. codification scheme; amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**Table 4. Type 2 and 3 General Permit Fees**

Permit Description	Permit Fee	Renewal Fee
Standard Type 2: 2.01, 2.03, 2.04, 2.05, and 2.06	\$2,141	\$714
Complex Type 2: 2.02	\$4,281	\$1,427
Standard Type 3: 3.02, 3.03, 3.05, 3.06, and 3.07	\$6,422	\$2,141
Complex Type 3: 3.01 and 3.04	\$10,703	\$3,568
Amendment to Notice of Intent	Same as applicable renewal fee	N/A
Transfer of permit authorization	\$71	N/A
If a site contains more than one facility covered by the same Type 2 or Type 3 General Permit and each facility is substantially similar in design, construction, and operation, the first facility is paid at the full applicable fee, and each additional facility is:	Half the applicable fee	Half the applicable fee

**Historical Note**

Table 4 made when R18-14-108 was amended by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 in Supp. 11-2. Table 4 was removed from R18-14-108 in Supp. 23-3 to conform with the A.A.C. codification scheme; Table 4 amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**Table 5. Type 4 General Permit Fees**

Water Quality Protection Service	Description	Permit Fee
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4.01 General Permit: Sewage Collection Systems	Under each Notice of Intent to Discharge, the fee is assessed on a per-component basis for the components listed below and is assessed cumulatively up to the maximum fee:	
	▪ Maximum fee	\$35,675
	▪ Force mains with design flow less than or equal to 10,000 gpd	\$1,427
	▪ Each additional increment of 50,000 gpd or less of force mains	\$1,427
	▪ Gravity sewer with design flow less than or equal to 10,000 gpd	\$1,427
	▪ Each additional increment of 50,000 gpd or less of gravity sewer	\$1,427
	▪ Each sewer lift station	\$1,427
	▪ Each depressed sewer	\$1,427
	▪ Realignment of existing sewer for a contiguous project that is less than 300 linear feet with no change in design flow or pipe size	\$714
4.01 General Permit courtesy review	If an applicant requests courtesy review, the Department shall approve or deny the request. When determining whether to approve a courtesy review request, the Department shall consider the complexity of the project and the Department's current work load	One-third applicable fee upon submittal, then balance of fee if Notice of Intent to Discharge is submitted with final documentation within 180 days of first submittal
4.23 General Permit: 3,000 to less than 24,000 Gal- lons per day Design Flow	▪ Onsite wastewater treatment facility with up to: • Three treatment technologies and disposal methods consisting of technologies or designs that are covered under other Type 4 general permits; and • Two onsite wastewater treatment facilities	\$5,137
	▪ Maximum fee (cumulative)	\$10,703
	▪ Each additional onsite wastewater treatment facility on same Notice of Intent to Discharge up to maximum fee	\$1,712
	▪ Each additional treatment technology or disposal method consisting of technologies or designs that are covered under other Type 4 general permits on same Notice of Intent to Discharge up to maximum fee	\$714
4.23 General Permit annual report	Annual report required under A.A.C. R18-9-E323(G)	\$285
Type 4 General Permits (4.02 through 4.22)	▪ Maximum fee	\$5,280
	▪ First Type 4 general permit	\$1,712
	▪ Each additional Type 4 general permit on same Notice of Intent to Discharge	\$714
Alternative Design under A.A.C. R18-9-A312(G)	A request for an alternative design, installation, or operational feature, per alternative design:	
	▪ Type 4.01 general permit	\$1,070
	▪ All other Type 4 general permits	\$357
Interceptor under A.A.C. R18-9-A315	A design requiring an interceptor (per interceptor)	\$143
Transfer	Transfer of discharge authorization	\$71
Priority Review	If an applicant requests priority review, the Department shall approve or deny the request. When determining whether to approve a priority review request, the Department shall consider the complexity of the project and the Department's current work load.	Double the Applicable Fee (including any applicable maximum fee)

**Historical Note**

Table 5 made when R18-14-108 was amended by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 in Supp. 11-2. Table 5 was removed from R18-14-108 in Supp. 23-3 to conform with the A.A.C. codification scheme; Table 5 amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-109. AZPDES Water Quality Protection Services Flat Fees**

- A.** The Department shall assess a flat fee for an AZPDES water quality protection service, as described in Table 6, adjusted annually under subsection (D).
- B.** In addition to the requirements in A.A.C. R18-9-A907(B), a draft permit will state the category and fee assigned to the permit and the factors for establishing the fee, according to Table 6. Any person may comment on the fee category assignment as part of the public comment period described in A.A.C. R18-9-A908.
- C.** Annual Fee. The Department shall bill an annual fee, as described in Table 6, adjusted annually under subsection (D),

to permittees who have not filed a notice of termination for an applicable general permit.

- D.** The Director shall adjust the AZPDES water quality protection services flat fees listed in subsections (C) and (D) every August 1, to the nearest \$10, beginning August 4, 2023, by multiplying the AZPDES water quality protection services flat fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items published by the United States Department of Labor, as of the close of the 12-month period ending on June 30 of that year.

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**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Table 6 removed from this Section to conform with the A.A.C. codification

scheme; amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

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**Table 6. AZPDES Water Quality Protection Services Flat Fees**

Category	Factors for Establishing Fees	Initial Fee	Annual Fee
Municipal Separate Storm Sewer System General Permit	The fee is based on the population of the permitted area:		
	▪ Less than or equal to 10,000	\$3,568	\$3,568
	▪ Greater than 10,000 but less than or equal to 100,000	\$7,135	\$7,135
	▪ Greater than 100,000	\$10,703	\$10,703
	The fee for a non-traditional municipal separate storm sewer system, such as a hospital, college or military facility	\$7,135	\$7,135
Construction General Permit	The fee is based on the amount of acreage identified in the Notice of Intent:		
	▪ Less than or equal to 1 acre	\$357	\$357
	▪ Greater than 1 acre but less than or equal to 50 acres	\$499	\$499
	▪ Greater than 50 acres	\$714	\$714
	Pollution prevention plan review	\$1,427	N/A
	▪ Each additional submittal due to deficiency	\$714	N/A
	Waiver	\$1,070	N/A
	If more than one person must apply for general permit coverage of the same facility or discharge activity, each person pays:	Fee applicable to the amount of acreage each person controls	Fee applicable to the amount of acreage each person controls
Multi-Sector General Permit	The fee is based on the amount of acreage identified in the Notice of Intent:		
	▪ Less than or equal to 1 acre	\$499	\$499
	▪ Greater than 1 acre but less than or equal to 40 acres	\$714	\$714
	▪ Greater than 40 acres	\$1,427	\$1,427
	Pollution prevention plan review	\$1,427	N/A
	▪ Each additional submittal due to deficiency	\$714	N/A
	Certificate of No Exposure	\$1,784	N/A
	If more than one person must apply for general permit coverage of the same facility or discharge activity, each person pays:	Fee applicable to the amount of acreage each person controls	Fee applicable to the amount of acreage each person controls
General Permits for Non-Stormwater Discharges	The fee is based on the Department's total anticipated staff hours (including permit development, customer service, review of the notice of intent, and annual data review and inspections) divided by the total number of potential permittees over a five-year period:		
	▪ Level 1A	\$357	\$357
	• Staff hours:	1,500	
	• Number of potential permittees:	750	
	▪ Level 1B	\$714	\$714
	• Staff hours:	1,500	
	• Number of potential permittees:	375	
	▪ Level 2	\$1,784	\$1,784
	• Staff hours:	1,000	
	• Number of potential permittees:	100	
	▪ Level 3	\$2,141	\$2,141
	• Staff hours:	1,300	
	• Number of potential permittees:	100	
	▪ Level 4A	\$2,854	\$2,854
	• Staff hours:	1,600	
	• Number of potential permittees:	100	
	▪ Level 4B	\$3,568	\$3,568
	• Staff hours:	1,900	
	• Number of potential permittees:	100	
	Pollution prevention plan review	\$1,427	N/A
	▪ Each additional submittal due to deficiency	\$714	N/A
Emergency Discharge General Permit	Authorization for emergency discharge	\$14,270	N/A
Transfer	Authorization for permit transfer as allowed under A.A.C. R18-9-B905	\$71	N/A

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Biosolids Land Applicators	Initial registration	\$714	N/A
	Registration amendment	\$357	N/A
	Annual report based on amount of dry metric tons applied		
	▪ Less than or equal to 7,500 dry metric tons	N/A	\$3,568
	▪ Greater than 7,500 dry metric tons but less than or equal to 15,000 dry metric tons	N/A	\$4,281
	▪ Greater than 15,000 dry metric tons	N/A	\$6,422

**Historical Note**

Table 6 made by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Table 6 was removed from R18-14-109 in Supp. 23-3 to conform with the A.A.C. codification scheme; Table 6 amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-110. Reclaimed Water Flat Fees**

- A. The Department shall assess a flat fee for a reclaimed water quality protection service as listed in Table 7, adjusted annually under subsection (B). For purposes of this Section, “complex” is defined in A.A.C. R18-1-501(9). “Standard” means any permit that does not meet the definition of complex.
- B. The Director shall adjust the reclaimed water quality protection services flat fees listed in subsections (A) every August 1, to the nearest \$10, beginning August 4, 2023, by multiplying the reclaimed water quality protection services flat fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items published by the United States Department of Labor, as of the close of the 12-month period ending on June 30 of that year.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**Table 7. Reclaimed Water General Permit Fees**

Permit Description	Permit Fee	Renewal Fee
Standard Type 2: Class A, A+, B, and B+	\$856	\$642
Complex Type 2: Class C	\$1,070	\$821
Standard Type 3: Reclaimed Water Agent, Reclaimed Water Blending Facility	\$2,141	\$1,784
Complex Type 3: Gray Water	\$2,854	\$2,141
Amendment to Notice of Intent	Same as applicable renewal fee	N/A
Transfer of permit authorization	\$71	N/A

**Historical Note**

New Table 7 made by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-111. UIC Flat Fees**

- A. The Department shall assess a flat fee for the following UIC regulated facility services, adjusted annually under subsection (B):
1. Well installation in an Area Permit, \$200 per well installation.
  2. Class V authorization by rule, \$200 per well inventory.
  3. Class V authorization by rule, \$100 per well transfer.
- B. The Director shall adjust the UIC regulated facility services flat fees listed in subsections (A) every August 1, to the nearest \$10, beginning August 4, 2023, by multiplying the UIC

regulated facility services flat fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items published by the United States Department of Labor, as of the close of the 12-month period ending on June 30 of that year.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Section R18-14-111 renumbered to R18-14-112; new R18-14-111 made by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-112. Other Flat Fees**

Flat fees. The Department shall assess a flat fee for the following water quality protection services:

1. Certificate of Approval for Sanitary Facilities for Subdivisions.
  - a. Subdivision with public sewerage system: \$1,142, adjusted annually under subsection (2), for every increment of 150 lots or less;
  - b. Subdivision with individual sewerage system:
    - i. \$714, adjusted annually under subsection (2), for less than 10 lots;
    - ii. \$1,427, adjusted annually under subsection (2), for greater than 10 lots but less than 50 lots;
    - iii. \$1,427, adjusted annually under subsection (2), for each additional increment of 50 lots or less.
  - c. If water from a central system is not provided to the lot, the fee is one and one-half the applicable fee stated in subsection (3)(a) or (b).
  - d. Condominium subdivision: \$1,427, adjusted annually under subsection (2), for every increment of 150 units or less.
2. The Director shall adjust the water quality protection services flat fees listed in subsections (1) every August 1, to the nearest \$10, beginning August 4, 2023, by multiplying the water quality protection services flat fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items published by the United States Department of Labor, as of the close of the 12-month period ending on June 30 of that year.

**Historical Note**

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New Section made by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Section R18-14-112 renumbered to R18-14-113; new R18-14-112 renumbered from R18-14-111 and amended by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-113. Implementation**

The fees in this Article apply on July 1, 2011. For fees related to the AZPDES program:

1. A person shall submit the applicable fee when requesting a water quality protection service as specified in an AZPDES General Permit or in 18 A.A.C. 9, Article 9; and
2. A person is responsible for paying the annual fee for an AZPDES general permit, even if the person filed for coverage before the effective date of these rules.

**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 568, effective July 1, 2011 (Supp. 11-2). Section R18-14-113 renumbered to R18-14-114; new R18-14-113 renumbered from R18-14-112 by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3).

**R18-14-114. Annual Report**

By December 1 of each year, the Department shall publish an accounting of Water Quality Fee Fund revenue and expenditure activity for the prior fiscal year.

**Historical Note**

New Section R18-14-114 renumbered from R18-14-113 by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3).

**R18-14-115. UIC Fees Review**

The Department shall review the revenues derived from the implementation of the UIC program from the date of primacy through June 30, 2025. By September 30, 2025, the Department shall determine the adequacy of the fees in comparison to the relevant data from the time period. The Department shall repeat the review every three years based on the initial review date of June 30, 2025.

**Historical Note**

New Section R18-14-115 made by final rulemaking at 28 A.A.R. 1811 (July 29, 2022), effective September 6, 2022 (Supp. 22-3).

**ARTICLE 2. PUBLIC WATER SYSTEM - DESIGN REVIEW FEES****R18-14-201. Definitions**

In addition to the definitions in A.A.C. R18-1-501, and 18 A.A.C. 4, the following terms apply to this Article:

“Design review” means the process for reviewing an application for an Approval to Construct as prescribed in A.A.C. R18-5-505(B).

“Design review service” means all activities related to processing an application for an Approval to Construct, including reviewing, approving, or denying an application, conducting a pre-application meeting or site visit, or other activity required to review an Approval to Construct application.

“Distribution system” has the same meaning prescribed in A.A.C. R18-5-101.

“Priority Review” means a design review service where a license application is reviewed using not more than 50% of the total review time-frame for an Approval to Construct license application.

“Public water system” has the same meaning prescribed in A.R.S. § 49-352(B).

“Licensing time-frame” means a period of time described and defined in A.R.S. Title 41, Chapter 6, Article 7.1, and 18 A.A.C. 1, Article 5.

“Water treatment plant” has the same meaning prescribed in A.A.C. R18-5-101.

**Historical Note**

Section made by final rulemaking at 14 A.A.R. 4102, effective December 6, 2008 (Supp. 08-4).

**R18-14-202. Flat Rate Fees**

- A. The Department shall assess and collect a flat rate fee for design review services for public water systems.
- B. Design criteria for public water systems are specified in 18 A.A.C. 4 and 18 A.A.C. 5.
- C. An applicant shall submit public water system design review fees with an application for an Approval to Construct, as specified in 18 A.A.C. 5, Article 5.
- D. The flat rate fees for a design review service:
  1. Are established in Table 1, adjusted annually under subsection (I), are assessed on a per-unit basis where applicable, and are cumulative unless otherwise specified in this Article;
  2. Shall be paid by cash, check, cashier’s check, money order, or any other method acceptable to the Department; and
  3. Shall be paid in full before the Department issues approval of an application.
- E. The Department shall refund 50 percent of the application fee paid by an applicant if, during the administrative completeness review time-frame period, the applicant:
  1. Fails to respond in a reasonably timely manner, as set forth in A.A.C. R18-1-507, to a notice of administrative deficiencies requesting additional information under A.A.C. R18-1-503, and the Department denies the application; or
  2. Withdraws the application.
- F. If an application is denied under A.A.C. R18-1-507 after the end of the administrative completeness review time-frame, the Department shall retain the flat fee paid by the applicant.
- G. If an applicant requests priority review, the Department shall approve or deny the request. When determining whether to approve a priority review request, the Department shall consider the complexity of the project and the Department’s current work load. If priority review is approved by the Department, the applicant shall pay the priority review fee specified in Table 1, adjusted annually under subsection (I).
- H. State agencies are exempt from all fees imposed under this Article pursuant to A.R.S. § 49-353(A)(2)(b).
- I. The Director shall adjust the design review services fees listed in Table 1 every August 1, to the nearest \$10, beginning August 4, 2023, by multiplying the design review services fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items published by the United States Department of Labor, as of the close of the 12-month period ending on June 30 of that year.

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY - PERMIT AND COMPLIANCE FEES

**Historical Note**

Section made by final rulemaking at 14 A.A.R. 4102, effective December 6, 2008 (Supp. 08-4). Amended by

final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**Table 1. Design Review Service Fees**

Public Water System Design Review Application Types	Fees <sup>1, 2</sup>
Approval to Construct Public Water Supply Distribution System:	
• 150 or fewer service connections	\$1,284
• 151 to 300 service connections	\$1,998
• 301 to 450 service connections	\$2,711
• 451 to 600 service connections	\$3,425
• 601 to 750 service connections	\$4,138
• Each additional 150 service connections	Add \$714
Water Treatment Plants and Blending Plans (including new source approval if applicable):	
• < 0.1 mgd	\$2,141
• ≥ 0.1 mgd and < 1 mgd	\$2,854
• ≥ 1 mgd and < 5 mgd	\$4,281
• ≥ 5 mgd	\$7,135
Well (including new source approval if applicable)	\$1,784
Storage Tank	\$1,142
Booster Pump	\$1,142
Main Line Extension	\$357
Chlorinators/Disinfection Devices	\$357
Extension of Time to Construct <sup>3</sup>	50% of the application fee, not to exceed \$714
Priority Review Fee <sup>4</sup>	Double the Standard Fee

<sup>1</sup>Fees are calculated on a per-unit basis; i.e., a separate fee is assessed for each separate storage tank, booster pump, disinfection device, or main line extension.

<sup>2</sup>Fees for each application type are cumulative; an applicant must pay the total of all pertinent fees.

<sup>3</sup>Extensions of time to construct are issued pursuant to A.A.C. R18-5-505(E); the Section states that an Approval to Construct becomes void if construction is not commenced or completed within a specified time period, unless the Department grants an extension of time.

<sup>4</sup>Priority Review Projects require Department authorization prior to filing.

**Historical Note**

Table 1, Design Review Service Fees, made by final rulemaking at 14 A.A.R. 4102, effective December 6, 2008 (Supp. 08-4). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**ARTICLE 3. CERTIFIED OPERATOR FEES****R18-14-301. Certified Operator Fees**

- A. Definition terms from A.A.C. R18-5-101 apply to this Article.
- B. The Department shall assess and collect a flat rate fee for a certification or renewal under the operator certification program.
- C. A person shall submit the applicable fee when requesting a certification or renewal under 18 A.A.C. 5, Article 1, as described below:
  1. An applicant that seeks new certification shall submit a \$87 fee, adjusted annually under subsection (D), per certification.
  2. An operator that has not held a lower grade level for the required amount of time requests the Department's determination on experience and education in order to be admitted to a higher grade certification examination shall submit a fee of \$201, adjusted annually under subsection (D), per application.
  3. An applicant that requests a certificate based on reciprocity with another jurisdiction shall submit a fee of \$334, adjusted annually under subsection (D), per application.
  4. An operator submitting a certificate renewal shall submit a \$201, adjusted annually under subsection (D), fee for each certificate. If the operator has multiple certificates,

the first certificate is \$201, adjusted annually under subsection (D), and each additional certificate with the same expiration date is \$67, adjusted annually under subsection (D).

- D. The Director shall adjust the certification or renewal fees listed in subsection (C) every August 1, to the nearest \$10, beginning August 4, 2023, by multiplying the certification or renewal fee by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items published by the United States Department of Labor, as of the close of the 12-month period ending on June 30 of that year.

**Historical Note**

New Section made by final rulemaking at 21 A.A.R. 2597, effective July 1, 2016 (Supp. 15-4). Amended by final rulemaking at 29 A.A.R. 1869 (August 25, 2023), with an immediate effective date of August 4, 2023 (Supp. 23-3).

**R18-14-302. Fee Assessment and Collection**

- A. Fees for certification or renewal shall be paid in U.S. dollars by cash, check, cashier's check, money order, or any other method acceptable to the Department.

## TITLE 18. ENVIRONMENTAL QUALITY

## CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY - PERMIT AND COMPLIANCE FEES

- B. The Department shall not accept a request for a certification or renewal without the appropriate fee.
- C. If the Department does not accept an operator certificate renewal form, required according to A.A.C. R18-5-107(B), the certificate expires for failure to renew according to A.A.C. R18-5-108.

**Historical Note**

New Section made by final rulemaking at 21 A.A.R. 2597, effective July 1, 2016 (Supp. 15-4).

**R18-14-303. Implementation**

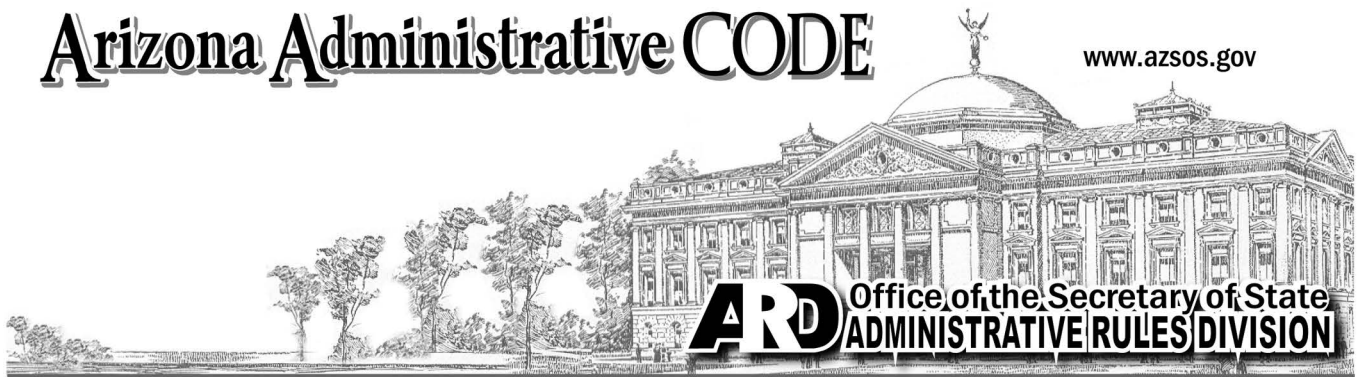
The fees in this Article apply to any application for a certification or renewal that is submitted on or after July 1, 2016.

**Historical Note**

New Section made by final rulemaking at 21 A.A.R. 2597, effective July 1, 2016 (Supp. 15-4).

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20 A.A.C. 04

Supp. 23-3

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE**  
**CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS**

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

Refer to the historical notes to review the Sections updated in Supplement 23-3 as there are too many Sections to list on this cover page.

**Questions about these rules? Contact:**

Department: Department of Insurance and Financial Institutions  
Address: 100 N. 15th Ave., Suite 261  
Phoenix, AZ 85007-2630  
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Telephone: (602) 364-3476  
Email: [mary.kosinski@difi.az.gov](mailto:mary.kosinski@difi.az.gov)

**The release of this Chapter in Supp. 23-3 replaces Supp. 22-4, 1-49 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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## Administrative Rules Division

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**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE****CHAPTER 4. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS - FINANCIAL INSTITUTIONS**

Authority: A.R.S. § 20-124

**Supp. 23-4**

*Editor's Note: The name of the Arizona Department of Financial Institutions was changed to the Department of Insurance and Financial Institutions under Laws 2019, Ch. 252, effective July 1, 2020 (Supp. 22-2).*

*Editor's Note: The Banking Department's name was changed to the Arizona Department of Financial Institutions under the authority of A.R.S. § 6-110, originally enacted as Laws 2004, Ch. 188, effective January 1, 2006 (Supp. 06-1).*

*Editor's Note: Title 20, formerly Commerce, Banking, and Insurance, is now Commerce, Financial Institutions, and Insurance. This change became effective when the Banking Department changed its name to the Department of Financial Institutions, effective January 1, 2006 (Supp. 06-1).*

20 A.A.C. 4, consisting of R20-4-101 through R20-4-106, R20-4-201 through R20-4-215, R20-4-301 through R20-4-331, R20-4-401 through R20-4-402, R20-4-501 through R20-4-536, R20-4-601 through R20-4-620, R20-4-701 through R20-4-707, R20-4-801 through R20-4-816, R20-4-901 through R20-4-924, R20-4-1001, R20-4-1101 through R20-4-1102, R20-4-1201 through R20-4-1220, R20-4-1401 through R20-4-1410, R20-4-1501 through R20-4-1530, R20-4-1601 through R20-4-1604, and R20-4-1701 through R20-4-1706, recodified from 4 A.A.C. 4, consisting of R4-4-101 through R4-4-106, R4-4-201 through R4-4-215, R4-4-301 through R4-4-331, R4-4-401 through R4-4-402, R4-4-501 through R4-4-536, R4-4-601 through R4-4-620, R4-4-701 through R4-4-707, R4-4-801 through R4-4-816, R4-4-901 through R4-4-924, R4-4-1001, R4-4-1101 through R4-4-1102, R4-4-1201 through R4-4-1220, R4-4-1401 through R4-4-1410, R4-4-1501 through R4-4-1530, R4-4-1601 through R4-4-1604, and R4-4-1701 through R4-4-1706, pursuant to R1-1-102 (Supp. 95-1).

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Article 1, consisting of Sections R4-4-101 through R4-4-106 adopted effective August 16, 1991 (Supp. 91-3).

Article 1, consisting of Sections R4-4-101 through R4-4-104, repealed effective August 16, 1991 (Supp. 91-3).

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*Article 6, consisting of Sections R4-4-601 through R4-4-620, adopted effective October 26, 1978, except that Sections R4-4-603, R4-4-604 and R4-4-607 shall become effective January 1, 1979. R20-4-601 through R20-4-620 recodified from R4-4-601 through R4-4-620 (Supp. 95-1).*

*Former Article 6, consisting of Section R4-4-601, repealed effective October 26, 1978. R20-4-601 recodified from R4-4-601 (Supp. 95-1).*

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*1301 through R20-4-1305 were made by final rulemaking on effective April 22, 2011. Emergency rules removed from this Chapter for clarity. (Supp. 15-1).*

*Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency rulemaking renewed at 16 A.A.R. 2165, effective October 24, 2010 for an additional 180 days (Supp. 10-4).*

*Article 13, consisting of Sections R20-4-1301 through R20-4-1305, made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2).*

*Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency expired April 21, 2011; new Article consisting of Sections R20-4-1301 through R20-4-1305, made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4).*

*Article 13, consisting of Sections R20-4-1301 through R20-4-1305, emergency rulemaking renewed at 16 A.A.R. 2165, effective October 24, 2010 for an additional 180 days (Supp. 10-4).*

*Article 13, consisting of Sections R20-4-1301 through R20-4-1305, made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2).*

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**ARTICLE 18. MORTGAGE BANKERS**

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*10, 1999 (Supp. 99-2).*

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**ARTICLE 19. COMMERCIAL MORTGAGE BANKERS**

*Article 19, consisting of Sections R20-4-1901 through R20-4-1911, adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).*

## Section

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**ARTICLE 1. GENERAL****R20-4-101. Scope of Article**

The rules in this Article apply to all activities of the Superintendent and to the interpretation of all Arizona statutes and rules administered by the Superintendent.

**Historical Note**

Former Rule 1. Former R4-4-101 repealed, new R4-4-101 adopted effective August 16, 1991 (Supp. 91-3).

R20-4-101 recodified from R4-4-101 (Supp. 95-1).

**R20-4-102. Definitions**

In this Chapter, unless otherwise specified:

1. "Active management" means directing a licensee's activities by a responsible individual, who:
  - a. Is knowledgeable about the licensee's Arizona activities;
  - b. Supervises compliance with:
    - i. The laws enforced by the Department of Financial Institutions as they relate to the licensee, and
    - ii. Other applicable laws and rules; and
  - c. Has sufficient authority to ensure compliance.
2. "Affiliate" has the meaning stated at A.R.S. § 6-901.
3. "Attorney General" means the Attorney General or an assistant Attorney General of the state of Arizona.
4. "Branch office" means any location within or outside Arizona, including a personal residence, but not including a licensee's principal place of business in Arizona, where the licensee holds out to the public that the licensee acts as a licensee.
5. "Business of a savings and loan association or savings bank" means receiving money on deposit subject to payment by check or any other form of order or request or on presentation of a certificate of deposit or other evidence of debt.
6. "Compensation" means, in applying that term's definition in A.R.S. §§ 6-901, 6-941, and 6-971, anything received in advance, after repayment, or at any time during a loan's life. This subsection expressly excludes the following items from those definitions of compensation:
  - a. Charges or fees customarily received after a loan's closing including prepayment penalties, termination fees, reinvestment fees, late fees, default interest, transfer fees, impound account interest and fees, extension fees, and modification fees. However, extension fees and modification fees are compensation if the lender advances additional funds or increases the credit limit on an open-end mortgage as part of the extension or modification;
  - b. Out-of-pocket expenses paid to independent third parties including appraisal fees, credit report fees, legal fees, document preparation fees, title insurance premiums, recording, filing, and statutory fees, collection fees, servicing fees, escrow fees, and trustee's fees;
  - c. Insurance commissions;
  - d. Contingent or additional interest, including interest based on net operating income; or
  - e. Equity participation.
7. "Commercial finance transaction," as that term is used in this Section's definitions of the terms "Engaged in the business of making mortgage loans" and "Engaged in the business of making mortgage loans or mortgage banking loans," means a loan made primarily for other than personal, family, or household purposes.
8. "Control of a licensee," as used in A.R.S. §§ 6-903, 6-944, or 6-978, does not include acquiring additional fractional equity interests in a licensee by any person who already has the power to vote 51% or more of the licensee's outstanding voting equity interests.
9. "Correspondent contract," as that term is used in A.R.S. §§ 6-941, 6-943, 6-971, or 6-973, means an agreement between a lender and a funding source under which the funding source may fund, or is required to fund, loans originated by the lender.
10. "Cushion," as that term is used in R20-4-1811 or R20-4-1908, means funds that a servicer or lender may require a borrower to pay into an escrow or impound account before the borrower's periodic payments are available in the account to cover unanticipated disbursements.
11. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate," as those phrases are used in A.R.S. §§ 6-901, 6-941, or 6-971, mean:
  - a. Providing consulting or advisory services in connection with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage loan transaction;
    - i. To an investor, concerning the location or identity of potential borrowers, regardless of whether the person providing consulting or advisory services directly contacts any potential borrowers; or
    - ii. To a borrower, concerning the location or identity of potential investors or lenders; or
  - b. Providing assistance in preparing an application for a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction, regardless of whether the person providing assistance directly contacts any potential investor or lender; and
  - c. Processing a loan; but
  - d. "Directly or indirectly makes, negotiates, or offers to make or negotiate" and "Directly or indirectly making, negotiating, or offering to make or negotiate" do not include:
    - i. Providing clerical, mechanical, or word processing services to prepare papers or documents associated with a mortgage loan transaction, mortgage banking loan transaction, or commercial mortgage banking loan transaction;
    - ii. Purchasing, selling, negotiating to purchase or sell, or offering to purchase or sell a mortgage loan, mortgage banking loan, or commercial mortgage banking loan already funded;
    - iii. Making, negotiating, or offering to make additional advances on an existing open-ended mortgage loan, mortgage banking loan, or commercial mortgage loan including revolving credit lines;
    - iv. Modifying, renewing, or replacing a mortgage loan, a mortgage banking loan, or a commercial mortgage loan already funded, if the parties to and security for the loan are the same as the original loan immediately before the modifica-

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- tion, renewal, or replacement, and if no additional funds are advanced and no increase is made in the credit limit on an open-ended loan. Replacing a loan means making a new loan simultaneously with terminating an existing loan.
12. "Electronic record" has the meaning stated at A.R.S. § 44-7002(7).
  13. "Employee" means a natural person who has an employment relationship with a licensee that is acknowledged by both the person and the licensee, and:
    - a. The person is entitled to payment, or is paid, by the licensee;
    - b. The licensee withholds and remits, or is liable for withholding and remitting, payroll deductions for all applicable federal and state payroll taxes;
    - c. The licensee has the right to hire and fire the employee and the employee's assistants;
    - d. The licensee directs the methods and procedures for performing the employee's job;
    - e. The licensee supervises the employee's business conduct and the employee's compliance with applicable laws and rules; and
    - f. The rights and duties under subsections (13)(a) through (e) belong to the licensee regardless of whether another person also shares those rights and duties.
  14. "Engaged in the business of making mortgage loans," as that phrase is used in A.R.S. § 6-902, and "engaged in the business of making mortgage loans or mortgage banking loans," as that phrase is used in A.R.S. § 6-942, mean the direct or indirect making of a total of more than five mortgage banking loans or mortgage loans, or both in a calendar year. Each loan counts only once as of its closing date. A person is not "engaged in the business of making mortgage loans or mortgage banking loans" if the person makes loans solely in commercial finance transactions in which no more than 35% of the aggregate value of all security taken by the investor on the closing date is a lien, or liens, on real property.
  15. "Exclusive contract," as that term is used in A.R.S. §§ 6-912 and 6-991.02, means a written agreement in which a loan originator agrees to perform services as a loan originator subject to supervision and control by a person holding a certificate of exemption issued under A.R.S. § 6-912 on an exclusive basis. The agreement provides that the loan originator is expressly prohibited from performing loan origination or modification services for any other person during the time the agreement is in effect.
  16. "Generally accepted accounting principles" has the meaning used by the Financial Accounting Standards Board or the American Institute of Certified Public Accountants.
  17. "Holds out to the public," as used in this Section's definition of "branch office," means advertising or otherwise informing the public that mortgage banking loans, commercial mortgage loans, or mortgage loans are made or negotiated at a location. "Holds out to the public" includes listing a location on business cards, stationery, brochures, rate lists, or other promotional items. "Holds out to the public" does not include a clearly identified home or mobile telephone number on a business card or stationery.
  18. "Loan," as that term is used in A.R.S. §§ 6-126(C)(6) and (8), means all loans negotiated or closed, without regard to the location of the real property collateral or type of loan.
  19. "Loan Processing" means obtaining a loan application's supporting documents for use in underwriting.
  20. "Person" means a natural person or any legal or commercial entity including a corporation, business trust, estate, trust, partnership, limited partnership, joint venture, association, limited liability company, limited liability partnership, or limited liability limited partnership.
  21. "Property insurance," as that term is used in A.R.S. §§ 6-909 and 6-947, does not include flood insurance as that term is used in the Flood Disaster Protection Act of 1973, as modified by the National Flood Insurance Reform Act of 1994. 42 U.S.C. 4001, et seq.
  22. "Reasonable investigation of the background," as that term is used in A.R.S. §§ 6-903, 6-943, or 6-976 means a licensee, at a minimum:
    - a. Collects and reviews all the documents authorized by the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a;
    - b. Obtains a completed Employment Eligibility Verification (Form I-9);
    - c. Obtains a completed and signed employment application;
    - d. Obtains a signed statement attesting to all of an applicant's felony convictions, including detailed information regarding each conviction;
    - e. Consults with the applicant's most recent or next most recent employer, if any;
    - f. Inquiries regarding the applicant's qualifications and competence for the position;
    - g. If for a loan officer, loan originator, loan processor, branch manager, supervisor, or similar position, obtains a current credit report from a credit reporting agency; and
    - h. Investigates further if any information received in the above inquiries raises questions as to the applicant's honesty, truthfulness, integrity, or competence. An inquiry is sufficient after two attempts to contact a person, including at least one written inquiry.
  23. "Record" has the meaning stated at A.R.S. § 44-7002(13).
  24. "Registered to do business in this state" means:
    - a. If an Arizona corporation, it is incorporated under A.R.S. Title 10, Chapter 2, Article 1;
    - b. If a foreign corporation, it either transfers its domicile under A.R.S. Title 10, Chapter 2, Article 2, or obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 15, Article 1;
    - c. If a business trust, it obtains authority to transact business in Arizona under A.R.S. Title 10, Chapter 18, Article 4;
    - d. If an estate, it acts through a personal representative duly appointed by this state's Superior Court, under the provisions of A.R.S. Title 14, Chapter 3 or 4;
    - e. If a trust, it delivers to the Superintendent an executed copy of the trust instrument creating the trust together with:
 

All the current amendments, or



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A true copy of the trust instrument certified accurate and complete by a trustee of the trust before a notary public;

- f. If a general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is organized under A.R.S. Title 29;
  - g. If a foreign general partnership, limited partnership, limited liability company, limited liability partnership, or limited liability limited partnership, it is registered with the Arizona Secretary of State's office under A.R.S. Title 29;
  - h. If a joint venture, association, or any entity not specified in this subsection, it is organized and conducts its business in compliance with Arizona law; or
  - i. The entity is exempt from registration.
25. "Registered Exempt Person" means a person who is exempt from licensure pursuant to A.R.S. § 6-912 and A.R.S. Title 6, Chapter 9, Articles 1, 2 and 3 as a federally chartered savings bank that is registered with the nationwide mortgage licensing system and registry and holds a certificate of exemption.
26. "Resident of this state" means a natural person domiciled in Arizona.
27. "Responsible individual" or "responsible person", as those terms are used in A.R.S. §§ 6-903, 6-943, 6-973, and 6-976, means a resident of this state who:
- a. Lives in Arizona during the entire period of designation as the responsible individual on a license;
  - b. Is in active management of a licensee's affairs;
  - c. Meets the qualifications listed in A.R.S. §§ 6-903, 6-943, or 6-973; and
  - d. Is an officer, director, member, partner, employee, or trustee of a licensed entity.

**Historical Note**

Former Rule 2. Former R4-4-102 repealed, new R4-4-102 adopted effective August 16, 1991 (Supp. 91-3). R20-4-102 recodified from R4-4-102 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 668, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

**R20-4-103. Fingerprints**

- A. A licensee or applicant shall deliver fingerprints requested or required by the Superintendent on fingerprint cards provided by the Superintendent.
- B. A licensee or applicant shall bear any costs incurred in obtaining or submitting fingerprints.
- C. A licensee or applicant shall arrange to have fingerprints taken, signed, and dated by:
  - 1. A municipal police department,
  - 2. A local sheriff's office, or
  - 3. Another law enforcement authority recognized by the Superintendent.

**Historical Note**

Former Rule 3. Former R4-4-103 repealed, new R4-4-103 adopted effective August 16, 1991 (Supp. 91-3). R20-4-103 recodified from R4-4-103 (Supp. 95-1).

Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

**R20-4-104. Acceptance of Other Forms**

If another entity's applications and forms provide all the information required by Arizona law, the Superintendent has the discretion to accept them, even if another provision of this Chapter requires use of a specific Department of Financial Institutions form. The Superintendent's exercise of the discretion to accept alternative forms does not limit the Superintendent's power to require additional information necessary to complete an application or other form.

**Historical Note**

Former Rule 4. Former R4-4-104 repealed, new R4-4-104 adopted effective August 16, 1991 (Supp. 91-3).

R20-4-104 recodified from R4-4-104 (Supp. 95-1).

Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

**R20-4-105. Claims Against a Deposit in Place of Bond**

- A. As used in this Section:
  - 1. "Deposit" means cash or alternatives to cash deposited by a licensee with the Superintendent in place of a bond.
  - 2. "Depositor" means licensee or an employee of the licensee who makes a deposit with the Superintendent.
  - 3. "Verified claim" means a claim filed with the Superintendent under subsection (B).
  - 4. "Award" means an amount of money granted under subsection (F).
- B. A person may file a claim against a deposit by delivering documentation of the claim to the Superintendent. The claim shall be based on a final judgment in favor of the claimant, entered by a court of competent jurisdiction. To support a claim, the judgment shall be:
  - 1. Against a depositor;
  - 2. For injury caused by the depositor's wrongful act, default, fraud, or misrepresentation committed in the course of the depositor's licensed business activity; and
  - 3. Documented by:
    - a. A certified copy of the complaint in the action;
    - b. A certified copy of the judgment in the action;
    - c. A statement that execution of the judgment has not been stayed, or an explanation of the terms and reason for any stay;
    - d. A statement of any amounts recovered on the judgment; and
    - e. A sworn and notarized statement that the claim is true and correct to the best of the claimant's knowledge and belief.
- C. A claimant shall file a claim with the Superintendent, and all required supporting documentation, not more than six months after entry of the judgment asserted in the claim. However, if execution of the asserted judgment is stayed during the first six months after its entry, the claimant may file a verified claim only during the six months after the stay is lifted. The Department shall process a timely-filed verified claim as a request for hearing under R20-4-1208.
- D. The claimant shall notify the depositor of the filing of a verified claim under this Section, and make the depositor a party to all proceedings on the claim. To do so, the claimant shall send the depositor a copy of all documents filed under subsection (B). The claimant shall make this delivery no more than 10 days after the original filing with the Superintendent under subsection (B). The Department considers a proceeding on a

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verified claim to be a contested case, governed by the provisions of 20 A.A.C. 4, Article 12.

- E.** The Superintendent shall, after a hearing, deny a verified claim if the hearing produces evidence of any of the following circumstances:
1. The judgment is not for an injury caused by the depositor and described in subsection (B)(2);
  2. The judgment was awarded by default, stipulation, or consent, and no showing is made in the hearing of an injury caused by the depositor and described in subsection (B)(2);
  3. The judgment's execution has been stayed for any reason;
  4. The judgment was procured through fraud or collusion;
  5. The judgment has been satisfied from other sources; or
  6. The action that produced the judgment was barred by the applicable statute of limitations at the time it was commenced.
- F.** If the Superintendent grants a verified claim, the Superintendent shall do so in the amount of the compensatory damages awarded against the depositor in the judgment, exclusive of:
1. Attorney's fees, and
  2. Amounts previously paid on the judgment.
- G.** A person injured by a depositor shall give the Superintendent written notice at the time of filing a civil action if the claims alleged could be made as a verified claim under this Section. The written notice shall include a statement of the amount of compensatory damages sought against the depositor. The injured person shall provide further information about the civil action to the Superintendent upon request.
- H.** If the Superintendent grants a verified claim under subsection (F), the Superintendent shall authorize the State Treasurer, in writing, to release the deposit to the claimant in the amount stated in subsection (F) if the Superintendent has not received notice of another pending civil action under subsection (G).
- I.** If given notice under subsection (G), the Superintendent shall determine whether the deposit is sufficient to satisfy all claims under subsection (F). The Superintendent shall determine award amounts for each claim of which the Superintendent has notice, and authorize payment, as follows:
1. If the deposit is sufficient to satisfy all claims under subsection (F), the Superintendent shall authorize its release as described in subsection (H).
  2. If the deposit is not sufficient to satisfy all claims under subsection (F), the Superintendent shall calculate the award on each claim as follows:
    - a. Each granted claim shall receive a pro rata share of the total deposit.
    - b. Each pro rata share shall be a dollar amount calculated by multiplying the total deposit by a fraction.
      - i. The numerator of the fraction is the amount of the Superintendent's award for the verified claim.
      - ii. The denominator of the fraction is the sum of the amount of the Superintendent's award for the verified claim plus the total compensatory damages sought in all other civil actions against the same depositor disclosed to the Superintendent under subsection (G).
    - c. The Superintendent shall authorize the State Treasurer to release the pro rata portion of the deposit calculated for each verified claim.
- J.** A depositor or former licensee may request return of its deposit if it substitutes a bond for the deposit, or if its license is surrendered, revoked, or expired, and if all statutory condi-

tions for release of the deposit have been satisfied. The Superintendent shall not release any part of a deposit to a depositor or former licensee until the Superintendent determines whether there are any awards on verified claims unsatisfied because of an apportionment under subsection (I). The Superintendent shall use the deposit amount to pay any unsatisfied portion of those awards. If the deposit amount is not sufficient to pay in full all unsatisfied awards, the Superintendent shall pay the remaining amount of the deposit to claimants in the ratio their awards bear to the total of all awards granted against the deposit.

- K.** The court supervising a licensee in receivership may order the release of a deposit to persons injured by conduct described in subsection (B). In that event, the receiver shall deliver a certified copy of the court's order to the Superintendent. The copy may be uncertified if the receiver is the Superintendent or any other officer or agency of the state of Arizona. The Superintendent shall then authorize the State Treasurer, in writing, to release the deposit to the receiver. The receiver shall distribute the deposit as ordered by the receivership court, rather than under this Section.

**Historical Note**

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-105 recodified from R4-4-105 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4670, effective November 14, 2000 (Supp. 00-4).

**R20-4-106. Bankruptcy**

An enterprise licensee or consumer lender licensee shall immediately deliver written notice to the Superintendent if it files a voluntary bankruptcy petition, or if its creditors name the licensee a debtor in an involuntary bankruptcy petition. On the date of each of the following documents' filing with the bankruptcy court, the licensee shall deliver to the Superintendent a copy of the:

1. Petition for relief,
2. Schedule of assets and liabilities,
3. Statement of financial affairs,
4. List of creditors, and
5. Plan of reorganization.

**Historical Note**

Adopted effective August 16, 1991 (Supp. 91-3). R20-4-106 recodified from R4-4-106 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

**R20-4-107. Licensing Time-frames**

- A.** As used in this Section, "application" means a document specified or described in this Title, or in any statute enforced by the Department, requesting any permit, certificate, approval, registration, charter, or similar permission described in Table A, together with all supporting documentation required by statute or rule.
- B.** The time-frames in Table A apply solely to applications received by the Department after the effective date of this Section. Each overall time-frame consists of an administrative completeness review time-frame, and a substantive review time-frame. The administrative completeness review time-frame begins to run upon receipt of an application by the Department.
1. Within the administrative completeness review time-frame in Table A, the Department shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall specify the missing information or component.

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2. An applicant whose application is incomplete shall supply the missing information within 60 days after the date of the notice. If an applicant shows good cause in writing before the expiration of the 60 day time limit, the Superintendent shall extend the period for administrative completeness review time-frame stops running on the postmark date of the Department's written notice of an incomplete application, and resumes when the Department receives a complete application. If the applicant fails to submit a complete application within the specified time limit, the Department shall reject the application and close the file. An applicant may reapply.
  3. The substantive review time-frame begins to run on the postmark date of the Department's written notice that the application is administratively complete.
  4. Within the overall time-frame set forth in Table A the Department shall send the applicant written notice of its decision to approve, conditionally approve, or deny a license, unless the time-frame is extended by mutual agreement under A.R.S. § 41-1075. If the Department denies an application, it shall provide written justification for the denial and a written explanation of the applicant's right to a hearing or appeal in the form required by A.R.S. § 41-1076.
  5. The Department shall calculate time limits prescribed in this Section under R2-19-107.
- C. The time-frames in this Section apply solely to actions taken by the Department. Nothing in this Section relieves a licensee or applicant of a duty to fulfill any other legal or regulatory requirement that is a condition of its power and authority to engage in business.

**Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3).  
Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

**Table A. Licensing Time-frames**

No.	License Type	Legal Authority	Administrative Completeness Review (Days)	Substantive Review (Days)	Overall Time-Frame (Days)
<b>1</b>	Bank	A.R.S. § 6-203, et seq.			
	Initial Application	R20-4-211	45	45	90
<b>2</b>	Bank Trust Dept.	A.R.S. § 6-381			
	Initial Application	A.R.S. § 6-203, A.R.S. § 6-204(C)	45	45	90
<b>3</b>	Savings & Loan	A.R.S. § 6-401, et seq.			
	Initial Application	A.R.S. § 6-408, R20-4-327	75	75	150
<b>4</b>	Credit Union	A.R.S. § 6-501, et seq.			
	Initial Application	A.R.S. § 6-506(A)	60	60	120
<b>5</b>	Trust Company	A.R.S. § 6-851, et seq.			
	Initial Application	A.R.S. § 6-854(A)	75	75	150
<b>6</b>	Consumer Lender	A.R.S. § 6-601, et seq.			
	Initial Application	A.R.S. § 6-603(C)	60	60	120
<b>7</b>	Debt Management	A.R.S. § 6-701, et seq.			
	Initial Application	A.R.S. § 6-704(A), R20-4-602(A)	30	30	60
<b>8</b>	Escrow Agent	A.R.S. § 6-801, et seq.			
	Initial Application	A.R.S. § 6-814	60	60	120
<b>9</b>	Mortgage Broker or Commercial Mortgage Broker	A.R.S. § 6-901, et seq.			
	Initial Application	A.R.S. § 6-903(C) & (D)	60	60	120
<b>10</b>	Mortgage Banker	A.R.S. § 6-941, et seq.			
	Initial Application	A.R.S. § 6-943(D)	60	60	120
<b>11</b>	Commercial Mortgage Banker	A.R.S. § 6-971, et seq.			
	Initial Application	A.R.S. § 6-974(A)	60	60	120

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<b>12</b>	Acquisition of Control of Financial Institution	R20-4-1602, R20-4-1702			
	Initial Application	A.R.S. 6-1104	30	30	60
<b>13</b>	Money Transmitter	A.R.S. § 6-1201, et seq.			
	Initial Application	A.R.S. § 6-1204(A)	60	60	120
<b>14</b>	Advance Fee Loan Broker	A.R.S. § 6-1301, et seq.			
	Initial Application	A.R.S. § 6-1303(A)	30	30	60
<b>15</b>	Premium Finance Co.	A.R.S. § 6-1401, et seq.			
	Initial Application	A.R.S. § 6-1402(C)	60	60	120
<b>16</b>	Collection Agency	A.R.S. § 32-1001, et seq.			
	Initial Application	A.R.S. § 32-1021, R20-4-1502	30	15	45
<b>17</b>	Motor Vehicle Dealer	A.R.S. § 44-281, et seq.			
	Initial Application	A.R.S. § 44-282(B)	30	15	45
<b>18</b>	Sales Finance Co.	A.R.S. § 44-281, et seq.			
	Initial Application	A.R.S. § 44-282(B)	30	15	45
<b>19</b>	Certificate of Exemption	A.R.S. § 6-912			
	Initial Application	A.R.S. § 6-912(B)	45	45	90
<b>20</b>	Loan Originators	A.R.S. § 6-991, et seq.			
	Initial Application	A.R.S. § 6-991.04(A)	60	60	120

**Historical Note**

Table A adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4). Amended by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

**ARTICLE 2. BANK ORGANIZATION AND REGULATION****R20-4-201. Articles of Incorporation**

A licensee shall deliver to the Director a copy of each amendment to the licensee's articles of incorporation within 30 days after the amendment is filed with the Arizona Corporation Commission. Before delivery to the Director, an officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.

**Historical Note**

Former Rule 1. R20-4-201 recodified from R4-4-201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-202. Bylaws**

A licensee shall deliver to the Director a copy of each amendment to the licensee's bylaws within 30 days after the amendment is adopted. An officer of the licensee shall certify the copy delivered in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

**Historical Note**

Former Rule 2. R20-4-202 recodified from R4-4-202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 811, effective January 10, 2001 (Supp. 01-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-203. Repealed****Historical Note**

Former Rule 3; Amended subsection (C) effective September 4, 1981 (Supp. 81-5). R20-4-203 recodified from R4-4-203 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-204. Repealed****Historical Note**

Former Rule 4. R20-4-204 recodified from R4-4-204 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-205. Repealed****Historical Note**

Former Rule 5. R20-4-205 recodified from R4-4-205 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

**R20-4-206. Bankers Blanket Bond Coverage - A.R.S. § 6-188**

- A.** Each bank shall carry at least the following basic blanket bond coverage listed in Table B.
- B.** Each bank shall supplement the bankers blanket bond coverage with at least a \$2,000,000 excess fidelity bond.

**Historical Note**

Former Rule 6. R20-4-206 recodified from R4-4-206 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R.

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1919 (September 1, 2023), effective October 8, 2023  
(Supp. 23-3).

**Table B. Basic Blanket Bond Coverage**

Banks with Deposits of:		Amounts:
Less than \$25,000,000		\$300,000
25,000,000	to 35,000,000	350,000
35,000,000	to 50,000,000	450,000
50,000,000	to 75,000,000	550,000
75,000,000	to 100,000,000	700,000
100,000,000	to 150,000,000	850,000
150,000,000	to 250,000,000	1,200,000
250,000,000	to 500,000,000	1,700,000
500,000,000	to 1,000,000,000	2,500,000
1,000,000,000	to 2,000,000,000	4,000,000
2,000,000,000	to 5,000,000,000	6,000,000
5,000,000,000	to 20,000,000,000	9,000,000
Over 20,000,000,000		10,000,000

**Historical Note**

Table B removed from R20-4-206(A) to conform with the codification scheme of this Chapter and amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-207. Capital Obligations**

A. An applicant for a Director's order of approval to issue a capital obligation shall submit the following documents to the Director and shall not issue any capital obligation before the Director issues the order of approval. The required documents are:

1. A certified copy of the resolution adopted by the Board of Directors, or a certified copy of the unanimous written consent of the Board of Directors, authorizing the sale of the capital obligation;
2. A copy of the agreement underlying the capital obligation;
3. A copy of the note or debenture intended to represent the capital obligation; and
4. A copy of the prospectus, if any, proposed for use in the sale of the capital obligation.

B. Each document evidencing a capital obligation shall:

1. Bear on its face, in bold face type, the following: This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation.
2. Have a maturity provision that either:
  - a. Gives the obligation a maturity of at least five years, or
  - b. In the case of an obligation or issue that provides for scheduled repayments of principal, gives an average maturity of at least five years. The restriction on maturity stated in this subsection does not apply to any obligation that otherwise meets all the requirements of this Section if the Director determines that exigent circumstances require the issuance of the obligation without regard to any restriction on maturity. The provisions of this subsection do not apply to mandatory convertible debt obligations or issues.
3. State expressly on its face that the obligation:
  - a. Is subordinated and junior in right of payment to the issuing bank's obligations to its depositors and to the bank's other obligations to its general and secured creditors, and

- b. Is ineligible as collateral for a loan by the issuing bank, except as provided in A.R.S. § 6-354.
4. Be unsecured.
  5. State expressly on its face that the issuing bank may not retire any part of its capital obligation without the Director's prior written order of approval, and the prior written consent of the Federal Deposit Insurance Corporation.
  6. Include, if the obligation is issued to a depository institution, a specific waiver of the right of offset by the lending depository institution.
  7. State that, in the event of liquidation, all depositors and other creditors of the bank are to be paid in full before any payment of principal or interest is made on a capital obligation.
- C. No payment shall be made under an optional right of payment reserved to the bank without the separate authorization of the Director. The Director may grant that authority in the initial order of approval or in a later order of approval.

**Historical Note**

Former Rule 7. R20-4-207 recodified from R4-4-207 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 2155, effective May 4, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-208. Repealed****Historical Note**

Former Rule 8. R20-4-208 recodified from R4-4-208 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

**R20-4-209. Notice of Permanent Closing of Banking Office**

A bank may close fewer than all of its banking offices. Before closing any office, a bank shall deliver a letter to the Director specifying the banking office it plans to close and the closing date. The bank shall ensure that the Director receives the letter at least 10 days before the closing date. Closing the banking office shall terminate the bank's authority to maintain that banking office on the date of the actual closure.

**Historical Note**

Former Rule 9. R20-4-209 recodified from R4-4-209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5388, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-210. Repealed****Historical Note**

Former Rule 10. R20-4-210 recodified from R4-4-210 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3).

**R20-4-211. Application for a Banking Permit**

- A. Before an application is filed, the representatives of the potential applicant shall meet with the Director to discuss capitalization, location, and management of the proposed bank.
- B. After the meeting required by subsection (A), persons who wish to proceed with the application process shall submit an application in the form the Director prescribes. The applicant shall support the application with sufficient information to enable the Director to make a determination.

**Historical Note**

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Former Rule 11. R20-4-211 recodified from R4-4-211 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 3188, effective August 3, 2000 (Supp. 00-3). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-212. Repealed****Historical Note**

Former Rule 12. Amended effective September 4, 1981 (Supp. 81-4). R20-4-212 recodified from R4-4-212 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-213. Repealed****Historical Note**

Former Rule 13. Repealed effective September 13, 1981 (Supp. 81-5). R20-4-213 recodified from R4-4-213 (Supp. 95-1).

**R20-4-214. Preservation of Records**

- A.** Every bank shall keep its corporate and business records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. Copies complying with this subsection, when satisfactorily identified, have the same evidentiary status as an original. A bank may keep its records as electronic records if the bank can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B.** A bank shall keep its corporate and business records for the period required by this Section. These periods are measured from the date of the last entry or final action date. A bank shall have and comply with its own record retention schedule that is consistent with this Section. A bank may comply with this Section by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this Section. This Section does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required in subsection (D).
- C.** Beginning on the effective date of this Section, corporate and business records of a bank operating in the state of Arizona are classified, and their retention periods are prescribed, according to the schedule in subsection (D). Retention periods are listed in subsection (D) using the notations, acronyms, and abbreviations listed in subsections (C)(1) through (20).
1. A numerical designation refers to a period of years unless a shorter period of time is specified in the schedule.
  2. "AC" means after closure.
  3. "ACH" means automated clearing house.
  4. "AE" means after expiration.
  5. "ALC" means after last contact.
  6. "AP" means after paid.
  7. "ATD" means after termination date.
  8. "CTR" means a cash transaction report required by the Federal Bank Secrecy Act.
  9. "FDIC" means the Federal Deposit Insurance Corporation.
  10. "FHA" means the Federal Housing Administration.
  11. "FHLMC" means the Federal Home Loan Mortgage Corporation.
  12. "FNMA" means the Federal National Mortgage Association.

13. "GNMA" means the Government National Mortgage Association.
14. "IRS" means the United States Department of the Treasury's Internal Revenue Service.
15. "M" means months.
16. "P" means the bank shall keep the record permanently.
17. "PMI" means private mortgage insurance.
18. "SAR" means a suspicious activity report required by the Federal Bank Secrecy Act.
19. "TTL" means a treasury, tax, and loan account maintained by a bank.
20. "UCC" means the Uniform Commercial Code as it is in effect in Arizona.

**D. Retention Schedule**

1. Accounting and Auditing
 

a.	Accrual and bond amortization	3
b.	Audit report	6
c.	Audit work papers	3
d.	Bank call, income and dividend report	5
e.	Bill, statement, or invoice – paid	7
f.	Budget work papers	2
g.	Collateral vault "in-and-out" ticket	1
h.	Daily reserve computation	1
i.	Earnings report	7
j.	Expense voucher or invoice	7
k.	Financial statement	7
l.	Interoffice reconciliation	1
m.	Interoffice transaction	1
n.	Periodic statement for account owned by bank	2
o.	Reconcilement of deposits – due to bank	2
p.	Reconcilement register – due from bank	2
q.	Return and cash item register	1
r.	Service contract	2
s.	Treasury tax and loan account	2
t.	Unclaimed property record	5
2. Administration
 

a.	Articles of incorporation or association, bylaws or other record of organization	P									
b.	Bankers blanket bond-record showing compliance	5AE									
c.	Bank examiner's report	7									
d.	Capital note issuance and transfer record	P									
e.	Depreciation record – office equipment	3									
f.	Dividend check and register	7									
g.	Dividend check – outstanding	P									
h.	Expired policy insuring the bank	3 AE									
i.	FDIC assessment base, record	5									
j.	FDIC certificate	P									
k.	Insurance policy number, record of premium paid and amount recovered	3 AE									
l.	Legal proceedings when completed	5									
m.	Minute book of: <table border="0"> <tr><td>i.</td><td>Meetings of the board of directors</td><td>P</td></tr> <tr><td>ii.</td><td>Meeting of committees of the board of directors</td><td>P</td></tr> <tr><td>iii.</td><td>Shareholders' meetings</td><td>P</td></tr> </table>	i.	Meetings of the board of directors	P	ii.	Meeting of committees of the board of directors	P	iii.	Shareholders' meetings	P	
i.	Meetings of the board of directors	P									
ii.	Meeting of committees of the board of directors	P									
iii.	Shareholders' meetings	P									
n.	Postage meter record book (from date of final entry)	1									
o.	Real estate documentation	5 ATD									
p.	Report to directors	3									
q.	Stock issuance and transfer record	P									
r.	Required report to supervisory agency	3									
s.	Tax controversy or proceeding when completed	7									
t.	Tax record not material to any controversy	7									
u.	Voting list and proxies	3									
3. Collections
 

a.	Collection payment record	1
b.	Collection receipt – carbon	1

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c.	Collection register	1	w.	Document used to request and receive Tax Identification Number	6
d.	Coupon cash letter – outgoing	1	x.	Transaction journal	6
e.	Coupon envelope	1	y.	Trial balance	6
f.	Customer file copy	1	7.	Due from banks	
g.	Incoming collection letter	1	a.	Advice from correspondent bank	1
h.	Incoming contract or note letter	1	b.	Bank statement	1
4.	Customer service		c.	Draft – original	7
a.	Broker account holder – identification	5	d.	Draft register or copy	1 AP
b.	Broker's confirmation	3	e.	Duplicate check – information and documentation pertaining to issuance	7
c.	Broker's invoice	3	f.	Reconcilement register	1
d.	Broker's statement	3	8.	Due to banks	
e.	E-Bond application	2	a.	Account opened and account closed – reports	1
f.	E-Bond sold or redeemed – record	2	b.	Advice – copy	1
g.	E-Bond transmittal letter	2	c.	Incoming cash letter memo for credit	1
h.	Lock box daily receipts	1	d.	Incoming cash letter for remittance	1
i.	Night depository agreement	1 AC	e.	Reconcilement register (TTL)	2
j.	Night depository daily record	1	f.	Reconcilement verification	1
k.	Safekeeping record and receipt	5	g.	Resolution	2 AC
l.	Securities buy order and sell order	3	h.	Signature card	6 AC
5.	Data processing (management information systems)		i.	Trial balance (fiche)	7
a.	Back-up data (for reconstruction) daily, end of month, quarter, or year	1	j.	Undelivered statement, reconstruction available from bank records	1
b.	Disaster recovery program	P	k.	Undelivered statement, reconstruction not possible	7
c.	Film copy of every IRS financial reporting form	6	9.	General	
d.	Program change	P	a.	Address change order	1
e.	System, program and procedure manual	P	b.	Affidavit from customer including affidavit of loss, forgery, or non-use of cashier's check	1
6.	Deposits		c.	Writ of attachment or garnishment	5
a.	Account opened and account closed	1	d.	Attachment, release	5
b.	Certificate of deposit purchase record	7	e.	Armored car receipt	1
c.	Check paid, withdrawal slip, and other debits to account	7	f.	Check book order	1
d.	Club account check register	1	g.	Check book – receipt	1
e.	Club account coupon	1	h.	Court order memorandum record	5
f.	SAR – for suspicious transaction under \$10,000	5	i.	Notice of Protest	1
g.	CTR – for transaction exceeding \$10,000	5	j.	Vault record – opening and closing	1
h.	Customer authorization, resolution, and signature card	6 AC	k.	Wire transfer debit entry and credit entry	7
i.	Deposit account record needed to reconstruct	7	10.	General ledger	
j.	Deposit and other credits	7	a.	Daily statement of condition	3
k.	Dormant account – after closed or escheated	7 ALC	b.	General journal – if byproduct of posting the general ledger	3
l.	Form 1096 and 1099 reports to IRS	7	c.	General journal – if used as book of original entry with description	3
m.	Individual retirement account record	7	d.	General ledger	5
n.	Interest check or other record of interest payment and reports	7	e.	General ledger ticket – debit and credit	2
o.	Internal management reports:		11.	International department	
i.	Large balance	1	a.	Broker account holder – identification	5
ii.	Overdraft	1	b.	Cable copy	7
iii.	Public funds	1	c.	Cable requisition	7
iv.	Service charges	1	d.	Collection paid	1
v.	Stop payment	1	e.	Correspondence	2
vi.	Uncollected funds	1	f.	Draft	7
vii.	Unposted item	1	g.	Foreign collection register	6
viii.	Zero balance	1	h.	Foreign draft application	6
p.	Ledger card	5 AC	i.	Foreign draft – carbon	2 ATD
q.	Power of attorney document	7 ATD	j.	Foreign exchange remittance sheet or book	6
r.	Receipt for statement held at customer's request	1	k.	Foreign financial account – record	7
s.	Record showing compliance with the following federal regulations. The state retention period applies unless, and until, it is preempted by federal law:		l.	Foreign mail transfer application	6
i.	Regulation CC, Expedited Funds Availability Act	2	m.	Foreign mail transfer – carbon	2 ATD
ii.	Regulation DD, Truth in Savings Act	2	n.	Foreign outstanding cash	2
iii.	Regulation E, Electronic Funds Transfer Act	2	o.	Foreign payment – incoming	2
t.	Returned statement and canceled checks	6	p.	Letter of credit application	2
u.	Statement	6	q.	Letter of credit ledger sheet	7
v.	Stop payment order	6 AE	r.	Transfer outside of the United States in excess of \$10,000 – record	5
			12.	Investments	
			a.	Bonds	
			i.	Amortization record	6
			ii.	Confirmation	3

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iii. Safekeeping receipt	2	c. Consumer loans	
b. Broker's securities		i. Application for loan denied, including adverse action notice	25 M
i. Broker's invoice	3	ii. Collateral record	6
ii. Broker's statement	3	iii. Hazard insurance record	6
iii. Report of lost or stolen securities	3	iv. Invoice	6
iv. Safekeeping advice	2	v. Life and disability insurance record	6
v. Taxpayer identification number	5	vi. Overdraft loan agreement	6
c. Commercial paper		vii. Promissory note and modification agreement – copy	6
i. Broker's advice	2	viii. Title documentation	6
ii. Purchase order	2	ix. UCC filing – copy	6
iii. Remittance advice	2	d. Real estate loans	
d. Mortgage-backed securities		i. Assignment of escrow	6
i. Buy-and-sell agreement	3	ii. Assumption	6
ii. Commitment letter	7	iii. Commitment letter	6
iii. FHLMC and FNMA loan file	7	iv. Copy of deed of trust or mortgage note, as it may have been modified	6
iv. GNMA certificate	7	v. Escrow analysis record	6
v. Interest accrual record	7	vi. Evidence of any FHA or PMI insurance required	6
vi. Monthly remittance report	7	vii. Hazard insurance	life of loan
13. Loans. A bank shall keep each loan record listed for the period required by this subsection. These periods are measured from the date of final activity. A bank shall have and comply with its own record retention schedule that is consistent with this subsection. A bank may comply with this subsection by complying with a preemptive federal regulation, even if the federal regulation requires a shorter retention period than is listed in this subsection. This subsection does not prohibit record retention for longer periods than these state-required minimums for any reason, including a retention period established by preemptive federal law or regulation. Likewise, this Section does not prohibit a bank from keeping any type of record not required by this subsection.		viii. Proof of insurance excluding hazard	6
a. All loans – general		ix. Sales contract	6
i. Application for loan approval	6	x. Settlement sheet	6
ii. Appraisal	6	xi. Survey	6
iii. Borrower's financial statement	6	xii. Title documentation	6
iv. Charge-off record	10	e. Construction loans. In addition to the documents specified in subsection (d), a bank shall keep a record for a construction loan as specified in this subsection:	
v. Charged off note	10	i. Certificate of occupancy	6
vi. Collateral file	6	ii. Construction progress report	6
vii. Correspondence	6	iii. Contractor's cost breakdown	6
viii. Credit file- all documentation	6	iv. Disbursement documentation	6
ix. Credit report	6	v. Inspection report	6
x. Daily proof and record	6	vi. Residential construction specifications and material list	6
xi. Loan committee minutes	P	14. Official checks and drafts	
xii. Miscellaneous loan reports including new loan journal, paid loan journal, past due report, and transaction journal as original entry	6	a. Affidavit, bond, indemnity agreement, other documentation supporting the issuance of a duplicate check or draft	7
xiii. Other documentation for reconstruction of loan	2	b. Bank draft	3
b. Commercial loans		c. Cashier's check – canceled	7
i. Application for loan denied	12 M	d. Cashier's check register – copy	7
ii. Bill of sale	6	e. Expense check – canceled	7
iii. Borrowing resolution	3	f. Expense check register – copy	7
iv. Business annual report (fiscal or year end) – after date of report	3	g. Expense voucher or invoice	7
v. Business cash-flow analysis report – after date of report	3	h. Money order – bank or personal	7
vi. Business tax return – after date of return	6	i. Money order register – copy	7
vii. Commitment letter	6	j. Official check outstanding	P
viii. Copy of mortgage note or deed of trust	6	15. Personnel Records	
ix. Evidence of insurance	6	a. Attendance record, and time card	3
x. Guaranty	6	b. Authorization for payroll deduction	2
xi. Letter of credit	6	c. Department of labor report	5
xii. Participation agreement	6	d. Disability record	5
xiii. Promissory note	6	e. Employee record and personnel folder	5
xiv. Purchase and sale agreement	6	f. Employment application	3 AT
xv. Security agreement	6	g. Insurance record	2
xvi. Title documentation	6	h. Payroll check	2
xvii. UCC filing	6	i. Pension fund record	10
		j. Profit sharing fund record	10
		k. Rejected employee application	2
		l. Salary ledger or electronic data processing printout	4
		m. Salary receipt	2
		n. W-3 reconciliation of income tax withheld from wages	3
		o. W-4 withholding exemption certificate	3
		p. Wage and tax statement record (W-2)	7



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q. Wage differential documentation (Fair Labor Standards Act)	3	p. Tax return	3 AC
16. Registered mail		q. Transfer – supporting papers	3 AC
a. Marine insurance book	3	r. Transfer journal	3 AC
b. Record of incoming and outgoing registered mail	1	s. Transfer tax waiver	3 AC
c. Return receipt card	3	t. Trust ledger – corporate	7
17. Safe deposit vault		22. Personal trust	
a. Access ticket or card	6	a. Record of previously discharged fiduciary	
b. Court order and correspondence	6	i. Accounting	3 AC
c. Delivery of will, burial plot deed, insurance policy – receipt	6	ii. Decree	3 AC
d. Forced entry record	6	iii. Receipt and release	3 AC
e. Lease or contract – closed account	2 AC	b. Accounting – recorded	3 AC
f. Ledger record of account	1	c. Advice of payment – securities department regarding bond and coupon collection	3 AC
g. Opened box contents – record and report	7	d. Appraisal	
h. Rent receipt – copy	1	i. Real property	3 AC
i. Sale to satisfy lien – record	7	ii. Personal property	3 AC
j. Signature card, authorization, and resolution	6 AC	e. Asset delivery receipt	3 AC
18. Tellers		f. Authorization	
a. Mail teller envelope	3 M	i. By co-fiduciary	P
b. Teller's balancing recap or recap book	1	ii. By consultant	P
c. Teller's cash ticket – original and carbons	1	g. Approval	5
d. Teller's cash shipment record	1	i. By co-fiduciary	P
e. Teller's exchange ticket	1	ii. By consultant	P
f. Teller's machine tape	1	h. Broker's statement	7
19. Transit, proof, and clearing		i. Buy and sell order	7
a. ACH entry	6	j. Cash documentation	
b. Advice of correction to deposit	2	i. Customer cash and asset statement	7
c. Clearinghouse settlement sheet – recapitulation of checks delivered to the clearinghouse or federal reserve	2	ii. Cash and security journal	7
d. Record of items processed	6	iii. Cash trial balance	1
e. Proof machine tape or other record	2	k. Common trust fund annual report	10
f. Receipt for transit letter	1	l. Correspondence	
g. Return item letter	5	i. Transfer letter	3 AC
20. Trust department administration		ii. Claim letter	3 AC
a. Appraisal of real or personal property held as a trust asset	3 AC	m. Coupon collection letter	7
b. Correspondence	3 AC	n. Court accounting and petition	7
c. Decree or receipt and release	3 AC	o. Daily transaction journal	6 M
d. Fee record and supporting data	3 AC	p. Debits and credits – daily	1
e. Intermediate and final account	3 AC	q. Documentation necessary to support account decision	3 AC
f. Legal documentation including judgment, court order, and legal opinion	3 AC	r. Tax Documentation	
g. Paid bill	3 AP	i. Federal estate tax return	10
h. Real estate insurance policy	1 AE	ii. State estate tax return	10
i. Real estate and mortgage document	3 AC	iii. Tax-related work papers	10
j. Receipt for asset received or delivered	3 AC	iv. Federal gift tax return	10
k. Record of asset tax cost	3 AC	s. Fee calculations and supporting data	1
l. Summary card, original instrument, agreement and amendment, and letters of appointment	3 AC	t. Income tax return	
m. Synopsis sheet	3 AC	i. Federal	3 AC
21. Corporate trust		ii. State	3 AC
a. Bond registration journal	3 AC	u. Inventory	3 AC
b. Bond – canceled	7	v. Investment review and related material	3 AC
c. Indemnity bond	P	w. Minutes	
d. Certification	2	i. Investment committee	P
e. Coupon envelope	6 M	ii. Trust committee	P
f. Coupon – canceled	6 M	23. Other personal trust records	
g. Customer receipt	7	a. Legal opinion	3 AC
h. Dividend and coupon record	3 AC	b. Correspondence related to legal opinion	3 AC
i. Dividend and interest disbursement check and list	3 AC	c. Paid bill	7
j. General ledger ticket	2	d. Review and recommendation	3 AC
k. Legal paper	P	e. Safekeeping record and receipt	3 AC
l. Copy of canceled stock certificate, original returned to customer	1	f. Security ledger sheet	P
m. Stock registration journal	3 AC	g. Trust check	10
n. Stock transfer memo	1	h. Trust entry – original	3 AC
o. Stock transfer receipt	1	i. Trust or agency agreement – original	3 AC
		j. Vault withdrawal and deposit ticket	7
		k. Will – certified copy	P
		l. Work papers supporting tax return	7
		24. Trust Investments	
		a. Annual report	
		i. Common trust fund	10
		ii. Pooled fund	10
		b. Valuation	

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- |   |      |   |
|---|------|---|
| i. Common trust fund                          | 10   | Former Rule 5. R20-4-305 recodified from R4-4-305   |
| ii. Pooled fund                               | 10   | (Supp. 95-1). Repealed effective September 19, 1996 |
| c. Minutes                                    |      | (Supp. 96-3).                                       |
| i. Investment committee                       | P    |   |
| ii. Administrative committee                  | P    | <b>R20-4-306. Repealed</b>                          |
| d. Investment order and broker's confirmation | 3 AC | <b>Historical Note</b>                              |
| e. Investment review and related material     | 3 AC | Former Rule 6. R20-4-306 recodified from R4-4-306   |
| f. Correspondence                             | 3 AC | (Supp. 95-1). Repealed effective September 19, 1996 |
| g. Summary of annual account activity         | 3 AC | (Supp. 96-3).                                       |
| 25. Wire transfer                             |      |   |
| a. Incoming wire log                          | 1    | <b>R20-4-307. Repealed</b>                          |
| b. Outgoing wire log                          | 1    | <b>Historical Note</b>                              |
| c. Transmission record                        | 7    | Former Rule 7. R20-4-307 recodified from R4-4-307   |
| d. Wire transfer request                      | 7    | (Supp. 95-1). Repealed effective September 19, 1996 |

**Historical Note**

Former Rule 14. R20-4-214 recodified from R4-4-214 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4142, effective September 12, 2001 (Supp. 01-3). Missing notation in subsection (D)(1)(j) corrected as proposed at 7 A.A.R. 2491 (Supp. 20-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-215. Trust Business**

Each bank authorized to conduct trust business under their banking permit shall comply with the applicable requirements of R20-4-808 through R20-4-816.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-215 recodified from R4-4-215 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1919 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**ARTICLE 3. EXPIRED****R20-4-301. Expired****Historical Note**

Former Rule 1. R20-4-301 recodified from R4-4-301 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-302. Repealed****Historical Note**

Former Rule 2; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-302 recodified from R4-4-302 (Supp. 95-1).

**R20-4-303. Expired****Historical Note**

Former Rule 3. R20-4-303 recodified from R4-4-303 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-304. Expired****Historical Note**

Former Rule 4. R20-4-304 recodified from R4-4-304 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-305. Repealed****Historical Note****R20-4-306. Repealed****Historical Note**

Former Rule 6. R20-4-306 recodified from R4-4-306 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-307. Repealed****Historical Note**

Former Rule 7. R20-4-307 recodified from R4-4-307 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-308. Repealed****Historical Note**

Former Rule 8. R20-4-308 recodified from R4-4-308 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-309. Expired****Historical Note**

Former Rule 9. R20-4-309 recodified from R4-4-309 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-310. Reserved****R20-4-311. Repealed****Historical Note**

Former Rule 11; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-311 recodified from R4-4-311 (Supp. 95-1).

**R20-4-312. Repealed****Historical Note**

Former Rule 12. R20-4-312 recodified from R4-4-312 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-313. Reserved****R20-4-314. Repealed****Historical Note**

Former Rule 14. R20-4-314 recodified from R4-4-314 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-315. Repealed****Historical Note**

Former Rule 15. R20-4-315 recodified from R4-4-315 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-316. Repealed****Historical Note**

Former Rule 16. R20-4-316 recodified from R4-4-316 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-317. Repealed****Historical Note**

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Former Rule 17; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-317 recodified from R4-4-317 (Supp. 95-1).

**R20-4-318. Expired****Historical Note**

Former Rule 18. R20-4-318 recodified from R4-4-318 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-319. Repealed****Historical Note**

Former Rule 19. R20-4-319 recodified from R4-4-319 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-320. Repealed****Historical Note**

Former Rule 20. R20-4-320 recodified from R4-4-320 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-321. Repealed****Historical Note**

Former Rule 21. R20-4-321 recodified from R4-4-321 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-322. Repealed****Historical Note**

Former Rule 22; Repealed effective January 19, 1984 (Supp. 84-1). R20-4-322 recodified from R4-4-322 (Supp. 95-1).

**R20-4-323. Repealed****Historical Note**

Former Rule 23. R20-4-323 recodified from R4-4-323 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-324. Expired****Historical Note**

Former Rule 24. R20-4-324 recodified from R4-4-324 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-325. Expired****Historical Note**

Former Rule 25. R20-4-325 recodified from R4-4-325 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-326. Expired****Historical Note**

Former Rule 26. R20-4-326 recodified from R4-4-326 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-327. Expired****Historical Note**

Former Rule 27. R20-4-327 recodified from R4-4-327 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-328. Expired****Historical Note**

Former Rule 28. R20-4-328 recodified from R4-4-328 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-329. Repealed****Historical Note**

Former Rule 29. R20-4-329 recodified from R4-4-329 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-330. Expired****Historical Note**

Original Rule. R20-4-330 recodified from R4-4-330 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 841, effective March 14, 2017 (Supp. 17-1).

**R20-4-331. Repealed****Historical Note**

Original Rule. R20-4-331 recodified from R4-4-331 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**ARTICLE 4. CREDIT UNIONS****R20-4-401. Fidelity Bond Coverage**

- A. A credit union shall have a fidelity bond in the form and in the amount required to maintain federal insurance on its accounts.
- B. A fidelity bond purchased by a credit union to comply with this Section shall include faithful-performance-of-duty coverage.
- C. A credit union shall purchase its fidelity bond from an insurer that holds a certificate of authority from the Director to transact surety business in Arizona.

**Historical Note**

Former Rule 1. R20-4-401 recodified from R4-4-401 (Supp. 95-1). Amended effective April 21, 1995 (Supp. 95-2). Amended by final rulemaking at 7 A.A.R. 2229, effective May 3, 2001 (Supp. 01-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-402. Repealed****Historical Note**

Former Rule 2. R20-4-402 recodified from R4-4-402 (Supp. 95-1). Repealed effective April 21, 1995 (Supp. 95-2).

**ARTICLE 5. CONSUMER LENDERS****R20-4-501. Repealed****Historical Note**

Former Rule 1. R20-4-501 recodified from R4-4-501 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-502. Repealed****Historical Note**

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Former Rule 2. R20-4-502 recodified from R4-4-502 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

**R20-4-503. Adjustments in Precomputed Charges**

A licensee shall adjust the total precomputed charges if the first installment period is more or less than one month in duration. The licensee's records shall reflect the adjustment's collection in one of three ways.

1. In the first installment payment,
2. Amortized over the life of the contract, or
3. As part of the final payment.

**Historical Note**

Former Rule 3. R20-4-503 recodified from R4-4-503 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

**R20-4-504. Repealed****Historical Note**

Former Rule 4. R20-4-504 recodified from R4-4-504 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

**R20-4-505. Repealed****Historical Note**

Former Rule 5. R20-4-505 recodified from R4-4-505 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-506. Repealed****Historical Note**

Former Rule 6. R20-4-506 recodified from R4-4-506 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

**R20-4-507. Repealed****Historical Note**

Former Rule 7. R20-4-507 recodified from R4-4-507 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-508. Cut-off Date for Computing Refunds upon Early Repayment in Full**

If a borrower repays a loan before the due date of the final installment, the licensee shall calculate any refund or credit due on the precomputed loan using the following rules:

1. A licensee shall credit any full repayment, made on or before the 15th day following an installment date, as if received on the last previous installment date.
2. A licensee shall credit any full repayment, made on or after the 16th day following an installment date, as if received on the next installment date.

**Historical Note**

Former Rule 8. R20-4-508 recodified from R4-4-508 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

**R20-4-509. Repealed****Historical Note**

Former Rule 9. R20-4-509 recodified from R4-4-509 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-510. Repealed****Historical Note**

Former Rule 10. R20-4-510 recodified from R4-4-510 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-511. Repealed****Historical Note**

Former Rule 11. R20-4-511 recodified from R4-4-511 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-512. Reserved****R20-4-513. Repealed****Historical Note**

Former Rule 13. R20-4-513 recodified from R4-4-513 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-514. Repealed****Historical Note**

Former Rule 14. R20-4-514 recodified from R4-4-514 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-515. Repealed****Historical Note**

Former Rule 15. R20-4-515 recodified from R4-4-515 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-516. Repealed****Historical Note**

Former Rule 16. R20-4-516 recodified from R4-4-516 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

**R20-4-517. Repealed****Historical Note**

Former Rule 17. R20-4-517 recodified from R4-4-517 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-518. Deferral Fee**

- A. A licensee may collect a deferral fee at the time it agrees to a deferment or at any time after the assessment of a deferral fee. If a licensee receives a payment after it agrees to a deferment, it may apply the payment first to the deferral fee. Any remainder of the payment shall be applied to the balance of the loan.
- B. If a licensee receives a payment that is large enough to pay in full a delinquent installment and all allowable delinquency fees, the licensee shall apply the payment first to the delinquent installment and fees. The licensee shall not show the paid installment as deferred, and shall not collect a deferral fee.

**Historical Note**

Former Rule 18. R20-4-518 recodified from R4-4-518 (Supp. 95-1). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 4605, effective November

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14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

**R20-4-519. Deferment Statement**

A licensee shall give the borrower a statement at the time it agrees to a deferment and shall retain a copy of the statement in the borrower's credit file. The statement shall contain the following information:

1. The amount of the deferral fee,
2. The date of the borrower's next scheduled payment,
3. The amount of the borrower's next scheduled payment, and
4. The extended maturity date of the loan.

**Historical Note**

Former Rule 19. R20-4-519 recodified from R4-4-519 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

**R20-4-520. Repealed****Historical Note**

Former Rule 20. R20-4-520 recodified from R4-4-520 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

**R20-4-521. Repealed****Historical Note**

Former Rule 21. R20-4-521 recodified from R4-4-521 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

**R20-4-522. Repealed****Historical Note**

Former Rule 22. R20-4-522 recodified from R4-4-522 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-523. Repealed****Historical Note**

Former Rule 23. R20-4-523 recodified from R4-4-523 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-524. Books, Accounts, and Records**

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A licensee authorized under A.R.S. Title 6, Chapter 5 shall:
1. Keep its books, accounts, and records of operations separate from the books, accounts, and records of its other business activities; and
  2. In addition to any statutory requirements, the books, accounts, and records of operations shall include the following:
    - a. A file containing a record of all legal actions brought during the fiscal year which the licensee shall keep until the Department conducts its examination of the licensee;
    - b. An itemized record of disbursement of the proceeds of each loan which shall also include, if the licensee

makes precomputed loans, the amount of refund on each loan that is renewed or refinanced;

- c. A record of the receipt of all allowable fees;
- d. A record for each borrower and each loan that contains documentary evidence of filing or recording each instrument of record for the loan; and
- e. A record of the borrower's voluntary election to purchase any insurance in connection with a loan if that insurance is sold by the licensee.

**Historical Note**

Former Rule 24. R20-4-524 recodified from R4-4-524 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

**R20-4-525. Repealed****Historical Note**

Former Rule 25. R20-4-525 recodified from R4-4-525 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

**R20-4-526. Repealed****Historical Note**

Former Rule 26. R20-4-526 recodified from R4-4-526 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

**R20-4-527. Repealed****Historical Note**

Former Rule 27. R20-4-527 recodified from R4-4-527 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-528. Repealed****Historical Note**

Former Rule 28. R20-4-528 recodified from R4-4-528 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-529. Repealed****Historical Note**

Former Rule 29. R20-4-529 recodified from R4-4-529 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

**R20-4-530. Repealed****Historical Note**

Former Rule 30. R20-4-530 recodified from R4-4-530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

**R20-4-531. Repealed****Historical Note**

Former Rule 31. R20-4-531 recodified from R4-4-531 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-532. Repealed****Historical Note**

Former Rule 32. R20-4-532 recodified from R4-4-532 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

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**R20-4-533. Reserved****R20-4-534. Insurance**

- A. A licensee shall obtain written evidence of the borrower's voluntary election to purchase insurance in connection with a loan if the licensee's sale of insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT  
TO PURCHASE INSURANCE IN THE AMOUNT OF  
\$ \_\_\_\_\_.  
I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ \_\_\_\_\_.

- B. A licensee shall obtain written evidence of the borrower's voluntary election to purchase property insurance in connection with a loan if the licensee's sale of property insurance to the borrower is intended to secure repayment of a loan. The licensee shall retain this evidence of voluntary election in its records as required by statute. A document sufficient to comply with this Section shall read substantially as follows:

TO SECURE REPAYMENT OF MY LOAN, I ELECT  
TO PURCHASE PROPERTY INSURANCE IN THE  
AMOUNT OF  
\$ \_\_\_\_\_.  
I UNDERSTAND THAT MY TOTAL LOAN OBLIGATION IS THE SUM OF \$ \_\_\_\_\_.  
I ATTEST THAT THE VALUE OF MY PROPERTY  
INSURED IN CONNECTION WITH THIS LOAN IS  
THE SUM OF  
\$ \_\_\_\_\_.

**Historical Note**

Former Rule 34. R20-4-534 recodified from R4-4-534 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4605, effective November 14, 2000 (Supp. 00-4).

Amended by final rulemaking at 29 A.A.R. 1942 (September 1, 2023), effective October 7, 2023 (Supp. 23-3).

**R20-4-535. Reserved****R20-4-536. Repealed****Historical Note**

Former Rule 36. R20-4-536 recodified from R4-4-536 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 3380, effective August 3, 2000 (Supp. 00-3).

**ARTICLE 6. DEBT MANAGEMENT COMPANIES**

*Article 6, consisting of Sections R4-4-601 through R4-4-620, adopted effective October 26, 1978, except that Sections R4-4-603, R4-4-604 and R4-4-607 shall become effective January 1, 1979. R20-4-601 through R20-4-620 recodified from R4-4-601 through R4-4-620 (Supp. 95-1).*

*Former Article 6 consisting of Section R4-4-601 repealed effective October 26, 1978. R20-4-601 recodified from R4-4-601 (Supp. 95-1).*

**R20-4-601. Repealed****Historical Note**

Former Rule 1; Former Section R4-4-601 repealed, new Section R4-4-601 adopted effective October 26, 1978 (Supp. 78-5). R20-4-601 recodified from R4-4-601

(Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-602. Applications**

- A. An applicant for a debt management company license shall send the Department an application on the form required by the Director. If the Director determines that a credit report is required as authorized under A.R.S. § 6-704(A), the applicant shall order a credit report from a credit reporting agency disclosing the credit history of the applicant's principals or managing agents and submit the credit report to the Department. A complete application shall include the credit report required by this Section and all of the following:

1. The surety bond required by A.R.S. § 6-704(B);
2. Fidelity bonds if required by the Director under A.R.S. § 6-704(D);
3. The nonrefundable application fee specified in A.R.S. § 6-126(A)(14);
4. An original license fee described in A.R.S. §§ 6-126(B), 6-126(D)(2), and 6-706;
5. A sample of the contract intended to be used by the applicant required by A.R.S. § 6-704(E);
6. Current financial statements as described in R20-4-604(A)(5);
7. A copy of the current articles of incorporation, by-laws, partnership agreement or other organizing documents used to form the applicant business entity;
8. The name and address information required under A.R.S. § 6-704(A); and
9. A background check, on the form required by the Department, for each of the applicant's principals, principal officers, trustees, partners, and managing agents.

- B. A debt management company applying to operate a branch office or use an agency shall send the Department an application on the form required by the Director.

- C. A debt management company applying to renew a license shall deliver, on or before June 15 of each year, an application to the Department on the form required by the Director. A debt management company shall apply separately to renew each authorized business location. With each application for renewal, a debt management company shall include the renewal fee described in A.R.S. § 6-706 and specified in A.R.S. § 6-126(D)(2).

- D. The Department may require additional information the Director considers necessary in connection with an application under this Section.

**Historical Note**

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-602 recodified from R4-4-602 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-603. Reports**

- A. Each debt management company and each nonprofit corporation or association exempt from licensure under A.R.S. § 6-702(4) and (5), shall send the Department an annual report of its business and operations for each place of business during the previous year beginning July 1 and ending June 30, using the form required by the Director. A debt management company shall deliver its report to the Department on or before August 15.
- B. Each debt management company shall notify the Department of any change in its ownership or in the names of its officers,

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directors, trustees, partners, or managing agents within 30 days of the change.

**Historical Note**

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-603 recodified from R4-4-603 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-604. Records**

A. A debt management company shall keep books, accounts, and records adequate to provide a clear and readily understandable record of all its business activity. A debt management company may keep its books, accounts, and records as electronic records if the debt management company can generate all information and documentation required by this Section in the timeframe set by the Department for examination or other purposes. A debt management company's books, accounts, and records shall include:

1. A file for each account containing:
  - a. A copy of all correspondence concerning the account;
  - b. Evidence of the notice given to creditors of the debt management contract;
  - c. A subsidiary ledger disclosing all financial transactions concerning the account;
  - d. A copy of each written statement of account given to the debtor;
  - e. The original budget analysis required under R20-4-607; and
  - f. The original contract between the debt management company and the debtor, including all amendments.
2. A trust account general ledger, which is kept current daily, which reflects each deposit to and disbursement from the trust account.
3. Each reconciliation of the debt management company's trust account, prepared at least once a month.
4. A general ledger, kept current monthly, which reflects each financial transaction by the debt management company except those recorded in its trust account general ledger.
5. A financial statement produced in accordance with generally accepted accounting principles at least once every three months, or more frequently if directed by the Director, which reflects the financial condition of the debt management company. The financial statement shall include:
  - a. A balance sheet,
  - b. A statement of income and retained earnings,
  - c. A statement of changes in financial condition, and
  - d. Appropriate footnotes that either:
    - i. Explain entries in the documents listed in subsections (A)(5)(a), (b), and (c);
    - ii. Contain material information not required or not reportable in documents listed in subsections (A)(5)(a), (b), or (c); or
    - iii. Contain other disclosures required by generally accepted accounting principles.
6. A record of all litigation naming the debt management company as a party including:
  - a. For pending litigation:
    - i. A copy of the complaint;

- ii. A copy of any answer filed by the debt management company in response to the complaint; and
- iii. A copy of any motion filed by the debt management company; and
- b. For any litigation that is no longer pending, a copy of any judgment showing the settlement date, dismissal, or other final order disposing of the litigation.

B. All records required under this Section may be maintained at the debt management company's office in Arizona. A debt management company may keep its records outside this state if it:

1. Makes the records available to the Director, for examination or other purposes, in this state not more than three business days after demand; and
2. Allows its debtor customers to call toll free to obtain information from the records that are not available from the debt management company's office in Arizona.

C. Each debt management company shall preserve its books, accounts, and records for the period required by A.R.S. §§ 6-709(J) and 6-710(1).

**Historical Note**

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-604 recodified from R4-4-604 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-605. Reserved**

**R20-4-606. Reserved**

**R20-4-607. Budget Analysis**

- A. A debt management company shall not accept an account unless it first concludes that the debtor can reasonably meet the payments agreed upon by the debt management company and the debtor. The debt management company's conclusion shall be supported by a written budget analysis kept in the company's records.
- B. The written budget analysis shall either be part of an application form or a separate document. The debtor shall date and sign the written budget analysis before the debt management company draws any conclusions from the budget analysis.
- C. The budget analysis shall disclose the disposable income available for payment to the debt management company after the debtor pays their reasonable and necessary living expenses including taxes, insurance, child support, alimony, and residential rent or mortgage payments.

**Historical Note**

Adopted effective January 1, 1979 (Supp. 78-5). R20-4-607 recodified from R4-4-607 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-608. Reserved**

**R20-4-609. Repealed**

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**Historical Note**

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-609 recodified from R4-4-609 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-610. Repealed****Historical Note**

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-610 recodified from R4-4-610 (Supp. 95-1). Repealed effective September 19, 1996 (Supp. 96-3).

**R20-4-611. Advertising**

- A.** A debt management company shall not use advertising, communication, or sales material that contains:
1. A false, misleading, or deceptive statement about the debt management company's services or charges. A statement is a violation of this Section if the person making the statement does not state a material fact necessary to make the statement true, in light of the circumstances under which it is made;
  2. A claim, direct or implied, that the debt management company consolidates debts or makes loans; or
  3. A schedule of payments in any form.
- B.** A debt management company's advertising, communication, and sales material shall contain the following legend, conspicuously displayed in at least 12 point type and in bold print: "NOT A LOAN COMPANY."

**Historical Note**

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-611 recodified from R4-4-611 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-612. Solvency and Minimum Liquid Assets**

- A.** A debt management company shall not operate if it is insolvent. For purposes of this Section "insolvent" has the same meaning as in A.R.S. § 47-1201(23).
- B.** To determine compliance with A.R.S. § 6-709(A), a debt management company's liquid assets include funds held in its trust account. Liquid assets do not include goodwill and other intangible assets. A debt management company's total liquid assets shall exceed by \$2,500.00 the total of all its current business liabilities together with all balances held for debtors as reflected in the company's subsidiary ledgers.
- C.** Except as otherwise provided by this Section, or in a specific ruling by the Director, a debt management company shall use generally accepted accounting principles to compute assets and liabilities.

**Historical Note**

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-612 recodified from R4-4-612 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R.

1945 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-613. Reserved****R20-4-614. Reserved****R20-4-615. Reserved****R20-4-616. Reserved****R20-4-617. Reserved****R20-4-618. Reserved****R20-4-619. Reserved****R20-4-620. Repealed****Historical Note**

Adopted effective October 26, 1978 (Supp. 78-5). R20-4-620 recodified from R4-4-620 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 2708, effective June 6, 2002 (Supp. 02-2).

**ARTICLE 7. ESCROW AGENTS****R20-4-701. Change in Location of Business**

An escrow agent shall submit to the Director notice of any change in the location of the escrow agent's business. The escrow agent shall ensure that the Director receives the notice at least five days before the escrow agent conducts business at the new location. The escrow agent shall remit the fee required by A.R.S. § 6-126(A), to the Director with the notice of the location change.

**Historical Note**

Former Rule 1. R20-4-701 recodified from R4-4-701 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-702. Account Practices and Records**

An escrow agent shall maintain records to enable the Director to reconstruct the details of each escrow transaction. The records shall include the following:

1. The seller's name and address;
2. The buyer's name and address;
3. The lender's name and address, if any;
4. The borrower's name and address, if any;
5. The real estate agent's name and address, if any;
6. Complete escrow instructions;
7. Records and supporting documentation for each receipt and disbursement made through the escrow; and
8. A copy of the escrow settlement.

**Historical Note**

Former Rule 2. R20-4-702 recodified from R4-4-702 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-703. Preservation of Records**

An escrow agent shall preserve the records, books, and accounts pertaining to each escrow transaction for at least three years following the final settlement date of the transaction. An escrow agent may keep its records as electronic records if the escrow agent can generate all information and copies of documents required by



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A.R.S. § 6-831 within the timeframe set by the Department for examination or other purposes.

**Historical Note**

Former Rule 3. R20-4-703 recodified from R4-4-703 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-704. Subsidiary Account Records**

An escrow agent shall maintain subsidiary account records that identify the funds deposited in each escrow account. The total of all credit balances in the subsidiary accounts shall always equal the balance of the general ledger control account.

**Historical Note**

Former Rule 4. R20-4-704 recodified from R4-4-704 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-705. Reserved****R20-4-706. Repealed****Historical Note**

Former Rule 6. R20-4-706 recodified from R4-4-706 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4).

**R20-4-707. Expired****Historical Note**

Adopted effective June 25, 1993 (Supp. 93-2). R20-4-707 recodified from R4-4-707 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 411, effective September 30, 2014 (Supp. 15-1).

**R20-4-708. Financial Condition and Resources**

The Director shall consider the following criteria in evaluating an escrow agent's, other escrow agent's, or applicant's financial condition and resources under A.R.S. § 6-817:

1. Amount of positive net worth,
2. Amount of tangible net worth,
3. Amount of liquid assets,
4. Amount of cash provided by operations,
5. Ratio of debt to net worth,
6. Owner's personal financial resources,
7. Outside resources available,
8. Profitability,
9. Projected operating results,
10. Status as agent for a title insurance company, and
11. Sources of new business.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 5385, effective November 9, 2001 (Supp. 01-4). Amended by final rulemaking at 29 A.A.R. 1949 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**ARTICLE 8. TRUST COMPANIES****R20-4-801. Definitions**

In addition to the definitions provided in A.R.S. § 6-851, the following terms apply to this Article unless the context otherwise requires:

"Account" means the trust, estate, or other fiduciary relationship established with a trust department or trust company.

"Affiliate" has the meaning stated at A.R.S. § 6-801.

"Director" has the meaning stated at A.R.S. § 20-102.

"Governing instrument" means a document, and all its operative amendments, that:

- Creates a trust and regulates the trustee's conduct,
- Creates an agency relationship between a trust department or trust company and a client, or
- Otherwise evidences a fiduciary relationship between a trust department or trust company and a client.

"Investment responsibility" means full and unrestricted discretion to invest trust funds without direction from anyone as to any matter, including the terms of the trade or the identity of the broker.

"Person" has the meaning stated at A.R.S. § 20-105.

"Trust asset" means any property or property right held by a trust department or trust company for the benefit of another.

"Trust department" means a permittee under both A.R.S. § 6-201 et seq. and Article 2 of this Chapter that possesses a banking permit authorizing it to engage in trust business.

"Trust funds" means any money held by a trust department or trust company for the benefit of another.

"Trustor" means a person who creates or funds a trust, or both.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-801 recodified from R4-4-801 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-802. Reserved****R20-4-803. Reserved****R20-4-804. Repealed****Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-804 recodified from R4-4-804 (Supp. 95-1). Repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

**R20-4-805. Reports**

- A. Within 90 days following each December 31, each trust department and trust company shall file an annual report of trust assets with the Director on the form prescribed by the Director. The annual report shall include the current market value of all trust assets held by the trust department or trust company as of December 31. The report shall also identify and briefly describe all transactions conducted in the report period that are regulated by subsections R20-4-812(E) through (G).
- B. Each trust company shall deliver a copy of its annual report and certificate of disclosure to the Director within 10 days of filing the report and certificate at the Arizona Corporation Commission. A report or certificate covered by this subsection is one filed under the authority of A.R.S. §§ 10-202 or 10-1622. A copy delivered to the Director, as required in this sub-

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section, shall be date-stamped by the Arizona Corporation Commission to confirm the actual filing date.

- C. Each trust company shall notify the Director of any change in the directors or officers of the company within 10 days of the change. Any trust company with more than 25 officers may, after obtaining the Director's written approval, limit the officers covered by this subsection to those with substantial involvement in the trust company's corporate operations or in the trust company's trust business in this state.

**Historical Note**

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-805 recodified from R4-4-805 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-806. Records**

- A. Every trust company shall keep its records as originals or as copies of the originals made by reproduction methods that accurately and permanently preserve the records. A trust company may keep its records as electronic records if the trust company can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. A trust department or trust company shall keep books, accounts, and records adequate to provide clear and readily understandable evidence of all business conducted by the trust department or trust company, including the following:
1. A file for each account that includes:
    - a. The governing instrument,
    - b. All contracts and other legal documents,
    - c. Copies of all correspondence,
    - d. Accounting records disclosing all the financial transactions, and
    - e. A listing of all the account's assets and liabilities.
  2. An investment file for each account that includes:
    - a. All original documentary evidence of the account's assets; or
    - b. Copies of the original documentary evidence of the account's assets, together with written evidence of custody or receipt of the originals by an authorized holder; and
    - c. A record of the initial and annual investment reviews for the account.
  3. The corporate general ledger kept current on a daily basis. This record shall identify and segregate all financial transactions conducted by the trust department or trust company for itself, distinguishing them from those relating to the trust department's or trust company's trust business;
  4. Unaudited financial statements. A trust department or trust company shall produce these statements quarterly or more frequently when required by the Director. The financial statements shall include at least:
    - a. A balance sheet; and
    - b. A statement of income, expenses, and retained earnings.
  5. Adequate records of all pending litigation that names the trust department or trust company as a party.
- C. A trust department shall keep its fiduciary records separate and distinct from the trust department's corporate records.

- D. A trust department or trust company shall keep records described in subsections (B)(1) and (2) for at least three years after closing an account. If litigation occurs concerning a particular account, the trust department or trust company shall keep that account's records, described in subsections (B)(1) and (2), for three years after the litigation is resolved.

**Historical Note**

Adopted effective September 1, 1977 (Supp. 77-3). R20-4-806 recodified from R4-4-806 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-807. Unsafe or Unsound Condition**

For purposes of A.R.S. §§ 6-863 and 6-865, a trust company conducts business in an unsafe manner or its affairs are in an unsound condition if it:

1. Violates any fiduciary duty or obligation, including those listed in Sections R20-4-809 through R20-4-815;
2. Violates any state or federal requirement for operating or maintaining trusts, common trust funds, or other accounts;
3. Violates any applicable federal or state law or regulation regarding corporations or securities;
4. Employs an officer or director who violates a corporate fiduciary duty;
5. Is insolvent; or
6. Engages in any conduct that the Director determines constitutes an unsafe or unsound business practice jeopardizing the trust company's financial condition or the interests of a stockholder, creditor, trustor, beneficiary, or trust company's principal.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-807 recodified from R4-4-807 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-808. Administration of Fiduciary Powers**

- A. The board of directors and the officers share responsibility for the exercise of fiduciary powers by a trust department or trust company. The board of directors is responsible for determining policy; investing and disposing of trust assets; and directing and reviewing the actions of all directors, officers, and committees of the board that exercise fiduciary powers. The board of directors may delegate the necessary power and authority to perform the trust department's or trust company's duties as a fiduciary to selected directors, officers, employees, or committees of the board if the delegation is consistent with the corporate charter. The minutes of the board's meetings shall duly reflect all those delegations.
- B. A trust department or trust company shall not accept a new account without first obtaining the board's approval, or that of the directors, officers, or committees that the board may have authorized to approve new accounts. The trust department or trust company shall keep a written record of each new account approval and of the closing of each account. The trust department or trust company shall conduct an asset review within 60

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days after it accepts each new account if it has investment responsibility for that account. The trust department's or trust company's board shall ensure that an annual review of account assets is conducted for each account in which the trust department or trust company has investment responsibility, to determine whether to retain or dispose of the assets.

- C. A trust department or trust company exercising fiduciary powers shall use independent legal counsel admitted to practice in Arizona to advise and inform the trust department or trust company on fiduciary matters and all other legal issues presented to the trust department or trust company by the conduct of its trust business.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-808 recodified from R4-4-808 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-809. Fiduciary Duties**

A trust department or trust company shall perform all fiduciary duties imposed upon it by law, including the following:

1. Administer accounts strictly according to the governing instrument and solely in the account beneficiary's interests;
2. Use reasonable care and skill to make the account productive;
3. Provide complete and accurate information about the nature and amount of assets held to each account's beneficiary or principal and permit the beneficiary, principal, or any person duly authorized by the beneficiary or principal to inspect the account's records at any time during normal business hours. The information provided in compliance with this subsection shall be delivered at least quarterly, unless:
  - a. The trust department or trust company and its account's beneficiary, principal, or authorized person agree otherwise in writing;
  - b. The governing instrument provides otherwise; or
  - c. A different frequency is established by a lawful course of dealing before the effective date of this Section; and
4. Comply with all lawful provisions of the governing instrument.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-809 recodified from R4-4-809 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-810. Funds Awaiting Investment or Distribution**

- A. Trust funds held by a trust department or trust company awaiting investment or distribution shall not remain uninvested or undistributed any longer than is reasonable for the account's proper management.
- B. A trust department or trust company may keep trust funds in deposit accounts maintained by the trust department or trust company unless prohibited by law or by the governing instrument. The trust department or trust company shall set aside

collateral security for all deposited trust funds under a third party's control. The collateral shall be the following types of securities, in any combination:

1. Direct obligations of the United States or any agency, department, division, or administration of the federal government;
  2. Any other obligations fully guaranteed by the United States government as to principal and interest;
  3. Obligations of a Federal Reserve Bank;
  4. Obligations of any state, political subdivision of a state, or public authority organized under the laws of a state; or
  5. Readily marketable securities that either:
    - a. Qualify as investment securities under the Investment Securities regulations of the Comptroller of the Currency, 12 CFR, Chapter 1, Part 1; or
    - b. Satisfy state pledging requirements under A.R.S. § 6-245(C).
- C. The securities set aside under subsection (B) shall, at all times, have a market value no less than the amount of trust funds deposited. No collateral security is required to the extent the Federal Deposit Insurance Corporation, or its successor, insures the deposited trust funds.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-810 recodified from R4-4-810 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-811. Investment of Trust Funds**

- A. A trust department or trust company shall invest trust funds according to:
1. The governing instrument; and
  2. All applicable laws, including A.R.S. §§ 6-862, 14-7402, and 14-7501 through 14-7512
- B. A trust department or trust company shall make any collective investment of trust funds exclusively under the terms of R20-4-815.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-811 recodified from R4-4-811 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-812. Self-dealing**

- A. A trust department or trust company shall not invest trust funds in the following types of property unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
1. Its own securities;
  2. Other types of property acquired from the trust department or trust company;
  3. Property acquired from the trust department's or trust company's directors, officers, or employees;
  4. Property acquired from the trust department's or trust company's affiliates;

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5. Property acquired from its affiliates' directors, officers, or employees; or
  6. Property acquired from other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.
- B.** A trust department or trust company may use trust funds to purchase its own securities, or its affiliates' securities:
1. If the trust department or trust company has authority under subsection (A), and
  2. If those securities are offered pro rata to all stockholders of the trust department or trust company.
- C.** A trust department or trust company shall not sell or loan trust property to itself, or to the following types of persons, unless expressly authorized by the governing instrument, applicable state or federal law, or court order:
1. Its directors, officers, or employees;
  2. Its affiliates;
  3. Its affiliates' directors, officers, or employees; or
  4. Other individuals or organizations with an interest in the trust department or trust company if that interest might affect the trust department's or trust company's exercise of discretion to the detriment of its trust clients.
- D.** However, a trust department or trust company may sell or loan trust property to persons prohibited by subsection (C) if either:
1. Its counsel has advised in writing that, by holding certain property, the trust department or trust company has incurred a contingent or potential liability for breach of fiduciary duty; and
    - a. The proposed sale or loan avoids the contingent or potential liability;
    - b. Its board of directors authorizes the sale or loan by an action duly noted in the trust department's or trust company's minutes;
    - c. Its board of directors' action expressly authorizes reimbursement to the affected account; and
    - d. The affected account is reimbursed, in cash, at no loss to that account; or
  2. The Director requires or approves, in writing, the sale or loan to otherwise prohibited parties.
- E.** A trust department or trust company may sell trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
  2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- F.** A trust department or trust company may loan trust property held in one account to another of its accounts if:
1. The transaction is fair to both accounts; and
  2. The transaction is not prohibited by the governing instruments, applicable state or federal law, or court order.
- G.** A trust department or trust company may make a loan to a trust account, taking trust assets of the borrowing account as security for repayment, if:
1. The transaction is fair to the borrowing account; and
  2. The transaction is not prohibited by the governing instrument, applicable state or federal law, or court order.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-812 recodified from R4-4-812 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by

final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-813. Custody of Investments**

- A.** A trust department or trust company shall keep each account's investments separate from its own assets. A trust department or trust company shall place each account's assets in the joint control of at least two officers or employees of the trust department or trust company designated in writing for that purpose by:
1. The trust department's or trust company's board of directors, or
  2. One or more officers authorized by the trust department's or trust company's board of directors to make the designation.
- B.** A trust department or trust company shall either:
1. Keep each account's investments separate from all other accounts' investments, except as provided in R20-4-815; or
  2. Adequately identify each account's property in the trust department's or trust company's records.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-813 recodified from R4-4-813 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-814. Compensation**

- A.** A trust department or trust company acting as a fiduciary may charge a reasonable fee for its services. The trust department or trust company shall receive the fee allowed by the court when it is acting under a court appointment. Any agreement as to fees in the governing instrument shall control the fee unless contrary to law, regulation, or court order.
- B.** A trust department or trust company shall not permit any of its officers or employees to take any compensation for acting as a co-fiduciary with the trust department or trust company in the administration of an account.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-814 recodified from R4-4-814 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-815. Collective Investments**

- A.** All collective investments made by a trust department or trust company shall be in a common trust fund established under A.R.S. § 6-871 and maintained by the trust department or trust company exclusively for the collective investment and reinvestment of funds contributed by the trust department or trust company acting as a fiduciary. A trust department or trust company shall not establish a common trust fund unless it first:
1. Prepares a written plan regarding the common trust fund; and
  2. Obtains its board of directors' approval of the plan, evidenced by a duly adopted resolution or the board's unanimous written consent.

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- B.** The plan shall describe the common trust fund's operational details, including a description of:
1. The trust department's or trust company's investment powers and investment policy over all funds deposited in the common trust fund,
  2. The manner for allocating the common trust fund's income and losses,
  3. The criteria for admission to or withdrawal from participating in the common trust fund, and
  4. The method for valuing assets in the common trust fund and the frequency of valuation.
- C.** A trust department or trust company shall advise all persons having an interest in its common trust fund of the existence of the plan described in subsection (B), and shall provide a copy of the plan upon request.
- D.** The annual report required under R20-4-805(A) shall include all common trust funds operated by the trust department or trust company.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-815 recodified from R4-4-815 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**R20-4-816. Termination of Trust or Fiduciary Powers and Duties**

- A.** Any trust department that wants to surrender its trust powers shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust department has no remaining fiduciary duties, the Director shall notify the trust department that it no longer has authority to exercise trust powers.
- B.** Any trust company that wants to surrender its certificate of authority to conduct trust business and wind up its affairs shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. Upon receipt of the resolution or consent, the Director shall cancel the trust company's certificate of authority, and the trust company shall not accept new trust accounts.
- C.** After winding up its affairs, any trust company that wants to surrender its rights and obligations as a fiduciary and remove itself from the Director's supervision shall file with the Director a certified copy of the appropriate resolution of its board of directors or of the board's unanimous written consent. If, after investigation, the Director concludes that the trust company has no further fiduciary duties, the Director shall notify the trust company that it no longer has authority to exercise fiduciary powers.
- D.** Any trust department or trust company that surrenders its powers, rights, obligations, or certificate under this Section or that has them canceled, suspended, or revoked shall continue to be regulated under A.R.S. § 6-864 and this Article until it winds up its affairs. No action under this Section impairs any liability or cause of action, existing or incurred, against any trust department or trust company or its stockholders, directors, or officers.

**Historical Note**

Adopted effective June 30, 1977 (Supp. 77-3). R20-4-816 recodified from R4-4-816 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000

(Supp. 00-2). Amended by final rulemaking at 8 A.A.R. 2718, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 29 A.A.R. 1952 (September 1, 2023), effective October 8, 2023 (Supp. 23-3).

**Appendix A. Repealed****Historical Note**

Appendix A repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

**Appendix B. Repealed****Historical Note**

Appendix B repealed by final rulemaking at 6 A.A.R. 2471, effective June 8, 2000 (Supp. 00-2).

**ARTICLE 9. MORTGAGE BROKERS****R20-4-901. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-901 recodified from R4-4-901 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-902. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-902 recodified from R4-4-902 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-903. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States**

- A.** The exemption under A.R.S. § 6-902 (A)(1) only applies to a person whose offers to make or negotiate a mortgage loan, as defined in A.R.S. § 6-901, and all mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B.** The required regulation of the transactions listed in subsection (A) includes:
1. Rules governing a claimant's accounting and recordkeeping practices;
  2. The authority to examine a claimant's books and records relating to its mortgage lending activities; and
  3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's mortgage lending activities.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-903 recodified from R4-4-903 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-904. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-904 recodified from R4-4-904 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-905. Repealed****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-905 recodified from R4-4-905 (Supp. 95-1). Section

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repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-906. Equivalent and Related Experience**

A. An applicant may satisfy the three years' experience requirement of A.R.S. § 6-903 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required for a mortgage broker license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month.

1. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
2. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
4. Lender's branch manager with responsibility primarily for loans secured by lien interests on real property;
5. Mortgage broker with license from another state, or responsible individual for a mortgage broker licensed in another state;
6. Mortgage banker with license from another state, or responsible individual for a mortgage banker licensed in another state;
7. Attorney certified by any state as a real estate specialist.

B. An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three years' experience requirement of A.R.S. § 6-903 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited towards qualifying for a license, under A.R.S. § 6-903(B), or as a responsible individual, under A.R.S. § 6-903(E). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).

1. Attorney without state bar certified real estate specialty...3:2
2. Paralegal with experience in real estate matters...3:2
3. Loan underwriter...3:2
4. Mortgage broker or mortgage banker from another state without license...3:2
5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
6. Escrow officer...3:2
7. Trust officer with a title company...3:2
8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
9. Title officer with a title company...3:1.5
10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5

12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
13. Real property salesperson with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-906 recodified from R4-4-906 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-907. Course of Study**

- A. A course of study shall be satisfactorily completed if the applicant has:
1. Attended at least 24 hours of class, and
  2. Received a passing grade on the final exam.
- B. A course of study shall meet all the following requirements:
1. The following items shall be submitted by the school to the Superintendent on an annual basis:
    - a. Course materials;
    - b. Class content outlines on a session-by-session basis; and
    - c. Sample final exam.
  2. The following subjects shall be taught:
    - a. Mortgage, deed of trust, and security agreement law;
    - b. Negotiable instrument law;
    - c. Mortgage broker law;
    - d. Escrow agent law;
    - e. Recordkeeping requirements of R20-4-917;
    - f. Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation requirements;
    - g. Ethics;
    - h. Principal and agent law;
    - i. Arithmetical computations common to mortgage brokerage;
    - j. Real estate lending principles;
    - k. Real estate law;
    - l. Real Estate Settlement Procedures Act, 12 U.S.C. 2601 through 2617, and Consumer Credit Protection Act, 15 U.S.C. 1601 through 1666j; and
    - m. Securities law.
  3. A final exam shall be given that substantially tests the student's knowledge of the subjects described above.
- C. The Superintendent shall review the items submitted to the Department and determine within 60 days of submission whether the proposed course of study is satisfactory. The Superintendent may audit a course of study at any time. If the Superintendent finds that a course of study is unsatisfactory, or if the Superintendent has not received the course materials, course content outlines, and sample final exam within the prior 13 months, the Superintendent may withhold or suspend approval.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-907 recodified from R4-4-907 (Supp. 95-1).

**R20-4-908. Reserved**

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**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-908 recodified from R4-4-908 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-909. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-909 recodified from R4-4-909 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-910. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-910 recodified from R4-4-910 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-911. Qualified Replacement Responsible Individual**

If a licensee chooses an individual to serve as a replacement responsible individual and that individual has not satisfactorily completed the course of study required by A.R.S. § 6-903(B)(2) or passed the mortgage broker examination required by A.R.S. § 6-903(B)(3), and is not given the opportunity to do so prior to the expiration of the 90-day time period provided in A.R.S. § 6-903(F), but otherwise meets the requirements of A.R.S. § 6-903(B), the individual shall be qualified as a replacement responsible individual until the next course of study has been held and, if the person successfully completes the course of study, until the mortgage broker examination next following the completion of the course of study has been held and the results of the examination are available. If the individual fails to satisfactorily complete the course of study or fails the mortgage broker examination, the licensee shall then have a new 90-day time period within which to place itself under the active management of a qualified responsible individual. Notwithstanding the foregoing, a licensee shall have no longer than 180 days within which to place the license under the active management of a qualified responsible individual unless the Superintendent grants additional time to the licensee for good cause shown.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-911 recodified from R4-4-911 (Supp. 95-1).

**R20-4-912. Restrictions on the Term of a Cash Alternative**

If an applicant or a licensee elects to place with the Superintendent a deposit in the form of a certificate of deposit or investment certificate, in addition to the requirements of A.R.S. § 6-903(J), the certificate of deposit or investment certificate shall not be renewable, nor expire, earlier than 12 months from the date of issuance.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-912 recodified from R4-4-912 (Supp. 95-1).

**R20-4-913. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-913 recodified from R4-4-913 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-914. Reserved****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-914 recodified from R4-4-914 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-915. Requirements for a Person Intended to Oversee a Branch Office**

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, shall supervise compliance by the branch with applicable law and rules, and shall have sufficient authority to ensure such compliance. One person may oversee more than one branch.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-915 recodified from R4-4-915 (Supp. 95-1).

**R20-4-916. Notification of Change of Address**

If the address of the principal place of business or of any branch office is changed, the licensee shall notify the Superintendent of the change within five business days after the occurrence of the change of location. Together with such notice, the licensee shall provide to the Department the license for the office changing addresses together with the fee required by A.R.S. § 6-126 for changing the address of an office. A copy of such license shall continue to be displayed at the place of business until a new license is issued.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-916 recodified from R4-4-916 (Supp. 95-1).

**R20-4-917. Recordkeeping Requirements**

- A. The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:
  1. Any approved computer or mechanical system back to a paper-based system;
  2. An approved mechanical system to a computer system; or
  3. An approved computer system to a mechanical system.
- B. In addition to any statutory requirement regarding records, a record maintained by a mortgage broker shall include the following:
  1. A list of all executed loan applications or executed fee agreements that includes the following information:
    - a. Applicant's name;
    - b. Application date;
    - c. Amount of initial loan request;
    - d. Final disposition date;
    - e. Disposition (funded, denied, etc.); and
    - f. Name of loan officer;
  2. A record, such as a cash receipts journal, of all money received in connection with a mortgage loan including:
    - a. Payor's name;
    - b. Date received;
    - c. Amount; and

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- d. Receipt's purpose, including identification of a related loan, if any;
  3. A sequential listing of checks written for each bank account relating to the mortgage broker business, such as a cash disbursement journal, including:
    - a. Payee's name;
    - b. Amount;
    - c. Date; and
    - d. Payment's purpose, including identification of a related loan, if any;
  4. Bank account activity source documents for the mortgage broker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
  5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
    - a. Borrower's name or co-borrowers' names;
    - b. Loan number, if any;
    - c. Amount received;
    - d. Purpose for the amount received;
    - e. Date received;
    - f. Date deposited into trust account;
    - g. Amount disbursed;
    - h. Date disbursed;
    - i. Disbursement's payee and purpose; and
    - j. Balance;
  6. A file for each application for a mortgage loan containing:
    - a. The agreement with the customer concerning the broker's services, whether as a loan application, fee agreement, or both;
    - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
    - c. Correspondence sent, received, or both by the licensee;
    - d. Contract, agreement, and escrow instructions to or with any depository;
    - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
    - f. If the loan is funded by an investor that is not a financial institution, an enterprise, a licensed real estate broker or salesman, a profit sharing or pension trust or, an insurance company, the documents provided to the investor under A.R.S. § 6-907, a copy of the executed note and executed deed of trust or mortgage, and any assignment by the broker to the investor;
    - g. If the loan is closed in the mortgage broker's name, a copy of all closing documents including: closing instructions, any applicable rescission notice, HUD-1 settlement statement, final truth-in-lending disclosure, executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee; and
    - h. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
  7. Samples of every piece of advertising relating to the mortgage broker's business in Arizona;
  8. Copies of governmental or regulatory compliance reviews;
  9. If the licensee is not a natural person, a file containing:
    - a. Organizational documents for the entity;
    - b. Minutes;
    - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
    - d. Annual report, if required by law;
  10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
  11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal, or other final order disposing of the action; and
  12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
- C.** If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D.** A licensee shall retain the documents described in subsections (B)(1) and (B)(6) for the length of time provided in A.R.S. § 6-906. For the purposes of A.R.S. § 6-906, a mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
  2. The date a licensee mails written notice to an applicant that the application has been denied, as required by federal law.
- E.** A licensee shall maintain all records described in this Section, and not included in subsection (D), for at least two years.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-917 recodified from R4-4-917 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-918. Repealed****Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-918 recodified from R4-4-918 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-919. Deposit of Monies Received by a Mortgage Broker**

All monies received by a mortgage broker which are required to be deposited into an escrow account with an escrow agent licensed pursuant to A.R.S. § 6-801 et seq. shall be so deposited by 5:00 p.m. on the next business day after receipt of the funds.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-919 recodified from R4-4-919 (Supp. 95-1).

**R20-4-920. Requirements for the Testing Committee**



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- A. No licensee shall submit more than five names as nominees to serve on the testing committee. The resumes of the nominees shall be included. The names and resumes shall be submitted to the Superintendent no later than August 1 of each even-numbered year. On or before September 30 of each even-numbered year, the Superintendent shall appoint four persons from the nominees submitted and one employee of the Department as members of the testing committee. A person may serve more than one two-year term. If the Superintendent does not find at least four persons from the list to be acceptable, the Superintendent shall solicit additional nominees from licensees.
- B. In the event of a vacancy on the testing committee, the remaining members of the committee shall submit a list of nominees within 45 days of the vacancy to the Superintendent containing not less than two nominees for each vacancy. The Superintendent shall then appoint a nominee from the list to fill each vacancy for the remainder of the term. If the Superintendent does not find at least one person from the list to be acceptable to fill each vacancy, the remaining members of the committee shall, upon request, submit an additional list of nominees to the Superintendent.
- C. The Superintendent may remove any member of the committee at any time without cause.
- D. The committee shall review and revise questions on the test not less than once every two years. All questions used on the test shall first be submitted to and approved by the Superintendent.
- E. The committee shall inform the applicant of the applicant's score on the test in writing within 30 days of administration of the test.
- F. The handbook for mortgage brokers shall be updated by the committee as necessary to reflect changes in the law.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-920 recodified from R4-4-920 (Supp. 95-1).

**R20-4-921. Authorizations to Complete Blank Spaces**

An authorization, under A.R.S. § 6-909, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties; and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BROKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-921 recodified from R4-4-921 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-922. Determining Loan Amounts**

In determining the amount of a mortgage loan pursuant to A.R.S. § 6-909(D) or (G), only the principal amount of the loan shall be con-

sidered and not any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties or compensation retained by the mortgage broker or its agents.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-922 recodified from R4-4-922 (Supp. 95-1).

**R20-4-923. Delay or Cause Delay**

A mortgage broker shall not be deemed to have delayed or caused delay if such delay occurs due to events outside the control of the mortgage broker.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-923 recodified from R4-4-923 (Supp. 95-1).

**R20-4-924. Receipt and Disbursement of Monies**

A licensee is not receiving or disbursing monies in servicing or arranging a mortgage loan if the licensee, at the request of the lender or servicing agent, on an infrequent basis, assists in the collection or servicing of a mortgage loan by receiving from the borrower a check or draft payable to the lender or servicing agent and forwarding such instrument to the lender or servicing agent not later than 5:00 p.m. on the next business day after receipt by the licensee. For the purposes of this rule, an infrequent basis means, with regard to a particular loan, for not more than 25% of the regularly scheduled payments of the mortgage loan during any calendar year.

**Historical Note**

Adopted effective August 14, 1991 (Supp. 91-3). R20-4-924 recodified from R4-4-924 (Supp. 95-1).

**R20-4-925. Waiver of Examination and Course of Study**

The Superintendent's waiver of the examination and course of study requirement under A.R.S. § 6-903 extends to a person designated as a responsible individual by either an applicant or a licensee under A.R.S. § 6-903.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-926. Acquisition of Additional Interest in Licensee by Majority Owner**

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-927. Conversion to Commercial Mortgage Broker License**

- A. Under A.R.S. § 6-913, a mortgage broker licensee shall only be permitted to convert his or her license to a commercial mortgage broker license during the renewal period established by A.R.S. § 6-904.
- B. The licensee seeking conversion shall not be subject to the 12 continuing education units as prescribed by A.R.S. § 6-903(V).
- C. The licensee seeking conversion shall submit:
  1. The renewal fees required by A.R.S. § 6-126 for commercial mortgage brokers, and

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2. The information and documents required by A.R.S. § 6-903.

**Historical Note**

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

**R20-4-928. Certificate of Exemption Application and Renewal**

- A.** Under A.R.S. § 6-912(C), upon application for a certificate of exemption, an applicant shall pay a nonrefundable fee of \$300.
- B.** A person holding a certificate of exemption shall pay a renewal fee of \$150.00 on or before December 31 of each year. Certificates of exemption not renewed by December 31 are automatically suspended, and the certificate holder shall not act as a registered exempt person until the certificate is renewed or a new certificate is issued pursuant to A.R.S. § 6-912. While the certificate is suspended, the licensed loan originators sponsored by the registered exempt person may not transact business as a loan originator. A registered exempt person may renew an automatically suspended certificate by paying the renewal fee plus \$25.00 for each day after December 31 that a renewal fee is not received by the Superintendent and applying for renewal as prescribed by the Superintendent. A certificate of exemption that is not renewed by January 31 expires. A certificate of exemption shall not be granted to the holder of an expired certificate of exemption except as provided in A.R.S. § 6-912 for the issuance of an original certificate of exemption. Each licensed loan originator that is sponsored by a registered exempt person whose certificate has expired shall have his or her license placed on inactive status and shall not transact business in Arizona as a loan originator pursuant to A.R.S. § 6-991.02(M).
- C.** In addition to the application fee, on issuance of the certificate of exemption, the Superintendent shall collect the first year's renewal fee prorated according to the number of quarters remaining until the date of the next annual renewal, as required by A.R.S. § 6-126(B).
- D.** The following fees are payable to the Department:
1. To change the name of the federally chartered savings bank on a certificate of exemption: \$250.00.
  2. To change the responsible individual for the exempt entity: \$250.00.
  3. To issue a duplicate or replace a lost certificate of exemption: \$100.00.
  4. To change the address of the federally chartered savings bank on a certificate of exemption: \$50.00.

**Historical Note**

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

**ARTICLE 10. SAFE DEPOSIT AND SAFEKEEPING CODE****R20-4-1001. Notice of Change of Location of Safe Deposit Repository**

- A.** A corporation or association that moves a repository shall give written notice of the location change to the Director and to its customers.
1. A corporation or association shall provide notice of the location change to the Director by mailing the notice required under this subsection by first class mail no less than 30 days before the scheduled moving date. The corporation or association shall include a copy of the notice to customers required under subsection (B).
  2. A corporation or association shall provide notice of the location change to its customers by:

- a. Publishing notice of the change of location in:
  - i. An English language newspaper of general circulation in the county where the repository will be closed,
  - ii. In a weekly newspaper for two consecutive publications, or
  - iii. In a daily newspaper for three consecutive days; and
- b. Publishing the notice no more than 90 days, and no less than 30 days, before the scheduled moving date.

- B.** The corporation or association shall include all the following information in the notice:

1. The date the corporation or association intends to move the repository,
2. The earliest date a customer can remove contents and transact other business related to the move,
3. The latest date a customer can remove contents and transact other business related to the move,
4. The street address of the repository to be closed, and
5. The street address of the new repository.

**Historical Note**

Former Rule 1. R20-4-1001 recodified from R4-4-1001 (Supp. 95-1). Amended by final rulemaking at 8 A.A.R. 5227, effective February 4, 2003 (Supp. 02-4). Preceding Historical Note entry corrected to read 2003 instead of 2002 (Supp. 03-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**ARTICLE 11. PUBLIC DEPOSITORIES FOR PUBLIC MONIES****R20-4-1101. Capital Structure of Banks; Defined**

"Capital structure" as the term is applied to banks under Article 2.1, Chapter 2, Title 35, Arizona Revised Statutes, means the sum of the following reserves and capital accounts of the institution as stated in the institution's report of condition required by the supervisory banking authority for the year end next preceding the institution's bid for deposit:

1. Reserve for bad debt losses on loans,
2. Other reserves on loans,
3. Reserves on securities,
4. Capital notes and debentures,
5. Preferred stock – total par value,
6. Common stock – total par value,
7. Surplus,
8. Undivided profits, and
9. Reserve for contingencies and other capital reserves.

**Historical Note**

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1101 recodified from R4-4-1101 (Supp. 95-1). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1102. Expired****Historical Note**

Adopted as an emergency effective July 29, 1975 (Supp. 75-1). Amended effective December 26, 1975 (Supp. 75-2). R20-4-1102 recodified from R4-4-1102 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 26 A.A.R. 382, effective February 5, 2020 (Supp. 20-1).

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**ARTICLE 12. RULES OF PRACTICE AND PROCEDURE BEFORE THE DIRECTOR****R20-4-1201. Scope of Article; Definitions**

**A.** Scope. This Article, Title 6, Title 32, Chapters 9 and 36, and Title 44, Chapter 2.1 of the Arizona Revised Statutes govern administrative hearings before the Department. The Department shall use the authority of A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' procedural rules and this Article to govern the initiation and conduct of administrative hearings. In an administrative hearing, special procedural requirements in state statute or another Section in this Article shall also govern the proceedings unless the requirements are inconsistent with either A.R.S. Title 41, Chapter 6, Article 10, the Office of Administrative Hearings' rules, or this Article. Except as otherwise provided in Section R20-4-1220 for rulemaking petitions, this Article does not apply to rulemaking or to investigative proceedings before the Director. Unless expressly applicable by rule or statute, the Arizona Rules of Civil Procedure do not apply to administrative hearings.

**B.** In addition to the definitions provided in A.R.S. §§ 41-1001 and 41-1092, the following terms apply to this Article:

"Administrative Hearing" means an appealable agency action as defined by A.R.S. § 41-1092(3) or a contested case as defined by A.R.S. § 41-1001(5) subject to A.R.S. Title 41, Chapter 6, Article 10.

"Attorney General" means the Attorney General of Arizona, and the Attorney General's assistants and special agents.

"Department" means the Arizona Department of Insurance and Financial Institutions – Financial Institutions Division.

"Director" has the meaning stated at A.R.S. § 20-102.

"Party" has the meaning prescribed at A.R.S. § 41-1001(16) and includes any person or entity subject to the jurisdiction of the Department under A.R.S. Title 6, Title 32 - Chapter 9, Title 32 - Chapter 36, and Title 44 - Chapter 2.1.

**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1201 recodified from R4-4-1201 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

**R20-4-1202. Appearance and Practice before the Director for Administrative Hearings**

**A.** A party may appear on their own behalf or through counsel.

**B.** When an attorney other than the Attorney General appears or intends to appear before the Director or the Department, they shall promptly disclose their name and contact information and the name and contact information of the party on whose behalf they intend to appear.

**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1202 recodified from R4-4-1202 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

**R20-4-1203. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1203 recodified from R4-4-1203 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1204. Filing; Service**

**A.** A document filed by a party with the Department is filed on the date it is received by the Department as established by the Department's earliest stamped date on the face of the document or by some other method of affixing a received date by the Department.

**B.** If a party is represented by an attorney, service is effectuated by service upon the attorney unless additional service upon the represented party is required by an administrative law judge or the Department.

**C.** A document is served upon a party as provided for under A.R.S. § 41-1092.04 and Section R2-19-108. A party effectuating service is responsible for producing proof of service if requested by the Department.

**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1204 recodified from R4-4-1204 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended to correct a typographical error in subsection (B) (Supp. 01-4). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

**R20-4-1205. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1205 recodified from R4-4-1205 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1206. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1206 recodified from R4-4-1206 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1207. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1207 recodified from R4-4-1207 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1208. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1208 recodified from R4-4-1208 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

**R20-4-1209. Answer to Notice of an Administrative Hearing**

**A.** The Department may, in a notice of hearing, direct one or more parties to file a written answer to the allegations contained in

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the notice of hearing. Even if not directed to do so, any party to the proceeding may file an answer.

- B. A party directed to file an answer shall do so within 20 days after issuance of a notice of hearing, unless the notice of hearing states a different period for the answer. The Department may require any party to answer, in a reasonable time, amendments to the assertions in the notice made after service of the original notice.
- C. An answer filed under this Section shall briefly state the party's position or defense to the proceeding and shall specifically admit or deny each of the allegations in the notice of hearing. An answering party who does not have, or cannot easily obtain, knowledge or information sufficient to admit or deny an allegation shall state that inability which shall have the effect of a denial. Any allegation not denied is admitted. A party who intends to deny only a part of an allegation, shall expressly admit as much of that allegation as is true and shall deny the remainder.
- D. A party who fails to file an answer required by this Section within the time allowed is in default. The Director may resolve the proceeding against a defaulting party. In doing so, the Director may regard any allegations in the notice of hearing as admitted by the defaulting party.
- E. Defenses not raised in the answer are waived.

**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1209 recodified from R4-4-1209 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

**R20-4-1210. Stay Pending a Hearing**

A person aggrieved by the Department's action or order who files a timely written request for a hearing may ask, in the request for a hearing, that the Director stay an action or any part of an order that will become effective before a hearing. The Director may, in the Director's discretion, stay the legal effectiveness of any action or order until the matter can be heard and finally decided if the aggrieved person's request demonstrates that:

1. The person has a reasonable defense that might prevail on the merits at the hearing,
2. The person will suffer irreparable injury unless the Director grants the stay,
3. The stay would not substantially or irreparably harm other interested persons, and
4. The stay would not jeopardize the public interest or contravene public policy.

**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1210 recodified from R4-4-1210 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

**R20-4-1211. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1211 recodified from R4-4-1211 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Repealed by final

rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

**R20-4-1212. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1212 recodified from R4-4-1212 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1213. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1213 recodified from R4-4-1213 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1214. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1214 recodified from R4-4-1214 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1215. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1215 recodified from R4-4-1215 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1216. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1216 recodified from R4-4-1216 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1217. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1217 recodified from R4-4-1217 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1218. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1218 recodified from R4-4-1218 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3).

**R20-4-1219. Request for Rehearing or Review**

- A. Any party aggrieved by an administrative decision may file with the Director within time limits and other procedural guidelines contained in A.R.S. § 41-1092.09, a written motion for rehearing or review of the decision specifying the particular reason for the request.
- B. A party filing a motion under this Section may amend the motion at any time before a response to the motion is filed. An amended motion tolls the time for filing a response and the time for rendering a decision on the motion.
- C. A request for rehearing or review which is not timely filed is deemed waived for the purpose of judicial review.

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- D.** A motion for rehearing or review shall specify which of the grounds listed in subsection (G) it is based upon and shall set forth the specific facts and laws in support of the motion. A motion may cite relevant portions of testimony from the hearing if a transcript is provided with the motion and may cite hearing exhibits by reference to the exhibit number. The motion shall specify the relief sought by the request, such as a different finding of fact, conclusion of law or order and may seek multiple forms of relief in the alternative. When a motion for rehearing or review is based on an affidavit, the moving party shall attach the affidavit to the motion.
- E.** A party may file a separate request for a stay of the Director's decision. Filing a stay request or a motion for rehearing or review does not stay an order filed by the Director. The Director may stay an order pending the resolution of a motion for rehearing or review.
- F.** Each party served with a motion for rehearing or review shall be permitted to file a written response within 15 days after the motion has been filed. Affidavits may be attached to and filed with a response. A response may cite relevant portions of testimony from the hearing if a transcript is provided with the response and may cite hearing exhibits by reference to the exhibit number. The Director has the discretion to hear oral argument to consider a request for rehearing or review.
- G.** The Director may grant a motion for rehearing or review for any of the following causes:
1. Irregularity in the proceedings before the Department, in any order, or any abuse of discretion that deprives the moving party of a fair hearing;
  2. Misconduct by the Department, the administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary care;
  4. Newly discovered material evidence that could not reasonably have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in admitting or rejecting evidence or other legal errors occurring at the hearing; and
  7. The decision is not justified by the evidence or is contrary to law.
- H.** The Director may affirm or modify the decision or grant a rehearing as to all or any of the parties and on all or part of the issues for any reason listed in subsection (G). An order granting a rehearing shall specify the reason for granting the rehearing, and the rehearing shall cover only those matters specified.
- I.** The Director, within the time for filing a motion for rehearing, may without a motion for rehearing, order a rehearing for any reason that would allow the granting of a motion for rehearing by a party. The order for rehearing, granted without a motion, shall specify the reason for granting the rehearing.
- J.** The Director may grant a motion for rehearing, timely served, for a reason not stated in the motion. The order for rehearing, granted for a reason not stated in the motion, shall specify the reason for granting the rehearing.
- A.** The following definitions apply in this Section.
1. "Petitioner" means a person who petitions the Department for Rulemaking action as authorized under A.R.S. § 41-1033(A).
  2. "Rule" has the meaning stated at A.R.S. § 41-1001 and is enforceable by the Department.
  3. "Rulemaking action" means the process for formulation and finalization of a new rule, or amendment or repeal of an existing rule.
  4. "Substantive Policy Statement" has the meaning stated at A.R.S. § 41-1001, is advisory only, and is not enforceable by the Department.
- B.** Any person may petition the Department under A.R.S. § 41-1033(A) to either:
1. Make, amend, or repeal a final Rule; or
  2. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule.
- C.** A person who files a petition pursuant to A.R.S. § 41-1033(A), shall include the following information in the petition:
1. The Petitioner's name and contact information;
  2. The name and address of any organization the Petitioner represents;
  3. Whether the Petitioner is petitioning the Department to:
    - a. Make, amend, or repeal a final Rule; or
    - b. Review an existing agency practice or Substantive Policy Statement that the Petitioner alleges to constitute a Rule;
  4. A detailed explanation of Petitioner's basis for submitting the petition;

**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1220 recodified from R4-4-1220 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Section repealed; new Section amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

**ARTICLE 13. LOAN ORIGINATORS****R20-4-1301. Scope of Article**

This Article applies to:

1. All loan originating activities of any person licensed under Arizona law as a loan originator, and
2. The conduct of any applicant for a loan originator license.

**Historical Note**

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

**R20-4-1302. Course of Study to Qualify for Licensure**

- A.** The Superintendent shall, under the authority of A.R.S. § 6-991.03(B)(1), approve a course of study that includes only those courses reviewed and approved by the Nationwide Mortgage Licensing System pursuant to A.R.S. § 6-991.03(E) and (F) and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).

**Historical Note**  
Adopted effective February 7, 1978 (Supp. 78-1). R20-4-1219 recodified from R4-4-1219 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 4262, effective September 12, 2001 (Supp. 01-3). Amended by final rulemaking at 28 A.A.R. 3620 (November 25, 2022), effective January 1, 2023 (Supp. 22-4).

**R20-4-1220. Petition for Rulemaking Action**

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- B.** An applicant for a loan originator license shall satisfactorily complete a course of study by:
1. Attending at least 20 hours of instruction, and
  2. Receiving a passing grade of not less than 75 percent correct answers on both the national and Arizona state exam required by A.R.S. § 6-991.07 and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (P.L. 110-289; 122 Stat. 2810; 12 U.S.C. 5101 through 5116).
- C.** A pre-licensure course of study shall include 20 hours of instruction in the following areas:
1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;
  2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Three hours;
  3. Non-traditional mortgage product lending standards: Two hours;
  4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: Four hours;
  5. The remaining eight hours should be comprised of instruction in:
    - a. The obligations between principal and agent;
    - b. The statutory and regulatory laws governing loan originators;
    - c. Arithmetical computations common to mortgage lending;
    - d. Principles of real estate lending;
    - e. The purpose and effect of mortgages, deeds of trust, and security agreements;
    - f. The terms and conditions of conforming and non-conforming residential mortgages;
    - g. Real estate appraisal; and
    - h. The principles of appraisal independence.
- D.** A continuing education course of study shall include eight hours of instruction each year in the following areas:
1. Federal law and regulation, including the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending Act ("TILA"), good faith estimates, federal privacy laws, fair lending laws including the Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"): Three hours;
  2. Business ethics, including fraud, consumer protection laws, and fair lending practices: Two hours;
  3. Non-traditional mortgage product lending standards: Two hours;
  4. Arizona real estate and mortgage lending law, including loan origination and processing, Arizona law relating to agency and the obligations between principal and agent, and state privacy laws: One hour.

**Historical Note**

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since

emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

**R20-4-1303. Financial Responsibility**

An applicant for a loan originator license shall demonstrate financial responsibility, as required by A.R.S. § 6-991.03, by either:

1. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and paying to the Superintendent, for deposit into the Mortgage Recovery Fund, the sum of \$100 at the time of filing an original or a renewal application pursuant to A.R.S. § 6-991.03(B)(6); or
2. Depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(4) and depositing with the Superintendent a bond as specified by A.R.S. § 6-991.03(B)(6).

**Historical Note**

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

**R20-4-1304. Fees**

Loan Originator program fees:

1. Initial application fee (non-refundable) pursuant to A.R.S. § 6-126(A)(33): \$350,
2. Initial license fee (prorated according to the number of quarters remaining until the next annual renewal) pursuant to A.R.S. § 6-126(B): \$150,
3. Annual renewal fee pursuant to A.R.S. § 6-126(C)(12) or fee for change to inactive status pursuant to A.R.S. §§ 6-126(C)(13) and 6-991.04(G): \$150,
4. Transfer license to new employer fee pursuant to A.R.S. § 6-126(A)(34): \$50,
5. Change of residence address fee pursuant to A.R.S. § 6-991.04(J): \$50,
6. Examination fee pursuant to A.R.S. § 6-991.07(E): the amount charged by the vendor,
7. Late renewal fee pursuant to A.R.S. § 6-991.04(E): \$25 per day after the filing deadline.

**Historical Note**

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp. 10-2). Section renewed by emergency rulemaking and amended at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

**R20-4-1305. Practice and Procedure**

Loan originators shall follow the practice outlined in 20 A.A.C. 4, Article 12 (Rules of Practice and Procedure Before the Superintendent) for challenging information the Superintendent enters into the Nationwide Mortgage Licensing System and Registry pursuant to A.R.S. §§ 6-991.03(K) and 6-991.04(M).

**Historical Note**

New Section made by emergency rulemaking at 16 A.A.R. 839, effective April 27, 2010 for 180 days (Supp.

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10-2). Section repealed; new Section made by renewed emergency rulemaking at 16 A.A.R. 2165, effective October 24, 2010 for 180 days (Supp. 10-4). Emergency expired April 21, 2011; new Section made by final rulemaking at 16 A.A.R. 2401, effective April 22, 2011 (Supp. 10-4). Since emergency expired, the emergency rulemaking has been removed. (Supp. 15-1).

**ARTICLE 14. INVESTIGATIONS****R20-4-1401. Definitions**

In this Article, unless the context otherwise requires:

1. "Examination" means reviewing an applicant's or licensee's operations, books, and records for any lawful purpose, including those listed in A.R.S. § 6-124(A).
2. "Investigation" means an inquiry, other than an examination, into the affairs of a licensed or unlicensed entity including a review of the entity's operations, books, and records, conducted by the Director for any lawful purpose, including those listed in A.R.S. § 6-124(A).
3. "Licensee" means a financial institution or enterprise licensed with the Department.

**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1401 repealed, new Section R4-4-1401 renumbered from R4-4-1402 and amended effective August 14, 1991 (Supp. 91-3). Amended effective August 14, 1991 (Supp. 91-3). R20-4-1401 recodified from R4-4-1401 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1402. Repealed****Historical Note**

Former Section R4-4-1402 renumbered to R4-4-1401, new Section R4-4-1402 adopted effective August 14, 1991 (Supp. 91-3). R20-4-1402 recodified from R4-4-1402 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4).

**R20-4-1403. Subpoenas: Service; Amendment; Investigation or Examination not a Condition of the Director's Subpoena Power**

The Director may serve a subpoena using any means intended to effectuate delivery of the subpoena. A Department employee, or an attorney or agent of the Attorney General's office, may accomplish service for the Director. The Director may amend a subpoena at any time, and may serve the amended subpoena as provided in this Section. Under A.R.S. §§ 6-123(3), 6-124(B), and 12-2212, the Director may compel testimony or document production, by subpoena or other means, regardless of whether an examination or investigation is in progress.

**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1403 repealed, new Section R4-4-1403 renumbered from R4-4-1407 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1403 recodified from R4-4-1403 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R.

1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1404. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1404 recodified from R4-4-1404 (Supp. 95-1).

**R20-4-1405. Background Information**

- A. In connection with an examination or investigation, the Director may investigate the following persons' background:
1. An applicant or a licensee, or a person whom the Director reasonably believes may be violating any statute or rule administered by the Director; and
  2. An officer, director, agent, employee, partner, joint venturer, affiliate, or other person associated with a person described in subsection (A)(1), if the other person has or had any involvement in or control over the activities of the person described in subsection (A)(1).
- B. In connection with an examination or investigation, the Director may require a person described in A.R.S. § 6-123.01(A) or (E) to submit a statement of personal history to the Department.

**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Former Section R4-4-1405 repealed, new Section R4-4-1405 renumbered from R4-4-1409 and amended effective August 14, 1991 (Supp. 91-3). R20-4-1405 recodified from R4-4-1405 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4653, effective December 6, 2003 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1958 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1406. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1406 recodified from R4-4-1406 (Supp. 95-1).

**R20-4-1407. Renumbered****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Renumbered to R4-4-1403 effective August 14, 1991 (Supp. 91-3). R20-4-1407 recodified from R4-4-1407 (Supp. 95-1).

**R20-4-1408. Repealed****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1408 recodified from R4-4-1408 (Supp. 95-1).

**R20-4-1409. Renumbered****Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1). Renumbered to R4-4-1405 effective August 14, 1991 (Supp. 91-3). R20-4-1409 recodified from R4-4-1409 (Supp. 95-1).

**R20-4-1410. Repealed**

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**Historical Note**

Adopted effective February 7, 1978 (Supp. 78-1).  
 Repealed effective August 14, 1991 (Supp. 91-3). R20-4-1410 recodified from R4-4-1410 (Supp. 95-1).

**ARTICLE 15. COLLECTION AGENCIES****R20-4-1501. Definitions**

In this Article, unless the context otherwise requires:

1. "Account" means a contractual arrangement between a client and a collection agency that obligates the collection agency to attempt to collect one or more debts on the client's behalf.
2. "Active Manager" means the person who is in active management of the conduct of the collection agency's business, and who meets the qualifications listed in A.R.S. § 32-1023(A).
3. "Client" means a person who has hired a collection agency to collect a debt.
4. "Collection agency" has the meaning in A.R.S. § 32-1001(2).
5. "Contact" means to communicate with, and includes attempted communications.
6. "Credit bureau" or "credit reporting agency" means any person engaged exclusively in the business of gathering, recording, and disseminating information about the credit-worthiness, financial responsibility, paying habits, and character of persons being considered for credit extension.
7. "Creditor" means a person who offers or extends credit creating a debt, or to whom a debt is owed. The term does not include a person that receives an assignment or transfer of a defaulted debt solely for use in collecting the debt for someone else.
8. "Debt" means a debtor's actual or claimed obligation to pay money, whether or not the obligation has been reduced to judgment.
9. "Debtor" means a person obligated to pay a debt. The term also means a person claimed to be obligated to pay a debt.
10. "Director" has the meaning stated at A.R.S. § 20-102.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1501 recodified from R4-4-1501 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1502. Applications**

- A. An applicant for a license shall complete and file an application, as required by the Department, by delivering the application to the Director, together with the following documents and payment:
  1. The bond required by A.R.S. § 32-1021;
  2. The nonrefundable investigation fee and original license fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126;
  3. A current financial statement in the form required by the Department;
  4. A certified copy of the current articles of incorporation, by-laws, partnership agreement, or other organizational

documents under which the applicant proposes to conduct business; and

5. A statement of personal history for each principal officer, partner, and manager of the applicant, in the form required by the Department.
- B. An out-of-state collection agency applying for a license under A.R.S. § 32-1024 shall complete and file the application required by subsection (A), together with a signed statement declaring that:
  1. The requirements for securing the out-of-state license were, when issued, substantially the same or equivalent to the requirements imposed under A.R.S. Title 32, Chapter 9, Article 2. The statement shall also contain a complete description of those requirements.
  2. The state issuing the out-of-state license extends reciprocity to Arizona licensees under similar circumstances. The statement shall also contain a complete description of the conditions for reciprocity in the other state.
- C. A licensee applying for license renewal shall complete and file an application, as required by the Department, by delivering the renewal application to the Director before January 1, together with the renewal fee required by A.R.S. § 32-1028 and stated in A.R.S. § 6-126. An application for renewal shall also include a current financial statement in the form required by the Department.
- D. An applicant for a provisional license under A.R.S. § 32-1027 shall complete and file an application as required by the Department, by delivering the application to the Director within 30 days of the event justifying a provisional license. The applicant shall deliver the application together with each of the following:
  1. A bond that satisfies the requirements of A.R.S. § 32-1022;
  2. A current financial statement as required by the Department;
  3. A detailed description of the facts justifying the issuance of a provisional license; and
  4. Evidence that the licensee notified the Director as required by A.R.S. § 32-1023, in the event the licensee has terminated its active manager.
- E. An applicant for a provisional license shall, in each instance, be appropriate to the circumstances justifying the provisional license, as follows:
  1. A licensee's personal representative, or the personal representative's appointee, shall complete and file an application if the licensee, a natural person, has died;
  2. The surviving partners shall complete and file an application if the licensee, a partnership, has dissolved;
  3. A licensee shall complete and file an application if an active manager's employment was terminated.
- F. An applicant for a provisional license shall clearly label the top of the first page with the heading "APPLICATION FOR PROVISIONAL LICENSE UNDER A.R.S. § 32-1027."
- G. The Director may require additional information the Director considers necessary in connection with any application under this Section.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1502 recodified from R4-4-1502 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961



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(September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1503. Reports**

A collection agency shall notify the Director in writing of any change in the officers, directors, partners, or active manager of the collection agency not more than 10 days after the change. With the notice, the collection agency shall provide the Director with a Statement of Personal History for each new officer, director, partner, or active manager on a form obtained from the Department.

**Historical Note**

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1503 recodified from R4-4-1503 (Supp. 95-1).

Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1504. Records**

- A. A licensee may keep its books, accounts, and records as electronic records if the licensee can generate all information and copies required by this Section within the timeframe set by the Department for examination or other purposes.
- B. All licensees shall keep and maintain books, accounts, and records adequate to provide a clear and readily understandable record of all business conducted by the collection agency, including:
  1. Records or books of account listing all clients' accounts. Each account shall reflect its true condition at each calendar month's end, and shall include:
    - a. The client's name and address;
    - b. Each debtor's name worked for collection in that month;
    - c. The amount, description, and date of each debit and each credit to the account; and
    - d. The balance due to, or owing from, the client.
  2. A record and history of each debt for collection that clearly shows:
    - a. The debtor's name;
    - b. The debt's principal amount;
    - c. The interest charged or collected;
    - d. The amount, and description, of any other charges;
    - e. The amount, and date, of each payment received or collected; and
    - f. The current balance due on the debt.
  3. An original of each written contract between the licensee and a client, including any contract amendments.
  4. A trust general ledger reflecting all deposits to and payments from a trust account. A licensee shall post transactions to its trust general ledger at least every five business days. A licensee shall bring its trust general ledger current within 24 hours when requested by the Director.
  5. The licensee's trust account reconciliation, prepared at least once a month.
  6. Books, records, and files maintained so that the Director can easily conduct an unannounced spot check, as well as the examinations and investigations required by A.R.S. §§ 6-122 and 6-124.
  7. A copy of all pleadings in pending litigation that names the collection agency as a defendant.
  8. A record of fictitious names used by the agency's debt collectors as required by R20-4-1520.
- C. A person issuing a receipt for a collection agency shall sign the receipt using that person's true name. Each receipt shall also show the collection agency's name.

- D. A licensee shall maintain all records required under this Section and shall make them available for examination, investigation, or audit in Arizona within three working days after the Director demands the records.
- E. A licensee shall retain the records required by this Section for the following periods:
  1. A licensee shall retain all records described in subsections (B)(1), and (B)(3) through (8) for at least seven years following their creation.
  2. A licensee shall retain all records described in subsection (B)(2) for at least three years from an account's assignment to the licensee. If a licensee collects any money on an account, the licensee shall retain the records described in subsection (B)(2) for at least three years from the last collection date.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1504 recodified from R4-4-1504 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1505. Trust Account**

- A. A licensee that maintains an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in Arizona. A licensee that does not maintain an office in Arizona shall deposit all funds collected for a client in a trust account at a federally insured depository institution in the state where the licensee maintains its principal office. A licensee shall deposit all client funds before the close of its business on the third business day after the licensee receives the funds. Client funds shall remain on deposit as required by this Section until:
  1. Paid over to a client, or
  2. Otherwise paid as provided in this Section.
- B. A licensee shall pay funds from the trust account either:
  1. By prenumbered printed checks, or
  2. By electronic payment.
- C. A licensee shall deposit in its trust account only the funds it has collected for its client. A licensee, its officers, directors, partners, managers, members, or employees shall not commingle, or permit the commingling of, their own funds with client funds. This prohibition includes any funds that a licensee, or any officer, director, partner, manager, member, or employee claims an interest in if that interest arises outside the licensee's contract with a client.
- D. A licensee shall keep unpaid client funds in its trust account. A licensee may maintain a separate trust account for dormant accounts into which the licensee deposits unpaid funds such as those of a client that cannot be located, or any trust account check issued to a client that is returned without being negotiated. As to all those unpaid funds, under A.R.S. § 44-307, a licensee shall file an abandoned property report at the Arizona Department of Revenue as and when required by law.
- E. A licensee shall withdraw from its trust account all fees and commissions due the licensee under its contract with a client and deposit them directly into its own operating account.
- F. A licensee shall not pay funds from its trust account except as:
  1. Provided in this Section,

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2. Expressly authorized in its contract with a client, or
3. Authorized in writing by the Director.

**Historical Note**

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1505 recodified from R4-4-1505 (Supp. 95-1). Amended by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1506. Articles of Incorporation; Bylaws; Organizing Documents**

- A. A collection agency organized as a corporation shall file with the Director a copy of each amendment to its articles of incorporation within 30 days after the amendment is adopted. Before filing with the Director, an officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy.
- B. A collection agency organized as a corporation shall file with the Director a copy of each amendment to its bylaws within 10 days after the amendment is adopted. An officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.
- C. A collection agency not organized as a corporation shall file with the Director a copy of each amendment to its organizing documents within 10 days after the amendment is adopted. A partner, active manager, or agent of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

**Historical Note**

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1506 recodified from R4-4-1506 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1507. Representations of Collection Agency's Identity**

In all communications with debtors, either orally or in writing, all the following rules apply:

1. A collection agency shall represent itself as a collection agency,
2. A collection agency shall not directly or indirectly claim to be a credit reporting agency or credit bureau if it is not,
3. A collection agency shall not directly or indirectly claim to be a law enforcement agency, and
4. A collection agency shall not directly or indirectly claim to be a law firm.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1507 recodified from R4-4-1507 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1508. Representations of the Law**

A collection agency shall not:

1. Misrepresent the state of the law to a debtor;

2. Send a debtor written material that simulates legal process; or
3. Represent or imply that a debtor is, or may be, subject to criminal prosecution or arrest because of a failure to pay the debt.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1508 recodified from R4-4-1508 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1509. Representations as to Fees, Costs, and Legal Proceedings; Disinterested Counsel Required**

- A. A collection agency shall not threaten to collect, or attempt to collect, an attorney's fee, collection cost, or other fee that the debtor is not obliged to pay under the debtor's contract with the collection agency's creditor client.
- B. A collection agency shall not inform a debtor that legal proceedings have been started unless, in fact, a lawsuit has been filed against the debtor.
- C. A collection agency shall not threaten to start legal proceedings against a debtor unless the collection agency actually intends, at the time of the threat, to sue.
- D. A collection agency shall not threaten to turn an account over to a lawyer unless the collection agency actually intends to do so at the time of the threat.
- E. A collection agency shall not file a lawsuit against a debtor unless the lawsuit is filed by an attorney who has no personal or financial interest in the collection agency filing the lawsuit against the debtor.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1509 recodified from R4-4-1509 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1510. Representations as to Rights Waived or Remedies Available**

- A. A collection agency shall not inform a debtor that:
  1. The debtor waives any legal right or legal defense by a failure to contact the collection agency, and
  2. The collection agency has the power or right to bypass the legal process.
- B. A collection agency shall not misrepresent the remedies available to the collection agency.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1510 recodified from R4-4-1510 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1511. Prohibition of Harassment**

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- A. A collection agency shall not use unauthorized or oppressive tactics designed to harass any person to pay a debt.
- B. A collection agency shall not use written or oral communications that ridicule, disgrace, or humiliate any person, or tend to ridicule, disgrace, or humiliate any person.
- C. A collection agency shall not state, imply, or tend to imply, in written or oral communications, that any person is guilty of fraud or any other crime.
- D. A collection agency shall not permit its agents, employees, representatives, debt collectors, or officers to use obscene or abusive language in efforts to collect a debt.
- E. A collection agency or its agents, employees, representatives or officers are subject to penalties listed in A.R.S. § 32-1056(B) for any violation of this Article, as well as other liabilities imposed under any other provision of law.
- B. A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor gives the collection agency written notice that the debtor:
1. Refuses to pay the debt, or
  2. Wants the collection agency to stop all further communication with the debtor.
- C. Despite the provisions of subsection (B), a collection agency may contact a debtor to inform the debtor that:
1. The collection agency has stopped trying to collect the debt, or
  2. The collection agency or the creditor may invoke specific remedies that are customarily used by the collection agency or the creditor.
- D. The debtor's written notice under subsection (B) is effective upon receipt by the collection agency if delivered by mail.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1511 recodified from R4-4-1511 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1512. Contacts with Debtors and Others**

- A. A collection agency shall contact a debtor by telephone only during reasonable hours. A collection agency shall make a reasonable attempt to contact a debtor at the debtor's residence. A collection agency may contact a debtor at the debtor's place of employment if a reasonable attempt to contact the debtor at the debtor's residence has failed.
- B. A collection agency shall not threaten to or contact a third party, including a debtor's friend, relative, neighbor, or employer and:
1. Inform the third party of the debt;
  2. Ask the third party to pressure the debtor into paying the debt; or
  3. Ask the third party to pay the debt, unless the third party is legally obligated to pay the debt.
- C. Despite the other provisions of this Section, a collection agency may make lawful service on third parties, including employers, of a writ of garnishment or other writ in aid of execution after judgment has been entered against a debtor.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1512 recodified from R4-4-1512 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1513. Cessation of Communication with the Debtor**

- A. A collection agency shall stop contacting a debtor, directly or indirectly, if the debtor tells the collection agency that the debtor is represented by a lawyer and wants the collection agency to communicate with the debtor through the debtor's lawyer. The collection agency may later contact the debtor if the collection agency contacts the lawyer named by the debtor and learns that the lawyer does not represent the debtor.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). Amended effective December 18, 1979 (Supp. 79-6). R20-4-1513 recodified from R4-4-1513 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1514. Disclosure of Information to Debtor**

- A. Within five days after the initial communication with the debtor, a collection agency shall obtain and be able to inform the debtor of:
1. The name of the creditor;
  2. The time and place of the creation of the debt;
  3. The merchandise, services, or other value provided in exchange for the debt; and
  4. The date when the account was turned over to the collection agency by the creditor.
- B. A collection agency shall give the debtor access to any of the collection agency's records that contain the information listed in subsection (A).
- C. At the debtor's request, the collection agency shall give the debtor, free of charge, a copy of any document from its records that contains the information listed in subsection (A).

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1514 recodified from R4-4-1514 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1515. Aiding and Abetting**

A collection agency shall not help or encourage, directly or indirectly, any person to evade or violate any provision of:

1. This Article, or
2. A.R.S. Title 32, Chapter 9.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1515 recodified from R4-4-1515 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by

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final rulemaking at 29 A.A.R. 1961 (September 1, 2023),  
effective October 2, 2023 (Supp. 23-3).

**R20-4-1516. Advertising**

A collection agency shall not use any form of communication to state or imply that the collection agency is:

1. Approved, bonded by, or affiliated with the state of Arizona;
2. A state agency;
3. The director of any state agency; or
4. Authorized to practice law.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1516 recodified from R4-4-1516 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1517. Repealed****Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1517 recodified from R4-4-1517 (Supp. 95-1). Section repealed by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2).

**R20-4-1518. Agreements with Clients**

A collection agency's records shall document each client's account in writing. The records for an account shall include either a written agreement between the client creditor and the collection agency, or a written direction from the creditor to the collection agency concerning a specific debt placed for collection. The collection agency shall keep records that are specific, easily understood, and unambiguous. A provision of a written agreement or written direction that suggests the collection agency has authority to represent the client in court, or to practice law in any other way, is void and prohibited by this Section. The records for an account shall separately state:

1. The names of the parties to the agreement or written direction,
2. The terms or rate of compensation paid to the collection agency,
3. The length of time the agreement or written direction is intended to be in effect, and
4. Any conditions regarding collection of a particular debt.

**Historical Note**

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1518 recodified from R4-4-1518 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1519. Licensee Names and Control**

- A. The Department shall not issue a license with a name that is:
  1. Similar to, or that may be confused with, any federal, state, county, or municipal government function or agency;
  2. Descriptive of any business activity that the applicant does not actually conduct;

3. The same as, or similar to, the name of any existing collection agency, or
4. Otherwise deceptive or misleading.
- B. The Department may permit the use of a name otherwise prohibited under subsection (A)(3) based on its analysis of whether the name includes geographic or other information that distinguishes it from the existing collection agency.
- C. A collection agency shall not use a collection agency license to do business under more than one name. Each collection agency shall apply for and obtain a separate license for each business name it intends to use in Arizona.

**Historical Note**

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1519 recodified from R4-4-1519 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1520. Representations of Collection Agency Employees' Identity or Position**

- A. A collection agency shall not allow its debt collector, agent, representative, employee, or officer to:
  1. Misrepresent the person's true position with the collection agency;
  2. Claim to be, or imply that the person is, an attorney unless the person is licensed to practice law;
  3. Claim to be, or imply that the person is, a public official, peace officer, or any other type of public employee; or
  4. Claim to be, or imply that the person is, any other third party.
- B. In any communication with a debtor, a person working for a collection agency shall indicate that the person is a debt collector.
- C. A collection agency shall keep a record of all fictitious names used by its debt collectors during their employment. The collection agency shall record the information required by this subsection before permitting the use of a fictitious name. The collection agency shall file a copy of the record of fictitious names with the Department on July 1 and December 31 of each year. After filing the initial report, a collection agency shall identify all changes to the record on July 1 and December 31 of each year. The collection agency's record of fictitious names shall include:
  1. The true name of each debt collector that uses a fictitious name;
  2. Each fictitious name used by the debt collector, together with the dates when the name is used; and
  3. The residential street address and residential mailing address of each debt collector that uses a fictitious name.

**Historical Note**

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1520 recodified from R4-4-1520 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1521. Duty of Investigation**

A collection agency shall give copies of its evidence of the debt to the debtor or the debtor's attorney upon request. After providing the evidence, but before continuing its collection efforts against the debtor, the collection agency shall investigate any claim by the debtor or the debtor's attorney that:

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1. The debtor has been misidentified,
2. The debt has been paid,
3. The debt has been discharged in bankruptcy, or
4. Based on any other reasonable claim, the debt is not owed.

**Historical Note**

Adopted effective December 18, 1979 (Supp. 79-6). R20-4-1521 recodified from R4-4-1521 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1331, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 29 A.A.R. 1961 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1522. Reserved****R20-4-1523. Reserved****R20-4-1524. Reserved****R20-4-1525. Reserved****R20-4-1526. Reserved****R20-4-1527. Reserved****R20-4-1528. Reserved****R20-4-1529. Reserved****R20-4-1530. Repealed****Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective December 6, 1978 (Supp. 78-6). R20-4-1530 recodified from R4-4-1530 (Supp. 95-1). Section repealed by final rulemaking at 6 A.A.R. 4742, effective November 13, 2000 (Supp. 00-4).

**ARTICLE 16. ACQUIRING CONTROL OF FINANCIAL INSTITUTIONS****R20-4-1601. Definitions**

In addition to the definitions provided in A.R.S. § 6-141, the following terms apply to this Article unless the context otherwise requires:

“Acquiring party” means a person who intends to acquire control of a bank, trust company, savings and loan association, or controlling person under A.R.S. Title 6, Chapter 1, Article 4.

“Bank” has the meaning stated in A.R.S. § 6-101.

“Director” has the meaning stated in A.R.S. § 6-101(7).

“Savings and loan association” means a person required to possess a permit issued by the Director under A.R.S. Title 6, Chapter 3.

“Target company” means a bank, savings and loan association, trust company, or controlling person to be acquired by an acquiring party.

“Trust company” has the meaning stated in A.R.S. § 6-851.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1601 recodified from R4-4-1601 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final

rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1602. Application for Approval to Acquire Control of Financial Institution**

- A. An applicant seeking approval to acquire control of a bank, savings and loan association, or controlling person of a bank or savings and loan association, under A.R.S. Title 6, Chapter 1, Article 4, shall file with the Director copies of all application documents filed with federal regulatory agencies in connection with the planned acquisition of control.
- B. As used in this subsection, “executive officer” includes the chairman of the board, president, each vice president, cashier, secretary, treasurer, and every other person who participates in major policymaking functions of the applicant. Under A.R.S. § 6-145(A), an applicant seeking approval to acquire control of a trust company or controlling person of a trust company, under A.R.S. Title 6, Chapter 1, Article 4 shall supply all information the Director requires under this subsection. The Director may require an applicant to supplement or amend its application based on issues raised by the initial submission. The initial application shall consist of the following items:
  1. A copy of the signed purchase agreement;
  2. The applicant’s audited financial statement;
  3. A personal history statement, on a form supplied by the Department, for each executive officer and each director of the acquiring party;
  4. Each executive officer’s and each director’s personal financial statement;
  5. A full set of fingerprints for each executive officer and each director; and
  6. A copy of each executive officer’s and each director’s driver’s license.

**Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1602 recodified from R4-4-1602 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1603. Repealed****Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1603 recodified from R4-4-1603 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

**R20-4-1604. Repealed****Historical Note**

Adopted as an emergency effective September 6, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Adopted effective January 12, 1979 (Supp. 79-1). R20-4-1604 recodified from R4-4-1604 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 5055, effective January 3, 2004 (Supp. 03-4).

**ARTICLE 17. ARIZONA INTERSTATE BANK AND SAVINGS AND LOAN ASSOCIATION ACT****R20-4-1701. Definitions**

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In addition to the definitions provided in A.R.S. § 6-321, the following terms apply to this Article unless the context otherwise requires:

“Applicant” means an out-of-state financial institution that intends to acquire control of an in-state financial institution.

“Director” has the meaning stated in A.R.S. § 6-101(7).

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1701 recodified from R4-4-1701 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1702. Notice to the Director of Intent to Acquire Control of an In-state Financial Institution; Surrender of an Acquired Financial Institution’s Charter**

- A. An applicant shall give written notice of an acquisition to the Director in the form of a courtesy copy of its federal application. The acquiring entity shall ensure that the notice is delivered to the Director not less than ten days before the effective date of the acquisition. No other application is required under the provisions of A.R.S. Title 6, Chapter 2, Article 7, the Arizona Interstate Bank and Savings and Loan Association Act. The Director may impose conditions on an acquisition under the authority of A.R.S. §§ 6-324 and 6-328.
- B. An acquired in-state financial institution shall surrender, by delivery to the Director, all permits and certificates issued by the Director within ten days after the effective date of the acquisition unless the acquired institution intends to continue operating, after the acquisition, as a stand-alone subsidiary under the authority of its existing Arizona banking permit.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1702 recodified from R4-4-1702 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29 A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1703. Repealed****Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1703 recodified from R4-4-1703 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

**R20-4-1704. Public Notice**

- A. An applicant shall transmit to the Director one copy of each notice and the publisher’s affidavit of publication required by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.
- B. An applicant shall provide the Director copies of any protests known to have been received by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or other regulatory authority that has concurrent jurisdiction.

**Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1704 recodified from R4-4-1704 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2). Amended by final rulemaking at 29

A.A.R. 1937 (September 1, 2023), effective October 2, 2023 (Supp. 23-3).

**R20-4-1705. Repealed****Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1705 recodified from R4-4-1705 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

**R20-4-1706. Repealed****Historical Note**

Adopted effective October 1, 1986 (Supp. 86-5). R20-4-1706 recodified from R4-4-1706 (Supp. 95-1). Section repealed by final rulemaking at 11 A.A.R. 2031, effective July 2, 2005 (Supp. 05-2).

**ARTICLE 18. MORTGAGE BANKERS****R20-4-1801. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States**

- A. The exemption under A.R.S. § 6-942(A)(1) only applies to a person whose offers to make or negotiate a “mortgage banking loan” or a “mortgage loan,” as those terms are defined in A.R.S. § 6-941, and all mortgage banking loans and mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.
- B. The required regulation of the transactions listed in subsection (A) includes:
  1. Rules governing a claimant’s accounting and recordkeeping practices;
  2. The authority to examine a claimant’s books and records relating to its mortgage banking activities or mortgage lending activities, or both; and
  3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant’s mortgage banking activities, mortgage lending activities, or both.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1802. Equivalent and Related Experience**

- A. An applicant may satisfy the three years’ experience requirement of A.R.S. § 6-943 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience toward the three years required either for a mortgage banker license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month.
  1. Mortgage banker with an Arizona license, responsible individual, or branch manager for a licensee;
  2. Mortgage broker with an Arizona license, responsible individual, or branch manager for a licensee;
  3. Loan officer with responsibility primarily for loans secured by lien interests on real property;
  4. Lender’s branch manager with responsibility primarily for loans secured by lien interests on real property;
  5. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
  6. Mortgage broker with license from another state, or responsible individual for the mortgage broker;
  7. Attorney certified by any state as a real estate specialist.
- B. An applicant with insufficient actual experience of the types listed in subsection (A) may satisfy the remainder of the three

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years' experience requirement of A.R.S. § 6-943 by the types of related experience listed in this subsection. The Department counts each month in the following types of work experience according to the ratio listed below, of actual experience to equivalent experience, credited toward qualifying for a license, or as a responsible individual, both under A.R.S. § 6-943(C). The Department counts a fractional month of experience, at least 15 days long, as a full month. An applicant receives credit in only one area listed and for not more than three years' actual experience. The remaining years of experience required to qualify for a license shall be obtained from types of work experiences listed in subsection (A).

1. Attorney without state bar certified real estate specialty...3:2
2. Paralegal with experience in real estate matters...3:2
3. Loan underwriter...3:2
4. Mortgage banker or mortgage broker from another state without license...3:2
5. Real estate broker with an Arizona license or license from a state with substantially equivalent licensing requirements...3:2
6. Escrow officer...3:2
7. Trust officer with a title company...3:2
8. Executive, supervisor, or policy maker involved in administering or operating a mortgage-related business...3:1.5
9. Title officer with a title company...3:1.5
10. Real estate broker, not qualified under subsection (B)(5)...3:1.5
11. Loan processor with responsibility primarily for loans secured by lien interests on real property...3:1.5
12. Lender's branch manager with responsibility primarily for loans not secured by lien interests on real property...3:1.5
13. Real property salesperson, with an Arizona license or a license from a state with substantially equivalent licensing requirements...3:1
14. Loan officer, with responsibility primarily for loans not secured by lien interests on real property...3:1

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1803. Restrictions on the Term of a Cash Alternative to a Surety Bond**

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1804. Requirements for a Person Intended to Oversee a Branch Office**

A person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One person may oversee more than one branch.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1805. Notification of Change of Address**

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent at least five business days before the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2). Amended by final rulemaking at 8 A.A.R. 145, effective December 10, 2001 (Supp. 01-4).

**R20-4-1806. Recordkeeping Requirements**

- A. The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any alteration in the approved system's fundamental character, medium, or function if the alteration changes:
  1. Any approved computer or mechanical system back to a paper-based system; or
  2. An approved mechanical system to a computer system; or
  3. An approved computer system to a mechanical system.
- B. In addition to any statutory requirement regarding records, a record maintained by a mortgage banker shall include the following:
  1. A list of all executed loan applications or executed fee agreements that includes the following information:
    - a. Applicant's name;
    - b. Application date;
    - c. Amount of initial loan request;
    - d. Final disposition date;
    - e. Disposition (funded, denied); and
    - f. Name of loan officer;
  2. A record, such as a cash receipts journal, of all money received in connection with mortgage banking loans or mortgage loans including:
    - a. Payor's name;
    - b. Date received;
    - c. Amount; and
    - d. Receipt's purpose including identification of a related loan, if any;
  3. A sequential listing of checks written for each bank account relating to the mortgage banker business, such as a cash disbursement journal, including:
    - a. Payee's name;
    - b. Amount;
    - c. Date; and
    - d. Payment's purpose including identification of a related loan, if any;

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4. Bank account activity source documents for the mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices;
  5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
    - a. Borrower's name or co-borrowers' names;
    - b. Loan number, if any;
    - c. Amount received;
    - d. Purpose for the amount received;
    - e. Date received;
    - f. Date deposited into trust account;
    - g. Amount disbursed;
    - h. Date disbursed;
    - i. Disbursement's payee and purpose; and
    - j. Balance;
  6. A file for each application for a mortgage banking loan or a mortgage loan containing:
    - a. The agreement with the customer concerning the mortgage banker's services, whether as a loan application, fee agreement, or both;
    - b. Document showing the application's final disposition, such as a settlement statement, or a denial or withdrawal letter;
    - c. Correspondence sent, received, or both by the licensee;
    - d. Contract, agreement and escrow instructions to or with any depository;
    - e. Documents showing compliance with the Consumer Credit Protection Act's (15 U.S.C. §§ 1601 through 1666j) and the Real Estate Settlement Procedures Act's (12 U.S.C. §§ 2601 through 2617) disclosure requirements, to the extent applicable;
    - f. If the loan is closed in the licensee's name, and funded by a lender that is not an institutional investor as defined at A.R.S. § 6-943, a copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the documents listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and;
    - g. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee;
  7. Samples of every piece of advertising relating to the mortgage banker's business in Arizona;
  8. Copies of governmental or regulatory compliance reviews;
  9. If the licensee is not a natural person, a file containing:
    - a. Organizational documents for the entity;
    - b. Minutes;
    - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
    - d. Annual report, if required by law;
  10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction;
  11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action;
  12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them;
  13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
  14. A licensee shall produce a trial balance of the general ledger monthly to evidence the mortgage banker's net worth.
- C.** If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D.** A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-946. For the purposes of A.R.S. § 6-946, the mortgage banking loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from an applicant; or
  2. The date a licensee mails written notice to an applicant that an application has been denied, as required by federal law.
- E.** A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R.  
2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1807. Providing Copies of Records**

For each loan closed in an Arizona mortgage broker's name with a concurrent assignment of beneficial interest to a mortgage banker, the mortgage banker licensee shall provide to the mortgage broker in whose name the loan closed a copy of:

1. The closing instructions;
2. Any applicable rescission notice;
3. The HUD-1 settlement statement;
4. The final truth-in-lending disclosure;
5. The note;
6. The executed deed of trust or mortgage; and
7. Each assignment of beneficial interest by the mortgage banker licensee.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R.  
2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1808. Authorization to Complete Blank Spaces**

An authorization, under A.R.S. § 6-947, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing parties, and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR MORTGAGE BANKER OR ESCROW AGENT



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TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1809. Determining Loan Amounts**

The amount of a mortgage banking loan or a mortgage loan under A.R.S. § 6-947(E) or 6-947(K), is the principal amount of the loan and does not include any points, interest, finance charges, insurance premiums of any kind, compensation paid to third parties, or compensation retained by a mortgage banker or its agents.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1810. Delay or Cause Delay**

A mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the mortgage banker.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1811. Impound Account**

The total of all funds retained by a mortgage banker from all periodic payments made by a borrower to maintain a cushion, as defined in R20-4-102, shall not exceed 1/6th of the estimated total annual payments from the impound account.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1812. Acquisition of Additional Interest in Licensee by Majority Owner**

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1813. Conversion to Mortgage Broker License**

Under A.R.S. § 6-949 to apply for a conversion from a mortgage banker license to a mortgage broker license, the applicant shall submit during the renewal period all applicable renewal documents and renewal fees required by A.R.S. §§ 6-126 and 6-903 for mortgage brokers.

**Historical Note**

New Section adopted by final rulemaking at 18 A.A.R. 2622, effective December 2, 2012 (Supp. 12-4).

**ARTICLE 19. COMMERCIAL MORTGAGE BANKERS****R20-4-1901. Exemption for an Institutional Investor**

A. The exemption from the licensure requirement for an institutional investor, solely as that term is used in A.R.S. §§ 6-971, 6-972, and this Article, applies only if a person claiming the exemption meets all the following criteria:

1. The claimant originates or directly or indirectly makes, negotiates, or offers to make or negotiate commercial mortgage loans that are all exclusively funded by the claimant's own resources, as defined in A.R.S. § 6-971;
2. The claimant does so in the regular course of business;
3. The claimant makes only commercial mortgage loans, as defined in A.R.S. § 6-971;
4. The claimant makes each loan on the security of commercial property, as defined in A.R.S. § 6-971; and
5. The claimant makes only loans of more than \$250,000.

B. If a claimant makes even one commercial mortgage loan that does not satisfy all the above criteria, any claim of exemption is invalid, and that person shall not engage in any lending activity before obtaining a license.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1902. Exemption for an Entity Regulated by an Agency of this State, Other States, or by the United States**

A. The exemption under A.R.S. § 6-972(9) only applies to a person whose offers to make or negotiate a "commercial mortgage loan," as that term is defined in A.R.S. § 6-971, and all commercial mortgage loans made or negotiated by the person are regulated directly by an agency of this state, any other state, or the United States.

B. The required regulation of the transactions listed in subsection (A) includes:

1. Rules governing a claimant's accounting and recordkeeping practices;
2. The authority to examine a claimant's books and records relating to its commercial mortgage lending activities;
3. The ability to place a claimant in a receivership or conservatorship with regard to the claimant's commercial mortgage lending activities.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1903. Equivalent and Related Experience**

A. An applicant may satisfy the three years' experience requirement of A.R.S. § 6-973 by the types of lending-related experience listed in this subsection. The Department counts each month in the following types of work experience towards the three years required either for a commercial mortgage banker license, or as a responsible individual, both under A.R.S. § 6-973(D). The Department counts a fractional month of experience, at least 15 days long, as a full month.

1. Commercial mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
2. Mortgage broker with Arizona license, or Responsible Individual or branch manager for a licensee;
3. Mortgage banker with an Arizona license, or Responsible Individual or branch manager for a licensee;
4. Loan officer, with responsibility primarily for loans secured by lien interests on commercial real property;
5. Lender's branch manager, with responsibility primarily for loans secured by lien interests on commercial real property;

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6. Commercial mortgage banker with license from another state, or Responsible Individual for the commercial mortgage banker;
7. Mortgage broker with license from another state, or Responsible Individual for the mortgage broker;
8. Mortgage banker with license from another state, or responsible individual for the mortgage banker;
9. Attorney certified by any state as a real estate specialist.

- B.** The experience of an applicant with insufficient actual experience of the types listed in subsection (A) is reviewed and evaluated on a case by case basis.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1904. Restrictions on the Term of a Cash Alternative to a Surety Bond**

A licensee or applicant shall not place a certificate of deposit or investment certificate as a cash alternative to a surety bond with the Superintendent that is renewable or expires earlier than 12 months from the date of issuance.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1905. Requirements for a Person Intended to Oversee a Branch Office**

A Person designated to oversee the operations of a branch office shall be knowledgeable about the branch activities of the licensee, supervise compliance by the branch with applicable law and rules, and have sufficient authority to ensure such compliance. One Person may oversee more than one branch.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1906. Notification of Change of Address**

If a licensee changes the licensee's principal place of business, or the location of a branch office, the licensee shall notify the Superintendent within five business days after the address change. With the notice, a licensee shall provide the Superintendent with the license for the office changing its address and the fee required by A.R.S. § 6-126 for changing an office address. A copy of the license shall continue to be displayed at the place of business until a new license is issued.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1907. Recordkeeping Requirements**

- A.** The Superintendent shall approve a licensee's use of a computer or mechanical recordkeeping system if the licensee gives the Superintendent advanced written notice that it intends to do so. The Department shall not require a licensee to keep a written copy of the records if the licensee can generate all information required by this Section in a timely manner for examination or other purposes. A licensee may add, delete, modify, or customize an approved computer or mechanical recordkeeping system's hardware or software components. When requested, or in response to a written notice of an examination, a licensee shall report to the Superintendent any material alteration in the approved system's fundamental character, medium, or function if the alteration changes:

1. Any approved computer or mechanical system back to a paper-based system; or
  2. An approved mechanical system to a computer system; or
  3. An approved computer system to a mechanical system.
- B.** In addition to any statutory requirement regarding records, a record maintained by a commercial mortgage banker shall include the following:
1. A list of all executed loan applications or executed fee agreements that includes the following information:
    - a. Applicant's name;
    - b. Application date;
    - c. Amount of initial loan request;
    - d. Final disposition date;
    - e. Disposition (funded, denied); and
    - f. Name of loan officer;
  2. A record, such as a cash receipts journal, of all money received in connection with commercial mortgage loans including:
    - a. Payor's name;
    - b. Date received;
    - c. Amount; and
    - d. Receipt's purpose including identification of a related loan, if any;
  3. A sequential listing of checks written for each bank account relating to the commercial mortgage banker business, such as a cash disbursement journal, including:
    - a. Payee's name;
    - b. Amount;
    - c. Date; and
    - d. Payment's purpose including identification of a related loan, if any;
  4. Bank account activity source documents for the commercial mortgage banker business including receipted deposit tickets, numbered receipts for cash, bank account statements, paid checks, and bank advices.
  5. A trust subsidiary ledger for each borrower that deposits trust funds showing:
    - a. Borrower's name or co-borrowers' names;
    - b. Loan number, if any;
    - c. Amount received;
    - d. Purpose for the amount received;
    - e. Date received;
    - f. Date deposited into trust account;
    - g. Amount disbursed;
    - h. Date disbursed;
    - i. Disbursement's payee and purpose, and
    - j. Balance.
  6. A file for each application for a commercial mortgage loan containing:
    - a. The agreement with the customer concerning the commercial mortgage banker's services, whether as a loan application, fee agreement, or both;
    - b. The documents showing the application's final disposition, such as a settlement statements, a denial or withdrawal letter, or internal memorandum;
    - c. Correspondence sent, received, or both by the licensee;
    - d. Contract, agreement, and escrow instructions to or with any depository;
    - e. If the loan is closed in the licensee's name, a copy of all closing documents including: closing instructions, copy of the executed note, executed deed of trust or mortgage, and each assignment of beneficial interest by the licensee, if any. If any of the docu-

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ments listed in this subsection have been recorded, the file shall also contain legible copies of the recorded documents, and

- f. Itemized list of all fees taken in advance including appraisal fee, credit report fee, and application fee.
  7. Samples of every piece of advertising relating to the commercial mortgage banker's business in Arizona;
  8. Copies of governmental or regulatory reviews;
  9. If the licensee is a not a natural person, a file containing:
    - a. Organizational documents for the entity;
    - b. Minutes;
    - c. A record, such as a stock or ownership transfer ledger, showing ownership of all proportional equity interests in the licensee, ascertainable as of any given record date; and
    - d. Annual report, if required by law;
  10. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has a felony conviction, a copy of the judgment or other record of conviction.
  11. If the licensee or anyone directly or indirectly owning more than 20% of the licensee has, in the previous seven years, been named a defendant in any civil suit, a copy of the complaint, any answer filed by the licensee, and any judgment, dismissal or other final order disposing of the action.
  12. If the Superintendent has granted approval to maintain records outside this state, the specific address where the records are kept, and a person's name to contact for them.
  13. If a licensee does business in other states, it must be able to separate Arizona loan information from information relating to other states to enable the Superintendent to conduct an examination.
  14. A licensee shall produce a trial balance of the general ledger monthly to evidence the commercial mortgage banker's net worth.
- C. If 10 or fewer transactions have occurred during the prior calendar quarter, a licensee shall reconcile and update all records specified in subsection (B) at least once each calendar quarter. A licensee shall reconcile and update all records specified in subsection (B) monthly if more than 10 transactions occurred during the prior calendar quarter. In addition to reconciling each trust bank account, a licensee shall verify each trust balance to each trust subsidiary ledger at each reconciliation.
- D. A licensee shall retain the documents described in subsections (B)(1) and (6) for the length of time provided in A.R.S. § 6-983. For the purposes of A.R.S. § 6-983, the commercial mortgage loan's closing date, on a loan application that did not result in the making of a loan, is either:
1. The date a licensee receives a written cancellation notice from the applicant; or
  2. The date a licensee mails written notice to an applicant that an application has been denied; or
  3. The date of a licensee's internal memorandum closing a loan file.
- E. A licensee shall maintain all other records described in this Section, and not included in subsection (D), for at least two years.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1908. Impound Accounts**

The total of all funds, if any, retained by the commercial mortgage banker from all periodic payments made by the borrower to maintain a Cushion, as defined in R20-4-102, is limited only by the written agreement of the parties, if at all.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1909. Authorization to Complete Blank Spaces**

An authorization, under A.R.S. § 6-984, allowing a licensee or escrow agent to complete certain blank spaces in a document after it is signed by a party to the transaction shall:

1. Specifically identify the document and the blank spaces to be completed;
2. Be in writing, dated, and signed by the authorizing party, and
3. Contain the following notice, conspicuously printed on its face: YOUR SIGNATURE BELOW AUTHORIZES YOUR COMMERCIAL MORTGAGE BANKER OR ESCROW AGENT TO FILL IN SPACES YOU LEFT BLANK IN SPECIFIED LOAN DOCUMENTS YOU ARE ABOUT TO SIGN OR MAY HAVE ALREADY SIGNED. UNDER STATE LAW YOU CAN GIVE THIS AUTHORITY, BUT YOU ARE NOT REQUIRED TO DO SO. YOU CAN REFUSE TO SIGN ANY DOCUMENTS UNTIL ALL BLANKS ARE COMPLETELY FILLED IN.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1910. Delay or Cause Delay**

A commercial mortgage banker does not delay or cause delay if the delay occurs due to events outside the control of the commercial mortgage banker.

**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

**R20-4-1911. Acquisition of Additional Interest in Licensee by Majority Owner**

A person that owns 51% or more of a licensee's outstanding voting equity interests, and that acquires the power to vote additional fractional equity interests, shall deliver written notice of the acquisition to the Superintendent. The person shall deliver the notice before completing the acquisition. Within 10 days after completing the acquisition, the person shall deliver documentation evidencing the acquisition to the Superintendent.

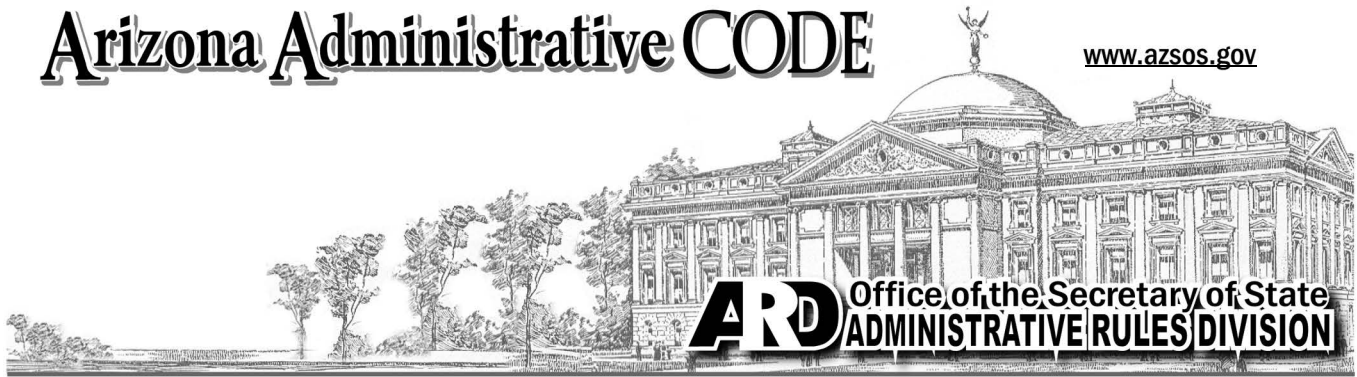
**Historical Note**

New Section adopted by final rulemaking at 5 A.A.R. 2094, effective June 10, 1999 (Supp. 99-2).

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20 A.A.C. 05

Supp. 23-3

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

*Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule repealed; new Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3). The new schedule starts on page 103 of this Chapter.*

### Questions about these rules? Contact:

Commission: Industrial Commission of Arizona  
Division of Occupational Safety and Health

Address: 800 W. Washington St., Suite 203  
Phoenix, AZ 85007

Website: <https://www.azica.gov/>

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**The release of this Chapter in Supp. 23-3 replaces Supp. 23-1, 1-358 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE****CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

Authority: A.R.S. §§ 23-107(A)(1) and 23-405(4)

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*Article 2, consisting of Sections R4-13-201 through R4-13-222, adopted effective July 6, 1993 (Supp. 93-3).*

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**ARTICLE 7. REPEALED**

*Article 7, consisting of Sections R20-5-701 through R20-5-739, repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).*

*Article 7, consisting of new Sections R20-5-701 through R20-5-739, adopted effective September 9, 1998 (Supp. 98-3).*

*R20-5-701 through R20-5-708 recodified from R4-13-701 through R4-13-708 (Supp. 95-1).*

*Article 7, consisting of Sections R4-13-701 through R4-13-708, transferred to the Department of Agriculture, Title 3, Chapter 8, Article 7, Sections R3-8-201 through R3-8-208, pursuant to Laws 1990, Ch. 374, Sec. 445 (Supp. 91-3).*

*New Article 7 adopted effective July 13, 1989. (Supp. 89-3)*

*Laws 1981, Ch. 149, effective January 1, 1982, provided for the transfer of the Office of Fire Marshal from the Industrial Commission to the Department of Emergency and Military Affairs, Division of Emergency Services (Supp. 82-2).*

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*Article 9, consisting of Sections R20-5-901 through R20-5-914, expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).*

*Former Article 9 consisting of Sections R4-13-901 through R4-13-906 repealed effective May 27, 1977. R20-5-901 through R20-5-914 recodified from R4-13-901 through R4-13-914 (Supp. 95-1).*

*Article 9 consisting of Sections R4-13-901 through R4-13-914 adopted effective May 27, 1977.*

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*Article 11, consisting of Sections R20-5-1101 through R20-5-1136, repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).*

*Article 11, consisting of Sections R20-5-1101 through R20-5-1136, made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1).*

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*Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3).*

*Article 12, consisting of Sections R20-5-1201 through R20-5-1220, made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1).*

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#### APPENDIX A. ARIZONA PHYSICIANS' AND PHARMACEUTICAL FEE SCHEDULE 2023/2024

*Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule repealed; new Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).*

*Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule repealed; new Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3).*

*Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule repealed; new Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3).*

*Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule repealed; new Appendix A, Arizona Physicians' and*

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*Pharmaceutical Fee Schedule made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3).*

*Appendix A, Arizona Physicians' and Pharmaceutical Fee Schedule made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A will remain in effect through September 30, 2020 (Supp. 19-3).*

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**ARTICLE 1. WORKERS' COMPENSATION PRACTICE AND PROCEDURE****R20-5-101. Application of the Article; Notice of Rules; Part of Record**

- A. This Article applies to all actions and proceedings before the Commission resulting from:
1. Injuries that occurred on or after January 1, 1969;
  2. Petitions to Reopen or Petitions for Readjustment or Rearrangement of Compensation filed on or after that date; and
  3. Requests for hearing under A.R.S. §§ 23-907(H), (I), and (J).
- B. This Article is part of the record in each action or proceeding without reference to the Article.
- C. The Commission deems all parties to have knowledge of this Article.
- D. The Commission shall provide a copy of this Article upon request to any person free of charge.

**Historical Note**

Former Rule 1. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-101 recodified from R4-13-101 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 4530, effective, December 2, 2008 (Supp. 08-4).

**R20-5-102. Definitions**

In this Article, unless the context otherwise requires:

“Act” means the Arizona Workers’ Compensation Act, A.R.S. Title 23, Ch. 6, Articles 1 through 11.

“Authorized representative” means an individual authorized by law to act on behalf of a party who files with the Commission a written instrument advising of the individual’s authority to act on behalf of the party.

“Carrier” or “insurance carrier” means the state compensation fund and every insurance carrier authorized by the Arizona Department of Insurance to underwrite workers’ compensation insurance in Arizona.

“Claimant” means an employee who files a claim for workers’ compensation.

“Filing” means actual receipt of a report, document, instrument, videotape, audiotape, or other written matter at a Commission office during office hours as set forth in R20-5-103.

“Physician” means a licensed physician or other licensed practitioner of the healing arts.

“Self-insured employer” means an employer or workers’ compensation pool granted authority by the Commission to self-insure for workers’ compensation.

“Uninsured employer” or “noncomplying employer” means an employer that is subject to and fails to comply with A.R.S. §§ 23-961 or 23-962.

“Working days” means all days except Saturdays, Sundays, and state legal holidays.

**Historical Note**

Former Rule 2. R20-5-102 recodified from R4-13-102 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-103. Location of Industrial Commission Offices and Office Hours**

The main office of the Industrial Commission of Arizona is located in Phoenix, Arizona. An office is also located in Tucson, Arizona. The offices are open for business from 8:00 a.m. until 5:00 p.m. every day except Saturdays, Sundays, and state legal holidays.

**Historical Note**

Former Rule 3. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-103 recodified from R4-13-103 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-104. Address of Claimant and Uninsured Employer**

- A. A claimant shall advise the Commission and carrier or self-insured employer of the claimant’s current mailing address and place of residence. If a claimant files a workers’ compensation claim against an uninsured employer, the claimant shall advise the special fund division of the claimant’s current mailing address and place of residence.
- B. An uninsured employer against whom a claimant files a workers’ compensation claim shall advise the special fund division of the uninsured employer’s current mailing address and place or places of residence.
- C. Providing the address of a claimant’s or uninsured employer’s attorney or authorized representative is not sufficient to meet the requirements of this Section.

**Historical Note**

Former Rule 4. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-104 recodified from R4-13-104 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-105. Filing Requirements; Time for Filing; Computation of Time; Response to Motion**

- A. A report, document, instrument, videotape, audiotape, or other written matter required to be filed with the Commission under A.R.S. § 23-901 et seq. and this Article shall be filed at a Commission office within the time required by law and this Article.
- B. For purposes of computing time under this Article, the following applies:
1. The Commission shall not include in the computation of time the day of the act or event from which the designated period begins to run.
  2. The Commission shall include in the computation of time the last day of the designated period, unless the last day is a Saturday, Sunday, or state legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or state legal holiday.
  3. If this Article or other law requires that a report, document, instrument, videotape, audiotape, or other written matter be filed within a designated period of time before hearing, the Commission shall not include the day of the act or event from which the designated period of time begins to run. The Commission shall include the last day of the designated period unless that day is a Saturday, Sunday, or state legal holiday, in which event the period runs to the end of the next day that is not a Saturday, Sunday, or state legal holiday.
  4. If the period of time prescribed is less than 11 days, the Commission shall not include intermediate Saturdays, Sundays, or state legal holidays in the computation of time.

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- C. The Commission shall deem a report, document, instrument, videotape, audiotape, or other written matter filed at the Tucson office as filed at the main office for purposes of computing time.
  - D. A person upon whom a motion to join is filed under this Article may file a response to the motion within 10 days after the motion is filed.
  - E. The Commission shall not consider a discovery motion unless the moving party attaches a separate statement to the discovery motion certifying that after good faith efforts to do so, the moving party has been unable to satisfactorily resolve the matter giving rise to the discovery motion with the opposing party.
- b. Effective date of the suspension;
  - c. Reasons for the suspension;
  - d. Date the notice is mailed;
  - e. Name and telephone number of the individual issuing the notice; and
  - f. Statement of a party's hearing and appeal rights including filing requirements.
- 6. Notice of permanent disability or death benefits (form 106) shall contain:
    - a. Employee, employer, insurance carrier, and claim identification;
    - b. Applicable statutory authority under which compensation is paid;
    - c. Disability and compensation information;
    - d. Date the notice is mailed;
    - e. Name and telephone number of the individual issuing the notice; and
    - f. Statement regarding hearing and appeal rights including filing requirements.

**Historical Note**

Former Rule 5. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-105 recodified from R4-13-105 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-106. Commission Forms**

- A. The following forms shall be used when applicable:
    - 1. Employer's report of industrial injury (form 101) shall contain:
      - a. Employee, employer, and carrier identification;
      - b. Description of employment;
      - c. Description of accident and injury;
      - d. Description of medical treatment received by employee;
      - e. Employee's wage data;
      - f. Date, signature, and title of employer or the employer's representative; and
      - g. Statement doubting the validity of the claim, if the employer doubts the validity of the claim.
    - 2. The physician's portion of the worker's and physician's report of injury (form 102) shall contain:
      - a. Name and address of physician;
      - b. Information regarding preexisting conditions;
      - c. Information regarding the industrial injury, treatment, and prognosis;
      - d. Statement authorizing the attachment of a medical report that contains the information required in form 102; and
      - e. Physician's signature and date.
    - 3. Notice of supportive medical benefits (form 103) shall contain:
      - a. Employee, employer, insurance carrier, and claim identification;
      - b. Description of authorized medical benefits;
      - c. Date the notice is mailed;
      - d. Name and telephone number of the individual issuing the notice; and
      - e. Statement regarding reopening and appeal rights including filing requirements.
    - 4. Notice of claim status (form 104) shall contain:
      - a. Employee, employer, insurance carrier, and claim identification;
      - b. Status of the claim;
      - c. Date the notice is mailed;
      - d. Name and telephone number of the individual issuing the notice; and
      - e. Statement of a party's hearing and appeal rights including filing requirements.
    - 5. Notice of suspension of benefits (form 105) shall contain:
      - a. Employee, employer, insurance carrier, and claim identification;
- 7. Notice of permanent disability and request for determination of benefits (form 107) shall contain:
    - a. Employee, employer, insurance carrier, and claim identification;
    - b. Type of disability;
    - c. Applicable statutory authority for designated disability;
    - d. Designation of dependents where death is involved;
    - e. Designation of advanced payments and amount of the advance;
    - f. Date the notice is mailed; and
    - g. Name and telephone number of the individual issuing the notice.
  - 8. Carrier's recommended average monthly wage calculation (form 108) shall contain:
    - a. Employee, employer, insurance carrier, and claim identification;
    - b. Employment and wage history;
    - c. Designation of dependents; and
    - d. Carrier's calculations for the recommended average monthly wage and the basis for the calculation.
  - 9. Notice of permanent compensation payment plan (form 111) shall contain:
    - a. Employee, employer, and carrier identification;
    - b. Amount of permanent compensation and description of payment plan;
    - c. Name of the responsible entity contracted by the carrier to administer the payment plan;
    - d. Statement that the carrier remains the responsible party for payment;
    - e. Statement regarding supportive care and reopening rights;
    - f. Date the notice is mailed; and
    - g. Name and telephone number of the individual issuing the notice.
  - 10. Report of insurance coverage (form 0006) shall contain:
    - a. Name and address of the carrier;
    - b. Legal name of entity that the carrier insures;
    - c. All other insured names or subsidiary entities under which the carrier's insured does business in Arizona;
    - d. Address of all insured entities with insurance policy information for each address; and
    - e. Employer Identification Number (EIN), Taxpayer Identification Number (TIN), or Federal Identification Number (FIN) assigned to each insured person or entity.

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11. Report of significant work exposure to bodily fluids or other infectious material shall contain:
    - a. The requirements set forth in A.R.S. §§ 23-1043.02(B), 23-1043.03(B), and 23-1043.04(B);
    - b. Employee identification,
    - c. Employer identification,
    - d. Source of exposure person identification (if known),
    - e. Details of the exposure including:
      - i. Date of exposure,
      - ii. Time of exposure,
      - iii. Place of exposure,
      - iv. How exposure occurred,
      - v. Type of bodily fluid or fluids,
      - vi. Source of bodily fluid or fluids,
      - vii. Part or parts of body exposed to bodily fluid or fluids,
      - viii. Presence of break or rupture in skin or mucous membrane, and
      - ix. Witnesses (if known), and
    - f. Dated signature of employee or the employee's authorized representative.
  12. The medical treatment preauthorization form (MRO-1.1) shall contain five sections, as follows:
    - a. Section I (Provider Request for Preauthorization) shall contain:
      - i. Injured employee identification, including name, date of injury, date of birth, and payer claim number (if known);
      - ii. Provider identification, including name, phone number, provider medical specialty, preferred method of contact, and contact information;
      - iii. Payer identification, including name and contact information (i.e., mailing address, fax number, or e-mail address);
      - iv. Information regarding requested medical treatment and/or services, including:
        - (1) Applicable diagnosis and/or ICD codes;
        - (2) A detailed statement of the treatment or services requested;
        - (3) Applicable Current Procedural Terminology (CPT) codes and/or National Drug Codes (NDC);
        - (4) Type of request (i.e., routine or urgent); and
        - (5) An indication as to whether the provider has attached documentation to support the medical necessity and appropriateness of the requested treatment and/or services; and
      - v. Dated signature or electronic signature of provider or provider's authorized representative.
    - b. Section II (Payer Decision on Request for Preauthorization) shall contain:
      - i. Payer's preferred method of contact and contact information;
      - ii. Date request for preauthorization is received;
      - iii. The Commission claim number;
      - iv. The payer's decision (i.e., approved, partial denial, denied, request for preauthorization incomplete, or IME requested);
      - v. An indication as to whether the payer has attached a statement of what treatment and/or services have been authorized, including, if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer's decision; and
    - c. Section III (Provider or Employee Request for Reconsideration of Payer Decision) shall contain:
      - i. An indication as to whether the provider or injured employee has attached a statement of the specific reasons and justifications to support the request for reconsideration;
      - ii. An indication as to whether the provider or injured employee has attached documentation to support the medical necessity and appropriateness of the requested treatment and/or services, if not previously provided; and
      - iii. Dated signature or electronic signature of provider, provider's authorized representative, injured employee, or injured employee's authorized representative.
    - d. Section IV (Payer Decision on Request for Reconsideration) shall contain:
      - i. Date request for reconsideration received;
      - ii. The payer's decision (e.g., approved, partial denial, denied, or IME requested);
      - iii. An indication as to whether the payer has attached a statement of what has been authorized, including if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer's decision; and
      - iv. Dated signature or electronic signature of payer or payer's authorized representative.
    - e. Section V (Provider or Employee Request for Administrative Peer Review) shall contain:
      - i. An indication of the basis for the request for administrative peer review (e.g., payer non-response, denial (in whole or in part) of requested treatment or services, the payer's decision on the request for preauthorization denied treatment or services that are subject to R20-5-1304(B));
      - ii. An indication as to whether the provider or injured employee has attached copies of relevant medical records and, if applicable, documentation related to the payer's non-response;
      - iii. An indication as to whether the provider or injured employee has attached all documentation and statements previously attached to Sections I-IV; and
      - iv. Dated signature or electronic signature of provider, provider's authorized representative, injured employee, or injured employee's authorized representative.
- B.** The following forms may be used:
1. The workers' portion of the worker's and physician's report of injury (form 102) requests:
    - a. Employee, employer, insurance carrier, and physician identification;
    - b. Description of the accident, including date of injury; and
    - c. Date and signature of the employee or the employee's authorized representative.
  2. Worker's report of injury (form 407) requests:



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- a. Employee and employer identification,
  - b. Job title,
  - c. Employment description,
  - d. Employee's wage data,
  - e. Date of injury,
  - f. Accident and injury descriptions,
  - g. Medical treatment information,
  - h. Information concerning prior injuries of the employee,
  - i. Disability income, and
  - j. Date and signature of the employee or the employee's authorized representative.
3. Worker's annual report of income (form 110-A) requests:
- a. Employee, employer, insurance carrier, and claim identification;
  - b. Employment and wage history for the preceding 12 months;
  - c. Date and signature of the employee or the employee's authorized representative attesting to the truthfulness of the employment and wage information; and
  - d. Statement that failure to submit an annual report of income may result in a suspension of benefits by the carrier or self-insured employer.
4. Notice of intent to suspend (form 110-B) requests:
- a. Employee, employer, insurance carrier, and claim identification;
  - b. Employment and wage history for the preceding 12 months;
  - c. Date and signature of the employee or the employee's authorized representative attesting to the truthfulness of the employment and wage information;
  - d. Statement that failure to submit an annual report within 30 days of the date of the notice shall result in a suspension of benefits by the carrier or self-insured employer.
5. Request for hearing requests:
- a. Names of the employee, employer, and insurance carrier;
  - b. Claim identification;
  - c. Identification of the award, notice, order, or determination protested and reason(s) for the protest;
  - d. Estimated length of time for hearing and city or town in which hearing is requested;
  - e. Name and address of any witness for whom a subpoena is requested; and
  - f. Date and signature of party or the party's authorized representative.
6. Petition to reopen requests:
- a. Names of the employee, employer, and insurance carrier;
  - b. Claim identification;
  - c. Identification or description of the new, additional, or previously undiscovered temporary or permanent disability or medical condition justifying the reopening of the claim; and
  - d. Employee's medical and employment history.
7. Petition for rearrangement or readjustment of compensation requests:
- a. Names of the employee, employer, and insurance carrier;
  - b. Claim identification;
  - c. Income and employment history;
  - d. Medical history; and
  - e. Statement of the basis for the increase or decrease in earning capacity.
8. Claim for dependent's benefits-fatality form requests:
- a. Identification of dependent filing claim;
  - b. Identification of deceased;
  - c. Date of death;
  - d. Date of injury, if different than date of death;
  - e. Name and address of employer at time of deceased's death;
  - f. Statement of cause of death;
  - g. Names and addresses of health care providers rendering treatment to deceased in two years before death;
  - h. Conditions treated by health care providers in the two years before deceased's death;
  - i. If claim is for spousal benefits, the form requests:
    - i. Name, address, and date of birth of spouse;
    - ii. Copy of marriage certificate;
    - iii. Date and place of marriage to deceased;
    - iv. History of prior marriages of deceased and deceased's spouse, including copies of divorce decrees; and
    - v. Statement of living arrangements at time of deceased's death, including reason for living apart at time of death, if applicable;
  - j. If claim is for a dependent child, the form requests:
    - i. Name, date of birth, and address of child at time of deceased's death;
    - ii. List of children in care and custody of current spouse; and
    - iii. Statement of whether unborn child is expected and date expected;
  - k. If claim is for dependent other than a child, the form requests:
    - i. Name and address of other dependent,
    - ii. Relationship of other dependent to deceased, and
    - iii. Statement of the nature and extent of dependency; and
  - l. Date, telephone number, and signature of dependent or authorized representative of dependent.
9. Request to leave the state form requests:
- a. Employee, insurance carrier, and claim identification;
  - b. Reason for requesting to leave Arizona;
  - c. Dates leaving and returning to Arizona;
  - d. Out-of-state address;
  - e. Name and telephone number of attending physician; and
  - f. Date and signature of the employee or the employee's authorized representative.
10. Request to change doctors form requests:
- a. Employee, insurance carrier, and claim identification;
  - b. Reason for requesting change of doctor;
  - c. Name and phone number of claimant's current doctor;
  - d. Name and phone number of doctor claimant requests to change to; and
  - e. Date and signature of the employee or the employee's authorized representative.
11. Complaint of bad faith and unfair claim processing practices requests:
- a. Employee, employer, and insurance carrier identification;

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- b. Description of the alleged bad faith or unfair claim processing practices;
  - c. Date of the complaint; and
  - d. Name, address, and telephone number of the person signing the complaint.
- 12. Certification of employer's drug and alcohol testing policy requests:
  - a. Employer's certification as described under A.R.S. § 23-1021(F),
  - b. Name and federal identification number of the employer, and
  - c. Name of all subsidiaries and locations of the employer.
- C. Optional use of a form described in subsection (B) does not affect any requirement under the Act or this Article.
- D. Forms or format for the forms described in this Section are available from the Commission.
- E. Forms prescribed under this Section shall not be changed, amended, or otherwise altered without the prior written approval of the Commission.

**Historical Note**

Former Rule 6. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-106 recodified from R4-13-106 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Amended by final rulemaking at 15 A.A.R. 991, effective June 2, 2009 (Supp. 09-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-107. Manner of Completion of Forms and Documents**

- A. An individual completing a form or document shall fill out the form or document legibly in ink or by typewriter.
- B. A party or a party's authorized representative shall sign any form or document that is required by the Act, this Article, or other law to be signed.
- C. Unless otherwise provided in this Article, if a party is required to sign a form or document, the Commission shall not accept a typewritten name or stamped signature.
- D. If, within the time period prescribed by law, a party files an incomplete form or document, or files an instrument other than a form or document when a form or document is required, the Commission shall serve notice to the party that the form or document fails to comply with this Section. The Commission deems the report or document timely filed if the party files a properly completed and signed form or document within 14 days after the Commission serves the notice described in this subsection.

**Historical Note**

Former Rule 7. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-107 recodified from R4-13-107 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-108. Confidentiality of a Commission Claims File; Reproduction and Inspection of a Commission Claims File**

- A. Except as provided in this Section, a claims file maintained by the Commission is private and confidential and the Commission shall not make the claims file available for inspection and copying. For purposes of this Section, "claims file" means the official record maintained by the Commission for a claimant's industrial injury including the worker's report of injury, employer's report of injury, worker and physician's report of

injury, and all other reports, records, instruments, videotapes, audiotapes, transcripts, and other matters scanned or otherwise placed into the file.

- B. Except as provided in subsections (D) and (E), the Commission shall make a Commission claims file relating to a current or prior claim of a claimant available for inspection and copying by any party to any proceeding currently or previously before the Commission involving the same claimant.
- C. Except as provided in subsections (D) and (E), the Commission shall not make a Commission claims file available to a non-party for inspection and copying unless the Commission receives a court order or written authorization signed by the affected claimant or the affected claimant's authorized representative.
- D. The Commission shall make a transcript contained in a Commission claims file available for inspection and copying if:
  - 1. The person requesting to inspect and copy the transcript is a person authorized under subsections (B) or (C); and
  - 2. The transcript concerns a hearing related to a claim that is not in litigation.
- E. The Commission shall make a transcript contained in a Commission claims file available only for inspection if:
  - 1. The person requesting to inspect and copy the transcript is a person authorized under subsections (B) or (C); and
  - 2. The transcript concerns a hearing related to a claim currently in litigation.
- F. The Commission shall provide copies at a charge of \$.25 per page.
- G. A Commission claims file shall not be removed from a Commission office unless in the custody of an authorized representative of the Commission.

**Historical Note**

Former Rule 8. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-108 recodified from R4-13-108 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-109. Admission into Evidence of Documents Contained in a Commission Claims File**

- A. If a party or an administrative law judge considers a document contained in a Commission claims file, including a transcript of a prior proceeding, necessary or appropriate for hearing purposes, the administrative law judge shall receive a copy of the document into evidence if the document is otherwise admissible.
- B. With the permission of the administrative law judge, instead of submitting a copy of the document into evidence, a party may refer to the document's location on the Commission's optical disk imaging system by providing an accurate description of the document that includes the claimant's claim number and image document identification number the Commission assigns to the document.

**Historical Note**

Former Rule 9. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-109 recodified from R4-13-109 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-110. Employer Duty to Report Fatality**

If an employee dies as a result of an injury by accident arising out of and in the course of employment, the employer shall report the death to the Commission's claims division by telephone, telegram,

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or electronic filing, no later than the next business day following the death. The report shall state the name of the employee, when, how, and where the accident occurred, and the nature of the condition causing the accident. This Section does not limit or affect an employer's duty to report a death to the Arizona Occupational Safety and Health Division of the Commission as required under R20-5-637.

**Historical Note**

Former Rule 10. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-110 recodified from R4-13-110 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-111. Request for Autopsy**

If a claim is filed for compensation for death from an industrial injury and an autopsy is requested, the expense of the autopsy shall be borne by the requesting party.

**Historical Note**

Former Rule 11. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-111 recodified from R4-13-111 (Supp. 95-1).

**R20-5-112. Physician's Initial Report of Injury**

- A. A physician shall complete and file with the Commission a physician's initial report of injury under A.R.S. § 23-908(A) within eight days after first providing treatment to an injured worker. The physician shall report the injury:
  1. Using Commission form 102 (worker's and physician's report of injury), or
  2. Attaching to form 102 a medical report that contains the information required in form 102.
- B. The physician shall sign and date form 102 or the medical report attached to form 102. The signature of the physician may be typewritten or stamped on this form.
- C. If a claimant uses form 102 to initiate a claim, either the injured worker or the injured worker's authorized representative shall sign the worker's portion of form 102.

**Historical Note**

Former Rule 12. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-112 recodified from R4-13-112 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-113. Physician's Duty to Provide Signed Reports; Rating of Impairment of Function; Restriction Against Interruption or Suspension of Benefits; Change of Physician**

- A. If a claimant's disability extends beyond seven days, every physician who attends, treats, or examines the claimant shall provide to the insurance carrier, self-insured employer, or special fund division, at least once every 30 days while the claimant's disability continues, a personally signed report describing the:
  1. Claimant's condition,
  2. Nature of treatment,
  3. Expected duration of disability, and
  4. Claimant's prognosis.
- B. When a physician discharges a claimant from treatment, the physician:
  1. Shall determine whether the claimant has sustained any impairment of function resulting from the industrial injury. The physician should rate the percentage of impairment using the standards for the evaluation of per-

manent impairment as published by the most recent edition of the American Medical Association in Guides to the Evaluation of Permanent Impairment, if applicable; and

2. Shall provide a final signed report to the insurance carrier, self-insured employer, or special fund division that details the rating of impairment and the clinical findings that support the rating.
- C. A carrier, self-insured employer, and special fund division shall not interrupt or suspend a claimant's temporary disability compensation benefits because a physician fails to comply with any requirement of subsection (A).
- D. A carrier, self-insured employer, and special fund division may withhold payment to a physician for services rendered to a claimant until the physician complies with subsection (A).
- E. Upon application of a party, the Commission shall authorize a change of physician if:
  1. The Commission determines that the health, life, or recovery of a claimant is retarded, endangered, or impaired;
  2. The attending physician agrees to the change or is unavailable to continue treatment;
  3. The Commission determines that the relationship between the attending physician and claimant renders further progress or improvement unlikely;
  4. The Commission determines that the claimant's recovery may be expedited by a change of physician or conditions of treatment; or
  5. The insurance carrier agrees to the change.
- F. Except as provided in A.R.S. § 23-1070 and this subsection, a claimant who is examined by a physician under A.R.S. § 23-908(E) is not required to obtain written authorization to change to another physician. If, however, the claimant continues to see, or treat with, a physician who the claimant initially saw or treated with under A.R.S. § 23-908(E), then that physician is an attending physician and the claimant shall obtain written authorization to change under A.R.S. § 23-1071(B) if the claimant seeks to change to another physician.

**Historical Note**

Former Rule 13. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-113 recodified from R4-13-113 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-114. Examination at Request of Commission, Carrier or Employer; Motion for Relief**

- A. If the Commission or a party requests an examination of a claimant by a physician, the party requesting the examination shall serve the claimant, or if represented, the claimant's attorney, with notice of the time, date, place, and physician conducting the examination at least 15 days before the scheduled date of the examination.
- B. If a claimant unreasonably fails to attend or promptly advise of the claimant's inability to attend an examination under this Section, the party requesting the examination may charge the claimant or deduct from the claimant's entitlement to present or future temporary or permanent disability compensation, any reasonable expense of the missed appointment.
- C. A party adverse to a party who schedules a medical examination may offer into evidence the report of any medical examination as provided in R20-5-155 or within five days after the adverse party receives the report, subject to the right of cross-examination by the party who scheduled the examination.

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- D. If a carrier, self-insured employer, or special fund division requests an examination of a claimant's mental or physical condition under A.R.S. § 23-1026, the carrier, self-insured employer, or special fund division shall immediately, upon receipt of the report of the examination, provide a copy of the report to the claimant or the claimant's authorized representative. If the mental condition of an unrepresented claimant is examined under A.R.S. § 23-1026, the carrier, self-insured employer, or special fund division may, in its discretion, provide the report to the claimant's treating physician rather than to the claimant.
- E. To protect a claimant from annoyance, embarrassment, oppression, or undue burden or expense, the Commission may order, upon good cause shown, one or both of the following:
1. That the examination not be held; or
  2. That the examination may be conducted only on specified terms and conditions, including a designation of the time, place, and examining physician.
- F. A claimant requesting protection under subsection (E) shall file a motion with the presiding administrative law judge or chief administrative law judge if a judge has not been assigned to the case, within three days after the claimant receives notice of the examination. The claimant shall serve a copy of the motion on all parties. The party requesting the examination shall have three days after receiving the motion to file a response. The party shall serve the response on the claimant or, if represented, the claimant's attorney of record.

**Historical Note**

Former Rule 14. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-114 recodified from R4-13-114 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-115. Request to Leave the State**

- A. The effective date of an order granting or denying a request to leave the state under A.R.S. § 23-1071(A) is the date a claimant files a request to leave the state with the Commission.
- B. For purposes of A.R.S. § 23-1071(A):
1. "While the necessity of having medical treatment continues" means the period of time in which a claimant asserts an entitlement to temporary compensation, or active medical, surgical, or hospital benefits;
  2. "Leave the state" means to travel across the state border, except when the logical or nearest medical facility is situated across the state border; and
  3. "From the date the employee first requested the written approval" means from the date the claimant's request is filed with the Commission.

**Historical Note**

Former Rule 15. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-115 recodified from R4-13-115 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-116. Payment of Claimant's Travel Expenses When Directed to Report for Medical Examination or Treatment**

- A. If a claimant is directed by a carrier, self-insured employer, or special fund division to report for a medical examination or treatment in a locality other than either the claimant's current place of residence or employment, the carrier, self-insured employer, or special fund division shall pay, in advance, the claimant's travel expenses from either the claimant's current

place of residence or employment, whichever route of travel is required.

- B. For purposes of this Section, "travel expenses" means those expenses required to be paid under A.R.S. § 23-1026.
- C. The carrier, self-insured employer, or special fund division shall calculate travel expenses using the current rates applicable to state employees.

**Historical Note**

Former Rule 16. Amended subsections (A) and (B) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Correction to subsection (A) as certified effective March 1, 1987 (Supp. 88-4). R20-5-116 recodified from R4-13-116 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-117. Medical, Surgical, Hospital, and Burial Expenses**

- A. A carrier, self-insured employer, or special fund division, shall pay bills for medical, surgical, and hospital benefits provided under A.R.S. § 23-901 et seq. according to applicable medical and surgical fee schedules adopted by the Commission and in effect at the time the services are rendered. A physician or provider of nursing, hospital, drug or other medical services shall itemize and submit a bill for payment only to the responsible carrier, self-insured employer, or special fund division.
- B. A claimant shall not be responsible to pay any disputed amounts between the medical provider and the carrier, self-insured employer, or special fund division.
- C. If a claimant pays a bill described in subsection (A), the responsible carrier, self-insured employer, or special fund division shall reimburse the claimant the amount allowed by the fee schedules, provided that the claimant presents receipted vouchers or other proof of payment to support the claim for reimbursement.
- D. If an insured employer pays a bill described in subsection (A), the responsible carrier or self-insured employer shall reimburse the employer the amount allowed by the fee schedules, provided that the employer presents receipted vouchers or other proof of payment to support the claim for reimbursement.
- E. An insurance carrier, self-insured employer, or special fund division may pay any authorized burial expenses directly to the funeral service professional.
- F. If an employee's dependent pays burial expenses, the responsible carrier, self-insured employer, or special fund division shall reimburse the dependent the amount authorized by A.R.S. § 23-1046 provided that the dependent presents proof of payment to support the claim for reimbursement.
- G. If an insured employer pays burial expenses, the responsible carrier or self-insured employer shall reimburse the employer to the extent authorized by A.R.S. § 23-1046 provided that the employer presents proof of payment to support the claim for reimbursement.

**Historical Note**

Former Rule 17. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-117 recodified from R4-13-117 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-118. Effective Date of Notices of Claim Status and Other Determinations; Attachments to Notices of Claim Status; Form of Notices of Claim Status**

- A. If a notice of claim status accepting a claim for benefits is final, any subsequent notice of claim status that changes a

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claimant's amount of, or entitlement to, compensation or medical, surgical, or hospital benefits shall not have a retroactive effect for more than 30 days from the date a carrier or self-insured employer issues the subsequent notice of claim status. This subsection does not apply to a subsequent notice that affects the entitlement to or amount of death benefits. The Commission may for good cause relieve a carrier or self-insured employer of the effect of this subsection.

- B.** If a notice of claim status or other determination issued by a carrier, self-insured employer, or special fund division, is based upon a physician's report:
1. The carrier or self-insured employer shall attach a copy of the physician's complete report to the notice of claim status or other determination sent to the Commission; and
  2. The carrier, self-insured employer, or special fund division shall attach a copy of the physician's complete report to the notice of claim status or other determination served on a party, except as provided in R20-5-114(D).
- C.** If a carrier, self-insured employer, or special fund division pays compensation to a claimant:
1. The carrier or self-insured employer shall close the claim by issuing a notice of claim status; and
  2. The special fund division shall close the claim by issuing a notice of determination.
- D.** The inadvertent failure of a carrier, self-insured employer, or special fund division to comply with subsection (B) shall not affect the validity of a notice or determination if the carrier, self-insured employer, or special fund division issuing the notice or determination had in its possession at the time the notice or determination is issued a medical report consistent with the notice or determination.

**Historical Note**

Former Rule 18. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-118 recodified from R4-13-118 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-119. Notice of Third-party Settlement**

- A.** Except as otherwise provided by law, if an employer is insured for workers' compensation insurance and a claimant, or in the event of death, the claimant's dependent, elects to proceed against a third party, the claimant shall notify the appropriate workers' compensation carrier, or self-insured employer, of any settlement or judgment in the third party suit and the basis upon which the claimant and third party agree to disburse the proceeds of the settlement or judgment.
- B.** If an employer is uninsured for workers' compensation insurance and a claimant, or in the event of death, the claimant's dependent, elects to proceed against a third party, the claimant shall notify the special fund division of any settlement or judgment in the third party suit and the basis upon which the claimant and third party agree to disburse the proceeds of the settlement or judgment.
- C.** If a lawsuit is filed against a third party, the claimant or the claimant's attorney shall provide copies of pleadings and all offers of settlement to the workers' compensation carrier, self-insured employer, or special fund division to whom notice is required under subsections (A) and (B).

**Historical Note**

Former Rule 19. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-119 recodified from R4-13-119 (Supp. 95-1). Amended by final

rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-120. Settlement Agreements, Compromises and Releases**

- A.** No settlement agreement, compromise, or waiver of rights of a workers' compensation claim, will be valid unless approved by the Commission.
- B.** The acceptance of any payments or the signing of a settlement agreement, compromise, release or waiver of rights, unless approved by the Commission, shall not release the employer or his insurance carrier from any obligation imposed by the Workers' Compensation Law.
- C.** The carrier or employer shall not be entitled to a credit for any sums paid to an employee under a settlement agreement which has not been approved by the Commission.

**Historical Note**

Former Rule 20. Amended subsections (A) and (B) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1).

R20-5-120 recodified from R4-13-120 (Supp. 95-1).

**R20-5-121. Present Value and Basis of Calculation of Lump Sum Commutation Awards**

- A.** The Commission shall calculate the present value of an award that is commuted to a lump sum under R20-5-122. The Commission shall not include in the present value calculation compensation paid before the filing of a lump sum commutation petition. The Commission shall use the filing date of a lump sum commutation petition to compute the present value of an award.
- B.** The Commission shall calculate the present value of an award at least annually, whether payable for a period of months or based upon the life of the employee, using the United States Life Tables, 2003, National Vital Statistics Reports, Vol. 54, Number 14, April 19, 2006, revised March 28, 2007, Table 1 incorporated by reference, and discounted at the rate established by the Commission. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Commission and may be obtained from the U.S. Department of Health and Human Services, Centers for Disease Control. The rate established by the Commission is based on the following formula: The mean average of the three-month Treasury Bill rate on December 31 of each of the five years prior to July 1 of the current year. The rate, once calculated, is effective until the Commission calculates a new rate under this subsection. The discount rate is published in the minutes of the Commission meeting establishing the rate and is available upon request from the Commission.

**Historical Note**

Former Rule 21. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-121 recodified from R4-13-121 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Amended by final rulemaking at 10 A.A.R. 724, effective February 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 2973, effective July 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 4139, effective November 6, 2007 (Supp. 07-4).

**R20-5-122. Lump Sum Commutation**

- A.** A petition for a lump sum commutation in an unscheduled case shall not be approved unless the carrier approves of such petition.

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- B.** If the lump sum commutation petition is approved by the carrier, the Commission's primary consideration in passing upon the petition will be whether more net income per month will be generated after receipt of the lump sum than the applicant is presently receiving. The granting of a lump sum petition will only be granted if the facts demonstrate a reasonable basis for financial betterment or rehabilitation of the claimant.
- C.** The burden of proving that the commutation of compensation satisfies the criteria in (B) is on the applicant.

**Historical Note**

Former Rule 22. Amended subsections (A) and (B) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1).  
R20-5-122 recodified from R4-13-122 (Supp. 95-1).

**R20-5-123. Rejection of the Act**

If an employee serves upon an employer written notice under A.R.S. § 23-906, rejecting the provisions of the Act, the employer shall keep one copy of the rejection in the employer's business records.

**Historical Note**

Former Rule 23. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-123 recodified from R4-13-123 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-124. Rejection Not Applicable to New Employment**

- A.** An election by an employee to reject the Act is not binding upon the employee in a new employment by another employer or following re-employment by the same employer.
- B.** If an employee is continuously employed and the employer changes workers' compensation insurance carriers, or form of doing business, the prior rejection is valid and remains in full force and effect.

**Historical Note**

Former Rule 24. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-124 recodified from R4-13-124 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-125. Rejection Before an Employer Complies with A.R.S. §§ 23-961(A) and 23-906(D)**

An employee's rejection of the Act received by an employer before the employer complies with the requirements of A.R.S. §§ 23-961(A) or 23-906(D) is valid and continues in full force and effect whether the employer subsequently obtains workers' compensation coverage under A.R.S. § 23-961(A), posts the notice required under A.R.S. § 23-906(D), or makes available the forms required under A.R.S. § 23-906(D).

**Historical Note**

Former Rule 25. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-125 recodified from R4-13-125 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-126. Revocation of Rejection**

- A.** An employee who rejects the Act may revoke that rejection by serving upon the employee's employer an original and one copy of a written notice of revocation. The written revocation shall state that the employee revokes the employee's prior rejection of the Act.
- B.** Within five days after receiving a written notice of revocation, an insured employer shall file with the employer's carrier, or

workers' compensation pool, a copy of the notice of revocation. The employee has all rights to compensation and benefits provided by the Act for any injury that occurs after the employee serves the revocation notice upon the employer.

**Historical Note**

Former Rule 26. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-126 recodified from R4-13-126 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-127. Insurance Carrier Notification to Commission of Coverage**

- A.** Every insurance carrier authorized to underwrite workers' compensation insurance in Arizona shall, within five days after undertaking to insure an employer, report that information to the Commission. The carrier shall provide the information on or in the same format as Commission form 0006. Form 0006 is available upon request from the Commission.
- B.** Failure to comply with this Section does not affect the validity of coverage.

**Historical Note**

Former Rule 27. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-127 recodified from R4-13-127 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-128. Medical Information Reproduction Cost Limitation; Definition of Medical Information**

- A.** A health care provider shall not charge more than \$.25 per page plus \$10 per hour in associated clerical costs for reproduction of medical information when a party, an authorized representative of a party, or an entity that is authorized by a claimant in a workers' compensation matter makes a request for that information under A.R.S. § 23-908(C).
- B.** This Section applies to all A.R.S. § 23-908(B) health care providers providing medical services to injured claimants including health care providers that contract with copying services, recordkeeping services, or other similar services for the reproduction of medical information. For purposes of this Section, fees for reproduction of medical information charged by these services are considered the same as if the reproduction fees are charged by a health care provider.
- C.** For purposes of this Section, "medical information" means:
1. A communication recorded in any form or medium and maintained for the purpose of patient care, diagnosis, or treatment, including a report, note, order, test result, photograph, videotape, X-ray, and billing record;
  2. A report of an independent medical examination that describes patient care or treatment;
  3. A psychological record;
  4. A medical record held by a health care provider including a medical record prepared by another provider; and
  5. A recorded communication between emergency medical personnel and medical personnel concerning the care or treatment of a person.
- D.** For purposes of this Section, "medical information" does not include:
1. Materials that are prepared in connection with utilization review, peer review, or quality assurance activities, including records that a health care provider prepares under A.R.S. §§ 36-441, 36-445 or 36-2402; and

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2. Recorded telephone and radio calls to and from a publicly operated emergency dispatch office relating to requests for emergency services or reports of suspected criminal activity.

**Historical Note**

Former Rule 28. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-128 recodified from R4-13-128 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-129. Carrier or Workers' Compensation Pool Determinations Binding upon its Insured or Member; Self-Rater Exception**

- A. The Commission deems an insurance carrier or workers' compensation pool the agent of an employer insured by the carrier or workers' compensation pool.
- B. The Commission also deems any action or determination taken or made by the insurance carrier or workers' compensation pool binding upon the employer. The employer may not protest or petition the Commission for relief concerning an action or determination taken by the employer's insurance carrier or workers' compensation pool unless the employer notifies the carrier or workers' compensation pool, and the Commission in writing that the employer disagrees with the carrier's or worker's compensation pool's action or determination within the time described in A.R.S. § 23-947.
- C. This Section does not apply to employers insured under a Self-Rating Insurance Plan.

**Historical Note**

Former Rule 29. Amended subsection (A) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-129 recodified from R4-13-129 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-130. Claims Office Location and Function; Requirements of Maintaining an Out-of-State Claims Office**

- A. Except as provided in subsection (B), each carrier that has or is underwriting workers' compensation insurance in Arizona, and each employer and workers' compensation pool that has been granted authority to act as a self-insurer by the Commission, shall maintain a workers' compensation claims office in Arizona. A carrier, self-insured employer, and self-insured workers' compensation pool shall process and pay workers' compensation claims and maintain the workers' compensation claims files described in R20-5-131 in its Arizona office. A carrier, self-insured employer, and self-insured workers' compensation pool shall notify the claims division of the Commission of the address of the Arizona claims office.
- B. Except as provided in subsections (C) and (D), a carrier or self-insured employer may request authorization from the Commission to maintain an out-of-state claims office. The Commission shall grant a carrier or self-insured employer authorization to maintain an out-of-state claims office no later than 20 days after the carrier or self-insured employer provides satisfactory evidence of the following:
  1. Existence of a toll-free telephone line to the out-of-state claims office;
  2. Completion of Commission claims division's training by the individuals responsible for claims processing at the out-of-state office; and
  3. Designation of a financial institution located in Arizona that will cash on demand checks issued by the out-of-state claims office.

- C. The Commission shall not permit a self-insured workers' compensation pool to maintain a claims office out-of-state.
- D. The Commission shall rescind its authorization to maintain an out-of-state claims office if a carrier or self-insured employer no longer meets the requirements of subsection (B) or fails to process and pay claims as required under the Act and this Article.
- E. A carrier or self-insured employer maintaining an out-of-state claims office shall print the carrier's or self-insured employer's toll-free telephone number to the out-of-state claims office on all notices of claim status or other determinations issued by the out-of-state claims office. Failure to print the toll-free telephone number on a notice or other determination as required by this subsection does not affect the validity of the notice or determination.
- F. For claims processing purposes, a carrier, self-insured employer, or self-insured workers' compensation pool may have more than one designated representative provided the carrier, self-insured employer, or self-insured workers' compensation pool:
  1. Notifies the Commission at the time an insurance policy is issued or authorization to self-insure is granted; and
  2. Notifies the Commission each time that the insurance policy or authorization to self-insure is renewed.

**Historical Note**

Former Rule 30. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-130 recodified from R4-13-130 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-131. Maintenance of Carrier and Self-insured Employer Claims Files; Contents; Inspection and Copying; Exchange of Medical Reports; Authorization to Obtain Medical Records**

- A. A carrier and self-insured employer shall maintain a workers' compensation claims file for each claimant. A carrier and self-insured employer shall include in a workers' compensation claims file all employer's reports, medical and hospital reports, awards, orders, notices of claims status, wage data, and all other items affecting the claim required by law to be maintained by a carrier or self-insured employer.
- B. Subject to subsection (C), all parties, authorized representatives of parties, and authorized representatives of the Commission may inspect and copy items contained in a carrier's or self-insured employer's claims file within five days from the date the item is filed in the claims file.
- C. If a carrier or self-insured employer maintains a claims file at an out-of-state claims office, the carrier or self-insured employer shall make the claims file available for copying and inspection to the persons listed in subsection (B) within 10 days after receiving a request for the file at a location in Arizona designated by the carrier or self-insured employer.
- D. A carrier or self-insured employer shall furnish copies of a claims file within 10 days after receiving a request from any party, authorized representative of a party, and authorized representative of the Commission at a charge not to exceed \$.25 per page. A carrier or self-insured employer may require prepayment of the copying charges if the requester or authorized representative has an account with the carrier or self-insured employer that is more than 30 days overdue.
- E. A carrier or self-insured employer is not required to maintain in a claims file, or produce for inspection and copying:
  1. Documents or matters representing the work product of the carrier or self-insured employer;

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- 2. Documents or matters representing the work product of a carrier's or self-insured's attorney; or
- 3. Investigation and rehabilitation reports.
- F. All medical records concerning a claimant's mental or physical condition that are in a party's possession shall be furnished, upon request, to another party in the same Commission proceeding.
- G. Within 10 days of a request, a claimant shall provide to a party in a Commission proceeding involving the claimant, a release of information authorizing any attending, treating, or examining physician to provide records described in A.R.S. § 23-908(C).

**Historical Note**

Former Rule 31. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-131 recodified from R4-13-131 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-132. Parties' Notice to Commission of Intention to Impose Liability upon A.R.S. § 23-1065 Special Fund**

If the notices required by A.R.S. § 23-1065 are not given to the Commission, the Commission shall not be bound by the testimony and evidence presented at a hearing as it relates to the imposition of liability upon the special fund.

**Historical Note**

Former Rule 32. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-132 recodified from R4-13-132 (Supp. 95-1).

**R20-5-133. Claimant's Petition to Reopen Claim**

- A. A petition to reopen filed with the Commission under A.R.S. § 23-1061(H) shall be in writing, signed, and dated by the claimant or the claimant's authorized representative. A petition to reopen form is available from the Commission upon request.
- B. A claimant shall provide to the Commission a copy of a medical report supporting the disability or condition justifying the reopening of the claim.
- C. If the Commission does not receive the medical report described in subsection (B) within 14 days of receipt of a petition to reopen, the Commission shall notify all parties, in writing, that it has received a petition to reopen without the required medical report. A carrier or self-insured employer is not required to act on a petition to reopen that is received without the required medical report.
- D. If the Commission receives a medical report in support of a petition to reopen and a claimant does not file a petition to reopen within 14 days of receipt of the medical report, the Commission shall forward the medical report to the carrier or self-insured employer for information purposes only. A carrier or self-insured employer is not required to take any action upon receipt of the medical report.
- E. If the Commission receives a medical report in support of a petition to reopen from an out-of-state physician and a party objects to the report at least 20 days before a scheduled hearing, the Commission shall not consider the report or place the report in evidence unless the party submitting the report produces the author of the report for cross-examination either at the hearing or at a deposition. The party submitting into evidence the medical report prepared by an out-of-state physician shall pay the expenses of a deposition under this subsection.

**Historical Note**

Former Rule 33. Amended subsections (A), (C), (D) and (E) effective March 1, 1987, filed February 26, 1987

(Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-133 recodified from R4-13-133 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-134. Petition for Rearrangement or Readjustment of Compensation Based Upon Increase or Reduction of Earning Capacity**

- A. A petition for rearrangement or readjustment of compensation filed with the Commission under A.R.S. § 23-1044(F) shall be in writing. A form is available from the Commission upon request.
- B. A party or a party's authorized representative shall sign a petition for rearrangement or readjustment and include in the petition:
  - 1. A statement of the basis upon which the rearrangement or readjustment of compensation is sought, and
  - 2. Documentation in support of the petition.
- C. The petition shall be signed by the employee or the employee's authorized representative, the employer, or, in the case of an insurance carrier, by its authorized representative, and shall include a statement of the basis upon which the rearrangement of compensation is sought accompanied by supportive documentary evidence.
- D. If a self-insured employer, carrier, special fund division, or uninsured employer requests a hearing protesting the Commission's determination under A.R.S. § 23-1044(F) and the claimant resides outside of Arizona, the Commission may order the self-insured employer, carrier, special fund division, or uninsured employer to pay the claimant's transportation and living expenses to attend any scheduled hearing.

**Historical Note**

Former Rule 34. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-134 recodified from R4-13-134 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-135. Requests for Hearing; Form**

- A. Any interested party or the party's authorized representative, except as otherwise provided by law or this Article, may request a hearing on a claim. A request for hearing shall be in writing.
- B. A Request for Hearing form is available upon request from the Commission and requests the following:
  - 1. Employee, employer, insurance carrier, authorized representative, and claim identification;
  - 2. Issue upon which the request for hearing is filed;
  - 3. Requests for subpoenas of witnesses;
  - 4. Desired location and length of time for the hearing;
  - 5. Signature and address of requesting party.

**Historical Note**

Former Rule 35. Amended subsections (A) and (B) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). Amended effective August 28, 1992 (Supp. 92-3). R20-5-135 recodified from R4-13-135 (Supp. 95-1).

**R20-5-136. Expired****Historical Note**

Former Rule 36. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-136 recodified from R4-13-136 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Section expired under



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A.R.S. § 41-1056(J) at 22 A.A.R. 3475, effective November 8, 2016 (Supp. 16-4).

**R20-5-137. Service of a Request for Hearing**

A party filing a request for hearing shall serve a copy of the party's request for hearing upon all other parties at the same time that the party files the request for hearing with the Commission. The failure to serve a copy of a request for hearing upon other parties does not affect the validity of the hearing request.

**Historical Note**

Former Rule 37. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-137 recodified from R4-13-137 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-138. Hearing Calendar and Assignment to Administrative Law Judge; Notification of Hearing**

- A. The chief administrative law judge shall maintain a hearing calendar. The chief administrative law judge shall ensure that a request for hearing filed in accordance with this Article is:
  1. Placed on the hearing calendar, and
  2. Assigned to an administrative law judge who is designated as the presiding administrative law judge.
- B. A presiding administrative law judge may hold a hearing at an earlier date than required under A.R.S. § 23-941(D), if all parties to the proceeding agree.

**Historical Note**

Former Rule 38. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-138 recodified from R4-13-138 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-139. Administrative Resolution of Issues by Stipulation Before Filing a Request for Hearing**

- A. At any time before the filing of a request for hearing, parties may resolve issues by written stipulation. The parties shall file the stipulation with the Commission for approval or other action as may be appropriate.
- B. If the Commission determines that a written stipulation is reasonably supported by the facts, the Commission may approve the stipulation or enter an appropriate award without a request for hearing or hearing.

**Historical Note**

Former Rule 39. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-139 recodified from R4-13-139 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-140. Informal Conferences**

- A. A presiding administrative law judge may hold an informal conference to:
  1. Resolve and dispose of disputed issues;
  2. Narrow or limit the scope of the issues to be considered at a subsequent hearing;
  3. Simplify the method of proof at a hearing; or
  4. Eliminate the need for hearing if the facts appear to be uncontested.
- B. A party may request that a pending hearing be disposed of by an informal conference, by filing a written request that:
  1. Specifies the purpose for the conference consistent with subsection (A), and

2. Does not contain any argument regarding the merits of the case.

- C. If the presiding administrative law judge determines that an informal conference is appropriate, the judge shall give notice to the parties of the time and place of the conference. The presiding administrative law judge may, without a request from a party, schedule an informal conference by giving five days notice to the parties of the time, place, and subject matter of the informal conference. The parties may waive the five day notice requirement of this subsection.
- D. If a presiding administrative law judge disposes of issues in controversy at an informal conference, the presiding administrative law judge may enter an award without convening a hearing.
- E. If a presiding administrative law judge disposes of, narrows, or limits some, but not all issues in controversy, the presiding administrative law judge shall prepare and mail to the parties a statement setting forth the issues to be resolved at a hearing. The presiding administrative law judge shall limit the hearing to the issues contained in the statement unless at the hearing all parties and, the presiding administrative law judge agree that the judge may consider issues beyond the scope of the statement.
- F. Upon request by a party or upon a presiding administrative law judge's own motion, the presiding administrative law judge may order the parties to file a joint statement listing the disputed issues to be considered at formal hearing. The presiding administrative law judge shall give the parties at least 10 days to file the statement and shall order the parties to file the statement three to 10 days before the first scheduled hearing.

**Historical Note**

Former Rule 40. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-140 recodified from R4-13-140 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-141. Subpoena Requests for Witnesses; Objection to Documents or Reports Prepared by Out-of-State Witness**

- A. Subpoena requests for witnesses.
  1. Subpoena request for non-medical witness. A party may request a presiding administrative law judge to issue a subpoena to compel the appearance of a non-medical witness by filing a written request with the presiding administrative law judge at least 10 days before the date of the first scheduled hearing.
  2. Subpoena request for expert medical witness. A party may request a presiding administrative law judge to issue a subpoena to compel the appearance of an expert medical witness by filing a written request with the presiding administrative law judge at least 20 days before the date of the first scheduled hearing.
  3. Statement of expected testimony. In the discretion of the presiding administrative law judge, the judge may order the party requesting a subpoena to file within five days of the order a written statement summarizing the substance of the testimony expected of the witness.
  4. Issuance of Subpoena. A presiding administrative law judge shall issue a subpoena requested under this Section if the judge determines that the testimony of the witness is material and necessary and, if applicable:
    - a. The party files a timely statement under subsection (A)(3); or
    - b. The party shows at or before the first scheduled hearing that good cause exists for the party's failure

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to respond timely to the judge's order under subsection (A)(3).

5. Service of a subpoena. The Commission may serve a subpoena by mail unless the party requesting the subpoena requests personal service. If a party requests personal service of a subpoena, the Commission shall prepare the subpoena and the party requesting personal service shall:
  - a. Ensure that the subpoena is served in the same manner as in a civil action; and
  - b. Pay all expenses of the service.
- B. A presiding administrative law judge shall not grant a party a continued hearing because a subpoenaed witness fails to appear at hearing unless the party filed a timely request for subpoena as required by subsection (A). If a party timely requested a subpoena for a witness who fails to appear at a scheduled hearing, the presiding administrative law judge may grant a continued hearing if the party requesting the subpoena demonstrates that:
  1. The testimony of the witness is material and necessary, and
  2. Good cause is shown as to why the witness failed to appear.
- C. Witness Fees.
  1. If a non-medical witness requests a witness fee, the party requesting the subpoena shall pay the non-medical witness fees and mileage provided for witnesses in civil actions in the Superior Court. If more than one party subpoenas the same witness, the parties shall divide the witness fee equally.
  2. The Commission shall pay the witness fee to a medical witness under the Commission's medical fee schedule after the presiding administrative law judge approves the fee.
- D. Objection to an out-of-state physician's report.
  1. A presiding administrative law judge shall not consider or place into evidence a timely filed physician's report authored by a physician residing outside Arizona if a party files an objection to that report at least 20 days before the scheduled hearing, unless the party submitting the report produces the author for cross-examination either at the hearing or at a deposition.
  2. Nothing in R20-5-143(G) precludes a party from taking or submitting into evidence a deposition of a physician taken under this subsection.
  3. The party submitting into evidence a report of an out-of-state physician shall pay the expenses of a deposition taken under this subsection.
- E. Objection to document prepared by out-of-state non-medical witness.
  1. A presiding administrative law judge shall not consider or place into evidence a timely filed document prepared by a non-medical witness who resides outside Arizona if a party files an objection to that document at least seven days before the scheduled hearing unless the party submitting the document produces the author for cross-examination either at the hearing or at a deposition.
  2. Nothing in R20-5-143 precludes a party from taking or submitting into evidence a deposition within the time limits set by a presiding administrative law judge.
  3. The party submitting into evidence a document prepared by an out-of-state non-medical witness shall pay the expenses of a deposition taken under this subsection.
- F. If a presiding administrative law judge approves, the testimony of a party's out-of-state non-medical or expert medical witness may be taken telephonically.

**Historical Note**

Former Rule 41. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-141 recodified from R4-13-141 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-142. In-State Oral Depositions**

- A. A party may take the oral deposition of another party or a witness residing in Arizona by serving a Notice of Deposition by Oral Examination upon the deponent and every party at least 10 days before the date of the oral deposition and at least 40 days before the first scheduled hearing.
- B. A party may file with the presiding administrative law judge a written objection to the taking of an oral deposition within five days after service of the Notice of Deposition. If no request for hearing has been filed, a party shall file the written objection with the chief administrative law judge. The party objecting to the deposition shall:
  1. State the basis for objecting to the deposition; and
  2. Serve a copy of the party's objections on all parties.
- C. The oral deposition shall not commence until the presiding administrative law judge rules on the written objection. The presiding administrative law judge shall rule on the written objection to the taking of an oral deposition within seven days after a party files a written objection by:
  1. Ordering the deposition to proceed;
  2. Ordering the deposition not be taken; or
  3. Entering any other appropriate protective order.
- D. The party taking the deposition shall comply with the Arizona Rules of Civil Procedure governing the taking of depositions.
- E. The expense of any deposition shall be borne by the party taking the deposition but shall not include the expense of any other interested party.
- F. A presiding administrative law judge shall not cancel or continue a hearing because a party fails to take or complete a deposition under this Section.
- G. A deposition taken under this Section shall only be used to impeach a witness during a hearing, except that, in the exercise of discretion, the presiding administrative law judge may admit a deposition into evidence for another purpose if:
  1. The deponent is deceased at the time of the hearing, or
  2. All parties agree.
- H. A party may take a telephonic deposition under this Section either by agreement of the parties or by order of the presiding administrative law judge in the exercise of the judge's discretion.

**Historical Note**

Former Rule 42. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-142 recodified from R4-13-142 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-143. Out-of-State Oral Depositions**

- A. A party shall obtain permission from a presiding administrative law judge before taking an out-of-state oral deposition of another party or a witness by filing a written request with the presiding administrative law judge that contains:
  1. The name and address of the party or witness to be deposed, and
  2. Each reason why the party's or witness' testimony is necessary.
- B. The party requesting permission to take the out-of-state deposition shall serve a copy of the request upon each party.

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- C. If no objection to the request for permission to take the deposition is filed under subsection (D) the presiding administrative law judge shall, within seven days from the date of the request, grant or deny permission to take the deposition.
- D. A party may file with the presiding administrative law judge a written objection to the taking of an out-of-state oral deposition within five days after being served with a request to take the out-of-state deposition. The party objecting to the out-of-state deposition shall:
  - 1. State the basis for objecting to the deposition; and
  - 2. Serve a copy of the party's objections on each party.
- E. The oral deposition shall not commence until the presiding administrative law judge rules on the written objection. The presiding administrative law judge shall rule on the written objection to the taking of an out-of-state oral deposition within seven days after a party files the written objection by:
  - 1. Ordering the deposition to proceed,
  - 2. Ordering the deposition not be taken, or
  - 3. Entering any other appropriate protective order.
- F. A party shall not take more than two depositions per hearing under this Section unless a presiding administrative law judge, upon a showing of good cause, approves the taking of additional depositions.
- G. In the exercise of discretion, the presiding administrative law judge may admit into evidence a deposition taken under this Section if the transcript of the deposition is filed with the Commission at least five days before any scheduled hearing or as otherwise directed by the presiding administrative law judge. If the transcript of the deposition is not timely filed under this subsection, the administrative law judge shall not consider the deposition for any purpose unless the parties and the administrative law judge agree that the deposition may be considered.
- H. Parties may take telephonic depositions under this Section either by agreement of the parties or by order of a presiding administrative law judge in the exercise of the administrative law judge's discretion.
- I. A party taking a deposition taken under this Section shall comply with R20-5-142(A), (D), (E) and (F).

**Historical Note**

Former Rule 43. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-143 recodified from R4-13-143 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-144. Written Interrogatories**

- A. After a party files a request for hearing with the Commission, any party may serve written interrogatories upon another party. A party shall serve written interrogatories at least 40 days before the scheduled hearing.
- B. A party shall not serve more than 25 interrogatories, including subsections.
- C. A party shall serve answers to the interrogatories upon all parties within 10 days after service of the interrogatories. A party shall not file answers to the interrogatories with the Commission.
- D. A presiding administrative law judge shall not cancel or continue a hearing because a party fails to answer interrogatories under this Section.
- E. A party shall only use written interrogatories served under this Section to impeach a witness during a hearing, except that, in the exercise of discretion, the presiding administrative law judge may admit the interrogatory answers into evidence for

another purpose if the party answering the interrogatories is deceased at the time of the scheduled hearing.

**Historical Note**

Former Rule 44. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-144 recodified from R4-13-144 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-145. Refusal to Answer or Attend; Motion to Compel; Sanctions Imposed**

- A. If a party or deponent refuses to answer any question asked at a deposition under R20-5-142 or R20-5-143, the party asking the question shall either complete the deposition in other matters or adjourn the deposition. With notice to all persons affected by the deponent's refusal to answer a question, the party asking the question may apply to the presiding administrative law judge for an order compelling the deponent to answer the question.
- B. If a party refuses to answer an interrogatory served under R20-5-144, the party serving the interrogatory may submit the interrogatory to the presiding administrative law judge and apply for an order compelling the answer.
- C. If a presiding administrative law judge issues an order compelling an answer under subsection (A) or (B) and finds that a refusal to answer is without substantial justification, the presiding administrative law judge shall require the party or witness refusing to answer or the authorized representative advising that party or witness not to answer, or both of them, to pay to the party asking the question:
  - 1. Reasonable attorney's fees incurred to obtain the order compelling the answer, and
  - 2. Reasonable expenses that will be incurred to obtain the requested answer.
- D. If a presiding administrative law judge denies a motion to compel an answer under subsection (A) or (B), and finds that the motion was made without substantial justification, the presiding administrative law judge shall require the party filing the motion, or the parties' authorized representative advising that party to make the motion, or both of them, to pay to the party or witness refusing to answer, reasonable attorney's fees incurred in opposing the motion.
- E. In addition to the sanctions authorized under R20-5-157, a presiding administrative law judge may, upon a party's motion, impose the following sanctions upon a party if the party, or an officer or managing agent of that party, willfully fails to appear for a deposition after being served with proper notice of the deposition, or fails to serve answers to interrogatories after proper service of the interrogatories:
  - 1. Strike out all or any part of a document filed by the party;
  - 2. Dismiss the action or proceeding, or any part of the action or proceeding;
  - 3. Order the suspension or forfeiture of compensation; or
  - 4. Preclude the introduction of evidence.
- F. The party filing a motion under subsections (A), (B), or (E) shall attach to the motion:
  - 1. The statement required under R20-5-105(E) and
  - 2. A proposed order that includes the relief requested and a service page with the names and addresses of all parties served.

**Historical Note**

Former Rule 45. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-145 recodified from R4-13-145 (Supp. 95-1). Amended by final

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rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-146. Repealed****Historical Note**

Former Rule 46. R20-5-146 recodified from R4-13-146 (Supp. 95-1). Section repealed by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-147. Videotape Recordings and Motion Pictures**

- A. A party proposing to offer a videotape recording or motion picture into evidence at a Commission hearing shall provide written notice to the Commission and all parties at least 40 days before the first scheduled hearing.
- B. If a party serves a written request to view a videotape recording or motion picture upon the party proposing to submit the videotape recording or motion picture into evidence, the party proposing to offer the videotape recording or motion picture into evidence shall provide the necessary facilities and equipment to allow the other party to view the videotape recording or motion picture no later than 25 days before the first scheduled hearing.
- C. A presiding administrative law judge may admit into evidence a videotape recording or motion picture if the videotape recording or motion picture:
  1. Is a reasonable and accurate representation of the scene, person, object, or action portrayed; and
  2. Will aid in the understanding of the issues before the presiding administrative law judge.
- D. The party submitting the videotape recording or motion picture into evidence shall ensure that commentary, interrogation, dialogue, or testimony are not a part of the videotape recording or motion picture.
- E. A presiding administrative law judge shall not cancel or continue a hearing because a party fails to view a videotape recording or motion picture as provided in this Section.
- F. This Section does not apply to:
  1. Videotape recordings or motion pictures obtained by surveillance, or
  2. Videotape recordings or motion pictures of medical procedures performed by a physician.

**Historical Note**

Former Rule 47. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-147 recodified from R4-13-147 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-148. Burden of Presentation of Evidence; Offer of Proof**

- A. A party shall rest at the conclusion of the presentation of the party's evidence. If there is a dispute as to which party has the burden of proof, the presiding administrative law judge shall direct who has the burden of proof.
- B. If a presiding administrative law judge prohibits a witness from answering a question, the presiding administrative law judge shall permit an offer of proof in the form of an avowal or in writing.

**Historical Note**

Former Rule 48. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-148 recodified from R4-13-148 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-149. Presence of Claimant at Hearing; Notice of a Parties' Non-Appearence at Hearing; Assessment of Hearing Costs for Non-Appearence**

- A. A claimant, whether or not represented by an attorney, shall appear personally at any hearing without the necessity of subpoena unless excused by the presiding administrative law judge.
- B. Subject to subsection (A), at least three days before a scheduled hearing a party shall notify the presiding administrative law judge of any non-appearance by a party or party's authorized representative that requires the judge to cancel or reschedule the hearing.
- C. If a party fails to notify the presiding administrative law judge as required under subsection (B), the presiding administrative law judge may order the party or the party's authorized representative to reimburse the Commission for hearing expenses and costs incurred by the Commission including fees of expert medical witnesses and other witness fees.

**Historical Note**

Former Rule 49. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-149 recodified from R4-13-149 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-150. Joinder of a Party**

- A. An administrative law judge may join as a party any person, firm, corporation, or other entity in favor of whom or against whom a right to relief may exist and over whom the Commission may acquire jurisdiction.
- B. Joinder may be made upon application of any party or upon the presiding administrative law judge's own motion.
- C. A party seeking to join another person, firm, corporation, or other entity shall file a motion requesting joinder with the presiding administrative law judge at least 30 days before hearing. The moving party shall serve a copy of the motion upon the person, firm, corporation, or other entity for whom joinder is requested, and upon all other parties.
- D. If the requirements of this Section are met, the presiding administrative law judge shall join as a party the person, firm, corporation, or other entity for whom joinder is requested and shall issue a notice advising the parties of the joinder.

**Historical Note**

Former Rule 50. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-150 recodified from R4-13-150 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-151. Special Appearance**

Any party against whom a claim may exist under the Act, or against whom a contingent liability may exist under the Act, and over whom the Commission has not acquired jurisdiction, may enter a special appearance. A special appearance made under this Section does not invoke the jurisdiction of the Commission.

**Historical Note**

Former Rule 51. R20-5-151 recodified from R4-13-151 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-152. Resolution of Issues by Stipulation After the Filing of a Request for Hearing; Notice of Resolution; Assessment**

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- A. Subject to the requirement of subsection (D), parties may stipulate to any fact or issue after a party files a request for hearing. The stipulation may be in writing or made orally at the time of hearing.
- B. A stipulation is binding upon the parties unless a presiding administrative law judge or the Commission grants the parties permission to withdraw the stipulation.
- C. If a stipulation is not reasonably supported by the evidence, a presiding administrative law judge or the Commission, may set aside or refuse to accept the stipulation and proceed to determine the true facts.
- D. A party shall notify a presiding administrative law judge of any stipulation, compromise or settlement agreement, or withdrawal of a hearing request that makes a hearing unnecessary at least three days before a scheduled hearing.
- E. The presiding administrative law judge may order a party or parties to reimburse the Commission for hearing expenses and costs incurred by the Commission including fees of expert medical witnesses and other witness fees if a party fails to notify the presiding administrative law judge as required under subsection (D).

**Historical Note**

Former Rule 52. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-152 recodified from R4-13-152 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-153. Exclusion of Witnesses**

Any party may request that all other witnesses except the parties be excluded from the hearing until called to testify. The presiding administrative law judge may, in the judge's discretion, grant or deny the request. If the request is granted, the presiding administrative law judge shall admonish each witness not to discuss the witness's testimony with anyone other than attorneys on the case.

**Historical Note**

Former Rule 53. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-153 recodified from R4-13-153 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-154. Correspondence to Administrative Law Judge**

A person submitting correspondence, including subpoena requests, to an administrative law judge concerning a matter pending before the administrative law judge, shall contemporaneously serve a copy of the correspondence upon all other parties, or if represented, the parties' authorized representatives. The administrative law judge shall not consider correspondence or subpoena requests to be evidence except by agreement of all parties to the matter.

**Historical Note**

Former Rule 54. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-154 recodified from R4-13-154 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-155. Filing of Medical and Non-Medical Reports Into Evidence; Request for Subpoena to Cross-examine Author of Report Submitted into Evidence; Failure to Timely Request Subpoena for Author**

- A. Except as provided in R20-5-114(C), a party filing a medical report or hospital record into evidence ("medical report") that is not already contained in the Commission's claims file, shall

file the medical report with the presiding administrative law judge at least 25 days before the first scheduled hearing.

- B. A party filing into evidence a document, report, instrument, or other written matter not described in subsection (A) ("non-medical report") that is not already contained in the Commission's claims file, shall file the non-medical report with the presiding administrative law judge at least 15 days before the first scheduled hearing.
- C. The party filing a medical or non-medical report into evidence shall serve a copy of the report to all other parties.
- D. A presiding administrative law judge shall not receive into evidence any medical or non-medical report that is not filed as required under this Section. If the report has been placed in the Commission's claims file, the presiding administrative law judge shall remove the report from the Commission's claims file and return the report to the filing party.
- E. The presiding administrative law judge may suspend the requirements of this Section;
  - 1. Upon a showing of good cause; or
  - 2. If the parties agree that the judge may accept the medical or non-medical report into evidence.
- F. The party filing a medical or non-medical report under this Section shall file a cover letter with the report stating:
  - 1. The party's identity;
  - 2. The reports filed; and
  - 3. Proof of service of the reports upon the other parties.
- G. A party seeking to cross-examine the author of any medical or non-medical report filed into evidence shall request a subpoena under R20-5-141.
- H. If a party fails to timely request a subpoena under this Section and R20-5-141, the party waives the right to cross-examine the author of any medical or non-medical report filed into evidence and the presiding administrative law judge shall admit the medical or non-medical report in evidence.

**Historical Note**

Former Rule 55. Amended subsections (A) and (D) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-155 recodified from R4-13-155 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-156. Continuance of Hearing**

- A. A party may request a continuance of a scheduled hearing. If a party shows good cause, a presiding administrative law judge may grant a request that a hearing be continued.
- B. If at the conclusion of a hearing a party seeks to continue the hearing to introduce additional evidence, the party shall state specifically and in detail:
  - 1. The nature and substance of the additional evidence,
  - 2. The names and addresses of additional witnesses, and
  - 3. The reason the party was unable to produce the evidence or witnesses at the hearing.
- C. A presiding administrative law judge may deny a request for a continuance under subsection (B) if the presiding administrative law judge determines that, with the exercise of due diligence, the evidence or testimony could have been produced or the evidence or testimony would be cumulative, immaterial, or unnecessary.
- D. A presiding administrative law judge may, on the judge's own motion, continue a hearing and order further examinations or investigations that the judge determines are warranted.
- E. If more than 40 days before the first scheduled hearing, a presiding administrative law judge reschedules the hearing discovery and filing deadlines under this Article shall be calculated with respect to the new hearing date.

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- F. If less than 40 days before the first scheduled hearing, a presiding administrative law judge reschedules the hearing discovery and filing deadlines under this Article shall be calculated with respect to the original hearing date.

**Historical Note**

Former Rule 56. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-156 recodified from R4-13-156 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-157. Sanctions**

- A. A presiding administrative law judge may impose the following sanctions against any party or authorized representative of a party who fails to comply with this Article or fails to comply with an order of the presiding administrative law judge or Commission:
1. Dismissal of the party's request for hearing;
  2. Refusal to permit the introduction of evidence by the party; or
  3. Assessment of reasonable attorney's fees and costs against the sanctioned party or authorized representative of a party.
- B. If a party shows good cause, a presiding administrative law judge or the Commission may relieve a party of sanctions imposed under subsection (A).

**Historical Note**

Former Rule 57. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-157 recodified from R4-13-157 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-158. Service of Awards and Other Matters**

- A. An award, decision, order, subpoena, notice, document, or other matter required by the Act, this Article, or other law to be served shall be made upon a party or, if represented, the party's authorized representative. Service upon the authorized representative is service upon the party.
- B. Service may be made and is deemed complete by:
1. Depositing the document or matter in the United States mail, with postage prepaid, addressed to the party served at the address as shown by the records of the Commission; or
  2. Personal service in the same manner as a summons is served in a civil action.
- C. Proof of service may be made by an affidavit or oral testimony of the person making such service.

**Historical Note**

Former Rule 58. Amended subsection (C) effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-158 recodified from R4-13-158 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-159. Record for Award or Decision on Review**

A presiding administrative law judge's award or decision under A.R.S. § 23-942 or award or decision upon review under A.R.S. § 23-943 shall be based upon:

1. The record as it exists at the conclusion of the hearings, and
2. Any memoranda provided under A.R.S. § 23-943(E) or requested by the presiding administrative law judge.

**Historical Note**

Former Rule 59. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-159 recodified from R4-13-159 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-160. Application to Set Attorney Fees Under A.R.S. § 23-1069**

- A. For purposes of A.R.S. § 23-1069, "final disposition of a case" occurs when all compensation benefits have been released to a claimant.
- B. A claimant or attorney filing an application for attorney's fees under A.R.S. § 23-1069 shall serve notice of the application to all parties, including if applicable, the insurance carrier, self-insured employer, or special fund division.
- C. Upon the filing of an application, the attorney and claimant shall, provide information to the Commission to enable the Commission to award reasonable attorney's fees.
- D. Attorney's fees awarded under this Section shall be set by the Commission, an administrative law judge, or other authorized representative of the Commission.

**Historical Note**

Former Rule 60. Amended effective March 1, 1987, filed February 26, 1987 (Supp. 87-1). R20-5-160 recodified from R4-13-160 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-161. Stipulations for Extensions of Time**

Stipulations for extensions of time in which to file papers or briefs in the various courts shall be received and signed by the Chief Counsel or other members of the Legal Department.

**Historical Note**

Former Rule 61. R20-5-161 recodified from R4-13-161 (Supp. 95-1).

**R20-5-162. Legal Division Participation**

The chief counsel and other members of the legal staff of the Commission who participate in proceedings or matters under the Act and this Article do so on behalf of the Commission.

**Historical Note**

Former Rule 62. R20-5-162 recodified from R4-13-162 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-163. Bad Faith and Unfair Claim Processing Practices**

- A. For purposes of A.R.S. § 23-930, an employer, self-insured employer, insurance carrier, or claims processing representative commits "bad faith" if the employer, self-insured employer, insurance carrier, or claims processing representative:
1. Institutes a proceeding or interposes a defense that is not:
    - a. Well-grounded in fact;
    - b. Warranted by existing law; or
    - c. A good faith argument for the extension, modification, or reversal of existing law;
  2. Unreasonably delays:
    - a. Payment of benefits; or
    - b. Authorization for, or receipt of, medical benefits or treatment;
  3. Unreasonably underpays benefits;
  4. Unreasonably terminates benefits;

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5. Intentionally misleads a claimant as to applicable statutes of limitation, benefits, or remedies available to the claimant under the Act or under this Article; or
  6. Unreasonably interferes with or obstructs the claimant's right to choose the claimant's attending physician, except in cases involving a self-insured employer under A.R.S. § 23-1070.
- B.** For purposes of A.R.S. § 23-930, an employer, self-insured employer, insurance carrier, or claims processing representative commits "unfair claim processing practices" if the employer, self-insured employer, insurance carrier, or claims processing representative:
1. Unreasonably issues a notice of claim status without adequate supporting information in its possession or available to it;
  2. Unreasonably fails to acknowledge communications from the Commission, an unrepresented claimant, or a claimant's attorney with respect to a claim;
  3. Fails to act reasonably and promptly upon communications from the Commission, an unrepresented claimant, or a claimant's attorney with respect to a claim;
  4. Directly advises a claimant not to consult or obtain the services of an attorney; or
  5. Communicates directly, for an improper purpose, with a claimant represented by an attorney.
- C.** A person alleging bad faith or unfair claim processing practices ("complainant") shall file a written complaint with the claims manager of the Commission. The complainant, or the complainant's authorized representative, shall sign the complaint.
- D.** The complaint shall describe the specific actions of the employer, self-insured employer, insurance carrier, or claims processing representative, that are alleged to constitute bad faith or unfair claim processing practices. A complaint form is available upon request from the Commission.
- E.** Upon receipt of a complaint under this subsection, the claims manager of the Commission shall serve the complaint upon all parties.
- F.** If the Commission acts on its own motion under A.R.S. § 23-930(A), the claims manager shall mail a notice of alleged bad faith or unfair claim processing practices to the claimant or the claimant's authorized representative and the:
1. Employer;
  2. Self-insured employer;
  3. Insurance carrier; or
  4. Claims processing representative.
- G.** The person or entity named in a complaint or notice served under A.R.S. § 23-930 and this Section shall file with the claims manager a written response to the complaint or notice, within 30 days after service by the Commission of the complaint or notice.
- H.** The person or entity filing a written response shall serve a copy of the response upon the complainant, or the complainant's authorized representative, if represented.
- I.** If the person or entity named in a complaint or notice served under A.R.S. § 23-930 and this Section fails to file a written response, the Commission shall consider the absence of a response a denial of the allegations of the complaint or notice.
- J.** Upon receipt of a written response, or upon the expiration of 30 days if no response is filed, the Commission shall enter an award as it deems, in its discretion, appropriate under A.R.S. §§ 23-930(B) or (C).

**Historical Note**

Adopted as an emergency effective February 1, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days

(Supp. 88-1). Emergency expired. Amended and readopted as an emergency effective April 29, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-2). Readopted without change as an emergency effective August 1, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Readopted without change as an emergency effective November 9, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Amended and readopted as an emergency effective July 11, 1989 (Supp. 89-3). Adopted as a permanent rule effective October 4, 1989 (Supp. 89-4). R20-5-163 recodified from R4-13-163 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3).

**R20-5-164. Human Immunodeficiency Virus, Hepatitis C, Methicillin-resistant *Staphylococcus Aureus*, Spinal Meningitis and Tuberculosis; Significant Exposure; Employee Notification; Reporting; Documentation; Forms**

- A.** An employer subject to the Act shall notify its employees of the requirements of A.R.S. §§ 23-1043.02, 23-1043.03, and 23-1043.04 by posting the Commission notices titled "Work Exposure to Bodily Fluids" and "Work Exposure to methicillin-resistant *Staphylococcus Aureus* (MRSA), Spinal Meningitis, or Tuberculosis (TB)" in a conspicuous place immediately next to the "Notice to Employees" notice required under A.R.S. § 23-906(D).
- B.** Properly posted "Work Exposure to Bodily Fluids" and "Work Exposure to Methicillin-resistant *Staphylococcus Aureus* (MRSA), Spinal Meningitis, or Tuberculosis (TB)" notices constitute sufficient notice to employees of the requirements of a prima facie case under A.R.S. §§ 1043.02(B), 23-1043.03(B), and 23-1043.04(B).
- C.** An employer's insurance carrier, claims processor, or workers' compensation pool shall provide the notices specified in subsection (A) to the employer. These notices are also available from the Commission upon request.
- D.** An employer shall make readily available to its employees the Commission form described in R20-5-106 titled "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material." An employer's insurance carrier, claims processor, or workers' compensation pool shall provide the "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material" to the employer. This form is also available from the Commission upon request.
- E.** If an employee sustains a significant exposure as defined in A.R.S. §§ 23-1043.02(G), 23-1043.03(G), or 23-1043.04(H)(2), the employee shall complete, date, and sign a "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material" form. The employee or employee's authorized representative shall give to the employer the completed, dated, and signed form. The employer shall return one copy of the completed form to the employee or to the employee's authorized representative. Nothing in this subsection limits the requirements to report an injury or file a claim under the Act.
- F.** If an employee submits a written report of a significant exposure to an employer, but does not use the Commission form titled "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material," the employer shall provide the employee the Commission form within five calendar days after receiving the employee's initial written report.
- G.** The date of the receipt by the employer or its authorized representative of the employee's initial report is the date used to

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compute the time period prescribed in A.R.S. §§ 23-1043.02(B)(2), 23-1043.03(B)(2), and 23-1043.04(B)(2) if:

1. The initial report contains the information required in the "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material" form, or
2. The employee gives to the employer the completed Commission form within 10 calendar days after the employee's receipt of the Commission form.

**H.** Failure or refusal by the employer to provide the Commission form to the employee shall not be a defense to a prima facie claim under A.R.S. §§ 23-1043.02(B), 23-1043.03(B), and 23-1043.04(B).

**I.** In investigating the circumstances and facts surrounding an employee's report to an employer of a significant exposure under A.R.S. §§ 23-1043.02(C), 23-1043.03(C), and 23-1043.04(C), the employer, or its carrier, or any employees, agents or contractors of either the employer or carrier, shall not disclose to any person, except as authorized or required by law, that the reporting employee, or any witness or alleged source of exposure, may have or did contract the human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, methicillin-resistant *Staphylococcus aureus*, spinal meningitis, or tuberculosis. However, an employer, its carrier or their respective attorneys, may:

1. Direct an agent to investigate the employee's report of significant exposure, and
2. Communicate with the investigating agent about the conduct and results of the investigation.

**J.** As required under the federal Occupational Safety and Health Standard for Bloodborne Pathogens, 29 CFR 1910.1030, an employer shall pay for the testing required by A.R.S. § 23-1043.02.

**Historical Note**

Adopted effective April 9, 1992 (Supp. 92-2). R20-5-163 recodified from R4-13-163 (Supp. 95-1). Amended by final rulemaking at 7 A.A.R. 3966 and 7 A.A.R. 4995, effective August 17, 2001 (Supp. 01-3). Amended by final rulemaking at 15 A.A.R. 991, effective June 2, 2009 (Supp. 09-2).

**R20-5-165. Calculation of Maximum Average Monthly Wage**  
In using the Bureau of Labor Statistics Employment Cost Index to adopt the amount of an increase to the maximum average monthly wage under A.R.S. § 23-1041(E), the Commission shall use the *Bureau of Labor Statistics, Employment Cost Index for Wages and Salaries, for Civilian Workers, by Occupational Group and Industry, All Workers*, available at <http://www.bls.gov/>.

**Historical Note**

New Section made by final rulemaking at 19 A.A.R. 1925, effective July 10, 2013 (Supp. 13-3).

**ARTICLE 2. REPEALED****R20-5-201. Repealed****Historical Note**

Former Rule I. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-201 recodified from R4-13-201 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-202. Repealed****Historical Note**

Former Rule II. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-202 recodified from R4-13-202 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-203. Repealed****Historical Note**

Former Rule III. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-203 recodified from R4-13-203 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-204. Repealed****Historical Note**

Former Rule IV. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-204 recodified from R4-13-204 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-205. Repealed****Historical Note**

Former Rule V. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-205 recodified from R4-13-205 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-206. Repealed****Historical Note**

Former Rule VI; Amended effective February 27, 1975 (Supp. 75-1). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-206 recodified from R4-13-206 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-207. Repealed****Historical Note**

Former Rule VII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-207 recodified from R4-13-207 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-208. Repealed****Historical Note**

Former Rule VIII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-208 recodified from R4-13-208 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).



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**R20-5-209. Repealed****Historical Note**

Former Rule IX. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-209 recodified from R4-13-209 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-210. Repealed****Historical Note**

Former Rule X. R20-5-210 recodified from R4-13-210 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-211. Repealed****Historical Note**

Former Rule XI. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-211 recodified from R4-13-211 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-212. Repealed****Historical Note**

Former Rule XII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-212 recodified from R4-13-212 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-213. Repealed****Historical Note**

Former Rule XIII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-213 recodified from R4-13-213 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-214. Repealed****Historical Note**

Former Rule XIV. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-214 recodified from R4-13-214 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-215. Repealed****Historical Note**

Former Rule XV. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-215 recodified from R4-13-215 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-216. Repealed****Historical Note**

Former Rule XVI. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-216 recodified from R4-13-216 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-217. Repealed****Historical Note**

Former Rule XVII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-217 recodified from R4-13-217 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-218. Repealed****Historical Note**

Former Rule XVIII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-218 recodified from R4-13-218 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-219. Repealed****Historical Note**

Former Rule XIX. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-219 recodified from R4-13-219 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-220. Repealed****Historical Note**

Former Rule XX. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-220 recodified from R4-13-220 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-221. Repealed****Historical Note**

Former Rule XXI. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-221 recodified from R4-13-221 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-222. Repealed****Historical Note**

Former Rule XXII. Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). R20-5-222 recodified from R4-13-222 (Supp. 95-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-223. Repealed****Historical Note**

Former Rule XXIII. Section repealed effective July 6,

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1993 (Supp. 93-3). R20-5-223 recodified from R4-13-223 (Supp. 95-1). New Section adopted October 9, 1998 (Supp. 98-4). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-224. Repealed****Historical Note**

Former Rule XXIV. Section repealed effective July 6, 1993 (Supp. 93-3). R20-5-224 recodified from R4-13-224 (Supp. 95-1). New Section adopted effective October 9, 1998 (Supp. 98-4). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**ARTICLE 3. EXPIRED****R20-5-301. Expired****Historical Note**

Former Rule I. R20-5-301 recodified from R4-13-301 (Supp. 95-1). Section R20-5-301 repealed; new Section R20-5-301 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-302. Expired****Historical Note**

Former Rule II; Amended effective March 9, 1981 (Supp. 81-2). R20-5-302 recodified from R4-13-302 (Supp. 95-1). Section R20-5-302 repealed; new Section R20-5-302 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-303. Expired****Historical Note**

Former Rule III; Amended effective March 9, 1981 (Supp. 81-2). R20-5-303 recodified from R4-13-303 (Supp. 95-1). Section R20-5-303 repealed; new Section R20-5-303 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-304. Expired****Historical Note**

Former Rule IV; Amended effective March 9, 1981 (Supp. 81-2). R20-5-304 recodified from R4-13-304 (Supp. 95-1). Section R20-5-304 repealed; new Section R20-5-304 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-305. Expired****Historical Note**

Former Rule V; Former Section R4-13-305 renumbered and amended as Section R4-13-306, new Section R20-5-305 adopted effective March 9, 1981 (Supp. 81-2). R20-5-305 recodified from R4-13-305 (Supp. 95-1). Section R20-5-305 repealed; new Section R20-5-305 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-306. Expired****Historical Note**

Former Rule VI. Former Section R4-13-306 renumbered and amended as Section R4-13-307, former Section R4-13-305 renumbered and amended as Section R4-13-306 effective March 9, 1981 (Supp. 81-2). R20-5-306 recodified from R4-13-306 (Supp. 95-1). Section R20-5-306 repealed; new Section R20-5-306 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-307. Expired****Historical Note**

Former Rule VII. Former Section R4-13-307 renumbered as Section R4-13-309, former Section R4-13-306 renumbered and amended as Section R4-13-307 effective March 9, 1981 (Supp. 81-2). R20-5-307 recodified from R4-13-307 (Supp. 95-1). Section R20-5-307 repealed; new Section R20-5-307 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-308. Expired****Historical Note**

Former Rule VIII. Former Section R4-13-308 renumbered as Section R4-13-310, new Section R4-13-308 adopted effective March 9, 1981 (Supp. 81-2). R20-5-308 recodified from R4-13-308 (Supp. 95-1). Section R20-5-308 repealed; new Section R20-5-308 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-309. Expired****Historical Note**

Former Rule IX. Former Section R4-13-309 repealed, former Section R4-13-307 renumbered as Section R4-13-309 effective March 9, 1981 (Supp. 81-2). R20-5-309 recodified from R4-13-309 (Supp. 95-1). Section R20-5-309 repealed; new Section R20-5-309 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-310. Expired****Historical Note**

Former Rule X. Former Section R4-13-310 renumbered and amended as Section R4-13-312, former Section R4-13-308 renumbered as Section R4-13-310 effective March 9, 1981 (Supp. 81-2). R20-5-310 recodified from R4-13-310 (Supp. 95-1). Section R20-5-310 repealed; new Section R20-5-310 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-311. Expired****Historical Note**

Former Rule XI. Former Section R4-13-311 repealed, new Section R4-13-311 adopted effective March 9, 1981 (Supp. 81-2). R20-5-311 recodified from R4-13-311 (Supp. 95-1). Section R20-5-311 repealed; new Section

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R20-5-311 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-312. Expired****Historical Note**

Former Rule XII. Former Section R4-13-312 renumbered as Section R4-13-314, former Section R4-13-310 renumbered and amended as Section R4-13-312 effective March 9, 1981 (Supp. 81-2). R20-5-312 recodified from R4-13-312 (Supp. 95-1). Section R20-5-312 repealed; new Section R20-5-312 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-313. Expired****Historical Note**

Former Rule XIII. Former Section R4-13-313 renumbered and amended as Section R4-13-318 effective March 9, 1981 (Supp. 81-2). R20-5-313 recodified from R4-13-313 (Supp. 95-1). New Section adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-314. Expired****Historical Note**

Former Section R4-13-312 renumbered as Section R4-13-314 effective March 9, 1981 (Supp. 81-2). R20-5-314 recodified from R4-13-314 (Supp. 95-1). Section R20-5-314 repealed; new Section R20-5-314 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-315. Expired****Historical Note**

Adopted effective March 9, 1981 (Supp. 81-2). R20-5-315 recodified from R4-13-315 (Supp. 95-1). Section R20-5-315 repealed; new Section R20-5-315 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-316. Expired****Historical Note**

Adopted effective March 9, 1981 (Supp. 81-2). R20-5-316 recodified from R4-13-316 (Supp. 95-1). Section R20-5-316 repealed; new Section R20-5-316 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-317. Expired****Historical Note**

Adopted effective March 9, 1981 (Supp. 81-2). R20-5-317 recodified from R4-13-317 (Supp. 95-1). Section R20-5-317 repealed; new Section R20-5-317 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-318. Expired****Historical Note**

Former Section R4-13-313 renumbered and amended as Section R4-13-318 effective March 9, 1981 (Supp. 81-2). R20-5-318 recodified from R4-13-318 (Supp. 95-1). Section R20-5-318 repealed; new Section R20-5-318 adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-319. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-320. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-321. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-322. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-323. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-324. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-325. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-326. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-327. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

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**R20-5-328. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**R20-5-329. Expired****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 297, effective January 3, 2017 (Supp. 17-1).

**ARTICLE 4. ARIZONA BOILERS AND LINED HOT WATER HEATERS****R20-5-401. Applicability**

This Article applies to all Boilers, Lined Hot Water Heaters, and Pressure Vessels operated in Arizona, except the following:

1. Boilers, Lined Hot Water Heaters, and Pressure Vessels regulated by the United States Government;
2. Boilers, Lined Hot Water Heaters, and Pressure Vessels operated in private residences or Apartment Complexes of not more than six units; and
3. Boilers, Lined Hot Water Heaters, and Pressure Vessels operated on Indian reservations.
4. A Lined Hot Water Heater that does not exceed any of the following:
  - a. Heat input of 200,000 BTU/hr;
  - b. Water temperature of 210° F; or
  - c. Nominal water containing capacity of 120 gallons.
5. An electric Boiler that does not exceed either of the following:
  - a. Tank volume of one-and-a-half cubic feet; or
  - b. MAWP of 100 pounds per square inch or less, with a pressure relief system to prevent excess pressure.

**Historical Note**

Former Rules B-1.1 and B-1.2. Former Section R4-13-401 repealed, new Section R4-13-401 adopted effective April 12, 1979 (Supp. 79-2). Section R4-13-401 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2).

R20-5-401 recodified from R4-13-401 (Supp. 95-1).

Amended effective October 9, 1998 (Supp. 98-4).

Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-402. Definitions**

In addition to the definitions provided in A.R.S. § 23-471, the following definitions apply to this Article:

“Act” means A.R.S. Title 23, Chapter 2, Article 11.

“Alteration” means any change in the item described on the original manufacturer’s data report which affects the pressure-containing capability of the Boiler or Pressure Vessel, including but not limited to:

Nonphysical changes such as an increase in the MAWP either internal or external, or  
A reduction in minimum design temperature of a Boiler or Pressure Vessel requiring additional mechanical tests.

“ANSI” means American National Standards Institute, Inc.

“Apartment Complex” means a building with multiple family dwelling units, not used for commercial purposes,

including condominiums and townhouses, where Boilers are located in a common area outside of the individual dwelling units, such as a Boiler room.

“Applicant” means an individual requesting permission to act as a Special Inspector under A.R.S. § 23-485.

“ASME” means the American Society of Mechanical Engineers.

“Authorized Inspector” means an Authorized Representative under A.R.S. § 23-471(1) or a Special Inspector under A.R.S. § 23-485.

“Blowdown Tank” or “Blowdown Separator” means an ASME-stamped vessel designed to receive discharged steam or hot water from a Boiler blowoff or blowdown piping system.

“BTU” means British thermal units.

“Condemned” means a Boiler or Lined Hot Water Heater that has been inspected and found to be unsafe by an Authorized Inspector and has been stamped or tagged with the code XXX AZ8 XXX.

“CSD-1” means Controls and Safety Devices for Automatically Fired Boilers, published by ASME, incorporated by reference in R20-5-404(A)(4).

“Direct Fired Jacketed Steam Kettle” means a jacketed steam kettle having its own source of energy, such as gas or electricity for generating steam within the jacket’s walls.

“External Inspection” means an examination of a Boiler or Lined Hot Water Heater performed by an Authorized Inspector when the Boiler or Lined Hot Water Heater is in operation.

“Forced Circulation Lined Hot Water Heater” means a Lined Hot Water Heater used for potable water, a Lined Hot Water Heater requiring movement of water to prevent overheating and failure of the tubes or coils, and has no definitive waterline.

“Fully Attended Power Boiler” means a Power Boiler that is operated by an individual who meets the requirements of R20-5-408(D), and whose primary function is the care, maintenance, and operation of the Boiler and the equipment associated with the Boiler system.

“Historical Boilers” means steam Boilers preserved, restored, or maintained for hobby or demonstration use.

“HS” means heating surface.

“Inspection Certificate” means a document issued by the Division for the operation of a Boiler, Lined Hot Water Heater, or Direct Fired Jacketed Steam Kettle when a Certificate Inspection has been successfully completed.

“Internal Inspection” means a complete examination of the internal and external surfaces of a Boiler or Lined Hot Water Heater by an Authorized Inspector after the Boiler or Lined Hot Water Heater is shut down.

“Kw” means kilowatt.

“MAWP” means maximum allowable working pressure.

“National Board Commissioned Inspector” means an individual who holds a valid and current National Board Commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

“National Board Registration Number” means a unique number issued to a Boiler, Lined Hot Water Heater, or Pressure Vessel by the manufacturer and recorded with the National Board of Boiler and Pressure Vessel Inspectors.

“NFPA” means National Fire Protection Association.

“Non-Standard Boiler” means any Boiler, Lined Hot Water Heater, or Pressure Vessel that is not constructed or

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maintained to the standards incorporated by reference of this Article.

“Out of Service” means to either: (1) physically sever or disconnect all sources of energy (water, gas, fuel, electricity, etc.); cap all fuel lines; and disconnect or remove all electrical lines from the Boiler, Lined Hot Water Heater, or Pressure Vessel; or (2) to lock out and tag out the Boiler, Hot Water Heater, or Pressure Vessel per 29 C.F.R. §1910.147, OSHA, General Industry Regulations. “Portable Boiler” means a Boiler permanently affixed to a trailer with wheels, that is totally self-contained while operating, and not attached to any other object either by pipe, hose, or wire.

“PVHO” means Pressure Vessels for Human Occupancy.

“Relief Valve” means an ASME-stamped automatic pressure relieving device designed for liquid service which is actuated by the pressure upstream of the valve and opens further with an increase in pressure above the stamped pressure.

“Repairs” means work necessary to restore a Boiler, Lined Hot Water Heater, or Pressure Vessel to operating condition that complies with this Article.

“Safety Relief Valve” means an ASME-stamped automatically pressure-actuated relieving device designed for use either as a Safety Valve or as a Relief Valve.

“Safety Valve” means an ASME-stamped automatic pressure relieving device designed for steam or vapor service which is actuated by the pressure upstream of the valve and characterized by full opening pop-action.

“Secondhand” means a Boiler, Lined Hot Water Heater, or Pressure Vessel that has changed both location and ownership since original installation.

“Serves” means either mailing to the last known address of the receiving party, or transmitting by other means, including electronic transmission, with the written consent of the receiving party.

“Shelter” means a permanent structure that provides protection from the weather.

“Special Inspector” means an inspector who is issued a Special Inspector Certificate under R20-5-420.

“State Identification Number” means a unique number assigned by the Division to a Boiler, Lined Hot Water Heater, or Pressure Vessel installed in Arizona.

“User” means a person or entity that does not have legal title to a Boiler, Lined Hot Water Heater, or Pressure Vessel, but has control and responsibility for the operation of a Boiler, Lined Hot Water Heater, or Pressure Vessel.

**Historical Note**

Former Rules B-2.1 through B-2.6. Former Section R4-13-402 repealed, new Section R4-13-402 adopted effective April 12, 1979 (Supp. 79-2). Amended effective March 31, 1981 (Supp. 81-2). Amended effective May 11, 1981 (Supp. 81-3). Amended effective May 31, 1985 (Supp. 85-3). Section R4-1-402 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-402 recodified from R4-13-402 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-403. Repealed****Historical Note**

Former Rules B-3.1 through B-3.3. Former Section R4-13-403 repealed, new Section R4-13-403 adopted effective April 12, 1978 (Supp. 79-2). Section R4-13-403 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-403 recodified from R4-13-403 (Supp. 95-1). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Repealed by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-404. Standards for Boilers, Lined Hot Water Heaters and Pressure Vessels****A. The following apply to this Article:**

1. An Owner, Operator, or User, of a Boiler, Lined Hot Water Heater or Pressure Vessel installed, repaired, replaced, or reinstalled in Arizona, six months after the effective date of this Article shall comply with the 2019 ASME Boiler and Pressure Vessel Code, Sections I, II, IV, V, VI, VII, VIII Division 1, 2, 3, IX, X, ASME 2020 Code for Pressure Piping B31.1, and 2019 ASME PVHO-1 Safety Standard for Pressure Vessels for Human Occupancy incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from the ASME at Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.
2. An Owner, Operator, or User, of a Boiler, Lined Hot Water Heater, or Pressure Vessel installed, repaired, replaced, or reinstalled in Arizona, before the effective date of this Article shall comply with subsection (A)(1), or the ASME Boiler and Pressure Vessel Code in effect at the time of the last installation, repair, replacement, or reinstallation of the boiler Boiler, Lined Hot Water Heater, or Pressure Vessel in Arizona.
3. An Owner, Operator, or User of a gas-fired Lined Hot Water Heater installed, operated, repaired, replaced, or reinstalled in Arizona shall comply with the American National Standard for Gas Water Heaters, ANSI Z21.10.3 2017, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from ANSI, Customer Service Department, 25 W. 43rd Street, 4th Floor, New York, NY 10036 or at <http://www.ansi.org/>.
4. An Owner, Operator, or User, of a Boiler installed, repaired, replaced, or reinstalled in Arizona after the effective date of this Article shall comply with the American National Standard for Controls and Safety Devices for Automatically Fired Boilers, ANSI/ASME CSD-1-2018, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from the ASME, Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.
5. An Owner, Operator, or User, of a Boiler installed, repaired, replaced, or reinstalled in Arizona before the

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effective date of this Article shall comply with the American National Standard for Controls and Safety Devices for Automatically Fired Boilers in effect at the time of the last installation, repair, replacement or reinstallation of a Boiler in Arizona. As an alternative, an Owner, Operator, or User, of a Boiler described in this subsection may comply with subsection (A)(4).

6. A permanent source of outside air shall be provided for each Boiler and Lined Hot Water Heater room to assure complete combustion of the fuel as required by ANSI Z223.1- 2018, NFPA 54, National Fuel Gas Code incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from ANSI, at Customer Service Department, 25 W. 43rd Street, 4th Floor, New York, NY 10036 or at <http://www.ansi.org/>.
  7. All new Power Boilers installed after the effective date of this subsection, having power piping, welded or mechanically assembled, (pipe, valves, and fittings) falling within the scope of ASME Code, Section I, shall be designed, constructed and listed on the appropriate ASME Code, Section I, manufacturer's data report, P-2A, P-4A, P-4B, P-6 as applicable, incorporated by reference in R20-5-404(A)(1).
  8. An Owner, Operator, or User, of a Boiler installed, repaired, replaced, or reinstalled in Arizona having a capacity equal to or greater than 12,500,000 BTU/hr input after the effective date of this subsection shall comply with ANSI NFPA 85, Boiler and Combustion Systems Hazards Code, 2019 edition, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from ANSI, at Customer Service Department, 25 W. 43rd Street, 4th Floor, New York, NY 10036 or at <http://www.ansi.org/>.
- B.** The following registration requirements apply to this Article;
1. All Boilers, Lined Hot Water Heaters, and Pressure Vessels, including reinstalled and Secondhand Boilers, shall be registered with the National Board of Boiler and Pressure Vessel Inspectors except for:
    - a. Non-Standard Boilers installed up to six months after the effective date of this Section,
    - b. Cast iron Boilers, and
    - c. Cast aluminum Boilers.
  2. All fired and unfired Pressure Vessels installed or reinstalled on or after July 1, 2009, shall be registered with the National Board of Boiler and Pressure Vessel Inspectors.
- C.** The following installation, maintenance, and repair requirements apply to this Article.
1. An Owner, Operator, or User shall maintain a signed copy of the Manufacturer's Data Report, and Manufacturer's/Installing Contractors Report for ASME CSD-1, if applicable for a Boiler, Lined Hot Water Heater, or Pressure Vessel at the location of the Boiler Lined Hot Water Heater, or Pressure Vessel and make the reports available for review upon request from an Authorized Inspector.
  2. A Boiler shall have masonry or structural supports of sufficient strength and rigidity to safely support the Boiler and its contents without any vibration in the Boiler or its connecting piping.
  3. There shall be at least 36 in. (915 mm) of clearance on each side of the Boiler or Lined Hot Water Heater. Alternative clearances according to the manufacturer's recommendations are subject to approval by an Authorized Inspector prior to installation of a Boiler, Lined Hot Water Heater or Pressure Vessel.
  4. A Boiler with a manhole shall have at least five feet clearance between the Boiler manhole and any wall, ceiling, or piping.
  5. A newly constructed Boiler room in excess of 500 square feet of floor area and containing one or more Boilers with a fuel capacity of 1,000,000 BTU /hr or a heating capacity greater than 285 Kw (electric), shall have at least two exits on each level of the Boiler or Boilers. The Owner, Operator, or User shall ensure each exit is remotely located from other exits.
  6. An Owner, Operator, or User shall keep a Boiler, Lined Hot Water Heater, or Pressure Vessel room clean and with no obstructions to the Boiler, Lined Hot Water Heater, or Pressure Vessel.
  7. An Owner, Operator, or User shall not store flammable or explosive materials in a Boiler or Lined Hot Water Heater room.
  8. An Owner, Operator, or User shall not store combustibles any less than three feet from any part of a Boiler, Lined Hot Water Heater, or Pressure Vessel.
  9. If a Boiler, Lined Hot Water Heater, or Pressure Vessel is moved outside Arizona for temporary use or Repairs, the Owner, Operator, or User shall not reinstall the Boiler, Lined Hot Water Heater, or Pressure Vessel in Arizona until receiving verbal or written approval from the Division under R20-5-419. If the Division grants approval the Owner, Operator, or User shall not operate the reinstalled Boiler, Lined Hot Water Heater, or Pressure Vessel until receiving an Inspection Certificate under this Article.
  10. Before a new Power Boiler or Secondhand Boiler or Pressure Vessel is installed, an inspection in accordance with R20-5-408 shall be made by an Authorized Inspector or by a National Board Commissioned Inspector. This inspection is to assess the integrity of the vessel and evaluate the original design specification. Prior to installation, an application shall be filed by the Owner, Operator, or User of the Boiler or Pressure Vessel with the Division for approval. This application shall contain the following information:
    - a. Name of the Owner, Operator, or User;
    - b. Mailing address of Owner, Operator, or User;
    - c. Business telephone number of Owner, Operator, or User;
    - d. Installation name and address;
    - e. Installation date;
    - f. Start up date;
    - g. Name and address of Boiler or Pressure Vessel insurance company;
    - h. Arizona serial number of the Boiler or Pressure Vessel being replaced, if applicable;
    - i. Description of the new, or Secondhand Power Boiler or Pressure Vessel to include:
      - i. Manufacture's name,
      - ii. Date manufactured,
      - iii. MAWP or temperature of Boiler or Pressure Vessel, and
      - iv. National Board registration number;

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- j. Name, address, business phone number, cell phone number, fax number and state contractor's license number of company or individual that will be installing the Boiler or Pressure Vessel;
  - k. Name, title, and phone number of the contact person on the site of installation; and
  - l. Signature, title, and date of the person submitting the application.
11. Before the Owner, Operator, or User installing a Second-hand Boiler or Pressure Vessel, the Boiler or Pressure Vessel shall pass a hydrostatic test that is witnessed by an Authorized Inspector or by any National Board Commissioned inspector in accordance with R20-5-411.
  12. An Owner, Operator, or User of a Portable Boiler shall notify an Authorized Inspector before installing the Portable Boiler and shall not operate the Portable Boiler until the Owner, Operator, or User receives an Inspection Certificate from the Division.

**Historical Note**

Former Rules B-4.1 through B-4.3. Former Section R4-13-404 repealed, new Section R4-13-404 adopted effective April 12, 1979 (Supp. 79-2). Amended subsection (P) by adding paragraph (7) and amended subsection (Q) effective October 3, 1980 (Supp. 80-5). Section R4-13-404 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-404 recodified from R4-13-404 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-405. Repealed****Historical Note**

Former Section R4-13-405 repealed effective April 12, 1979 (Supp. 79-2). New Section R4-13-405 adopted effective June 13, 1980 (Supp. 80-3). Section R4-13-405 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-405 recodified from R4-13-405 (Supp. 95-1). Repealed by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-406. Repairs and Alterations**

- A. If Repairs or Alterations may affect the working pressure or safety of a Boiler, Lined Hot Water Heater, or Pressure Vessel, an Owner, Operator, or User shall consult with an Authorized Inspector before having the Repairs or Alterations made. The Authorized Inspector shall provide the Owner, Operator, or User information regarding the best method to repair or alter the Boiler, Lined Hot Water Heater, or Pressure Vessel. The Owner, Operator, or User shall ensure that an Authorized Inspector inspects and approves the Repairs and Alterations after the Repairs or Alterations are made.
- B. Repairs and Alterations to Boilers, Lined Hot Water Heaters, or Pressure Vessels shall conform to the applicable provisions of the National Board Inspection Code, ANSI/NB-23-2019, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007, and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, at 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.nationalboard.org/>.

- C. An Owner, Operator, or User shall not permit an individual to remove or repair a safety appliance of a Boiler, Lined Hot Water Heater, or Pressure Vessel in operation. An Owner, Operator, or User shall not permit a person to remove or repair a safety appliance of a Boiler, Lined Hot Water Heater, or Pressure Vessel not in operation except as provided under the ASME Code. If an Owner, Operator, or User permits a person to remove a safety appliance from a Boiler, Lined Hot Water Heater, or Pressure Vessel as provided under the ASME Code, then the Owner, Operator, or User shall ensure that the safety appliance is reinstalled in proper working order before the Boiler, Hot Water Heater, or Pressure Vessel is placed back into operation.
- D. No person shall alter in any manner a Safety Valve, Relief Valve, or Safety Relief Valve, except by an organization qualified in accordance with The National Board Inspection Code, ANSI/NB-23-2019 Edition, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007, and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.nationalboard.org/>.
- E. Repairs of fittings or appliances shall comply with the requirements of the National Board Inspection Code, ANSI/NB-23 2019 Edition, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, at 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.nationalboard.org/>.
- F. On or after the effective date of this subsection, replacement of fittings or appliances shall comply with the requirements of the 2019 ASME Boiler and Pressure Vessel Code, Sections I, II, IV, V, VI, VII, VIII, Division 1, 2, 3, IX, X and 2018 ASME Code for Pressure Piping B31.1, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007. A copy of the incorporated material may also be obtained from ASME, Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org>.

**Historical Note**

Former Section R4-13-406 repealed effective April 12, 1979 (Supp. 79-2). New Section R4-13-406 adopted effective June 13, 1980 (Supp. 80-3). Section R4-13-406 repealed, new Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-406 recodified from R4-13-406 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-407. Inspection of Boilers, Lined Hot Water Heaters, Direct Fired Jacketed Steam Kettles and Issuance of Inspection Certificates**

- A. An Authorized Inspector shall comply with the guidelines set forth in The National Board Inspection Code, ANSI/NB-23-2019 Edition, incorporated by reference. This incorporation

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does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.nationalboard.org/>.

- B. If an Owner, Operator, or User fails to comply with the requirements for an inspection or pressure test under this Article, the Division shall withhold the Inspection Certificate until the Owner, Operator, or User complies with the requirements.
- C. An Authorized Inspector shall not engage in the sale of any object or device relating to, or equipment associated with, Boilers, Lined Hot Water Heaters, or Direct Fired Jacketed Steam Kettles.
- D. Under A.R.S. § 23-485(D), the Special Inspector shall file an inspection report within 30 days of an inspection by entering data into the Division's Web-based inspection entry form, by submitting a paper inspection report issued by the Division, or by electronic transfer of data. Whatever form of data transfer a Special Inspector chooses, there shall be no cost to the Division. The inspection report shall contain the following:
  - 1. Whether it is a Certificate or non-Certificate Inspection;
  - 2. Whether it is an Internal Inspection, External Inspection, or both;
  - 3. Name of location, address and phone number of the object;
  - 4. Name, address and phone number of owner or responsible party;
  - 5. Contact person's name and phone number at the inspection location;
  - 6. State Identification Number;
  - 7. Inspection Certificate due date;
  - 8. Inspection Certificate duration;
  - 9. Install/reinstall date, if known;
  - 10. Whether the object is active, inactive, Out-of-Service, standby, or scrapped;
  - 11. MAWP permitted or allowed;
  - 12. National Board registration number;
  - 13. Name of the manufacturer and the year the object was built;
  - 14. Special location in plant, if applicable;
  - 15. Boiler type;
  - 16. Purpose of the Boiler;
  - 17. Specify type of fuel used;
  - 18. Whether the firing method is automatic, manual, or unknown;
  - 19. Whether the fuel train is in compliance with CSD-1, NFPA 85, Z21.10.3 or other;
  - 20. Whether the Boiler is fully attended as per R20-5-408(C);
  - 21. Size/input rate, as applicable;
  - 22. Size classification (HS/BTU/Kw);
  - 23. Whether the heating surface type is stamped, computed, or unknown;
  - 24. Minimum Safety Valve relief capacity required;
  - 25. Whether the minimum Safety Valve relief capacity type is BTU/Hr, lbs/Hr or unknown;
  - 26. Number of temperature/pressure controls, as applicable;
  - 27. Owner number assigned by the Owner to specifically identify object's location;
  - 28. Inspection date;
  - 29. Whether the Inspection Certificate is posted;
  - 30. Safety Valve total capacity;
  - 31. Safety Valve total capacity type (PPH/Hr or BTU/Hr);
  - 32. Safety Valve #1 set pressure;
  - 33. Safety Valve #2 set pressure;
  - 34. Safety Valve #3 set pressure;
  - 35. Safety Valve code stamping (Example: V, HV, UV, UV3.TV, TD, OR NV);
  - 36. Whether the object has been hydro tested;
  - 37. Hydro Test (psi), if applicable;
  - 38. Whether Pressure/Altitude Gage was tested;
  - 39. Whether the condition of the object is okay to issue an Inspection Certificate;
  - 40. Inspection comments, condition of Boiler;
  - 41. Violations noted;
  - 42. Inspector name and Special Inspector number; and
  - 43. National Board Commission number.
- E. The Division shall issue to an Owner, Operator, or User an Inspection Certificate within 30 calendar days of receipt of an inspection report that documents a Boiler, Lined Hot Water Heater, or Direct Fired Jacketed Steam Kettle that complies with the Act and this Article. An Owner, Operator, or User of a Boiler, Lined Hot Water Heater, or Direct Fired Jacketed Steam Kettle shall post the Inspection Certificate in the establishment where the Boiler, Lined Hot Water Heater, or Direct Fired Jacketed Steam Kettle is located.
- F. An Owner, Operator, or User shall ensure that an Authorized Inspector tags or stamps a steam Boiler with an identification number immediately after installing, but before operating, a new steam Boiler, or when an Authorized Inspector performs an initial Certificate Inspection of an existing steam Boiler. The identification number shall be at least 5/16" in height and in the following format: AZ-# # # #.
- G. The Division shall mark with a metal dye stamp a Boiler or Lined Hot Water Heater identified by the Division as not safe for further service, with the code "XXX AZ8 XXX" which shall designate that the Boiler or Lined Hot Water Heater is Condemned.
- H. For any conditions not covered by this Article, the applicable provisions of the ASME Code that was in effect in Arizona at the time of the installation of the Boiler or Lined Hot Water Heater shall apply.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-407 recodified from R4-13-407 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-408. Frequency of Inspection**

- A. An Owner, Operator, or User, of an existing Power Boiler or High Temperature Water Boiler shall ensure that an Authorized Inspector performs a Certificate Inspection and/or an External Inspection prior to operating the Power Boiler or High Temperature Water Boiler. A Certificate Inspection shall also be performed every 12 months thereafter and an External Inspection of the Power Boiler or High Temperature Water Boiler shall be performed every 12 months thereafter. An Authorized Inspector shall perform the External Inspection while the Power Boiler or High Temperature Water Boiler is in operation to ensure that safety devices are operating properly.
- B. An Authorized Inspector shall perform an Internal Inspection and pressure test on a Boiler, Lined Hot Water Heater, or Pressure Vessel if the Authorized Inspector determines from an External Inspection of the Boiler, Lined Hot Water Heater, or



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Pressure Vessel that continued operation is a danger to the public or worker safety.

- C. The Division shall issue a 12-month Inspection Certificate to an Owner, Operator, or User to operate a Fully Attended Power Boiler if:

1. An Owner, Operator, or User ensures that an Authorized Inspector performs an External Inspection and audit of the operational methods and logs of the Fully Attended Power Boiler at least every 12 months and performs an Internal Inspection of the Fully Attended Power Boiler at least every 36 months; and
2. Continuous boiler water treatment is under the direct supervision of persons trained and experienced in water treatment for the purpose of controlling and limiting corrosion and deposits; and
3. Records are available for review, that indicate:
  - a. The date, time, and reason the Boiler is Out of Service; and
  - b. Daily analysis of water samples that adequately show the conditions of the water and elements or characteristics that are capable of producing corrosion or other deterioration to the Boiler or its parts; and
4. Controls, safety devices, instrumentation, and other equipment necessary for safe operation are current, in service, calibrated, and meet the requirements of an appropriate safety code for the size Boilers, such as NFPA 85, ASME CSD-1 Controls and Safety Devices for Automatically Fired Boilers, National Board Inspection Code ANSI/NB-23, and state requirements; and
5. Inspection reports of an Authorized Inspector document that the Fully Attended Power Boiler complies with the Act and this Article.

- D. An Owner, Operator, or User of a Direct-Fired Jacketed Steam Kettle shall ensure that an Authorized Inspector performs a Certificate Inspection at the time of installation, and every 24 months thereafter.

- E. An Owner, Operator, or User of a steam heating or process Boiler, not exceeding 15 p.s.i. MAWP, steam or vapor, shall ensure that an Authorized Inspector performs a Certificate Inspection and an External Inspection of the heating or process boiler every 24 months.

- F. An Owner, Operator, or User of a hot water heating, hot water supply Boiler, or Lined Hot Water Heater shall ensure that an Authorized Inspector performs a Certificate Inspection and External Inspection of the hot water heating or hot water supply Boiler or Lined Hot Water Heater at installation. An inspection certificate issued by the Division following an inspection under this subsection shall not state an expiration date.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-408 recodified from R4-13-408 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-409. Notification and Preparation for Inspection**

- A. An Authorized Inspector shall perform a Certificate Inspection at a time mutually agreeable to the Authorized Inspector and the Owner, Operator, or User.

- B. Before an Authorized Inspector performs an Internal Inspection of a Boiler, an Owner, Operator, or User shall:

1. Cool the furnace and combustion chambers;
2. Drain the water from the Boiler;
3. Remove the manhole and handhole plates, wash-out plugs, inspection plugs in water column connections, and disassemble all low-water fuel cutoff float chambers or bowls;
4. Remove insulation or brickwork if necessary to determine the condition of the Boiler, headers, furnace, supports, and other parts;
5. Remove the pressure gauge for testing;
6. Prevent any leakage of steam or hot water into the boiler by disconnecting the involved pipe or valve;
7. Close, tag, and padlock the non-return and steam stop valves before opening the manhole or handhole covers and entering any part of the steam generating unit that is connected to a common header with other Boilers. Open the free blow drain or cock between the non-return and steam stop valves;
8. Close, tag, and padlock the blowoff valves after draining the Boiler; and
9. Open all drains and vent lines.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-409 recodified from R4-13-409 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-410. Report of Accident**

An Owner, Operator, or User shall notify the Division within 24 hours of an explosion, severe overheating, or personal injury involving a Boiler, Lined Hot Water Heater, or Direct Fired Jacketed Steam Kettle. A person shall not remove or disturb the involved Boiler, Lined Hot Water Heater, or Direct Fired Jacketed Steam Kettle or parts of the Boiler, Lined Hot Water Heater, or Direct Fired Jacketed Steam Kettle before an investigation by an Authorized Inspector, except for the purpose of preventing personal injury or limiting consequential damage.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-410 recodified from R4-13-410 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-411. Hydrostatic Tests**

The Owner, Operator, or User of a Boiler shall perform a hydrostatic or pneumatic pressure test in accordance with the code incorporated by reference in R20-5-404(A) and R20-5-406(B).

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-411 recodified from R4-13-411 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final

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rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-412. Automatic Low-water Fuel Cutoff Devices or Combined Water Feeding and Fuel Cutoff Devices**

- A. An Owner, Operator, or User shall ensure that low-water fuel cutoff devices or combined water feeding and fuel cutoff devices do not interfere with an Operator's or Authorized Inspector's ability to safely clean, repair, or inspect a Boiler, Lined Hot Water Heater, or Pressure Vessel.
- B. A low-water fuel cutoff device shall have a pressure rating not less than the set pressure of the Safety Valve or Safety Relief Valve.
- C. In addition to the requirements of subsections (A) and (B), all low-water fuel cutoffs and flow sensing devices shall be constructed and installed in accordance with applicable ASME Code and standards for Boilers and Direct Fired Jacketed Steam Kettle in R20-5-404(A).

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-412 recodified from R4-13-412 (Supp. 95-1). Amended effective October 9, 1998 (98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-413. Safety and Safety Relief Valves**

- A. A valve shall not be placed between a Safety Valve, Relief Valve, or a Safety Relief Valve and the Boiler, Lined Hot Water Heater, or Pressure Vessel, or between a Safety Valve, Relief Valve, or a Safety Relief Valve and the discharge pipe attached to the Boiler, Lined Hot Water Heater, or Pressure Vessel.
- B. When a Power Boiler is supplied with feed-water directly from a water main without the use of a feeding apparatus, Safety Valves shall not be set at a pressure greater than 94% of the lowest pressure obtained in the water main feeding the Boiler;
- C. Safety Valves, Safety Relief Valves, and Relief Valves shall conform to the requirements of the 2019 ASME Boiler and Pressure Vessel Code, Section I, IV or VIII, July, incorporated by reference as applicable. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ and may be obtained from ASME, Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.
- D. The resetting, repairing, and restamping of Safety Valves, Relief Valves, and Safety Relief Valves shall be done by a qualified valve repair organization holding a valid "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. ASME valve manufacturers holding a valid "V," "HV," and "UV" Certificate or Certificates of Authorization may also do this work provided they also have a valid "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors.
- E. With jurisdictional approval, Owner, Operators, and Users of Boilers, Lined Hot Water Heaters, and Pressure Vessels may authorize external adjustments to bring installed Safety Valves, Relief Valves, and Safety Relief Valves back to the stamped set pressure when performed by the Owner's, Operator's, or User's trained, qualified, regular, and full-time

employees. Refer to Supplement 7.10 of the National Board Inspection Code for guidelines regarding training, documentation, and the implementation of a quality system for the Owner, Operator, or User employees. All such external adjustments shall be resealed with a metal tag showing the identification of the organization making the adjustments and the date. If any valve repairs are required, they shall be done by a qualified "VR" certificate holder.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-413 recodified from R4-13-413 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-414. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-414 recodified from R4-13-414 (Supp. 95-1). Repealed by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3).

**R20-5-415. Boiler Blowdown, Blowoff Equipment and Drains**

- A. Except as provided in this Section, an Owner, Operator, or User of blowdown and blowoff equipment shall comply with the National Board of Boiler and Pressure Vessel Inspectors, A Guide for Blowoff Vessels, NB-27, Revision 1 (1/13), 2012 Edition, incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 W. Washington Street, Phoenix, AZ 85007 and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183 or at <http://www.nationalboard.org/>.
- B. Blowdown from a Boiler is a hazard to life and property.
- C. Blowdown from a Boiler shall pass through blowdown equipment that reduces pressure and temperature to levels not exceeding 5 p.s.i.g. and 140° F.
- D. The thickness of a blowdown vessel shall be at least 3/16".
- E. All blowdown equipment shall be fitted with openings that allow cleaning and inspection of the equipment.
- F. Blowdown Separators may be used with Boilers instead of Boiler Blowdown Tanks, provided that Blowdown Separators are operated with a temperature gauge and water cooler to prevent drain water temperature from exceeding 140° F.
- G. In addition to the requirements of subsections (A) through (F), the following requirements apply to blowdown piping, valves and drains for Power Boilers: Each Power Boiler and High Temperature Water Boiler shall be installed and maintained according to ASME Code, Section 1 and B31.1, incorporated by reference in R20-5-404, at the time of installation.
- H. In addition to the requirements of subsections (A) through (F), the following requirements apply to bottom blowdown or drain valves for heating Boilers and Lined Hot Water Heaters:
  1. A hot water heating Boiler or Lined Hot Water Heater shall have a bottom blowdown or drain pipe connection fitted with a valve or cock connected with the lowest available water space with the minimum size of blow-

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down piping and valves as required by ASME Code, Section IV, incorporated by reference, in R20-5-404(A).

2. Discharge outlets of blowdown pipes, Safety Valves, Relief Valves, or Safety Relief Valves, and other piping shall be located and structurally supported to prevent injury to individuals.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-415 recodified from R4-13-415 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-416. Maximum Allowable Working Pressure**

- A. The ASME Code under which a Boiler, Lined Hot Water Heater, or Pressure Vessel was constructed and stamped shall determine the MAWP.
- B. If components in the Boiler, or hot water system such as valves, pumps, expansion tanks, storage tanks or piping have a lesser working pressure rating than the Boiler or Lined Hot Water Heater, the pressure setting for the Safety Valve Relief Valve, or Safety Relief Valve on the Boiler or Lined Hot Water Heater shall be based upon the component with the lowest MAWP rating.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-416 recodified from R4-13-416 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-417. Maintenance and Operation of Boilers, Lined Hot Water Heaters and Direct Fired Jacketed Steam Kettles**

- A. An Owner, Operator, or User of a lined Boiler, Lined Hot Water Heater, or Direct Fired Jacketed Steam Kettle constructed under the ASME Code, Sections I, IV or VIII Division 1, incorporated by reference in R20-5-404(A) shall comply with the manufacturer's maintenance and operation instructions.
- B. In addition to the requirements of subsection (A), an Owner, Operator, or User of a Boiler constructed under the ASME Code, Sections I, or IV shall comply with the following preventive maintenance schedule if the boiler contains the component or system listed.
  1. On a daily basis, the Owner, Operator, or User shall:
    - a. Test the low-water fuel cutoff and alarm, and
    - b. Check the burner flame for proper combustion.
  2. On a weekly basis, the Owner, Operator, or User shall:
    - a. Check for proper ignition, and
    - b. Check the flame failure detection system.
  3. On a monthly basis, the Owner, Operator, or User shall:
    - a. Test all fan and air pressure interlocks,
    - b. Check the main burner safety shutoff valve,
    - c. Check the low fire start switch,
    - d. Test fuel pressure and temperature interlocks of oil-fired units, and

- e. Test the high and low fuel pressure switch of gas-fired units.

4. Every six months, the Owner, Operator, or User shall:
  - a. Inspect burner components;
  - b. Check flame failure system components, such as vacuum tubes, amplifier and relays;
  - c. Check wiring of all interlocks and shutoff valves; and
  - d. Check steam and blowdown piping and valves.
5. Annually, the Owner, Operator, or User shall:
  - a. Replace vacuum tubes, scanners, or flame rods in the flame failure system according to the manufacturer's instructions;
  - b. Check all coils and diaphragms; and
  - c. Test operating parts of all safety shutoff and control valves.
  - d. Unless there is other information to assess their accuracy or reliability, all pressure gages shall be removed, tested, and their readings compared to the readings of a calibrated standard test gage or a dead weight tester.
- C. An Owner, Operator, or User of a Power Boiler or High Temperature Water Boiler shall designate an individual who meets the requirements of subsection (D) to operate the Boiler. An Owner, Operator, or User may operate the Boiler if the Owner, Operator, or User meets the requirements of subsection (D).
- D. An Operator or User of a Power Boiler or High Temperature Water Boiler shall meet the following minimum requirements:
  1. Knowledge of and an ability to explain the function and operation of all safety controls of the Boiler,
  2. Ability to start the Boiler in a safe manner,
  3. Knowledge of all safe methods of feeding water to the Boiler,
  4. Knowledge of and the ability to blow down the Boiler in a safe manner,
  5. Knowledge of safety procedures to follow if water exceeds or drops below permissible safety levels, and
  6. Knowledge of and the ability to safely shut down the Boiler.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-417 recodified from R4-13-417 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-418. Non-standard Boilers**

An Owner, Operator, or User shall remove from service a Boiler, Lined Hot Water Heater, or Pressure Vessel that does not bear an ASME stamp unless a variance is requested under R20-5-429.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). New Section adopted effective April 9, 1992 (Supp. 92-2). R20-5-418 recodified from R4-13-418 (Supp. 95-1). Amended effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

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**R20-5-419. Request to Reinstall Boiler or Lined Hot Water Heater**

- A. The Division shall grant or deny approval to reinstall a Boiler or Lined Hot Water Heater within three business days after an Owner, Operator, or User requests approval. The order of the Division granting or denying approval shall be in writing.
- B. The Division shall grant approval if the Boiler or Lined Hot Water Heater complies with the Act and this Article. The Division shall deny approval if the Boiler or Lined Hot Water Heater does not comply with the Act and this Article.
- C. An order of the Division denying approval shall be final unless an Owner, Operator, or User requests a hearing under A.R.S. § 23-479 within 15 days after the Division Serves the order. The Owner, Operator, or User requesting a hearing shall have the burden to prove that a Boiler or Lined Hot Water Heater meets the requirements of the Act and this Article.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-419 recodified from R4-13-419 (Supp. 95-1). New Section adopted effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-420. Special Inspector Certificate under A.R.S. § 23-485**

- A. The Division shall administratively review an Applicant's application for a Special Inspector Certificate under A.R.S. § 23-485 within seven days of receipt of the application to determine if the application is complete. If the application is incomplete, the Division shall notify the Applicant in writing of the missing documentation or information necessary to comply with this Article.
- B. The Division shall deem an application withdrawn if the Applicant fails to file a complete application within ten days of being notified by the Division that the application is incomplete pursuant to subsection A, unless the Applicant obtains an extension to provide the missing information. An Applicant may obtain an extension to submit the missing information by filing a written request with the Division no later than ten days after the Division Serves notice that the application is incomplete, stating the reasons why the Applicant is unable to meet the ten-day deadline.
- C. An application for a Special Inspector Certificate under A.R.S. § 23-485 is deemed complete under subsection (A) when the following is filed with the Division:
  - 1. Written documentation demonstrating that the Applicant holds a current commission issued by the National Board of Boiler and Pressure Vessel Inspectors; and
  - 2. Proof of employment as a full-time inspector for a company conducting business in Arizona with a certificate of accreditation as outlined in A.R.S. § 23-485 and whose duties as an inspector include making inspections of Boilers or Lined Hot Water Heaters to be used or insured by such company and not for resale.
- D. If an Applicant meets the criteria of A.R.S. § 23-485 and subsection (C) of this Section, the Division shall issue a Special Inspector Certificate to the Applicant within 15 calendar days. If an Applicant fails to meet the criteria of A.R.S. § 23-485 and subsection (C) of this Section, the Division shall issue a written notice denying eligibility to the Applicant. The Commission shall deem the notice denying eligibility final if an

Applicant does not request a hearing within 15 calendar days after the Division Serves the notice.

- E. A Hearing on the denial of eligibility for a Special Inspector Certificate shall be governed by the following provisions:
  - 1. A request for hearing protesting a denial of eligibility shall be in writing and signed by the Applicant or the Applicant's legal representative and filed with the Division.
  - 2. The Commission shall hold a hearing under A.R.S. § 41-1065. The hearing shall be recorded.
  - 3. The chair of the Commission or designee shall preside over hearings held under this Section. The chair shall apply the provisions of A.R.S. § 41-1062 et seq. to hearings held under this Section and shall have the authority and power of a presiding officer as described in A.R.S. § 41-1062.
  - 4. A decision of the Commission to deny or grant eligibility for a Special Inspector Certificate shall be based upon the criteria set forth in A.R.S. § 23-485 and this Section and shall be made by a majority vote of the quorum of Commission members present when the decision is rendered at a public meeting. After a decision is rendered at a public meeting, the Commission shall issue a written decision upon hearing which shall include findings of fact and conclusions of law, separately stated. An order of the Commission denying a Special Inspector Certificate is final unless an applicant files a request for review within 15 days after the Commission Serves its order.
  - 5. A request for review shall be based upon one or more of the following grounds which have materially affected the rights of an Applicant:
    - a. Irregularities in the hearing proceedings or any order or abuse of discretion whereby the Applicant seeking review was deprived of a fair hearing;
    - b. Misconduct by the Division;
    - c. Accident or surprise which could not have been prevented by ordinary prudence;
    - d. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the hearing;
    - e. Excessive or insufficient sanctions or penalties imposed at hearing;
    - f. Error in the admission or rejection of evidence, or errors of law occurring at, or during the course of, the hearing;
    - g. Bias or prejudice of the Division; and
    - h. The order, decision, or findings of fact are not justified by the evidence or are contrary to law.
  - 6. The Commission shall issue a decision upon review no later than 30 days after receiving a request for review.
  - 7. The Commission's decision upon review is final unless an Applicant seeks judicial review as provided in A.R.S. § 23-483.

**Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-420 recodified from R4-13-420 (Supp. 95-1). New Section adopted effective October 9, 1998 (Supp. 98-4). Amended by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

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**R20-5-421. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-421 recodified from R4-13-421 (Supp. 95-1).

**R20-5-422. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-422 recodified from R4-13-422 (Supp. 95-1).

**R20-5-423. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-423 recodified from R4-13-423 (Supp. 95-1).

**R20-5-424. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-424 recodified from R4-13-424 (Supp. 95-1).

**R20-5-425. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-425 recodified from R4-13-425 (Supp. 95-1).

**R20-5-426. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-426 recodified from R4-13-426 (Supp. 95-1).

**R20-5-427. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-427 recodified from R4-13-427 (Supp. 95-1).

**R20-5-428. Repealed****Historical Note**

Repealed effective April 12, 1979 (Supp. 79-2). R20-5-428 recodified from R4-13-428 (Supp. 95-1).

**R20-5-429. Variance**

- A. Any Owner, Operator, or User may apply to the Director for a variance from the requirements of this Article, upon demonstrating the construction, installation, and operation of the Boiler, Lined Hot Water Heater, or Pressure Vessel will maintain the same level of safety as prescribed by this Article. The Director shall issue a variance if the Director determines that the proponent of the variance has demonstrated the construction, installation, and operation of the Boiler, Lined Hot Water Heater, or Pressure Vessel will maintain the same level of safety as prescribed by this Article. The variance issued shall prescribe the construction, installation, operation, maintenance, and repair conditions that the Owner, Operator, or User shall maintain.
- B. A variance may be modified or revoked upon application by an Owner, Operator, or User or the Director, on the Director's own motion at any time after six months from issuance if the owner or user Owner, Operator, or User has not complied with the variance or if the variance does not protect the health and safety of employees or general public.
- C. The application for a variance shall be made on the form issued by the Division and contains the following information:
1. Owner, Operator, or User name and company name;
  2. Mailing address;

3. Telephone number;
  4. Fax number;
  5. Contact person;
  6. Contact person's telephone number;
  7. Address or location of proposed variance;
  8. Type of facility to include;
    - a. Variance description,
    - b. Justification for variance,
    - c. Component or system involved,
    - d. Supporting documentation for variance,
    - e. Identify the statute, rule, code or standard to justify the variance; and
  9. Printed name and title of Owner, Operator, or User, signature of Owner, Operator, or User, and date.
- D. If an Owner, Operator, or User does not agree with the variance issued or revoked by the Director, a request for a hearing under A.R.S. § 23-479 can be made with the Commission.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-430. Forced Circulation Lined Hot Water Heaters**

- A. All water tube or coil-type Lined Hot Water Heaters that require forced circulation to prevent overheating and failure of the tubes or coils shall have a safety control, to prevent burner operation at a flow rate inadequate to protect the Lined Hot Water Heater unit against overheating, at all allowable firing rates. The safety control shall shut down the burner and prevent restarting until an adequate flow is restored. The flow sensing device shall be labeled and listed by a nationally recognized testing agency as a standard for limit controls complying with UL 353. This safety control shall be independent of any other operating controls.
- B. All water tube or coil-type Lined Hot Water Heaters that require forced circulation to prevent overheating and failure of the tubes or coils, shall have a manually operated remote shutdown switch or circuit breaker and shall be located just outside the Lined Hot Water Heater's room door and marked for easy identification. The shutdown switch shall be installed in a manner to safeguard against tampering. If a Lined Hot Water Heater's room door is on the building exterior, the switch shall be located just inside the door. If there is more than one door to the Lined Hot Water Heater's room, there shall be a switch located at each door. The remote shutdown switch or circuit breaker shall disconnect all power to the burner controls.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-431. Code Cases**

Code cases approved for use by ASME are allowed to be used in the design, fabrication and testing of Boilers, Lined Hot Water Heaters, and Pressure Vessels provided approval from the boiler chief is obtained prior to use.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30,

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2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**R20-5-432. Historical Boilers**

Historical boilers shall require an initial Certificate Inspection by an Authorized Inspector in accordance with The National Board Inspection Code, followed by a Certificate Inspection every three years thereafter if stored inside a shelter, or annually if stored outdoors. The initial Certificate Inspection shall include ultrasonic thickness testing of all pressure boundaries. Thinning of the pressure retaining boundary shall be monitored and recorded on the inspection report.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 1496, effective August 18, 2009 (Supp. 09-3). Amended by final rulemaking at 28 A.A.R. 3952 (December 30, 2022), with an immediate effective date of December 7, 2022 (Supp. 22-4).

**ARTICLE 5. ELEVATOR AND CONVEYANCE SAFETY****R20-5-501. Repealed****Historical Note**

Former Rule E-1. Amended effective November 9, 1979 (Supp. 79-6). R20-5-501 recodified from R4-13-501 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1).

**R20-5-502. Definitions**

In addition to the definitions provided in A.R.S. § 23-491, the following definitions apply to this Article:

“Alteration” or “altered” means work performed to any conveyance that is not routine maintenance or repair.

“ASME” means American Society of Mechanical Engineers.

“ANSI” means American National Standard Institute.

“AZFS key” means Arizona Firefighters Service Key, a universal key used by a firefighter to operate a conveyance during an emergency.

“Chief” means the head inspector of the Elevator Safety Section of the Division of Occupational Safety and Health.

“Conveyance” defined in A.R.S. § 23-491, also includes employee elevators for construction and demolition operations, material lifts, platform lifts, orchestra lifts and stairway chairlifts.

“Elevator Safety Section” means the Elevator Safety Section of the Division of Occupational Safety and Health of the Commission.

“Employee elevator for construction and demolition operations” means an elevator that is not an integral part of a building, is installed inside or outside buildings or structures during construction, alteration, or demolition operations, and is used to raise and lower workers and other personnel.

“Inspection” means the official determination by an inspector of the condition of all parts of the equipment on which the safe operation of a conveyance depends.

“Orchestra lift” means a lift operating at a speed of 15 (4.6 meters) per minute or less, not designed for passenger use, not for moving during performances, providing

an extension of the stage, and providing an extension of the auditorium floor.

“Platform lift” means a powered hoisting and lowering mechanism designed to transport mobility-impaired persons on a guided platform that travels on an incline or vertically.

“Stairway chairlift” means a powered hoisting and lowering mechanism that is guided and equipped with a seat to transport seated passengers along stairways.

“State Serial Number” is a unique number assigned by the Chief Elevator Inspector to a conveyance.

**Historical Note**

Former Rule E-2. R20-5-502 recodified from R4-13-502 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2). Amended by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**R20-5-503. Repealed****Historical Note**

Former Rule E-3. R20-5-503 recodified from R4-13-503 (Supp. 95-1). Section repealed by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1).

**R20-5-504. Safety Standard for Platform Lifts and Stairway Chairlifts**

- A. Every owner or operator of a platform lift or stairway chairlift installed, repaired, or altered on or after January 1, 2023, shall comply with ASME A18.1-2020 (Safety Standard for Platform Lifts and Stairway Chairlifts), with amendments as of November 29, 2020, which is incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. This incorporation by reference does not include any later amendments or editions of the incorporated matter.
- B. Every owner or operator of a platform lift or stairway chairlift installed, repaired, or altered prior to January 1, 2023, shall comply with either: (1) ASME A18.1-2005 (Safety Standard for Platform Lifts and Stairway Chairlifts), with amendments as of November 29, 2005; or (2) ASME A18.1-2020 (Safety Standard for Platform Lifts and Stairway Chairlift), with amendments as of November 29, 2020, which are incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. These incorporations by reference do not include any later amendments or editions of the incorporated matter.
- C. A copy of the referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org>.

**Historical Note**

Former Rule E-4. R20-5-504 recodified from R4-13-504 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2). Amended by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

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ary 9, 2023 (Supp. 23-1).

**R20-5-505. Certificate of Inspection**

The owner or operator of a conveyance shall maintain the Commission's certificate at the same location as the conveyance or related equipment and make the certificate available for inspection and copying upon request. The State Serial Number or certificate shall be posted or displayed in or within close proximity to the conveyance in a location that is easily accessible.

**Historical Note**

Former Rule E-5. R20-5-505 recodified from R4-13-505 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2). Amended by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**R20-5-506. Recordkeeping**

- A. The Elevator Safety Section shall assign a State Serial Number to every conveyance for recordkeeping purposes. The State Serial Number shall be on a tag that is affixed to the controller or mainline disconnect of the conveyance.
- B. The owner or operator of a conveyance shall notify the Elevator Safety Section at least 90 days before installation, relocation, or alteration of a conveyance.
- C. The owner or operator of a conveyance shall notify the Elevator Safety Section within 24 hours of every accident resulting in injury to a person or disabling damage to a conveyance. For purposes of this subsection, disabling damage means any damage to a conveyance that impairs normal operations.

**Historical Note**

Former Rule E-6. Amended effective November 9, 1979 (Supp. 79-6). R20-5-506 recodified from R4-13-506 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2). Amended by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**R20-5-507. Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts, Special Purpose Personnel Elevators, and Dumbwaiters with Automatic Transfer Devices**

- A. Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, special purpose personnel elevator, or dumbwaiter with automatic transfer device installed, repaired, or altered on or after January 1, 2023, shall comply with the ASME A17.1-2019 (Safety Code for Elevators and Escalators) or ASME A17.7-2007 (Performance-Based Safety Code for Elevators and Escalators) as referenced in ASME A17.1-2019, which are incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. These incorporations by reference do not include any later amendments or editions of the incorporated matter.
- B. Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, special purpose personnel elevator, or dumbwaiter with automatic transfer device installed, repaired, or altered between May 5, 2009, and December 31, 2022, shall comply with either: (1) ASME A17.1-2019 (Safety Code for Elevators and Escalators); (2) ASME A17.1-2007 (Safety Code for Elevators and Escalators); or (3) ASME

A17.7-2007 (Performance-Based Safety Code for Elevators and Escalators), as referenced in ASME A17.1-2019 and ASME A17.1-2007, which are incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. These incorporations by reference do not include any later amendments or editions of the incorporated matter.

- C. Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, special purpose personnel elevator, or dumbwaiter with automatic transfer device installed, repaired, or altered before May 5, 2009, shall comply with either: (1) ASME A17.1-2019 (Safety Code for Elevators and Escalators); (2) ASME A17.1-2007 (Safety Code for Elevators and Escalators); (3) ASME A17.7-2007 (Performance-Based Safety Code for Elevators and Escalators), as referenced in ASME A17.1-2019 and A17.1-2007; or (4) the version of ASME A17.1 (Safety Code for Elevators and Escalators) in effect at the time of installation, which are incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. These incorporations by reference do not include any later amendments or editions of the incorporated matter.
- D. For installations of a residential elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with an automatic transfer device, installed after February 6, 2020, the distance between the hoistway face of the hoistway doors and the hoistway edge of the landing sill shall not exceed 19 mm (0.75 in.) for swinging doors and 57 mm (2.25 in.) for sliding doors.
- E. A copy of the referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and may be obtained from ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org>.

**Historical Note**

Former Rule R4-13-507 repealed, new Section R4-13-507 adopted effective November 9, 1979 (Supp. 79-6). Amended effective March 30, 1981 (Supp. 81-2). Amended effective June 23, 1983 (Supp. 83-3). Amended effective July 24, 1985 (Supp. 85-4). Amended effective September 5, 1989 (Supp. 89-3). Amended effective March 20, 1992 (Supp. 91-2). R20-5-507 recodified from R4-13-507 (Supp. 95-1). Amended effective October 8, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 2935, effective August 4, 1999 (Supp. 99-3). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2). Amended by final rulemaking at 25 A.A.R. 2182, with an immediate effective date of August 6, 2019 (Supp. 19-3). Amended by final rulemaking at 26 A.A.R. 311, with an immediate effective date of February 6, 2020 (Supp. 20-1). Amended by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**R20-5-508. Safety Standard for Manlifts**

- A. Every owner or operator of a manlift installed, repaired, or altered on or after January 1, 2023, shall comply with ASME A90.1-2015 (Safety Standard for Belt Manlifts), which is incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. This

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incorporation by reference does not include any later amendments or editions of the incorporated matter.

- B. Every owner or operator of a manlift installed, repaired, or altered prior to January 1, 2023, shall comply with either: (1) ASME A90.1-2015 (Safety Standard for Belt Manlifts); or (2) ASME A90.1-2003 (Safety Standard for Belt Manlifts), which are incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. These incorporations by reference do not include any later amendments or editions of the incorporated matter.
- C. A copy of the referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org>.

**Historical Note**

Adopted effective November 9, 1979 (Supp. 79-6). R20-5-508 recodified from R4-13-508 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15

A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

Amended by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**R20-5-509. Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations**

- A. Every owner or operator of a personnel hoist or employee elevator for construction and demolition operation installed, repaired, or altered on or after January 1, 2023, shall comply with ANSI A10.4-2016 (Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Sites), which is incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. This incorporation by reference does not include any later amendments or editions of the incorporated matter.
- B. Every owner or operator of a personnel hoist or employee elevator for construction and demolition operation installed prior to January 1, 2023, shall comply with either: (1) ANSI A10.4-2016 (Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Sites); or (2) ANSI A10.4-2007 (Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Sites), which are incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. These incorporations by reference do not include any later amendments or editions of the incorporated matter.
- C. A copy of the referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ANSI at 25 West 43rd Street, 4th Floor, New York, New York, 10036 or at <http://www.ansi.org>.

**Historical Note**

Adopted effective November 9, 1979 (Supp. 79-6). Amended effective June 23, 1983 (Supp. 83-3). R20-5-509 recodified from R4-13-509 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2).

Amended by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**R20-5-510. Safety Requirements for Material Hoists**

- A. Every owner or operator of a material hoist installed, repaired, or altered on or after January 1, 2023, shall comply with ANSI A10.5-2020 (Safety Requirements for Material Hoists), which is incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. This incorporation by reference does not include any later amendments or editions of the incorporated matter.
- B. Every owner or operator of a material hoist installed, repaired, or altered prior to January 1, 2023, shall comply with either: (1) ANSI A10.5-2020 (Safety Requirements for Material Hoists); or (2) ANSI A10.5-2006 (Safety Requirements for Material Hoists), which are incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. These incorporations by reference do not include any later amendments or editions of the incorporated matter.
- C. A copy of the referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ANSI at 25 West 43rd Street, 4th Floor, New York, New York, 10036 or at <http://www.ansi.org>.

**Historical Note**

Adopted effective November 9, 1979 (Supp. 79-6). Amended effective June 23, 1983 (Supp. 83-3). R20-5-510 recodified from R4-13-510 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2). Amended by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**R20-5-511. Repealed****Historical Note**

Adopted effective March 30, 1981 (Supp. 81-2). R20-5-511 recodified from R4-13-511 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 381, effective March 15, 2003 (Supp. 03-1). Amended by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2). Repealed by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**R20-5-512. Expired****Historical Note**

Adopted effective March 30, 1981 (Supp. 81-2). R20-5-512 recodified from R4-13-512 (Supp. 95-1). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 2320, effective May 19, 2005 (Supp. 05-2).

**R20-5-513. Firefighters' Emergency Operation**

All conveyances equipped with firefighters' emergency operation shall utilize the AZFS key.

**Historical Note**

New Section made by final rulemaking at 15 A.A.R. 872, effective May 5, 2009 (Supp. 09-2). Amended by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).



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1).

**R20-5-514. Standard for Elevator Suspension, Compensation, and Governor Systems**

- A.** Every owner or operator of an elevator with elevator suspension, compensation, or governor systems installed, repaired, or altered on or after the effective date of this subsection shall comply with ASME A17.6-2017 (Standard for Elevator Suspension, Compensation, and Governor Systems), which is incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. This incorporation by reference does not include any later amendments or editions of the incorporated matter.
- B.** A copy of the referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ASME at Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org>.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**R20-5-515. Safety Requirements for Stage and Orchestra Lifts**

- A.** Every owner or operator of a stage lift installed, repaired, or altered on or after the effective date of this section shall comply with ANSI E1.42-2018 (Entertainment Technology - Design, Installation, and Use of Orchestra Pit Lifts), which is incorporated by reference. For purposes of a repair or alteration, compliance with the specified standard shall apply, to the extent possible, to the scope of the repair or alteration. This incorporation by reference does not include any later amendments or editions of the incorporated matter.
- B.** A copy of the reference material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and ANSI at 25 West 43rd Street, 4th Floor, New York, New York, 10036 or at <http://www.ansi.org>.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 512 (February 3, 2023), within an immediate effective date of January 9, 2023 (Supp. 23-1).

**ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS****R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926**

Each employer shall comply with the standards in the Federal Occupational Safety and Health Standards for Construction, as published in 29 CFR 1926, with amendments as of February 24, 2021, incorporated by reference. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to construction activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after February 24, 2021.

**Historical Note**

Editorial correction (Supp. 75-1). Amended as an emergency effective November 16, 1977 pursuant to A.R.S. §

41-1003, valid for only 90 days (Supp. 77-6). Amended as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-601 repealed, former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). Amended effective June 17, 1981 (Supp. 81-3). Amended effective November 14, 1984 (Supp. 84-6). Amended effective March 3, 1987 (Supp. 87-1). Amended effective April 22, 1988; amended effective May 26, 1988 (Supp. 88-2). Amended effective October 14, 1988 (Supp. 88-4). Amended effective September 14, 1989 (Supp. 89-3). Amended effective April 2, 1990 (Supp. 90-2). Amended effective August 6, 1990 (Supp. 90-3). Amended effective February 8, 1991 (Supp. 91-1). Amended effective November 21, 1991 (Supp. 91-4). Amended effective February 28, 1992 (Supp. 91-2). Amended effective October 22, 1992; amended effective December 23, 1992 (Supp. 92-4). Amended effective September 13, 1993 (Supp. 93-3). Amended effective October 21, 1993; amended effective December 17, 1993 (Supp. 93-4). Amended effective May 11, 1994 (Supp. 94-2). Amended effective November 18, 1994 (Supp. 94-4). Amended effective January 12, 1995; R20-5-601 recodified from R4-13-601 (Supp. 95-1). Amended effective August 28, 1996 (Supp. 96-3). Amended effective April 1, 1997 (Supp. 97-2). Amended effective December 12, 1997 (Supp. 97-4). Amended effective August 27, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 592, effective January 14, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 851, effective February 5, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 2108, effective June 2, 2003 (Supp. 03-2). Amended by final rulemaking at 12 A.A.R. 4102, effective December 4, 2006 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 1417, effective March 30, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 2711, effective June 17, 2008 (Supp. 08-2). Amended by final rulemaking at 16 A.A.R. 1469, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 1264, effective June 13, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 1492, effective August 5, 2012 by Notice of Public Information at 18 A.A.R. 1653 (Supp. 12-2). Amended by final rulemaking at 18 A.A.R. 3007, effective October 24, 2012 (Supp. 12-4). Amended by final rulemaking at 22 A.A.R. 773, effective March 16, 2016 (Supp. 16-1). Amended by final rulemaking at 22 A.A.R. 1391, effective May 10, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2316, effective July 23, 2018 (Supp. 18-3). Amended by final rulemaking at 26 A.A.R. 373, with an immediate effective date of February 11, 2020 (Supp. 20-1). Amended by final rulemaking at 28 A.A.R. 1761 (July 22, 2022), with an immediate effective date of July 8, 2022 (Supp. 22-3).

**R20-5-601.01. Expired****Historical Note**

New Section made by exempt rulemaking at 18 A.A.R. 1144, effective May 25, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 26 A.A.R. 290, effective January 15, 2020 (Supp. 20-1).

**R20-5-602. The Federal Occupational Safety and Health**

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**Standards for General Industry, 29 CFR 1910**

Each employer shall comply with the standards in Subparts B through Z inclusive of the Federal Occupational Safety and Health Standards for General Industry, as published in 29 CFR 1910, with amendments as of July 14, 2020, incorporated by reference. Copies of these reference materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to general industry activity by all employers, both public and private, in the state of Arizona; provided that this Section shall not apply to those conditions and practices which are the subject of R20-5-601. This incorporation by reference does not include amendments or editions to 29 CFR 1910 published after July 14, 2020.

**Historical Note**

Editorial correction (Supp. 75-1). Amended as an emergency effective November 16, 1977 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). New Section R4-13-602 adopted effective July 30, 1980 (Supp. 80-4). Amended as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-602 repealed, former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). Amended effective June 17, 1981 (Supp. 81-3). Amended subsection (A) effective October 1, 1981 (Supp. 81-5). Amended subsection (A) effective March 5, 1982 (Supp. 82-2). Amended subsection (A) effective May 6, 1983 (Supp. 83-3). Amended subsection (A) effective April 6, 1984 (Supp. 84-2). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended subsection (A) effective October 18, 1984 (Supp. 84-5). Editorial correction, amendment October 18, 1984, withdrawn for subsequent certification. Amended effective November 14, 1984, and December 14, 1984 (Supp. 84-6). Amended subsection (A) effective June 9, 1986 (Supp. 86-3). Amended subsection (A) effective March 3, 1987 (Supp. 87-1). Amended subsection (A) effective June 26, 1987 (Supp. 87-2). Amended subsection (A) effective April 22, 1988; amended subsection (A) effective May 26, 1988 (Supp. 88-2). Amended subsection (A) effective October 14, 1988 (Supp. 88-4). Amended effective September 14, 1989 (Supp. 89-3). Amended effective April 2, 1990 (Supp. 90-2). Amended effective August 6, 1990 (Supp. 90-3). Amended effective February 8, 1991 (Supp. 91-1). Amended effective November 21, 1991 (Supp. 91-4). Amended effective February 28, 1992 (Supp. 91-2). Amended effective March 20, 1992 (Supp. 91-2). Amended effective June 16, 1992 (Supp. 92-2). Amended effective October 22, 1992; amended effective December 23, 1992 (Supp. 92-4). Amended effective May 14, 1993 (Supp. 93-2). Amended effective September 13, 1993 (Supp. 93-3). Amended effective October 21, 1993; amended effective December 17, 1993 (Supp. 93-4). Amended effective May 11, 1994 (Supp. 94-2). Amended effective July 19, 1994 (Supp. 94-3). Amended effective November 18, 1994 (Supp. 94-4). Amended effective January 12, 1995; Amended effective February 10, 1995; R20-5-602 recodified from R4-13-602 (Supp. 95-1). Amended effective August 28, 1996 (Supp. 96-3). Amended effective April 1, 1997 (Supp. 97-2). Amended effective December 12, 1997 (Supp. 97-4). Amended effective August 27, 1998 (Supp. 98-3). Amended by final rulemaking at 6 A.A.R. 592, effective January 14,

2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 5137, effective October 19, 2001 (Supp. 01-4). Amended by final rulemaking at 9 A.A.R. 2108, effective June 2, 2003 (Supp. 03-2). Amended by final rulemaking at 11 A.A.R. 576, effective January 4, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 4102, effective December 4, 2006 (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 1417, effective March 30, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 2927, effective July 31, 2007 (07-3). Amended by final rulemaking at 14 A.A.R. 193, effective January 8, 2008 (Supp. 08-1). Amended by final rulemaking at 14 A.A.R. 2711, effective June 17, 2008 (Supp. 08-2). Amended by final rulemaking at 14 A.A.R. 4337, effective December 30, 2008 (Supp. 08-4). Amended by final rulemaking at 15 A.A.R. 1564, effective August 31, 2009 (Supp. 09-3). Amended by final rulemaking at 16 A.A.R. 1469, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 17 A.A.R. 109, effective January 12, 2011 (Supp. 11-1). Amended by final rulemaking at 17 A.A.R. 1264, effective June 13, 2011 (Supp. 11-2). Amended by final rulemaking at 18 A.A.R. 1492, effective August 5, 2012 by Notice of Public Information at 18 A.A.R. 1653 (Supp. 12-2). Amended by final rulemaking at 18 A.A.R. 3007, effective October 24, 2012 (Supp. 12-4). Amended by final rulemaking at 22 A.A.R. 773, effective March 16, 2016 (Supp. 16-1). Amended by final rulemaking at 24 A.A.R. 2316, effective July 23, 2018 (Supp. 18-3). Amended by final rulemaking at 26 A.A.R. 373, with an immediate effective date of February 11, 2020 (Supp. 20-1). Amended by final rulemaking at 28 A.A.R. 1761 (July 22, 2022), with an immediate effective date of July 8, 2022 (Supp. 22-3).

**R20-5-602.01. Subpart T, Commercial Diving Operations**

Each employer shall comply with the standards in Subpart T of the Federal Occupational Safety and Health Standards for the General Industry as published in 29 CFR 1910, with amendments as specified in R20-5-602, except that the exemption set forth in 29 CFR 1910.401(a)(2)(ii) shall not apply. Subpart T shall apply to any diving operation performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency.

**Historical Note**

New Section made by final rulemaking at 14 A.A.R. 193, effective January 8, 2008 (Supp. 08-1).

**R20-5-602.02. Subpart U; COVID-19 Healthcare Standards**

Unless expired or withdrawn by the Federal Occupational Safety and Health Administration and except as otherwise provided in Arizona Revised Statutes (A.R.S.), Title 23, Chapter 2, Articles 8 and 8.1 and A.R.S. § 23-425, each covered employer shall comply with the standards in Subpart U of the Federal Occupational Safety and Health Standards for the General Industry, as published in 29 CFR 1910(U). For purposes of this Section, a “covered employer” means an employer subject to Subpart U, as set forth in 29 CFR 1910.502. Copies of the referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. This incorporation by reference does not include amendments or editions to 29 CFR 1910(U) published after June 21, 2021.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 589 (March 31, 2022), with an immediate effective date of February 16, 2022 (Supp. 22-1).

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**R20-5-603. The Federal Occupational Safety and Health Standards for Agriculture, 29 CFR 1928**

Each employer shall comply with the standards in Subparts A through D inclusive of the Federal Occupational Safety and Health Standards for Agriculture, as published in 29 CFR 1928, with amendments as of March 7, 1996, incorporated by reference and on file with the Office of the Secretary of State. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. This incorporation by reference does not include amendments or editions to 29 CFR 1928 published after March 7, 1996.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Former Section R4-13-603 repealed, new Section R4-13-603 adopted as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-603 repealed, former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). Amended effective April 22, 1988 (Supp. 88-2). Amended effective December 17, 1993 (Supp. 93-4). Amended effective May 11, 1994 (Supp. 94-2). Amended effective November 18, 1994 (Supp. 94-4). Amended effective February 10, 1995. R20-5-603 recodified from R4-13-603 (Supp. 95-1). Amended effective April 1, 1997 (Supp. 97-2).

**R20-5-604. Rules of Agency Practice and Procedure concerning OSHA Access to Employee Medical Records, 29 CFR 1913**

Each employer pursuant to A.R.S. § 23-403(B) shall comply with Federal Regulations, Title 29, Part 1913, with amendments as of May 23, 1980 (amendments of May 23, 1980 on file with the Secretary of State), which are hereby adopted and incorporated by reference as if set forth fully herein. This regulation applies to OSHA Access to Employee Medical Records.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Repealed as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Repealed effective March 2, 1981 (Supp. 81-2). New rule adopted effective November 14, 1984 (Supp. 84-6). R20-5-604 recodified from R4-13-604 (Supp. 95-1).

**R20-5-605. Hoes for Weeding or Thinning Crops**

- A. The use of a hoe with a handle less than four feet in length for weeding or thinning crops is prohibited. This prohibition is based upon the existence of other practical and adequate alternatives to the use of these short-handle hoes.
- B. This rule does not apply to greenhouse or nursery operations.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Repealed as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Repealed effective March 2, 1981 (Supp. 81-2). New Section R4-13-605 adopted effective September 7, 1984 (Supp. 84-5). R20-5-605 recodified from R4-13-605 (Supp. 95-1).

**R20-5-606. State Definition of Terms Used in Adopting Fed-****eral Standards Pursuant to R20-5-601, R20-5-602, R20-5-603 and R20-5-604**

For the purposes of the standards enumerated in the federal occupational safety and health standards incorporated into R20-5-601, R20-5-602, R20-5-603, and R20-5-604:

1. "Agency" means the Industrial Commission of Arizona.
2. "Assistant Secretary" means the Director of the Arizona Division of Occupational Safety and Health of the Industrial Commission of Arizona.
3. "Assistant Secretary of Labor for Occupational Safety and Health" means the Director of the Arizona Division of Occupational Safety and Health of the Industrial Commission of Arizona.
4. "Office of the Solicitor of Labor" means Legal Counsel for the Industrial Commission of Arizona.
5. "OSHA" means Arizona Division of Occupational Safety and Health.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Repealed as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Repealed effective March 2, 1981 (Supp. 81-2). New Section R4-13-606 adopted effective May 31, 1985 (Supp. 85-3). R20-5-606 recodified from R4-13-606 (Supp. 95-1).

**R20-5-607. Expired****Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-607 repealed, former emergency adoption effective October 29, 1980, adopted and amended effective March 2, 1981 (Supp. 81-2). R20-5-607 recodified from R4-13-607 (Supp. 95-1). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5062, effective September 30, 2003 (Supp. 03-4).

**R20-5-608. Definitions**

- A. "Act" means the Arizona Occupational Safety and Health Act of 1972, with amendments effective August 27, 1977 (Arizona Revised Statutes, Title 23, Chapter 2, Article 10).
- B. The definitions and interpretations contained in A.R.S. § 23-401 of the Act shall be applicable to such terms when used in these rules.
- C. "Working days" means Mondays through Fridays but shall not include Saturdays, Sundays, or state holidays. In computing fifteen working days, the day of the receipt of any notice shall not be included, and the last day of the fifteen working days shall be included.
- D. "Compliance Safety and Health Officer" means a person authorized by the Occupational Safety and Health Division, Industrial Commission of Arizona, to conduct inspections.
- E. "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed. (For example: a factory, mill, stores, hotel, restaurant, movie theatre, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location (such as contract construction activities from the same physical location as a lumber yard), each activity shall be treated as a separate physical establishment, and a separate notice or notices shall be posted in each such establishment, to the extent that such notices have been furnished by the Industrial Commission of Arizona, Division of Occupational Safety and Health.

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Where employers are engaged in activities which are physically dispersed, such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, the notice or notices required by this Section shall be posted at the location to which employees report each day. Where employees do not usually work at, or report to, a single establishment, such as traveling salesmen, technicians, engineers, etc., such notice or notices shall be posted at the location from which the employees operate to carry out their activities. In all cases, such notice or notices shall be posted in accordance with requirements of subsection (A) of this Section.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1).  
 Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-608 repealed, new Section R4-13-608 adopted effective March 2, 1981 (Supp. 81-2). R20-5-608 recodified from R4-13-608 (Supp. 95-1).

**R20-5-609. Posting of Notice: Availability of the Act, Regulations and Applicable Standards**

- A. Each employer shall post and keep posted a notice or notices, to be furnished by the Industrial Commission of Arizona, Division of Occupational Safety and Health, informing employees of the protections and obligations provided for in the Act, and that for assistance and information, including copies of the Act and of specific safety and health standards, employees should contact the employer or the nearest office of the Industrial Commission. Such notice or notices shall be posted by the employer in each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to ensure that such notices are not altered, defaced, or covered by other material.
- B. Copies of the Act, all regulations published in this Chapter and applicable standards will be available at all offices of the Arizona Division of Occupational Safety and Health. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative for review in the establishment where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee or his authorized representative and the employer.
- C. Any employer failing to comply with the provisions of this Section shall be subject to citation and penalty in accordance with the provisions of A.R.S. § 23-418 of the Act.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1).  
 Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-609 repealed, former Section R4-13-608 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-609 effective March 2, 1981 (Supp. 81-2). R20-5-609 recodified from R4-13-609 (Supp. 95-1).

**R20-5-610. Authority for Inspection**

- A. The Director of the Division of Occupational Safety and Health or his authorized representative upon presentation of credentials shall be permitted to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, or place of environment where work is performed by an employee of an employer; to inspect and investi-

gate during regular working hours and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employer, owner, operator, agent or employee and to review records required by the Act and regulations published in this Article and other records which are directly related to the purpose of the inspection.

- B. Representatives of the Secretary of Health, Education, and Welfare are authorized to make inspections and to question employers and employees in order to carry out the functions of the Secretary of Health, Education, and Welfare under the Williams-Steiger Occupational Safety and Health Act. Inspections conducted by Department of Labor Compliance Safety and Health Officers and representatives of the Secretary of Health, Education and Welfare under Section 8 of the Williams-Steiger Occupational Safety and Health Act and pursuant to 29 CFR Part 1903 shall not affect the authority of any state to conduct inspections in accordance with agreements and plans under Section 18 of the Williams-Steiger Occupational Safety and Health Act.
- C. Prior to inspecting areas containing information which is classified by an agency of the United States government in the interests of national security, Compliance Safety and Health Officers shall have obtained the appropriate security clearance.

**Historical Note**

Adopted effective February 28, 1975 (Supp. 75-1).  
 Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-610 repealed, former Section R4-13-609 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-610 effective March 2, 1981 (Supp. 81-2). R20-5-610 recodified from R4-13-610 (Supp. 95-1).

**R20-5-611. Objection to Inspection**

- A. Upon a refusal to permit a Compliance Safety and Health Officer, in the exercise of his official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to privately question any employer, owner, operator, agent, or employee, in accordance with rule R20-5-610, or to permit a representative of employees to accompany the Compliance Safety and Health Officer during the physical inspection of any workplace in accordance with rule R20-5-615, the Compliance Safety and Health Officer shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The Compliance Safety and Health Officer shall endeavor to ascertain the reason for such refusal and shall immediately report the refusal and the reason therefore to the Director of the Division. The Director shall immediately consult with the Industrial Commission and its legal counsel, who shall promptly take appropriate action, including compulsory process if necessary.
- B. Compulsory process may be sought in advance of an inspection or reinvestigation if, in the judgment of the Director of the Division and the Industrial Commission Chief Legal Counsel, circumstances exist including but not limited to specific evidence of an existing violation or reasonable legislative or administrative standards for conducting an inspection which make pre-inspection process desirable or necessary.
- C. With the approval of the Industrial Commission, and the Industrial Commission Chief Legal Counsel, compulsory process may also be obtained by the Director of the Division or his designee.

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- D. For purposes of this Section, the term compulsory process shall mean the institution of any appropriate action, including ex parte application for an inspection warrant or its equivalent.

**Historical Note**

Adopted effective June 19, 1975 (Supp. 75-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-611 repealed, former Section R4-13-610 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-611 effective March 2, 1981 (Supp. 81-2). R20-5-611 recodified from R4-13-611 (Supp. 95-1).

**R20-5-612. Entry Not a Waiver**

Any permission to enter, inspect, review records, or question any person shall not imply or be conditioned upon a waiver of any cause of action, citation, or penalty under the Act. Compliance Safety and Health Officers are not authorized to grant any such waiver.

**Historical Note**

Adopted effective June 19, 1975 (Supp. 75-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-612 repealed, former Section R4-13-611 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-612 effective March 2, 1981 (Supp. 81-2). R20-5-612 recodified from R4-13-612 (Supp. 95-1).

**R20-5-613. Advance Notice of Inspections**

- A. Advance notice of inspections may not be given except in the following situations:
1. In cases of apparent imminent danger, to enable the employer to abate the danger as quickly as possible;
  2. In circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection;
  3. Where necessary to ensure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in an inspection; and
  4. In other circumstances where the Division Director determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.
- B. In the situations described in subsection (A) of this Section, advance notice of inspections may be given only if authorized by the Division Director. When advance notice is given, it shall be the employer's responsibility promptly to notify the authorized representative of employees of the inspection, if the identity of such representative is known to the employer. (See rule R20-5-615(B) as to situations where there is no authorized representative of employees.) Upon the request of the employer, the Compliance Safety and Health Officer will inform the authorized representative of employees of the inspection, provided that the employer furnishes the Compliance Safety and Health Officer with the identity of such representative and with such other information as is necessary to enable him promptly to inform such representative of the inspection. An employer who fails to comply with his obligation under this subsection promptly to inform the authorized representative of the employees of the inspection or to furnish such information as is necessary to enable the Compliance Safety and Health Officer to promptly inform such representa-

tive of the inspection may be subject to citation and penalty under A.R.S. § 23-408 of the Act. Advance notice in any of the situations described in subsection (A) of this Section shall not be given more than 24 hours before the inspection is scheduled to be conducted, except in apparent imminent danger situations and other unusual circumstances.

**Historical Note**

Adopted effective July 28, 1975 (Supp. 75-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-613 repealed, former Section R4-13-612 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-613 effective March 2, 1981 (Supp. 81-2). R20-5-613 recodified from R4-13-613 (Supp. 95-1).

**R20-5-614. Conduct of Inspections**

- A. At the beginning of an inspection, Compliance Safety and Health Officers shall present their credentials to the owner, operator, or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records specified in rule R20-5-610 which they wish to review.
- B. Compliance Safety and Health Officers shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, owner, operator, agent or employee of an establishment.
- C. In taking photographs and samples, Compliance Safety and Health Officers shall take reasonable precautions to ensure that such actions with flash, spark producing, or other equipment would not be hazardous. Compliance Safety and Health Officers shall comply with all employer safety and health rules and practices at the establishment being inspected, and they shall wear and use appropriate protective clothing and equipment.
- D. The conduct of inspections shall be such as to preclude unreasonable disruption to the operations of the employer's establishment.
- E. At the conclusion of an inspection, a Compliance Safety and Health Officer shall confer with the employer or his representative and informally advise him of any apparent safety or health violations disclosed by the inspection. During such conference, the employer shall be afforded an opportunity to bring to the attention of the Compliance Safety and Health Officer any pertinent information regarding conditions in the workplace.

**Historical Note**

Adopted effective March 2, 1976 (Supp. 76-2). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-614 repealed, former Section R4-13-613 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-614 effective March 2, 1981 (Supp. 81-2). R20-5-614 recodified from R4-13-614 (Supp. 95-1).

**R20-5-615. Representatives of Employers and Employees**

- A. Compliance Safety and Health Officers shall be in charge of inspections and questioning of persons. A Compliance Safety

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and Health Officer may permit additional employer representatives and additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. A different employer and employee representative may accompany the Compliance Officer during each different phase of an inspection if this will not interfere with the conduct of the inspection.

- B. Compliance Safety and Health Officers shall have authority to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this rule. If there is no authorized representative of employees, or if the Compliance Safety and Health Officer is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.
- C. The representative(s) authorized by employees shall be an employee(s) of the employer. However, if in the judgment of the Compliance Safety and Health Officer, good cause has been shown why accompaniment by a third party who is not an employee is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the Compliance Safety and Health Officer during the inspection.
- D. Compliance Safety and Health Officers are authorized to deny the right of accompaniment under this Section to any person whose conduct interferes with a fair and orderly inspection. The right of accompaniment in areas containing trade secrets shall be subject to the provisions of rule R20-5-616(B). With regard to information classified by an agency of the United States government in the interest of national security, only persons authorized to have access to such information may accompany a Compliance Safety and Health Officer in areas containing such information.

**Historical Note**

Adopted effective March 2, 1976 (Supp. 76-2). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-615 repealed, former Section R4-13-614 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-615 effective March 2, 1981 (Supp. 81-2).

R20-5-615 recodified from R4-13-615 (Supp. 95-1).

**R20-5-616. Trade Secrets**

- A. At the commencement of an inspection, the employer may identify areas in the establishment which contain or which might reveal a trade secret. If the Compliance Safety and Health Officer has no clear reason to question such identification, information obtained in such areas, including all negatives and prints of photographs, environmental samples, shall be labeled "confidential-trade secret" and shall not be disclosed except in accordance with provisions of A.R.S. § 23-426.
- B. Upon the request of an employer, any authorized representative of employees under rule R20-5-615 in an area containing trade secrets shall be an employee in that area or an employee authorized by the employer to enter that area. Where there is no such representative or employee, a Compliance Safety and Health officer shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

**Historical Note**

Adopted effective March 2, 1976 (Supp. 76-2). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6).

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-616 repealed, former Section R4-13-615 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-616 effective March 2, 1981 (Supp. 81-2). R20-5-616 recodified from R4-13-616 (Supp. 95-1).

**R20-5-617. Consultation with Employees**

Compliance Safety and Health Officers may privately consult with employees concerning matters of occupational safety and health to the extent they deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of the Act, which he has reason to believe exists in the workplace, to the attention of the Compliance Safety and Health Officer.

**Historical Note**

Adopted effective January 21, 1976 (Supp. 76-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-617 repealed, former Section R4-13-616 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-617 effective March 2, 1981 (Supp. 81-2). R20-5-617 recodified from R4-13-617 (Supp. 95-1).

**R20-5-618. Complaints by Employees**

- A. A copy of a complaint submitted pursuant to A.R.S. § 23-408(E) shall be provided to the employer or his agent by the Director of the Division of Occupational Safety and Health or his representative no later than the time of inspection, except that, upon the request of the person giving such notice, his name shall not appear in such copy or in any record published, released, or made available by the Arizona Division of Occupational Safety and Health.
- B. If upon receipt of such notification the Division Director determines that the complaint meets the requirements set forth in subsection (A) of this rule, and that there are reasonable grounds to believe that the alleged violation exists, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists. Inspections under this rule shall not be limited to matters referred to in the complaint.

**Historical Note**

Adopted effective January 21, 1976 (Supp. 76-1). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-618 repealed, former Section R4-13-617 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-618 effective March 2, 1981 (Supp. 81-2). R20-5-618 recodified from R4-13-618 (Supp. 95-1).

**R20-5-619. Inspection Not Warranted; Informal Review**

If the Division Director determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a complaint in accordance with A.R.S. § 23-408(E), he shall notify the complaining party in

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writing of such determination. The complaining party may obtain review of such determination by submitting a written statement of position with the Industrial Commission and, at the same time, providing the employer with a copy of such statement by certified mail. The employer may submit an opposing written statement of position with the Industrial Commission and, at the same time, provide the complaining party with a copy of such statement by certified mail. Upon the request of the complaining party or the employer, the Industrial Commission, at their discretion, may hold an informal conference in which the complaining party and the employer may orally present their views. After considering all written and oral views presented, the Industrial Commission shall affirm, modify, or reverse the determination of the Division Director and furnish the complaining party and the employer a written notification of their decision and the reasons therefore. The decision of the Industrial Commission shall be final and not subject to further review. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of A.R.S. § 23-408(E).

**Historical Note**

Adopted effective May 25, 1977 (Supp. 77-3). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-619 repealed, former Section R4-13-618 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-619 effective March 2, 1981 (Supp. 81-2). R20-5-619 recodified from R4-13-619 (Supp. 95-1).

**R20-5-620. Expired****Historical Note**

Adopted effective May 25, 1977 (Supp. 77-3). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-620 repealed, former Section R4-13-619 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-620 effective March 2, 1981 (Supp. 81-2). R20-5-620 recodified from R4-13-620 (Supp. 95-1). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5062, effective September 30, 2003 (Supp. 03-4).

**R20-5-621. Citations: Notices of De Minimis Violations**

- A.** The Division Director shall review the inspection reports of the Compliance Safety and Health Officer. If, on the basis of the report, the Division Director believes that the employer has violated a requirement of A.R.S. § 23-403 of the Act, of any standard, rule or order promulgated pursuant to A.R.S. § 23-410 of the Act, or of any substantive rule published in these rules, he shall, if appropriate, consult with the Industrial Commission's counsel and shall issue to the employer either a citation or notice of de minimis violations. An appropriate citation or notice of de minimis violation shall be issued even though after being informed of an alleged violation by the Compliance Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Any citation or notice of de minimis violations shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this rule after the expiration of six months following the occurrence of any alleged violation.

- B.** If a citation or notice of de minimis violation issued for a violation alleged in a request for inspection under A.R.S. § 23-408(E), a copy of the citation or notice of de minimis violation shall also be sent to the employee or representative of employees who made such request or notification.
- C.** After an inspection, if the Division Director determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under A.R.S. § 23-408(E), the informal review procedures prescribed in rule R20-5-619(A) shall be applicable. After considering all views presented, the Industrial Commission shall affirm the determination of the Division Director, order a reinspection, or issue a citation if the Industrial Commission believes that the inspection disclosed a violation. The Industrial Commission shall furnish the complaining party and the employer with a written notification of their determination and the reasons therefore. The determination of the Industrial Commission shall be final and not subject to review.
- D.** Every citation shall state that the issuance of a citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless a citation is affirmed by the Hearing Division or the Review Commission.

**Historical Note**

Adopted as an emergency effective May 24, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-3). Repealed as an emergency effective November 16, 1977, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 77-6). Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-620 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-621 effective March 2, 1981 (Supp. 81-2). R20-5-621 recodified from R4-13-621 (Supp. 95-1).

**R20-5-622. Proposed Penalties**

- A.** All employers shall be notified of any proposed penalties, issued pursuant to A.R.S. § 23-418, by certified mail or by a signed verification in person.
- B.** The Division Director shall determine the amount of any proposed penalty, giving due consideration to the appropriateness of penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations in accordance with the provisions of A.R.S. § 23-418 of the Act.
- C.** Appropriate penalties may be proposed with respect to an alleged violation even though after being informed of such alleged violation by the Compliance Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Penalties shall not be proposed for de minimis violations which have no direct or immediate relationship to safety or health.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-621 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-622 effective March 2, 1981 (Supp. 81-2). R20-5-622 recodified from R4-13-622 (Supp. 95-1).

**R20-5-623. Posting of Citations**

- A.** Upon receipt of any citation under the Act, the employer shall immediately post such citation, or a copy thereof, unedited, at

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or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employer's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employers are engaged in activities which are physically dispersed, the citation may be posted at the location to which the employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. The employer shall take steps to ensure that the citation is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.

- B. Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for three working days, whichever is later. The filing by the employer of a notice of intention to contest under A.R.S. § 23-471(A) shall not affect his posting responsibility under this rule unless and until the Hearing Division and/or Review Commission issues a final order vacating the citation.
- C. An employer to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Hearing Division and/or Review Commission, and such notice may explain the reasons for such contest. The employer may also indicate that specified steps have been taken to abate the violation.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-622 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-623 effective March 2, 1981 (Supp. 81-2). R20-5-623 recodified from R4-13-623 (Supp. 95-1).

**R20-5-624. Employer and Employee Contests before the Hearing Division**

- A. All notices to contest citations and/or penalties shall be submitted to the Division Director and immediately transmitted to the Hearing Division in accordance with the Rules of Procedure prescribed by the Industrial Commission.
- B. Any affected employee or employee representative appealing the period allowed an employer to abate a particular violation shall submit the notice of contest to the Division Director who shall immediately transmit such notice to the Hearing Division in accordance with the Rules of Procedure prescribed by the Industrial Commission.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-623 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-624 effective March 2, 1981 (Supp. 81-2). R20-5-624 recodified from R4-13-624 (Supp. 95-1).

**R20-5-625. Failure to Correct a Violation for Which a Citation Has Been Issued**

- A. All employers failing to correct an alleged violation for which a citation has been issued, within the period permitted for its correction, shall be notified of such failure and any proposed

penalties issued pursuant to A.R.S. § 23-418 by certified mail or by signed verification in person.

- B. All notices to contest a notification of failure to correct a violation and of proposed additional penalty shall be submitted to the Division Director and immediately transmitted to the Hearing Division in accordance with the Rules of Procedure prescribed by the Industrial Commission.
- C. Each notification of failure to correct a violation and of proposed additional penalty shall state that it shall be deemed to be the final order of the Industrial Commission and not subject to review by any court or agency unless within fifteen working days from the receipt of such notification, the employer notifies the Division Director in writing that he intends to contest the notification or the proposed additional penalty before the Hearing Division.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-624 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-625 effective March 2, 1981 (Supp. 81-2). R20-5-625 recodified from R4-13-625 (Supp. 95-1).

**R20-5-626. Informal Conferences**

At the request of an affected employer, employee, or representative of employees, the Industrial Commission, or their designee, may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notice of intention to contest. The settlement of any issue at such conference shall be subject to rules and procedures prescribed by the Industrial Commission. If the conference is requested by the employer, an affected employee or his representative shall be afforded an opportunity to participate, at the discretion of the Industrial Commission or their designee. If the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Industrial Commission or their designee. Any party may be represented by counsel in such conference. No such conference or request for such conference shall operate as a stay of any fifteen working day period for filing a notice of intention to contest as prescribed in rule R20-5-624.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-625 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-626 effective March 2, 1981 (Supp. 81-2). R20-5-626 recodified from R4-13-626 (Supp. 95-1).

**R20-5-627. Abatement Verification**

- A. Scope and application. This Section applies to employers, as defined in A.R.S. § 23-401, who receive a citation for a violation of the Arizona Occupational Safety and Health Act.
- B. Definitions:
  1. Abatement means action by an employer to comply with a cited standard or rule or to eliminate a recognized hazard, as defined in A.R.S. § 23-401, identified by the Division during an inspection.
  2. Abatement date means:
    - a. For an uncontested citation item, the later of:
      - i. The date in the citation for abatement of the violation;



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- ii. The date approved by the Division as a result of a petition for modification of the abatement date (PMA); or
      - iii. The date for abatement completion as established in a citation by an informal conference agreement.
    - b. For a contested citation item for which an administrative law judge has issued a final decision affirming the violation, the later of:
      - i. The date identified in the final decision for completion of abatement;
      - ii. The date computed by adding the original period allowed for abatement in the citation to begin 15 days from the final decision date of an administrative law judge; or
      - iii. The date established by a formal settlement agreement.
  - 3. Affected employee means an employee who is exposed to the hazard identified as a violation in a citation.
  - 4. Final order date means:
    - a. The date on which an uncontested citation is deemed final under A.R.S. § 23-417 (A); or
    - b. For a contested citation item: The date on which a decision or order of an administrative law judge becomes final under A.R.S. § 23-421 or § 23-423.
  - 5. Movable equipment means a hand-held or non-hand-held machine or device, powered or unpowered, that is used to do work and is moved within or between workplaces.
- C. Abatement certification.**
- 1. Within 10 calendar days after the abatement date, an employer shall certify to the Division that the employer has abated each cited violation except as provided in subsection (C)(2). An employer may use Appendix A to certify abatement.
  - 2. An employer is not required to certify abatement if a Compliance Safety and Health Officer, during an onsite inspection:
    - a. Observes, within 24 hours after a violation is identified, that abatement has occurred; and
    - b. Notes the abatement action on the citation.
  - 3. An employer's certification that abatement is complete shall include, for each cited violation, in addition to the information required by subsection (H), the completion date and method of abatement and a statement that affected employees and their representatives have been informed of the completed abatement.
- D. Abatement documentation.**
- 1. Within 10 days after the abatement date, an employer shall submit to the Division, documents which evidence that abatement is complete for each willful or repeat violation and for any serious violation for which abatement documentation is required.
  - 2. Documents which evidence that abatement is complete may include documents for purchase or repair of equipment, photographs or videos of the abatement, or other written records.
- E. Abatement plans.**
- 1. The Division may require an employer to submit an abatement plan, except for a nonserious violation, when the time permitted for abatement is more than 90 days. The citation shall state that an abatement plan is required. An employer may use Appendix B for an abatement plan.
  - 2. An employer shall submit an abatement plan for each cited violation within 25 days from the date of a final order when the citation states that a plan is required. In the abatement plan, the employer shall identify:
    - a. The violation,
    - b. The steps necessary to achieve abatement,
    - c. A schedule for completing abatement, and
    - d. How the employer will protect employees from the violative condition until abatement is complete.
- F. Progress reports.**
- 1. The Division may require an employer who submits an abatement plan under subsection (E), to submit periodic progress reports for each cited violation. If the Division requires a periodic progress report, the citation shall include the following information:
    - a. Periodic progress reports are required and the cited violations for which periodic progress reports are required;
    - b. The date on which an initial progress report must be submitted. The date of the initial progress report shall be no sooner than 30 days after the submission date required for abatement;
    - c. Whether additional progress reports are required; and
    - d. The date on which additional progress reports shall be submitted.
  - 2. For each violation, the employer shall summarize in the progress report, the action taken to achieve abatement and the date the action was taken.
- G. Employee notification.**
- 1. An employer shall inform affected employees and the employees' representative of abatement activities covered by this Section by posting a copy of each document submitted to the Division or a summary of the document at the location of the cited violation.
  - 2. For employers who have mobile work operations, the employer shall:
    - a. Post each document or a summary of the document submitted to the Division in a conspicuous place where it can be readily seen by employees and the employee representative; or
    - b. Take other steps to communicate fully to affected employees and the employees' representative about abatement actions.
  - 3. The employer shall inform employees and the employees' representative of the right to examine and copy all abatement documents submitted by the employer to the Division.
    - a. An employee or an employee representative shall submit a written request to examine and copy abatement documents within three working days of receiving notice that the documents have been submitted to the Division.
    - b. An employer shall comply with an employee's or employee representative's written request to examine and copy abatement documents within five working days of receiving the request.
  - 4. An employer shall ensure that notice in subsection (G)(1) to employees and a employee representative is provided at the same time or before the information is provided to the Division and that abatement documents are:
    - a. Not altered, defaced, or physically covered by other material; and
    - b. Remain posted for at least three working days after submission to the Division.
- H. Transmitting abatement documents.**

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1. An employer shall include, in each submission required by this Section, the following information:
  - a. The employer's name and address;
  - b. The inspection number to which the submission relates;
  - c. The citation, item number, and location to which the submission relates;
  - d. A statement that the information submitted is accurate; and
  - e. The signature of the employer or the employer's authorized representative.
2. The date of postmark is the date of submission for mailed documents. For documents transmitted by other means, the date the Division receives the document is the date of submission.

**I. Movable equipment.**

1. For serious, repeat, and willful violations involving movable equipment, an employer shall attach a warning tag or a copy of the citation to the operating controls or to the cited component of equipment that is moved within or between workplaces. The Division shall deem attaching a copy of the citation to the equipment to meet the tagging requirement of subsection (I)(3) and the posting requirement of R20-5-623.
2. The employer shall use a warning tag to warn employees about the nature of the violation involving the movable equipment and identifies the location of the violation. An employer may use the tag in Appendix C to meet this requirement.
3. If a violation has not been abated, an employer shall attach a warning tag or a copy of the citation to the equipment as follows:
  - a. For hand-held equipment, the employer shall attach a warning tag or copy of the citation within eight hours after the employer receives the citation; and
  - b. For non-hand-held equipment, the employer shall attach a warning tag or copy of the citation before moving the equipment within or between workplaces.
4. For the construction industry, a tag that is designed and used in accordance with 29 CFR 1926.20(b)(3) and 29 CFR 1926.200(h) is deemed by the Division to meet the requirements of this Section when the information required by subsection (I)(2) is included on the tag.
5. An employer shall ensure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or physically covered by other material.
6. An employer shall ensure that the tag or copy of the citation attached to movable equipment remains attached until:
  - a. The employer has abated the violation and all abatement verification documents required by this Section have been submitted to the Division;
  - b. The employer has permanently removed the cited equipment from service or the cited equipment is no longer within the employer's control; or
  - c. The Division, administrative law judge, or Review Board vacates the citation.

**Historical Note**

Adopted effective June 26, 1998 (Supp. 98-2).

**Appendix A. Sample Abatement - Certification Letter (Non-mandatory)**

[Name], Director  
The Industrial Commission of Arizona

Division of Occupational Safety and Health  
P. O. Box 19070  
Phoenix, Arizona 85005

[Company's Name]

[Company's Address]

The hazard referenced in Inspection Number [Insert 9-digit #] for violation identified as:

Citation [insert #] and item [insert #] was corrected on [insert date] by: \_\_\_\_\_.

Citation [insert #] and item [insert #] was corrected on [insert date] by: \_\_\_\_\_.

Citation [insert #] and item [insert #] was corrected on [insert date] by: \_\_\_\_\_.

Citation [insert #] and item [insert #] was corrected on [insert date] by: \_\_\_\_\_.

Citation [insert #] and item [insert #] was corrected on [insert date] by: \_\_\_\_\_.

I attest that the information contained in this document is accurate.

Signature \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

**Historical Note**

Appendix A adopted effective June 26, 1998 (Supp. 98-2).

**Appendix B. Sample Abatement Plan or Progress Report (Nonmandatory)**

(Name), Director  
The Industrial Commission of Arizona  
Division of Occupational Safety and Health  
P. O. Box 19070  
Phoenix, Arizona 85005

[Company's Name]  
[Company's Address]

Check one:

Abatement Plan [ ]

Progress Report [ ]

Inspection Number \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

Citation Number(s)\* \_\_\_\_\_

Item Number(s)\* \_\_\_\_\_

Action	Proposed Completion Date (for abatement plans only)	Completion Date (for progress reports only)
1. ....	.....	.....
2. ....	.....	.....
3. ....	.....	.....

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4. ....  
 .....  
 .....  
 .....  
 5. ....  
 .....  
 .....  
 .....

Date required for final abatement: \_\_\_\_\_  
 I attest that the information contained in this document  
 is accurate.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Typed or Printed Name

Name of primary point of contact for questions: (optional)

Telephone number: \_\_\_\_\_

\*Abatement plans or progress reports for more than one  
 citation item may be combined in a single abatement plan  
 or progress report if the abatement actions, proposed  
 completion dates, and actual completion dates (for pro-  
 gress reports only) are the same for each of the citation  
 items.

**Historical Note**

Appendix B adopted effective June 26, 1998 (Supp. 98-  
 2).

**Appendix C. Sample Warning Tag (Nonmandatory)**

<p><b>0</b></p> <p><b>WARNING:</b></p> <p>EQUIPMENT HAZARD BY ADOSH</p> <p>EQUIPMENT CITED:</p> <p>_____          _____          _____</p> <p>HAZARD CITED:</p> <p>_____          _____          _____</p> <p>FOR DETAILED INFORMATION: SEE ADOSH CITATION POSTED AT:</p> <p>_____          _____</p>
---

BACKGROUND COLOR--ORANGE

MESSAGE COLOR--BLACK

**Historical Note**

Appendix C adopted effective June 26, 1998 (Supp. 98-  
 2).

**R20-5-628. Safe Transportation of Compressed Air or Other****Gases**

An employer shall not use Polyvinyl Chloride (PVC) piping in a  
 place of employment for the transportation and distribution of com-  
 pressed air or other compressed gases in an above-ground installa-  
 tion.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1161,  
 effective March 11, 2003 (Supp. 03-1).

**R20-5-629. The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904**

Each employer shall comply with the standards in the Federal  
 Occupational Safety and Health Standards for Recordkeeping, as  
 published in 29 CFR 1904, with amendments as of May 14, 2019,  
 incorporated by reference. Copies of the incorporated materials are  
 available for review at the Industrial Commission of Arizona and  
 may be obtained from the United States Government Printing  
 Office, Superintendent of Documents, Washington, D.C. 20402.  
 These standards shall apply to all conditions and practices related to  
 recordkeeping by all employers, both public and private, in the state  
 of Arizona. This incorporation by reference does not include  
 amendments or editions to 29 CFR 1904 published after May 14,  
 2019.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 364,  
 effective December 31, 2001 (Supp. 01-4). Amended by  
 final rulemaking at 9 A.A.R. 874, effective February 19,  
 2003 (Supp. 03-1). Amended by final rulemaking at 10  
 A.A.R. 318, effective January 1, 2004 (Supp. 03-4).  
 Amended by final rulemaking at 22 A.A.R. 775, effective  
 March 16, 2016 (Supp. 16-1). Amended by final  
 rulemaking at 24 A.A.R. 2263, effective July 23, 2018  
 (Supp. 18-3). Amended by final rulemaking at 26 A.A.R.  
 373, with an immediate effective date of February 11,  
 2020 (Supp. 20-1). Amended by final rulemaking at 28  
 A.A.R. 1761 (July 22, 2022), with an immediate effective  
 date of July 8, 2022 (Supp. 22-3).

**R20-5-630. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980,  
 pursuant to A.R.S. § 41-1003, valid for only 90 days  
 (Supp. 80-5). Former Section R4-13-640 adopted as an  
 emergency effective October 29, 1980, renumbered and  
 amended as Section R4-13-630 effective March 2, 1981  
 (Supp. 81-2). R20-5-630 recodified from R4-13-631  
 (Supp. 95-1). Section repealed by final rulemaking at 8  
 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-631. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980,  
 pursuant to A.R.S. § 41-1003, valid for only 90 days  
 (Supp. 80-5). Former emergency adoption effective Octo-  
 ber 29, 1980, adopted effective March 2, 1981 (Supp. 81-  
 2). R20-5-631 recodified from R4-13-631 (Supp. 95-1).  
 Section repealed by final rulemaking at 8 A.A.R. 364,  
 effective December 31, 2001 (Supp. 01-4).

**R20-5-632. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980,  
 pursuant to A.R.S. § 41-1003, valid for only 90 days  
 (Supp. 80-5). Former emergency adoption effective Octo-

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ber 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-632 recodified from R4-13-632 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-633. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-633 recodified from R4-13-633 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-634. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-634 recodified from R4-13-634 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-635. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-635 recodified from R4-13-635 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-636. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted and amended effective March 2, 1981 (Supp. 81-2). R20-5-636 recodified from R4-13-636 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-637. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). Amended effective December 14, 1994 (Supp. 94-4). R20-5-637 recodified from R4-13-637 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-638. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-638 recodified from R4-13-638 (Supp. 95-1).

Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-639. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption effective October 29, 1980, adopted effective March 2, 1981 (Supp. 81-2). R20-5-639 recodified from R4-13-639 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-640. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-641 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-640 effective March 2, 1981 (Supp. 81-2). R20-5-640 recodified from R4-13-640 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-641. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-642 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-641 effective March 2, 1981 (Supp. 81-2). R20-5-641 recodified from R4-13-641 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-642. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-643 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-642 effective March 2, 1981 (Supp. 81-2). R20-5-642 recodified from R4-13-642 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-643. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-644 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-643 effective March 2, 1981 (Supp. 81-2). R20-5-643 recodified from R4-13-643 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-644. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-645 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-644 effective March 2, 1981

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(Supp. 81-2). R20-5-644 recodified from R4-13-644 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-645. Repealed****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-646 adopted as an emergency effective October 29, 1980, renumbered and amended as Section R4-13-645 effective March 2, 1981 (Supp. 81-2). R20-5-645 recodified from R4-13-645 (Supp. 95-1). Section repealed by final rulemaking at 8 A.A.R. 364, effective December 31, 2001 (Supp. 01-4).

**R20-5-646. Emergency Expired****Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Emergency expired. R20-5-646 recodified from R4-13-646 (Supp. 95-1).

**R20-5-647. Reserved****R20-5-648. Reserved****R20-5-649. Reserved****R20-5-650. Definitions**

As used in rules R20-5-650 through R20-5-669 inclusive, unless the context clearly requires otherwise:

1. "Act" means the Arizona Occupational Safety and Health Act of 1972 (Arizona Revised Statutes, Title 23, Chapter 2, Article 10).
2. "Commission" means the Industrial Commission of Arizona.
3. "Person" means an individual, partnership, association, corporation, business trust, legal representative, an organized group of individuals, or political subdivision.
4. "Party" means a person admitted to participate in a hearing conducted in accordance with subsection (3). An applicant for relief and any affected employee shall be entitled to be named as parties.
5. "Affected employee" means an employee or any one of his authorized representatives, such as his collective bargaining agent, who would be affected by the granting or denial of a variance.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-651 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-650 effective March 2, 1981 (Supp. 81-2). R20-5-650 recodified from R4-13-650 (Supp. 95-1).

**R20-5-651. Petitions for Amendments**

Any person may at any time petition the Commission in writing to revise, amend, or revoke any provisions of rules R20-5-650 through R20-5-669 inclusive. The petition should set forth either the terms or the substance of the rule desired, with a concise statement of the reasons therefor and the effects thereof.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-652 adopted as an

emergency effective October 29, 1980, renumbered and adopted as Section R4-13-651 effective March 2, 1981 (Supp. 81-2). R20-5-651 recodified from R4-13-651 (Supp. 95-1).

**R20-5-652. Effects of Variances**

All variances granted hereunder shall have only future effect. In their discretion, the Commission may decline to entertain an application for variance on the subject or issue concerning which a citation has been issued to the employer involved and a proceeding on the citation or a related issue concerning a proposed penalty or period of abatement is pending before the Federal Occupational Safety and Health Review Commission, State of Arizona Hearing Division or the Arizona Review Board until the completion of such proceeding.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-654 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-652 effective March 2, 1981 (Supp. 81-2). R20-5-652 recodified from R4-13-652 (Supp. 95-1).

**R20-5-653. Public Notice of a Granted Variance**

Every final action granting a variance, shall be published in statewide newspapers. Every such final action shall specify the alternative to the standard involved which the particular variance permits.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-655 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-653 effective March 2, 1981 (Supp. 81-2). R20-5-653 recodified from R4-13-653 (Supp. 95-1).

**R20-5-654. Form of Documents; Subscription; Copies**

- A. No particular form is prescribed for applications and other papers which may be filed in proceedings hereunder. However, any applications and other papers shall be clearly legible. An original and six copies of any application and other papers shall be filed. The original shall be typewritten. Clear carbon copies or printed or processed copies are acceptable copies.
- B. Each application or other paper which is filed in proceedings hereunder shall be signed by the person filing the same or by his attorney or other authorized representative and where required by these regulations shall be verified by the applicant.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-646 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-654 effective March 2, 1981 (Supp. 81-2). R20-5-654 recodified from R4-13-654 (Supp. 95-1).

**R20-5-655. Variances**

- A. Application for variance. Any employer, or class of employers, desiring a variance from a standard or regulation or any portion thereof, authorized by A.R.S. § 23-411 of the Act may file a written application containing the information specified in subsection (B) of this Section with the Industrial Commission of Arizona, 1601 West Jefferson, Phoenix, Arizona 85005.

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- B.** Contents. An application filed pursuant to subsection (A) of this Section shall contain the information specified in A.R.S. § 23-411(B) and (C) of the Act.
- C.** Interim order.
1. Application. In accordance with A.R.S. § 23-411(B)(3) of the Act, an application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order shall include a verified statement of facts and arguments supporting such application. The Commission may rule ex parte upon the application.
  2. Notice of denial of application. If an application filed pursuant to subsection (C)(1) is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefore.
  3. Notice of the grant of an interim order. If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties and the terms of the order shall be published in statewide newspapers. It shall be a condition of the order that the affected employer shall give notice thereof to affected employees by the same means to be used to inform them of an application for variance.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-657 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-655 effective March 2, 1981 (Supp. 81-2). R20-5-655 recodified from R4-13-655 (Supp. 95-1).

**R20-5-656. Variances under A.R.S. § 23-412**

- A.** Application for variance. Any employer, or class of employers, desiring a variance authorized by A.R.S. § 23-412 of the Act may file a written application containing the information specified in subsection (B) of this Section, with the Industrial Commission of Arizona, 1601 W. Jefferson, Phoenix, Arizona 85005.
- B.** Contents. An application filed pursuant to subsection (A) of this Section shall contain the information specified in A.R.S. § 23-412 of the Act.
- C.** Interim order
1. Application. An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order shall include a verified statement of facts and arguments supporting such application. The Commission may rule ex parte upon the application.
  2. Notice of denial of application. If an application filed pursuant to subsection (C)(1) is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefore.
  3. Notice of the grant of an interim order. If an interim order is granted, a copy of the order shall be served upon the applicant and other parties, and the terms of the order shall be published in statewide newspapers. It shall be a condition of the order that the affected employer shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-658 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-656 effective March 2, 1981 (Supp. 81-2). R20-5-656 recodified from R4-13-656 (Supp. 95-1).

**R20-5-657. Renewal of Rules or Orders: Federal Multi-state Variances**

- A.** Renewal or rules or orders. Any final rule or order issued under A.R.S. § 23-411 of the Act may be renewed or extended as permitted by the applicable Section and in the manner prescribed for its issuance.
- B.** Multi-state variances. Where a federal variance has been granted with multi-state applicability, including applicability in this state operating under a state plan approved under Section 18 of the Act, from a standard or portion thereof identical to this state's standard or regulation or portion thereof such variance shall likewise be deemed an authoritative interpretation of the employer(s)' compliance obligation with regard to the state standard or portion thereof provided no objections of substance are found to be interposed by the Commission.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-659 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-657 effective March 2, 1981 (Supp. 81-2). R20-5-657 recodified from R4-13-657 (Supp. 95-1).

**R20-5-658. Action on Applications**

- A.** Defective applications
1. If an application filed pursuant to rule R20-5-655, R20-5-656, R20-5-657 and R20-5-658 does not conform to the applicable Section, the Commission may deny the application.
  2. Prompt notice of the denial of an application shall be given to the applicant.
  3. A notice of denial shall include, or be accompanied by, a brief statement of the grounds for denial.
  4. A denial of an application pursuant to this subsection shall be without prejudice to the filing of another application.
- B.** Adequate applications
1. If an application has not been denied pursuant to subsection (A) of this Section, the Commission shall cause to be published in statewide newspapers a notice of the filing of the application.
  2. A notice of the filing of an application shall include:
    - a. The terms, or an accurate summary, of the application;
    - b. A reference to the Section of the Act under which the application has been filed;
    - c. An invitation to interested persons to submit within a stated period of time written data, views, or arguments regarding the application; and
    - d. Information to affected employers, employees, of any right to request a hearing on the application.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-660 adopted as an

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emergency effective October 29, 1980, renumbered and adopted as Section R4-13-658 effective March 2, 1981 (Supp. 81-2). R20-5-658 recodified from R4-13-658 (Supp. 95-1).

**R20-5-659. Request for Hearings on Petition**

- A.** Request for hearing. Any employer, employee, authorized employee representative, representative, or other person interested in or affected by an order of the Commission may petition for a hearing on the reasonableness and lawfulness of an order issued under A.R.S. §§ 23-411 or 23-412, by a verified petition filed with the Commission.
- B.** Contents of a petition. A request for a hearing filed pursuant to subsection (A) of this Section shall include:
1. The name and address of the applicant;
  2. A concise statement of facts showing how the employer, employee, authorized employee representative, representative, or other person would be affected by the relief applied for;
  3. A petition shall set forth specifically and in detail the order upon which a hearing is desired;
  4. The reasons why the order is unreasonable or unlawful;
  5. The issue to be considered by the Commission on the hearing. Objections other than those set forth in the petition are deemed finally waived.
  6. If the applicant is an employer, a certification that the applicant has informed his affected employees of the application by:
    - a. Giving a copy thereof to their authorized representative;
    - b. Posting at the place or places where notices to employees are normally posted, a statement giving a summary of the petition specifying where a copy of the full petition may be examined (or, in lieu of the summary, posting the application itself); and
    - c. Other appropriate means.
  7. If the applicant is an affected employee, a certification that a copy of the petition has been furnished to the employer.
- C.** The Commission may on its own motion proceed to modify or revoke a rule or order issued under A.R.S. §§ 23-411 or 23-412 of the Act. In such event, the Commission shall cause to be published in statewide newspapers a notice of its intention, affording interested persons an opportunity to submit written data, views, or arguments regarding the proposal and informing the affected employer and employees of their right to request a hearing and shall take such other action as may be appropriate to give actual notice to the affected employees. Any request for a hearing shall include a short and plain statement of:
1. How the proposed modification or revocation would affect the requesting party; and
  2. What the requesting party would seek to show on the subjects or issues involved.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-661 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-659 effective March 2, 1981 (Supp. 81-2). R20-5-659 recodified from R4-13-659 (Supp. 95-1).

**R20-5-660. Consolidation of Proceedings**

The Commission on its own motion or that of any party may consolidate or contemporaneously consider two or more proceedings which involve the same or closely related issues.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-662 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-660 effective March 2, 1981 (Supp. 81-2). R20-5-660 recodified from R4-13-660 (Supp. 95-1).

**R20-5-661. Notice of Hearing**

- A.** Service. Upon request for a hearing as provided in this Section, or upon its own initiative, the Commission shall serve, or cause to be served, a reasonable notice of hearing.
- B.** Contents. A notice of hearing served under subsection (A) of this Section shall include:
1. The time, place, and nature of the hearing;
  2. The legal authority under which the hearing is to be held;
  3. A specification of issues of fact and law.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-663 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-661 effective March 2, 1981 (Supp. 81-2). R20-5-661 recodified from R4-13-661 (Supp. 95-1).

**R20-5-662. Manner of Service**

Service of any document upon any party may be made by personal delivery of, or by mailing, a copy of the document to the last known address of the party. The person serving the document shall certify to the manner and the date of the service.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-664 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-662 effective March 2, 1981 (Supp. 81-2). R20-5-662 recodified from R4-13-662 (Supp. 95-1).

**R20-5-663. Industrial Commission; Powers and Duties**

- A.** Powers. The Commissioners shall have all powers necessary or appropriate to conduct a fair, full, and impartial hearing, including the following:
1. To administer oaths and affirmations;
  2. To rule upon offers of proof and receive relevant evidence;
  3. To provide for discovery and to determine its scope;
  4. To regulate the course of the hearing and the conduct of the parties and their counsel therein;
  5. To consider and rule upon procedural requests;
  6. To hold conferences for the settlement or simplification of the issues by consent of the parties;
  7. To make, or to cause to be made, an inspection of the employment or place of employment involved;
  8. To make decisions in accordance with A.R.S. §§ 23-405.5, 23-411, 23-412, and 23-945; and
  9. To take any other appropriate action authorized by the Act, this Section, or A.R.S. § 23-945.

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- B.** Contumacious conduct; failure or refusal to appear or obey the rulings of the Commission.
1. Contumacious conduct at any hearing before the Commission shall be grounds for exclusion from the hearing.
  2. If a witness or a party refuses to answer a question after being directed to do so, or refuses to obey an order to provide or permit discovery, the Commission may make such orders with regard to the refusal as are just and appropriate, including an order denying an application of an applicant or regulating the contents of the record of the hearing.
- C.** Referral to Rules of Procedure for Occupational Safety and Health hearings. On any procedural question not regulated by this Section, the Act, or A.R.S. § 23-945, Commission shall be guided to the extent practicable by any pertinent provisions of the Rules of Procedure for Occupational Safety and Health hearings before the Industrial Commission of Arizona.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-665 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-663 effective March 2, 1981 (Supp. 81-2). R20-5-663 recodified from R4-13-663 (Supp. 95-1).

**R20-5-664. Prehearing Conferences**

- A.** Convening a conference. Upon its own motion or the motion of a party, the Commission may direct the parties or their counsel to meet with them for a conference to consider:
1. Simplification of the issues;
  2. Necessity or desirability of amendments to documents for purposes of clarification, simplification, or limitation;
  3. Stipulations, admissions of fact, and of contents and authenticity of documents;
  4. Limitation of the number of parties and of expert witnesses; and
  5. Such other matters as may tend to expedite the disposition of the proceeding and to assure a just conclusion thereof.
- B.** Record of conference. The Commission shall make an order which recites the action taken at the conference, the amendments allowed to any documents which have been filed, and the agreements made between the parties as to any of the matters considered, and which limits the issues for hearings to those not disposed of by admission or agreements; and such order when entered controls the subsequent course of the hearing, unless modified at the hearing, to prevent manifest injustice.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-666 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-664 effective March 2, 1981 (Supp. 81-2). R20-5-664 recodified from R4-13-664 (Supp. 95-1).

**R20-5-665. Consent Findings and Rules or Orders**

- A.** General. At any time before the reception of evidence in any hearing, or during any hearing, a reasonable opportunity may be afforded to permit the negotiation by the parties of an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceeding. The allowance of such opportunity and the duration thereof shall be in

the discretion of the Commission. After consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.

- B.** Contents. Any agreement containing consent findings in rule or other disposing of a proceeding shall also provide:
1. That the rule or order shall have the same force and effect as if made after a full hearing;
  2. That the entire record on which any rule or order may be based shall consist solely of the application and the agreement;
  3. A waiver of any further procedural steps before the Commission; and
  4. A waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.
- C.** Submission. On or before the expiration of the time granted for negotiations, the parties or their counsel may:
1. Submit the proposed agreement to the Commission for its consideration; or
  2. Inform the Commission that agreement cannot be reached.
- D.** In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefor, the Commission may accept such agreement by issuing its decision based upon the agreed findings.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-667 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-665 effective March 2, 1981 (Supp. 81-2). R20-5-665 recodified from R4-13-665 (Supp. 95-1).

**R20-5-666. Discovery**

- A.** Depositions
1. For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Depositions may be taken orally or upon written interrogatories before any person designated by the Commission and having power to administer oaths.
  2. Application. Any party desiring to take the deposition of a witness may make application in writing to the Commission, setting forth:
    - a. The reasons why such deposition should be taken;
    - b. The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;
    - c. The name and address of each witness; and
    - d. The subject matter concerning which each witness is expected to testify.
  3. Notice. Such notice as the Commission may order shall be given by the party taking the deposition to every other party.
  4. Taking and receiving in evidence. Each witness testifying upon deposition shall be sworn, and the parties not calling him shall have the right to cross-examine him. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him, and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered



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mail to the presiding hearing examiner. Subject to such objections to the questions and answers as were noted at the time of taking the deposition and would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by the party taking it as against any party who was present, represented at the taking of the deposition, or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of the hearing.

- B.** Other discovery. Whenever appropriate to a just disposition of any issue in a hearing, the Commission may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, production of documents by a party, or by entry for inspection of the employment or place of employment involved.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-668 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-666 effective March 2, 1981 (Supp. 81-2). R20-5-666 recodified from R4-13-666 (Supp. 95-1).

**R20-5-667. Hearings**

- A.** Order of proceeding. Except as may be ordered otherwise by the Commission, the party applicant for relief shall proceed first at a hearing.
- B.** Burden of proof. The party applicant shall have the burden of proof.
- C.** Evidence
1. Admissibility. A party shall be entitled to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.
  2. Testimony of witnesses. The testimony of a witness shall be upon oath or affirmation administered by the Commission.
- D.** Official notice. Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice: provided that the parties shall be given adequate notice, at the hearing or by reference in the Commission's decision, of the matters so noticed and shall be given adequate opportunity to show the contrary.
- E.** Record. Minutes shall be taken of the Commission hearings. Copies of the minutes may be obtained by the parties upon written application filed with the secretary of the Commission and upon the payment of fees at the rate provided in the agreement with the Commission.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-669 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-667 effective March 2, 1981 (Supp. 81-2). R20-5-667 recodified from R4-13-667 (Supp. 95-1).

**R20-5-668. Decisions of the Commission**

- A.** Proposed findings of fact, conclusions, and rules or orders. Within 10 days after completion of the hearing or such additional time as the Commission may allow, each party may file with the Commission proposed findings of fact, conclusions of law, and rule or order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all other parties and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.
- B.** Decisions of the Commission. Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, and rule or order, the Commission shall make and serve upon each party its decision, which shall become final upon the 30th day after service thereof, unless exceptions are filed thereto, as provided in rule R20-5-669. The decision of the Commission shall include:
1. A statement of findings and conclusions, with reasons and basis therefor, upon each material issue of fact, law, or discretion presented on the record, and
  2. The appropriate rule, order, relief, or denial thereof. The decision of the hearing examiner shall be based upon a consideration of the whole record and shall state all facts officially notice and relied upon. It shall be made on the basis of a preponderance of reliable and probative evidence.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-670 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-668 effective March 2, 1981 (Supp. 81-2). R20-5-668 recodified from R4-13-668 (Supp. 95-1).

**R20-5-669. Judicial Review**

Any employer, employee, authorized employee representative, representative, or any person in interest is dissatisfied with an order of the Commission may appeal in accordance with A.R.S. § 23-413 of the Act.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former Section R4-13-674 adopted as an emergency effective October 29, 1980, renumbered and adopted as Section R4-13-670 effective March 2, 1980 (Supp. 81-2). R20-5-669 recodified from R4-13-669 (Supp. 95-1).

**R20-5-670. Field Sanitation**

- A.** This Section applies to any agricultural establishment where a crew of five or more employees are engaged on any given day in hand-labor operations in one location.
- B.** As used in this Section:
1. "Agricultural establishment" means a business operation that uses paid employees in the production of food, fiber or other material such as seed, seedlings, plants or parts of plants.
  2. "Crew of employees" means a group of persons who are employed to perform hand-labor operations as a unit at an agricultural establishment. "Crew of employees" does not include the employer and the employer's immediate family members.
  3. "Hand-labor operations" means agricultural activities or operations performed in the field by hand or with hand

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tools. Hand-labor operations include the hand-harvest of vegetables, nuts and fruits, hand-weeding of crops and hand-planting of seedlings. Hand-labor operations do not include such activities as logging operations, irrigation operations, the care or feeding of livestock or hand-labor operations in permanent structure, such as canning facilities or packing houses. Hand-labor operations do not include activities in which persons are acting as equipment operators.

4. "Handwashing facility" means a facility providing either a basin, container or outlet with an adequate supply of potable water, soap and single-use towels.
  5. "Potable water" means water that meets the standards for drinking purposes prescribed by the state or local authority having jurisdiction or water that meets the quality standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141 (July 1983), incorporated by reference and on file in the Office of the Secretary of State.
  6. "Toilet facility" means a facility designed for the purpose of both defecation and urination, including biological or chemical toilets, combustion toilets or sanitary privies, which is supplied with toilet paper adequate for employee needs. Toilet facilities may be either fixed or portable.
- C. Employers shall provide the following for employees engaged in hand-labor operations at an agricultural establishment without cost to the employee:
1. Potable drinking water as follows:
    - a. Potable water shall be provided and shall be placed in locations readily accessible to all employees.
    - b. The water shall be suitably cool, no more than 80°F, and in sufficient amounts, a minimum of two gallons per employee, taking into account the air temperature, humidity and the nature of the work performed, to meet employees' need.
    - c. The water shall be dispensed in single-use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.
  2. Toilet and handwashing facilities as follows:
    - a. One toilet facility and one handwashing facility shall be provided for each 40 employees or fraction thereof, except as provided in subsection (D) of this Section.
    - b. Toilet facilities shall have doors that can be closed and latched from the inside and shall be constructed to ensure privacy.
    - c. Toilet and handwashing facilities shall be accessibly located, in close proximity to each other and within 1/4 mile of each employee's place of work in the field. If it is not feasible to locate facilities accessibly and within the required distance due to the terrain, facilities shall be located at the point of closest vehicular access.
- D. Toilet and handwashing facilities are not required for employees who perform field work for a period of three hours or less (including transportation time to and from the field) during the day.
- E. Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, including all of the following:
1. Drinking water containers shall be covered, cleaned and refilled daily.

2. Toilet facilities shall be operational and maintained in clean and sanitary condition and shall be supplied with toilet paper adequate for employee needs.
  3. Handwashing facilities shall be maintained in clean and sanitary condition.
  4. Disposal of wastes from facilities shall not cause unsanitary conditions.
- F. Employees shall be allowed reasonable opportunities during the workday to use the facilities.

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Adopted effective May 2, 1986 (Supp. 86-3). R20-5-670 recodified from R4-13-670 (Supp. 95-1).

**R20-5-671. Reserved**

**R20-5-672. Reserved**

**R20-5-673. Reserved**

**R20-5-674. Emergency expired**

**Historical Note**

Adopted as an emergency effective October 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Emergency expired. R20-5-674 recodified from R4-13-674 (Supp. 95-1).

**R20-5-675. Reserved**

**R20-5-676. Reserved**

**R20-5-677. Reserved**

**R20-5-678. Reserved**

**R20-5-679. Reserved**

**R20-5-680. Protected Activity**

- A. All complaints pursuant to A.R.S. § 23-425 shall relate to conditions at the workplace. The filing of complaints need not be in writing for purposes of this subsection except that those complaints filed pursuant to R20-5-682 shall comply with R20-5-682. The term "filed any complaint" as used in A.R.S. § 23-425(A) includes:
1. Employee requests for inspection pursuant to A.R.S. § 23-408(F);
  2. Complaints registered with other state, local or federal governmental agencies which have the authority to regulate or investigate occupational safety and health conditions;
  3. Complaints lodged with employers; or
  4. Complaints filed as specified in R20-5-682.
- B. The term "instituted or caused to be instituted any proceeding" as used in A.R.S. § 23-425(A) includes:
1. Inspections of worksites under A.R.S. § 23-408(A);
  2. Employee contest of abatement date under A.R.S. § 23-417(D);
  3. Employee initiation of proceedings for promulgation of an occupational safety and health standard under A.R.S. § 23-410(A);
  4. Employee application for modification or revocation of a variance under A.R.S. § 23-413;
  5. Employee judicial challenge to a standard under A.R.S. § 23-410(E);
  6. Employee appeal of an Administrative Law Judge Division order under A.R.S. § 23-421(C);
  7. Exercise of rights by any employee pursuant to A.R.S. § 23-418.01;

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8. Any other employee action authorized by the Arizona Occupational Safety and Health Act of 1972; or
  9. Setting into motion the activities of others which result in the proceedings specified in subsections (B)(1) through (8).
- C. The term “testified or is about to testify in any such proceeding” as used in A.R.S. § 23-425(A) includes:
1. Testimony in proceedings instituted or caused to be instituted by the employee; or
  2. Any statements given in the course of judicial, quasi-judicial or administrative proceedings. For this purpose, administrative proceedings include inspections, investigations and administrative rulemaking or adjudicative functions.
- D. The term “the exercise by such employee on behalf of himself or others of any right afforded by this Article” as used in A.R.S. § 23-425(A) includes:
1. The right to participate as a party in enforcement proceedings pursuant to A.R.S. § 23-408(D);
  2. The right to request information from the Industrial Commission; or
  3. To cooperate with inspections or investigations by the Industrial Commission.
- E. If the employee, with no reasonable alternative, refuses in good faith to expose himself to a dangerous condition, the employee is engaged in protected activity. The condition causing the employee’s apprehension of death or injury must be of such a nature that a reasonable person, under the circumstances then confronting the employee, would conclude there is a real danger of death or serious injury and that there is insufficient time, due to the urgency of the situation, to eliminate the dangers through resort to regular statutory enforcement channels. In addition, in such circumstances, the employee, where possible, must also have sought from his employer and been unable to obtain a correction of the dangerous condition.
- F. Employees who refuse to comply with valid occupational safety and health standards or valid safety rules implemented by the employer are not protected by A.R.S. § 23-425.

**Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). R20-5-680  
recodified from R4-13-680 (Supp. 95-1).

**R20-5-681. Elements of a Violation of A.R.S. § 23-425**

To establish a violation of A.R.S. § 23-425(A), the employee shall prove all of the following:

1. The employee was engaged in protected activities as defined in R20-5-680.
2. The employer had knowledge of the employee’s protected activities prior to the adverse action which the employee claims to be a discharge or discrimination.
3. The action claimed to be discharge or discrimination was adverse to the employee.
4. The protected activity was a substantial reason for the alleged discharge or discrimination or the alleged discharge or discrimination would not have taken place but for the employee’s engagement in the protected activity.

**Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). R20-5-681  
recodified from R4-13-681 (Supp. 95-1).

**R20-5-682. Procedure**

- A. A complaint of A.R.S. § 23-425(A) discharge or discrimination shall be filed with the Division of Occupational Safety and Health by the employee or by a representative authorized

by A.R.S. § 23-408(F) to do so on the employee’s behalf. The complaint shall be written and shall be signed by the person filing the complaint.

- B. The date of filing a complaint under A.R.S. § 23-425(B) is the date of receipt of the complaint by the Division.
- C. The Division may accept or deny an employee’s withdrawal of a complaint. The Industrial Commission’s investigatory jurisdiction shall not be foreclosed by unilateral action of the employee.
- D. The Industrial Commission may resolve an A.R.S. § 23-425 complaint with the employer without the consent of the employee.
- E. The Industrial Commission’s jurisdiction to investigate and determine A.R.S. § 23-425 complaints is independent of the jurisdiction of other agencies or bodies. The Industrial Commission may defer to the results of other such proceedings where:
1. The rights asserted in those other proceedings are substantially the same as the rights pursuant to A.R.S. § 23-425;
  2. The factual issues in such proceedings are substantially the same as the factual issues before the Industrial Commission;
  3. The proceedings were fair and regular; and
  4. The outcome of the proceedings was not inconsistent with the purposes of this Chapter and the Act.
- F. A determination pursuant to A.R.S. § 23-425(C) includes:
1. A decision to not proceed with the case;
  2. To defer the case to another forum; or
  3. To proceed to litigation in Superior Court.

**Historical Note**

Adopted effective May 3, 1989 (Supp. 89-2). R20-5-682  
recodified from R4-13-682 (Supp. 95-1).

**ARTICLE 7. REPEALED****R20-5-701. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-702. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-703. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-704. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

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**R20-5-705. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-706. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-707. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-708. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-709. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-710. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-711. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-712. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-713. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-714. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-715. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 22 A.A.R. 2782, effective September 7, 2016 (Supp. 16-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-716. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-717. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-718. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-719. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-720. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-721. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-722. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

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**R20-5-723. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-724. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-725. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-726. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-727. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-728. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-729. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-730. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-731. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-732. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-733. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-734. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-735. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-736. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-737. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-738. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-739. Repealed****Historical Note**

Adopted effective September 9, 1998 (Supp. 98-3). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**ARTICLE 8. OCCUPATIONAL SAFETY AND HEALTH RULES OF PROCEDURE BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA****R20-5-801. Notice of Rules**

Sections R20-5-801 et seq. apply to all actions and proceedings of or before the Commission and Review Board pertaining to those issues arising out of Title 23, Chapter 2, Article 10.

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**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-801 recodified from R4-13-801 (Supp. 95-1).

**R20-5-802. Location of Office and Office Hours**

The main office of the Industrial Commission of Arizona is located in Phoenix, Arizona. An office is also located in Tucson, Arizona. The offices are open for the transaction of business from 8:00 a.m. until 5:00 p.m. every day except Saturdays, Sundays and legal holidays.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-802 recodified from R4-13-802 (Supp. 95-1).

**R20-5-803. Definitions**

In these Rules of Procedures, unless the context otherwise requires, the following words and terms shall have the following meanings:

1. "Commission" means the Industrial Commission of Arizona.
2. "Affected employee" means an employee of a cited employer who is exposed to the alleged hazard described in the citation, as a result of his assigned duties.
3. "Authorized employee representative" means a labor organization which has a collective bargaining relationship with the cited employer and which represents affected employees.
4. "Representative" means any person, including an authorized employee representative, authorized by a party to represent him in a proceeding.
5. "Citation" means a written communication issued by the Division of Occupational Safety and Health of the Industrial Commission of Arizona pursuant to A.R.S. § 23-415.
6. "Notification of proposed penalty" means a written communication issued by the Industrial Commission of Arizona pursuant to A.R.S. § 23-418.
7. "Party" means the Occupational Safety and Health Division of the Commission, the affected employer and affected employees.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-803 recodified from R4-13-803 (Supp. 95-1).

**R20-5-804. Computation of Time**

In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-804 recodified from R4-13-804 (Supp. 95-1).

**R20-5-805. Record Address**

The initial pleading filed by any person shall contain his name, address and telephone number. Any change in such information must be communicated promptly in writing to the Commission and to all other parties. A party who fails to furnish such correct and current information shall be deemed to have waived his right to object to the validity of any notice and/or service which has been made to the last known address of the party as shown by the records of the Commission.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-805 recodified from R4-13-805 (Supp. 95-1).

**R20-5-806. Service and Notice**

- A. At the time of filing pleadings or other documents a copy thereof shall be served by the filing party on every other party.
- B. Service upon a party who has appeared through a representative shall be made only upon such representative.
- C. Unless otherwise herein indicated, service may be accomplished by postage prepaid first class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).
- D. Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.
- E. Service and notice to employees represented by an authorized employee representative shall be deemed accomplished by serving the representative in the manner prescribed in subsection (C).
- F. In the event that there are any affected employees who are not represented by an authorized employee representative, the employer shall, immediately upon receipt of Notice of the Date of Hearing, post, where the citation is required to be posted, a copy of the Notice of Date of Hearing and a notice informing such affected employees of their right to appear at the hearing and state their position and of the availability of all pleadings for inspection and copying at reasonable times. A notice in the following form shall be deemed to comply with this subsection:  
(Name of employer)

Your employer has been cited by the Industrial Commission of Arizona for violation of the Arizona Occupational Safety and Health Act of 1972. The citation has been contested and will be the subject of a hearing before the Industrial Commission. Affected employees are entitled to appear in this hearing under the terms and conditions established by the Industrial Commission in its Rules of Procedure. Notice of Intent to Participate should be sent to:

THE INDUSTRIAL COMMISSION  
OF ARIZONA

1601 West Jefferson Street,  
Phoenix, Arizona 85007.

All papers relevant to this matter may be inspected at:

(Place reasonably convenient to employees, preferably at or near workplace.)

Where appropriate, the second sentence of the above Notice will be deleted and the following sentence will be substituted:

The reasonableness of the period prescribed by the Industrial Commission for abatement of the violation has been contested and will be the subject of a hearing before the Industrial Commission.

- G. Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.
- H. The authorized employee representative, if any, shall be served with the notice set forth in subsection (G) and with a copy of the Notice of the Date of Hearing.
- I. A copy of the Notice of the Date of Hearing shall be served by the employer on affected employees who are not represented by an authorized employee representative by posting a copy of

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the Notice of such hearing at or near the place where the citation is required to be posted.

- J. A copy of the Notice of the Date of Hearing shall be served by the employer on the authorized employee representative of affected employees in the manner prescribed in subsection (C) of this Section, if the employer has not been informed that the authorized employee representative has entered an appearance as of the date such Notice is received by the employer.
- K. Where a petition for hearing is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the unrepresented employee shall, upon receipt of the Notice of the Date of Hearing, serve a copy thereof on such authorized employee representative in the manner prescribed in subsection (C) of this Section and shall file proof of such service.
- L. Where a Petition for Hearing is filed by an affected employee or an authorized employee representative, a copy of the Petition for Hearing shall be provided to the employer for posting by the employer at the place the citation is required to be posted.
- M. An authorized employee representative who files a Notice of Contest shall be responsible for serving any other authorized employee representative whose members are affected employees.
- N. Where posting is required by this Section, such posting shall be maintained until the commencement of the hearing or until earlier disposition.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-806 recodified from R4-13-806 (Supp. 95-1).

**R20-5-807. Consolidation**

Cases may be consolidated on the motion of any party, or on the hearing officer's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-807 recodified from R4-13-807 (Supp. 95-1).

**R20-5-808. Severance**

Upon its own motion, or upon motion of any party, the hearing officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-808 recodified from R4-13-808 (Supp. 95-1).

**R20-5-809. Election to Appear**

- A. Affected employees may elect to appear at a hearing for the purpose of testifying or stating their position concerning the subject matter of the hearing.
- B. If affected employees desire to appear at the hearing they must so notify in writing the Commission or the hearing officer, if the case has been assigned.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-809 recodified from R4-13-809 (Supp. 95-1).

**R20-5-810. Employee Representatives**

- A. Employees may appear in person or through a representative.
- B. An authorized employee representative shall be deemed to control all matters respecting the interest of such employees in the proceeding.

- C. Affected employees who are represented by an authorized employee representative may appear only through such authorized employee representative.
- D. Withdrawal of appearance of any representative may be effected by filing a written Notice of Withdrawal and by serving a copy thereof on all parties.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-810 recodified from R4-13-810 (Supp. 95-1).

**R20-5-811. Form of Pleadings**

- A. Except as provided herein, there are no specific requirements as to the form of any pleading. A pleading is simply required to contain a caption sufficient to identify the parties in accordance with R20-5-812, which shall include the Commission's citation number, and a clear and plain statement of the relief that is sought, together with the grounds therefor.
- B. Pleadings and other documents (other than exhibits and petitions for hearing) shall be typewritten and double spaced, on letter size opaque paper (approximately 8 1/2 inches by 11 inches). The left margin shall be 1 1/2 inches and the right margin 1 inch. Pleadings and other documents shall be fastened at the upper left corner.
- C. Pleadings shall be signed by the party filing or by his representative. Such signing constitutes a representation by the signer that he has read the document or pleading, that to the best of his knowledge, information and belief the statements made therein are true, and that it is not interposed for delay.
- D. The Commission may refuse for filing any pleading or document which does not comply with the requirements of subsections (A), (B), and (C) of this Section.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-811 recodified from R4-13-811 (Supp. 95-1).

**R20-5-812. Caption; Titles of Cases**

- A. Cases initiated by the cited employer filing a Petition for Hearing contesting the violations cited shall be titled:  
Division of Occupational Safety and Health of the Industrial Commission of Arizona, Complainant, vs. (name of employer), Respondent.
- B. Cases initiated by the cited employer filing a Petition of Hearing for modification of the abatement period shall be titled:  
(name of employer), Petitioner vs. Division of Occupational Safety and Health of the Industrial Commission of Arizona, Respondent.
- C. Cases initiated by an affected employee filing a Petition for Hearing for modification of the abatement period shall be titled:  
(name of affected employee or authorized employee representative), Petition vs. Division of Occupational Safety and Health of the Industrial Commission of Arizona, Respondent, and (employer), Respondent.
- D. The Titles listed in subsections (A) and (B) of this Section shall appear at the left upper portion of the initial page of any pleading or document (other than exhibits and Petitions for Hearing filed).
- E. The initial page of any pleading or document (other than exhibits and requests for hearing) shall show the citation number at the upper right of the page, opposite the title.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-812 recodified from R4-13-811 (Supp. 95-1).

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**R20-5-813. Requests for Hearing**

- A. Requests for hearing shall be filed with the Commission.
- B. Requests for hearing shall be in writing and contain a clear and plain statement of the relief that is sought, together with the grounds thereof.
- C. The Commission shall, after receipt of a request for hearing, refer the file to the Hearing Officer Division for determination.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-813 recodified from R4-13-813 (Supp. 95-1).

**R20-5-814. Pre-hearing Conference**

- A. At any time before a hearing, the hearing officer, on his own motion or on motion of a party, may direct the parties, or their representatives, to exchange information or to participate in a pre-hearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.
- B. The hearing officer may issue a pre-hearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be part of the record.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-814 recodified from R4-13-814 (Supp. 95-1).

**R20-5-815. Payment of Witness Fees and Mileage**

Witnesses summoned before the hearing officer shall be paid the same fees and mileage that are paid witnesses in the courts of Arizona. Witness fees and mileage shall be paid by the party at whose instance the witness appears.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-815 recodified from R4-13-815 (Supp. 95-1).

**R20-5-816. Expired****Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-816 recodified from R4-13-816 (Supp. 95-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 3475, effective November 8, 2016 (Supp. 16-4).

**R20-5-817. Failure to Appear -- Withdrawal of Request for Hearing**

- A. The failure of a party who has requested a hearing to appear at such scheduled hearing shall be deemed to be an admission of the validity of any citation, abatement period, or penalty issued or proposed, and additionally a waiver of all rights except the right to be served with a copy of the decision of the hearing officer and to request review.
- B. Withdrawal of request for hearing shall be construed as an admission of the validity of any citation, abatement period or penalty issued or proposed. No decision need be issued in this case as the subject instrument is deemed to be admitted.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-817 recodified from R4-13-817 (Supp. 95-1).

**R20-5-818. Duties and Powers of Hearing Officers**

It shall be the duty of the hearing officer to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The hearing officer shall have authority with respect to cases assigned to him, between the time he is designated and the time he issued his decision, subject to the rules and regulations of the Commission, to:

1. Administer oaths and affirmations;

2. Rule upon admissibility of exhibits;
3. Rule upon applications for depositions;
4. Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;
5. Call and examine witnesses;
6. Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;
7. Adjourn the hearing as the needs of justice and good administration require;
8. Issue appropriate orders for protection of trade secrets;
9. Take any other action necessary under the foregoing and authorized by the rules and regulations of the Commission.

**Historical Note**

Adopted effective August 27, 1975 (Supp. 75-1). R20-5-818 recodified from R4-13-818 (Supp. 95-1).

**R20-5-819. Witnesses' Oral Deposition; In State**

- A. After a request for hearing has been filed with the Commission, any party desiring to take the oral deposition of any other party or witness residing within the state of Arizona shall file with the hearing officer, in duplicate, notice of taking deposition by oral examination. Copies of such Notice shall be served at least five days prior to the date of the deposition upon the deponent and upon every party by the party desiring to take the oral deposition.
- B. If any party or the deponent has any objection to the taking of the oral deposition of the party or witness, he shall file with the presiding hearing officer and serve on all parties written objections thereto setting forth the basis of the opposition to the deposition. Such objection shall be filed with the hearing officer within two days after the notice of taking deposition by oral examination is served.
- C. If objections to the taking of the oral deposition are filed with the hearing officer as provided in subsection (B) hereof, the hearing officer shall rule on the objections within five days after the filing of the objections. The taking of the oral deposition shall be held in abeyance pending the ruling of the hearing officer. The hearing officer shall either order the deposition to proceed, order that the deposition not be taken, or enter such other protective order as may be appropriate.
- D. The party taking the deposition shall comply with the Arizona Rules of Civil Procedure governing the taking of depositions.
- E. The expense of any deposition shall be borne by the party taking the deposition but shall not include the expense of any other party.
- F. No scheduled hearing shall be cancelled or continued for failure to take or complete a deposition taken pursuant to the provisions of this rule.
- G. Depositions taken pursuant to the provisions of this rule shall only be used at the time of a hearing for impeachment of a witness, unless the deponent is deceased at the time of the scheduled hearing, in which event it may be admitted into evidence.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-819 recodified from R4-13-819 (Supp. 95-1).

**R20-5-820. Witnesses' Oral Deposition; Out-of-State**

- A. After a request for hearing is filed with the Commission, any party desiring to take the oral deposition of any other party or witness residing without the state of Arizona shall file with the hearing officer, in duplicate, a request for permission to take



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the deposition of such witness or witnesses. Such request shall show the name and address of such witness or witnesses and set forth the reason why said witness or witnesses' testimony is necessary for an adjudication of the issue. Copies of such request shall be served upon each party by the party requesting permission to take the deposition. If no objection to the request for permission to take the deposition is filed as provided in subsection (B) hereof, the hearing officer may, within 10 days, in his discretion, grant or deny the permission to take the deposition. If the hearing officer permits the taking of the deposition, the party may proceed in the manner provided by and subject to the limitations of subsections (A), (D), (E), and (F).

- B. If any party has any objections to the taking of the oral deposition of the party or witness, he shall file with the hearing officer and serve on all other parties written objections thereto setting forth the basis for the opposition to the deposition. Such objection shall be filed with the hearing officer within five days after the request to take the deposition is served.
- C. If objections to the taking of the oral deposition are filed with the hearing officer as provided in subsection (B) hereof, the hearing officer shall rule on the objections within five days after the filing of the objections. The taking of the oral deposition shall be held in abeyance pending the ruling of the hearing officer. The hearing officer shall either order the deposition to proceed, order that the deposition not be taken, or enter such other protective order as may be appropriate. If the hearing officer orders that the deposition proceed, the party may proceed to take the deposition in the manner provided by and subject to the limitation of R20-5-819, subsections (A), (D), (E), and (F).
- D. Any deposition taken pursuant to the provisions of this rule shall be filed with the Commission at least five days prior to the hearing date or any scheduled hearing and may be admitted into evidence. If the deposition is not filed within the time prescribed herein, it shall not be considered for any purpose except by stipulation of all interested parties, and then only with the concurrence of the hearing officer.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-820 recodified from R4-13-820 (Supp. 95-1).

**R20-5-821. Parties' Disposition upon Written Interrogatories**

- A. After a request for hearing is filed with the Commission, any party desiring to take the deposition of another party upon written interrogatories shall file with the hearing officer, in duplicate, copies of the interrogatories sought to be submitted to the party. The written interrogatories submitted pursuant to this rule shall be limited to 25 in number with no subsections. Copies of such interrogatories shall be filed at least five days prior to any scheduled hearing.
- B. Answers to the interrogatories shall be served on all parties by the party answering the interrogatories within 10 days after service of the interrogatories, or within 10 days after a ruling by the hearing officer that the interrogatories be answered.
- C. No scheduled hearing shall be cancelled or continued for failure to take or complete the taking of a deposition taken pursuant to the provisions of this rule.
- D. Depositions taken pursuant to the provisions of this rule shall only be used at the time of hearing for impeachment of a witness unless the deponent is deceased at the time of the scheduled hearing in which event they may be admitted into evidence.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-821 recodified from R4-13-821 (Supp. 95-1).

**R20-5-822. Refusal to Answer; Refusal to Attend**

- A. If a party or other deponent refuses to answer any question propounded upon oral examination pursuant to R20-5-819 and R20-5-820, the examination shall be completed in other matters or adjourned, as the proponent of the question may prefer. Thereafter on reasonable notice to all persons affected thereby the proponent of the question may apply to the hearing officer for an order compelling an answer. Upon the refusal of a deponent to answer any interrogatory submitted under R20-5-821, the proponent of the question may on like notice make like application for such an order. If the motion is granted and if the hearing officer finds that the refusal was without substantial justification, the hearing officer shall require the refusing party, or deponent and the party, or representative advising the refusal or either of them to pay to the examining party the amount of the reasonable attorney's fees incurred in obtaining the order and the reasonable expenses which will be incurred to obtain the requested answers. If the motion is denied and if the hearing officer finds that the motion was made without substantial justification, the hearing officer shall require the examining party or the representative advising the motion, or both of them, to pay to the refusing party or witness the amount of the reasonable attorney's fees incurred in opposing the motion.
- B. If a party or an officer or managing agent of a party wilfully fails to appear before an officer who is to take his deposition after being served with the proper notice, or fails to serve answers to interrogatories after proper service of such interrogatories, the hearing officer, on motion and notice, may strike out all or any part of any pleading of that party, dismiss the action or proceeding or any part thereof, or preclude the introduction of evidence.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-822 recodified from R4-13-822 (Supp. 95-1).

**R20-5-823. Burden of Proof**

- A. In all proceedings other than those stated in subsection (B) commenced by the filing of a request for hearing, the burden of proof shall rest with the Commission.
- B. In proceedings commenced by a request for hearing requesting modification of the abatement period, the burden of establishing the necessity for such modification shall rest with the petitioner.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-823 recodified from R4-13-823 (Supp. 95-1).

**R20-5-824. Intermediary Rulings or Orders by the Hearing Officer**

No intermediary rulings or orders by the hearing officer may be appealed to the Review Board but shall become a part of the record.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-824 recodified from R4-13-824 (Supp. 95-1).

**R20-5-825. Legal Memoranda**

Legal memoranda may be filed if request is granted by the hearing officer. If such request is granted the hearing officer shall establish a reasonable time for such filing and response or simultaneous filing.

**Historical Note**

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Adopted effective March 20, 1975 (Supp. 75-1). R20-5-825 recodified from R4-13-825 (Supp. 95-1).

**R20-5-826. Decisions of Hearing Officers**

- A. The decision of the hearing officer shall include findings and conclusions of fact and law, and an order.
- B. The hearing officer shall sign the decision. Upon issuance of the decision, jurisdiction shall rest solely in the Commission, and if a request for review is filed it shall be addressed to the Commission.

**Historical Note**

Amended effective August 27, 1975 (Supp. 75-1). R20-5-826 recodified from R4-13-826 (Supp. 95-1).

**R20-5-827. Settlement**

- A. Settlement is encouraged at any stage of the proceedings where such settlement is consistent with the provisions and objectives of the Act.
- B. Settlement agreement submitted by the parties shall be accompanied by an appropriate proposed order which shall be signed by the assigned hearing officer or chief hearing officer.
- C. Where parties to the settlement agree upon a proposal, it shall be served upon represented and unrepresented affected employees in the manner set forth in R20-5-806. Proof of such service shall accompany the proposed settlement when submitted to the Commission or the hearing officer.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-827 recodified from R4-13-827 (Supp. 95-1).

**R20-5-828. Special Circumstances; Waiver of Rules**

In special circumstances, or for good cause shown, the hearing officer may, upon application by any party, or on his own motion, waive any rule or make such orders as justice or the administration of the Act requires.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-828 recodified from R4-13-828 (Supp. 95-1).

**R20-5-829. Variances**

- A. Any hearing concerning variances shall be filed before the Commissioners at a time set by the Commission.
- B. Such proceeding shall be informal but shall be transcribed at the expense of the person seeking the variance if a written record of the proceeding is desired.

**Historical Note**

Adopted effective March 20, 1975 (Supp. 75-1). R20-5-829 recodified from R4-13-829 (Supp. 95-1).

**ARTICLE 9. EXPIRED****R20-5-901. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-901 repealed, new Section R4-13-901 adopted effective May 27, 1977 (Supp. 77-3). R20-5-901 recodified from R4-13-901 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-902. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-902 repealed, new Section R4-13-902 adopted effective May 27, 1977 (Supp. 77-3). R20-5-902

recodified from R4-13-902 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-903. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-903 repealed, new Section R4-13-903 adopted effective May 27, 1977 (Supp. 77-3). R20-5-903 recodified from R4-13-903 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-904. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-904 repealed, new Section R4-13-904 adopted effective May 27, 1977 (Supp. 77-3). R20-5-904 recodified from R4-13-904 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-905. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-905 repealed, new Section R4-13-905 adopted effective May 27, 1977 (Supp. 77-3). R20-5-905 recodified from R4-13-905 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-906. Expired****Historical Note**

Adopted effective January 13, 1976 (Supp. 76-1). Former Section R4-13-906 repealed, new Section R4-13-906 adopted effective May 27, 1977 (Supp. 77-3). R20-5-906 recodified from R4-13-906 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-907. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-907 recodified from R4-13-907 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-908. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-908 recodified from R4-13-908 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-909. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-909 recodified from R4-13-909 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-910. Expired****Historical Note**

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Adopted effective May 27, 1977 (Supp. 77-3). R20-5-910 recodified from R4-13-910 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-911. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-911 recodified from R4-13-911 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-912. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-912 recodified from R4-13-912 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-913. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-913 recodified from R4-13-913 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**R20-5-914. Expired****Historical Note**

Adopted effective May 27, 1977 (Supp. 77-3). R20-5-914 recodified from R4-13-914 (Supp. 95-1). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 4, 2000 (Supp. 00-1).

**ARTICLE 10. WAGE CLAIMS****R20-5-1001. Definitions**

In this Article, unless the context otherwise requires:

1. "Claim" means a wage claim pursuant to A.R.S. § 23-356.
2. "Claimant" means an individual who files a claim.
3. "Day" means calendar day.
4. "Department" means the Labor Department of the Industrial Commission of Arizona.
5. "Determination" means a finding by the Department under A.R.S. § 23-357 that a claim is either valid or invalid or that the Department cannot resolve the dispute.
6. "Director" means the Director of the Department.
7. "Dismissal" means an action by the Department in which the Department dismisses the claim and refers the claimant to other statutory remedies.
8. "Notice" or "notification" when made by the Department or the Director means a written communication served on the employer or claimant, or both.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1001 recodified from R4-13-1001 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1002. Forms**

The following forms are available upon request from the Department or from the Industrial Commission of Arizona's website at [www.azica.gov](http://www.azica.gov):

1. Wage claim. When making a claim, a claimant shall provide the following information to the Department:
  - a. Claimant's name, mailing address, e-mail address, telephone number, and date of birth;
  - b. Employer's name, address, telephone number, and description of business;
  - c. Claimant's dates of employment, position, and pay;
  - d. The amount of the wages owed and the time period worked related to the unpaid wages; and
  - e. Claimant's signature or electronic signature and signature date.
2. Employer response. The employer responding to a claim shall provide the following information to the Department:
  - a. Employer's legal name, including any trade names, legal domicile state, address, telephone number, description of business, and an e-mail address for the designated representative of employer;
  - b. Claimant's dates of employment, position, and pay;
  - c. Whether claimant is owed any wages, and, if so, employer's reason for nonpayment; and
  - d. Employer's signature or electronic signature and signature date.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1002 recodified from R4-13-1002 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1003. Filing Requirements; Time for Filing; Computation of Time**

- A. A claimant shall file a claim with the Department within one year of the date of the accrual of the claim.
- B. In computing any period of time prescribed or allowed by this Article, the day of the act or event from which the designated period of time begins to run is not included. The last day of the period and Saturdays, Sundays, and legal holidays are included in the computation of time.
- C. The date of filing of the claim is the date the claimant's wage claim form is received by the Department.
- D. The Department shall deem a form, document, instrument, or other written record filed at the Tucson office as filed at the Phoenix office for the purpose of computing time.
- E. An individual filing a form or document related to a claim shall legibly fill out the form or document.
- F. If the wage claim form received from a claimant does not include the information required by R20-5-1002(1), the Department shall return the wage claim form to the claimant with a request that the claimant provide the required information and return the completed wage claim form to the Department within 14 days of the date of service of the Department's request. If the Department does not receive the completed wage claim form within 14 days, the Department shall not initiate an investigation of the claim and the Department shall consider the claim withdrawn without prejudice. The claimant may re-file a withdrawn wage claim with the information required by R20-5-1002(1), if the claim is re-filed within one year of the date of the accrual of the claim.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1003 recodified from R4-13-1003 (Supp. 95-1). Former R20-5-1003 renumbered to R20-5-1004; new R20-5-

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1003 made by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1004. Investigation of Claim**

- A. The Department shall serve a copy of a claimant's wage claim form on the employer listed on the wage claim, with a request that the employer complete and file the employer response form within 14 days of the date of service of the Department's request.
- B. If the Department does not receive the employer response form under subsection (A), the Department shall serve written notice on the employer stating that the employer must pay the amount claimed or file a written response to the wage claim within 14 days of the date of service of the Department's written notice.
- C. The Department shall serve a copy of the employer's response on the claimant and offer the claimant the opportunity to file a written reply to the employer's response within 14 days from the date of service. If the Department does not receive claimant's reply within 14 days, the Department shall make a determination of the claim based on the evidence in the file.
- D. If the employer fails or refuses to pay the amount claimed or submit a written response to the claim in accordance with subsection (B), the Department shall make a determination of the claim based on the evidence in the file.
- E. Upon request from the Department, and if necessary to complete the Department's investigation, the claimant, the employer, or both, shall submit further written information or meet with the Director or the Director's designee. Except for statements made during settlement, mediation, or an informal conference, the Director or the Director's designee may administer oaths for the purpose of taking affidavits and may record the meeting.
- F. Upon completion of its investigation, the Department shall serve the Department's determination in writing on the parties.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1004 recodified from R4-13-1004 (Supp. 95-1). Former R20-5-1004 renumbered to R20-5-1005; new R20-5-1004 renumbered from R20-5-1003 and amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1005. Mediation of Disputes**

- A. During the investigation of a claim, the Department may mediate and conciliate a dispute between the claimant and the employer.
- B. If mediation results in an informal resolution of the claim, the Director or the Director's designee shall prepare and ensure execution of documents providing for the resolution of the claim.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1005 recodified from R4-13-1005 (Supp. 95-1). Former R20-5-1005 renumbered to R20-5-1006; new R20-5-1005 renumbered from R20-5-1004 and amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2).

**R20-5-1006. Dismissal of Claim**

- A. The Department shall dismiss a claim if:

1. The claim is filed more than one year after the date of the accrual of the claim,
2. The claimant does not comply with R20-5-1003(F),
3. The amount of wages owed exceeds \$5,000.00,
4. The Department's investigation of the claimant's evidence reveals no possible violation of A.R.S. § 23-350 et seq.,
5. The claimant has filed a civil action regarding the same claim,
6. The employer listed on the claim is in bankruptcy,
7. The Department is unable to locate the employer based on the information provided by the claimant, or
8. The wages in question have been withheld from the claimant pursuant to the claimant's prior written authorization.

- B. The Department shall send a notice of dismissal to the claimant and, except as provided in subsections (A)(1) through (A)(3) and (7), the Department shall send a notice of dismissal to the employer. Notices of dismissal shall notify the claimant of the availability of other remedies.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1006 recodified from R4-13-1006 (Supp. 95-1). Former R20-5-1006 renumbered to R20-5-1007; new R20-5-1006 renumbered from R20-5-1005 and amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1007. Notice of Right of Review**

A determination issued under A.R.S. § 23-357 shall include a notice informing the parties of their right to seek review under A.R.S. § 23-358 and § 12-901 et seq.

**Historical Note**

Adopted effective January 26, 1988 (Supp. 88-1). R20-5-1007 recodified from R4-13-1007 (Supp. 95-1). Former R20-5-1007 renumbered to R20-5-1008; new R20-5-1007 renumbered from R20-5-1006 and amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1008. Payment of Claim**

- A. The Department shall send any payment of a wage claim received by the Department to the claimant by certified mail, return receipt requested, unless the claimant elects to pick up the check in person at the Department.
- B. If the Department discovers that payment of a wage claim is alleged to have been made directly to the claimant, the Department shall verify the payment by serving the claimant with notice that payment of the wage claim is alleged to have been made directly to the claimant. If the claimant confirms that payment of the wage claim was made directly to the claimant or does not respond to the Department's notice within 14 days of the date of service of the Department's notice, the Department shall deem the claim to have been paid and shall dismiss the wage claim.
- C. Payment of a partial amount of a wage claim does not preclude the Department from completing its investigation of the balance of the claim.
- D. In the case of a determination and directive for payment issued by the Department under A.R.S. § 23-357, the Department shall, if the employer agrees and with the written consent of the claimant, enter into a payment agreement with the

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employer for payment of the amount of wages found to be owed the claimant.

**Historical Note**

New R20-5-1008 renumbered from R20-5-1007; Section amended by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**R20-5-1009. Service of Determinations, Notices, and Other Documents**

- A. A determination, notice, or other document required by this Article or other law to be served upon a party, shall be made upon the party, or, if represented by legal counsel, the party's legal counsel. Service upon legal counsel is considered service upon the party.
- B. Service may be made and is deemed complete by:
1. Depositing the document in regular or certified mail, addressed to the party served at the address shown in the records of the Department, or by personal delivery upon the party.
  2. With a party's consent, transmission by e-mail to the e-mail address shown in the records of the Department.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 1416, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking 27 A.A.R. 515, effective May 14, 2021 (Supp. 21-1).

**ARTICLE 11. REPEALED****R20-5-1101. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1102. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1103. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1104. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1105. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1106. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1107. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1108. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1109. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1110. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1111. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1112. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).



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**R20-5-1129. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1130. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1131. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1132. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1133. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1134. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1135. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1136. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1008, effective April 4, 2005 (Supp. 05-1). Section repealed by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**ARTICLE 12. ARIZONA MINIMUM WAGE AND EARNED PAID SICK TIME PRACTICE AND PROCEDURE****R20-5-1201. Notice of Rules**

- A. This Article applies to all actions and proceedings before the Industrial Commission of Arizona arising under A.R.S. Title 23, Articles 8 and 8.1.
- B. The Industrial Commission of Arizona shall provide a copy of this Article upon request to any person free of charge.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1202. Definitions**

In this Article, the definitions of A.R.S. §§ 23-362 (version two), 23-371, and 23-364 apply. In addition, unless the context otherwise requires, the following definitions shall apply to both the Act and this Article:

“Act” means A.R.S. Title 23, Chapter 2, Articles 8 and 8.1.

“Affected employee” means an employee or employees on whose behalf a complaint may be filed alleging a violation under the Act.

“Amount of earned paid sick time available to the employee” means the amount of earned paid sick time or equivalent paid time off that is available to the employee for use in the current year.

“Amount of earned paid sick time taken by the employee to date in the year” means the amount of earned paid sick time or equivalent paid time off taken by the employee to date in the current year. Where an employee has used available equivalent paid time off for either the purposes enumerated in A.R.S. § 23-373 or other purposes, the employer may count that usage towards the “amount of earned paid sick time taken by the employee to date in the year.”

“Amount of pay the employee has received as earned paid sick time” means the amount of pay the employee has received as earned paid sick time or equivalent paid time off to date in the current year. Where an employee has received pay for equivalent paid time off for the purposes enumerated in A.R.S. § 23-373 or other purposes, the employer may count that pay towards the “amount of pay the employee has received as earned paid sick time.”

“Authorized representative” means a person prescribed by law to act on behalf of a party who files with the Department a written instrument advising of the person’s authority to act on behalf of the party.

“Casual Basis,” when applied to babysitting services, means employment which is irregular or intermittent.

“Commission” means monetary compensation based on:

A percentage of total sales,

A percentage of sales in excess of a specified amount,

A fixed allowance per unit, or

Some other formula the employer and employee agree to as a measure of accomplishment.

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“Communicable disease” has the meaning prescribed by A.R.S. § 36-661.

“Complainant” means a person or organization filing an administrative complaint under the Act.

“Department” means the Labor Department of the Industrial Commission of Arizona or other authorized division of the Industrial Commission as designated by the Industrial Commission.

“Earned sick time” under A.R.S. § 23-364(G) means earned paid sick time.

“Employee’s regular paycheck” means a regular payroll record that is readily available to employees and contains the information required by A.R.S. § 23-375(C), including physical or electronic paychecks or paystubs.

“Equivalent paid time off” means paid time off provided under a paid leave policy, such as a paid time off policy, that makes available an amount of paid leave sufficient to meet the accrual requirements of the Act that may be used for the same purposes and under the same conditions as earned paid sick time.

“Filing” means receipt of a report, document, instrument, videotape, audiotape, or other written matter at an office of the Department.

The term “health care professional” in A.R.S. § 23-373(G) has the same meaning as “health care professional,” as defined in this Section.

“Health care professional” means any of the following:

A “physician” as defined by A.R.S. § 36-2351;

A “physician assistant” as defined by A.R.S. § 32-2501;

A “registered nurse practitioner” as defined by A.R.S. § 32-1601.

A certified nurse midwife who is a registered nurse practitioner approved by the Arizona State Board of Nursing to provide primary care services during pregnancy, childbirth, and the postpartum period;

A dentist licensed under A.R.S. Title 32, Chapter 11, Article 2; or

A behavioral health provider practicing as:

A psychologist licensed under A.R.S. Title 32, Chapter 19.1;

A clinical social worker licensed under A.R.S. § 32-3293;

A marriage and family therapist licensed under A.R.S. § 32-3311; or

A professional counselor licensed under A.R.S. § 32-3301.

“Health care provider” has the meaning prescribed by A.R.S. § 36-661.

“Hours worked” means all hours for which an employee covered under the Act is employed and required to give to the employer, including all time during which an employee is on duty or at a prescribed work place and all time the employee is suffered or permitted to work.

“Minimum wage” means the lowest rate of monetary compensation required under the Act.

“Monetary compensation” means cash or its equivalent due to an employee by reason of employment.

“On duty” means time spent working or waiting that the employer controls and that the employee is not permitted to use for the employee’s own purpose.

“Public benefits” has the same meaning as “state or local public benefit,” as prescribed by A.R.S. § 1-502(I).

“Public health emergency” means a state of emergency declared by the governor in which there is an occurrence or imminent threat of an illness or health condition caused by bioterrorism, an epidemic or pandemic disease or a highly fatal infectious agent or biological toxin and that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

“Salaried” means receiving a fixed amount of pay regardless of how many hours are worked each week.

“Salary” means a fixed compensation paid regularly for employment.

“Same hourly rate” means the following:

For employees paid on the basis of a single hourly rate, “same hourly rate” shall be the hourly rate the employee would have earned for the period of time in which earned paid sick time or equivalent paid time off is used, but shall in no case be less than minimum wage.

For employees who are paid multiple hourly rates of pay, “same hourly rate” shall be determined in the following order of priority, but shall in no case be less than minimum wage:

The hourly rate the employee would have earned, if known, for each hour of earned paid sick time or equivalent paid time off used.

The weighted average of all hourly rates of pay during the previous pay period.

For employees who are paid a salary, no additional pay is due when the employee’s use of earned paid sick time or equivalent paid time off results in no reduction in the employee’s regular salary during the pay period in which the earned paid sick time or equivalent paid time off is used. “Same hourly rate” for salaried employees shall be determined in the following order of priority, but shall in no case be less than minimum wage:

The wages an employee earns during each pay period covered by the salary divided by the number of hours agreed to be worked during each pay period, if the number of hours to be worked during each pay period was previously established.

The wages an employee earns during each work-week covered by the salary in the current year divided by 40 hours.

For employees paid on a commission, piece-rate, or fee-for-service basis, “same hourly rate” shall be determined in the following order of priority, but shall in no case be less than minimum wage:

The hourly rate of pay previously agreed upon by the employer and the employee as:

A minimum hourly rate for work performed; or



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An hourly rate for payment of earned paid sick time or equivalent paid time off.

The wages that the employee would have been paid, if known, for the period of time in which earned paid sick time or equivalent paid time off is used, divided by the number of hours of earned paid sick time or equivalent paid time off used.

A reasonable estimation of the commission, piece-rate, or fee-for-service compensation that the employee would have been paid for the period of time in which the earned paid sick time or equivalent paid time off is used divided by the number of hours of earned paid sick time or equivalent paid time off used.

The hourly average of all commission, piece rate, or fee-for-service compensation that the employee earned during the previous 90 days, if the employee worked regularly during the previous 90-day period, based on:

Hours that the employee actually worked; or

A 40-hour workweek.

The hourly average of all commission, piece rate, or fee-for-service compensation that the employee earned during the previous 365 days, based on:

Hours that the employee actually worked; or

A 40-hour workweek.

“Same hourly rate” includes shift differentials and premiums meant to compensate an employee for work performed under differing conditions (such as hazard pay or a shift differential for working at night) if the employee would have been entitled to the shift differential or premium for the period of time in which earned paid sick time or equivalent paid time off is used.

“Same hourly rate” does not include:

Additions to an employee’s base rate for overtime or holiday pay;

Subject to the “Same hourly rate,” bonuses or other types of incentive pay; and

Tips or gifts.

“Smallest increment that the employer’s payroll system uses to account for absences or use of other time” means the smallest increment of time that an employer utilizes, by policy or practice, to account for absences or use of other paid time off.

“Tip” means a sum that a customer presents as a gift in recognition of some service performed, and includes gratuities. The sum may be in the form of cash, amounts paid by bank check or other negotiable instrument payable at par, or amounts the employer transfers to the employee under directions from a credit customer who designates an amount to be added to a bill as a tip. Gifts in forms other than cash or its equivalent as described in this definition, such as event tickets, passes, or merchandise, are not tips.

“Violation” means a transgression of any statute or rule, or any part of a statute or rule, including both acts and omissions.

“Willfully” means acting with actual knowledge of the requirements of the Act or this Article, or acting with reckless disregard of the requirements of the Act or this Article.

“Workday” means any fixed period of 24 consecutive hours.

“Workweek” means any fixed and regularly recurring period of seven consecutive workdays.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4). Amended by final rulemaking at 29 A.A.R. 607 (February 24, 2023), with an immediate effective date of February 9, 2023 (Supp. 23-1).

**R20-5-1203. Duty to Provide Current Address**

- A. A complainant shall provide and keep the Labor Department advised of the complainant’s current mailing address and telephone number.
- B. An employer under investigation by the Department shall provide and keep the Labor Department advised of the employer’s current mailing address and telephone number.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1204. Forms Prescribed by the Department**

Forms prescribed by the Department, including the poster required under R20-5-1208, shall not be changed, amended, or otherwise altered without the prior written approval of the Department.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1205. Determination of Employment Relationship**

- A. Determination of an employment relationship under the Act, which includes whether an individual is an independent contractor, shall be based upon the economic realities of the relationship. Consideration of whether an individual is economically dependent on the employer for which the individual performs work shall be determined by factors showing dependence, which non-exclusive factors shall include those factors identified in A.R.S. §§ 23-902(D) and 23-1601(B).
- B. An individual who works for another person without any express or implied compensation agreement is not an employee under the Act. This may include an individual that volunteers to work for civic, charitable, or humanitarian reasons that are offered freely and without direct or implied pressure or coercion from an employer, provided that the volunteer is not otherwise employed by the employer to perform the same type of services as those which the individual proposes to volunteer.

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- C. An individual who works for another individual as a babysitter on a casual basis and whose vocation is not babysitting, is not an employee under the Act even if the individual performs other household work not related to caring for the children, provided the household work does not exceed 20% of the total hours worked on the particular babysitting assignment.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1206. Payment of Minimum Wage; Commissions; Tips; Front Loading Earned Paid Sick Time; Limitation on Carry Over of Unused Earned Paid Sick Time**

- A. Subject to the requirements of the Act and this Article, no less than the minimum wage shall be paid for all hours worked, regardless of the frequency of payment and regardless of whether the wage is paid on an hourly, salaried, commissioned, piece rate, or any other basis.
- B. If the combined wages of an employee are less than the applicable minimum wage for a work week, the employer shall pay monetary compensation already earned, and no less than the difference between the amounts earned and the minimum wage as required under the Act.
- C. The workweek is the basis for determining an employee's hourly wage. Upon hire, an employer shall advise the employee of the employee's designated workweek. Once established, an employer shall not change or manipulate an employee's workweek to evade the requirements of the Act.
- D. In computing the minimum wage, an employer shall consider only monetary compensation and shall count tips and commissions in the workweek in which the tip or commission is earned.
- E. An employer is allowed to:
1. Require or permit employees to pool, share, or split tips; and
  2. Require an employee to report tips to the employer in order to meet reporting requirements of this Article and federal law.
- F. An employer who hires an employee after the beginning of the employer's year is not required to provide additional earned paid sick time or equivalent paid time off during that year if the employer provides the employee for immediate use on the employee's ninetieth calendar day after commencing employment an amount of earned paid sick time or equivalent paid time off that meets or exceeds the employer's reasonable projection of the amount of earned paid sick time or equivalent paid time off that the employee would have accrued from the date of hire through the end of the employer's year at a rate of one hour for every 30 hours worked. If the amount of earned paid sick time or equivalent paid time off provided is less than the employee would have accrued based on hours actually worked during the employer's year, the employer shall immediately provide an amount of earned paid sick time or equivalent paid time off that reflects the difference between the employer's projection and the amount of earned paid sick time or equivalent paid time off that the employee would have accrued for hours actually worked in the year.
- G. Subject to subsection (F), an employer with 15 or more employees that provides its employees for immediate use at

the beginning of each year 40 or more hours of earned paid sick time or 40 or more hours of equivalent paid time off is not required to provide carryover or additional accrual.

- H. Subject to subsection (F), an employer with fewer than 15 employees that provides its employees for immediate use at the beginning of each year 24 or more hours of earned paid sick time or 24 or more hours of equivalent paid time off is not required to provide carryover or additional accrual.
- I. Unless an employer: (1) elects to pay an employee for unused earned paid sick time or equivalent paid time off at the end of a year pursuant to A.R.S. § 23-372(D)(4); or (2) meets the requirements of subsections (G) or (H), unused earned paid sick time and equivalent paid time off may be carried over to the next year, as follows:
1. Subject to an employer's entitlement to permit greater carry over, an employee of an employer with 15 or more employees may carry over to the following year up to 40 hours of unused earned paid sick time or equivalent paid time off.
  2. Subject to an employer's entitlement to permit greater carry over, an employee of an employer with fewer than 15 employees may carryover to the following year up to 24 hours of unused earned paid sick time or equivalent paid time off.
  3. Carry over shall not affect accrual, usage rights, or usage limits under the Act.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1207. Tip Credit Toward Minimum Wage**

- A. In this Section, unless the context otherwise requires, "customarily and regularly" means receiving tips on a consistent and recurrent basis, the frequency of which may be greater than occasional, but less than constant, and includes the occupations of waiter, waitress, bellhop, busboy, car wash attendant, hairdresser, barber, valet, and service bartender.
- B. For purposes of calculating the permissible credit for tips under A.R.S. § 23-363(C), the following applies:
1. Tips are customarily and regularly received in the occupation in which the employee is engaged;
  2. Except as provided in R20-5-1206(E), the employee actually receives the tip free of employer control as to how the employee uses the tip and the tip becomes the employee's property;
  3. Employees who customarily and regularly receive tips may pool, share, or split tips between them, and the amount each employee actually retains is considered the tip of the employee who retains it;
  4. Employer-required sharing of tips with employees who do not customarily and regularly receive tips in the occupation in which the employee is engaged, including management or food preparers, are not credited toward that employee's minimum wage; and
  5. A compulsory charge for service imposed on a customer by an employer's establishment are not credited toward an employee's minimum wage unless the employer actually distributes the charge to the employee in the pay period in which the charge is earned.

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- C. Upon hiring or assigning an individual to a position that customarily and regularly receives tips, an employer intending to exercise a tip credit shall provide written notice to the employee prior to exercising the tip credit. Thereafter, the employer shall notify the employee in writing each pay period of the amount per hour that the employer takes as a tip credit.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1208. Posting Requirements; Small Employer Exemption**

- A. With the exception of small employers, every employer subject to the Act shall place the posters prescribed by the Department informing employees of their rights under the Act in a conspicuous place in every establishment where employees are employed and where notices to employees are customarily placed. The employer shall ensure that the notices are not removed, altered, defaced, or covered by other material.
- B. In this Section, unless context otherwise requires, "small employer" means a corporation, proprietorship, partnership, joint venture, limited liability company, trust, or association that has less than \$500,000 in gross annual revenue.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1209. Records Availability**

- A. Each employer shall keep the records required under the Act and this Article safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where the records are customarily maintained. When the employer maintains the records at a central recordkeeping office other than in the place or places of employment, the employer shall make the records available to the Department within 72 hours following notice from the Department.
- B. Employers or technology that is necessary to facilitate inspection and copying of the records.
- C. Each employer required to maintain records under the Act shall make enlargement, recomputation, or transcription of the records and shall submit to the Department the records or reports in a readable format upon the Department's written request.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1210. General Recordkeeping Requirements**

- A. Payroll records required to be kept under the Act include:

1. All time and earning cards or sheets on which are entered the daily starting and stopping time of individual employees, or of separate work forces, or the amounts of work accomplished by individual employees on a daily, weekly, or pay period basis (for example, units produced) when those amounts determine in whole or in part those employees' pay period wages and earned paid sick time or equivalent paid time off;
2. From their last effective date, all wage-rate tables or schedules of the employer that provide the piece rates or other rates used in computing wages; and
3. Records of additions to or deductions from wages paid and records that support or corroborate the additions or deductions.

- B. Except as otherwise provided in this Section, every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each employee to whom the Act applies:

1. Name in full, and on the same record, the employee's identifying symbol or number if it is used in place of the employee's name on any time, work, or payroll record;
2. Home address, including zip code;
3. Date of birth, if under 19;
4. Occupation in which employed;
5. Time of day and day of week on which the employee's workweek begins. If the employee is part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, then a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment is permitted;
6. Regular hourly rate of pay for any workweek and an explanation of the basis of pay by indicating the monetary amount paid on a per hour, per day, per week, per piece, commission on sales, or other basis, including the amount and nature of each payment;
7. Hours worked each workday and total hours worked each workweek;
8. Total daily or weekly wages due for hours worked during the workday or workweek;
9. Total additions to or deductions from wages paid each pay period including employee purchase orders or wage assignments, including, for individual employee records, the dates, amounts, and nature of the items that make up the total additions and deductions;
10. Total wages paid each pay period;
11. Date of payment and the pay period covered by payment;
12. The amount of earned paid sick time available to the employee;
13. The amount of earned paid sick time taken by the employee to date in the year;
14. The amount of pay the employee has received as earned paid sick time; and

- C. For an employee who is compensated on a salary basis at a rate that exceeds the minimum wage required under the Act and who, under 29 CFR 541, is an exempt bona fide executive, administrative, or professional employee, including an employee employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools, or in outside sales, an employer shall maintain and preserve:

1. Records containing the information and data required under subsections (B)(1) through (B)(5), and (B)(10) through (B)(14); and
2. Records containing the basis on which wages are paid in sufficient detail to permit a determination or calculation

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of whether the salary received exceeds the minimum wage required under the Act, including a record of the hours upon which payment of the salary is based, whether full time or part time.

- D. With respect to employees working on fixed schedules, an employer may maintain records showing instead of the hours worked each day and each workweek as required under this Section, the schedule of daily and weekly hours the employee normally works, provided:
  1. In weeks in which an employee adheres to this schedule, the employer indicates by check mark, statement, or other method, that the employee actually worked the hours; and
  2. In weeks in which more or fewer than the scheduled hours are worked, the employer records the number of hours actually worked each day and each week.
- E. With respect to an employee that customarily and regularly receives tips, the employer shall ensure that the records required under this Article include the following information:
  1. A symbol, letter, or other notation placed on the pay records identifying each employee whose wage is determined in part by tips;
  2. Amount of tips the employee reports to the employer;
  3. The hourly wage of each tipped employee after taking into consideration the employee's tips;
  4. Hours worked each workday in any occupation in which the employee does not receive tips, and total daily or week straight-time payment made by the employer for the hours;
  5. Hours worked each workday in occupations in which the employee receives tips and total daily or weekly straight-time wages for the hours; and
  6. Copy of the notice required under R20-5-1207(C).
- F. An employer who makes retroactive payment of wages, voluntarily or involuntarily, shall record on the pay records, the amount of the payment to each employee, the period covered by the payment, and the date of payment.
- G. For an employee who is signed to a contract to play minor league baseball and is exempt pursuant to 29 U.S.C. 213(a)(19), an employer shall maintain and preserve records containing the information and data required under subsections (B)(1) through (B)(5), (B)(10) and (B)(11).

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4). Amended by final rulemaking at 29 A.A.R. 607 (February 24, 2023), with an immediate effective date of February 9, 2023 (Supp. 23-1).

**R20-5-1211. Administrative Complaints**

- A. A person or organization alleging a minimum wage, earned paid sick time, or equivalent paid time off violation shall file a complaint with the Labor Department within one year from the date the wages, earned paid sick time, or equivalent paid time off were due.
- B. A person or organization alleging retaliation, discrimination, or a violation of A.R.S. § 23-377 shall file a complaint with the Labor Department within one year from the date the alleged violation occurred or when the employee knew or should have known of the alleged violation.

- C. The person or organization filing a complaint with the Labor Department shall sign the complaint.
- D. Any person or organization other than an affected employee who files a complaint shall include the names of affected employees.
- E. Upon its own complaint, the Department may investigate violations under the Act.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1212. Conduct that Hinders Investigation**

An employer hinders an investigation under the Act if the employer engages in conduct, or causes another person to engage in conduct, that delays or otherwise interferes with the Department's investigation, including:

1. Obstructing or refusing to admit the Department to any place of employment authorized under the Act;
2. Obstructing or refusing to permit interviews authorized under the Act;
3. Failing to make, keep, or preserve records required under the Act or this Article;
4. Failing to permit the review and copying of records required under the Act and this Article; and
5. Falsifying any record required under the Act or this Article.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1213. Findings and Order Issued by the Department**

- A. Except as provided in R20-5-1219, after receipt of a complaint alleging a violation of the Act, the Department shall issue a Findings and Order of its determination. The Department shall serve its Findings and Order to both the employer and the complainant. Service may be made and is deemed complete by either depositing the document in regular or certified mail, addressed to the party served at the address shown in the records of the Department, by personal delivery upon the party, or with a party's consent, transmission by email to the email address shown in the records of the Department.
- B. If the Department determines that an employer has violated the minimum wage, earned paid sick time, or equivalent paid time off requirements, the Department shall order the employer to pay the employee, and if applicable, affected employees, the balance of the wages, earned paid sick time, or equivalent paid time off owed, including interest at the legal rate and an additional amount equal to twice the underpaid wages, earned paid sick time, or equivalent paid time off owed.
- C. If the Department determines that a retaliation, discrimination, confidentiality, or nondisclosure violation has occurred, the Department shall direct the employer or other person to cease and desist from the violation and may take action necessary to remedy the violation, including:
  1. Rehiring or reinstatement,

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2. Reimbursement of lost wages and interest,
  3. Payment of penalty to employees or affected employees as provided for in the Act and this Article, and
  4. Posting of notices to employees.
- D.** If the Department determines that no violation of the Act has occurred, or if the Department is unable to reach a conclusion based on the evidence submitted, the Department shall notify the parties and shall dismiss the complaint without prejudice. After notification of the Department's determination, the complainant may bring a civil action under A.R.S. § 23-364(E).
- E.** The Department may assess civil penalties for recordkeeping, posting, and other violations under the Act and this Article as part of a Findings and Order issued under subsection (A) or the civil penalties and other violations may be assessed as a separate Findings and Order. If issued as a separate Findings and Order, the Department shall serve, personally or by regular first class mail, the Findings and Order on the employer and, if a complaint has been filed, the complainant.
- F.** The Director of the Department shall sign the written Findings and Order issued by the Department.
- G.** If an employer does not comply with a Findings and Order issued by the Department within 10 days following finality of the Findings and Order, the Department may refer the matter to a law enforcement officer.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4). Amended by final rulemaking at 29 A.A.R. 607 (February 24, 2023), with an immediate effective date of February 9, 2023 (Supp. 23-1).

**R20-5-1214. Review of Department Findings and Order; Hearings; Issuance of Decision Upon Hearing**

- A.** Except as provided in R20-5-1213(D), a party aggrieved by a Findings and Order issued by the Department may request a hearing by filing a written request for hearing with the Department within 30 days after the Findings and Order is served upon the party. Failure to timely file a request for hearing means that the Findings and Order issued by the Department is final and res judicata to all parties.
- B.** A request for hearing shall be in writing and contain:
1. The name and address of the party requesting the hearing,
  2. The signature of the party or the party's authorized representative, and
  3. A statement that a hearing is requested.
- C.** Upon receipt of a timely filed request for hearing, the Department shall refer the matter to the Administrative Law Judge Division of the Commission for hearing.
- D.** Except as otherwise provided in this Section, the hearing shall be conducted under A.R.S. § 41-1061 et seq.
- E.** A person submitting correspondence or other documents, including subpoena requests, to an administrative law judge concerning a matter pending before the administrative law judge, shall contemporaneously serve a copy of the correspondence or other document upon all other parties, or if represented, the parties' authorized representative.
- F.** The administrative law judge may dismiss a request for hearing when it appears to the judge's satisfaction that the parties have resolved the disputed issue or issues.

- G.** The administrative law judge shall issue a written decision upon hearing containing findings of fact and conclusions of law no later than 30 days after the matter is submitted for decision. The decision shall be sent to the parties at their last known addresses served personally or by regular first class mail.
- H.** A decision issued under this Section is final when entered unless a party files a request for rehearing or review as provided in R20-5-1215 or commences an action in the Superior Court as provided in R20-5-1216 and A.R.S. § 12-901 et seq. The decision shall contain a statement explaining the review rights of a party.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1215. Request for Rehearing or Review of Decision Upon Hearing**

- A.** A party may request rehearing or review of a decision issued under R20-5-1214 by filing with the Administrative Law Judge a written request for rehearing or review no later than 15 days after the written decision is served personally or by regular first class mail upon the parties.
- B.** A request for rehearing or review shall be based upon any of the following causes that materially affected the rights of an aggrieved party:
1. Irregularities in the hearing proceeding or any order, or abuse of discretion that deprives a party seeking review of a fair hearing;
  2. Accident or surprise that could not have been prevented by ordinary prudence;
  3. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the hearing;
  4. Error in the admission or rejection of evidence, or errors of law occurring at the hearing;
  5. Bias or prejudice of the Department or administrative law judge; and
  6. The findings of fact or conclusions of law contained in the decision are not justified by the evidence or are contrary to law.
- C.** A request for rehearing or review shall state the specific facts and law in support of the request and shall specify the relief sought by the request.
- D.** A party shall have 15 days from the date of the filing of a request for rehearing or review to file a written response. Failure to respond shall not be deemed an admission against interest.
- E.** The administrative law judge shall issue a decision upon review no later than 30 days after receiving a request for review or response, if one is filed.
- F.** A decision upon review is final unless a party seeks judicial review as provided in R20-5-1216.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

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**R20-5-1216. Judicial Review of Decision Upon Hearing or Decision Upon Review**

- A. A party aggrieved by a decision upon hearing issued under R20-5-1214 or a decision upon review issued under R20-5-1215 may seek review by commencing an action in the Superior Court as provided in A.R.S. § 12-901 et seq. within 35 days from the date a copy of the decision sought to be reviewed is served personally or by regular first class mail upon the party affected.
- B. A decision upon hearing issued under R20-5-1214 or a decision upon review issued under R20-5-1215 is final unless a party seeks judicial review as provided under A.R.S. § 12-901 et seq.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1217. Assessment of Civil Penalties Under A.R.S. § 23-364(F)**

The Department may assess civil penalties for violations of the Act and this Article, including the assessment of civil penalties for engaging in conduct that hinders an investigation of the Department as specified in R20-5-1212.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1218. Collection of Wages, Earned Paid Sick Time, Equivalent Paid Time Off, or Penalty Payments Owed**

- A. Upon determination that wages, earned paid sick time, equivalent paid time off, or penalty payments are due and unpaid to any employee, the employee may, or the Department may on behalf of an employee, obtain judgment and execution, garnishment, attachment, or other available remedies for collection of unpaid wages and penalty payments established by a final Findings and Order of the Department.
- B. If payment cannot be made to the employee, the Department shall receive monetary compensation or penalty payments on behalf of the employee and transmit monies it receives as payment in a special state fund as provided in A.R.S. § 23-356(C).
- C. The Department may amend a Findings and Order to conform to the legal name of the business or the person who is the defendant employer to a complaint under the Act, provided service of the Findings and Order was made on the defendant or the defendant's agent. If a judgment has been entered on the order, the Department may apply to the clerk of the superior court to amend a judgment that has been issued under a final order, provided service was made on the defendant or the defendant's agent.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4). Amended by

final rulemaking at 23 A.A.R. 2907, effective October 3, 2017 (Supp. 17-4).

**R20-5-1219. Resolution of Disputes**

Notwithstanding any other provision of law, the Department may mediate and conciliate a dispute between the parties.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**R20-5-1220. Small Employer Request for Exception to Recordkeeping Requirements**

- A. In this Section, unless context otherwise requires, "small employer" means a corporation, proprietorship, partnership, joint venture, limited liability company, trust, or association that has less than \$500,000 in gross annual revenue.
- B. A small employer, or any category of small employer that is unreasonably burdened by the recordkeeping requirements of the Act and this Article may file a written petition for exception with the Department requesting relief from certain recordkeeping requirements under this Article. The petition shall:
1. State the reasons for the request for relief;
  2. State an alternate manner or method of making, keeping, and preserving records that will enable the Department to determine hours worked and wages paid; and
  3. Include the signature of the employer or an authorized representative of the employer.
- C. Subject to any conditions or limitations necessary to ensure fulfillment of the purpose and intent of Act, the Department may grant a petition for exception if it finds that:
1. The small employer, or category of small employer is unreasonably burdened by the recordkeeping requirements of the Act and this Article; and
  2. The relief requested and alternative proposed will not hinder the Department's enforcement of the Act and this Article.
- D. For good cause, the Department may rescind a prior order granting relief under this Section.
- E. Relief under this Section is effective upon the Department's written authorization.

**Historical Note**

New Section made by emergency rulemaking at 13 A.A.R. 473, effective January 25, 2007 for 180 days (Supp. 07-1). Emergency renewed at 13 A.A.R. 2785, effective July 17, 2007 for 180 days (Supp. 07-3). New Section made by final rulemaking at 13 A.A.R. 4315, effective January 13, 2008 (Supp. 07-4).

**ARTICLE 13. TREATMENT GUIDELINES****R20-5-1301. Adoption and Applicability of the Article**

- A. The Industrial Commission of Arizona (Commission) has adopted the Work Loss Data Institute's *Official Disability Guidelines – Treatment in Workers Compensation* (ODG) as the standard reference for evidence-based medicine used in treating injured workers within the context of Arizona's workers' compensation system. By adopting and referencing the most recent edition (at the time of treatment), and continuously updated Official Disability Guidelines, the Commission can ensure the latest available medical evidence is used in making medical treatment decisions for injured workers.

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- B. Until further action of the Commission, the guidelines shall apply to all body parts and conditions.
- C. The Commission may modify or change the applicability of the guidelines as described in subsection (B) if the Commission determines that modification or changing the applicability of the guidelines will: 1) improve medical treatment for injured workers, 2) make treatment and claims processing more efficient and cost effective, and 3) if the Commission's modification expands the applicability of the guidelines, the guidelines adequately cover the relevant body parts or conditions. Before taking action to modify or change the applicability of the guidelines, the Commission shall provide an opportunity for public comment and hold a public hearing. A decision of the Commission under this subsection shall be made by a majority vote of a quorum of Commission members present at a public meeting.
- D. Action taken by the Commission to modify or change the applicability of the guidelines under subsection (C) shall be published in the minutes of the Commission meeting when such action was taken. The minutes of this action shall be published on the Commission's website and shall be available from the Commission upon request.
- E. The guidelines shall apply prospectively. Recommendations provided in the guidelines related to the management of chronic pain and the use of opioids for all stages of pain management shall apply to medical treatment or services occurring on or after October 1, 2016. For purposes of this process, chronic pain shall be defined by the guidelines. Recommendations provided in the guidelines related to all other body parts and conditions shall apply to medical treatment or services occurring on or after October 1, 2018.
- F. This Article applies to all claims filed with the Commission.
- G. This Article only applies to medical treatment and services for body parts and conditions that have been accepted as compensable.
- H. The guidelines are to be used as a tool to support clinical decision making and quality health care delivery to injured employees. The guidelines set forth care that is generally considered reasonable and are presumed correct if the guidelines provide recommendations related to the requested treatment or service. This is a rebuttable presumption and reasonable medical care may include deviations from the guidelines. To support a request to deviate from the guidelines, the provider must produce documentation and justification that demonstrates by a preponderance of credible medical evidence a medical basis for departing from the guidelines. Credible medical evidence may include clinical expertise and judgment.
- I. The Commission shall provide administrative review and oversight of this Article.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1302. Definitions**

In this Article and R20-5-106(A)(12), unless the context otherwise requires:

"Act" means the Arizona Workers' Compensation Act, A.R.S. Title 23, Chapter 6.

"Active Practice" means performing patient care for a minimum of eight hours per week in one of the five preceding years.

"Administrative Law Judge" or "ALJ" means a hearing officer appointed under A.R.S. § 23-108.02.

"Administrative Review" means a process that includes a peer review for preauthorization of a request for medical treatment or services conducted pursuant to R20-5-1311. The administrative review process will be managed by the Medical Resource Office (MRO) at the Industrial Commission of Arizona.

"American Board of Medical Specialties" means the organization that develops a uniform system for specialty boards to administer examinations for certification of physicians within specific medicine specialties.

"American Osteopathic Association" means the organization that develops a uniform system for specialty boards to administer examinations for certification of osteopathic physicians within specific osteopathic medicine specialties.

"Applicability" means the body parts and medical conditions that are covered under this Article and authorized by the Commission under R20-5-1301(B) and (C).

"Claim" means the workers' compensation claim filed by the injured employee under the Act.

"Contractor" means an independent peer review organization accredited by URAC.

"Fast Track ALJ Dispute Resolution Program" or "fast track process" means the voluntary dispute resolution process set forth in R20-5-1312(B).

"International Classification of Diseases Code" or "ICD Code" means a set of medical diagnostic codes that creates a universal language for reporting diseases and injury.

"International Classification of Diseases" or "ICD" means an official list of categories of diseases, physical and mental, that is issued and maintained by the World Health Organization.

"IME" means an independent medical examination scheduled under R20-5-114.

"Injured Employee" means a person defined in A.R.S. § 23-901 whose claim has been accepted for workers' compensation benefits.

"Medical File Review Opinions" means a formal examination of patient data and medical records for the purpose of determining the need for medical treatment, services or both.

"Payer" means an insurance carrier defined under A.R.S. § 23-901, a self-insured employer defined in R20-5-102, a third-party administrator, and the Special Fund of the Industrial Commission of Arizona.

"Peer Review" means an independent medical review conducted by an individual meeting the requirements of R20-5-1311(I).

"Preauthorization" means the written request prescribed by R20-5-1303 from a provider to a payer requesting approval to provide medical treatment or services to an injured employee.

"Provider" means a physician as defined in R20-5-102.

"Reconsideration" means a written request to the payer or identified review organization by an injured employee or medical provider to reconsider a previous payer decision to deny medical treatment or services and that identifies the specific justification to support the request.

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“Third-Party Administrator” means an organization that processes insurance or employee benefit claims for a separate entity.

“Treatment Guidelines” or “guidelines” means medical treatment guidelines that are used as a tool to support clinical decision making and quality health care delivery to injured employees.

“URAC” refers to URAC, a non-profit organization formerly known as the Utilization Review Accreditation Commission.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1303. Provider Request for Preauthorization**

- A. No preauthorization is required under the Act to ensure payment for reasonably required medical treatment or services. While preauthorization is not required under the Act, a provider may seek preauthorization as provided in this subsection.
- B. A provider shall submit a request for preauthorization in writing using Section I (Provider Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12). A provider shall attach documentation to a request for preauthorization that supports the medical necessity and appropriateness of the treatment or services requested, such as office notes and diagnostic reports.
- C. A provider may submit the request for preauthorization by mail, electronically or by fax.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1304. Payer Denial of Request for Preauthorization**

- A. A payer shall not deny a request for preauthorization solely because the guidelines do not address the requested treatment or services.
- B. A payer shall not deny a request for preauthorization that is supported by the guidelines, unless the payer can rebut the presumption of reasonableness and correctness with a medical or psychological opinion establishing by a preponderance of the evidence that there is a contraindication or significant medical or psychological reason not to authorize the requested treatment or services. Upon request by the provider or injured employee, a denial of preauthorization in this situation shall be processed as an immediate referral to the Commission for administrative review as provided in R20-5-1311 unless the payer obtains an IME in support of its denial. If the payer obtains an IME which serves as the basis for the denial, then review of the payer’s decision shall be processed as a request for investigation under A.R.S. § 23-1061(J) if filed by the injured employee.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1305. Payer Denial of Payment for Provided Treatment or Services**

- A. A payer shall not deny payment for provided treatment or services solely because the guidelines do not address the requested treatment or services.

- B. A payer shall not deny payment for provided treatment or services supported by the guidelines, unless the payer can rebut the presumption of reasonableness and correctness with a medical or psychological opinion establishing by a preponderance of the evidence that there is a medical contraindication or significant medical or psychological reason not to pay for the treatment or services.
- C. A dispute related to a payer’s failure to pay for provided treatment or services may be processed as a request for investigation under A.R.S. § 23-1061(J) if filed by an injured employee.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1306. Payer Reversal of Decision to Deny Treatment or Services**

A payer may reverse its decision to deny treatment or services at any time throughout the process described in this Article. In this situation, the payer’s subsequent authorization or agreement to pay for the treatment or services at issue shall end this process.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1307. Payer Decision, In Whole or In Part**

A payer may issue a decision approving or denying a request for preauthorization in whole, or in part.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1308. Failure to Comply with Required Time Limits**

A payer’s failure to comply with the required time limits of this process may be considered unreasonable delay under R20-5-163.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**R20-5-1309. Payer Decision on Request for Preauthorization**

- A. Except as provided in subsections (C) or (D), a payer shall communicate to the provider its decision on a request for preauthorization no later than 7 business days after the request is received. The decision shall be issued in writing using Section II (Payer Decision on Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12). A payer shall attach to the decision a statement of what has been authorized, including, if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer’s decision. For purposes of this Section, the 7 business days begin to run the day after the payer receives the request.
- B. If a payer fails to communicate to a provider its decision on request for preauthorization within 7 business days, then the payer’s failure to take action is deemed a “no response” and the provider or injured employee may submit a request for administrative review directly to the Commission as provided in R20-5-1311.
- C. If a payer receives a request for preauthorization not submitted on Section I (Provider Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12) or an incomplete request for preauthorization using Section I (Provider Request for Preauthorization) of the Medical Treatment Preauthoriza-



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tion Form approved by the Commission under R20-5-106(A)(12), the payer shall:

1. No later than 7 business days after the request is received and identified, act on the request for preauthorization pursuant to subsection (A); or
  2. No later than 7 business days after the request is received and identified, notify the provider in writing that the request for preauthorization is incomplete or, if applicable, that a request for preauthorization must be submitted on Section I (Provider Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12).
- D.** If, no later than 7 business days after a request for preauthorization has been received, a payer provides written notice to the provider that an IME has been requested under R20-5-114 using Section II (Payer Decision on Request for Preauthorization) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12), then the payer's decision on a request for preauthorization shall be issued no later than 7 business days after the final IME report has been received by the payer. The payer shall provide a copy of the final IME report to the provider upon receipt of the IME report.
- E.** Unless the payer decision was supported by an IME or otherwise falls within subsection R20-5-1304(B), an injured employee or provider may seek reconsideration of a payer decision by submitting a written request to the payer (or review organization identified by the payer) using Section III (Provider or Employee Request for Reconsideration) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12). A provider shall attach to a request for reconsideration a statement of the specific reasons and justifications to support the request. If not previously provided, the injured employee or provider shall attach supporting medical documentation with the request for reconsideration.
- F.** An injured employee may seek review of a payer decision that is supported by an IME by requesting an investigation under A.R.S. § 23-1061(J).
- G.** Unless the decision was supported by an IME, an injured employee or provider may seek review of a payer decision issued under R20-5-1304(B) by requesting administrative review by the Commission as provided in R20-5-1311.
- H.** A payer shall provide a copy of its written decision to deny treatment or services to the injured employee or, if represented, to the injured employee's authorized representative.
- B.** If a payer fails to respond to a request for reconsideration within 7 business days, the provider or injured employee may submit a request for administrative review directly to the Commission as provided in R20-5-1311.
- C.** If, no later than 7 business days after a request for reconsideration has been received, a payer provides written notice to the provider that an IME has been requested under R20-5-114 using Section IV (Payer Decision on Request for Reconsideration) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12), then the payer's decision on a request for reconsideration shall be issued no later than 7 business days after the final IME report has been received by the payer. The payer shall provide a copy of the final IME report to the provider upon receipt of the report.
- D.** Commission Review of Payer Reconsideration Decision:
1. An injured employee or provider may seek review of a payer reconsideration decision by requesting an administrative review by the Commission as provided in R20-5-1311 unless the payer decision was supported by an IME.
  2. An injured employee may seek review of a payer reconsideration decision that is supported by an IME by requesting an investigation under A.R.S. § 23-1061(J).
- E.** A payer shall provide a copy of its written reconsideration decision to deny treatment or services to the injured employee or, if represented, to the injured employee's authorized representative.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1311. Administrative Review by Commission****R20-5-1310. Payer Reconsideration on Request for Preauthorization**

- A.** Except as provided in subsection (C), a payer shall communicate to the provider its decision on a request for reconsideration no later than 7 business days after the request is received. This decision shall be issued in writing using Section IV (Payer Decision on Request for Reconsideration) of the Medical Treatment Preauthorization Form approved by the Commission under R20-5-106(A)(12). A payer shall attach to the decision a statement of what has been authorized, including, if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer's decision. For purposes of this subsection, the 7 business days begin to run the day after the payer receives the request for reconsideration.
- B.** The administrative review conducted under this Section shall apply the guidelines as described in this Article and include a

**Historical Note**  
New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

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peer review performed by an individual meeting the requirements of subsection (I). The peer review shall consist of a records review and, when possible as described in subsection (I)(5), a conversation between the provider and individual conducting the peer review.

- E. The Commission may enter into an agreement with one or more contractors, who shall be URAC accredited, to provide the review described in subsection (D).
- F. The payer shall pay for the costs of the peer review conducted by the contractor.
- G. To assist in its review, the Commission or its contractor may request or receive additional information and documentation from the provider, injured employee or payer, who shall cooperate and provide the Commission or its contractor with any necessary medical information, including information pertaining to the payer's decision.
- H. Before the Commission or its contractor issues a determination denying the request for treatment or services, a good faith effort shall be made to conduct a peer review with the provider requesting authorization to perform the treatment or services.
- I. The individual conducting the peer review shall:
  - 1. Hold an active, unrestricted license or certification to practice medicine or a health profession and be involved in the active practice of medicine or a health profession during the five preceding years. For purposes of this subsection, "active practice" means performing patient care for a minimum of eight hours per week in one of the five preceding years;
  - 2. Be licensed in Arizona, unless the Commission or its contractor is unable to find such an individual, in which case the peer review may be conducted by an individual who is licensed in another state of the United States and who meets the other requirements of this subsection;
  - 3. For a review of a request from an allopathic or osteopathic physician, nurse practitioner, physician assistant, or other mid-level provider, hold a current certification from the American Board of Medical Specialties or the American Osteopathic Association in the area or areas appropriate to the condition, procedure or treatment under review;
  - 4. Be in the same profession and the same specialty or subspecialty as typically performs or prescribes the medical procedure or treatment requested; and
  - 5. Make a good faith effort to contact the provider requesting the preauthorization. This good faith effort shall include making telephone contact during the provider's normal business hours and offering to schedule the peer review at a time convenient for the provider.
- J. A provider may bill the payer for time spent participating in a peer review under this Section.
- K. The Commission or its contractor shall issue a written determination of its administrative review that contains the name and title of the person that performed the administrative review, and includes the following information:
  - 1. Whether the request for treatment or services is authorized or denied, in whole or in part;
  - 2. The information reviewed;
  - 3. The principle reason for the decision; and
  - 4. The clinical basis and rationale for the decision.
- L. An interested party dissatisfied with the administrative review determination may request that the dispute be referred to the Commission's Administrative Law Judge Division for hearing. This request for hearing shall:
  - 1. Be in writing;
  - 2. Filed no later than 10 business days after the administrative review determination is issued; and
  - 3. State whether the party requests to participate in the Fast Track ALJ Dispute Resolution Program by stipulation, or declines to participate in the Fast Track ALJ Dispute Resolution Program.
- M. If a timely request for hearing is filed, the administrative review determination is deemed null and void and shall serve no evidentiary purpose.
- N. The information provided by the parties under this Section and the determination issued by the Commission shall become a part of the Commission claims file for the injured employee.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2). Amended by final rulemaking at 24 A.A.R. 2069, effective October 1, 2018 (Supp. 18-3).

**R20-5-1312. Hearing Process**

- A. A referral of a request for hearing under R20-5-1311(L) shall be processed as provided for in the Act unless all parties agree to participate in the fast track process.
- B. The following applies only to the Fast Track ALJ Dispute Resolution Program:
  - 1. Parties must agree to participate in the Fast Track ALJ Dispute Resolution Program with the understanding that a short form decision will be issued.
  - 2. Review by the presiding ALJ shall be limited to the treatment or service dispute considered at the administrative review under R20-5-1311.
  - 3. The presiding ALJ shall issue a notice of hearing within 10 business days of the receipt of the fully executed agreement to participate and certificate of readiness.
  - 4. The hearing shall be held within 30 calendar days from the day that the notice of hearing is issued to the extent practicable.
  - 5. Discovery is limited to five interrogatories and no depositions are permitted.
  - 6. The presiding ALJ shall take all lay witness testimony at the time of the hearing and will not hold any further hearings.
  - 7. The presiding ALJ shall consider documentary medical evidence only; no medical testimony shall be taken.
  - 8. Medical file review opinions shall be deemed to constitute substantial evidence to support the requested treatment or service.
  - 9. All documentary evidence shall be submitted no later than 10 business days before the scheduled hearing.
  - 10. The hearing shall be recorded, but not transcribed, unless one or more of the parties files a request for review under A.R.S. § 23-942 and A.R.S. § 23-943.
  - 11. The presiding ALJ shall issue a short form decision within five business days after the matter is deemed submitted.

**Historical Note**

New Section made by final rulemaking at 22 A.A.R. 1730, effective October 1, 2016 (Supp. 16-2).

**ARTICLE 14. MUNICIPAL FIREFIGHTER CANCER REIMBURSEMENT FUND AND FIREFIGHTER AND FIRE INVESTIGATOR CANCER CLAIM REPORTING**

**R20-5-1401. Application of the Article and Definitions**

- A. This Article applies to reimbursement claims submitted to the Municipal Firefighter Cancer Reimbursement Fund under Ari-

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zona Revised Statutes (“A.R.S.”), Title 23, Chapter 11, and firefighter and fire investigator cancer claim reporting under A.R.S. § 23-971.

- B. The definitions in A.R.S. §§ 23-1701 and 23-901.09 apply in this Article.
- C. “Cancer-related claims” as used in A.R.S. § 23-971 and this Article shall mean Arizona workers’ compensation claims involving any disease, infirmity, or impairment of health that is caused by cancer.
- D. “Fiscal year” or “reporting period” shall mean the 12-month cycle that begins on July 1 and ends on June 30.
- E. “Loss valuation date” shall mean the last day of the reporting period and the date on which firefighter and fire investigator cancer claim data shall be determined for reporting purposes.
- F. An “open” claim shall mean a workers’ compensation claim that is eligible for temporary compensation and/or active medical treatment. A “closed” claim shall mean a workers’ compensation claim in which temporary compensation and active medical treatment have been terminated.

**Historical Note**

New Section made by final exempt rulemaking at 27 A.A.R. 2920 (December 17, 2021), effective January 1, 2022 (Supp. 21-4). Amended by final rulemaking at 28 A.A.R. 1483 (June 24, 2022), with an immediate effective date of June 10, 2022 (Supp. 22-2).

**R20-5-1402. Reimbursement Claims**

- A. A Municipal Payor seeking reimbursement from the Fund shall submit a reimbursement claim in writing on the Municipal Firefighter Cancer Reimbursement Form approved by the Commission.
- B. The Municipal Firefighter Cancer Reimbursement Form shall include the following attestations, which shall be made by an authorized representative of a Municipal Payor seeking reimbursement from the Fund:
  1. The reimbursement request includes only eligible compensation and benefits paid under A.R.S. § 23-1702(A) on municipal firefighter or municipal fire investigator workers’ compensation claims accepted under A.R.S. § 23-901.09.
  2. The reimbursement request only includes amounts actually paid by the Municipal Payor for compensation and benefits under A.R.S. § 23-1702(A) during the immediately preceding fiscal year.
  3. The reimbursement request does not include amounts paid for expenses relating to case management, vocational rehabilitation, or similar nonmedical costs.
  4. The information included in, or submitted with, the Municipal Firefighter Cancer Reimbursement Form is true and correct.
- C. The Municipal Firefighter Cancer Reimbursement Form shall not be changed, amended, or otherwise altered without the prior written approval of the Commission.
- D. A Municipal Payor seeking reimbursement from the Fund for compensation and benefits paid during a fiscal year shall submit a reimbursement claim to the Commission between July 1 and August 31 immediately following the applicable fiscal year.
- E. Failure to timely submit a reimbursement claim for compensation and benefits paid during a fiscal year before the claim submission deadline in subsection (D) will be deemed a waiver of the right of the Municipal Payor to request reimbursement for amounts paid during the applicable fiscal year. Failure to include all eligible compensation or benefits in a reimbursement claim before the claim submission deadline in subsection

(D) will be deemed a waiver of the right of the Municipal Payor to request reimbursement for any omitted amounts paid during the applicable fiscal year.

- F. The Commission shall process reimbursements pursuant to A.R.S. § 23-1702(C) on or before December 31 of each year.
- G. The maximum annual amount of aggregate reimbursements paid by the Fund shall in no event exceed the total amount of monies in the Fund as of close of business on June 30 of the applicable fiscal year.

**Historical Note**

New Section made by final exempt rulemaking at 27 A.A.R. 2920 (December 17, 2021), effective January 1, 2022 (Supp. 21-4).

**R20-5-1403. Recordkeeping and Record Inspections**

- A. Municipal Payors seeking reimbursement from the Fund shall maintain all records supporting amounts included in a reimbursement claim for at least ten years after the reimbursement claim is filed.
- B. Municipal Payor records supporting amounts included in a reimbursement claim shall always be open for inspection by the Commission or representatives of the Commission to ascertain information necessary for its administration of A.R.S. §§ 23-1701 through 23-1703. Upon request, a Municipal Payor shall make such records available to the Commission within 30 days.

**Historical Note**

New Section made by final exempt rulemaking at 27 A.A.R. 2920 (December 17, 2021), effective January 1, 2022 (Supp. 21-4).

**R20-5-1404. Fund Overpayments**

- A. A Municipal Payor that discovers an error in a reimbursement claim which may result or has resulted in an overpayment from the Fund shall notify the Commission of the error within three business days of discovery of the error.
- B. Overpayments made by the Fund to Municipal Payors that are discovered through inspection of records, or otherwise, shall be returned to the Fund by the applicable Municipal Payor within 30 days of notification by the Commission.

**Historical Note**

New Section made by final exempt rulemaking at 27 A.A.R. 2920 (December 17, 2021), effective January 1, 2022 (Supp. 21-4).

**R20-5-1405. Cancer Claim Reporting Method; Frequency; Deadlines; Duration**

- A. Cancer-related claim reporting under A.R.S. § 23-971 and this Article shall be performed electronically through the commission’s electronic claims portal. Insurance carriers, self-insured employers, self-insurance pools, or a designee (including third-party administrators or an adjuster) are authorized to complete required claim reporting. Duplicate reporting of the same claim information is prohibited.
- B. Subject to the claim reporting durations specified in subsection (D), insurance carriers, self-insured employers, and self-insurance pools subject to A.R.S. § 23-971 shall annually report the data elements specified in R20-5-1407 and R20-5-1408 for cancer-related claims filed by or on behalf of firefighters and fire investigators.
- C. Claim data reported pursuant to subsection (B) shall be determined as of the loss valuation date for the applicable reporting period.

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- D.** Claim reporting shall be completed within 31 days after each applicable reporting period, i.e., no later than July 31 of each year.
- E.** Claim reporting under A.R.S. § 23-971 is subject to the following claim reporting durations:
1. Denied Claims: Reported one time following the reporting period during which the claim is denied by a notice of claim status. Reporting is not required for claims denied prior to July 1, 2021.
  2. Claims Accepted on or after July 1, 2021: Reported for the longer of: (a) the duration the claim remains open plus two additional annual reports after the claim is closed; or (b) ten annual reports after acceptance of the claim.
  3. Claims Accepted before July 1, 2021: If the claim was open on July 1, 2021, the claim shall be reported for the duration the claim remains open plus two additional annual reports after the claim is closed. If the claim was closed as of July 1, 2021, and was accepted on or after July 1, 2011, the claim shall be reported for two annual reports. If the claim was closed as of July 1, 2021, and was accepted prior to July 1, 2011, reporting is not required.
  4. Reopened Claims: Reported for the longer of: (1) the duration the claim remains open (following acceptance of the petition to reopen), plus two additional annual reports after the claim is closed; or (2) ten annual reports after acceptance of the petition to reopen.
  5. Claims that Develop into Cancer-Related Claims: If a claim develops into a cancer-related claim, reporting should begin following the reporting period in which the claim developed into a cancer-related claim. In these circumstances, the claim shall be reported for the longer of: (1) the duration the claim remains open plus two additional annual reports after the claim is closed; or (2) ten annual reports.
  6. Non-Cancer-Related Claims: If a cancer-related claim develops into a claim that no longer meets the definition of a cancer-related claim, no further annual reporting is required.
  7. Informational Claims: Claims that have been filed but have not been accepted or denied as of the applicable loss valuation date shall not be reported.
- F.** Data Provider Primary Contact Email Address: The email address of the Data Provider Primary Contact.
- G.** Loss valuation date: The last day of the 12-month reporting period.
- H.** Total Number of New Cancer-Related Claims: Total number of cancer-related claims filed by or on behalf of firefighters and fire investigators during the applicable reporting period (whether or not the claims are included in the detailed reporting).
1. Accepted: Total number of new cancer-related claims accepted during the applicable reporting period.
  2. Denied: Total number of cancer-related claims denied during the applicable reporting period.
  3. Pending: Total number of cancer-related claims pending decision on the applicable loss valuation date.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 1483 (June 24, 2022), with an immediate effective date of June 10, 2022 (Supp. 22-2).

**R20-5-1407. Cancer Reporting; Required Claim-Specific Data Elements**

- A.** Unique Claim Identifier: The unique, alphanumeric claim identifier (up to 20 characters, but no less than seven characters) assigned by the carrier, self-insured employer, or self-insurance pool to a specific claim. The claim identifier shall remain the same throughout the life of the claim. Usage of the commission's claim number is prohibited. Usage of claimant name, personally-identifiable information, or carrier/self-insured employer/self-insurance pool name in identifier is prohibited.
- B.** Transaction Type Code: The code that identifies a report as an initial report (01) or subsequent report (02).
- C.** Occupational Descriptor Code: (01) = Firefighter (02) = Fire Investigator.
- D.** Sex Code: The sex of the injured worker. (M = Male, F = Female, N = Not Reported.)
- E.** Birth Year: The 4-digit birth year of the injured worker.
- F.** Year Claim Reported: The 4-digit year the claim was reported to the carrier/self-insured employer/self-insurance pool.
- G.** Year of Loss: The 4-digit year when the injury (cancer) became manifest.
- H.** Year of Hire: The 4-digit year when the injured worker was hired by the employer as a firefighter or fire investigator (either full-time or part-time). If unknown, enter (U).
- I.** Name of Carrier, Self-Insured Employer, or Self-Insurance Pool: Complete business name of insurance carrier or self-insured employer/pool responsible for the claim.
- J.** Employer Name: The complete business name of the employer (including a DBA, if applicable) related to the claim.
- K.** County Code: The code corresponding to Arizona county primarily served by the employer (01) = Apache; (2) = Cochise; (3) = Coconino; (4) = Gila; (5) = Graham; (6) = Greenlee; (7) = La Paz; (8) = Maricopa; (9) = Mohave; (10) = Navajo; (11) = Pima; (12) = Pinal; (13) = Santa Cruz; (14) = Yavapai; (15) = Yuma.
- L.** Claim Acceptance Date: The date the claim was first accepted as compensable. If the claim was denied, enter (D).
- M.** Claim Denial Code: The code corresponding to the reason a claim was denied. (01) = Claim not compensable; (02) No coverage; (03) Other reason. If the claim was accepted, enter (A).
- N.** Claims Status Code: The code corresponding to the claim's status as of the loss valuation date. (01) = claim is open (not reopened) on the loss valuation date; (02) = claim is closed on

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 1483 (June 24, 2022), with an immediate effective date of June 10, 2022 (Supp. 22-2).

**R20-5-1406. Cancer Reporting; Required General Data Elements**

- A.** Name of Data Provider (i.e., What entity is reporting the data?): The name of the insurance carrier, self-insured employer, self-insurance pool, or designee submitting the cancer-related claim data.
- B.** Data Provider Type Code: Insurance Carrier; Self-Insured Employer; Self-Insurance Pool; Third-Party Administrator; or Other Designee.
- C.** Name of Person Submitting Data: The name of the individual submitting the cancer-related claim data.
- D.** Name of Data Provider Primary Contact: The name of the individual designated by the Data Provider who can be contacted regarding the data submission. (May be the same as the "Name of Person Submitting the Data.")
- E.** Data Provider Primary Contact Phone Number: The phone number of the Data Provider Primary Contact.

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the loss valuation date; (03) = claim is reopened on the loss valuation date. If the claim was denied, enter (D).

- O. **Benefit Code:** The code that identifies under which provision of the law benefits are being paid on the loss valuation date. (01) = Death; (02) = Permanent Total Disability; (03) Permanent Partial Disability - Unscheduled; (04) Permanent Partial Disability – No Loss; (05) Temporary Total Disability; (06) Temporary Partial Disability; (07) Claim Denied.
- P. **Settlement Code:** (00) = Claim not subject to settlement during the reporting period; (01) = Full and final settlement during the reporting period; (03) Stipulated award during the reporting period; (05) Noncompensable settlement during the reporting period; (06) = Compromise settlement during the reporting period; (09) Other settlement during the reporting period; (10) Multiple settlements during the reporting period.
- Q. **Lump Sum Indicator:** Indicates whether the claim has been settled by a lump sum amount. N = No; Y = Yes.
- R. **Closed Date:** If the claim closed during the reporting period, report the date of claim closure. (Required if the claim closed during the reporting period.)
- S. **Reopened Date:** If the claim re-opened during reporting period, report the date of claim reopening. (Required if the claim reopened during the reporting period.)
- T. **Primary Type of Cancer Code:** The primary type of cancer involved in the claim on the loss valuation date. Options are brain (01), bladder (02), rectal (03), colon (04), lymphoma (05), leukemia (06), adenocarcinoma (07), mesothelioma of the respiratory tract (08), buccal cavity (09), pharynx (10), esophagus (11), large intestine (12), lung (13), kidney (14), prostate (15), skin (16), stomach (17), ovarian (18), breast (19), testicular (20), non-Hodgkin's lymphoma (21), multiple myeloma (22), and malignant melanoma (23). Non-listed cancers may be designated as "other" (30).
- U. **Secondary Type of Cancer Code:** If applicable, the secondary type of cancer involved in the claim on the loss valuation date. Options are brain (01), bladder (02), rectal (03), colon (04), lymphoma (05), leukemia (06), adenocarcinoma (07), mesothelioma of the respiratory tract (08), buccal cavity (09), pharynx (10), esophagus (11), large intestine (12), lung (13), kidney (14), prostate (15), skin (16), stomach (17), ovarian (18), breast (19), testicular (20), non-Hodgkin's lymphoma (21), multiple myeloma (22), and malignant melanoma (23). Non-listed cancers may be designated as "other" (30). (Required if applicable.)
- V. **Amounts Paid (as of loss valuation date):**
  - 1. **Indemnity Paid:** The total amount of paid indemnity for the claim as of the loss valuation date. These losses consist of all paid benefits due to an employee's lost wages or inability to work, including compensation paid to a deceased claimant prior to death, burial expense, claimant's attorney fees, vocational rehabilitation benefits, indemnity settlement payments, and employer's liability losses and expenses. Allocated loss adjustment expense ("ALAE") for other than employer's liability coverage shall be excluded from indemnity losses.
  - 2. **Medical Paid:** The total amount of medical losses paid for the claim as of the loss valuation date, including medical settlement payments.
  - 3. **ALAE Paid:** The total amount of ALAE paid for the claim as of the loss valuation date.
  - 4. **Death Benefits Paid:** The total amount of death benefits paid for the claim as of the loss valuation date.
- W. **Incurred Amounts (as of loss valuation date):**
  - 1. **Incurred Indemnity Amount:** The total of "Indemnity Paid" plus the current outstanding reserve indemnity benefits, excluding loss adjustment expenses (e.g., ALAE and unallocated loss adjustment expense ("ULAE")).
  - 2. **Incurred Medical Amount:** The total of "Medical Paid" plus the current outstanding reserve medical benefits, excluding loss adjustment expenses (e.g., ALAE and ULAE).
  - 3. **Incurred ALAE Amount:** The total of "ALAE Paid" plus the current outstanding reserve ALAE.
  - 4. **Incurred Death Benefits Amount:** The total of "Death Benefits Paid" plus the current outstanding reserve death benefits, excluding loss adjustment expenses (e.g., ALAE and ULAE).

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 1483 (June 24, 2022), with an immediate effective date of June 10, 2022 (Supp. 22-2).

**ARTICLE 15. WORKERS' COMPENSATION SELF-INSURANCE****R20-5-1501. Definitions**

In addition to the definitions provided in A.R.S. § 23-901, the following definitions apply to this Article:

- 1. "Act" means the Arizona Workers' Compensation Act, A.R.S. § 23-901 et seq.
- 2. "Administrator" means an individual or organization designated by a Self-Insurance Pool Board to manage the daily operations of a Self-Insurance Pool.
- 3. "Agreement to Process and Pay" means a written agreement that requires an entity to process and pay or guarantee the payment of another entity's liabilities.
- 4. "Applicant" means an entity or pool seeking initial or renewal authority to self-insure for workers' compensation, a Self-Insurance Pool seeking to add a new member, or a Self-Insurer seeking to Self-Administer.
- 5. "Authorization Date" means the date designated by the Commission on which self-insurance authority begins.
- 6. "Basic Premium Factor" means a factor used in the Retrospective Rating Plan formula to represent expenses of the Self-Insurer, such as acquisition, audit, administration, and profit or contingencies, but not taxes.
- 7. "Cash Flow Ratio" means a numerical relationship that reflects an entity's ability to meet current financial obligations out of cash flow and is calculated as follows: (cash flow from operations) divided by (current liabilities).
- 8. "Claim" or "claim" means a workers' compensation claim.
- 9. "Deviation Rate" means the rate applied to the Manual Premium to calculate a discount from the Manual Premium.
- 10. "D-Ratio" means a factor used in the Ex-Medical Plan that reflects the ratio of primary expected losses and total expected losses.
- 11. "Division" means the self-insurance office of the Commission.
- 12. "Ex-Medical Plan" means a method of determining the premium upon which taxes are calculated that provides for rate revisions based upon the Self-Insurer operating a medical facility with a program for providing medical, surgical, or hospital services to a majority of the Self-Insurer's employees that complies with the requirements of A.R.S. § 23-1070.
- 13. "Experience Modification Rate" means a ratio comparing actual losses to expected losses based on a formula deter-

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- mined by an approved Rating Organization or the Commission.
14. "Fiscal Year" or "fiscal year" means a 12-month financial or accounting period.
  15. "Fixed Premium Plan" means a method of determining the premium upon which taxes are calculated in which neither losses nor incurred loss reserves are used for the net taxable premium calculation.
  16. "Guaranteed Cost Plan" means a method of determining the premium upon which taxes are calculated that provides for a direct relationship, on an annual basis, of the premium for tax purposes and the Experience Modification Rate developed to reflect the loss payment and incurred loss experience of the Self-Insurer.
  17. "Local Government Investment Pool" means a pooled investment fund operated by the Arizona State Treasurer according to A.R.S. § 35-326.
  18. "Loss Conversion Factor" means a factor used in the Retrospective Rating Plan formula that is used to cover unallocated claims and the costs of the Self-Insurer's claims services.
  19. "Manual Premium" means the aggregate payroll by individual Payroll Classification Code multiplied by the Payroll Classification Rate.
  20. "Member" or "member" means an employer described in A.R.S. §§ 11-952.01, 15-382 23-961.01, or 41-621.01 that has joined with other employers to operate a Self-Insurance Pool.
  21. "Parent Company" means a company that has sufficient ownership in another entity (the Subsidiary) to have control, directly or indirectly, of the Subsidiary.
  22. "Payroll" or "payroll" means the total wages and salaries paid by an employer.
  23. "Payroll Classification Code" means a four-digit numerical code assigned by a Rating Organization or the Commission to differentiate between the various job duties or scope of work performed by employees.
  24. "Payroll Classification Rate" means a rate assigned to an individual Payroll Classification Code by a Rating Organization or the Commission.
  25. "Public Entity" means an individual employer that is a state, county, municipality, school district, or any other entity with taxing authority.
  26. "Public Entity Pool" means a workers' compensation pool organized under A.R.S. §§ 11-952.01, 15-382, or 41-621.01.
  27. "Public Entity Trust Fund" means an internal service fund or sub-fund dedicated to workers' compensation or risk management established by a Public Entity from which money is used to pay workers' compensation claim liabilities and expenses.
  28. "Rating Organization" means an entity that meets the requirements of A.R.S. § 20-363 and is approved by the Department of Insurance and Financial Institutions to establish rates, codes, and formulas used to calculate workers' compensation premiums.
  29. "Renewal Date" means the date designated by the Commission by which a renewal application shall be filed with the Division.
  30. "Reserves" or "reserves" means an amount of money that is set aside to satisfy the financial and legal obligations associated with a workers' compensation claim or group of claims.
  31. "Resolution of Authorization" means a document issued by the Commission that grants authority to self-insure for purposes of workers' compensation.
  32. "Retrospective Rating Plan" means a method of determining the premium upon which taxes are calculated that provides for a relationship between the premiums for tax purposes, the Experience Modification Rate developed to reflect the loss payment and incurred loss experience of the Self-Insurer, and the actual incurred losses for the tax year.
  33. "Security" or "security" means any financial instrument authorized by R20-5-1521 through R20-5-1524, or appropriate documents renewing, amending, or continuing any of these.
  34. "Self-Administer" means the process under which a Self-Insurer administers its own claims, once approved by the Division.
  35. "Self-Insurance Pool" means a Public Entity Pool or Similar Industry Pool.
  36. "Self-Insurance Pool Board" means a body of individuals that directs a Self-Insurance Pool according to R20-5-1527.
  37. "Self-Insurer" means an entity authorized by the Commission to self-insure for workers' compensation and may include a Public Entity, an individual private employer under A.R.S. § 23-961(A)(2), a Public Entity Pool, or a Similar Industry Pool.
  38. "Similar Industry Pool" means a pool with members in similar industries as authorized by A.R.S. § 23-961.01.
  39. "Subsidiary" means an entity of which a Parent Company has sufficient ownership to have control, directly or indirectly.
  40. "Third-Party Administrator" means an organization that processes workers' compensation claims for a Self-Insurer.
  41. "Workers' Compensation Pool Loss Account" means an account or sub-account in the Workers' Compensation Pool Operations Account established by a Self-Insurance Pool from which money is used to pay workers' compensation claims, liabilities, and expenses.
  42. "Workers' Compensation Pool Operations Account" means an account or sub-account into which premiums, investment proceeds, and other revenues are deposited for purposes of a Self-Insurance Pool.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1502. Computation of Time; Extension of Time Limits**

- A. In computing any time period prescribed or allowed by this Article, the day of the event from which the time period begins to run shall not be included, but the last day of the period computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day that is not a Saturday, Sunday, or legal holiday. When the time period prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall not be included in the computation of time.
- B. Except as otherwise precluded by law, the Division may extend time limits prescribed by this Article for good cause. A request for an extension of a time limit shall be filed with the Division in writing and shall state the reasons for the request.

**Historical Note**

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New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1503. Forms and Reports**

The following forms, available at <http://www.azica.gov> and upon request from the Division, shall be used when applicable:

1. Initial Application for Authority to Self-Insure Form,
2. Self-Insurance Renewal Application Form,
3. New Pool Member Application Form,
4. Workers' Compensation Liability Form,
5. Application to Self-Administer Form,
6. Self-Provider of Medical Benefits Form,
7. Parent Guaranty Form,
8. Workers' Compensation Guaranty Bond Form,
9. Statutory Deposit Agreement Form,
10. Custody Agreement Form,
11. Request for Waiver of Security Form,
12. Notice of Termination of Self-Insurance Form,
13. Annual Payroll Report Form,
14. Annual Medical Report Form,
15. Annual Injury Report Form,
16. Annual Hospital Report Form,
17. Quarterly Tax Payment Form.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1504. Self-Insurance Criteria**

- A. A Public Entity may file an application for authority to self-insure if:
  1. The Public Entity's annual payroll is at least \$2 million; and
  2. The Public Entity's total assets are at least \$25 million.
- B. An individual employer that is not a Public Entity may file an application for authority to self-insure if:
  1. The employer has been engaged in business in Arizona for at least five consecutive years immediately before the prospective Authorization Date;
  2. The employer's annual Arizona payroll is at least \$2 million, including the combined payrolls of any Subsidiaries that will be covered by the self-insurance program; and
  3. The employer meets one of the following criteria:
    - a. The employer's total assets are at least \$25 million; or
    - b. The employer's net worth is at least \$5 million and Cash Flow Ratio is at least 0.25.
- C. A Public Entity Pool may file an application for authority to self-insure if:
  1. The requirements set forth in A.R.S. §§ 11-952.01, 15-382, or 41-621.01, as applicable, are satisfied;
  2. The combined annual payroll of the members of the Public Entity Pool is at least \$2 million; and
  3. The combined net worth of the members of the Public Entity Pool is at least \$1 million.
- D. A Similar Industry Pool may file an application for authority to self-insure if:
  1. The requirements set forth in A.R.S. § 23-961.01 are satisfied;
  2. The members of the Similar Industry Pool have been engaged in business in Arizona for at least five consecutive years immediately before the prospective Authorization Date;

3. The combined annual Arizona payroll of the members of the Similar Industry Pool is at least \$2 million; and
4. The combined net worth of the members of the Similar Industry Pool is at least \$1 million.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1505. Initial Application Requirements**

- A. An individual employer or pool seeking to apply for initial authority to self-insure shall file with the Division a completed Initial Application for Authority to Self-Insure Form and the documentation and information required in subsection (B).
- B. For an initial application to self-insure to be deemed complete, the following documentation and information shall be provided by the Applicant:
  1. A resolution of the Applicant's board of directors or governing body, authorizing the filing of the application. If the Applicant does not have a board of directors or governing body, an authorized representative shall sign the resolution.
  2. A list of the aggregate payroll by Payroll Classification Code for the most current and prior two fiscal years.
  3. A copy of the Applicant's audited financial statements for the most current and prior two fiscal years, including any notes to the financial statements. If audited financial statements for the most current or prior two fiscal years are not reasonably available, internally-reviewed and signed financial statements that conform with Generally Accepted Accounting Principles may be substituted. If a new Self-Insurance Pool does not have the financial statements required by this subsection, the pool shall provide detailed projections for capitalization, cash flow, and liabilities of the pool.
  4. A detailed description of the Applicant's loss control program, including a description of existing or planned occupational safety and health requirements and training programs.
  5. Except for a new Self-Insurance Pool that does not have the information required by this subsection, a loss run of all claims incurred in Arizona from the most current complete calendar year and the prior three calendar years. The loss run must include the following information, if applicable, for each incurred claim: Payroll Classification Code, Commission claim number, employee name, date of injury, total paid medical, medical reserves, total paid indemnity (including death benefits), and indemnity reserves.
  6. If applicable, copies of excess insurance policies that meet the requirements of R20-5-1526, or written confirmation from an authorized insurance company that it will provide excess insurance coverage to the Applicant by the prospective Authorization Date.
  7. Except for a new Self-Insurance Pool that does not have the information required by this subsection, if the Applicant's Experience Modification Rate specific to Arizona for the most recent complete fiscal year is greater than 1.10, a written statement describing the causes of the inflated Experience Modification Rate and outlining remedial measures the Applicant has taken or will take to lower the Experience Modification Rate.
  8. Except for an Applicant seeking to Self-Administer under R20-5-1510, a copy of a signed agreement between the Applicant and a Third-Party Administrator or, if an agree-

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- ment has not been completed, a written confirmation from a Third-Party Administrator that it will contract with the Applicant on or before the prospective Authorization Date to process workers' compensation claims for the Applicant.
9. If an Applicant is seeking to Self-Administer, a completed Application to Self-Administer Form and the information and documentation required in R20-5-1510(C).
  10. If an eligible Applicant intends to direct medical care under A.R.S. § 23-1070, a completed Self-Provider of Medical Benefits Form, the detailed statement of the arrangements required in A.R.S. § 23-1070(B), and a copy of the current medical or hospital agreements, if applicable.
  11. If the Applicant is a Public Entity or a Public Entity Pool seeking a waiver of security under R20-5-1525, a completed Request for Waiver of Security Form and a current actuarial report that satisfies the requirements in R20-5-1513(B).
  12. If the Applicant is a Subsidiary:
    - a. A completed Parent Guaranty Form or an Agreement to Process and Pay signed by a designated representative of the Parent Company that guarantees the payment of the Subsidiary's obligations.
    - b. A resolution of the Parent Company's board of directors or governing body authorizing the designated representative to complete, sign, and file the Parent Guaranty Form or Agreement to Process and Pay. If the Parent Company does not have a board of directors or governing body, an authorized representative shall sign the resolution.
    - c. A copy of the Parent Company's audited financial statements for the most current and prior two fiscal years, including any notes to the financial statements. If audited financial statements for the most current or prior two fiscal years are not reasonably available, internally-reviewed and signed financial statements that conform with Generally Accepted Accounting Principles may be substituted.
  13. If the Applicant is a Self-Insurance Pool:
    - a. The contract or agreement required under A.R.S. §§ 11-952.01, 15-382, 23-961.01, or 41-621.01, as applicable, to establish the pool.
    - b. The articles of incorporation and bylaws governing the pool, if applicable.
    - c. The participation, coverage, and indemnity agreements between the pool and each member.
    - d. Written authorization from the board of directors or governing body of each member, authorizing membership in the pool. If a member does not have a board of directors or governing body, an authorized representative shall sign the written authorization.
    - e. A signed resolution from the Self-Insurance Pool Board approving each member for membership in the pool.
    - f. An original or a certified copy of fidelity or crime insurance policy that meets the requirements of R20-5-1528 or written confirmation from an authorized insurance company that it will issue the required fidelity or crime insurance policy on or before the prospective Authorization Date.
    - g. A copy of the signed agreement or contract of hire between the Self-Insurance Pool Board and the designated Administrator.
  - h. A detailed description of the underwriting program required under R20-5-1529.
  - i. A current actuarial report that meets the requirements of R20-15-1513(B) and documents the rate structure needed to set member premium levels to adequately cover potential losses and expenses of the pool.
  - j. For each member, a schedule showing, for the most recent complete fiscal year and the prior two fiscal years, net workers' compensation premiums paid, total workers' compensation losses incurred, and, if available, Experience Modification Rate specific to Arizona.
  - k. A copy of each member's audited financial statements for the most current and prior two fiscal years, including any notes to the financial statements. If audited financial statements for the most current or prior two fiscal years are not reasonably available, internally-reviewed and signed financial statements that conform with Generally Accepted Accounting Principles may be substituted.
  - l. If any member's Experience Modification Rate specific to Arizona for the most recent complete fiscal year is greater than 1.10, a written statement describing the causes of the inflated Experience Modification Rate and outlining remedial measures the member has taken or will take to lower the Experience Modification Rate.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1506. Renewal Application Requirements**

- A. A Self-Insurer seeking to apply for renewal of authority to self-insure shall file with the Division a completed Self-Insurance Renewal Application Form and the documentation and information required under subsection (B) on or before the Renewal Date or, if applicable, the date specified in subsection (D).
- B. For a renewal application to be deemed complete, the following documentation and information shall be provided by the Applicant:
  1. A copy of the Applicant's most-recent audited financial statements completed according to R20-5-1513(A), including any notes to the financial statement.
  2. A completed Workers' Compensation Liability Form.
  3. A current loss run of all open claims incurred in Arizona on or after the Authorization Date. The loss run must include the following information, if applicable, for each claim: Payroll Classification Code, Commission claim number, employee name, date of injury, total paid medical, medical reserves, total paid indemnity (including death benefits), indemnity reserves, excess insurance carrier name (if applicable), amount of excess credit expected (if applicable), and excess insurance self-insured retention amount per occurrence (if applicable).
  4. If applicable, copies of excess insurance policies that meet the requirements of R20-5-1526 or written confirmation from an authorized insurance company that it will provide excess insurance coverage to the Applicant. For each claim accepted by an excess insurance carrier on or after the Authorization Date, documentation to establish claim acceptance. For each claim submitted to an excess insurance carrier that is pending review by the excess



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- insurance carrier, documentation to establish claim submission.
5. If the Applicant's Experience Modification Rate specific to Arizona for the most recent complete fiscal year is greater than 1.10, a written statement describing the causes of the inflated Experience Modification Rate and outlining remedial measures the Applicant has taken and will take to lower the Experience Modification Rate.
  6. If the Applicant's denial rate exceeds 12% of claims filed during the prior approved period of self-insurance, a written statement from the Applicant identifying the reason or reasons for each denial.
  7. Except for Applicants that have been approved to Self-Administer or are seeking to Self-Administer under R20-5-1510, a copy of the signed agreement between the Self-Insurer and a Third-Party Administrator, if different from the last filing approved by the Commission.
  8. If an Applicant intends to Self-Administer, regardless of whether the Applicant has been previously approved to Self-Administer, a completed Application to Self-Administer Form and current information and documentation required under R20-5-1510(C).
  9. If an eligible Applicant directs or intends to direct medical care under A.R.S. § 23-1070, a completed Self-Provider of Medical Benefits Form, the detailed statement of the arrangements required in A.R.S. § 23-1070(B), and a copy of the current medical or hospital agreements, if applicable.
  10. If the Applicant is a Public Entity or a Public Entity Pool that is seeking a waiver of security under R20-5-1525, a completed Request for Waiver of Security Form and a current actuarial report that satisfies the requirements in R20-5-1513(B).
  11. If the Applicant is a Subsidiary, a copy of the Parent Company's most-recent audited financial statements, including any notes to the financial statements. If audited financial statements are not reasonably available, internally-reviewed and signed financial statements that conform with Generally Accepted Accounting Principles may be substituted.
  12. If the Applicant is a Subsidiary and the Parent Company has changed since the last application or renewal approved by the Commission:
    - a. A completed Parent Guaranty Form or Agreement to Process and Pay signed by a designated representative of the Parent Company that guarantees the payment of the Subsidiary's obligations.
    - b. A resolution of the Parent Company's board of directors or governing body authorizing the designated representative to complete, sign, and file the Parent Guaranty Form or Agreement to Process and Pay. If a Parent Company does not have a board of directors or governing body, an authorized representative shall sign the resolution.
  13. If the Applicant is a Self-Insurance Pool:
    - a. Updated copies of the documentation and information required in R20-5-1505(B)(13)(a) through (c), (g), and (h), if changed since the last filing approved by the Commission.
    - b. A current actuarial report that meets the requirements of R20-5-1513(B).
    - c. An original or a certified copy of the Self-Insurance Pool's current fidelity or crime insurance policy that meets the requirements of R20-5-1528.
  - C. A complete renewal application submitted to the Division before the Self-Insurer's Renewal Date shall serve to extend existing authority to self-insure until the earliest of the following:
    1. The date the Commission takes action on the application according to R20-5-1509;
    2. The date the Self-Insurer terminates self-insurance under R20-5-1518; or
    3. The date the renewal application is withdrawn.
  - D. Upon written request, the Commission may temporarily extend the duration of an existing authorization to self-insure for up to 90 days after a designated Renewal Date if the Self-Insurer is working in good faith to file a complete renewal application with the Division and additional time is necessary to file a complete renewal application.
  - E. If a Self-Insurer does not file a complete renewal application on or before the Renewal Date or the date specified in subsection (D), if applicable, or a renewal application is deemed withdrawn, self-insurance authority ceases and the individual employer or each member of the pool shall provide the Commission proof of compliance with A.R.S. § 23-961(A) not later than 10 days after the Self-Insurer's Renewal Date, the date specified in subsection (D), or the date the renewal application is withdrawn, whichever is later.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1507. New Member Application Requirements for Self-Insurance Pools**

- A. Except as authorized in subsection (C), a previously authorized Self-Insurance Pool seeking to add a new member shall file with the Division a completed New Pool Member Application Form and the documentation and information required in subsection (B).
- B. For a new member application to be deemed complete, the following documentation and information shall be provided by the Applicant:
  1. A resolution of the Self-Insurance Pool Board authorizing the filing of the New Pool Member Application Form.
  2. The documentation and information listed in R20-5-1505(B)(2), (B)(5), (B)(7), (B)(13)(c) through (e), and (B)(13)(j) through (l) specifically pertaining to the employer seeking to join the Self-Insurance Pool.
- C. An approved Self-Insurance Pool in good standing that has operated for one year or more may admit new members without Commission approval. Upon admission of a new member into a Self-Insurance Pool under this subsection, the Self-Insurance Pool shall provide to the Division a list of the new member's coverage locations and the documentation and information listed in R20-5-1505(B)(13)(c) through (e) specifically pertaining to the new member.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1508. Processing of Initial, Renewal, and New Member Applications**

- A. The Division shall administratively review an initial, renewal, or new member application within 20 days of receipt of the application to determine if the application is complete. If the application is incomplete, the Division shall notify the Appli-

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cant in writing of the missing documentation or information necessary to comply with this Article.

- B. The Division shall deem an initial, renewal, or new member application withdrawn if the Applicant fails to file a complete application within 30 days of being notified by the Division that the application is incomplete according to subsection (A) or fails to submit requested information or documentation within 30 days of receiving a request under subsection (F).
- C. Unless the substantive review time frame is extended under A.R.S. § 41-1075, the Commission shall determine whether an initial, renewal, or new member application meets the substantive criteria of A.R.S. §§ 11-952.01, 15-382, 23-961, 23-961.01, and 41-621.01, and this Article, as applicable, within 60 days after the initial, renewal, or new member application is deemed complete.
- D. The overall timeframe for processing initial, renewal, and new member applications is 80 days, unless extended under A.R.S. § 41-1072 et seq.
- E. Upon the filing of a complete initial, renewal, or new member application, the Division shall review the submitted documentation and information and:
  1. Evaluate and determine whether the Applicant meets the requirements of A.R.S. §§ 11-952.01, 15-382, 23-961, 23-961.01, and 41-621.01 and this Article, as applicable;
  2. Evaluate and determine whether the Applicant has the financial ability to process and pay benefits required under the Act;
  3. Evaluate and determine whether a waiver of security is appropriate under R20-5-1525 or, if security is required, the appropriate amount of security; and
  4. If the Division recommends approval of an initial or renewal application, evaluate and determine a recommended term of self-insurance, which may not be less than one year or more than two years from the date of Commission approval under R20-5-1509.
- F. The Division may request an Applicant to provide additional information and documentation reasonably related to the Division's review and evaluation under subsection (E).
- G. The Division shall consider the following information in determining whether two or more employers meet the "similar industry" requirement in A.R.S. § 23-961.01(A):
  1. The two-digit sector designation of the most recent edition of the North American Industry Classification System assigned to the employers;
  2. The extent to which the employers are engaged in business involving similar products, services, activities, and processes; and
  3. Other relevant information describing or concerning the business of the employers.
- H. The Division shall present its evaluation, findings, and recommendations according to subsection (E) to the Commission.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1509. Commission Review of Initial, Renewal, and New Member Applications**

- A. The Commission shall consider the following before approving or denying an initial, renewal, or new member application:
  1. The documentation and information submitted by Applicant according to R20-5-1505, R20-5-1506, R20-5-1507, or R20-5-1508(F);
  2. The evaluation, findings, and recommendations of the Division according to R20-5-1508; and
- 3. The requirements of A.R.S. §§ 11-952.01, 15-382, 23-961, 23-961.01, and 41-621.01 and this Article, as applicable.
- B. The Commission may approve or deny an initial, renewal, or new member application or may remand an application to the Division for further review or to request additional information or documents according to R20-5-5-1508(F). A decision to approve, deny, or remand an application shall be made by a majority vote of a quorum of Commission members present at a public meeting.
- C. When approving an initial or renewal application, the Commission shall determine: (1) the term of self-insurance authorization, which may not be less than one year or more than two years from the date of Commission approval; (2) whether to grant a waiver of security under R20-5-1525; and (3) if security is required, the amount of security that must be posted. The Commission shall require an amount of security that reasonably reflects the Self-Insurer's future total estimated liability and is sufficient to fully protect the Special Fund in the event of an assignment under A.R.S. § 23-966, which amount may exceed the amounts specified in R20-5-1520(A).
- D. The Commission shall deny an initial, renewal, or new member application if the Commission finds either of the following:
  1. The Applicant does not meet the requirements of A.R.S. §§ 11-952.01, 15-382, 23-961, 23-961.01, and 41-621.01 or this Article, as applicable; or
  2. The Applicant is unable to process and pay benefits required under the Act.
- E. On or before the Authorization Date, following Commission approval of an initial application for self-insurance authority, or within 30 days after Commission approval of a renewal or new member application, a Self-Insurer shall:
  1. Unless the Commission has granted a waiver of security under R20-5-1525, post required security;
  2. Secure excess insurance coverage that meets the requirements of R20-5-1526, if applicable;
  3. Either obtain Division approval to Self-Administer under R20-5-1510 or complete the process of contracting with a Third-Party Administrator; and
  4. For Self-Insurance Pools, secure an active fidelity or crime insurance policy, unless the pool is exempt according to R20-5-1528(C).
- F. Upon approval of an initial, renewal, or new Member application, the Division shall serve a Resolution of Authorization on the Applicant no later than 30 days after Commission approval. The Resolution of Authorization approving an initial application shall contain the Authorization Date, the applicable Renewal Date, and the amount of security required. The Resolution of Authorization approving a renewal application shall contain the applicable Renewal Date and the amount of security required. The Resolution of Authorization approving addition of a new member shall contain the amount of additional security the Self-Insurance Pool is required to post. The Resolution of Authorization may be electronically signed by the Commission.
- G. If the Commission denies an initial, renewal, or new member application, the Commission shall issue and serve written findings and an order on the Applicant no later than 30 days after the Commission denial. The findings and order may be electronically signed by the Commission.
- H. If an Applicant's current Experience Modification Rate specific to Arizona exceeds 1.10, the Commission may approve authorization to self-insure that is contingent upon the Applicant receiving, within six months of the Commission's

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approval, occupational safety and health services from either the Arizona Division of Occupational Safety and Health or a qualified occupational safety and health professional. Upon written request and for good cause shown, the Division may extend the six-month deadline for receiving safety and health consultation services.

- I. A Self-Insurer shall maintain all security, insurance policies, and contracts required under this Article during an approved period of self-insurance and while a renewal application is pending before the Commission.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1510. Processing of Workers' Compensation Claims; Authorization to Self-Administer**

- A. A Self-Insurer shall utilize a Third-Party Administrator to process workers' compensation claims unless the Division authorizes the Self-Insurer to Self-Administer.
- B. A Self-Insurer seeking to Self-Administer shall file with the Division a completed Application to Self-Administer Form and all documentation and information required under subsection (C).
- C. The Division, in consultation with the Claims Division of the Commission, shall authorize a Self-Insurer to Self-Administer if the Self-Insurer provides documentation and information establishing the following:
1. The Self-Insurer has facilities and equipment sufficient to manage, process, and store its own information pertaining to the Self-Insurer's workers' compensation claims;
  2. The Self-Insurer's workers' compensation claims are processed by persons with experience, training, and knowledge regarding the processing of Arizona workers' compensation claims and the requirements of the Act and applicable administrative rules; and
  3. The persons processing the Self-Insurer's claims have completed the Claims Division's workers' compensation training program within the prior two years.
- D. The Division shall administratively review an application to Self-Administer within 20 days of receipt to determine if the application is complete. If the application is incomplete, the Division shall notify the Applicant in writing of the missing documentation or information necessary to comply with this section.
- E. The Division shall deem an application to Self-Administer withdrawn if the Applicant fails to file a completed application within 10 days of being notified by the Division that the application is incomplete according to subsection (D).
- F. Unless the substantive review time frame is extended under A.R.S. § 41-1075, the Division shall determine whether an application to Self-Administer meets the substantive criteria of subsection (C) within 30 days after the application to Self-Administer is deemed complete.
- G. The overall timeframe for processing an application to Self-Administer is 50 days, unless extended under A.R.S. § 41-1072 et seq.
- H. Upon approval of an application to Self-Administer, the Division shall serve a certificate of authorization on the Applicant no later than 30 days after approval.
- I. The Division shall revoke a certificate of authorization to Self-Administer if the Self-Insurer no longer satisfies the requirements in subsection (C).
- J. If the Division denies a request to Self-Administer or revokes a certificate of authorization, the Division shall issue and serve

written findings and an order on the Applicant no later than 30 days after the denial or revocation.

- K. Authorization to Self-Administer shall continue until any of the following occurs: (1) self-insurance authority ceases; (2) the Self-Insurer contracts with a Third-Party Administrator to process workers' compensation claims; or (3) authority to Self-Administer is revoked by the Division.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1511. Location of Claims Files**

A Self-Insurer shall provide written notice to the Division regarding the location of the Self-Insurer's open and closed claims files within 90 days of the Authorization Date. If a Self-Insurer or Third-Party Administrator intends to change the location of its claims files, the Self-Insurer shall provide written notice to the Division of the change in location at least 30 days before the files are moved.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1512. Reports, Books, Records, and Data Review by the Commission; Audit**

- A. All reports, books, records, minutes, and data of a Self-Insurer relating to matters governed by the Act and this Article are subject to review by the Commission or its authorized representative upon request. A Self-Insurer shall ensure that reports, books, records, minutes, and data relating to matters governed by the Act and this Article are accurate and maintained in a legible and understandable manner.
- B. The Commission may, upon notice of three days, perform or have performed for its benefit an audit of the reports, books, records, minutes, and data of a Self-Insurer relating to matters governed by the Act and this Article. The Commission shall be responsible for the cost of an audit.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1513. Financial Statements and Actuarial Reports**

- A. A Self-Insurer shall ensure that audited financial statements are prepared annually at the end of the Self-Insurer's fiscal year by a certified public accountant experienced in auditing financial statements.
- B. Actuarial reports and studies required in this Article must be completed by an actuary that is a member of the American Academy of Actuaries (MAAA) or a fellow of the Casualty Actuarial Society (FCAS). At a minimum, actuarial reports must address claim reserves, supplemental reserves, and actuarial liabilities using an expected confidence level and a discount rate consistent with Actuarial Standard of Practice No. 20 (or a successor standard).
- C. Upon request, a Self-Insurer shall file its most-recent annual audited financial statements or actuarial report with the Division.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

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**R20-5-1514. Claim Processing and Reserving**

- A. Self-Insurers and Third-Party Administrators shall ensure that claims are processed and benefits are paid in compliance with the Act and applicable administrative rules.
- B. Self-Insurers and Third-Party Administrators shall adopt and adhere to industry-standard reserving practices and maintain claim reserves at the full undiscounted value of each claim, including related claim expenses.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1515. Notice of Adverse Condition, Bankruptcy, Change in Ownership Status, or Change in Business Address**

- A. A Self-Insurer shall notify the Division in writing within 10 days of any adverse condition or material change that impacts or could impact the Self-Insurer's ability to process and pay benefits required under the Act. When a Self-Insurer provides notice to the Commission under this subsection, the Self-Insurer shall provide a written proposal to correct the actual or potential adverse condition or material change.
- B. A Public Entity Pool shall notify the Division within 30 days of receipt of any notification from the Director of the Department of Insurance and Financial Institutions according to A.R.S. §§ 11-952.01(N) and 41-621.01(L).
- C. A Self-Insurer shall notify the Division in writing within 10 days of any bankruptcy filing under federal law or insolvency proceeding under any state's laws.
- D. A Self-Insurer shall notify the Division in writing within 30 days of any change in the ownership status or business address of the Self-Insurer.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1516. Revocation of Self-Insurance Authorization**

- A. The Commission may revoke authorization to self-insure for good cause. Good cause for revocation includes, but is not limited to, any of the following:
  - 1. Impairment of the solvency of the Self-Insurer;
  - 2. An inability or failure to process and pay benefits required under the Act, including the failure to pay or comply with any award of the Commission;
  - 3. The failure of the Self-Insurer to respond within 10 days to a demand by the Commission to substitute security when the posted security is unsatisfactory or insufficient in amount or character;
  - 4. The failure of the Self-Insurer to pay tax assessments levied by the Commission within 30 days of the due dates prescribed by A.R.S. §§ 23-961 and 23-1065;
  - 5. The failure of the Self-Insurer to promptly provide the Commission with notices or information required under this Article;
  - 6. The failure of the Self-Insurer to comply with the Act or administrative rules contained in Title 20, Chapter 5, Articles 1, 13, 14 and this Article;
  - 7. The willful misstating of material fact in any documentation or information provided to the Commission;
  - 8. The failure of a Public Entity Pool to comply with the recommendations of the Director of the Department of Insurance and Financial Institutions within 60 days of the date of notice issued under A.R.S. §§ 11-952.01(N) and 41-621.01(L); or

- 9. Except for a Self-Insurer approved to Self-Administer, the failure to contract with or adequately fund a Third-Party Administrator for claim processing and payment.

- B. Upon receiving information indicating that any of the grounds for revocation described in subsection (A) may apply, the Division shall conduct an investigation. If, upon completion of the investigation, the Division determines that sufficient evidence exists to warrant revocation of authorization to self-insure, the Division shall promptly present its findings and recommendations to the Commission.
- C. The decision of the Commission to revoke authorization to self-insure shall be made by a majority vote of a quorum of Commissioners present at a public meeting. The Commission shall issue and serve written findings and an order revoking self-insurance authority no later than 10 days after the Commission vote. The findings and order may be electronically signed by the Commission.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1517. Retaining Authorization to Self-Insure Through Insolvency or Bankruptcy**

- A. If a Self-Insurer becomes insolvent or files for protection under the United States Bankruptcy Code seeking to reorganize, and desires to remain self-insured, it shall file with the Division a written statement regarding its intent to reorganize under the applicable provisions of the United States Bankruptcy Code. The statement shall discuss in detail the Self-Insurer's financial ability to continue self-insurance.
- B. A Self-Insurer shall file the statement described in subsection (A) with the Division within 10 days of the insolvency or bankruptcy filing. The letter shall be signed by an authorized representative of the Self-Insurer.
- C. A Self-Insurer seeking to retain authorization to self-insure through bankruptcy shall ensure that a provision addressing the Self-Insurer's obligations to workers' compensation claimants and the Commission is included in the plan of reorganization filed with the United States Bankruptcy Court.
- D. During the period between the initial bankruptcy filing and a final bankruptcy court determination, the Self-Insurer may continue its self-insurance status only after demonstrating to the Commission ongoing ability to process and pay benefits required under the Act. The Commission may require the Self-Insurer to post additional security in an amount the Commission deems appropriate to fully protect the Special Fund in the event of an assignment under A.R.S. § 23-966, which amount may exceed the amount specified in R20-5-1520(A).
- E. A Self-Insurer shall file with the Division a copy of any proposed plan of reorganization or liquidation, including amendments, within 10 days of filing.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1518. Voluntary Termination of Self-Insurance Authorization**

- A. A Self-Insurer voluntarily terminating self-insurance shall file a completed Notice of Termination of Self-Insurance Form at least 30 days before the effective date of the termination.
- B. If a Self-Insurer voluntarily terminates self-insurance, the individual employer or each member of a Self-Insurance Pool shall provide the Commission proof of compliance with

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A.R.S. § 23-961(A) not later than 10 days after the termination is effective.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1519. Withdrawal from a Self-Insurance Pool; Termination of Membership by a Self-Insurance Pool**

- A. A member of a Self-Insurance Pool may voluntarily withdraw from a Self-Insurance Pool or a Self-Insurance Pool may terminate an employer's membership in a Self-Insurance Pool under the bylaws of the Self-Insurance Pool and applicable law.
- B. A Self-Insurance Pool shall provide the Commission written notice of a member's intent to withdraw from a Self-Insurance Pool or a Self-Insurance Pool's intent to terminate an employer's membership in a Self-Insurance Pool at least 30 days before the withdrawal or termination is effective.
- C. If a member of a Self-Insurance Pool withdraws from a Self-Insurance Pool or a Self-Insurance Pool terminates an employer's membership in a Self-Insurance Pool, the terminated or withdrawing member shall provide the Commission proof of compliance with A.R.S. § 23-961(A) not later than 10 days after the termination or withdrawal is effective.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1520. Security Amount and Type; Apportionment Credit; Excess Insurance Credit; Release**

- A. Except as provided in R20-5-1525, and subject to the minimum requirements in A.R.S. § 23-961:
  - 1. A newly approved Self-Insurer shall post security in an amount equal to the prior three-year average of annual total paid medical and indemnity benefits, unless the Commission requires a different amount according to R20-5-1509(C).
  - 2. A Self-Insurer renewing authority to self-insure shall post security in an amount equal to 125% of its total estimated future indemnity and medical liability as calculated on the Workers' Compensation Liability Form, unless the Commission requires a different amount according to R20-5-1509(C).
  - 3. A Self-Insurance Pool adding a new member shall post security in an amount equal to the prior three-year average of annual total paid medical and indemnity benefits of the new member, unless the Commission requires a different amount according to R20-5-1509(C).
- B. Except as provided in R20-5-1525, a Self-Insurer shall post a type of security authorized in R20-5-1521 through R20-5-1524. A Self-Insurer or former Self-Insurer may substitute one type of authorized security with a different type of authorized security.
- C. The Commission shall approve a credit for apportionment against the amount of security required under this Article, which credit may not result in an amount of security that is less than the minimum security required by A.R.S. § 23-961, if the Self-Insurer provides proof that apportionment has been approved for one or more claims.
- D. The Commission shall approve a credit for excess insurance against the amount of security required under this Article, which credit may not result in an amount of security that is less than the minimum security required by A.R.S. § 23-961, if:

- 1. The excess insurance requirements in R20-5-1526(A) are satisfied;
- 2. The Self-Insurer provides proof that excess insurance coverage exists for incurred claims;
- 3. The Self-Insurer has timely notified the excess insurance carrier of the incurred claims or the excess insurance carrier has accepted the incurred claims;
- 4. The excess insurance carrier has not denied coverage for the incurred claims; and
- 5. The excess insurance carrier is solvent.
- E. The Self-Insurer shall calculate apportionment or excess insurance credits using the Workers' Compensation Liability Form.
- F. Subject to A.R.S. § 23-961(A)(2), a former Self-Insurer may request a reduction in the amount of security that must remain posted with the Commission by filing a written request with the Division. The written request must attach the information specified in R20-5-1506(B)(1) through (4). The Division may request additional information and documentation reasonably related to the Division's review and evaluation under subsection (G).
- G. Upon the filing of a request to reduce the amount of security by a former Self-Insurer, the Division shall review the documentation and information and:
  - 1. Evaluate and determine whether the former Self-Insurer has the financial ability to process and pay benefits required under the Act for claims that were incurred during the period of self-insurance; and
  - 2. Evaluate and determine an appropriate amount of security to fully protect the Special Fund in the event of an assignment under A.R.S. § 23-966.
- H. The Division shall present its evaluation, findings, and recommendations according to subsection (G) to the Commission. The Commission may approve a reduction in the amount of security, deny a reduction, or remand an application to the Division for further review or to request additional documentation or information. A decision of the Commission shall be made by a majority vote of a quorum of Commission members present at a public meeting.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1521. Guaranty Bond; Effective Date**

A Self-Insurer may post a guaranty bond or rider of a guaranty bond as security if:

- 1. The insurance carrier providing the guaranty bond submits the bond to the Commission on the Workers' Compensation Guaranty Bond Form, which is signed by an authorized representative of the Self-Insurer and the insurance carrier;
- 2. Any rider of a guaranty bond is signed and dated by an authorized representative of the insurance carrier and the Self-Insurer;
- 3. The penal sum of the guaranty bond or rider is no less than the amount the Self-Insurer is required to post as security under this Article;
- 4. The insurance carrier issuing the guaranty bond or rider is authorized to transact the business of surety insurance in Arizona by the Department of Insurance and Financial Institutions;
- 5. The insurance carrier issuing the guaranty bond or rider does not have an affiliate relationship with the Self-Insurer;

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6. The insurance carrier issuing the guaranty bond or rider has a rating with A.M. Best of at least A-; and
7. The guaranty bond or rider bears the same effective date as the Authorization Date.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1522. Letter of Credit**

- A. A Self-Insurer may post a letter of credit as security if:
1. The letter of credit is registered to: "The Industrial Commission of Arizona, in trust for the fulfillment by [INSERT SELF-INSURER'S NAME] of its obligations under the Arizona Workers' Compensation laws";
  2. The bank issuing the letter of credit is a federal or Arizona-chartered bank upon which demand may be made and from which funds will be immediately payable on demand;
  3. The letter of credit includes the name and address of the Self-Insurer;
  4. An authorized representative of the issuing bank executes the letter of credit;
  5. The original letter of credit and original amendments to a letter of credit are provided to the Commission;
  6. The initial letter of credit is valid for a period of one year from the effective date;
  7. The issuing bank does not have an affiliate relationship with the Self-Insurer;
  8. The letter of credit includes a provision that the letter of credit automatically extends for consecutive periods of one year, unless the issuing bank provides written notice to the Commission 60 days before the expiration of any one-year term that the issuing bank will not renew the letter of credit for the additional period;
  9. The letter of credit states the amount available under the letter of credit, which shall be no less than the amount the Self-Insurer is required to post as security under this Article; and
  10. The letter of credit includes a statement that the Commission may make a demand on the letter of credit by providing the issuing bank a signed statement by an official of the Commission stating either that the Self-Insurer has failed to comply with its workers' compensation obligations or failed to renew or substitute acceptable security for its workers' compensation liability 30 days before the expiration of the letter of credit.
- B. The written notice required in subsection (A)(8) shall be sent to the Division via e-mail or by mail with delivery confirmation.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1523. Local Government Investment Pool Funds**

A Public Entity or Public Entity Pool may post Local Government Investment Pool funds as security if:

1. The Public Entity or Public Entity Pool completes a Statutory Deposit Agreement Form, which is signed by an authorized representative of the Self-Insurer, the Arizona State Treasurer, and the Commission; and
2. The funds deposited with the Arizona State Treasurer are no less than the amount the Self-Insurer is required to post as security under this Article.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1524. Federal Money Market Fund or Treasury Note**

A Self-Insurer may post a federal money market fund or a treasury note as security if:

1. The Self-Insurer completes a Custody Agreement Form, which is signed by an authorized representative of the Self-Insurer, the custodial bank, the Arizona State Treasurer, and the Commission; and
2. The amount of the Federal money market fund or treasury note posted shall be no less than the amount the Self-Insurer is required to post as security under this Article.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1525. Waiver from Requirement to Post Security for a Public Entity or Public Entity Pool**

- A. Only a Public Entity or Public Entity Pool is eligible for a waiver from posting security.
- B. A Public Entity or Public Entity Pool may receive a waiver from posting security if:
1. The Public Entity has conducted business or the Public Entity Pool has operated in Arizona for a minimum of five consecutive years;
  2. The Public Entity Trust Fund (for a Public Entity) or the Workers' Compensation Pool Loss Account (for a Public Entity Pool) continually maintains a positive fund/account balance; and
  3. The Public Entity Trust Fund (for a Public Entity) or the Workers' Compensation Pool Loss Account (for a Public Entity Pool) is continually funded to cover actuarial liabilities of the Self-Insurer's incurred claims in accordance with the February 1996 Governmental Accounting Standards Board Statement No. 30 (Risk Financing Omnibus, An Amendment of GASB Statement No. 10), available from the Governmental Accounting Standards Board. This incorporation by reference does not include any later amendments or editions of the incorporated matter. A copy of the incorporated matter is available from the Commission or may be obtained from the Governmental Accounting Standards Board at 401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856-5116.
- C. The decision of the Commission to approve, deny, or revoke a request for waiver of security shall be made by a majority vote of a quorum of Commissioners present at a public meeting.
- D. If the Commission grants a waiver of security, the waiver shall be included in the Resolution of Authorization issued under R20-5-1509(F). The Division shall return any security previously posted or provided to the Commission within 30 days after the approval of a waiver of security.
- E. A Public Entity or Public Entity Pool which has been granted a waiver of security must file current financial statements and a statement of unpaid liabilities with the Division every six months, beginning six months after a waiver is granted.
- F. If the Commission denies a request for waiver of security or revokes a waiver of security, the Commission shall issue and serve written findings and an order on the Applicant no later than 30 days after the Commission denial or revocation. The findings and order may be electronically signed by the Commission.

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- G.** The Commission shall revoke a waiver of security if the Commission determines a Public Entity or Public Entity Pool no longer satisfies the criteria in subsection (B) or does not comply with subsection (E) and the Public Entity or Public Entity Pool does not cure the deficiency within 30 days of being notified by the Division. Within 10 days of service of a written findings and order revoking a waiver of security, a Public Entity or Public Entity Pool must file with the Commission a completed Workers' Compensation Liability Form and post security as required by the Commission.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1526. Excess Insurance**

- A.** A Self-Insurer may secure specific and aggregate excess insurance if all of the following are satisfied:
1. The insurance carrier issuing excess insurance is authorized to transact the business of excess insurance in Arizona by the Department of Insurance and Financial Institutions;
  2. The retention for specific excess insurance is not less than \$100,000 without advance written approval by the Commission;
  3. Payments of workers' compensation benefits on a claim made by a Self-Insurer, member, or through security posted by a Self-Insurer are applied toward reaching the retention level in the excess insurance policy;
  4. The excess insurance carrier does not have an affiliate relationship with the Self-Insurer; and
  5. The excess insurance policy provides that insolvency of the Self-Insurer does not relieve the excess insurance carrier of liability under the policy.
- B.** A Self-Insurer or insurance company seeking to cancel or refuse renewal of an excess insurance policy shall provide 60 days written notice of the proposed cancellation or non-renewal to the Commission. The written notice shall be sent by registered or certified mail. Failure to provide notice as required by this subsection shall preclude cancellation or non-renewal of the policy.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1527. Self-Insurance Pool Board; Administrator**

- A.** A Self-Insurance Pool shall be directed by a Self-Insurance Pool Board consistent with A.R.S. §§ 11-952.01, 15-382, 23-961.01, 41-621.01, and this Article, as applicable.
- B.** The Self-Insurance Pool Board of a Similar Industry Pool shall consist of five or more individuals elected for a stated term of office, at least 60% of which shall be representatives of members of the Similar Industry Pool.
- C.** The duties of a Self-Insurance Pool Board shall include:
1. Responsibility for all operations of the Self-Insurance Pool;
  2. Ensuring compliance with the Act and this Article;
  3. Hiring an Administrator to manage the daily operations of the Self-Insurance Pool;
  4. Reviewing and acting on applications for membership in the Self-Insurance Pool;
  5. Contracting with a Third-Party Administrator, unless the Division has authorized the Self-Insurance Pool to Self-Administer;

6. Ensuring the Self-Insurance Pool complies with statutory accounting principles (SAP) and provides accurate financial information to enable complete and accurate preparation of financial reports;
7. Maintaining all records and documents relating to the formation and ongoing operations of the Self-Insurance Pool;
8. Ensuring that accurate minutes of meetings of the Self-Insurance Pool Board are completed and signed by an authorized representative of the Self-Insurance Pool;
9. Maintaining all reports, books, records, and data relating to matters governed by this Article according to R20-5-1512; and
10. Ensuring that accounts and records of the Self-Insurance Pool are audited as required under R20-5-1513(A).

- D.** Except as prohibited by law, a Self-Insurance Pool Board may delegate duties to an Administrator. Delegation of duties to an Administrator shall be contained in a signed agreement or contract of hire between the Self-Insurance Pool Board and the Administrator.

- E.** An Administrator of a Self-Insurance Pool is subject to all of the following requirements:

1. Unless otherwise authorized by law, an Administrator for a Self-Insurance Pool shall not be a member of the Self-Insurance Pool Board.
2. Unless otherwise authorized by law, an Administrator for a Self-Insurance Pool shall not be a member of the Self-Insurance Pool or an employee of a member of the Self-Insurance Pool.
3. Before a Self-Insurance Pool Board can hire an Administrator, the Self-Insurance Pool shall disclose to the prospective Administrator all existing agreements between the pool and providers of services or insurance coverage and the prospective Administrator shall disclose to the Self-Insurance Pool Board any actual or perceived employment or financial interest that the Administrator or relative (as defined in A.R.S. § 38-502) of the Administrator has in the providers of services or insurance coverage.
4. Before a Self-Insurance Pool enters into an agreement with a provider of services or insurance coverage, the Administrator shall disclose to the Self-Insurance Pool Board any actual or perceived employment or financial interest that the Administrator or a relative (as defined in A.R.S. § 38-502) of the Administrator has in the prospective provider of services or insurance coverage.

- F.** Self-Insurance Pool Boards and Administrators shall not:

1. Extend credit to members for payment of a premium;
2. Utilize money collected as premiums for any purpose not authorized by this Article;
3. Borrow money from the Self-Insurance Pool;
4. Borrow money in the name and on behalf of the Self-Insurance Pool without providing prior written notice to the Division of the nature and purpose of the loan; and
5. Admit into the Self-Insurance Pool an employer whose admission would impair the ability of the Self-Insurance Pool to process and pay benefits required under the Act.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1528. Self-Insurance Pool Fidelity or Crime Insurance**

- A.** Except as stated in subsection (C), a Self-Insurance Pool shall maintain during all periods of self-insurance a fidelity or crime

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insurance policy that protects the pool from unlawful actions of the following:

1. Individuals appointed to the Self-Insurance Pool Board (individual and collective liability);
  2. The Administrator of the Self-Insurance Pool;
  3. Employees of the Self-Insurance Pool; and
  4. Employees of the Administrator, if applicable.
- B.** The limit of liability of the fidelity or crime insurance policy required in subsection (A) shall be no less than \$1 million per occurrence and shall be sufficient to protect the Self-Insurance Pool from damages resulting from unlawful acts related to of any assets controlled or managed by the Self-Insurance Pool Board, the Administrator, employees of the Self-Insurance Pool, and employees of the Administrator, if applicable.
- C.** A Self-Insurance Pool that maintains at least \$3 million in surplus funds at all times during an approved period of self-insurance is exempt from the requirements in this Section.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1529. Self-Insurance Pool Loss Control and Underwriting Programs**

- A.** A Self-Insurance Pool shall maintain during all periods of self-insurance a loss control program that includes, at a minimum, written safety requirements and training programs for all employees of the members. A Self-Insurance Pool shall ensure that the loss control program is administered by persons with education, experience, or training in loss control.
- B.** A Self-Insurance Pool shall maintain during all periods of self-insurance an underwriting program that enables the pool to establish workers' compensation premiums and to fully discharge the Self-Insurance Pool's obligation to process and pay benefits required under the Act. A Self-Insurance Pool shall ensure that the underwriting program is administered by persons with education, experience, or training in underwriting.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1530. Self-Insurance Pool Workers' Compensation Pool Operations Account; Workers' Compensation Pool Loss Account**

- A.** A Self-Insurance Pool shall maintain a Workers' Compensation Pool Operations Account, which is subject to all of the following:
1. All workers' compensation premiums charged to members of the Self-Insurance Pool shall be deposited into the Workers' Compensation Pool Operations Account, which account shall be maintained in a designated federally-insured depository.
  2. A Self-Insurance Pool shall pay all operational expenses of the pool relating to workers' compensation, excluding administrative expenses associated with processing workers' compensation claims, from the Workers' Compensation Pool Operations Account.
  3. Funds from the Workers' Compensation Pool Operations Account shall be transferred to the Workers' Compensation Pool Loss Account, as needed, to enable the Self-Insurance Pool to pay from the Workers' Compensation Pool Loss Account all liabilities imposed or arising under the Act and all administrative expenses associated with processing workers' compensation claims.

4. If the Workers' Compensation Pool Operations Account is co-mingled with another account, the activities of the Workers' Compensation Pool Operations Account are segregated in the financial records.

- B.** A Self-Insurance Pool shall maintain a Workers' Compensation Pool Loss Account, which is subject to all of the following:

1. A Self-Insurance Pool shall maintain its Workers' Compensation Pool Loss Account in a designated federally-insured depository.
2. A Self-Insurance Pool shall pay all workers' compensation claim expenses, including current and contingent workers' compensation claim liabilities of and administrative expenses associated with processing workers' compensation claims, from the Workers' Compensation Pool Loss Account.
3. A Self-Insurance Pool shall ensure that its Workers' Compensation Pool Loss Account is actuarially sound and able to process and pay benefits required under the Act.
4. If the Workers' Compensation Pool Loss Account is co-mingled with another account, the activities of the Workers' Compensation Pool Loss Account are segregated in the financial records.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1531. Gross Annual Premium of a Self-Insurance Pool; Calculation of Member Premiums; Discounts; Penalties; Refunds**

- A.** The gross annual workers' compensation premium for a Self-Insurance Pool shall be sufficient to fund the workers' compensation administrative expenses and total incurred workers' compensation losses of the pool.
- B.** A Self-Insurance Pool shall calculate and collect member premiums using industry best practices and formulas generally accepted in the industry.
- C.** A Self-Insurance Pool shall not discount established Payroll Classification Rates unless the discount is based upon the expense and loss experience of the Self-Insurance Pool and is supported and justified by an actuarial feasibility study.
- D.** A Self-Insurance Pool may apply a penalty rate in excess of an annual premium to any member, provided the Self-Insurance Pool serves written justification and notice on the member 30 days before the effective date of the penalty rate.
- E.** A Self-Insurance Pool may declare a refund of surplus funds, including excess investment income, to its members if the amount of the refund is supported by an actuarial report.
- F.** A Self-Insurance Pool discounting established Payroll Classification Rates under subsection (C) or declaring a refund of surplus funds under subsection (E) shall notify the Division at least 60 days before the Self-Insurance Pool discounts the Payroll Classification Rates or refunds surplus funds.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1532. Similar Industry Pool; Joint and Several Liability of Members**

- A.** The joint and several liability clause required by A.R.S. § 23-961.01(E) applies to any agreements used to form a Similar Industry Pool on a cooperative or contract basis, through a



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joint formation of a nonprofit corporation, or by the execution of a trust agreement.

- B.** A Similar Industry Pool shall ensure that the pool and all members read and agree, in writing, to the following terms:
1. The members of the pool are jointly and severally liable for the liabilities of the pool to the extent the pool is unable to, or does not, satisfy the liabilities;
  2. Member liability under subsection (B)(1) extends to all liabilities incurred by the pool during the member's period of membership in the pool, including all future liabilities that accrued during the member's period of membership in the pool; and
  3. In the event that claims are assigned to the Special Fund under A.R.S. § 23-966, the Commission shall have a right of reimbursement against the members jointly and severally for any and all amounts paid by the Special Fund, including costs, necessary expenses, and reasonable attorney's fees, to the extent that such liabilities are not covered by the pool's security or other assets.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1533. Completion of Reports in Support of Tax Rating Plans; Calculation and Payment of Self-Insurance Taxes**

- A.** A Self-Insurer shall submit to the Division the information required in R20-5-1536, R20-5-1537, R20-5-1538, or R20-5-1539, as applicable, by January 31 of each year. A request for an extension may be filed with the Division in writing and shall state the reasons the Self-Insurer is unable to meet the deadline. A request for an extension shall be granted for good cause.
- B.** After receiving the information required in R20-5-1536, R20-5-1537, R20-5-1538, or R20-5-1539, as applicable, the Division shall determine the annual taxes owed by the Self-Insurer. The Division shall also determine whether the Self-Insurer has overpaid or underpaid its taxes for the previous calendar year. If the total of the quarterly payments is less than the actual taxes for the year, the Self-Insurer shall pay the difference on or before March 31 of the calendar year in which the taxes are due. If the total of the quarterly payments exceeds the amount of the actual taxes for the year, the Division shall refund the amount described in A.R.S. § 23-961 or § 23-1065, as applicable.
- C.** A Self-Insurer shall pay to the Commission the Self-Insurer's annual workers' compensation premium taxes on or before March 31 based on the net taxable premium calculated for the preceding calendar year. A Self-Insurer shall pay a premium tax of at least \$250.00 per calendar year.
- D.** The Division shall calculate a Self-Insurer's quarterly taxes owed under A.R.S. §§ 23-961 and 23-1065 in one of the following ways:
1. 25% of the tax calculated for the previous year; or
  2. A calculation based on actual payroll and losses calculated for each quarter, using the same rating plan to calculate the quarterly payment as used to calculate the taxes required under A.R.S. §§ 23-961 and 23-1065. If the Division selects this method, the Self-Insurer shall submit quarterly payroll and loss information by Payroll Classification Code upon request.
- E.** Quarterly tax payments are due April 30, July 31, October 31, and January 31 for the periods ending March 31, June 30, September 30, and December 31, respectively.

- F.** If the Self-Insurer fails to pay the annual or quarterly taxes to the Commission when due, the Self-Insurer shall pay a penalty of \$25.00 or 5% of the tax or payment due, whichever is more, plus interest at the rate of 1% per month from the date the tax or payment was due until paid.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1534. Premium Rates; Deviation Rates**

- A.** Annually, by September 15, premium calculation rates and a schedule of Deviation Rates shall be calculated and approved by the Commission at a public rate hearing. The premium calculation rates and the schedule of Deviation Rates shall be effective the following calendar year.
- B.** The Deviation Rate applicable to a Self-Insurer relates directly to the Self-Insurer's safety record, which is measured by the Self-Insurer's Experience Modification Rating specific to Arizona for the prior year. The schedule of Deviation Rates will include the Experience Modification Rate ranges that apply to each Deviation Rate.
- C.** The Experience Modification Rate for purposes of determining the Deviation Rate shall be calculated as follows:
1. In the first year of self-insurance, the Experience Modification Rate is set at 1.00;
  2. In the second and third years of self-insurance, the Division calculates the Experience Modification Rate based upon the payroll and loss data accumulated by the Self-Insurer during its entire term of self-insurance; and
  3. In the fourth year of self-insurance and all following years, the Division calculates the Experience Modification Rate based upon the payroll and loss data of the prior three tax years.
- D.** If the Division cannot calculate an Experience Modification Rate in the second and all following years because the Self-Insurer does not have any injuries, the Self-Insurer shall receive the highest Deviation Rate.
- E.** The lowest Deviation Rate included in the schedule of Deviation Rates shall not be less than 10%.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1535. Basis for Definitions, Classifications, Rating Procedures, and Plans**

The Division may use the definitions, classifications, and rating procedures specified in rating plans filed by a Rating Organization or developed by the Division to calculate the net taxable premium under A.R.S. §§ 23-961 and 23-1065.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1536. Fixed Premium Plan; Eligibility; Formula; Necessary Information**

- A.** Except as provided in R20-5-1539, a Self-Insurer shall use a Fixed Premium Plan for purposes of premium taxes required under A.R.S. §§ 23-961 and 23-1065 if the Self-Insurer's annual net taxable premium does not exceed \$100,000.
- B.** Except as provided in R20-5-1539, a Self-Insurer may elect to use a Fixed Premium Plan for purposes of premium taxes

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required under A.R.S. §§ 23-961 and 23-1065 if the Self-Insurer's annual net taxable premium exceeds \$100,000.

- C. The Division shall calculate the net taxable premium under a Fixed Premium Plan as follows: [(payroll multiplied by the applicable Payroll Classification Rate) multiplied by (1 minus the Deviation Rate)] less premium discounts.
- D. The Fixed Premium Plan applies only to operations and payroll in Arizona. The Self-Insurer shall combine all operations in Arizona to calculate the premium taxes required under A.R.S. §§ 23-961 and 23-1065.
- E. A Self-Insurer shall provide the following in support of using a Fixed Premium Plan:
  1. Completed Annual Payroll Report Form for the current tax year;
  2. Completed Annual Medical Report Form for the current tax year;
  3. Completed Annual Injury Report Forms for current and prior three tax years; and
  4. Completed Quarterly Tax Payment Form.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1537. Ex-Medical Plan; Eligibility; Formula; Necessary Information**

- A. Except as provided in R20-5-1539, a Self-Insurer may elect to use an Ex-Medical for purposes of premium taxes required under A.R.S. §§ 23-961 and 23-1065 if the Self-Insurer's annual net taxable premium exceeds \$100,000 and the Self-Insurer operates a medical facility with a program for providing medical, surgical, or hospital services to a majority of the employees of the Self-Insurer or the employees of the members of a Self-Insurance Pool that complies with the requirements of A.R.S. § 23-1070.
- B. The Division shall calculate the net taxable premium under an Ex-Medical Plan on a Payroll Classification Code basis as follows: [(payroll multiplied by the Payroll Classification Rate) multiplied by (1 minus the Deviation Rate) multiplied by (1 minus the D-Ratio)] less premium discounts.
- C. The Ex-Medical Plan applies only to operations and payroll in Arizona. The Self-Insurer shall combine all operations in Arizona to calculate the premium taxes required under A.R.S. §§ 23-961 and 23-1065.
- D. A Self-Insurer shall provide the following in support of using an Ex-Medical Plan:
  1. The completed forms required in R20-5-1536(E); and
  2. Completed Annual Hospital Report Form for the current tax year.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1538. Guaranteed Cost Plan; Eligibility; Formula; Necessary Information**

- A. Except as provided in R20-5-1539, a Self-Insurer may elect to use a Guaranteed Cost Plan for purposes of premium taxes required under A.R.S. §§ 23-961 and 23-1065 if the Self-Insurer's annual net taxable premium exceeds \$100,000.
- B. The Division shall calculate the net taxable premium under a Guaranteed Cost Plan, using the most recent year's data, as follows: [(payroll multiplied by the Payroll Classification Rate) multiplied by (the Experience Modification Rate spe-

cific to Arizona) multiplied by (1 minus the Deviation Rate)] less premium discounts.

- C. The Guaranteed Cost Plan applies only to operations and payroll in Arizona. The Self-Insurer shall combine all operations in Arizona to calculate the premium taxes required under A.R.S. §§ 23-961 and 23-1065.
- D. The Experience Modification Rate specific to Arizona for purposes of determining the net taxable premium under a Guaranteed Cost Plan shall be calculated in the manner described in R20-5-1534(C). If the Division cannot calculate an Experience Modification Rate in the second and all following tax years because the Self-Insurer does not have any injuries, the Experience Modification Rate shall be set at 1.00.
- E. A Self-Insurer shall provide the completed forms required by R20-5-1536(E) in support of using a Guaranteed Cost Plan.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1539. Retrospective Rating Plan; Eligibility; Formula; Necessary Information**

- A. The Division may require a Self-Insurer to use a Retrospective Rating Plan for purposes of premium taxes required under A.R.S. §§ 23-961 and 23-1065 if:
  1. The Self-Insurer has an Experience Modification Rate specific to Arizona that exceeds 1.10 for two consecutive years; or
  2. The Self-Insurer demonstrates financial instability as evidenced by declining financial ratios, an increase in leveraged debt or a net loss.
- B. The Division shall calculate the net taxable premium under a Retrospective Rating Plan, using the most recent year's data, as follows: {[(payroll multiplied by the Payroll Classification Rate) multiplied by (the Experience Modification Rate specific to Arizona) multiplied by (1 minus the Deviation Rate) multiplied by the (Basic Premium Factor)] plus [(losses for the current year plus adjusted losses from the previous year) multiplied by (the Loss Conversion Factor)]} multiplied by the tax multiplier.
- C. The Retrospective Rating Plan applies only to operations and payroll in Arizona. The Self-Insurer shall combine all operations in Arizona to calculate the premium taxes required under A.R.S. §§ 23-961 and 23-1065.
- D. The Experience Modification Rate specific to Arizona for purposes of determining the net taxable premium under a Guaranteed Cost Plan shall be calculated in the manner described in R20-5-1534(C). If the Division cannot calculate an Experience Modification Rate in the second and all following tax years because the Self-Insurer does not have any injuries, the Experience Modification Rate shall be set at 1.00.
- E. The Division shall use assigned risk rates to calculate the premium taxes required under A.R.S. §§ 23-961 and 23-1065 for all Self-Insurers on the Retrospective Rating Plan. The assigned risk rates shall be established annually by an actuary retained by the Commission that is a member the American Academy of Actuaries (MAAA) or a fellow of the Casualty Actuarial Society (FCAS).
- F. A Self-Insurer shall provide the information required by R20-5-1536(E) in support of using a Retrospective Rating Plan.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

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**R20-5-1540. Hearing Procedure on Denied Initial Application, Denied Renewal Application, Denied New Member Application, Revocation of Authority, or Denied Application for Waiver of Security**

- A.** A party may request a hearing under A.R.S. § 23-945 in the following circumstances:
  - 1. Denial of an initial application, renewal application, or new member application under R20-5-1509.
  - 2. Denial of an application to Self-Administer or revocation of authority to Self-Administer under R20-5-1510.
  - 3. Revocation of self-insurance authorization under R20-5-1516.
  - 4. Denial of a request for waiver of security or revocation of a waiver of security under R20-5-1525.
- B.** A request for hearing shall comply with A.R.S. § 23-945 and be signed by an authorized representative of the party. The party shall file the request for hearing with the Commission within 30 days from the date the Commission's written findings and order under R20-5-1509, R20-5-1510, R20-5-1516, or R20-5-1525 is served on the party. A written findings and order of the Commission under R20-5-1509, R20-5-1510, R20-5-1516, or R20-5-1525 is deemed final if a request for hearing is not received by the Chief Counsel of the Commission within the time specified in this subsection.
- C.** The party filing a request for hearing under subsection (A)(1), (A)(2), or (A)(4) has the burden of proof to establish that it has met the applicable requirements of the Act and this Article. If a party files a request for hearing under subsection (A)(3), the Commission has the burden of proof to establish that good cause existed for revocation of self-insurance authorization.
- D.** The Chair of the Commission or designee shall preside over hearings held under this section. Except as otherwise provided in this section, the Chair or designee shall apply the provisions of A.R.S. § 41-1062 to hearings held under this section and shall have the authority and power of a presiding officer as described in A.R.S. § 41-1062.
- E.** The Chief Counsel of the Commission shall represent the Commission in hearings held under this section and, upon direction of the Chair of the Commission, shall issue on behalf of the Commission all notices and subpoenas required under this section.
- F.** Except as otherwise provided by law, a party to a hearing may appear on its own behalf or through an authorized legal representative. When an authorized legal representative appears or intends to appear before the Commission, the representative shall file a notice of appearance with the Commission.
- G.** For purposes of this section, a document is considered filed when the Commission receives the document. All documents required to be filed with the Commission under R20-5-1541 and this section shall be served upon the Chief Counsel of the Commission and, if applicable, upon all parties to the proceeding.
- H.** The Commission shall serve written notice of hearing upon all parties at least 20 days before a scheduled hearing. The notice of hearing shall comply with the requirements in A.R.S. § 41-1061.
- I.** In addition to the provisions contained in A.R.S. §§ 41-1061 and 41-1062, the following provisions apply to all hearings conducted under this section:
  - 1. A party may make an opening and closing statement with the permission of the Chair of the Commission or designee if the Chair or designee determines that the statement will be helpful to a determination of the issues.
  - 2. All witnesses at a hearing shall testify under oath or affirmation.

- 3. The Chair or designee may admit documents into evidence if filed no later than 15 days before the date of the hearing. Upon request or upon direction from the Chair or designee, the Commission may issue a subpoena to the author of any document submitted into evidence to appear and testify at the hearing.
- 4. Upon written request by a party or upon direction from the Chair or designee, the Commission may issue a subpoena requiring the attendance and testimony of a witness. A party shall submit its subpoena request no later than 10 days before the date of the hearing.
- 5. Upon written request by a party or upon direction from the Chair or designee, the Commission may issue a subpoena duces tecum requiring the production of documents or other tangible evidence. The written request by a party shall contain a statement explaining the general relevance, materiality, and reasonable particularity of the documentary or other tangible evidence and the facts to be proved by them.
- J.** The Commission shall make a record of all hearings under this section. Any party desiring a copy of record may request a copy from the Commission.
- K.** Upon the completion of a hearing, the Commission shall issue a decision upon hearing either affirming, modifying, or reversing the original decision. The decision of the Commission shall be made by a majority vote of the quorum of Commission members present at a public meeting. The decision upon hearing shall comply with the provisions of A.R.S. § 41-1063.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

**R20-5-1541. Request for Review of Decision Upon Hearing**

- A.** A party may request review of a Commission decision upon hearing issued under R20-5-1540 by filing with the Commission a written request for review no later than 15 days after the decision upon hearing is served upon the parties. A decision upon hearing under R20-5-1540 is deemed final if a request for hearing is not received by the Commission within the time specified in this subsection.
- B.** A request for review of a Commission decision upon hearing must be based upon one or more of the following grounds materially affecting the rights of the requesting party:
  - 1. Irregularities in the hearing proceedings or any order or abuse of discretion that deprives a party seeking review of a fair hearing;
  - 2. Misconduct of the prevailing party;
  - 3. Accident or surprise, which could not have been prevented;
  - 4. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the hearing;
  - 5. Error in the admission or rejection of evidence, or errors of law occurring at, or during the hearing;
  - 6. Bias or prejudice of the Division or Commission; or
  - 7. The decision upon hearing is not justified by the evidence or is contrary to law.
- C.** The request for review shall state the specific facts and law in support of the request and shall specify the relief sought.
- D.** Upon the completion of a review, the Commission shall issue a decision upon review either affirming, modifying, or reversing the decision upon hearing no later than 30 days after receiving a request for review. The decision of the Commission shall be made by a majority vote of the quorum of Commission mem-

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bers present at a public meeting. The decision upon hearing shall comply with the provisions of A.R.S. § 41-1063.

- E. The Commission's decision upon review is final unless a party seeks judicial review as provided in A.R.S. § 23-946.

**Historical Note**

New Section made by final rulemaking at 28 A.A.R. 3435 (October 28, 2022), with an immediate effective date of October 5, 2022 (Supp. 22-4).

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**Appendix A. Arizona Physicians' and Pharmaceutical Fee Schedule 2023/2024**

Adopted by The Industrial Commission of Arizona

Contact Medical Resource Office

Phone (602) 542-4308 / Fax (602) 542-4797

[mro@azica.gov](mailto:mro@azica.gov)

Effective October 1, 2023

**INTRODUCTION**

Since 1925, when the Arizona Legislature passed the state's first Workers' Compensation Act ("Act"), the Industrial Commission of Arizona ("Commission") has administered the workers' compensation laws of that Act. The Act includes the authority of the Commission to set a schedule of fees to be charged by healthcare providers attending injured employees (also referred to in this document as "injured worker" or "claimant." A.R.S. § 23-908(B). In 2004, the Act was amended to include the setting of fees for prescription medicines required to treat an injured employee. A.R.S. § 23-908(C). This fee schedule is referred to as the Arizona Physicians' and Pharmaceutical Fee Schedule (Fee Schedule).

Any reference to "healthcare providers" in the Fee Schedule is intended to include all licensed professionals whose scope of practice allows them to legally provide services to injured workers. Any reference to "physician" in relation to workers' compensation cases includes the following: doctors of medicine, doctors of osteopathy, doctors of podiatric medicine, doctors of chiropractic, doctors of naturopathic medicine, certified registered nurse anesthesiologists, physician assistants and nurse practitioners. Healthcare providers treating employees under industrial coverage are entitled by law to charge according to the schedule of fees adopted by the Commission. Accurate calculation of fees based upon this schedule, the filing of reports and bills for payment, and the use of forms prescribed are essential to timely and correct payment for a provider's services and can be vital in the award of benefits to the injured worker and their dependents.

This Fee Schedule has been updated to incorporate by reference the following:

1. The 2023 Edition of the American Medical Association's *Current Procedural Terminology* (CPT®) publication, including the general guidelines, identifiers, modifiers, and terminology associated with the incorporated codes.
2. The 2023 Healthcare Common Procedure Coding System (HCPCS) codes that include procedures, supplies, products, and services published by the Centers for Medicare & Medicaid Services (CMS).
3. The unit values and guidance for consultative, diagnostic and therapeutic services published in the most recent edition of *Relative Value Guide*, American Society of Anesthesiologists (ASA) <https://www.asahq.org>.
4. American Medical Association, Evaluation and Management Code and Guideline Changes, <https://www.ama-assn.org/system/files/2023-e-m-descriptors-guidelines.pdf> and the Guidelines for Evaluation and Management Services in the current version of CPT®.
5. The 2023 *Clinical Diagnostic Laboratory Fee Schedule*, CMS Clinical Laboratory fee Schedule <https://www.cms.gov>.
6. The *National Correct Coding Initiative Edits*, CMS; <https://www.cms.gov/ncci-medicare/medicare-ncci-policy-manual>
7. Physicians as Assistants at Surgery: 2023 Update <https://www.facs.org/media/gp3ny4ps/2023-update-physicians-as-assistants-at-surgery.pdf>.
8. Surgical global periods published by CMS,
9. FAIR Health data, copyright 2023, FAIR Health, Inc.

Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx. To the extent that a conflict may exist between an

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incorporated portion of the CPT<sup>®</sup> publication or HCPCS codes and a code, guideline, identifier, or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control.

Except as otherwise noted, unit values assigned to the service codes listed in this document are the product of the Industrial Commission of Arizona and are not associated in any way with the American Medical Association, the American Society of Anesthesiologists, the Centers for Medicare and Medicaid Services, or any other entity or organization.

**A. GENERAL GUIDANCE**

1. Reimbursements and billing associated with Pharmaceuticals are found in the Pharmaceutical Fee Schedule Section of this document.
2. Except when governed by a separate contract or network that governs fees pursuant to A.R.S. § 23-908(J)(1), this Fee Schedule establishes the maximum reimbursement values for services performed by healthcare providers to injured workers under Arizona's workers' compensation law.
3. If a healthcare provider or insurance carrier is referring an injured worker to a medical specialist for evaluation and/or treatment, the medical specialist's diagnosis becomes the foundational diagnosis for billing purposes.
4. Routine progress and routine final reports filed by the attending healthcare provider do not ordinarily command a fee.
5. Payment will be made for only one professional visit in any one day except when the submitted report clearly demonstrates the need for the additional visit and fee.
6. Fees for hospital, office, or home visits, subsequent to the initial visit, are not to be added to coded surgical procedures performed on the same day.
7. Routine office treatment principally by injection of drugs, other than antibiotics, requires authorization by the carrier or self-insured employer for each series of 10 after the first series of 10.
8. Except in emergencies, a carrier must be given notice regarding a consultation and the consultant must provide his/her report to the carrier and the attending healthcare provider within a reasonable period of time to facilitate processing of the claim.
9. The Commission requests that carriers notify attending healthcare providers at the same time the claimant is notified that their claim is closed with or without supportive care. If a claim is approved for reopening, the carrier should also notify the attending healthcare provider of that approval.
10. Missed individual appointments for consultants, without prior notification, will be compensated at 50% of consultation fee.
11. No fees may be charged for services not personally rendered by the healthcare provider, unless otherwise specified.
12. The Commission will investigate an injured workers' complaint of bad faith/unfair claims processing practices, and if appropriate, impose penalties under A.R.S. § 23-930, in those circumstances where a "peer to peer" review was not conducted by a healthcare provider with appropriate skill, training, and knowledge or where the individual performing the "peer to peer" review was not licensed. The Commission will also investigate an injured workers' complaint of bad faith/unfair claims processing practice, and if appropriate, impose penalties under A.R.S. § 23-930, for a denial of treatment based on the failure of the treating doctor to participate in a "peer to peer" review, when the treating doctor has not been given reasonable time or opportunity to participate in the "peer to peer" review. As authorized under A.A.C. R20-5-128, the fee for the reproduction of medical records for workers' compensation purposes shall be 25¢ per page and \$10.00 per hour per person for reasonable clerical costs associated with locating and reproducing the documents.
13. Reimbursement values for telehealth services are governed by the Fee Schedule and no reductions are justified unless specified by the Fee Schedule. Performance of telehealth services are governed by Arizona Revised Statutes, Title 36,

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Chapter 36. Bills for services performed via telehealth shall include the appropriate modifier and place of service code according to the incorporated AMA/CMS guidelines.

**B. PAYMENT AND REVIEW OF BILLINGS**

1. Under Arizona workers' compensation law, an insurance carrier, self-insured employer or their representative is not responsible for payment of a billing for medical, surgical, and hospital benefits that the insurance carrier, employer or representative received more than 24 months from the date that the medical service was rendered, or from the date on which the provider knew or should have known that the service was rendered, whichever occurs later. A subsequent billing or corrective billing does not restart the limitations period. *See A.R.S. § 23- 1062.01.*
2. It is incumbent upon the insurance carrier, self-insured employer and third party processing service to inform all parties, including the Commission, regarding changes in addresses for bill processing locations.
3. Under Arizona workers' compensation law, a healthcare provider is entitled to timely payment for services rendered. An insurance carrier, self-insured employer or claims processing representative shall make a determination whether to deny or pay a medical bill on an accepted claim, in whole or in part, including the decision as to the amount to pay, within thirty days from the date the claim is accepted, if the billing is received before the date of acceptance, or within thirty days from the date of the receipt of the billing if the billing is received after the date of acceptance. All billing denials shall be based on reasonable justification. The insurance carrier, self-insured employer, or claims processing representative shall pay the approved portion of the billing within thirty days after the determination for payment is made. If the billing is not paid within the applicable time period, the insurance carrier, self-insured employer, or claims processing representative shall pay interest to the health provider on the billing at a rate that is equal to the legal rate. Interest shall be calculated beginning on the date that the payment to the healthcare provider is due. *See A.R.S. § 23-1062.01.*

To ensure timely and accurate payment of a medical billing, a billing must contain the information required under A.R.S. § 23- 1062.01. A billing must contain at least the following information: Correct demographic patient information including claim number, if known; Correct provider information, including name, address, telephone number, and federal taxpayer identification number; Appropriate medical coding with dollar amounts and units clearly stated with all descriptions and dates of services clearly printed; and legible medical reports required for each date of service if the billing is for direct treatment of the injured worker.

4. Payment of a workers' compensation medical billing is governed by A.R.S. § 23-1062.01, which includes:
  - a. Timeframes for processing and payment of medical bills;
  - b. Criteria for billing denials;
  - c. A provision that the injured worker is not responsible for payment of any portion of a medical bill on an accepted claim or payment of any portion of a medical billing that is being disputed;
  - d. A provision that the insurance carrier or self-insured employer may establish an internal system for resolving payment disputes;
  - e. A provision that A.R.S. § 23-1062.01 does not apply to written contracts entered into between medical providers and insurance carriers and self-insured employers or their representatives that specify payment periods or contractual remedies for untimely payments; and
  - f. A provision that the Industrial Commission does not have jurisdiction over contract disputes between the parties.
5. "Reasonable justification" to deny a bill does not include that the payment/billing policies of other private or public entities (publications) unless the publication has been incorporated by reference in the Fee Schedule.

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6. Excluding bundling and unbundling issues, it is not the Commission's intent to restrict an insurance carrier's, self-insured employers or third party processing service's ability to address issues not addressed by the Fee Schedule. This includes evaluating unlisted procedures, establishment of values for unlisted procedures, establishment of values for codes that are listed as "BR" or "RNE", or new CPT® codes that have not been incorporated by the Industrial Commission, or issues outside the jurisdiction of the Fee Schedule, such as hospital billings.
7. Healthcare providers shall provide legible medical documentation and reports that are sufficient for insurance carriers/self-insured employers to determine if treatment is being directed towards injuries sustained in an industrial accident or incident. The healthcare provider shall ensure that their patients' medical files include the information required by A.R.S. § 32-1401.2. The healthcare provider is not required to provide copies of documents or reports that they did not author and that are not in their possession (*i.e.*, Employers' First Report of Injury).
8. Treating physicians shall submit a narrative that justifies the billing of a level 4 or 5 E/M service.
9. The Commission has incorporated by reference the Centers for Medicare and Medicaid Services, Evaluation and Management Services, <https://www.cms.gov/outreach-and-education/medicare-learning-network-mln/mlnproducts/downloads/eval-mgmt-serv-guide-icn006764.pdf> and the American Medical Association, Evaluation and Management Code and Guideline Changes, <https://www.ama-assn.org/system/files/2023-e-m-descriptors-guidelines.pdf>. Medical billings shall be prepared and reviewed consistent with how these guidelines are used and interpreted by CMS. Additionally, payers are required to disclose the guideline utilized in their Explanation of Reviews (or other similar document).
10. A payer's Explanation of Review (or other similar document) shall contain sufficient information to allow the healthcare provider to determine whether the amount of payment is correct and whom to contact regarding any questions related to the payment. Information in the Explanation of Review (or other similar document) shall include the following:
  - a. The name of the injured worker;
  - b. The name of the payer and the name of the third party administrator ("TPA"), if applicable;
  - c. If applicable, the name, telephone number, and address of all entities that reviewed the medical billing on behalf of the payer;
  - d. If applicable, the name, telephone number and address of the party that has a written contract signed by the healthcare provider that allows the contracting party or other third party to access and pay rates that are different from those provided under this Fee Schedule;
  - e. The amount billed by the healthcare provider;
  - f. The amount of any reduction due to a written contract with the healthcare provider; and
  - g. The amount of payment.
11. Nothing in this Fee Schedule precludes a healthcare provider from entering into a separate contract that governs fees. In this instance, reimbursement shall be made according to the applicable contracted charge. In the absence of a separate contract that governs a healthcare provider's fees, reimbursement shall be made according to this Fee Schedule. A payer shall demonstrate that it is entitled to pay the contracted rate in the event of a dispute by providing a valid copy of the governing contract to the healthcare provider. If a payer fails to provide evidence that it is entitled to pay a contracted rate, then the payer shall be required to make payment as provided in this Fee Schedule.
12. Billing and reimbursement guidelines for Pharmaceuticals is found in the Pharmaceutical Fee Schedule Section of this document.
13. The Fee Schedule does not apply to ambulance service providers. Service fees for ground ambulance transportation are set and mandated by the Arizona Department of Health Services through its Arizona Ground Ambulance Service Rate Schedule. A.R.S. § 36-2239(D) states "an ambulance service shall not charge, demand or collect any remuneration for any service greater or less than or different from the rate or charge determined and fixed by the department as the rate or charge for that service." Service fees published in the Arizona Ground Ambulance Service Rate Schedule are applicable in the workers' compensation setting.

**C. REIMBURSEMENT OF MID-LEVEL MEDICAL PROVIDERS**

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1. Certified Registered Nurse Anesthetists (“CRNA’s”) are reimbursed at 85% of the fee schedule.
    - a. Physician Assistants and Nurse Practitioners are reimbursed at 85% of the fee schedule *except* if services are provided “incident to” a physician’s professional services. In that instance, reimbursement is required to be at 100% of the fee schedule. The following criteria are identified as establishing the “incident to” exception:
      - b. The Physician Assistant and Nurse Practitioner must work under the direct supervision of an appropriately licensed physician,
      - c. The Physician must initially see that patient and establish a plan of care for that patient (“treatment plan”),
      - d. Subsequent service provided by the Physician Assistant and Nurse Practitioner must be a part of the documented treatment plan, and
      - e. The Physician must always be involved in the patient’s treatment plan and see the patient often enough to demonstrate that the Physician is actively participating in and managing the patient’s care.
  2. For purposes of the Fee Schedule, the Commission recognizes that direct supervision of a Physician Assistant or Nurse Practitioner by a Physician can be accomplished through the use modern technology and telecommunications (telemedicine) and may not require the on-site presence of the Physician when the Physician Assistant or Nurse Practitioner sees the patient. In all instances, however, and regardless of the extent to which telemedicine is used, the Physician must actively participate in and manage the patient’s care if services provided by a Physician Assistant or Nurse Practitioner are billed at 100% of the fee schedule under the “incident to” exception.
- D.** It is the responsibility of the Physician to document if the services provided by a Physician Assistant and Nurse Practitioner are “incident to” the Physician’s professional service. If either the incident to criteria is not met, or the documentation submitted fails to support the “incident to” criteria, the reimbursement should be made at 85% of the fee schedule.
- DIRECTED CARE AND USE OF NETWORKS**

The Arizona Workers’ Compensation Act only permits private self-insured employers to direct medical care. A.R.S. § 23-1070(A); See also *Southwest Gas Corp. v. Industrial Commission of Arizona*, 200 Ariz. 292, 25 P.3d 1164 (2001). This limitation on the scope of directed care means that employees of private self-insured employers do not have an unrestricted right to choose their own medical providers, while employees of all other employers do (including public self-insured employers).<sup>1</sup> Notwithstanding an employee’s right to choose, many workers’ compensation insurance carriers (“carriers”) and public self-insured employers (“employers”) have taken advantage of “networks” to reduce their costs. This is done by either creating their own network of “preferred providers” or by contracting with a third party to access private health-care networks.

Actions or conduct that impair or limit the right of an employee to choose their medical provider may rise to the level of bad faith and/or unfair claims processing practices under A.R.S. § 23-930. The Commission will investigate a complaint of bad faith/unfair claims processing practices, and if appropriate, impose penalties under A.R.S. § 23- 930, in those circumstances where a carrier, employer, or TPA has engaged in conduct that results in directing a claimant to a “network” provider. The following are examples of conduct that the Commission would consider appropriate for investigation under A.R.S. § 23-930.

- A claimant is told that they must see a healthcare provider that is “in the network;”
- A claimant is told that care from a “non-network” healthcare provider is not authorized;
- A “network” healthcare provider is told that referrals are required to be made to another “network” healthcare provider;
- A “network” healthcare provider is told that they may not recommend a “non-network” healthcare provider to a

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patient;

- A “non-network” healthcare provider is told that care will only be authorized if provided by a “network” provider; and
- A “non-network” healthcare provider is told that reimbursement will be made according to “network” discounts.

**E. TREATMENT OF INDUSTRIAL INJURIES AND DISEASES**

1. Only physicians and surgeons licensed in the State of Arizona are permitted to treat injured or disabled employees under the jurisdiction of the Commission, unless others are specifically authorized.
2. An employee who sustains an injury arising out of, or in the course of, employment is entitled, under Arizona law, to select a healthcare provider of his/her own choice unless that employee is employed by a private self- insured employer as described in A.R.S. § 23-1070. Employers described in A.R.S. § 23-1070, excluding the State or Political Subdivisions thereof, are allowed to direct medical care.

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- <sup>1</sup> It should be noted that the law governing directed care is not limited to “medical doctors,” but instead applies to medical, surgical, and hospital benefits. *See* A.R.S. § 23-1070. The phrase, “medical, surgical, and hospital benefits” is defined in A.R.S. § 23-1062(A), which states: “Promptly, upon notice to the employer, every injured employee shall receive medical, surgical and hospital benefits or other treatment, nursing, medicine, surgical supplies, crutches and other apparatus, including artificial members, reasonable required at the time of the injury, and during the period of disability. Such benefits shall be termed ‘medical, surgical and hospital benefits.’”
3. The attending healthcare provider’s promptness and professional exactness in the completion and filing of workers’ compensation forms are extremely important to the employee being treated. The injured or disabled employee’s claim to medical benefits and compensation can rest on the conscientious attention of the healthcare provider in processing the required reports. Rules addressing the completion of these forms are found in the Title 20, Chapter 5, Article 1 of the Arizona Administrative Code, which can be obtained at: [http://apps.azsos.gov/public\\_services/Title\\_20/20-05.pdf](http://apps.azsos.gov/public_services/Title_20/20-05.pdf)
  4. The Commission, the employer and the insurance carrier may, at any time, designate a healthcare provider or healthcare providers to examine an employee. Additionally, upon application of the employer, employee, or insurance carrier, the Commission may order a change of healthcare provider or a change of conditions of treatment when there are reasonable grounds or a belief that the employee’s health or progress can thus be improved.
  5. A claimant may not change doctors without the written authorization of the insurance carrier, the Commission or the attending physician. A claimant may not transfer from one hospital to another without the written authorization of the insurance carrier or the Commission. If the patient’s employment requires leaving the locale in which he/she is receiving treatment, the attending physician should arrange for continued treatment and notify the carrier of such arrangement. It is the responsibility of the physician or the hospital to which a patient has transferred to ascertain whether such a change has been authorized.
  6. Treatment of conditions unrelated to the injuries sustained in the industrial accident may be denied as unauthorized if the treatment seems directed principally toward the non-industrial condition or if the treatment does not seem necessary for the patient’s physical rehabilitation from the industrial injury.
  7. If the patient refuses to submit to a medical examination or to cooperate with the healthcare provider’s treatments, the carrier or self-insured employer should be notified.
  8. If an employee is capable of some form of gainful employment, it is proper for the healthcare provider to release the employee to light work and make a specific report to the carrier or self-insured employer as to the date of such release. It can be to the employee’s economic advantage to be released to light work, since he/she can receive compensation based on 66 2/3% of the difference between one’s earnings and one’s established wage. On the other hand, it would not be to the employee’s economic advantage to be released to light work if, in fact, the employee is not capable of performing such work. The healthcare

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provider's judgment in such matters is extremely important.

9. If the employee no longer requires active medical care for the industrial injury and is discharged from treatment, the healthcare provider is required to provide a signed report with the date of discharge to the carrier or self-insured employer, even if, as a private patient, the employee may require further medical care for conditions unrelated to the industrial accident. This final report and discharge date are necessary for closing the claim file.
10. When a healthcare provider discharges a claimant from treatment, the healthcare provider shall determine whether the employee has suffered any impairment of function, or disfigurement about the head or face, including injury to or loss of teeth, and include this information in the final signed report provided to the carrier or self-insured employer. The Rules of Procedure Before the Industrial Commission of Arizona require that any rating of the percentage of functional impairment should be made in accordance with the standards of evaluation published in the most recent edition of the American Medical Association Guides to the Evaluation of Permanent Impairment. Additional guidance on appropriate billing and reimbursement for impairment evaluations is found in the Evaluation and Management Section of this document.
11. Once an exposure to blood-borne pathogen occurs, the workers' compensation insurance carrier/self-insured employer is responsible for payment of the accepted treatment protocol which includes the HBIG vaccination (Hepatitis B Immune Globulin), and, if necessary, the three (3) Hepatitis B vaccinations.  
When a work-related incident occurs that may have exposed an employee to Hepatitis, the insurance carrier/self-insured employer is responsible for paying for the testing and/or treatment of Hepatitis B or C. As to treatment of HIV, if a bona fide claim exists under A.R.S. § 23-1043.02, then the insurance carrier/self-insured employer is responsible for paying for the treatment.
12. It is the employer's responsibility, in accordance with existing OSHA standards, to pay for HIV testing. The insurance carrier may seek reimbursement from the employer for the costs associated with providing the series of three (3) Hepatitis B vaccinations if the employer failed to provide them in violation of federal and state laws.

**F. REOPENING OF CLAIMS**

1. Whether or not the employee has suffered a permanent disability, on a claim that has been previously accepted, the claim may be reopened on the basis of a new, additional or previously undiscovered disability or condition, but:
  - a. The claimant should use the form of petition prescribed by the Commission;
  - b. The petition must be personally signed by the worker or his authorized representative and must be filed at any office of the Industrial Commission of Arizona;
  - c. The petition, in order to be considered, must be accompanied by the healthcare provider's medical report.
2. If the claim is reopened, the payment for such reasonable and necessary medical, hospital and laboratory work expenses shall be paid by the insurance carrier if such expenses are incurred within 15 days of the filing of the petition to reopen.
3. No monetary compensation is payable for any period prior to the date of filing of the petition to reopen. Surgical benefits are not payable for any period prior to the date of filing of a petition to reopen, except that surgical benefits are payable for a period prior to the date of filing not to exceed seven (7) days if a bona fide medical emergency precludes the employee from filing a petition to reopen prior to the surgery. Other information relative to reopening rights may be found at A.R.S. § 23-1061(H).
4. If a claim is approved for reopening, the carrier must notify the attending healthcare provider of that approval.

**G. NO-INSURANCE CLAIMS**

"No-Insurance" claims are workers' compensation claims involving injuries to employees of employers who do not have workers' compensation insurance coverage as required by Arizona law. In such cases, all claims and reports are to be addressed to the No-Insurance Section of the Special Fund of The Industrial Commission of Arizona.

**H. CONSULTATIONS**

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Workers' compensation cases can present additional medical and legal problems that justify consultation sooner and more frequently than for the average private patient. In complex cases and in cases requiring an estimate of general or unscheduled disability, consultation with specialists in the appropriate field may be requested by any interested party. The Industrial Commission continues to recognize the necessity for consultations in workers' compensation and establishes relative value units and rates for consultation codes.

**I. WITNESS FEES**

1. Insurance providers, self-insured employers, and the Special Fund of the Commission are responsible for paying \$150.00 for the first hour of testimony (or any portion thereof) and \$50.00 for each 20 minute increment following the initial hour (or any portion thereof) to a healthcare provider who testifies at hearing at their request.
2. The Commission is responsible for paying \$150.00 for the first hour of testimony (or any portion thereof) and \$50.00 for each 20 minute increment following the initial hour (or any portion thereof) to a healthcare provider who testifies at hearing on request of a workers' compensation claimant.

**J. DEFINITIONS OF SELECT UNIT VALUES**

1. BY REPORT "BR" ITEMS: "BR" in the value column indicates that the value of this service is to be determined "by report", because the service is too unusual or variable to be assigned a unit relativity. Pertinent information concerning the nature, intent and need for the procedure or service, the time, the skill and equipment necessary, etc., is to be furnished. A detailed clinical record is not necessary.
2. RELATIVITY NOT ESTABLISHED "RNE" ITEMS: "RNE" in the value column indicates new or infrequently performed services for which sufficient data has not been collected to allow establishment of a relativity. "RNE" items are clearly definable and not inherently variable as are BR procedures. A report may be necessary.
3. SERVICE "SV" ITEMS: "SV" in the value column indicates the value is to be calculated as the sum of the various services rendered (e.g., office, home, nursing home or hospital visits, consultation or detention, etc.), according to the ground rules covering those services. Identify by using the code number of the "SV" item. The Value is established by identifying each individual service, listing the code number and its value.
4. MATERIALS AND SUPPLIES: A healthcare provider is not entitled to be reimbursed for supplies and materials normally necessary to perform a billable service. Examples of those items that are not reimbursable are listed below. Billing and reimbursement guidelines for materials and supplies that are reimbursable are found in the HCPCS Section of the Fee Schedule.

Drugs that are administered to patients in a clinical setting shall be billed using the appropriate HCPCS code and reimbursed according to the Pharmaceutical Fee Schedule Guidelines. The provisions in this subsection do not apply to hospitals, ambulatory surgery centers, and ambulance service providers.

Examples of supplies that are usually not separately reimbursable include:

Applied hot or cold packs  
Eye patches, injections or debridement trays  
Steristrips  
Needles  
Syringes  
Eye/ear trays  
Drapes Sterile  
gloves  
Applied eye wash or eye drops  
Creams (massage) Fluorescein  
Ultrasound pads and gel

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Tissues  
 Urine collection kits Gauze  
 Cotton balls/fluff Sterile  
 water  
 Band-Aids and dressings for simple wound occlusion Head  
 sheets  
 Aspiration trays  
 Sterile trays for laceration repair and more complex surgeries Tape for  
 dressings

5. **MODIFIERS:** A two-digit (numeric or alpha) sequence that provides the means by which the reporting healthcare provider can specify that a procedure performed has been altered under a special circumstance. This allows defining the modifying circumstance of the service or procedure without creating a separate procedure or listing.

## Modifier Examples

*Professional Component (PC):* Certain procedures are a combination of a physician, or Professional component and a technical component. When modifier 26 is added to an Appropriate code a PC allowable amount will be paid.

*Technical Component (TC):* The TC component reflects the technical portion of the procedure code. When the technical component is provided by a healthcare provider other than the one providing the professional component, the healthcare provider bills for the technical component by adding modifier TC to the applicable code.

**K. LIST OF ACRONYMS**

AMA	American Medical Association
AS	Assistant Surgeon
AWP	Average Wholesale Price
BR	By Report
CCI	Current Coding Initiative (National)
CF	Conversion Factor
CMS	Centers for Medicare & Medicaid Services
CPT	Current Procedural Terminology
CRNA	Certified Registered Nurse Anesthetist
DME	Durable Medical Equipment
E/M	Evaluation and management services
FCE	Functional Capacity Evaluation
FUD	Follow-up day(s)
HCPCS	Healthcare Common Procedure Coding System
ICD-10-CM	International Classification of Diseases, Tenth Revision, Clinical Modification IME
	Independent medical examination
MPFS	Medicare physician fee schedule
MRI	Magnetic resonance imaging
NCCI	(see CCI)
NP	Nurse Practitioner
OTC	Over-the-counter
PA	Physician Assistant
RBRVS	Resource Based Relative Value Scale
RVU	Relative value unit

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**Historical Note**

New Appendix A, Introduction made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Introduction will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Introduction repealed; new Appendix A, Introduction made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Introduction repealed; new Appendix A, Introduction made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Introduction repealed; new Appendix A, Introduction made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Introduction repealed; new Appendix A, Introduction made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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## PHARMACEUTICAL FEE SCHEDULE

**I. GENERAL PROVISIONS AND APPLICABILITY OF THE PHARMACEUTICAL FEE SCHEDULE.**

- A. The Pharmaceutical Fee Schedule (PFS) applies to prescription and over-the-counter (OTC) medications required to treat an injured employee, whether administered by a medical practitioner or dispensed by a pharmacy (including online or mail order pharmacies) or by a medical practitioner.
- B. Medications are not reimbursable unless “reasonably required” at the time of injury or during the period of disability. *See* A.R.S. § 23-1062(A); A.A.C. R20-5-1303(A). The Industrial Commission of Arizona has adopted the Official Disability Guidelines (ODG), including ODG’s Drug Formulary Appendix A (ODG Formulary), as the standard reference for evidence-based medicine used in treating injured employees within the context of Arizona’s workers’ compensation system. Effective October 1, 2018, ODG applies to all body parts and conditions. *See* A.A.C. R20-5-1301(B), (E). ODG is to be used as a tool to support clinical decision making and quality health care delivery to injured employees. The ODG Formulary sets forth pharmaceutical guidelines that are generally considered reasonable and are presumed correct if the guidelines provide recommendations related to a particular medication. *See* A.A.C. R20-5-1301(H). Medical practitioners are encouraged to consult the ODG Formulary before dispensing, administering, or prescribing medications to injured employees.
- C. Generic drugs must be dispensed or administered to injured employees when appropriate, consistent with A.R.S. § 32-1963.01(A),<sup>1</sup> (B), and (D) through (L).<sup>2</sup> *See* A.R.S. § 23-908(C). For purposes of this subsection, the definitions in A.R.S. § 32-1963.01(L) apply.<sup>3</sup> Whenever possible: (1) medical practitioners should prescribe less costly drugs; and (2) pharmacies and medical practitioners (under Section VII) should dispense generic drugs with lower AWP values; (3) medical practitioners (under Section VI) should administer generic drugs with lower AWP values.

**II. DEFINITIONS.**

- A. “Administer” has the meaning set forth in A.R.S. 32-1901(1).
- B. “Average Wholesale Price” or “AWP” means the wholesale price charged on a specific commodity that is assigned by the drug manufacturer and is listed in a nationally-recognized drug pricing file.
- C. “Commercially available” means a drug product is widely available for purchase in pharmacies accessible to the general public, including in brick and mortar pharmacies accessible to the general public.

<sup>1</sup> A.R.S. § 32-1963.01(A) states: “If a medical practitioner prescribes a brand name drug and does not indicate an intent to prevent substitution as prescribed in subsection E of this section, a pharmacist may fill the prescription with a generic equivalent drug.”

<sup>2</sup> A.R.S. § 32-1963.01(E) states: “A prescription generated in this state must be dispensed as written only if the prescriber writes or clearly displays ‘DAW’, ‘dispense as written’, ‘do not substitute’ or ‘medically necessary’ or any statement by the prescriber that clearly indicates an intent to prevent substitution on the face of the prescription form. A prescription from out of state or from agencies of the United States government must be dispensed as written only if the prescriber writes or clearly displays ‘do not substitute’, ‘dispense as written’ or ‘medically necessary’ or any statement by the prescriber that clearly indicates an intent to prevent substitution on the face of the prescription form.”

<sup>3</sup> A.R.S. § 32-1963.01(L) states, in part:

2. “Brand name drug” means a drug with a proprietary name assigned to it by the manufacturer or distributor.
4. “Generic equivalent” or “generically equivalent” means a drug that has an identical amount of the same active chemical ingredients in the same dosage form, that meets applicable standards of strength, quality and purity according to the United States pharmacopeia or other nationally recognized compendium and that, if administered in the same amounts, will provide comparable therapeutic effects. Generic equivalent or generically equivalent does not include a drug that is listed by the United States food and drug administration as having unresolved bioequivalence concerns according to the administration’s most recent publication of approved drug products with therapeutic equivalence evaluations.

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- D. "Compound medication" means a pharmaceutical product created by virtue of mixing or combining drugs and/or components to meet the unique needs of an individual patient when the finished product does not recreate a commercially-available product.
- E. "Dispense" or "dispensing" means to deliver to an ultimate user by or pursuant to the lawful order of a medical practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare for that delivery. *See* A.R.S. § 32-1901(27).
- F. "Drug" has the meaning set forth in A.R.S. § 32-1901(31).
- G. "Hospital" means any institution for the care and treatment of the sick and injured that is approved and licensed as a hospital by: (1) the Arizona Department of Health Services; or (2) an equivalent regulatory agency in another U.S. state, territory, or district. *See* A.R.S. § 32-1901(42).
- H. "Medical practitioner" means any person who is permitted/licensed and authorized by law to use and prescribe prescription medications, acting within the scope of such authority, for the treatment of sick and injured human beings or for the diagnosis or prevention of sickness in human beings in the State of Arizona or any U.S. state, territory or district. *See* A.R.S. § 32-1901(53).
- I. "Non-traditional strength" medication means a finished drug product in a strength (*i.e.*, dosage) that is not commercially available in pharmacies accessible to the general public.
- J. "Over-the-counter medication" or "OTC medication" means a finished drug product, including label and container according to context, which does not require a prescription order.
- K. "Pharmacy" has the meaning set forth in A.R.S. § 32-1901(71).
- L. "Pharmacy accessible to the general public" means a pharmacy that is readily accessible and provides pharmaceutical services (including prescription medication services) to all segments of the general public without restricting services to a defined or exclusive group of consumers, including but not limited to consumers who have access to services because they are treated by or have an affiliation with a specific entity or medical practitioner. This definition includes mail order pharmacies delivering pharmaceutical services to workers' compensation claimants if both of the following apply:
1. The pharmacy does not limit or restrict access to claimants with an affiliation to a medical provider or other entity.
  2. Any medical provider or other entity referring a claimant to the pharmacy does not receive or accept any rebate, refund, commission, preference, or other consideration as compensation for the referral.
- M. "Pharmacy not accessible to the general public" means a pharmacy that provides pharmaceutical services (including prescription medication services) only to a defined or exclusive group of consumers, including but not limited to consumers who have access to services because they are treated by or have an affiliation with a specific entity or medical practitioner. "Pharmacy not accessible to the general public" does not include a hospital pharmacy. This definition does not include mail order pharmacies delivering pharmaceutical services to workers' compensation claimants if both of the following apply:
1. The pharmacy does not limit or restrict access to claimants with an affiliation to a medical provider or other entity.
  2. Any medical provider or other entity referring a claimant to the pharmacy does not receive or accept any rebate, refund, commission, preference, or other consideration as compensation for the referral.
- N. "Prescription" means either a prescription order or a prescription medication. *See* A.R.S. § 32-1901(80).
- O. "Prescription medication" means any drug, including label and container according to context, which is dispensed pursuant to a prescription order. *See* A.R.S. § 32-1901(81).
- P. "Prescription order" shall have the meaning set forth in A.R.S. § 32-1901(84).
- Q. "Repackaged medication" means a finished drug product removed from the container in which it was distributed by the original manufacturer and placed into a different container without further manipulation of the drug. The term also includes the act of placing the contents of multiple containers of the same finished drug product into one container. The term also includes "co-



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pack drug” products which contain two or more separate finished medications that are contained in a single package or unit. The term does not include a drug that is manipulated in any other way, including if the drug is reconstituted, diluted, mixed, or combined with another ingredient.

- R. “Therapeutically-similar” medication means a medication that is expected to produce a clinical effect comparable to the original product. Key considerations for determining the “most therapeutically-similar” medications are: (1) the similarity of the clinical effects; (2) the extent to which active ingredients overlap; (3) the similarity of the dosage profiles; (4) the similarity of the mode of administration; and (5) the similarity of the intended strength.
- S. “Traditional strength” medication means a finished drug product in a formulation that is commercially available in pharmacies accessible to the general public.
- T. “Ultimate user” means a person who lawfully possesses a prescription medication for that person's own use or for the use of a member of that person's household. *See* A.R.S. § 32-1901(95).

### III. GENERAL GUIDELINES FOR BILLING AND REIMBURSEMENT OF PRESCRIPTION MEDICATIONS.

- A. Except as permitted in Sections VI and VII of the current PFS, an insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications only if all of the following apply:
  - 1. The prescription medication is dispensed by an individual who is currently licensed to practice the profession of pharmacy by either: (i) the Arizona State Board of Pharmacy; or (ii) an equivalent regulatory agency in another U.S. state, territory, or district; and
  - 2. The prescription medication is dispensed by a pharmacy accessible to the general public, including online or mail-order pharmacies that are accessible to the general public.
- B. Subject to Sections III(G), IV, V, and VI(B), reimbursement for prescription medications shall be based on the actual medication dispensed or administered, including a substituted medication that is dispensed or administered pursuant to A.R.S. § 32-1963.01.
- C. Except as specified in Sections IV and V of the current PFS, a pharmaceutical bill submitted for a prescription medication must include the National Drug Code (NDC) of the original manufacturer registered with the U.S. Food & Drug Administration (FDA), the quantity dispensed, and the reimbursement value of the medication. Under no circumstance shall an NDC other than the original manufacturer’s NDC be used.
- D. The reimbursement value for prescription medications shall be based on the current PFS reimbursement methodology in the absence of a contractual agreement between the pharmacy or medical practitioner and payer governing reimbursement. Network discounts may not be applied in the absence of a contractual agreement with the pharmacy or medical practitioner authorizing such discounts.
- E. The reimbursement value for a prescription medication shall be determined on the date a drug is dispensed from pricing published in the most recent issue, as updated in the most-recent update, of a nationally-recognized pharmaceutical publication designated by the Commission. For purposes of determining AWP, the Commission has selected Medi-Span®.
- F. The reimbursement value for a prescription medication shall be determined by reference to the original manufacturer’s NDC and shall be calculated on a per unit basis as follows:
  - 1. Generic drugs:
    - a. (75% of AWP per unit) x (number of units dispensed).
  - 2. Brand name drugs:
    - a. (85% of AWP per unit) x (number of units dispensed).
- G. Reimbursement for non-traditional strength prescription medications shall be calculated on a per unit basis, as of the date of dispensing or administering, based on the original manufacturer’s NDC and corresponding AWP of the most therapeutically-

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similar traditional strength form of the same medication. Under no circumstance shall the NDC of the non-traditional strength medication be used.

- H. The reimbursement value for OTC medications shall be calculated on a per unit basis, as of the date of dispensing, based on the retail price (per unit) of the OTC medication in settings where the medication is commercially available.
- I. Subject to Section III(J), the reimbursement value for OTC medications that are not commercially available in pharmacies accessible to the general public shall be calculated on a per unit basis, as of the date of dispensing, based on the retail price (per unit) of the most therapeutically-similar OTC medication commercially available in pharmacies accessible to the general public. Under no circumstance shall the NDC or AWP of the non-commercially available OTC medication be used.
- J. The reimbursement value for OTC medications that are not commercially available may not exceed:
  - 1. Thirty dollars (\$30.00) for a thirty-day supply (or a pro-rated amount if the supply is greater or less than thirty days) for a topical cream or lotion.
  - 2. Seventy-five dollars (\$75.00) for a thirty-day supply (or a pro-rated amount if the supply is greater or less than thirty days) for topical patches.

**IV. BILLING AND REIMBURSEMENT FOR REPACKAGED MEDICATIONS.**

- A. A pharmaceutical bill submitted for a repackaged medication must identify the NDC of the repackaged medication, the NDC of the original manufacturer registered with the U.S. FDA, the quantity dispensed, and the reimbursement value of the repackaged medication. Under no circumstances shall the reimbursement value of a repackaged medication be based upon an NDC other than the original manufacturer's NDC. A repackaged NDC shall not be used for calculating the reimbursement value of a repackaged medication and shall not be considered the original manufacturer's NDC.
- B. If a pharmaceutical bill for a repackaged medication is submitted without the original manufacturer's NDC, the payer has the discretion to determine the appropriate NDC (and corresponding AWP) to use or, alternatively, may deny coverage until the appropriate NDC is furnished.
- C. The reimbursement value for a repackaged medication shall be based on the current PFS reimbursement methodology contained in Section III of the PFS, utilizing the NDC(s) and corresponding AWP(s) of the original manufacturer(s).
- D. Any component of a co-pack drug product for which there is no NDC shall not be reimbursed.

**V. BILLING AND REIMBURSEMENT FOR COMPOUND MEDICATIONS.**

- A. A pharmaceutical bill submitted for a compound medication must identify each reimbursable component ingredient, the applicable NDC of each reimbursable component ingredient, the corresponding quantity of each component ingredient, and the calculated reimbursement value of each component ingredient. All component ingredients of a compound medication must be billed on a single bill.
- B. The reimbursement value for a compound medication shall be calculated at the component ingredient level. The reimbursement value for a compound medication shall be based on the sum of the reimbursement values of each component ingredient and the corresponding component ingredient's NDC, based on the current PFS reimbursement methodology set forth in Section III.
- C. Any component ingredient in a compound medication for which there is no NDC shall not be reimbursed.
- D. Any component ingredient in a topical compound medication that is not FDA approved for topical use shall not be reimbursed.
- E. If any component ingredient in a compound medication is a repackaged medication, the reimbursement value for the repackaged medication ingredient shall be determined based on the current PFS reimbursement methodology set forth in Section III, using the AWP corresponding to the NDC of the original manufacturer. *See* Section IV.
- F. The maximum reimbursement value for a topical compound medication shall be the lesser of:

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1. Two hundred dollars (\$200.00) for a thirty-day supply (or a pro-rated amount if the supply is greater or less than thirty days), or
2. The reimbursement value of the compound medication calculated under this section.

**VI. BILLING AND REIMBURSEMENT FOR MEDICATIONS ADMINISTERED BY A MEDICAL PRACTITIONER.**

- A. A pharmaceutical bill submitted for a medication administered by a medical practitioner must comply with billing procedures outlined in Sections III, IV, and V of the current PFS, as applicable.
- B. The reimbursement value for a medication administered by a medical practitioner shall be based on the current PFS reimbursement methodology contained in Sections III, IV, and V of the PFS, as applicable.

**VII. REIMBURSEMENT FOR MEDICATIONS DISPENSED BY A MEDICAL PRACTITIONER OR IN A PHARMACY NOT ACCESSIBLE TO THE GENERAL PUBLIC.<sup>4,5</sup>**

<sup>4</sup> Dispensing pursuant to Section VII is subject to the Arizona Opioid Epidemic Act, which imposes statutory limits on the prescribing and dispensing of schedule II opioids. For more information about the Arizona Opioid Epidemic Act, please see the FAQs published by the Arizona State Board of Pharmacy, available at <https://drive.google.com/file/d/1JCI8VwtdJ1T-DyGfJN3WWUm4KhDMXe-/view>.

<sup>5</sup> Section VII sets forth reimbursement guidelines for medications dispensed in settings that are not accessible to the general public in Arizona's worker's compensation system and does not interfere with a medical practitioner's ability to dispense medications pursuant to A.R.S. § 32-1491 or seek payment from sources unrelated to workers' compensation.

- A. An insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications that are dispensed by a medical practitioner or in a pharmacy not accessible to the general public if all of the following apply:
  1. The prescription medication is dispensed by a medical practitioner or a pharmacy not accessible to the general public to the injured employee within seven days of the date of the industrial injury;
  2. The prescription medication is limited to no more than a one-time, ten-day supply;
  3. The prescription medication conforms to dosages and formulations that are commercially available in pharmacies accessible to the general public.
- B. An insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications that are dispensed by a medical practitioner or in a pharmacy not accessible to the general public if all of the following apply:
  1. The injured employee does not have access to a pharmacy accessible to the general public within 20 miles of the injured employee's home address, work address, or the address of the prescribing medical practitioner;
  2. The injured employee cannot reasonably acquire the prescription medication from an online or mail order pharmacy accessible to the general public; and
  3. The prescription medication conforms to dosages and formulations which are commercially available in pharmacies accessible to the general public.
- C. An insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications that are dispensed by a medical practitioner or in a pharmacy not accessible to the general public if the dispensing of a prescription medication for an individual claim and specified duration has been pre-approved in writing by the insurance carrier, self-insured employer, or the Special Fund of the Commission. Nothing in this section requires an insurance carrier, self-insured employer, or the Special Fund of the Commission to pre-approve the dispensing of prescription medications under this subsection.

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- D. An insurance carrier, self-insured employer, or the Special Fund of the Commission is responsible for the payment of prescription medications that are dispensed by a pharmacy not accessible to the general public if all of the following apply:
1. The prescription medication was dispensed to an injured employee whose workers' compensation claim was initially denied by the carrier, self-insured employer, or the Special Fund of the Commission;
  2. The injured employee protested the claim denial by filing a timely request for hearing;
  3. The workers' compensation claim was either: (a) subsequently accepted by the carrier, self-insured employer, or the Special Fund of the Commission; or (b) the claim was found to be compensable by the Commission's Administrative Law Judge Division, the Arizona Court of Appeals, or the Arizona Supreme Court;
  4. The prescription medication was dispensed during the time period between: (a) the initial claim denial and (b) the subsequent acceptance of the claim or the compensability determination by the Commission's Administrative Law Judge Division, the Arizona Court of Appeals, or the Arizona Supreme Court; and
  5. The prescription medication conforms to dosages and formulations that are commercially available in pharmacies accessible to the general public.
- E. The guidelines in Section III(A) and this section do not apply to prescription medications dispensed during in-patient hospital care or upon discharge from in-patient hospital care.
- F. Subject to the limitations in this section, medications that have been provided as free samples to a medical practitioner may be dispensed to an injured employee when appropriate, but are not reimbursable.

**VIII. DISPENSING FEE.**

- A. If a prescription medication is dispensed by a pharmacy accessible to the general public pursuant to a prescription order, a dispensing fee of up to seven dollars (\$7.00) per prescription medication, repackaged medication, or compound medication may be charged. The dispensing fee does not apply to OTC medications that are not prescribed by a medical practitioner.
- B. If a prescription medication is dispensed by a medical practitioner or in a pharmacy not accessible to the general public pursuant to Section VII(A), (B), or (C), a dispensing fee of up to seven dollars (\$7.00) per prescription medication, repackaged medication, or compound medication may be charged. If an OTC medication is dispensed by a medical practitioner or by a pharmacy not accessible to the general public, a dispensing fee is not permitted.
- C. If a prescription or OTC medication is administered by a medical practitioner, a dispensing fee is not permitted.

**IX. ADDITIONAL BILLING GUIDELINES.**

- A. Paper billing by a medical practitioner:

The following is an example of how to report both the repackaged NDC and original NDC on the CMS 1500 form using the shaded area of line 24. The information is reported in the following order: qualifier (N4), NDC code, one space, unit/basis of measurement qualifier, quantity, one space, ORIG, qualifier (N4), NDC code."

24. A. DATE(S) OF SERVICE						B. PLACE OF SERVICE		C. EMG		D. PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances)				E. DIAGNOSIS PORTER		F. \$ CHARGES		G. DAYS OR UNITS		H. ICD-10 Family (4th)		I. ID. QUAL.		J. RENDERING PROVIDER ID. #		
MM	DD	YY	MM	DD	YY					CPT/HCPCS	MODIFIER															
N455289047590 UN30 ORIGN400025152531																								N	G2	12345678901
10	01	05	10	01	05	11				J3490				A		500	00	30		N	NP		0123456789			

If a physician does not bill using the CMS 1500 form or is not able to include all the required information on the CMS 1500 form (due to software/system limitations), then the physician may provide the required information (in the required order) separately or as an attachment to the CMS 1500 form.

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## B. Paper billing by non-physician entities.

A non-physician entity using paper billing to bill for medications shall use the most recent version of the Workers' Compensation/Property & Casualty Universal Claim Form (WC/PC UCF) adopted by the National Council for Prescription Drug Programs.

**X. SEVERABILITY CLAUSE.**

If any provision of Pharmaceutical Fee Schedule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Pharmaceutical Fee Schedule which can be given effect without the invalid provisions or application, and to this end the provisions of this Pharmaceutical Fee Schedule are severable.

**Historical Note**

New Appendix A, Pharmaceutical Fee Schedule made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Pharmaceutical Fee Schedule will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Pharmaceutical Fee Schedule repealed; new Appendix A, Pharmaceutical Fee Schedule made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Pharmaceutical Fee Schedule repealed; new Appendix A, Pharmaceutical Fee Schedule made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Pharmaceutical Fee Schedule repealed; new Appendix A, Pharmaceutical Fee Schedule made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Pharmaceutical Fee Schedule repealed; new Appendix A, Pharmaceutical Fee Schedule made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

**ANESTHESIA GUIDELINES**

Information regarding publications incorporated by reference is found in the Introduction Section of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to unit values for anesthesia services. To the extent that a conflict may exist between an incorporated portion of the CPT®, the most recent edition of *Relative Value Guide*, or the American Society of Anesthesiologists, and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

- A. CERTIFIED REGISTERED NURSE ANESTHETISTS: Are reimbursed at 85% of the fee schedule when billed with modifier QZ.
- B. ANESTHESIA MODIFIERS: Anesthesia modifiers, which may include physical status and other optional modifiers, may be added to the basic values. Unit values for physical status modifiers are as follows:

	Unit Values
P1 – A normal healthy patient	0
P2 – A patient with mild systemic disease	0
P3 – A patient with severe systemic disease	1
P4 – A patient with severe systemic disease that is a constant threat to life	2
P5 – A moribund patient who is not expected to survive without the operation	3
P6 – A declared brain-dead patient whose organs are being removed for donor purposes	0

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- AA- Anesthesia services personally performed by an anesthesiologist reimbursed at 100% of the lesser of billed charges or fee schedule calculation.
- AD- Medical supervision by a physician: more than four (4) concurrent anesthesia reimbursed at 50% of the lesser of billed charges or fee schedule calculation.
- QK- Medical direction of two, three or four concurrent anesthesia procedures involving qualified individuals reimbursed at 50% of the lesser of billed charges or fee schedule.
- QX- Qualified nonphysician anesthetist with medical direction by a physician reimbursed at 50% of fee schedule calculation.
- QZ- CRNA without medical direction by a physician reimbursed at 85% of the lesser of billed charges or fee schedule calculation.

C. REPORTING OF TIME: Time reporting is described in the Anesthesia Guidelines of the CPT® publication. IN ARIZONA, TIME UNITS WILL BE ADDED TO THE BASIC VALUE AND MODIFYING UNITS AS IS CUSTOMARY IN THE LOCAL AREA USING THE FOLLOWING UNIT VALUES:

1 unit value is equal to Fifteen (15) minutes or any Seven (7) minute portion thereof.

Show the elapsed time (minutes) in item 24G of the CMS 1500 form. Convert hours into minutes and enter the total minutes required for this procedure.

D. UNIT VALUES FOR OTHER QUALIFYING CIRCUMSTANCES: (more than one may be selected)

Qualifying circumstances are described in the Anesthesia Guidelines of the CPT® book. The unit values for these procedures, which are reported as an additional service and may be added to the basic unit values, are as follows:

Code	Unit Value
99100	1
99116	5
99135	5
99140	2

#### Historical Note

New Appendix A. Anesthesia Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A Anesthesia Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Anesthesia Guidelines repealed; new Appendix A, Anesthesia Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Anesthesia Guidelines repealed; new Appendix A, Anesthesia Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Anesthesia Guidelines repealed; new Appendix A, Anesthesia Guidelines made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Anesthesia Guidelines repealed; new Appendix A, Anesthesia Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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**ARIZONA PHYSICIANS' FEE SCHEDULE****Anesthesia Codes 2023****Anesthesia Conversion Factor \$61.00**

Code	Category	Base Unit	RBRVS Rate
00100	Anesthesia	5	\$ 305.00
00102	Anesthesia	6	\$ 366.00
00103	Anesthesia	5	\$ 305.00
00104	Anesthesia	4	\$ 244.00
00120	Anesthesia	5	\$ 305.00
00124	Anesthesia	4	\$ 244.00
00126	Anesthesia	4	\$ 244.00
00140	Anesthesia	5	\$ 305.00
00142	Anesthesia	4	\$ 244.00
00144	Anesthesia	6	\$ 366.00
00145	Anesthesia	6	\$ 366.00
00147	Anesthesia	4	\$ 244.00
00148	Anesthesia	4	\$ 244.00
00160	Anesthesia	5	\$ 305.00
00162	Anesthesia	7	\$ 427.00
00164	Anesthesia	4	\$ 244.00
00170	Anesthesia	5	\$ 305.00
00172	Anesthesia	6	\$ 366.00
00174	Anesthesia	6	\$ 366.00
00176	Anesthesia	7	\$ 427.00
00190	Anesthesia	5	\$ 305.00
00192	Anesthesia	7	\$ 427.00
00210	Anesthesia	11	\$ 671.00
00211	Anesthesia	10	\$ 610.00
00212	Anesthesia	5	\$ 305.00
00214	Anesthesia	9	\$ 549.00
00215	Anesthesia	9	\$ 549.00
00216	Anesthesia	15	\$ 915.00
00218	Anesthesia	13	\$ 793.00
00220	Anesthesia	10	\$ 610.00
00222	Anesthesia	6	\$ 366.00
00300	Anesthesia	5	\$ 305.00
00320	Anesthesia	6	\$ 366.00
00322	Anesthesia	3	\$ 183.00
00326	Anesthesia	7	\$ 427.00
00350	Anesthesia	10	\$ 610.00
00352	Anesthesia	5	\$ 305.00

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Code	Category	Basic Unit	RBRVS Rate
00400	Anesthesia	3	\$ 183.00
00402	Anesthesia	5	\$ 305.00
00404	Anesthesia	5	\$ 305.00
00406	Anesthesia	13	\$ 793.00
00410	Anesthesia	4	\$ 244.00
00450	Anesthesia	5	\$ 305.00
00454	Anesthesia	3	\$ 183.00
00470	Anesthesia	6	\$ 366.00
00472	Anesthesia	10	\$ 610.00
00474	Anesthesia	13	\$ 793.00
00500	Anesthesia	15	\$ 915.00
00520	Anesthesia	6	\$ 366.00
00522	Anesthesia	4	\$ 244.00
00524	Anesthesia	4	\$ 244.00
00528	Anesthesia	8	\$ 488.00
00529	Anesthesia	11	\$ 671.00
00530	Anesthesia	4	\$ 244.00
00532	Anesthesia	4	\$ 244.00
00534	Anesthesia	7	\$ 427.00
00537	Anesthesia	10	\$ 610.00
00539	Anesthesia	18	\$ 1,098.00
00540	Anesthesia	12	\$ 732.00
00541	Anesthesia	15	\$ 915.00
00542	Anesthesia	15	\$ 915.00
00546	Anesthesia	15	\$ 915.00
00548	Anesthesia	17	\$ 1,037.00
00550	Anesthesia	10	\$ 610.00
00560	Anesthesia	15	\$ 915.00
00561	Anesthesia	25	\$ 1,525.00
00562	Anesthesia	20	\$ 1,220.00
00563	Anesthesia	25	\$ 1,525.00
00566	Anesthesia	25	\$ 1,525.00
00567	Anesthesia	18	\$ 1,098.00
00580	Anesthesia	20	\$ 1,220.00
00600	Anesthesia	10	\$ 610.00
00604	Anesthesia	13	\$ 793.00
00620	Anesthesia	10	\$ 610.00
00625	Anesthesia	13	\$ 793.00
00626	Anesthesia	15	\$ 915.00
00630	Anesthesia	8	\$ 488.00
00632	Anesthesia	7	\$ 427.00
00635	Anesthesia	4	\$ 244.00

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Code	Category	Basic Unit	RBRVS Rate
00640	Anesthesia	3	\$ 183.00
00670	Anesthesia	13	\$ 793.00
00700	Anesthesia	4	\$ 244.00
00702	Anesthesia	4	\$ 244.00
00730	Anesthesia	5	\$ 305.00
00731	Anesthesia	5	\$ 305.00
00732	Anesthesia	6	\$ 366.00
00750	Anesthesia	4	\$ 244.00
00752	Anesthesia	6	\$ 366.00
00754	Anesthesia	7	\$ 427.00
00756	Anesthesia	7	\$ 427.00
00770	Anesthesia	15	\$ 915.00
00790	Anesthesia	7	\$ 427.00
00792	Anesthesia	13	\$ 793.00
00794	Anesthesia	8	\$ 488.00
00796	Anesthesia	30	\$ 1,830.00
00797	Anesthesia	11	\$ 671.00
00800	Anesthesia	4	\$ 244.00
00802	Anesthesia	5	\$ 305.00
00811	Anesthesia	4	\$ 244.00
00812	Anesthesia	3	\$ 183.00
00813	Anesthesia	5	\$ 305.00
00820	Anesthesia	5	\$ 305.00
00830	Anesthesia	4	\$ 244.00
00832	Anesthesia	6	\$ 366.00
00834	Anesthesia	5	\$ 305.00
00836	Anesthesia	6	\$ 366.00
00840	Anesthesia	6	\$ 366.00
00842	Anesthesia	4	\$ 244.00
00844	Anesthesia	7	\$ 427.00
00846	Anesthesia	8	\$ 488.00
00848	Anesthesia	8	\$ 488.00
00851	Anesthesia	6	\$ 366.00
00860	Anesthesia	6	\$ 366.00
00862	Anesthesia	7	\$ 427.00
00864	Anesthesia	8	\$ 488.00
00865	Anesthesia	7	\$ 427.00
00866	Anesthesia	10	\$ 610.00
00868	Anesthesia	10	\$ 610.00
00870	Anesthesia	5	\$ 305.00
00872	Anesthesia	7	\$ 427.00
00873	Anesthesia	5	\$ 305.00

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	Basic Unit	RBRVS Rate
00880	Anesthesia	15	\$ 915.00
00882	Anesthesia	10	\$ 610.00
00902	Anesthesia	5	\$ 305.00
00904	Anesthesia	7	\$ 427.00
00906	Anesthesia	4	\$ 244.00
00908	Anesthesia	6	\$ 366.00
00910	Anesthesia	3	\$ 183.00
00912	Anesthesia	5	\$ 305.00
00914	Anesthesia	5	\$ 305.00
00916	Anesthesia	5	\$ 305.00
00918	Anesthesia	5	\$ 305.00
00920	Anesthesia	3	\$ 183.00
00921	Anesthesia	3	\$ 183.00
00922	Anesthesia	6	\$ 366.00
00924	Anesthesia	4	\$ 244.00
00926	Anesthesia	4	\$ 244.00
00928	Anesthesia	6	\$ 366.00
00930	Anesthesia	4	\$ 244.00
00932	Anesthesia	4	\$ 244.00
00934	Anesthesia	6	\$ 366.00
00936	Anesthesia	8	\$ 488.00
00938	Anesthesia	4	\$ 244.00
00940	Anesthesia	3	\$ 183.00
00942	Anesthesia	4	\$ 244.00
00944	Anesthesia	6	\$ 366.00
00948	Anesthesia	4	\$ 244.00
00950	Anesthesia	5	\$ 305.00
00952	Anesthesia	4	\$ 244.00
01112	Anesthesia	5	\$ 305.00
01120	Anesthesia	6	\$ 366.00
01130	Anesthesia	3	\$ 183.00
01140	Anesthesia	15	\$ 915.00
01150	Anesthesia	10	\$ 610.00
01160	Anesthesia	4	\$ 244.00
01170	Anesthesia	8	\$ 488.00
01173	Anesthesia	12	\$ 732.00
01200	Anesthesia	4	\$ 244.00
01202	Anesthesia	4	\$ 244.00
01210	Anesthesia	6	\$ 366.00
01212	Anesthesia	10	\$ 610.00
01214	Anesthesia	8	\$ 488.00
01215	Anesthesia	10	\$ 610.00

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Code	Category	Basic Unit	RBRVS Rate
01220	Anesthesia	4	\$ 244.00
01230	Anesthesia	6	\$ 366.00
01232	Anesthesia	5	\$ 305.00
01234	Anesthesia	8	\$ 488.00
01250	Anesthesia	4	\$ 244.00
01260	Anesthesia	3	\$ 183.00
01270	Anesthesia	8	\$ 488.00
01272	Anesthesia	4	\$ 244.00
01274	Anesthesia	6	\$ 366.00
01320	Anesthesia	4	\$ 244.00
01340	Anesthesia	4	\$ 244.00
01360	Anesthesia	5	\$ 305.00
01380	Anesthesia	3	\$ 183.00
01382	Anesthesia	3	\$ 183.00
01390	Anesthesia	3	\$ 183.00
01392	Anesthesia	4	\$ 244.00
01400	Anesthesia	4	\$ 244.00
01402	Anesthesia	7	\$ 427.00
01404	Anesthesia	5	\$ 305.00
01420	Anesthesia	3	\$ 183.00
01430	Anesthesia	3	\$ 183.00
01432	Anesthesia	6	\$ 366.00
01440	Anesthesia	8	\$ 488.00
01442	Anesthesia	8	\$ 488.00
01444	Anesthesia	8	\$ 488.00
01462	Anesthesia	3	\$ 183.00
01464	Anesthesia	3	\$ 183.00
01470	Anesthesia	3	\$ 183.00
01472	Anesthesia	5	\$ 305.00
01474	Anesthesia	5	\$ 305.00
01480	Anesthesia	3	\$ 183.00
01482	Anesthesia	4	\$ 244.00
01484	Anesthesia	4	\$ 244.00
01486	Anesthesia	7	\$ 427.00
01490	Anesthesia	3	\$ 183.00
01500	Anesthesia	8	\$ 488.00
01502	Anesthesia	6	\$ 366.00
01520	Anesthesia	3	\$ 183.00
01522	Anesthesia	5	\$ 305.00
01610	Anesthesia	5	\$ 305.00
01620	Anesthesia	4	\$ 244.00
01622	Anesthesia	4	\$ 244.00

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Code	Category	Basic Unit	RBRVS Rate
01630	Anesthesia	5	\$ 305.00
01634	Anesthesia	9	\$ 549.00
01636	Anesthesia	15	\$ 915.00
01638	Anesthesia	10	\$ 610.00
01650	Anesthesia	6	\$ 366.00
01652	Anesthesia	10	\$ 610.00
01654	Anesthesia	8	\$ 488.00
01656	Anesthesia	10	\$ 610.00
01670	Anesthesia	4	\$ 244.00
01680	Anesthesia	3	\$ 183.00
01710	Anesthesia	3	\$ 183.00
01712	Anesthesia	5	\$ 305.00
01714	Anesthesia	5	\$ 305.00
01716	Anesthesia	5	\$ 305.00
01730	Anesthesia	3	\$ 183.00
01732	Anesthesia	3	\$ 183.00
01740	Anesthesia	4	\$ 244.00
01742	Anesthesia	5	\$ 305.00
01744	Anesthesia	5	\$ 305.00
01756	Anesthesia	6	\$ 366.00
01758	Anesthesia	5	\$ 305.00
01760	Anesthesia	7	\$ 427.00
01770	Anesthesia	6	\$ 366.00
01772	Anesthesia	6	\$ 366.00
01780	Anesthesia	3	\$ 183.00
01782	Anesthesia	4	\$ 244.00
01810	Anesthesia	3	\$ 183.00
01820	Anesthesia	3	\$ 183.00
01829	Anesthesia	3	\$ 183.00
01830	Anesthesia	3	\$ 183.00
01832	Anesthesia	6	\$ 366.00
01840	Anesthesia	6	\$ 366.00
01842	Anesthesia	6	\$ 366.00
01844	Anesthesia	6	\$ 366.00
01850	Anesthesia	3	\$ 183.00
01852	Anesthesia	4	\$ 244.00
01860	Anesthesia	3	\$ 183.00
01916	Anesthesia	5	\$ 305.00
01920	Anesthesia	7	\$ 427.00
01922	Anesthesia	7	\$ 427.00
01924	Anesthesia	5	\$ 305.00
01925	Anesthesia	7	\$ 427.00

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Code	Category	Basic Unit	RBRVS Rate
01926	Anesthesia	8	\$ 488.00
01930	Anesthesia	5	\$ 305.00
01931	Anesthesia	7	\$ 427.00
01932	Anesthesia	6	\$ 366.00
01933	Anesthesia	7	\$ 427.00
01937	Anesthesia	4	\$ 244.00
01938	Anesthesia	4	\$ 244.00
01939	Anesthesia	4	\$ 244.00
01940	Anesthesia	4	\$ 244.00
01941	Anesthesia	5	\$ 305.00
01942	Anesthesia	5	\$ 305.00
01951	Anesthesia	3	\$ 183.00
01952	Anesthesia	5	\$ 305.00
01953	Anesthesia	1	\$ 61.00
01958	Anesthesia	5	\$ 305.00
01960	Anesthesia	5	\$ 305.00
01961	Anesthesia	7	\$ 427.00
01962	Anesthesia	8	\$ 488.00
01963	Anesthesia	8	\$ 488.00
01965	Anesthesia	4	\$ 244.00
01966	Anesthesia	4	\$ 244.00
01967	Anesthesia	5	\$ 305.00
01968	Anesthesia	2	\$ 122.00
01969	Anesthesia	5	\$ 305.00
01990	Anesthesia	7	\$ 427.00
01991	Anesthesia	3	\$ 183.00
01992	Anesthesia	5	\$ 305.00
01996	Anesthesia	3	\$ 183.00
99100	Anesthesia	1	\$ 61.00
99116	Anesthesia	5	\$ 305.00
99135	Anesthesia	5	\$ 305.00
99140	Anesthesia	2	\$ 122.00

**Historical Note**

Anesthesia Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Anesthesia Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Anesthesia Codes 2019-2020 repealed; new Anesthesia Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Anesthesia Codes 2020-2021 repealed; new Appendix A, Anesthesia Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Anesthesia Codes 2021-2022 repealed; new Anesthesia Codes 2022-2023 made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Anesthesia Codes 2022-2023 repealed; new Anesthesia Codes 2023-2024 made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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## SURGERY GUIDELINES

Information regarding publications incorporated by reference is found in the Introduction Section of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to unit values for surgical services. To the extent that a conflict may exist between CMS, an incorporated portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

- A. **MATERIALS AND SUPPLIES:** A healthcare provider may charge for materials and supplies as described in the HCPCS Section of this Fee Schedule.
- B. **MULTIPLE PROCEDURES:** It is appropriate to designate multiple procedures that are rendered on the same date by separate entries. The additional procedure(s) or service(s) may be identified by appending modifier 51 to the additional procedure or service code(s). **Note:** This modifier should not be appended to designated “add-on” codes.
- C. **SPECIAL REPORT:** A typical request for more detailed information from an insurance carrier regarding a billing does not constitute a “special report”, which is defined in the CPT® book.
- D. **MODIFIERS:** Listed services and procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of the appropriate modifier code, which may be reported in either of two ways. The modifier may be reported by a two-digit number placed after the usual procedure number from which it is separated by a hyphen. Or the modifier may be reported by a separate five-digit code that is used in addition to the procedure code. If more than one modifier is used, the “Multiple Modifiers” code placed first after the procedure code indicates that one or more additional modifier codes will follow.

Modifiers either unique to Arizona or containing explanatory language specific to Arizona are as follows:

- Δ-22 **Increased Procedural Services:** Use of this modifier will result in a twenty-five percent (25%) increase in the listed value for the listed procedure.
- Δ-25 **Separately Identifiable Evaluation and Management Service by the same Physician or Other Qualified Health Care Professional on the Same Day of the Procedure or Other Service.** It may be necessary to indicate that on the day a procedure or service identified by a CPT® code was performed, the patient’s condition required a significant, separately identifiable E/M service above and beyond the other service provided or beyond the other service provided or beyond the usual preoperative and postoperative care associated with the procedure that was performed (see Evaluation and Management Services Guidelines for instructions on determining level of E/M service). As such, different diagnoses are not required for reporting of the E/M services on the same date. The circumstance may be reported by adding modifier 25 to the appropriate level of E/M service.
- Δ-47 **Anesthesia by Surgeon:** The value shall be fifty percent (50%) of the calculated American Society of Anesthesiologists Relative Value Guide value.
- Δ-50 **Bilateral Procedure:** Unless otherwise identified in the listings, when bilateral procedures which add significant time or complexity to patient care are provided at the same operative session, identify and value the first or major procedure as listed. Identify the secondary or lesser procedure(s) by adding this modifier 50 to the usual procedure number(s) and value at fifty percent (50%) of the listed value(s). If, however, the procedures are independently complex and involve different parts of the body, including digits, the bilateral procedure rule would not apply. In such cases, independent procedures would be billed at one hundred percent (100%) of their listed value.
- Δ-51 **Multiple Procedures:** When multiple procedures are performed during the same operative session\*, the procedures should be valued at the appropriate percent of its listed value, as shown below:

100% (full value) for the first or major procedure  
50% for the second and multiple procedure(s) Sixth  
and subsequent procedures – by report

\*Multiple Procedure Guidelines do not apply to codes specifically identified as “Add-on/Additional Procedures, Global indicator ZZZ”.

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The major or primary procedure is defined as the procedure with the highest value and is the code that determines the follow-up days when a surgery has multiple procedures. The second procedure is the procedure with the next highest value, the third the next highest value, and so on. If, however, the procedures are independently complex such as digits, tendons, nerves or artery repair, the multiple procedure rule would not apply. In such cases, independent procedures would be billed at one hundred percent (100%) of their listed value.

When performing multiple procedures with different global period values during the same operative session, the global period value for the session is the largest global period value.

Δ-57 Decision for Surgery: An evaluation and management service that resulted in the initial decision to perform the surgery may be identified by adding modifier 57 to the appropriate level of E/M service.

Δ-59 Distinct Procedural Service: Under certain circumstances, it may be necessary to indicate that a procedure or service was distinct or independent from other non-E/M services performed on the same day. Modifier 59 is used to identify procedures/services, other than E/M services, that are not normally reported together, but are appropriate under the circumstances. Documentation must support a different session, different procedure or surgery, different site or organ system, separate incision/excision, separate lesion, or separate injury (or area of injury in extensive injuries) not ordinarily encountered or performed on the same day by the same individual. However, when another already established modifier is appropriate it should be used rather than modifier 59. Only if no more descriptive modifier is available, and the use of modifier 59 best explains the circumstances, should modifier 59 be used.

**Note:** Modifier 59 should not be appended to an E/M service. To report a separate and distinct E/M service with a non-E/M service performed on the same date, see modifier 25.

Δ-62 Two Surgeons: By prior agreement, the total value of services performed by two surgeons working together as primary surgeons may be apportioned in relation to the responsibility and work done, provided the patient is made aware of the fee distribution according to medical ethics. If no apportionment is listed, the fee should be split evenly between the co-surgeons. The total value may be increased by twenty-five percent (25%) in lieu of the usual assistant's charge. Under these circumstances, the services of each surgeon should be identified by adding this modifier 62 to the joint procedure number(s) and valued as agreed upon. (Usual charges for surgical assistance may be warranted if still another physician is required as part of the surgical team.) The value of the procedure should be 125% of the customary value listed. Payment of 125% of the maximum allowable would be divided between the participating surgeons.

Two Surgeons – When 2 surgeons work together as primary surgeons performing distinct part(s) of a procedure, each surgeon should report his/her distinct operative work by adding modifier 62 to the procedure code and any associated add-on codes(s) for that procedure as long as both surgeons continue to work together as primary surgeons. Each surgeon should report the co-surgery once using the same procedure code. If additional procedure(s) (including add-on procedure(s)) are performed during the same surgical session, separate code(s) may be reported with modifier 62 added.

**Note:** If a co-surgeon acts as an assistant in the performance of additional procedure(s), other than those reported with modifier 62, during the same surgical session, those services may be reported using separate procedure code(s) with modifier 80, 81, or 82 added, as appropriate.

Δ-80 Assistant Surgeon: These services are valued at twenty percent (20%) of the listed value of the surgical procedure(s).

Δ-81 Minimum Assistant Surgeon: These services are valued at sixteen percent (16%) of the listed value of the surgical procedure(s).

Δ-82 Assistant Surgeon (when qualified resident surgeon not available): These services are valued at sixteen percent (16%) of the listed value of the surgical procedure(s).

Δ-AS Use the modifier AS for assistant at surgery services, when services are provided by a Physician Assistant (PA), Nurse Practitioner (NP), or Clinical Nurse Specialist (CNS). These services are valued at fourteen percent (14%) of the listed value of the surgical procedure(s). No further adjustment for mid-level medical providers as mentioned in section C of the Introduction shall be applied.

**NOTE:** A Medical Doctor or Doctor of Osteopathic Medicine should not submit the AS modifier. This modifier is only valid for use by a PA, NP, and CNS when billing under their own provider number.

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**Historical Note**

New Appendix A. Surgery Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A., Surgery Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A. Surgery Guidelines repealed; new Appendix A.

Surgery Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Surgery Guidelines repealed; new Appendix A, Surgery Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Surgery Guidelines repealed; new Appendix A, Surgery Guidelines made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Surgery Guidelines repealed; new Appendix A, Surgery Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).



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<b>ARIZONA PHYSICIANS' FEE SCHEDULE</b> <b>Surgery Codes 2023</b> <b>Surgery Conversion Factor \$72.00</b>					
Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
10004 00	Surgery	1.52	1.26	\$ 109.44	\$ 90.72
10005 00	Surgery	4.07	2.18	\$ 293.04	\$ 156.96
10006 00	Surgery	1.79	1.48	\$ 128.88	\$ 106.56
10007 00	Surgery	8.90	2.62	\$ 640.80	\$ 188.64
10008 00	Surgery	4.31	1.55	\$ 310.32	\$ 111.60
10009 00	Surgery	13.07	3.22	\$ 941.04	\$ 231.84
10010 00	Surgery	7.16	2.12	\$ 515.52	\$ 152.64
10011 00	Surgery	-	-	\$ 1,193.76	\$ 585.36
10012 00	Surgery	-	-	\$ 720.72	\$ 353.52
10021 00	Surgery	3.05	1.63	\$ 219.60	\$ 117.36
10030 00	Surgery	19.50	3.98	\$ 1,404.00	\$ 286.56
10035 00	Surgery	11.13	2.50	\$ 801.36	\$ 180.00
10036 00	Surgery	9.25	1.26	\$ 666.00	\$ 90.72
10040 00	Surgery	3.49	1.54	\$ 251.28	\$ 110.88
10060 00	Surgery	3.76	3.14	\$ 270.72	\$ 226.08
10061 00	Surgery	6.37	5.47	\$ 458.64	\$ 393.84
10080 00	Surgery	7.58	3.12	\$ 545.76	\$ 224.64
10081 00	Surgery	10.35	5.10	\$ 745.20	\$ 367.20
10120 00	Surgery	4.54	3.14	\$ 326.88	\$ 226.08
10121 00	Surgery	7.93	5.47	\$ 570.96	\$ 393.84
10140 00	Surgery	5.07	3.51	\$ 365.04	\$ 252.72
10160 00	Surgery	3.90	2.88	\$ 280.80	\$ 207.36
10180 00	Surgery	7.91	5.34	\$ 569.52	\$ 384.48
11000 00	Surgery	1.73	0.80	\$ 124.56	\$ 57.60
11001 00	Surgery	0.82	0.44	\$ 59.04	\$ 31.68
11004 00	Surgery	16.80	16.80	\$ 1,209.60	\$ 1,209.60
11005 00	Surgery	22.89	22.89	\$ 1,648.08	\$ 1,648.08
11006 00	Surgery	20.71	20.71	\$ 1,491.12	\$ 1,491.12
11008 00	Surgery	8.08	8.08	\$ 581.76	\$ 581.76
11010 00	Surgery	13.60	8.23	\$ 979.20	\$ 592.56
11011 00	Surgery	14.93	8.79	\$ 1,074.96	\$ 632.88
11012 00	Surgery	19.55	12.35	\$ 1,407.60	\$ 889.20
11042 00	Surgery	3.86	1.77	\$ 277.92	\$ 127.44
11043 00	Surgery	6.93	4.55	\$ 498.96	\$ 327.60
11044 00	Surgery	9.26	6.67	\$ 666.72	\$ 480.24
11045 00	Surgery	1.19	0.75	\$ 85.68	\$ 54.00
11046 00	Surgery	2.17	1.62	\$ 156.24	\$ 116.64
11047 00	Surgery	3.60	2.87	\$ 259.20	\$ 206.64
11055 00	Surgery	2.15	0.47	\$ 154.80	\$ 33.84

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
11056 00	Surgery	2.47	0.65	\$ 177.84	\$ 46.80
11057 00	Surgery	2.69	0.84	\$ 193.68	\$ 60.48
11102 00	Surgery	3.05	1.12	\$ 219.60	\$ 80.64
11103 00	Surgery	1.51	0.64	\$ 108.72	\$ 46.08
11104 00	Surgery	3.78	1.39	\$ 272.16	\$ 100.08
11105 00	Surgery	1.78	0.76	\$ 128.16	\$ 54.72
11106 00	Surgery	4.68	1.67	\$ 336.96	\$ 120.24
11107 00	Surgery	2.15	0.91	\$ 154.80	\$ 65.52
11200 00	Surgery	2.74	2.28	\$ 197.28	\$ 164.16
11201 00	Surgery	0.55	0.49	\$ 39.60	\$ 35.28
11300 00	Surgery	3.05	1.01	\$ 219.60	\$ 72.72
11301 00	Surgery	3.67	1.52	\$ 264.24	\$ 109.44
11302 00	Surgery	4.13	1.77	\$ 297.36	\$ 127.44
11303 00	Surgery	4.58	2.10	\$ 329.76	\$ 151.20
11305 00	Surgery	3.18	1.11	\$ 228.96	\$ 79.92
11306 00	Surgery	3.70	1.46	\$ 266.40	\$ 105.12
11307 00	Surgery	4.19	1.86	\$ 301.68	\$ 133.92
11308 00	Surgery	4.41	2.07	\$ 317.52	\$ 149.04
11310 00	Surgery	3.51	1.36	\$ 252.72	\$ 97.92
11311 00	Surgery	4.12	1.86	\$ 296.64	\$ 133.92
11312 00	Surgery	4.71	2.23	\$ 339.12	\$ 160.56
11313 00	Surgery	5.45	2.83	\$ 392.40	\$ 203.76
11400 00	Surgery	3.85	2.51	\$ 277.20	\$ 180.72
11401 00	Surgery	4.70	3.17	\$ 338.40	\$ 228.24
11402 00	Surgery	5.16	3.45	\$ 371.52	\$ 248.40
11403 00	Surgery	5.94	4.45	\$ 427.68	\$ 320.40
11404 00	Surgery	6.74	4.91	\$ 485.28	\$ 353.52
11406 00	Surgery	9.55	7.39	\$ 687.60	\$ 532.08
11420 00	Surgery	3.83	2.45	\$ 275.76	\$ 176.40
11421 00	Surgery	4.81	3.27	\$ 346.32	\$ 235.44
11422 00	Surgery	5.39	4.05	\$ 388.08	\$ 291.60
11423 00	Surgery	6.14	4.66	\$ 442.08	\$ 335.52
11424 00	Surgery	7.07	5.32	\$ 509.04	\$ 383.04
11426 00	Surgery	9.90	8.04	\$ 712.80	\$ 578.88
11440 00	Surgery	4.31	3.17	\$ 310.32	\$ 228.24
11441 00	Surgery	5.23	3.97	\$ 376.56	\$ 285.84
11442 00	Surgery	5.81	4.38	\$ 418.32	\$ 315.36
11443 00	Surgery	6.85	5.33	\$ 493.20	\$ 383.76
11444 00	Surgery	8.49	6.72	\$ 611.28	\$ 483.84
11446 00	Surgery	11.46	9.41	\$ 825.12	\$ 677.52
11450 00	Surgery	13.02	7.85	\$ 937.44	\$ 565.20
11451 00	Surgery	15.90	9.95	\$ 1,144.80	\$ 716.40
11462 00	Surgery	12.59	7.44	\$ 906.48	\$ 535.68
11463 00	Surgery	16.12	10.01	\$ 1,160.64	\$ 720.72

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
11470 00	Surgery	13.79	8.62	\$ 992.88	\$ 620.64
11471 00	Surgery	16.30	10.48	\$ 1,173.60	\$ 754.56
11600 00	Surgery	5.94	3.64	\$ 427.68	\$ 262.08
11601 00	Surgery	6.86	4.41	\$ 493.92	\$ 317.52
11602 00	Surgery	7.34	4.79	\$ 528.48	\$ 344.88
11603 00	Surgery	8.37	5.74	\$ 602.64	\$ 413.28
11604 00	Surgery	9.32	6.32	\$ 671.04	\$ 455.04
11606 00	Surgery	13.40	9.39	\$ 964.80	\$ 676.08
11620 00	Surgery	5.97	3.66	\$ 429.84	\$ 263.52
11621 00	Surgery	6.90	4.44	\$ 496.80	\$ 319.68
11622 00	Surgery	7.58	5.02	\$ 545.76	\$ 361.44
11623 00	Surgery	8.88	6.22	\$ 639.36	\$ 447.84
11624 00	Surgery	10.11	7.06	\$ 727.92	\$ 508.32
11626 00	Surgery	12.19	8.66	\$ 877.68	\$ 623.52
11640 00	Surgery	6.10	3.76	\$ 439.20	\$ 270.72
11641 00	Surgery	7.12	4.62	\$ 512.64	\$ 332.64
11642 00	Surgery	8.03	5.39	\$ 578.16	\$ 388.08
11643 00	Surgery	9.44	6.74	\$ 679.68	\$ 485.28
11644 00	Surgery	11.64	8.36	\$ 838.08	\$ 601.92
11646 00	Surgery	15.13	11.57	\$ 1,089.36	\$ 833.04
11719 00	Surgery	0.42	0.22	\$ 30.24	\$ 15.84
11720 00	Surgery	0.98	0.43	\$ 70.56	\$ 30.96
11721 00	Surgery	1.32	0.70	\$ 95.04	\$ 50.40
11730 00	Surgery	3.45	1.59	\$ 248.40	\$ 114.48
11732 00	Surgery	1.00	0.51	\$ 72.00	\$ 36.72
11740 00	Surgery	1.71	0.95	\$ 123.12	\$ 68.40
11750 00	Surgery	4.77	2.99	\$ 343.44	\$ 215.28
11755 00	Surgery	3.67	1.79	\$ 264.24	\$ 128.88
11760 00	Surgery	5.61	3.29	\$ 403.92	\$ 236.88
11762 00	Surgery	8.62	5.55	\$ 620.64	\$ 399.60
11765 00	Surgery	4.95	2.74	\$ 356.40	\$ 197.28
11770 00	Surgery	10.72	5.55	\$ 771.84	\$ 399.60
11771 00	Surgery	18.94	13.48	\$ 1,363.68	\$ 970.56
11772 00	Surgery	23.27	17.38	\$ 1,675.44	\$ 1,251.36
11900 00	Surgery	1.71	0.89	\$ 123.12	\$ 64.08
11901 00	Surgery	2.09	1.35	\$ 150.48	\$ 97.20
11920 00	Surgery	5.77	3.24	\$ 415.44	\$ 233.28
11921 00	Surgery	6.71	3.90	\$ 483.12	\$ 280.80
11922 00	Surgery	1.83	0.87	\$ 131.76	\$ 62.64
11950 00	Surgery	2.45	1.56	\$ 176.40	\$ 112.32
11951 00	Surgery	3.24	2.17	\$ 233.28	\$ 156.24
11952 00	Surgery	4.33	3.04	\$ 311.76	\$ 218.88
11954 00	Surgery	4.77	3.33	\$ 343.44	\$ 239.76
11960 00	Surgery	30.37	30.37	\$ 2,186.64	\$ 2,186.64

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
11970 00	Surgery	16.83	16.83	\$ 1,211.76	\$ 1,211.76
11971 00	Surgery	16.53	16.53	\$ 1,190.16	\$ 1,190.16
11976 00	Surgery	4.34	2.76	\$ 312.48	\$ 198.72
11980 00	Surgery	2.82	1.66	\$ 203.04	\$ 119.52
11981 00	Surgery	3.01	1.86	\$ 216.72	\$ 133.92
11982 00	Surgery	3.37	2.20	\$ 242.64	\$ 158.40
11983 00	Surgery	4.26	3.08	\$ 306.72	\$ 221.76
12001 00	Surgery	2.83	1.34	\$ 203.76	\$ 96.48
12002 00	Surgery	3.42	1.75	\$ 246.24	\$ 126.00
12004 00	Surgery	3.97	2.17	\$ 285.84	\$ 156.24
12005 00	Surgery	5.31	2.81	\$ 382.32	\$ 202.32
12006 00	Surgery	6.17	3.46	\$ 444.24	\$ 249.12
12007 00	Surgery	6.95	4.30	\$ 500.40	\$ 309.60
12011 00	Surgery	3.38	1.64	\$ 243.36	\$ 118.08
12013 00	Surgery	3.54	1.74	\$ 254.88	\$ 125.28
12014 00	Surgery	4.30	2.22	\$ 309.60	\$ 159.84
12015 00	Surgery	5.18	2.80	\$ 372.96	\$ 201.60
12016 00	Surgery	6.60	3.80	\$ 475.20	\$ 273.60
12017 00	Surgery	4.57	4.57	\$ 329.04	\$ 329.04
12018 00	Surgery	5.16	5.16	\$ 371.52	\$ 371.52
12020 00	Surgery	9.03	5.62	\$ 650.16	\$ 404.64
12021 00	Surgery	5.32	4.21	\$ 383.04	\$ 303.12
12031 00	Surgery	7.92	4.51	\$ 570.24	\$ 324.72
12032 00	Surgery	9.13	5.64	\$ 657.36	\$ 406.08
12034 00	Surgery	10.05	6.10	\$ 723.60	\$ 439.20
12035 00	Surgery	11.71	7.18	\$ 843.12	\$ 516.96
12036 00	Surgery	12.99	8.38	\$ 935.28	\$ 603.36
12037 00	Surgery	14.55	9.74	\$ 1,047.60	\$ 701.28
12041 00	Surgery	7.95	4.31	\$ 572.40	\$ 310.32
12042 00	Surgery	9.31	5.80	\$ 670.32	\$ 417.60
12044 00	Surgery	11.47	6.35	\$ 825.84	\$ 457.20
12045 00	Surgery	12.48	8.19	\$ 898.56	\$ 589.68
12046 00	Surgery	15.03	9.49	\$ 1,082.16	\$ 683.28
12047 00	Surgery	16.47	10.55	\$ 1,185.84	\$ 759.60
12051 00	Surgery	8.54	5.04	\$ 614.88	\$ 362.88
12052 00	Surgery	9.50	5.93	\$ 684.00	\$ 426.96
12053 00	Surgery	10.96	6.40	\$ 789.12	\$ 460.80
12054 00	Surgery	11.59	6.54	\$ 834.48	\$ 470.88
12055 00	Surgery	15.29	8.94	\$ 1,100.88	\$ 643.68
12056 00	Surgery	17.46	11.47	\$ 1,257.12	\$ 825.84
12057 00	Surgery	18.35	12.50	\$ 1,321.20	\$ 900.00
13100 00	Surgery	10.26	5.95	\$ 738.72	\$ 428.40
13101 00	Surgery	11.95	7.34	\$ 860.40	\$ 528.48
13102 00	Surgery	3.50	2.12	\$ 252.00	\$ 152.64

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
13120 00	Surgery	10.70	6.89	\$ 770.40	\$ 496.08
13121 00	Surgery	12.78	7.62	\$ 920.16	\$ 548.64
13122 00	Surgery	3.82	2.45	\$ 275.04	\$ 176.40
13131 00	Surgery	11.67	7.16	\$ 840.24	\$ 515.52
13132 00	Surgery	14.16	8.97	\$ 1,019.52	\$ 645.84
13133 00	Surgery	5.03	3.69	\$ 362.16	\$ 265.68
13151 00	Surgery	12.73	8.25	\$ 916.56	\$ 594.00
13152 00	Surgery	14.92	9.94	\$ 1,074.24	\$ 715.68
13153 00	Surgery	5.56	4.05	\$ 400.32	\$ 291.60
13160 00	Surgery	23.75	23.75	\$ 1,710.00	\$ 1,710.00
14000 00	Surgery	19.06	15.02	\$ 1,372.32	\$ 1,081.44
14001 00	Surgery	24.29	19.47	\$ 1,748.88	\$ 1,401.84
14020 00	Surgery	21.05	16.85	\$ 1,515.60	\$ 1,213.20
14021 00	Surgery	25.92	21.07	\$ 1,866.24	\$ 1,517.04
14040 00	Surgery	22.72	18.54	\$ 1,635.84	\$ 1,334.88
14041 00	Surgery	27.57	22.63	\$ 1,985.04	\$ 1,629.36
14060 00	Surgery	22.97	19.77	\$ 1,653.84	\$ 1,423.44
14061 00	Surgery	29.72	24.29	\$ 2,139.84	\$ 1,748.88
14301 00	Surgery	32.46	25.85	\$ 2,337.12	\$ 1,861.20
14302 00	Surgery	6.40	6.40	\$ 460.80	\$ 460.80
14350 00	Surgery	20.10	20.10	\$ 1,447.20	\$ 1,447.20
15002 00	Surgery	10.35	6.50	\$ 745.20	\$ 468.00
15003 00	Surgery	2.08	1.34	\$ 149.76	\$ 96.48
15004 00	Surgery	11.80	7.71	\$ 849.60	\$ 555.12
15005 00	Surgery	3.47	2.65	\$ 249.84	\$ 190.80
15040 00	Surgery	7.91	3.68	\$ 569.52	\$ 264.96
15050 00	Surgery	17.82	13.82	\$ 1,283.04	\$ 995.04
15100 00	Surgery	26.07	21.38	\$ 1,877.04	\$ 1,539.36
15101 00	Surgery	5.59	3.29	\$ 402.48	\$ 236.88
15110 00	Surgery	24.96	21.29	\$ 1,797.12	\$ 1,532.88
15111 00	Surgery	3.36	3.03	\$ 241.92	\$ 218.16
15115 00	Surgery	23.99	20.54	\$ 1,727.28	\$ 1,478.88
15116 00	Surgery	4.61	4.14	\$ 331.92	\$ 298.08
15120 00	Surgery	25.33	20.56	\$ 1,823.76	\$ 1,480.32
15121 00	Surgery	6.27	3.97	\$ 451.44	\$ 285.84
15130 00	Surgery	21.67	17.84	\$ 1,560.24	\$ 1,284.48
15131 00	Surgery	2.90	2.66	\$ 208.80	\$ 191.52
15135 00	Surgery	26.35	22.66	\$ 1,897.20	\$ 1,631.52
15136 00	Surgery	2.86	2.66	\$ 205.92	\$ 191.52
15150 00	Surgery	21.18	19.13	\$ 1,524.96	\$ 1,377.36
15151 00	Surgery	3.53	3.25	\$ 254.16	\$ 234.00
15152 00	Surgery	4.47	4.19	\$ 321.84	\$ 301.68
15155 00	Surgery	23.87	21.80	\$ 1,718.64	\$ 1,569.60
15156 00	Surgery	4.74	4.45	\$ 341.28	\$ 320.40

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
15157 00	Surgery	5.28	4.86	\$ 380.16	\$ 349.92
15200 00	Surgery	25.12	20.04	\$ 1,808.64	\$ 1,442.88
15201 00	Surgery	4.23	2.27	\$ 304.56	\$ 163.44
15220 00	Surgery	23.03	18.14	\$ 1,658.16	\$ 1,306.08
15221 00	Surgery	3.90	2.04	\$ 280.80	\$ 146.88
15240 00	Surgery	27.78	23.65	\$ 2,000.16	\$ 1,702.80
15241 00	Surgery	5.19	3.12	\$ 373.68	\$ 224.64
15260 00	Surgery	29.84	25.11	\$ 2,148.48	\$ 1,807.92
15261 00	Surgery	6.16	4.02	\$ 443.52	\$ 289.44
15271 00	Surgery	4.60	2.47	\$ 331.20	\$ 177.84
15272 00	Surgery	0.72	0.49	\$ 51.84	\$ 35.28
15273 00	Surgery	9.32	5.80	\$ 671.04	\$ 417.60
15274 00	Surgery	2.48	1.33	\$ 178.56	\$ 95.76
15275 00	Surgery	4.74	2.75	\$ 341.28	\$ 198.00
15276 00	Surgery	0.97	0.74	\$ 69.84	\$ 53.28
15277 00	Surgery	10.34	6.65	\$ 744.48	\$ 478.80
15278 00	Surgery	2.86	1.65	\$ 205.92	\$ 118.80
15570 00	Surgery	27.25	21.83	\$ 1,962.00	\$ 1,571.76
15572 00	Surgery	26.41	21.99	\$ 1,901.52	\$ 1,583.28
15574 00	Surgery	26.27	21.92	\$ 1,891.44	\$ 1,578.24
15576 00	Surgery	23.38	19.30	\$ 1,683.36	\$ 1,389.60
15600 00	Surgery	10.18	6.34	\$ 732.96	\$ 456.48
15610 00	Surgery	11.08	7.32	\$ 797.76	\$ 527.04
15620 00	Surgery	13.45	9.77	\$ 968.40	\$ 703.44
15630 00	Surgery	13.87	10.26	\$ 998.64	\$ 738.72
15650 00	Surgery	16.26	12.07	\$ 1,170.72	\$ 869.04
15730 00	Surgery	42.75	27.20	\$ 3,078.00	\$ 1,958.40
15731 00	Surgery	33.64	29.77	\$ 2,422.08	\$ 2,143.44
15733 00	Surgery	30.74	30.74	\$ 2,213.28	\$ 2,213.28
15734 00	Surgery	44.78	44.78	\$ 3,224.16	\$ 3,224.16
15736 00	Surgery	36.31	36.31	\$ 2,614.32	\$ 2,614.32
15738 00	Surgery	37.87	37.87	\$ 2,726.64	\$ 2,726.64
15740 00	Surgery	30.26	25.07	\$ 2,178.72	\$ 1,805.04
15750 00	Surgery	27.63	27.63	\$ 1,989.36	\$ 1,989.36
15756 00	Surgery	68.17	68.17	\$ 4,908.24	\$ 4,908.24
15757 00	Surgery	67.76	67.76	\$ 4,878.72	\$ 4,878.72
15758 00	Surgery	67.51	67.51	\$ 4,860.72	\$ 4,860.72
15760 00	Surgery	25.36	20.87	\$ 1,825.92	\$ 1,502.64
15769 00	Surgery	14.39	14.39	\$ 1,036.08	\$ 1,036.08
15770 00	Surgery	20.10	20.10	\$ 1,447.20	\$ 1,447.20
15771 00	Surgery	18.20	15.20	\$ 1,310.40	\$ 1,094.40
15772 00	Surgery	5.71	4.40	\$ 411.12	\$ 316.80
15773 00	Surgery	17.88	14.98	\$ 1,287.36	\$ 1,078.56
15774 00	Surgery	5.59	4.28	\$ 402.48	\$ 308.16

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
15775 00	Surgery	11.32	7.59	\$ 815.04	\$ 546.48
15776 00	Surgery	15.28	10.37	\$ 1,100.16	\$ 746.64
15777 00	Surgery	6.37	6.37	\$ 458.64	\$ 458.64
15778 00	Surgery	11.44	11.44	\$ 823.68	\$ 823.68
15780 00	Surgery	25.33	19.71	\$ 1,823.76	\$ 1,419.12
15781 00	Surgery	16.19	12.82	\$ 1,165.68	\$ 923.04
15782 00	Surgery	14.53	10.98	\$ 1,046.16	\$ 790.56
15783 00	Surgery	13.45	10.54	\$ 968.40	\$ 758.88
15786 00	Surgery	6.90	4.00	\$ 496.80	\$ 288.00
15787 00	Surgery	0.90	0.49	\$ 64.80	\$ 35.28
15788 00	Surgery	11.70	6.43	\$ 842.40	\$ 462.96
15789 00	Surgery	15.92	12.19	\$ 1,146.24	\$ 877.68
15792 00	Surgery	10.03	6.24	\$ 722.16	\$ 449.28
15793 00	Surgery	14.16	10.57	\$ 1,019.52	\$ 761.04
15819 00	Surgery	23.94	23.94	\$ 1,723.68	\$ 1,723.68
15820 00	Surgery	17.24	15.29	\$ 1,241.28	\$ 1,100.88
15821 00	Surgery	18.49	16.34	\$ 1,331.28	\$ 1,176.48
15822 00	Surgery	13.82	11.89	\$ 995.04	\$ 856.08
15823 00	Surgery	18.52	16.36	\$ 1,333.44	\$ 1,177.92
15824 00	Surgery	-	-	\$ 3,158.64	\$ 2,242.80
15825 00	Surgery	-	-	\$ 3,237.84	\$ 2,298.96
15826 00	Surgery	0.00	0.00	BR	BR
15828 00	Surgery	-	-	\$ 5,482.08	\$ 3,892.32
15829 00	Surgery	-	-	\$ 5,151.60	\$ 3,657.60
15830 00	Surgery	35.03	35.03	\$ 2,522.16	\$ 2,522.16
15832 00	Surgery	27.60	27.60	\$ 1,987.20	\$ 1,987.20
15833 00	Surgery	26.26	26.26	\$ 1,890.72	\$ 1,890.72
15834 00	Surgery	26.73	26.73	\$ 1,924.56	\$ 1,924.56
15835 00	Surgery	27.86	27.86	\$ 2,005.92	\$ 2,005.92
15836 00	Surgery	23.87	23.87	\$ 1,718.64	\$ 1,718.64
15837 00	Surgery	26.03	21.46	\$ 1,874.16	\$ 1,545.12
15838 00	Surgery	19.47	19.47	\$ 1,401.84	\$ 1,401.84
15839 00	Surgery	26.77	22.15	\$ 1,927.44	\$ 1,594.80
15840 00	Surgery	30.28	30.28	\$ 2,180.16	\$ 2,180.16
15841 00	Surgery	53.12	53.12	\$ 3,824.64	\$ 3,824.64
15842 00	Surgery	80.44	80.44	\$ 5,791.68	\$ 5,791.68
15845 00	Surgery	31.74	31.74	\$ 2,285.28	\$ 2,285.28
15847 00	Surgery	-	-	\$ 1,579.68	\$ 1,121.76
15851 00	Surgery	1.69	1.93	\$ 121.68	\$ 138.96
15852 00	Surgery	1.37	1.37	\$ 98.64	\$ 98.64
15853 00	Surgery	0.34	0.34	\$ 24.48	\$ 24.48
15854 00	Surgery	0.48	0.48	\$ 34.56	\$ 34.56
15860 00	Surgery	3.16	3.16	\$ 227.52	\$ 227.52
15876 00	Surgery	-	-	\$ 1,467.36	\$ 1,041.84

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
15877 00	Surgery	-	-	\$ 2,369.52	\$ 1,681.92
15878 00	Surgery	0.00	0.00	BR	BR
15879 00	Surgery	-	-	\$ 3,565.44	\$ 2,531.52
15920 00	Surgery	19.24	19.24	\$ 1,385.28	\$ 1,385.28
15922 00	Surgery	23.92	23.92	\$ 1,722.24	\$ 1,722.24
15931 00	Surgery	21.16	21.16	\$ 1,523.52	\$ 1,523.52
15933 00	Surgery	26.13	26.13	\$ 1,881.36	\$ 1,881.36
15934 00	Surgery	28.42	28.42	\$ 2,046.24	\$ 2,046.24
15935 00	Surgery	34.61	34.61	\$ 2,491.92	\$ 2,491.92
15936 00	Surgery	27.01	27.01	\$ 1,944.72	\$ 1,944.72
15937 00	Surgery	31.26	31.26	\$ 2,250.72	\$ 2,250.72
15940 00	Surgery	21.26	21.26	\$ 1,530.72	\$ 1,530.72
15941 00	Surgery	28.09	28.09	\$ 2,022.48	\$ 2,022.48
15944 00	Surgery	28.02	28.02	\$ 2,017.44	\$ 2,017.44
15945 00	Surgery	30.56	30.56	\$ 2,200.32	\$ 2,200.32
15946 00	Surgery	48.36	48.36	\$ 3,481.92	\$ 3,481.92
15950 00	Surgery	19.11	19.11	\$ 1,375.92	\$ 1,375.92
15951 00	Surgery	26.96	26.96	\$ 1,941.12	\$ 1,941.12
15952 00	Surgery	27.47	27.47	\$ 1,977.84	\$ 1,977.84
15953 00	Surgery	30.25	30.25	\$ 2,178.00	\$ 2,178.00
15956 00	Surgery	34.83	34.83	\$ 2,507.76	\$ 2,507.76
15958 00	Surgery	35.32	35.32	\$ 2,543.04	\$ 2,543.04
15999 00	Surgery	0.00	0.00	BR	BR
16000 00	Surgery	2.35	1.36	\$ 169.20	\$ 97.92
16020 00	Surgery	2.56	1.65	\$ 184.32	\$ 118.80
16025 00	Surgery	4.68	3.28	\$ 336.96	\$ 236.16
16030 00	Surgery	5.89	3.91	\$ 424.08	\$ 281.52
16035 00	Surgery	5.76	5.76	\$ 414.72	\$ 414.72
16036 00	Surgery	2.45	2.45	\$ 176.40	\$ 176.40
17000 00	Surgery	2.01	1.63	\$ 144.72	\$ 117.36
17003 00	Surgery	0.20	0.06	\$ 14.40	\$ 4.32
17004 00	Surgery	5.07	2.95	\$ 365.04	\$ 212.40
17106 00	Surgery	10.28	8.21	\$ 740.16	\$ 591.12
17107 00	Surgery	13.33	10.65	\$ 959.76	\$ 766.80
17108 00	Surgery	18.91	15.63	\$ 1,361.52	\$ 1,125.36
17110 00	Surgery	3.41	2.00	\$ 245.52	\$ 144.00
17111 00	Surgery	3.98	2.45	\$ 286.56	\$ 176.40
17250 00	Surgery	2.63	1.11	\$ 189.36	\$ 79.92
17260 00	Surgery	3.00	2.10	\$ 216.00	\$ 151.20
17261 00	Surgery	4.44	2.57	\$ 319.68	\$ 185.04
17262 00	Surgery	5.36	3.28	\$ 385.92	\$ 236.16
17263 00	Surgery	5.79	3.62	\$ 416.88	\$ 260.64
17264 00	Surgery	6.20	3.86	\$ 446.40	\$ 277.92
17266 00	Surgery	7.07	4.55	\$ 509.04	\$ 327.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
17270 00	Surgery	4.50	2.84	\$ 324.00	\$ 204.48
17271 00	Surgery	5.00	3.13	\$ 360.00	\$ 225.36
17272 00	Surgery	5.66	3.59	\$ 407.52	\$ 258.48
17273 00	Surgery	6.27	4.06	\$ 451.44	\$ 292.32
17274 00	Surgery	7.34	4.97	\$ 528.48	\$ 357.84
17276 00	Surgery	8.52	5.99	\$ 613.44	\$ 431.28
17280 00	Surgery	4.20	2.56	\$ 302.40	\$ 184.32
17281 00	Surgery	5.40	3.51	\$ 388.80	\$ 252.72
17282 00	Surgery	6.17	4.05	\$ 444.24	\$ 291.60
17283 00	Surgery	7.28	5.04	\$ 524.16	\$ 362.88
17284 00	Surgery	8.28	5.89	\$ 596.16	\$ 424.08
17286 00	Surgery	10.58	7.95	\$ 761.76	\$ 572.40
17311 00	Surgery	20.32	10.51	\$ 1,463.04	\$ 756.72
17312 00	Surgery	12.34	5.60	\$ 888.48	\$ 403.20
17313 00	Surgery	19.08	9.42	\$ 1,373.76	\$ 678.24
17314 00	Surgery	11.82	5.17	\$ 851.04	\$ 372.24
17315 00	Surgery	2.36	1.49	\$ 169.92	\$ 107.28
17340 00	Surgery	1.57	1.47	\$ 113.04	\$ 105.84
17360 00	Surgery	3.72	2.77	\$ 267.84	\$ 199.44
17380 00	Surgery	-	-	\$ 95.04	\$ 66.96
17999 00	Surgery	0.00	0.00	BR	BR
19000 00	Surgery	3.06	1.26	\$ 220.32	\$ 90.72
19001 00	Surgery	0.78	0.61	\$ 56.16	\$ 43.92
19020 00	Surgery	14.17	9.42	\$ 1,020.24	\$ 678.24
19030 00	Surgery	4.96	2.26	\$ 357.12	\$ 162.72
19081 00	Surgery	15.18	4.82	\$ 1,092.96	\$ 347.04
19082 00	Surgery	11.77	2.43	\$ 847.44	\$ 174.96
19083 00	Surgery	15.18	4.53	\$ 1,092.96	\$ 326.16
19084 00	Surgery	11.60	2.29	\$ 835.20	\$ 164.88
19085 00	Surgery	23.31	5.27	\$ 1,678.32	\$ 379.44
19086 00	Surgery	18.13	2.65	\$ 1,305.36	\$ 190.80
19100 00	Surgery	4.54	2.05	\$ 326.88	\$ 147.60
19101 00	Surgery	9.93	6.71	\$ 714.96	\$ 483.12
19105 00	Surgery	70.15	6.23	\$ 5,050.80	\$ 448.56
19110 00	Surgery	14.68	10.59	\$ 1,056.96	\$ 762.48
19112 00	Surgery	13.89	9.69	\$ 1,000.08	\$ 697.68
19120 00	Surgery	15.61	12.54	\$ 1,123.92	\$ 902.88
19125 00	Surgery	17.20	13.87	\$ 1,238.40	\$ 998.64
19126 00	Surgery	4.75	4.75	\$ 342.00	\$ 342.00
19281 00	Surgery	7.26	2.91	\$ 522.72	\$ 209.52
19282 00	Surgery	5.16	1.47	\$ 371.52	\$ 105.84
19283 00	Surgery	7.84	2.93	\$ 564.48	\$ 210.96
19284 00	Surgery	5.78	1.47	\$ 416.16	\$ 105.84
19285 00	Surgery	11.23	2.50	\$ 808.56	\$ 180.00

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
19286 00	Surgery	9.22	1.26	\$ 663.84	\$ 90.72
19287 00	Surgery	19.36	3.70	\$ 1,393.92	\$ 266.40
19288 00	Surgery	14.99	1.86	\$ 1,079.28	\$ 133.92
19294 00	Surgery	4.87	4.87	\$ 350.64	\$ 350.64
19296 00	Surgery	112.24	6.25	\$ 8,081.28	\$ 450.00
19297 00	Surgery	2.80	2.80	\$ 201.60	\$ 201.60
19298 00	Surgery	26.38	9.42	\$ 1,899.36	\$ 678.24
19300 00	Surgery	17.56	13.04	\$ 1,264.32	\$ 938.88
19301 00	Surgery	19.79	19.79	\$ 1,424.88	\$ 1,424.88
19302 00	Surgery	27.17	27.17	\$ 1,956.24	\$ 1,956.24
19303 00	Surgery	28.68	28.68	\$ 2,064.96	\$ 2,064.96
19305 00	Surgery	34.50	34.50	\$ 2,484.00	\$ 2,484.00
19306 00	Surgery	36.58	36.58	\$ 2,633.76	\$ 2,633.76
19307 00	Surgery	35.35	35.35	\$ 2,545.20	\$ 2,545.20
19316 00	Surgery	23.73	23.73	\$ 1,708.56	\$ 1,708.56
19318 00	Surgery	32.70	32.70	\$ 2,354.40	\$ 2,354.40
19325 00	Surgery	18.44	18.44	\$ 1,327.68	\$ 1,327.68
19328 00	Surgery	16.62	16.62	\$ 1,196.64	\$ 1,196.64
19330 00	Surgery	19.39	19.39	\$ 1,396.08	\$ 1,396.08
19340 00	Surgery	22.76	22.76	\$ 1,638.72	\$ 1,638.72
19342 00	Surgery	22.81	22.81	\$ 1,642.32	\$ 1,642.32
19350 00	Surgery	24.95	20.18	\$ 1,796.40	\$ 1,452.96
19355 00	Surgery	22.71	18.50	\$ 1,635.12	\$ 1,332.00
19357 00	Surgery	34.72	34.72	\$ 2,499.84	\$ 2,499.84
19361 00	Surgery	46.54	46.54	\$ 3,350.88	\$ 3,350.88
19364 00	Surgery	81.15	81.15	\$ 5,842.80	\$ 5,842.80
19367 00	Surgery	52.86	52.86	\$ 3,805.92	\$ 3,805.92
19368 00	Surgery	64.74	64.74	\$ 4,661.28	\$ 4,661.28
19369 00	Surgery	60.16	60.16	\$ 4,331.52	\$ 4,331.52
19370 00	Surgery	20.12	20.12	\$ 1,448.64	\$ 1,448.64
19371 00	Surgery	21.36	21.36	\$ 1,537.92	\$ 1,537.92
19380 00	Surgery	24.19	24.19	\$ 1,741.68	\$ 1,741.68
19396 00	Surgery	8.25	4.24	\$ 594.00	\$ 305.28
19499 00	Surgery	0.00	0.00	BR	BR
20100 00	Surgery	17.86	17.86	\$ 1,285.92	\$ 1,285.92
20101 00	Surgery	17.55	6.27	\$ 1,263.60	\$ 451.44
20102 00	Surgery	18.32	7.58	\$ 1,319.04	\$ 545.76
20103 00	Surgery	16.95	10.30	\$ 1,220.40	\$ 741.60
20150 00	Surgery	30.05	30.05	\$ 2,163.60	\$ 2,163.60
20200 00	Surgery	6.57	2.83	\$ 473.04	\$ 203.76
20205 00	Surgery	9.16	4.61	\$ 659.52	\$ 331.92
20206 00	Surgery	6.74	1.69	\$ 485.28	\$ 121.68
20220 00	Surgery	7.09	2.59	\$ 510.48	\$ 186.48
20225 00	Surgery	11.61	3.81	\$ 835.92	\$ 274.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
20240 00	Surgery	4.14	4.14	\$ 298.08	\$ 298.08
20245 00	Surgery	10.23	10.23	\$ 736.56	\$ 736.56
20250 00	Surgery	11.66	11.66	\$ 839.52	\$ 839.52
20251 00	Surgery	12.66	12.66	\$ 911.52	\$ 911.52
20500 00	Surgery	3.72	2.66	\$ 267.84	\$ 191.52
20501 00	Surgery	4.33	1.08	\$ 311.76	\$ 77.76
20520 00	Surgery	6.51	4.40	\$ 468.72	\$ 316.80
20525 00	Surgery	14.01	7.39	\$ 1,008.72	\$ 532.08
20526 00	Surgery	2.46	1.70	\$ 177.12	\$ 122.40
20527 00	Surgery	2.63	1.96	\$ 189.36	\$ 141.12
20550 00	Surgery	1.73	1.16	\$ 124.56	\$ 83.52
20551 00	Surgery	1.73	1.16	\$ 124.56	\$ 83.52
20552 00	Surgery	1.58	1.10	\$ 113.76	\$ 79.20
20553 00	Surgery	1.83	1.26	\$ 131.76	\$ 90.72
20555 00	Surgery	9.95	9.95	\$ 716.40	\$ 716.40
20560 00	Surgery	0.77	0.44	\$ 55.44	\$ 31.68
20561 00	Surgery	1.12	0.66	\$ 80.64	\$ 47.52
20600 00	Surgery	1.58	1.05	\$ 113.76	\$ 75.60
20604 00	Surgery	2.46	1.36	\$ 177.12	\$ 97.92
20605 00	Surgery	1.65	1.10	\$ 118.80	\$ 79.20
20606 00	Surgery	2.67	1.54	\$ 192.24	\$ 110.88
20610 00	Surgery	1.93	1.34	\$ 138.96	\$ 96.48
20611 00	Surgery	2.99	1.78	\$ 215.28	\$ 128.16
20612 00	Surgery	1.92	1.22	\$ 138.24	\$ 87.84
20615 00	Surgery	7.60	4.82	\$ 547.20	\$ 347.04
20650 00	Surgery	6.80	4.90	\$ 489.60	\$ 352.80
20660 00	Surgery	7.22	7.22	\$ 519.84	\$ 519.84
20661 00	Surgery	15.64	15.64	\$ 1,126.08	\$ 1,126.08
20662 00	Surgery	15.72	15.72	\$ 1,131.84	\$ 1,131.84
20663 00	Surgery	14.49	14.49	\$ 1,043.28	\$ 1,043.28
20664 00	Surgery	26.84	26.84	\$ 1,932.48	\$ 1,932.48
20665 00	Surgery	3.52	2.91	\$ 253.44	\$ 209.52
20670 00	Surgery	10.76	4.33	\$ 774.72	\$ 311.76
20680 00	Surgery	18.07	12.56	\$ 1,301.04	\$ 904.32
20690 00	Surgery	17.89	17.89	\$ 1,288.08	\$ 1,288.08
20692 00	Surgery	33.63	33.63	\$ 2,421.36	\$ 2,421.36
20693 00	Surgery	13.30	13.30	\$ 957.60	\$ 957.60
20694 00	Surgery	12.98	10.27	\$ 934.56	\$ 739.44
20696 00	Surgery	35.04	35.04	\$ 2,522.88	\$ 2,522.88
20697 00	Surgery	54.90	54.90	\$ 3,952.80	\$ 3,952.80
20700 00	Surgery	2.51	2.51	\$ 180.72	\$ 180.72
20701 00	Surgery	1.92	1.92	\$ 138.24	\$ 138.24
20702 00	Surgery	4.23	4.23	\$ 304.56	\$ 304.56
20703 00	Surgery	3.05	3.05	\$ 219.60	\$ 219.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
20704 00	Surgery	4.36	4.36	\$ 313.92	\$ 313.92
20705 00	Surgery	3.70	3.70	\$ 266.40	\$ 266.40
20802 00	Surgery	81.73	81.73	\$ 5,884.56	\$ 5,884.56
20805 00	Surgery	97.08	97.08	\$ 6,989.76	\$ 6,989.76
20808 00	Surgery	117.06	117.06	\$ 8,428.32	\$ 8,428.32
20816 00	Surgery	61.21	61.21	\$ 4,407.12	\$ 4,407.12
20822 00	Surgery	52.89	52.89	\$ 3,808.08	\$ 3,808.08
20824 00	Surgery	61.32	61.32	\$ 4,415.04	\$ 4,415.04
20827 00	Surgery	54.32	54.32	\$ 3,911.04	\$ 3,911.04
20838 00	Surgery	82.98	82.98	\$ 5,974.56	\$ 5,974.56
20900 00	Surgery	11.75	5.40	\$ 846.00	\$ 388.80
20902 00	Surgery	8.20	8.20	\$ 590.40	\$ 590.40
20910 00	Surgery	14.35	14.35	\$ 1,033.20	\$ 1,033.20
20912 00	Surgery	14.48	14.48	\$ 1,042.56	\$ 1,042.56
20920 00	Surgery	12.03	12.03	\$ 866.16	\$ 866.16
20922 00	Surgery	18.27	14.79	\$ 1,315.44	\$ 1,064.88
20924 00	Surgery	15.18	15.18	\$ 1,092.96	\$ 1,092.96
20930 00	Surgery	-	-	\$ 529.20	\$ 486.72
20931 00	Surgery	3.29	3.29	\$ 236.88	\$ 236.88
20932 00	Surgery	22.38	22.38	\$ 1,611.36	\$ 1,611.36
20933 00	Surgery	20.55	20.55	\$ 1,479.60	\$ 1,479.60
20934 00	Surgery	22.37	22.37	\$ 1,610.64	\$ 1,610.64
20936 00	Surgery	-	-	\$ 692.64	\$ 637.20
20937 00	Surgery	4.97	4.97	\$ 357.84	\$ 357.84
20938 00	Surgery	5.44	5.44	\$ 391.68	\$ 391.68
20939 00	Surgery	2.09	2.09	\$ 150.48	\$ 150.48
20950 00	Surgery	7.93	2.61	\$ 570.96	\$ 187.92
20955 00	Surgery	73.37	73.37	\$ 5,282.64	\$ 5,282.64
20956 00	Surgery	78.63	78.63	\$ 5,661.36	\$ 5,661.36
20957 00	Surgery	81.89	81.89	\$ 5,896.08	\$ 5,896.08
20962 00	Surgery	79.53	79.53	\$ 5,726.16	\$ 5,726.16
20969 00	Surgery	80.93	80.93	\$ 5,826.96	\$ 5,826.96
20970 00	Surgery	84.78	84.78	\$ 6,104.16	\$ 6,104.16
20972 00	Surgery	84.54	84.54	\$ 6,086.88	\$ 6,086.88
20973 00	Surgery	89.29	89.29	\$ 6,428.88	\$ 6,428.88
20974 00	Surgery	2.48	1.52	\$ 178.56	\$ 109.44
20975 00	Surgery	5.22	5.22	\$ 375.84	\$ 375.84
20979 00	Surgery	1.69	0.96	\$ 121.68	\$ 69.12
20982 00	Surgery	106.08	10.83	\$ 7,637.76	\$ 779.76
20983 00	Surgery	154.62	10.05	\$ 11,132.64	\$ 723.60
20985 00	Surgery	4.30	4.30	\$ 309.60	\$ 309.60
20999 00	Surgery	0.00	0.00	BR	BR
21010 00	Surgery	22.19	22.19	\$ 1,597.68	\$ 1,597.68
21011 00	Surgery	11.25	7.81	\$ 810.00	\$ 562.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
21012 00	Surgery	10.20	10.20	\$ 734.40	\$ 734.40
21013 00	Surgery	16.16	12.09	\$ 1,163.52	\$ 870.48
21014 00	Surgery	15.69	15.69	\$ 1,129.68	\$ 1,129.68
21015 00	Surgery	20.94	20.94	\$ 1,507.68	\$ 1,507.68
21016 00	Surgery	30.18	30.18	\$ 2,172.96	\$ 2,172.96
21025 00	Surgery	23.62	19.69	\$ 1,700.64	\$ 1,417.68
21026 00	Surgery	15.98	12.76	\$ 1,150.56	\$ 918.72
21029 00	Surgery	23.09	18.63	\$ 1,662.48	\$ 1,341.36
21030 00	Surgery	13.76	10.77	\$ 990.72	\$ 775.44
21031 00	Surgery	11.49	8.13	\$ 827.28	\$ 585.36
21032 00	Surgery	11.11	7.76	\$ 799.92	\$ 558.72
21034 00	Surgery	38.90	33.68	\$ 2,800.80	\$ 2,424.96
21040 00	Surgery	13.95	10.86	\$ 1,004.40	\$ 781.92
21044 00	Surgery	25.81	25.81	\$ 1,858.32	\$ 1,858.32
21045 00	Surgery	35.89	35.89	\$ 2,584.08	\$ 2,584.08
21046 00	Surgery	29.52	29.52	\$ 2,125.44	\$ 2,125.44
21047 00	Surgery	36.25	36.25	\$ 2,610.00	\$ 2,610.00
21048 00	Surgery	29.72	29.72	\$ 2,139.84	\$ 2,139.84
21049 00	Surgery	34.34	34.34	\$ 2,472.48	\$ 2,472.48
21050 00	Surgery	25.85	25.85	\$ 1,861.20	\$ 1,861.20
21060 00	Surgery	23.45	23.45	\$ 1,688.40	\$ 1,688.40
21070 00	Surgery	18.35	18.35	\$ 1,321.20	\$ 1,321.20
21073 00	Surgery	11.26	7.22	\$ 810.72	\$ 519.84
21076 00	Surgery	25.68	20.98	\$ 1,848.96	\$ 1,510.56
21077 00	Surgery	62.94	51.62	\$ 4,531.68	\$ 3,716.64
21079 00	Surgery	43.07	34.67	\$ 3,101.04	\$ 2,496.24
21080 00	Surgery	49.56	39.39	\$ 3,568.32	\$ 2,836.08
21081 00	Surgery	45.69	36.05	\$ 3,289.68	\$ 2,595.60
21082 00	Surgery	42.19	32.97	\$ 3,037.68	\$ 2,373.84
21083 00	Surgery	40.28	30.59	\$ 2,900.16	\$ 2,202.48
21084 00	Surgery	45.97	35.39	\$ 3,309.84	\$ 2,548.08
21085 00	Surgery	20.14	14.36	\$ 1,450.08	\$ 1,033.92
21086 00	Surgery	46.82	38.07	\$ 3,371.04	\$ 2,741.04
21087 00	Surgery	46.82	38.07	\$ 3,371.04	\$ 2,741.04
21088 00	Surgery	-	-	\$ 1,737.36	\$ 1,598.40
21089 00	Surgery	0.00	0.00	BR	BR
21100 00	Surgery	18.59	10.58	\$ 1,338.48	\$ 761.76
21110 00	Surgery	25.96	21.53	\$ 1,869.12	\$ 1,550.16
21116 00	Surgery	6.52	1.33	\$ 469.44	\$ 95.76
21120 00	Surgery	19.96	15.27	\$ 1,437.12	\$ 1,099.44
21121 00	Surgery	18.93	15.82	\$ 1,362.96	\$ 1,139.04
21122 00	Surgery	22.48	22.48	\$ 1,618.56	\$ 1,618.56
21123 00	Surgery	25.36	25.36	\$ 1,825.92	\$ 1,825.92
21125 00	Surgery	78.95	19.86	\$ 5,684.40	\$ 1,429.92

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
21127 00	Surgery	120.71	22.78	\$ 8,691.12	\$ 1,640.16
21137 00	Surgery	22.52	22.52	\$ 1,621.44	\$ 1,621.44
21138 00	Surgery	27.39	27.39	\$ 1,972.08	\$ 1,972.08
21139 00	Surgery	32.66	32.66	\$ 2,351.52	\$ 2,351.52
21141 00	Surgery	39.78	39.78	\$ 2,864.16	\$ 2,864.16
21142 00	Surgery	40.82	40.82	\$ 2,939.04	\$ 2,939.04
21143 00	Surgery	42.05	42.05	\$ 3,027.60	\$ 3,027.60
21145 00	Surgery	46.23	46.23	\$ 3,328.56	\$ 3,328.56
21146 00	Surgery	48.26	48.26	\$ 3,474.72	\$ 3,474.72
21147 00	Surgery	50.82	50.82	\$ 3,659.04	\$ 3,659.04
21150 00	Surgery	49.19	49.19	\$ 3,541.68	\$ 3,541.68
21151 00	Surgery	54.13	54.13	\$ 3,897.36	\$ 3,897.36
21154 00	Surgery	58.24	58.24	\$ 4,193.28	\$ 4,193.28
21155 00	Surgery	64.58	64.58	\$ 4,649.76	\$ 4,649.76
21159 00	Surgery	77.35	77.35	\$ 5,569.20	\$ 5,569.20
21160 00	Surgery	83.89	83.89	\$ 6,040.08	\$ 6,040.08
21172 00	Surgery	63.91	63.91	\$ 4,601.52	\$ 4,601.52
21175 00	Surgery	66.00	66.00	\$ 4,752.00	\$ 4,752.00
21179 00	Surgery	45.42	45.42	\$ 3,270.24	\$ 3,270.24
21180 00	Surgery	50.72	50.72	\$ 3,651.84	\$ 3,651.84
21181 00	Surgery	22.23	22.23	\$ 1,600.56	\$ 1,600.56
21182 00	Surgery	63.11	63.11	\$ 4,543.92	\$ 4,543.92
21183 00	Surgery	68.65	68.65	\$ 4,942.80	\$ 4,942.80
21184 00	Surgery	73.81	73.81	\$ 5,314.32	\$ 5,314.32
21188 00	Surgery	47.19	47.19	\$ 3,397.68	\$ 3,397.68
21193 00	Surgery	36.74	36.74	\$ 2,645.28	\$ 2,645.28
21194 00	Surgery	42.49	42.49	\$ 3,059.28	\$ 3,059.28
21195 00	Surgery	40.05	40.05	\$ 2,883.60	\$ 2,883.60
21196 00	Surgery	42.77	42.77	\$ 3,079.44	\$ 3,079.44
21198 00	Surgery	30.56	30.56	\$ 2,200.32	\$ 2,200.32
21199 00	Surgery	30.31	30.31	\$ 2,182.32	\$ 2,182.32
21206 00	Surgery	28.96	28.96	\$ 2,085.12	\$ 2,085.12
21208 00	Surgery	49.38	21.91	\$ 3,555.36	\$ 1,577.52
21209 00	Surgery	24.62	18.59	\$ 1,772.64	\$ 1,338.48
21210 00	Surgery	53.03	22.55	\$ 3,818.16	\$ 1,623.60
21215 00	Surgery	123.31	23.40	\$ 8,878.32	\$ 1,684.80
21230 00	Surgery	22.42	22.42	\$ 1,614.24	\$ 1,614.24
21235 00	Surgery	22.08	17.06	\$ 1,589.76	\$ 1,228.32
21240 00	Surgery	31.41	31.41	\$ 2,261.52	\$ 2,261.52
21242 00	Surgery	30.22	30.22	\$ 2,175.84	\$ 2,175.84
21243 00	Surgery	50.01	50.01	\$ 3,600.72	\$ 3,600.72
21244 00	Surgery	30.18	30.18	\$ 2,172.96	\$ 2,172.96
21245 00	Surgery	36.81	28.33	\$ 2,650.32	\$ 2,039.76
21246 00	Surgery	25.35	25.35	\$ 1,825.20	\$ 1,825.20

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
21247 00	Surgery	47.12	47.12	\$ 3,392.64	\$ 3,392.64
21248 00	Surgery	29.29	23.55	\$ 2,108.88	\$ 1,695.60
21249 00	Surgery	39.69	32.94	\$ 2,857.68	\$ 2,371.68
21255 00	Surgery	39.95	39.95	\$ 2,876.40	\$ 2,876.40
21256 00	Surgery	37.07	37.07	\$ 2,669.04	\$ 2,669.04
21260 00	Surgery	41.00	41.00	\$ 2,952.00	\$ 2,952.00
21261 00	Surgery	72.54	72.54	\$ 5,222.88	\$ 5,222.88
21263 00	Surgery	67.11	67.11	\$ 4,831.92	\$ 4,831.92
21267 00	Surgery	47.96	47.96	\$ 3,453.12	\$ 3,453.12
21268 00	Surgery	60.12	60.12	\$ 4,328.64	\$ 4,328.64
21270 00	Surgery	30.47	22.41	\$ 2,193.84	\$ 1,613.52
21275 00	Surgery	25.28	25.28	\$ 1,820.16	\$ 1,820.16
21280 00	Surgery	17.49	17.49	\$ 1,259.28	\$ 1,259.28
21282 00	Surgery	11.91	11.91	\$ 857.52	\$ 857.52
21295 00	Surgery	5.92	5.92	\$ 426.24	\$ 426.24
21296 00	Surgery	12.28	12.28	\$ 884.16	\$ 884.16
21299 00	Surgery	0.00	0.00	BR	BR
21315 00	Surgery	4.56	1.80	\$ 328.32	\$ 129.60
21320 00	Surgery	6.56	2.83	\$ 472.32	\$ 203.76
21325 00	Surgery	13.43	13.43	\$ 966.96	\$ 966.96
21330 00	Surgery	16.13	16.13	\$ 1,161.36	\$ 1,161.36
21335 00	Surgery	21.52	21.52	\$ 1,549.44	\$ 1,549.44
21336 00	Surgery	19.16	19.16	\$ 1,379.52	\$ 1,379.52
21337 00	Surgery	12.62	9.05	\$ 908.64	\$ 651.60
21338 00	Surgery	20.25	20.25	\$ 1,458.00	\$ 1,458.00
21339 00	Surgery	22.88	22.88	\$ 1,647.36	\$ 1,647.36
21340 00	Surgery	22.61	22.61	\$ 1,627.92	\$ 1,627.92
21343 00	Surgery	32.71	32.71	\$ 2,355.12	\$ 2,355.12
21344 00	Surgery	41.84	41.84	\$ 3,012.48	\$ 3,012.48
21345 00	Surgery	24.18	19.23	\$ 1,740.96	\$ 1,384.56
21346 00	Surgery	30.87	30.87	\$ 2,222.64	\$ 2,222.64
21347 00	Surgery	31.27	31.27	\$ 2,251.44	\$ 2,251.44
21348 00	Surgery	32.80	32.80	\$ 2,361.60	\$ 2,361.60
21355 00	Surgery	13.53	9.91	\$ 974.16	\$ 713.52
21356 00	Surgery	16.41	12.12	\$ 1,181.52	\$ 872.64
21360 00	Surgery	15.78	15.78	\$ 1,136.16	\$ 1,136.16
21365 00	Surgery	32.39	32.39	\$ 2,332.08	\$ 2,332.08
21366 00	Surgery	38.17	38.17	\$ 2,748.24	\$ 2,748.24
21385 00	Surgery	22.00	22.00	\$ 1,584.00	\$ 1,584.00
21386 00	Surgery	20.74	20.74	\$ 1,493.28	\$ 1,493.28
21387 00	Surgery	22.96	22.96	\$ 1,653.12	\$ 1,653.12
21390 00	Surgery	24.03	24.03	\$ 1,730.16	\$ 1,730.16
21395 00	Surgery	30.19	30.19	\$ 2,173.68	\$ 2,173.68
21400 00	Surgery	6.47	5.05	\$ 465.84	\$ 363.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
21401 00	Surgery	15.36	9.89	\$ 1,105.92	\$ 712.08
21406 00	Surgery	17.52	17.52	\$ 1,261.44	\$ 1,261.44
21407 00	Surgery	19.34	19.34	\$ 1,392.48	\$ 1,392.48
21408 00	Surgery	27.05	27.05	\$ 1,947.60	\$ 1,947.60
21421 00	Surgery	19.31	16.31	\$ 1,390.32	\$ 1,174.32
21422 00	Surgery	18.85	18.85	\$ 1,357.20	\$ 1,357.20
21423 00	Surgery	23.93	23.93	\$ 1,722.96	\$ 1,722.96
21431 00	Surgery	20.79	20.79	\$ 1,496.88	\$ 1,496.88
21432 00	Surgery	21.50	21.50	\$ 1,548.00	\$ 1,548.00
21433 00	Surgery	51.78	51.78	\$ 3,728.16	\$ 3,728.16
21435 00	Surgery	42.08	42.08	\$ 3,029.76	\$ 3,029.76
21436 00	Surgery	60.82	60.82	\$ 4,379.04	\$ 4,379.04
21440 00	Surgery	20.71	16.63	\$ 1,491.12	\$ 1,197.36
21445 00	Surgery	23.64	19.11	\$ 1,702.08	\$ 1,375.92
21450 00	Surgery	17.80	14.46	\$ 1,281.60	\$ 1,041.12
21451 00	Surgery	23.13	19.30	\$ 1,665.36	\$ 1,389.60
21452 00	Surgery	22.47	13.97	\$ 1,617.84	\$ 1,005.84
21453 00	Surgery	32.95	28.04	\$ 2,372.40	\$ 2,018.88
21454 00	Surgery	14.55	14.55	\$ 1,047.60	\$ 1,047.60
21461 00	Surgery	55.18	31.80	\$ 3,972.96	\$ 2,289.60
21462 00	Surgery	59.70	35.11	\$ 4,298.40	\$ 2,527.92
21465 00	Surgery	23.73	23.73	\$ 1,708.56	\$ 1,708.56
21470 00	Surgery	34.63	34.63	\$ 2,493.36	\$ 2,493.36
21480 00	Surgery	4.28	0.93	\$ 308.16	\$ 66.96
21485 00	Surgery	29.23	23.86	\$ 2,104.56	\$ 1,717.92
21490 00	Surgery	23.37	23.37	\$ 1,682.64	\$ 1,682.64
21497 00	Surgery	21.32	17.72	\$ 1,535.04	\$ 1,275.84
21499 00	Surgery	0.00	0.00	BR	BR
21501 00	Surgery	14.71	10.09	\$ 1,059.12	\$ 726.48
21502 00	Surgery	15.20	15.20	\$ 1,094.40	\$ 1,094.40
21510 00	Surgery	13.56	13.56	\$ 976.32	\$ 976.32
21550 00	Surgery	8.04	4.67	\$ 578.88	\$ 336.24
21552 00	Surgery	13.44	13.44	\$ 967.68	\$ 967.68
21554 00	Surgery	21.94	21.94	\$ 1,579.68	\$ 1,579.68
21555 00	Surgery	13.10	9.24	\$ 943.20	\$ 665.28
21556 00	Surgery	15.97	15.97	\$ 1,149.84	\$ 1,149.84
21557 00	Surgery	28.58	28.58	\$ 2,057.76	\$ 2,057.76
21558 00	Surgery	40.16	40.16	\$ 2,891.52	\$ 2,891.52
21600 00	Surgery	16.98	16.98	\$ 1,222.56	\$ 1,222.56
21601 00	Surgery	34.07	34.07	\$ 2,453.04	\$ 2,453.04
21602 00	Surgery	45.92	45.92	\$ 3,306.24	\$ 3,306.24
21603 00	Surgery	50.06	50.06	\$ 3,604.32	\$ 3,604.32
21610 00	Surgery	34.14	34.14	\$ 2,458.08	\$ 2,458.08
21615 00	Surgery	18.51	18.51	\$ 1,332.72	\$ 1,332.72

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
21616 00	Surgery	21.14	21.14	\$ 1,522.08	\$ 1,522.08
21620 00	Surgery	15.10	15.10	\$ 1,087.20	\$ 1,087.20
21627 00	Surgery	16.34	16.34	\$ 1,176.48	\$ 1,176.48
21630 00	Surgery	39.30	39.30	\$ 2,829.60	\$ 2,829.60
21632 00	Surgery	36.03	36.03	\$ 2,594.16	\$ 2,594.16
21685 00	Surgery	29.48	29.48	\$ 2,122.56	\$ 2,122.56
21700 00	Surgery	10.56	10.56	\$ 760.32	\$ 760.32
21705 00	Surgery	15.76	15.76	\$ 1,134.72	\$ 1,134.72
21720 00	Surgery	16.13	16.13	\$ 1,161.36	\$ 1,161.36
21725 00	Surgery	16.37	16.37	\$ 1,178.64	\$ 1,178.64
21740 00	Surgery	30.39	30.39	\$ 2,188.08	\$ 2,188.08
21742 00	Surgery	-	-	\$ 3,253.68	\$ 2,993.76
21743 00	Surgery	-	-	\$ 4,560.48	\$ 4,196.16
21750 00	Surgery	20.09	20.09	\$ 1,446.48	\$ 1,446.48
21811 00	Surgery	17.58	17.58	\$ 1,265.76	\$ 1,265.76
21812 00	Surgery	21.31	21.31	\$ 1,534.32	\$ 1,534.32
21813 00	Surgery	29.13	29.13	\$ 2,097.36	\$ 2,097.36
21820 00	Surgery	4.59	4.52	\$ 330.48	\$ 325.44
21825 00	Surgery	16.47	16.47	\$ 1,185.84	\$ 1,185.84
21899 00	Surgery	0.00	0.00	BR	BR
21920 00	Surgery	7.72	4.63	\$ 555.84	\$ 333.36
21925 00	Surgery	14.88	11.36	\$ 1,071.36	\$ 817.92
21930 00	Surgery	15.16	10.96	\$ 1,091.52	\$ 789.12
21931 00	Surgery	14.11	14.11	\$ 1,015.92	\$ 1,015.92
21932 00	Surgery	19.98	19.98	\$ 1,438.56	\$ 1,438.56
21933 00	Surgery	22.15	22.15	\$ 1,594.80	\$ 1,594.80
21935 00	Surgery	30.52	30.52	\$ 2,197.44	\$ 2,197.44
21936 00	Surgery	42.24	42.24	\$ 3,041.28	\$ 3,041.28
22010 00	Surgery	29.14	29.14	\$ 2,098.08	\$ 2,098.08
22015 00	Surgery	28.64	28.64	\$ 2,062.08	\$ 2,062.08
22100 00	Surgery	25.99	25.99	\$ 1,871.28	\$ 1,871.28
22101 00	Surgery	26.18	26.18	\$ 1,884.96	\$ 1,884.96
22102 00	Surgery	23.36	23.36	\$ 1,681.92	\$ 1,681.92
22103 00	Surgery	4.02	4.02	\$ 289.44	\$ 289.44
22110 00	Surgery	32.00	32.00	\$ 2,304.00	\$ 2,304.00
22112 00	Surgery	34.37	34.37	\$ 2,474.64	\$ 2,474.64
22114 00	Surgery	34.37	34.37	\$ 2,474.64	\$ 2,474.64
22116 00	Surgery	4.20	4.20	\$ 302.40	\$ 302.40
22206 00	Surgery	73.30	73.30	\$ 5,277.60	\$ 5,277.60
22207 00	Surgery	71.83	71.83	\$ 5,171.76	\$ 5,171.76
22208 00	Surgery	17.49	17.49	\$ 1,259.28	\$ 1,259.28
22210 00	Surgery	53.63	53.63	\$ 3,861.36	\$ 3,861.36
22212 00	Surgery	45.47	45.47	\$ 3,273.84	\$ 3,273.84
22214 00	Surgery	45.48	45.48	\$ 3,274.56	\$ 3,274.56

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
22216 00	Surgery	10.78	10.78	\$ 776.16	\$ 776.16
22220 00	Surgery	48.65	48.65	\$ 3,502.80	\$ 3,502.80
22222 00	Surgery	53.19	53.19	\$ 3,829.68	\$ 3,829.68
22224 00	Surgery	47.46	47.46	\$ 3,417.12	\$ 3,417.12
22226 00	Surgery	10.66	10.66	\$ 767.52	\$ 767.52
22310 00	Surgery	9.41	8.99	\$ 677.52	\$ 647.28
22315 00	Surgery	26.72	23.26	\$ 1,923.84	\$ 1,674.72
22318 00	Surgery	49.85	49.85	\$ 3,589.20	\$ 3,589.20
22319 00	Surgery	55.34	55.34	\$ 3,984.48	\$ 3,984.48
22325 00	Surgery	44.46	44.46	\$ 3,201.12	\$ 3,201.12
22326 00	Surgery	45.57	45.57	\$ 3,281.04	\$ 3,281.04
22327 00	Surgery	46.33	46.33	\$ 3,335.76	\$ 3,335.76
22328 00	Surgery	8.43	8.43	\$ 606.96	\$ 606.96
22505 00	Surgery	3.89	3.89	\$ 280.08	\$ 280.08
22510 00	Surgery	54.91	12.82	\$ 3,953.52	\$ 923.04
22511 00	Surgery	54.63	12.03	\$ 3,933.36	\$ 866.16
22512 00	Surgery	22.06	6.11	\$ 1,588.32	\$ 439.92
22513 00	Surgery	173.79	15.15	\$ 12,512.88	\$ 1,090.80
22514 00	Surgery	172.95	14.13	\$ 12,452.40	\$ 1,017.36
22515 00	Surgery	89.28	6.46	\$ 6,428.16	\$ 465.12
22526 00	Surgery	59.95	9.71	\$ 4,316.40	\$ 699.12
22527 00	Surgery	49.34	4.49	\$ 3,552.48	\$ 323.28
22532 00	Surgery	54.00	54.00	\$ 3,888.00	\$ 3,888.00
22533 00	Surgery	49.58	49.58	\$ 3,569.76	\$ 3,569.76
22534 00	Surgery	10.71	10.71	\$ 771.12	\$ 771.12
22548 00	Surgery	59.32	59.32	\$ 4,271.04	\$ 4,271.04
22551 00	Surgery	51.13	51.13	\$ 3,681.36	\$ 3,681.36
22552 00	Surgery	11.80	11.80	\$ 849.60	\$ 849.60
22554 00	Surgery	37.98	37.98	\$ 2,734.56	\$ 2,734.56
22556 00	Surgery	50.19	50.19	\$ 3,613.68	\$ 3,613.68
22558 00	Surgery	45.76	45.76	\$ 3,294.72	\$ 3,294.72
22585 00	Surgery	9.68	9.68	\$ 696.96	\$ 696.96
22586 00	Surgery	61.35	61.35	\$ 4,417.20	\$ 4,417.20
22590 00	Surgery	47.94	47.94	\$ 3,451.68	\$ 3,451.68
22595 00	Surgery	45.73	45.73	\$ 3,292.56	\$ 3,292.56
22600 00	Surgery	39.27	39.27	\$ 2,827.44	\$ 2,827.44
22610 00	Surgery	38.59	38.59	\$ 2,778.48	\$ 2,778.48
22612 00	Surgery	47.52	47.52	\$ 3,421.44	\$ 3,421.44
22614 00	Surgery	11.64	11.64	\$ 838.08	\$ 838.08
22630 00	Surgery	46.92	46.92	\$ 3,378.24	\$ 3,378.24
22632 00	Surgery	9.56	9.56	\$ 688.32	\$ 688.32
22633 00	Surgery	54.27	54.27	\$ 3,907.44	\$ 3,907.44
22634 00	Surgery	14.42	14.42	\$ 1,038.24	\$ 1,038.24
22800 00	Surgery	41.09	41.09	\$ 2,958.48	\$ 2,958.48

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
22802 00	Surgery	63.45	63.45	\$ 4,568.40	\$ 4,568.40
22804 00	Surgery	72.83	72.83	\$ 5,243.76	\$ 5,243.76
22808 00	Surgery	54.71	54.71	\$ 3,939.12	\$ 3,939.12
22810 00	Surgery	59.89	59.89	\$ 4,312.08	\$ 4,312.08
22812 00	Surgery	65.63	65.63	\$ 4,725.36	\$ 4,725.36
22818 00	Surgery	64.06	64.06	\$ 4,612.32	\$ 4,612.32
22819 00	Surgery	73.78	73.78	\$ 5,312.16	\$ 5,312.16
22830 00	Surgery	24.76	24.76	\$ 1,782.72	\$ 1,782.72
22840 00	Surgery	22.55	22.55	\$ 1,623.60	\$ 1,623.60
22841 00	Surgery	-	-	\$ 2,147.76	\$ 1,976.40
22842 00	Surgery	22.72	22.72	\$ 1,635.84	\$ 1,635.84
22843 00	Surgery	24.32	24.32	\$ 1,751.04	\$ 1,751.04
22844 00	Surgery	29.30	29.30	\$ 2,109.60	\$ 2,109.60
22845 00	Surgery	21.64	21.64	\$ 1,558.08	\$ 1,558.08
22846 00	Surgery	22.52	22.52	\$ 1,621.44	\$ 1,621.44
22847 00	Surgery	23.70	23.70	\$ 1,706.40	\$ 1,706.40
22848 00	Surgery	10.69	10.69	\$ 769.68	\$ 769.68
22849 00	Surgery	39.23	39.23	\$ 2,824.56	\$ 2,824.56
22850 00	Surgery	22.16	22.16	\$ 1,595.52	\$ 1,595.52
22852 00	Surgery	21.33	21.33	\$ 1,535.76	\$ 1,535.76
22853 00	Surgery	7.68	7.68	\$ 552.96	\$ 552.96
22854 00	Surgery	9.99	9.99	\$ 719.28	\$ 719.28
22855 00	Surgery	33.36	33.36	\$ 2,401.92	\$ 2,401.92
22856 00	Surgery	48.77	48.77	\$ 3,511.44	\$ 3,511.44
22857 00	Surgery	52.73	52.73	\$ 3,796.56	\$ 3,796.56
22858 00	Surgery	15.06	15.06	\$ 1,084.32	\$ 1,084.32
22859 00	Surgery	9.91	9.91	\$ 713.52	\$ 713.52
22860 00	Surgery	0.00	0.00	BR	BR
22861 00	Surgery	69.88	69.88	\$ 5,031.36	\$ 5,031.36
22862 00	Surgery	69.88	69.88	\$ 5,031.36	\$ 5,031.36
22864 00	Surgery	62.40	62.40	\$ 4,492.80	\$ 4,492.80
22865 00	Surgery	68.21	68.21	\$ 4,911.12	\$ 4,911.12
22867 00	Surgery	32.38	32.38	\$ 2,331.36	\$ 2,331.36
22868 00	Surgery	7.26	7.26	\$ 522.72	\$ 522.72
22869 00	Surgery	12.85	12.85	\$ 925.20	\$ 925.20
22870 00	Surgery	3.49	3.49	\$ 251.28	\$ 251.28
22899 00	Surgery	0.00	0.00	BR	BR
22900 00	Surgery	16.99	16.99	\$ 1,223.28	\$ 1,223.28
22901 00	Surgery	19.98	19.98	\$ 1,438.56	\$ 1,438.56
22902 00	Surgery	14.22	10.03	\$ 1,023.84	\$ 722.16
22903 00	Surgery	13.24	13.24	\$ 953.28	\$ 953.28
22904 00	Surgery	31.39	31.39	\$ 2,260.08	\$ 2,260.08
22905 00	Surgery	39.62	39.62	\$ 2,852.64	\$ 2,852.64
22999 00	Surgery	0.00	0.00	BR	BR

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
23000 00	Surgery	16.57	10.74	\$ 1,193.04	\$ 773.28
23020 00	Surgery	20.83	20.83	\$ 1,499.76	\$ 1,499.76
23030 00	Surgery	13.28	7.65	\$ 956.16	\$ 550.80
23031 00	Surgery	13.09	6.69	\$ 942.48	\$ 481.68
23035 00	Surgery	20.58	20.58	\$ 1,481.76	\$ 1,481.76
23040 00	Surgery	21.65	21.65	\$ 1,558.80	\$ 1,558.80
23044 00	Surgery	17.18	17.18	\$ 1,236.96	\$ 1,236.96
23065 00	Surgery	6.76	4.77	\$ 486.72	\$ 343.44
23066 00	Surgery	17.05	11.04	\$ 1,227.60	\$ 794.88
23071 00	Surgery	12.63	12.63	\$ 909.36	\$ 909.36
23073 00	Surgery	20.94	20.94	\$ 1,507.68	\$ 1,507.68
23075 00	Surgery	15.56	9.89	\$ 1,120.32	\$ 712.08
23076 00	Surgery	16.37	16.37	\$ 1,178.64	\$ 1,178.64
23077 00	Surgery	33.77	33.77	\$ 2,431.44	\$ 2,431.44
23078 00	Surgery	42.83	42.83	\$ 3,083.76	\$ 3,083.76
23100 00	Surgery	15.36	15.36	\$ 1,105.92	\$ 1,105.92
23101 00	Surgery	13.86	13.86	\$ 997.92	\$ 997.92
23105 00	Surgery	19.31	19.31	\$ 1,390.32	\$ 1,390.32
23106 00	Surgery	15.24	15.24	\$ 1,097.28	\$ 1,097.28
23107 00	Surgery	19.98	19.98	\$ 1,438.56	\$ 1,438.56
23120 00	Surgery	17.78	17.78	\$ 1,280.16	\$ 1,280.16
23125 00	Surgery	21.43	21.43	\$ 1,542.96	\$ 1,542.96
23130 00	Surgery	18.71	18.71	\$ 1,347.12	\$ 1,347.12
23140 00	Surgery	16.82	16.82	\$ 1,211.04	\$ 1,211.04
23145 00	Surgery	21.02	21.02	\$ 1,513.44	\$ 1,513.44
23146 00	Surgery	18.86	18.86	\$ 1,357.92	\$ 1,357.92
23150 00	Surgery	20.16	20.16	\$ 1,451.52	\$ 1,451.52
23155 00	Surgery	24.06	24.06	\$ 1,732.32	\$ 1,732.32
23156 00	Surgery	20.52	20.52	\$ 1,477.44	\$ 1,477.44
23170 00	Surgery	17.09	17.09	\$ 1,230.48	\$ 1,230.48
23172 00	Surgery	17.28	17.28	\$ 1,244.16	\$ 1,244.16
23174 00	Surgery	23.06	23.06	\$ 1,660.32	\$ 1,660.32
23180 00	Surgery	19.91	19.91	\$ 1,433.52	\$ 1,433.52
23182 00	Surgery	20.31	20.31	\$ 1,462.32	\$ 1,462.32
23184 00	Surgery	22.35	22.35	\$ 1,609.20	\$ 1,609.20
23190 00	Surgery	17.42	17.42	\$ 1,254.24	\$ 1,254.24
23195 00	Surgery	22.39	22.39	\$ 1,612.08	\$ 1,612.08
23200 00	Surgery	44.97	44.97	\$ 3,237.84	\$ 3,237.84
23210 00	Surgery	52.72	52.72	\$ 3,795.84	\$ 3,795.84
23220 00	Surgery	57.75	57.75	\$ 4,158.00	\$ 4,158.00
23330 00	Surgery	9.09	5.03	\$ 654.48	\$ 362.16
23333 00	Surgery	14.31	14.31	\$ 1,030.32	\$ 1,030.32
23334 00	Surgery	31.68	31.68	\$ 2,280.96	\$ 2,280.96
23335 00	Surgery	37.90	37.90	\$ 2,728.80	\$ 2,728.80

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
23350 00	Surgery	4.96	1.48	\$ 357.12	\$ 106.56
23395 00	Surgery	38.38	38.38	\$ 2,763.36	\$ 2,763.36
23397 00	Surgery	34.14	34.14	\$ 2,458.08	\$ 2,458.08
23400 00	Surgery	29.24	29.24	\$ 2,105.28	\$ 2,105.28
23405 00	Surgery	18.59	18.59	\$ 1,338.48	\$ 1,338.48
23406 00	Surgery	22.46	22.46	\$ 1,617.12	\$ 1,617.12
23410 00	Surgery	24.69	24.69	\$ 1,777.68	\$ 1,777.68
23412 00	Surgery	25.64	25.64	\$ 1,846.08	\$ 1,846.08
23415 00	Surgery	21.08	21.08	\$ 1,517.76	\$ 1,517.76
23420 00	Surgery	29.29	29.29	\$ 2,108.88	\$ 2,108.88
23430 00	Surgery	22.43	22.43	\$ 1,614.96	\$ 1,614.96
23440 00	Surgery	22.77	22.77	\$ 1,639.44	\$ 1,639.44
23450 00	Surgery	28.41	28.41	\$ 2,045.52	\$ 2,045.52
23455 00	Surgery	29.66	29.66	\$ 2,135.52	\$ 2,135.52
23460 00	Surgery	32.71	32.71	\$ 2,355.12	\$ 2,355.12
23462 00	Surgery	32.02	32.02	\$ 2,305.44	\$ 2,305.44
23465 00	Surgery	33.54	33.54	\$ 2,414.88	\$ 2,414.88
23466 00	Surgery	33.65	33.65	\$ 2,422.80	\$ 2,422.80
23470 00	Surgery	35.85	35.85	\$ 2,581.20	\$ 2,581.20
23472 00	Surgery	43.19	43.19	\$ 3,109.68	\$ 3,109.68
23473 00	Surgery	48.07	48.07	\$ 3,461.04	\$ 3,461.04
23474 00	Surgery	51.89	51.89	\$ 3,736.08	\$ 3,736.08
23480 00	Surgery	24.70	24.70	\$ 1,778.40	\$ 1,778.40
23485 00	Surgery	28.64	28.64	\$ 2,062.08	\$ 2,062.08
23490 00	Surgery	25.90	25.90	\$ 1,864.80	\$ 1,864.80
23491 00	Surgery	30.50	30.50	\$ 2,196.00	\$ 2,196.00
23500 00	Surgery	6.90	7.05	\$ 496.80	\$ 507.60
23505 00	Surgery	11.03	10.23	\$ 794.16	\$ 736.56
23515 00	Surgery	21.75	21.75	\$ 1,566.00	\$ 1,566.00
23520 00	Surgery	7.42	7.34	\$ 534.24	\$ 528.48
23525 00	Surgery	12.18	11.14	\$ 876.96	\$ 802.08
23530 00	Surgery	17.45	17.45	\$ 1,256.40	\$ 1,256.40
23532 00	Surgery	18.96	18.96	\$ 1,365.12	\$ 1,365.12
23540 00	Surgery	7.39	7.30	\$ 532.08	\$ 525.60
23545 00	Surgery	11.08	9.93	\$ 797.76	\$ 714.96
23550 00	Surgery	17.32	17.32	\$ 1,247.04	\$ 1,247.04
23552 00	Surgery	19.57	19.57	\$ 1,409.04	\$ 1,409.04
23570 00	Surgery	7.23	7.46	\$ 520.56	\$ 537.12
23575 00	Surgery	12.59	11.62	\$ 906.48	\$ 836.64
23585 00	Surgery	29.32	29.32	\$ 2,111.04	\$ 2,111.04
23600 00	Surgery	10.27	9.73	\$ 739.44	\$ 700.56
23605 00	Surgery	14.41	13.07	\$ 1,037.52	\$ 941.04
23615 00	Surgery	26.57	26.57	\$ 1,913.04	\$ 1,913.04
23616 00	Surgery	37.02	37.02	\$ 2,665.44	\$ 2,665.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
23620 00	Surgery	8.37	8.02	\$ 602.64	\$ 577.44
23625 00	Surgery	11.93	10.91	\$ 858.96	\$ 785.52
23630 00	Surgery	23.53	23.53	\$ 1,694.16	\$ 1,694.16
23650 00	Surgery	10.21	9.21	\$ 735.12	\$ 663.12
23655 00	Surgery	12.43	12.43	\$ 894.96	\$ 894.96
23660 00	Surgery	17.76	17.76	\$ 1,278.72	\$ 1,278.72
23665 00	Surgery	13.31	12.22	\$ 958.32	\$ 879.84
23670 00	Surgery	26.19	26.19	\$ 1,885.68	\$ 1,885.68
23675 00	Surgery	16.83	15.23	\$ 1,211.76	\$ 1,096.56
23680 00	Surgery	27.95	27.95	\$ 2,012.40	\$ 2,012.40
23700 00	Surgery	5.91	5.91	\$ 425.52	\$ 425.52
23800 00	Surgery	30.83	30.83	\$ 2,219.76	\$ 2,219.76
23802 00	Surgery	38.45	38.45	\$ 2,768.40	\$ 2,768.40
23900 00	Surgery	41.43	41.43	\$ 2,982.96	\$ 2,982.96
23920 00	Surgery	33.66	33.66	\$ 2,423.52	\$ 2,423.52
23921 00	Surgery	14.27	14.27	\$ 1,027.44	\$ 1,027.44
23929 00	Surgery	0.00	0.00	BR	BR
23930 00	Surgery	10.88	6.48	\$ 783.36	\$ 466.56
23931 00	Surgery	9.18	4.86	\$ 660.96	\$ 349.92
23935 00	Surgery	15.55	15.55	\$ 1,119.60	\$ 1,119.60
24000 00	Surgery	14.50	14.50	\$ 1,044.00	\$ 1,044.00
24006 00	Surgery	21.49	21.49	\$ 1,547.28	\$ 1,547.28
24065 00	Surgery	7.78	4.86	\$ 560.16	\$ 349.92
24066 00	Surgery	18.84	12.71	\$ 1,356.48	\$ 915.12
24071 00	Surgery	12.20	12.20	\$ 878.40	\$ 878.40
24073 00	Surgery	20.82	20.82	\$ 1,499.04	\$ 1,499.04
24075 00	Surgery	16.12	9.96	\$ 1,160.64	\$ 717.12
24076 00	Surgery	16.51	16.51	\$ 1,188.72	\$ 1,188.72
24077 00	Surgery	30.95	30.95	\$ 2,228.40	\$ 2,228.40
24079 00	Surgery	39.61	39.61	\$ 2,851.92	\$ 2,851.92
24100 00	Surgery	12.75	12.75	\$ 918.00	\$ 918.00
24101 00	Surgery	15.30	15.30	\$ 1,101.60	\$ 1,101.60
24102 00	Surgery	18.62	18.62	\$ 1,340.64	\$ 1,340.64
24105 00	Surgery	10.96	10.96	\$ 789.12	\$ 789.12
24110 00	Surgery	17.89	17.89	\$ 1,288.08	\$ 1,288.08
24115 00	Surgery	22.25	22.25	\$ 1,602.00	\$ 1,602.00
24116 00	Surgery	25.88	25.88	\$ 1,863.36	\$ 1,863.36
24120 00	Surgery	16.14	16.14	\$ 1,162.08	\$ 1,162.08
24125 00	Surgery	18.84	18.84	\$ 1,356.48	\$ 1,356.48
24126 00	Surgery	19.67	19.67	\$ 1,416.24	\$ 1,416.24
24130 00	Surgery	15.56	15.56	\$ 1,120.32	\$ 1,120.32
24134 00	Surgery	22.55	22.55	\$ 1,623.60	\$ 1,623.60
24136 00	Surgery	19.13	19.13	\$ 1,377.36	\$ 1,377.36
24138 00	Surgery	20.81	20.81	\$ 1,498.32	\$ 1,498.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
24140 00	Surgery	21.25	21.25	\$ 1,530.00	\$ 1,530.00
24145 00	Surgery	17.99	17.99	\$ 1,295.28	\$ 1,295.28
24147 00	Surgery	19.04	19.04	\$ 1,370.88	\$ 1,370.88
24149 00	Surgery	35.46	35.46	\$ 2,553.12	\$ 2,553.12
24150 00	Surgery	46.12	46.12	\$ 3,320.64	\$ 3,320.64
24152 00	Surgery	40.16	40.16	\$ 2,891.52	\$ 2,891.52
24155 00	Surgery	25.64	25.64	\$ 1,846.08	\$ 1,846.08
24160 00	Surgery	37.60	37.60	\$ 2,707.20	\$ 2,707.20
24164 00	Surgery	21.85	21.85	\$ 1,573.20	\$ 1,573.20
24200 00	Surgery	6.51	4.19	\$ 468.72	\$ 301.68
24201 00	Surgery	16.59	11.09	\$ 1,194.48	\$ 798.48
24220 00	Surgery	5.77	1.97	\$ 415.44	\$ 141.84
24300 00	Surgery	13.28	13.28	\$ 956.16	\$ 956.16
24301 00	Surgery	22.70	22.70	\$ 1,634.40	\$ 1,634.40
24305 00	Surgery	17.52	17.52	\$ 1,261.44	\$ 1,261.44
24310 00	Surgery	14.42	14.42	\$ 1,038.24	\$ 1,038.24
24320 00	Surgery	23.52	23.52	\$ 1,693.44	\$ 1,693.44
24330 00	Surgery	21.68	21.68	\$ 1,560.96	\$ 1,560.96
24331 00	Surgery	23.66	23.66	\$ 1,703.52	\$ 1,703.52
24332 00	Surgery	18.63	18.63	\$ 1,341.36	\$ 1,341.36
24340 00	Surgery	18.14	18.14	\$ 1,306.08	\$ 1,306.08
24341 00	Surgery	22.57	22.57	\$ 1,625.04	\$ 1,625.04
24342 00	Surgery	23.33	23.33	\$ 1,679.76	\$ 1,679.76
24343 00	Surgery	21.59	21.59	\$ 1,554.48	\$ 1,554.48
24344 00	Surgery	32.80	32.80	\$ 2,361.60	\$ 2,361.60
24345 00	Surgery	21.47	21.47	\$ 1,545.84	\$ 1,545.84
24346 00	Surgery	33.19	33.19	\$ 2,389.68	\$ 2,389.68
24357 00	Surgery	12.63	12.63	\$ 909.36	\$ 909.36
24358 00	Surgery	16.03	16.03	\$ 1,154.16	\$ 1,154.16
24359 00	Surgery	20.03	20.03	\$ 1,442.16	\$ 1,442.16
24360 00	Surgery	27.16	27.16	\$ 1,955.52	\$ 1,955.52
24361 00	Surgery	30.26	30.26	\$ 2,178.72	\$ 2,178.72
24362 00	Surgery	31.85	31.85	\$ 2,293.20	\$ 2,293.20
24363 00	Surgery	43.31	43.31	\$ 3,118.32	\$ 3,118.32
24365 00	Surgery	19.37	19.37	\$ 1,394.64	\$ 1,394.64
24366 00	Surgery	20.53	20.53	\$ 1,478.16	\$ 1,478.16
24370 00	Surgery	45.98	45.98	\$ 3,310.56	\$ 3,310.56
24371 00	Surgery	52.77	52.77	\$ 3,799.44	\$ 3,799.44
24400 00	Surgery	24.94	24.94	\$ 1,795.68	\$ 1,795.68
24410 00	Surgery	31.76	31.76	\$ 2,286.72	\$ 2,286.72
24420 00	Surgery	32.08	32.08	\$ 2,309.76	\$ 2,309.76
24430 00	Surgery	31.68	31.68	\$ 2,280.96	\$ 2,280.96
24435 00	Surgery	32.41	32.41	\$ 2,333.52	\$ 2,333.52
24470 00	Surgery	20.31	20.31	\$ 1,462.32	\$ 1,462.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
24495 00	Surgery	28.02	28.02	\$ 2,017.44	\$ 2,017.44
24498 00	Surgery	26.08	26.08	\$ 1,877.76	\$ 1,877.76
24500 00	Surgery	11.15	10.28	\$ 802.80	\$ 740.16
24505 00	Surgery	15.43	13.83	\$ 1,110.96	\$ 995.76
24515 00	Surgery	26.52	26.52	\$ 1,909.44	\$ 1,909.44
24516 00	Surgery	25.85	25.85	\$ 1,861.20	\$ 1,861.20
24530 00	Surgery	11.80	10.81	\$ 849.60	\$ 778.32
24535 00	Surgery	18.93	17.37	\$ 1,362.96	\$ 1,250.64
24538 00	Surgery	23.89	23.89	\$ 1,720.08	\$ 1,720.08
24545 00	Surgery	27.86	27.86	\$ 2,005.92	\$ 2,005.92
24546 00	Surgery	31.12	31.12	\$ 2,240.64	\$ 2,240.64
24560 00	Surgery	10.28	9.10	\$ 740.16	\$ 655.20
24565 00	Surgery	16.57	15.12	\$ 1,193.04	\$ 1,088.64
24566 00	Surgery	21.79	21.79	\$ 1,568.88	\$ 1,568.88
24575 00	Surgery	22.10	22.10	\$ 1,591.20	\$ 1,591.20
24576 00	Surgery	10.83	9.65	\$ 779.76	\$ 694.80
24577 00	Surgery	17.02	15.50	\$ 1,225.44	\$ 1,116.00
24579 00	Surgery	25.15	25.15	\$ 1,810.80	\$ 1,810.80
24582 00	Surgery	24.67	24.67	\$ 1,776.24	\$ 1,776.24
24586 00	Surgery	32.60	32.60	\$ 2,347.20	\$ 2,347.20
24587 00	Surgery	32.66	32.66	\$ 2,351.52	\$ 2,351.52
24600 00	Surgery	11.62	10.51	\$ 836.64	\$ 756.72
24605 00	Surgery	14.56	14.56	\$ 1,048.32	\$ 1,048.32
24615 00	Surgery	21.55	21.55	\$ 1,551.60	\$ 1,551.60
24620 00	Surgery	17.85	17.85	\$ 1,285.20	\$ 1,285.20
24635 00	Surgery	20.44	20.44	\$ 1,471.68	\$ 1,471.68
24640 00	Surgery	3.13	2.39	\$ 225.36	\$ 172.08
24650 00	Surgery	8.15	7.58	\$ 586.80	\$ 545.76
24655 00	Surgery	13.75	12.39	\$ 990.00	\$ 892.08
24665 00	Surgery	19.87	19.87	\$ 1,430.64	\$ 1,430.64
24666 00	Surgery	22.11	22.11	\$ 1,591.92	\$ 1,591.92
24670 00	Surgery	9.03	8.26	\$ 650.16	\$ 594.72
24675 00	Surgery	14.12	12.78	\$ 1,016.64	\$ 920.16
24685 00	Surgery	19.76	19.76	\$ 1,422.72	\$ 1,422.72
24800 00	Surgery	25.11	25.11	\$ 1,807.92	\$ 1,807.92
24802 00	Surgery	30.11	30.11	\$ 2,167.92	\$ 2,167.92
24900 00	Surgery	22.20	22.20	\$ 1,598.40	\$ 1,598.40
24920 00	Surgery	22.11	22.11	\$ 1,591.92	\$ 1,591.92
24925 00	Surgery	17.25	17.25	\$ 1,242.00	\$ 1,242.00
24930 00	Surgery	23.29	23.29	\$ 1,676.88	\$ 1,676.88
24931 00	Surgery	27.96	27.96	\$ 2,013.12	\$ 2,013.12
24935 00	Surgery	36.76	36.76	\$ 2,646.72	\$ 2,646.72
24940 00	Surgery	0.00	0.00	BR	BR
24999 00	Surgery	0.00	0.00	BR	BR

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
25000 00	Surgery	10.53	10.53	\$ 758.16	\$ 758.16
25001 00	Surgery	10.54	10.54	\$ 758.88	\$ 758.88
25020 00	Surgery	22.53	22.53	\$ 1,622.16	\$ 1,622.16
25023 00	Surgery	39.46	39.46	\$ 2,841.12	\$ 2,841.12
25024 00	Surgery	23.32	23.32	\$ 1,679.04	\$ 1,679.04
25025 00	Surgery	36.77	36.77	\$ 2,647.44	\$ 2,647.44
25028 00	Surgery	21.00	21.00	\$ 1,512.00	\$ 1,512.00
25031 00	Surgery	11.20	11.20	\$ 806.40	\$ 806.40
25035 00	Surgery	17.74	17.74	\$ 1,277.28	\$ 1,277.28
25040 00	Surgery	16.91	16.91	\$ 1,217.52	\$ 1,217.52
25065 00	Surgery	7.70	4.73	\$ 554.40	\$ 340.56
25066 00	Surgery	11.15	11.15	\$ 802.80	\$ 802.80
25071 00	Surgery	12.77	12.77	\$ 919.44	\$ 919.44
25073 00	Surgery	16.20	16.20	\$ 1,166.40	\$ 1,166.40
25075 00	Surgery	15.71	9.55	\$ 1,131.12	\$ 687.60
25076 00	Surgery	15.70	15.70	\$ 1,130.40	\$ 1,130.40
25077 00	Surgery	26.61	26.61	\$ 1,915.92	\$ 1,915.92
25078 00	Surgery	34.93	34.93	\$ 2,514.96	\$ 2,514.96
25085 00	Surgery	13.60	13.60	\$ 979.20	\$ 979.20
25100 00	Surgery	10.65	10.65	\$ 766.80	\$ 766.80
25101 00	Surgery	12.30	12.30	\$ 885.60	\$ 885.60
25105 00	Surgery	14.81	14.81	\$ 1,066.32	\$ 1,066.32
25107 00	Surgery	18.69	18.69	\$ 1,345.68	\$ 1,345.68
25109 00	Surgery	16.25	16.25	\$ 1,170.00	\$ 1,170.00
25110 00	Surgery	10.56	10.56	\$ 760.32	\$ 760.32
25111 00	Surgery	9.89	9.89	\$ 712.08	\$ 712.08
25112 00	Surgery	11.87	11.87	\$ 854.64	\$ 854.64
25115 00	Surgery	22.84	22.84	\$ 1,644.48	\$ 1,644.48
25116 00	Surgery	18.28	18.28	\$ 1,316.16	\$ 1,316.16
25118 00	Surgery	11.64	11.64	\$ 838.08	\$ 838.08
25119 00	Surgery	15.25	15.25	\$ 1,098.00	\$ 1,098.00
25120 00	Surgery	15.23	15.23	\$ 1,096.56	\$ 1,096.56
25125 00	Surgery	18.04	18.04	\$ 1,298.88	\$ 1,298.88
25126 00	Surgery	18.16	18.16	\$ 1,307.52	\$ 1,307.52
25130 00	Surgery	13.71	13.71	\$ 987.12	\$ 987.12
25135 00	Surgery	16.98	16.98	\$ 1,222.56	\$ 1,222.56
25136 00	Surgery	15.12	15.12	\$ 1,088.64	\$ 1,088.64
25145 00	Surgery	15.81	15.81	\$ 1,138.32	\$ 1,138.32
25150 00	Surgery	17.18	17.18	\$ 1,236.96	\$ 1,236.96
25151 00	Surgery	17.70	17.70	\$ 1,274.40	\$ 1,274.40
25170 00	Surgery	43.86	43.86	\$ 3,157.92	\$ 3,157.92
25210 00	Surgery	14.97	14.97	\$ 1,077.84	\$ 1,077.84
25215 00	Surgery	18.75	18.75	\$ 1,350.00	\$ 1,350.00
25230 00	Surgery	13.15	13.15	\$ 946.80	\$ 946.80

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
25240 00	Surgery	13.06	13.06	\$ 940.32	\$ 940.32
25246 00	Surgery	5.94	2.15	\$ 427.68	\$ 154.80
25248 00	Surgery	12.60	12.60	\$ 907.20	\$ 907.20
25250 00	Surgery	16.17	16.17	\$ 1,164.24	\$ 1,164.24
25251 00	Surgery	21.72	21.72	\$ 1,563.84	\$ 1,563.84
25259 00	Surgery	13.16	13.16	\$ 947.52	\$ 947.52
25260 00	Surgery	19.24	19.24	\$ 1,385.28	\$ 1,385.28
25263 00	Surgery	19.20	19.20	\$ 1,382.40	\$ 1,382.40
25265 00	Surgery	22.64	22.64	\$ 1,630.08	\$ 1,630.08
25270 00	Surgery	15.00	15.00	\$ 1,080.00	\$ 1,080.00
25272 00	Surgery	16.97	16.97	\$ 1,221.84	\$ 1,221.84
25274 00	Surgery	20.12	20.12	\$ 1,448.64	\$ 1,448.64
25275 00	Surgery	20.32	20.32	\$ 1,463.04	\$ 1,463.04
25280 00	Surgery	17.13	17.13	\$ 1,233.36	\$ 1,233.36
25290 00	Surgery	13.23	13.23	\$ 952.56	\$ 952.56
25295 00	Surgery	15.99	15.99	\$ 1,151.28	\$ 1,151.28
25300 00	Surgery	20.88	20.88	\$ 1,503.36	\$ 1,503.36
25301 00	Surgery	19.46	19.46	\$ 1,401.12	\$ 1,401.12
25310 00	Surgery	18.81	18.81	\$ 1,354.32	\$ 1,354.32
25312 00	Surgery	21.67	21.67	\$ 1,560.24	\$ 1,560.24
25315 00	Surgery	23.21	23.21	\$ 1,671.12	\$ 1,671.12
25316 00	Surgery	27.57	27.57	\$ 1,985.04	\$ 1,985.04
25320 00	Surgery	29.77	29.77	\$ 2,143.44	\$ 2,143.44
25332 00	Surgery	25.46	25.46	\$ 1,833.12	\$ 1,833.12
25335 00	Surgery	28.41	28.41	\$ 2,045.52	\$ 2,045.52
25337 00	Surgery	26.76	26.76	\$ 1,926.72	\$ 1,926.72
25350 00	Surgery	20.40	20.40	\$ 1,468.80	\$ 1,468.80
25355 00	Surgery	23.06	23.06	\$ 1,660.32	\$ 1,660.32
25360 00	Surgery	19.83	19.83	\$ 1,427.76	\$ 1,427.76
25365 00	Surgery	27.60	27.60	\$ 1,987.20	\$ 1,987.20
25370 00	Surgery	30.45	30.45	\$ 2,192.40	\$ 2,192.40
25375 00	Surgery	28.68	28.68	\$ 2,064.96	\$ 2,064.96
25390 00	Surgery	23.19	23.19	\$ 1,669.68	\$ 1,669.68
25391 00	Surgery	29.93	29.93	\$ 2,154.96	\$ 2,154.96
25392 00	Surgery	30.45	30.45	\$ 2,192.40	\$ 2,192.40
25393 00	Surgery	33.86	33.86	\$ 2,437.92	\$ 2,437.92
25394 00	Surgery	23.63	23.63	\$ 1,701.36	\$ 1,701.36
25400 00	Surgery	24.20	24.20	\$ 1,742.40	\$ 1,742.40
25405 00	Surgery	31.12	31.12	\$ 2,240.64	\$ 2,240.64
25415 00	Surgery	29.10	29.10	\$ 2,095.20	\$ 2,095.20
25420 00	Surgery	34.94	34.94	\$ 2,515.68	\$ 2,515.68
25425 00	Surgery	28.97	28.97	\$ 2,085.84	\$ 2,085.84
25426 00	Surgery	33.67	33.67	\$ 2,424.24	\$ 2,424.24
25430 00	Surgery	22.10	22.10	\$ 1,591.20	\$ 1,591.20

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
25431 00	Surgery	23.75	23.75	\$ 1,710.00	\$ 1,710.00
25440 00	Surgery	23.16	23.16	\$ 1,667.52	\$ 1,667.52
25441 00	Surgery	28.23	28.23	\$ 2,032.56	\$ 2,032.56
25442 00	Surgery	24.40	24.40	\$ 1,756.80	\$ 1,756.80
25443 00	Surgery	23.69	23.69	\$ 1,705.68	\$ 1,705.68
25444 00	Surgery	24.93	24.93	\$ 1,794.96	\$ 1,794.96
25445 00	Surgery	21.77	21.77	\$ 1,567.44	\$ 1,567.44
25446 00	Surgery	35.14	35.14	\$ 2,530.08	\$ 2,530.08
25447 00	Surgery	25.09	25.09	\$ 1,806.48	\$ 1,806.48
25449 00	Surgery	31.03	31.03	\$ 2,234.16	\$ 2,234.16
25450 00	Surgery	18.70	18.70	\$ 1,346.40	\$ 1,346.40
25455 00	Surgery	22.07	22.07	\$ 1,589.04	\$ 1,589.04
25490 00	Surgery	21.71	21.71	\$ 1,563.12	\$ 1,563.12
25491 00	Surgery	22.30	22.30	\$ 1,605.60	\$ 1,605.60
25492 00	Surgery	27.28	27.28	\$ 1,964.16	\$ 1,964.16
25500 00	Surgery	8.78	7.94	\$ 632.16	\$ 571.68
25505 00	Surgery	15.56	14.11	\$ 1,120.32	\$ 1,015.92
25515 00	Surgery	20.25	20.25	\$ 1,458.00	\$ 1,458.00
25520 00	Surgery	17.64	16.61	\$ 1,270.08	\$ 1,195.92
25525 00	Surgery	23.87	23.87	\$ 1,718.64	\$ 1,718.64
25526 00	Surgery	28.79	28.79	\$ 2,072.88	\$ 2,072.88
25530 00	Surgery	8.16	7.49	\$ 587.52	\$ 539.28
25535 00	Surgery	15.17	13.99	\$ 1,092.24	\$ 1,007.28
25545 00	Surgery	18.93	18.93	\$ 1,362.96	\$ 1,362.96
25560 00	Surgery	8.96	7.99	\$ 645.12	\$ 575.28
25565 00	Surgery	15.97	14.27	\$ 1,149.84	\$ 1,027.44
25574 00	Surgery	20.44	20.44	\$ 1,471.68	\$ 1,471.68
25575 00	Surgery	27.24	27.24	\$ 1,961.28	\$ 1,961.28
25600 00	Surgery	10.45	9.99	\$ 752.40	\$ 719.28
25605 00	Surgery	16.55	15.63	\$ 1,191.60	\$ 1,125.36
25606 00	Surgery	20.23	20.23	\$ 1,456.56	\$ 1,456.56
25607 00	Surgery	22.37	22.37	\$ 1,610.64	\$ 1,610.64
25608 00	Surgery	24.97	24.97	\$ 1,797.84	\$ 1,797.84
25609 00	Surgery	31.66	31.66	\$ 2,279.52	\$ 2,279.52
25622 00	Surgery	9.50	8.77	\$ 684.00	\$ 631.44
25624 00	Surgery	15.06	13.64	\$ 1,084.32	\$ 982.08
25628 00	Surgery	21.72	21.72	\$ 1,563.84	\$ 1,563.84
25630 00	Surgery	9.44	8.77	\$ 679.68	\$ 631.44
25635 00	Surgery	14.28	12.95	\$ 1,028.16	\$ 932.40
25645 00	Surgery	17.33	17.33	\$ 1,247.76	\$ 1,247.76
25650 00	Surgery	10.21	9.46	\$ 735.12	\$ 681.12
25651 00	Surgery	14.89	14.89	\$ 1,072.08	\$ 1,072.08
25652 00	Surgery	18.87	18.87	\$ 1,358.64	\$ 1,358.64
25660 00	Surgery	13.72	13.72	\$ 987.84	\$ 987.84

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
25670 00	Surgery	18.41	18.41	\$ 1,325.52	\$ 1,325.52
25671 00	Surgery	16.13	16.13	\$ 1,161.36	\$ 1,161.36
25675 00	Surgery	14.02	12.63	\$ 1,009.44	\$ 909.36
25676 00	Surgery	19.08	19.08	\$ 1,373.76	\$ 1,373.76
25680 00	Surgery	16.16	16.16	\$ 1,163.52	\$ 1,163.52
25685 00	Surgery	22.19	22.19	\$ 1,597.68	\$ 1,597.68
25690 00	Surgery	14.99	14.99	\$ 1,079.28	\$ 1,079.28
25695 00	Surgery	19.19	19.19	\$ 1,381.68	\$ 1,381.68
25800 00	Surgery	22.10	22.10	\$ 1,591.20	\$ 1,591.20
25805 00	Surgery	25.54	25.54	\$ 1,838.88	\$ 1,838.88
25810 00	Surgery	26.12	26.12	\$ 1,880.64	\$ 1,880.64
25820 00	Surgery	19.69	19.69	\$ 1,417.68	\$ 1,417.68
25825 00	Surgery	23.99	23.99	\$ 1,727.28	\$ 1,727.28
25830 00	Surgery	30.66	30.66	\$ 2,207.52	\$ 2,207.52
25900 00	Surgery	21.61	21.61	\$ 1,555.92	\$ 1,555.92
25905 00	Surgery	21.18	21.18	\$ 1,524.96	\$ 1,524.96
25907 00	Surgery	18.59	18.59	\$ 1,338.48	\$ 1,338.48
25909 00	Surgery	20.71	20.71	\$ 1,491.12	\$ 1,491.12
25915 00	Surgery	34.95	34.95	\$ 2,516.40	\$ 2,516.40
25920 00	Surgery	22.09	22.09	\$ 1,590.48	\$ 1,590.48
25922 00	Surgery	19.59	19.59	\$ 1,410.48	\$ 1,410.48
25924 00	Surgery	21.58	21.58	\$ 1,553.76	\$ 1,553.76
25927 00	Surgery	26.21	26.21	\$ 1,887.12	\$ 1,887.12
25929 00	Surgery	18.12	18.12	\$ 1,304.64	\$ 1,304.64
25931 00	Surgery	24.26	24.26	\$ 1,746.72	\$ 1,746.72
25999 00	Surgery	0.00	0.00	BR	BR
26010 00	Surgery	10.43	4.25	\$ 750.96	\$ 306.00
26011 00	Surgery	14.59	5.60	\$ 1,050.48	\$ 403.20
26020 00	Surgery	16.85	16.85	\$ 1,213.20	\$ 1,213.20
26025 00	Surgery	12.72	12.72	\$ 915.84	\$ 915.84
26030 00	Surgery	14.88	14.88	\$ 1,071.36	\$ 1,071.36
26034 00	Surgery	16.70	16.70	\$ 1,202.40	\$ 1,202.40
26035 00	Surgery	25.95	25.95	\$ 1,868.40	\$ 1,868.40
26037 00	Surgery	16.98	16.98	\$ 1,222.56	\$ 1,222.56
26040 00	Surgery	9.64	9.64	\$ 694.08	\$ 694.08
26045 00	Surgery	14.35	14.35	\$ 1,033.20	\$ 1,033.20
26055 00	Surgery	17.92	8.86	\$ 1,290.24	\$ 637.92
26060 00	Surgery	7.76	7.76	\$ 558.72	\$ 558.72
26070 00	Surgery	9.82	9.82	\$ 707.04	\$ 707.04
26075 00	Surgery	10.31	10.31	\$ 742.32	\$ 742.32
26080 00	Surgery	12.12	12.12	\$ 872.64	\$ 872.64
26100 00	Surgery	10.34	10.34	\$ 744.48	\$ 744.48
26105 00	Surgery	10.42	10.42	\$ 750.24	\$ 750.24
26110 00	Surgery	9.92	9.92	\$ 714.24	\$ 714.24

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
26111 00	Surgery	12.56	12.56	\$ 904.32	\$ 904.32
26113 00	Surgery	16.53	16.53	\$ 1,190.16	\$ 1,190.16
26115 00	Surgery	16.66	10.06	\$ 1,199.52	\$ 724.32
26116 00	Surgery	15.89	15.89	\$ 1,144.08	\$ 1,144.08
26117 00	Surgery	22.34	22.34	\$ 1,608.48	\$ 1,608.48
26118 00	Surgery	31.67	31.67	\$ 2,280.24	\$ 2,280.24
26121 00	Surgery	18.16	18.16	\$ 1,307.52	\$ 1,307.52
26123 00	Surgery	25.29	25.29	\$ 1,820.88	\$ 1,820.88
26125 00	Surgery	7.98	7.98	\$ 574.56	\$ 574.56
26130 00	Surgery	14.26	14.26	\$ 1,026.72	\$ 1,026.72
26135 00	Surgery	16.80	16.80	\$ 1,209.60	\$ 1,209.60
26140 00	Surgery	15.40	15.40	\$ 1,108.80	\$ 1,108.80
26145 00	Surgery	15.65	15.65	\$ 1,126.80	\$ 1,126.80
26160 00	Surgery	18.68	9.61	\$ 1,344.96	\$ 691.92
26170 00	Surgery	12.42	12.42	\$ 894.24	\$ 894.24
26180 00	Surgery	13.67	13.67	\$ 984.24	\$ 984.24
26185 00	Surgery	16.90	16.90	\$ 1,216.80	\$ 1,216.80
26200 00	Surgery	13.71	13.71	\$ 987.12	\$ 987.12
26205 00	Surgery	18.32	18.32	\$ 1,319.04	\$ 1,319.04
26210 00	Surgery	13.62	13.62	\$ 980.64	\$ 980.64
26215 00	Surgery	17.21	17.21	\$ 1,239.12	\$ 1,239.12
26230 00	Surgery	15.17	15.17	\$ 1,092.24	\$ 1,092.24
26235 00	Surgery	14.93	14.93	\$ 1,074.96	\$ 1,074.96
26236 00	Surgery	13.38	13.38	\$ 963.36	\$ 963.36
26250 00	Surgery	31.95	31.95	\$ 2,300.40	\$ 2,300.40
26260 00	Surgery	23.98	23.98	\$ 1,726.56	\$ 1,726.56
26262 00	Surgery	19.04	19.04	\$ 1,370.88	\$ 1,370.88
26320 00	Surgery	10.63	10.63	\$ 765.36	\$ 765.36
26340 00	Surgery	10.81	10.81	\$ 778.32	\$ 778.32
26341 00	Surgery	3.55	2.36	\$ 255.60	\$ 169.92
26350 00	Surgery	22.74	22.74	\$ 1,637.28	\$ 1,637.28
26352 00	Surgery	25.37	25.37	\$ 1,826.64	\$ 1,826.64
26356 00	Surgery	24.07	24.07	\$ 1,733.04	\$ 1,733.04
26357 00	Surgery	26.94	26.94	\$ 1,939.68	\$ 1,939.68
26358 00	Surgery	29.66	29.66	\$ 2,135.52	\$ 2,135.52
26370 00	Surgery	23.88	23.88	\$ 1,719.36	\$ 1,719.36
26372 00	Surgery	27.82	27.82	\$ 2,003.04	\$ 2,003.04
26373 00	Surgery	26.80	26.80	\$ 1,929.60	\$ 1,929.60
26390 00	Surgery	26.67	26.67	\$ 1,920.24	\$ 1,920.24
26392 00	Surgery	30.39	30.39	\$ 2,188.08	\$ 2,188.08
26410 00	Surgery	18.36	18.36	\$ 1,321.92	\$ 1,321.92
26412 00	Surgery	21.85	21.85	\$ 1,573.20	\$ 1,573.20
26415 00	Surgery	25.89	25.89	\$ 1,864.08	\$ 1,864.08
26416 00	Surgery	27.98	27.98	\$ 2,014.56	\$ 2,014.56

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
26418 00	Surgery	19.05	19.05	\$ 1,371.60	\$ 1,371.60
26420 00	Surgery	22.62	22.62	\$ 1,628.64	\$ 1,628.64
26426 00	Surgery	15.29	15.29	\$ 1,100.88	\$ 1,100.88
26428 00	Surgery	24.27	24.27	\$ 1,747.44	\$ 1,747.44
26432 00	Surgery	16.63	16.63	\$ 1,197.36	\$ 1,197.36
26433 00	Surgery	17.49	17.49	\$ 1,259.28	\$ 1,259.28
26434 00	Surgery	21.21	21.21	\$ 1,527.12	\$ 1,527.12
26437 00	Surgery	20.34	20.34	\$ 1,464.48	\$ 1,464.48
26440 00	Surgery	19.86	19.86	\$ 1,429.92	\$ 1,429.92
26442 00	Surgery	30.06	30.06	\$ 2,164.32	\$ 2,164.32
26445 00	Surgery	18.53	18.53	\$ 1,334.16	\$ 1,334.16
26449 00	Surgery	21.14	21.14	\$ 1,522.08	\$ 1,522.08
26450 00	Surgery	14.20	14.20	\$ 1,022.40	\$ 1,022.40
26455 00	Surgery	14.12	14.12	\$ 1,016.64	\$ 1,016.64
26460 00	Surgery	13.72	13.72	\$ 987.84	\$ 987.84
26471 00	Surgery	20.12	20.12	\$ 1,448.64	\$ 1,448.64
26474 00	Surgery	19.90	19.90	\$ 1,432.80	\$ 1,432.80
26476 00	Surgery	19.64	19.64	\$ 1,414.08	\$ 1,414.08
26477 00	Surgery	19.09	19.09	\$ 1,374.48	\$ 1,374.48
26478 00	Surgery	20.24	20.24	\$ 1,457.28	\$ 1,457.28
26479 00	Surgery	20.60	20.60	\$ 1,483.20	\$ 1,483.20
26480 00	Surgery	23.92	23.92	\$ 1,722.24	\$ 1,722.24
26483 00	Surgery	26.47	26.47	\$ 1,905.84	\$ 1,905.84
26485 00	Surgery	25.43	25.43	\$ 1,830.96	\$ 1,830.96
26489 00	Surgery	29.31	29.31	\$ 2,110.32	\$ 2,110.32
26490 00	Surgery	25.51	25.51	\$ 1,836.72	\$ 1,836.72
26492 00	Surgery	28.18	28.18	\$ 2,028.96	\$ 2,028.96
26494 00	Surgery	25.61	25.61	\$ 1,843.92	\$ 1,843.92
26496 00	Surgery	27.55	27.55	\$ 1,983.60	\$ 1,983.60
26497 00	Surgery	27.52	27.52	\$ 1,981.44	\$ 1,981.44
26498 00	Surgery	35.69	35.69	\$ 2,569.68	\$ 2,569.68
26499 00	Surgery	26.51	26.51	\$ 1,908.72	\$ 1,908.72
26500 00	Surgery	20.20	20.20	\$ 1,454.40	\$ 1,454.40
26502 00	Surgery	23.01	23.01	\$ 1,656.72	\$ 1,656.72
26508 00	Surgery	20.62	20.62	\$ 1,484.64	\$ 1,484.64
26510 00	Surgery	19.61	19.61	\$ 1,411.92	\$ 1,411.92
26516 00	Surgery	22.63	22.63	\$ 1,629.36	\$ 1,629.36
26517 00	Surgery	26.35	26.35	\$ 1,897.20	\$ 1,897.20
26518 00	Surgery	26.68	26.68	\$ 1,920.96	\$ 1,920.96
26520 00	Surgery	20.82	20.82	\$ 1,499.04	\$ 1,499.04
26525 00	Surgery	20.91	20.91	\$ 1,505.52	\$ 1,505.52
26530 00	Surgery	16.36	16.36	\$ 1,177.92	\$ 1,177.92
26531 00	Surgery	19.12	19.12	\$ 1,376.64	\$ 1,376.64
26535 00	Surgery	13.30	13.30	\$ 957.60	\$ 957.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
26536 00	Surgery	22.83	22.83	\$ 1,643.76	\$ 1,643.76
26540 00	Surgery	21.32	21.32	\$ 1,535.04	\$ 1,535.04
26541 00	Surgery	25.33	25.33	\$ 1,823.76	\$ 1,823.76
26542 00	Surgery	21.97	21.97	\$ 1,581.84	\$ 1,581.84
26545 00	Surgery	22.32	22.32	\$ 1,607.04	\$ 1,607.04
26546 00	Surgery	31.49	31.49	\$ 2,267.28	\$ 2,267.28
26548 00	Surgery	24.34	24.34	\$ 1,752.48	\$ 1,752.48
26550 00	Surgery	49.81	49.81	\$ 3,586.32	\$ 3,586.32
26551 00	Surgery	98.61	98.61	\$ 7,099.92	\$ 7,099.92
26553 00	Surgery	97.96	97.96	\$ 7,053.12	\$ 7,053.12
26554 00	Surgery	113.97	113.97	\$ 8,205.84	\$ 8,205.84
26555 00	Surgery	41.92	41.92	\$ 3,018.24	\$ 3,018.24
26556 00	Surgery	101.87	101.87	\$ 7,334.64	\$ 7,334.64
26560 00	Surgery	19.41	19.41	\$ 1,397.52	\$ 1,397.52
26561 00	Surgery	29.82	29.82	\$ 2,147.04	\$ 2,147.04
26562 00	Surgery	41.57	41.57	\$ 2,993.04	\$ 2,993.04
26565 00	Surgery	21.74	21.74	\$ 1,565.28	\$ 1,565.28
26567 00	Surgery	21.91	21.91	\$ 1,577.52	\$ 1,577.52
26568 00	Surgery	28.30	28.30	\$ 2,037.60	\$ 2,037.60
26580 00	Surgery	46.46	46.46	\$ 3,345.12	\$ 3,345.12
26587 00	Surgery	31.38	31.38	\$ 2,259.36	\$ 2,259.36
26590 00	Surgery	43.23	43.23	\$ 3,112.56	\$ 3,112.56
26591 00	Surgery	14.89	14.89	\$ 1,072.08	\$ 1,072.08
26593 00	Surgery	19.66	19.66	\$ 1,415.52	\$ 1,415.52
26596 00	Surgery	24.83	24.83	\$ 1,787.76	\$ 1,787.76
26600 00	Surgery	9.29	8.84	\$ 668.88	\$ 636.48
26605 00	Surgery	10.18	9.17	\$ 732.96	\$ 660.24
26607 00	Surgery	15.50	15.50	\$ 1,116.00	\$ 1,116.00
26608 00	Surgery	14.67	14.67	\$ 1,056.24	\$ 1,056.24
26615 00	Surgery	17.43	17.43	\$ 1,254.96	\$ 1,254.96
26641 00	Surgery	12.87	11.71	\$ 926.64	\$ 843.12
26645 00	Surgery	13.29	12.10	\$ 956.88	\$ 871.20
26650 00	Surgery	14.68	14.68	\$ 1,056.96	\$ 1,056.96
26665 00	Surgery	18.96	18.96	\$ 1,365.12	\$ 1,365.12
26670 00	Surgery	10.73	9.58	\$ 772.56	\$ 689.76
26675 00	Surgery	14.18	12.93	\$ 1,020.96	\$ 930.96
26676 00	Surgery	15.53	15.53	\$ 1,118.16	\$ 1,118.16
26685 00	Surgery	17.43	17.43	\$ 1,254.96	\$ 1,254.96
26686 00	Surgery	18.85	18.85	\$ 1,357.20	\$ 1,357.20
26700 00	Surgery	10.48	9.64	\$ 754.56	\$ 694.08
26705 00	Surgery	13.45	12.16	\$ 968.40	\$ 875.52
26706 00	Surgery	13.60	13.60	\$ 979.20	\$ 979.20
26715 00	Surgery	17.38	17.38	\$ 1,251.36	\$ 1,251.36
26720 00	Surgery	6.21	5.83	\$ 447.12	\$ 419.76

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
26725 00	Surgery	10.54	9.37	\$ 758.88	\$ 674.64
26727 00	Surgery	14.45	14.45	\$ 1,040.40	\$ 1,040.40
26735 00	Surgery	18.01	18.01	\$ 1,296.72	\$ 1,296.72
26740 00	Surgery	7.18	6.80	\$ 516.96	\$ 489.60
26742 00	Surgery	11.52	10.33	\$ 829.44	\$ 743.76
26746 00	Surgery	22.41	22.41	\$ 1,613.52	\$ 1,613.52
26750 00	Surgery	5.81	5.86	\$ 418.32	\$ 421.92
26755 00	Surgery	9.88	8.47	\$ 711.36	\$ 609.84
26756 00	Surgery	12.96	12.96	\$ 933.12	\$ 933.12
26765 00	Surgery	15.28	15.28	\$ 1,100.16	\$ 1,100.16
26770 00	Surgery	8.87	8.07	\$ 638.64	\$ 581.04
26775 00	Surgery	12.16	10.91	\$ 875.52	\$ 785.52
26776 00	Surgery	13.71	13.71	\$ 987.12	\$ 987.12
26785 00	Surgery	16.63	16.63	\$ 1,197.36	\$ 1,197.36
26820 00	Surgery	25.24	25.24	\$ 1,817.28	\$ 1,817.28
26841 00	Surgery	23.50	23.50	\$ 1,692.00	\$ 1,692.00
26842 00	Surgery	25.32	25.32	\$ 1,823.04	\$ 1,823.04
26843 00	Surgery	23.81	23.81	\$ 1,714.32	\$ 1,714.32
26844 00	Surgery	26.16	26.16	\$ 1,883.52	\$ 1,883.52
26850 00	Surgery	22.37	22.37	\$ 1,610.64	\$ 1,610.64
26852 00	Surgery	25.32	25.32	\$ 1,823.04	\$ 1,823.04
26860 00	Surgery	18.69	18.69	\$ 1,345.68	\$ 1,345.68
26861 00	Surgery	3.00	3.00	\$ 216.00	\$ 216.00
26862 00	Surgery	23.30	23.30	\$ 1,677.60	\$ 1,677.60
26863 00	Surgery	6.76	6.76	\$ 486.72	\$ 486.72
26910 00	Surgery	23.20	23.20	\$ 1,670.40	\$ 1,670.40
26951 00	Surgery	21.33	21.33	\$ 1,535.76	\$ 1,535.76
26952 00	Surgery	20.84	20.84	\$ 1,500.48	\$ 1,500.48
26989 00	Surgery	0.00	0.00	BR	BR
26990 00	Surgery	20.56	20.56	\$ 1,480.32	\$ 1,480.32
26991 00	Surgery	21.47	15.93	\$ 1,545.84	\$ 1,146.96
26992 00	Surgery	30.30	30.30	\$ 2,181.60	\$ 2,181.60
27000 00	Surgery	11.83	11.83	\$ 851.76	\$ 851.76
27001 00	Surgery	16.35	16.35	\$ 1,177.20	\$ 1,177.20
27003 00	Surgery	18.12	18.12	\$ 1,304.64	\$ 1,304.64
27005 00	Surgery	21.56	21.56	\$ 1,552.32	\$ 1,552.32
27006 00	Surgery	21.41	21.41	\$ 1,541.52	\$ 1,541.52
27025 00	Surgery	27.68	27.68	\$ 1,992.96	\$ 1,992.96
27027 00	Surgery	26.82	26.82	\$ 1,931.04	\$ 1,931.04
27030 00	Surgery	28.11	28.11	\$ 2,023.92	\$ 2,023.92
27033 00	Surgery	29.16	29.16	\$ 2,099.52	\$ 2,099.52
27035 00	Surgery	33.51	33.51	\$ 2,412.72	\$ 2,412.72
27036 00	Surgery	30.54	30.54	\$ 2,198.88	\$ 2,198.88
27040 00	Surgery	10.21	5.94	\$ 735.12	\$ 427.68

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
27041 00	Surgery	21.36	21.36	\$ 1,537.92	\$ 1,537.92
27043 00	Surgery	14.11	14.11	\$ 1,015.92	\$ 1,015.92
27045 00	Surgery	22.08	22.08	\$ 1,589.76	\$ 1,589.76
27047 00	Surgery	14.91	10.85	\$ 1,073.52	\$ 781.20
27048 00	Surgery	18.40	18.40	\$ 1,324.80	\$ 1,324.80
27049 00	Surgery	40.03	40.03	\$ 2,882.16	\$ 2,882.16
27050 00	Surgery	12.30	12.30	\$ 885.60	\$ 885.60
27052 00	Surgery	17.50	17.50	\$ 1,260.00	\$ 1,260.00
27054 00	Surgery	20.81	20.81	\$ 1,498.32	\$ 1,498.32
27057 00	Surgery	30.24	30.24	\$ 2,177.28	\$ 2,177.28
27059 00	Surgery	53.99	53.99	\$ 3,887.28	\$ 3,887.28
27060 00	Surgery	14.12	14.12	\$ 1,016.64	\$ 1,016.64
27062 00	Surgery	13.77	13.77	\$ 991.44	\$ 991.44
27065 00	Surgery	15.97	15.97	\$ 1,149.84	\$ 1,149.84
27066 00	Surgery	24.71	24.71	\$ 1,779.12	\$ 1,779.12
27067 00	Surgery	31.10	31.10	\$ 2,239.20	\$ 2,239.20
27070 00	Surgery	26.66	26.66	\$ 1,919.52	\$ 1,919.52
27071 00	Surgery	29.37	29.37	\$ 2,114.64	\$ 2,114.64
27075 00	Surgery	62.04	62.04	\$ 4,466.88	\$ 4,466.88
27076 00	Surgery	74.95	74.95	\$ 5,396.40	\$ 5,396.40
27077 00	Surgery	83.55	83.55	\$ 6,015.60	\$ 6,015.60
27078 00	Surgery	61.17	61.17	\$ 4,404.24	\$ 4,404.24
27080 00	Surgery	15.43	15.43	\$ 1,110.96	\$ 1,110.96
27086 00	Surgery	9.40	5.07	\$ 676.80	\$ 365.04
27087 00	Surgery	18.54	18.54	\$ 1,334.88	\$ 1,334.88
27090 00	Surgery	25.02	25.02	\$ 1,801.44	\$ 1,801.44
27091 00	Surgery	47.57	47.57	\$ 3,425.04	\$ 3,425.04
27093 00	Surgery	7.07	2.03	\$ 509.04	\$ 146.16
27095 00	Surgery	9.44	2.43	\$ 679.68	\$ 174.96
27096 00	Surgery	4.87	2.45	\$ 350.64	\$ 176.40
27097 00	Surgery	20.64	20.64	\$ 1,486.08	\$ 1,486.08
27098 00	Surgery	21.00	21.00	\$ 1,512.00	\$ 1,512.00
27100 00	Surgery	25.02	25.02	\$ 1,801.44	\$ 1,801.44
27105 00	Surgery	26.20	26.20	\$ 1,886.40	\$ 1,886.40
27110 00	Surgery	29.17	29.17	\$ 2,100.24	\$ 2,100.24
27111 00	Surgery	27.16	27.16	\$ 1,955.52	\$ 1,955.52
27120 00	Surgery	38.87	38.87	\$ 2,798.64	\$ 2,798.64
27122 00	Surgery	33.05	33.05	\$ 2,379.60	\$ 2,379.60
27125 00	Surgery	33.88	33.88	\$ 2,439.36	\$ 2,439.36
27130 00	Surgery	38.39	38.39	\$ 2,764.08	\$ 2,764.08
27132 00	Surgery	49.87	49.87	\$ 3,590.64	\$ 3,590.64
27134 00	Surgery	56.76	56.76	\$ 4,086.72	\$ 4,086.72
27137 00	Surgery	43.72	43.72	\$ 3,147.84	\$ 3,147.84
27138 00	Surgery	45.41	45.41	\$ 3,269.52	\$ 3,269.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
27140 00	Surgery	26.93	26.93	\$ 1,938.96	\$ 1,938.96
27146 00	Surgery	37.97	37.97	\$ 2,733.84	\$ 2,733.84
27147 00	Surgery	43.69	43.69	\$ 3,145.68	\$ 3,145.68
27151 00	Surgery	47.23	47.23	\$ 3,400.56	\$ 3,400.56
27156 00	Surgery	50.86	50.86	\$ 3,661.92	\$ 3,661.92
27158 00	Surgery	41.82	41.82	\$ 3,011.04	\$ 3,011.04
27161 00	Surgery	36.53	36.53	\$ 2,630.16	\$ 2,630.16
27165 00	Surgery	41.14	41.14	\$ 2,962.08	\$ 2,962.08
27170 00	Surgery	35.07	35.07	\$ 2,525.04	\$ 2,525.04
27175 00	Surgery	20.08	20.08	\$ 1,445.76	\$ 1,445.76
27176 00	Surgery	27.73	27.73	\$ 1,996.56	\$ 1,996.56
27177 00	Surgery	33.46	33.46	\$ 2,409.12	\$ 2,409.12
27178 00	Surgery	27.73	27.73	\$ 1,996.56	\$ 1,996.56
27179 00	Surgery	29.40	29.40	\$ 2,116.80	\$ 2,116.80
27181 00	Surgery	33.57	33.57	\$ 2,417.04	\$ 2,417.04
27185 00	Surgery	21.68	21.68	\$ 1,560.96	\$ 1,560.96
27187 00	Surgery	29.90	29.90	\$ 2,152.80	\$ 2,152.80
27197 00	Surgery	4.02	4.02	\$ 289.44	\$ 289.44
27198 00	Surgery	9.44	9.44	\$ 679.68	\$ 679.68
27200 00	Surgery	5.72	5.77	\$ 411.84	\$ 415.44
27202 00	Surgery	15.92	15.92	\$ 1,146.24	\$ 1,146.24
27215 00	Surgery	18.04	18.04	\$ 1,298.88	\$ 1,298.88
27216 00	Surgery	26.65	26.65	\$ 1,918.80	\$ 1,918.80
27217 00	Surgery	25.06	25.06	\$ 1,804.32	\$ 1,804.32
27218 00	Surgery	34.37	34.37	\$ 2,474.64	\$ 2,474.64
27220 00	Surgery	12.69	12.50	\$ 913.68	\$ 900.00
27222 00	Surgery	29.61	29.61	\$ 2,131.92	\$ 2,131.92
27226 00	Surgery	31.65	31.65	\$ 2,278.80	\$ 2,278.80
27227 00	Surgery	49.25	49.25	\$ 3,546.00	\$ 3,546.00
27228 00	Surgery	56.01	56.01	\$ 4,032.72	\$ 4,032.72
27230 00	Surgery	14.81	14.52	\$ 1,066.32	\$ 1,045.44
27232 00	Surgery	21.81	21.81	\$ 1,570.32	\$ 1,570.32
27235 00	Surgery	27.20	27.20	\$ 1,958.40	\$ 1,958.40
27236 00	Surgery	35.70	35.70	\$ 2,570.40	\$ 2,570.40
27238 00	Surgery	14.20	14.20	\$ 1,022.40	\$ 1,022.40
27240 00	Surgery	28.73	28.73	\$ 2,068.56	\$ 2,068.56
27244 00	Surgery	36.73	36.73	\$ 2,644.56	\$ 2,644.56
27245 00	Surgery	36.69	36.69	\$ 2,641.68	\$ 2,641.68
27246 00	Surgery	11.90	11.77	\$ 856.80	\$ 847.44
27248 00	Surgery	22.39	22.39	\$ 1,612.08	\$ 1,612.08
27250 00	Surgery	5.37	5.37	\$ 386.64	\$ 386.64
27252 00	Surgery	22.67	22.67	\$ 1,632.24	\$ 1,632.24
27253 00	Surgery	28.22	28.22	\$ 2,031.84	\$ 2,031.84
27254 00	Surgery	38.05	38.05	\$ 2,739.60	\$ 2,739.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
27256 00	Surgery	9.48	7.22	\$ 682.56	\$ 519.84
27257 00	Surgery	10.82	10.82	\$ 779.04	\$ 779.04
27258 00	Surgery	33.32	33.32	\$ 2,399.04	\$ 2,399.04
27259 00	Surgery	46.10	46.10	\$ 3,319.20	\$ 3,319.20
27265 00	Surgery	12.67	12.67	\$ 912.24	\$ 912.24
27266 00	Surgery	17.67	17.67	\$ 1,272.24	\$ 1,272.24
27267 00	Surgery	13.38	13.38	\$ 963.36	\$ 963.36
27268 00	Surgery	16.49	16.49	\$ 1,187.28	\$ 1,187.28
27269 00	Surgery	37.09	37.09	\$ 2,670.48	\$ 2,670.48
27275 00	Surgery	5.54	5.54	\$ 398.88	\$ 398.88
27279 00	Surgery	24.40	24.40	\$ 1,756.80	\$ 1,756.80
27280 00	Surgery	40.88	40.88	\$ 2,943.36	\$ 2,943.36
27282 00	Surgery	25.89	25.89	\$ 1,864.08	\$ 1,864.08
27284 00	Surgery	47.83	47.83	\$ 3,443.76	\$ 3,443.76
27286 00	Surgery	49.05	49.05	\$ 3,531.60	\$ 3,531.60
27290 00	Surgery	48.53	48.53	\$ 3,494.16	\$ 3,494.16
27295 00	Surgery	37.61	37.61	\$ 2,707.92	\$ 2,707.92
27299 00	Surgery	0.00	0.00	BR	BR
27301 00	Surgery	20.32	15.30	\$ 1,463.04	\$ 1,101.60
27303 00	Surgery	19.23	19.23	\$ 1,384.56	\$ 1,384.56
27305 00	Surgery	14.65	14.65	\$ 1,054.80	\$ 1,054.80
27306 00	Surgery	10.11	10.11	\$ 727.92	\$ 727.92
27307 00	Surgery	12.32	12.32	\$ 887.04	\$ 887.04
27310 00	Surgery	22.09	22.09	\$ 1,590.48	\$ 1,590.48
27323 00	Surgery	8.24	5.24	\$ 593.28	\$ 377.28
27324 00	Surgery	12.41	12.41	\$ 893.52	\$ 893.52
27325 00	Surgery	17.10	17.10	\$ 1,231.20	\$ 1,231.20
27326 00	Surgery	15.84	15.84	\$ 1,140.48	\$ 1,140.48
27327 00	Surgery	15.15	9.49	\$ 1,090.80	\$ 683.28
27328 00	Surgery	18.77	18.77	\$ 1,351.44	\$ 1,351.44
27329 00	Surgery	31.17	31.17	\$ 2,244.24	\$ 2,244.24
27330 00	Surgery	12.82	12.82	\$ 923.04	\$ 923.04
27331 00	Surgery	14.46	14.46	\$ 1,041.12	\$ 1,041.12
27332 00	Surgery	19.51	19.51	\$ 1,404.72	\$ 1,404.72
27333 00	Surgery	17.84	17.84	\$ 1,284.48	\$ 1,284.48
27334 00	Surgery	20.75	20.75	\$ 1,494.00	\$ 1,494.00
27335 00	Surgery	23.07	23.07	\$ 1,661.04	\$ 1,661.04
27337 00	Surgery	12.61	12.61	\$ 907.92	\$ 907.92
27339 00	Surgery	22.61	22.61	\$ 1,627.92	\$ 1,627.92
27340 00	Surgery	11.38	11.38	\$ 819.36	\$ 819.36
27345 00	Surgery	14.72	14.72	\$ 1,059.84	\$ 1,059.84
27347 00	Surgery	15.98	15.98	\$ 1,150.56	\$ 1,150.56
27350 00	Surgery	19.78	19.78	\$ 1,424.16	\$ 1,424.16
27355 00	Surgery	18.39	18.39	\$ 1,324.08	\$ 1,324.08

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
27356 00	Surgery	22.33	22.33	\$ 1,607.76	\$ 1,607.76
27357 00	Surgery	24.68	24.68	\$ 1,776.96	\$ 1,776.96
27358 00	Surgery	8.14	8.14	\$ 586.08	\$ 586.08
27360 00	Surgery	27.25	27.25	\$ 1,962.00	\$ 1,962.00
27364 00	Surgery	46.73	46.73	\$ 3,364.56	\$ 3,364.56
27365 00	Surgery	61.15	61.15	\$ 4,402.80	\$ 4,402.80
27369 00	Surgery	5.61	1.20	\$ 403.92	\$ 86.40
27372 00	Surgery	17.79	12.09	\$ 1,280.88	\$ 870.48
27380 00	Surgery	18.89	18.89	\$ 1,360.08	\$ 1,360.08
27381 00	Surgery	24.76	24.76	\$ 1,782.72	\$ 1,782.72
27385 00	Surgery	18.39	18.39	\$ 1,324.08	\$ 1,324.08
27386 00	Surgery	25.81	25.81	\$ 1,858.32	\$ 1,858.32
27390 00	Surgery	13.66	13.66	\$ 983.52	\$ 983.52
27391 00	Surgery	17.56	17.56	\$ 1,264.32	\$ 1,264.32
27392 00	Surgery	21.53	21.53	\$ 1,550.16	\$ 1,550.16
27393 00	Surgery	15.20	15.20	\$ 1,094.40	\$ 1,094.40
27394 00	Surgery	19.76	19.76	\$ 1,422.72	\$ 1,422.72
27395 00	Surgery	26.55	26.55	\$ 1,911.60	\$ 1,911.60
27396 00	Surgery	18.70	18.70	\$ 1,346.40	\$ 1,346.40
27397 00	Surgery	27.51	27.51	\$ 1,980.72	\$ 1,980.72
27400 00	Surgery	21.01	21.01	\$ 1,512.72	\$ 1,512.72
27403 00	Surgery	19.47	19.47	\$ 1,401.84	\$ 1,401.84
27405 00	Surgery	20.40	20.40	\$ 1,468.80	\$ 1,468.80
27407 00	Surgery	24.01	24.01	\$ 1,728.72	\$ 1,728.72
27409 00	Surgery	29.07	29.07	\$ 2,093.04	\$ 2,093.04
27412 00	Surgery	49.24	49.24	\$ 3,545.28	\$ 3,545.28
27415 00	Surgery	41.09	41.09	\$ 2,958.48	\$ 2,958.48
27416 00	Surgery	29.44	29.44	\$ 2,119.68	\$ 2,119.68
27418 00	Surgery	24.97	24.97	\$ 1,797.84	\$ 1,797.84
27420 00	Surgery	22.50	22.50	\$ 1,620.00	\$ 1,620.00
27422 00	Surgery	22.37	22.37	\$ 1,610.64	\$ 1,610.64
27424 00	Surgery	22.59	22.59	\$ 1,626.48	\$ 1,626.48
27425 00	Surgery	13.78	13.78	\$ 992.16	\$ 992.16
27427 00	Surgery	21.41	21.41	\$ 1,541.52	\$ 1,541.52
27428 00	Surgery	33.54	33.54	\$ 2,414.88	\$ 2,414.88
27429 00	Surgery	37.79	37.79	\$ 2,720.88	\$ 2,720.88
27430 00	Surgery	22.38	22.38	\$ 1,611.36	\$ 1,611.36
27435 00	Surgery	24.42	24.42	\$ 1,758.24	\$ 1,758.24
27437 00	Surgery	19.96	19.96	\$ 1,437.12	\$ 1,437.12
27438 00	Surgery	25.28	25.28	\$ 1,820.16	\$ 1,820.16
27440 00	Surgery	24.03	24.03	\$ 1,730.16	\$ 1,730.16
27441 00	Surgery	24.81	24.81	\$ 1,786.32	\$ 1,786.32
27442 00	Surgery	26.21	26.21	\$ 1,887.12	\$ 1,887.12
27443 00	Surgery	24.57	24.57	\$ 1,769.04	\$ 1,769.04

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
27445 00	Surgery	37.53	37.53	\$ 2,702.16	\$ 2,702.16
27446 00	Surgery	34.33	34.33	\$ 2,471.76	\$ 2,471.76
27447 00	Surgery	38.35	38.35	\$ 2,761.20	\$ 2,761.20
27448 00	Surgery	24.92	24.92	\$ 1,794.24	\$ 1,794.24
27450 00	Surgery	30.48	30.48	\$ 2,194.56	\$ 2,194.56
27454 00	Surgery	38.73	38.73	\$ 2,788.56	\$ 2,788.56
27455 00	Surgery	28.90	28.90	\$ 2,080.80	\$ 2,080.80
27457 00	Surgery	28.83	28.83	\$ 2,075.76	\$ 2,075.76
27465 00	Surgery	37.36	37.36	\$ 2,689.92	\$ 2,689.92
27466 00	Surgery	35.50	35.50	\$ 2,556.00	\$ 2,556.00
27468 00	Surgery	40.12	40.12	\$ 2,888.64	\$ 2,888.64
27470 00	Surgery	35.38	35.38	\$ 2,547.36	\$ 2,547.36
27472 00	Surgery	37.87	37.87	\$ 2,726.64	\$ 2,726.64
27475 00	Surgery	20.03	20.03	\$ 1,442.16	\$ 1,442.16
27477 00	Surgery	22.12	22.12	\$ 1,592.64	\$ 1,592.64
27479 00	Surgery	27.60	27.60	\$ 1,987.20	\$ 1,987.20
27485 00	Surgery	20.30	20.30	\$ 1,461.60	\$ 1,461.60
27486 00	Surgery	41.96	41.96	\$ 3,021.12	\$ 3,021.12
27487 00	Surgery	52.29	52.29	\$ 3,764.88	\$ 3,764.88
27488 00	Surgery	35.94	35.94	\$ 2,587.68	\$ 2,587.68
27495 00	Surgery	33.87	33.87	\$ 2,438.64	\$ 2,438.64
27496 00	Surgery	16.60	16.60	\$ 1,195.20	\$ 1,195.20
27497 00	Surgery	17.54	17.54	\$ 1,262.88	\$ 1,262.88
27498 00	Surgery	19.85	19.85	\$ 1,429.20	\$ 1,429.20
27499 00	Surgery	21.20	21.20	\$ 1,526.40	\$ 1,526.40
27500 00	Surgery	15.93	14.62	\$ 1,146.96	\$ 1,052.64
27501 00	Surgery	15.36	15.10	\$ 1,105.92	\$ 1,087.20
27502 00	Surgery	22.75	22.75	\$ 1,638.00	\$ 1,638.00
27503 00	Surgery	24.15	24.15	\$ 1,738.80	\$ 1,738.80
27506 00	Surgery	40.05	40.05	\$ 2,883.60	\$ 2,883.60
27507 00	Surgery	28.99	28.99	\$ 2,087.28	\$ 2,087.28
27508 00	Surgery	15.99	15.15	\$ 1,151.28	\$ 1,090.80
27509 00	Surgery	20.47	20.47	\$ 1,473.84	\$ 1,473.84
27510 00	Surgery	20.58	20.58	\$ 1,481.76	\$ 1,481.76
27511 00	Surgery	29.82	29.82	\$ 2,147.04	\$ 2,147.04
27513 00	Surgery	36.94	36.94	\$ 2,659.68	\$ 2,659.68
27514 00	Surgery	28.91	28.91	\$ 2,081.52	\$ 2,081.52
27516 00	Surgery	15.82	14.79	\$ 1,139.04	\$ 1,064.88
27517 00	Surgery	20.87	20.87	\$ 1,502.64	\$ 1,502.64
27519 00	Surgery	26.70	26.70	\$ 1,922.40	\$ 1,922.40
27520 00	Surgery	10.03	9.27	\$ 722.16	\$ 667.44
27524 00	Surgery	22.70	22.70	\$ 1,634.40	\$ 1,634.40
27530 00	Surgery	9.48	8.90	\$ 682.56	\$ 640.80
27532 00	Surgery	18.84	17.55	\$ 1,356.48	\$ 1,263.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
27535 00	Surgery	26.87	26.87	\$ 1,934.64	\$ 1,934.64
27536 00	Surgery	35.55	35.55	\$ 2,559.60	\$ 2,559.60
27538 00	Surgery	14.80	13.75	\$ 1,065.60	\$ 990.00
27540 00	Surgery	24.54	24.54	\$ 1,766.88	\$ 1,766.88
27550 00	Surgery	15.72	14.42	\$ 1,131.84	\$ 1,038.24
27552 00	Surgery	19.16	19.16	\$ 1,379.52	\$ 1,379.52
27556 00	Surgery	26.28	26.28	\$ 1,892.16	\$ 1,892.16
27557 00	Surgery	31.25	31.25	\$ 2,250.00	\$ 2,250.00
27558 00	Surgery	35.54	35.54	\$ 2,558.88	\$ 2,558.88
27560 00	Surgery	11.50	10.51	\$ 828.00	\$ 756.72
27562 00	Surgery	14.91	14.91	\$ 1,073.52	\$ 1,073.52
27566 00	Surgery	26.82	26.82	\$ 1,931.04	\$ 1,931.04
27570 00	Surgery	4.63	4.63	\$ 333.36	\$ 333.36
27580 00	Surgery	44.18	44.18	\$ 3,180.96	\$ 3,180.96
27590 00	Surgery	23.32	23.32	\$ 1,679.04	\$ 1,679.04
27591 00	Surgery	28.95	28.95	\$ 2,084.40	\$ 2,084.40
27592 00	Surgery	19.97	19.97	\$ 1,437.84	\$ 1,437.84
27594 00	Surgery	15.05	15.05	\$ 1,083.60	\$ 1,083.60
27596 00	Surgery	21.29	21.29	\$ 1,532.88	\$ 1,532.88
27598 00	Surgery	20.75	20.75	\$ 1,494.00	\$ 1,494.00
27599 00	Surgery	0.00	0.00	BR	BR
27600 00	Surgery	12.04	12.04	\$ 866.88	\$ 866.88
27601 00	Surgery	13.27	13.27	\$ 955.44	\$ 955.44
27602 00	Surgery	14.23	14.23	\$ 1,024.56	\$ 1,024.56
27603 00	Surgery	15.92	11.77	\$ 1,146.24	\$ 847.44
27604 00	Surgery	13.53	9.67	\$ 974.16	\$ 696.24
27605 00	Surgery	9.86	5.46	\$ 709.92	\$ 393.12
27606 00	Surgery	8.11	8.11	\$ 583.92	\$ 583.92
27607 00	Surgery	17.94	17.94	\$ 1,291.68	\$ 1,291.68
27610 00	Surgery	19.39	19.39	\$ 1,396.08	\$ 1,396.08
27612 00	Surgery	17.01	17.01	\$ 1,224.72	\$ 1,224.72
27613 00	Surgery	7.56	4.80	\$ 544.32	\$ 345.60
27614 00	Surgery	17.72	12.51	\$ 1,275.84	\$ 900.72
27615 00	Surgery	30.68	30.68	\$ 2,208.96	\$ 2,208.96
27616 00	Surgery	37.92	37.92	\$ 2,730.24	\$ 2,730.24
27618 00	Surgery	14.70	9.21	\$ 1,058.40	\$ 663.12
27619 00	Surgery	14.06	14.06	\$ 1,012.32	\$ 1,012.32
27620 00	Surgery	13.36	13.36	\$ 961.92	\$ 961.92
27625 00	Surgery	17.17	17.17	\$ 1,236.24	\$ 1,236.24
27626 00	Surgery	18.31	18.31	\$ 1,318.32	\$ 1,318.32
27630 00	Surgery	16.07	10.67	\$ 1,157.04	\$ 768.24
27632 00	Surgery	12.33	12.33	\$ 887.76	\$ 887.76
27634 00	Surgery	20.30	20.30	\$ 1,461.60	\$ 1,461.60
27635 00	Surgery	17.44	17.44	\$ 1,255.68	\$ 1,255.68



## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
27637 00	Surgery	22.29	22.29	\$ 1,604.88	\$ 1,604.88
27638 00	Surgery	22.45	22.45	\$ 1,616.40	\$ 1,616.40
27640 00	Surgery	24.95	24.95	\$ 1,796.40	\$ 1,796.40
27641 00	Surgery	19.58	19.58	\$ 1,409.76	\$ 1,409.76
27645 00	Surgery	52.72	52.72	\$ 3,795.84	\$ 3,795.84
27646 00	Surgery	45.83	45.83	\$ 3,299.76	\$ 3,299.76
27647 00	Surgery	29.46	29.46	\$ 2,121.12	\$ 2,121.12
27648 00	Surgery	6.47	1.51	\$ 465.84	\$ 108.72
27650 00	Surgery	19.77	19.77	\$ 1,423.44	\$ 1,423.44
27652 00	Surgery	19.84	19.84	\$ 1,428.48	\$ 1,428.48
27654 00	Surgery	21.44	21.44	\$ 1,543.68	\$ 1,543.68
27656 00	Surgery	16.16	10.41	\$ 1,163.52	\$ 749.52
27658 00	Surgery	11.11	11.11	\$ 799.92	\$ 799.92
27659 00	Surgery	14.11	14.11	\$ 1,015.92	\$ 1,015.92
27664 00	Surgery	10.95	10.95	\$ 788.40	\$ 788.40
27665 00	Surgery	12.67	12.67	\$ 912.24	\$ 912.24
27675 00	Surgery	14.94	14.94	\$ 1,075.68	\$ 1,075.68
27676 00	Surgery	18.21	18.21	\$ 1,311.12	\$ 1,311.12
27680 00	Surgery	12.57	12.57	\$ 905.04	\$ 905.04
27681 00	Surgery	15.19	15.19	\$ 1,093.68	\$ 1,093.68
27685 00	Surgery	19.70	13.98	\$ 1,418.40	\$ 1,006.56
27686 00	Surgery	15.82	15.82	\$ 1,139.04	\$ 1,139.04
27687 00	Surgery	13.63	13.63	\$ 981.36	\$ 981.36
27690 00	Surgery	19.15	19.15	\$ 1,378.80	\$ 1,378.80
27691 00	Surgery	22.32	22.32	\$ 1,607.04	\$ 1,607.04
27692 00	Surgery	2.97	2.97	\$ 213.84	\$ 213.84
27695 00	Surgery	14.57	14.57	\$ 1,049.04	\$ 1,049.04
27696 00	Surgery	16.45	16.45	\$ 1,184.40	\$ 1,184.40
27698 00	Surgery	19.21	19.21	\$ 1,383.12	\$ 1,383.12
27700 00	Surgery	18.32	18.32	\$ 1,319.04	\$ 1,319.04
27702 00	Surgery	28.80	28.80	\$ 2,073.60	\$ 2,073.60
27703 00	Surgery	33.27	33.27	\$ 2,395.44	\$ 2,395.44
27704 00	Surgery	17.09	17.09	\$ 1,230.48	\$ 1,230.48
27705 00	Surgery	22.66	22.66	\$ 1,631.52	\$ 1,631.52
27707 00	Surgery	12.25	12.25	\$ 882.00	\$ 882.00
27709 00	Surgery	33.95	33.95	\$ 2,444.40	\$ 2,444.40
27712 00	Surgery	33.03	33.03	\$ 2,378.16	\$ 2,378.16
27715 00	Surgery	32.16	32.16	\$ 2,315.52	\$ 2,315.52
27720 00	Surgery	26.23	26.23	\$ 1,888.56	\$ 1,888.56
27722 00	Surgery	26.89	26.89	\$ 1,936.08	\$ 1,936.08
27724 00	Surgery	37.54	37.54	\$ 2,702.88	\$ 2,702.88
27725 00	Surgery	36.42	36.42	\$ 2,622.24	\$ 2,622.24
27726 00	Surgery	28.72	28.72	\$ 2,067.84	\$ 2,067.84
27727 00	Surgery	31.19	31.19	\$ 2,245.68	\$ 2,245.68

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
27730 00	Surgery	17.79	17.79	\$ 1,280.88	\$ 1,280.88
27732 00	Surgery	13.78	13.78	\$ 992.16	\$ 992.16
27734 00	Surgery	19.87	19.87	\$ 1,430.64	\$ 1,430.64
27740 00	Surgery	21.37	21.37	\$ 1,538.64	\$ 1,538.64
27742 00	Surgery	23.42	23.42	\$ 1,686.24	\$ 1,686.24
27745 00	Surgery	22.73	22.73	\$ 1,636.56	\$ 1,636.56
27750 00	Surgery	10.69	9.92	\$ 769.68	\$ 714.24
27752 00	Surgery	16.36	14.95	\$ 1,177.92	\$ 1,076.40
27756 00	Surgery	17.46	17.46	\$ 1,257.12	\$ 1,257.12
27758 00	Surgery	26.94	26.94	\$ 1,939.68	\$ 1,939.68
27759 00	Surgery	29.91	29.91	\$ 2,153.52	\$ 2,153.52
27760 00	Surgery	10.20	9.41	\$ 734.40	\$ 677.52
27762 00	Surgery	14.80	13.35	\$ 1,065.60	\$ 961.20
27766 00	Surgery	18.32	18.32	\$ 1,319.04	\$ 1,319.04
27767 00	Surgery	8.97	8.92	\$ 645.84	\$ 642.24
27768 00	Surgery	13.66	13.66	\$ 983.52	\$ 983.52
27769 00	Surgery	21.88	21.88	\$ 1,575.36	\$ 1,575.36
27780 00	Surgery	9.53	8.77	\$ 686.16	\$ 631.44
27781 00	Surgery	13.44	12.35	\$ 967.68	\$ 889.20
27784 00	Surgery	21.41	21.41	\$ 1,541.52	\$ 1,541.52
27786 00	Surgery	9.64	8.83	\$ 694.08	\$ 635.76
27788 00	Surgery	13.05	11.79	\$ 939.60	\$ 848.88
27792 00	Surgery	19.45	19.45	\$ 1,400.40	\$ 1,400.40
27808 00	Surgery	10.31	9.40	\$ 742.32	\$ 676.80
27810 00	Surgery	14.53	13.07	\$ 1,046.16	\$ 941.04
27814 00	Surgery	23.02	23.02	\$ 1,657.44	\$ 1,657.44
27816 00	Surgery	10.16	9.02	\$ 731.52	\$ 649.44
27818 00	Surgery	15.07	13.43	\$ 1,085.04	\$ 966.96
27822 00	Surgery	26.34	26.34	\$ 1,896.48	\$ 1,896.48
27823 00	Surgery	29.63	29.63	\$ 2,133.36	\$ 2,133.36
27824 00	Surgery	9.76	9.38	\$ 702.72	\$ 675.36
27825 00	Surgery	16.62	14.97	\$ 1,196.64	\$ 1,077.84
27826 00	Surgery	25.74	25.74	\$ 1,853.28	\$ 1,853.28
27827 00	Surgery	33.72	33.72	\$ 2,427.84	\$ 2,427.84
27828 00	Surgery	39.87	39.87	\$ 2,870.64	\$ 2,870.64
27829 00	Surgery	21.34	21.34	\$ 1,536.48	\$ 1,536.48
27830 00	Surgery	11.97	11.04	\$ 861.84	\$ 794.88
27831 00	Surgery	12.47	12.47	\$ 897.84	\$ 897.84
27832 00	Surgery	22.84	22.84	\$ 1,644.48	\$ 1,644.48
27840 00	Surgery	11.82	11.82	\$ 851.04	\$ 851.04
27842 00	Surgery	14.89	14.89	\$ 1,072.08	\$ 1,072.08
27846 00	Surgery	21.62	21.62	\$ 1,556.64	\$ 1,556.64
27848 00	Surgery	23.58	23.58	\$ 1,697.76	\$ 1,697.76
27860 00	Surgery	4.93	4.93	\$ 354.96	\$ 354.96



## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
27870 00	Surgery	30.24	30.24	\$ 2,177.28	\$ 2,177.28
27871 00	Surgery	20.81	20.81	\$ 1,498.32	\$ 1,498.32
27880 00	Surgery	26.75	26.75	\$ 1,926.00	\$ 1,926.00
27881 00	Surgery	25.42	25.42	\$ 1,830.24	\$ 1,830.24
27882 00	Surgery	17.59	17.59	\$ 1,266.48	\$ 1,266.48
27884 00	Surgery	17.26	17.26	\$ 1,242.72	\$ 1,242.72
27886 00	Surgery	19.33	19.33	\$ 1,391.76	\$ 1,391.76
27888 00	Surgery	19.16	19.16	\$ 1,379.52	\$ 1,379.52
27889 00	Surgery	18.92	18.92	\$ 1,362.24	\$ 1,362.24
27892 00	Surgery	16.06	16.06	\$ 1,156.32	\$ 1,156.32
27893 00	Surgery	18.55	18.55	\$ 1,335.60	\$ 1,335.60
27894 00	Surgery	24.34	24.34	\$ 1,752.48	\$ 1,752.48
27899 00	Surgery	0.00	0.00	BR	BR
28001 00	Surgery	5.11	2.85	\$ 367.92	\$ 205.20
28002 00	Surgery	7.35	4.15	\$ 529.20	\$ 298.80
28003 00	Surgery	11.35	7.72	\$ 817.20	\$ 555.84
28005 00	Surgery	17.01	17.01	\$ 1,224.72	\$ 1,224.72
28008 00	Surgery	12.75	8.78	\$ 918.00	\$ 632.16
28010 00	Surgery	6.96	6.19	\$ 501.12	\$ 445.68
28011 00	Surgery	9.37	8.30	\$ 674.64	\$ 597.60
28020 00	Surgery	16.37	11.04	\$ 1,178.64	\$ 794.88
28022 00	Surgery	14.49	9.76	\$ 1,043.28	\$ 702.72
28024 00	Surgery	13.66	9.14	\$ 983.52	\$ 658.08
28035 00	Surgery	15.79	10.73	\$ 1,136.88	\$ 772.56
28039 00	Surgery	14.36	10.19	\$ 1,033.92	\$ 733.68
28041 00	Surgery	13.44	13.44	\$ 967.68	\$ 967.68
28043 00	Surgery	11.43	7.77	\$ 822.96	\$ 559.44
28045 00	Surgery	14.33	10.37	\$ 1,031.76	\$ 746.64
28046 00	Surgery	21.15	21.15	\$ 1,522.80	\$ 1,522.80
28047 00	Surgery	30.71	30.71	\$ 2,211.12	\$ 2,211.12
28050 00	Surgery	12.34	8.29	\$ 888.48	\$ 596.88
28052 00	Surgery	11.54	7.58	\$ 830.88	\$ 545.76
28054 00	Surgery	10.87	6.95	\$ 782.64	\$ 500.40
28055 00	Surgery	11.44	11.44	\$ 823.68	\$ 823.68
28060 00	Surgery	15.39	10.71	\$ 1,108.08	\$ 771.12
28062 00	Surgery	17.13	12.03	\$ 1,233.36	\$ 866.16
28070 00	Surgery	15.09	10.24	\$ 1,086.48	\$ 737.28
28072 00	Surgery	14.59	9.70	\$ 1,050.48	\$ 698.40
28080 00	Surgery	15.86	11.28	\$ 1,141.92	\$ 812.16
28086 00	Surgery	15.86	10.59	\$ 1,141.92	\$ 762.48
28088 00	Surgery	13.70	8.71	\$ 986.40	\$ 627.12
28090 00	Surgery	13.85	9.20	\$ 997.20	\$ 662.40
28092 00	Surgery	12.54	8.09	\$ 902.88	\$ 582.48
28100 00	Surgery	18.33	12.54	\$ 1,319.76	\$ 902.88

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
28102 00	Surgery	18.46	18.46	\$ 1,329.12	\$ 1,329.12
28103 00	Surgery	11.51	11.51	\$ 828.72	\$ 828.72
28104 00	Surgery	15.59	10.54	\$ 1,122.48	\$ 758.88
28106 00	Surgery	12.63	12.63	\$ 909.36	\$ 909.36
28107 00	Surgery	14.99	10.29	\$ 1,079.28	\$ 740.88
28108 00	Surgery	12.90	8.58	\$ 928.80	\$ 617.76
28110 00	Surgery	13.66	8.70	\$ 983.52	\$ 626.40
28111 00	Surgery	14.19	9.53	\$ 1,021.68	\$ 686.16
28112 00	Surgery	14.37	9.36	\$ 1,034.64	\$ 673.92
28113 00	Surgery	17.40	12.71	\$ 1,252.80	\$ 915.12
28114 00	Surgery	31.81	25.01	\$ 2,290.32	\$ 1,800.72
28116 00	Surgery	23.30	17.63	\$ 1,677.60	\$ 1,269.36
28118 00	Surgery	17.96	12.57	\$ 1,293.12	\$ 905.04
28119 00	Surgery	15.59	10.84	\$ 1,122.48	\$ 780.48
28120 00	Surgery	20.03	14.84	\$ 1,442.16	\$ 1,068.48
28122 00	Surgery	17.59	13.06	\$ 1,266.48	\$ 940.32
28124 00	Surgery	14.13	9.93	\$ 1,017.36	\$ 714.96
28126 00	Surgery	11.60	7.41	\$ 835.20	\$ 533.52
28130 00	Surgery	18.12	18.12	\$ 1,304.64	\$ 1,304.64
28140 00	Surgery	16.99	12.73	\$ 1,223.28	\$ 916.56
28150 00	Surgery	12.43	8.30	\$ 894.96	\$ 597.60
28153 00	Surgery	12.05	7.86	\$ 867.60	\$ 565.92
28160 00	Surgery	12.13	7.93	\$ 873.36	\$ 570.96
28171 00	Surgery	33.13	33.13	\$ 2,385.36	\$ 2,385.36
28173 00	Surgery	21.48	21.48	\$ 1,546.56	\$ 1,546.56
28175 00	Surgery	13.92	13.92	\$ 1,002.24	\$ 1,002.24
28190 00	Surgery	7.19	3.93	\$ 517.68	\$ 282.96
28192 00	Surgery	13.63	9.23	\$ 981.36	\$ 664.56
28193 00	Surgery	15.49	10.89	\$ 1,115.28	\$ 784.08
28200 00	Surgery	14.73	9.77	\$ 1,060.56	\$ 703.44
28202 00	Surgery	17.85	12.81	\$ 1,285.20	\$ 922.32
28208 00	Surgery	14.52	9.64	\$ 1,045.44	\$ 694.08
28210 00	Surgery	17.76	12.71	\$ 1,278.72	\$ 915.12
28220 00	Surgery	13.38	9.08	\$ 963.36	\$ 653.76
28222 00	Surgery	15.69	10.86	\$ 1,129.68	\$ 781.92
28225 00	Surgery	12.30	7.88	\$ 885.60	\$ 567.36
28226 00	Surgery	18.56	12.06	\$ 1,336.32	\$ 868.32
28230 00	Surgery	12.90	8.50	\$ 928.80	\$ 612.00
28232 00	Surgery	11.20	7.16	\$ 806.40	\$ 515.52
28234 00	Surgery	12.17	8.01	\$ 876.24	\$ 576.72
28238 00	Surgery	20.09	14.66	\$ 1,446.48	\$ 1,055.52
28240 00	Surgery	13.19	8.75	\$ 949.68	\$ 630.00
28250 00	Surgery	17.52	12.29	\$ 1,261.44	\$ 884.88
28260 00	Surgery	21.47	15.95	\$ 1,545.84	\$ 1,148.40

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
28261 00	Surgery	36.05	28.16	\$ 2,595.60	\$ 2,027.52
28262 00	Surgery	41.82	33.68	\$ 3,011.04	\$ 2,424.96
28264 00	Surgery	26.17	20.16	\$ 1,884.24	\$ 1,451.52
28270 00	Surgery	14.46	9.96	\$ 1,041.12	\$ 717.12
28272 00	Surgery	11.35	7.45	\$ 817.20	\$ 536.40
28280 00	Surgery	15.17	10.37	\$ 1,092.24	\$ 746.64
28285 00	Surgery	16.00	11.48	\$ 1,152.00	\$ 826.56
28286 00	Surgery	13.08	8.81	\$ 941.76	\$ 634.32
28288 00	Surgery	17.96	12.96	\$ 1,293.12	\$ 933.12
28289 00	Surgery	20.51	13.75	\$ 1,476.72	\$ 990.00
28291 00	Surgery	20.73	14.44	\$ 1,492.56	\$ 1,039.68
28292 00	Surgery	20.69	14.39	\$ 1,489.68	\$ 1,036.08
28295 00	Surgery	32.02	18.24	\$ 2,305.44	\$ 1,313.28
28296 00	Surgery	26.36	15.25	\$ 1,897.92	\$ 1,098.00
28297 00	Surgery	30.68	17.98	\$ 2,208.96	\$ 1,294.56
28298 00	Surgery	24.82	15.06	\$ 1,787.04	\$ 1,084.32
28299 00	Surgery	30.05	17.63	\$ 2,163.60	\$ 1,269.36
28300 00	Surgery	19.51	19.51	\$ 1,404.72	\$ 1,404.72
28302 00	Surgery	21.59	21.59	\$ 1,554.48	\$ 1,554.48
28304 00	Surgery	24.79	18.39	\$ 1,784.88	\$ 1,324.08
28305 00	Surgery	20.04	20.04	\$ 1,442.88	\$ 1,442.88
28306 00	Surgery	18.14	12.12	\$ 1,306.08	\$ 872.64
28307 00	Surgery	23.59	15.61	\$ 1,698.48	\$ 1,123.92
28308 00	Surgery	16.98	11.54	\$ 1,222.56	\$ 830.88
28309 00	Surgery	26.91	26.91	\$ 1,937.52	\$ 1,937.52
28310 00	Surgery	16.17	10.78	\$ 1,164.24	\$ 776.16
28312 00	Surgery	15.91	10.11	\$ 1,145.52	\$ 727.92
28313 00	Surgery	15.76	10.78	\$ 1,134.72	\$ 776.16
28315 00	Surgery	14.27	9.75	\$ 1,027.44	\$ 702.00
28320 00	Surgery	18.32	18.32	\$ 1,319.04	\$ 1,319.04
28322 00	Surgery	23.55	17.34	\$ 1,695.60	\$ 1,248.48
28340 00	Surgery	16.79	12.13	\$ 1,208.88	\$ 873.36
28341 00	Surgery	19.49	14.42	\$ 1,403.28	\$ 1,038.24
28344 00	Surgery	12.43	8.30	\$ 894.96	\$ 597.60
28345 00	Surgery	15.18	10.75	\$ 1,092.96	\$ 774.00
28360 00	Surgery	33.03	33.03	\$ 2,378.16	\$ 2,378.16
28400 00	Surgery	7.55	7.01	\$ 543.60	\$ 504.72
28405 00	Surgery	13.78	12.37	\$ 992.16	\$ 890.64
28406 00	Surgery	17.06	17.06	\$ 1,228.32	\$ 1,228.32
28415 00	Surgery	33.74	33.74	\$ 2,429.28	\$ 2,429.28
28420 00	Surgery	38.98	38.98	\$ 2,806.56	\$ 2,806.56
28430 00	Surgery	7.33	6.43	\$ 527.76	\$ 462.96
28435 00	Surgery	11.33	10.03	\$ 815.76	\$ 722.16
28436 00	Surgery	15.08	15.08	\$ 1,085.76	\$ 1,085.76

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
28445 00	Surgery	31.13	31.13	\$ 2,241.36	\$ 2,241.36
28446 00	Surgery	36.70	36.70	\$ 2,642.40	\$ 2,642.40
28450 00	Surgery	6.41	5.80	\$ 461.52	\$ 417.60
28455 00	Surgery	8.89	7.92	\$ 640.08	\$ 570.24
28456 00	Surgery	11.30	11.30	\$ 813.60	\$ 813.60
28465 00	Surgery	19.06	19.06	\$ 1,372.32	\$ 1,372.32
28470 00	Surgery	6.63	6.23	\$ 477.36	\$ 448.56
28475 00	Surgery	7.83	6.88	\$ 563.76	\$ 495.36
28476 00	Surgery	11.78	11.78	\$ 848.16	\$ 848.16
28485 00	Surgery	16.88	16.88	\$ 1,215.36	\$ 1,215.36
28490 00	Surgery	4.31	3.80	\$ 310.32	\$ 273.60
28495 00	Surgery	5.40	4.50	\$ 388.80	\$ 324.00
28496 00	Surgery	13.65	7.49	\$ 982.80	\$ 539.28
28505 00	Surgery	19.47	14.81	\$ 1,401.84	\$ 1,066.32
28510 00	Surgery	3.67	3.65	\$ 264.24	\$ 262.80
28515 00	Surgery	4.97	4.34	\$ 357.84	\$ 312.48
28525 00	Surgery	16.95	12.14	\$ 1,220.40	\$ 874.08
28530 00	Surgery	3.50	3.04	\$ 252.00	\$ 218.88
28531 00	Surgery	9.79	5.39	\$ 704.88	\$ 388.08
28540 00	Surgery	5.89	5.29	\$ 424.08	\$ 380.88
28545 00	Surgery	9.47	8.29	\$ 681.84	\$ 596.88
28546 00	Surgery	17.70	10.67	\$ 1,274.40	\$ 768.24
28555 00	Surgery	25.98	19.93	\$ 1,870.56	\$ 1,434.96
28570 00	Surgery	7.20	6.02	\$ 518.40	\$ 433.44
28575 00	Surgery	11.57	10.37	\$ 833.04	\$ 746.64
28576 00	Surgery	11.72	11.72	\$ 843.84	\$ 843.84
28585 00	Surgery	26.42	20.86	\$ 1,902.24	\$ 1,501.92
28600 00	Surgery	6.64	5.65	\$ 478.08	\$ 406.80
28605 00	Surgery	10.46	9.32	\$ 753.12	\$ 671.04
28606 00	Surgery	11.62	11.62	\$ 836.64	\$ 836.64
28615 00	Surgery	24.85	24.85	\$ 1,789.20	\$ 1,789.20
28630 00	Surgery	4.65	3.32	\$ 334.80	\$ 239.04
28635 00	Surgery	5.29	4.02	\$ 380.88	\$ 289.44
28636 00	Surgery	9.34	5.95	\$ 672.48	\$ 428.40
28645 00	Surgery	19.35	14.47	\$ 1,393.20	\$ 1,041.84
28660 00	Surgery	3.76	2.80	\$ 270.72	\$ 201.60
28665 00	Surgery	4.46	3.72	\$ 321.12	\$ 267.84
28666 00	Surgery	5.27	5.27	\$ 379.44	\$ 379.44
28675 00	Surgery	17.22	12.36	\$ 1,239.84	\$ 889.92
28705 00	Surgery	36.42	36.42	\$ 2,622.24	\$ 2,622.24
28715 00	Surgery	28.17	28.17	\$ 2,028.24	\$ 2,028.24
28725 00	Surgery	23.30	23.30	\$ 1,677.60	\$ 1,677.60
28730 00	Surgery	21.81	21.81	\$ 1,570.32	\$ 1,570.32
28735 00	Surgery	23.33	23.33	\$ 1,679.76	\$ 1,679.76

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
28737 00	Surgery	20.49	20.49	\$ 1,475.28	\$ 1,475.28
28740 00	Surgery	24.71	18.46	\$ 1,779.12	\$ 1,329.12
28750 00	Surgery	23.35	17.26	\$ 1,681.20	\$ 1,242.72
28755 00	Surgery	15.03	9.97	\$ 1,082.16	\$ 717.84
28760 00	Surgery	22.63	16.85	\$ 1,629.36	\$ 1,213.20
28800 00	Surgery	15.70	15.70	\$ 1,130.40	\$ 1,130.40
28805 00	Surgery	21.02	21.02	\$ 1,513.44	\$ 1,513.44
28810 00	Surgery	12.59	12.59	\$ 906.48	\$ 906.48
28820 00	Surgery	8.89	5.28	\$ 640.08	\$ 380.16
28825 00	Surgery	8.70	5.11	\$ 626.40	\$ 367.92
28890 00	Surgery	9.19	6.55	\$ 661.68	\$ 471.60
28899 00	Surgery	0.00	0.00	BR	BR
29000 00	Surgery	10.70	5.93	\$ 770.40	\$ 426.96
29010 00	Surgery	8.26	4.78	\$ 594.72	\$ 344.16
29015 00	Surgery	8.87	5.38	\$ 638.64	\$ 387.36
29035 00	Surgery	7.76	4.28	\$ 558.72	\$ 308.16
29040 00	Surgery	8.85	5.15	\$ 637.20	\$ 370.80
29044 00	Surgery	8.69	4.99	\$ 625.68	\$ 359.28
29046 00	Surgery	9.51	5.60	\$ 684.72	\$ 403.20
29049 00	Surgery	3.00	2.07	\$ 216.00	\$ 149.04
29055 00	Surgery	6.74	4.10	\$ 485.28	\$ 295.20
29058 00	Surgery	3.72	2.79	\$ 267.84	\$ 200.88
29065 00	Surgery	2.92	2.04	\$ 210.24	\$ 146.88
29075 00	Surgery	2.65	1.88	\$ 190.80	\$ 135.36
29085 00	Surgery	2.90	2.01	\$ 208.80	\$ 144.72
29086 00	Surgery	2.30	1.47	\$ 165.60	\$ 105.84
29105 00	Surgery	2.50	1.26	\$ 180.00	\$ 90.72
29125 00	Surgery	2.00	1.21	\$ 144.00	\$ 87.12
29126 00	Surgery	2.33	1.47	\$ 167.76	\$ 105.84
29130 00	Surgery	1.26	0.88	\$ 90.72	\$ 63.36
29131 00	Surgery	1.61	1.04	\$ 115.92	\$ 74.88
29200 00	Surgery	0.97	0.55	\$ 69.84	\$ 39.60
29240 00	Surgery	0.90	0.54	\$ 64.80	\$ 38.88
29260 00	Surgery	0.88	0.57	\$ 63.36	\$ 41.04
29280 00	Surgery	0.89	0.59	\$ 64.08	\$ 42.48
29305 00	Surgery	7.47	4.72	\$ 537.84	\$ 339.84
29325 00	Surgery	8.24	5.28	\$ 593.28	\$ 380.16
29345 00	Surgery	4.08	2.97	\$ 293.76	\$ 213.84
29355 00	Surgery	4.28	3.17	\$ 308.16	\$ 228.24
29358 00	Surgery	4.84	3.07	\$ 348.48	\$ 221.04
29365 00	Surgery	3.73	2.60	\$ 268.56	\$ 187.20
29405 00	Surgery	2.40	1.74	\$ 172.80	\$ 125.28
29425 00	Surgery	2.25	1.61	\$ 162.00	\$ 115.92
29435 00	Surgery	3.46	2.41	\$ 249.12	\$ 173.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
29440 00	Surgery	1.27	0.82	\$ 91.44	\$ 59.04
29445 00	Surgery	3.82	2.91	\$ 275.04	\$ 209.52
29450 00	Surgery	4.34	3.35	\$ 312.48	\$ 241.20
29505 00	Surgery	2.66	1.55	\$ 191.52	\$ 111.60
29515 00	Surgery	2.15	1.47	\$ 154.80	\$ 105.84
29520 00	Surgery	1.04	0.54	\$ 74.88	\$ 38.88
29530 00	Surgery	0.89	0.54	\$ 64.08	\$ 38.88
29540 00	Surgery	0.84	0.52	\$ 60.48	\$ 37.44
29550 00	Surgery	0.57	0.33	\$ 41.04	\$ 23.76
29580 00	Surgery	1.89	0.78	\$ 136.08	\$ 56.16
29581 00	Surgery	2.67	0.79	\$ 192.24	\$ 56.88
29584 00	Surgery	2.45	0.47	\$ 176.40	\$ 33.84
29700 00	Surgery	1.87	0.98	\$ 134.64	\$ 70.56
29705 00	Surgery	1.88	1.33	\$ 135.36	\$ 95.76
29710 00	Surgery	3.67	2.45	\$ 264.24	\$ 176.40
29720 00	Surgery	2.58	1.30	\$ 185.76	\$ 93.60
29730 00	Surgery	1.91	1.32	\$ 137.52	\$ 95.04
29740 00	Surgery	2.96	2.05	\$ 213.12	\$ 147.60
29750 00	Surgery	3.21	2.29	\$ 231.12	\$ 164.88
29799 00	Surgery	0.00	0.00	BR	BR
29800 00	Surgery	16.01	16.01	\$ 1,152.72	\$ 1,152.72
29804 00	Surgery	17.80	17.80	\$ 1,281.60	\$ 1,281.60
29805 00	Surgery	14.17	14.17	\$ 1,020.24	\$ 1,020.24
29806 00	Surgery	31.73	31.73	\$ 2,284.56	\$ 2,284.56
29807 00	Surgery	31.05	31.05	\$ 2,235.60	\$ 2,235.60
29819 00	Surgery	17.70	17.70	\$ 1,274.40	\$ 1,274.40
29820 00	Surgery	16.09	16.09	\$ 1,158.48	\$ 1,158.48
29821 00	Surgery	17.91	17.91	\$ 1,289.52	\$ 1,289.52
29822 00	Surgery	16.33	16.33	\$ 1,175.76	\$ 1,175.76
29823 00	Surgery	17.88	17.88	\$ 1,287.36	\$ 1,287.36
29824 00	Surgery	20.42	20.42	\$ 1,470.24	\$ 1,470.24
29825 00	Surgery	17.70	17.70	\$ 1,274.40	\$ 1,274.40
29826 00	Surgery	5.11	5.11	\$ 367.92	\$ 367.92
29827 00	Surgery	32.05	32.05	\$ 2,307.60	\$ 2,307.60
29828 00	Surgery	27.49	27.49	\$ 1,979.28	\$ 1,979.28
29830 00	Surgery	13.72	13.72	\$ 987.84	\$ 987.84
29834 00	Surgery	14.88	14.88	\$ 1,071.36	\$ 1,071.36
29835 00	Surgery	15.39	15.39	\$ 1,108.08	\$ 1,108.08
29836 00	Surgery	17.67	17.67	\$ 1,272.24	\$ 1,272.24
29837 00	Surgery	15.93	15.93	\$ 1,146.96	\$ 1,146.96
29838 00	Surgery	17.94	17.94	\$ 1,291.68	\$ 1,291.68
29840 00	Surgery	13.67	13.67	\$ 984.24	\$ 984.24
29843 00	Surgery	14.72	14.72	\$ 1,059.84	\$ 1,059.84
29844 00	Surgery	15.12	15.12	\$ 1,088.64	\$ 1,088.64



## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
29845 00	Surgery	17.72	17.72	\$ 1,275.84	\$ 1,275.84
29846 00	Surgery	15.81	15.81	\$ 1,138.32	\$ 1,138.32
29847 00	Surgery	16.44	16.44	\$ 1,183.68	\$ 1,183.68
29848 00	Surgery	15.48	15.48	\$ 1,114.56	\$ 1,114.56
29850 00	Surgery	18.83	18.83	\$ 1,355.76	\$ 1,355.76
29851 00	Surgery	27.91	27.91	\$ 2,009.52	\$ 2,009.52
29855 00	Surgery	23.49	23.49	\$ 1,691.28	\$ 1,691.28
29856 00	Surgery	29.78	29.78	\$ 2,144.16	\$ 2,144.16
29860 00	Surgery	19.39	19.39	\$ 1,396.08	\$ 1,396.08
29861 00	Surgery	21.39	21.39	\$ 1,540.08	\$ 1,540.08
29862 00	Surgery	24.42	24.42	\$ 1,758.24	\$ 1,758.24
29863 00	Surgery	24.38	24.38	\$ 1,755.36	\$ 1,755.36
29866 00	Surgery	31.59	31.59	\$ 2,274.48	\$ 2,274.48
29867 00	Surgery	38.31	38.31	\$ 2,758.32	\$ 2,758.32
29868 00	Surgery	49.88	49.88	\$ 3,591.36	\$ 3,591.36
29870 00	Surgery	16.58	12.28	\$ 1,193.76	\$ 884.16
29871 00	Surgery	15.57	15.57	\$ 1,121.04	\$ 1,121.04
29873 00	Surgery	16.21	16.21	\$ 1,167.12	\$ 1,167.12
29874 00	Surgery	16.16	16.16	\$ 1,163.52	\$ 1,163.52
29875 00	Surgery	14.99	14.99	\$ 1,079.28	\$ 1,079.28
29876 00	Surgery	19.65	19.65	\$ 1,414.80	\$ 1,414.80
29877 00	Surgery	18.72	18.72	\$ 1,347.84	\$ 1,347.84
29879 00	Surgery	19.92	19.92	\$ 1,434.24	\$ 1,434.24
29880 00	Surgery	16.96	16.96	\$ 1,221.12	\$ 1,221.12
29881 00	Surgery	16.33	16.33	\$ 1,175.76	\$ 1,175.76
29882 00	Surgery	20.75	20.75	\$ 1,494.00	\$ 1,494.00
29883 00	Surgery	25.36	25.36	\$ 1,825.92	\$ 1,825.92
29884 00	Surgery	18.67	18.67	\$ 1,344.24	\$ 1,344.24
29885 00	Surgery	22.77	22.77	\$ 1,639.44	\$ 1,639.44
29886 00	Surgery	19.20	19.20	\$ 1,382.40	\$ 1,382.40
29887 00	Surgery	22.68	22.68	\$ 1,632.96	\$ 1,632.96
29888 00	Surgery	29.24	29.24	\$ 2,105.28	\$ 2,105.28
29889 00	Surgery	36.71	36.71	\$ 2,643.12	\$ 2,643.12
29891 00	Surgery	20.11	20.11	\$ 1,447.92	\$ 1,447.92
29892 00	Surgery	19.22	19.22	\$ 1,383.84	\$ 1,383.84
29893 00	Surgery	19.81	12.99	\$ 1,426.32	\$ 935.28
29894 00	Surgery	14.90	14.90	\$ 1,072.80	\$ 1,072.80
29895 00	Surgery	13.91	13.91	\$ 1,001.52	\$ 1,001.52
29897 00	Surgery	14.96	14.96	\$ 1,077.12	\$ 1,077.12
29898 00	Surgery	16.83	16.83	\$ 1,211.76	\$ 1,211.76
29899 00	Surgery	30.12	30.12	\$ 2,168.64	\$ 2,168.64
29900 00	Surgery	15.27	15.27	\$ 1,099.44	\$ 1,099.44
29901 00	Surgery	16.36	16.36	\$ 1,177.92	\$ 1,177.92
29902 00	Surgery	17.34	17.34	\$ 1,248.48	\$ 1,248.48

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
29904 00	Surgery	19.27	19.27	\$ 1,387.44	\$ 1,387.44
29905 00	Surgery	15.27	15.27	\$ 1,099.44	\$ 1,099.44
29906 00	Surgery	19.28	19.28	\$ 1,388.16	\$ 1,388.16
29907 00	Surgery	26.37	26.37	\$ 1,898.64	\$ 1,898.64
29914 00	Surgery	29.80	29.80	\$ 2,145.60	\$ 2,145.60
29915 00	Surgery	30.49	30.49	\$ 2,195.28	\$ 2,195.28
29916 00	Surgery	30.52	30.52	\$ 2,197.44	\$ 2,197.44
29999 00	Surgery	0.00	0.00	BR	BR
30000 00	Surgery	8.12	3.65	\$ 584.64	\$ 262.80
30020 00	Surgery	8.21	3.68	\$ 591.12	\$ 264.96
30100 00	Surgery	4.27	2.02	\$ 307.44	\$ 145.44
30110 00	Surgery	7.53	3.98	\$ 542.16	\$ 286.56
30115 00	Surgery	14.20	14.20	\$ 1,022.40	\$ 1,022.40
30117 00	Surgery	29.39	10.05	\$ 2,116.08	\$ 723.60
30118 00	Surgery	24.03	24.03	\$ 1,730.16	\$ 1,730.16
30120 00	Surgery	15.31	12.59	\$ 1,102.32	\$ 906.48
30124 00	Surgery	9.21	9.21	\$ 663.12	\$ 663.12
30125 00	Surgery	19.88	19.88	\$ 1,431.36	\$ 1,431.36
30130 00	Surgery	12.67	12.67	\$ 912.24	\$ 912.24
30140 00	Surgery	8.95	5.32	\$ 644.40	\$ 383.04
30150 00	Surgery	24.35	24.35	\$ 1,753.20	\$ 1,753.20
30160 00	Surgery	24.68	24.68	\$ 1,776.96	\$ 1,776.96
30200 00	Surgery	3.36	1.78	\$ 241.92	\$ 128.16
30210 00	Surgery	4.56	3.10	\$ 328.32	\$ 223.20
30220 00	Surgery	9.25	3.84	\$ 666.00	\$ 276.48
30300 00	Surgery	6.37	3.75	\$ 458.64	\$ 270.00
30310 00	Surgery	6.30	6.30	\$ 453.60	\$ 453.60
30320 00	Surgery	14.84	14.84	\$ 1,068.48	\$ 1,068.48
30400 00	Surgery	37.28	37.28	\$ 2,684.16	\$ 2,684.16
30410 00	Surgery	42.83	42.83	\$ 3,083.76	\$ 3,083.76
30420 00	Surgery	44.00	44.00	\$ 3,168.00	\$ 3,168.00
30430 00	Surgery	32.65	32.65	\$ 2,350.80	\$ 2,350.80
30435 00	Surgery	40.58	40.58	\$ 2,921.76	\$ 2,921.76
30450 00	Surgery	52.88	52.88	\$ 3,807.36	\$ 3,807.36
30460 00	Surgery	25.02	25.02	\$ 1,801.44	\$ 1,801.44
30462 00	Surgery	48.07	48.07	\$ 3,461.04	\$ 3,461.04
30465 00	Surgery	31.10	31.10	\$ 2,239.20	\$ 2,239.20
30468 00	Surgery	77.53	5.05	\$ 5,582.16	\$ 363.60
30469 00	Surgery	75.54	4.48	\$ 5,438.88	\$ 322.56
30520 00	Surgery	20.46	20.46	\$ 1,473.12	\$ 1,473.12
30540 00	Surgery	22.44	22.44	\$ 1,615.68	\$ 1,615.68
30545 00	Surgery	30.42	30.42	\$ 2,190.24	\$ 2,190.24
30560 00	Surgery	9.82	4.55	\$ 707.04	\$ 327.60
30580 00	Surgery	18.30	13.76	\$ 1,317.60	\$ 990.72



## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
30600 00	Surgery	15.47	11.46	\$ 1,113.84	\$ 825.12
30620 00	Surgery	20.54	20.54	\$ 1,478.88	\$ 1,478.88
30630 00	Surgery	20.37	20.37	\$ 1,466.64	\$ 1,466.64
30801 00	Surgery	6.64	4.62	\$ 478.08	\$ 332.64
30802 00	Surgery	8.43	6.14	\$ 606.96	\$ 442.08
30901 00	Surgery	4.75	1.69	\$ 342.00	\$ 121.68
30903 00	Surgery	7.44	2.31	\$ 535.68	\$ 166.32
30905 00	Surgery	10.64	3.16	\$ 766.08	\$ 227.52
30906 00	Surgery	11.28	3.97	\$ 812.16	\$ 285.84
30915 00	Surgery	18.27	18.27	\$ 1,315.44	\$ 1,315.44
30920 00	Surgery	26.42	26.42	\$ 1,902.24	\$ 1,902.24
30930 00	Surgery	3.55	3.55	\$ 255.60	\$ 255.60
30999 00	Surgery	0.00	0.00	BR	BR
31000 00	Surgery	5.61	3.32	\$ 403.92	\$ 239.04
31002 00	Surgery	5.78	5.78	\$ 416.16	\$ 416.16
31020 00	Surgery	13.20	10.71	\$ 950.40	\$ 771.12
31030 00	Surgery	19.20	15.39	\$ 1,382.40	\$ 1,108.08
31032 00	Surgery	18.02	18.02	\$ 1,297.44	\$ 1,297.44
31040 00	Surgery	24.37	24.37	\$ 1,754.64	\$ 1,754.64
31050 00	Surgery	15.69	15.69	\$ 1,129.68	\$ 1,129.68
31051 00	Surgery	21.07	21.07	\$ 1,517.04	\$ 1,517.04
31070 00	Surgery	14.48	14.48	\$ 1,042.56	\$ 1,042.56
31075 00	Surgery	25.09	25.09	\$ 1,806.48	\$ 1,806.48
31080 00	Surgery	33.02	33.02	\$ 2,377.44	\$ 2,377.44
31081 00	Surgery	35.36	35.36	\$ 2,545.92	\$ 2,545.92
31084 00	Surgery	36.57	36.57	\$ 2,633.04	\$ 2,633.04
31085 00	Surgery	37.72	37.72	\$ 2,715.84	\$ 2,715.84
31086 00	Surgery	35.64	35.64	\$ 2,566.08	\$ 2,566.08
31087 00	Surgery	33.89	33.89	\$ 2,440.08	\$ 2,440.08
31090 00	Surgery	33.60	33.60	\$ 2,419.20	\$ 2,419.20
31200 00	Surgery	18.83	18.83	\$ 1,355.76	\$ 1,355.76
31201 00	Surgery	24.12	24.12	\$ 1,736.64	\$ 1,736.64
31205 00	Surgery	28.20	28.20	\$ 2,030.40	\$ 2,030.40
31225 00	Surgery	54.10	54.10	\$ 3,895.20	\$ 3,895.20
31230 00	Surgery	60.32	60.32	\$ 4,343.04	\$ 4,343.04
31231 00	Surgery	5.70	1.93	\$ 410.40	\$ 138.96
31233 00	Surgery	8.28	4.02	\$ 596.16	\$ 289.44
31235 00	Surgery	9.37	4.73	\$ 674.64	\$ 340.56
31237 00	Surgery	7.72	4.76	\$ 555.84	\$ 342.72
31238 00	Surgery	7.53	4.97	\$ 542.16	\$ 357.84
31239 00	Surgery	18.08	18.08	\$ 1,301.76	\$ 1,301.76
31240 00	Surgery	4.73	4.73	\$ 340.56	\$ 340.56
31241 00	Surgery	13.21	13.21	\$ 951.12	\$ 951.12
31253 00	Surgery	14.87	14.87	\$ 1,070.64	\$ 1,070.64

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
31254 00	Surgery	13.22	7.23	\$ 951.84	\$ 520.56
31255 00	Surgery	9.62	9.62	\$ 692.64	\$ 692.64
31256 00	Surgery	5.36	5.36	\$ 385.92	\$ 385.92
31257 00	Surgery	13.25	13.25	\$ 954.00	\$ 954.00
31259 00	Surgery	14.02	14.02	\$ 1,009.44	\$ 1,009.44
31267 00	Surgery	7.89	7.89	\$ 568.08	\$ 568.08
31276 00	Surgery	11.23	11.23	\$ 808.56	\$ 808.56
31287 00	Surgery	6.00	6.00	\$ 432.00	\$ 432.00
31288 00	Surgery	6.97	6.97	\$ 501.84	\$ 501.84
31290 00	Surgery	34.26	34.26	\$ 2,466.72	\$ 2,466.72
31291 00	Surgery	36.45	36.45	\$ 2,624.40	\$ 2,624.40
31292 00	Surgery	29.78	29.78	\$ 2,144.16	\$ 2,144.16
31293 00	Surgery	32.21	32.21	\$ 2,319.12	\$ 2,319.12
31294 00	Surgery	36.78	36.78	\$ 2,648.16	\$ 2,648.16
31295 00	Surgery	50.79	4.69	\$ 3,656.88	\$ 337.68
31296 00	Surgery	51.56	5.34	\$ 3,712.32	\$ 384.48
31297 00	Surgery	50.37	4.28	\$ 3,626.64	\$ 308.16
31298 00	Surgery	95.62	7.62	\$ 6,884.64	\$ 548.64
31299 00	Surgery	0.00	0.00	BR	BR
31300 00	Surgery	37.68	37.68	\$ 2,712.96	\$ 2,712.96
31360 00	Surgery	61.66	61.66	\$ 4,439.52	\$ 4,439.52
31365 00	Surgery	76.04	76.04	\$ 5,474.88	\$ 5,474.88
31367 00	Surgery	65.29	65.29	\$ 4,700.88	\$ 4,700.88
31368 00	Surgery	72.18	72.18	\$ 5,196.96	\$ 5,196.96
31370 00	Surgery	61.32	61.32	\$ 4,415.04	\$ 4,415.04
31375 00	Surgery	58.29	58.29	\$ 4,196.88	\$ 4,196.88
31380 00	Surgery	57.48	57.48	\$ 4,138.56	\$ 4,138.56
31382 00	Surgery	62.92	62.92	\$ 4,530.24	\$ 4,530.24
31390 00	Surgery	83.91	83.91	\$ 6,041.52	\$ 6,041.52
31395 00	Surgery	88.10	88.10	\$ 6,343.20	\$ 6,343.20
31400 00	Surgery	30.53	30.53	\$ 2,198.16	\$ 2,198.16
31420 00	Surgery	25.05	25.05	\$ 1,803.60	\$ 1,803.60
31500 00	Surgery	4.17	4.17	\$ 300.24	\$ 300.24
31502 00	Surgery	1.04	1.04	\$ 74.88	\$ 74.88
31505 00	Surgery	2.73	1.47	\$ 196.56	\$ 105.84
31510 00	Surgery	6.51	3.61	\$ 468.72	\$ 259.92
31511 00	Surgery	6.34	3.99	\$ 456.48	\$ 287.28
31512 00	Surgery	6.53	3.85	\$ 470.16	\$ 277.20
31513 00	Surgery	3.89	3.89	\$ 280.08	\$ 280.08
31515 00	Surgery	6.48	3.32	\$ 466.56	\$ 239.04
31520 00	Surgery	4.64	4.64	\$ 334.08	\$ 334.08
31525 00	Surgery	7.53	4.74	\$ 542.16	\$ 341.28
31526 00	Surgery	4.66	4.66	\$ 335.52	\$ 335.52
31527 00	Surgery	5.79	5.79	\$ 416.88	\$ 416.88

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
31528 00	Surgery	4.29	4.29	\$ 308.88	\$ 308.88
31529 00	Surgery	4.77	4.77	\$ 343.44	\$ 343.44
31530 00	Surgery	5.91	5.91	\$ 425.52	\$ 425.52
31531 00	Surgery	6.29	6.29	\$ 452.88	\$ 452.88
31535 00	Surgery	5.60	5.60	\$ 403.20	\$ 403.20
31536 00	Surgery	6.25	6.25	\$ 450.00	\$ 450.00
31540 00	Surgery	7.17	7.17	\$ 516.24	\$ 516.24
31541 00	Surgery	7.82	7.82	\$ 563.04	\$ 563.04
31545 00	Surgery	10.72	10.72	\$ 771.84	\$ 771.84
31546 00	Surgery	16.24	16.24	\$ 1,169.28	\$ 1,169.28
31551 00	Surgery	46.39	46.39	\$ 3,340.08	\$ 3,340.08
31552 00	Surgery	44.81	44.81	\$ 3,226.32	\$ 3,226.32
31553 00	Surgery	50.63	50.63	\$ 3,645.36	\$ 3,645.36
31554 00	Surgery	50.66	50.66	\$ 3,647.52	\$ 3,647.52
31560 00	Surgery	9.26	9.26	\$ 666.72	\$ 666.72
31561 00	Surgery	10.12	10.12	\$ 728.64	\$ 728.64
31570 00	Surgery	10.31	6.80	\$ 742.32	\$ 489.60
31571 00	Surgery	7.37	7.37	\$ 530.64	\$ 530.64
31572 00	Surgery	15.92	5.37	\$ 1,146.24	\$ 386.64
31573 00	Surgery	8.67	4.43	\$ 624.24	\$ 318.96
31574 00	Surgery	28.72	4.44	\$ 2,067.84	\$ 319.68
31575 00	Surgery	3.90	2.03	\$ 280.80	\$ 146.16
31576 00	Surgery	8.12	3.54	\$ 584.64	\$ 254.88
31577 00	Surgery	8.35	3.99	\$ 601.20	\$ 287.28
31578 00	Surgery	9.24	4.44	\$ 665.28	\$ 319.68
31579 00	Surgery	5.97	3.56	\$ 429.84	\$ 256.32
31580 00	Surgery	38.73	38.73	\$ 2,788.56	\$ 2,788.56
31584 00	Surgery	42.58	42.58	\$ 3,065.76	\$ 3,065.76
31587 00	Surgery	36.36	36.36	\$ 2,617.92	\$ 2,617.92
31590 00	Surgery	27.94	27.94	\$ 2,011.68	\$ 2,011.68
31591 00	Surgery	33.19	33.19	\$ 2,389.68	\$ 2,389.68
31592 00	Surgery	52.09	52.09	\$ 3,750.48	\$ 3,750.48
31599 00	Surgery	0.00	0.00	BR	BR
31600 00	Surgery	9.06	9.06	\$ 652.32	\$ 652.32
31601 00	Surgery	13.37	13.37	\$ 962.64	\$ 962.64
31603 00	Surgery	9.51	9.51	\$ 684.72	\$ 684.72
31605 00	Surgery	9.85	9.85	\$ 709.20	\$ 709.20
31610 00	Surgery	28.87	28.87	\$ 2,078.64	\$ 2,078.64
31611 00	Surgery	16.17	16.17	\$ 1,164.24	\$ 1,164.24
31612 00	Surgery	2.82	1.45	\$ 203.04	\$ 104.40
31613 00	Surgery	12.81	12.81	\$ 922.32	\$ 922.32
31614 00	Surgery	21.53	21.53	\$ 1,550.16	\$ 1,550.16
31615 00	Surgery	5.18	3.42	\$ 372.96	\$ 246.24
31622 00	Surgery	7.39	3.85	\$ 532.08	\$ 277.20

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
31623 00	Surgery	8.18	3.84	\$ 588.96	\$ 276.48
31624 00	Surgery	7.60	3.91	\$ 547.20	\$ 281.52
31625 00	Surgery	10.41	4.54	\$ 749.52	\$ 326.88
31626 00	Surgery	23.63	5.73	\$ 1,701.36	\$ 412.56
31627 00	Surgery	32.57	2.80	\$ 2,345.04	\$ 201.60
31628 00	Surgery	11.10	5.12	\$ 799.20	\$ 368.64
31629 00	Surgery	13.53	5.43	\$ 974.16	\$ 390.96
31630 00	Surgery	5.80	5.80	\$ 417.60	\$ 417.60
31631 00	Surgery	6.62	6.62	\$ 476.64	\$ 476.64
31632 00	Surgery	1.92	1.44	\$ 138.24	\$ 103.68
31633 00	Surgery	2.37	1.83	\$ 170.64	\$ 131.76
31634 00	Surgery	45.41	5.51	\$ 3,269.52	\$ 396.72
31635 00	Surgery	8.70	5.10	\$ 626.40	\$ 367.20
31636 00	Surgery	6.31	6.31	\$ 454.32	\$ 454.32
31637 00	Surgery	2.25	2.25	\$ 162.00	\$ 162.00
31638 00	Surgery	7.21	7.21	\$ 519.12	\$ 519.12
31640 00	Surgery	7.25	7.25	\$ 522.00	\$ 522.00
31641 00	Surgery	7.43	7.43	\$ 534.96	\$ 534.96
31643 00	Surgery	4.94	4.94	\$ 355.68	\$ 355.68
31645 00	Surgery	8.13	4.28	\$ 585.36	\$ 308.16
31646 00	Surgery	4.13	4.13	\$ 297.36	\$ 297.36
31647 00	Surgery	5.98	5.98	\$ 430.56	\$ 430.56
31648 00	Surgery	5.73	5.73	\$ 412.56	\$ 412.56
31649 00	Surgery	1.95	1.95	\$ 140.40	\$ 140.40
31651 00	Surgery	2.24	2.24	\$ 161.28	\$ 161.28
31652 00	Surgery	37.72	6.43	\$ 2,715.84	\$ 462.96
31653 00	Surgery	39.21	7.13	\$ 2,823.12	\$ 513.36
31654 00	Surgery	3.58	1.94	\$ 257.76	\$ 139.68
31660 00	Surgery	5.77	5.77	\$ 415.44	\$ 415.44
31661 00	Surgery	5.84	5.84	\$ 420.48	\$ 420.48
31717 00	Surgery	8.60	3.11	\$ 619.20	\$ 223.92
31720 00	Surgery	1.43	1.43	\$ 102.96	\$ 102.96
31725 00	Surgery	2.30	2.30	\$ 165.60	\$ 165.60
31730 00	Surgery	32.22	4.40	\$ 2,319.84	\$ 316.80
31750 00	Surgery	40.84	40.84	\$ 2,940.48	\$ 2,940.48
31755 00	Surgery	52.22	52.22	\$ 3,759.84	\$ 3,759.84
31760 00	Surgery	40.55	40.55	\$ 2,919.60	\$ 2,919.60
31766 00	Surgery	52.20	52.20	\$ 3,758.40	\$ 3,758.40
31770 00	Surgery	39.08	39.08	\$ 2,813.76	\$ 2,813.76
31775 00	Surgery	41.16	41.16	\$ 2,963.52	\$ 2,963.52
31780 00	Surgery	35.87	35.87	\$ 2,582.64	\$ 2,582.64
31781 00	Surgery	42.98	42.98	\$ 3,094.56	\$ 3,094.56
31785 00	Surgery	32.13	32.13	\$ 2,313.36	\$ 2,313.36
31786 00	Surgery	42.41	42.41	\$ 3,053.52	\$ 3,053.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
31800 00	Surgery	21.39	21.39	\$ 1,540.08	\$ 1,540.08
31805 00	Surgery	24.18	24.18	\$ 1,740.96	\$ 1,740.96
31820 00	Surgery	13.43	9.98	\$ 966.96	\$ 718.56
31825 00	Surgery	18.54	14.61	\$ 1,334.88	\$ 1,051.92
31830 00	Surgery	15.01	11.09	\$ 1,080.72	\$ 798.48
31899 00	Surgery	0.00	0.00	BR	BR
32035 00	Surgery	21.76	21.76	\$ 1,566.72	\$ 1,566.72
32036 00	Surgery	23.46	23.46	\$ 1,689.12	\$ 1,689.12
32096 00	Surgery	23.56	23.56	\$ 1,696.32	\$ 1,696.32
32097 00	Surgery	23.62	23.62	\$ 1,700.64	\$ 1,700.64
32098 00	Surgery	22.42	22.42	\$ 1,614.24	\$ 1,614.24
32100 00	Surgery	23.86	23.86	\$ 1,717.92	\$ 1,717.92
32110 00	Surgery	43.44	43.44	\$ 3,127.68	\$ 3,127.68
32120 00	Surgery	25.76	25.76	\$ 1,854.72	\$ 1,854.72
32124 00	Surgery	27.22	27.22	\$ 1,959.84	\$ 1,959.84
32140 00	Surgery	29.21	29.21	\$ 2,103.12	\$ 2,103.12
32141 00	Surgery	44.80	44.80	\$ 3,225.60	\$ 3,225.60
32150 00	Surgery	29.86	29.86	\$ 2,149.92	\$ 2,149.92
32151 00	Surgery	29.64	29.64	\$ 2,134.08	\$ 2,134.08
32160 00	Surgery	23.59	23.59	\$ 1,698.48	\$ 1,698.48
32200 00	Surgery	33.65	33.65	\$ 2,422.80	\$ 2,422.80
32215 00	Surgery	23.72	23.72	\$ 1,707.84	\$ 1,707.84
32220 00	Surgery	47.12	47.12	\$ 3,392.64	\$ 3,392.64
32225 00	Surgery	29.42	29.42	\$ 2,118.24	\$ 2,118.24
32310 00	Surgery	27.12	27.12	\$ 1,952.64	\$ 1,952.64
32320 00	Surgery	47.35	47.35	\$ 3,409.20	\$ 3,409.20
32400 00	Surgery	5.03	2.48	\$ 362.16	\$ 178.56
32408 00	Surgery	25.93	4.47	\$ 1,866.96	\$ 321.84
32440 00	Surgery	46.14	46.14	\$ 3,322.08	\$ 3,322.08
32442 00	Surgery	89.54	89.54	\$ 6,446.88	\$ 6,446.88
32445 00	Surgery	103.57	103.57	\$ 7,457.04	\$ 7,457.04
32480 00	Surgery	43.54	43.54	\$ 3,134.88	\$ 3,134.88
32482 00	Surgery	46.53	46.53	\$ 3,350.16	\$ 3,350.16
32484 00	Surgery	42.15	42.15	\$ 3,034.80	\$ 3,034.80
32486 00	Surgery	68.69	68.69	\$ 4,945.68	\$ 4,945.68
32488 00	Surgery	70.21	70.21	\$ 5,055.12	\$ 5,055.12
32491 00	Surgery	43.37	43.37	\$ 3,122.64	\$ 3,122.64
32501 00	Surgery	7.11	7.11	\$ 511.92	\$ 511.92
32503 00	Surgery	52.77	52.77	\$ 3,799.44	\$ 3,799.44
32504 00	Surgery	60.06	60.06	\$ 4,324.32	\$ 4,324.32
32505 00	Surgery	27.47	27.47	\$ 1,977.84	\$ 1,977.84
32506 00	Surgery	4.58	4.58	\$ 329.76	\$ 329.76
32507 00	Surgery	4.58	4.58	\$ 329.76	\$ 329.76
32540 00	Surgery	50.78	50.78	\$ 3,656.16	\$ 3,656.16

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
32550 00	Surgery	23.76	6.00	\$ 1,710.72	\$ 432.00
32551 00	Surgery	4.58	4.58	\$ 329.76	\$ 329.76
32552 00	Surgery	5.44	4.64	\$ 391.68	\$ 334.08
32553 00	Surgery	15.35	5.15	\$ 1,105.20	\$ 370.80
32554 00	Surgery	7.03	2.60	\$ 506.16	\$ 187.20
32555 00	Surgery	9.49	3.21	\$ 683.28	\$ 231.12
32556 00	Surgery	22.33	3.65	\$ 1,607.76	\$ 262.80
32557 00	Surgery	20.07	4.38	\$ 1,445.04	\$ 315.36
32560 00	Surgery	7.65	2.23	\$ 550.80	\$ 160.56
32561 00	Surgery	2.80	1.99	\$ 201.60	\$ 143.28
32562 00	Surgery	2.50	1.77	\$ 180.00	\$ 127.44
32601 00	Surgery	9.04	9.04	\$ 650.88	\$ 650.88
32604 00	Surgery	14.04	14.04	\$ 1,010.88	\$ 1,010.88
32606 00	Surgery	13.53	13.53	\$ 974.16	\$ 974.16
32607 00	Surgery	9.04	9.04	\$ 650.88	\$ 650.88
32608 00	Surgery	11.10	11.10	\$ 799.20	\$ 799.20
32609 00	Surgery	7.51	7.51	\$ 540.72	\$ 540.72
32650 00	Surgery	19.72	19.72	\$ 1,419.84	\$ 1,419.84
32651 00	Surgery	32.25	32.25	\$ 2,322.00	\$ 2,322.00
32652 00	Surgery	48.91	48.91	\$ 3,521.52	\$ 3,521.52
32653 00	Surgery	31.19	31.19	\$ 2,245.68	\$ 2,245.68
32654 00	Surgery	34.68	34.68	\$ 2,496.96	\$ 2,496.96
32655 00	Surgery	28.23	28.23	\$ 2,032.56	\$ 2,032.56
32656 00	Surgery	23.73	23.73	\$ 1,708.56	\$ 1,708.56
32658 00	Surgery	21.12	21.12	\$ 1,520.64	\$ 1,520.64
32659 00	Surgery	21.67	21.67	\$ 1,560.24	\$ 1,560.24
32661 00	Surgery	23.57	23.57	\$ 1,697.04	\$ 1,697.04
32662 00	Surgery	26.36	26.36	\$ 1,897.92	\$ 1,897.92
32663 00	Surgery	41.12	41.12	\$ 2,960.64	\$ 2,960.64
32664 00	Surgery	25.01	25.01	\$ 1,800.72	\$ 1,800.72
32665 00	Surgery	36.24	36.24	\$ 2,609.28	\$ 2,609.28
32666 00	Surgery	25.66	25.66	\$ 1,847.52	\$ 1,847.52
32667 00	Surgery	4.58	4.58	\$ 329.76	\$ 329.76
32668 00	Surgery	4.58	4.58	\$ 329.76	\$ 329.76
32669 00	Surgery	39.47	39.47	\$ 2,841.84	\$ 2,841.84
32670 00	Surgery	47.16	47.16	\$ 3,395.52	\$ 3,395.52
32671 00	Surgery	52.07	52.07	\$ 3,749.04	\$ 3,749.04
32672 00	Surgery	44.49	44.49	\$ 3,203.28	\$ 3,203.28
32673 00	Surgery	35.75	35.75	\$ 2,574.00	\$ 2,574.00
32674 00	Surgery	6.27	6.27	\$ 451.44	\$ 451.44
32701 00	Surgery	6.18	6.18	\$ 444.96	\$ 444.96
32800 00	Surgery	27.99	27.99	\$ 2,015.28	\$ 2,015.28
32810 00	Surgery	26.60	26.60	\$ 1,915.20	\$ 1,915.20
32815 00	Surgery	82.49	82.49	\$ 5,939.28	\$ 5,939.28

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
32820 00	Surgery	39.28	39.28	\$ 2,828.16	\$ 2,828.16
32850 00	Surgery	0.00	0.00	BR	BR
32851 00	Surgery	96.00	96.00	\$ 6,912.00	\$ 6,912.00
32852 00	Surgery	103.63	103.63	\$ 7,461.36	\$ 7,461.36
32853 00	Surgery	134.01	134.01	\$ 9,648.72	\$ 9,648.72
32854 00	Surgery	141.96	141.96	\$ 10,221.12	\$ 10,221.12
32855 00	Surgery	-	-	\$ 1,394.64	\$ 1,185.12
32856 00	Surgery	-	-	\$ 1,945.44	\$ 1,653.12
32900 00	Surgery	42.19	42.19	\$ 3,037.68	\$ 3,037.68
32905 00	Surgery	39.27	39.27	\$ 2,827.44	\$ 2,827.44
32906 00	Surgery	48.42	48.42	\$ 3,486.24	\$ 3,486.24
32940 00	Surgery	36.32	36.32	\$ 2,615.04	\$ 2,615.04
32960 00	Surgery	3.77	2.68	\$ 271.44	\$ 192.96
32994 00	Surgery	148.37	12.80	\$ 10,682.64	\$ 921.60
32997 00	Surgery	9.87	9.87	\$ 710.64	\$ 710.64
32998 00	Surgery	94.37	12.84	\$ 6,794.64	\$ 924.48
32999 00	Surgery	0.00	0.00	BR	BR
33016 00	Surgery	6.86	6.86	\$ 493.92	\$ 493.92
33017 00	Surgery	7.20	7.20	\$ 518.40	\$ 518.40
33018 00	Surgery	8.45	8.45	\$ 608.40	\$ 608.40
33019 00	Surgery	6.21	6.21	\$ 447.12	\$ 447.12
33020 00	Surgery	24.32	24.32	\$ 1,751.04	\$ 1,751.04
33025 00	Surgery	22.68	22.68	\$ 1,632.96	\$ 1,632.96
33030 00	Surgery	58.63	58.63	\$ 4,221.36	\$ 4,221.36
33031 00	Surgery	72.50	72.50	\$ 5,220.00	\$ 5,220.00
33050 00	Surgery	29.65	29.65	\$ 2,134.80	\$ 2,134.80
33120 00	Surgery	61.22	61.22	\$ 4,407.84	\$ 4,407.84
33130 00	Surgery	40.08	40.08	\$ 2,885.76	\$ 2,885.76
33140 00	Surgery	45.59	45.59	\$ 3,282.48	\$ 3,282.48
33141 00	Surgery	3.85	3.85	\$ 277.20	\$ 277.20
33202 00	Surgery	22.72	22.72	\$ 1,635.84	\$ 1,635.84
33203 00	Surgery	23.82	23.82	\$ 1,715.04	\$ 1,715.04
33206 00	Surgery	13.47	13.47	\$ 969.84	\$ 969.84
33207 00	Surgery	14.14	14.14	\$ 1,018.08	\$ 1,018.08
33208 00	Surgery	15.32	15.32	\$ 1,103.04	\$ 1,103.04
33210 00	Surgery	4.74	4.74	\$ 341.28	\$ 341.28
33211 00	Surgery	4.93	4.93	\$ 354.96	\$ 354.96
33212 00	Surgery	9.51	9.51	\$ 684.72	\$ 684.72
33213 00	Surgery	9.95	9.95	\$ 716.40	\$ 716.40
33214 00	Surgery	14.19	14.19	\$ 1,021.68	\$ 1,021.68
33215 00	Surgery	9.18	9.18	\$ 660.96	\$ 660.96
33216 00	Surgery	11.03	11.03	\$ 794.16	\$ 794.16
33217 00	Surgery	10.92	10.92	\$ 786.24	\$ 786.24
33218 00	Surgery	11.57	11.57	\$ 833.04	\$ 833.04

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
33220 00	Surgery	11.14	11.14	\$ 802.08	\$ 802.08
33221 00	Surgery	10.64	10.64	\$ 766.08	\$ 766.08
33222 00	Surgery	10.18	10.18	\$ 732.96	\$ 732.96
33223 00	Surgery	12.13	12.13	\$ 873.36	\$ 873.36
33224 00	Surgery	15.11	15.11	\$ 1,087.92	\$ 1,087.92
33225 00	Surgery	13.66	13.66	\$ 983.52	\$ 983.52
33226 00	Surgery	14.38	14.38	\$ 1,035.36	\$ 1,035.36
33227 00	Surgery	10.04	10.04	\$ 722.88	\$ 722.88
33228 00	Surgery	10.48	10.48	\$ 754.56	\$ 754.56
33229 00	Surgery	11.08	11.08	\$ 797.76	\$ 797.76
33230 00	Surgery	11.34	11.34	\$ 816.48	\$ 816.48
33231 00	Surgery	11.82	11.82	\$ 851.04	\$ 851.04
33233 00	Surgery	6.94	6.94	\$ 499.68	\$ 499.68
33234 00	Surgery	14.33	14.33	\$ 1,031.76	\$ 1,031.76
33235 00	Surgery	18.86	18.86	\$ 1,357.92	\$ 1,357.92
33236 00	Surgery	23.13	23.13	\$ 1,665.36	\$ 1,665.36
33237 00	Surgery	24.79	24.79	\$ 1,784.88	\$ 1,784.88
33238 00	Surgery	27.98	27.98	\$ 2,014.56	\$ 2,014.56
33240 00	Surgery	10.83	10.83	\$ 779.76	\$ 779.76
33241 00	Surgery	6.37	6.37	\$ 458.64	\$ 458.64
33243 00	Surgery	40.46	40.46	\$ 2,913.12	\$ 2,913.12
33244 00	Surgery	25.59	25.59	\$ 1,842.48	\$ 1,842.48
33249 00	Surgery	27.00	27.00	\$ 1,944.00	\$ 1,944.00
33250 00	Surgery	42.67	42.67	\$ 3,072.24	\$ 3,072.24
33251 00	Surgery	47.83	47.83	\$ 3,443.76	\$ 3,443.76
33254 00	Surgery	39.92	39.92	\$ 2,874.24	\$ 2,874.24
33255 00	Surgery	47.61	47.61	\$ 3,427.92	\$ 3,427.92
33256 00	Surgery	56.42	56.42	\$ 4,062.24	\$ 4,062.24
33257 00	Surgery	17.16	17.16	\$ 1,235.52	\$ 1,235.52
33258 00	Surgery	19.10	19.10	\$ 1,375.20	\$ 1,375.20
33259 00	Surgery	24.89	24.89	\$ 1,792.08	\$ 1,792.08
33261 00	Surgery	47.20	47.20	\$ 3,398.40	\$ 3,398.40
33262 00	Surgery	11.04	11.04	\$ 794.88	\$ 794.88
33263 00	Surgery	11.46	11.46	\$ 825.12	\$ 825.12
33264 00	Surgery	11.95	11.95	\$ 860.40	\$ 860.40
33265 00	Surgery	40.01	40.01	\$ 2,880.72	\$ 2,880.72
33266 00	Surgery	54.05	54.05	\$ 3,891.60	\$ 3,891.60
33267 00	Surgery	30.64	30.64	\$ 2,206.08	\$ 2,206.08
33268 00	Surgery	3.82	3.82	\$ 275.04	\$ 275.04
33269 00	Surgery	24.23	24.23	\$ 1,744.56	\$ 1,744.56
33270 00	Surgery	16.62	16.62	\$ 1,196.64	\$ 1,196.64
33271 00	Surgery	13.34	13.34	\$ 960.48	\$ 960.48
33272 00	Surgery	10.26	10.26	\$ 738.72	\$ 738.72
33273 00	Surgery	11.79	11.79	\$ 848.88	\$ 848.88

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
33274 00	Surgery	14.18	14.18	\$ 1,020.96	\$ 1,020.96
33275 00	Surgery	14.79	14.79	\$ 1,064.88	\$ 1,064.88
33285 00	Surgery	130.45	2.59	\$ 9,392.40	\$ 186.48
33286 00	Surgery	3.94	2.55	\$ 283.68	\$ 183.60
33289 00	Surgery	9.76	9.76	\$ 702.72	\$ 702.72
33300 00	Surgery	71.33	71.33	\$ 5,135.76	\$ 5,135.76
33305 00	Surgery	119.49	119.49	\$ 8,603.28	\$ 8,603.28
33310 00	Surgery	34.35	34.35	\$ 2,473.20	\$ 2,473.20
33315 00	Surgery	56.18	56.18	\$ 4,044.96	\$ 4,044.96
33320 00	Surgery	31.49	31.49	\$ 2,267.28	\$ 2,267.28
33321 00	Surgery	34.87	34.87	\$ 2,510.64	\$ 2,510.64
33322 00	Surgery	40.73	40.73	\$ 2,932.56	\$ 2,932.56
33330 00	Surgery	41.76	41.76	\$ 3,006.72	\$ 3,006.72
33335 00	Surgery	54.70	54.70	\$ 3,938.40	\$ 3,938.40
33340 00	Surgery	22.96	22.96	\$ 1,653.12	\$ 1,653.12
33361 00	Surgery	35.31	35.31	\$ 2,542.32	\$ 2,542.32
33362 00	Surgery	38.52	38.52	\$ 2,773.44	\$ 2,773.44
33363 00	Surgery	39.88	39.88	\$ 2,871.36	\$ 2,871.36
33364 00	Surgery	39.88	39.88	\$ 2,871.36	\$ 2,871.36
33365 00	Surgery	41.64	41.64	\$ 2,998.08	\$ 2,998.08
33366 00	Surgery	45.92	45.92	\$ 3,306.24	\$ 3,306.24
33367 00	Surgery	17.82	17.82	\$ 1,283.04	\$ 1,283.04
33368 00	Surgery	21.58	21.58	\$ 1,553.76	\$ 1,553.76
33369 00	Surgery	28.49	28.49	\$ 2,051.28	\$ 2,051.28
33370 00	Surgery	3.92	3.92	\$ 282.24	\$ 282.24
33390 00	Surgery	56.46	56.46	\$ 4,065.12	\$ 4,065.12
33391 00	Surgery	66.90	66.90	\$ 4,816.80	\$ 4,816.80
33404 00	Surgery	51.21	51.21	\$ 3,687.12	\$ 3,687.12
33405 00	Surgery	66.53	66.53	\$ 4,790.16	\$ 4,790.16
33406 00	Surgery	84.48	84.48	\$ 6,082.56	\$ 6,082.56
33410 00	Surgery	74.47	74.47	\$ 5,361.84	\$ 5,361.84
33411 00	Surgery	98.11	98.11	\$ 7,063.92	\$ 7,063.92
33412 00	Surgery	91.89	91.89	\$ 6,616.08	\$ 6,616.08
33413 00	Surgery	94.15	94.15	\$ 6,778.80	\$ 6,778.80
33414 00	Surgery	62.95	62.95	\$ 4,532.40	\$ 4,532.40
33415 00	Surgery	59.39	59.39	\$ 4,276.08	\$ 4,276.08
33416 00	Surgery	59.34	59.34	\$ 4,272.48	\$ 4,272.48
33417 00	Surgery	49.06	49.06	\$ 3,532.32	\$ 3,532.32
33418 00	Surgery	52.53	52.53	\$ 3,782.16	\$ 3,782.16
33419 00	Surgery	12.35	12.35	\$ 889.20	\$ 889.20
33420 00	Surgery	42.53	42.53	\$ 3,062.16	\$ 3,062.16
33422 00	Surgery	48.76	48.76	\$ 3,510.72	\$ 3,510.72
33425 00	Surgery	79.95	79.95	\$ 5,756.40	\$ 5,756.40
33426 00	Surgery	69.79	69.79	\$ 5,024.88	\$ 5,024.88

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
33427 00	Surgery	71.37	71.37	\$ 5,138.64	\$ 5,138.64
33430 00	Surgery	82.08	82.08	\$ 5,909.76	\$ 5,909.76
33440 00	Surgery	99.38	99.38	\$ 7,155.36	\$ 7,155.36
33460 00	Surgery	70.10	70.10	\$ 5,047.20	\$ 5,047.20
33463 00	Surgery	89.88	89.88	\$ 6,471.36	\$ 6,471.36
33464 00	Surgery	71.36	71.36	\$ 5,137.92	\$ 5,137.92
33465 00	Surgery	80.62	80.62	\$ 5,804.64	\$ 5,804.64
33468 00	Surgery	71.83	71.83	\$ 5,171.76	\$ 5,171.76
33471 00	Surgery	39.01	39.01	\$ 2,808.72	\$ 2,808.72
33474 00	Surgery	63.97	63.97	\$ 4,605.84	\$ 4,605.84
33475 00	Surgery	68.02	68.02	\$ 4,897.44	\$ 4,897.44
33476 00	Surgery	44.84	44.84	\$ 3,228.48	\$ 3,228.48
33477 00	Surgery	39.48	39.48	\$ 2,842.56	\$ 2,842.56
33478 00	Surgery	46.32	46.32	\$ 3,335.04	\$ 3,335.04
33496 00	Surgery	48.78	48.78	\$ 3,512.16	\$ 3,512.16
33500 00	Surgery	45.75	45.75	\$ 3,294.00	\$ 3,294.00
33501 00	Surgery	32.74	32.74	\$ 2,357.28	\$ 2,357.28
33502 00	Surgery	37.66	37.66	\$ 2,711.52	\$ 2,711.52
33503 00	Surgery	39.15	39.15	\$ 2,818.80	\$ 2,818.80
33504 00	Surgery	43.17	43.17	\$ 3,108.24	\$ 3,108.24
33505 00	Surgery	60.35	60.35	\$ 4,345.20	\$ 4,345.20
33506 00	Surgery	60.13	60.13	\$ 4,329.36	\$ 4,329.36
33507 00	Surgery	50.48	50.48	\$ 3,634.56	\$ 3,634.56
33508 00	Surgery	0.47	0.47	\$ 33.84	\$ 33.84
33509 00	Surgery	5.06	5.06	\$ 364.32	\$ 364.32
33510 00	Surgery	56.70	56.70	\$ 4,082.40	\$ 4,082.40
33511 00	Surgery	62.23	62.23	\$ 4,480.56	\$ 4,480.56
33512 00	Surgery	70.96	70.96	\$ 5,109.12	\$ 5,109.12
33513 00	Surgery	72.59	72.59	\$ 5,226.48	\$ 5,226.48
33514 00	Surgery	76.29	76.29	\$ 5,492.88	\$ 5,492.88
33516 00	Surgery	78.96	78.96	\$ 5,685.12	\$ 5,685.12
33517 00	Surgery	5.45	5.45	\$ 392.40	\$ 392.40
33518 00	Surgery	12.01	12.01	\$ 864.72	\$ 864.72
33519 00	Surgery	15.87	15.87	\$ 1,142.64	\$ 1,142.64
33521 00	Surgery	19.02	19.02	\$ 1,369.44	\$ 1,369.44
33522 00	Surgery	21.37	21.37	\$ 1,538.64	\$ 1,538.64
33523 00	Surgery	24.11	24.11	\$ 1,735.92	\$ 1,735.92
33530 00	Surgery	15.32	15.32	\$ 1,103.04	\$ 1,103.04
33533 00	Surgery	54.90	54.90	\$ 3,952.80	\$ 3,952.80
33534 00	Surgery	64.44	64.44	\$ 4,639.68	\$ 4,639.68
33535 00	Surgery	71.65	71.65	\$ 5,158.80	\$ 5,158.80
33536 00	Surgery	77.10	77.10	\$ 5,551.20	\$ 5,551.20
33542 00	Surgery	76.83	76.83	\$ 5,531.76	\$ 5,531.76
33545 00	Surgery	89.61	89.61	\$ 6,451.92	\$ 6,451.92

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
33548 00	Surgery	86.26	86.26	\$ 6,210.72	\$ 6,210.72
33572 00	Surgery	6.74	6.74	\$ 485.28	\$ 485.28
33600 00	Surgery	50.54	50.54	\$ 3,638.88	\$ 3,638.88
33602 00	Surgery	49.07	49.07	\$ 3,533.04	\$ 3,533.04
33606 00	Surgery	52.27	52.27	\$ 3,763.44	\$ 3,763.44
33608 00	Surgery	52.92	52.92	\$ 3,810.24	\$ 3,810.24
33610 00	Surgery	52.21	52.21	\$ 3,759.12	\$ 3,759.12
33611 00	Surgery	57.18	57.18	\$ 4,116.96	\$ 4,116.96
33612 00	Surgery	58.70	58.70	\$ 4,226.40	\$ 4,226.40
33615 00	Surgery	58.64	58.64	\$ 4,222.08	\$ 4,222.08
33617 00	Surgery	63.51	63.51	\$ 4,572.72	\$ 4,572.72
33619 00	Surgery	80.66	80.66	\$ 5,807.52	\$ 5,807.52
33620 00	Surgery	48.35	48.35	\$ 3,481.20	\$ 3,481.20
33621 00	Surgery	27.33	27.33	\$ 1,967.76	\$ 1,967.76
33622 00	Surgery	100.40	100.40	\$ 7,228.80	\$ 7,228.80
33641 00	Surgery	48.07	48.07	\$ 3,461.04	\$ 3,461.04
33645 00	Surgery	50.80	50.80	\$ 3,657.60	\$ 3,657.60
33647 00	Surgery	53.28	53.28	\$ 3,836.16	\$ 3,836.16
33660 00	Surgery	51.49	51.49	\$ 3,707.28	\$ 3,707.28
33665 00	Surgery	56.08	56.08	\$ 4,037.76	\$ 4,037.76
33670 00	Surgery	57.73	57.73	\$ 4,156.56	\$ 4,156.56
33675 00	Surgery	57.77	57.77	\$ 4,159.44	\$ 4,159.44
33676 00	Surgery	59.32	59.32	\$ 4,271.04	\$ 4,271.04
33677 00	Surgery	61.58	61.58	\$ 4,433.76	\$ 4,433.76
33681 00	Surgery	54.23	54.23	\$ 3,904.56	\$ 3,904.56
33684 00	Surgery	55.37	55.37	\$ 3,986.64	\$ 3,986.64
33688 00	Surgery	55.16	55.16	\$ 3,971.52	\$ 3,971.52
33690 00	Surgery	35.44	35.44	\$ 2,551.68	\$ 2,551.68
33692 00	Surgery	57.27	57.27	\$ 4,123.44	\$ 4,123.44
33694 00	Surgery	57.18	57.18	\$ 4,116.96	\$ 4,116.96
33697 00	Surgery	60.23	60.23	\$ 4,336.56	\$ 4,336.56
33702 00	Surgery	45.51	45.51	\$ 3,276.72	\$ 3,276.72
33710 00	Surgery	60.14	60.14	\$ 4,330.08	\$ 4,330.08
33720 00	Surgery	45.53	45.53	\$ 3,278.16	\$ 3,278.16
33724 00	Surgery	45.12	45.12	\$ 3,248.64	\$ 3,248.64
33726 00	Surgery	59.54	59.54	\$ 4,286.88	\$ 4,286.88
33730 00	Surgery	58.89	58.89	\$ 4,240.08	\$ 4,240.08
33732 00	Surgery	48.49	48.49	\$ 3,491.28	\$ 3,491.28
33735 00	Surgery	38.22	38.22	\$ 2,751.84	\$ 2,751.84
33736 00	Surgery	41.45	41.45	\$ 2,984.40	\$ 2,984.40
33737 00	Surgery	38.25	38.25	\$ 2,754.00	\$ 2,754.00
33741 00	Surgery	21.94	21.94	\$ 1,579.68	\$ 1,579.68
33745 00	Surgery	31.33	31.33	\$ 2,255.76	\$ 2,255.76
33746 00	Surgery	12.52	12.52	\$ 901.44	\$ 901.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
33750 00	Surgery	37.15	37.15	\$ 2,674.80	\$ 2,674.80
33755 00	Surgery	38.83	38.83	\$ 2,795.76	\$ 2,795.76
33762 00	Surgery	37.72	37.72	\$ 2,715.84	\$ 2,715.84
33764 00	Surgery	38.83	38.83	\$ 2,795.76	\$ 2,795.76
33766 00	Surgery	39.21	39.21	\$ 2,823.12	\$ 2,823.12
33767 00	Surgery	41.82	41.82	\$ 3,011.04	\$ 3,011.04
33768 00	Surgery	12.16	12.16	\$ 875.52	\$ 875.52
33770 00	Surgery	61.99	61.99	\$ 4,463.28	\$ 4,463.28
33771 00	Surgery	63.74	63.74	\$ 4,589.28	\$ 4,589.28
33774 00	Surgery	52.94	52.94	\$ 3,811.68	\$ 3,811.68
33775 00	Surgery	54.50	54.50	\$ 3,924.00	\$ 3,924.00
33776 00	Surgery	57.60	57.60	\$ 4,147.20	\$ 4,147.20
33777 00	Surgery	55.52	55.52	\$ 3,997.44	\$ 3,997.44
33778 00	Surgery	68.94	68.94	\$ 4,963.68	\$ 4,963.68
33779 00	Surgery	68.04	68.04	\$ 4,898.88	\$ 4,898.88
33780 00	Surgery	69.33	69.33	\$ 4,991.76	\$ 4,991.76
33781 00	Surgery	67.66	67.66	\$ 4,871.52	\$ 4,871.52
33782 00	Surgery	94.44	94.44	\$ 6,799.68	\$ 6,799.68
33783 00	Surgery	102.05	102.05	\$ 7,347.60	\$ 7,347.60
33786 00	Surgery	66.74	66.74	\$ 4,805.28	\$ 4,805.28
33788 00	Surgery	45.04	45.04	\$ 3,242.88	\$ 3,242.88
33800 00	Surgery	29.00	29.00	\$ 2,088.00	\$ 2,088.00
33802 00	Surgery	32.01	32.01	\$ 2,304.72	\$ 2,304.72
33803 00	Surgery	33.87	33.87	\$ 2,438.64	\$ 2,438.64
33813 00	Surgery	36.57	36.57	\$ 2,633.04	\$ 2,633.04
33814 00	Surgery	44.87	44.87	\$ 3,230.64	\$ 3,230.64
33820 00	Surgery	28.50	28.50	\$ 2,052.00	\$ 2,052.00
33822 00	Surgery	30.04	30.04	\$ 2,162.88	\$ 2,162.88
33824 00	Surgery	34.83	34.83	\$ 2,507.76	\$ 2,507.76
33840 00	Surgery	36.54	36.54	\$ 2,630.88	\$ 2,630.88
33845 00	Surgery	39.33	39.33	\$ 2,831.76	\$ 2,831.76
33851 00	Surgery	37.51	37.51	\$ 2,700.72	\$ 2,700.72
33852 00	Surgery	41.21	41.21	\$ 2,967.12	\$ 2,967.12
33853 00	Surgery	53.88	53.88	\$ 3,879.36	\$ 3,879.36
33858 00	Surgery	99.28	99.28	\$ 7,148.16	\$ 7,148.16
33859 00	Surgery	71.31	71.31	\$ 5,134.32	\$ 5,134.32
33863 00	Surgery	91.97	91.97	\$ 6,621.84	\$ 6,621.84
33864 00	Surgery	94.01	94.01	\$ 6,768.72	\$ 6,768.72
33866 00	Surgery	26.90	26.90	\$ 1,936.80	\$ 1,936.80
33871 00	Surgery	95.21	95.21	\$ 6,855.12	\$ 6,855.12
33875 00	Surgery	80.21	80.21	\$ 5,775.12	\$ 5,775.12
33877 00	Surgery	105.31	105.31	\$ 7,582.32	\$ 7,582.32
33880 00	Surgery	52.24	52.24	\$ 3,761.28	\$ 3,761.28
33881 00	Surgery	44.76	44.76	\$ 3,222.72	\$ 3,222.72

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
33883 00	Surgery	32.46	32.46	\$ 2,337.12	\$ 2,337.12
33884 00	Surgery	11.48	11.48	\$ 826.56	\$ 826.56
33886 00	Surgery	28.09	28.09	\$ 2,022.48	\$ 2,022.48
33889 00	Surgery	23.14	23.14	\$ 1,666.08	\$ 1,666.08
33891 00	Surgery	28.00	28.00	\$ 2,016.00	\$ 2,016.00
33894 00	Surgery	28.63	28.63	\$ 2,061.36	\$ 2,061.36
33895 00	Surgery	22.77	22.77	\$ 1,639.44	\$ 1,639.44
33897 00	Surgery	16.94	16.94	\$ 1,219.68	\$ 1,219.68
33900 00	Surgery	17.12	17.12	\$ 1,232.64	\$ 1,232.64
33901 00	Surgery	22.50	22.50	\$ 1,620.00	\$ 1,620.00
33902 00	Surgery	21.74	21.74	\$ 1,565.28	\$ 1,565.28
33903 00	Surgery	25.62	25.62	\$ 1,844.64	\$ 1,844.64
33904 00	Surgery	8.60	8.60	\$ 619.20	\$ 619.20
33910 00	Surgery	77.30	77.30	\$ 5,565.60	\$ 5,565.60
33915 00	Surgery	40.31	40.31	\$ 2,902.32	\$ 2,902.32
33916 00	Surgery	122.08	122.08	\$ 8,789.76	\$ 8,789.76
33917 00	Surgery	42.94	42.94	\$ 3,091.68	\$ 3,091.68
33920 00	Surgery	53.14	53.14	\$ 3,826.08	\$ 3,826.08
33922 00	Surgery	40.90	40.90	\$ 2,944.80	\$ 2,944.80
33924 00	Surgery	8.34	8.34	\$ 600.48	\$ 600.48
33925 00	Surgery	50.34	50.34	\$ 3,624.48	\$ 3,624.48
33926 00	Surgery	70.73	70.73	\$ 5,092.56	\$ 5,092.56
33927 00	Surgery	74.47	74.47	\$ 5,361.84	\$ 5,361.84
33928 00	Surgery	0.00	0.00	BR	BR
33929 00	Surgery	0.00	0.00	BR	BR
33930 00	Surgery	0.00	0.00	BR	BR
33933 00	Surgery	0.00	0.00	BR	BR
33935 00	Surgery	144.00	144.00	\$ 10,368.00	\$ 10,368.00
33940 00	Surgery	0.00	0.00	BR	BR
33944 00	Surgery	-	-	\$ 1,175.04	\$ 1,010.88
33945 00	Surgery	142.43	142.43	\$ 10,254.96	\$ 10,254.96
33946 00	Surgery	9.05	9.05	\$ 651.60	\$ 651.60
33947 00	Surgery	10.01	10.01	\$ 720.72	\$ 720.72
33948 00	Surgery	6.96	6.96	\$ 501.12	\$ 501.12
33949 00	Surgery	6.75	6.75	\$ 486.00	\$ 486.00
33951 00	Surgery	12.35	12.35	\$ 889.20	\$ 889.20
33952 00	Surgery	12.48	12.48	\$ 898.56	\$ 898.56
33953 00	Surgery	13.77	13.77	\$ 991.44	\$ 991.44
33954 00	Surgery	13.88	13.88	\$ 999.36	\$ 999.36
33955 00	Surgery	24.09	24.09	\$ 1,734.48	\$ 1,734.48
33956 00	Surgery	24.40	24.40	\$ 1,756.80	\$ 1,756.80
33957 00	Surgery	5.37	5.37	\$ 386.64	\$ 386.64
33958 00	Surgery	5.37	5.37	\$ 386.64	\$ 386.64
33959 00	Surgery	6.80	6.80	\$ 489.60	\$ 489.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
33962 00	Surgery	6.80	6.80	\$ 489.60	\$ 489.60
33963 00	Surgery	13.60	13.60	\$ 979.20	\$ 979.20
33964 00	Surgery	14.36	14.36	\$ 1,033.92	\$ 1,033.92
33965 00	Surgery	5.37	5.37	\$ 386.64	\$ 386.64
33966 00	Surgery	6.89	6.89	\$ 496.08	\$ 496.08
33967 00	Surgery	7.53	7.53	\$ 542.16	\$ 542.16
33968 00	Surgery	0.99	0.99	\$ 71.28	\$ 71.28
33969 00	Surgery	7.94	7.94	\$ 571.68	\$ 571.68
33970 00	Surgery	10.34	10.34	\$ 744.48	\$ 744.48
33971 00	Surgery	20.81	20.81	\$ 1,498.32	\$ 1,498.32
33973 00	Surgery	14.63	14.63	\$ 1,053.36	\$ 1,053.36
33974 00	Surgery	26.21	26.21	\$ 1,887.12	\$ 1,887.12
33975 00	Surgery	37.88	37.88	\$ 2,727.36	\$ 2,727.36
33976 00	Surgery	46.11	46.11	\$ 3,319.92	\$ 3,319.92
33977 00	Surgery	32.80	32.80	\$ 2,361.60	\$ 2,361.60
33978 00	Surgery	38.80	38.80	\$ 2,793.60	\$ 2,793.60
33979 00	Surgery	56.74	56.74	\$ 4,085.28	\$ 4,085.28
33980 00	Surgery	51.99	51.99	\$ 3,743.28	\$ 3,743.28
33981 00	Surgery	24.16	24.16	\$ 1,739.52	\$ 1,739.52
33982 00	Surgery	56.77	56.77	\$ 4,087.44	\$ 4,087.44
33983 00	Surgery	67.53	67.53	\$ 4,862.16	\$ 4,862.16
33984 00	Surgery	8.29	8.29	\$ 596.88	\$ 596.88
33985 00	Surgery	14.96	14.96	\$ 1,077.12	\$ 1,077.12
33986 00	Surgery	15.29	15.29	\$ 1,100.88	\$ 1,100.88
33987 00	Surgery	6.05	6.05	\$ 435.60	\$ 435.60
33988 00	Surgery	22.60	22.60	\$ 1,627.20	\$ 1,627.20
33989 00	Surgery	14.36	14.36	\$ 1,033.92	\$ 1,033.92
33990 00	Surgery	10.54	10.54	\$ 758.88	\$ 758.88
33991 00	Surgery	13.27	13.27	\$ 955.44	\$ 955.44
33992 00	Surgery	5.47	5.47	\$ 393.84	\$ 393.84
33993 00	Surgery	4.85	4.85	\$ 349.20	\$ 349.20
33995 00	Surgery	10.40	10.40	\$ 748.80	\$ 748.80
33997 00	Surgery	4.62	4.62	\$ 332.64	\$ 332.64
33999 00	Surgery	0.00	0.00	BR	BR
34001 00	Surgery	26.71	26.71	\$ 1,923.12	\$ 1,923.12
34051 00	Surgery	29.21	29.21	\$ 2,103.12	\$ 2,103.12
34101 00	Surgery	17.49	17.49	\$ 1,259.28	\$ 1,259.28
34111 00	Surgery	17.55	17.55	\$ 1,263.60	\$ 1,263.60
34151 00	Surgery	40.68	40.68	\$ 2,928.96	\$ 2,928.96
34201 00	Surgery	29.83	29.83	\$ 2,147.76	\$ 2,147.76
34203 00	Surgery	27.69	27.69	\$ 1,993.68	\$ 1,993.68
34401 00	Surgery	43.50	43.50	\$ 3,132.00	\$ 3,132.00
34421 00	Surgery	20.30	20.30	\$ 1,461.60	\$ 1,461.60
34451 00	Surgery	41.88	41.88	\$ 3,015.36	\$ 3,015.36

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
34471 00	Surgery	31.51	31.51	\$ 2,268.72	\$ 2,268.72
34490 00	Surgery	19.11	19.11	\$ 1,375.92	\$ 1,375.92
34501 00	Surgery	26.13	26.13	\$ 1,881.36	\$ 1,881.36
34502 00	Surgery	45.02	45.02	\$ 3,241.44	\$ 3,241.44
34510 00	Surgery	29.82	29.82	\$ 2,147.04	\$ 2,147.04
34520 00	Surgery	28.92	28.92	\$ 2,082.24	\$ 2,082.24
34530 00	Surgery	27.52	27.52	\$ 1,981.44	\$ 1,981.44
34701 00	Surgery	36.08	36.08	\$ 2,597.76	\$ 2,597.76
34702 00	Surgery	53.83	53.83	\$ 3,875.76	\$ 3,875.76
34703 00	Surgery	40.12	40.12	\$ 2,888.64	\$ 2,888.64
34704 00	Surgery	66.75	66.75	\$ 4,806.00	\$ 4,806.00
34705 00	Surgery	44.50	44.50	\$ 3,204.00	\$ 3,204.00
34706 00	Surgery	66.30	66.30	\$ 4,773.60	\$ 4,773.60
34707 00	Surgery	34.02	34.02	\$ 2,449.44	\$ 2,449.44
34708 00	Surgery	52.95	52.95	\$ 3,812.40	\$ 3,812.40
34709 00	Surgery	9.39	9.39	\$ 676.08	\$ 676.08
34710 00	Surgery	23.19	23.19	\$ 1,669.68	\$ 1,669.68
34711 00	Surgery	8.56	8.56	\$ 616.32	\$ 616.32
34712 00	Surgery	19.17	19.17	\$ 1,380.24	\$ 1,380.24
34713 00	Surgery	3.59	3.59	\$ 258.48	\$ 258.48
34714 00	Surgery	7.85	7.85	\$ 565.20	\$ 565.20
34715 00	Surgery	8.72	8.72	\$ 627.84	\$ 627.84
34716 00	Surgery	10.85	10.85	\$ 781.20	\$ 781.20
34717 00	Surgery	12.88	12.88	\$ 927.36	\$ 927.36
34718 00	Surgery	35.99	35.99	\$ 2,591.28	\$ 2,591.28
34808 00	Surgery	5.89	5.89	\$ 424.08	\$ 424.08
34812 00	Surgery	5.99	5.99	\$ 431.28	\$ 431.28
34813 00	Surgery	6.86	6.86	\$ 493.92	\$ 493.92
34820 00	Surgery	9.79	9.79	\$ 704.88	\$ 704.88
34830 00	Surgery	51.38	51.38	\$ 3,699.36	\$ 3,699.36
34831 00	Surgery	56.18	56.18	\$ 4,044.96	\$ 4,044.96
34832 00	Surgery	55.22	55.22	\$ 3,975.84	\$ 3,975.84
34833 00	Surgery	11.41	11.41	\$ 821.52	\$ 821.52
34834 00	Surgery	3.77	3.77	\$ 271.44	\$ 271.44
34839 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
34841 00	Surgery	0.00	0.00	BR	BR
34842 00	Surgery	0.00	0.00	BR	BR
34843 00	Surgery	-	-	\$ 5,509.44	\$ 4,737.60
34844 00	Surgery	0.00	0.00	BR	BR
34845 00	Surgery	0.00	0.00	BR	BR
34846 00	Surgery	-	-	\$ 5,059.44	\$ 4,350.96
34847 00	Surgery	-	-	\$ 5,911.92	\$ 5,083.92
34848 00	Surgery	-	-	\$ 9,358.56	\$ 8,048.16
35001 00	Surgery	32.90	32.90	\$ 2,368.80	\$ 2,368.80

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
35002 00	Surgery	33.22	33.22	\$ 2,391.84	\$ 2,391.84
35005 00	Surgery	29.10	29.10	\$ 2,095.20	\$ 2,095.20
35011 00	Surgery	29.57	29.57	\$ 2,129.04	\$ 2,129.04
35013 00	Surgery	37.16	37.16	\$ 2,675.52	\$ 2,675.52
35021 00	Surgery	36.99	36.99	\$ 2,663.28	\$ 2,663.28
35022 00	Surgery	42.27	42.27	\$ 3,043.44	\$ 3,043.44
35045 00	Surgery	28.43	28.43	\$ 2,046.96	\$ 2,046.96
35081 00	Surgery	50.49	50.49	\$ 3,635.28	\$ 3,635.28
35082 00	Surgery	63.09	63.09	\$ 4,542.48	\$ 4,542.48
35091 00	Surgery	51.91	51.91	\$ 3,737.52	\$ 3,737.52
35092 00	Surgery	75.34	75.34	\$ 5,424.48	\$ 5,424.48
35102 00	Surgery	54.72	54.72	\$ 3,939.84	\$ 3,939.84
35103 00	Surgery	64.79	64.79	\$ 4,664.88	\$ 4,664.88
35111 00	Surgery	38.78	38.78	\$ 2,792.16	\$ 2,792.16
35112 00	Surgery	47.65	47.65	\$ 3,430.80	\$ 3,430.80
35121 00	Surgery	46.08	46.08	\$ 3,317.76	\$ 3,317.76
35122 00	Surgery	55.08	55.08	\$ 3,965.76	\$ 3,965.76
35131 00	Surgery	40.23	40.23	\$ 2,896.56	\$ 2,896.56
35132 00	Surgery	47.65	47.65	\$ 3,430.80	\$ 3,430.80
35141 00	Surgery	31.93	31.93	\$ 2,298.96	\$ 2,298.96
35142 00	Surgery	38.56	38.56	\$ 2,776.32	\$ 2,776.32
35151 00	Surgery	36.17	36.17	\$ 2,604.24	\$ 2,604.24
35152 00	Surgery	40.77	40.77	\$ 2,935.44	\$ 2,935.44
35180 00	Surgery	22.94	22.94	\$ 1,651.68	\$ 1,651.68
35182 00	Surgery	52.66	52.66	\$ 3,791.52	\$ 3,791.52
35184 00	Surgery	28.17	28.17	\$ 2,028.24	\$ 2,028.24
35188 00	Surgery	38.74	38.74	\$ 2,789.28	\$ 2,789.28
35189 00	Surgery	44.00	44.00	\$ 3,168.00	\$ 3,168.00
35190 00	Surgery	22.41	22.41	\$ 1,613.52	\$ 1,613.52
35201 00	Surgery	27.44	27.44	\$ 1,975.68	\$ 1,975.68
35206 00	Surgery	23.11	23.11	\$ 1,663.92	\$ 1,663.92
35207 00	Surgery	22.71	22.71	\$ 1,635.12	\$ 1,635.12
35211 00	Surgery	40.77	40.77	\$ 2,935.44	\$ 2,935.44
35216 00	Surgery	61.83	61.83	\$ 4,451.76	\$ 4,451.76
35221 00	Surgery	43.38	43.38	\$ 3,123.36	\$ 3,123.36
35226 00	Surgery	24.37	24.37	\$ 1,754.64	\$ 1,754.64
35231 00	Surgery	37.04	37.04	\$ 2,666.88	\$ 2,666.88
35236 00	Surgery	29.22	29.22	\$ 2,103.84	\$ 2,103.84
35241 00	Surgery	42.11	42.11	\$ 3,031.92	\$ 3,031.92
35246 00	Surgery	45.79	45.79	\$ 3,296.88	\$ 3,296.88
35251 00	Surgery	51.45	51.45	\$ 3,704.40	\$ 3,704.40
35256 00	Surgery	29.86	29.86	\$ 2,149.92	\$ 2,149.92
35261 00	Surgery	28.62	28.62	\$ 2,060.64	\$ 2,060.64
35266 00	Surgery	25.22	25.22	\$ 1,815.84	\$ 1,815.84

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
35271 00	Surgery	40.68	40.68	\$ 2,928.96	\$ 2,928.96
35276 00	Surgery	42.77	42.77	\$ 3,079.44	\$ 3,079.44
35281 00	Surgery	47.49	47.49	\$ 3,419.28	\$ 3,419.28
35286 00	Surgery	27.20	27.20	\$ 1,958.40	\$ 1,958.40
35301 00	Surgery	33.01	33.01	\$ 2,376.72	\$ 2,376.72
35302 00	Surgery	32.68	32.68	\$ 2,352.96	\$ 2,352.96
35303 00	Surgery	36.12	36.12	\$ 2,600.64	\$ 2,600.64
35304 00	Surgery	37.10	37.10	\$ 2,671.20	\$ 2,671.20
35305 00	Surgery	35.70	35.70	\$ 2,570.40	\$ 2,570.40
35306 00	Surgery	12.97	12.97	\$ 933.84	\$ 933.84
35311 00	Surgery	45.52	45.52	\$ 3,277.44	\$ 3,277.44
35321 00	Surgery	26.20	26.20	\$ 1,886.40	\$ 1,886.40
35331 00	Surgery	42.66	42.66	\$ 3,071.52	\$ 3,071.52
35341 00	Surgery	40.36	40.36	\$ 2,905.92	\$ 2,905.92
35351 00	Surgery	37.48	37.48	\$ 2,698.56	\$ 2,698.56
35355 00	Surgery	30.01	30.01	\$ 2,160.72	\$ 2,160.72
35361 00	Surgery	44.39	44.39	\$ 3,196.08	\$ 3,196.08
35363 00	Surgery	47.32	47.32	\$ 3,407.04	\$ 3,407.04
35371 00	Surgery	23.81	23.81	\$ 1,714.32	\$ 1,714.32
35372 00	Surgery	28.49	28.49	\$ 2,051.28	\$ 2,051.28
35390 00	Surgery	4.62	4.62	\$ 332.64	\$ 332.64
35400 00	Surgery	4.29	4.29	\$ 308.88	\$ 308.88
35500 00	Surgery	9.24	9.24	\$ 665.28	\$ 665.28
35501 00	Surgery	42.53	42.53	\$ 3,062.16	\$ 3,062.16
35506 00	Surgery	37.14	37.14	\$ 2,674.08	\$ 2,674.08
35508 00	Surgery	38.75	38.75	\$ 2,790.00	\$ 2,790.00
35509 00	Surgery	41.14	41.14	\$ 2,962.08	\$ 2,962.08
35510 00	Surgery	35.85	35.85	\$ 2,581.20	\$ 2,581.20
35511 00	Surgery	32.66	32.66	\$ 2,351.52	\$ 2,351.52
35512 00	Surgery	35.13	35.13	\$ 2,529.36	\$ 2,529.36
35515 00	Surgery	38.75	38.75	\$ 2,790.00	\$ 2,790.00
35516 00	Surgery	35.57	35.57	\$ 2,561.04	\$ 2,561.04
35518 00	Surgery	33.31	33.31	\$ 2,398.32	\$ 2,398.32
35521 00	Surgery	35.83	35.83	\$ 2,579.76	\$ 2,579.76
35522 00	Surgery	34.10	34.10	\$ 2,455.20	\$ 2,455.20
35523 00	Surgery	36.98	36.98	\$ 2,662.56	\$ 2,662.56
35525 00	Surgery	33.07	33.07	\$ 2,381.04	\$ 2,381.04
35526 00	Surgery	50.64	50.64	\$ 3,646.08	\$ 3,646.08
35531 00	Surgery	56.82	56.82	\$ 4,091.04	\$ 4,091.04
35533 00	Surgery	43.94	43.94	\$ 3,163.68	\$ 3,163.68
35535 00	Surgery	55.45	55.45	\$ 3,992.40	\$ 3,992.40
35536 00	Surgery	49.28	49.28	\$ 3,548.16	\$ 3,548.16
35537 00	Surgery	60.70	60.70	\$ 4,370.40	\$ 4,370.40
35538 00	Surgery	68.03	68.03	\$ 4,898.16	\$ 4,898.16

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
35539 00	Surgery	63.83	63.83	\$ 4,595.76	\$ 4,595.76
35540 00	Surgery	71.15	71.15	\$ 5,122.80	\$ 5,122.80
35556 00	Surgery	40.66	40.66	\$ 2,927.52	\$ 2,927.52
35558 00	Surgery	36.00	36.00	\$ 2,592.00	\$ 2,592.00
35560 00	Surgery	49.68	49.68	\$ 3,576.96	\$ 3,576.96
35563 00	Surgery	38.61	38.61	\$ 2,779.92	\$ 2,779.92
35565 00	Surgery	38.21	38.21	\$ 2,751.12	\$ 2,751.12
35566 00	Surgery	48.47	48.47	\$ 3,489.84	\$ 3,489.84
35570 00	Surgery	42.95	42.95	\$ 3,092.40	\$ 3,092.40
35571 00	Surgery	38.61	38.61	\$ 2,779.92	\$ 2,779.92
35572 00	Surgery	9.99	9.99	\$ 719.28	\$ 719.28
35583 00	Surgery	42.10	42.10	\$ 3,031.20	\$ 3,031.20
35585 00	Surgery	48.67	48.67	\$ 3,504.24	\$ 3,504.24
35587 00	Surgery	39.81	39.81	\$ 2,866.32	\$ 2,866.32
35600 00	Surgery	5.42	5.42	\$ 390.24	\$ 390.24
35601 00	Surgery	40.93	40.93	\$ 2,946.96	\$ 2,946.96
35606 00	Surgery	34.25	34.25	\$ 2,466.00	\$ 2,466.00
35612 00	Surgery	30.52	30.52	\$ 2,197.44	\$ 2,197.44
35616 00	Surgery	32.13	32.13	\$ 2,313.36	\$ 2,313.36
35621 00	Surgery	32.03	32.03	\$ 2,306.16	\$ 2,306.16
35623 00	Surgery	38.35	38.35	\$ 2,761.20	\$ 2,761.20
35626 00	Surgery	46.55	46.55	\$ 3,351.60	\$ 3,351.60
35631 00	Surgery	53.89	53.89	\$ 3,880.08	\$ 3,880.08
35632 00	Surgery	52.63	52.63	\$ 3,789.36	\$ 3,789.36
35633 00	Surgery	57.79	57.79	\$ 4,160.88	\$ 4,160.88
35634 00	Surgery	51.52	51.52	\$ 3,709.44	\$ 3,709.44
35636 00	Surgery	46.51	46.51	\$ 3,348.72	\$ 3,348.72
35637 00	Surgery	48.34	48.34	\$ 3,480.48	\$ 3,480.48
35638 00	Surgery	50.61	50.61	\$ 3,643.92	\$ 3,643.92
35642 00	Surgery	28.87	28.87	\$ 2,078.64	\$ 2,078.64
35645 00	Surgery	27.66	27.66	\$ 1,991.52	\$ 1,991.52
35646 00	Surgery	49.74	49.74	\$ 3,581.28	\$ 3,581.28
35647 00	Surgery	45.26	45.26	\$ 3,258.72	\$ 3,258.72
35650 00	Surgery	29.81	29.81	\$ 2,146.32	\$ 2,146.32
35654 00	Surgery	39.77	39.77	\$ 2,863.44	\$ 2,863.44
35656 00	Surgery	31.36	31.36	\$ 2,257.92	\$ 2,257.92
35661 00	Surgery	31.64	31.64	\$ 2,278.08	\$ 2,278.08
35663 00	Surgery	35.54	35.54	\$ 2,558.88	\$ 2,558.88
35665 00	Surgery	34.24	34.24	\$ 2,465.28	\$ 2,465.28
35666 00	Surgery	37.65	37.65	\$ 2,710.80	\$ 2,710.80
35671 00	Surgery	33.18	33.18	\$ 2,388.96	\$ 2,388.96
35681 00	Surgery	2.32	2.32	\$ 167.04	\$ 167.04
35682 00	Surgery	10.24	10.24	\$ 737.28	\$ 737.28
35683 00	Surgery	11.90	11.90	\$ 856.80	\$ 856.80

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
35685 00	Surgery	5.76	5.76	\$ 414.72	\$ 414.72
35686 00	Surgery	4.67	4.67	\$ 336.24	\$ 336.24
35691 00	Surgery	27.64	27.64	\$ 1,990.08	\$ 1,990.08
35693 00	Surgery	24.43	24.43	\$ 1,758.96	\$ 1,758.96
35694 00	Surgery	28.85	28.85	\$ 2,077.20	\$ 2,077.20
35695 00	Surgery	29.95	29.95	\$ 2,156.40	\$ 2,156.40
35697 00	Surgery	4.27	4.27	\$ 307.44	\$ 307.44
35700 00	Surgery	4.41	4.41	\$ 317.52	\$ 317.52
35701 00	Surgery	13.06	13.06	\$ 940.32	\$ 940.32
35702 00	Surgery	12.12	12.12	\$ 872.64	\$ 872.64
35703 00	Surgery	12.24	12.24	\$ 881.28	\$ 881.28
35800 00	Surgery	21.74	21.74	\$ 1,565.28	\$ 1,565.28
35820 00	Surgery	59.01	59.01	\$ 4,248.72	\$ 4,248.72
35840 00	Surgery	35.97	35.97	\$ 2,589.84	\$ 2,589.84
35860 00	Surgery	24.64	24.64	\$ 1,774.08	\$ 1,774.08
35870 00	Surgery	36.43	36.43	\$ 2,622.96	\$ 2,622.96
35875 00	Surgery	17.33	17.33	\$ 1,247.76	\$ 1,247.76
35876 00	Surgery	27.52	27.52	\$ 1,981.44	\$ 1,981.44
35879 00	Surgery	26.93	26.93	\$ 1,938.96	\$ 1,938.96
35881 00	Surgery	29.89	29.89	\$ 2,152.08	\$ 2,152.08
35883 00	Surgery	34.94	34.94	\$ 2,515.68	\$ 2,515.68
35884 00	Surgery	36.13	36.13	\$ 2,601.36	\$ 2,601.36
35901 00	Surgery	13.96	13.96	\$ 1,005.12	\$ 1,005.12
35903 00	Surgery	16.59	16.59	\$ 1,194.48	\$ 1,194.48
35905 00	Surgery	48.98	48.98	\$ 3,526.56	\$ 3,526.56
35907 00	Surgery	55.45	55.45	\$ 3,992.40	\$ 3,992.40
36000 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
36002 00	Surgery	4.53	3.06	\$ 326.16	\$ 220.32
36005 00	Surgery	7.71	1.41	\$ 555.12	\$ 101.52
36010 00	Surgery	16.29	3.16	\$ 1,172.88	\$ 227.52
36011 00	Surgery	24.25	4.56	\$ 1,746.00	\$ 328.32
36012 00	Surgery	25.12	5.04	\$ 1,808.64	\$ 362.88
36013 00	Surgery	23.69	3.65	\$ 1,705.68	\$ 262.80
36014 00	Surgery	23.67	4.42	\$ 1,704.24	\$ 318.24
36015 00	Surgery	25.63	4.98	\$ 1,845.36	\$ 358.56
36100 00	Surgery	16.93	4.50	\$ 1,218.96	\$ 324.00
36140 00	Surgery	15.34	2.60	\$ 1,104.48	\$ 187.20
36160 00	Surgery	16.92	3.60	\$ 1,218.24	\$ 259.20
36200 00	Surgery	17.82	4.05	\$ 1,283.04	\$ 291.60
36215 00	Surgery	31.10	6.20	\$ 2,239.20	\$ 446.40
36216 00	Surgery	31.97	7.90	\$ 2,301.84	\$ 568.80
36217 00	Surgery	53.56	9.66	\$ 3,856.32	\$ 695.52
36218 00	Surgery	6.24	1.52	\$ 449.28	\$ 109.44
36221 00	Surgery	29.73	5.82	\$ 2,140.56	\$ 419.04

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
36222 00	Surgery	36.58	8.35	\$ 2,633.76	\$ 601.20
36223 00	Surgery	49.34	9.62	\$ 3,552.48	\$ 692.64
36224 00	Surgery	61.30	10.83	\$ 4,413.60	\$ 779.76
36225 00	Surgery	46.59	9.53	\$ 3,354.48	\$ 686.16
36226 00	Surgery	59.59	10.76	\$ 4,290.48	\$ 774.72
36227 00	Surgery	7.20	3.54	\$ 518.40	\$ 254.88
36228 00	Surgery	37.83	7.26	\$ 2,723.76	\$ 522.72
36245 00	Surgery	37.41	6.87	\$ 2,693.52	\$ 494.64
36246 00	Surgery	25.05	7.33	\$ 1,803.60	\$ 527.76
36247 00	Surgery	42.77	8.70	\$ 3,079.44	\$ 626.40
36248 00	Surgery	3.51	1.41	\$ 252.72	\$ 101.52
36251 00	Surgery	38.77	7.48	\$ 2,791.44	\$ 538.56
36252 00	Surgery	41.73	10.40	\$ 3,004.56	\$ 748.80
36253 00	Surgery	60.62	10.29	\$ 4,364.64	\$ 740.88
36254 00	Surgery	59.58	12.10	\$ 4,289.76	\$ 871.20
36260 00	Surgery	19.64	19.64	\$ 1,414.08	\$ 1,414.08
36261 00	Surgery	12.32	12.32	\$ 887.04	\$ 887.04
36262 00	Surgery	9.43	9.43	\$ 678.96	\$ 678.96
36299 00	Surgery	0.00	0.00	BR	BR
36400 00	Surgery	0.82	0.56	\$ 59.04	\$ 40.32
36405 00	Surgery	0.70	0.44	\$ 50.40	\$ 31.68
36406 00	Surgery	0.52	0.26	\$ 37.44	\$ 18.72
36410 00	Surgery	0.52	0.27	\$ 37.44	\$ 19.44
36415 00	Surgery	0.25	0.25	\$ 18.21	\$ 18.21
36416 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
36420 00	Surgery	1.41	1.41	\$ 101.52	\$ 101.52
36425 00	Surgery	1.17	1.17	\$ 84.24	\$ 84.24
36430 00	Surgery	1.17	1.17	\$ 84.24	\$ 84.24
36440 00	Surgery	1.48	1.48	\$ 106.56	\$ 106.56
36450 00	Surgery	5.00	5.00	\$ 360.00	\$ 360.00
36455 00	Surgery	3.69	3.69	\$ 265.68	\$ 265.68
36456 00	Surgery	2.87	2.87	\$ 206.64	\$ 206.64
36460 00	Surgery	10.23	10.23	\$ 736.56	\$ 736.56
36465 00	Surgery	39.49	3.48	\$ 2,843.28	\$ 250.56
36466 00	Surgery	42.63	4.49	\$ 3,069.36	\$ 323.28
36468 00	Surgery	-	-	\$ 236.88	\$ 203.76
36470 00	Surgery	3.46	1.14	\$ 249.12	\$ 82.08
36471 00	Surgery	5.98	2.23	\$ 430.56	\$ 160.56
36473 00	Surgery	36.63	5.29	\$ 2,637.36	\$ 380.88
36474 00	Surgery	7.71	2.63	\$ 555.12	\$ 189.36
36475 00	Surgery	32.47	8.13	\$ 2,337.84	\$ 585.36
36476 00	Surgery	8.51	3.92	\$ 612.72	\$ 282.24
36478 00	Surgery	29.47	8.12	\$ 2,121.84	\$ 584.64
36479 00	Surgery	8.98	3.96	\$ 646.56	\$ 285.12

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
36481 00	Surgery	52.49	9.53	\$ 3,779.28	\$ 686.16
36482 00	Surgery	50.38	5.22	\$ 3,627.36	\$ 375.84
36483 00	Surgery	4.07	2.59	\$ 293.04	\$ 186.48
36500 00	Surgery	5.31	5.31	\$ 382.32	\$ 382.32
36510 00	Surgery	2.55	1.57	\$ 183.60	\$ 113.04
36511 00	Surgery	3.22	3.22	\$ 231.84	\$ 231.84
36512 00	Surgery	3.13	3.13	\$ 225.36	\$ 225.36
36513 00	Surgery	3.12	3.12	\$ 224.64	\$ 224.64
36514 00	Surgery	16.86	2.74	\$ 1,213.92	\$ 197.28
36516 00	Surgery	52.81	2.51	\$ 3,802.32	\$ 180.72
36522 00	Surgery	40.68	2.83	\$ 2,928.96	\$ 203.76
36555 00	Surgery	5.68	2.49	\$ 408.96	\$ 179.28
36556 00	Surgery	6.41	2.48	\$ 461.52	\$ 178.56
36557 00	Surgery	35.02	9.52	\$ 2,521.44	\$ 685.44
36558 00	Surgery	25.06	7.65	\$ 1,804.32	\$ 550.80
36560 00	Surgery	37.36	11.42	\$ 2,689.92	\$ 822.24
36561 00	Surgery	29.66	9.81	\$ 2,135.52	\$ 706.32
36563 00	Surgery	33.99	10.79	\$ 2,447.28	\$ 776.88
36565 00	Surgery	24.78	9.91	\$ 1,784.16	\$ 713.52
36566 00	Surgery	128.40	10.54	\$ 9,244.80	\$ 758.88
36568 00	Surgery	2.71	2.71	\$ 195.12	\$ 195.12
36569 00	Surgery	2.75	2.75	\$ 198.00	\$ 198.00
36570 00	Surgery	44.05	9.89	\$ 3,171.60	\$ 712.08
36571 00	Surgery	38.08	9.24	\$ 2,741.76	\$ 665.28
36572 00	Surgery	11.30	2.38	\$ 813.60	\$ 171.36
36573 00	Surgery	11.58	2.47	\$ 833.76	\$ 177.84
36575 00	Surgery	4.35	0.98	\$ 313.20	\$ 70.56
36576 00	Surgery	10.38	5.42	\$ 747.36	\$ 390.24
36578 00	Surgery	13.03	6.02	\$ 938.16	\$ 433.44
36580 00	Surgery	5.72	1.93	\$ 411.84	\$ 138.96
36581 00	Surgery	23.46	5.38	\$ 1,689.12	\$ 387.36
36582 00	Surgery	26.53	8.47	\$ 1,910.16	\$ 609.84
36583 00	Surgery	34.75	9.77	\$ 2,502.00	\$ 703.44
36584 00	Surgery	9.84	1.72	\$ 708.48	\$ 123.84
36585 00	Surgery	34.91	8.31	\$ 2,513.52	\$ 598.32
36589 00	Surgery	4.93	4.04	\$ 354.96	\$ 290.88
36590 00	Surgery	6.67	5.62	\$ 480.24	\$ 404.64
36591 00	Surgery	0.80	0.80	\$ 57.60	\$ 57.60
36592 00	Surgery	0.87	0.87	\$ 62.64	\$ 62.64
36593 00	Surgery	0.99	0.99	\$ 71.28	\$ 71.28
36595 00	Surgery	17.83	5.29	\$ 1,283.76	\$ 380.88
36596 00	Surgery	3.42	1.30	\$ 246.24	\$ 93.60
36597 00	Surgery	3.35	1.79	\$ 241.20	\$ 128.88
36598 00	Surgery	3.63	1.05	\$ 261.36	\$ 75.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
36600 00	Surgery	0.82	0.44	\$ 59.04	\$ 31.68
36620 00	Surgery	1.31	1.31	\$ 94.32	\$ 94.32
36625 00	Surgery	3.11	3.11	\$ 223.92	\$ 223.92
36640 00	Surgery	3.44	3.44	\$ 247.68	\$ 247.68
36660 00	Surgery	2.01	2.01	\$ 144.72	\$ 144.72
36680 00	Surgery	1.76	1.76	\$ 126.72	\$ 126.72
36800 00	Surgery	3.55	3.55	\$ 255.60	\$ 255.60
36810 00	Surgery	6.17	6.17	\$ 444.24	\$ 444.24
36815 00	Surgery	3.97	3.97	\$ 285.84	\$ 285.84
36818 00	Surgery	20.19	20.19	\$ 1,453.68	\$ 1,453.68
36819 00	Surgery	21.37	21.37	\$ 1,538.64	\$ 1,538.64
36820 00	Surgery	21.18	21.18	\$ 1,524.96	\$ 1,524.96
36821 00	Surgery	19.36	19.36	\$ 1,393.92	\$ 1,393.92
36823 00	Surgery	41.84	41.84	\$ 3,012.48	\$ 3,012.48
36825 00	Surgery	23.24	23.24	\$ 1,673.28	\$ 1,673.28
36830 00	Surgery	19.51	19.51	\$ 1,404.72	\$ 1,404.72
36831 00	Surgery	18.05	18.05	\$ 1,299.60	\$ 1,299.60
36832 00	Surgery	22.13	22.13	\$ 1,593.36	\$ 1,593.36
36833 00	Surgery	23.64	23.64	\$ 1,702.08	\$ 1,702.08
36835 00	Surgery	14.32	14.32	\$ 1,031.04	\$ 1,031.04
36836 00	Surgery	210.16	10.36	\$ 15,131.52	\$ 745.92
36837 00	Surgery	299.10	13.53	\$ 21,535.20	\$ 974.16
36838 00	Surgery	33.35	33.35	\$ 2,401.20	\$ 2,401.20
36860 00	Surgery	6.98	3.27	\$ 502.56	\$ 235.44
36861 00	Surgery	4.11	4.11	\$ 295.92	\$ 295.92
36901 00	Surgery	21.22	4.91	\$ 1,527.84	\$ 353.52
36902 00	Surgery	36.32	6.98	\$ 2,615.04	\$ 502.56
36903 00	Surgery	129.00	9.17	\$ 9,288.00	\$ 660.24
36904 00	Surgery	54.50	10.73	\$ 3,924.00	\$ 772.56
36905 00	Surgery	68.63	12.90	\$ 4,941.36	\$ 928.80
36906 00	Surgery	163.56	14.87	\$ 11,776.32	\$ 1,070.64
36907 00	Surgery	17.76	4.26	\$ 1,278.72	\$ 306.72
36908 00	Surgery	42.67	6.01	\$ 3,072.24	\$ 432.72
36909 00	Surgery	57.67	5.86	\$ 4,152.24	\$ 421.92
37140 00	Surgery	69.01	69.01	\$ 4,968.72	\$ 4,968.72
37145 00	Surgery	64.04	64.04	\$ 4,610.88	\$ 4,610.88
37160 00	Surgery	65.77	65.77	\$ 4,735.44	\$ 4,735.44
37180 00	Surgery	63.20	63.20	\$ 4,550.40	\$ 4,550.40
37181 00	Surgery	69.01	69.01	\$ 4,968.72	\$ 4,968.72
37182 00	Surgery	23.75	23.75	\$ 1,710.00	\$ 1,710.00
37183 00	Surgery	177.02	10.91	\$ 12,745.44	\$ 785.52
37184 00	Surgery	51.50	12.55	\$ 3,708.00	\$ 903.60
37185 00	Surgery	14.19	4.75	\$ 1,021.68	\$ 342.00
37186 00	Surgery	35.71	7.07	\$ 2,571.12	\$ 509.04

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
37187 00	Surgery	51.31	11.43	\$ 3,694.32	\$ 822.96
37188 00	Surgery	44.31	8.18	\$ 3,190.32	\$ 588.96
37191 00	Surgery	61.37	6.46	\$ 4,418.64	\$ 465.12
37192 00	Surgery	38.44	10.02	\$ 2,767.68	\$ 721.44
37193 00	Surgery	45.16	10.09	\$ 3,251.52	\$ 726.48
37195 00	Surgery	-	-	\$ 1,184.40	\$ 1,018.80
37197 00	Surgery	46.90	8.74	\$ 3,376.80	\$ 629.28
37200 00	Surgery	6.25	6.25	\$ 450.00	\$ 450.00
37211 00	Surgery	11.24	11.24	\$ 809.28	\$ 809.28
37212 00	Surgery	9.83	9.83	\$ 707.76	\$ 707.76
37213 00	Surgery	6.72	6.72	\$ 483.84	\$ 483.84
37214 00	Surgery	3.56	3.56	\$ 256.32	\$ 256.32
37215 00	Surgery	29.01	29.01	\$ 2,088.72	\$ 2,088.72
37216 00	Surgery	29.00	29.00	\$ 2,088.00	\$ 2,088.00
37217 00	Surgery	31.62	31.62	\$ 2,276.64	\$ 2,276.64
37218 00	Surgery	24.13	24.13	\$ 1,737.36	\$ 1,737.36
37220 00	Surgery	75.54	11.64	\$ 5,438.88	\$ 838.08
37221 00	Surgery	92.95	14.33	\$ 6,692.40	\$ 1,031.76
37222 00	Surgery	18.48	5.39	\$ 1,330.56	\$ 388.08
37223 00	Surgery	38.40	6.15	\$ 2,764.80	\$ 442.80
37224 00	Surgery	88.14	12.92	\$ 6,346.08	\$ 930.24
37225 00	Surgery	264.33	17.38	\$ 19,031.76	\$ 1,251.36
37226 00	Surgery	246.01	15.09	\$ 17,712.72	\$ 1,086.48
37227 00	Surgery	338.56	20.85	\$ 24,376.32	\$ 1,501.20
37228 00	Surgery	125.15	15.74	\$ 9,010.80	\$ 1,133.28
37229 00	Surgery	268.61	20.17	\$ 19,339.92	\$ 1,452.24
37230 00	Surgery	269.00	20.14	\$ 19,368.00	\$ 1,450.08
37231 00	Surgery	355.31	21.34	\$ 25,582.32	\$ 1,536.48
37232 00	Surgery	24.68	5.78	\$ 1,776.96	\$ 416.16
37233 00	Surgery	31.34	9.37	\$ 2,256.48	\$ 674.64
37234 00	Surgery	109.53	8.16	\$ 7,886.16	\$ 587.52
37235 00	Surgery	119.44	10.78	\$ 8,599.68	\$ 776.16
37236 00	Surgery	82.84	12.86	\$ 5,964.48	\$ 925.92
37237 00	Surgery	38.93	6.11	\$ 2,802.96	\$ 439.92
37238 00	Surgery	104.05	8.90	\$ 7,491.60	\$ 640.80
37239 00	Surgery	51.67	4.37	\$ 3,720.24	\$ 314.64
37241 00	Surgery	140.83	12.51	\$ 10,139.76	\$ 900.72
37242 00	Surgery	215.01	13.87	\$ 15,480.72	\$ 998.64
37243 00	Surgery	261.14	16.31	\$ 18,802.08	\$ 1,174.32
37244 00	Surgery	199.26	19.27	\$ 14,346.72	\$ 1,387.44
37246 00	Surgery	54.73	10.12	\$ 3,940.56	\$ 728.64
37247 00	Surgery	16.96	5.01	\$ 1,221.12	\$ 360.72
37248 00	Surgery	40.87	8.63	\$ 2,942.64	\$ 621.36
37249 00	Surgery	13.26	4.23	\$ 954.72	\$ 304.56

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
37252 00	Surgery	28.73	2.60	\$ 2,068.56	\$ 187.20
37253 00	Surgery	5.12	2.06	\$ 368.64	\$ 148.32
37500 00	Surgery	18.47	18.47	\$ 1,329.84	\$ 1,329.84
37501 00	Surgery	0.00	0.00	BR	BR
37565 00	Surgery	21.63	21.63	\$ 1,557.36	\$ 1,557.36
37600 00	Surgery	22.14	22.14	\$ 1,594.08	\$ 1,594.08
37605 00	Surgery	21.59	21.59	\$ 1,554.48	\$ 1,554.48
37606 00	Surgery	22.11	22.11	\$ 1,591.92	\$ 1,591.92
37607 00	Surgery	11.01	11.01	\$ 792.72	\$ 792.72
37609 00	Surgery	9.39	6.10	\$ 676.08	\$ 439.20
37615 00	Surgery	15.36	15.36	\$ 1,105.92	\$ 1,105.92
37616 00	Surgery	32.71	32.71	\$ 2,355.12	\$ 2,355.12
37617 00	Surgery	38.94	38.94	\$ 2,803.68	\$ 2,803.68
37618 00	Surgery	11.57	11.57	\$ 833.04	\$ 833.04
37619 00	Surgery	51.36	51.36	\$ 3,697.92	\$ 3,697.92
37650 00	Surgery	13.48	13.48	\$ 970.56	\$ 970.56
37660 00	Surgery	39.15	39.15	\$ 2,818.80	\$ 2,818.80
37700 00	Surgery	7.24	7.24	\$ 521.28	\$ 521.28
37718 00	Surgery	11.55	11.55	\$ 831.60	\$ 831.60
37722 00	Surgery	13.69	13.69	\$ 985.68	\$ 985.68
37735 00	Surgery	17.07	17.07	\$ 1,229.04	\$ 1,229.04
37760 00	Surgery	16.91	16.91	\$ 1,217.52	\$ 1,217.52
37761 00	Surgery	15.93	15.93	\$ 1,146.96	\$ 1,146.96
37765 00	Surgery	12.66	7.96	\$ 911.52	\$ 573.12
37766 00	Surgery	14.85	9.74	\$ 1,069.20	\$ 701.28
37780 00	Surgery	6.94	6.94	\$ 499.68	\$ 499.68
37785 00	Surgery	10.45	7.52	\$ 752.40	\$ 541.44
37788 00	Surgery	37.11	37.11	\$ 2,671.92	\$ 2,671.92
37790 00	Surgery	14.33	14.33	\$ 1,031.76	\$ 1,031.76
37799 00	Surgery	0.00	0.00	BR	BR
38100 00	Surgery	34.32	34.32	\$ 2,471.04	\$ 2,471.04
38101 00	Surgery	34.74	34.74	\$ 2,501.28	\$ 2,501.28
38102 00	Surgery	7.77	7.77	\$ 559.44	\$ 559.44
38115 00	Surgery	38.52	38.52	\$ 2,773.44	\$ 2,773.44
38120 00	Surgery	31.62	31.62	\$ 2,276.64	\$ 2,276.64
38129 00	Surgery	0.00	0.00	BR	BR
38200 00	Surgery	3.83	3.83	\$ 275.76	\$ 275.76
38204 00	Surgery	0.00	0.00	Bundled Code	Bundled Code
38205 00	Surgery	2.48	2.48	\$ 178.56	\$ 178.56
38206 00	Surgery	2.46	2.46	\$ 177.12	\$ 177.12
38207 00	Surgery	1.33	1.33	\$ 95.76	\$ 95.76
38208 00	Surgery	0.84	0.84	\$ 60.48	\$ 60.48
38209 00	Surgery	0.35	0.35	\$ 25.20	\$ 25.20
38210 00	Surgery	2.35	2.35	\$ 169.20	\$ 169.20

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
38211 00	Surgery	2.14	2.14	\$ 154.08	\$ 154.08
38212 00	Surgery	1.40	1.40	\$ 100.80	\$ 100.80
38213 00	Surgery	0.35	0.35	\$ 25.20	\$ 25.20
38214 00	Surgery	1.20	1.20	\$ 86.40	\$ 86.40
38215 00	Surgery	1.40	1.40	\$ 100.80	\$ 100.80
38220 00	Surgery	4.64	2.00	\$ 334.08	\$ 144.00
38221 00	Surgery	4.82	2.07	\$ 347.04	\$ 149.04
38222 00	Surgery	5.23	2.23	\$ 376.56	\$ 160.56
38230 00	Surgery	6.02	6.02	\$ 433.44	\$ 433.44
38232 00	Surgery	5.70	5.70	\$ 410.40	\$ 410.40
38240 00	Surgery	7.07	7.07	\$ 509.04	\$ 509.04
38241 00	Surgery	5.22	5.22	\$ 375.84	\$ 375.84
38242 00	Surgery	3.70	3.70	\$ 266.40	\$ 266.40
38243 00	Surgery	3.62	3.62	\$ 260.64	\$ 260.64
38300 00	Surgery	10.21	6.28	\$ 735.12	\$ 452.16
38305 00	Surgery	14.84	14.84	\$ 1,068.48	\$ 1,068.48
38308 00	Surgery	13.95	13.95	\$ 1,004.40	\$ 1,004.40
38380 00	Surgery	17.14	17.14	\$ 1,234.08	\$ 1,234.08
38381 00	Surgery	23.80	23.80	\$ 1,713.60	\$ 1,713.60
38382 00	Surgery	20.30	20.30	\$ 1,461.60	\$ 1,461.60
38500 00	Surgery	10.14	7.65	\$ 730.08	\$ 550.80
38505 00	Surgery	5.30	2.54	\$ 381.60	\$ 182.88
38510 00	Surgery	15.90	12.54	\$ 1,144.80	\$ 902.88
38520 00	Surgery	14.03	14.03	\$ 1,010.16	\$ 1,010.16
38525 00	Surgery	13.22	13.22	\$ 951.84	\$ 951.84
38530 00	Surgery	16.89	16.89	\$ 1,216.08	\$ 1,216.08
38531 00	Surgery	13.40	13.40	\$ 964.80	\$ 964.80
38542 00	Surgery	15.69	15.69	\$ 1,129.68	\$ 1,129.68
38550 00	Surgery	15.68	15.68	\$ 1,128.96	\$ 1,128.96
38555 00	Surgery	30.73	30.73	\$ 2,212.56	\$ 2,212.56
38562 00	Surgery	21.06	21.06	\$ 1,516.32	\$ 1,516.32
38564 00	Surgery	20.96	20.96	\$ 1,509.12	\$ 1,509.12
38570 00	Surgery	15.35	15.35	\$ 1,105.20	\$ 1,105.20
38571 00	Surgery	19.58	19.58	\$ 1,409.76	\$ 1,409.76
38572 00	Surgery	26.93	26.93	\$ 1,938.96	\$ 1,938.96
38573 00	Surgery	34.98	34.98	\$ 2,518.56	\$ 2,518.56
38589 00	Surgery	0.00	0.00	BR	BR
38700 00	Surgery	24.20	24.20	\$ 1,742.40	\$ 1,742.40
38720 00	Surgery	40.08	40.08	\$ 2,885.76	\$ 2,885.76
38724 00	Surgery	43.43	43.43	\$ 3,126.96	\$ 3,126.96
38740 00	Surgery	21.02	21.02	\$ 1,513.44	\$ 1,513.44
38745 00	Surgery	26.39	26.39	\$ 1,900.08	\$ 1,900.08
38746 00	Surgery	6.26	6.26	\$ 450.72	\$ 450.72
38747 00	Surgery	7.87	7.87	\$ 566.64	\$ 566.64

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
38760 00	Surgery	25.00	25.00	\$ 1,800.00	\$ 1,800.00
38765 00	Surgery	39.08	39.08	\$ 2,813.76	\$ 2,813.76
38770 00	Surgery	23.88	23.88	\$ 1,719.36	\$ 1,719.36
38780 00	Surgery	30.97	30.97	\$ 2,229.84	\$ 2,229.84
38790 00	Surgery	2.43	2.43	\$ 174.96	\$ 174.96
38792 00	Surgery	2.47	0.96	\$ 177.84	\$ 69.12
38794 00	Surgery	8.29	8.29	\$ 596.88	\$ 596.88
38900 00	Surgery	4.06	4.06	\$ 292.32	\$ 292.32
38999 00	Surgery	0.00	0.00	BR	BR
39000 00	Surgery	14.33	14.33	\$ 1,031.76	\$ 1,031.76
39010 00	Surgery	23.29	23.29	\$ 1,676.88	\$ 1,676.88
39200 00	Surgery	25.66	25.66	\$ 1,847.52	\$ 1,847.52
39220 00	Surgery	33.54	33.54	\$ 2,414.88	\$ 2,414.88
39401 00	Surgery	9.06	9.06	\$ 652.32	\$ 652.32
39402 00	Surgery	11.83	11.83	\$ 851.76	\$ 851.76
39499 00	Surgery	0.00	0.00	BR	BR
39501 00	Surgery	25.27	25.27	\$ 1,819.44	\$ 1,819.44
39503 00	Surgery	170.59	170.59	\$ 12,282.48	\$ 12,282.48
39540 00	Surgery	25.73	25.73	\$ 1,852.56	\$ 1,852.56
39541 00	Surgery	27.76	27.76	\$ 1,998.72	\$ 1,998.72
39545 00	Surgery	26.52	26.52	\$ 1,909.44	\$ 1,909.44
39560 00	Surgery	23.87	23.87	\$ 1,718.64	\$ 1,718.64
39561 00	Surgery	37.19	37.19	\$ 2,677.68	\$ 2,677.68
39599 00	Surgery	0.00	0.00	BR	BR
40490 00	Surgery	3.68	2.05	\$ 264.96	\$ 147.60
40500 00	Surgery	15.89	11.10	\$ 1,144.08	\$ 799.20
40510 00	Surgery	14.73	10.46	\$ 1,060.56	\$ 753.12
40520 00	Surgery	15.24	10.75	\$ 1,097.28	\$ 774.00
40525 00	Surgery	16.55	16.55	\$ 1,191.60	\$ 1,191.60
40527 00	Surgery	18.87	18.87	\$ 1,358.64	\$ 1,358.64
40530 00	Surgery	16.86	12.21	\$ 1,213.92	\$ 879.12
40650 00	Surgery	14.51	9.45	\$ 1,044.72	\$ 680.40
40652 00	Surgery	15.66	10.85	\$ 1,127.52	\$ 781.20
40654 00	Surgery	17.63	12.78	\$ 1,269.36	\$ 920.16
40700 00	Surgery	30.14	30.14	\$ 2,170.08	\$ 2,170.08
40701 00	Surgery	35.58	35.58	\$ 2,561.76	\$ 2,561.76
40702 00	Surgery	29.88	29.88	\$ 2,151.36	\$ 2,151.36
40720 00	Surgery	30.70	30.70	\$ 2,210.40	\$ 2,210.40
40761 00	Surgery	32.25	32.25	\$ 2,322.00	\$ 2,322.00
40799 00	Surgery	0.00	0.00	BR	BR
40800 00	Surgery	6.08	3.54	\$ 437.76	\$ 254.88
40801 00	Surgery	8.70	5.89	\$ 626.40	\$ 424.08
40804 00	Surgery	5.63	3.38	\$ 405.36	\$ 243.36
40805 00	Surgery	8.52	5.88	\$ 613.44	\$ 423.36

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
40806 00	Surgery	2.99	0.86	\$ 215.28	\$ 61.92
40808 00	Surgery	5.10	2.65	\$ 367.20	\$ 190.80
40810 00	Surgery	6.55	3.69	\$ 471.60	\$ 265.68
40812 00	Surgery	8.47	5.50	\$ 609.84	\$ 396.00
40814 00	Surgery	11.23	8.50	\$ 808.56	\$ 612.00
40816 00	Surgery	12.09	9.07	\$ 870.48	\$ 653.04
40818 00	Surgery	11.05	7.99	\$ 795.60	\$ 575.28
40819 00	Surgery	8.07	5.93	\$ 581.04	\$ 426.96
40820 00	Surgery	7.79	4.98	\$ 560.88	\$ 358.56
40830 00	Surgery	6.81	4.36	\$ 490.32	\$ 313.92
40831 00	Surgery	8.93	6.02	\$ 642.96	\$ 433.44
40840 00	Surgery	26.07	19.01	\$ 1,877.04	\$ 1,368.72
40842 00	Surgery	28.03	20.32	\$ 2,018.16	\$ 1,463.04
40843 00	Surgery	36.09	26.06	\$ 2,598.48	\$ 1,876.32
40844 00	Surgery	45.25	35.25	\$ 3,258.00	\$ 2,538.00
40845 00	Surgery	44.47	36.13	\$ 3,201.84	\$ 2,601.36
40899 00	Surgery	0.00	0.00	BR	BR
41000 00	Surgery	4.44	3.16	\$ 319.68	\$ 227.52
41005 00	Surgery	7.23	3.59	\$ 520.56	\$ 258.48
41006 00	Surgery	10.22	6.89	\$ 735.84	\$ 496.08
41007 00	Surgery	9.84	6.57	\$ 708.48	\$ 473.04
41008 00	Surgery	11.77	7.67	\$ 847.44	\$ 552.24
41009 00	Surgery	12.72	8.50	\$ 915.84	\$ 612.00
41010 00	Surgery	6.59	3.32	\$ 474.48	\$ 239.04
41015 00	Surgery	11.94	8.90	\$ 859.68	\$ 640.80
41016 00	Surgery	14.04	10.32	\$ 1,010.88	\$ 743.04
41017 00	Surgery	14.04	10.28	\$ 1,010.88	\$ 740.16
41018 00	Surgery	15.79	11.96	\$ 1,136.88	\$ 861.12
41019 00	Surgery	14.50	14.50	\$ 1,044.00	\$ 1,044.00
41100 00	Surgery	5.66	3.22	\$ 407.52	\$ 231.84
41105 00	Surgery	5.66	3.30	\$ 407.52	\$ 237.60
41108 00	Surgery	5.10	2.75	\$ 367.20	\$ 198.00
41110 00	Surgery	6.96	3.91	\$ 501.12	\$ 281.52
41112 00	Surgery	10.23	7.30	\$ 736.56	\$ 525.60
41113 00	Surgery	10.96	7.95	\$ 789.12	\$ 572.40
41114 00	Surgery	18.66	18.66	\$ 1,343.52	\$ 1,343.52
41115 00	Surgery	7.92	4.40	\$ 570.24	\$ 316.80
41116 00	Surgery	10.11	6.48	\$ 727.92	\$ 466.56
41120 00	Surgery	31.87	31.87	\$ 2,294.64	\$ 2,294.64
41130 00	Surgery	39.36	39.36	\$ 2,833.92	\$ 2,833.92
41135 00	Surgery	64.70	64.70	\$ 4,658.40	\$ 4,658.40
41140 00	Surgery	65.27	65.27	\$ 4,699.44	\$ 4,699.44
41145 00	Surgery	82.20	82.20	\$ 5,918.40	\$ 5,918.40
41150 00	Surgery	65.69	65.69	\$ 4,729.68	\$ 4,729.68

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
41153 00	Surgery	71.23	71.23	\$ 5,128.56	\$ 5,128.56
41155 00	Surgery	89.27	89.27	\$ 6,427.44	\$ 6,427.44
41250 00	Surgery	8.60	4.61	\$ 619.20	\$ 331.92
41251 00	Surgery	9.55	5.51	\$ 687.60	\$ 396.72
41252 00	Surgery	9.92	6.28	\$ 714.24	\$ 452.16
41510 00	Surgery	13.73	13.73	\$ 988.56	\$ 988.56
41512 00	Surgery	20.09	20.09	\$ 1,446.48	\$ 1,446.48
41520 00	Surgery	11.08	7.57	\$ 797.76	\$ 545.04
41530 00	Surgery	27.79	11.36	\$ 2,000.88	\$ 817.92
41599 00	Surgery	0.00	0.00	BR	BR
41800 00	Surgery	8.79	4.62	\$ 632.88	\$ 332.64
41805 00	Surgery	9.38	5.92	\$ 675.36	\$ 426.24
41806 00	Surgery	12.37	8.34	\$ 890.64	\$ 600.48
41820 00	Surgery	-	-	\$ 478.80	\$ 397.44
41821 00	Surgery	-	-	\$ 276.48	\$ 229.68
41822 00	Surgery	10.71	6.03	\$ 771.12	\$ 434.16
41823 00	Surgery	15.94	10.98	\$ 1,147.68	\$ 790.56
41825 00	Surgery	6.65	3.63	\$ 478.80	\$ 261.36
41826 00	Surgery	9.11	5.90	\$ 655.92	\$ 424.80
41827 00	Surgery	12.96	8.59	\$ 933.12	\$ 618.48
41828 00	Surgery	10.62	6.65	\$ 764.64	\$ 478.80
41830 00	Surgery	14.17	9.45	\$ 1,020.24	\$ 680.40
41850 00	Surgery	-	-	\$ 406.80	\$ 337.68
41870 00	Surgery	-	-	\$ 663.12	\$ 550.80
41872 00	Surgery	14.19	9.11	\$ 1,021.68	\$ 655.92
41874 00	Surgery	11.44	7.22	\$ 823.68	\$ 519.84
41899 00	Surgery	0.00	0.00	BR	BR
42000 00	Surgery	4.87	3.27	\$ 350.64	\$ 235.44
42100 00	Surgery	4.42	3.30	\$ 318.24	\$ 237.60
42104 00	Surgery	6.56	4.04	\$ 472.32	\$ 290.88
42106 00	Surgery	7.66	4.86	\$ 551.52	\$ 349.92
42107 00	Surgery	13.64	9.84	\$ 982.08	\$ 708.48
42120 00	Surgery	30.17	30.17	\$ 2,172.24	\$ 2,172.24
42140 00	Surgery	9.44	4.88	\$ 679.68	\$ 351.36
42145 00	Surgery	20.69	20.69	\$ 1,489.68	\$ 1,489.68
42160 00	Surgery	7.01	4.30	\$ 504.72	\$ 309.60
42180 00	Surgery	7.73	5.63	\$ 556.56	\$ 405.36
42182 00	Surgery	9.98	7.75	\$ 718.56	\$ 558.00
42200 00	Surgery	27.79	27.79	\$ 2,000.88	\$ 2,000.88
42205 00	Surgery	28.89	28.89	\$ 2,080.08	\$ 2,080.08
42210 00	Surgery	32.25	32.25	\$ 2,322.00	\$ 2,322.00
42215 00	Surgery	21.08	21.08	\$ 1,517.76	\$ 1,517.76
42220 00	Surgery	17.37	17.37	\$ 1,250.64	\$ 1,250.64
42225 00	Surgery	29.56	29.56	\$ 2,128.32	\$ 2,128.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
42226 00	Surgery	27.29	27.29	\$ 1,964.88	\$ 1,964.88
42227 00	Surgery	25.41	25.41	\$ 1,829.52	\$ 1,829.52
42235 00	Surgery	22.36	22.36	\$ 1,609.92	\$ 1,609.92
42260 00	Surgery	25.96	20.14	\$ 1,869.12	\$ 1,450.08
42280 00	Surgery	5.35	3.27	\$ 385.20	\$ 235.44
42281 00	Surgery	6.77	4.82	\$ 487.44	\$ 347.04
42299 00	Surgery	0.00	0.00	BR	BR
42300 00	Surgery	6.53	4.71	\$ 470.16	\$ 339.12
42305 00	Surgery	12.72	12.72	\$ 915.84	\$ 915.84
42310 00	Surgery	5.17	4.06	\$ 372.24	\$ 292.32
42320 00	Surgery	7.92	5.40	\$ 570.24	\$ 388.80
42330 00	Surgery	7.06	4.97	\$ 508.32	\$ 357.84
42335 00	Surgery	13.09	7.89	\$ 942.48	\$ 568.08
42340 00	Surgery	16.14	10.37	\$ 1,162.08	\$ 746.64
42400 00	Surgery	2.92	1.57	\$ 210.24	\$ 113.04
42405 00	Surgery	9.18	6.81	\$ 660.96	\$ 490.32
42408 00	Surgery	16.40	10.44	\$ 1,180.80	\$ 751.68
42409 00	Surgery	12.00	6.98	\$ 864.00	\$ 502.56
42410 00	Surgery	18.95	18.95	\$ 1,364.40	\$ 1,364.40
42415 00	Surgery	31.74	31.74	\$ 2,285.28	\$ 2,285.28
42420 00	Surgery	35.55	35.55	\$ 2,559.60	\$ 2,559.60
42425 00	Surgery	25.23	25.23	\$ 1,816.56	\$ 1,816.56
42426 00	Surgery	40.41	40.41	\$ 2,909.52	\$ 2,909.52
42440 00	Surgery	12.52	12.52	\$ 901.44	\$ 901.44
42450 00	Surgery	14.26	10.99	\$ 1,026.72	\$ 791.28
42500 00	Surgery	13.60	10.42	\$ 979.20	\$ 750.24
42505 00	Surgery	17.37	13.82	\$ 1,250.64	\$ 995.04
42507 00	Surgery	14.93	14.93	\$ 1,074.96	\$ 1,074.96
42509 00	Surgery	24.62	24.62	\$ 1,772.64	\$ 1,772.64
42510 00	Surgery	18.31	18.31	\$ 1,318.32	\$ 1,318.32
42550 00	Surgery	4.69	1.82	\$ 337.68	\$ 131.04
42600 00	Surgery	16.54	10.73	\$ 1,190.88	\$ 772.56
42650 00	Surgery	2.25	1.76	\$ 162.00	\$ 126.72
42660 00	Surgery	3.52	2.65	\$ 253.44	\$ 190.80
42665 00	Surgery	11.41	6.52	\$ 821.52	\$ 469.44
42699 00	Surgery	0.00	0.00	BR	BR
42700 00	Surgery	5.83	4.09	\$ 419.76	\$ 294.48
42720 00	Surgery	13.45	11.54	\$ 968.40	\$ 830.88
42725 00	Surgery	23.86	23.86	\$ 1,717.92	\$ 1,717.92
42800 00	Surgery	4.78	3.50	\$ 344.16	\$ 252.00
42804 00	Surgery	6.53	3.70	\$ 470.16	\$ 266.40
42806 00	Surgery	7.28	4.25	\$ 524.16	\$ 306.00
42808 00	Surgery	7.02	5.00	\$ 505.44	\$ 360.00
42809 00	Surgery	6.15	3.79	\$ 442.80	\$ 272.88

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
42810 00	Surgery	11.78	8.51	\$ 848.16	\$ 612.72
42815 00	Surgery	16.30	16.30	\$ 1,173.60	\$ 1,173.60
42820 00	Surgery	8.76	8.76	\$ 630.72	\$ 630.72
42821 00	Surgery	9.18	9.18	\$ 660.96	\$ 660.96
42825 00	Surgery	8.10	8.10	\$ 583.20	\$ 583.20
42826 00	Surgery	7.71	7.71	\$ 555.12	\$ 555.12
42830 00	Surgery	6.40	6.40	\$ 460.80	\$ 460.80
42831 00	Surgery	6.97	6.97	\$ 501.84	\$ 501.84
42835 00	Surgery	5.98	5.98	\$ 430.56	\$ 430.56
42836 00	Surgery	7.39	7.39	\$ 532.08	\$ 532.08
42842 00	Surgery	30.38	30.38	\$ 2,187.36	\$ 2,187.36
42844 00	Surgery	41.30	41.30	\$ 2,973.60	\$ 2,973.60
42845 00	Surgery	65.99	65.99	\$ 4,751.28	\$ 4,751.28
42860 00	Surgery	5.86	5.86	\$ 421.92	\$ 421.92
42870 00	Surgery	17.79	17.79	\$ 1,280.88	\$ 1,280.88
42890 00	Surgery	42.55	42.55	\$ 3,063.60	\$ 3,063.60
42892 00	Surgery	55.84	55.84	\$ 4,020.48	\$ 4,020.48
42894 00	Surgery	70.87	70.87	\$ 5,102.64	\$ 5,102.64
42900 00	Surgery	9.94	9.94	\$ 715.68	\$ 715.68
42950 00	Surgery	24.06	24.06	\$ 1,732.32	\$ 1,732.32
42953 00	Surgery	28.78	28.78	\$ 2,072.16	\$ 2,072.16
42955 00	Surgery	22.87	22.87	\$ 1,646.64	\$ 1,646.64
42960 00	Surgery	4.82	4.82	\$ 347.04	\$ 347.04
42961 00	Surgery	12.63	12.63	\$ 909.36	\$ 909.36
42962 00	Surgery	15.62	15.62	\$ 1,124.64	\$ 1,124.64
42970 00	Surgery	12.38	12.38	\$ 891.36	\$ 891.36
42971 00	Surgery	13.63	13.63	\$ 981.36	\$ 981.36
42972 00	Surgery	15.25	15.25	\$ 1,098.00	\$ 1,098.00
42975 00	Surgery	2.86	2.86	\$ 205.92	\$ 205.92
42999 00	Surgery	0.00	0.00	BR	BR
43020 00	Surgery	16.97	16.97	\$ 1,221.84	\$ 1,221.84
43030 00	Surgery	15.73	15.73	\$ 1,132.56	\$ 1,132.56
43045 00	Surgery	38.55	38.55	\$ 2,775.60	\$ 2,775.60
43100 00	Surgery	19.11	19.11	\$ 1,375.92	\$ 1,375.92
43101 00	Surgery	29.77	29.77	\$ 2,143.44	\$ 2,143.44
43107 00	Surgery	87.81	87.81	\$ 6,322.32	\$ 6,322.32
43108 00	Surgery	130.41	130.41	\$ 9,389.52	\$ 9,389.52
43112 00	Surgery	102.25	102.25	\$ 7,362.00	\$ 7,362.00
43113 00	Surgery	127.55	127.55	\$ 9,183.60	\$ 9,183.60
43116 00	Surgery	145.80	145.80	\$ 10,497.60	\$ 10,497.60
43117 00	Surgery	95.86	95.86	\$ 6,901.92	\$ 6,901.92
43118 00	Surgery	106.41	106.41	\$ 7,661.52	\$ 7,661.52
43121 00	Surgery	84.01	84.01	\$ 6,048.72	\$ 6,048.72
43122 00	Surgery	75.51	75.51	\$ 5,436.72	\$ 5,436.72

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
43123 00	Surgery	132.22	132.22	\$ 9,519.84	\$ 9,519.84
43124 00	Surgery	111.86	111.86	\$ 8,053.92	\$ 8,053.92
43130 00	Surgery	23.75	23.75	\$ 1,710.00	\$ 1,710.00
43135 00	Surgery	43.31	43.31	\$ 3,118.32	\$ 3,118.32
43180 00	Surgery	16.37	16.37	\$ 1,178.64	\$ 1,178.64
43191 00	Surgery	4.63	4.63	\$ 333.36	\$ 333.36
43192 00	Surgery	5.06	5.06	\$ 364.32	\$ 364.32
43193 00	Surgery	5.04	5.04	\$ 362.88	\$ 362.88
43194 00	Surgery	5.72	5.72	\$ 411.84	\$ 411.84
43195 00	Surgery	5.51	5.51	\$ 396.72	\$ 396.72
43196 00	Surgery	5.81	5.81	\$ 418.32	\$ 418.32
43197 00	Surgery	5.77	2.43	\$ 415.44	\$ 174.96
43198 00	Surgery	6.40	2.92	\$ 460.80	\$ 210.24
43200 00	Surgery	7.96	2.59	\$ 573.12	\$ 186.48
43201 00	Surgery	7.84	3.05	\$ 564.48	\$ 219.60
43202 00	Surgery	10.78	3.03	\$ 776.16	\$ 218.16
43204 00	Surgery	3.97	3.97	\$ 285.84	\$ 285.84
43205 00	Surgery	4.13	4.13	\$ 297.36	\$ 297.36
43206 00	Surgery	9.09	3.90	\$ 654.48	\$ 280.80
43210 00	Surgery	12.66	12.66	\$ 911.52	\$ 911.52
43211 00	Surgery	6.89	6.89	\$ 496.08	\$ 496.08
43212 00	Surgery	5.58	5.58	\$ 401.76	\$ 401.76
43213 00	Surgery	37.46	7.66	\$ 2,697.12	\$ 551.52
43214 00	Surgery	5.73	5.73	\$ 412.56	\$ 412.56
43215 00	Surgery	11.85	4.15	\$ 853.20	\$ 298.80
43216 00	Surgery	12.35	3.91	\$ 889.20	\$ 281.52
43217 00	Surgery	12.65	4.68	\$ 910.80	\$ 336.96
43220 00	Surgery	27.28	3.47	\$ 1,964.16	\$ 249.84
43226 00	Surgery	11.65	3.84	\$ 838.80	\$ 276.48
43227 00	Surgery	17.93	4.84	\$ 1,290.96	\$ 348.48
43229 00	Surgery	21.45	5.77	\$ 1,544.40	\$ 415.44
43231 00	Surgery	4.63	4.63	\$ 333.36	\$ 333.36
43232 00	Surgery	5.79	5.79	\$ 416.88	\$ 416.88
43233 00	Surgery	6.71	6.71	\$ 483.12	\$ 483.12
43235 00	Surgery	8.66	3.60	\$ 623.52	\$ 259.20
43236 00	Surgery	12.08	4.04	\$ 869.76	\$ 290.88
43237 00	Surgery	5.74	5.74	\$ 413.28	\$ 413.28
43238 00	Surgery	6.80	6.80	\$ 489.60	\$ 489.60
43239 00	Surgery	11.34	4.06	\$ 816.48	\$ 292.32
43240 00	Surgery	11.46	11.46	\$ 825.12	\$ 825.12
43241 00	Surgery	4.16	4.16	\$ 299.52	\$ 299.52
43242 00	Surgery	7.71	7.71	\$ 555.12	\$ 555.12
43243 00	Surgery	6.96	6.96	\$ 501.12	\$ 501.12
43244 00	Surgery	7.18	7.18	\$ 516.96	\$ 516.96

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
43245 00	Surgery	17.94	5.16	\$ 1,291.68	\$ 371.52
43246 00	Surgery	5.89	5.89	\$ 424.08	\$ 424.08
43247 00	Surgery	11.53	5.19	\$ 830.16	\$ 373.68
43248 00	Surgery	12.43	4.87	\$ 894.96	\$ 350.64
43249 00	Surgery	32.70	4.51	\$ 2,354.40	\$ 324.72
43250 00	Surgery	13.59	5.00	\$ 978.48	\$ 360.00
43251 00	Surgery	14.92	5.75	\$ 1,074.24	\$ 414.00
43252 00	Surgery	10.16	4.93	\$ 731.52	\$ 354.96
43253 00	Surgery	7.70	7.70	\$ 554.40	\$ 554.40
43254 00	Surgery	7.91	7.91	\$ 569.52	\$ 569.52
43255 00	Surgery	18.89	5.87	\$ 1,360.08	\$ 422.64
43257 00	Surgery	6.81	6.81	\$ 490.32	\$ 490.32
43259 00	Surgery	6.60	6.60	\$ 475.20	\$ 475.20
43260 00	Surgery	9.43	9.43	\$ 678.96	\$ 678.96
43261 00	Surgery	9.91	9.91	\$ 713.52	\$ 713.52
43262 00	Surgery	10.45	10.45	\$ 752.40	\$ 752.40
43263 00	Surgery	10.46	10.46	\$ 753.12	\$ 753.12
43264 00	Surgery	10.65	10.65	\$ 766.80	\$ 766.80
43265 00	Surgery	12.66	12.66	\$ 911.52	\$ 911.52
43266 00	Surgery	6.38	6.38	\$ 459.36	\$ 459.36
43270 00	Surgery	22.02	6.57	\$ 1,585.44	\$ 473.04
43273 00	Surgery	3.47	3.47	\$ 249.84	\$ 249.84
43274 00	Surgery	13.53	13.53	\$ 974.16	\$ 974.16
43275 00	Surgery	11.00	11.00	\$ 792.00	\$ 792.00
43276 00	Surgery	14.09	14.09	\$ 1,014.48	\$ 1,014.48
43277 00	Surgery	11.07	11.07	\$ 797.04	\$ 797.04
43278 00	Surgery	12.65	12.65	\$ 910.80	\$ 910.80
43279 00	Surgery	38.19	38.19	\$ 2,749.68	\$ 2,749.68
43280 00	Surgery	32.16	32.16	\$ 2,315.52	\$ 2,315.52
43281 00	Surgery	45.80	45.80	\$ 3,297.60	\$ 3,297.60
43282 00	Surgery	51.51	51.51	\$ 3,708.72	\$ 3,708.72
43283 00	Surgery	4.65	4.65	\$ 334.80	\$ 334.80
43284 00	Surgery	19.53	19.53	\$ 1,406.16	\$ 1,406.16
43285 00	Surgery	20.10	20.10	\$ 1,447.20	\$ 1,447.20
43286 00	Surgery	94.05	94.05	\$ 6,771.60	\$ 6,771.60
43287 00	Surgery	104.57	104.57	\$ 7,529.04	\$ 7,529.04
43288 00	Surgery	110.43	110.43	\$ 7,950.96	\$ 7,950.96
43289 00	Surgery	0.00	0.00	BR	BR
43290 00	Surgery	80.81	5.35	\$ 5,818.32	\$ 385.20
43291 00	Surgery	13.86	4.71	\$ 997.92	\$ 339.12
43300 00	Surgery	18.82	18.82	\$ 1,355.04	\$ 1,355.04
43305 00	Surgery	32.81	32.81	\$ 2,362.32	\$ 2,362.32
43310 00	Surgery	43.70	43.70	\$ 3,146.40	\$ 3,146.40
43312 00	Surgery	46.68	46.68	\$ 3,360.96	\$ 3,360.96

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
43313 00	Surgery	86.41	86.41	\$ 6,221.52	\$ 6,221.52
43314 00	Surgery	92.60	92.60	\$ 6,667.20	\$ 6,667.20
43320 00	Surgery	41.73	41.73	\$ 3,004.56	\$ 3,004.56
43325 00	Surgery	40.58	40.58	\$ 2,921.76	\$ 2,921.76
43327 00	Surgery	24.50	24.50	\$ 1,764.00	\$ 1,764.00
43328 00	Surgery	33.11	33.11	\$ 2,383.92	\$ 2,383.92
43330 00	Surgery	39.91	39.91	\$ 2,873.52	\$ 2,873.52
43331 00	Surgery	39.57	39.57	\$ 2,849.04	\$ 2,849.04
43332 00	Surgery	34.13	34.13	\$ 2,457.36	\$ 2,457.36
43333 00	Surgery	37.39	37.39	\$ 2,692.08	\$ 2,692.08
43334 00	Surgery	36.62	36.62	\$ 2,636.64	\$ 2,636.64
43335 00	Surgery	39.27	39.27	\$ 2,827.44	\$ 2,827.44
43336 00	Surgery	42.67	42.67	\$ 3,072.24	\$ 3,072.24
43337 00	Surgery	45.47	45.47	\$ 3,273.84	\$ 3,273.84
43338 00	Surgery	3.37	3.37	\$ 242.64	\$ 242.64
43340 00	Surgery	41.20	41.20	\$ 2,966.40	\$ 2,966.40
43341 00	Surgery	41.32	41.32	\$ 2,975.04	\$ 2,975.04
43351 00	Surgery	38.99	38.99	\$ 2,807.28	\$ 2,807.28
43352 00	Surgery	31.59	31.59	\$ 2,274.48	\$ 2,274.48
43360 00	Surgery	66.22	66.22	\$ 4,767.84	\$ 4,767.84
43361 00	Surgery	80.31	80.31	\$ 5,782.32	\$ 5,782.32
43400 00	Surgery	45.46	45.46	\$ 3,273.12	\$ 3,273.12
43405 00	Surgery	43.09	43.09	\$ 3,102.48	\$ 3,102.48
43410 00	Surgery	30.97	30.97	\$ 2,229.84	\$ 2,229.84
43415 00	Surgery	76.03	76.03	\$ 5,474.16	\$ 5,474.16
43420 00	Surgery	30.51	30.51	\$ 2,196.72	\$ 2,196.72
43425 00	Surgery	42.57	42.57	\$ 3,065.04	\$ 3,065.04
43450 00	Surgery	5.64	2.36	\$ 406.08	\$ 169.92
43453 00	Surgery	24.29	2.55	\$ 1,748.88	\$ 183.60
43460 00	Surgery	6.23	6.23	\$ 448.56	\$ 448.56
43496 00	Surgery	0.00	0.00	BR	BR
43497 00	Surgery	23.52	23.52	\$ 1,693.44	\$ 1,693.44
43499 00	Surgery	0.00	0.00	BR	BR
43500 00	Surgery	23.43	23.43	\$ 1,686.96	\$ 1,686.96
43501 00	Surgery	40.20	40.20	\$ 2,894.40	\$ 2,894.40
43502 00	Surgery	45.56	45.56	\$ 3,280.32	\$ 3,280.32
43510 00	Surgery	28.44	28.44	\$ 2,047.68	\$ 2,047.68
43520 00	Surgery	20.62	20.62	\$ 1,484.64	\$ 1,484.64
43605 00	Surgery	24.90	24.90	\$ 1,792.80	\$ 1,792.80
43610 00	Surgery	29.26	29.26	\$ 2,106.72	\$ 2,106.72
43611 00	Surgery	36.63	36.63	\$ 2,637.36	\$ 2,637.36
43620 00	Surgery	59.08	59.08	\$ 4,253.76	\$ 4,253.76
43621 00	Surgery	67.58	67.58	\$ 4,865.76	\$ 4,865.76
43622 00	Surgery	68.79	68.79	\$ 4,952.88	\$ 4,952.88

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
43631 00	Surgery	43.17	43.17	\$ 3,108.24	\$ 3,108.24
43632 00	Surgery	60.64	60.64	\$ 4,366.08	\$ 4,366.08
43633 00	Surgery	57.28	57.28	\$ 4,124.16	\$ 4,124.16
43634 00	Surgery	63.28	63.28	\$ 4,556.16	\$ 4,556.16
43635 00	Surgery	3.34	3.34	\$ 240.48	\$ 240.48
43640 00	Surgery	35.62	35.62	\$ 2,564.64	\$ 2,564.64
43641 00	Surgery	36.02	36.02	\$ 2,593.44	\$ 2,593.44
43644 00	Surgery	51.83	51.83	\$ 3,731.76	\$ 3,731.76
43645 00	Surgery	55.06	55.06	\$ 3,964.32	\$ 3,964.32
43647 00	Surgery	-	-	\$ 1,542.24	\$ 1,280.16
43648 00	Surgery	-	-	\$ 1,786.32	\$ 1,482.48
43651 00	Surgery	19.69	19.69	\$ 1,417.68	\$ 1,417.68
43652 00	Surgery	22.95	22.95	\$ 1,652.40	\$ 1,652.40
43653 00	Surgery	17.35	17.35	\$ 1,249.20	\$ 1,249.20
43659 00	Surgery	0.00	0.00	BR	BR
43752 00	Surgery	1.19	1.19	\$ 85.68	\$ 85.68
43753 00	Surgery	0.64	0.64	\$ 46.08	\$ 46.08
43754 00	Surgery	7.13	1.12	\$ 513.36	\$ 80.64
43755 00	Surgery	6.10	1.76	\$ 439.20	\$ 126.72
43756 00	Surgery	8.38	1.51	\$ 603.36	\$ 108.72
43757 00	Surgery	11.25	2.28	\$ 810.00	\$ 164.16
43761 00	Surgery	3.71	3.09	\$ 267.12	\$ 222.48
43762 00	Surgery	6.85	1.09	\$ 493.20	\$ 78.48
43763 00	Surgery	10.16	2.59	\$ 731.52	\$ 186.48
43770 00	Surgery	33.69	33.69	\$ 2,425.68	\$ 2,425.68
43771 00	Surgery	38.25	38.25	\$ 2,754.00	\$ 2,754.00
43772 00	Surgery	28.36	28.36	\$ 2,041.92	\$ 2,041.92
43773 00	Surgery	38.25	38.25	\$ 2,754.00	\$ 2,754.00
43774 00	Surgery	28.75	28.75	\$ 2,070.00	\$ 2,070.00
43775 00	Surgery	32.98	32.98	\$ 2,374.56	\$ 2,374.56
43800 00	Surgery	27.77	27.77	\$ 1,999.44	\$ 1,999.44
43810 00	Surgery	30.39	30.39	\$ 2,188.08	\$ 2,188.08
43820 00	Surgery	40.13	40.13	\$ 2,889.36	\$ 2,889.36
43825 00	Surgery	39.19	39.19	\$ 2,821.68	\$ 2,821.68
43830 00	Surgery	21.08	21.08	\$ 1,517.76	\$ 1,517.76
43831 00	Surgery	18.33	18.33	\$ 1,319.76	\$ 1,319.76
43832 00	Surgery	31.17	31.17	\$ 2,244.24	\$ 2,244.24
43840 00	Surgery	40.60	40.60	\$ 2,923.20	\$ 2,923.20
43842 00	Surgery	34.28	34.28	\$ 2,468.16	\$ 2,468.16
43843 00	Surgery	38.38	38.38	\$ 2,763.36	\$ 2,763.36
43845 00	Surgery	58.44	58.44	\$ 4,207.68	\$ 4,207.68
43846 00	Surgery	49.35	49.35	\$ 3,553.20	\$ 3,553.20
43847 00	Surgery	53.99	53.99	\$ 3,887.28	\$ 3,887.28
43848 00	Surgery	57.66	57.66	\$ 4,151.52	\$ 4,151.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
43860 00	Surgery	48.81	48.81	\$ 3,514.32	\$ 3,514.32
43865 00	Surgery	50.99	50.99	\$ 3,671.28	\$ 3,671.28
43870 00	Surgery	21.26	21.26	\$ 1,530.72	\$ 1,530.72
43880 00	Surgery	47.30	47.30	\$ 3,405.60	\$ 3,405.60
43881 00	Surgery	0.00	0.00	BR	BR
43882 00	Surgery	0.00	0.00	BR	BR
43886 00	Surgery	11.08	11.08	\$ 797.76	\$ 797.76
43887 00	Surgery	9.99	9.99	\$ 719.28	\$ 719.28
43888 00	Surgery	13.99	13.99	\$ 1,007.28	\$ 1,007.28
43999 00	Surgery	0.00	0.00	BR	BR
44005 00	Surgery	32.54	32.54	\$ 2,342.88	\$ 2,342.88
44010 00	Surgery	25.32	25.32	\$ 1,823.04	\$ 1,823.04
44015 00	Surgery	4.21	4.21	\$ 303.12	\$ 303.12
44020 00	Surgery	29.06	29.06	\$ 2,092.32	\$ 2,092.32
44021 00	Surgery	29.03	29.03	\$ 2,090.16	\$ 2,090.16
44025 00	Surgery	29.22	29.22	\$ 2,103.84	\$ 2,103.84
44050 00	Surgery	27.96	27.96	\$ 2,013.12	\$ 2,013.12
44055 00	Surgery	44.28	44.28	\$ 3,188.16	\$ 3,188.16
44100 00	Surgery	3.13	3.13	\$ 225.36	\$ 225.36
44110 00	Surgery	25.27	25.27	\$ 1,819.44	\$ 1,819.44
44111 00	Surgery	29.37	29.37	\$ 2,114.64	\$ 2,114.64
44120 00	Surgery	36.39	36.39	\$ 2,620.08	\$ 2,620.08
44121 00	Surgery	7.13	7.13	\$ 513.36	\$ 513.36
44125 00	Surgery	34.97	34.97	\$ 2,517.84	\$ 2,517.84
44126 00	Surgery	73.55	73.55	\$ 5,295.60	\$ 5,295.60
44127 00	Surgery	84.91	84.91	\$ 6,113.52	\$ 6,113.52
44128 00	Surgery	7.20	7.20	\$ 518.40	\$ 518.40
44130 00	Surgery	39.21	39.21	\$ 2,823.12	\$ 2,823.12
44132 00	Surgery	0.00	0.00	BR	BR
44133 00	Surgery	0.00	0.00	BR	BR
44135 00	Surgery	0.00	0.00	BR	BR
44136 00	Surgery	0.00	0.00	BR	BR
44137 00	Surgery	0.00	0.00	BR	BR
44139 00	Surgery	3.56	3.56	\$ 256.32	\$ 256.32
44140 00	Surgery	39.96	39.96	\$ 2,877.12	\$ 2,877.12
44141 00	Surgery	53.95	53.95	\$ 3,884.40	\$ 3,884.40
44143 00	Surgery	49.21	49.21	\$ 3,543.12	\$ 3,543.12
44144 00	Surgery	52.50	52.50	\$ 3,780.00	\$ 3,780.00
44145 00	Surgery	49.00	49.00	\$ 3,528.00	\$ 3,528.00
44146 00	Surgery	62.28	62.28	\$ 4,484.16	\$ 4,484.16
44147 00	Surgery	57.32	57.32	\$ 4,127.04	\$ 4,127.04
44150 00	Surgery	55.11	55.11	\$ 3,967.92	\$ 3,967.92
44151 00	Surgery	64.08	64.08	\$ 4,613.76	\$ 4,613.76
44155 00	Surgery	61.29	61.29	\$ 4,412.88	\$ 4,412.88

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
44156 00	Surgery	68.53	68.53	\$ 4,934.16	\$ 4,934.16
44157 00	Surgery	65.11	65.11	\$ 4,687.92	\$ 4,687.92
44158 00	Surgery	66.74	66.74	\$ 4,805.28	\$ 4,805.28
44160 00	Surgery	36.98	36.98	\$ 2,662.56	\$ 2,662.56
44180 00	Surgery	27.46	27.46	\$ 1,977.12	\$ 1,977.12
44186 00	Surgery	19.48	19.48	\$ 1,402.56	\$ 1,402.56
44187 00	Surgery	32.49	32.49	\$ 2,339.28	\$ 2,339.28
44188 00	Surgery	36.18	36.18	\$ 2,604.96	\$ 2,604.96
44202 00	Surgery	41.33	41.33	\$ 2,975.76	\$ 2,975.76
44203 00	Surgery	7.16	7.16	\$ 515.52	\$ 515.52
44204 00	Surgery	45.62	45.62	\$ 3,284.64	\$ 3,284.64
44205 00	Surgery	39.62	39.62	\$ 2,852.64	\$ 2,852.64
44206 00	Surgery	51.68	51.68	\$ 3,720.96	\$ 3,720.96
44207 00	Surgery	53.65	53.65	\$ 3,862.80	\$ 3,862.80
44208 00	Surgery	58.40	58.40	\$ 4,204.80	\$ 4,204.80
44210 00	Surgery	52.47	52.47	\$ 3,777.84	\$ 3,777.84
44211 00	Surgery	62.49	62.49	\$ 4,499.28	\$ 4,499.28
44212 00	Surgery	59.87	59.87	\$ 4,310.64	\$ 4,310.64
44213 00	Surgery	5.49	5.49	\$ 395.28	\$ 395.28
44227 00	Surgery	49.22	49.22	\$ 3,543.84	\$ 3,543.84
44238 00	Surgery	0.00	0.00	BR	BR
44300 00	Surgery	25.14	25.14	\$ 1,810.08	\$ 1,810.08
44310 00	Surgery	30.95	30.95	\$ 2,228.40	\$ 2,228.40
44312 00	Surgery	17.81	17.81	\$ 1,282.32	\$ 1,282.32
44314 00	Surgery	29.92	29.92	\$ 2,154.24	\$ 2,154.24
44316 00	Surgery	42.25	42.25	\$ 3,042.00	\$ 3,042.00
44320 00	Surgery	35.72	35.72	\$ 2,571.84	\$ 2,571.84
44322 00	Surgery	30.11	30.11	\$ 2,167.92	\$ 2,167.92
44340 00	Surgery	18.79	18.79	\$ 1,352.88	\$ 1,352.88
44345 00	Surgery	31.32	31.32	\$ 2,255.04	\$ 2,255.04
44346 00	Surgery	35.21	35.21	\$ 2,535.12	\$ 2,535.12
44360 00	Surgery	4.21	4.21	\$ 303.12	\$ 303.12
44361 00	Surgery	4.64	4.64	\$ 334.08	\$ 334.08
44363 00	Surgery	5.62	5.62	\$ 404.64	\$ 404.64
44364 00	Surgery	5.99	5.99	\$ 431.28	\$ 431.28
44365 00	Surgery	5.33	5.33	\$ 383.76	\$ 383.76
44366 00	Surgery	7.03	7.03	\$ 506.16	\$ 506.16
44369 00	Surgery	7.19	7.19	\$ 517.68	\$ 517.68
44370 00	Surgery	7.82	7.82	\$ 563.04	\$ 563.04
44372 00	Surgery	7.02	7.02	\$ 505.44	\$ 505.44
44373 00	Surgery	5.62	5.62	\$ 404.64	\$ 404.64
44376 00	Surgery	8.32	8.32	\$ 599.04	\$ 599.04
44377 00	Surgery	8.77	8.77	\$ 631.44	\$ 631.44
44378 00	Surgery	11.25	11.25	\$ 810.00	\$ 810.00

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
44379 00	Surgery	11.97	11.97	\$ 861.84	\$ 861.84
44380 00	Surgery	5.89	1.68	\$ 424.08	\$ 120.96
44381 00	Surgery	29.82	2.50	\$ 2,147.04	\$ 180.00
44382 00	Surgery	9.02	2.19	\$ 649.44	\$ 157.68
44384 00	Surgery	4.55	4.55	\$ 327.60	\$ 327.60
44385 00	Surgery	6.50	2.16	\$ 468.00	\$ 155.52
44386 00	Surgery	9.38	2.63	\$ 675.36	\$ 189.36
44388 00	Surgery	9.49	4.60	\$ 683.28	\$ 331.20
44389 00	Surgery	12.40	5.05	\$ 892.80	\$ 363.60
44390 00	Surgery	12.14	6.17	\$ 874.08	\$ 444.24
44391 00	Surgery	19.27	6.77	\$ 1,387.44	\$ 487.44
44392 00	Surgery	11.64	5.87	\$ 838.08	\$ 422.64
44394 00	Surgery	13.17	6.62	\$ 948.24	\$ 476.64
44401 00	Surgery	71.83	7.11	\$ 5,171.76	\$ 511.92
44402 00	Surgery	7.67	7.67	\$ 552.24	\$ 552.24
44403 00	Surgery	8.92	8.92	\$ 642.24	\$ 642.24
44404 00	Surgery	12.69	5.06	\$ 913.68	\$ 364.32
44405 00	Surgery	16.73	5.37	\$ 1,204.56	\$ 386.64
44406 00	Surgery	6.72	6.72	\$ 483.84	\$ 483.84
44407 00	Surgery	8.07	8.07	\$ 581.04	\$ 581.04
44408 00	Surgery	6.78	6.78	\$ 488.16	\$ 488.16
44500 00	Surgery	0.57	0.57	\$ 41.04	\$ 41.04
44602 00	Surgery	41.87	41.87	\$ 3,014.64	\$ 3,014.64
44603 00	Surgery	48.07	48.07	\$ 3,461.04	\$ 3,461.04
44604 00	Surgery	31.41	31.41	\$ 2,261.52	\$ 2,261.52
44605 00	Surgery	38.58	38.58	\$ 2,777.76	\$ 2,777.76
44615 00	Surgery	31.73	31.73	\$ 2,284.56	\$ 2,284.56
44620 00	Surgery	25.76	25.76	\$ 1,854.72	\$ 1,854.72
44625 00	Surgery	30.03	30.03	\$ 2,162.16	\$ 2,162.16
44626 00	Surgery	47.30	47.30	\$ 3,405.60	\$ 3,405.60
44640 00	Surgery	41.46	41.46	\$ 2,985.12	\$ 2,985.12
44650 00	Surgery	42.76	42.76	\$ 3,078.72	\$ 3,078.72
44660 00	Surgery	39.59	39.59	\$ 2,850.48	\$ 2,850.48
44661 00	Surgery	45.82	45.82	\$ 3,299.04	\$ 3,299.04
44680 00	Surgery	32.18	32.18	\$ 2,316.96	\$ 2,316.96
44700 00	Surgery	29.63	29.63	\$ 2,133.36	\$ 2,133.36
44701 00	Surgery	5.02	5.02	\$ 361.44	\$ 361.44
44705 00	Surgery	3.35	2.14	\$ 241.20	\$ 154.08
44715 00	Surgery	0.00	0.00	BR	BR
44720 00	Surgery	8.11	8.11	\$ 583.92	\$ 583.92
44721 00	Surgery	11.33	11.33	\$ 815.76	\$ 815.76
44799 00	Surgery	0.00	0.00	BR	BR
44800 00	Surgery	23.19	23.19	\$ 1,669.68	\$ 1,669.68
44820 00	Surgery	25.48	25.48	\$ 1,834.56	\$ 1,834.56

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
44850 00	Surgery	22.32	22.32	\$ 1,607.04	\$ 1,607.04
44899 00	Surgery	0.00	0.00	BR	BR
44900 00	Surgery	23.51	23.51	\$ 1,692.72	\$ 1,692.72
44950 00	Surgery	19.21	19.21	\$ 1,383.12	\$ 1,383.12
44955 00	Surgery	2.48	2.48	\$ 178.56	\$ 178.56
44960 00	Surgery	26.22	26.22	\$ 1,887.84	\$ 1,887.84
44970 00	Surgery	18.06	18.06	\$ 1,300.32	\$ 1,300.32
44979 00	Surgery	0.00	0.00	BR	BR
45000 00	Surgery	12.84	12.84	\$ 924.48	\$ 924.48
45005 00	Surgery	9.58	5.01	\$ 689.76	\$ 360.72
45020 00	Surgery	17.23	17.23	\$ 1,240.56	\$ 1,240.56
45100 00	Surgery	9.08	9.08	\$ 653.76	\$ 653.76
45108 00	Surgery	11.24	11.24	\$ 809.28	\$ 809.28
45110 00	Surgery	54.02	54.02	\$ 3,889.44	\$ 3,889.44
45111 00	Surgery	32.25	32.25	\$ 2,322.00	\$ 2,322.00
45112 00	Surgery	53.64	53.64	\$ 3,862.08	\$ 3,862.08
45113 00	Surgery	55.19	55.19	\$ 3,973.68	\$ 3,973.68
45114 00	Surgery	54.17	54.17	\$ 3,900.24	\$ 3,900.24
45116 00	Surgery	45.70	45.70	\$ 3,290.40	\$ 3,290.40
45119 00	Surgery	55.59	55.59	\$ 4,002.48	\$ 4,002.48
45120 00	Surgery	47.78	47.78	\$ 3,440.16	\$ 3,440.16
45121 00	Surgery	52.13	52.13	\$ 3,753.36	\$ 3,753.36
45123 00	Surgery	33.19	33.19	\$ 2,389.68	\$ 2,389.68
45126 00	Surgery	80.75	80.75	\$ 5,814.00	\$ 5,814.00
45130 00	Surgery	32.21	32.21	\$ 2,319.12	\$ 2,319.12
45135 00	Surgery	38.44	38.44	\$ 2,767.68	\$ 2,767.68
45136 00	Surgery	52.84	52.84	\$ 3,804.48	\$ 3,804.48
45150 00	Surgery	12.74	12.74	\$ 917.28	\$ 917.28
45160 00	Surgery	30.71	30.71	\$ 2,211.12	\$ 2,211.12
45171 00	Surgery	18.52	18.52	\$ 1,333.44	\$ 1,333.44
45172 00	Surgery	24.62	24.62	\$ 1,772.64	\$ 1,772.64
45190 00	Surgery	20.84	20.84	\$ 1,500.48	\$ 1,500.48
45300 00	Surgery	3.87	1.43	\$ 278.64	\$ 102.96
45303 00	Surgery	28.97	2.53	\$ 2,085.84	\$ 182.16
45305 00	Surgery	5.48	2.16	\$ 394.56	\$ 155.52
45307 00	Surgery	6.48	2.98	\$ 466.56	\$ 214.56
45308 00	Surgery	6.20	2.52	\$ 446.40	\$ 181.44
45309 00	Surgery	6.38	2.67	\$ 459.36	\$ 192.24
45315 00	Surgery	6.89	3.15	\$ 496.08	\$ 226.80
45317 00	Surgery	6.66	3.26	\$ 479.52	\$ 234.72
45320 00	Surgery	6.76	3.11	\$ 486.72	\$ 223.92
45321 00	Surgery	3.07	3.07	\$ 221.04	\$ 221.04
45327 00	Surgery	3.47	3.47	\$ 249.84	\$ 249.84
45330 00	Surgery	5.60	1.66	\$ 403.20	\$ 119.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
45331 00	Surgery	8.63	2.12	\$ 621.36	\$ 152.64
45332 00	Surgery	8.33	3.08	\$ 599.76	\$ 221.76
45333 00	Surgery	9.93	2.76	\$ 714.96	\$ 198.72
45334 00	Surgery	14.88	3.46	\$ 1,071.36	\$ 249.12
45335 00	Surgery	8.80	1.97	\$ 633.60	\$ 141.84
45337 00	Surgery	3.36	3.36	\$ 241.92	\$ 241.92
45338 00	Surgery	9.00	3.53	\$ 648.00	\$ 254.16
45340 00	Surgery	13.82	2.31	\$ 995.04	\$ 166.32
45341 00	Surgery	3.63	3.63	\$ 261.36	\$ 261.36
45342 00	Surgery	5.02	5.02	\$ 361.44	\$ 361.44
45346 00	Surgery	69.46	4.72	\$ 5,001.12	\$ 339.84
45347 00	Surgery	4.51	4.51	\$ 324.72	\$ 324.72
45349 00	Surgery	5.82	5.82	\$ 419.04	\$ 419.04
45350 00	Surgery	20.28	2.96	\$ 1,460.16	\$ 213.12
45378 00	Surgery	10.19	5.42	\$ 733.68	\$ 390.24
45379 00	Surgery	13.05	7.00	\$ 939.60	\$ 504.00
45380 00	Surgery	13.04	5.89	\$ 938.88	\$ 424.08
45381 00	Surgery	13.31	5.88	\$ 958.32	\$ 423.36
45382 00	Surgery	20.04	7.59	\$ 1,442.88	\$ 546.48
45384 00	Surgery	14.69	6.69	\$ 1,057.68	\$ 481.68
45385 00	Surgery	13.61	7.45	\$ 979.92	\$ 536.40
45386 00	Surgery	18.39	6.21	\$ 1,324.08	\$ 447.12
45388 00	Surgery	74.24	7.95	\$ 5,345.28	\$ 572.40
45389 00	Surgery	8.51	8.51	\$ 612.72	\$ 612.72
45390 00	Surgery	9.74	9.74	\$ 701.28	\$ 701.28
45391 00	Surgery	7.56	7.56	\$ 544.32	\$ 544.32
45392 00	Surgery	8.92	8.92	\$ 642.24	\$ 642.24
45393 00	Surgery	7.38	7.38	\$ 531.36	\$ 531.36
45395 00	Surgery	58.01	58.01	\$ 4,176.72	\$ 4,176.72
45397 00	Surgery	62.89	62.89	\$ 4,528.08	\$ 4,528.08
45398 00	Surgery	24.95	6.93	\$ 1,796.40	\$ 498.96
45399 00	Surgery	0.00	0.00	BR	BR
45400 00	Surgery	33.58	33.58	\$ 2,417.76	\$ 2,417.76
45402 00	Surgery	44.97	44.97	\$ 3,237.84	\$ 3,237.84
45499 00	Surgery	0.00	0.00	BR	BR
45500 00	Surgery	17.12	17.12	\$ 1,232.64	\$ 1,232.64
45505 00	Surgery	18.06	18.06	\$ 1,300.32	\$ 1,300.32
45520 00	Surgery	4.92	1.20	\$ 354.24	\$ 86.40
45540 00	Surgery	31.27	31.27	\$ 2,251.44	\$ 2,251.44
45541 00	Surgery	28.00	28.00	\$ 2,016.00	\$ 2,016.00
45550 00	Surgery	43.31	43.31	\$ 3,118.32	\$ 3,118.32
45560 00	Surgery	20.65	20.65	\$ 1,486.80	\$ 1,486.80
45562 00	Surgery	33.82	33.82	\$ 2,435.04	\$ 2,435.04
45563 00	Surgery	49.54	49.54	\$ 3,566.88	\$ 3,566.88

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
45800 00	Surgery	38.01	38.01	\$ 2,736.72	\$ 2,736.72
45805 00	Surgery	43.87	43.87	\$ 3,158.64	\$ 3,158.64
45820 00	Surgery	38.11	38.11	\$ 2,743.92	\$ 2,743.92
45825 00	Surgery	45.95	45.95	\$ 3,308.40	\$ 3,308.40
45900 00	Surgery	6.38	6.38	\$ 459.36	\$ 459.36
45905 00	Surgery	5.10	5.10	\$ 367.20	\$ 367.20
45910 00	Surgery	5.77	5.77	\$ 415.44	\$ 415.44
45915 00	Surgery	10.61	6.86	\$ 763.92	\$ 493.92
45990 00	Surgery	3.11	3.11	\$ 223.92	\$ 223.92
45999 00	Surgery	0.00	0.00	BR	BR
46020 00	Surgery	3.47	3.47	\$ 249.84	\$ 249.84
46030 00	Surgery	7.73	2.59	\$ 556.56	\$ 186.48
46040 00	Surgery	16.71	12.78	\$ 1,203.12	\$ 920.16
46045 00	Surgery	13.18	13.18	\$ 948.96	\$ 948.96
46050 00	Surgery	7.15	3.04	\$ 514.80	\$ 218.88
46060 00	Surgery	14.64	14.64	\$ 1,054.08	\$ 1,054.08
46070 00	Surgery	8.19	8.19	\$ 589.68	\$ 589.68
46080 00	Surgery	8.70	4.74	\$ 626.40	\$ 341.28
46083 00	Surgery	6.27	3.29	\$ 451.44	\$ 236.88
46200 00	Surgery	14.32	10.15	\$ 1,031.04	\$ 730.80
46220 00	Surgery	7.58	3.64	\$ 545.76	\$ 262.08
46221 00	Surgery	8.54	5.77	\$ 614.88	\$ 415.44
46230 00	Surgery	9.41	5.18	\$ 677.52	\$ 372.96
46250 00	Surgery	14.41	9.58	\$ 1,037.52	\$ 689.76
46255 00	Surgery	15.69	10.67	\$ 1,129.68	\$ 768.24
46257 00	Surgery	12.49	12.49	\$ 899.28	\$ 899.28
46258 00	Surgery	14.48	14.48	\$ 1,042.56	\$ 1,042.56
46260 00	Surgery	14.48	14.48	\$ 1,042.56	\$ 1,042.56
46261 00	Surgery	15.89	15.89	\$ 1,144.08	\$ 1,144.08
46262 00	Surgery	17.65	17.65	\$ 1,270.80	\$ 1,270.80
46270 00	Surgery	16.12	12.05	\$ 1,160.64	\$ 867.60
46275 00	Surgery	16.99	12.67	\$ 1,223.28	\$ 912.24
46280 00	Surgery	14.45	14.45	\$ 1,040.40	\$ 1,040.40
46285 00	Surgery	16.92	12.67	\$ 1,218.24	\$ 912.24
46288 00	Surgery	16.75	16.75	\$ 1,206.00	\$ 1,206.00
46320 00	Surgery	6.43	3.38	\$ 462.96	\$ 243.36
46500 00	Surgery	9.49	5.55	\$ 683.28	\$ 399.60
46505 00	Surgery	9.49	7.53	\$ 683.28	\$ 542.16
46600 00	Surgery	3.60	1.23	\$ 259.20	\$ 88.56
46601 00	Surgery	4.48	2.76	\$ 322.56	\$ 198.72
46604 00	Surgery	19.80	1.96	\$ 1,425.60	\$ 141.12
46606 00	Surgery	8.48	2.23	\$ 610.56	\$ 160.56
46607 00	Surgery	6.20	3.68	\$ 446.40	\$ 264.96
46608 00	Surgery	8.86	2.52	\$ 637.92	\$ 181.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
46610 00	Surgery	8.39	2.39	\$ 604.08	\$ 172.08
46611 00	Surgery	6.74	2.38	\$ 485.28	\$ 171.36
46612 00	Surgery	10.12	2.82	\$ 728.64	\$ 203.04
46614 00	Surgery	5.11	1.92	\$ 367.92	\$ 138.24
46615 00	Surgery	5.35	2.67	\$ 385.20	\$ 192.24
46700 00	Surgery	19.62	19.62	\$ 1,412.64	\$ 1,412.64
46705 00	Surgery	17.22	17.22	\$ 1,239.84	\$ 1,239.84
46706 00	Surgery	5.38	5.38	\$ 387.36	\$ 387.36
46707 00	Surgery	15.17	15.17	\$ 1,092.24	\$ 1,092.24
46710 00	Surgery	33.26	33.26	\$ 2,394.72	\$ 2,394.72
46712 00	Surgery	66.15	66.15	\$ 4,762.80	\$ 4,762.80
46715 00	Surgery	16.71	16.71	\$ 1,203.12	\$ 1,203.12
46716 00	Surgery	36.99	36.99	\$ 2,663.28	\$ 2,663.28
46730 00	Surgery	59.45	59.45	\$ 4,280.40	\$ 4,280.40
46735 00	Surgery	68.34	68.34	\$ 4,920.48	\$ 4,920.48
46740 00	Surgery	64.82	64.82	\$ 4,667.04	\$ 4,667.04
46742 00	Surgery	74.82	74.82	\$ 5,387.04	\$ 5,387.04
46744 00	Surgery	105.40	105.40	\$ 7,588.80	\$ 7,588.80
46746 00	Surgery	116.07	116.07	\$ 8,357.04	\$ 8,357.04
46748 00	Surgery	125.75	125.75	\$ 9,054.00	\$ 9,054.00
46750 00	Surgery	22.38	22.38	\$ 1,611.36	\$ 1,611.36
46751 00	Surgery	20.13	20.13	\$ 1,449.36	\$ 1,449.36
46753 00	Surgery	18.64	18.64	\$ 1,342.08	\$ 1,342.08
46754 00	Surgery	10.48	7.23	\$ 754.56	\$ 520.56
46760 00	Surgery	32.88	32.88	\$ 2,367.36	\$ 2,367.36
46761 00	Surgery	27.32	27.32	\$ 1,967.04	\$ 1,967.04
46900 00	Surgery	7.19	4.10	\$ 517.68	\$ 295.20
46910 00	Surgery	7.92	4.02	\$ 570.24	\$ 289.44
46916 00	Surgery	7.84	4.22	\$ 564.48	\$ 303.84
46917 00	Surgery	13.50	3.85	\$ 972.00	\$ 277.20
46922 00	Surgery	9.49	4.13	\$ 683.28	\$ 297.36
46924 00	Surgery	16.56	5.39	\$ 1,192.32	\$ 388.08
46930 00	Surgery	6.50	4.54	\$ 468.00	\$ 326.88
46940 00	Surgery	8.04	4.34	\$ 578.88	\$ 312.48
46942 00	Surgery	7.65	3.89	\$ 550.80	\$ 280.08
46945 00	Surgery	10.19	10.19	\$ 733.68	\$ 733.68
46946 00	Surgery	11.43	11.43	\$ 822.96	\$ 822.96
46947 00	Surgery	11.67	11.67	\$ 840.24	\$ 840.24
46948 00	Surgery	13.36	13.36	\$ 961.92	\$ 961.92
46999 00	Surgery	0.00	0.00	BR	BR
47000 00	Surgery	9.10	2.59	\$ 655.20	\$ 186.48
47001 00	Surgery	3.07	3.07	\$ 221.04	\$ 221.04
47010 00	Surgery	36.25	36.25	\$ 2,610.00	\$ 2,610.00
47015 00	Surgery	34.85	34.85	\$ 2,509.20	\$ 2,509.20

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
47100 00	Surgery	25.41	25.41	\$ 1,829.52	\$ 1,829.52
47120 00	Surgery	69.62	69.62	\$ 5,012.64	\$ 5,012.64
47122 00	Surgery	101.80	101.80	\$ 7,329.60	\$ 7,329.60
47125 00	Surgery	91.53	91.53	\$ 6,590.16	\$ 6,590.16
47130 00	Surgery	98.31	98.31	\$ 7,078.32	\$ 7,078.32
47133 00	Surgery	-	-	\$ 7,503.12	\$ 6,228.00
47135 00	Surgery	160.44	160.44	\$ 11,551.68	\$ 11,551.68
47140 00	Surgery	106.33	106.33	\$ 7,655.76	\$ 7,655.76
47141 00	Surgery	127.07	127.07	\$ 9,149.04	\$ 9,149.04
47142 00	Surgery	139.48	139.48	\$ 10,042.56	\$ 10,042.56
47143 00	Surgery	-	-	\$ 1,524.96	\$ 1,265.76
47144 00	Surgery	-	-	\$ 2,101.68	\$ 1,744.56
47145 00	Surgery	0.00	0.00	BR	BR
47146 00	Surgery	9.70	9.70	\$ 698.40	\$ 698.40
47147 00	Surgery	11.30	11.30	\$ 813.60	\$ 813.60
47300 00	Surgery	33.99	33.99	\$ 2,447.28	\$ 2,447.28
47350 00	Surgery	40.82	40.82	\$ 2,939.04	\$ 2,939.04
47360 00	Surgery	55.91	55.91	\$ 4,025.52	\$ 4,025.52
47361 00	Surgery	89.78	89.78	\$ 6,464.16	\$ 6,464.16
47362 00	Surgery	42.79	42.79	\$ 3,080.88	\$ 3,080.88
47370 00	Surgery	37.47	37.47	\$ 2,697.84	\$ 2,697.84
47371 00	Surgery	37.63	37.63	\$ 2,709.36	\$ 2,709.36
47379 00	Surgery	0.00	0.00	BR	BR
47380 00	Surgery	43.13	43.13	\$ 3,105.36	\$ 3,105.36
47381 00	Surgery	44.22	44.22	\$ 3,183.84	\$ 3,183.84
47382 00	Surgery	111.03	21.59	\$ 7,994.16	\$ 1,554.48
47383 00	Surgery	180.53	13.18	\$ 12,998.16	\$ 948.96
47399 00	Surgery	0.00	0.00	BR	BR
47400 00	Surgery	64.09	64.09	\$ 4,614.48	\$ 4,614.48
47420 00	Surgery	39.78	39.78	\$ 2,864.16	\$ 2,864.16
47425 00	Surgery	40.87	40.87	\$ 2,942.64	\$ 2,942.64
47460 00	Surgery	37.96	37.96	\$ 2,733.12	\$ 2,733.12
47480 00	Surgery	26.27	26.27	\$ 1,891.44	\$ 1,891.44
47490 00	Surgery	9.83	9.83	\$ 707.76	\$ 707.76
47531 00	Surgery	12.86	2.05	\$ 925.92	\$ 147.60
47532 00	Surgery	25.33	6.14	\$ 1,823.76	\$ 442.08
47533 00	Surgery	35.27	7.70	\$ 2,539.44	\$ 554.40
47534 00	Surgery	38.63	10.76	\$ 2,781.36	\$ 774.72
47535 00	Surgery	26.86	5.71	\$ 1,933.92	\$ 411.12
47536 00	Surgery	19.26	3.83	\$ 1,386.72	\$ 275.76
47537 00	Surgery	14.92	2.82	\$ 1,074.24	\$ 203.04
47538 00	Surgery	114.27	6.82	\$ 8,227.44	\$ 491.04
47539 00	Surgery	127.38	12.37	\$ 9,171.36	\$ 890.64
47540 00	Surgery	128.51	12.77	\$ 9,252.72	\$ 919.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
47541 00	Surgery	35.09	9.79	\$ 2,526.48	\$ 704.88
47542 00	Surgery	15.07	3.96	\$ 1,085.04	\$ 285.12
47543 00	Surgery	11.82	4.18	\$ 851.04	\$ 300.96
47544 00	Surgery	25.31	4.55	\$ 1,822.32	\$ 327.60
47550 00	Surgery	4.86	4.86	\$ 349.92	\$ 349.92
47552 00	Surgery	8.13	8.13	\$ 585.36	\$ 585.36
47553 00	Surgery	8.16	8.16	\$ 587.52	\$ 587.52
47554 00	Surgery	13.15	13.15	\$ 946.80	\$ 946.80
47555 00	Surgery	9.71	9.71	\$ 699.12	\$ 699.12
47556 00	Surgery	11.00	11.00	\$ 792.00	\$ 792.00
47562 00	Surgery	19.76	19.76	\$ 1,422.72	\$ 1,422.72
47563 00	Surgery	21.54	21.54	\$ 1,550.88	\$ 1,550.88
47564 00	Surgery	33.43	33.43	\$ 2,406.96	\$ 2,406.96
47570 00	Surgery	23.26	23.26	\$ 1,674.72	\$ 1,674.72
47579 00	Surgery	0.00	0.00	BR	BR
47600 00	Surgery	31.98	31.98	\$ 2,302.56	\$ 2,302.56
47605 00	Surgery	33.73	33.73	\$ 2,428.56	\$ 2,428.56
47610 00	Surgery	37.43	37.43	\$ 2,694.96	\$ 2,694.96
47612 00	Surgery	38.04	38.04	\$ 2,738.88	\$ 2,738.88
47620 00	Surgery	41.07	41.07	\$ 2,957.04	\$ 2,957.04
47700 00	Surgery	31.73	31.73	\$ 2,284.56	\$ 2,284.56
47701 00	Surgery	51.86	51.86	\$ 3,733.92	\$ 3,733.92
47711 00	Surgery	46.53	46.53	\$ 3,350.16	\$ 3,350.16
47712 00	Surgery	59.54	59.54	\$ 4,286.88	\$ 4,286.88
47715 00	Surgery	39.79	39.79	\$ 2,864.88	\$ 2,864.88
47720 00	Surgery	34.60	34.60	\$ 2,491.20	\$ 2,491.20
47721 00	Surgery	40.52	40.52	\$ 2,917.44	\$ 2,917.44
47740 00	Surgery	39.27	39.27	\$ 2,827.44	\$ 2,827.44
47741 00	Surgery	44.10	44.10	\$ 3,175.20	\$ 3,175.20
47760 00	Surgery	67.09	67.09	\$ 4,830.48	\$ 4,830.48
47765 00	Surgery	87.91	87.91	\$ 6,329.52	\$ 6,329.52
47780 00	Surgery	73.67	73.67	\$ 5,304.24	\$ 5,304.24
47785 00	Surgery	96.34	96.34	\$ 6,936.48	\$ 6,936.48
47800 00	Surgery	46.49	46.49	\$ 3,347.28	\$ 3,347.28
47801 00	Surgery	33.40	33.40	\$ 2,404.80	\$ 2,404.80
47802 00	Surgery	45.56	45.56	\$ 3,280.32	\$ 3,280.32
47900 00	Surgery	41.25	41.25	\$ 2,970.00	\$ 2,970.00
47999 00	Surgery	0.00	0.00	BR	BR
48000 00	Surgery	56.13	56.13	\$ 4,041.36	\$ 4,041.36
48001 00	Surgery	68.68	68.68	\$ 4,944.96	\$ 4,944.96
48020 00	Surgery	35.30	35.30	\$ 2,541.60	\$ 2,541.60
48100 00	Surgery	26.54	26.54	\$ 1,910.88	\$ 1,910.88
48102 00	Surgery	15.51	6.92	\$ 1,116.72	\$ 498.24
48105 00	Surgery	84.05	84.05	\$ 6,051.60	\$ 6,051.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
48120 00	Surgery	33.32	33.32	\$ 2,399.04	\$ 2,399.04
48140 00	Surgery	46.75	46.75	\$ 3,366.00	\$ 3,366.00
48145 00	Surgery	48.74	48.74	\$ 3,509.28	\$ 3,509.28
48146 00	Surgery	56.27	56.27	\$ 4,051.44	\$ 4,051.44
48148 00	Surgery	37.41	37.41	\$ 2,693.52	\$ 2,693.52
48150 00	Surgery	92.78	92.78	\$ 6,680.16	\$ 6,680.16
48152 00	Surgery	86.04	86.04	\$ 6,194.88	\$ 6,194.88
48153 00	Surgery	92.48	92.48	\$ 6,658.56	\$ 6,658.56
48154 00	Surgery	86.39	86.39	\$ 6,220.08	\$ 6,220.08
48155 00	Surgery	54.49	54.49	\$ 3,923.28	\$ 3,923.28
48160 00	Surgery	-	-	\$ 7,560.00	\$ 6,274.80
48400 00	Surgery	3.17	3.17	\$ 228.24	\$ 228.24
48500 00	Surgery	34.42	34.42	\$ 2,478.24	\$ 2,478.24
48510 00	Surgery	32.85	32.85	\$ 2,365.20	\$ 2,365.20
48520 00	Surgery	32.91	32.91	\$ 2,369.52	\$ 2,369.52
48540 00	Surgery	39.05	39.05	\$ 2,811.60	\$ 2,811.60
48545 00	Surgery	40.24	40.24	\$ 2,897.28	\$ 2,897.28
48547 00	Surgery	53.46	53.46	\$ 3,849.12	\$ 3,849.12
48548 00	Surgery	49.88	49.88	\$ 3,591.36	\$ 3,591.36
48550 00	Surgery	0.00	0.00	BR	BR
48551 00	Surgery	-	-	\$ 1,167.84	\$ 969.12
48552 00	Surgery	6.97	6.97	\$ 501.84	\$ 501.84
48554 00	Surgery	78.08	78.08	\$ 5,621.76	\$ 5,621.76
48556 00	Surgery	38.52	38.52	\$ 2,773.44	\$ 2,773.44
48999 00	Surgery	0.00	0.00	BR	BR
49000 00	Surgery	22.96	22.96	\$ 1,653.12	\$ 1,653.12
49002 00	Surgery	31.08	31.08	\$ 2,237.76	\$ 2,237.76
49010 00	Surgery	27.43	27.43	\$ 1,974.96	\$ 1,974.96
49013 00	Surgery	13.51	13.51	\$ 972.72	\$ 972.72
49014 00	Surgery	11.24	11.24	\$ 809.28	\$ 809.28
49020 00	Surgery	47.48	47.48	\$ 3,418.56	\$ 3,418.56
49040 00	Surgery	29.99	29.99	\$ 2,159.28	\$ 2,159.28
49060 00	Surgery	32.64	32.64	\$ 2,350.08	\$ 2,350.08
49062 00	Surgery	23.02	23.02	\$ 1,657.44	\$ 1,657.44
49082 00	Surgery	6.38	2.16	\$ 459.36	\$ 155.52
49083 00	Surgery	8.85	3.12	\$ 637.20	\$ 224.64
49084 00	Surgery	3.18	3.18	\$ 228.96	\$ 228.96
49180 00	Surgery	5.25	2.45	\$ 378.00	\$ 176.40
49185 00	Surgery	38.38	3.48	\$ 2,763.36	\$ 250.56
49203 00	Surgery	35.65	35.65	\$ 2,566.80	\$ 2,566.80
49204 00	Surgery	45.36	45.36	\$ 3,265.92	\$ 3,265.92
49205 00	Surgery	52.07	52.07	\$ 3,749.04	\$ 3,749.04
49215 00	Surgery	65.40	65.40	\$ 4,708.80	\$ 4,708.80
49250 00	Surgery	17.81	17.81	\$ 1,282.32	\$ 1,282.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
49255 00	Surgery	23.69	23.69	\$ 1,705.68	\$ 1,705.68
49320 00	Surgery	9.84	9.84	\$ 708.48	\$ 708.48
49321 00	Surgery	10.31	10.31	\$ 742.32	\$ 742.32
49322 00	Surgery	11.23	11.23	\$ 808.56	\$ 808.56
49323 00	Surgery	19.05	19.05	\$ 1,371.60	\$ 1,371.60
49324 00	Surgery	11.58	11.58	\$ 833.76	\$ 833.76
49325 00	Surgery	12.35	12.35	\$ 889.20	\$ 889.20
49326 00	Surgery	5.57	5.57	\$ 401.04	\$ 401.04
49327 00	Surgery	3.85	3.85	\$ 277.20	\$ 277.20
49329 00	Surgery	0.00	0.00	BR	BR
49400 00	Surgery	4.49	2.65	\$ 323.28	\$ 190.80
49402 00	Surgery	25.52	25.52	\$ 1,837.44	\$ 1,837.44
49405 00	Surgery	26.83	5.68	\$ 1,931.76	\$ 408.96
49406 00	Surgery	26.84	5.68	\$ 1,932.48	\$ 408.96
49407 00	Surgery	22.67	6.02	\$ 1,632.24	\$ 433.44
49411 00	Surgery	14.52	5.43	\$ 1,045.44	\$ 390.96
49412 00	Surgery	2.43	2.43	\$ 174.96	\$ 174.96
49418 00	Surgery	29.78	5.89	\$ 2,144.16	\$ 424.08
49419 00	Surgery	12.50	12.50	\$ 900.00	\$ 900.00
49421 00	Surgery	6.70	6.70	\$ 482.40	\$ 482.40
49422 00	Surgery	6.55	6.55	\$ 471.60	\$ 471.60
49423 00	Surgery	17.91	2.08	\$ 1,289.52	\$ 149.76
49424 00	Surgery	5.52	1.10	\$ 397.44	\$ 79.20
49425 00	Surgery	23.39	23.39	\$ 1,684.08	\$ 1,684.08
49426 00	Surgery	20.11	20.11	\$ 1,447.92	\$ 1,447.92
49427 00	Surgery	1.15	1.15	\$ 82.80	\$ 82.80
49428 00	Surgery	12.90	12.90	\$ 928.80	\$ 928.80
49429 00	Surgery	13.72	13.72	\$ 987.84	\$ 987.84
49435 00	Surgery	3.50	3.50	\$ 252.00	\$ 252.00
49436 00	Surgery	16.40	5.56	\$ 1,180.80	\$ 400.32
49440 00	Surgery	25.21	5.95	\$ 1,815.12	\$ 428.40
49441 00	Surgery	28.64	7.01	\$ 2,062.08	\$ 504.72
49442 00	Surgery	24.06	6.05	\$ 1,732.32	\$ 435.60
49446 00	Surgery	24.19	4.28	\$ 1,741.68	\$ 308.16
49450 00	Surgery	18.13	1.95	\$ 1,305.36	\$ 140.40
49451 00	Surgery	19.36	2.59	\$ 1,393.92	\$ 186.48
49452 00	Surgery	23.51	4.00	\$ 1,692.72	\$ 288.00
49460 00	Surgery	21.29	1.46	\$ 1,532.88	\$ 105.12
49465 00	Surgery	4.11	0.90	\$ 295.92	\$ 64.80
49491 00	Surgery	23.96	23.96	\$ 1,725.12	\$ 1,725.12
49492 00	Surgery	28.75	28.75	\$ 2,070.00	\$ 2,070.00
49495 00	Surgery	12.30	12.30	\$ 885.60	\$ 885.60
49496 00	Surgery	18.48	18.48	\$ 1,330.56	\$ 1,330.56
49500 00	Surgery	12.53	12.53	\$ 902.16	\$ 902.16

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
49501 00	Surgery	18.23	18.23	\$ 1,312.56	\$ 1,312.56
49505 00	Surgery	15.71	15.71	\$ 1,131.12	\$ 1,131.12
49507 00	Surgery	17.66	17.66	\$ 1,271.52	\$ 1,271.52
49520 00	Surgery	19.00	19.00	\$ 1,368.00	\$ 1,368.00
49521 00	Surgery	21.50	21.50	\$ 1,548.00	\$ 1,548.00
49525 00	Surgery	17.24	17.24	\$ 1,241.28	\$ 1,241.28
49540 00	Surgery	20.39	20.39	\$ 1,468.08	\$ 1,468.08
49550 00	Surgery	17.36	17.36	\$ 1,249.92	\$ 1,249.92
49553 00	Surgery	19.00	19.00	\$ 1,368.00	\$ 1,368.00
49555 00	Surgery	18.17	18.17	\$ 1,308.24	\$ 1,308.24
49557 00	Surgery	21.71	21.71	\$ 1,563.12	\$ 1,563.12
49591 00	Surgery	10.20	10.20	\$ 734.40	\$ 734.40
49592 00	Surgery	14.19	14.19	\$ 1,021.68	\$ 1,021.68
49593 00	Surgery	17.09	17.09	\$ 1,230.48	\$ 1,230.48
49594 00	Surgery	22.25	22.25	\$ 1,602.00	\$ 1,602.00
49595 00	Surgery	22.97	22.97	\$ 1,653.84	\$ 1,653.84
49596 00	Surgery	30.50	30.50	\$ 2,196.00	\$ 2,196.00
49600 00	Surgery	22.05	22.05	\$ 1,587.60	\$ 1,587.60
49605 00	Surgery	146.19	146.19	\$ 10,525.68	\$ 10,525.68
49606 00	Surgery	33.95	33.95	\$ 2,444.40	\$ 2,444.40
49610 00	Surgery	20.84	20.84	\$ 1,500.48	\$ 1,500.48
49611 00	Surgery	18.37	18.37	\$ 1,322.64	\$ 1,322.64
49613 00	Surgery	12.57	12.57	\$ 905.04	\$ 905.04
49614 00	Surgery	17.05	17.05	\$ 1,227.60	\$ 1,227.60
49615 00	Surgery	19.07	19.07	\$ 1,373.04	\$ 1,373.04
49616 00	Surgery	25.61	25.61	\$ 1,843.92	\$ 1,843.92
49617 00	Surgery	26.38	26.38	\$ 1,899.36	\$ 1,899.36
49618 00	Surgery	36.96	36.96	\$ 2,661.12	\$ 2,661.12
49621 00	Surgery	22.11	22.11	\$ 1,591.92	\$ 1,591.92
49622 00	Surgery	27.28	27.28	\$ 1,964.16	\$ 1,964.16
49623 00	Surgery	5.88	5.88	\$ 423.36	\$ 423.36
49650 00	Surgery	13.00	13.00	\$ 936.00	\$ 936.00
49651 00	Surgery	16.98	16.98	\$ 1,222.56	\$ 1,222.56
49659 00	Surgery	0.00	0.00	BR	BR
49900 00	Surgery	24.57	24.57	\$ 1,769.04	\$ 1,769.04
49904 00	Surgery	41.46	41.46	\$ 2,985.12	\$ 2,985.12
49905 00	Surgery	10.45	10.45	\$ 752.40	\$ 752.40
49906 00	Surgery	-	-	\$ 11,445.12	\$ 9,498.96
49999 00	Surgery	0.00	0.00	BR	BR
50010 00	Surgery	22.16	22.16	\$ 1,595.52	\$ 1,595.52
50020 00	Surgery	29.91	29.91	\$ 2,153.52	\$ 2,153.52
50040 00	Surgery	27.26	27.26	\$ 1,962.72	\$ 1,962.72
50045 00	Surgery	27.46	27.46	\$ 1,977.12	\$ 1,977.12
50060 00	Surgery	33.49	33.49	\$ 2,411.28	\$ 2,411.28

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
50065 00	Surgery	35.51	35.51	\$ 2,556.72	\$ 2,556.72
50070 00	Surgery	34.83	34.83	\$ 2,507.76	\$ 2,507.76
50075 00	Surgery	42.78	42.78	\$ 3,080.16	\$ 3,080.16
50080 00	Surgery	20.55	20.55	\$ 1,479.60	\$ 1,479.60
50081 00	Surgery	33.11	33.11	\$ 2,383.92	\$ 2,383.92
50100 00	Surgery	32.35	32.35	\$ 2,329.20	\$ 2,329.20
50120 00	Surgery	27.94	27.94	\$ 2,011.68	\$ 2,011.68
50125 00	Surgery	28.90	28.90	\$ 2,080.80	\$ 2,080.80
50130 00	Surgery	30.39	30.39	\$ 2,188.08	\$ 2,188.08
50135 00	Surgery	32.98	32.98	\$ 2,374.56	\$ 2,374.56
50200 00	Surgery	15.56	3.71	\$ 1,120.32	\$ 267.12
50205 00	Surgery	22.54	22.54	\$ 1,622.88	\$ 1,622.88
50220 00	Surgery	31.13	31.13	\$ 2,241.36	\$ 2,241.36
50225 00	Surgery	35.50	35.50	\$ 2,556.00	\$ 2,556.00
50230 00	Surgery	37.65	37.65	\$ 2,710.80	\$ 2,710.80
50234 00	Surgery	38.35	38.35	\$ 2,761.20	\$ 2,761.20
50236 00	Surgery	43.04	43.04	\$ 3,098.88	\$ 3,098.88
50240 00	Surgery	39.02	39.02	\$ 2,809.44	\$ 2,809.44
50250 00	Surgery	35.78	35.78	\$ 2,576.16	\$ 2,576.16
50280 00	Surgery	28.38	28.38	\$ 2,043.36	\$ 2,043.36
50290 00	Surgery	26.49	26.49	\$ 1,907.28	\$ 1,907.28
50300 00	Surgery	0.00	0.00	BR	BR
50320 00	Surgery	45.49	45.49	\$ 3,275.28	\$ 3,275.28
50323 00	Surgery	-	-	\$ 976.32	\$ 839.52
50325 00	Surgery	-	-	\$ 864.00	\$ 743.04
50327 00	Surgery	6.41	6.41	\$ 461.52	\$ 461.52
50328 00	Surgery	5.60	5.60	\$ 403.20	\$ 403.20
50329 00	Surgery	5.33	5.33	\$ 383.76	\$ 383.76
50340 00	Surgery	28.72	28.72	\$ 2,067.84	\$ 2,067.84
50360 00	Surgery	72.52	72.52	\$ 5,221.44	\$ 5,221.44
50365 00	Surgery	86.40	86.40	\$ 6,220.80	\$ 6,220.80
50370 00	Surgery	36.29	36.29	\$ 2,612.88	\$ 2,612.88
50380 00	Surgery	60.95	60.95	\$ 4,388.40	\$ 4,388.40
50382 00	Surgery	30.43	7.36	\$ 2,190.96	\$ 529.92
50384 00	Surgery	26.00	6.64	\$ 1,872.00	\$ 478.08
50385 00	Surgery	30.52	6.33	\$ 2,197.44	\$ 455.76
50386 00	Surgery	22.58	4.74	\$ 1,625.76	\$ 341.28
50387 00	Surgery	16.83	2.43	\$ 1,211.76	\$ 174.96
50389 00	Surgery	12.59	1.56	\$ 906.48	\$ 112.32
50390 00	Surgery	2.77	2.77	\$ 199.44	\$ 199.44
50391 00	Surgery	3.70	2.86	\$ 266.40	\$ 205.92
50396 00	Surgery	3.41	3.41	\$ 245.52	\$ 245.52
50400 00	Surgery	33.96	33.96	\$ 2,445.12	\$ 2,445.12
50405 00	Surgery	41.00	41.00	\$ 2,952.00	\$ 2,952.00

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
50430 00	Surgery	19.06	4.49	\$ 1,372.32	\$ 323.28
50431 00	Surgery	9.75	1.93	\$ 702.00	\$ 138.96
50432 00	Surgery	27.44	5.98	\$ 1,975.68	\$ 430.56
50433 00	Surgery	34.19	7.42	\$ 2,461.68	\$ 534.24
50434 00	Surgery	27.45	5.57	\$ 1,976.40	\$ 401.04
50435 00	Surgery	18.19	2.92	\$ 1,309.68	\$ 210.24
50436 00	Surgery	4.36	4.36	\$ 313.92	\$ 313.92
50437 00	Surgery	7.27	7.27	\$ 523.44	\$ 523.44
50500 00	Surgery	37.23	37.23	\$ 2,680.56	\$ 2,680.56
50520 00	Surgery	34.69	34.69	\$ 2,497.68	\$ 2,497.68
50525 00	Surgery	43.93	43.93	\$ 3,162.96	\$ 3,162.96
50526 00	Surgery	47.05	47.05	\$ 3,387.60	\$ 3,387.60
50540 00	Surgery	33.71	33.71	\$ 2,427.12	\$ 2,427.12
50541 00	Surgery	27.01	27.01	\$ 1,944.72	\$ 1,944.72
50542 00	Surgery	34.35	34.35	\$ 2,473.20	\$ 2,473.20
50543 00	Surgery	43.78	43.78	\$ 3,152.16	\$ 3,152.16
50544 00	Surgery	36.47	36.47	\$ 2,625.84	\$ 2,625.84
50545 00	Surgery	39.19	39.19	\$ 2,821.68	\$ 2,821.68
50546 00	Surgery	35.44	35.44	\$ 2,551.68	\$ 2,551.68
50547 00	Surgery	48.23	48.23	\$ 3,472.56	\$ 3,472.56
50548 00	Surgery	39.40	39.40	\$ 2,836.80	\$ 2,836.80
50549 00	Surgery	0.00	0.00	BR	BR
50551 00	Surgery	10.70	8.60	\$ 770.40	\$ 619.20
50553 00	Surgery	11.47	9.19	\$ 825.84	\$ 661.68
50555 00	Surgery	12.19	9.96	\$ 877.68	\$ 717.12
50557 00	Surgery	12.41	10.09	\$ 893.52	\$ 726.48
50561 00	Surgery	14.07	11.50	\$ 1,013.04	\$ 828.00
50562 00	Surgery	16.90	16.90	\$ 1,216.80	\$ 1,216.80
50570 00	Surgery	14.31	14.31	\$ 1,030.32	\$ 1,030.32
50572 00	Surgery	15.47	15.47	\$ 1,113.84	\$ 1,113.84
50574 00	Surgery	16.46	16.46	\$ 1,185.12	\$ 1,185.12
50575 00	Surgery	20.80	20.80	\$ 1,497.60	\$ 1,497.60
50576 00	Surgery	16.42	16.42	\$ 1,182.24	\$ 1,182.24
50580 00	Surgery	17.68	17.68	\$ 1,272.96	\$ 1,272.96
50590 00	Surgery	22.01	16.87	\$ 1,584.72	\$ 1,214.64
50592 00	Surgery	85.61	10.04	\$ 6,163.92	\$ 722.88
50593 00	Surgery	114.61	13.40	\$ 8,251.92	\$ 964.80
50600 00	Surgery	27.59	27.59	\$ 1,986.48	\$ 1,986.48
50605 00	Surgery	29.97	29.97	\$ 2,157.84	\$ 2,157.84
50606 00	Surgery	14.59	4.06	\$ 1,050.48	\$ 292.32
50610 00	Surgery	27.79	27.79	\$ 2,000.88	\$ 2,000.88
50620 00	Surgery	26.59	26.59	\$ 1,914.48	\$ 1,914.48
50630 00	Surgery	26.27	26.27	\$ 1,891.44	\$ 1,891.44
50650 00	Surgery	30.52	30.52	\$ 2,197.44	\$ 2,197.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
50660 00	Surgery	33.58	33.58	\$ 2,417.76	\$ 2,417.76
50684 00	Surgery	3.82	1.50	\$ 275.04	\$ 108.00
50686 00	Surgery	4.25	2.59	\$ 306.00	\$ 186.48
50688 00	Surgery	2.28	2.28	\$ 164.16	\$ 164.16
50690 00	Surgery	3.57	2.06	\$ 257.04	\$ 148.32
50693 00	Surgery	30.06	5.93	\$ 2,164.32	\$ 426.96
50694 00	Surgery	33.72	7.77	\$ 2,427.84	\$ 559.44
50695 00	Surgery	40.45	9.95	\$ 2,912.40	\$ 716.40
50700 00	Surgery	27.27	27.27	\$ 1,963.44	\$ 1,963.44
50705 00	Surgery	55.73	5.19	\$ 4,012.56	\$ 373.68
50706 00	Surgery	25.34	5.26	\$ 1,824.48	\$ 378.72
50715 00	Surgery	35.81	35.81	\$ 2,578.32	\$ 2,578.32
50722 00	Surgery	30.48	30.48	\$ 2,194.56	\$ 2,194.56
50725 00	Surgery	32.41	32.41	\$ 2,333.52	\$ 2,333.52
50727 00	Surgery	15.13	15.13	\$ 1,089.36	\$ 1,089.36
50728 00	Surgery	20.67	20.67	\$ 1,488.24	\$ 1,488.24
50740 00	Surgery	36.59	36.59	\$ 2,634.48	\$ 2,634.48
50750 00	Surgery	33.88	33.88	\$ 2,439.36	\$ 2,439.36
50760 00	Surgery	33.51	33.51	\$ 2,412.72	\$ 2,412.72
50770 00	Surgery	33.88	33.88	\$ 2,439.36	\$ 2,439.36
50780 00	Surgery	32.75	32.75	\$ 2,358.00	\$ 2,358.00
50782 00	Surgery	31.61	31.61	\$ 2,275.92	\$ 2,275.92
50783 00	Surgery	33.13	33.13	\$ 2,385.36	\$ 2,385.36
50785 00	Surgery	35.76	35.76	\$ 2,574.72	\$ 2,574.72
50800 00	Surgery	27.32	27.32	\$ 1,967.04	\$ 1,967.04
50810 00	Surgery	42.04	42.04	\$ 3,026.88	\$ 3,026.88
50815 00	Surgery	36.02	36.02	\$ 2,593.44	\$ 2,593.44
50820 00	Surgery	38.65	38.65	\$ 2,782.80	\$ 2,782.80
50825 00	Surgery	48.34	48.34	\$ 3,480.48	\$ 3,480.48
50830 00	Surgery	52.86	52.86	\$ 3,805.92	\$ 3,805.92
50840 00	Surgery	36.22	36.22	\$ 2,607.84	\$ 2,607.84
50845 00	Surgery	36.92	36.92	\$ 2,658.24	\$ 2,658.24
50860 00	Surgery	27.83	27.83	\$ 2,003.76	\$ 2,003.76
50900 00	Surgery	24.85	24.85	\$ 1,789.20	\$ 1,789.20
50920 00	Surgery	25.98	25.98	\$ 1,870.56	\$ 1,870.56
50930 00	Surgery	32.40	32.40	\$ 2,332.80	\$ 2,332.80
50940 00	Surgery	26.18	26.18	\$ 1,884.96	\$ 1,884.96
50945 00	Surgery	28.54	28.54	\$ 2,054.88	\$ 2,054.88
50947 00	Surgery	40.64	40.64	\$ 2,926.08	\$ 2,926.08
50948 00	Surgery	37.41	37.41	\$ 2,693.52	\$ 2,693.52
50949 00	Surgery	0.00	0.00	BR	BR
50951 00	Surgery	11.18	8.94	\$ 804.96	\$ 643.68
50953 00	Surgery	11.84	9.53	\$ 852.48	\$ 686.16
50955 00	Surgery	12.61	10.27	\$ 907.92	\$ 739.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
50957 00	Surgery	12.73	10.33	\$ 916.56	\$ 743.76
50961 00	Surgery	11.50	9.25	\$ 828.00	\$ 666.00
50970 00	Surgery	10.80	10.80	\$ 777.60	\$ 777.60
50972 00	Surgery	10.45	10.45	\$ 752.40	\$ 752.40
50974 00	Surgery	13.78	13.78	\$ 992.16	\$ 992.16
50976 00	Surgery	13.57	13.57	\$ 977.04	\$ 977.04
50980 00	Surgery	10.39	10.39	\$ 748.08	\$ 748.08
51020 00	Surgery	13.93	13.93	\$ 1,002.96	\$ 1,002.96
51030 00	Surgery	14.01	14.01	\$ 1,008.72	\$ 1,008.72
51040 00	Surgery	8.64	8.64	\$ 622.08	\$ 622.08
51045 00	Surgery	14.90	14.90	\$ 1,072.80	\$ 1,072.80
51050 00	Surgery	13.96	13.96	\$ 1,005.12	\$ 1,005.12
51060 00	Surgery	17.25	17.25	\$ 1,242.00	\$ 1,242.00
51065 00	Surgery	17.17	17.17	\$ 1,236.24	\$ 1,236.24
51080 00	Surgery	12.12	12.12	\$ 872.64	\$ 872.64
51100 00	Surgery	2.19	1.15	\$ 157.68	\$ 82.80
51101 00	Surgery	4.63	1.49	\$ 333.36	\$ 107.28
51102 00	Surgery	7.20	4.22	\$ 518.40	\$ 303.84
51500 00	Surgery	18.84	18.84	\$ 1,356.48	\$ 1,356.48
51520 00	Surgery	17.62	17.62	\$ 1,268.64	\$ 1,268.64
51525 00	Surgery	25.36	25.36	\$ 1,825.92	\$ 1,825.92
51530 00	Surgery	22.72	22.72	\$ 1,635.84	\$ 1,635.84
51535 00	Surgery	23.01	23.01	\$ 1,656.72	\$ 1,656.72
51550 00	Surgery	28.40	28.40	\$ 2,044.80	\$ 2,044.80
51555 00	Surgery	37.06	37.06	\$ 2,668.32	\$ 2,668.32
51565 00	Surgery	37.89	37.89	\$ 2,728.08	\$ 2,728.08
51570 00	Surgery	43.30	43.30	\$ 3,117.60	\$ 3,117.60
51575 00	Surgery	53.41	53.41	\$ 3,845.52	\$ 3,845.52
51580 00	Surgery	55.62	55.62	\$ 4,004.64	\$ 4,004.64
51585 00	Surgery	61.86	61.86	\$ 4,453.92	\$ 4,453.92
51590 00	Surgery	56.63	56.63	\$ 4,077.36	\$ 4,077.36
51595 00	Surgery	64.08	64.08	\$ 4,613.76	\$ 4,613.76
51596 00	Surgery	69.18	69.18	\$ 4,980.96	\$ 4,980.96
51597 00	Surgery	67.48	67.48	\$ 4,858.56	\$ 4,858.56
51600 00	Surgery	6.41	1.29	\$ 461.52	\$ 92.88
51605 00	Surgery	1.13	1.13	\$ 81.36	\$ 81.36
51610 00	Surgery	3.87	1.89	\$ 278.64	\$ 136.08
51700 00	Surgery	2.28	0.89	\$ 164.16	\$ 64.08
51701 00	Surgery	1.33	0.75	\$ 95.76	\$ 54.00
51702 00	Surgery	1.84	0.74	\$ 132.48	\$ 53.28
51703 00	Surgery	4.48	2.25	\$ 322.56	\$ 162.00
51705 00	Surgery	2.90	1.52	\$ 208.80	\$ 109.44
51710 00	Surgery	4.07	2.36	\$ 293.04	\$ 169.92
51715 00	Surgery	11.14	5.88	\$ 802.08	\$ 423.36

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
51720 00	Surgery	2.62	1.29	\$ 188.64	\$ 92.88
51725 00	Surgery	6.86	6.86	\$ 493.92	\$ 493.92
51725 26	Surgery	2.24	2.24	\$ 161.28	\$ 161.28
51725 TC	Surgery	4.62	4.62	\$ 332.64	\$ 332.64
51726 00	Surgery	9.04	9.04	\$ 650.88	\$ 650.88
51726 26	Surgery	2.49	2.49	\$ 179.28	\$ 179.28
51726 TC	Surgery	6.55	6.55	\$ 471.60	\$ 471.60
51727 00	Surgery	10.97	10.97	\$ 789.84	\$ 789.84
51727 26	Surgery	3.11	3.11	\$ 223.92	\$ 223.92
51727 TC	Surgery	7.86	7.86	\$ 565.92	\$ 565.92
51728 00	Surgery	10.94	10.94	\$ 787.68	\$ 787.68
51728 26	Surgery	3.04	3.04	\$ 218.88	\$ 218.88
51728 TC	Surgery	7.90	7.90	\$ 568.80	\$ 568.80
51729 00	Surgery	11.58	11.58	\$ 833.76	\$ 833.76
51729 26	Surgery	3.69	3.69	\$ 265.68	\$ 265.68
51729 TC	Surgery	7.89	7.89	\$ 568.08	\$ 568.08
51736 00	Surgery	0.40	0.40	\$ 28.80	\$ 28.80
51736 26	Surgery	0.24	0.24	\$ 17.28	\$ 17.28
51736 TC	Surgery	0.16	0.16	\$ 11.52	\$ 11.52
51741 00	Surgery	0.42	0.42	\$ 30.24	\$ 30.24
51741 26	Surgery	0.25	0.25	\$ 18.00	\$ 18.00
51741 TC	Surgery	0.17	0.17	\$ 12.24	\$ 12.24
51784 00	Surgery	1.91	1.91	\$ 137.52	\$ 137.52
51784 26	Surgery	1.09	1.09	\$ 78.48	\$ 78.48
51784 TC	Surgery	0.82	0.82	\$ 59.04	\$ 59.04
51785 00	Surgery	13.12	13.12	\$ 944.64	\$ 944.64
51785 26	Surgery	2.75	2.75	\$ 198.00	\$ 198.00
51785 TC	Surgery	10.37	10.37	\$ 746.64	\$ 746.64
51792 00	Surgery	8.15	8.15	\$ 586.80	\$ 586.80
51792 26	Surgery	1.59	1.59	\$ 114.48	\$ 114.48
51792 TC	Surgery	6.56	6.56	\$ 472.32	\$ 472.32
51797 00	Surgery	5.78	5.78	\$ 416.16	\$ 416.16
51797 26	Surgery	1.17	1.17	\$ 84.24	\$ 84.24
51797 TC	Surgery	4.61	4.61	\$ 331.92	\$ 331.92
51798 00	Surgery	0.32	0.32	\$ 23.04	\$ 23.04
51800 00	Surgery	30.56	30.56	\$ 2,200.32	\$ 2,200.32
51820 00	Surgery	31.95	31.95	\$ 2,300.40	\$ 2,300.40
51840 00	Surgery	20.68	20.68	\$ 1,488.96	\$ 1,488.96
51841 00	Surgery	23.84	23.84	\$ 1,716.48	\$ 1,716.48
51845 00	Surgery	17.22	17.22	\$ 1,239.84	\$ 1,239.84
51860 00	Surgery	22.12	22.12	\$ 1,592.64	\$ 1,592.64
51865 00	Surgery	26.49	26.49	\$ 1,907.28	\$ 1,907.28
51880 00	Surgery	13.75	13.75	\$ 990.00	\$ 990.00
51900 00	Surgery	24.31	24.31	\$ 1,750.32	\$ 1,750.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
51920 00	Surgery	22.54	22.54	\$ 1,622.88	\$ 1,622.88
51925 00	Surgery	32.34	32.34	\$ 2,328.48	\$ 2,328.48
51940 00	Surgery	48.16	48.16	\$ 3,467.52	\$ 3,467.52
51960 00	Surgery	40.69	40.69	\$ 2,929.68	\$ 2,929.68
51980 00	Surgery	21.08	21.08	\$ 1,517.76	\$ 1,517.76
51990 00	Surgery	21.97	21.97	\$ 1,581.84	\$ 1,581.84
51992 00	Surgery	24.78	24.78	\$ 1,784.16	\$ 1,784.16
51999 00	Surgery	0.00	0.00	BR	BR
52000 00	Surgery	7.21	2.36	\$ 519.12	\$ 169.92
52001 00	Surgery	13.10	8.38	\$ 943.20	\$ 603.36
52005 00	Surgery	9.10	3.87	\$ 655.20	\$ 278.64
52007 00	Surgery	13.57	4.85	\$ 977.04	\$ 349.20
52010 00	Surgery	11.46	4.83	\$ 825.12	\$ 347.76
52204 00	Surgery	11.35	4.12	\$ 817.20	\$ 296.64
52214 00	Surgery	22.52	5.12	\$ 1,621.44	\$ 368.64
52224 00	Surgery	23.52	5.93	\$ 1,693.44	\$ 426.96
52234 00	Surgery	7.18	7.18	\$ 516.96	\$ 516.96
52235 00	Surgery	8.42	8.42	\$ 606.24	\$ 606.24
52240 00	Surgery	11.43	11.43	\$ 822.96	\$ 822.96
52250 00	Surgery	6.99	6.99	\$ 503.28	\$ 503.28
52260 00	Surgery	6.17	6.17	\$ 444.24	\$ 444.24
52265 00	Surgery	11.24	4.76	\$ 809.28	\$ 342.72
52270 00	Surgery	12.63	5.30	\$ 909.36	\$ 381.60
52275 00	Surgery	16.18	7.24	\$ 1,164.96	\$ 521.28
52276 00	Surgery	7.71	7.71	\$ 555.12	\$ 555.12
52277 00	Surgery	9.43	9.43	\$ 678.96	\$ 678.96
52281 00	Surgery	9.79	4.45	\$ 704.88	\$ 320.40
52282 00	Surgery	9.82	9.82	\$ 707.04	\$ 707.04
52283 00	Surgery	10.59	5.88	\$ 762.48	\$ 423.36
52285 00	Surgery	10.50	5.72	\$ 756.00	\$ 411.84
52287 00	Surgery	11.67	4.96	\$ 840.24	\$ 357.12
52290 00	Surgery	7.12	7.12	\$ 512.64	\$ 512.64
52300 00	Surgery	8.19	8.19	\$ 589.68	\$ 589.68
52301 00	Surgery	8.46	8.46	\$ 609.12	\$ 609.12
52305 00	Surgery	8.14	8.14	\$ 586.08	\$ 586.08
52310 00	Surgery	9.55	4.43	\$ 687.60	\$ 318.96
52315 00	Surgery	14.05	8.03	\$ 1,011.60	\$ 578.16
52317 00	Surgery	26.57	10.11	\$ 1,913.04	\$ 727.92
52318 00	Surgery	13.80	13.80	\$ 993.60	\$ 993.60
52320 00	Surgery	7.18	7.18	\$ 516.96	\$ 516.96
52325 00	Surgery	9.34	9.34	\$ 672.48	\$ 672.48
52327 00	Surgery	7.56	7.56	\$ 544.32	\$ 544.32
52330 00	Surgery	18.09	7.68	\$ 1,302.48	\$ 552.96
52332 00	Surgery	12.05	4.55	\$ 867.60	\$ 327.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
52334 00	Surgery	5.35	5.35	\$ 385.20	\$ 385.20
52341 00	Surgery	8.30	8.30	\$ 597.60	\$ 597.60
52342 00	Surgery	9.01	9.01	\$ 648.72	\$ 648.72
52343 00	Surgery	10.04	10.04	\$ 722.88	\$ 722.88
52344 00	Surgery	10.75	10.75	\$ 774.00	\$ 774.00
52345 00	Surgery	11.49	11.49	\$ 827.28	\$ 827.28
52346 00	Surgery	13.00	13.00	\$ 936.00	\$ 936.00
52351 00	Surgery	8.82	8.82	\$ 635.04	\$ 635.04
52352 00	Surgery	10.33	10.33	\$ 743.76	\$ 743.76
52353 00	Surgery	11.43	11.43	\$ 822.96	\$ 822.96
52354 00	Surgery	12.15	12.15	\$ 874.80	\$ 874.80
52355 00	Surgery	13.61	13.61	\$ 979.92	\$ 979.92
52356 00	Surgery	12.11	12.11	\$ 871.92	\$ 871.92
52400 00	Surgery	14.04	14.04	\$ 1,010.88	\$ 1,010.88
52402 00	Surgery	7.77	7.77	\$ 559.44	\$ 559.44
52441 00	Surgery	38.20	6.12	\$ 2,750.40	\$ 440.64
52442 00	Surgery	26.12	1.48	\$ 1,880.64	\$ 106.56
52450 00	Surgery	14.03	14.03	\$ 1,010.16	\$ 1,010.16
52500 00	Surgery	14.57	14.57	\$ 1,049.04	\$ 1,049.04
52601 00	Surgery	21.46	21.46	\$ 1,545.12	\$ 1,545.12
52630 00	Surgery	12.01	12.01	\$ 864.72	\$ 864.72
52640 00	Surgery	9.56	9.56	\$ 688.32	\$ 688.32
52647 00	Surgery	46.89	19.18	\$ 3,376.08	\$ 1,380.96
52648 00	Surgery	48.37	20.44	\$ 3,482.64	\$ 1,471.68
52649 00	Surgery	24.35	24.35	\$ 1,753.20	\$ 1,753.20
52700 00	Surgery	13.10	13.10	\$ 943.20	\$ 943.20
53000 00	Surgery	4.39	4.39	\$ 316.08	\$ 316.08
53010 00	Surgery	8.81	8.81	\$ 634.32	\$ 634.32
53020 00	Surgery	2.84	2.84	\$ 204.48	\$ 204.48
53025 00	Surgery	2.02	2.02	\$ 145.44	\$ 145.44
53040 00	Surgery	11.63	11.63	\$ 837.36	\$ 837.36
53060 00	Surgery	5.68	4.97	\$ 408.96	\$ 357.84
53080 00	Surgery	12.46	12.46	\$ 897.12	\$ 897.12
53085 00	Surgery	19.16	19.16	\$ 1,379.52	\$ 1,379.52
53200 00	Surgery	4.71	4.17	\$ 339.12	\$ 300.24
53210 00	Surgery	22.92	22.92	\$ 1,650.24	\$ 1,650.24
53215 00	Surgery	27.33	27.33	\$ 1,967.76	\$ 1,967.76
53220 00	Surgery	13.38	13.38	\$ 963.36	\$ 963.36
53230 00	Surgery	18.05	18.05	\$ 1,299.60	\$ 1,299.60
53235 00	Surgery	18.74	18.74	\$ 1,349.28	\$ 1,349.28
53240 00	Surgery	12.59	12.59	\$ 906.48	\$ 906.48
53250 00	Surgery	11.75	11.75	\$ 846.00	\$ 846.00
53260 00	Surgery	6.18	5.39	\$ 444.96	\$ 388.08
53265 00	Surgery	6.84	5.62	\$ 492.48	\$ 404.64

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
53270 00	Surgery	6.29	5.47	\$ 452.88	\$ 393.84
53275 00	Surgery	7.79	7.79	\$ 560.88	\$ 560.88
53400 00	Surgery	23.62	23.62	\$ 1,700.64	\$ 1,700.64
53405 00	Surgery	25.75	25.75	\$ 1,854.00	\$ 1,854.00
53410 00	Surgery	28.84	28.84	\$ 2,076.48	\$ 2,076.48
53415 00	Surgery	33.23	33.23	\$ 2,392.56	\$ 2,392.56
53420 00	Surgery	24.78	24.78	\$ 1,784.16	\$ 1,784.16
53425 00	Surgery	27.57	27.57	\$ 1,985.04	\$ 1,985.04
53430 00	Surgery	28.78	28.78	\$ 2,072.16	\$ 2,072.16
53431 00	Surgery	33.89	33.89	\$ 2,440.08	\$ 2,440.08
53440 00	Surgery	22.22	22.22	\$ 1,599.84	\$ 1,599.84
53442 00	Surgery	23.21	23.21	\$ 1,671.12	\$ 1,671.12
53444 00	Surgery	23.39	23.39	\$ 1,684.08	\$ 1,684.08
53445 00	Surgery	22.36	22.36	\$ 1,609.92	\$ 1,609.92
53446 00	Surgery	18.99	18.99	\$ 1,367.28	\$ 1,367.28
53447 00	Surgery	23.79	23.79	\$ 1,712.88	\$ 1,712.88
53448 00	Surgery	37.53	37.53	\$ 2,702.16	\$ 2,702.16
53449 00	Surgery	18.16	18.16	\$ 1,307.52	\$ 1,307.52
53450 00	Surgery	12.12	12.12	\$ 872.64	\$ 872.64
53451 00	Surgery	0.00	0.00	BR	BR
53452 00	Surgery	0.00	0.00	BR	BR
53453 00	Surgery	0.00	0.00	BR	BR
53454 00	Surgery	0.00	0.00	BR	BR
53460 00	Surgery	13.54	13.54	\$ 974.88	\$ 974.88
53500 00	Surgery	22.23	22.23	\$ 1,600.56	\$ 1,600.56
53502 00	Surgery	14.38	14.38	\$ 1,035.36	\$ 1,035.36
53505 00	Surgery	14.37	14.37	\$ 1,034.64	\$ 1,034.64
53510 00	Surgery	18.70	18.70	\$ 1,346.40	\$ 1,346.40
53515 00	Surgery	23.46	23.46	\$ 1,689.12	\$ 1,689.12
53520 00	Surgery	16.54	16.54	\$ 1,190.88	\$ 1,190.88
53600 00	Surgery	2.65	1.89	\$ 190.80	\$ 136.08
53601 00	Surgery	2.54	1.57	\$ 182.88	\$ 113.04
53605 00	Surgery	1.89	1.89	\$ 136.08	\$ 136.08
53620 00	Surgery	5.09	2.55	\$ 366.48	\$ 183.60
53621 00	Surgery	4.87	2.11	\$ 350.64	\$ 151.92
53660 00	Surgery	2.26	1.23	\$ 162.72	\$ 88.56
53661 00	Surgery	2.22	1.20	\$ 159.84	\$ 86.40
53665 00	Surgery	1.12	1.12	\$ 80.64	\$ 80.64
53850 00	Surgery	42.59	10.53	\$ 3,066.48	\$ 758.16
53852 00	Surgery	41.59	11.29	\$ 2,994.48	\$ 812.88
53854 00	Surgery	50.27	11.28	\$ 3,619.44	\$ 812.16
53855 00	Surgery	19.72	2.40	\$ 1,419.84	\$ 172.80
53860 00	Surgery	71.99	6.56	\$ 5,183.28	\$ 472.32
53899 00	Surgery	0.00	0.00	BR	BR

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
54000 00	Surgery	4.86	3.28	\$ 349.92	\$ 236.16
54001 00	Surgery	5.92	4.16	\$ 426.24	\$ 299.52
54015 00	Surgery	9.00	9.00	\$ 648.00	\$ 648.00
54050 00	Surgery	4.32	3.19	\$ 311.04	\$ 229.68
54055 00	Surgery	4.12	2.86	\$ 296.64	\$ 205.92
54056 00	Surgery	4.31	3.32	\$ 310.32	\$ 239.04
54057 00	Surgery	4.28	2.92	\$ 308.16	\$ 210.24
54060 00	Surgery	5.82	3.89	\$ 419.04	\$ 280.08
54065 00	Surgery	6.64	5.10	\$ 478.08	\$ 367.20
54100 00	Surgery	6.06	3.58	\$ 436.32	\$ 257.76
54105 00	Surgery	8.22	6.29	\$ 591.84	\$ 452.88
54110 00	Surgery	18.44	18.44	\$ 1,327.68	\$ 1,327.68
54111 00	Surgery	23.56	23.56	\$ 1,696.32	\$ 1,696.32
54112 00	Surgery	27.61	27.61	\$ 1,987.92	\$ 1,987.92
54115 00	Surgery	13.57	12.63	\$ 977.04	\$ 909.36
54120 00	Surgery	18.68	18.68	\$ 1,344.96	\$ 1,344.96
54125 00	Surgery	24.36	24.36	\$ 1,753.92	\$ 1,753.92
54130 00	Surgery	35.11	35.11	\$ 2,527.92	\$ 2,527.92
54135 00	Surgery	44.36	44.36	\$ 3,193.92	\$ 3,193.92
54150 00	Surgery	4.44	2.85	\$ 319.68	\$ 205.20
54160 00	Surgery	6.57	4.30	\$ 473.04	\$ 309.60
54161 00	Surgery	5.84	5.84	\$ 420.48	\$ 420.48
54162 00	Surgery	7.66	5.94	\$ 551.52	\$ 427.68
54163 00	Surgery	6.49	6.49	\$ 467.28	\$ 467.28
54164 00	Surgery	5.75	5.75	\$ 414.00	\$ 414.00
54200 00	Surgery	3.46	2.57	\$ 249.12	\$ 185.04
54205 00	Surgery	15.74	15.74	\$ 1,133.28	\$ 1,133.28
54220 00	Surgery	6.58	3.94	\$ 473.76	\$ 283.68
54230 00	Surgery	3.16	2.35	\$ 227.52	\$ 169.20
54231 00	Surgery	4.26	3.40	\$ 306.72	\$ 244.80
54235 00	Surgery	2.68	2.19	\$ 192.96	\$ 157.68
54240 00	Surgery	3.19	3.19	\$ 229.68	\$ 229.68
54240 26	Surgery	1.94	1.94	\$ 139.68	\$ 139.68
54240	Surgery	1.25	1.25	\$ 90.00	\$ 90.00
54250 00	Surgery	3.61	3.61	\$ 259.92	\$ 259.92
54250 26	Surgery	3.18	3.18	\$ 228.96	\$ 228.96
54250	Surgery	0.43	0.43	\$ 30.96	\$ 30.96
54300 00	Surgery	19.06	19.06	\$ 1,372.32	\$ 1,372.32
54304 00	Surgery	22.06	22.06	\$ 1,588.32	\$ 1,588.32
54308 00	Surgery	21.16	21.16	\$ 1,523.52	\$ 1,523.52
54312 00	Surgery	24.15	24.15	\$ 1,738.80	\$ 1,738.80
54316 00	Surgery	29.28	29.28	\$ 2,108.16	\$ 2,108.16
54318 00	Surgery	21.04	21.04	\$ 1,514.88	\$ 1,514.88

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

54322 00	Surgery	23.05	23.05	\$ 1,659.60	\$ 1,659.60
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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
54324 00	Surgery	28.51	28.51	\$ 2,052.72	\$ 2,052.72
54326 00	Surgery	27.76	27.76	\$ 1,998.72	\$ 1,998.72
54328 00	Surgery	27.58	27.58	\$ 1,985.76	\$ 1,985.76
54332 00	Surgery	29.73	29.73	\$ 2,140.56	\$ 2,140.56
54336 00	Surgery	34.95	34.95	\$ 2,516.40	\$ 2,516.40
54340 00	Surgery	16.84	16.84	\$ 1,212.48	\$ 1,212.48
54344 00	Surgery	27.81	27.81	\$ 2,002.32	\$ 2,002.32
54348 00	Surgery	29.73	29.73	\$ 2,140.56	\$ 2,140.56
54352 00	Surgery	41.56	41.56	\$ 2,992.32	\$ 2,992.32
54360 00	Surgery	21.30	21.30	\$ 1,533.60	\$ 1,533.60
54380 00	Surgery	23.58	23.58	\$ 1,697.76	\$ 1,697.76
54385 00	Surgery	27.44	27.44	\$ 1,975.68	\$ 1,975.68
54390 00	Surgery	36.53	36.53	\$ 2,630.16	\$ 2,630.16
54400 00	Surgery	15.74	15.74	\$ 1,133.28	\$ 1,133.28
54401 00	Surgery	19.68	19.68	\$ 1,416.96	\$ 1,416.96
54405 00	Surgery	23.85	23.85	\$ 1,717.20	\$ 1,717.20
54406 00	Surgery	21.60	21.60	\$ 1,555.20	\$ 1,555.20
54408 00	Surgery	23.35	23.35	\$ 1,681.20	\$ 1,681.20
54410 00	Surgery	25.47	25.47	\$ 1,833.84	\$ 1,833.84
54411 00	Surgery	30.38	30.38	\$ 2,187.36	\$ 2,187.36
54415 00	Surgery	15.73	15.73	\$ 1,132.56	\$ 1,132.56
54416 00	Surgery	21.17	21.17	\$ 1,524.24	\$ 1,524.24
54417 00	Surgery	26.52	26.52	\$ 1,909.44	\$ 1,909.44
54420 00	Surgery	20.75	20.75	\$ 1,494.00	\$ 1,494.00
54430 00	Surgery	18.88	18.88	\$ 1,359.36	\$ 1,359.36
54435 00	Surgery	12.28	12.28	\$ 884.16	\$ 884.16
54437 00	Surgery	20.05	20.05	\$ 1,443.60	\$ 1,443.60
54438 00	Surgery	39.30	39.30	\$ 2,829.60	\$ 2,829.60
54440 00	Surgery	-	-	\$ 1,706.40	\$ 1,604.16
54450 00	Surgery	2.03	1.68	\$ 146.16	\$ 120.96
54500 00	Surgery	2.20	2.20	\$ 158.40	\$ 158.40
54505 00	Surgery	6.21	6.21	\$ 447.12	\$ 447.12
54512 00	Surgery	15.89	15.89	\$ 1,144.08	\$ 1,144.08
54520 00	Surgery	9.73	9.73	\$ 700.56	\$ 700.56
54522 00	Surgery	17.37	17.37	\$ 1,250.64	\$ 1,250.64
54530 00	Surgery	15.08	15.08	\$ 1,085.76	\$ 1,085.76
54535 00	Surgery	21.97	21.97	\$ 1,581.84	\$ 1,581.84
54550 00	Surgery	14.55	14.55	\$ 1,047.60	\$ 1,047.60
54560 00	Surgery	20.32	20.32	\$ 1,463.04	\$ 1,463.04
54600 00	Surgery	13.41	13.41	\$ 965.52	\$ 965.52
54620 00	Surgery	8.83	8.83	\$ 635.76	\$ 635.76
54640 00	Surgery	12.76	12.76	\$ 918.72	\$ 918.72
54650 00	Surgery	21.05	21.05	\$ 1,515.60	\$ 1,515.60
54660 00	Surgery	10.63	10.63	\$ 765.36	\$ 765.36

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
54670 00	Surgery	12.14	12.14	\$ 874.08	\$ 874.08
54680 00	Surgery	23.24	23.24	\$ 1,673.28	\$ 1,673.28
54690 00	Surgery	19.34	19.34	\$ 1,392.48	\$ 1,392.48
54692 00	Surgery	22.28	22.28	\$ 1,604.16	\$ 1,604.16
54699 00	Surgery	0.00	0.00	BR	BR
54700 00	Surgery	6.30	6.30	\$ 453.60	\$ 453.60
54800 00	Surgery	3.66	3.66	\$ 263.52	\$ 263.52
54830 00	Surgery	11.05	11.05	\$ 795.60	\$ 795.60
54840 00	Surgery	9.57	9.57	\$ 689.04	\$ 689.04
54860 00	Surgery	12.42	12.42	\$ 894.24	\$ 894.24
54861 00	Surgery	16.81	16.81	\$ 1,210.32	\$ 1,210.32
54865 00	Surgery	10.69	10.69	\$ 769.68	\$ 769.68
54900 00	Surgery	23.63	23.63	\$ 1,701.36	\$ 1,701.36
54901 00	Surgery	31.19	31.19	\$ 2,245.68	\$ 2,245.68
55000 00	Surgery	3.59	2.49	\$ 258.48	\$ 179.28
55040 00	Surgery	10.03	10.03	\$ 722.16	\$ 722.16
55041 00	Surgery	15.16	15.16	\$ 1,091.52	\$ 1,091.52
55060 00	Surgery	11.28	11.28	\$ 812.16	\$ 812.16
55100 00	Surgery	6.89	4.98	\$ 496.08	\$ 358.56
55110 00	Surgery	11.52	11.52	\$ 829.44	\$ 829.44
55120 00	Surgery	10.53	10.53	\$ 758.16	\$ 758.16
55150 00	Surgery	14.64	14.64	\$ 1,054.08	\$ 1,054.08
55175 00	Surgery	10.85	10.85	\$ 781.20	\$ 781.20
55180 00	Surgery	20.39	20.39	\$ 1,468.08	\$ 1,468.08
55200 00	Surgery	11.45	8.23	\$ 824.40	\$ 592.56
55250 00	Surgery	10.01	6.80	\$ 720.72	\$ 489.60
55300 00	Surgery	5.46	5.46	\$ 393.12	\$ 393.12
55400 00	Surgery	14.78	14.78	\$ 1,064.16	\$ 1,064.16
55500 00	Surgery	11.68	11.68	\$ 840.96	\$ 840.96
55520 00	Surgery	13.75	13.75	\$ 990.00	\$ 990.00
55530 00	Surgery	10.45	10.45	\$ 752.40	\$ 752.40
55535 00	Surgery	12.76	12.76	\$ 918.72	\$ 918.72
55540 00	Surgery	16.66	16.66	\$ 1,199.52	\$ 1,199.52
55550 00	Surgery	12.73	12.73	\$ 916.56	\$ 916.56
55559 00	Surgery	0.00	0.00	BR	BR
55600 00	Surgery	12.51	12.51	\$ 900.72	\$ 900.72
55605 00	Surgery	15.53	15.53	\$ 1,118.16	\$ 1,118.16
55650 00	Surgery	21.22	21.22	\$ 1,527.84	\$ 1,527.84
55680 00	Surgery	10.30	10.30	\$ 741.60	\$ 741.60
55700 00	Surgery	7.21	3.81	\$ 519.12	\$ 274.32
55705 00	Surgery	7.83	7.83	\$ 563.76	\$ 563.76
55706 00	Surgery	11.12	11.12	\$ 800.64	\$ 800.64
55720 00	Surgery	13.37	13.37	\$ 962.64	\$ 962.64
55725 00	Surgery	17.63	17.63	\$ 1,269.36	\$ 1,269.36

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
55801 00	Surgery	32.26	32.26	\$ 2,322.72	\$ 2,322.72
55810 00	Surgery	38.40	38.40	\$ 2,764.80	\$ 2,764.80
55812 00	Surgery	47.23	47.23	\$ 3,400.56	\$ 3,400.56
55815 00	Surgery	51.70	51.70	\$ 3,722.40	\$ 3,722.40
55821 00	Surgery	24.72	24.72	\$ 1,779.84	\$ 1,779.84
55831 00	Surgery	25.38	25.38	\$ 1,827.36	\$ 1,827.36
55840 00	Surgery	34.39	34.39	\$ 2,476.08	\$ 2,476.08
55842 00	Surgery	34.41	34.41	\$ 2,477.52	\$ 2,477.52
55845 00	Surgery	40.00	40.00	\$ 2,880.00	\$ 2,880.00
55860 00	Surgery	25.80	25.80	\$ 1,857.60	\$ 1,857.60
55862 00	Surgery	32.25	32.25	\$ 2,322.00	\$ 2,322.00
55865 00	Surgery	39.23	39.23	\$ 2,824.56	\$ 2,824.56
55866 00	Surgery	35.18	35.18	\$ 2,532.96	\$ 2,532.96
55867 00	Surgery	30.89	30.89	\$ 2,224.08	\$ 2,224.08
55870 00	Surgery	5.24	4.14	\$ 377.28	\$ 298.08
55873 00	Surgery	172.90	22.56	\$ 12,448.80	\$ 1,624.32
55874 00	Surgery	87.05	4.83	\$ 6,267.60	\$ 347.76
55875 00	Surgery	23.02	23.02	\$ 1,657.44	\$ 1,657.44
55876 00	Surgery	4.52	3.00	\$ 325.44	\$ 216.00
55880 00	Surgery	28.84	28.84	\$ 2,076.48	\$ 2,076.48
55899 00	Surgery	0.00	0.00	BR	BR
55920 00	Surgery	13.67	13.67	\$ 984.24	\$ 984.24
55970 00	Surgery	0.00	0.00	BR	BR
55980 00	Surgery	0.00	0.00	BR	BR
56405 00	Surgery	4.46	3.83	\$ 321.12	\$ 275.76
56420 00	Surgery	5.63	3.35	\$ 405.36	\$ 241.20
56440 00	Surgery	5.43	5.43	\$ 390.96	\$ 390.96
56441 00	Surgery	5.53	4.65	\$ 398.16	\$ 334.80
56442 00	Surgery	1.42	1.42	\$ 102.24	\$ 102.24
56501 00	Surgery	5.84	4.03	\$ 420.48	\$ 290.16
56515 00	Surgery	8.38	6.40	\$ 603.36	\$ 460.80
56605 00	Surgery	2.91	1.77	\$ 209.52	\$ 127.44
56606 00	Surgery	1.16	0.88	\$ 83.52	\$ 63.36
56620 00	Surgery	17.65	17.65	\$ 1,270.80	\$ 1,270.80
56625 00	Surgery	20.05	20.05	\$ 1,443.60	\$ 1,443.60
56630 00	Surgery	28.82	28.82	\$ 2,075.04	\$ 2,075.04
56631 00	Surgery	35.50	35.50	\$ 2,556.00	\$ 2,556.00
56632 00	Surgery	43.01	43.01	\$ 3,096.72	\$ 3,096.72
56633 00	Surgery	36.91	36.91	\$ 2,657.52	\$ 2,657.52
56634 00	Surgery	38.72	38.72	\$ 2,787.84	\$ 2,787.84
56637 00	Surgery	45.34	45.34	\$ 3,264.48	\$ 3,264.48
56640 00	Surgery	45.62	45.62	\$ 3,284.64	\$ 3,284.64
56700 00	Surgery	6.13	6.13	\$ 441.36	\$ 441.36
56740 00	Surgery	9.48	9.48	\$ 682.56	\$ 682.56

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
56800 00	Surgery	7.62	7.62	\$ 548.64	\$ 548.64
56805 00	Surgery	35.00	35.00	\$ 2,520.00	\$ 2,520.00
56810 00	Surgery	8.17	8.17	\$ 588.24	\$ 588.24
56820 00	Surgery	3.77	2.52	\$ 271.44	\$ 181.44
56821 00	Surgery	5.05	3.38	\$ 363.60	\$ 243.36
57000 00	Surgery	6.09	6.09	\$ 438.48	\$ 438.48
57010 00	Surgery	13.79	13.79	\$ 992.88	\$ 992.88
57020 00	Surgery	3.80	2.37	\$ 273.60	\$ 170.64
57022 00	Surgery	5.46	5.46	\$ 393.12	\$ 393.12
57023 00	Surgery	9.61	9.61	\$ 691.92	\$ 691.92
57061 00	Surgery	5.07	3.48	\$ 365.04	\$ 250.56
57065 00	Surgery	7.47	5.60	\$ 537.84	\$ 403.20
57100 00	Surgery	3.11	1.94	\$ 223.92	\$ 139.68
57105 00	Surgery	5.34	4.41	\$ 384.48	\$ 317.52
57106 00	Surgery	16.14	16.14	\$ 1,162.08	\$ 1,162.08
57107 00	Surgery	43.58	43.58	\$ 3,137.76	\$ 3,137.76
57109 00	Surgery	51.70	51.70	\$ 3,722.40	\$ 3,722.40
57110 00	Surgery	27.12	27.12	\$ 1,952.64	\$ 1,952.64
57111 00	Surgery	51.70	51.70	\$ 3,722.40	\$ 3,722.40
57120 00	Surgery	15.96	15.96	\$ 1,149.12	\$ 1,149.12
57130 00	Surgery	7.00	5.22	\$ 504.00	\$ 375.84
57135 00	Surgery	7.50	5.66	\$ 540.00	\$ 407.52
57150 00	Surgery	1.75	0.77	\$ 126.00	\$ 55.44
57155 00	Surgery	11.87	8.44	\$ 854.64	\$ 607.68
57156 00	Surgery	6.86	4.51	\$ 493.92	\$ 324.72
57160 00	Surgery	2.24	1.37	\$ 161.28	\$ 98.64
57170 00	Surgery	2.36	1.43	\$ 169.92	\$ 102.96
57180 00	Surgery	6.04	3.66	\$ 434.88	\$ 263.52
57200 00	Surgery	9.98	9.98	\$ 718.56	\$ 718.56
57210 00	Surgery	11.83	11.83	\$ 851.76	\$ 851.76
57220 00	Surgery	10.42	10.42	\$ 750.24	\$ 750.24
57230 00	Surgery	12.65	12.65	\$ 910.80	\$ 910.80
57240 00	Surgery	18.41	18.41	\$ 1,325.52	\$ 1,325.52
57250 00	Surgery	18.50	18.50	\$ 1,332.00	\$ 1,332.00
57260 00	Surgery	23.36	23.36	\$ 1,681.92	\$ 1,681.92
57265 00	Surgery	26.15	26.15	\$ 1,882.80	\$ 1,882.80
57267 00	Surgery	7.44	7.44	\$ 535.68	\$ 535.68
57268 00	Surgery	15.24	15.24	\$ 1,097.28	\$ 1,097.28
57270 00	Surgery	24.43	24.43	\$ 1,758.96	\$ 1,758.96
57280 00	Surgery	28.90	28.90	\$ 2,080.80	\$ 2,080.80
57282 00	Surgery	20.82	20.82	\$ 1,499.04	\$ 1,499.04
57283 00	Surgery	21.00	21.00	\$ 1,512.00	\$ 1,512.00
57284 00	Surgery	24.88	24.88	\$ 1,791.36	\$ 1,791.36
57285 00	Surgery	20.77	20.77	\$ 1,495.44	\$ 1,495.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
57287 00	Surgery	22.26	22.26	\$ 1,602.72	\$ 1,602.72
57288 00	Surgery	22.25	22.25	\$ 1,602.00	\$ 1,602.00
57289 00	Surgery	23.86	23.86	\$ 1,717.92	\$ 1,717.92
57291 00	Surgery	16.53	16.53	\$ 1,190.16	\$ 1,190.16
57292 00	Surgery	24.89	24.89	\$ 1,792.08	\$ 1,792.08
57295 00	Surgery	15.07	15.07	\$ 1,085.04	\$ 1,085.04
57296 00	Surgery	28.77	28.77	\$ 2,071.44	\$ 2,071.44
57300 00	Surgery	18.39	18.39	\$ 1,324.08	\$ 1,324.08
57305 00	Surgery	29.55	29.55	\$ 2,127.60	\$ 2,127.60
57307 00	Surgery	32.39	32.39	\$ 2,332.08	\$ 2,332.08
57308 00	Surgery	19.86	19.86	\$ 1,429.92	\$ 1,429.92
57310 00	Surgery	14.69	14.69	\$ 1,057.68	\$ 1,057.68
57311 00	Surgery	16.54	16.54	\$ 1,190.88	\$ 1,190.88
57320 00	Surgery	17.02	17.02	\$ 1,225.44	\$ 1,225.44
57330 00	Surgery	22.76	22.76	\$ 1,638.72	\$ 1,638.72
57335 00	Surgery	35.35	35.35	\$ 2,545.20	\$ 2,545.20
57400 00	Surgery	3.86	3.86	\$ 277.92	\$ 277.92
57410 00	Surgery	3.14	3.14	\$ 226.08	\$ 226.08
57415 00	Surgery	5.27	5.27	\$ 379.44	\$ 379.44
57420 00	Surgery	3.98	2.66	\$ 286.56	\$ 191.52
57421 00	Surgery	5.34	3.61	\$ 384.48	\$ 259.92
57423 00	Surgery	27.81	27.81	\$ 2,002.32	\$ 2,002.32
57425 00	Surgery	29.10	29.10	\$ 2,095.20	\$ 2,095.20
57426 00	Surgery	26.10	26.10	\$ 1,879.20	\$ 1,879.20
57452 00	Surgery	3.82	2.71	\$ 275.04	\$ 195.12
57454 00	Surgery	5.08	3.96	\$ 365.76	\$ 285.12
57455 00	Surgery	4.85	3.23	\$ 349.20	\$ 232.56
57456 00	Surgery	4.58	3.01	\$ 329.76	\$ 216.72
57460 00	Surgery	9.52	4.75	\$ 685.44	\$ 342.00
57461 00	Surgery	10.61	5.46	\$ 763.92	\$ 393.12
57465 00	Surgery	1.65	1.28	\$ 118.80	\$ 92.16
57500 00	Surgery	4.65	2.23	\$ 334.80	\$ 160.56
57505 00	Surgery	4.69	3.29	\$ 337.68	\$ 236.88
57510 00	Surgery	5.05	3.36	\$ 363.60	\$ 241.92
57511 00	Surgery	6.03	4.43	\$ 434.16	\$ 318.96
57513 00	Surgery	6.23	4.42	\$ 448.56	\$ 318.24
57520 00	Surgery	10.66	8.92	\$ 767.52	\$ 642.24
57522 00	Surgery	9.15	7.67	\$ 658.80	\$ 552.24
57530 00	Surgery	11.26	11.26	\$ 810.72	\$ 810.72
57531 00	Surgery	54.93	54.93	\$ 3,954.96	\$ 3,954.96
57540 00	Surgery	23.79	23.79	\$ 1,712.88	\$ 1,712.88
57545 00	Surgery	25.05	25.05	\$ 1,803.60	\$ 1,803.60
57550 00	Surgery	13.02	13.02	\$ 937.44	\$ 937.44
57555 00	Surgery	18.64	18.64	\$ 1,342.08	\$ 1,342.08

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
57556 00	Surgery	17.70	17.70	\$ 1,274.40	\$ 1,274.40
57558 00	Surgery	4.78	3.88	\$ 344.16	\$ 279.36
57700 00	Surgery	10.78	10.78	\$ 776.16	\$ 776.16
57720 00	Surgery	10.09	10.09	\$ 726.48	\$ 726.48
57800 00	Surgery	2.34	1.42	\$ 168.48	\$ 102.24
58100 00	Surgery	3.06	1.88	\$ 220.32	\$ 135.36
58110 00	Surgery	1.49	1.19	\$ 107.28	\$ 85.68
58120 00	Surgery	8.98	7.01	\$ 646.56	\$ 504.72
58140 00	Surgery	28.04	28.04	\$ 2,018.88	\$ 2,018.88
58145 00	Surgery	17.08	17.08	\$ 1,229.76	\$ 1,229.76
58146 00	Surgery	34.64	34.64	\$ 2,494.08	\$ 2,494.08
58150 00	Surgery	30.36	30.36	\$ 2,185.92	\$ 2,185.92
58152 00	Surgery	37.10	37.10	\$ 2,671.20	\$ 2,671.20
58180 00	Surgery	28.73	28.73	\$ 2,068.56	\$ 2,068.56
58200 00	Surgery	40.21	40.21	\$ 2,895.12	\$ 2,895.12
58210 00	Surgery	54.41	54.41	\$ 3,917.52	\$ 3,917.52
58240 00	Surgery	87.58	87.58	\$ 6,305.76	\$ 6,305.76
58260 00	Surgery	25.20	25.20	\$ 1,814.40	\$ 1,814.40
58262 00	Surgery	27.81	27.81	\$ 2,002.32	\$ 2,002.32
58263 00	Surgery	29.83	29.83	\$ 2,147.76	\$ 2,147.76
58267 00	Surgery	32.12	32.12	\$ 2,312.64	\$ 2,312.64
58270 00	Surgery	26.88	26.88	\$ 1,935.36	\$ 1,935.36
58275 00	Surgery	29.66	29.66	\$ 2,135.52	\$ 2,135.52
58280 00	Surgery	31.82	31.82	\$ 2,291.04	\$ 2,291.04
58285 00	Surgery	42.50	42.50	\$ 3,060.00	\$ 3,060.00
58290 00	Surgery	34.53	34.53	\$ 2,486.16	\$ 2,486.16
58291 00	Surgery	37.31	37.31	\$ 2,686.32	\$ 2,686.32
58292 00	Surgery	39.32	39.32	\$ 2,831.04	\$ 2,831.04
58294 00	Surgery	36.52	36.52	\$ 2,629.44	\$ 2,629.44
58300 00	Surgery	3.32	1.50	\$ 239.04	\$ 108.00
58301 00	Surgery	3.32	1.97	\$ 239.04	\$ 141.84
58321 00	Surgery	2.48	1.45	\$ 178.56	\$ 104.40
58322 00	Surgery	2.75	1.72	\$ 198.00	\$ 123.84
58323 00	Surgery	0.45	0.36	\$ 32.40	\$ 25.92
58340 00	Surgery	7.42	1.71	\$ 534.24	\$ 123.12
58345 00	Surgery	8.69	8.69	\$ 625.68	\$ 625.68
58346 00	Surgery	14.84	14.84	\$ 1,068.48	\$ 1,068.48
58350 00	Surgery	4.67	2.88	\$ 336.24	\$ 207.36
58353 00	Surgery	28.39	6.96	\$ 2,044.08	\$ 501.12
58356 00	Surgery	50.98	10.62	\$ 3,670.56	\$ 764.64
58400 00	Surgery	13.93	13.93	\$ 1,002.96	\$ 1,002.96
58410 00	Surgery	24.52	24.52	\$ 1,765.44	\$ 1,765.44
58520 00	Surgery	24.04	24.04	\$ 1,730.88	\$ 1,730.88
58540 00	Surgery	27.52	27.52	\$ 1,981.44	\$ 1,981.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
58541 00	Surgery	21.91	21.91	\$ 1,577.52	\$ 1,577.52
58542 00	Surgery	24.93	24.93	\$ 1,794.96	\$ 1,794.96
58543 00	Surgery	25.32	25.32	\$ 1,823.04	\$ 1,823.04
58544 00	Surgery	27.24	27.24	\$ 1,961.28	\$ 1,961.28
58545 00	Surgery	27.02	27.02	\$ 1,945.44	\$ 1,945.44
58546 00	Surgery	33.38	33.38	\$ 2,403.36	\$ 2,403.36
58548 00	Surgery	56.22	56.22	\$ 4,047.84	\$ 4,047.84
58550 00	Surgery	26.45	26.45	\$ 1,904.40	\$ 1,904.40
58552 00	Surgery	29.42	29.42	\$ 2,118.24	\$ 2,118.24
58553 00	Surgery	33.56	33.56	\$ 2,416.32	\$ 2,416.32
58554 00	Surgery	39.02	39.02	\$ 2,809.44	\$ 2,809.44
58555 00	Surgery	10.97	4.51	\$ 789.84	\$ 324.72
58558 00	Surgery	40.50	6.89	\$ 2,916.00	\$ 496.08
58559 00	Surgery	8.45	8.45	\$ 608.40	\$ 608.40
58560 00	Surgery	9.30	9.30	\$ 669.60	\$ 669.60
58561 00	Surgery	10.65	10.65	\$ 766.80	\$ 766.80
58562 00	Surgery	13.08	6.60	\$ 941.76	\$ 475.20
58563 00	Surgery	64.45	7.33	\$ 4,640.40	\$ 527.76
58565 00	Surgery	50.75	13.78	\$ 3,654.00	\$ 992.16
58570 00	Surgery	24.23	24.23	\$ 1,744.56	\$ 1,744.56
58571 00	Surgery	27.20	27.20	\$ 1,958.40	\$ 1,958.40
58572 00	Surgery	31.10	31.10	\$ 2,239.20	\$ 2,239.20
58573 00	Surgery	36.41	36.41	\$ 2,621.52	\$ 2,621.52
58575 00	Surgery	57.71	57.71	\$ 4,155.12	\$ 4,155.12
58578 00	Surgery	0.00	0.00	BR	BR
58579 00	Surgery	0.00	0.00	BR	BR
58600 00	Surgery	11.16	11.16	\$ 803.52	\$ 803.52
58605 00	Surgery	10.15	10.15	\$ 730.80	\$ 730.80
58611 00	Surgery	2.26	2.26	\$ 162.72	\$ 162.72
58615 00	Surgery	7.63	7.63	\$ 549.36	\$ 549.36
58660 00	Surgery	20.45	20.45	\$ 1,472.40	\$ 1,472.40
58661 00	Surgery	19.56	19.56	\$ 1,408.32	\$ 1,408.32
58662 00	Surgery	21.35	21.35	\$ 1,537.20	\$ 1,537.20
58670 00	Surgery	11.18	11.18	\$ 804.96	\$ 804.96
58671 00	Surgery	11.18	11.18	\$ 804.96	\$ 804.96
58672 00	Surgery	21.92	21.92	\$ 1,578.24	\$ 1,578.24
58673 00	Surgery	23.79	23.79	\$ 1,712.88	\$ 1,712.88
58674 00	Surgery	24.41	24.41	\$ 1,757.52	\$ 1,757.52
58679 00	Surgery	0.00	0.00	BR	BR
58700 00	Surgery	24.03	24.03	\$ 1,730.16	\$ 1,730.16
58720 00	Surgery	22.75	22.75	\$ 1,638.00	\$ 1,638.00
58740 00	Surgery	27.08	27.08	\$ 1,949.76	\$ 1,949.76
58750 00	Surgery	27.30	27.30	\$ 1,965.60	\$ 1,965.60
58752 00	Surgery	27.23	27.23	\$ 1,960.56	\$ 1,960.56

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
58760 00	Surgery	24.67	24.67	\$ 1,776.24	\$ 1,776.24
58770 00	Surgery	25.91	25.91	\$ 1,865.52	\$ 1,865.52
58800 00	Surgery	10.95	9.51	\$ 788.40	\$ 684.72
58805 00	Surgery	12.91	12.91	\$ 929.52	\$ 929.52
58820 00	Surgery	10.24	10.24	\$ 737.28	\$ 737.28
58822 00	Surgery	21.49	21.49	\$ 1,547.28	\$ 1,547.28
58825 00	Surgery	21.33	21.33	\$ 1,535.76	\$ 1,535.76
58900 00	Surgery	13.19	13.19	\$ 949.68	\$ 949.68
58920 00	Surgery	21.49	21.49	\$ 1,547.28	\$ 1,547.28
58925 00	Surgery	23.06	23.06	\$ 1,660.32	\$ 1,660.32
58940 00	Surgery	16.74	16.74	\$ 1,205.28	\$ 1,205.28
58943 00	Surgery	35.07	35.07	\$ 2,525.04	\$ 2,525.04
58950 00	Surgery	34.52	34.52	\$ 2,485.44	\$ 2,485.44
58951 00	Surgery	43.12	43.12	\$ 3,104.64	\$ 3,104.64
58952 00	Surgery	49.25	49.25	\$ 3,546.00	\$ 3,546.00
58953 00	Surgery	59.79	59.79	\$ 4,304.88	\$ 4,304.88
58954 00	Surgery	64.64	64.64	\$ 4,654.08	\$ 4,654.08
58956 00	Surgery	40.65	40.65	\$ 2,926.80	\$ 2,926.80
58957 00	Surgery	47.47	47.47	\$ 3,417.84	\$ 3,417.84
58958 00	Surgery	49.67	49.67	\$ 3,576.24	\$ 3,576.24
58960 00	Surgery	29.80	29.80	\$ 2,145.60	\$ 2,145.60
58970 00	Surgery	7.23	5.84	\$ 520.56	\$ 420.48
58974 00	Surgery	-	-	\$ 915.84	\$ 824.40
58976 00	Surgery	7.77	6.33	\$ 559.44	\$ 455.76
58999 00	Surgery	0.00	0.00	BR	BR
59000 00	Surgery	3.52	2.40	\$ 253.44	\$ 172.80
59001 00	Surgery	5.32	5.32	\$ 383.04	\$ 383.04
59012 00	Surgery	6.01	6.01	\$ 432.72	\$ 432.72
59015 00	Surgery	4.73	3.91	\$ 340.56	\$ 281.52
59020 00	Surgery	2.11	2.11	\$ 151.92	\$ 151.92
59020 26	Surgery	1.10	1.10	\$ 79.20	\$ 79.20
59020 TC	Surgery	1.01	1.01	\$ 72.72	\$ 72.72
59025 00	Surgery	1.46	1.46	\$ 105.12	\$ 105.12
59025 26	Surgery	0.86	0.86	\$ 61.92	\$ 61.92
59025 TC	Surgery	0.60	0.60	\$ 43.20	\$ 43.20
59030 00	Surgery	3.35	3.35	\$ 241.20	\$ 241.20
59050 00	Surgery	1.50	1.50	\$ 108.00	\$ 108.00
59051 00	Surgery	1.25	1.25	\$ 90.00	\$ 90.00
59070 00	Surgery	11.97	9.21	\$ 861.84	\$ 663.12
59072 00	Surgery	15.54	15.54	\$ 1,118.88	\$ 1,118.88
59074 00	Surgery	11.50	9.21	\$ 828.00	\$ 663.12
59076 00	Surgery	15.54	15.54	\$ 1,118.88	\$ 1,118.88
59100 00	Surgery	25.79	25.79	\$ 1,856.88	\$ 1,856.88
59120 00	Surgery	24.62	24.62	\$ 1,772.64	\$ 1,772.64

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
59121 00	Surgery	24.62	24.62	\$ 1,772.64	\$ 1,772.64
59130 00	Surgery	28.59	28.59	\$ 2,058.48	\$ 2,058.48
59136 00	Surgery	27.11	27.11	\$ 1,951.92	\$ 1,951.92
59140 00	Surgery	12.61	12.61	\$ 907.92	\$ 907.92
59150 00	Surgery	23.89	23.89	\$ 1,720.08	\$ 1,720.08
59151 00	Surgery	23.37	23.37	\$ 1,682.64	\$ 1,682.64
59160 00	Surgery	8.30	5.70	\$ 597.60	\$ 410.40
59200 00	Surgery	3.19	1.32	\$ 229.68	\$ 95.04
59300 00	Surgery	6.97	4.41	\$ 501.84	\$ 317.52
59320 00	Surgery	4.52	4.52	\$ 325.44	\$ 325.44
59325 00	Surgery	7.19	7.19	\$ 517.68	\$ 517.68
59350 00	Surgery	8.34	8.34	\$ 600.48	\$ 600.48
59400 00	Surgery	71.88	71.88	\$ 5,175.36	\$ 5,175.36
59409 00	Surgery	23.96	23.96	\$ 1,725.12	\$ 1,725.12
59410 00	Surgery	31.74	31.74	\$ 2,285.28	\$ 2,285.28
59412 00	Surgery	3.07	3.07	\$ 221.04	\$ 221.04
59414 00	Surgery	2.71	2.71	\$ 195.12	\$ 195.12
59425 00	Surgery	16.86	12.98	\$ 1,213.92	\$ 934.56
59426 00	Surgery	30.86	23.84	\$ 2,221.92	\$ 1,716.48
59430 00	Surgery	7.98	5.38	\$ 574.56	\$ 387.36
59510 00	Surgery	79.53	79.53	\$ 5,726.16	\$ 5,726.16
59514 00	Surgery	27.13	27.13	\$ 1,953.36	\$ 1,953.36
59515 00	Surgery	39.07	39.07	\$ 2,813.04	\$ 2,813.04
59525 00	Surgery	14.37	14.37	\$ 1,034.64	\$ 1,034.64
59610 00	Surgery	75.29	75.29	\$ 5,420.88	\$ 5,420.88
59612 00	Surgery	27.12	27.12	\$ 1,952.64	\$ 1,952.64
59614 00	Surgery	34.30	34.30	\$ 2,469.60	\$ 2,469.60
59618 00	Surgery	80.38	80.38	\$ 5,787.36	\$ 5,787.36
59620 00	Surgery	28.07	28.07	\$ 2,021.04	\$ 2,021.04
59622 00	Surgery	40.57	40.57	\$ 2,921.04	\$ 2,921.04
59812 00	Surgery	10.98	9.27	\$ 790.56	\$ 667.44
59820 00	Surgery	13.31	11.67	\$ 958.32	\$ 840.24
59821 00	Surgery	13.12	11.41	\$ 944.64	\$ 821.52
59830 00	Surgery	14.03	14.03	\$ 1,010.16	\$ 1,010.16
59840 00	Surgery	7.56	6.71	\$ 544.32	\$ 483.12
59841 00	Surgery	12.90	11.23	\$ 928.80	\$ 808.56
59850 00	Surgery	11.81	11.81	\$ 850.32	\$ 850.32
59851 00	Surgery	12.94	12.94	\$ 931.68	\$ 931.68
59852 00	Surgery	17.82	17.82	\$ 1,283.04	\$ 1,283.04
59855 00	Surgery	12.84	12.84	\$ 924.48	\$ 924.48
59856 00	Surgery	15.01	15.01	\$ 1,080.72	\$ 1,080.72
59857 00	Surgery	17.49	17.49	\$ 1,259.28	\$ 1,259.28
59866 00	Surgery	7.11	7.11	\$ 511.92	\$ 511.92
59870 00	Surgery	16.25	16.25	\$ 1,170.00	\$ 1,170.00

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
59871 00	Surgery	3.98	3.98	\$ 286.56	\$ 286.56
59897 00	Surgery	0.00	0.00	BR	BR
59898 00	Surgery	0.00	0.00	BR	BR
59899 00	Surgery	0.00	0.00	BR	BR
60000 00	Surgery	5.59	4.73	\$ 402.48	\$ 340.56
60100 00	Surgery	3.30	2.28	\$ 237.60	\$ 164.16
60200 00	Surgery	20.09	20.09	\$ 1,446.48	\$ 1,446.48
60210 00	Surgery	21.21	21.21	\$ 1,527.12	\$ 1,527.12
60212 00	Surgery	30.73	30.73	\$ 2,212.56	\$ 2,212.56
60220 00	Surgery	21.20	21.20	\$ 1,526.40	\$ 1,526.40
60225 00	Surgery	28.01	28.01	\$ 2,016.72	\$ 2,016.72
60240 00	Surgery	27.46	27.46	\$ 1,977.12	\$ 1,977.12
60252 00	Surgery	39.51	39.51	\$ 2,844.72	\$ 2,844.72
60254 00	Surgery	49.90	49.90	\$ 3,592.80	\$ 3,592.80
60260 00	Surgery	32.56	32.56	\$ 2,344.32	\$ 2,344.32
60270 00	Surgery	40.75	40.75	\$ 2,934.00	\$ 2,934.00
60271 00	Surgery	31.56	31.56	\$ 2,272.32	\$ 2,272.32
60280 00	Surgery	13.67	13.67	\$ 984.24	\$ 984.24
60281 00	Surgery	17.94	17.94	\$ 1,291.68	\$ 1,291.68
60300 00	Surgery	3.22	1.43	\$ 231.84	\$ 102.96
60500 00	Surgery	29.04	29.04	\$ 2,090.88	\$ 2,090.88
60502 00	Surgery	38.93	38.93	\$ 2,802.96	\$ 2,802.96
60505 00	Surgery	41.79	41.79	\$ 3,008.88	\$ 3,008.88
60512 00	Surgery	7.18	7.18	\$ 516.96	\$ 516.96
60520 00	Surgery	31.34	31.34	\$ 2,256.48	\$ 2,256.48
60521 00	Surgery	33.26	33.26	\$ 2,394.72	\$ 2,394.72
60522 00	Surgery	40.29	40.29	\$ 2,900.88	\$ 2,900.88
60540 00	Surgery	32.07	32.07	\$ 2,309.04	\$ 2,309.04
60545 00	Surgery	37.19	37.19	\$ 2,677.68	\$ 2,677.68
60600 00	Surgery	40.47	40.47	\$ 2,913.84	\$ 2,913.84
60605 00	Surgery	48.17	48.17	\$ 3,468.24	\$ 3,468.24
60650 00	Surgery	35.39	35.39	\$ 2,548.08	\$ 2,548.08
60659 00	Surgery	0.00	0.00	BR	BR
60699 00	Surgery	0.00	0.00	BR	BR
61000 00	Surgery	3.41	3.41	\$ 245.52	\$ 245.52
61001 00	Surgery	3.22	3.22	\$ 231.84	\$ 231.84
61020 00	Surgery	3.18	3.18	\$ 228.96	\$ 228.96
61026 00	Surgery	3.19	3.19	\$ 229.68	\$ 229.68
61050 00	Surgery	2.37	2.37	\$ 170.64	\$ 170.64
61055 00	Surgery	3.51	3.51	\$ 252.72	\$ 252.72
61070 00	Surgery	1.68	1.68	\$ 120.96	\$ 120.96
61105 00	Surgery	14.12	14.12	\$ 1,016.64	\$ 1,016.64
61107 00	Surgery	9.35	9.35	\$ 673.20	\$ 673.20
61108 00	Surgery	27.47	27.47	\$ 1,977.84	\$ 1,977.84

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
61120 00	Surgery	22.76	22.76	\$ 1,638.72	\$ 1,638.72
61140 00	Surgery	38.42	38.42	\$ 2,766.24	\$ 2,766.24
61150 00	Surgery	40.84	40.84	\$ 2,940.48	\$ 2,940.48
61151 00	Surgery	30.11	30.11	\$ 2,167.92	\$ 2,167.92
61154 00	Surgery	38.67	38.67	\$ 2,784.24	\$ 2,784.24
61156 00	Surgery	37.25	37.25	\$ 2,682.00	\$ 2,682.00
61210 00	Surgery	10.99	10.99	\$ 791.28	\$ 791.28
61215 00	Surgery	15.69	15.69	\$ 1,129.68	\$ 1,129.68
61250 00	Surgery	26.36	26.36	\$ 1,897.92	\$ 1,897.92
61253 00	Surgery	30.11	30.11	\$ 2,167.92	\$ 2,167.92
61304 00	Surgery	49.42	49.42	\$ 3,558.24	\$ 3,558.24
61305 00	Surgery	60.56	60.56	\$ 4,360.32	\$ 4,360.32
61312 00	Surgery	62.45	62.45	\$ 4,496.40	\$ 4,496.40
61313 00	Surgery	59.88	59.88	\$ 4,311.36	\$ 4,311.36
61314 00	Surgery	55.03	55.03	\$ 3,962.16	\$ 3,962.16
61315 00	Surgery	62.43	62.43	\$ 4,494.96	\$ 4,494.96
61316 00	Surgery	2.62	2.62	\$ 188.64	\$ 188.64
61320 00	Surgery	57.10	57.10	\$ 4,111.20	\$ 4,111.20
61321 00	Surgery	64.13	64.13	\$ 4,617.36	\$ 4,617.36
61322 00	Surgery	71.83	71.83	\$ 5,171.76	\$ 5,171.76
61323 00	Surgery	72.09	72.09	\$ 5,190.48	\$ 5,190.48
61330 00	Surgery	54.20	54.20	\$ 3,902.40	\$ 3,902.40
61333 00	Surgery	60.84	60.84	\$ 4,380.48	\$ 4,380.48
61340 00	Surgery	43.57	43.57	\$ 3,137.04	\$ 3,137.04
61343 00	Surgery	66.26	66.26	\$ 4,770.72	\$ 4,770.72
61345 00	Surgery	61.68	61.68	\$ 4,440.96	\$ 4,440.96
61450 00	Surgery	57.94	57.94	\$ 4,171.68	\$ 4,171.68
61458 00	Surgery	60.89	60.89	\$ 4,384.08	\$ 4,384.08
61460 00	Surgery	63.59	63.59	\$ 4,578.48	\$ 4,578.48
61500 00	Surgery	39.22	39.22	\$ 2,823.84	\$ 2,823.84
61501 00	Surgery	34.17	34.17	\$ 2,460.24	\$ 2,460.24
61510 00	Surgery	66.47	66.47	\$ 4,785.84	\$ 4,785.84
61512 00	Surgery	77.01	77.01	\$ 5,544.72	\$ 5,544.72
61514 00	Surgery	57.92	57.92	\$ 4,170.24	\$ 4,170.24
61516 00	Surgery	56.53	56.53	\$ 4,070.16	\$ 4,070.16
61517 00	Surgery	2.60	2.60	\$ 187.20	\$ 187.20
61518 00	Surgery	83.49	83.49	\$ 6,011.28	\$ 6,011.28
61519 00	Surgery	88.81	88.81	\$ 6,394.32	\$ 6,394.32
61520 00	Surgery	112.33	112.33	\$ 8,087.76	\$ 8,087.76
61521 00	Surgery	95.44	95.44	\$ 6,871.68	\$ 6,871.68
61522 00	Surgery	66.02	66.02	\$ 4,753.44	\$ 4,753.44
61524 00	Surgery	62.94	62.94	\$ 4,531.68	\$ 4,531.68
61526 00	Surgery	100.45	100.45	\$ 7,232.40	\$ 7,232.40
61530 00	Surgery	92.51	92.51	\$ 6,660.72	\$ 6,660.72

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
61531 00	Surgery	37.15	37.15	\$ 2,674.80	\$ 2,674.80
61533 00	Surgery	46.19	46.19	\$ 3,325.68	\$ 3,325.68
61534 00	Surgery	49.96	49.96	\$ 3,597.12	\$ 3,597.12
61535 00	Surgery	30.50	30.50	\$ 2,196.00	\$ 2,196.00
61536 00	Surgery	77.70	77.70	\$ 5,594.40	\$ 5,594.40
61537 00	Surgery	74.05	74.05	\$ 5,331.60	\$ 5,331.60
61538 00	Surgery	80.13	80.13	\$ 5,769.36	\$ 5,769.36
61539 00	Surgery	71.21	71.21	\$ 5,127.12	\$ 5,127.12
61540 00	Surgery	65.68	65.68	\$ 4,728.96	\$ 4,728.96
61541 00	Surgery	64.93	64.93	\$ 4,674.96	\$ 4,674.96
61543 00	Surgery	65.61	65.61	\$ 4,723.92	\$ 4,723.92
61544 00	Surgery	57.31	57.31	\$ 4,126.32	\$ 4,126.32
61545 00	Surgery	96.03	96.03	\$ 6,914.16	\$ 6,914.16
61546 00	Surgery	69.65	69.65	\$ 5,014.80	\$ 5,014.80
61548 00	Surgery	47.18	47.18	\$ 3,396.96	\$ 3,396.96
61550 00	Surgery	36.31	36.31	\$ 2,614.32	\$ 2,614.32
61552 00	Surgery	45.03	45.03	\$ 3,242.16	\$ 3,242.16
61556 00	Surgery	51.66	51.66	\$ 3,719.52	\$ 3,719.52
61557 00	Surgery	51.05	51.05	\$ 3,675.60	\$ 3,675.60
61558 00	Surgery	56.91	56.91	\$ 4,097.52	\$ 4,097.52
61559 00	Surgery	72.44	72.44	\$ 5,215.68	\$ 5,215.68
61563 00	Surgery	59.85	59.85	\$ 4,309.20	\$ 4,309.20
61564 00	Surgery	72.61	72.61	\$ 5,227.92	\$ 5,227.92
61566 00	Surgery	67.59	67.59	\$ 4,866.48	\$ 4,866.48
61567 00	Surgery	76.98	76.98	\$ 5,542.56	\$ 5,542.56
61570 00	Surgery	56.57	56.57	\$ 4,073.04	\$ 4,073.04
61571 00	Surgery	60.15	60.15	\$ 4,330.80	\$ 4,330.80
61575 00	Surgery	75.52	75.52	\$ 5,437.44	\$ 5,437.44
61576 00	Surgery	125.87	125.87	\$ 9,062.64	\$ 9,062.64
61580 00	Surgery	74.77	74.77	\$ 5,383.44	\$ 5,383.44
61581 00	Surgery	81.71	81.71	\$ 5,883.12	\$ 5,883.12
61582 00	Surgery	95.23	95.23	\$ 6,856.56	\$ 6,856.56
61583 00	Surgery	88.53	88.53	\$ 6,374.16	\$ 6,374.16
61584 00	Surgery	87.55	87.55	\$ 6,303.60	\$ 6,303.60
61585 00	Surgery	99.14	99.14	\$ 7,138.08	\$ 7,138.08
61586 00	Surgery	76.75	76.75	\$ 5,526.00	\$ 5,526.00
61590 00	Surgery	90.76	90.76	\$ 6,534.72	\$ 6,534.72
61591 00	Surgery	92.30	92.30	\$ 6,645.60	\$ 6,645.60
61592 00	Surgery	95.47	95.47	\$ 6,873.84	\$ 6,873.84
61595 00	Surgery	71.73	71.73	\$ 5,164.56	\$ 5,164.56
61596 00	Surgery	73.14	73.14	\$ 5,266.08	\$ 5,266.08
61597 00	Surgery	89.21	89.21	\$ 6,423.12	\$ 6,423.12
61598 00	Surgery	86.29	86.29	\$ 6,212.88	\$ 6,212.88
61600 00	Surgery	64.09	64.09	\$ 4,614.48	\$ 4,614.48

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
61601 00	Surgery	73.49	73.49	\$ 5,291.28	\$ 5,291.28
61605 00	Surgery	65.24	65.24	\$ 4,697.28	\$ 4,697.28
61606 00	Surgery	88.01	88.01	\$ 6,336.72	\$ 6,336.72
61607 00	Surgery	79.91	79.91	\$ 5,753.52	\$ 5,753.52
61608 00	Surgery	99.01	99.01	\$ 7,128.72	\$ 7,128.72
61611 00	Surgery	13.98	13.98	\$ 1,006.56	\$ 1,006.56
61613 00	Surgery	99.21	99.21	\$ 7,143.12	\$ 7,143.12
61615 00	Surgery	85.16	85.16	\$ 6,131.52	\$ 6,131.52
61616 00	Surgery	100.66	100.66	\$ 7,247.52	\$ 7,247.52
61618 00	Surgery	38.88	38.88	\$ 2,799.36	\$ 2,799.36
61619 00	Surgery	43.01	43.01	\$ 3,096.72	\$ 3,096.72
61623 00	Surgery	17.16	17.16	\$ 1,235.52	\$ 1,235.52
61624 00	Surgery	34.55	34.55	\$ 2,487.60	\$ 2,487.60
61626 00	Surgery	26.63	26.63	\$ 1,917.36	\$ 1,917.36
61630 00	Surgery	40.84	40.84	\$ 2,940.48	\$ 2,940.48
61635 00	Surgery	44.10	44.10	\$ 3,175.20	\$ 3,175.20
61640 00	Surgery	14.01	14.01	\$ 1,008.72	\$ 1,008.72
61641 00	Surgery	4.92	4.92	\$ 354.24	\$ 354.24
61642 00	Surgery	9.84	9.84	\$ 708.48	\$ 708.48
61645 00	Surgery	25.01	25.01	\$ 1,800.72	\$ 1,800.72
61650 00	Surgery	17.03	17.03	\$ 1,226.16	\$ 1,226.16
61651 00	Surgery	7.33	7.33	\$ 527.76	\$ 527.76
61680 00	Surgery	67.39	67.39	\$ 4,852.08	\$ 4,852.08
61682 00	Surgery	124.79	124.79	\$ 8,984.88	\$ 8,984.88
61684 00	Surgery	85.63	85.63	\$ 6,165.36	\$ 6,165.36
61686 00	Surgery	134.92	134.92	\$ 9,714.24	\$ 9,714.24
61690 00	Surgery	65.79	65.79	\$ 4,736.88	\$ 4,736.88
61692 00	Surgery	109.70	109.70	\$ 7,898.40	\$ 7,898.40
61697 00	Surgery	127.00	127.00	\$ 9,144.00	\$ 9,144.00
61698 00	Surgery	138.95	138.95	\$ 10,004.40	\$ 10,004.40
61700 00	Surgery	101.97	101.97	\$ 7,341.84	\$ 7,341.84
61702 00	Surgery	120.85	120.85	\$ 8,701.20	\$ 8,701.20
61703 00	Surgery	41.16	41.16	\$ 2,963.52	\$ 2,963.52
61705 00	Surgery	78.42	78.42	\$ 5,646.24	\$ 5,646.24
61708 00	Surgery	76.71	76.71	\$ 5,523.12	\$ 5,523.12
61710 00	Surgery	64.73	64.73	\$ 4,660.56	\$ 4,660.56
61711 00	Surgery	77.39	77.39	\$ 5,572.08	\$ 5,572.08
61720 00	Surgery	38.51	38.51	\$ 2,772.72	\$ 2,772.72
61735 00	Surgery	48.28	48.28	\$ 3,476.16	\$ 3,476.16
61736 00	Surgery	26.41	26.41	\$ 1,901.52	\$ 1,901.52
61737 00	Surgery	31.54	31.54	\$ 2,270.88	\$ 2,270.88
61750 00	Surgery	42.56	42.56	\$ 3,064.32	\$ 3,064.32
61751 00	Surgery	42.00	42.00	\$ 3,024.00	\$ 3,024.00
61760 00	Surgery	47.98	47.98	\$ 3,454.56	\$ 3,454.56

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
61770 00	Surgery	49.01	49.01	\$ 3,528.72	\$ 3,528.72
61781 00	Surgery	7.06	7.06	\$ 508.32	\$ 508.32
61782 00	Surgery	5.14	5.14	\$ 370.08	\$ 370.08
61783 00	Surgery	6.91	6.91	\$ 497.52	\$ 497.52
61790 00	Surgery	26.80	26.80	\$ 1,929.60	\$ 1,929.60
61791 00	Surgery	34.16	34.16	\$ 2,459.52	\$ 2,459.52
61796 00	Surgery	30.83	30.83	\$ 2,219.76	\$ 2,219.76
61797 00	Surgery	6.54	6.54	\$ 470.88	\$ 470.88
61798 00	Surgery	41.68	41.68	\$ 3,000.96	\$ 3,000.96
61799 00	Surgery	9.05	9.05	\$ 651.60	\$ 651.60
61800 00	Surgery	4.52	4.52	\$ 325.44	\$ 325.44
61850 00	Surgery	29.90	29.90	\$ 2,152.80	\$ 2,152.80
61860 00	Surgery	47.27	47.27	\$ 3,403.44	\$ 3,403.44
61863 00	Surgery	45.53	45.53	\$ 3,278.16	\$ 3,278.16
61864 00	Surgery	8.45	8.45	\$ 608.40	\$ 608.40
61867 00	Surgery	68.81	68.81	\$ 4,954.32	\$ 4,954.32
61868 00	Surgery	14.91	14.91	\$ 1,073.52	\$ 1,073.52
61880 00	Surgery	17.83	17.83	\$ 1,283.76	\$ 1,283.76
61885 00	Surgery	15.99	15.99	\$ 1,151.28	\$ 1,151.28
61886 00	Surgery	26.62	26.62	\$ 1,916.64	\$ 1,916.64
61888 00	Surgery	12.07	12.07	\$ 869.04	\$ 869.04
62000 00	Surgery	31.38	31.38	\$ 2,259.36	\$ 2,259.36
62005 00	Surgery	38.54	38.54	\$ 2,774.88	\$ 2,774.88
62010 00	Surgery	46.53	46.53	\$ 3,350.16	\$ 3,350.16
62100 00	Surgery	47.35	47.35	\$ 3,409.20	\$ 3,409.20
62115 00	Surgery	51.04	51.04	\$ 3,674.88	\$ 3,674.88
62117 00	Surgery	59.34	59.34	\$ 4,272.48	\$ 4,272.48
62120 00	Surgery	62.87	62.87	\$ 4,526.64	\$ 4,526.64
62121 00	Surgery	46.97	46.97	\$ 3,381.84	\$ 3,381.84
62140 00	Surgery	30.86	30.86	\$ 2,221.92	\$ 2,221.92
62141 00	Surgery	34.51	34.51	\$ 2,484.72	\$ 2,484.72
62142 00	Surgery	27.01	27.01	\$ 1,944.72	\$ 1,944.72
62143 00	Surgery	31.67	31.67	\$ 2,280.24	\$ 2,280.24
62145 00	Surgery	42.81	42.81	\$ 3,082.32	\$ 3,082.32
62146 00	Surgery	37.87	37.87	\$ 2,726.64	\$ 2,726.64
62147 00	Surgery	42.76	42.76	\$ 3,078.72	\$ 3,078.72
62148 00	Surgery	3.76	3.76	\$ 270.72	\$ 270.72
62160 00	Surgery	5.63	5.63	\$ 405.36	\$ 405.36
62161 00	Surgery	46.00	46.00	\$ 3,312.00	\$ 3,312.00
62162 00	Surgery	57.09	57.09	\$ 4,110.48	\$ 4,110.48
62164 00	Surgery	63.29	63.29	\$ 4,556.88	\$ 4,556.88
62165 00	Surgery	45.73	45.73	\$ 3,292.56	\$ 3,292.56
62180 00	Surgery	48.36	48.36	\$ 3,481.92	\$ 3,481.92
62190 00	Surgery	28.22	28.22	\$ 2,031.84	\$ 2,031.84

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
62192 00	Surgery	29.54	29.54	\$ 2,126.88	\$ 2,126.88
62194 00	Surgery	15.04	15.04	\$ 1,082.88	\$ 1,082.88
62200 00	Surgery	41.66	41.66	\$ 2,999.52	\$ 2,999.52
62201 00	Surgery	36.89	36.89	\$ 2,656.08	\$ 2,656.08
62220 00	Surgery	29.27	29.27	\$ 2,107.44	\$ 2,107.44
62223 00	Surgery	31.36	31.36	\$ 2,257.92	\$ 2,257.92
62225 00	Surgery	16.27	16.27	\$ 1,171.44	\$ 1,171.44
62230 00	Surgery	25.47	25.47	\$ 1,833.84	\$ 1,833.84
62252 00	Surgery	2.52	2.52	\$ 181.44	\$ 181.44
62252 26	Surgery	1.37	1.37	\$ 98.64	\$ 98.64
62252 TC	Surgery	1.15	1.15	\$ 82.80	\$ 82.80
62256 00	Surgery	18.53	18.53	\$ 1,334.16	\$ 1,334.16
62258 00	Surgery	33.67	33.67	\$ 2,424.24	\$ 2,424.24
62263 00	Surgery	19.11	9.41	\$ 1,375.92	\$ 677.52
62264 00	Surgery	13.18	7.22	\$ 948.96	\$ 519.84
62267 00	Surgery	8.01	4.55	\$ 576.72	\$ 327.60
62268 00	Surgery	7.56	7.56	\$ 544.32	\$ 544.32
62269 00	Surgery	7.69	7.69	\$ 553.68	\$ 553.68
62270 00	Surgery	3.98	1.86	\$ 286.56	\$ 133.92
62272 00	Surgery	5.35	2.70	\$ 385.20	\$ 194.40
62273 00	Surgery	5.04	3.34	\$ 362.88	\$ 240.48
62280 00	Surgery	9.79	4.70	\$ 704.88	\$ 338.40
62281 00	Surgery	7.20	4.71	\$ 518.40	\$ 339.12
62282 00	Surgery	9.41	4.19	\$ 677.52	\$ 301.68
62284 00	Surgery	5.73	2.49	\$ 412.56	\$ 179.28
62287 00	Surgery	16.79	16.79	\$ 1,208.88	\$ 1,208.88
62290 00	Surgery	10.51	4.65	\$ 756.72	\$ 334.80
62291 00	Surgery	9.68	4.31	\$ 696.96	\$ 310.32
62292 00	Surgery	17.13	17.13	\$ 1,233.36	\$ 1,233.36
62294 00	Surgery	28.89	28.89	\$ 2,080.08	\$ 2,080.08
62302 00	Surgery	7.74	3.52	\$ 557.28	\$ 253.44
62303 00	Surgery	7.88	3.52	\$ 567.36	\$ 253.44
62304 00	Surgery	7.69	3.47	\$ 553.68	\$ 249.84
62305 00	Surgery	8.36	3.61	\$ 601.92	\$ 259.92
62320 00	Surgery	4.95	2.98	\$ 356.40	\$ 214.56
62321 00	Surgery	7.85	3.15	\$ 565.20	\$ 226.80
62322 00	Surgery	4.14	2.38	\$ 298.08	\$ 171.36
62323 00	Surgery	7.74	2.92	\$ 557.28	\$ 210.24
62324 00	Surgery	4.13	2.64	\$ 297.36	\$ 190.08
62325 00	Surgery	7.60	3.28	\$ 547.20	\$ 236.16
62326 00	Surgery	4.16	2.54	\$ 299.52	\$ 182.88
62327 00	Surgery	8.05	3.12	\$ 579.60	\$ 224.64
62328 00	Surgery	6.95	2.55	\$ 500.40	\$ 183.60
62329 00	Surgery	8.59	3.21	\$ 618.48	\$ 231.12

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
62350 00	Surgery	11.90	11.90	\$ 856.80	\$ 856.80
62351 00	Surgery	27.31	27.31	\$ 1,966.32	\$ 1,966.32
62355 00	Surgery	8.26	8.26	\$ 594.72	\$ 594.72
62360 00	Surgery	9.56	9.56	\$ 688.32	\$ 688.32
62361 00	Surgery	13.17	13.17	\$ 948.24	\$ 948.24
62362 00	Surgery	11.55	11.55	\$ 831.60	\$ 831.60
62365 00	Surgery	8.90	8.90	\$ 640.80	\$ 640.80
62367 00	Surgery	0.95	0.73	\$ 68.40	\$ 52.56
62368 00	Surgery	1.31	1.02	\$ 94.32	\$ 73.44
62369 00	Surgery	2.75	1.03	\$ 198.00	\$ 74.16
62370 00	Surgery	2.77	1.36	\$ 199.44	\$ 97.92
62380 00	Surgery	-	-	\$ 3,158.64	\$ 2,843.28
63001 00	Surgery	37.21	37.21	\$ 2,679.12	\$ 2,679.12
63003 00	Surgery	37.22	37.22	\$ 2,679.84	\$ 2,679.84
63005 00	Surgery	36.19	36.19	\$ 2,605.68	\$ 2,605.68
63011 00	Surgery	32.88	32.88	\$ 2,367.36	\$ 2,367.36
63012 00	Surgery	36.06	36.06	\$ 2,596.32	\$ 2,596.32
63015 00	Surgery	44.68	44.68	\$ 3,216.96	\$ 3,216.96
63016 00	Surgery	46.10	46.10	\$ 3,319.20	\$ 3,319.20
63017 00	Surgery	38.22	38.22	\$ 2,751.84	\$ 2,751.84
63020 00	Surgery	33.05	33.05	\$ 2,379.60	\$ 2,379.60
63030 00	Surgery	27.53	27.53	\$ 1,982.16	\$ 1,982.16
63035 00	Surgery	6.97	6.97	\$ 501.84	\$ 501.84
63040 00	Surgery	41.53	41.53	\$ 2,990.16	\$ 2,990.16
63042 00	Surgery	38.93	38.93	\$ 2,802.96	\$ 2,802.96
63043 00	Surgery	-	-	\$ 3,653.28	\$ 3,288.24
63044 00	Surgery	-	-	\$ 1,445.04	\$ 1,301.04
63045 00	Surgery	38.84	38.84	\$ 2,796.48	\$ 2,796.48
63046 00	Surgery	37.03	37.03	\$ 2,666.16	\$ 2,666.16
63047 00	Surgery	33.32	33.32	\$ 2,399.04	\$ 2,399.04
63048 00	Surgery	6.26	6.26	\$ 450.72	\$ 450.72
63050 00	Surgery	44.29	44.29	\$ 3,188.88	\$ 3,188.88
63051 00	Surgery	50.84	50.84	\$ 3,660.48	\$ 3,660.48
63052 00	Surgery	7.69	7.69	\$ 553.68	\$ 553.68
63053 00	Surgery	6.81	6.81	\$ 490.32	\$ 490.32
63055 00	Surgery	49.00	49.00	\$ 3,528.00	\$ 3,528.00
63056 00	Surgery	44.90	44.90	\$ 3,232.80	\$ 3,232.80
63057 00	Surgery	9.58	9.58	\$ 689.76	\$ 689.76
63064 00	Surgery	53.67	53.67	\$ 3,864.24	\$ 3,864.24
63066 00	Surgery	6.15	6.15	\$ 442.80	\$ 442.80
63075 00	Surgery	40.84	40.84	\$ 2,940.48	\$ 2,940.48
63076 00	Surgery	7.23	7.23	\$ 520.56	\$ 520.56
63077 00	Surgery	45.89	45.89	\$ 3,304.08	\$ 3,304.08
63078 00	Surgery	6.18	6.18	\$ 444.96	\$ 444.96

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
63081 00	Surgery	52.85	52.85	\$ 3,805.20	\$ 3,805.20
63082 00	Surgery	7.89	7.89	\$ 568.08	\$ 568.08
63085 00	Surgery	57.81	57.81	\$ 4,162.32	\$ 4,162.32
63086 00	Surgery	5.63	5.63	\$ 405.36	\$ 405.36
63087 00	Surgery	72.33	72.33	\$ 5,207.76	\$ 5,207.76
63088 00	Surgery	7.69	7.69	\$ 553.68	\$ 553.68
63090 00	Surgery	58.23	58.23	\$ 4,192.56	\$ 4,192.56
63091 00	Surgery	5.23	5.23	\$ 376.56	\$ 376.56
63101 00	Surgery	69.94	69.94	\$ 5,035.68	\$ 5,035.68
63102 00	Surgery	68.74	68.74	\$ 4,949.28	\$ 4,949.28
63103 00	Surgery	8.78	8.78	\$ 632.16	\$ 632.16
63170 00	Surgery	48.22	48.22	\$ 3,471.84	\$ 3,471.84
63172 00	Surgery	42.77	42.77	\$ 3,079.44	\$ 3,079.44
63173 00	Surgery	52.18	52.18	\$ 3,756.96	\$ 3,756.96
63185 00	Surgery	34.38	34.38	\$ 2,475.36	\$ 2,475.36
63190 00	Surgery	37.09	37.09	\$ 2,670.48	\$ 2,670.48
63191 00	Surgery	41.85	41.85	\$ 3,013.20	\$ 3,013.20
63197 00	Surgery	51.75	51.75	\$ 3,726.00	\$ 3,726.00
63200 00	Surgery	46.08	46.08	\$ 3,317.76	\$ 3,317.76
63250 00	Surgery	89.28	89.28	\$ 6,428.16	\$ 6,428.16
63251 00	Surgery	91.29	91.29	\$ 6,572.88	\$ 6,572.88
63252 00	Surgery	91.26	91.26	\$ 6,570.72	\$ 6,570.72
63265 00	Surgery	50.41	50.41	\$ 3,629.52	\$ 3,629.52
63266 00	Surgery	51.83	51.83	\$ 3,731.76	\$ 3,731.76
63267 00	Surgery	41.38	41.38	\$ 2,979.36	\$ 2,979.36
63268 00	Surgery	42.23	42.23	\$ 3,040.56	\$ 3,040.56
63270 00	Surgery	62.77	62.77	\$ 4,519.44	\$ 4,519.44
63271 00	Surgery	62.72	62.72	\$ 4,515.84	\$ 4,515.84
63272 00	Surgery	56.28	56.28	\$ 4,052.16	\$ 4,052.16
63273 00	Surgery	56.49	56.49	\$ 4,067.28	\$ 4,067.28
63275 00	Surgery	54.58	54.58	\$ 3,929.76	\$ 3,929.76
63276 00	Surgery	53.94	53.94	\$ 3,883.68	\$ 3,883.68
63277 00	Surgery	47.17	47.17	\$ 3,396.24	\$ 3,396.24
63278 00	Surgery	48.27	48.27	\$ 3,475.44	\$ 3,475.44
63280 00	Surgery	63.98	63.98	\$ 4,606.56	\$ 4,606.56
63281 00	Surgery	63.36	63.36	\$ 4,561.92	\$ 4,561.92
63282 00	Surgery	59.85	59.85	\$ 4,309.20	\$ 4,309.20
63283 00	Surgery	57.56	57.56	\$ 4,144.32	\$ 4,144.32
63285 00	Surgery	78.84	78.84	\$ 5,676.48	\$ 5,676.48
63286 00	Surgery	78.06	78.06	\$ 5,620.32	\$ 5,620.32
63287 00	Surgery	82.67	82.67	\$ 5,952.24	\$ 5,952.24
63290 00	Surgery	84.07	84.07	\$ 6,053.04	\$ 6,053.04
63295 00	Surgery	9.89	9.89	\$ 712.08	\$ 712.08
63300 00	Surgery	54.66	54.66	\$ 3,935.52	\$ 3,935.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
63301 00	Surgery	66.63	66.63	\$ 4,797.36	\$ 4,797.36
63302 00	Surgery	65.82	65.82	\$ 4,739.04	\$ 4,739.04
63303 00	Surgery	69.84	69.84	\$ 5,028.48	\$ 5,028.48
63304 00	Surgery	70.92	70.92	\$ 5,106.24	\$ 5,106.24
63305 00	Surgery	75.43	75.43	\$ 5,430.96	\$ 5,430.96
63306 00	Surgery	74.14	74.14	\$ 5,338.08	\$ 5,338.08
63307 00	Surgery	72.58	72.58	\$ 5,225.76	\$ 5,225.76
63308 00	Surgery	9.53	9.53	\$ 686.16	\$ 686.16
63600 00	Surgery	33.12	33.12	\$ 2,384.64	\$ 2,384.64
63610 00	Surgery	17.39	17.39	\$ 1,252.08	\$ 1,252.08
63620 00	Surgery	34.08	34.08	\$ 2,453.76	\$ 2,453.76
63621 00	Surgery	7.54	7.54	\$ 542.88	\$ 542.88
63650 00	Surgery	69.08	12.27	\$ 4,973.76	\$ 883.44
63655 00	Surgery	25.32	25.32	\$ 1,823.04	\$ 1,823.04
63661 00	Surgery	20.53	9.80	\$ 1,478.16	\$ 705.60
63662 00	Surgery	25.62	25.62	\$ 1,844.64	\$ 1,844.64
63663 00	Surgery	27.04	13.41	\$ 1,946.88	\$ 965.52
63664 00	Surgery	26.72	26.72	\$ 1,923.84	\$ 1,923.84
63685 00	Surgery	10.84	10.84	\$ 780.48	\$ 780.48
63688 00	Surgery	11.21	11.21	\$ 807.12	\$ 807.12
63700 00	Surgery	39.80	39.80	\$ 2,865.60	\$ 2,865.60
63702 00	Surgery	43.45	43.45	\$ 3,128.40	\$ 3,128.40
63704 00	Surgery	50.52	50.52	\$ 3,637.44	\$ 3,637.44
63706 00	Surgery	56.04	56.04	\$ 4,034.88	\$ 4,034.88
63707 00	Surgery	28.40	28.40	\$ 2,044.80	\$ 2,044.80
63709 00	Surgery	33.63	33.63	\$ 2,421.36	\$ 2,421.36
63710 00	Surgery	32.52	32.52	\$ 2,341.44	\$ 2,341.44
63740 00	Surgery	29.95	29.95	\$ 2,156.40	\$ 2,156.40
63741 00	Surgery	20.83	20.83	\$ 1,499.76	\$ 1,499.76
63744 00	Surgery	20.64	20.64	\$ 1,486.08	\$ 1,486.08
63746 00	Surgery	18.57	18.57	\$ 1,337.04	\$ 1,337.04
64400 00	Surgery	3.36	1.50	\$ 241.92	\$ 108.00
64405 00	Surgery	2.24	1.57	\$ 161.28	\$ 113.04
64408 00	Surgery	2.46	1.34	\$ 177.12	\$ 96.48
64415 00	Surgery	4.03	2.05	\$ 290.16	\$ 147.60
64416 00	Surgery	2.31	2.31	\$ 166.32	\$ 166.32
64417 00	Surgery	4.79	1.87	\$ 344.88	\$ 134.64
64418 00	Surgery	2.60	1.65	\$ 187.20	\$ 118.80
64420 00	Surgery	2.91	1.73	\$ 209.52	\$ 124.56
64421 00	Surgery	0.98	0.72	\$ 70.56	\$ 51.84
64425 00	Surgery	3.31	1.62	\$ 238.32	\$ 116.64
64430 00	Surgery	2.95	1.62	\$ 212.40	\$ 116.64
64435 00	Surgery	2.43	1.29	\$ 174.96	\$ 92.88
64445 00	Surgery	4.82	2.17	\$ 347.04	\$ 156.24

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
64446 00	Surgery	2.26	2.26	\$ 162.72	\$ 162.72
64447 00	Surgery	3.48	1.86	\$ 250.56	\$ 133.92
64448 00	Surgery	2.13	2.13	\$ 153.36	\$ 153.36
64449 00	Surgery	1.83	1.83	\$ 131.76	\$ 131.76
64450 00	Surgery	2.24	1.24	\$ 161.28	\$ 89.28
64451 00	Surgery	6.82	2.41	\$ 491.04	\$ 173.52
64454 00	Surgery	6.62	2.42	\$ 476.64	\$ 174.24
64455 00	Surgery	1.48	0.99	\$ 106.56	\$ 71.28
64461 00	Surgery	4.04	2.31	\$ 290.88	\$ 166.32
64462 00	Surgery	2.15	1.44	\$ 154.80	\$ 103.68
64463 00	Surgery	6.97	2.42	\$ 501.84	\$ 174.24
64479 00	Surgery	7.93	3.85	\$ 570.96	\$ 277.20
64480 00	Surgery	4.02	1.81	\$ 289.44	\$ 130.32
64483 00	Surgery	7.36	3.27	\$ 529.92	\$ 235.44
64484 00	Surgery	3.34	1.52	\$ 240.48	\$ 109.44
64486 00	Surgery	3.36	1.63	\$ 241.92	\$ 117.36
64487 00	Surgery	6.51	1.87	\$ 468.72	\$ 134.64
64488 00	Surgery	4.15	2.02	\$ 298.80	\$ 145.44
64489 00	Surgery	10.64	2.31	\$ 766.08	\$ 166.32
64490 00	Surgery	5.70	3.10	\$ 410.40	\$ 223.20
64491 00	Surgery	2.89	1.75	\$ 208.08	\$ 126.00
64492 00	Surgery	2.91	1.78	\$ 209.52	\$ 128.16
64493 00	Surgery	5.27	2.67	\$ 379.44	\$ 192.24
64494 00	Surgery	2.70	1.51	\$ 194.40	\$ 108.72
64495 00	Surgery	2.70	1.53	\$ 194.40	\$ 110.16
64505 00	Surgery	4.30	3.11	\$ 309.60	\$ 223.92
64510 00	Surgery	4.37	2.27	\$ 314.64	\$ 163.44
64517 00	Surgery	5.79	3.73	\$ 416.88	\$ 268.56
64520 00	Surgery	6.87	2.49	\$ 494.64	\$ 179.28
64530 00	Surgery	6.92	2.80	\$ 498.24	\$ 201.60
64553 00	Surgery	75.96	11.68	\$ 5,469.12	\$ 840.96
64555 00	Surgery	64.83	9.65	\$ 4,667.76	\$ 694.80
64561 00	Surgery	22.20	8.98	\$ 1,598.40	\$ 646.56
64566 00	Surgery	3.51	0.89	\$ 252.72	\$ 64.08
64568 00	Surgery	18.00	18.00	\$ 1,296.00	\$ 1,296.00
64569 00	Surgery	23.17	23.17	\$ 1,668.24	\$ 1,668.24
64570 00	Surgery	22.33	22.33	\$ 1,607.76	\$ 1,607.76
64575 00	Surgery	9.16	9.16	\$ 659.52	\$ 659.52
64580 00	Surgery	9.46	9.46	\$ 681.12	\$ 681.12
64581 00	Surgery	19.45	19.45	\$ 1,400.40	\$ 1,400.40
64582 00	Surgery	25.75	25.75	\$ 1,854.00	\$ 1,854.00
64583 00	Surgery	25.83	25.83	\$ 1,859.76	\$ 1,859.76
64584 00	Surgery	21.78	21.78	\$ 1,568.16	\$ 1,568.16
64585 00	Surgery	7.25	4.26	\$ 522.00	\$ 306.72

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
64590 00	Surgery	7.87	4.79	\$ 566.64	\$ 344.88
64595 00	Surgery	6.94	3.79	\$ 499.68	\$ 272.88
64600 00	Surgery	13.97	6.91	\$ 1,005.84	\$ 497.52
64605 00	Surgery	19.45	10.49	\$ 1,400.40	\$ 755.28
64610 00	Surgery	23.57	14.48	\$ 1,697.04	\$ 1,042.56
64611 00	Surgery	3.89	3.33	\$ 280.08	\$ 239.76
64612 00	Surgery	4.09	3.54	\$ 294.48	\$ 254.88
64615 00	Surgery	4.63	3.68	\$ 333.36	\$ 264.96
64616 00	Surgery	4.11	3.25	\$ 295.92	\$ 234.00
64617 00	Surgery	4.89	3.23	\$ 352.08	\$ 232.56
64620 00	Surgery	6.23	5.26	\$ 448.56	\$ 378.72
64624 00	Surgery	11.64	4.31	\$ 838.08	\$ 310.32
64625 00	Surgery	14.13	5.75	\$ 1,017.36	\$ 414.00
64628 00	Surgery	13.63	13.63	\$ 981.36	\$ 981.36
64629 00	Surgery	6.32	6.32	\$ 455.04	\$ 455.04
64630 00	Surgery	7.65	5.70	\$ 550.80	\$ 410.40
64632 00	Surgery	2.68	1.98	\$ 192.96	\$ 142.56
64633 00	Surgery	13.10	5.65	\$ 943.20	\$ 406.80
64634 00	Surgery	7.71	1.97	\$ 555.12	\$ 141.84
64635 00	Surgery	13.22	5.66	\$ 951.84	\$ 407.52
64636 00	Surgery	7.25	1.74	\$ 522.00	\$ 125.28
64640 00	Surgery	7.37	3.50	\$ 530.64	\$ 252.00
64642 00	Surgery	4.51	3.16	\$ 324.72	\$ 227.52
64643 00	Surgery	2.77	2.09	\$ 199.44	\$ 150.48
64644 00	Surgery	5.28	3.45	\$ 380.16	\$ 248.40
64645 00	Surgery	3.60	2.43	\$ 259.20	\$ 174.96
64646 00	Surgery	4.78	3.45	\$ 344.16	\$ 248.40
64647 00	Surgery	5.46	3.98	\$ 393.12	\$ 286.56
64650 00	Surgery	2.66	1.21	\$ 191.52	\$ 87.12
64653 00	Surgery	3.14	1.54	\$ 226.08	\$ 110.88
64680 00	Surgery	10.41	4.79	\$ 749.52	\$ 344.88
64681 00	Surgery	13.78	6.59	\$ 992.16	\$ 474.48
64702 00	Surgery	15.49	15.49	\$ 1,115.28	\$ 1,115.28
64704 00	Surgery	9.71	9.71	\$ 699.12	\$ 699.12
64708 00	Surgery	15.07	15.07	\$ 1,085.04	\$ 1,085.04
64712 00	Surgery	17.88	17.88	\$ 1,287.36	\$ 1,287.36
64713 00	Surgery	23.91	23.91	\$ 1,721.52	\$ 1,721.52
64714 00	Surgery	22.83	22.83	\$ 1,643.76	\$ 1,643.76
64716 00	Surgery	15.38	15.38	\$ 1,107.36	\$ 1,107.36
64718 00	Surgery	18.20	18.20	\$ 1,310.40	\$ 1,310.40
64719 00	Surgery	12.32	12.32	\$ 887.04	\$ 887.04
64721 00	Surgery	13.44	13.20	\$ 967.68	\$ 950.40
64722 00	Surgery	11.00	11.00	\$ 792.00	\$ 792.00
64726 00	Surgery	8.06	8.06	\$ 580.32	\$ 580.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
64727 00	Surgery	5.32	5.32	\$ 383.04	\$ 383.04
64732 00	Surgery	13.79	13.79	\$ 992.88	\$ 992.88
64734 00	Surgery	15.59	15.59	\$ 1,122.48	\$ 1,122.48
64736 00	Surgery	9.89	9.89	\$ 712.08	\$ 712.08
64738 00	Surgery	13.47	13.47	\$ 969.84	\$ 969.84
64740 00	Surgery	13.79	13.79	\$ 992.88	\$ 992.88
64742 00	Surgery	14.65	14.65	\$ 1,054.80	\$ 1,054.80
64744 00	Surgery	15.37	15.37	\$ 1,106.64	\$ 1,106.64
64746 00	Surgery	12.87	12.87	\$ 926.64	\$ 926.64
64755 00	Surgery	27.56	27.56	\$ 1,984.32	\$ 1,984.32
64760 00	Surgery	15.66	15.66	\$ 1,127.52	\$ 1,127.52
64763 00	Surgery	15.50	15.50	\$ 1,116.00	\$ 1,116.00
64766 00	Surgery	19.11	19.11	\$ 1,375.92	\$ 1,375.92
64771 00	Surgery	17.38	17.38	\$ 1,251.36	\$ 1,251.36
64772 00	Surgery	16.85	16.85	\$ 1,213.20	\$ 1,213.20
64774 00	Surgery	12.84	12.84	\$ 924.48	\$ 924.48
64776 00	Surgery	11.97	11.97	\$ 861.84	\$ 861.84
64778 00	Surgery	5.36	5.36	\$ 385.92	\$ 385.92
64782 00	Surgery	13.64	13.64	\$ 982.08	\$ 982.08
64783 00	Surgery	6.38	6.38	\$ 459.36	\$ 459.36
64784 00	Surgery	21.76	21.76	\$ 1,566.72	\$ 1,566.72
64786 00	Surgery	30.09	30.09	\$ 2,166.48	\$ 2,166.48
64787 00	Surgery	6.99	6.99	\$ 503.28	\$ 503.28
64788 00	Surgery	12.18	12.18	\$ 876.96	\$ 876.96
64790 00	Surgery	25.45	25.45	\$ 1,832.40	\$ 1,832.40
64792 00	Surgery	31.91	31.91	\$ 2,297.52	\$ 2,297.52
64795 00	Surgery	5.78	5.78	\$ 416.16	\$ 416.16
64802 00	Surgery	25.67	25.67	\$ 1,848.24	\$ 1,848.24
64804 00	Surgery	36.14	36.14	\$ 2,602.08	\$ 2,602.08
64809 00	Surgery	33.03	33.03	\$ 2,378.16	\$ 2,378.16
64818 00	Surgery	23.36	23.36	\$ 1,681.92	\$ 1,681.92
64820 00	Surgery	22.97	22.97	\$ 1,653.84	\$ 1,653.84
64821 00	Surgery	20.89	20.89	\$ 1,504.08	\$ 1,504.08
64822 00	Surgery	21.05	21.05	\$ 1,515.60	\$ 1,515.60
64823 00	Surgery	23.81	23.81	\$ 1,714.32	\$ 1,714.32
64831 00	Surgery	20.87	20.87	\$ 1,502.64	\$ 1,502.64
64832 00	Surgery	9.85	9.85	\$ 709.20	\$ 709.20
64834 00	Surgery	22.05	22.05	\$ 1,587.60	\$ 1,587.60
64835 00	Surgery	24.50	24.50	\$ 1,764.00	\$ 1,764.00
64836 00	Surgery	24.50	24.50	\$ 1,764.00	\$ 1,764.00
64837 00	Surgery	10.75	10.75	\$ 774.00	\$ 774.00
64840 00	Surgery	28.84	28.84	\$ 2,076.48	\$ 2,076.48
64856 00	Surgery	30.29	30.29	\$ 2,180.88	\$ 2,180.88
64857 00	Surgery	31.51	31.51	\$ 2,268.72	\$ 2,268.72

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
64858 00	Surgery	35.11	35.11	\$ 2,527.92	\$ 2,527.92
64859 00	Surgery	7.31	7.31	\$ 526.32	\$ 526.32
64861 00	Surgery	46.06	46.06	\$ 3,316.32	\$ 3,316.32
64862 00	Surgery	40.98	40.98	\$ 2,950.56	\$ 2,950.56
64864 00	Surgery	25.80	25.80	\$ 1,857.60	\$ 1,857.60
64865 00	Surgery	32.58	32.58	\$ 2,345.76	\$ 2,345.76
64866 00	Surgery	37.28	37.28	\$ 2,684.16	\$ 2,684.16
64868 00	Surgery	29.87	29.87	\$ 2,150.64	\$ 2,150.64
64872 00	Surgery	3.42	3.42	\$ 246.24	\$ 246.24
64874 00	Surgery	5.11	5.11	\$ 367.92	\$ 367.92
64876 00	Surgery	5.79	5.79	\$ 416.88	\$ 416.88
64885 00	Surgery	32.10	32.10	\$ 2,311.20	\$ 2,311.20
64886 00	Surgery	38.56	38.56	\$ 2,776.32	\$ 2,776.32
64890 00	Surgery	32.27	32.27	\$ 2,323.44	\$ 2,323.44
64891 00	Surgery	34.30	34.30	\$ 2,469.60	\$ 2,469.60
64892 00	Surgery	31.42	31.42	\$ 2,262.24	\$ 2,262.24
64893 00	Surgery	33.48	33.48	\$ 2,410.56	\$ 2,410.56
64895 00	Surgery	39.55	39.55	\$ 2,847.60	\$ 2,847.60
64896 00	Surgery	42.60	42.60	\$ 3,067.20	\$ 3,067.20
64897 00	Surgery	37.79	37.79	\$ 2,720.88	\$ 2,720.88
64898 00	Surgery	40.91	40.91	\$ 2,945.52	\$ 2,945.52
64901 00	Surgery	17.54	17.54	\$ 1,262.88	\$ 1,262.88
64902 00	Surgery	20.32	20.32	\$ 1,463.04	\$ 1,463.04
64905 00	Surgery	30.07	30.07	\$ 2,165.04	\$ 2,165.04
64907 00	Surgery	38.78	38.78	\$ 2,792.16	\$ 2,792.16
64910 00	Surgery	22.78	22.78	\$ 1,640.16	\$ 1,640.16
64911 00	Surgery	30.66	30.66	\$ 2,207.52	\$ 2,207.52
64912 00	Surgery	26.79	26.79	\$ 1,928.88	\$ 1,928.88
64913 00	Surgery	5.13	5.13	\$ 369.36	\$ 369.36
64999 00	Surgery	0.00	0.00	BR	BR
65091 00	Surgery	22.22	22.22	\$ 1,599.84	\$ 1,599.84
65093 00	Surgery	22.05	22.05	\$ 1,587.60	\$ 1,587.60
65101 00	Surgery	25.41	25.41	\$ 1,829.52	\$ 1,829.52
65103 00	Surgery	26.16	26.16	\$ 1,883.52	\$ 1,883.52
65105 00	Surgery	28.50	28.50	\$ 2,052.00	\$ 2,052.00
65110 00	Surgery	39.22	39.22	\$ 2,823.84	\$ 2,823.84
65112 00	Surgery	44.87	44.87	\$ 3,230.64	\$ 3,230.64
65114 00	Surgery	46.85	46.85	\$ 3,373.20	\$ 3,373.20
65125 00	Surgery	13.58	8.66	\$ 977.76	\$ 623.52
65130 00	Surgery	25.49	25.49	\$ 1,835.28	\$ 1,835.28
65135 00	Surgery	25.79	25.79	\$ 1,856.88	\$ 1,856.88
65140 00	Surgery	27.69	27.69	\$ 1,993.68	\$ 1,993.68
65150 00	Surgery	21.01	21.01	\$ 1,512.72	\$ 1,512.72
65155 00	Surgery	28.80	28.80	\$ 2,073.60	\$ 2,073.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
65175 00	Surgery	23.32	23.32	\$ 1,679.04	\$ 1,679.04
65205 00	Surgery	0.86	0.86	\$ 61.92	\$ 61.92
65210 00	Surgery	1.14	1.06	\$ 82.08	\$ 76.32
65220 00	Surgery	1.80	1.23	\$ 129.60	\$ 88.56
65222 00	Surgery	2.00	1.47	\$ 144.00	\$ 105.84
65235 00	Surgery	21.57	21.57	\$ 1,553.04	\$ 1,553.04
65260 00	Surgery	28.95	28.95	\$ 2,084.40	\$ 2,084.40
65265 00	Surgery	32.58	32.58	\$ 2,345.76	\$ 2,345.76
65270 00	Surgery	8.53	4.17	\$ 614.16	\$ 300.24
65272 00	Surgery	15.72	10.39	\$ 1,131.84	\$ 748.08
65273 00	Surgery	11.18	11.18	\$ 804.96	\$ 804.96
65275 00	Surgery	17.48	13.56	\$ 1,258.56	\$ 976.32
65280 00	Surgery	19.73	19.73	\$ 1,420.56	\$ 1,420.56
65285 00	Surgery	32.49	32.49	\$ 2,339.28	\$ 2,339.28
65286 00	Surgery	20.74	14.58	\$ 1,493.28	\$ 1,049.76
65290 00	Surgery	14.42	14.42	\$ 1,038.24	\$ 1,038.24
65400 00	Surgery	20.52	17.75	\$ 1,477.44	\$ 1,278.00
65410 00	Surgery	4.23	2.99	\$ 304.56	\$ 215.28
65420 00	Surgery	16.05	11.19	\$ 1,155.60	\$ 805.68
65426 00	Surgery	19.91	14.06	\$ 1,433.52	\$ 1,012.32
65430 00	Surgery	3.40	2.97	\$ 244.80	\$ 213.84
65435 00	Surgery	2.44	2.03	\$ 175.68	\$ 146.16
65436 00	Surgery	11.44	10.87	\$ 823.68	\$ 782.64
65450 00	Surgery	9.72	9.51	\$ 699.84	\$ 684.72
65600 00	Surgery	12.99	10.00	\$ 935.28	\$ 720.00
65710 00	Surgery	33.65	33.65	\$ 2,422.80	\$ 2,422.80
65730 00	Surgery	36.90	36.90	\$ 2,656.80	\$ 2,656.80
65750 00	Surgery	37.13	37.13	\$ 2,673.36	\$ 2,673.36
65755 00	Surgery	37.00	37.00	\$ 2,664.00	\$ 2,664.00
65756 00	Surgery	34.63	34.63	\$ 2,493.36	\$ 2,493.36
65757 00	Surgery	-	-	\$ 552.96	\$ 486.72
65760 00	Surgery	-	-	\$ 1,733.76	\$ 1,525.68
65765 00	Surgery	0.00	0.00	BR	BR
65767 00	Surgery	0.00	0.00	BR	BR
65770 00	Surgery	41.38	41.38	\$ 2,979.36	\$ 2,979.36
65771 00	Surgery	0.00	0.00	BR	BR
65772 00	Surgery	13.50	11.91	\$ 972.00	\$ 857.52
65775 00	Surgery	16.94	16.94	\$ 1,219.68	\$ 1,219.68
65778 00	Surgery	39.71	1.55	\$ 2,859.12	\$ 111.60
65779 00	Surgery	34.17	4.31	\$ 2,460.24	\$ 310.32
65780 00	Surgery	19.71	19.71	\$ 1,419.12	\$ 1,419.12
65781 00	Surgery	38.95	38.95	\$ 2,804.40	\$ 2,804.40
65782 00	Surgery	33.64	33.64	\$ 2,422.08	\$ 2,422.08
65785 00	Surgery	64.64	13.05	\$ 4,654.08	\$ 939.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
65800 00	Surgery	3.54	2.61	\$ 254.88	\$ 187.92
65810 00	Surgery	13.65	13.65	\$ 982.80	\$ 982.80
65815 00	Surgery	19.08	14.01	\$ 1,373.76	\$ 1,008.72
65820 00	Surgery	24.41	24.41	\$ 1,757.52	\$ 1,757.52
65850 00	Surgery	24.84	24.84	\$ 1,788.48	\$ 1,788.48
65855 00	Surgery	7.26	6.04	\$ 522.72	\$ 434.88
65860 00	Surgery	9.09	7.29	\$ 654.48	\$ 524.88
65865 00	Surgery	14.11	14.11	\$ 1,015.92	\$ 1,015.92
65870 00	Surgery	17.53	17.53	\$ 1,262.16	\$ 1,262.16
65875 00	Surgery	18.70	18.70	\$ 1,346.40	\$ 1,346.40
65880 00	Surgery	19.65	19.65	\$ 1,414.80	\$ 1,414.80
65900 00	Surgery	29.25	29.25	\$ 2,106.00	\$ 2,106.00
65920 00	Surgery	23.33	23.33	\$ 1,679.76	\$ 1,679.76
65930 00	Surgery	18.93	18.93	\$ 1,362.96	\$ 1,362.96
66020 00	Surgery	5.87	3.86	\$ 422.64	\$ 277.92
66030 00	Surgery	5.29	3.28	\$ 380.88	\$ 236.16
66130 00	Surgery	20.93	16.59	\$ 1,506.96	\$ 1,194.48
66150 00	Surgery	25.85	25.85	\$ 1,861.20	\$ 1,861.20
66155 00	Surgery	25.83	25.83	\$ 1,859.76	\$ 1,859.76
66160 00	Surgery	29.04	29.04	\$ 2,090.88	\$ 2,090.88
66170 00	Surgery	32.17	32.17	\$ 2,316.24	\$ 2,316.24
66172 00	Surgery	35.13	35.13	\$ 2,529.36	\$ 2,529.36
66174 00	Surgery	18.36	18.36	\$ 1,321.92	\$ 1,321.92
66175 00	Surgery	21.32	21.32	\$ 1,535.04	\$ 1,535.04
66179 00	Surgery	31.77	31.77	\$ 2,287.44	\$ 2,287.44
66180 00	Surgery	33.49	33.49	\$ 2,411.28	\$ 2,411.28
66183 00	Surgery	30.28	30.28	\$ 2,180.16	\$ 2,180.16
66184 00	Surgery	23.32	23.32	\$ 1,679.04	\$ 1,679.04
66185 00	Surgery	25.05	25.05	\$ 1,803.60	\$ 1,803.60
66225 00	Surgery	27.51	27.51	\$ 1,980.72	\$ 1,980.72
66250 00	Surgery	22.35	16.36	\$ 1,609.20	\$ 1,177.92
66500 00	Surgery	11.73	11.73	\$ 844.56	\$ 844.56
66505 00	Surgery	12.73	12.73	\$ 916.56	\$ 916.56
66600 00	Surgery	26.85	26.85	\$ 1,933.20	\$ 1,933.20
66605 00	Surgery	32.14	32.14	\$ 2,314.08	\$ 2,314.08
66625 00	Surgery	12.63	12.63	\$ 909.36	\$ 909.36
66630 00	Surgery	16.67	16.67	\$ 1,200.24	\$ 1,200.24
66635 00	Surgery	16.82	16.82	\$ 1,211.04	\$ 1,211.04
66680 00	Surgery	15.37	15.37	\$ 1,106.64	\$ 1,106.64
66682 00	Surgery	21.17	21.17	\$ 1,524.24	\$ 1,524.24
66700 00	Surgery	13.37	11.50	\$ 962.64	\$ 828.00
66710 00	Surgery	13.08	11.50	\$ 941.76	\$ 828.00
66711 00	Surgery	14.91	14.91	\$ 1,073.52	\$ 1,073.52
66720 00	Surgery	13.82	12.09	\$ 995.04	\$ 870.48

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
66740 00	Surgery	12.99	11.50	\$ 935.28	\$ 828.00
66761 00	Surgery	8.87	6.95	\$ 638.64	\$ 500.40
66762 00	Surgery	14.12	12.49	\$ 1,016.64	\$ 899.28
66770 00	Surgery	15.64	14.15	\$ 1,126.08	\$ 1,018.80
66820 00	Surgery	14.00	14.00	\$ 1,008.00	\$ 1,008.00
66821 00	Surgery	9.89	9.19	\$ 712.08	\$ 661.68
66825 00	Surgery	24.71	24.71	\$ 1,779.12	\$ 1,779.12
66830 00	Surgery	20.83	20.83	\$ 1,499.76	\$ 1,499.76
66840 00	Surgery	20.37	20.37	\$ 1,466.64	\$ 1,466.64
66850 00	Surgery	23.16	23.16	\$ 1,667.52	\$ 1,667.52
66852 00	Surgery	24.64	24.64	\$ 1,774.08	\$ 1,774.08
66920 00	Surgery	22.01	22.01	\$ 1,584.72	\$ 1,584.72
66930 00	Surgery	25.19	25.19	\$ 1,813.68	\$ 1,813.68
66940 00	Surgery	23.05	23.05	\$ 1,659.60	\$ 1,659.60
66982 00	Surgery	21.89	21.89	\$ 1,576.08	\$ 1,576.08
66983 00	Surgery	-	-	\$ 947.52	\$ 833.76
66984 00	Surgery	15.99	15.99	\$ 1,151.28	\$ 1,151.28
66985 00	Surgery	22.61	22.61	\$ 1,627.92	\$ 1,627.92
66986 00	Surgery	26.52	26.52	\$ 1,909.44	\$ 1,909.44
66987 00	Surgery	-	-	\$ 2,369.52	\$ 2,085.12
66988 00	Surgery	-	-	\$ 2,193.12	\$ 1,929.60
66989 00	Surgery	25.10	25.10	\$ 1,807.20	\$ 1,807.20
66990 00	Surgery	2.58	2.58	\$ 185.76	\$ 185.76
66991 00	Surgery	20.06	20.06	\$ 1,444.32	\$ 1,444.32
66999 00	Surgery	0.00	0.00	BR	BR
67005 00	Surgery	14.00	14.00	\$ 1,008.00	\$ 1,008.00
67010 00	Surgery	16.03	16.03	\$ 1,154.16	\$ 1,154.16
67015 00	Surgery	17.87	17.87	\$ 1,286.64	\$ 1,286.64
67025 00	Surgery	21.96	18.57	\$ 1,581.12	\$ 1,337.04
67027 00	Surgery	24.89	24.89	\$ 1,792.08	\$ 1,792.08
67028 00	Surgery	3.35	2.69	\$ 241.20	\$ 193.68
67030 00	Surgery	16.48	16.48	\$ 1,186.56	\$ 1,186.56
67031 00	Surgery	11.50	10.42	\$ 828.00	\$ 750.24
67036 00	Surgery	26.30	26.30	\$ 1,893.60	\$ 1,893.60
67039 00	Surgery	28.16	28.16	\$ 2,027.52	\$ 2,027.52
67040 00	Surgery	30.39	30.39	\$ 2,188.08	\$ 2,188.08
67041 00	Surgery	33.53	33.53	\$ 2,414.16	\$ 2,414.16
67042 00	Surgery	33.52	33.52	\$ 2,413.44	\$ 2,413.44
67043 00	Surgery	35.33	35.33	\$ 2,543.76	\$ 2,543.76
67101 00	Surgery	9.90	8.38	\$ 712.80	\$ 603.36
67105 00	Surgery	8.75	8.09	\$ 630.00	\$ 582.48
67107 00	Surgery	32.94	32.94	\$ 2,371.68	\$ 2,371.68
67108 00	Surgery	34.87	34.87	\$ 2,510.64	\$ 2,510.64
67110 00	Surgery	26.31	23.92	\$ 1,894.32	\$ 1,722.24

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
67113 00	Surgery	39.00	39.00	\$ 2,808.00	\$ 2,808.00
67115 00	Surgery	14.67	14.67	\$ 1,056.24	\$ 1,056.24
67120 00	Surgery	19.87	16.31	\$ 1,430.64	\$ 1,174.32
67121 00	Surgery	26.51	26.51	\$ 1,908.72	\$ 1,908.72
67141 00	Surgery	7.98	6.37	\$ 574.56	\$ 458.64
67145 00	Surgery	7.18	6.37	\$ 516.96	\$ 458.64
67208 00	Surgery	17.75	16.94	\$ 1,278.00	\$ 1,219.68
67210 00	Surgery	15.21	14.66	\$ 1,095.12	\$ 1,055.52
67218 00	Surgery	40.89	40.89	\$ 2,944.08	\$ 2,944.08
67220 00	Surgery	15.65	14.65	\$ 1,126.80	\$ 1,054.80
67221 00	Surgery	8.05	6.11	\$ 579.60	\$ 439.92
67225 00	Surgery	0.86	0.81	\$ 61.92	\$ 58.32
67227 00	Surgery	8.72	7.47	\$ 627.84	\$ 537.84
67228 00	Surgery	10.02	8.91	\$ 721.44	\$ 641.52
67229 00	Surgery	33.97	33.97	\$ 2,445.84	\$ 2,445.84
67250 00	Surgery	26.95	26.95	\$ 1,940.40	\$ 1,940.40
67255 00	Surgery	20.28	20.28	\$ 1,460.16	\$ 1,460.16
67299 00	Surgery	0.00	0.00	BR	BR
67311 00	Surgery	13.39	13.39	\$ 964.08	\$ 964.08
67312 00	Surgery	19.52	19.52	\$ 1,405.44	\$ 1,405.44
67314 00	Surgery	13.39	13.39	\$ 964.08	\$ 964.08
67316 00	Surgery	20.93	20.93	\$ 1,506.96	\$ 1,506.96
67318 00	Surgery	20.20	20.20	\$ 1,454.40	\$ 1,454.40
67320 00	Surgery	5.98	5.98	\$ 430.56	\$ 430.56
67331 00	Surgery	5.69	5.69	\$ 409.68	\$ 409.68
67332 00	Surgery	6.16	6.16	\$ 443.52	\$ 443.52
67334 00	Surgery	5.61	5.61	\$ 403.92	\$ 403.92
67335 00	Surgery	5.50	5.50	\$ 396.00	\$ 396.00
67340 00	Surgery	8.54	8.54	\$ 614.88	\$ 614.88
67343 00	Surgery	19.76	19.76	\$ 1,422.72	\$ 1,422.72
67345 00	Surgery	7.18	6.36	\$ 516.96	\$ 457.92
67346 00	Surgery	5.62	5.62	\$ 404.64	\$ 404.64
67399 00	Surgery	0.00	0.00	BR	BR
67400 00	Surgery	30.88	30.88	\$ 2,223.36	\$ 2,223.36
67405 00	Surgery	26.98	26.98	\$ 1,942.56	\$ 1,942.56
67412 00	Surgery	29.56	29.56	\$ 2,128.32	\$ 2,128.32
67413 00	Surgery	28.81	28.81	\$ 2,074.32	\$ 2,074.32
67414 00	Surgery	43.24	43.24	\$ 3,113.28	\$ 3,113.28
67415 00	Surgery	3.01	3.01	\$ 216.72	\$ 216.72
67420 00	Surgery	52.03	52.03	\$ 3,746.16	\$ 3,746.16
67430 00	Surgery	41.23	41.23	\$ 2,968.56	\$ 2,968.56
67440 00	Surgery	40.00	40.00	\$ 2,880.00	\$ 2,880.00
67445 00	Surgery	45.37	45.37	\$ 3,266.64	\$ 3,266.64
67450 00	Surgery	41.44	41.44	\$ 2,983.68	\$ 2,983.68

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
67500 00	Surgery	2.27	1.88	\$ 163.44	\$ 135.36
67505 00	Surgery	2.56	2.13	\$ 184.32	\$ 153.36
67515 00	Surgery	1.53	1.39	\$ 110.16	\$ 100.08
67550 00	Surgery	32.34	32.34	\$ 2,328.48	\$ 2,328.48
67560 00	Surgery	32.98	32.98	\$ 2,374.56	\$ 2,374.56
67570 00	Surgery	37.89	37.89	\$ 2,728.08	\$ 2,728.08
67599 00	Surgery	0.00	0.00	BR	BR
67700 00	Surgery	8.53	3.43	\$ 614.16	\$ 246.96
67710 00	Surgery	7.30	2.90	\$ 525.60	\$ 208.80
67715 00	Surgery	7.95	3.21	\$ 572.40	\$ 231.12
67800 00	Surgery	3.83	3.01	\$ 275.76	\$ 216.72
67801 00	Surgery	4.86	3.89	\$ 349.92	\$ 280.08
67805 00	Surgery	6.03	4.82	\$ 434.16	\$ 347.04
67808 00	Surgery	10.83	10.83	\$ 779.76	\$ 779.76
67810 00	Surgery	5.55	2.01	\$ 399.60	\$ 144.72
67820 00	Surgery	0.57	0.65	\$ 41.04	\$ 46.80
67825 00	Surgery	4.02	3.59	\$ 289.44	\$ 258.48
67830 00	Surgery	8.08	4.05	\$ 581.76	\$ 291.60
67835 00	Surgery	12.99	12.99	\$ 935.28	\$ 935.28
67840 00	Surgery	8.40	4.64	\$ 604.80	\$ 334.08
67850 00	Surgery	6.51	3.89	\$ 468.72	\$ 280.08
67875 00	Surgery	5.45	2.80	\$ 392.40	\$ 201.60
67880 00	Surgery	13.90	10.83	\$ 1,000.80	\$ 779.76
67882 00	Surgery	16.97	13.85	\$ 1,221.84	\$ 997.20
67900 00	Surgery	19.33	14.87	\$ 1,391.76	\$ 1,070.64
67901 00	Surgery	23.73	17.39	\$ 1,708.56	\$ 1,252.08
67902 00	Surgery	21.34	21.34	\$ 1,536.48	\$ 1,536.48
67903 00	Surgery	17.92	14.11	\$ 1,290.24	\$ 1,015.92
67904 00	Surgery	22.00	17.50	\$ 1,584.00	\$ 1,260.00
67906 00	Surgery	14.84	14.84	\$ 1,068.48	\$ 1,068.48
67908 00	Surgery	16.12	12.73	\$ 1,160.64	\$ 916.56
67909 00	Surgery	16.37	12.91	\$ 1,178.64	\$ 929.52
67911 00	Surgery	16.43	16.43	\$ 1,182.96	\$ 1,182.96
67912 00	Surgery	27.08	14.35	\$ 1,949.76	\$ 1,033.20
67914 00	Surgery	14.58	9.67	\$ 1,049.76	\$ 696.24
67915 00	Surgery	9.47	5.88	\$ 681.84	\$ 423.36
67916 00	Surgery	18.19	12.63	\$ 1,309.68	\$ 909.36
67917 00	Surgery	18.60	13.42	\$ 1,339.20	\$ 966.24
67921 00	Surgery	14.28	9.19	\$ 1,028.16	\$ 661.68
67922 00	Surgery	9.19	5.89	\$ 661.68	\$ 424.08
67923 00	Surgery	18.20	12.64	\$ 1,310.40	\$ 910.08
67924 00	Surgery	19.36	13.41	\$ 1,393.92	\$ 965.52
67930 00	Surgery	11.04	6.93	\$ 794.88	\$ 498.96
67935 00	Surgery	17.81	12.91	\$ 1,282.32	\$ 929.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
67938 00	Surgery	8.18	3.49	\$ 588.96	\$ 251.28
67950 00	Surgery	17.41	13.61	\$ 1,253.52	\$ 979.92
67961 00	Surgery	17.48	13.34	\$ 1,258.56	\$ 960.48
67966 00	Surgery	23.07	19.21	\$ 1,661.04	\$ 1,383.12
67971 00	Surgery	21.13	21.13	\$ 1,521.36	\$ 1,521.36
67973 00	Surgery	27.14	27.14	\$ 1,954.08	\$ 1,954.08
67974 00	Surgery	27.07	27.07	\$ 1,949.04	\$ 1,949.04
67975 00	Surgery	20.02	20.02	\$ 1,441.44	\$ 1,441.44
67999 00	Surgery	0.00	0.00	BR	BR
68020 00	Surgery	3.60	3.25	\$ 259.20	\$ 234.00
68040 00	Surgery	1.83	1.39	\$ 131.76	\$ 100.08
68100 00	Surgery	5.38	2.80	\$ 387.36	\$ 201.60
68110 00	Surgery	7.06	4.36	\$ 508.32	\$ 313.92
68115 00	Surgery	9.94	5.38	\$ 715.68	\$ 387.36
68130 00	Surgery	16.41	12.10	\$ 1,181.52	\$ 871.20
68135 00	Surgery	4.69	4.42	\$ 337.68	\$ 318.24
68200 00	Surgery	1.23	1.00	\$ 88.56	\$ 72.00
68320 00	Surgery	22.12	15.87	\$ 1,592.64	\$ 1,142.64
68325 00	Surgery	19.26	19.26	\$ 1,386.72	\$ 1,386.72
68326 00	Surgery	18.92	18.92	\$ 1,362.24	\$ 1,362.24
68328 00	Surgery	20.72	20.72	\$ 1,491.84	\$ 1,491.84
68330 00	Surgery	18.53	13.52	\$ 1,334.16	\$ 973.44
68335 00	Surgery	18.97	18.97	\$ 1,365.84	\$ 1,365.84
68340 00	Surgery	18.01	11.72	\$ 1,296.72	\$ 843.84
68360 00	Surgery	16.14	12.06	\$ 1,162.08	\$ 868.32
68362 00	Surgery	19.24	19.24	\$ 1,385.28	\$ 1,385.28
68371 00	Surgery	12.11	12.11	\$ 871.92	\$ 871.92
68399 00	Surgery	0.00	0.00	BR	BR
68400 00	Surgery	8.90	3.86	\$ 640.80	\$ 277.92
68420 00	Surgery	9.93	4.89	\$ 714.96	\$ 352.08
68440 00	Surgery	3.10	2.95	\$ 223.20	\$ 212.40
68500 00	Surgery	31.46	31.46	\$ 2,265.12	\$ 2,265.12
68505 00	Surgery	31.32	31.32	\$ 2,255.04	\$ 2,255.04
68510 00	Surgery	13.45	8.41	\$ 968.40	\$ 605.52
68520 00	Surgery	21.89	21.89	\$ 1,576.08	\$ 1,576.08
68525 00	Surgery	7.56	7.56	\$ 544.32	\$ 544.32
68530 00	Surgery	12.94	7.45	\$ 931.68	\$ 536.40
68540 00	Surgery	29.08	29.08	\$ 2,093.76	\$ 2,093.76
68550 00	Surgery	36.21	36.21	\$ 2,607.12	\$ 2,607.12
68700 00	Surgery	17.69	17.69	\$ 1,273.68	\$ 1,273.68
68705 00	Surgery	7.84	4.88	\$ 564.48	\$ 351.36
68720 00	Surgery	24.00	24.00	\$ 1,728.00	\$ 1,728.00
68745 00	Surgery	24.11	24.11	\$ 1,735.92	\$ 1,735.92
68750 00	Surgery	25.46	25.46	\$ 1,833.12	\$ 1,833.12

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
68760 00	Surgery	6.58	4.29	\$ 473.76	\$ 308.88
68761 00	Surgery	4.35	3.46	\$ 313.20	\$ 249.12
68770 00	Surgery	18.44	18.44	\$ 1,327.68	\$ 1,327.68
68801 00	Surgery	2.86	2.33	\$ 205.92	\$ 167.76
68810 00	Surgery	4.79	3.77	\$ 344.88	\$ 271.44
68811 00	Surgery	3.97	3.97	\$ 285.84	\$ 285.84
68815 00	Surgery	11.24	6.54	\$ 809.28	\$ 470.88
68816 00	Surgery	25.77	4.63	\$ 1,855.44	\$ 333.36
68840 00	Surgery	3.96	3.46	\$ 285.12	\$ 249.12
68841 00	Surgery	1.13	0.96	\$ 81.36	\$ 69.12
68850 00	Surgery	1.74	1.53	\$ 125.28	\$ 110.16
68899 00	Surgery	0.00	0.00	BR	BR
69000 00	Surgery	5.63	3.75	\$ 405.36	\$ 270.00
69005 00	Surgery	6.61	4.81	\$ 475.92	\$ 346.32
69020 00	Surgery	7.10	4.35	\$ 511.20	\$ 313.20
69090 00	Surgery	-	-	\$ 51.12	\$ 46.08
69100 00	Surgery	2.90	1.39	\$ 208.80	\$ 100.08
69105 00	Surgery	4.39	1.90	\$ 316.08	\$ 136.80
69110 00	Surgery	14.22	9.88	\$ 1,023.84	\$ 711.36
69120 00	Surgery	11.74	11.74	\$ 845.28	\$ 845.28
69140 00	Surgery	27.30	27.30	\$ 1,965.60	\$ 1,965.60
69145 00	Surgery	12.47	7.78	\$ 897.84	\$ 560.16
69150 00	Surgery	30.41	30.41	\$ 2,189.52	\$ 2,189.52
69155 00	Surgery	48.95	48.95	\$ 3,524.40	\$ 3,524.40
69200 00	Surgery	2.41	1.41	\$ 173.52	\$ 101.52
69205 00	Surgery	2.88	2.88	\$ 207.36	\$ 207.36
69209 00	Surgery	0.46	0.46	\$ 33.12	\$ 33.12
69210 00	Surgery	1.42	0.97	\$ 102.24	\$ 69.84
69220 00	Surgery	2.35	1.53	\$ 169.20	\$ 110.16
69222 00	Surgery	6.54	4.11	\$ 470.88	\$ 295.92
69300 00	Surgery	19.61	14.07	\$ 1,411.92	\$ 1,013.04
69310 00	Surgery	33.83	33.83	\$ 2,435.76	\$ 2,435.76
69320 00	Surgery	47.18	47.18	\$ 3,396.96	\$ 3,396.96
69399 00	Surgery	0.00	0.00	BR	BR
69420 00	Surgery	5.78	3.62	\$ 416.16	\$ 260.64
69421 00	Surgery	4.58	4.58	\$ 329.76	\$ 329.76
69424 00	Surgery	3.86	1.80	\$ 277.92	\$ 129.60
69433 00	Surgery	6.11	3.98	\$ 439.92	\$ 286.56
69436 00	Surgery	4.80	4.80	\$ 345.60	\$ 345.60
69440 00	Surgery	20.96	20.96	\$ 1,509.12	\$ 1,509.12
69450 00	Surgery	16.59	16.59	\$ 1,194.48	\$ 1,194.48
69501 00	Surgery	21.48	21.48	\$ 1,546.56	\$ 1,546.56
69502 00	Surgery	28.51	28.51	\$ 2,052.72	\$ 2,052.72
69505 00	Surgery	37.19	37.19	\$ 2,677.68	\$ 2,677.68

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
69511 00	Surgery	38.04	38.04	\$ 2,738.88	\$ 2,738.88
69530 00	Surgery	50.59	50.59	\$ 3,642.48	\$ 3,642.48
69535 00	Surgery	80.22	80.22	\$ 5,775.84	\$ 5,775.84
69540 00	Surgery	6.42	3.94	\$ 462.24	\$ 283.68
69550 00	Surgery	32.19	32.19	\$ 2,317.68	\$ 2,317.68
69552 00	Surgery	47.91	47.91	\$ 3,449.52	\$ 3,449.52
69554 00	Surgery	76.16	76.16	\$ 5,483.52	\$ 5,483.52
69601 00	Surgery	30.76	30.76	\$ 2,214.72	\$ 2,214.72
69602 00	Surgery	32.90	32.90	\$ 2,368.80	\$ 2,368.80
69603 00	Surgery	38.85	38.85	\$ 2,797.20	\$ 2,797.20
69604 00	Surgery	33.61	33.61	\$ 2,419.92	\$ 2,419.92
69610 00	Surgery	11.57	8.63	\$ 833.04	\$ 621.36
69620 00	Surgery	22.49	14.92	\$ 1,619.28	\$ 1,074.24
69631 00	Surgery	26.95	26.95	\$ 1,940.40	\$ 1,940.40
69632 00	Surgery	32.77	32.77	\$ 2,359.44	\$ 2,359.44
69633 00	Surgery	31.80	31.80	\$ 2,289.60	\$ 2,289.60
69635 00	Surgery	38.74	38.74	\$ 2,789.28	\$ 2,789.28
69636 00	Surgery	42.61	42.61	\$ 3,067.92	\$ 3,067.92
69637 00	Surgery	42.42	42.42	\$ 3,054.24	\$ 3,054.24
69641 00	Surgery	31.54	31.54	\$ 2,270.88	\$ 2,270.88
69642 00	Surgery	40.43	40.43	\$ 2,910.96	\$ 2,910.96
69643 00	Surgery	37.01	37.01	\$ 2,664.72	\$ 2,664.72
69644 00	Surgery	45.56	45.56	\$ 3,280.32	\$ 3,280.32
69645 00	Surgery	44.70	44.70	\$ 3,218.40	\$ 3,218.40
69646 00	Surgery	47.46	47.46	\$ 3,417.12	\$ 3,417.12
69650 00	Surgery	24.29	24.29	\$ 1,748.88	\$ 1,748.88
69660 00	Surgery	27.95	27.95	\$ 2,012.40	\$ 2,012.40
69661 00	Surgery	36.40	36.40	\$ 2,620.80	\$ 2,620.80
69662 00	Surgery	34.88	34.88	\$ 2,511.36	\$ 2,511.36
69666 00	Surgery	24.43	24.43	\$ 1,758.96	\$ 1,758.96
69667 00	Surgery	24.44	24.44	\$ 1,759.68	\$ 1,759.68
69670 00	Surgery	28.53	28.53	\$ 2,054.16	\$ 2,054.16
69676 00	Surgery	25.23	25.23	\$ 1,816.56	\$ 1,816.56
69700 00	Surgery	20.12	20.12	\$ 1,448.64	\$ 1,448.64
69705 00	Surgery	83.16	5.19	\$ 5,987.52	\$ 373.68
69706 00	Surgery	85.96	7.23	\$ 6,189.12	\$ 520.56
69710 00	Surgery	-	-	\$ 1,713.60	\$ 1,542.24
69711 00	Surgery	25.35	25.35	\$ 1,825.20	\$ 1,825.20
69714 00	Surgery	14.84	14.84	\$ 1,068.48	\$ 1,068.48
69716 00	Surgery	18.63	18.63	\$ 1,341.36	\$ 1,341.36
69717 00	Surgery	16.83	16.83	\$ 1,211.76	\$ 1,211.76
69719 00	Surgery	19.31	19.31	\$ 1,390.32	\$ 1,390.32
69720 00	Surgery	35.96	35.96	\$ 2,589.12	\$ 2,589.12
69725 00	Surgery	56.19	56.19	\$ 4,045.68	\$ 4,045.68

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
69726 00	Surgery	14.33	14.33	\$ 1,031.76	\$ 1,031.76
69727 00	Surgery	15.98	15.98	\$ 1,150.56	\$ 1,150.56
69728 00	Surgery	17.81	17.81	\$ 1,282.32	\$ 1,282.32
69729 00	Surgery	20.17	20.17	\$ 1,452.24	\$ 1,452.24
69730 00	Surgery	20.64	20.64	\$ 1,486.08	\$ 1,486.08
69740 00	Surgery	34.98	34.98	\$ 2,518.56	\$ 2,518.56
69745 00	Surgery	37.30	37.30	\$ 2,685.60	\$ 2,685.60
69799 00	Surgery	0.00	0.00	BR	BR
69801 00	Surgery	6.89	3.71	\$ 496.08	\$ 267.12
69805 00	Surgery	30.97	30.97	\$ 2,229.84	\$ 2,229.84
69806 00	Surgery	27.79	27.79	\$ 2,000.88	\$ 2,000.88
69905 00	Surgery	27.77	27.77	\$ 1,999.44	\$ 1,999.44
69910 00	Surgery	29.86	29.86	\$ 2,149.92	\$ 2,149.92
69915 00	Surgery	45.18	45.18	\$ 3,252.96	\$ 3,252.96
69930 00	Surgery	36.60	36.60	\$ 2,635.20	\$ 2,635.20
69949 00	Surgery	0.00	0.00	BR	BR
69950 00	Surgery	52.37	52.37	\$ 3,770.64	\$ 3,770.64
69955 00	Surgery	59.09	59.09	\$ 4,254.48	\$ 4,254.48
69960 00	Surgery	56.56	56.56	\$ 4,072.32	\$ 4,072.32
69970 00	Surgery	63.87	63.87	\$ 4,598.64	\$ 4,598.64
69979 00	Surgery	0.00	0.00	BR	BR
69990 00	Surgery	6.49	6.49	\$ 467.28	\$ 467.28

**Historical Note**

New Appendix A, Surgery Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Surgery Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Surgery Codes 2019-2020 repealed; new Appendix A, Surgery Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Surgery Codes 2020-2021 repealed; new Appendix A, Surgery Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Surgery Codes 2021-2022 repealed; new Surgery Codes 2022-2023 made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Surgery Codes 2022-2023 repealed; new Surgery Codes 2023-2024 made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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**RADIOLOGY GUIDELINES**

Information regarding publications incorporated by reference is found in the Introduction Section of the Fee Schedule.

The following Commission guidelines are in addition to CMS and CPT® guidelines and represent additional guidance from the Commission relative to unit values for these services. To the extent that a conflict may exist between an incorporated portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

**A. GENERAL GUIDELINES**

1. Values include usual contrast media, equipment, and materials. An additional charge may be warranted when special surgical trays and materials are provided by the healthcare provider.
2. Values include consultation and written reports to the referring healthcare provider.
3. X-ray findings and attending healthcare provider's written order for x-rays must be included with statement for x-ray services. Bills unsupported by findings will not be paid.
4. X-rays should be taken, reported, and be properly marked for identification and orientation in accordance with the accepted standard of radiologic practice in the State of Arizona.

**B. MODIFIERS**

Modifiers identify circumstances that alter or enhance the description of the service. For radiology codes, two modifiers affect the assigned unit value and are listed in *The Essential RBRVS*. However, other modifiers may be required for correct reporting of service. See CMS and the 2023 CPT® publication for additional information on modifiers. Listed radiology modifiers affect the unit values as follows:

1. Total: When no modifier is listed, the unit value represents the global value of the procedure. The five-digit code is used to represent a global service inclusive of professional and technical value of providing that service. The following sections provide additional definitions for each component.
2. Professional: Modifier 26 is used to designate professional services. The professional component includes examination of the patient, when indicated, performance and/or supervision of the procedure, interpretation and written report of the examination, and consultation with referring healthcare providers.
3. Technical: Modifier TC is used to designate the technical value of providing the service. The technical component includes personnel, materials, space, equipment, and other allocated facility overhead normally included in providing the service. Note that modifier TC is not CPT® compatible.

**C. REFERENCE TO RELATIVE VALUES**

Two patterns of billing currently prevail in radiology. A total charge for the radiology service, to include both professional fees and technical costs, is made by radiologists working in offices, clinics and, under some circumstances, in hospital or ambulatory surgery center x-ray departments.

In a majority of voluntary hospital or ambulatory surgery center radiology departments, the radiologist submits a separate statement to the patient for his professional services. The hospital or ambulatory surgery center charges for use of the department facilities and the services of its employees. This pattern is similar to the charges made by the hospital or ambulatory surgery center for the use of delivery rooms or surgical suites. Such charges are entirely separate from the fees charged by obstetricians and surgeons. In most separate radiology billing situations, the total will approximate the amount billed singly by the radiologist in their office or billed singly by the hospital or ambulatory surgery center.

The two separate scales in Radiology Relative Values have been devised for use in radiology and are not coordinated with scales for services in other branches of medicine such as surgery, medicine or pathology. The two scales are compatible only within themselves.

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Within each of the two separate headings, the total dollar value and the PC or professional components dollar value, where appropriate, can be used. Some procedures are noted as a “BR” value or “By Report”. This usage is intended to indicate that circumstances involving a given patient procedure may require much more than the average amount of time and effort to perform and thus a value would be unique and could not be anticipated or established. When such added involvement is claimed, a written explanation will usually be required as an addendum to the bill.

The PC values do not include charges made by the hospital in which the procedure was accomplished. Such charges by the hospital or ambulatory surgery center cover the services of technologists and other helpers, the films, contrast media, radioactive agents, chemical and other materials, the use of the space and facilities of the x-ray department plus any other hospital or ambulatory surgery center costs. Most hospitals or ambulatory surgery centers have derived their own schedule of charges of these items. Establishment of hospital or ambulatory surgery center charges is not the subject of the Fee Schedule.

The separation of billing in no way implies a division of responsibility, but only a division of the charge. The radiologist is a physician performing a needed medical service for a patient, and he must retain full responsibility for his own activity and also full responsibility for the supervision of technologists, the selection and maintenance of equipment, the control of radiation hazards and the general administration of the radiology department.

**D. REVIEW OF DIAGNOSTIC STUDIES**

No separate charge is warranted for prior studies reviewed in conjunction with a visit, consultation, record review, or other evaluation by a healthcare provider; neither the professional component value modifier 26 nor the radiological consultation CPT® code 76140 is reimbursable. The review of diagnostic tests is included in the evaluation and management codes.

**Historical Note**

New Appendix A. Radiology Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A. Radiology Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Radiology Guidelines repealed; new Appendix A, Radiology Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Radiology Guidelines repealed; new Appendix A, Radiology Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Radiology Guidelines repealed; new Radiology Guidelines made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Radiology Guidelines repealed; new Radiology Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).



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<b>ARIZONA PHYSICIANS' FEE SCHEDULE</b> <b>Radiology Codes 2023</b> <b>Radiology Conversion Factor \$70.00</b>					
Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
70010 00	Radiology	1.74	1.74	\$ 121.80	\$ 121.80
70015 00	Radiology	5.06	5.06	\$ 354.20	\$ 354.20
70015 26	Radiology	1.69	1.69	\$ 118.30	\$ 118.30
70015 TC	Radiology	3.37	3.37	\$ 235.90	\$ 235.90
70030 00	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
70030 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70030 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
70100 00	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
70100 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70100 TC	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
70110 00	Radiology	1.30	1.30	\$ 91.00	\$ 91.00
70110 26	Radiology	0.35	0.35	\$ 24.50	\$ 24.50
70110 TC	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
70120 00	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
70120 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70120 TC	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
70130 00	Radiology	1.88	1.88	\$ 131.60	\$ 131.60
70130 26	Radiology	0.49	0.49	\$ 34.30	\$ 34.30
70130 TC	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
70134 00	Radiology	1.85	1.85	\$ 129.50	\$ 129.50
70134 26	Radiology	0.51	0.51	\$ 35.70	\$ 35.70
70134 TC	Radiology	1.34	1.34	\$ 93.80	\$ 93.80
70140 00	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
70140 26	Radiology	0.29	0.29	\$ 20.30	\$ 20.30
70140 TC	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
70150 00	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
70150 26	Radiology	0.37	0.37	\$ 25.90	\$ 25.90
70150 TC	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
70160 00	Radiology	1.15	1.15	\$ 80.50	\$ 80.50
70160 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
70160 TC	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
70170 00	Radiology	-	-	\$ 103.60	\$ 103.60
70170 26	Radiology	0.43	0.43	\$ 30.10	\$ 30.10
70170 TC	Radiology	-	-	\$ 73.50	\$ 73.50
70190 00	Radiology	1.13	1.13	\$ 79.10	\$ 79.10
70190 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
70190 TC	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
70200 00	Radiology	1.44	1.44	\$ 100.80	\$ 100.80

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
70200 26	Radiology	0.40	0.40	\$ 28.00	\$ 28.00
70200 TC	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
70210 00	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
70210 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
70210 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
70220 00	Radiology	1.13	1.13	\$ 79.10	\$ 79.10
70220 26	Radiology	0.31	0.31	\$ 21.70	\$ 21.70
70220 TC	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
70240 00	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
70240 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
70240 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
70250 00	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
70250 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70250 TC	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
70260 00	Radiology	1.34	1.34	\$ 93.80	\$ 93.80
70260 26	Radiology	0.40	0.40	\$ 28.00	\$ 28.00
70260 TC	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
70300 00	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
70300 26	Radiology	0.15	0.15	\$ 10.50	\$ 10.50
70300 TC	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
70310 00	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
70310 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
70310 TC	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
70320 00	Radiology	1.58	1.58	\$ 110.60	\$ 110.60
70320 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
70320 TC	Radiology	1.26	1.26	\$ 88.20	\$ 88.20
70328 00	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
70328 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70328 TC	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
70330 00	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
70330 26	Radiology	0.34	0.34	\$ 23.80	\$ 23.80
70330 TC	Radiology	1.25	1.25	\$ 87.50	\$ 87.50
70332 00	Radiology	2.55	2.55	\$ 178.50	\$ 178.50
70332 26	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
70332 TC	Radiology	1.77	1.77	\$ 123.90	\$ 123.90
70336 00	Radiology	8.31	8.31	\$ 581.70	\$ 581.70
70336 26	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
70336 TC	Radiology	6.23	6.23	\$ 436.10	\$ 436.10
70350 00	Radiology	0.49	0.49	\$ 34.30	\$ 34.30
70350 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
70350 TC	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
70355 00	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
70355 26	Radiology	0.29	0.29	\$ 20.30	\$ 20.30

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
70355 TC	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
70360 00	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
70360 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
70360 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
70370 00	Radiology	3.06	3.06	\$ 214.20	\$ 214.20
70370 26	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
70370 TC	Radiology	2.62	2.62	\$ 183.40	\$ 183.40
70371 00	Radiology	3.25	3.25	\$ 227.50	\$ 227.50
70371 26	Radiology	1.22	1.22	\$ 85.40	\$ 85.40
70371 TC	Radiology	2.03	2.03	\$ 142.10	\$ 142.10
70380 00	Radiology	1.13	1.13	\$ 79.10	\$ 79.10
70380 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
70380 TC	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
70390 00	Radiology	3.55	3.55	\$ 248.50	\$ 248.50
70390 26	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
70390 TC	Radiology	3.01	3.01	\$ 210.70	\$ 210.70
70450 00	Radiology	3.29	3.29	\$ 230.30	\$ 230.30
70450 26	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
70450 TC	Radiology	2.09	2.09	\$ 146.30	\$ 146.30
70460 00	Radiology	4.59	4.59	\$ 321.30	\$ 321.30
70460 26	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
70460 TC	Radiology	2.99	2.99	\$ 209.30	\$ 209.30
70470 00	Radiology	5.40	5.40	\$ 378.00	\$ 378.00
70470 26	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
70470 TC	Radiology	3.60	3.60	\$ 252.00	\$ 252.00
70480 00	Radiology	4.92	4.92	\$ 344.40	\$ 344.40
70480 26	Radiology	1.82	1.82	\$ 127.40	\$ 127.40
70480 TC	Radiology	3.10	3.10	\$ 217.00	\$ 217.00
70481 00	Radiology	5.62	5.62	\$ 393.40	\$ 393.40
70481 26	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
70481 TC	Radiology	4.02	4.02	\$ 281.40	\$ 281.40
70482 00	Radiology	6.56	6.56	\$ 459.20	\$ 459.20
70482 26	Radiology	1.79	1.79	\$ 125.30	\$ 125.30
70482 TC	Radiology	4.77	4.77	\$ 333.90	\$ 333.90
70486 00	Radiology	3.98	3.98	\$ 278.60	\$ 278.60
70486 26	Radiology	1.21	1.21	\$ 84.70	\$ 84.70
70486 TC	Radiology	2.77	2.77	\$ 193.90	\$ 193.90
70487 00	Radiology	4.72	4.72	\$ 330.40	\$ 330.40
70487 26	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
70487 TC	Radiology	3.12	3.12	\$ 218.40	\$ 218.40
70488 00	Radiology	5.75	5.75	\$ 402.50	\$ 402.50
70488 26	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
70488 TC	Radiology	3.95	3.95	\$ 276.50	\$ 276.50

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
70490 00	Radiology	4.66	4.66	\$ 326.20	\$ 326.20
70490 26	Radiology	1.82	1.82	\$ 127.40	\$ 127.40
70490 TC	Radiology	2.84	2.84	\$ 198.80	\$ 198.80
70491 00	Radiology	5.74	5.74	\$ 401.80	\$ 401.80
70491 26	Radiology	1.96	1.96	\$ 137.20	\$ 137.20
70491 TC	Radiology	3.78	3.78	\$ 264.60	\$ 264.60
70492 00	Radiology	6.90	6.90	\$ 483.00	\$ 483.00
70492 26	Radiology	2.28	2.28	\$ 159.60	\$ 159.60
70492 TC	Radiology	4.62	4.62	\$ 323.40	\$ 323.40
70496 00	Radiology	8.59	8.59	\$ 601.30	\$ 601.30
70496 26	Radiology	2.48	2.48	\$ 173.60	\$ 173.60
70496 TC	Radiology	6.11	6.11	\$ 427.70	\$ 427.70
70498 00	Radiology	8.58	8.58	\$ 600.60	\$ 600.60
70498 26	Radiology	2.48	2.48	\$ 173.60	\$ 173.60
70498 TC	Radiology	6.10	6.10	\$ 427.00	\$ 427.00
70540 00	Radiology	7.08	7.08	\$ 495.60	\$ 495.60
70540 26	Radiology	1.90	1.90	\$ 133.00	\$ 133.00
70540 TC	Radiology	5.18	5.18	\$ 362.60	\$ 362.60
70542 00	Radiology	8.41	8.41	\$ 588.70	\$ 588.70
70542 26	Radiology	2.29	2.29	\$ 160.30	\$ 160.30
70542 TC	Radiology	6.12	6.12	\$ 428.40	\$ 428.40
70543 00	Radiology	10.62	10.62	\$ 743.40	\$ 743.40
70543 26	Radiology	3.03	3.03	\$ 212.10	\$ 212.10
70543 TC	Radiology	7.59	7.59	\$ 531.30	\$ 531.30
70544 00	Radiology	6.72	6.72	\$ 470.40	\$ 470.40
70544 26	Radiology	1.70	1.70	\$ 119.00	\$ 119.00
70544 TC	Radiology	5.02	5.02	\$ 351.40	\$ 351.40
70545 00	Radiology	7.10	7.10	\$ 497.00	\$ 497.00
70545 26	Radiology	1.69	1.69	\$ 118.30	\$ 118.30
70545 TC	Radiology	5.41	5.41	\$ 378.70	\$ 378.70
70546 00	Radiology	10.29	10.29	\$ 720.30	\$ 720.30
70546 26	Radiology	2.09	2.09	\$ 146.30	\$ 146.30
70546 TC	Radiology	8.20	8.20	\$ 574.00	\$ 574.00
70547 00	Radiology	6.73	6.73	\$ 471.10	\$ 471.10
70547 26	Radiology	1.70	1.70	\$ 119.00	\$ 119.00
70547 TC	Radiology	5.03	5.03	\$ 352.10	\$ 352.10
70548 00	Radiology	7.68	7.68	\$ 537.60	\$ 537.60
70548 26	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
70548 TC	Radiology	5.56	5.56	\$ 389.20	\$ 389.20
70549 00	Radiology	10.79	10.79	\$ 755.30	\$ 755.30
70549 26	Radiology	2.55	2.55	\$ 178.50	\$ 178.50
70549 TC	Radiology	8.24	8.24	\$ 576.80	\$ 576.80
70551 00	Radiology	6.11	6.11	\$ 427.70	\$ 427.70

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
70551 26	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
70551 TC	Radiology	4.01	4.01	\$ 280.70	\$ 280.70
70552 00	Radiology	8.46	8.46	\$ 592.20	\$ 592.20
70552 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
70552 TC	Radiology	5.93	5.93	\$ 415.10	\$ 415.10
70553 00	Radiology	9.96	9.96	\$ 697.20	\$ 697.20
70553 26	Radiology	3.24	3.24	\$ 226.80	\$ 226.80
70553 TC	Radiology	6.72	6.72	\$ 470.40	\$ 470.40
70554 00	Radiology	11.86	11.86	\$ 830.20	\$ 830.20
70554 26	Radiology	2.99	2.99	\$ 209.30	\$ 209.30
70554 TC	Radiology	8.87	8.87	\$ 620.90	\$ 620.90
70555 00	Radiology	-	-	\$ 1,457.40	\$ 1,457.40
70555 26	Radiology	3.54	3.54	\$ 247.80	\$ 247.80
70555 TC	Radiology	-	-	\$ 1,209.60	\$ 1,209.60
70557 00	Radiology	-	-	\$ 1,185.10	\$ 1,185.10
70557 26	Radiology	4.74	4.74	\$ 331.80	\$ 331.80
70557 TC	Radiology	-	-	\$ 853.30	\$ 853.30
70558 00	Radiology	-	-	\$ 1,380.40	\$ 1,380.40
70558 26	Radiology	4.93	4.93	\$ 345.10	\$ 345.10
70558 TC	Radiology	-	-	\$ 1,035.30	\$ 1,035.30
70559 00	Radiology	-	-	\$ 919.80	\$ 919.80
70559 26	Radiology	4.73	4.73	\$ 331.10	\$ 331.10
70559 TC	Radiology	-	-	\$ 588.70	\$ 588.70
71045 00	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
71045 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
71045 TC	Radiology	0.52	0.52	\$ 36.40	\$ 36.40
71046 00	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
71046 26	Radiology	0.31	0.31	\$ 21.70	\$ 21.70
71046 TC	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
71047 00	Radiology	1.27	1.27	\$ 88.90	\$ 88.90
71047 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
71047 TC	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
71048 00	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
71048 26	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
71048 TC	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
71100 00	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
71100 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
71100 TC	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
71101 00	Radiology	1.27	1.27	\$ 88.90	\$ 88.90
71101 26	Radiology	0.38	0.38	\$ 26.60	\$ 26.60
71101 TC	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
71110 00	Radiology	1.32	1.32	\$ 92.40	\$ 92.40
71110 26	Radiology	0.41	0.41	\$ 28.70	\$ 28.70

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
71110 TC	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
71111 00	Radiology	1.58	1.58	\$ 110.60	\$ 110.60
71111 26	Radiology	0.46	0.46	\$ 32.20	\$ 32.20
71111 TC	Radiology	1.12	1.12	\$ 78.40	\$ 78.40
71120 00	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
71120 26	Radiology	0.28	0.28	\$ 19.60	\$ 19.60
71120 TC	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
71130 00	Radiology	1.24	1.24	\$ 86.80	\$ 86.80
71130 26	Radiology	0.31	0.31	\$ 21.70	\$ 21.70
71130 TC	Radiology	0.93	0.93	\$ 65.10	\$ 65.10
71250 00	Radiology	4.13	4.13	\$ 289.10	\$ 289.10
71250 26	Radiology	1.53	1.53	\$ 107.10	\$ 107.10
71250 TC	Radiology	2.60	2.60	\$ 182.00	\$ 182.00
71260 00	Radiology	5.18	5.18	\$ 362.60	\$ 362.60
71260 26	Radiology	1.65	1.65	\$ 115.50	\$ 115.50
71260 TC	Radiology	3.53	3.53	\$ 247.10	\$ 247.10
71270 00	Radiology	6.11	6.11	\$ 427.70	\$ 427.70
71270 26	Radiology	1.76	1.76	\$ 123.20	\$ 123.20
71270 TC	Radiology	4.35	4.35	\$ 304.50	\$ 304.50
71271 00	Radiology	4.27	4.27	\$ 298.90	\$ 298.90
71271 26	Radiology	1.53	1.53	\$ 107.10	\$ 107.10
71271 TC	Radiology	2.74	2.74	\$ 191.80	\$ 191.80
71275 00	Radiology	8.75	8.75	\$ 612.50	\$ 612.50
71275 26	Radiology	2.57	2.57	\$ 179.90	\$ 179.90
71275 TC	Radiology	6.18	6.18	\$ 432.60	\$ 432.60
71550 00	Radiology	10.63	10.63	\$ 744.10	\$ 744.10
71550 26	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
71550 TC	Radiology	8.56	8.56	\$ 599.20	\$ 599.20
71551 00	Radiology	11.75	11.75	\$ 822.50	\$ 822.50
71551 26	Radiology	2.45	2.45	\$ 171.50	\$ 171.50
71551 TC	Radiology	9.30	9.30	\$ 651.00	\$ 651.00
71552 00	Radiology	14.84	14.84	\$ 1,038.80	\$ 1,038.80
71552 26	Radiology	3.20	3.20	\$ 224.00	\$ 224.00
71552 TC	Radiology	11.64	11.64	\$ 814.80	\$ 814.80
71555 00	Radiology	10.44	10.44	\$ 730.80	\$ 730.80
71555 26	Radiology	2.54	2.54	\$ 177.80	\$ 177.80
71555 TC	Radiology	7.90	7.90	\$ 553.00	\$ 553.00
72020 00	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
72020 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
72020 TC	Radiology	0.51	0.51	\$ 35.70	\$ 35.70
72040 00	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
72040 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72040 TC	Radiology	0.87	0.87	\$ 60.90	\$ 60.90

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
72050 00	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
72050 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
72050 TC	Radiology	1.21	1.21	\$ 84.70	\$ 84.70
72052 00	Radiology	1.87	1.87	\$ 130.90	\$ 130.90
72052 26	Radiology	0.43	0.43	\$ 30.10	\$ 30.10
72052 TC	Radiology	1.44	1.44	\$ 100.80	\$ 100.80
72070 00	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
72070 26	Radiology	0.29	0.29	\$ 20.30	\$ 20.30
72070 TC	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
72072 00	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
72072 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72072 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
72074 00	Radiology	1.33	1.33	\$ 93.10	\$ 93.10
72074 26	Radiology	0.35	0.35	\$ 24.50	\$ 24.50
72074 TC	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
72080 00	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
72080 26	Radiology	0.30	0.30	\$ 21.00	\$ 21.00
72080 TC	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
72081 00	Radiology	1.28	1.28	\$ 89.60	\$ 89.60
72081 26	Radiology	0.37	0.37	\$ 25.90	\$ 25.90
72081 TC	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
72082 00	Radiology	2.11	2.11	\$ 147.70	\$ 147.70
72082 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
72082 TC	Radiology	1.66	1.66	\$ 116.20	\$ 116.20
72083 00	Radiology	2.37	2.37	\$ 165.90	\$ 165.90
72083 26	Radiology	0.51	0.51	\$ 35.70	\$ 35.70
72083 TC	Radiology	1.86	1.86	\$ 130.20	\$ 130.20
72084 00	Radiology	2.98	2.98	\$ 208.60	\$ 208.60
72084 26	Radiology	0.60	0.60	\$ 42.00	\$ 42.00
72084 TC	Radiology	2.38	2.38	\$ 166.60	\$ 166.60
72100 00	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
72100 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72100 TC	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
72110 00	Radiology	1.54	1.54	\$ 107.80	\$ 107.80
72110 26	Radiology	0.37	0.37	\$ 25.90	\$ 25.90
72110 TC	Radiology	1.17	1.17	\$ 81.90	\$ 81.90
72114 00	Radiology	1.86	1.86	\$ 130.20	\$ 130.20
72114 26	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
72114 TC	Radiology	1.42	1.42	\$ 99.40	\$ 99.40
72120 00	Radiology	1.22	1.22	\$ 85.40	\$ 85.40
72120 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72120 TC	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
72125 00	Radiology	4.02	4.02	\$ 281.40	\$ 281.40

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
72125 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
72125 TC	Radiology	2.62	2.62	\$ 183.40	\$ 183.40
72126 00	Radiology	5.24	5.24	\$ 366.80	\$ 366.80
72126 26	Radiology	1.72	1.72	\$ 120.40	\$ 120.40
72126 TC	Radiology	3.52	3.52	\$ 246.40	\$ 246.40
72127 00	Radiology	6.14	6.14	\$ 429.80	\$ 429.80
72127 26	Radiology	1.79	1.79	\$ 125.30	\$ 125.30
72127 TC	Radiology	4.35	4.35	\$ 304.50	\$ 304.50
72128 00	Radiology	4.02	4.02	\$ 281.40	\$ 281.40
72128 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
72128 TC	Radiology	2.62	2.62	\$ 183.40	\$ 183.40
72129 00	Radiology	5.28	5.28	\$ 369.60	\$ 369.60
72129 26	Radiology	1.73	1.73	\$ 121.10	\$ 121.10
72129 TC	Radiology	3.55	3.55	\$ 248.50	\$ 248.50
72130 00	Radiology	6.20	6.20	\$ 434.00	\$ 434.00
72130 26	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
72130 TC	Radiology	4.40	4.40	\$ 308.00	\$ 308.00
72131 00	Radiology	4.00	4.00	\$ 280.00	\$ 280.00
72131 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
72131 TC	Radiology	2.60	2.60	\$ 182.00	\$ 182.00
72132 00	Radiology	5.25	5.25	\$ 367.50	\$ 367.50
72132 26	Radiology	1.72	1.72	\$ 120.40	\$ 120.40
72132 TC	Radiology	3.53	3.53	\$ 247.10	\$ 247.10
72133 00	Radiology	6.16	6.16	\$ 431.20	\$ 431.20
72133 26	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
72133 TC	Radiology	4.36	4.36	\$ 305.20	\$ 305.20
72141 00	Radiology	5.94	5.94	\$ 415.80	\$ 415.80
72141 26	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
72141 TC	Radiology	3.84	3.84	\$ 268.80	\$ 268.80
72142 00	Radiology	8.61	8.61	\$ 602.70	\$ 602.70
72142 26	Radiology	2.54	2.54	\$ 177.80	\$ 177.80
72142 TC	Radiology	6.07	6.07	\$ 424.90	\$ 424.90
72146 00	Radiology	5.94	5.94	\$ 415.80	\$ 415.80
72146 26	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
72146 TC	Radiology	3.84	3.84	\$ 268.80	\$ 268.80
72147 00	Radiology	8.54	8.54	\$ 597.80	\$ 597.80
72147 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
72147 TC	Radiology	6.01	6.01	\$ 420.70	\$ 420.70
72148 00	Radiology	5.96	5.96	\$ 417.20	\$ 417.20
72148 26	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
72148 TC	Radiology	3.86	3.86	\$ 270.20	\$ 270.20
72149 00	Radiology	8.46	8.46	\$ 592.20	\$ 592.20
72149 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
72149 TC	Radiology	5.93	5.93	\$ 415.10	\$ 415.10
72156 00	Radiology	10.01	10.01	\$ 700.70	\$ 700.70
72156 26	Radiology	3.24	3.24	\$ 226.80	\$ 226.80
72156 TC	Radiology	6.77	6.77	\$ 473.90	\$ 473.90
72157 00	Radiology	10.03	10.03	\$ 702.10	\$ 702.10
72157 26	Radiology	3.24	3.24	\$ 226.80	\$ 226.80
72157 TC	Radiology	6.79	6.79	\$ 475.30	\$ 475.30
72158 00	Radiology	9.99	9.99	\$ 699.30	\$ 699.30
72158 26	Radiology	3.24	3.24	\$ 226.80	\$ 226.80
72158 TC	Radiology	6.75	6.75	\$ 472.50	\$ 472.50
72159 00	Radiology	10.83	10.83	\$ 758.10	\$ 758.10
72159 26	Radiology	2.56	2.56	\$ 179.20	\$ 179.20
72159 TC	Radiology	8.27	8.27	\$ 578.90	\$ 578.90
72170 00	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
72170 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
72170 TC	Radiology	0.59	0.59	\$ 41.30	\$ 41.30
72190 00	Radiology	1.27	1.27	\$ 88.90	\$ 88.90
72190 26	Radiology	0.36	0.36	\$ 25.20	\$ 25.20
72190 TC	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
72191 00	Radiology	9.51	9.51	\$ 665.70	\$ 665.70
72191 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
72191 TC	Radiology	6.98	6.98	\$ 488.60	\$ 488.60
72192 00	Radiology	4.13	4.13	\$ 289.10	\$ 289.10
72192 26	Radiology	1.54	1.54	\$ 107.80	\$ 107.80
72192 TC	Radiology	2.59	2.59	\$ 181.30	\$ 181.30
72193 00	Radiology	7.19	7.19	\$ 503.30	\$ 503.30
72193 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80
72193 TC	Radiology	5.55	5.55	\$ 388.50	\$ 388.50
72194 00	Radiology	7.93	7.93	\$ 555.10	\$ 555.10
72194 26	Radiology	1.72	1.72	\$ 120.40	\$ 120.40
72194 TC	Radiology	6.21	6.21	\$ 434.70	\$ 434.70
72195 00	Radiology	7.17	7.17	\$ 501.90	\$ 501.90
72195 26	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
72195 TC	Radiology	5.10	5.10	\$ 357.00	\$ 357.00
72196 00	Radiology	8.42	8.42	\$ 589.40	\$ 589.40
72196 26	Radiology	2.46	2.46	\$ 172.20	\$ 172.20
72196 TC	Radiology	5.96	5.96	\$ 417.20	\$ 417.20
72197 00	Radiology	10.57	10.57	\$ 739.90	\$ 739.90
72197 26	Radiology	3.10	3.10	\$ 217.00	\$ 217.00
72197 TC	Radiology	7.47	7.47	\$ 522.90	\$ 522.90
72198 00	Radiology	10.57	10.57	\$ 739.90	\$ 739.90
72198 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
72198 TC	Radiology	8.04	8.04	\$ 562.80	\$ 562.80

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
72200 00	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
72200 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
72200 TC	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
72202 00	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
72202 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
72202 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
72220 00	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
72220 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
72220 TC	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
72240 00	Radiology	3.45	3.45	\$ 241.50	\$ 241.50
72240 26	Radiology	1.32	1.32	\$ 92.40	\$ 92.40
72240 TC	Radiology	2.13	2.13	\$ 149.10	\$ 149.10
72255 00	Radiology	3.61	3.61	\$ 252.70	\$ 252.70
72255 26	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
72255 TC	Radiology	2.22	2.22	\$ 155.40	\$ 155.40
72265 00	Radiology	3.29	3.29	\$ 230.30	\$ 230.30
72265 26	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
72265 TC	Radiology	2.11	2.11	\$ 147.70	\$ 147.70
72270 00	Radiology	4.94	4.94	\$ 345.80	\$ 345.80
72270 26	Radiology	1.96	1.96	\$ 137.20	\$ 137.20
72270 TC	Radiology	2.98	2.98	\$ 208.60	\$ 208.60
72285 00	Radiology	3.86	3.86	\$ 270.20	\$ 270.20
72285 26	Radiology	1.65	1.65	\$ 115.50	\$ 115.50
72285 TC	Radiology	2.21	2.21	\$ 154.70	\$ 154.70
72295 00	Radiology	3.33	3.33	\$ 233.10	\$ 233.10
72295 26	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
72295 TC	Radiology	2.15	2.15	\$ 150.50	\$ 150.50
73000 00	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
73000 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73000 TC	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
73010 00	Radiology	0.71	0.71	\$ 49.70	\$ 49.70
73010 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
73010 TC	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
73020 00	Radiology	0.65	0.65	\$ 45.50	\$ 45.50
73020 26	Radiology	0.22	0.22	\$ 15.40	\$ 15.40
73020 TC	Radiology	0.43	0.43	\$ 30.10	\$ 30.10
73030 00	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
73030 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
73030 TC	Radiology	0.77	0.77	\$ 53.90	\$ 53.90
73040 00	Radiology	3.96	3.96	\$ 277.20	\$ 277.20
73040 26	Radiology	0.80	0.80	\$ 56.00	\$ 56.00
73040 TC	Radiology	3.16	3.16	\$ 221.20	\$ 221.20
73050 00	Radiology	0.86	0.86	\$ 60.20	\$ 60.20

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
73050 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
73050 TC	Radiology	0.59	0.59	\$ 41.30	\$ 41.30
73060 00	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
73060 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73060 TC	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
73070 00	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
73070 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73070 TC	Radiology	0.64	0.64	\$ 44.80	\$ 44.80
73080 00	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
73080 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73080 TC	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
73085 00	Radiology	3.36	3.36	\$ 235.20	\$ 235.20
73085 26	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
73085 TC	Radiology	2.55	2.55	\$ 178.50	\$ 178.50
73090 00	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
73090 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73090 TC	Radiology	0.65	0.65	\$ 45.50	\$ 45.50
73092 00	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
73092 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73092 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
73100 00	Radiology	1.02	1.02	\$ 71.40	\$ 71.40
73100 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73100 TC	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
73110 00	Radiology	1.23	1.23	\$ 86.10	\$ 86.10
73110 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73110 TC	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
73115 00	Radiology	4.08	4.08	\$ 285.60	\$ 285.60
73115 26	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
73115 TC	Radiology	3.27	3.27	\$ 228.90	\$ 228.90
73120 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
73120 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73120 TC	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
73130 00	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
73130 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73130 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
73140 00	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
73140 26	Radiology	0.20	0.20	\$ 14.00	\$ 14.00
73140 TC	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
73200 00	Radiology	5.03	5.03	\$ 352.10	\$ 352.10
73200 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
73200 TC	Radiology	3.63	3.63	\$ 254.10	\$ 254.10
73201 00	Radiology	6.28	6.28	\$ 439.60	\$ 439.60
73201 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
73201 TC	Radiology	4.64	4.64	\$ 324.80	\$ 324.80
73202 00	Radiology	7.79	7.79	\$ 545.30	\$ 545.30
73202 26	Radiology	1.72	1.72	\$ 120.40	\$ 120.40
73202 TC	Radiology	6.07	6.07	\$ 424.90	\$ 424.90
73206 00	Radiology	9.27	9.27	\$ 648.90	\$ 648.90
73206 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
73206 TC	Radiology	6.74	6.74	\$ 471.80	\$ 471.80
73218 00	Radiology	9.55	9.55	\$ 668.50	\$ 668.50
73218 26	Radiology	1.92	1.92	\$ 134.40	\$ 134.40
73218 TC	Radiology	7.63	7.63	\$ 534.10	\$ 534.10
73219 00	Radiology	10.43	10.43	\$ 730.10	\$ 730.10
73219 26	Radiology	2.29	2.29	\$ 160.30	\$ 160.30
73219 TC	Radiology	8.14	8.14	\$ 569.80	\$ 569.80
73220 00	Radiology	12.89	12.89	\$ 902.30	\$ 902.30
73220 26	Radiology	3.04	3.04	\$ 212.80	\$ 212.80
73220 TC	Radiology	9.85	9.85	\$ 689.50	\$ 689.50
73221 00	Radiology	6.32	6.32	\$ 442.40	\$ 442.40
73221 26	Radiology	1.93	1.93	\$ 135.10	\$ 135.10
73221 TC	Radiology	4.39	4.39	\$ 307.30	\$ 307.30
73222 00	Radiology	9.83	9.83	\$ 688.10	\$ 688.10
73222 26	Radiology	2.30	2.30	\$ 161.00	\$ 161.00
73222 TC	Radiology	7.53	7.53	\$ 527.10	\$ 527.10
73223 00	Radiology	12.17	12.17	\$ 851.90	\$ 851.90
73223 26	Radiology	3.05	3.05	\$ 213.50	\$ 213.50
73223 TC	Radiology	9.12	9.12	\$ 638.40	\$ 638.40
73225 00	Radiology	10.73	10.73	\$ 751.10	\$ 751.10
73225 26	Radiology	2.46	2.46	\$ 172.20	\$ 172.20
73225 TC	Radiology	8.27	8.27	\$ 578.90	\$ 578.90
73501 00	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
73501 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
73501 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
73502 00	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
73502 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
73502 TC	Radiology	1.09	1.09	\$ 76.30	\$ 76.30
73503 00	Radiology	1.78	1.78	\$ 124.60	\$ 124.60
73503 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
73503 TC	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
73521 00	Radiology	1.24	1.24	\$ 86.80	\$ 86.80
73521 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
73521 TC	Radiology	0.92	0.92	\$ 64.40	\$ 64.40
73522 00	Radiology	1.61	1.61	\$ 112.70	\$ 112.70
73522 26	Radiology	0.42	0.42	\$ 29.40	\$ 29.40
73522 TC	Radiology	1.19	1.19	\$ 83.30	\$ 83.30

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
73523 00	Radiology	1.86	1.86	\$ 130.20	\$ 130.20
73523 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
73523 TC	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
73525 00	Radiology	3.93	3.93	\$ 275.10	\$ 275.10
73525 26	Radiology	0.83	0.83	\$ 58.10	\$ 58.10
73525 TC	Radiology	3.10	3.10	\$ 217.00	\$ 217.00
73551 00	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
73551 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73551 TC	Radiology	0.64	0.64	\$ 44.80	\$ 44.80
73552 00	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
73552 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
73552 TC	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
73560 00	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
73560 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73560 TC	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
73562 00	Radiology	1.22	1.22	\$ 85.40	\$ 85.40
73562 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
73562 TC	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
73564 00	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
73564 26	Radiology	0.33	0.33	\$ 23.10	\$ 23.10
73564 TC	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
73565 00	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
73565 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73565 TC	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
73580 00	Radiology	3.84	3.84	\$ 268.80	\$ 268.80
73580 26	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
73580 TC	Radiology	2.94	2.94	\$ 205.80	\$ 205.80
73590 00	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
73590 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73590 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
73592 00	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
73592 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73592 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
73600 00	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
73600 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73600 TC	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
73610 00	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
73610 26	Radiology	0.25	0.25	\$ 17.50	\$ 17.50
73610 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
73615 00	Radiology	3.90	3.90	\$ 273.00	\$ 273.00
73615 26	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
73615 TC	Radiology	3.09	3.09	\$ 216.30	\$ 216.30
73620 00	Radiology	0.85	0.85	\$ 59.50	\$ 59.50

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
73620 26	Radiology	0.22	0.22	\$ 15.40	\$ 15.40
73620 TC	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
73630 00	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
73630 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
73630 TC	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
73650 00	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
73650 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
73650 TC	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
73660 00	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
73660 26	Radiology	0.19	0.19	\$ 13.30	\$ 13.30
73660 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
73700 00	Radiology	4.01	4.01	\$ 280.70	\$ 280.70
73700 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
73700 TC	Radiology	2.61	2.61	\$ 182.70	\$ 182.70
73701 00	Radiology	5.18	5.18	\$ 362.60	\$ 362.60
73701 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80
73701 TC	Radiology	3.54	3.54	\$ 247.80	\$ 247.80
73702 00	Radiology	6.07	6.07	\$ 424.90	\$ 424.90
73702 26	Radiology	1.71	1.71	\$ 119.70	\$ 119.70
73702 TC	Radiology	4.36	4.36	\$ 305.20	\$ 305.20
73706 00	Radiology	10.08	10.08	\$ 705.60	\$ 705.60
73706 26	Radiology	2.66	2.66	\$ 186.20	\$ 186.20
73706 TC	Radiology	7.42	7.42	\$ 519.40	\$ 519.40
73718 00	Radiology	7.00	7.00	\$ 490.00	\$ 490.00
73718 26	Radiology	1.91	1.91	\$ 133.70	\$ 133.70
73718 TC	Radiology	5.09	5.09	\$ 356.30	\$ 356.30
73719 00	Radiology	8.22	8.22	\$ 575.40	\$ 575.40
73719 26	Radiology	2.29	2.29	\$ 160.30	\$ 160.30
73719 TC	Radiology	5.93	5.93	\$ 415.10	\$ 415.10
73720 00	Radiology	10.58	10.58	\$ 740.60	\$ 740.60
73720 26	Radiology	3.04	3.04	\$ 212.80	\$ 212.80
73720 TC	Radiology	7.54	7.54	\$ 527.80	\$ 527.80
73721 00	Radiology	6.31	6.31	\$ 441.70	\$ 441.70
73721 26	Radiology	1.92	1.92	\$ 134.40	\$ 134.40
73721 TC	Radiology	4.39	4.39	\$ 307.30	\$ 307.30
73722 00	Radiology	9.84	9.84	\$ 688.80	\$ 688.80
73722 26	Radiology	2.30	2.30	\$ 161.00	\$ 161.00
73722 TC	Radiology	7.54	7.54	\$ 527.80	\$ 527.80
73723 00	Radiology	12.13	12.13	\$ 849.10	\$ 849.10
73723 26	Radiology	3.04	3.04	\$ 212.80	\$ 212.80
73723 TC	Radiology	9.09	9.09	\$ 636.30	\$ 636.30
73725 00	Radiology	10.49	10.49	\$ 734.30	\$ 734.30
73725 26	Radiology	2.54	2.54	\$ 177.80	\$ 177.80

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
73725 TC	Radiology	7.95	7.95	\$ 556.50	\$ 556.50
74018 00	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
74018 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
74018 TC	Radiology	0.64	0.64	\$ 44.80	\$ 44.80
74019 00	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
74019 26	Radiology	0.33	0.33	\$ 23.10	\$ 23.10
74019 TC	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
74021 00	Radiology	1.29	1.29	\$ 90.30	\$ 90.30
74021 26	Radiology	0.38	0.38	\$ 26.60	\$ 26.60
74021 TC	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
74022 00	Radiology	1.50	1.50	\$ 105.00	\$ 105.00
74022 26	Radiology	0.46	0.46	\$ 32.20	\$ 32.20
74022 TC	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
74150 00	Radiology	4.24	4.24	\$ 296.80	\$ 296.80
74150 26	Radiology	1.68	1.68	\$ 117.60	\$ 117.60
74150 TC	Radiology	2.56	2.56	\$ 179.20	\$ 179.20
74160 00	Radiology	7.32	7.32	\$ 512.40	\$ 512.40
74160 26	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
74160 TC	Radiology	5.52	5.52	\$ 386.40	\$ 386.40
74170 00	Radiology	8.21	8.21	\$ 574.70	\$ 574.70
74170 26	Radiology	1.97	1.97	\$ 137.90	\$ 137.90
74170 TC	Radiology	6.24	6.24	\$ 436.80	\$ 436.80
74174 00	Radiology	11.86	11.86	\$ 830.20	\$ 830.20
74174 26	Radiology	3.09	3.09	\$ 216.30	\$ 216.30
74174 TC	Radiology	8.77	8.77	\$ 613.90	\$ 613.90
74175 00	Radiology	9.56	9.56	\$ 669.20	\$ 669.20
74175 26	Radiology	2.56	2.56	\$ 179.20	\$ 179.20
74175 TC	Radiology	7.00	7.00	\$ 490.00	\$ 490.00
74176 00	Radiology	5.68	5.68	\$ 397.60	\$ 397.60
74176 26	Radiology	2.47	2.47	\$ 172.90	\$ 172.90
74176 TC	Radiology	3.21	3.21	\$ 224.70	\$ 224.70
74177 00	Radiology	9.52	9.52	\$ 666.40	\$ 666.40
74177 26	Radiology	2.58	2.58	\$ 180.60	\$ 180.60
74177 TC	Radiology	6.94	6.94	\$ 485.80	\$ 485.80
74178 00	Radiology	10.66	10.66	\$ 746.20	\$ 746.20
74178 26	Radiology	2.83	2.83	\$ 198.10	\$ 198.10
74178 TC	Radiology	7.83	7.83	\$ 548.10	\$ 548.10
74181 00	Radiology	6.13	6.13	\$ 429.10	\$ 429.10
74181 26	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
74181 TC	Radiology	4.06	4.06	\$ 284.20	\$ 284.20
74182 00	Radiology	9.50	9.50	\$ 665.00	\$ 665.00
74182 26	Radiology	2.45	2.45	\$ 171.50	\$ 171.50
74182 TC	Radiology	7.05	7.05	\$ 493.50	\$ 493.50



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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
74183 00	Radiology	10.61	10.61	\$ 742.70	\$ 742.70
74183 26	Radiology	3.10	3.10	\$ 217.00	\$ 217.00
74183 TC	Radiology	7.51	7.51	\$ 525.70	\$ 525.70
74185 00	Radiology	10.55	10.55	\$ 738.50	\$ 738.50
74185 26	Radiology	2.53	2.53	\$ 177.10	\$ 177.10
74185 TC	Radiology	8.02	8.02	\$ 561.40	\$ 561.40
74190 00	Radiology	-	-	\$ 154.00	\$ 154.00
74190 26	Radiology	0.66	0.66	\$ 46.20	\$ 46.20
74190 TC	Radiology	-	-	\$ 107.80	\$ 107.80
74210 00	Radiology	2.92	2.92	\$ 204.40	\$ 204.40
74210 26	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
74210 TC	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
74220 00	Radiology	2.99	2.99	\$ 209.30	\$ 209.30
74220 26	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
74220 TC	Radiology	2.13	2.13	\$ 149.10	\$ 149.10
74221 00	Radiology	3.36	3.36	\$ 235.20	\$ 235.20
74221 26	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
74221 TC	Radiology	2.37	2.37	\$ 165.90	\$ 165.90
74230 00	Radiology	3.82	3.82	\$ 267.40	\$ 267.40
74230 26	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
74230 TC	Radiology	3.06	3.06	\$ 214.20	\$ 214.20
74235 00	Radiology	-	-	\$ 338.10	\$ 338.10
74235 26	Radiology	1.69	1.69	\$ 118.30	\$ 118.30
74235 TC	Radiology	-	-	\$ 219.80	\$ 219.80
74240 00	Radiology	3.74	3.74	\$ 261.80	\$ 261.80
74240 26	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
74240 TC	Radiology	2.60	2.60	\$ 182.00	\$ 182.00
74246 00	Radiology	4.24	4.24	\$ 296.80	\$ 296.80
74246 26	Radiology	1.26	1.26	\$ 88.20	\$ 88.20
74246 TC	Radiology	2.98	2.98	\$ 208.60	\$ 208.60
74248 00	Radiology	2.51	2.51	\$ 175.70	\$ 175.70
74248 26	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
74248 TC	Radiology	1.52	1.52	\$ 106.40	\$ 106.40
74250 00	Radiology	3.72	3.72	\$ 260.40	\$ 260.40
74250 26	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
74250 TC	Radiology	2.58	2.58	\$ 180.60	\$ 180.60
74251 00	Radiology	11.23	11.23	\$ 786.10	\$ 786.10
74251 26	Radiology	1.66	1.66	\$ 116.20	\$ 116.20
74251 TC	Radiology	9.57	9.57	\$ 669.90	\$ 669.90
74261 00	Radiology	13.05	13.05	\$ 913.50	\$ 913.50
74261 26	Radiology	3.39	3.39	\$ 237.30	\$ 237.30
74261 TC	Radiology	9.66	9.66	\$ 676.20	\$ 676.20
74262 00	Radiology	14.70	14.70	\$ 1,029.00	\$ 1,029.00

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
74262 26	Radiology	3.53	3.53	\$ 247.10	\$ 247.10
74262 TC	Radiology	11.17	11.17	\$ 781.90	\$ 781.90
74263 00	Radiology	20.56	20.56	\$ 1,439.20	\$ 1,439.20
74263 26	Radiology	3.20	3.20	\$ 224.00	\$ 224.00
74263 TC	Radiology	17.36	17.36	\$ 1,215.20	\$ 1,215.20
74270 00	Radiology	4.67	4.67	\$ 326.90	\$ 326.90
74270 26	Radiology	1.46	1.46	\$ 102.20	\$ 102.20
74270 TC	Radiology	3.21	3.21	\$ 224.70	\$ 224.70
74280 00	Radiology	6.73	6.73	\$ 471.10	\$ 471.10
74280 26	Radiology	1.78	1.78	\$ 124.60	\$ 124.60
74280 TC	Radiology	4.95	4.95	\$ 346.50	\$ 346.50
74283 00	Radiology	7.70	7.70	\$ 539.00	\$ 539.00
74283 26	Radiology	2.96	2.96	\$ 207.20	\$ 207.20
74283 TC	Radiology	4.74	4.74	\$ 331.80	\$ 331.80
74290 00	Radiology	2.62	2.62	\$ 183.40	\$ 183.40
74290 26	Radiology	0.46	0.46	\$ 32.20	\$ 32.20
74290 TC	Radiology	2.16	2.16	\$ 151.20	\$ 151.20
74300 00	Radiology	-	-	\$ 91.00	\$ 91.00
74300 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
74300 TC	Radiology	-	-	\$ 63.70	\$ 63.70
74301 00	Radiology	-	-	\$ 84.00	\$ 84.00
74301 26	Radiology	0.30	0.30	\$ 21.00	\$ 21.00
74301 TC	Radiology	-	-	\$ 63.00	\$ 63.00
74328 00	Radiology	-	-	\$ 226.80	\$ 226.80
74328 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
74328 TC	Radiology	-	-	\$ 179.20	\$ 179.20
74329 00	Radiology	-	-	\$ 219.80	\$ 219.80
74329 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
74329 TC	Radiology	-	-	\$ 171.50	\$ 171.50
74330 00	Radiology	-	-	\$ 212.80	\$ 212.80
74330 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
74330 TC	Radiology	-	-	\$ 155.40	\$ 155.40
74340 00	Radiology	-	-	\$ 283.50	\$ 283.50
74340 26	Radiology	0.77	0.77	\$ 53.90	\$ 53.90
74340 TC	Radiology	-	-	\$ 229.60	\$ 229.60
74355 00	Radiology	-	-	\$ 280.00	\$ 280.00
74355 26	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
74355 TC	Radiology	-	-	\$ 204.40	\$ 204.40
74360 00	Radiology	-	-	\$ 325.50	\$ 325.50
74360 26	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
74360 TC	Radiology	-	-	\$ 270.20	\$ 270.20
74363 00	Radiology	-	-	\$ 452.90	\$ 452.90
74363 26	Radiology	1.23	1.23	\$ 86.10	\$ 86.10

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
74363 TC	Radiology	-	-	\$ 366.80	\$ 366.80
74400 00	Radiology	4.10	4.10	\$ 287.00	\$ 287.00
74400 26	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
74400 TC	Radiology	3.40	3.40	\$ 238.00	\$ 238.00
74410 00	Radiology	4.25	4.25	\$ 297.50	\$ 297.50
74410 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
74410 TC	Radiology	3.57	3.57	\$ 249.90	\$ 249.90
74415 00	Radiology	4.67	4.67	\$ 326.90	\$ 326.90
74415 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
74415 TC	Radiology	3.98	3.98	\$ 278.60	\$ 278.60
74420 00	Radiology	2.31	2.31	\$ 161.70	\$ 161.70
74420 26	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
74420 TC	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
74425 00	Radiology	4.12	4.12	\$ 288.40	\$ 288.40
74425 26	Radiology	0.71	0.71	\$ 49.70	\$ 49.70
74425 TC	Radiology	3.41	3.41	\$ 238.70	\$ 238.70
74430 00	Radiology	1.24	1.24	\$ 86.80	\$ 86.80
74430 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
74430 TC	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
74440 00	Radiology	2.92	2.92	\$ 204.40	\$ 204.40
74440 26	Radiology	0.52	0.52	\$ 36.40	\$ 36.40
74440 TC	Radiology	2.40	2.40	\$ 168.00	\$ 168.00
74445 00	Radiology	-	-	\$ 192.50	\$ 192.50
74445 26	Radiology	1.57	1.57	\$ 109.90	\$ 109.90
74445 TC	Radiology	-	-	\$ 82.60	\$ 82.60
74450 00	Radiology	-	-	\$ 142.80	\$ 142.80
74450 26	Radiology	0.47	0.47	\$ 32.90	\$ 32.90
74450 TC	Radiology	-	-	\$ 109.90	\$ 109.90
74455 00	Radiology	3.15	3.15	\$ 220.50	\$ 220.50
74455 26	Radiology	0.46	0.46	\$ 32.20	\$ 32.20
74455 TC	Radiology	2.69	2.69	\$ 188.30	\$ 188.30
74470 00	Radiology	-	-	\$ 145.60	\$ 145.60
74470 26	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
74470 TC	Radiology	-	-	\$ 93.10	\$ 93.10
74485 00	Radiology	3.58	3.58	\$ 250.60	\$ 250.60
74485 26	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
74485 TC	Radiology	2.42	2.42	\$ 169.40	\$ 169.40
74710 00	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
74710 26	Radiology	0.48	0.48	\$ 33.60	\$ 33.60
74710 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
74712 00	Radiology	12.82	12.82	\$ 897.40	\$ 897.40
74712 26	Radiology	4.26	4.26	\$ 298.20	\$ 298.20
74712 TC	Radiology	8.56	8.56	\$ 599.20	\$ 599.20

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
74713 00	Radiology	6.22	6.22	\$ 435.40	\$ 435.40
74713 26	Radiology	2.63	2.63	\$ 184.10	\$ 184.10
74713 TC	Radiology	3.59	3.59	\$ 251.30	\$ 251.30
74740 00	Radiology	2.88	2.88	\$ 201.60	\$ 201.60
74740 26	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
74740 TC	Radiology	2.34	2.34	\$ 163.80	\$ 163.80
74742 00	Radiology	-	-	\$ 243.60	\$ 243.60
74742 26	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
74742 TC	Radiology	-	-	\$ 182.70	\$ 182.70
74775 00	Radiology	-	-	\$ 200.90	\$ 200.90
74775 26	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
74775 TC	Radiology	-	-	\$ 138.60	\$ 138.60
75557 00	Radiology	8.69	8.69	\$ 608.30	\$ 608.30
75557 26	Radiology	3.28	3.28	\$ 229.60	\$ 229.60
75557 TC	Radiology	5.41	5.41	\$ 378.70	\$ 378.70
75559 00	Radiology	11.65	11.65	\$ 815.50	\$ 815.50
75559 26	Radiology	4.05	4.05	\$ 283.50	\$ 283.50
75559 TC	Radiology	7.60	7.60	\$ 532.00	\$ 532.00
75561 00	Radiology	11.38	11.38	\$ 796.60	\$ 796.60
75561 26	Radiology	3.63	3.63	\$ 254.10	\$ 254.10
75561 TC	Radiology	7.75	7.75	\$ 542.50	\$ 542.50
75563 00	Radiology	13.23	13.23	\$ 926.10	\$ 926.10
75563 26	Radiology	4.12	4.12	\$ 288.40	\$ 288.40
75563 TC	Radiology	9.11	9.11	\$ 637.70	\$ 637.70
75565 00	Radiology	1.42	1.42	\$ 99.40	\$ 99.40
75565 26	Radiology	0.35	0.35	\$ 24.50	\$ 24.50
75565 TC	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
75571 00	Radiology	3.09	3.09	\$ 216.30	\$ 216.30
75571 26	Radiology	0.83	0.83	\$ 58.10	\$ 58.10
75571 TC	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
75572 00	Radiology	7.03	7.03	\$ 492.10	\$ 492.10
75572 26	Radiology	2.45	2.45	\$ 171.50	\$ 171.50
75572 TC	Radiology	4.58	4.58	\$ 320.60	\$ 320.60
75573 00	Radiology	9.35	9.35	\$ 654.50	\$ 654.50
75573 26	Radiology	3.57	3.57	\$ 249.90	\$ 249.90
75573 TC	Radiology	5.78	5.78	\$ 404.60	\$ 404.60
75574 00	Radiology	9.93	9.93	\$ 695.10	\$ 695.10
75574 26	Radiology	3.36	3.36	\$ 235.20	\$ 235.20
75574 TC	Radiology	6.57	6.57	\$ 459.90	\$ 459.90
75600 00	Radiology	5.54	5.54	\$ 387.80	\$ 387.80
75600 26	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
75600 TC	Radiology	4.84	4.84	\$ 338.80	\$ 338.80
75605 00	Radiology	3.61	3.61	\$ 252.70	\$ 252.70

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
75605 26	Radiology	1.57	1.57	\$ 109.90	\$ 109.90
75605	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
75625 00	Radiology	3.78	3.78	\$ 264.60	\$ 264.60
75625 26	Radiology	1.98	1.98	\$ 138.60	\$ 138.60
75625	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
75630 00	Radiology	4.69	4.69	\$ 328.30	\$ 328.30
75630 26	Radiology	2.76	2.76	\$ 193.20	\$ 193.20
75630	Radiology	1.93	1.93	\$ 135.10	\$ 135.10
75635 00	Radiology	12.73	12.73	\$ 891.10	\$ 891.10
75635 26	Radiology	3.33	3.33	\$ 233.10	\$ 233.10
75635	Radiology	9.40	9.40	\$ 658.00	\$ 658.00
75705 00	Radiology	7.44	7.44	\$ 520.80	\$ 520.80
75705 26	Radiology	3.44	3.44	\$ 240.80	\$ 240.80
75705	Radiology	4.00	4.00	\$ 280.00	\$ 280.00
75710 00	Radiology	4.50	4.50	\$ 315.00	\$ 315.00
75710 26	Radiology	2.43	2.43	\$ 170.10	\$ 170.10
75710	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
75716 00	Radiology	4.86	4.86	\$ 340.20	\$ 340.20
75716 26	Radiology	2.71	2.71	\$ 189.70	\$ 189.70
75716	Radiology	2.15	2.15	\$ 150.50	\$ 150.50
75726 00	Radiology	5.13	5.13	\$ 359.10	\$ 359.10
75726 26	Radiology	2.80	2.80	\$ 196.00	\$ 196.00
75726	Radiology	2.33	2.33	\$ 163.10	\$ 163.10
75731 00	Radiology	4.59	4.59	\$ 321.30	\$ 321.30
75731 26	Radiology	1.62	1.62	\$ 113.40	\$ 113.40
75731	Radiology	2.97	2.97	\$ 207.90	\$ 207.90
75733 00	Radiology	5.06	5.06	\$ 354.20	\$ 354.20
75733 26	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
75733	Radiology	3.26	3.26	\$ 228.20	\$ 228.20
75736 00	Radiology	4.28	4.28	\$ 299.60	\$ 299.60
75736 26	Radiology	1.55	1.55	\$ 108.50	\$ 108.50
75736	Radiology	2.73	2.73	\$ 191.10	\$ 191.10
75741 00	Radiology	3.92	3.92	\$ 274.40	\$ 274.40
75741 26	Radiology	1.79	1.79	\$ 125.30	\$ 125.30
75741	Radiology	2.13	2.13	\$ 149.10	\$ 149.10
75743 00	Radiology	4.44	4.44	\$ 310.80	\$ 310.80
75743 26	Radiology	2.27	2.27	\$ 158.90	\$ 158.90
75743	Radiology	2.17	2.17	\$ 151.90	\$ 151.90
75746 00	Radiology	4.04	4.04	\$ 282.80	\$ 282.80
75746 26	Radiology	1.57	1.57	\$ 109.90	\$ 109.90
75746	Radiology	2.47	2.47	\$ 172.90	\$ 172.90
75756 00	Radiology	4.84	4.84	\$ 338.80	\$ 338.80
75756 26	Radiology	1.63	1.63	\$ 114.10	\$ 114.10

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
75756	Radiology	3.21	3.21	\$ 224.70	\$ 224.70
75774 00	Radiology	2.91	2.91	\$ 203.70	\$ 203.70
75774 26	Radiology	1.37	1.37	\$ 95.90	\$ 95.90
75774	Radiology	1.54	1.54	\$ 107.80	\$ 107.80
75801 00	Radiology	-	-	\$ 514.50	\$ 514.50
75801 26	Radiology	1.25	1.25	\$ 87.50	\$ 87.50
75801	Radiology	-	-	\$ 427.00	\$ 427.00
75803 00	Radiology	-	-	\$ 528.50	\$ 528.50
75803 26	Radiology	1.66	1.66	\$ 116.20	\$ 116.20
75803	Radiology	-	-	\$ 412.30	\$ 412.30
75805 00	Radiology	-	-	\$ 536.90	\$ 536.90
75805 26	Radiology	1.15	1.15	\$ 80.50	\$ 80.50
75805	Radiology	-	-	\$ 456.40	\$ 456.40
75807 00	Radiology	-	-	\$ 546.00	\$ 546.00
75807 26	Radiology	1.56	1.56	\$ 109.20	\$ 109.20
75807	Radiology	-	-	\$ 436.80	\$ 436.80
75809 00	Radiology	2.47	2.47	\$ 172.90	\$ 172.90
75809 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
75809	Radiology	1.78	1.78	\$ 124.60	\$ 124.60
75810 00	Radiology	-	-	\$ 910.00	\$ 910.00
75810 26	Radiology	1.43	1.43	\$ 100.10	\$ 100.10
75810	Radiology	-	-	\$ 809.90	\$ 809.90
75820 00	Radiology	3.27	3.27	\$ 228.90	\$ 228.90
75820 26	Radiology	1.46	1.46	\$ 102.20	\$ 102.20
75820	Radiology	1.81	1.81	\$ 126.70	\$ 126.70
75822 00	Radiology	3.98	3.98	\$ 278.60	\$ 278.60
75822 26	Radiology	2.02	2.02	\$ 141.40	\$ 141.40
75822	Radiology	1.96	1.96	\$ 137.20	\$ 137.20
75825 00	Radiology	3.42	3.42	\$ 239.40	\$ 239.40
75825 26	Radiology	1.57	1.57	\$ 109.90	\$ 109.90
75825	Radiology	1.85	1.85	\$ 129.50	\$ 129.50
75827 00	Radiology	3.58	3.58	\$ 250.60	\$ 250.60
75827 26	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
75827	Radiology	1.99	1.99	\$ 139.30	\$ 139.30
75831 00	Radiology	3.61	3.61	\$ 252.70	\$ 252.70
75831 26	Radiology	1.54	1.54	\$ 107.80	\$ 107.80
75831	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
75833 00	Radiology	4.40	4.40	\$ 308.00	\$ 308.00
75833 26	Radiology	2.06	2.06	\$ 144.20	\$ 144.20
75833	Radiology	2.34	2.34	\$ 163.80	\$ 163.80
75840 00	Radiology	3.88	3.88	\$ 271.60	\$ 271.60
75840 26	Radiology	1.62	1.62	\$ 113.40	\$ 113.40
75840	Radiology	2.26	2.26	\$ 158.20	\$ 158.20

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
75842 00	Radiology	4.77	4.77	\$ 333.90	\$ 333.90
75842 26	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
75842	Radiology	2.65	2.65	\$ 185.50	\$ 185.50
75860 00	Radiology	3.78	3.78	\$ 264.60	\$ 264.60
75860 26	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
75860	Radiology	2.19	2.19	\$ 153.30	\$ 153.30
75870 00	Radiology	4.70	4.70	\$ 329.00	\$ 329.00
75870 26	Radiology	1.75	1.75	\$ 122.50	\$ 122.50
75870	Radiology	2.95	2.95	\$ 206.50	\$ 206.50
75872 00	Radiology	3.88	3.88	\$ 271.60	\$ 271.60
75872 26	Radiology	1.62	1.62	\$ 113.40	\$ 113.40
75872	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
75880 00	Radiology	3.25	3.25	\$ 227.50	\$ 227.50
75880 26	Radiology	1.00	1.00	\$ 70.00	\$ 70.00
75880	Radiology	2.25	2.25	\$ 157.50	\$ 157.50
75885 00	Radiology	4.09	4.09	\$ 286.30	\$ 286.30
75885 26	Radiology	1.92	1.92	\$ 134.40	\$ 134.40
75885	Radiology	2.17	2.17	\$ 151.90	\$ 151.90
75887 00	Radiology	4.15	4.15	\$ 290.50	\$ 290.50
75887 26	Radiology	1.95	1.95	\$ 136.50	\$ 136.50
75887	Radiology	2.20	2.20	\$ 154.00	\$ 154.00
75889 00	Radiology	3.71	3.71	\$ 259.70	\$ 259.70
75889 26	Radiology	1.53	1.53	\$ 107.10	\$ 107.10
75889	Radiology	2.18	2.18	\$ 152.60	\$ 152.60
75891 00	Radiology	3.73	3.73	\$ 261.10	\$ 261.10
75891 26	Radiology	1.54	1.54	\$ 107.80	\$ 107.80
75891	Radiology	2.19	2.19	\$ 153.30	\$ 153.30
75893 00	Radiology	3.11	3.11	\$ 217.70	\$ 217.70
75893 26	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
75893	Radiology	2.37	2.37	\$ 165.90	\$ 165.90
75894 00	Radiology	-	-	\$ 2,100.00	\$ 2,100.00
75894 26	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
75894	Radiology	-	-	\$ 1,953.00	\$ 1,953.00
75898 00	Radiology	-	-	\$ 279.30	\$ 279.30
75898 26	Radiology	2.67	2.67	\$ 186.90	\$ 186.90
75898	Radiology	-	-	\$ 92.40	\$ 92.40
75901 00	Radiology	6.94	6.94	\$ 485.80	\$ 485.80
75901 26	Radiology	0.67	0.67	\$ 46.90	\$ 46.90
75901	Radiology	6.27	6.27	\$ 438.90	\$ 438.90
75902 00	Radiology	2.72	2.72	\$ 190.40	\$ 190.40
75902 26	Radiology	0.55	0.55	\$ 38.50	\$ 38.50
75902	Radiology	2.17	2.17	\$ 151.90	\$ 151.90
75956 00	Radiology	-	-	\$ 1,711.50	\$ 1,711.50

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
75956 26	Radiology	9.78	9.78	\$ 684.60	\$ 684.60
75956	Radiology	-	-	\$ 1,026.90	\$ 1,026.90
75957 00	Radiology	-	-	\$ 1,629.60	\$ 1,629.60
75957 26	Radiology	8.38	8.38	\$ 586.60	\$ 586.60
75957	Radiology	-	-	\$ 1,043.00	\$ 1,043.00
75958 00	Radiology	-	-	\$ 1,080.80	\$ 1,080.80
75958 26	Radiology	5.56	5.56	\$ 389.20	\$ 389.20
75958	Radiology	-	-	\$ 691.60	\$ 691.60
75959 00	Radiology	-	-	\$ 973.70	\$ 973.70
75959 26	Radiology	4.87	4.87	\$ 340.90	\$ 340.90
75959	Radiology	-	-	\$ 632.80	\$ 632.80
75970 00	Radiology	-	-	\$ 870.80	\$ 870.80
75970 26	Radiology	1.12	1.12	\$ 78.40	\$ 78.40
75970	Radiology	-	-	\$ 792.40	\$ 792.40
75984 00	Radiology	2.88	2.88	\$ 201.60	\$ 201.60
75984 26	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
75984	Radiology	1.77	1.77	\$ 123.90	\$ 123.90
75989 00	Radiology	3.38	3.38	\$ 236.60	\$ 236.60
75989 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80
75989	Radiology	1.74	1.74	\$ 121.80	\$ 121.80
76000 00	Radiology	1.30	1.30	\$ 91.00	\$ 91.00
76000 26	Radiology	0.46	0.46	\$ 32.20	\$ 32.20
76000	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
76010 00	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
76010 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
76010	Radiology	0.64	0.64	\$ 44.80	\$ 44.80
76080 00	Radiology	1.80	1.80	\$ 126.00	\$ 126.00
76080 26	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
76080	Radiology	1.06	1.06	\$ 74.20	\$ 74.20
76098 00	Radiology	1.26	1.26	\$ 88.20	\$ 88.20
76098 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
76098	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
76100 00	Radiology	2.70	2.70	\$ 189.00	\$ 189.00
76100 26	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
76100	Radiology	1.86	1.86	\$ 130.20	\$ 130.20
76120 00	Radiology	3.52	3.52	\$ 246.40	\$ 246.40
76120 26	Radiology	0.57	0.57	\$ 39.90	\$ 39.90
76120	Radiology	2.95	2.95	\$ 206.50	\$ 206.50
76125 00	Radiology	-	-	\$ 86.10	\$ 86.10
76125 26	Radiology	0.38	0.38	\$ 26.60	\$ 26.60
76125	Radiology	-	-	\$ 59.50	\$ 59.50
76140 00	Radiology	-	-	\$ 64.40	\$ 64.40
76145 00	Radiology	27.30	27.30	\$ 1,911.00	\$ 1,911.00



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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
76376 00	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
76376 26	Radiology	0.28	0.28	\$ 19.60	\$ 19.60
76376 TC	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
76377 00	Radiology	2.27	2.27	\$ 158.90	\$ 158.90
76377 26	Radiology	1.12	1.12	\$ 78.40	\$ 78.40
76377 TC	Radiology	1.15	1.15	\$ 80.50	\$ 80.50
76380 00	Radiology	4.08	4.08	\$ 285.60	\$ 285.60
76380 26	Radiology	1.35	1.35	\$ 94.50	\$ 94.50
76380 TC	Radiology	2.73	2.73	\$ 191.10	\$ 191.10
76390 00	Radiology	-	-	\$ 1,005.20	\$ 1,005.20
76390 26	Radiology	-	-	\$ 170.80	\$ 170.80
76390 TC	Radiology	-	-	\$ 834.40	\$ 834.40
76391 00	Radiology	6.33	6.33	\$ 443.10	\$ 443.10
76391 26	Radiology	1.56	1.56	\$ 109.20	\$ 109.20
76391 TC	Radiology	4.77	4.77	\$ 333.90	\$ 333.90
76496 00	Radiology	0.00	0.00	BR	BR
76496 26	Radiology	0.00	0.00	BR	BR
76496 TC	Radiology	0.00	0.00	BR	BR
76497 00	Radiology	0.00	0.00	BR	BR
76497 26	Radiology	0.00	0.00	BR	BR
76497 TC	Radiology	0.00	0.00	BR	BR
76498 00	Radiology	0.00	0.00	BR	BR
76498 26	Radiology	0.00	0.00	BR	BR
76498 TC	Radiology	0.00	0.00	BR	BR
76499 00	Radiology	0.00	0.00	BR	BR
76499 26	Radiology	0.00	0.00	BR	BR
76499 TC	Radiology	0.00	0.00	BR	BR
76506 00	Radiology	3.41	3.41	\$ 238.70	\$ 238.70
76506 26	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
76506 TC	Radiology	2.51	2.51	\$ 175.70	\$ 175.70
76510 00	Radiology	2.06	2.06	\$ 144.20	\$ 144.20
76510 26	Radiology	1.15	1.15	\$ 80.50	\$ 80.50
76510 TC	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
76511 00	Radiology	1.70	1.70	\$ 119.00	\$ 119.00
76511 26	Radiology	1.05	1.05	\$ 73.50	\$ 73.50
76511 TC	Radiology	0.65	0.65	\$ 45.50	\$ 45.50
76512 00	Radiology	1.43	1.43	\$ 100.10	\$ 100.10
76512 26	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
76512 TC	Radiology	0.53	0.53	\$ 37.10	\$ 37.10
76513 00	Radiology	2.24	2.24	\$ 156.80	\$ 156.80
76513 26	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
76513 TC	Radiology	1.29	1.29	\$ 90.30	\$ 90.30
76514 00	Radiology	0.34	0.34	\$ 23.80	\$ 23.80

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
76514 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
76514 TC	Radiology	0.11	0.11	\$ 7.70	\$ 7.70
76516 00	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
76516 26	Radiology	0.66	0.66	\$ 46.20	\$ 46.20
76516 TC	Radiology	0.73	0.73	\$ 51.10	\$ 51.10
76519 00	Radiology	2.01	2.01	\$ 140.70	\$ 140.70
76519 26	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
76519 TC	Radiology	1.12	1.12	\$ 78.40	\$ 78.40
76529 00	Radiology	2.56	2.56	\$ 179.20	\$ 179.20
76529 26	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
76529 TC	Radiology	1.62	1.62	\$ 113.40	\$ 113.40
76536 00	Radiology	3.35	3.35	\$ 234.50	\$ 234.50
76536 26	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
76536 TC	Radiology	2.54	2.54	\$ 177.80	\$ 177.80
76604 00	Radiology	1.70	1.70	\$ 119.00	\$ 119.00
76604 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
76604 TC	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
76641 00	Radiology	3.11	3.11	\$ 217.70	\$ 217.70
76641 26	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
76641 TC	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
76642 00	Radiology	2.56	2.56	\$ 179.20	\$ 179.20
76642 26	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
76642 TC	Radiology	1.59	1.59	\$ 111.30	\$ 111.30
76700 00	Radiology	3.51	3.51	\$ 245.70	\$ 245.70
76700 26	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
76700 TC	Radiology	2.37	2.37	\$ 165.90	\$ 165.90
76705 00	Radiology	2.65	2.65	\$ 185.50	\$ 185.50
76705 26	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
76705 TC	Radiology	1.81	1.81	\$ 126.70	\$ 126.70
76706 00	Radiology	3.21	3.21	\$ 224.70	\$ 224.70
76706 26	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
76706 TC	Radiology	2.43	2.43	\$ 170.10	\$ 170.10
76770 00	Radiology	3.27	3.27	\$ 228.90	\$ 228.90
76770 26	Radiology	1.04	1.04	\$ 72.80	\$ 72.80
76770 TC	Radiology	2.23	2.23	\$ 156.10	\$ 156.10
76775 00	Radiology	1.77	1.77	\$ 123.90	\$ 123.90
76775 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
76775 TC	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
76776 00	Radiology	4.46	4.46	\$ 312.20	\$ 312.20
76776 26	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
76776 TC	Radiology	3.39	3.39	\$ 237.30	\$ 237.30
76800 00	Radiology	4.70	4.70	\$ 329.00	\$ 329.00
76800 26	Radiology	1.80	1.80	\$ 126.00	\$ 126.00

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76800 TC	Radiology	2.90	2.90	\$ 203.00	\$ 203.00
76801 00	Radiology	3.54	3.54	\$ 247.80	\$ 247.80
76801 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
76801 TC	Radiology	2.14	2.14	\$ 149.80	\$ 149.80
76802 00	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
76802 26	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
76802 TC	Radiology	0.64	0.64	\$ 44.80	\$ 44.80
76805 00	Radiology	4.08	4.08	\$ 285.60	\$ 285.60
76805 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
76805 TC	Radiology	2.67	2.67	\$ 186.90	\$ 186.90
76810 00	Radiology	2.65	2.65	\$ 185.50	\$ 185.50
76810 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
76810 TC	Radiology	1.25	1.25	\$ 87.50	\$ 87.50
76811 00	Radiology	5.27	5.27	\$ 368.90	\$ 368.90
76811 26	Radiology	2.68	2.68	\$ 187.60	\$ 187.60
76811 TC	Radiology	2.59	2.59	\$ 181.30	\$ 181.30
76812 00	Radiology	5.75	5.75	\$ 402.50	\$ 402.50
76812 26	Radiology	2.51	2.51	\$ 175.70	\$ 175.70
76812 TC	Radiology	3.24	3.24	\$ 226.80	\$ 226.80
76813 00	Radiology	3.52	3.52	\$ 246.40	\$ 246.40
76813 26	Radiology	1.68	1.68	\$ 117.60	\$ 117.60
76813 TC	Radiology	1.84	1.84	\$ 128.80	\$ 128.80
76814 00	Radiology	2.24	2.24	\$ 156.80	\$ 156.80
76814 26	Radiology	1.39	1.39	\$ 97.30	\$ 97.30
76814 TC	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
76815 00	Radiology	2.45	2.45	\$ 171.50	\$ 171.50
76815 26	Radiology	0.93	0.93	\$ 65.10	\$ 65.10
76815 TC	Radiology	1.52	1.52	\$ 106.40	\$ 106.40
76816 00	Radiology	3.29	3.29	\$ 230.30	\$ 230.30
76816 26	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
76816 TC	Radiology	2.09	2.09	\$ 146.30	\$ 146.30
76817 00	Radiology	2.79	2.79	\$ 195.30	\$ 195.30
76817 26	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
76817 TC	Radiology	1.72	1.72	\$ 120.40	\$ 120.40
76818 00	Radiology	3.50	3.50	\$ 245.00	\$ 245.00
76818 26	Radiology	1.50	1.50	\$ 105.00	\$ 105.00
76818 TC	Radiology	2.00	2.00	\$ 140.00	\$ 140.00
76819 00	Radiology	2.52	2.52	\$ 176.40	\$ 176.40
76819 26	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
76819 TC	Radiology	1.44	1.44	\$ 100.80	\$ 100.80
76820 00	Radiology	1.34	1.34	\$ 93.80	\$ 93.80
76820 26	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
76820 TC	Radiology	0.64	0.64	\$ 44.80	\$ 44.80

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
76821 00	Radiology	2.66	2.66	\$ 186.20	\$ 186.20
76821 26	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
76821 TC	Radiology	1.67	1.67	\$ 116.90	\$ 116.90
76825 00	Radiology	7.87	7.87	\$ 550.90	\$ 550.90
76825 26	Radiology	2.34	2.34	\$ 163.80	\$ 163.80
76825 TC	Radiology	5.53	5.53	\$ 387.10	\$ 387.10
76826 00	Radiology	4.71	4.71	\$ 329.70	\$ 329.70
76826 26	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
76826 TC	Radiology	3.55	3.55	\$ 248.50	\$ 248.50
76827 00	Radiology	2.09	2.09	\$ 146.30	\$ 146.30
76827 26	Radiology	0.82	0.82	\$ 57.40	\$ 57.40
76827 TC	Radiology	1.27	1.27	\$ 88.90	\$ 88.90
76828 00	Radiology	1.47	1.47	\$ 102.90	\$ 102.90
76828 26	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
76828 TC	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
76830 00	Radiology	3.61	3.61	\$ 252.70	\$ 252.70
76830 26	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
76830 TC	Radiology	2.62	2.62	\$ 183.40	\$ 183.40
76831 00	Radiology	3.50	3.50	\$ 245.00	\$ 245.00
76831 26	Radiology	1.02	1.02	\$ 71.40	\$ 71.40
76831 TC	Radiology	2.48	2.48	\$ 173.60	\$ 173.60
76856 00	Radiology	3.18	3.18	\$ 222.60	\$ 222.60
76856 26	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
76856 TC	Radiology	2.20	2.20	\$ 154.00	\$ 154.00
76857 00	Radiology	1.46	1.46	\$ 102.20	\$ 102.20
76857 26	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
76857 TC	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
76870 00	Radiology	3.04	3.04	\$ 212.80	\$ 212.80
76870 26	Radiology	0.91	0.91	\$ 63.70	\$ 63.70
76870 TC	Radiology	2.13	2.13	\$ 149.10	\$ 149.10
76872 00	Radiology	6.03	6.03	\$ 422.10	\$ 422.10
76872 26	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
76872 TC	Radiology	5.08	5.08	\$ 355.60	\$ 355.60
76873 00	Radiology	5.23	5.23	\$ 366.10	\$ 366.10
76873 26	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
76873 TC	Radiology	2.97	2.97	\$ 207.90	\$ 207.90
76881 00	Radiology	1.61	1.61	\$ 112.70	\$ 112.70
76881 26	Radiology	1.28	1.28	\$ 89.60	\$ 89.60
76881 TC	Radiology	0.33	0.33	\$ 23.10	\$ 23.10
76882 00	Radiology	1.26	1.26	\$ 88.20	\$ 88.20
76882 26	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
76882 TC	Radiology	0.28	0.28	\$ 19.60	\$ 19.60
76883 00	Radiology	2.15	2.15	\$ 150.50	\$ 150.50

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
76883 26	Radiology	1.71	1.71	\$ 119.70	\$ 119.70
76883 TC	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
76885 00	Radiology	4.12	4.12	\$ 288.40	\$ 288.40
76885 26	Radiology	1.05	1.05	\$ 73.50	\$ 73.50
76885 TC	Radiology	3.07	3.07	\$ 214.90	\$ 214.90
76886 00	Radiology	3.04	3.04	\$ 212.80	\$ 212.80
76886 26	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
76886 TC	Radiology	2.15	2.15	\$ 150.50	\$ 150.50
76932 00	Radiology	-	-	\$ 200.20	\$ 200.20
76932 26	Radiology	1.06	1.06	\$ 74.20	\$ 74.20
76932 TC	Radiology	-	-	\$ 126.00	\$ 126.00
76936 00	Radiology	7.76	7.76	\$ 543.20	\$ 543.20
76936 26	Radiology	2.76	2.76	\$ 193.20	\$ 193.20
76936 TC	Radiology	5.00	5.00	\$ 350.00	\$ 350.00
76937 00	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
76937 26	Radiology	0.42	0.42	\$ 29.40	\$ 29.40
76937 TC	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
76940 00	Radiology	-	-	\$ 333.20	\$ 333.20
76940 26	Radiology	2.95	2.95	\$ 206.50	\$ 206.50
76940 TC	Radiology	-	-	\$ 126.70	\$ 126.70
76941 00	Radiology	-	-	\$ 246.40	\$ 246.40
76941 26	Radiology	1.90	1.90	\$ 133.00	\$ 133.00
76941 TC	Radiology	-	-	\$ 113.40	\$ 113.40
76942 00	Radiology	1.74	1.74	\$ 121.80	\$ 121.80
76942 26	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
76942 TC	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
76945 00	Radiology	-	-	\$ 182.70	\$ 182.70
76945 26	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
76945 TC	Radiology	-	-	\$ 116.90	\$ 116.90
76946 00	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
76946 26	Radiology	0.54	0.54	\$ 37.80	\$ 37.80
76946 TC	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
76948 00	Radiology	2.41	2.41	\$ 168.70	\$ 168.70
76948 26	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
76948 TC	Radiology	1.47	1.47	\$ 102.90	\$ 102.90
76965 00	Radiology	2.79	2.79	\$ 195.30	\$ 195.30
76965 26	Radiology	1.98	1.98	\$ 138.60	\$ 138.60
76965 TC	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
76975 00	Radiology	-	-	\$ 206.50	\$ 206.50
76975 26	Radiology	1.21	1.21	\$ 84.70	\$ 84.70
76975 TC	Radiology	-	-	\$ 121.80	\$ 121.80
76977 00	Radiology	0.21	0.21	\$ 14.70	\$ 14.70
76977 26	Radiology	0.08	0.08	\$ 5.60	\$ 5.60

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
76977 TC	Radiology	0.13	0.13	\$ 9.10	\$ 9.10
76978 00	Radiology	7.68	7.68	\$ 537.60	\$ 537.60
76978 26	Radiology	2.29	2.29	\$ 160.30	\$ 160.30
76978 TC	Radiology	5.39	5.39	\$ 377.30	\$ 377.30
76979 00	Radiology	5.02	5.02	\$ 351.40	\$ 351.40
76979 26	Radiology	1.20	1.20	\$ 84.00	\$ 84.00
76979 TC	Radiology	3.82	3.82	\$ 267.40	\$ 267.40
76981 00	Radiology	3.13	3.13	\$ 219.10	\$ 219.10
76981 26	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
76981 TC	Radiology	2.28	2.28	\$ 159.60	\$ 159.60
76982 00	Radiology	2.81	2.81	\$ 196.70	\$ 196.70
76982 26	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
76982 TC	Radiology	1.96	1.96	\$ 137.20	\$ 137.20
76983 00	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
76983 26	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
76983 TC	Radiology	1.09	1.09	\$ 76.30	\$ 76.30
76998 00	Radiology	-	-	\$ 294.70	\$ 294.70
76998 26	Radiology	1.81	1.81	\$ 126.70	\$ 126.70
76998 TC	Radiology	-	-	\$ 168.00	\$ 168.00
76999 00	Radiology	0.00	0.00	BR	BR
76999 26	Radiology	0.00	0.00	BR	BR
76999 TC	Radiology	0.00	0.00	BR	BR
77001 00	Radiology	3.02	3.02	\$ 211.40	\$ 211.40
77001 26	Radiology	0.53	0.53	\$ 37.10	\$ 37.10
77001 TC	Radiology	2.49	2.49	\$ 174.30	\$ 174.30
77002 00	Radiology	3.50	3.50	\$ 245.00	\$ 245.00
77002 26	Radiology	0.80	0.80	\$ 56.00	\$ 56.00
77002 TC	Radiology	2.70	2.70	\$ 189.00	\$ 189.00
77003 00	Radiology	3.18	3.18	\$ 222.60	\$ 222.60
77003 26	Radiology	0.85	0.85	\$ 59.50	\$ 59.50
77003 TC	Radiology	2.33	2.33	\$ 163.10	\$ 163.10
77011 00	Radiology	6.72	6.72	\$ 470.40	\$ 470.40
77011 26	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
77011 TC	Radiology	4.89	4.89	\$ 342.30	\$ 342.30
77012 00	Radiology	4.24	4.24	\$ 296.80	\$ 296.80
77012 26	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
77012 TC	Radiology	2.16	2.16	\$ 151.20	\$ 151.20
77013 00	Radiology	-	-	\$ 1,050.00	\$ 1,050.00
77013 26	Radiology	5.40	5.40	\$ 378.00	\$ 378.00
77013 TC	Radiology	-	-	\$ 672.00	\$ 672.00
77014 00	Radiology	3.61	3.61	\$ 252.70	\$ 252.70
77014 26	Radiology	1.33	1.33	\$ 93.10	\$ 93.10
77014 TC	Radiology	2.28	2.28	\$ 159.60	\$ 159.60

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
77021 00	Radiology	12.86	12.86	\$ 900.20	\$ 900.20
77021 26	Radiology	2.09	2.09	\$ 146.30	\$ 146.30
77021 TC	Radiology	10.77	10.77	\$ 753.90	\$ 753.90
77022 00	Radiology	-	-	\$ 1,352.40	\$ 1,352.40
77022 26	Radiology	5.99	5.99	\$ 419.30	\$ 419.30
77022 TC	Radiology	-	-	\$ 933.10	\$ 933.10
77046 00	Radiology	6.63	6.63	\$ 464.10	\$ 464.10
77046 26	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
77046 TC	Radiology	4.59	4.59	\$ 321.30	\$ 321.30
77047 00	Radiology	6.87	6.87	\$ 480.90	\$ 480.90
77047 26	Radiology	2.26	2.26	\$ 158.20	\$ 158.20
77047 TC	Radiology	4.61	4.61	\$ 322.70	\$ 322.70
77048 00	Radiology	10.54	10.54	\$ 737.80	\$ 737.80
77048 26	Radiology	2.97	2.97	\$ 207.90	\$ 207.90
77048 TC	Radiology	7.57	7.57	\$ 529.90	\$ 529.90
77049 00	Radiology	10.76	10.76	\$ 753.20	\$ 753.20
77049 26	Radiology	3.25	3.25	\$ 227.50	\$ 227.50
77049 TC	Radiology	7.51	7.51	\$ 525.70	\$ 525.70
77053 00	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
77053 26	Radiology	0.51	0.51	\$ 35.70	\$ 35.70
77053 TC	Radiology	1.09	1.09	\$ 76.30	\$ 76.30
77054 00	Radiology	2.07	2.07	\$ 144.90	\$ 144.90
77054 26	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
77054 TC	Radiology	1.44	1.44	\$ 100.80	\$ 100.80
77061 00	Radiology	-	-	\$ 128.80	\$ 128.80
77061 26	Radiology	0.00	0.00	BR	BR
77061 TC	Radiology	-	-	\$ 128.80	\$ 128.80
77062 00	Radiology	-	-	\$ 128.80	\$ 128.80
77062 26	Radiology	0.00	0.00	BR	BR
77062 TC	Radiology	-	-	\$ 128.80	\$ 128.80
77063 00	Radiology	1.58	1.58	\$ 110.60	\$ 110.60
77063 26	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
77063 TC	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
77065 00	Radiology	3.76	3.76	\$ 263.20	\$ 263.20
77065 26	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
77065 TC	Radiology	2.62	2.62	\$ 183.40	\$ 183.40
77066 00	Radiology	4.74	4.74	\$ 331.80	\$ 331.80
77066 26	Radiology	1.40	1.40	\$ 98.00	\$ 98.00
77066 TC	Radiology	3.34	3.34	\$ 233.80	\$ 233.80
77067 00	Radiology	3.85	3.85	\$ 269.50	\$ 269.50
77067 26	Radiology	1.08	1.08	\$ 75.60	\$ 75.60
77067 TC	Radiology	2.77	2.77	\$ 193.90	\$ 193.90
77071 00	Radiology	1.64	1.64	\$ 114.80	\$ 114.80

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
77072 00	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
77072 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
77072 TC	Radiology	0.51	0.51	\$ 35.70	\$ 35.70
77073 00	Radiology	1.35	1.35	\$ 94.50	\$ 94.50
77073 26	Radiology	0.39	0.39	\$ 27.30	\$ 27.30
77073 TC	Radiology	0.96	0.96	\$ 67.20	\$ 67.20
77074 00	Radiology	1.95	1.95	\$ 136.50	\$ 136.50
77074 26	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
77074 TC	Radiology	1.33	1.33	\$ 93.10	\$ 93.10
77075 00	Radiology	3.00	3.00	\$ 210.00	\$ 210.00
77075 26	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
77075 TC	Radiology	2.21	2.21	\$ 154.70	\$ 154.70
77076 00	Radiology	3.23	3.23	\$ 226.10	\$ 226.10
77076 26	Radiology	1.00	1.00	\$ 70.00	\$ 70.00
77076 TC	Radiology	2.23	2.23	\$ 156.10	\$ 156.10
77077 00	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
77077 26	Radiology	0.49	0.49	\$ 34.30	\$ 34.30
77077 TC	Radiology	0.92	0.92	\$ 64.40	\$ 64.40
77078 00	Radiology	3.15	3.15	\$ 220.50	\$ 220.50
77078 26	Radiology	0.35	0.35	\$ 24.50	\$ 24.50
77078 TC	Radiology	2.80	2.80	\$ 196.00	\$ 196.00
77080 00	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
77080 26	Radiology	0.28	0.28	\$ 19.60	\$ 19.60
77080 TC	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
77081 00	Radiology	0.94	0.94	\$ 65.80	\$ 65.80
77081 26	Radiology	0.29	0.29	\$ 20.30	\$ 20.30
77081 TC	Radiology	0.65	0.65	\$ 45.50	\$ 45.50
77084 00	Radiology	9.97	9.97	\$ 697.90	\$ 697.90
77084 26	Radiology	2.27	2.27	\$ 158.90	\$ 158.90
77084 TC	Radiology	7.70	7.70	\$ 539.00	\$ 539.00
77085 00	Radiology	1.55	1.55	\$ 108.50	\$ 108.50
77085 26	Radiology	0.43	0.43	\$ 30.10	\$ 30.10
77085 TC	Radiology	1.12	1.12	\$ 78.40	\$ 78.40
77086 00	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
77086 26	Radiology	0.24	0.24	\$ 16.80	\$ 16.80
77086 TC	Radiology	0.75	0.75	\$ 52.50	\$ 52.50
77089 00	Radiology	1.21	1.21	\$ 84.70	\$ 84.70
77090 00	Radiology	0.08	0.08	\$ 5.60	\$ 5.60
77091 00	Radiology	0.84	0.84	\$ 58.80	\$ 58.80
77092 00	Radiology	0.29	0.29	\$ 20.30	\$ 20.30
77261 00	Radiology	2.10	2.10	\$ 147.00	\$ 147.00
77262 00	Radiology	3.21	3.21	\$ 224.70	\$ 224.70
77263 00	Radiology	5.02	5.02	\$ 351.40	\$ 351.40



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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
77280 00	Radiology	8.07	8.07	\$ 564.90	\$ 564.90
77280 26	Radiology	1.13	1.13	\$ 79.10	\$ 79.10
77280 TC	Radiology	6.94	6.94	\$ 485.80	\$ 485.80
77285 00	Radiology	13.21	13.21	\$ 924.70	\$ 924.70
77285 26	Radiology	1.69	1.69	\$ 118.30	\$ 118.30
77285 TC	Radiology	11.52	11.52	\$ 806.40	\$ 806.40
77290 00	Radiology	13.54	13.54	\$ 947.80	\$ 947.80
77290 26	Radiology	2.45	2.45	\$ 171.50	\$ 171.50
77290 TC	Radiology	11.09	11.09	\$ 776.30	\$ 776.30
77293 00	Radiology	12.36	12.36	\$ 865.20	\$ 865.20
77293 26	Radiology	3.12	3.12	\$ 218.40	\$ 218.40
77293 TC	Radiology	9.24	9.24	\$ 646.80	\$ 646.80
77295 00	Radiology	14.29	14.29	\$ 1,000.30	\$ 1,000.30
77295 26	Radiology	6.70	6.70	\$ 469.00	\$ 469.00
77295 TC	Radiology	7.59	7.59	\$ 531.30	\$ 531.30
77299 00	Radiology	0.00	0.00	BR	BR
77299 26	Radiology	0.00	0.00	BR	BR
77299 TC	Radiology	0.00	0.00	BR	BR
77300 00	Radiology	1.97	1.97	\$ 137.90	\$ 137.90
77300 26	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
77300 TC	Radiology	0.99	0.99	\$ 69.30	\$ 69.30
77301 00	Radiology	54.94	54.94	\$ 3,845.80	\$ 3,845.80
77301 26	Radiology	12.49	12.49	\$ 874.30	\$ 874.30
77301 TC	Radiology	42.45	42.45	\$ 2,971.50	\$ 2,971.50
77306 00	Radiology	4.41	4.41	\$ 308.70	\$ 308.70
77306 26	Radiology	2.19	2.19	\$ 153.30	\$ 153.30
77306 TC	Radiology	2.22	2.22	\$ 155.40	\$ 155.40
77307 00	Radiology	8.54	8.54	\$ 597.80	\$ 597.80
77307 26	Radiology	4.53	4.53	\$ 317.10	\$ 317.10
77307 TC	Radiology	4.01	4.01	\$ 280.70	\$ 280.70
77316 00	Radiology	7.30	7.30	\$ 511.00	\$ 511.00
77316 26	Radiology	2.19	2.19	\$ 153.30	\$ 153.30
77316 TC	Radiology	5.11	5.11	\$ 357.70	\$ 357.70
77317 00	Radiology	9.60	9.60	\$ 672.00	\$ 672.00
77317 26	Radiology	2.86	2.86	\$ 200.20	\$ 200.20
77317 TC	Radiology	6.74	6.74	\$ 471.80	\$ 471.80
77318 00	Radiology	13.63	13.63	\$ 954.10	\$ 954.10
77318 26	Radiology	4.52	4.52	\$ 316.40	\$ 316.40
77318 TC	Radiology	9.11	9.11	\$ 637.70	\$ 637.70
77321 00	Radiology	2.80	2.80	\$ 196.00	\$ 196.00
77321 26	Radiology	1.49	1.49	\$ 104.30	\$ 104.30
77321 TC	Radiology	1.31	1.31	\$ 91.70	\$ 91.70
77331 00	Radiology	1.93	1.93	\$ 135.10	\$ 135.10

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77331 26	Radiology	1.36	1.36	\$ 95.20	\$ 95.20
77331 TC	Radiology	0.57	0.57	\$ 39.90	\$ 39.90
77332 00	Radiology	1.14	1.14	\$ 79.80	\$ 79.80
77332 26	Radiology	0.71	0.71	\$ 49.70	\$ 49.70
77332 TC	Radiology	0.43	0.43	\$ 30.10	\$ 30.10
77333 00	Radiology	4.12	4.12	\$ 288.40	\$ 288.40
77333 26	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
77333 TC	Radiology	2.94	2.94	\$ 205.80	\$ 205.80
77334 00	Radiology	3.73	3.73	\$ 261.10	\$ 261.10
77334 26	Radiology	1.79	1.79	\$ 125.30	\$ 125.30
77334 TC	Radiology	1.94	1.94	\$ 135.80	\$ 135.80
77336 00	Radiology	2.58	2.58	\$ 180.60	\$ 180.60
77338 00	Radiology	13.86	13.86	\$ 970.20	\$ 970.20
77338 26	Radiology	6.70	6.70	\$ 469.00	\$ 469.00
77338 TC	Radiology	7.16	7.16	\$ 501.20	\$ 501.20
77370 00	Radiology	4.15	4.15	\$ 290.50	\$ 290.50
77371 00	Radiology	-	-	\$ 18,067.70	\$ 18,067.70
77372 00	Radiology	28.94	28.94	\$ 2,025.80	\$ 2,025.80
77373 00	Radiology	30.07	30.07	\$ 2,104.90	\$ 2,104.90
77385 00	Radiology	-	-	\$ 1,282.40	\$ 1,282.40
77386 00	Radiology	-	-	\$ 1,425.90	\$ 1,425.90
77387 00	Radiology	-	-	\$ 193.90	\$ 193.90
77399 00	Radiology	0.00	0.00	BR	BR
77399 26	Radiology	0.00	0.00	BR	BR
77399 TC	Radiology	0.00	0.00	BR	BR
77401 00	Radiology	1.23	1.23	\$ 86.10	\$ 86.10
77402 00	Radiology	-	-	\$ 199.50	\$ 199.50
77407 00	Radiology	-	-	\$ 206.50	\$ 206.50
77412 00	Radiology	-	-	\$ 361.20	\$ 361.20
77417 00	Radiology	0.41	0.41	\$ 28.70	\$ 28.70
77423 00	Radiology	0.00	0.00	BR	BR
77424 00	Radiology	0.00	0.00	BR	BR
77425 00	Radiology	0.00	0.00	BR	BR
77427 00	Radiology	5.69	5.69	\$ 398.30	\$ 398.30
77431 00	Radiology	3.19	3.19	\$ 223.30	\$ 223.30
77432 00	Radiology	12.64	12.64	\$ 884.80	\$ 884.80
77435 00	Radiology	19.09	19.09	\$ 1,336.30	\$ 1,336.30
77469 00	Radiology	9.49	9.49	\$ 664.30	\$ 664.30
77470 00	Radiology	4.15	4.15	\$ 290.50	\$ 290.50
77470 26	Radiology	3.18	3.18	\$ 222.60	\$ 222.60
77470 TC	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
77499 00	Radiology	0.00	0.00	BR	BR
77499 26	Radiology	0.00	0.00	BR	BR

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
77499 TC	Radiology	0.00	0.00	BR	BR
77520 00	Radiology	-	-	\$ 2,598.40	\$ 2,598.40
77522 00	Radiology	-	-	\$ 2,426.20	\$ 2,426.20
77523 00	Radiology	-	-	\$ 2,902.20	\$ 2,902.20
77525 00	Radiology	-	-	\$ 3,409.70	\$ 3,409.70
77600 00	Radiology	15.84	15.84	\$ 1,108.80	\$ 1,108.80
77600 26	Radiology	2.11	2.11	\$ 147.70	\$ 147.70
77600 TC	Radiology	13.73	13.73	\$ 961.10	\$ 961.10
77605 00	Radiology	28.82	28.82	\$ 2,017.40	\$ 2,017.40
77605 26	Radiology	2.98	2.98	\$ 208.60	\$ 208.60
77605 TC	Radiology	25.84	25.84	\$ 1,808.80	\$ 1,808.80
77610 00	Radiology	20.66	20.66	\$ 1,446.20	\$ 1,446.20
77610 26	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
77610 TC	Radiology	18.62	18.62	\$ 1,303.40	\$ 1,303.40
77615 00	Radiology	32.33	32.33	\$ 2,263.10	\$ 2,263.10
77615 26	Radiology	2.87	2.87	\$ 200.90	\$ 200.90
77615 TC	Radiology	29.46	29.46	\$ 2,062.20	\$ 2,062.20
77620 00	Radiology	19.18	19.18	\$ 1,342.60	\$ 1,342.60
77620 26	Radiology	2.48	2.48	\$ 173.60	\$ 173.60
77620 TC	Radiology	16.70	16.70	\$ 1,169.00	\$ 1,169.00
77750 00	Radiology	11.69	11.69	\$ 818.30	\$ 818.30
77750 26	Radiology	7.81	7.81	\$ 546.70	\$ 546.70
77750 TC	Radiology	3.88	3.88	\$ 271.60	\$ 271.60
77761 00	Radiology	12.49	12.49	\$ 874.30	\$ 874.30
77761 26	Radiology	6.03	6.03	\$ 422.10	\$ 422.10
77761 TC	Radiology	6.46	6.46	\$ 452.20	\$ 452.20
77762 00	Radiology	16.40	16.40	\$ 1,148.00	\$ 1,148.00
77762 26	Radiology	8.99	8.99	\$ 629.30	\$ 629.30
77762 TC	Radiology	7.41	7.41	\$ 518.70	\$ 518.70
77763 00	Radiology	23.13	23.13	\$ 1,619.10	\$ 1,619.10
77763 26	Radiology	13.53	13.53	\$ 947.10	\$ 947.10
77763 TC	Radiology	9.60	9.60	\$ 672.00	\$ 672.00
77767 00	Radiology	7.44	7.44	\$ 520.80	\$ 520.80
77767 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80
77767 TC	Radiology	5.80	5.80	\$ 406.00	\$ 406.00
77768 00	Radiology	10.87	10.87	\$ 760.90	\$ 760.90
77768 26	Radiology	2.19	2.19	\$ 153.30	\$ 153.30
77768 TC	Radiology	8.68	8.68	\$ 607.60	\$ 607.60
77770 00	Radiology	10.34	10.34	\$ 723.80	\$ 723.80
77770 26	Radiology	3.04	3.04	\$ 212.80	\$ 212.80
77770 TC	Radiology	7.30	7.30	\$ 511.00	\$ 511.00
77771 00	Radiology	17.97	17.97	\$ 1,257.90	\$ 1,257.90
77771 26	Radiology	5.95	5.95	\$ 416.50	\$ 416.50

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
77771 TC	Radiology	12.02	12.02	\$ 841.40	\$ 841.40
77772 00	Radiology	26.75	26.75	\$ 1,872.50	\$ 1,872.50
77772 26	Radiology	8.37	8.37	\$ 585.90	\$ 585.90
77772 TC	Radiology	18.38	18.38	\$ 1,286.60	\$ 1,286.60
77778 00	Radiology	27.25	27.25	\$ 1,907.50	\$ 1,907.50
77778 26	Radiology	13.68	13.68	\$ 957.60	\$ 957.60
77778 TC	Radiology	13.57	13.57	\$ 949.90	\$ 949.90
77789 00	Radiology	3.93	3.93	\$ 275.10	\$ 275.10
77789 26	Radiology	1.78	1.78	\$ 124.60	\$ 124.60
77789 TC	Radiology	2.15	2.15	\$ 150.50	\$ 150.50
77790 00	Radiology	0.52	0.52	\$ 36.40	\$ 36.40
77799 00	Radiology	0.00	0.00	BR	BR
77799 26	Radiology	0.00	0.00	BR	BR
77799 TC	Radiology	0.00	0.00	BR	BR
78012 00	Radiology	2.42	2.42	\$ 169.40	\$ 169.40
78012 26	Radiology	0.26	0.26	\$ 18.20	\$ 18.20
78012 TC	Radiology	2.16	2.16	\$ 151.20	\$ 151.20
78013 00	Radiology	5.34	5.34	\$ 373.80	\$ 373.80
78013 26	Radiology	0.52	0.52	\$ 36.40	\$ 36.40
78013 TC	Radiology	4.82	4.82	\$ 337.40	\$ 337.40
78014 00	Radiology	6.66	6.66	\$ 466.20	\$ 466.20
78014 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
78014 TC	Radiology	5.97	5.97	\$ 417.90	\$ 417.90
78015 00	Radiology	6.47	6.47	\$ 452.90	\$ 452.90
78015 26	Radiology	0.96	0.96	\$ 67.20	\$ 67.20
78015 TC	Radiology	5.51	5.51	\$ 385.70	\$ 385.70
78016 00	Radiology	7.73	7.73	\$ 541.10	\$ 541.10
78016 26	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
78016 TC	Radiology	6.76	6.76	\$ 473.20	\$ 473.20
78018 00	Radiology	8.70	8.70	\$ 609.00	\$ 609.00
78018 26	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
78018 TC	Radiology	7.54	7.54	\$ 527.80	\$ 527.80
78020 00	Radiology	2.35	2.35	\$ 164.50	\$ 164.50
78020 26	Radiology	0.78	0.78	\$ 54.60	\$ 54.60
78020 TC	Radiology	1.57	1.57	\$ 109.90	\$ 109.90
78070 00	Radiology	8.19	8.19	\$ 573.30	\$ 573.30
78070 26	Radiology	1.11	1.11	\$ 77.70	\$ 77.70
78070 TC	Radiology	7.08	7.08	\$ 495.60	\$ 495.60
78071 00	Radiology	9.78	9.78	\$ 684.60	\$ 684.60
78071 26	Radiology	1.66	1.66	\$ 116.20	\$ 116.20
78071 TC	Radiology	8.12	8.12	\$ 568.40	\$ 568.40
78072 00	Radiology	12.19	12.19	\$ 853.30	\$ 853.30
78072 26	Radiology	2.17	2.17	\$ 151.90	\$ 151.90

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
78072 TC	Radiology	10.02	10.02	\$ 701.40	\$ 701.40
78075 00	Radiology	12.43	12.43	\$ 870.10	\$ 870.10
78075 26	Radiology	1.05	1.05	\$ 73.50	\$ 73.50
78075 TC	Radiology	11.38	11.38	\$ 796.60	\$ 796.60
78099 00	Radiology	0.00	0.00	BR	BR
78099 26	Radiology	0.00	0.00	BR	BR
78099 TC	Radiology	0.00	0.00	BR	BR
78102 00	Radiology	4.86	4.86	\$ 340.20	\$ 340.20
78102 26	Radiology	0.74	0.74	\$ 51.80	\$ 51.80
78102 TC	Radiology	4.12	4.12	\$ 288.40	\$ 288.40
78103 00	Radiology	5.22	5.22	\$ 365.40	\$ 365.40
78103 26	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
78103 TC	Radiology	4.34	4.34	\$ 303.80	\$ 303.80
78104 00	Radiology	7.02	7.02	\$ 491.40	\$ 491.40
78104 26	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
78104 TC	Radiology	5.92	5.92	\$ 414.40	\$ 414.40
78110 00	Radiology	2.06	2.06	\$ 144.20	\$ 144.20
78110 26	Radiology	0.23	0.23	\$ 16.10	\$ 16.10
78110 TC	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
78111 00	Radiology	2.19	2.19	\$ 153.30	\$ 153.30
78111 26	Radiology	0.27	0.27	\$ 18.90	\$ 18.90
78111 TC	Radiology	1.92	1.92	\$ 134.40	\$ 134.40
78120 00	Radiology	2.11	2.11	\$ 147.70	\$ 147.70
78120 26	Radiology	0.28	0.28	\$ 19.60	\$ 19.60
78120 TC	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
78121 00	Radiology	2.30	2.30	\$ 161.00	\$ 161.00
78121 26	Radiology	0.38	0.38	\$ 26.60	\$ 26.60
78121 TC	Radiology	1.92	1.92	\$ 134.40	\$ 134.40
78122 00	Radiology	2.96	2.96	\$ 207.20	\$ 207.20
78122 26	Radiology	0.61	0.61	\$ 42.70	\$ 42.70
78122 TC	Radiology	2.35	2.35	\$ 164.50	\$ 164.50
78130 00	Radiology	3.69	3.69	\$ 258.30	\$ 258.30
78130 26	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
78130 TC	Radiology	2.97	2.97	\$ 207.90	\$ 207.90
78140 00	Radiology	3.26	3.26	\$ 228.20	\$ 228.20
78140 26	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
78140 TC	Radiology	2.54	2.54	\$ 177.80	\$ 177.80
78185 00	Radiology	4.74	4.74	\$ 331.80	\$ 331.80
78185 26	Radiology	0.48	0.48	\$ 33.60	\$ 33.60
78185 TC	Radiology	4.26	4.26	\$ 298.20	\$ 298.20
78191 00	Radiology	3.69	3.69	\$ 258.30	\$ 258.30
78191 26	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
78191 TC	Radiology	2.97	2.97	\$ 207.90	\$ 207.90

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
78195 00	Radiology	9.87	9.87	\$ 690.90	\$ 690.90
78195 26	Radiology	1.65	1.65	\$ 115.50	\$ 115.50
78195 TC	Radiology	8.22	8.22	\$ 575.40	\$ 575.40
78199 00	Radiology	0.00	0.00	BR	BR
78199 26	Radiology	0.00	0.00	BR	BR
78199 TC	Radiology	0.00	0.00	BR	BR
78201 00	Radiology	5.36	5.36	\$ 375.20	\$ 375.20
78201 26	Radiology	0.60	0.60	\$ 42.00	\$ 42.00
78201 TC	Radiology	4.76	4.76	\$ 333.20	\$ 333.20
78202 00	Radiology	5.85	5.85	\$ 409.50	\$ 409.50
78202 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
78202 TC	Radiology	5.16	5.16	\$ 361.20	\$ 361.20
78215 00	Radiology	5.52	5.52	\$ 386.40	\$ 386.40
78215 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
78215 TC	Radiology	4.84	4.84	\$ 338.80	\$ 338.80
78216 00	Radiology	3.85	3.85	\$ 269.50	\$ 269.50
78216 26	Radiology	0.79	0.79	\$ 55.30	\$ 55.30
78216 TC	Radiology	3.06	3.06	\$ 214.20	\$ 214.20
78226 00	Radiology	9.07	9.07	\$ 634.90	\$ 634.90
78226 26	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
78226 TC	Radiology	8.04	8.04	\$ 562.80	\$ 562.80
78227 00	Radiology	12.19	12.19	\$ 853.30	\$ 853.30
78227 26	Radiology	1.25	1.25	\$ 87.50	\$ 87.50
78227 TC	Radiology	10.94	10.94	\$ 765.80	\$ 765.80
78230 00	Radiology	4.98	4.98	\$ 348.60	\$ 348.60
78230 26	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
78230 TC	Radiology	4.35	4.35	\$ 304.50	\$ 304.50
78231 00	Radiology	3.10	3.10	\$ 217.00	\$ 217.00
78231 26	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
78231 TC	Radiology	2.48	2.48	\$ 173.60	\$ 173.60
78232 00	Radiology	3.05	3.05	\$ 213.50	\$ 213.50
78232 26	Radiology	0.56	0.56	\$ 39.20	\$ 39.20
78232 TC	Radiology	2.49	2.49	\$ 174.30	\$ 174.30
78258 00	Radiology	6.01	6.01	\$ 420.70	\$ 420.70
78258 26	Radiology	1.00	1.00	\$ 70.00	\$ 70.00
78258 TC	Radiology	5.01	5.01	\$ 350.70	\$ 350.70
78261 00	Radiology	5.63	5.63	\$ 394.10	\$ 394.10
78261 26	Radiology	0.81	0.81	\$ 56.70	\$ 56.70
78261 TC	Radiology	4.82	4.82	\$ 337.40	\$ 337.40
78262 00	Radiology	6.90	6.90	\$ 483.00	\$ 483.00
78262 26	Radiology	0.97	0.97	\$ 67.90	\$ 67.90
78262 TC	Radiology	5.93	5.93	\$ 415.10	\$ 415.10
78264 00	Radiology	9.22	9.22	\$ 645.40	\$ 645.40

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78264 26	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
78264 TC	Radiology	8.12	8.12	\$ 568.40	\$ 568.40
78265 00	Radiology	10.91	10.91	\$ 763.70	\$ 763.70
78265 26	Radiology	1.35	1.35	\$ 94.50	\$ 94.50
78265 TC	Radiology	9.56	9.56	\$ 669.20	\$ 669.20
78266 00	Radiology	12.40	12.40	\$ 868.00	\$ 868.00
78266 26	Radiology	1.44	1.44	\$ 100.80	\$ 100.80
78266 TC	Radiology	10.96	10.96	\$ 767.20	\$ 767.20
78267 00	Radiology	0.33	0.33	\$ 22.85	\$ 22.85
78268 00	Radiology	2.79	2.79	\$ 195.02	\$ 195.02
78278 00	Radiology	9.72	9.72	\$ 680.40	\$ 680.40
78278 26	Radiology	1.37	1.37	\$ 95.90	\$ 95.90
78278 TC	Radiology	8.35	8.35	\$ 584.50	\$ 584.50
78282 00	Radiology	-	-	\$ 185.50	\$ 185.50
78282 26	Radiology	0.45	0.45	\$ 31.50	\$ 31.50
78282 TC	Radiology	-	-	\$ 154.00	\$ 154.00
78290 00	Radiology	9.21	9.21	\$ 644.70	\$ 644.70
78290 26	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
78290 TC	Radiology	8.26	8.26	\$ 578.20	\$ 578.20
78291 00	Radiology	7.36	7.36	\$ 515.20	\$ 515.20
78291 26	Radiology	1.24	1.24	\$ 86.80	\$ 86.80
78291 TC	Radiology	6.12	6.12	\$ 428.40	\$ 428.40
78299 00	Radiology	0.00	0.00	BR	BR
78299 26	Radiology	0.00	0.00	BR	BR
78299 TC	Radiology	0.00	0.00	BR	BR
78300 00	Radiology	6.35	6.35	\$ 444.50	\$ 444.50
78300 26	Radiology	0.88	0.88	\$ 61.60	\$ 61.60
78300 TC	Radiology	5.47	5.47	\$ 382.90	\$ 382.90
78305 00	Radiology	7.72	7.72	\$ 540.40	\$ 540.40
78305 26	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
78305 TC	Radiology	6.56	6.56	\$ 459.20	\$ 459.20
78306 00	Radiology	8.25	8.25	\$ 577.50	\$ 577.50
78306 26	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
78306 TC	Radiology	7.06	7.06	\$ 494.20	\$ 494.20
78315 00	Radiology	9.66	9.66	\$ 676.20	\$ 676.20
78315 26	Radiology	1.41	1.41	\$ 98.70	\$ 98.70
78315 TC	Radiology	8.25	8.25	\$ 577.50	\$ 577.50
78350 00	Radiology	0.95	0.95	\$ 66.50	\$ 66.50
78350 26	Radiology	0.32	0.32	\$ 22.40	\$ 22.40
78350 TC	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
78351 00	Radiology	0.44	0.44	\$ 30.80	\$ 30.80
78399 00	Radiology	0.00	0.00	BR	BR
78399 26	Radiology	0.00	0.00	BR	BR

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78399 TC	Radiology	0.00	0.00	BR	BR
78414 00	Radiology	-	-	\$ 289.10	\$ 289.10
78414 26	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
78414 TC	Radiology	-	-	\$ 245.70	\$ 245.70
78428 00	Radiology	5.26	5.26	\$ 368.20	\$ 368.20
78428 26	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
78428 TC	Radiology	4.19	4.19	\$ 293.30	\$ 293.30
78429 00	Radiology	-	-	\$ 2,167.90	\$ 2,167.90
78429 26	Radiology	2.34	2.34	\$ 163.80	\$ 163.80
78429 TC	Radiology	-	-	\$ 2,004.10	\$ 2,004.10
78430 00	Radiology	-	-	\$ 1,419.60	\$ 1,419.60
78430 26	Radiology	2.21	2.21	\$ 154.70	\$ 154.70
78430 TC	Radiology	-	-	\$ 1,264.90	\$ 1,264.90
78431 00	Radiology	-	-	\$ 2,452.10	\$ 2,452.10
78431 26	Radiology	2.59	2.59	\$ 181.30	\$ 181.30
78431 TC	Radiology	-	-	\$ 2,270.80	\$ 2,270.80
78432 00	Radiology	0.00	0.00	BR	BR
78432 26	Radiology	2.76	2.76	\$ 193.20	\$ 193.20
78432 TC	Radiology	0.00	0.00	BR	BR
78433 00	Radiology	-	-	\$ 3,092.60	\$ 3,092.60
78433 26	Radiology	3.01	3.01	\$ 210.70	\$ 210.70
78433 TC	Radiology	-	-	\$ 2,881.90	\$ 2,881.90
78434 00	Radiology	-	-	\$ 194.60	\$ 194.60
78434 26	Radiology	0.86	0.86	\$ 60.20	\$ 60.20
78434 TC	Radiology	-	-	\$ 134.40	\$ 134.40
78445 00	Radiology	5.89	5.89	\$ 412.30	\$ 412.30
78445 26	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
78445 TC	Radiology	5.17	5.17	\$ 361.90	\$ 361.90
78451 00	Radiology	9.45	9.45	\$ 661.50	\$ 661.50
78451 26	Radiology	1.89	1.89	\$ 132.30	\$ 132.30
78451 TC	Radiology	7.56	7.56	\$ 529.20	\$ 529.20
78452 00	Radiology	13.11	13.11	\$ 917.70	\$ 917.70
78452 26	Radiology	2.24	2.24	\$ 156.80	\$ 156.80
78452 TC	Radiology	10.87	10.87	\$ 760.90	\$ 760.90
78453 00	Radiology	8.16	8.16	\$ 571.20	\$ 571.20
78453 26	Radiology	1.37	1.37	\$ 95.90	\$ 95.90
78453 TC	Radiology	6.79	6.79	\$ 475.30	\$ 475.30
78454 00	Radiology	12.17	12.17	\$ 851.90	\$ 851.90
78454 26	Radiology	1.89	1.89	\$ 132.30	\$ 132.30
78454 TC	Radiology	10.28	10.28	\$ 719.60	\$ 719.60
78456 00	Radiology	8.70	8.70	\$ 609.00	\$ 609.00
78456 26	Radiology	1.38	1.38	\$ 96.60	\$ 96.60
78456 TC	Radiology	7.32	7.32	\$ 512.40	\$ 512.40

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
78457 00	Radiology	4.70	4.70	\$ 329.00	\$ 329.00
78457 26	Radiology	1.07	1.07	\$ 74.90	\$ 74.90
78457 TC	Radiology	3.63	3.63	\$ 254.10	\$ 254.10
78458 00	Radiology	5.85	5.85	\$ 409.50	\$ 409.50
78458 26	Radiology	1.27	1.27	\$ 88.90	\$ 88.90
78458 TC	Radiology	4.58	4.58	\$ 320.60	\$ 320.60
78459 00	Radiology	-	-	\$ 3,745.00	\$ 3,745.00
78459 26	Radiology	2.14	2.14	\$ 149.80	\$ 149.80
78459 TC	Radiology	-	-	\$ 3,595.20	\$ 3,595.20
78466 00	Radiology	5.21	5.21	\$ 364.70	\$ 364.70
78466 26	Radiology	0.98	0.98	\$ 68.60	\$ 68.60
78466 TC	Radiology	4.23	4.23	\$ 296.10	\$ 296.10
78468 00	Radiology	5.48	5.48	\$ 383.60	\$ 383.60
78468 26	Radiology	1.09	1.09	\$ 76.30	\$ 76.30
78468 TC	Radiology	4.39	4.39	\$ 307.30	\$ 307.30
78469 00	Radiology	6.23	6.23	\$ 436.10	\$ 436.10
78469 26	Radiology	1.27	1.27	\$ 88.90	\$ 88.90
78469 TC	Radiology	4.96	4.96	\$ 347.20	\$ 347.20
78472 00	Radiology	6.37	6.37	\$ 445.90	\$ 445.90
78472 26	Radiology	1.35	1.35	\$ 94.50	\$ 94.50
78472 TC	Radiology	5.02	5.02	\$ 351.40	\$ 351.40
78473 00	Radiology	8.08	8.08	\$ 565.60	\$ 565.60
78473 26	Radiology	2.01	2.01	\$ 140.70	\$ 140.70
78473 TC	Radiology	6.07	6.07	\$ 424.90	\$ 424.90
78481 00	Radiology	4.99	4.99	\$ 349.30	\$ 349.30
78481 26	Radiology	1.36	1.36	\$ 95.20	\$ 95.20
78481 TC	Radiology	3.63	3.63	\$ 254.10	\$ 254.10
78483 00	Radiology	6.72	6.72	\$ 470.40	\$ 470.40
78483 26	Radiology	2.02	2.02	\$ 141.40	\$ 141.40
78483 TC	Radiology	4.70	4.70	\$ 329.00	\$ 329.00
78491 00	Radiology	-	-	\$ 1,617.70	\$ 1,617.70
78491 26	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
78491 TC	Radiology	-	-	\$ 1,472.10	\$ 1,472.10
78492 00	Radiology	-	-	\$ 2,893.10	\$ 2,893.10
78492 26	Radiology	2.48	2.48	\$ 173.60	\$ 173.60
78492 TC	Radiology	-	-	\$ 2,719.50	\$ 2,719.50
78494 00	Radiology	6.41	6.41	\$ 448.70	\$ 448.70
78494 26	Radiology	1.64	1.64	\$ 114.80	\$ 114.80
78494 TC	Radiology	4.77	4.77	\$ 333.90	\$ 333.90
78496 00	Radiology	1.25	1.25	\$ 87.50	\$ 87.50
78496 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
78496 TC	Radiology	0.56	0.56	\$ 39.20	\$ 39.20
78499 00	Radiology	0.00	0.00	BR	BR

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
78499 26	Radiology	0.00	0.00	BR	BR
78499 TC	Radiology	0.00	0.00	BR	BR
78579 00	Radiology	5.28	5.28	\$ 369.60	\$ 369.60
78579 26	Radiology	0.68	0.68	\$ 47.60	\$ 47.60
78579 TC	Radiology	4.60	4.60	\$ 322.00	\$ 322.00
78580 00	Radiology	6.62	6.62	\$ 463.40	\$ 463.40
78580 26	Radiology	1.03	1.03	\$ 72.10	\$ 72.10
78580 TC	Radiology	5.59	5.59	\$ 391.30	\$ 391.30
78582 00	Radiology	9.26	9.26	\$ 648.20	\$ 648.20
78582 26	Radiology	1.47	1.47	\$ 102.90	\$ 102.90
78582 TC	Radiology	7.79	7.79	\$ 545.30	\$ 545.30
78597 00	Radiology	5.63	5.63	\$ 394.10	\$ 394.10
78597 26	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
78597 TC	Radiology	4.62	4.62	\$ 323.40	\$ 323.40
78598 00	Radiology	8.44	8.44	\$ 590.80	\$ 590.80
78598 26	Radiology	1.16	1.16	\$ 81.20	\$ 81.20
78598 TC	Radiology	7.28	7.28	\$ 509.60	\$ 509.60
78599 00	Radiology	0.00	0.00	BR	BR
78599 26	Radiology	0.00	0.00	BR	BR
78599 TC	Radiology	0.00	0.00	BR	BR
78600 00	Radiology	5.10	5.10	\$ 357.00	\$ 357.00
78600 26	Radiology	0.61	0.61	\$ 42.70	\$ 42.70
78600 TC	Radiology	4.49	4.49	\$ 314.30	\$ 314.30
78601 00	Radiology	6.07	6.07	\$ 424.90	\$ 424.90
78601 26	Radiology	0.70	0.70	\$ 49.00	\$ 49.00
78601 TC	Radiology	5.37	5.37	\$ 375.90	\$ 375.90
78605 00	Radiology	5.66	5.66	\$ 396.20	\$ 396.20
78605 26	Radiology	0.76	0.76	\$ 53.20	\$ 53.20
78605 TC	Radiology	4.90	4.90	\$ 343.00	\$ 343.00
78606 00	Radiology	9.12	9.12	\$ 638.40	\$ 638.40
78606 26	Radiology	0.89	0.89	\$ 62.30	\$ 62.30
78606 TC	Radiology	8.23	8.23	\$ 576.10	\$ 576.10
78608 00	Radiology	-	-	\$ 3,570.00	\$ 3,570.00
78608 26	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
78608 TC	Radiology	-	-	\$ 3,427.20	\$ 3,427.20
78609 00	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
78609 26	Radiology	2.12	2.12	\$ 148.40	\$ 148.40
78609 TC	Radiology	0.00	0.00	BR	BR
78610 00	Radiology	4.94	4.94	\$ 345.80	\$ 345.80
78610 26	Radiology	0.42	0.42	\$ 29.40	\$ 29.40
78610 TC	Radiology	4.52	4.52	\$ 316.40	\$ 316.40
78630 00	Radiology	9.40	9.40	\$ 658.00	\$ 658.00
78630 26	Radiology	0.95	0.95	\$ 66.50	\$ 66.50

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
78630 TC	Radiology	8.45	8.45	\$ 591.50	\$ 591.50
78635 00	Radiology	9.42	9.42	\$ 659.40	\$ 659.40
78635 26	Radiology	0.87	0.87	\$ 60.90	\$ 60.90
78635 TC	Radiology	8.55	8.55	\$ 598.50	\$ 598.50
78645 00	Radiology	8.99	8.99	\$ 629.30	\$ 629.30
78645 26	Radiology	0.77	0.77	\$ 53.90	\$ 53.90
78645 TC	Radiology	8.22	8.22	\$ 575.40	\$ 575.40
78650 00	Radiology	7.56	7.56	\$ 529.20	\$ 529.20
78650 26	Radiology	0.72	0.72	\$ 50.40	\$ 50.40
78650 TC	Radiology	6.84	6.84	\$ 478.80	\$ 478.80
78660 00	Radiology	4.31	4.31	\$ 301.70	\$ 301.70
78660 26	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
78660 TC	Radiology	3.68	3.68	\$ 257.60	\$ 257.60
78699 00	Radiology	0.00	0.00	BR	BR
78699 26	Radiology	0.00	0.00	BR	BR
78699 TC	Radiology	0.00	0.00	BR	BR
78700 00	Radiology	4.81	4.81	\$ 336.70	\$ 336.70
78700 26	Radiology	0.62	0.62	\$ 43.40	\$ 43.40
78700 TC	Radiology	4.19	4.19	\$ 293.30	\$ 293.30
78701 00	Radiology	6.32	6.32	\$ 442.40	\$ 442.40
78701 26	Radiology	0.69	0.69	\$ 48.30	\$ 48.30
78701 TC	Radiology	5.63	5.63	\$ 394.10	\$ 394.10
78707 00	Radiology	6.54	6.54	\$ 457.80	\$ 457.80
78707 26	Radiology	1.31	1.31	\$ 91.70	\$ 91.70
78707 TC	Radiology	5.23	5.23	\$ 366.10	\$ 366.10
78708 00	Radiology	5.20	5.20	\$ 364.00	\$ 364.00
78708 26	Radiology	1.65	1.65	\$ 115.50	\$ 115.50
78708 TC	Radiology	3.55	3.55	\$ 248.50	\$ 248.50
78709 00	Radiology	10.34	10.34	\$ 723.80	\$ 723.80
78709 26	Radiology	1.94	1.94	\$ 135.80	\$ 135.80
78709 TC	Radiology	8.40	8.40	\$ 588.00	\$ 588.00
78725 00	Radiology	3.38	3.38	\$ 236.60	\$ 236.60
78725 26	Radiology	0.52	0.52	\$ 36.40	\$ 36.40
78725 TC	Radiology	2.86	2.86	\$ 200.20	\$ 200.20
78730 00	Radiology	2.04	2.04	\$ 142.80	\$ 142.80
78730 26	Radiology	0.21	0.21	\$ 14.70	\$ 14.70
78730 TC	Radiology	1.83	1.83	\$ 128.10	\$ 128.10
78740 00	Radiology	6.10	6.10	\$ 427.00	\$ 427.00
78740 26	Radiology	0.77	0.77	\$ 53.90	\$ 53.90
78740 TC	Radiology	5.33	5.33	\$ 373.10	\$ 373.10
78761 00	Radiology	5.99	5.99	\$ 419.30	\$ 419.30
78761 26	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
78761 TC	Radiology	4.98	4.98	\$ 348.60	\$ 348.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
78799 00	Radiology	0.00	0.00	BR	BR
78799 26	Radiology	0.00	0.00	BR	BR
78799 TC	Radiology	0.00	0.00	BR	BR
78800 00	Radiology	7.05	7.05	\$ 493.50	\$ 493.50
78800 26	Radiology	0.90	0.90	\$ 63.00	\$ 63.00
78800 TC	Radiology	6.15	6.15	\$ 430.50	\$ 430.50
78801 00	Radiology	7.65	7.65	\$ 535.50	\$ 535.50
78801 26	Radiology	1.01	1.01	\$ 70.70	\$ 70.70
78801 TC	Radiology	6.64	6.64	\$ 464.80	\$ 464.80
78802 00	Radiology	8.64	8.64	\$ 604.80	\$ 604.80
78802 26	Radiology	1.10	1.10	\$ 77.00	\$ 77.00
78802 TC	Radiology	7.54	7.54	\$ 527.80	\$ 527.80
78803 00	Radiology	10.63	10.63	\$ 744.10	\$ 744.10
78803 26	Radiology	1.48	1.48	\$ 103.60	\$ 103.60
78803 TC	Radiology	9.15	9.15	\$ 640.50	\$ 640.50
78804 00	Radiology	18.03	18.03	\$ 1,262.10	\$ 1,262.10
78804 26	Radiology	1.38	1.38	\$ 96.60	\$ 96.60
78804 TC	Radiology	16.65	16.65	\$ 1,165.50	\$ 1,165.50
78808 00	Radiology	1.18	1.18	\$ 82.60	\$ 82.60
78811 00	Radiology	-	-	\$ 3,640.00	\$ 3,640.00
78811 26	Radiology	2.08	2.08	\$ 145.60	\$ 145.60
78811 TC	Radiology	-	-	\$ 3,494.40	\$ 3,494.40
78812 00	Radiology	-	-	\$ 4,672.50	\$ 4,672.50
78812 26	Radiology	2.67	2.67	\$ 186.90	\$ 186.90
78812 TC	Radiology	-	-	\$ 4,485.60	\$ 4,485.60
78813 00	Radiology	-	-	\$ 4,707.50	\$ 4,707.50
78813 26	Radiology	2.69	2.69	\$ 188.30	\$ 188.30
78813 TC	Radiology	-	-	\$ 4,519.20	\$ 4,519.20
78814 00	Radiology	-	-	\$ 5,302.50	\$ 5,302.50
78814 26	Radiology	3.03	3.03	\$ 212.10	\$ 212.10
78814 TC	Radiology	-	-	\$ 5,090.40	\$ 5,090.40
78815 00	Radiology	-	-	\$ 5,880.00	\$ 5,880.00
78815 26	Radiology	3.36	3.36	\$ 235.20	\$ 235.20
78815 TC	Radiology	-	-	\$ 5,644.80	\$ 5,644.80
78816 00	Radiology	-	-	\$ 5,915.00	\$ 5,915.00
78816 26	Radiology	3.38	3.38	\$ 236.60	\$ 236.60
78816 TC	Radiology	-	-	\$ 5,678.40	\$ 5,678.40
78830 00	Radiology	13.39	13.39	\$ 937.30	\$ 937.30
78830 26	Radiology	2.00	2.00	\$ 140.00	\$ 140.00
78830 TC	Radiology	11.39	11.39	\$ 797.30	\$ 797.30
78831 00	Radiology	19.78	19.78	\$ 1,384.60	\$ 1,384.60
78831 26	Radiology	2.49	2.49	\$ 174.30	\$ 174.30
78831 TC	Radiology	17.29	17.29	\$ 1,210.30	\$ 1,210.30

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
78832 00	Radiology	25.34	25.34	\$ 1,773.80	\$ 1,773.80
78832 26	Radiology	2.88	2.88	\$ 201.60	\$ 201.60
78832 TC	Radiology	22.46	22.46	\$ 1,572.20	\$ 1,572.20
78835 00	Radiology	2.77	2.77	\$ 193.90	\$ 193.90
78835 26	Radiology	0.63	0.63	\$ 44.10	\$ 44.10
78835 TC	Radiology	2.14	2.14	\$ 149.80	\$ 149.80
78999 00	Radiology	0.00	0.00	BR	BR
78999 26	Radiology	0.00	0.00	BR	BR
78999 TC	Radiology	0.00	0.00	BR	BR
79005 00	Radiology	4.02	4.02	\$ 281.40	\$ 281.40
79005 26	Radiology	2.49	2.49	\$ 174.30	\$ 174.30
79005 TC	Radiology	1.53	1.53	\$ 107.10	\$ 107.10
79101 00	Radiology	4.38	4.38	\$ 306.60	\$ 306.60
79101 26	Radiology	2.78	2.78	\$ 194.60	\$ 194.60
79101 TC	Radiology	1.60	1.60	\$ 112.00	\$ 112.00
79200 00	Radiology	3.92	3.92	\$ 274.40	\$ 274.40
79200 26	Radiology	2.34	2.34	\$ 163.80	\$ 163.80
79200 TC	Radiology	1.58	1.58	\$ 110.60	\$ 110.60
79300 00	Radiology	-	-	\$ 469.70	\$ 469.70
79300 26	Radiology	1.88	1.88	\$ 131.60	\$ 131.60
79300 TC	Radiology	-	-	\$ 338.10	\$ 338.10
79403 00	Radiology	5.95	5.95	\$ 416.50	\$ 416.50
79403 26	Radiology	3.15	3.15	\$ 220.50	\$ 220.50
79403 TC	Radiology	2.80	2.80	\$ 196.00	\$ 196.00
79440 00	Radiology	3.53	3.53	\$ 247.10	\$ 247.10
79440 26	Radiology	2.34	2.34	\$ 163.80	\$ 163.80
79440 TC	Radiology	1.19	1.19	\$ 83.30	\$ 83.30
79445 00	Radiology	-	-	\$ 412.30	\$ 412.30
79445 26	Radiology	3.24	3.24	\$ 226.80	\$ 226.80
79445 TC	Radiology	-	-	\$ 185.50	\$ 185.50
79999 00	Radiology	0.00	0.00	BR	BR
79999 26	Radiology	0.00	0.00	BR	BR
79999 TC	Radiology	0.00	0.00	BR	BR

**Historical Note**

New Appendix A, Radiology Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A Radiology Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Radiology Codes 2019-2020 repealed; new Appendix A, Radiology Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Radiology Codes 2020-2021 repealed; new Appendix A, Radiology Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Radiology Codes 2021-2022 repealed; new Appendix A, Radiology Codes 2022-2023 made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Radiology Codes 2022-2023 repealed; new Appendix A, Radiology Codes 2023-2024 made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## PATHOLOGY AND LABORATORY GUIDELINES

Information regarding publications incorporated by reference is found in the Introduction Section of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to unit values for these services. To the extent that a conflict may exist between an incorporated portion of the CPT® publication or HCPCS code and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

A healthcare provider seeking reimbursement for presumptive, or “point of care” drug testing shall submit to the payer written documentation establishing:

1. That the testing is medically necessary and reasonably required;
2. The type of drug testing utilized; and
3. The healthcare provider’s interpretation of the “point of care” testing.

For purposes of this section, presumptive or “point of care” testing is testing that is performed at or near the site of patient care (*i.e.*, the healthcare provider’s office).

CPT® codes 80305-80307 are used for reporting presumptive drug class screening. Each code represents all drugs and drug classes performed by the respective methodology per date of service.

Healthcare providers performing validity testing on urine specimens utilized for drug testing shall not separately bill the validity testing. For example, if a laboratory performs a urinary pH, specific gravity, creatinine, nitrates, oxidants, or other tests to confirm that a urine specimen is not adulterated, this testing is not separately billed.

Definitive drug testing may be reported with HCPCS codes G0480 - G0483. These codes differ based on the number of drug classes including metabolites tested. Only one code from this group of codes may be reported per date of service. Any request for quantitative or definitive testing requires documentation that qualifies necessity.

G0480 – Definitive drug testing 1 – 7 drug class(es) including metabolites(s) if performed G0481 – Definitive drug testing 8 –

14 drug class(es) including metabolite(s) if performed G0482 – Definitive drug testing 15 – 21 drug class(es) including

metabolites(s) if performed G0483 – Definitive drug testing 22 or more drug class(es), including metabolite(s) if performed.

**Historical Note**

New Appendix A, Pathology and Laboratory Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019;

Appendix A, Pathology and Laboratory Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Pathology and Laboratory Guidelines repealed; new Appendix A, Pathology and Laboratory Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Pathology and Laboratory Guidelines repealed; new Appendix A, Pathology and Laboratory Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Pathology and Laboratory Guidelines repealed; new Appendix A, Pathology and Laboratory Guidelines made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3).

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## ARIZONA PHYSICIANS' FEE SCHEDULE

## Pathology Codes 2023

Pathology Conversion Factor \$68.00

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
80047 00	Pathology	0.41	0.41	\$ 27.55	\$ 27.55
80048 00	Pathology	0.25	0.25	\$ 16.98	\$ 16.98
80050 00	Pathology	-	-	\$ 306.68	\$ 306.68
80051 00	Pathology	0.21	0.21	\$ 14.07	\$ 14.07
80053 00	Pathology	0.31	0.31	\$ 21.19	\$ 21.19
80055 00	Pathology	1.41	1.41	\$ 95.94	\$ 95.94
80061 00	Pathology	0.40	0.40	\$ 26.87	\$ 26.87
80069 00	Pathology	0.26	0.26	\$ 17.42	\$ 17.42
80074 00	Pathology	1.41	1.41	\$ 95.58	\$ 95.58
80076 00	Pathology	0.24	0.24	\$ 16.39	\$ 16.39
80081 00	Pathology	2.21	2.21	\$ 150.22	\$ 150.22
80143 00	Pathology	0.55	0.55	\$ 37.40	\$ 37.40
80145 00	Pathology	1.14	1.14	\$ 77.40	\$ 77.40
80150 00	Pathology	0.45	0.45	\$ 30.26	\$ 30.26
80151 00	Pathology	0.55	0.55	\$ 37.40	\$ 37.40
80155 00	Pathology	1.14	1.14	\$ 77.40	\$ 77.40
80156 00	Pathology	0.43	0.43	\$ 29.24	\$ 29.24
80157 00	Pathology	0.39	0.39	\$ 26.59	\$ 26.59
80158 00	Pathology	0.53	0.53	\$ 36.22	\$ 36.22
80159 00	Pathology	0.59	0.59	\$ 40.43	\$ 40.43
80161 00	Pathology	0.55	0.55	\$ 37.40	\$ 37.40
80162 00	Pathology	0.39	0.39	\$ 26.65	\$ 26.65
80163 00	Pathology	0.39	0.39	\$ 26.65	\$ 26.65
80164 00	Pathology	0.40	0.40	\$ 27.17	\$ 27.17
80165 00	Pathology	0.40	0.40	\$ 27.17	\$ 27.17
80167 00	Pathology	0.55	0.55	\$ 37.40	\$ 37.40
80168 00	Pathology	0.48	0.48	\$ 32.79	\$ 32.79
80169 00	Pathology	0.41	0.41	\$ 27.55	\$ 27.55
80170 00	Pathology	0.48	0.48	\$ 32.87	\$ 32.87
80171 00	Pathology	0.64	0.64	\$ 43.48	\$ 43.48
80173 00	Pathology	0.47	0.47	\$ 31.67	\$ 31.67
80175 00	Pathology	0.39	0.39	\$ 26.59	\$ 26.59
80176 00	Pathology	0.43	0.43	\$ 29.48	\$ 29.48
80177 00	Pathology	0.39	0.39	\$ 26.59	\$ 26.59
80178 00	Pathology	0.20	0.20	\$ 13.26	\$ 13.26
80179 00	Pathology	0.55	0.55	\$ 37.40	\$ 37.40
80180 00	Pathology	0.53	0.53	\$ 36.22	\$ 36.22
80181 00	Pathology	0.55	0.55	\$ 37.40	\$ 37.40

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
80183 00	Pathology	0.39	0.39	\$ 26.59	\$ 26.59
80184 00	Pathology	0.45	0.45	\$ 30.70	\$ 30.70
80185 00	Pathology	0.39	0.39	\$ 26.59	\$ 26.59
80186 00	Pathology	0.41	0.41	\$ 27.61	\$ 27.61
80187 00	Pathology	0.80	0.80	\$ 54.40	\$ 54.40
80188 00	Pathology	0.49	0.49	\$ 33.29	\$ 33.29
80189 00	Pathology	0.80	0.80	\$ 54.40	\$ 54.40
80190 00	Pathology	1.77	1.77	\$ 120.40	\$ 120.40
80192 00	Pathology	0.49	0.49	\$ 33.61	\$ 33.61
80193 00	Pathology	1.14	1.14	\$ 77.40	\$ 77.40
80194 00	Pathology	0.43	0.43	\$ 29.30	\$ 29.30
80195 00	Pathology	0.41	0.41	\$ 27.55	\$ 27.55
80197 00	Pathology	0.41	0.41	\$ 27.55	\$ 27.55
80198 00	Pathology	0.42	0.42	\$ 28.37	\$ 28.37
80199 00	Pathology	0.80	0.80	\$ 54.40	\$ 54.40
80200 00	Pathology	0.48	0.48	\$ 32.37	\$ 32.37
80201 00	Pathology	0.35	0.35	\$ 23.92	\$ 23.92
80202 00	Pathology	0.40	0.40	\$ 27.17	\$ 27.17
80203 00	Pathology	0.39	0.39	\$ 26.59	\$ 26.59
80204 00	Pathology	1.14	1.14	\$ 77.40	\$ 77.40
80210 00	Pathology	0.80	0.80	\$ 54.40	\$ 54.40
80220 00	Pathology	0.55	0.55	\$ 37.40	\$ 37.40
80230 00	Pathology	1.14	1.14	\$ 77.40	\$ 77.40
80235 00	Pathology	0.80	0.80	\$ 54.40	\$ 54.40
80280 00	Pathology	1.14	1.14	\$ 77.40	\$ 77.40
80285 00	Pathology	0.80	0.80	\$ 54.40	\$ 54.40
80299 00	Pathology	0.55	0.55	\$ 37.40	\$ 37.40
80305 00	Pathology	0.37	0.37	\$ 25.28	\$ 25.28
80306 00	Pathology	0.51	0.51	\$ 34.39	\$ 34.39
80307 00	Pathology	1.83	1.83	\$ 124.69	\$ 124.69
80320 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80321 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80322 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80323 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80324 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80325 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80326 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80327 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80328 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80329 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80330 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80331 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80332 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
80333 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80334 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80335 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80336 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80337 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80338 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80339 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80340 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80341 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80342 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80343 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80344 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80345 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80346 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80347 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80348 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80349 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80350 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80351 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80352 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80353 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80354 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80355 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80356 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80357 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80358 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80359 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80360 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80361 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80362 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80363 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80364 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80365 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80366 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80367 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80368 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80369 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80370 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80371 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80372 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80373 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80374 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80375 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
80376 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80377 00	Pathology	0.00	0.00	See G0480-G0483	See G0480-G0483
80400 00	Pathology	0.96	0.96	\$ 65.46	\$ 65.46
80402 00	Pathology	2.57	2.57	\$ 174.50	\$ 174.50
80406 00	Pathology	2.31	2.31	\$ 157.04	\$ 157.04
80408 00	Pathology	3.70	3.70	\$ 251.84	\$ 251.84
80410 00	Pathology	2.37	2.37	\$ 161.28	\$ 161.28
80412 00	Pathology	23.66	23.66	\$ 1,608.58	\$ 1,608.58
80414 00	Pathology	1.52	1.52	\$ 103.62	\$ 103.62
80415 00	Pathology	1.65	1.65	\$ 112.15	\$ 112.15
80416 00	Pathology	6.18	6.18	\$ 420.03	\$ 420.03
80417 00	Pathology	1.30	1.30	\$ 88.27	\$ 88.27
80418 00	Pathology	17.10	17.10	\$ 1,162.82	\$ 1,162.82
80420 00	Pathology	4.78	4.78	\$ 324.84	\$ 324.84
80422 00	Pathology	1.36	1.36	\$ 92.45	\$ 92.45
80424 00	Pathology	1.49	1.49	\$ 101.34	\$ 101.34
80426 00	Pathology	4.38	4.38	\$ 297.81	\$ 297.81
80428 00	Pathology	1.97	1.97	\$ 133.84	\$ 133.84
80430 00	Pathology	3.82	3.82	\$ 259.52	\$ 259.52
80432 00	Pathology	4.89	4.89	\$ 332.32	\$ 332.32
80434 00	Pathology	8.41	8.41	\$ 571.96	\$ 571.96
80435 00	Pathology	3.04	3.04	\$ 206.69	\$ 206.69
80436 00	Pathology	2.69	2.69	\$ 182.93	\$ 182.93
80438 00	Pathology	1.49	1.49	\$ 101.16	\$ 101.16
80439 00	Pathology	1.98	1.98	\$ 134.87	\$ 134.87
80503 00	Pathology	0.80	0.65	\$ 54.40	\$ 44.20
80504 00	Pathology	1.57	1.40	\$ 106.76	\$ 95.20
80505 00	Pathology	2.84	2.66	\$ 193.12	\$ 180.88
80506 00	Pathology	1.27	1.27	\$ 86.36	\$ 86.36
81000 00	Pathology	0.12	0.12	\$ 8.07	\$ 8.07
81001 00	Pathology	0.09	0.09	\$ 6.36	\$ 6.36
81002 00	Pathology	0.10	0.10	\$ 6.98	\$ 6.98
81003 00	Pathology	0.07	0.07	\$ 4.51	\$ 4.51
81005 00	Pathology	0.06	0.06	\$ 4.35	\$ 4.35
81007 00	Pathology	0.88	0.88	\$ 60.16	\$ 60.16
81015 00	Pathology	0.09	0.09	\$ 6.12	\$ 6.12
81020 00	Pathology	0.14	0.14	\$ 9.43	\$ 9.43
81025 00	Pathology	0.25	0.25	\$ 17.28	\$ 17.28
81050 00	Pathology	0.11	0.11	\$ 7.30	\$ 7.30
81099 00	Pathology	0.00	0.00	BR	BR
81105 00	Pathology	3.61	3.61	\$ 245.25	\$ 245.25
81106 00	Pathology	3.61	3.61	\$ 245.25	\$ 245.25
81107 00	Pathology	3.61	3.61	\$ 245.25	\$ 245.25

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
81108 00	Pathology	3.61	3.61	\$ 245.25	\$ 245.25
81109 00	Pathology	3.61	3.61	\$ 245.25	\$ 245.25
81110 00	Pathology	3.61	3.61	\$ 245.25	\$ 245.25
81111 00	Pathology	3.61	3.61	\$ 245.25	\$ 245.25
81112 00	Pathology	3.61	3.61	\$ 245.25	\$ 245.25
81120 00	Pathology	5.70	5.70	\$ 387.79	\$ 387.79
81121 00	Pathology	8.73	8.73	\$ 593.55	\$ 593.55
81161 00	Pathology	8.23	8.23	\$ 559.86	\$ 559.86
81162 00	Pathology	53.85	53.85	\$ 3,661.91	\$ 3,661.91
81163 00	Pathology	13.81	13.81	\$ 939.12	\$ 939.12
81164 00	Pathology	17.24	17.24	\$ 1,172.35	\$ 1,172.35
81165 00	Pathology	8.35	8.35	\$ 567.64	\$ 567.64
81166 00	Pathology	8.89	8.89	\$ 604.71	\$ 604.71
81167 00	Pathology	8.35	8.35	\$ 567.64	\$ 567.64
81168 00	Pathology	6.12	6.12	\$ 416.00	\$ 416.00
81170 00	Pathology	8.85	8.85	\$ 602.00	\$ 602.00
81171 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81172 00	Pathology	8.11	8.11	\$ 551.49	\$ 551.49
81173 00	Pathology	8.89	8.89	\$ 604.71	\$ 604.71
81174 00	Pathology	5.47	5.47	\$ 371.63	\$ 371.63
81175 00	Pathology	19.96	19.96	\$ 1,357.50	\$ 1,357.50
81176 00	Pathology	7.14	7.14	\$ 485.41	\$ 485.41
81177 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81178 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81179 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81180 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81181 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81182 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81183 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81184 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81185 00	Pathology	24.97	24.97	\$ 1,698.17	\$ 1,698.17
81186 00	Pathology	5.47	5.47	\$ 371.63	\$ 371.63
81187 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81188 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81189 00	Pathology	8.11	8.11	\$ 551.49	\$ 551.49
81190 00	Pathology	5.47	5.47	\$ 371.63	\$ 371.63
81191 00	Pathology	6.12	6.12	\$ 416.00	\$ 416.00
81192 00	Pathology	6.12	6.12	\$ 416.00	\$ 416.00
81193 00	Pathology	6.12	6.12	\$ 416.00	\$ 416.00
81194 00	Pathology	15.29	15.29	\$ 1,040.01	\$ 1,040.01
81200 00	Pathology	1.39	1.39	\$ 94.81	\$ 94.81
81201 00	Pathology	23.02	23.02	\$ 1,565.19	\$ 1,565.19
81202 00	Pathology	8.26	8.26	\$ 561.86	\$ 561.86

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
81203 00	Pathology	5.90	5.90	\$ 401.33	\$ 401.33
81204 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81205 00	Pathology	2.80	2.80	\$ 190.61	\$ 190.61
81206 00	Pathology	4.84	4.84	\$ 329.01	\$ 329.01
81207 00	Pathology	4.27	4.27	\$ 290.64	\$ 290.64
81208 00	Pathology	6.33	6.33	\$ 430.67	\$ 430.67
81209 00	Pathology	1.16	1.16	\$ 78.88	\$ 78.88
81210 00	Pathology	5.18	5.18	\$ 351.97	\$ 351.97
81212 00	Pathology	12.98	12.98	\$ 882.93	\$ 882.93
81215 00	Pathology	11.07	11.07	\$ 753.00	\$ 753.00
81216 00	Pathology	5.46	5.46	\$ 371.47	\$ 371.47
81217 00	Pathology	11.07	11.07	\$ 753.00	\$ 753.00
81218 00	Pathology	7.14	7.14	\$ 485.41	\$ 485.41
81219 00	Pathology	3.59	3.59	\$ 244.07	\$ 244.07
81220 00	Pathology	16.43	16.43	\$ 1,116.91	\$ 1,116.91
81221 00	Pathology	2.87	2.87	\$ 195.09	\$ 195.09
81222 00	Pathology	12.84	12.84	\$ 873.04	\$ 873.04
81223 00	Pathology	14.73	14.73	\$ 1,001.32	\$ 1,001.32
81224 00	Pathology	4.98	4.98	\$ 338.62	\$ 338.62
81225 00	Pathology	8.60	8.60	\$ 584.66	\$ 584.66
81226 00	Pathology	13.31	13.31	\$ 904.82	\$ 904.82
81227 00	Pathology	5.16	5.16	\$ 350.78	\$ 350.78
81228 00	Pathology	26.56	26.56	\$ 1,805.99	\$ 1,805.99
81229 00	Pathology	34.23	34.23	\$ 2,327.72	\$ 2,327.72
81230 00	Pathology	5.16	5.16	\$ 350.78	\$ 350.78
81231 00	Pathology	5.16	5.16	\$ 350.78	\$ 350.78
81232 00	Pathology	5.16	5.16	\$ 350.78	\$ 350.78
81233 00	Pathology	5.18	5.18	\$ 351.97	\$ 351.97
81234 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81235 00	Pathology	9.58	9.58	\$ 651.32	\$ 651.32
81236 00	Pathology	8.35	8.35	\$ 567.64	\$ 567.64
81237 00	Pathology	5.18	5.18	\$ 351.97	\$ 351.97
81238 00	Pathology	17.71	17.71	\$ 1,203.99	\$ 1,203.99
81239 00	Pathology	8.11	8.11	\$ 551.49	\$ 551.49
81240 00	Pathology	1.94	1.94	\$ 131.82	\$ 131.82
81241 00	Pathology	2.17	2.17	\$ 147.23	\$ 147.23
81242 00	Pathology	1.08	1.08	\$ 73.48	\$ 73.48
81243 00	Pathology	1.68	1.68	\$ 114.46	\$ 114.46
81244 00	Pathology	1.32	1.32	\$ 90.08	\$ 90.08
81245 00	Pathology	4.88	4.88	\$ 332.12	\$ 332.12
81246 00	Pathology	2.45	2.45	\$ 166.55	\$ 166.55
81247 00	Pathology	5.16	5.16	\$ 350.78	\$ 350.78
81248 00	Pathology	11.07	11.07	\$ 753.00	\$ 753.00

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
81249 00	Pathology	17.71	17.71	\$ 1,203.99	\$ 1,203.99
81250 00	Pathology	1.73	1.73	\$ 117.37	\$ 117.37
81251 00	Pathology	1.39	1.39	\$ 94.81	\$ 94.81
81252 00	Pathology	2.98	2.98	\$ 202.91	\$ 202.91
81253 00	Pathology	1.82	1.82	\$ 123.45	\$ 123.45
81254 00	Pathology	1.03	1.03	\$ 70.23	\$ 70.23
81255 00	Pathology	1.52	1.52	\$ 103.24	\$ 103.24
81256 00	Pathology	1.93	1.93	\$ 131.16	\$ 131.16
81257 00	Pathology	3.02	3.02	\$ 205.20	\$ 205.20
81258 00	Pathology	11.07	11.07	\$ 753.00	\$ 753.00
81259 00	Pathology	17.71	17.71	\$ 1,203.99	\$ 1,203.99
81260 00	Pathology	1.16	1.16	\$ 78.88	\$ 78.88
81261 00	Pathology	5.84	5.84	\$ 397.30	\$ 397.30
81262 00	Pathology	2.02	2.02	\$ 137.56	\$ 137.56
81263 00	Pathology	8.69	8.69	\$ 591.00	\$ 591.00
81264 00	Pathology	5.10	5.10	\$ 346.61	\$ 346.61
81265 00	Pathology	6.88	6.88	\$ 467.69	\$ 467.69
81266 00	Pathology	8.99	8.99	\$ 611.65	\$ 611.65
81267 00	Pathology	6.12	6.12	\$ 416.30	\$ 416.30
81268 00	Pathology	7.70	7.70	\$ 523.32	\$ 523.32
81269 00	Pathology	5.97	5.97	\$ 406.15	\$ 406.15
81270 00	Pathology	2.70	2.70	\$ 183.93	\$ 183.93
81271 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81272 00	Pathology	9.72	9.72	\$ 661.21	\$ 661.21
81273 00	Pathology	3.68	3.68	\$ 250.57	\$ 250.57
81274 00	Pathology	8.11	8.11	\$ 551.49	\$ 551.49
81275 00	Pathology	5.70	5.70	\$ 387.79	\$ 387.79
81276 00	Pathology	5.70	5.70	\$ 387.79	\$ 387.79
81277 00	Pathology	34.23	34.23	\$ 2,327.72	\$ 2,327.72
81278 00	Pathology	6.12	6.12	\$ 416.00	\$ 416.00
81279 00	Pathology	5.47	5.47	\$ 371.63	\$ 371.63
81283 00	Pathology	2.17	2.17	\$ 147.23	\$ 147.23
81284 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81285 00	Pathology	8.11	8.11	\$ 551.49	\$ 551.49
81286 00	Pathology	8.11	8.11	\$ 551.49	\$ 551.49
81287 00	Pathology	3.68	3.68	\$ 250.11	\$ 250.11
81288 00	Pathology	5.68	5.68	\$ 385.92	\$ 385.92
81289 00	Pathology	5.47	5.47	\$ 371.63	\$ 371.63
81290 00	Pathology	1.16	1.16	\$ 78.88	\$ 78.88
81291 00	Pathology	1.93	1.93	\$ 131.11	\$ 131.11
81292 00	Pathology	19.93	19.93	\$ 1,355.30	\$ 1,355.30
81293 00	Pathology	9.77	9.77	\$ 664.20	\$ 664.20
81294 00	Pathology	5.97	5.97	\$ 406.15	\$ 406.15

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
81295 00	Pathology	11.26	11.26	\$ 765.94	\$ 765.94
81296 00	Pathology	9.97	9.97	\$ 677.71	\$ 677.71
81297 00	Pathology	6.29	6.29	\$ 428.02	\$ 428.02
81298 00	Pathology	18.94	18.94	\$ 1,287.97	\$ 1,287.97
81299 00	Pathology	9.09	9.09	\$ 618.05	\$ 618.05
81300 00	Pathology	7.02	7.02	\$ 477.58	\$ 477.58
81301 00	Pathology	10.29	10.29	\$ 699.44	\$ 699.44
81302 00	Pathology	15.58	15.58	\$ 1,059.25	\$ 1,059.25
81303 00	Pathology	3.54	3.54	\$ 240.80	\$ 240.80
81304 00	Pathology	4.43	4.43	\$ 301.00	\$ 301.00
81305 00	Pathology	5.18	5.18	\$ 351.97	\$ 351.97
81306 00	Pathology	8.60	8.60	\$ 584.66	\$ 584.66
81307 00	Pathology	19.96	19.96	\$ 1,357.50	\$ 1,357.50
81308 00	Pathology	8.89	8.89	\$ 604.71	\$ 604.71
81309 00	Pathology	8.11	8.11	\$ 551.49	\$ 551.49
81310 00	Pathology	7.27	7.27	\$ 494.68	\$ 494.68
81311 00	Pathology	8.73	8.73	\$ 593.55	\$ 593.55
81312 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81313 00	Pathology	7.53	7.53	\$ 511.80	\$ 511.80
81314 00	Pathology	9.72	9.72	\$ 661.21	\$ 661.21
81315 00	Pathology	6.12	6.12	\$ 416.00	\$ 416.00
81316 00	Pathology	6.12	6.12	\$ 416.00	\$ 416.00
81317 00	Pathology	19.96	19.96	\$ 1,357.50	\$ 1,357.50
81318 00	Pathology	9.77	9.77	\$ 664.20	\$ 664.20
81319 00	Pathology	6.01	6.01	\$ 408.35	\$ 408.35
81320 00	Pathology	8.60	8.60	\$ 584.66	\$ 584.66
81321 00	Pathology	17.71	17.71	\$ 1,203.99	\$ 1,203.99
81322 00	Pathology	1.38	1.38	\$ 93.51	\$ 93.51
81323 00	Pathology	8.85	8.85	\$ 602.00	\$ 602.00
81324 00	Pathology	22.38	22.38	\$ 1,521.77	\$ 1,521.77
81325 00	Pathology	22.71	22.71	\$ 1,544.28	\$ 1,544.28
81326 00	Pathology	1.38	1.38	\$ 93.51	\$ 93.51
81327 00	Pathology	5.67	5.67	\$ 385.28	\$ 385.28
81328 00	Pathology	5.16	5.16	\$ 350.78	\$ 350.78
81329 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81330 00	Pathology	1.39	1.39	\$ 94.31	\$ 94.31
81331 00	Pathology	1.51	1.51	\$ 102.48	\$ 102.48
81332 00	Pathology	1.29	1.29	\$ 87.59	\$ 87.59
81333 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81334 00	Pathology	9.72	9.72	\$ 661.21	\$ 661.21
81335 00	Pathology	5.16	5.16	\$ 350.78	\$ 350.78
81336 00	Pathology	8.89	8.89	\$ 604.71	\$ 604.71
81337 00	Pathology	5.47	5.47	\$ 371.63	\$ 371.63

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
81338 00	Pathology	4.44	4.44	\$ 301.66	\$ 301.66
81339 00	Pathology	5.47	5.47	\$ 371.63	\$ 371.63
81340 00	Pathology	6.17	6.17	\$ 419.23	\$ 419.23
81341 00	Pathology	1.46	1.46	\$ 99.51	\$ 99.51
81342 00	Pathology	5.95	5.95	\$ 404.34	\$ 404.34
81343 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81344 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81345 00	Pathology	5.47	5.47	\$ 371.63	\$ 371.63
81346 00	Pathology	5.16	5.16	\$ 350.78	\$ 350.78
81347 00	Pathology	5.70	5.70	\$ 387.79	\$ 387.79
81348 00	Pathology	5.18	5.18	\$ 351.97	\$ 351.97
81349 00	Pathology	34.23	34.23	\$ 2,327.72	\$ 2,327.72
81350 00	Pathology	6.91	6.91	\$ 469.56	\$ 469.56
81351 00	Pathology	18.94	18.94	\$ 1,287.97	\$ 1,287.97
81352 00	Pathology	9.72	9.72	\$ 661.21	\$ 661.21
81353 00	Pathology	9.09	9.09	\$ 618.05	\$ 618.05
81355 00	Pathology	2.60	2.60	\$ 176.99	\$ 176.99
81357 00	Pathology	5.70	5.70	\$ 387.79	\$ 387.79
81360 00	Pathology	5.70	5.70	\$ 387.79	\$ 387.79
81361 00	Pathology	5.16	5.16	\$ 350.78	\$ 350.78
81362 00	Pathology	11.07	11.07	\$ 753.00	\$ 753.00
81363 00	Pathology	5.97	5.97	\$ 406.15	\$ 406.15
81364 00	Pathology	9.58	9.58	\$ 651.32	\$ 651.32
81370 00	Pathology	11.87	11.87	\$ 806.92	\$ 806.92
81371 00	Pathology	11.94	11.94	\$ 811.73	\$ 811.73
81372 00	Pathology	11.91	11.91	\$ 809.87	\$ 809.87
81373 00	Pathology	3.76	3.76	\$ 255.71	\$ 255.71
81374 00	Pathology	2.19	2.19	\$ 149.15	\$ 149.15
81375 00	Pathology	6.51	6.51	\$ 442.95	\$ 442.95
81376 00	Pathology	3.61	3.61	\$ 245.25	\$ 245.25
81377 00	Pathology	2.80	2.80	\$ 190.11	\$ 190.11
81378 00	Pathology	10.20	10.20	\$ 693.44	\$ 693.44
81379 00	Pathology	9.90	9.90	\$ 672.99	\$ 672.99
81380 00	Pathology	5.23	5.23	\$ 355.68	\$ 355.68
81381 00	Pathology	5.01	5.01	\$ 340.93	\$ 340.93
81382 00	Pathology	3.65	3.65	\$ 248.18	\$ 248.18
81383 00	Pathology	3.22	3.22	\$ 218.99	\$ 218.99
81400 00	Pathology	1.89	1.89	\$ 128.35	\$ 128.35
81401 00	Pathology	4.04	4.04	\$ 274.91	\$ 274.91
81402 00	Pathology	4.44	4.44	\$ 301.66	\$ 301.66
81403 00	Pathology	5.47	5.47	\$ 371.63	\$ 371.63
81404 00	Pathology	8.11	8.11	\$ 551.49	\$ 551.49
81405 00	Pathology	8.89	8.89	\$ 604.71	\$ 604.71

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
81406 00	Pathology	8.35	8.35	\$ 567.64	\$ 567.64
81407 00	Pathology	24.97	24.97	\$ 1,698.17	\$ 1,698.17
81408 00	Pathology	59.02	59.02	\$ 4,013.31	\$ 4,013.31
81410 00	Pathology	14.87	14.87	\$ 1,011.36	\$ 1,011.36
81411 00	Pathology	39.84	39.84	\$ 2,709.37	\$ 2,709.37
81412 00	Pathology	72.26	72.26	\$ 4,913.42	\$ 4,913.42
81413 00	Pathology	17.26	17.26	\$ 1,173.69	\$ 1,173.69
81414 00	Pathology	17.26	17.26	\$ 1,173.69	\$ 1,173.69
81415 00	Pathology	141.06	141.06	\$ 9,591.82	\$ 9,591.82
81416 00	Pathology	354.12	354.12	\$ 24,079.89	\$ 24,079.89
81417 00	Pathology	9.44	9.44	\$ 642.13	\$ 642.13
81418 00	Pathology	0.00	0.00	BR	BR
81419 00	Pathology	72.26	72.26	\$ 4,913.42	\$ 4,913.42
81420 00	Pathology	22.40	22.40	\$ 1,523.15	\$ 1,523.15
81422 00	Pathology	22.40	22.40	\$ 1,523.15	\$ 1,523.15
81425 00	Pathology	148.47	148.47	\$ 10,095.89	\$ 10,095.89
81426 00	Pathology	79.97	79.97	\$ 5,437.94	\$ 5,437.94
81427 00	Pathology	68.98	68.98	\$ 4,690.86	\$ 4,690.86
81430 00	Pathology	47.95	47.95	\$ 3,260.82	\$ 3,260.82
81431 00	Pathology	20.05	20.05	\$ 1,363.66	\$ 1,363.66
81432 00	Pathology	20.04	20.04	\$ 1,362.62	\$ 1,362.62
81433 00	Pathology	12.95	12.95	\$ 880.78	\$ 880.78
81434 00	Pathology	17.64	17.64	\$ 1,199.80	\$ 1,199.80
81435 00	Pathology	17.26	17.26	\$ 1,173.69	\$ 1,173.69
81436 00	Pathology	17.26	17.26	\$ 1,173.69	\$ 1,173.69
81437 00	Pathology	12.95	12.95	\$ 880.78	\$ 880.78
81438 00	Pathology	12.95	12.95	\$ 880.78	\$ 880.78
81439 00	Pathology	17.26	17.26	\$ 1,173.69	\$ 1,173.69
81440 00	Pathology	98.09	98.09	\$ 6,670.13	\$ 6,670.13
81441 00	Pathology	72.26	72.26	\$ 4,913.42	\$ 4,913.42
81442 00	Pathology	63.26	63.26	\$ 4,301.47	\$ 4,301.47
81443 00	Pathology	72.26	72.26	\$ 4,913.42	\$ 4,913.42
81445 00	Pathology	17.64	17.64	\$ 1,199.80	\$ 1,199.80
81448 00	Pathology	17.26	17.26	\$ 1,173.69	\$ 1,173.69
81449 00	Pathology	17.64	17.64	\$ 1,199.80	\$ 1,199.80
81450 00	Pathology	22.41	22.41	\$ 1,524.12	\$ 1,524.12
81451 00	Pathology	22.41	22.41	\$ 1,524.12	\$ 1,524.12
81455 00	Pathology	86.16	86.16	\$ 5,858.64	\$ 5,858.64
81456 00	Pathology	86.16	86.16	\$ 5,858.64	\$ 5,858.64
81460 00	Pathology	37.98	37.98	\$ 2,582.57	\$ 2,582.57
81465 00	Pathology	27.62	27.62	\$ 1,878.23	\$ 1,878.23
81470 00	Pathology	26.97	26.97	\$ 1,834.08	\$ 1,834.08
81471 00	Pathology	26.97	26.97	\$ 1,834.08	\$ 1,834.08

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
81479 00	Pathology	0.00	0.00	BR	BR
81490 00	Pathology	24.81	24.81	\$ 1,686.90	\$ 1,686.90
81493 00	Pathology	30.99	30.99	\$ 2,106.99	\$ 2,106.99
81500 00	Pathology	7.69	7.69	\$ 522.73	\$ 522.73
81503 00	Pathology	26.47	26.47	\$ 1,799.97	\$ 1,799.97
81504 00	Pathology	15.35	15.35	\$ 1,043.46	\$ 1,043.46
81506 00	Pathology	2.03	2.03	\$ 138.30	\$ 138.30
81507 00	Pathology	23.46	23.46	\$ 1,595.29	\$ 1,595.29
81508 00	Pathology	1.60	1.60	\$ 108.96	\$ 108.96
81509 00	Pathology	43.89	43.89	\$ 2,984.64	\$ 2,984.64
81510 00	Pathology	1.64	1.64	\$ 111.45	\$ 111.45
81511 00	Pathology	4.53	4.53	\$ 308.02	\$ 308.02
81512 00	Pathology	2.05	2.05	\$ 139.50	\$ 139.50
81513 00	Pathology	4.21	4.21	\$ 286.21	\$ 286.21
81514 00	Pathology	7.76	7.76	\$ 527.73	\$ 527.73
81518 00	Pathology	114.29	114.29	\$ 7,771.78	\$ 7,771.78
81519 00	Pathology	114.29	114.29	\$ 7,771.78	\$ 7,771.78
81520 00	Pathology	74.08	74.08	\$ 5,037.13	\$ 5,037.13
81521 00	Pathology	114.29	114.29	\$ 7,771.78	\$ 7,771.78
81522 00	Pathology	114.29	114.29	\$ 7,771.78	\$ 7,771.78
81523 00	Pathology	114.29	114.29	\$ 7,771.78	\$ 7,771.78
81525 00	Pathology	91.95	91.95	\$ 6,252.74	\$ 6,252.74
81528 00	Pathology	15.02	15.02	\$ 1,021.13	\$ 1,021.13
81529 00	Pathology	212.26	212.26	\$ 14,433.89	\$ 14,433.89
81535 00	Pathology	17.10	17.10	\$ 1,162.78	\$ 1,162.78
81536 00	Pathology	5.24	5.24	\$ 356.30	\$ 356.30
81538 00	Pathology	84.72	84.72	\$ 5,761.11	\$ 5,761.11
81539 00	Pathology	22.43	22.43	\$ 1,525.06	\$ 1,525.06
81540 00	Pathology	110.66	110.66	\$ 7,524.97	\$ 7,524.97
81541 00	Pathology	114.29	114.29	\$ 7,771.78	\$ 7,771.78
81542 00	Pathology	114.29	114.29	\$ 7,771.78	\$ 7,771.78
81546 00	Pathology	106.23	106.23	\$ 7,223.97	\$ 7,223.97
81551 00	Pathology	59.90	59.90	\$ 4,073.51	\$ 4,073.51
81552 00	Pathology	229.47	229.47	\$ 15,603.77	\$ 15,603.77
81554 00	Pathology	162.89	162.89	\$ 11,076.75	\$ 11,076.75
81560 00	Pathology	18.91	18.91	\$ 1,285.73	\$ 1,285.73
81595 00	Pathology	95.61	95.61	\$ 6,501.57	\$ 6,501.57
81596 00	Pathology	2.13	2.13	\$ 144.86	\$ 144.86
81599 00	Pathology	0.00	0.00	BR	BR
82009 00	Pathology	0.13	0.13	\$ 9.07	\$ 9.07
82010 00	Pathology	0.24	0.24	\$ 16.39	\$ 16.39
82013 00	Pathology	0.36	0.36	\$ 24.66	\$ 24.66
82016 00	Pathology	0.49	0.49	\$ 33.09	\$ 33.09

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
82017 00	Pathology	0.50	0.50	\$ 33.85	\$ 33.85
82024 00	Pathology	1.14	1.14	\$ 77.50	\$ 77.50
82030 00	Pathology	0.76	0.76	\$ 51.77	\$ 51.77
82040 00	Pathology	0.15	0.15	\$ 9.93	\$ 9.93
82042 00	Pathology	0.23	0.23	\$ 15.61	\$ 15.61
82043 00	Pathology	0.17	0.17	\$ 11.60	\$ 11.60
82044 00	Pathology	0.18	0.18	\$ 12.50	\$ 12.50
82045 00	Pathology	1.00	1.00	\$ 68.11	\$ 68.11
82075 00	Pathology	0.89	0.89	\$ 60.20	\$ 60.20
82077 00	Pathology	0.51	0.51	\$ 34.65	\$ 34.65
82085 00	Pathology	0.29	0.29	\$ 19.48	\$ 19.48
82088 00	Pathology	1.20	1.20	\$ 81.77	\$ 81.77
82103 00	Pathology	0.40	0.40	\$ 26.97	\$ 26.97
82104 00	Pathology	0.43	0.43	\$ 29.02	\$ 29.02
82105 00	Pathology	0.49	0.49	\$ 33.65	\$ 33.65
82106 00	Pathology	0.50	0.50	\$ 34.11	\$ 34.11
82107 00	Pathology	1.90	1.90	\$ 129.25	\$ 129.25
82108 00	Pathology	0.75	0.75	\$ 51.13	\$ 51.13
82120 00	Pathology	0.18	0.18	\$ 12.02	\$ 12.02
82127 00	Pathology	0.42	0.42	\$ 28.45	\$ 28.45
82128 00	Pathology	0.41	0.41	\$ 27.83	\$ 27.83
82131 00	Pathology	0.68	0.68	\$ 46.11	\$ 46.11
82135 00	Pathology	0.49	0.49	\$ 33.01	\$ 33.01
82136 00	Pathology	0.58	0.58	\$ 39.35	\$ 39.35
82139 00	Pathology	0.50	0.50	\$ 33.85	\$ 33.85
82140 00	Pathology	0.43	0.43	\$ 29.24	\$ 29.24
82143 00	Pathology	0.28	0.28	\$ 18.76	\$ 18.76
82150 00	Pathology	0.19	0.19	\$ 13.00	\$ 13.00
82154 00	Pathology	0.85	0.85	\$ 57.85	\$ 57.85
82157 00	Pathology	0.86	0.86	\$ 58.75	\$ 58.75
82160 00	Pathology	0.75	0.75	\$ 51.27	\$ 51.27
82163 00	Pathology	0.61	0.61	\$ 41.18	\$ 41.18
82164 00	Pathology	0.43	0.43	\$ 29.30	\$ 29.30
82172 00	Pathology	0.62	0.62	\$ 42.32	\$ 42.32
82175 00	Pathology	0.56	0.56	\$ 38.07	\$ 38.07
82180 00	Pathology	0.29	0.29	\$ 19.85	\$ 19.85
82190 00	Pathology	0.47	0.47	\$ 31.91	\$ 31.91
82232 00	Pathology	0.48	0.48	\$ 32.47	\$ 32.47
82239 00	Pathology	0.51	0.51	\$ 34.35	\$ 34.35
82240 00	Pathology	0.78	0.78	\$ 53.34	\$ 53.34
82247 00	Pathology	0.15	0.15	\$ 10.07	\$ 10.07
82248 00	Pathology	0.15	0.15	\$ 10.07	\$ 10.07
82252 00	Pathology	0.13	0.13	\$ 9.15	\$ 9.15

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
82261 00	Pathology	0.50	0.50	\$ 33.85	\$ 33.85
82270 00	Pathology	0.13	0.13	\$ 8.79	\$ 8.79
82271 00	Pathology	0.16	0.16	\$ 10.68	\$ 10.68
82272 00	Pathology	0.12	0.12	\$ 8.49	\$ 8.49
82274 00	Pathology	0.47	0.47	\$ 31.95	\$ 31.95
82286 00	Pathology	0.15	0.15	\$ 10.35	\$ 10.35
82300 00	Pathology	0.70	0.70	\$ 47.44	\$ 47.44
82306 00	Pathology	0.87	0.87	\$ 59.40	\$ 59.40
82308 00	Pathology	0.79	0.79	\$ 53.76	\$ 53.76
82310 00	Pathology	0.15	0.15	\$ 10.35	\$ 10.35
82330 00	Pathology	0.40	0.40	\$ 27.45	\$ 27.45
82331 00	Pathology	0.39	0.39	\$ 26.77	\$ 26.77
82340 00	Pathology	0.18	0.18	\$ 12.10	\$ 12.10
82355 00	Pathology	0.34	0.34	\$ 23.24	\$ 23.24
82360 00	Pathology	0.38	0.38	\$ 25.83	\$ 25.83
82365 00	Pathology	0.38	0.38	\$ 25.89	\$ 25.89
82370 00	Pathology	0.37	0.37	\$ 25.12	\$ 25.12
82373 00	Pathology	0.53	0.53	\$ 36.24	\$ 36.24
82374 00	Pathology	0.14	0.14	\$ 9.79	\$ 9.79
82375 00	Pathology	0.36	0.36	\$ 24.72	\$ 24.72
82376 00	Pathology	0.42	0.42	\$ 28.23	\$ 28.23
82378 00	Pathology	0.56	0.56	\$ 38.05	\$ 38.05
82379 00	Pathology	0.50	0.50	\$ 33.85	\$ 33.85
82380 00	Pathology	0.27	0.27	\$ 18.50	\$ 18.50
82382 00	Pathology	0.81	0.81	\$ 54.78	\$ 54.78
82383 00	Pathology	0.86	0.86	\$ 58.35	\$ 58.35
82384 00	Pathology	0.75	0.75	\$ 50.67	\$ 50.67
82387 00	Pathology	0.53	0.53	\$ 36.24	\$ 36.24
82390 00	Pathology	0.32	0.32	\$ 21.55	\$ 21.55
82397 00	Pathology	0.42	0.42	\$ 28.33	\$ 28.33
82415 00	Pathology	0.37	0.37	\$ 25.42	\$ 25.42
82435 00	Pathology	0.14	0.14	\$ 9.23	\$ 9.23
82436 00	Pathology	0.17	0.17	\$ 11.54	\$ 11.54
82438 00	Pathology	0.15	0.15	\$ 10.03	\$ 10.03
82441 00	Pathology	0.18	0.18	\$ 12.06	\$ 12.06
82465 00	Pathology	0.13	0.13	\$ 8.73	\$ 8.73
82480 00	Pathology	0.23	0.23	\$ 15.79	\$ 15.79
82482 00	Pathology	0.29	0.29	\$ 19.69	\$ 19.69
82485 00	Pathology	0.61	0.61	\$ 41.44	\$ 41.44
82495 00	Pathology	0.60	0.60	\$ 40.70	\$ 40.70
82507 00	Pathology	0.82	0.82	\$ 55.79	\$ 55.79
82523 00	Pathology	0.55	0.55	\$ 37.48	\$ 37.48
82525 00	Pathology	0.37	0.37	\$ 24.90	\$ 24.90

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
82528 00	Pathology	0.66	0.66	\$ 45.19	\$ 45.19
82530 00	Pathology	0.49	0.49	\$ 33.53	\$ 33.53
82533 00	Pathology	0.48	0.48	\$ 32.71	\$ 32.71
82540 00	Pathology	0.14	0.14	\$ 9.31	\$ 9.31
82542 00	Pathology	0.71	0.71	\$ 48.34	\$ 48.34
82550 00	Pathology	0.19	0.19	\$ 13.06	\$ 13.06
82552 00	Pathology	0.40	0.40	\$ 26.87	\$ 26.87
82553 00	Pathology	0.34	0.34	\$ 23.18	\$ 23.18
82554 00	Pathology	0.35	0.35	\$ 23.82	\$ 23.82
82565 00	Pathology	0.15	0.15	\$ 10.27	\$ 10.27
82570 00	Pathology	0.15	0.15	\$ 10.39	\$ 10.39
82575 00	Pathology	0.28	0.28	\$ 18.98	\$ 18.98
82585 00	Pathology	0.42	0.42	\$ 28.37	\$ 28.37
82595 00	Pathology	0.19	0.19	\$ 12.98	\$ 12.98
82600 00	Pathology	0.57	0.57	\$ 38.93	\$ 38.93
82607 00	Pathology	0.45	0.45	\$ 30.26	\$ 30.26
82608 00	Pathology	0.42	0.42	\$ 28.74	\$ 28.74
82610 00	Pathology	0.55	0.55	\$ 37.16	\$ 37.16
82615 00	Pathology	0.28	0.28	\$ 19.16	\$ 19.16
82626 00	Pathology	0.75	0.75	\$ 50.71	\$ 50.71
82627 00	Pathology	0.66	0.66	\$ 44.61	\$ 44.61
82633 00	Pathology	0.91	0.91	\$ 62.17	\$ 62.17
82634 00	Pathology	0.86	0.86	\$ 58.75	\$ 58.75
82638 00	Pathology	0.36	0.36	\$ 24.58	\$ 24.58
82642 00	Pathology	0.86	0.86	\$ 58.75	\$ 58.75
82652 00	Pathology	1.14	1.14	\$ 77.26	\$ 77.26
82653 00	Pathology	0.68	0.68	\$ 46.09	\$ 46.09
82656 00	Pathology	0.34	0.34	\$ 23.14	\$ 23.14
82657 00	Pathology	0.65	0.65	\$ 44.49	\$ 44.49
82658 00	Pathology	1.30	1.30	\$ 88.35	\$ 88.35
82664 00	Pathology	1.81	1.81	\$ 123.41	\$ 123.41
82668 00	Pathology	0.55	0.55	\$ 37.71	\$ 37.71
82670 00	Pathology	0.82	0.82	\$ 56.07	\$ 56.07
82671 00	Pathology	0.95	0.95	\$ 64.82	\$ 64.82
82672 00	Pathology	0.64	0.64	\$ 43.54	\$ 43.54
82677 00	Pathology	0.71	0.71	\$ 48.52	\$ 48.52
82679 00	Pathology	0.74	0.74	\$ 50.07	\$ 50.07
82681 00	Pathology	0.82	0.82	\$ 56.07	\$ 56.07
82693 00	Pathology	0.44	0.44	\$ 29.90	\$ 29.90
82696 00	Pathology	0.77	0.77	\$ 52.65	\$ 52.65
82705 00	Pathology	0.15	0.15	\$ 10.23	\$ 10.23
82710 00	Pathology	0.50	0.50	\$ 33.71	\$ 33.71
82715 00	Pathology	0.68	0.68	\$ 46.09	\$ 46.09

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
82725 00	Pathology	0.55	0.55	\$ 37.66	\$ 37.66
82726 00	Pathology	0.58	0.58	\$ 39.63	\$ 39.63
82728 00	Pathology	0.40	0.40	\$ 27.35	\$ 27.35
82731 00	Pathology	1.90	1.90	\$ 129.25	\$ 129.25
82735 00	Pathology	0.55	0.55	\$ 37.20	\$ 37.20
82746 00	Pathology	0.43	0.43	\$ 29.50	\$ 29.50
82747 00	Pathology	0.52	0.52	\$ 35.42	\$ 35.42
82757 00	Pathology	0.51	0.51	\$ 34.80	\$ 34.80
82759 00	Pathology	0.63	0.63	\$ 43.10	\$ 43.10
82760 00	Pathology	0.33	0.33	\$ 22.47	\$ 22.47
82775 00	Pathology	0.62	0.62	\$ 42.28	\$ 42.28
82776 00	Pathology	0.35	0.35	\$ 23.56	\$ 23.56
82777 00	Pathology	1.31	1.31	\$ 88.79	\$ 88.79
82784 00	Pathology	0.27	0.27	\$ 18.66	\$ 18.66
82785 00	Pathology	0.49	0.49	\$ 33.03	\$ 33.03
82787 00	Pathology	0.24	0.24	\$ 16.09	\$ 16.09
82800 00	Pathology	0.32	0.32	\$ 22.07	\$ 22.07
82803 00	Pathology	0.77	0.77	\$ 52.31	\$ 52.31
82805 00	Pathology	2.32	2.32	\$ 158.06	\$ 158.06
82810 00	Pathology	0.29	0.29	\$ 19.61	\$ 19.61
82820 00	Pathology	0.39	0.39	\$ 26.77	\$ 26.77
82930 00	Pathology	0.20	0.20	\$ 13.46	\$ 13.46
82938 00	Pathology	0.52	0.52	\$ 35.50	\$ 35.50
82941 00	Pathology	0.52	0.52	\$ 35.38	\$ 35.38
82943 00	Pathology	0.42	0.42	\$ 28.68	\$ 28.68
82945 00	Pathology	0.12	0.12	\$ 7.89	\$ 7.89
82946 00	Pathology	0.52	0.52	\$ 35.66	\$ 35.66
82947 00	Pathology	0.12	0.12	\$ 7.89	\$ 7.89
82948 00	Pathology	0.15	0.15	\$ 10.11	\$ 10.11
82950 00	Pathology	0.14	0.14	\$ 9.53	\$ 9.53
82951 00	Pathology	0.38	0.38	\$ 25.83	\$ 25.83
82952 00	Pathology	0.12	0.12	\$ 7.87	\$ 7.87
82955 00	Pathology	0.29	0.29	\$ 19.46	\$ 19.46
82960 00	Pathology	0.18	0.18	\$ 12.14	\$ 12.14
82962 00	Pathology	0.10	0.10	\$ 6.58	\$ 6.58
82963 00	Pathology	0.63	0.63	\$ 43.10	\$ 43.10
82965 00	Pathology	0.39	0.39	\$ 26.39	\$ 26.39
82977 00	Pathology	0.21	0.21	\$ 14.45	\$ 14.45
82978 00	Pathology	0.46	0.46	\$ 31.00	\$ 31.00
82979 00	Pathology	0.28	0.28	\$ 18.94	\$ 18.94
82985 00	Pathology	0.49	0.49	\$ 33.63	\$ 33.63
83001 00	Pathology	0.55	0.55	\$ 37.28	\$ 37.28
83002 00	Pathology	0.55	0.55	\$ 37.16	\$ 37.16

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
83003 00	Pathology	0.49	0.49	\$ 33.45	\$ 33.45
83006 00	Pathology	2.23	2.23	\$ 151.70	\$ 151.70
83009 00	Pathology	1.99	1.99	\$ 135.17	\$ 135.17
83010 00	Pathology	0.37	0.37	\$ 25.24	\$ 25.24
83012 00	Pathology	0.79	0.79	\$ 53.96	\$ 53.96
83013 00	Pathology	1.99	1.99	\$ 135.17	\$ 135.17
83014 00	Pathology	0.23	0.23	\$ 15.77	\$ 15.77
83015 00	Pathology	0.62	0.62	\$ 42.02	\$ 42.02
83018 00	Pathology	0.65	0.65	\$ 44.07	\$ 44.07
83020 00	Pathology	0.38	0.38	\$ 25.83	\$ 25.83
83020 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
83021 00	Pathology	0.53	0.53	\$ 36.24	\$ 36.24
83026 00	Pathology	0.12	0.12	\$ 8.05	\$ 8.05
83030 00	Pathology	0.32	0.32	\$ 21.55	\$ 21.55
83033 00	Pathology	0.24	0.24	\$ 16.05	\$ 16.05
83036 00	Pathology	0.29	0.29	\$ 19.48	\$ 19.48
83037 00	Pathology	0.29	0.29	\$ 19.48	\$ 19.48
83045 00	Pathology	0.19	0.19	\$ 13.02	\$ 13.02
83050 00	Pathology	0.24	0.24	\$ 16.45	\$ 16.45
83051 00	Pathology	0.22	0.22	\$ 14.67	\$ 14.67
83060 00	Pathology	0.26	0.26	\$ 17.66	\$ 17.66
83065 00	Pathology	0.27	0.27	\$ 18.06	\$ 18.06
83068 00	Pathology	0.28	0.28	\$ 19.00	\$ 19.00
83069 00	Pathology	0.12	0.12	\$ 7.93	\$ 7.93
83070 00	Pathology	0.14	0.14	\$ 9.53	\$ 9.53
83080 00	Pathology	0.50	0.50	\$ 33.85	\$ 33.85
83088 00	Pathology	0.87	0.87	\$ 59.26	\$ 59.26
83090 00	Pathology	0.53	0.53	\$ 35.96	\$ 35.96
83150 00	Pathology	0.66	0.66	\$ 44.97	\$ 44.97
83491 00	Pathology	0.53	0.53	\$ 35.92	\$ 35.92
83497 00	Pathology	0.38	0.38	\$ 25.89	\$ 25.89
83498 00	Pathology	0.80	0.80	\$ 54.52	\$ 54.52
83500 00	Pathology	0.67	0.67	\$ 45.45	\$ 45.45
83505 00	Pathology	0.72	0.72	\$ 48.76	\$ 48.76
83516 00	Pathology	0.34	0.34	\$ 23.14	\$ 23.14
83518 00	Pathology	0.28	0.28	\$ 19.34	\$ 19.34
83519 00	Pathology	0.54	0.54	\$ 36.92	\$ 36.92
83520 00	Pathology	0.51	0.51	\$ 34.65	\$ 34.65
83521 00	Pathology	0.51	0.51	\$ 34.65	\$ 34.65
83525 00	Pathology	0.34	0.34	\$ 22.94	\$ 22.94
83527 00	Pathology	0.38	0.38	\$ 25.99	\$ 25.99
83528 00	Pathology	0.58	0.58	\$ 39.77	\$ 39.77
83529 00	Pathology	0.51	0.51	\$ 34.65	\$ 34.65

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
83540 00	Pathology	0.19	0.19	\$ 12.98	\$ 12.98
83550 00	Pathology	0.26	0.26	\$ 17.54	\$ 17.54
83570 00	Pathology	0.26	0.26	\$ 17.76	\$ 17.76
83582 00	Pathology	0.46	0.46	\$ 31.04	\$ 31.04
83586 00	Pathology	0.38	0.38	\$ 25.69	\$ 25.69
83593 00	Pathology	0.84	0.84	\$ 57.19	\$ 57.19
83605 00	Pathology	0.34	0.34	\$ 23.22	\$ 23.22
83615 00	Pathology	0.18	0.18	\$ 12.12	\$ 12.12
83625 00	Pathology	0.38	0.38	\$ 25.67	\$ 25.67
83630 00	Pathology	0.58	0.58	\$ 39.53	\$ 39.53
83631 00	Pathology	0.58	0.58	\$ 39.39	\$ 39.39
83632 00	Pathology	0.60	0.60	\$ 40.57	\$ 40.57
83633 00	Pathology	0.33	0.33	\$ 22.57	\$ 22.57
83655 00	Pathology	0.36	0.36	\$ 24.30	\$ 24.30
83661 00	Pathology	0.65	0.65	\$ 44.13	\$ 44.13
83662 00	Pathology	0.56	0.56	\$ 37.95	\$ 37.95
83663 00	Pathology	0.56	0.56	\$ 37.95	\$ 37.95
83664 00	Pathology	0.57	0.57	\$ 38.77	\$ 38.77
83670 00	Pathology	0.29	0.29	\$ 19.69	\$ 19.69
83690 00	Pathology	0.20	0.20	\$ 13.83	\$ 13.83
83695 00	Pathology	0.42	0.42	\$ 28.74	\$ 28.74
83698 00	Pathology	1.37	1.37	\$ 92.93	\$ 92.93
83700 00	Pathology	0.33	0.33	\$ 22.59	\$ 22.59
83701 00	Pathology	1.00	1.00	\$ 67.95	\$ 67.95
83704 00	Pathology	1.01	1.01	\$ 68.61	\$ 68.61
83718 00	Pathology	0.24	0.24	\$ 16.43	\$ 16.43
83719 00	Pathology	0.38	0.38	\$ 25.58	\$ 25.58
83721 00	Pathology	0.31	0.31	\$ 21.07	\$ 21.07
83722 00	Pathology	1.01	1.01	\$ 68.61	\$ 68.61
83727 00	Pathology	0.51	0.51	\$ 34.49	\$ 34.49
83735 00	Pathology	0.20	0.20	\$ 13.44	\$ 13.44
83775 00	Pathology	0.22	0.22	\$ 14.79	\$ 14.79
83785 00	Pathology	0.79	0.79	\$ 53.48	\$ 53.48
83789 00	Pathology	0.71	0.71	\$ 48.38	\$ 48.38
83825 00	Pathology	0.48	0.48	\$ 32.63	\$ 32.63
83835 00	Pathology	0.50	0.50	\$ 33.99	\$ 33.99
83857 00	Pathology	0.32	0.32	\$ 21.55	\$ 21.55
83861 00	Pathology	0.66	0.66	\$ 45.11	\$ 45.11
83864 00	Pathology	0.84	0.84	\$ 57.19	\$ 57.19
83872 00	Pathology	0.17	0.17	\$ 11.76	\$ 11.76
83873 00	Pathology	0.51	0.51	\$ 34.51	\$ 34.51
83874 00	Pathology	0.38	0.38	\$ 25.93	\$ 25.93
83876 00	Pathology	1.50	1.50	\$ 102.06	\$ 102.06

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
83880 00	Pathology	1.16	1.16	\$ 78.78	\$ 78.78
83883 00	Pathology	0.40	0.40	\$ 27.29	\$ 27.29
83885 00	Pathology	0.72	0.72	\$ 49.18	\$ 49.18
83915 00	Pathology	0.33	0.33	\$ 22.37	\$ 22.37
83916 00	Pathology	0.81	0.81	\$ 54.96	\$ 54.96
83918 00	Pathology	0.70	0.70	\$ 47.36	\$ 47.36
83919 00	Pathology	0.49	0.49	\$ 33.01	\$ 33.01
83921 00	Pathology	0.63	0.63	\$ 42.56	\$ 42.56
83930 00	Pathology	0.20	0.20	\$ 13.26	\$ 13.26
83935 00	Pathology	0.20	0.20	\$ 13.69	\$ 13.69
83937 00	Pathology	0.88	0.88	\$ 59.90	\$ 59.90
83945 00	Pathology	0.43	0.43	\$ 29.00	\$ 29.00
83950 00	Pathology	1.90	1.90	\$ 129.25	\$ 129.25
83951 00	Pathology	1.90	1.90	\$ 129.25	\$ 129.25
83970 00	Pathology	1.22	1.22	\$ 82.83	\$ 82.83
83986 00	Pathology	0.11	0.11	\$ 7.18	\$ 7.18
83987 00	Pathology	0.11	0.11	\$ 7.18	\$ 7.18
83992 00	Pathology	-	-	\$ 76.16	\$ 76.16
83993 00	Pathology	0.58	0.58	\$ 39.39	\$ 39.39
84030 00	Pathology	0.16	0.16	\$ 11.04	\$ 11.04
84035 00	Pathology	0.12	0.12	\$ 7.99	\$ 7.99
84060 00	Pathology	0.23	0.23	\$ 15.33	\$ 15.33
84066 00	Pathology	0.29	0.29	\$ 19.38	\$ 19.38
84075 00	Pathology	0.15	0.15	\$ 10.39	\$ 10.39
84078 00	Pathology	0.24	0.24	\$ 16.57	\$ 16.57
84080 00	Pathology	0.44	0.44	\$ 29.66	\$ 29.66
84081 00	Pathology	0.49	0.49	\$ 33.15	\$ 33.15
84085 00	Pathology	0.28	0.28	\$ 18.94	\$ 18.94
84087 00	Pathology	0.32	0.32	\$ 21.53	\$ 21.53
84100 00	Pathology	0.14	0.14	\$ 9.51	\$ 9.51
84105 00	Pathology	0.17	0.17	\$ 11.60	\$ 11.60
84106 00	Pathology	0.17	0.17	\$ 11.68	\$ 11.68
84110 00	Pathology	0.25	0.25	\$ 16.94	\$ 16.94
84112 00	Pathology	2.90	2.90	\$ 196.87	\$ 196.87
84119 00	Pathology	0.39	0.39	\$ 26.81	\$ 26.81
84120 00	Pathology	0.43	0.43	\$ 29.52	\$ 29.52
84126 00	Pathology	1.15	1.15	\$ 78.48	\$ 78.48
84132 00	Pathology	0.14	0.14	\$ 9.55	\$ 9.55
84133 00	Pathology	0.14	0.14	\$ 9.49	\$ 9.49
84134 00	Pathology	0.43	0.43	\$ 29.28	\$ 29.28
84135 00	Pathology	0.63	0.63	\$ 42.68	\$ 42.68
84138 00	Pathology	0.62	0.62	\$ 42.24	\$ 42.24
84140 00	Pathology	0.61	0.61	\$ 41.48	\$ 41.48

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
84143 00	Pathology	0.67	0.67	\$ 45.77	\$ 45.77
84144 00	Pathology	0.62	0.62	\$ 41.86	\$ 41.86
84145 00	Pathology	0.80	0.80	\$ 54.62	\$ 54.62
84146 00	Pathology	0.57	0.57	\$ 38.89	\$ 38.89
84150 00	Pathology	1.23	1.23	\$ 83.82	\$ 83.82
84152 00	Pathology	0.54	0.54	\$ 36.90	\$ 36.90
84153 00	Pathology	0.54	0.54	\$ 36.90	\$ 36.90
84154 00	Pathology	0.54	0.54	\$ 36.90	\$ 36.90
84155 00	Pathology	0.11	0.11	\$ 7.36	\$ 7.36
84156 00	Pathology	0.11	0.11	\$ 7.36	\$ 7.36
84157 00	Pathology	0.12	0.12	\$ 8.03	\$ 8.03
84160 00	Pathology	0.17	0.17	\$ 11.26	\$ 11.26
84163 00	Pathology	0.44	0.44	\$ 30.20	\$ 30.20
84165 00	Pathology	0.32	0.32	\$ 21.55	\$ 21.55
84165 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
84166 00	Pathology	0.53	0.53	\$ 35.78	\$ 35.78
84166 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
84181 00	Pathology	0.50	0.50	\$ 34.17	\$ 34.17
84181 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
84182 00	Pathology	0.86	0.86	\$ 58.61	\$ 58.61
84182 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
84202 00	Pathology	0.42	0.42	\$ 28.80	\$ 28.80
84203 00	Pathology	0.29	0.29	\$ 19.54	\$ 19.54
84206 00	Pathology	0.79	0.79	\$ 53.56	\$ 53.56
84207 00	Pathology	0.83	0.83	\$ 56.39	\$ 56.39
84210 00	Pathology	0.43	0.43	\$ 29.06	\$ 29.06
84220 00	Pathology	0.28	0.28	\$ 18.94	\$ 18.94
84228 00	Pathology	0.34	0.34	\$ 23.34	\$ 23.34
84233 00	Pathology	2.59	2.59	\$ 176.35	\$ 176.35
84234 00	Pathology	1.91	1.91	\$ 130.19	\$ 130.19
84235 00	Pathology	2.10	2.10	\$ 142.93	\$ 142.93
84238 00	Pathology	1.08	1.08	\$ 73.38	\$ 73.38
84244 00	Pathology	0.65	0.65	\$ 44.13	\$ 44.13
84252 00	Pathology	0.60	0.60	\$ 40.61	\$ 40.61
84255 00	Pathology	0.75	0.75	\$ 51.23	\$ 51.23
84260 00	Pathology	0.91	0.91	\$ 62.17	\$ 62.17
84270 00	Pathology	0.64	0.64	\$ 43.60	\$ 43.60
84275 00	Pathology	0.40	0.40	\$ 26.97	\$ 26.97
84285 00	Pathology	0.74	0.74	\$ 50.59	\$ 50.59
84295 00	Pathology	0.14	0.14	\$ 9.65	\$ 9.65
84300 00	Pathology	0.15	0.15	\$ 10.15	\$ 10.15
84302 00	Pathology	0.14	0.14	\$ 9.75	\$ 9.75
84305 00	Pathology	0.63	0.63	\$ 42.66	\$ 42.66

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
84307 00	Pathology	0.54	0.54	\$ 36.68	\$ 36.68
84311 00	Pathology	0.24	0.24	\$ 16.25	\$ 16.25
84315 00	Pathology	0.10	0.10	\$ 6.58	\$ 6.58
84375 00	Pathology	1.15	1.15	\$ 78.26	\$ 78.26
84376 00	Pathology	0.16	0.16	\$ 11.04	\$ 11.04
84377 00	Pathology	0.16	0.16	\$ 11.04	\$ 11.04
84378 00	Pathology	0.34	0.34	\$ 23.14	\$ 23.14
84379 00	Pathology	0.34	0.34	\$ 23.14	\$ 23.14
84392 00	Pathology	0.16	0.16	\$ 11.02	\$ 11.02
84402 00	Pathology	0.75	0.75	\$ 51.11	\$ 51.11
84403 00	Pathology	0.76	0.76	\$ 51.79	\$ 51.79
84410 00	Pathology	1.51	1.51	\$ 102.90	\$ 102.90
84425 00	Pathology	0.63	0.63	\$ 42.60	\$ 42.60
84430 00	Pathology	0.34	0.34	\$ 23.34	\$ 23.34
84431 00	Pathology	1.04	1.04	\$ 70.45	\$ 70.45
84432 00	Pathology	0.47	0.47	\$ 32.23	\$ 32.23
84433 00	Pathology	0.65	0.65	\$ 44.49	\$ 44.49
84436 00	Pathology	0.20	0.20	\$ 13.79	\$ 13.79
84437 00	Pathology	0.19	0.19	\$ 12.98	\$ 12.98
84439 00	Pathology	0.27	0.27	\$ 18.10	\$ 18.10
84442 00	Pathology	0.44	0.44	\$ 29.66	\$ 29.66
84443 00	Pathology	0.50	0.50	\$ 33.71	\$ 33.71
84445 00	Pathology	1.50	1.50	\$ 102.06	\$ 102.06
84446 00	Pathology	0.42	0.42	\$ 28.45	\$ 28.45
84449 00	Pathology	0.53	0.53	\$ 36.12	\$ 36.12
84450 00	Pathology	0.15	0.15	\$ 10.39	\$ 10.39
84460 00	Pathology	0.16	0.16	\$ 10.64	\$ 10.64
84466 00	Pathology	0.38	0.38	\$ 25.60	\$ 25.60
84478 00	Pathology	0.17	0.17	\$ 11.52	\$ 11.52
84479 00	Pathology	0.19	0.19	\$ 12.98	\$ 12.98
84480 00	Pathology	0.42	0.42	\$ 28.45	\$ 28.45
84481 00	Pathology	0.50	0.50	\$ 33.99	\$ 33.99
84482 00	Pathology	0.47	0.47	\$ 31.62	\$ 31.62
84484 00	Pathology	0.37	0.37	\$ 25.02	\$ 25.02
84485 00	Pathology	0.21	0.21	\$ 14.45	\$ 14.45
84488 00	Pathology	0.22	0.22	\$ 14.65	\$ 14.65
84490 00	Pathology	0.29	0.29	\$ 19.93	\$ 19.93
84510 00	Pathology	0.31	0.31	\$ 21.33	\$ 21.33
84512 00	Pathology	0.30	0.30	\$ 20.25	\$ 20.25
84520 00	Pathology	0.12	0.12	\$ 7.93	\$ 7.93
84525 00	Pathology	0.15	0.15	\$ 10.29	\$ 10.29
84540 00	Pathology	0.16	0.16	\$ 11.16	\$ 11.16
84545 00	Pathology	0.21	0.21	\$ 14.45	\$ 14.45

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
84550 00	Pathology	0.13	0.13	\$ 9.07	\$ 9.07
84560 00	Pathology	0.15	0.15	\$ 10.19	\$ 10.19
84577 00	Pathology	0.50	0.50	\$ 33.71	\$ 33.71
84578 00	Pathology	0.13	0.13	\$ 8.97	\$ 8.97
84580 00	Pathology	0.28	0.28	\$ 19.16	\$ 19.16
84583 00	Pathology	0.18	0.18	\$ 12.14	\$ 12.14
84585 00	Pathology	0.46	0.46	\$ 31.10	\$ 31.10
84586 00	Pathology	1.04	1.04	\$ 70.90	\$ 70.90
84588 00	Pathology	1.00	1.00	\$ 68.11	\$ 68.11
84590 00	Pathology	0.34	0.34	\$ 23.30	\$ 23.30
84591 00	Pathology	0.50	0.50	\$ 34.23	\$ 34.23
84597 00	Pathology	0.40	0.40	\$ 27.53	\$ 27.53
84600 00	Pathology	0.50	0.50	\$ 34.33	\$ 34.33
84620 00	Pathology	0.38	0.38	\$ 25.91	\$ 25.91
84630 00	Pathology	0.34	0.34	\$ 22.86	\$ 22.86
84681 00	Pathology	0.61	0.61	\$ 41.76	\$ 41.76
84702 00	Pathology	0.44	0.44	\$ 30.20	\$ 30.20
84703 00	Pathology	0.22	0.22	\$ 15.09	\$ 15.09
84704 00	Pathology	0.45	0.45	\$ 30.68	\$ 30.68
84830 00	Pathology	0.37	0.37	\$ 25.48	\$ 25.48
84999 00	Pathology	0.00	0.00	BR	BR
85002 00	Pathology	0.14	0.14	\$ 9.67	\$ 9.67
85004 00	Pathology	0.19	0.19	\$ 12.98	\$ 12.98
85007 00	Pathology	0.11	0.11	\$ 7.63	\$ 7.63
85008 00	Pathology	0.10	0.10	\$ 6.88	\$ 6.88
85009 00	Pathology	0.15	0.15	\$ 10.17	\$ 10.17
85013 00	Pathology	0.21	0.21	\$ 14.05	\$ 14.05
85014 00	Pathology	0.07	0.07	\$ 4.76	\$ 4.76
85018 00	Pathology	0.07	0.07	\$ 4.76	\$ 4.76
85025 00	Pathology	0.23	0.23	\$ 15.59	\$ 15.59
85027 00	Pathology	0.19	0.19	\$ 12.98	\$ 12.98
85032 00	Pathology	0.13	0.13	\$ 8.65	\$ 8.65
85041 00	Pathology	0.09	0.09	\$ 6.06	\$ 6.06
85044 00	Pathology	0.13	0.13	\$ 8.65	\$ 8.65
85045 00	Pathology	0.12	0.12	\$ 8.01	\$ 8.01
85046 00	Pathology	0.16	0.16	\$ 11.18	\$ 11.18
85048 00	Pathology	0.07	0.07	\$ 5.10	\$ 5.10
85049 00	Pathology	0.13	0.13	\$ 8.99	\$ 8.99
85055 00	Pathology	1.05	1.05	\$ 71.72	\$ 71.72
85060 00	Pathology	0.71	0.71	\$ 48.28	\$ 48.28
85097 00	Pathology	2.04	1.41	\$ 138.72	\$ 95.88
85130 00	Pathology	0.35	0.35	\$ 23.86	\$ 23.86
85170 00	Pathology	0.48	0.48	\$ 32.71	\$ 32.71

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
85175 00	Pathology	0.60	0.60	\$ 40.88	\$ 40.88
85210 00	Pathology	0.38	0.38	\$ 26.05	\$ 26.05
85220 00	Pathology	0.52	0.52	\$ 35.42	\$ 35.42
85230 00	Pathology	0.53	0.53	\$ 35.92	\$ 35.92
85240 00	Pathology	0.53	0.53	\$ 35.92	\$ 35.92
85244 00	Pathology	0.60	0.60	\$ 40.98	\$ 40.98
85245 00	Pathology	0.68	0.68	\$ 46.03	\$ 46.03
85246 00	Pathology	0.68	0.68	\$ 46.03	\$ 46.03
85247 00	Pathology	0.68	0.68	\$ 46.03	\$ 46.03
85250 00	Pathology	0.56	0.56	\$ 38.21	\$ 38.21
85260 00	Pathology	0.53	0.53	\$ 35.92	\$ 35.92
85270 00	Pathology	0.53	0.53	\$ 35.92	\$ 35.92
85280 00	Pathology	0.57	0.57	\$ 38.83	\$ 38.83
85290 00	Pathology	0.48	0.48	\$ 32.79	\$ 32.79
85291 00	Pathology	0.27	0.27	\$ 18.28	\$ 18.28
85292 00	Pathology	0.56	0.56	\$ 37.99	\$ 37.99
85293 00	Pathology	0.56	0.56	\$ 37.99	\$ 37.99
85300 00	Pathology	0.35	0.35	\$ 23.78	\$ 23.78
85301 00	Pathology	0.32	0.32	\$ 21.69	\$ 21.69
85302 00	Pathology	0.35	0.35	\$ 24.10	\$ 24.10
85303 00	Pathology	0.41	0.41	\$ 27.77	\$ 27.77
85305 00	Pathology	0.34	0.34	\$ 23.30	\$ 23.30
85306 00	Pathology	0.45	0.45	\$ 30.74	\$ 30.74
85307 00	Pathology	0.45	0.45	\$ 30.74	\$ 30.74
85335 00	Pathology	0.38	0.38	\$ 25.83	\$ 25.83
85337 00	Pathology	0.51	0.51	\$ 34.65	\$ 34.65
85345 00	Pathology	0.14	0.14	\$ 9.41	\$ 9.41
85347 00	Pathology	0.13	0.13	\$ 8.59	\$ 8.59
85348 00	Pathology	0.13	0.13	\$ 9.01	\$ 9.01
85360 00	Pathology	0.25	0.25	\$ 16.88	\$ 16.88
85362 00	Pathology	0.20	0.20	\$ 13.83	\$ 13.83
85366 00	Pathology	2.37	2.37	\$ 161.46	\$ 161.46
85370 00	Pathology	0.37	0.37	\$ 24.94	\$ 24.94
85378 00	Pathology	0.29	0.29	\$ 19.50	\$ 19.50
85379 00	Pathology	0.30	0.30	\$ 20.43	\$ 20.43
85380 00	Pathology	0.30	0.30	\$ 20.43	\$ 20.43
85384 00	Pathology	0.29	0.29	\$ 19.50	\$ 19.50
85385 00	Pathology	0.43	0.43	\$ 29.02	\$ 29.02
85390 00	Pathology	0.46	0.46	\$ 31.06	\$ 31.06
85390 26	Pathology	1.06	1.06	\$ 72.08	\$ 72.08
85396 00	Pathology	0.57	0.57	\$ 38.76	\$ 38.76
85397 00	Pathology	0.91	0.91	\$ 61.93	\$ 61.93
85400 00	Pathology	0.23	0.23	\$ 15.47	\$ 15.47

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
85410 00	Pathology	0.23	0.23	\$ 15.47	\$ 15.47
85415 00	Pathology	0.51	0.51	\$ 34.49	\$ 34.49
85420 00	Pathology	0.19	0.19	\$ 13.10	\$ 13.10
85421 00	Pathology	0.30	0.30	\$ 20.43	\$ 20.43
85441 00	Pathology	0.12	0.12	\$ 8.43	\$ 8.43
85445 00	Pathology	0.20	0.20	\$ 13.69	\$ 13.69
85460 00	Pathology	0.23	0.23	\$ 15.51	\$ 15.51
85461 00	Pathology	0.28	0.28	\$ 18.78	\$ 18.78
85475 00	Pathology	0.26	0.26	\$ 17.80	\$ 17.80
85520 00	Pathology	0.39	0.39	\$ 26.27	\$ 26.27
85525 00	Pathology	0.35	0.35	\$ 23.76	\$ 23.76
85530 00	Pathology	0.39	0.39	\$ 26.27	\$ 26.27
85536 00	Pathology	0.20	0.20	\$ 13.81	\$ 13.81
85540 00	Pathology	0.25	0.25	\$ 17.26	\$ 17.26
85547 00	Pathology	0.25	0.25	\$ 17.26	\$ 17.26
85549 00	Pathology	0.55	0.55	\$ 37.62	\$ 37.62
85555 00	Pathology	0.22	0.22	\$ 14.99	\$ 14.99
85557 00	Pathology	0.39	0.39	\$ 26.81	\$ 26.81
85576 00	Pathology	0.74	0.74	\$ 49.99	\$ 49.99
85576 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
85597 00	Pathology	0.53	0.53	\$ 36.08	\$ 36.08
85598 00	Pathology	0.53	0.53	\$ 36.08	\$ 36.08
85610 00	Pathology	0.13	0.13	\$ 8.61	\$ 8.61
85611 00	Pathology	0.12	0.12	\$ 7.91	\$ 7.91
85612 00	Pathology	0.52	0.52	\$ 35.10	\$ 35.10
85613 00	Pathology	0.28	0.28	\$ 19.22	\$ 19.22
85635 00	Pathology	0.29	0.29	\$ 19.77	\$ 19.77
85651 00	Pathology	0.13	0.13	\$ 8.57	\$ 8.57
85652 00	Pathology	0.08	0.08	\$ 5.42	\$ 5.42
85660 00	Pathology	0.16	0.16	\$ 11.06	\$ 11.06
85670 00	Pathology	0.17	0.17	\$ 11.58	\$ 11.58
85675 00	Pathology	0.20	0.20	\$ 13.75	\$ 13.75
85705 00	Pathology	0.28	0.28	\$ 19.32	\$ 19.32
85730 00	Pathology	0.18	0.18	\$ 12.06	\$ 12.06
85732 00	Pathology	0.19	0.19	\$ 12.98	\$ 12.98
85810 00	Pathology	0.34	0.34	\$ 23.42	\$ 23.42
85999 00	Pathology	0.00	0.00	BR	BR
86000 00	Pathology	0.21	0.21	\$ 14.01	\$ 14.01
86001 00	Pathology	0.23	0.23	\$ 15.69	\$ 15.69
86003 00	Pathology	0.15	0.15	\$ 10.47	\$ 10.47
86005 00	Pathology	0.24	0.24	\$ 15.99	\$ 15.99
86008 00	Pathology	0.53	0.53	\$ 35.98	\$ 35.98
86015 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
86021 00	Pathology	0.44	0.44	\$ 30.20	\$ 30.20
86022 00	Pathology	0.54	0.54	\$ 36.86	\$ 36.86
86023 00	Pathology	0.37	0.37	\$ 25.00	\$ 25.00
86036 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
86037 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
86038 00	Pathology	0.36	0.36	\$ 24.26	\$ 24.26
86039 00	Pathology	0.33	0.33	\$ 22.39	\$ 22.39
86051 00	Pathology	0.34	0.34	\$ 23.14	\$ 23.14
86052 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
86053 00	Pathology	1.11	1.11	\$ 75.71	\$ 75.71
86060 00	Pathology	0.22	0.22	\$ 14.65	\$ 14.65
86063 00	Pathology	0.17	0.17	\$ 11.58	\$ 11.58
86077 00	Pathology	1.57	1.44	\$ 106.76	\$ 97.92
86078 00	Pathology	1.57	1.44	\$ 106.76	\$ 97.92
86079 00	Pathology	1.58	1.45	\$ 107.44	\$ 98.60
86140 00	Pathology	0.15	0.15	\$ 10.39	\$ 10.39
86141 00	Pathology	0.38	0.38	\$ 25.99	\$ 25.99
86146 00	Pathology	0.75	0.75	\$ 51.07	\$ 51.07
86147 00	Pathology	0.75	0.75	\$ 51.07	\$ 51.07
86148 00	Pathology	0.47	0.47	\$ 32.25	\$ 32.25
86152 00	Pathology	7.40	7.40	\$ 503.23	\$ 503.23
86153 26	Pathology	0.98	0.98	\$ 66.64	\$ 66.64
86155 00	Pathology	0.47	0.47	\$ 32.09	\$ 32.09
86156 00	Pathology	0.24	0.24	\$ 16.19	\$ 16.19
86157 00	Pathology	0.24	0.24	\$ 16.17	\$ 16.17
86160 00	Pathology	0.35	0.35	\$ 24.08	\$ 24.08
86161 00	Pathology	0.35	0.35	\$ 24.08	\$ 24.08
86162 00	Pathology	0.60	0.60	\$ 40.78	\$ 40.78
86171 00	Pathology	0.30	0.30	\$ 20.09	\$ 20.09
86200 00	Pathology	0.38	0.38	\$ 25.99	\$ 25.99
86215 00	Pathology	0.39	0.39	\$ 26.59	\$ 26.59
86225 00	Pathology	0.41	0.41	\$ 27.57	\$ 27.57
86226 00	Pathology	0.36	0.36	\$ 24.30	\$ 24.30
86231 00	Pathology	0.36	0.36	\$ 24.26	\$ 24.26
86235 00	Pathology	0.53	0.53	\$ 35.98	\$ 35.98
86255 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
86255 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
86256 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
86256 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
86258 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
86277 00	Pathology	0.46	0.46	\$ 31.58	\$ 31.58
86280 00	Pathology	0.24	0.24	\$ 16.43	\$ 16.43
86294 00	Pathology	0.75	0.75	\$ 51.31	\$ 51.31

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
86300 00	Pathology	0.61	0.61	\$ 41.76	\$ 41.76
86301 00	Pathology	0.61	0.61	\$ 41.76	\$ 41.76
86304 00	Pathology	0.61	0.61	\$ 41.76	\$ 41.76
86305 00	Pathology	0.61	0.61	\$ 41.76	\$ 41.76
86308 00	Pathology	0.15	0.15	\$ 10.39	\$ 10.39
86309 00	Pathology	0.19	0.19	\$ 12.98	\$ 12.98
86310 00	Pathology	0.22	0.22	\$ 14.79	\$ 14.79
86316 00	Pathology	0.61	0.61	\$ 41.76	\$ 41.76
86317 00	Pathology	0.44	0.44	\$ 30.08	\$ 30.08
86318 00	Pathology	0.53	0.53	\$ 36.30	\$ 36.30
86320 00	Pathology	0.88	0.88	\$ 60.04	\$ 60.04
86320 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
86325 00	Pathology	0.68	0.68	\$ 46.41	\$ 46.41
86325 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
86327 00	Pathology	0.88	0.88	\$ 60.04	\$ 60.04
86327 26	Pathology	0.64	0.64	\$ 43.52	\$ 43.52
86328 00	Pathology	1.34	1.34	\$ 90.86	\$ 90.86
86329 00	Pathology	0.41	0.41	\$ 28.19	\$ 28.19
86331 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
86332 00	Pathology	0.72	0.72	\$ 48.90	\$ 48.90
86334 00	Pathology	0.66	0.66	\$ 44.83	\$ 44.83
86334 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
86335 00	Pathology	0.87	0.87	\$ 58.90	\$ 58.90
86335 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
86336 00	Pathology	0.46	0.46	\$ 31.28	\$ 31.28
86337 00	Pathology	0.63	0.63	\$ 42.96	\$ 42.96
86340 00	Pathology	0.45	0.45	\$ 30.26	\$ 30.26
86341 00	Pathology	0.70	0.70	\$ 47.30	\$ 47.30
86343 00	Pathology	0.37	0.37	\$ 25.00	\$ 25.00
86344 00	Pathology	0.31	0.31	\$ 20.85	\$ 20.85
86352 00	Pathology	4.01	4.01	\$ 272.62	\$ 272.62
86353 00	Pathology	1.45	1.45	\$ 98.39	\$ 98.39
86355 00	Pathology	1.11	1.11	\$ 75.71	\$ 75.71
86356 00	Pathology	0.79	0.79	\$ 53.74	\$ 53.74
86357 00	Pathology	1.11	1.11	\$ 75.71	\$ 75.71
86359 00	Pathology	1.11	1.11	\$ 75.71	\$ 75.71
86360 00	Pathology	1.39	1.39	\$ 94.27	\$ 94.27
86361 00	Pathology	0.79	0.79	\$ 53.74	\$ 53.74
86362 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
86363 00	Pathology	1.11	1.11	\$ 75.71	\$ 75.71
86364 00	Pathology	0.34	0.34	\$ 23.14	\$ 23.14
86367 00	Pathology	2.30	2.30	\$ 156.08	\$ 156.08
86376 00	Pathology	0.43	0.43	\$ 29.20	\$ 29.20

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
86381 00	Pathology	0.75	0.75	\$ 51.07	\$ 51.07
86382 00	Pathology	0.50	0.50	\$ 33.93	\$ 33.93
86384 00	Pathology	0.40	0.40	\$ 27.31	\$ 27.31
86386 00	Pathology	0.64	0.64	\$ 43.70	\$ 43.70
86403 00	Pathology	0.34	0.34	\$ 23.16	\$ 23.16
86406 00	Pathology	0.31	0.31	\$ 21.35	\$ 21.35
86408 00	Pathology	1.24	1.24	\$ 84.54	\$ 84.54
86409 00	Pathology	-	-	\$ 344.08	\$ 344.08
86413 00	Pathology	-	-	\$ 163.20	\$ 163.20
86430 00	Pathology	0.18	0.18	\$ 12.32	\$ 12.32
86431 00	Pathology	0.17	0.17	\$ 11.38	\$ 11.38
86480 00	Pathology	1.83	1.83	\$ 124.37	\$ 124.37
86481 00	Pathology	2.95	2.95	\$ 200.67	\$ 200.67
86485 00	Pathology	-	-	\$ 65.28	\$ 65.28
86486 00	Pathology	0.19	0.19	\$ 12.92	\$ 12.92
86490 00	Pathology	2.33	2.33	\$ 158.44	\$ 158.44
86510 00	Pathology	0.22	0.22	\$ 14.96	\$ 14.96
86580 00	Pathology	0.30	0.30	\$ 20.40	\$ 20.40
86590 00	Pathology	0.37	0.37	\$ 25.40	\$ 25.40
86592 00	Pathology	0.13	0.13	\$ 8.57	\$ 8.57
86593 00	Pathology	0.13	0.13	\$ 8.83	\$ 8.83
86596 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
86602 00	Pathology	0.30	0.30	\$ 20.43	\$ 20.43
86603 00	Pathology	0.38	0.38	\$ 25.83	\$ 25.83
86606 00	Pathology	0.44	0.44	\$ 30.20	\$ 30.20
86609 00	Pathology	0.38	0.38	\$ 25.85	\$ 25.85
86611 00	Pathology	0.30	0.30	\$ 20.43	\$ 20.43
86612 00	Pathology	0.38	0.38	\$ 25.89	\$ 25.89
86615 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86617 00	Pathology	0.46	0.46	\$ 31.08	\$ 31.08
86618 00	Pathology	0.50	0.50	\$ 34.17	\$ 34.17
86619 00	Pathology	0.39	0.39	\$ 26.85	\$ 26.85
86622 00	Pathology	0.26	0.26	\$ 17.92	\$ 17.92
86625 00	Pathology	0.39	0.39	\$ 26.33	\$ 26.33
86628 00	Pathology	0.35	0.35	\$ 24.10	\$ 24.10
86631 00	Pathology	0.35	0.35	\$ 23.72	\$ 23.72
86632 00	Pathology	0.37	0.37	\$ 25.44	\$ 25.44
86635 00	Pathology	0.34	0.34	\$ 23.02	\$ 23.02
86638 00	Pathology	0.36	0.36	\$ 24.32	\$ 24.32
86641 00	Pathology	0.43	0.43	\$ 28.92	\$ 28.92
86644 00	Pathology	0.42	0.42	\$ 28.88	\$ 28.88
86645 00	Pathology	0.50	0.50	\$ 33.81	\$ 33.81
86648 00	Pathology	0.45	0.45	\$ 30.52	\$ 30.52

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
86651 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86652 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86653 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86654 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86658 00	Pathology	0.38	0.38	\$ 26.15	\$ 26.15
86663 00	Pathology	0.39	0.39	\$ 26.33	\$ 26.33
86664 00	Pathology	0.45	0.45	\$ 30.68	\$ 30.68
86665 00	Pathology	0.54	0.54	\$ 36.40	\$ 36.40
86666 00	Pathology	0.30	0.30	\$ 20.43	\$ 20.43
86668 00	Pathology	0.42	0.42	\$ 28.41	\$ 28.41
86671 00	Pathology	0.36	0.36	\$ 24.58	\$ 24.58
86674 00	Pathology	0.43	0.43	\$ 29.54	\$ 29.54
86677 00	Pathology	0.50	0.50	\$ 33.81	\$ 33.81
86682 00	Pathology	0.38	0.38	\$ 26.11	\$ 26.11
86684 00	Pathology	0.47	0.47	\$ 31.79	\$ 31.79
86687 00	Pathology	0.27	0.27	\$ 18.24	\$ 18.24
86688 00	Pathology	0.41	0.41	\$ 28.09	\$ 28.09
86689 00	Pathology	0.57	0.57	\$ 38.83	\$ 38.83
86692 00	Pathology	0.51	0.51	\$ 34.43	\$ 34.43
86694 00	Pathology	0.42	0.42	\$ 28.88	\$ 28.88
86695 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86696 00	Pathology	0.57	0.57	\$ 38.83	\$ 38.83
86698 00	Pathology	0.41	0.41	\$ 27.67	\$ 27.67
86701 00	Pathology	0.26	0.26	\$ 17.84	\$ 17.84
86702 00	Pathology	0.40	0.40	\$ 27.13	\$ 27.13
86703 00	Pathology	0.40	0.40	\$ 27.51	\$ 27.51
86704 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
86705 00	Pathology	0.35	0.35	\$ 23.62	\$ 23.62
86706 00	Pathology	0.32	0.32	\$ 21.55	\$ 21.55
86707 00	Pathology	0.34	0.34	\$ 23.22	\$ 23.22
86708 00	Pathology	0.37	0.37	\$ 24.86	\$ 24.86
86709 00	Pathology	0.33	0.33	\$ 22.59	\$ 22.59
86710 00	Pathology	0.40	0.40	\$ 27.19	\$ 27.19
86711 00	Pathology	0.50	0.50	\$ 33.89	\$ 33.89
86713 00	Pathology	0.45	0.45	\$ 30.70	\$ 30.70
86717 00	Pathology	0.36	0.36	\$ 24.58	\$ 24.58
86720 00	Pathology	0.48	0.48	\$ 32.51	\$ 32.51
86723 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86727 00	Pathology	0.38	0.38	\$ 25.83	\$ 25.83
86732 00	Pathology	0.44	0.44	\$ 30.10	\$ 30.10
86735 00	Pathology	0.39	0.39	\$ 26.19	\$ 26.19
86738 00	Pathology	0.39	0.39	\$ 26.57	\$ 26.57
86741 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
86744 00	Pathology	0.47	0.47	\$ 32.09	\$ 32.09
86747 00	Pathology	0.44	0.44	\$ 30.16	\$ 30.16
86750 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86753 00	Pathology	0.37	0.37	\$ 24.86	\$ 24.86
86756 00	Pathology	0.47	0.47	\$ 31.89	\$ 31.89
86757 00	Pathology	0.57	0.57	\$ 38.83	\$ 38.83
86759 00	Pathology	0.54	0.54	\$ 36.58	\$ 36.58
86762 00	Pathology	0.42	0.42	\$ 28.88	\$ 28.88
86765 00	Pathology	0.38	0.38	\$ 25.85	\$ 25.85
86768 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86769 00	Pathology	1.24	1.24	\$ 84.54	\$ 84.54
86771 00	Pathology	0.72	0.72	\$ 49.12	\$ 49.12
86774 00	Pathology	0.44	0.44	\$ 29.70	\$ 29.70
86777 00	Pathology	0.42	0.42	\$ 28.88	\$ 28.88
86778 00	Pathology	0.43	0.43	\$ 28.92	\$ 28.92
86780 00	Pathology	0.39	0.39	\$ 26.57	\$ 26.57
86784 00	Pathology	0.37	0.37	\$ 25.20	\$ 25.20
86787 00	Pathology	0.38	0.38	\$ 25.85	\$ 25.85
86788 00	Pathology	0.50	0.50	\$ 33.81	\$ 33.81
86789 00	Pathology	0.42	0.42	\$ 28.88	\$ 28.88
86790 00	Pathology	0.38	0.38	\$ 25.85	\$ 25.85
86793 00	Pathology	0.39	0.39	\$ 26.47	\$ 26.47
86794 00	Pathology	0.50	0.50	\$ 33.81	\$ 33.81
86800 00	Pathology	0.47	0.47	\$ 31.93	\$ 31.93
86803 00	Pathology	0.42	0.42	\$ 28.64	\$ 28.64
86804 00	Pathology	0.46	0.46	\$ 31.08	\$ 31.08
86805 00	Pathology	5.59	5.59	\$ 380.28	\$ 380.28
86806 00	Pathology	1.40	1.40	\$ 95.50	\$ 95.50
86807 00	Pathology	2.32	2.32	\$ 157.82	\$ 157.82
86808 00	Pathology	0.88	0.88	\$ 59.56	\$ 59.56
86812 00	Pathology	0.76	0.76	\$ 51.79	\$ 51.79
86813 00	Pathology	1.71	1.71	\$ 116.39	\$ 116.39
86816 00	Pathology	0.89	0.89	\$ 60.54	\$ 60.54
86817 00	Pathology	3.13	3.13	\$ 212.99	\$ 212.99
86821 00	Pathology	1.08	1.08	\$ 73.36	\$ 73.36
86825 00	Pathology	3.23	3.23	\$ 219.71	\$ 219.71
86826 00	Pathology	1.08	1.08	\$ 73.30	\$ 73.30
86828 00	Pathology	1.89	1.89	\$ 128.81	\$ 128.81
86829 00	Pathology	1.89	1.89	\$ 128.81	\$ 128.81
86830 00	Pathology	2.82	2.82	\$ 191.68	\$ 191.68
86831 00	Pathology	2.42	2.42	\$ 164.31	\$ 164.31
86832 00	Pathology	9.55	9.55	\$ 649.66	\$ 649.66
86833 00	Pathology	9.61	9.61	\$ 653.77	\$ 653.77

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
86834 00	Pathology	10.55	10.55	\$ 717.50	\$ 717.50
86835 00	Pathology	9.53	9.53	\$ 648.07	\$ 648.07
86849 00	Pathology	0.00	0.00	BR	BR
86850 00	Pathology	0.29	0.29	\$ 19.61	\$ 19.61
86860 00	Pathology	-	-	\$ 175.44	\$ 175.44
86870 00	Pathology	-	-	\$ 171.36	\$ 171.36
86880 00	Pathology	0.16	0.16	\$ 10.82	\$ 10.82
86885 00	Pathology	0.17	0.17	\$ 11.48	\$ 11.48
86886 00	Pathology	0.15	0.15	\$ 10.39	\$ 10.39
86890 00	Pathology	-	-	\$ 375.36	\$ 375.36
86891 00	Pathology	-	-	\$ 1,224.68	\$ 1,224.68
86900 00	Pathology	0.09	0.09	\$ 6.00	\$ 6.00
86901 00	Pathology	0.09	0.09	\$ 6.00	\$ 6.00
86902 00	Pathology	0.19	0.19	\$ 12.74	\$ 12.74
86904 00	Pathology	0.48	0.48	\$ 32.79	\$ 32.79
86905 00	Pathology	0.11	0.11	\$ 7.69	\$ 7.69
86906 00	Pathology	0.23	0.23	\$ 15.55	\$ 15.55
86910 00	Pathology	0.00	0.00	BR	BR
86911 00	Pathology	0.00	0.00	BR	BR
86920 00	Pathology	-	-	\$ 124.44	\$ 124.44
86921 00	Pathology	-	-	\$ 86.36	\$ 86.36
86922 00	Pathology	-	-	\$ 106.08	\$ 106.08
86923 00	Pathology	-	-	\$ 36.04	\$ 36.04
86927 00	Pathology	-	-	\$ 23.12	\$ 23.12
86930 00	Pathology	0.00	0.00	BR	BR
86931 00	Pathology	0.00	0.00	BR	BR
86932 00	Pathology	0.00	0.00	BR	BR
86940 00	Pathology	0.26	0.26	\$ 17.60	\$ 17.60
86941 00	Pathology	0.36	0.36	\$ 24.30	\$ 24.30
86945 00	Pathology	-	-	\$ 190.40	\$ 190.40
86950 00	Pathology	0.00	0.00	BR	BR
86960 00	Pathology	-	-	\$ 97.92	\$ 97.92
86965 00	Pathology	-	-	\$ 816.68	\$ 816.68
86970 00	Pathology	-	-	\$ 194.48	\$ 194.48
86971 00	Pathology	-	-	\$ 73.44	\$ 73.44
86972 00	Pathology	-	-	\$ 114.24	\$ 114.24
86975 00	Pathology	0.00	0.00	BR	BR
86976 00	Pathology	-	-	\$ 132.60	\$ 132.60
86977 00	Pathology	0.00	0.00	BR	BR
86978 00	Pathology	-	-	\$ 473.28	\$ 473.28
86985 00	Pathology	-	-	\$ 130.56	\$ 130.56
86999 00	Pathology	0.00	0.00	BR	BR
87003 00	Pathology	0.50	0.50	\$ 33.79	\$ 33.79

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
87015 00	Pathology	0.20	0.20	\$ 13.40	\$ 13.40
87040 00	Pathology	0.30	0.30	\$ 20.71	\$ 20.71
87045 00	Pathology	0.28	0.28	\$ 18.94	\$ 18.94
87046 00	Pathology	0.28	0.28	\$ 18.94	\$ 18.94
87070 00	Pathology	0.25	0.25	\$ 17.30	\$ 17.30
87071 00	Pathology	0.29	0.29	\$ 19.85	\$ 19.85
87073 00	Pathology	0.29	0.29	\$ 19.38	\$ 19.38
87075 00	Pathology	0.28	0.28	\$ 19.00	\$ 19.00
87076 00	Pathology	0.24	0.24	\$ 16.21	\$ 16.21
87077 00	Pathology	0.24	0.24	\$ 16.21	\$ 16.21
87081 00	Pathology	0.20	0.20	\$ 13.30	\$ 13.30
87084 00	Pathology	0.80	0.80	\$ 54.32	\$ 54.32
87086 00	Pathology	0.24	0.24	\$ 16.19	\$ 16.19
87088 00	Pathology	0.24	0.24	\$ 16.23	\$ 16.23
87101 00	Pathology	0.23	0.23	\$ 15.47	\$ 15.47
87102 00	Pathology	0.25	0.25	\$ 16.88	\$ 16.88
87103 00	Pathology	0.60	0.60	\$ 41.06	\$ 41.06
87106 00	Pathology	0.30	0.30	\$ 20.71	\$ 20.71
87107 00	Pathology	0.30	0.30	\$ 20.71	\$ 20.71
87109 00	Pathology	0.45	0.45	\$ 30.88	\$ 30.88
87110 00	Pathology	0.58	0.58	\$ 39.33	\$ 39.33
87116 00	Pathology	0.32	0.32	\$ 21.67	\$ 21.67
87118 00	Pathology	0.43	0.43	\$ 29.32	\$ 29.32
87140 00	Pathology	0.16	0.16	\$ 11.18	\$ 11.18
87143 00	Pathology	0.37	0.37	\$ 25.12	\$ 25.12
87147 00	Pathology	0.15	0.15	\$ 10.39	\$ 10.39
87149 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87150 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87152 00	Pathology	0.23	0.23	\$ 15.53	\$ 15.53
87153 00	Pathology	3.40	3.40	\$ 231.49	\$ 231.49
87154 00	Pathology	6.43	6.43	\$ 437.57	\$ 437.57
87158 00	Pathology	0.23	0.23	\$ 15.53	\$ 15.53
87164 00	Pathology	0.32	0.32	\$ 21.55	\$ 21.55
87164 26	Pathology	0.56	0.56	\$ 38.08	\$ 38.08
87166 00	Pathology	0.33	0.33	\$ 22.68	\$ 22.68
87168 00	Pathology	0.13	0.13	\$ 8.57	\$ 8.57
87169 00	Pathology	0.13	0.13	\$ 8.65	\$ 8.65
87172 00	Pathology	0.13	0.13	\$ 8.57	\$ 8.57
87176 00	Pathology	0.17	0.17	\$ 11.80	\$ 11.80
87177 00	Pathology	0.26	0.26	\$ 17.86	\$ 17.86
87181 00	Pathology	0.14	0.14	\$ 9.53	\$ 9.53
87184 00	Pathology	0.22	0.22	\$ 15.01	\$ 15.01
87185 00	Pathology	0.14	0.14	\$ 9.53	\$ 9.53

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
87186 00	Pathology	0.26	0.26	\$ 17.36	\$ 17.36
87187 00	Pathology	1.19	1.19	\$ 80.61	\$ 80.61
87188 00	Pathology	0.20	0.20	\$ 13.32	\$ 13.32
87190 00	Pathology	0.22	0.22	\$ 14.67	\$ 14.67
87197 00	Pathology	0.44	0.44	\$ 30.14	\$ 30.14
87205 00	Pathology	0.13	0.13	\$ 8.57	\$ 8.57
87206 00	Pathology	0.16	0.16	\$ 10.82	\$ 10.82
87207 00	Pathology	0.18	0.18	\$ 12.02	\$ 12.02
87207 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
87209 00	Pathology	0.53	0.53	\$ 36.08	\$ 36.08
87210 00	Pathology	0.17	0.17	\$ 11.68	\$ 11.68
87220 00	Pathology	0.13	0.13	\$ 8.57	\$ 8.57
87230 00	Pathology	0.58	0.58	\$ 39.61	\$ 39.61
87250 00	Pathology	0.58	0.58	\$ 39.25	\$ 39.25
87252 00	Pathology	0.77	0.77	\$ 52.31	\$ 52.31
87253 00	Pathology	0.60	0.60	\$ 40.53	\$ 40.53
87254 00	Pathology	0.58	0.58	\$ 39.25	\$ 39.25
87255 00	Pathology	1.00	1.00	\$ 67.95	\$ 67.95
87260 00	Pathology	0.43	0.43	\$ 28.96	\$ 28.96
87265 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87267 00	Pathology	0.40	0.40	\$ 26.93	\$ 26.93
87269 00	Pathology	0.40	0.40	\$ 27.31	\$ 27.31
87270 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87271 00	Pathology	0.40	0.40	\$ 26.93	\$ 26.93
87272 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87273 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87274 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87275 00	Pathology	0.36	0.36	\$ 24.58	\$ 24.58
87276 00	Pathology	0.47	0.47	\$ 32.25	\$ 32.25
87278 00	Pathology	0.46	0.46	\$ 31.30	\$ 31.30
87279 00	Pathology	0.48	0.48	\$ 32.97	\$ 32.97
87280 00	Pathology	0.40	0.40	\$ 26.93	\$ 26.93
87281 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87283 00	Pathology	1.79	1.79	\$ 122.00	\$ 122.00
87285 00	Pathology	0.36	0.36	\$ 24.44	\$ 24.44
87290 00	Pathology	0.40	0.40	\$ 26.93	\$ 26.93
87299 00	Pathology	0.48	0.48	\$ 32.31	\$ 32.31
87300 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87301 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87305 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87320 00	Pathology	0.44	0.44	\$ 30.10	\$ 30.10
87324 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87327 00	Pathology	0.40	0.40	\$ 26.93	\$ 26.93

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
87328 00	Pathology	0.41	0.41	\$ 27.73	\$ 27.73
87329 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87332 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87335 00	Pathology	0.37	0.37	\$ 25.40	\$ 25.40
87336 00	Pathology	0.47	0.47	\$ 32.11	\$ 32.11
87337 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87338 00	Pathology	0.42	0.42	\$ 28.86	\$ 28.86
87339 00	Pathology	0.47	0.47	\$ 32.11	\$ 32.11
87340 00	Pathology	0.30	0.30	\$ 20.73	\$ 20.73
87341 00	Pathology	0.30	0.30	\$ 20.73	\$ 20.73
87350 00	Pathology	0.34	0.34	\$ 23.14	\$ 23.14
87380 00	Pathology	0.54	0.54	\$ 36.84	\$ 36.84
87385 00	Pathology	0.39	0.39	\$ 26.59	\$ 26.59
87389 00	Pathology	0.71	0.71	\$ 48.32	\$ 48.32
87390 00	Pathology	0.71	0.71	\$ 48.28	\$ 48.28
87391 00	Pathology	0.65	0.65	\$ 43.95	\$ 43.95
87400 00	Pathology	0.42	0.42	\$ 28.35	\$ 28.35
87420 00	Pathology	0.41	0.41	\$ 27.91	\$ 27.91
87425 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87426 00	Pathology	1.04	1.04	\$ 70.90	\$ 70.90
87427 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87428 00	Pathology	-	-	\$ 214.20	\$ 214.20
87430 00	Pathology	0.50	0.50	\$ 33.73	\$ 33.73
87449 00	Pathology	0.35	0.35	\$ 24.04	\$ 24.04
87451 00	Pathology	0.31	0.31	\$ 21.09	\$ 21.09
87467 00	Pathology	0.44	0.44	\$ 30.20	\$ 30.20
87468 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87469 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87471 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87472 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87475 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87476 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87478 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87480 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87481 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87482 00	Pathology	1.64	1.64	\$ 111.85	\$ 111.85
87483 00	Pathology	12.30	12.30	\$ 836.33	\$ 836.33
87484 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87485 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87486 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87487 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87490 00	Pathology	0.67	0.67	\$ 45.65	\$ 45.65
87491 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
87492 00	Pathology	1.58	1.58	\$ 107.30	\$ 107.30
87493 00	Pathology	1.10	1.10	\$ 74.79	\$ 74.79
87495 00	Pathology	0.89	0.89	\$ 60.26	\$ 60.26
87496 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87497 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87498 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87500 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87501 00	Pathology	1.51	1.51	\$ 102.96	\$ 102.96
87502 00	Pathology	2.83	2.83	\$ 192.24	\$ 192.24
87503 00	Pathology	0.86	0.86	\$ 58.63	\$ 58.63
87505 00	Pathology	3.79	3.79	\$ 257.43	\$ 257.43
87506 00	Pathology	7.76	7.76	\$ 527.73	\$ 527.73
87507 00	Pathology	12.30	12.30	\$ 836.33	\$ 836.33
87510 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87511 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87512 00	Pathology	1.23	1.23	\$ 83.80	\$ 83.80
87516 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87517 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87520 00	Pathology	0.92	0.92	\$ 62.65	\$ 62.65
87521 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87522 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87525 00	Pathology	0.88	0.88	\$ 59.80	\$ 59.80
87526 00	Pathology	1.16	1.16	\$ 78.78	\$ 78.78
87527 00	Pathology	1.23	1.23	\$ 83.80	\$ 83.80
87528 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87529 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87530 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87531 00	Pathology	1.71	1.71	\$ 116.39	\$ 116.39
87532 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87533 00	Pathology	1.23	1.23	\$ 83.80	\$ 83.80
87534 00	Pathology	0.65	0.65	\$ 43.99	\$ 43.99
87535 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87536 00	Pathology	2.51	2.51	\$ 170.77	\$ 170.77
87537 00	Pathology	0.65	0.65	\$ 43.99	\$ 43.99
87538 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87539 00	Pathology	1.73	1.73	\$ 117.63	\$ 117.63
87540 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87541 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87542 00	Pathology	1.23	1.23	\$ 83.80	\$ 83.80
87550 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87551 00	Pathology	1.42	1.42	\$ 96.80	\$ 96.80
87552 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87555 00	Pathology	0.79	0.79	\$ 53.94	\$ 53.94

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
87556 00	Pathology	1.23	1.23	\$ 83.64	\$ 83.64
87557 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87560 00	Pathology	0.81	0.81	\$ 54.76	\$ 54.76
87561 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87562 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87563 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87580 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87581 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87582 00	Pathology	8.93	8.93	\$ 607.25	\$ 607.25
87590 00	Pathology	0.79	0.79	\$ 53.94	\$ 53.94
87591 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87592 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87593 00	Pathology	0.00	0.00	BR	BR
87623 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87624 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87625 00	Pathology	1.20	1.20	\$ 81.37	\$ 81.37
87631 00	Pathology	4.21	4.21	\$ 286.21	\$ 286.21
87632 00	Pathology	6.43	6.43	\$ 437.57	\$ 437.57
87633 00	Pathology	12.30	12.30	\$ 836.33	\$ 836.33
87634 00	Pathology	2.07	2.07	\$ 140.87	\$ 140.87
87635 00	Pathology	1.51	1.51	\$ 102.96	\$ 102.96
87636 00	Pathology	4.21	4.21	\$ 286.21	\$ 286.21
87637 00	Pathology	4.21	4.21	\$ 286.21	\$ 286.21
87640 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87641 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87650 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87651 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87652 00	Pathology	1.23	1.23	\$ 83.80	\$ 83.80
87653 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87660 00	Pathology	0.59	0.59	\$ 40.23	\$ 40.23
87661 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87662 00	Pathology	1.51	1.51	\$ 102.96	\$ 102.96
87797 00	Pathology	0.89	0.89	\$ 60.26	\$ 60.26
87798 00	Pathology	1.04	1.04	\$ 70.41	\$ 70.41
87799 00	Pathology	1.26	1.26	\$ 85.97	\$ 85.97
87800 00	Pathology	1.29	1.29	\$ 87.63	\$ 87.63
87801 00	Pathology	2.07	2.07	\$ 140.87	\$ 140.87
87802 00	Pathology	0.38	0.38	\$ 25.54	\$ 25.54
87803 00	Pathology	0.47	0.47	\$ 32.11	\$ 32.11
87804 00	Pathology	0.49	0.49	\$ 33.21	\$ 33.21
87806 00	Pathology	0.97	0.97	\$ 65.76	\$ 65.76
87807 00	Pathology	0.39	0.39	\$ 26.29	\$ 26.29
87808 00	Pathology	0.45	0.45	\$ 30.68	\$ 30.68

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
87809 00	Pathology	0.64	0.64	\$ 43.66	\$ 43.66
87810 00	Pathology	1.04	1.04	\$ 70.81	\$ 70.81
87811 00	Pathology	1.22	1.22	\$ 83.04	\$ 83.04
87850 00	Pathology	0.72	0.72	\$ 49.28	\$ 49.28
87880 00	Pathology	0.49	0.49	\$ 33.17	\$ 33.17
87899 00	Pathology	0.47	0.47	\$ 32.25	\$ 32.25
87900 00	Pathology	3.85	3.85	\$ 261.57	\$ 261.57
87901 00	Pathology	7.60	7.60	\$ 516.61	\$ 516.61
87902 00	Pathology	7.60	7.60	\$ 516.61	\$ 516.61
87903 00	Pathology	14.42	14.42	\$ 980.57	\$ 980.57
87904 00	Pathology	0.77	0.77	\$ 52.31	\$ 52.31
87905 00	Pathology	0.36	0.36	\$ 24.52	\$ 24.52
87906 00	Pathology	3.80	3.80	\$ 258.32	\$ 258.32
87910 00	Pathology	7.60	7.60	\$ 516.61	\$ 516.61
87912 00	Pathology	7.60	7.60	\$ 516.61	\$ 516.61
87913 00	Pathology	7.60	7.60	\$ 516.61	\$ 516.61
87999 00	Pathology	0.00	0.00	BR	BR
88000 00	Pathology	0.00	0.00	BR	BR
88005 00	Pathology	0.00	0.00	BR	BR
88007 00	Pathology	0.00	0.00	BR	BR
88012 00	Pathology	0.00	0.00	BR	BR
88014 00	Pathology	0.00	0.00	BR	BR
88016 00	Pathology	0.00	0.00	BR	BR
88020 00	Pathology	0.00	0.00	BR	BR
88025 00	Pathology	0.00	0.00	BR	BR
88027 00	Pathology	0.00	0.00	BR	BR
88028 00	Pathology	0.00	0.00	BR	BR
88029 00	Pathology	0.00	0.00	BR	BR
88036 00	Pathology	0.00	0.00	BR	BR
88037 00	Pathology	0.00	0.00	BR	BR
88040 00	Pathology	0.00	0.00	BR	BR
88045 00	Pathology	0.00	0.00	BR	BR
88099 00	Pathology	0.00	0.00	BR	BR
88104 00	Pathology	2.06	2.06	\$ 140.08	\$ 140.08
88104 26	Pathology	0.79	0.79	\$ 53.72	\$ 53.72
88104 TC	Pathology	1.27	1.27	\$ 86.36	\$ 86.36
88106 00	Pathology	2.08	2.08	\$ 141.44	\$ 141.44
88106 26	Pathology	0.56	0.56	\$ 38.08	\$ 38.08
88106 TC	Pathology	1.52	1.52	\$ 103.36	\$ 103.36
88108 00	Pathology	1.97	1.97	\$ 133.96	\$ 133.96
88108 26	Pathology	0.65	0.65	\$ 44.20	\$ 44.20
88108 TC	Pathology	1.32	1.32	\$ 89.76	\$ 89.76
88112 00	Pathology	1.99	1.99	\$ 135.32	\$ 135.32

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
88112 26	Pathology	0.80	0.80	\$ 54.40	\$ 54.40
88112 TC	Pathology	1.19	1.19	\$ 80.92	\$ 80.92
88120 00	Pathology	17.82	17.82	\$ 1,211.76	\$ 1,211.76
88120 26	Pathology	1.69	1.69	\$ 114.92	\$ 114.92
88120 TC	Pathology	16.13	16.13	\$ 1,096.84	\$ 1,096.84
88121 00	Pathology	12.52	12.52	\$ 851.36	\$ 851.36
88121 26	Pathology	1.40	1.40	\$ 95.20	\$ 95.20
88121 TC	Pathology	11.12	11.12	\$ 756.16	\$ 756.16
88125 00	Pathology	0.84	0.84	\$ 57.12	\$ 57.12
88125 26	Pathology	0.40	0.40	\$ 27.20	\$ 27.20
88125 TC	Pathology	0.44	0.44	\$ 29.92	\$ 29.92
88130 00	Pathology	0.53	0.53	\$ 36.08	\$ 36.08
88140 00	Pathology	0.24	0.24	\$ 16.03	\$ 16.03
88141 00	Pathology	0.68	0.68	\$ 46.24	\$ 46.24
88142 00	Pathology	0.60	0.60	\$ 40.65	\$ 40.65
88143 00	Pathology	0.68	0.68	\$ 46.23	\$ 46.23
88147 00	Pathology	1.49	1.49	\$ 101.46	\$ 101.46
88148 00	Pathology	0.51	0.51	\$ 34.74	\$ 34.74
88150 00	Pathology	0.51	0.51	\$ 34.74	\$ 34.74
88152 00	Pathology	0.82	0.82	\$ 55.46	\$ 55.46
88153 00	Pathology	0.71	0.71	\$ 48.22	\$ 48.22
88155 00	Pathology	0.43	0.43	\$ 29.40	\$ 29.40
88160 00	Pathology	2.24	2.24	\$ 152.32	\$ 152.32
88160 26	Pathology	0.75	0.75	\$ 51.00	\$ 51.00
88160 TC	Pathology	1.49	1.49	\$ 101.32	\$ 101.32
88161 00	Pathology	2.29	2.29	\$ 155.72	\$ 155.72
88161 26	Pathology	0.74	0.74	\$ 50.32	\$ 50.32
88161 TC	Pathology	1.55	1.55	\$ 105.40	\$ 105.40
88162 00	Pathology	3.54	3.54	\$ 240.72	\$ 240.72
88162 26	Pathology	1.14	1.14	\$ 77.52	\$ 77.52
88162 TC	Pathology	2.40	2.40	\$ 163.20	\$ 163.20
88164 00	Pathology	0.51	0.51	\$ 34.74	\$ 34.74
88165 00	Pathology	1.25	1.25	\$ 84.72	\$ 84.72
88166 00	Pathology	0.51	0.51	\$ 34.74	\$ 34.74
88167 00	Pathology	0.51	0.51	\$ 34.74	\$ 34.74
88172 00	Pathology	1.65	1.65	\$ 112.20	\$ 112.20
88172 26	Pathology	1.03	1.03	\$ 70.04	\$ 70.04
88172 TC	Pathology	0.62	0.62	\$ 42.16	\$ 42.16
88173 00	Pathology	4.81	4.81	\$ 327.08	\$ 327.08
88173 26	Pathology	2.03	2.03	\$ 138.04	\$ 138.04
88173 TC	Pathology	2.78	2.78	\$ 189.04	\$ 189.04
88174 00	Pathology	0.75	0.75	\$ 50.91	\$ 50.91
88175 00	Pathology	0.79	0.79	\$ 53.40	\$ 53.40

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
88177 00	Pathology	0.87	0.87	\$ 59.16	\$ 59.16
88177 26	Pathology	0.63	0.63	\$ 42.84	\$ 42.84
88177 TC	Pathology	0.24	0.24	\$ 16.32	\$ 16.32
88182 00	Pathology	4.78	4.78	\$ 325.04	\$ 325.04
88182 26	Pathology	1.13	1.13	\$ 76.84	\$ 76.84
88182 TC	Pathology	3.65	3.65	\$ 248.20	\$ 248.20
88184 00	Pathology	2.22	2.22	\$ 150.96	\$ 150.96
88185 00	Pathology	0.71	0.71	\$ 48.28	\$ 48.28
88187 00	Pathology	1.04	1.04	\$ 70.72	\$ 70.72
88188 00	Pathology	1.82	1.82	\$ 123.76	\$ 123.76
88189 00	Pathology	2.46	2.46	\$ 167.28	\$ 167.28
88199 00	Pathology	0.00	0.00	BR	BR
88199 26	Pathology	0.00	0.00	BR	BR
88199 TC	Pathology	0.00	0.00	BR	BR
88230 00	Pathology	3.44	3.44	\$ 233.76	\$ 233.76
88233 00	Pathology	4.15	4.15	\$ 282.40	\$ 282.40
88235 00	Pathology	4.44	4.44	\$ 301.60	\$ 301.60
88237 00	Pathology	4.24	4.24	\$ 288.46	\$ 288.46
88239 00	Pathology	4.35	4.35	\$ 296.02	\$ 296.02
88240 00	Pathology	0.39	0.39	\$ 26.23	\$ 26.23
88241 00	Pathology	0.36	0.36	\$ 24.26	\$ 24.26
88245 00	Pathology	5.11	5.11	\$ 347.49	\$ 347.49
88248 00	Pathology	5.11	5.11	\$ 347.49	\$ 347.49
88249 00	Pathology	5.11	5.11	\$ 347.49	\$ 347.49
88261 00	Pathology	7.80	7.80	\$ 530.44	\$ 530.44
88262 00	Pathology	3.70	3.70	\$ 251.82	\$ 251.82
88263 00	Pathology	4.44	4.44	\$ 301.58	\$ 301.58
88264 00	Pathology	4.27	4.27	\$ 290.18	\$ 290.18
88267 00	Pathology	5.56	5.56	\$ 378.40	\$ 378.40
88269 00	Pathology	5.12	5.12	\$ 348.48	\$ 348.48
88271 00	Pathology	0.63	0.63	\$ 42.98	\$ 42.98
88272 00	Pathology	1.20	1.20	\$ 81.67	\$ 81.67
88273 00	Pathology	1.03	1.03	\$ 69.85	\$ 69.85
88274 00	Pathology	1.25	1.25	\$ 85.04	\$ 85.04
88275 00	Pathology	1.51	1.51	\$ 102.72	\$ 102.72
88280 00	Pathology	0.99	0.99	\$ 67.16	\$ 67.16
88283 00	Pathology	2.02	2.02	\$ 137.66	\$ 137.66
88285 00	Pathology	0.79	0.79	\$ 54.00	\$ 54.00
88289 00	Pathology	1.02	1.02	\$ 69.09	\$ 69.09
88291 00	Pathology	0.96	0.96	\$ 65.28	\$ 65.28
88299 00	Pathology	0.00	0.00	BR	BR
88300 00	Pathology	0.48	0.48	\$ 32.64	\$ 32.64
88300 26	Pathology	0.13	0.13	\$ 8.84	\$ 8.84

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
88300 TC	Pathology	0.35	0.35	\$ 23.80	\$ 23.80
88302 00	Pathology	0.98	0.98	\$ 66.64	\$ 66.64
88302 26	Pathology	0.20	0.20	\$ 13.60	\$ 13.60
88302 TC	Pathology	0.78	0.78	\$ 53.04	\$ 53.04
88304 00	Pathology	1.27	1.27	\$ 86.36	\$ 86.36
88304 26	Pathology	0.33	0.33	\$ 22.44	\$ 22.44
88304 TC	Pathology	0.94	0.94	\$ 63.92	\$ 63.92
88305 00	Pathology	2.12	2.12	\$ 144.16	\$ 144.16
88305 26	Pathology	1.08	1.08	\$ 73.44	\$ 73.44
88305 TC	Pathology	1.04	1.04	\$ 70.72	\$ 70.72
88307 00	Pathology	8.64	8.64	\$ 587.52	\$ 587.52
88307 26	Pathology	2.39	2.39	\$ 162.52	\$ 162.52
88307 TC	Pathology	6.25	6.25	\$ 425.00	\$ 425.00
88309 00	Pathology	13.03	13.03	\$ 886.04	\$ 886.04
88309 26	Pathology	4.20	4.20	\$ 285.60	\$ 285.60
88309 TC	Pathology	8.83	8.83	\$ 600.44	\$ 600.44
88311 00	Pathology	0.61	0.61	\$ 41.48	\$ 41.48
88311 26	Pathology	0.36	0.36	\$ 24.48	\$ 24.48
88311 TC	Pathology	0.25	0.25	\$ 17.00	\$ 17.00
88312 00	Pathology	3.35	3.35	\$ 227.80	\$ 227.80
88312 26	Pathology	0.77	0.77	\$ 52.36	\$ 52.36
88312 TC	Pathology	2.58	2.58	\$ 175.44	\$ 175.44
88313 00	Pathology	2.44	2.44	\$ 165.92	\$ 165.92
88313 26	Pathology	0.35	0.35	\$ 23.80	\$ 23.80
88313 TC	Pathology	2.09	2.09	\$ 142.12	\$ 142.12
88314 00	Pathology	2.70	2.70	\$ 183.60	\$ 183.60
88314 26	Pathology	0.60	0.60	\$ 40.80	\$ 40.80
88314 TC	Pathology	2.10	2.10	\$ 142.80	\$ 142.80
88319 00	Pathology	4.04	4.04	\$ 274.72	\$ 274.72
88319 26	Pathology	0.78	0.78	\$ 53.04	\$ 53.04
88319 TC	Pathology	3.26	3.26	\$ 221.68	\$ 221.68
88321 00	Pathology	2.87	2.45	\$ 195.16	\$ 166.60
88323 00	Pathology	3.38	3.38	\$ 229.84	\$ 229.84
88323 26	Pathology	2.54	2.54	\$ 172.72	\$ 172.72
88323 TC	Pathology	0.84	0.84	\$ 57.12	\$ 57.12
88325 00	Pathology	4.61	3.92	\$ 313.48	\$ 266.56
88329 00	Pathology	1.67	1.04	\$ 113.56	\$ 70.72
88331 00	Pathology	3.03	3.03	\$ 206.04	\$ 206.04
88331 26	Pathology	1.80	1.80	\$ 122.40	\$ 122.40
88331 TC	Pathology	1.23	1.23	\$ 83.64	\$ 83.64
88332 00	Pathology	1.63	1.63	\$ 110.84	\$ 110.84
88332 26	Pathology	0.89	0.89	\$ 60.52	\$ 60.52
88332 TC	Pathology	0.74	0.74	\$ 50.32	\$ 50.32

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
88333 00	Pathology	2.76	2.76	\$ 187.68	\$ 187.68
88333 26	Pathology	1.80	1.80	\$ 122.40	\$ 122.40
88333 TC	Pathology	0.96	0.96	\$ 65.28	\$ 65.28
88334 00	Pathology	1.67	1.67	\$ 113.56	\$ 113.56
88334 26	Pathology	1.09	1.09	\$ 74.12	\$ 74.12
88334 TC	Pathology	0.58	0.58	\$ 39.44	\$ 39.44
88341 00	Pathology	2.57	2.57	\$ 174.76	\$ 174.76
88341 26	Pathology	0.82	0.82	\$ 55.76	\$ 55.76
88341 TC	Pathology	1.75	1.75	\$ 119.00	\$ 119.00
88342 00	Pathology	2.98	2.98	\$ 202.64	\$ 202.64
88342 26	Pathology	1.01	1.01	\$ 68.68	\$ 68.68
88342 TC	Pathology	1.97	1.97	\$ 133.96	\$ 133.96
88344 00	Pathology	5.01	5.01	\$ 340.68	\$ 340.68
88344 26	Pathology	1.11	1.11	\$ 75.48	\$ 75.48
88344 TC	Pathology	3.90	3.90	\$ 265.20	\$ 265.20
88346 00	Pathology	4.53	4.53	\$ 308.04	\$ 308.04
88346 26	Pathology	1.04	1.04	\$ 70.72	\$ 70.72
88346 TC	Pathology	3.49	3.49	\$ 237.32	\$ 237.32
88348 00	Pathology	14.10	14.10	\$ 958.80	\$ 958.80
88348 26	Pathology	2.24	2.24	\$ 152.32	\$ 152.32
88348 TC	Pathology	11.86	11.86	\$ 806.48	\$ 806.48
88350 00	Pathology	3.47	3.47	\$ 235.96	\$ 235.96
88350 26	Pathology	0.84	0.84	\$ 57.12	\$ 57.12
88350 TC	Pathology	2.63	2.63	\$ 178.84	\$ 178.84
88355 00	Pathology	4.19	4.19	\$ 284.92	\$ 284.92
88355 26	Pathology	2.38	2.38	\$ 161.84	\$ 161.84
88355 TC	Pathology	1.81	1.81	\$ 123.08	\$ 123.08
88356 00	Pathology	6.94	6.94	\$ 471.92	\$ 471.92
88356 26	Pathology	3.59	3.59	\$ 244.12	\$ 244.12
88356 TC	Pathology	3.35	3.35	\$ 227.80	\$ 227.80
88358 00	Pathology	4.15	4.15	\$ 282.20	\$ 282.20
88358 26	Pathology	1.44	1.44	\$ 97.92	\$ 97.92
88358 TC	Pathology	2.71	2.71	\$ 184.28	\$ 184.28
88360 00	Pathology	3.52	3.52	\$ 239.36	\$ 239.36
88360 26	Pathology	1.21	1.21	\$ 82.28	\$ 82.28
88360 TC	Pathology	2.31	2.31	\$ 157.08	\$ 157.08
88361 00	Pathology	3.52	3.52	\$ 239.36	\$ 239.36
88361 26	Pathology	1.27	1.27	\$ 86.36	\$ 86.36
88361 TC	Pathology	2.25	2.25	\$ 153.00	\$ 153.00
88362 00	Pathology	6.80	6.80	\$ 462.40	\$ 462.40
88362 26	Pathology	3.21	3.21	\$ 218.28	\$ 218.28
88362 TC	Pathology	3.59	3.59	\$ 244.12	\$ 244.12
88363 00	Pathology	0.68	0.57	\$ 46.24	\$ 38.76

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
88364 00	Pathology	4.07	4.07	\$ 276.76	\$ 276.76
88364 26	Pathology	0.99	0.99	\$ 67.32	\$ 67.32
88364 TC	Pathology	3.08	3.08	\$ 209.44	\$ 209.44
88365 00	Pathology	5.38	5.38	\$ 365.84	\$ 365.84
88365 26	Pathology	1.25	1.25	\$ 85.00	\$ 85.00
88365 TC	Pathology	4.13	4.13	\$ 280.84	\$ 280.84
88366 00	Pathology	8.31	8.31	\$ 565.08	\$ 565.08
88366 26	Pathology	1.80	1.80	\$ 122.40	\$ 122.40
88366 TC	Pathology	6.51	6.51	\$ 442.68	\$ 442.68
88367 00	Pathology	3.39	3.39	\$ 230.52	\$ 230.52
88367 26	Pathology	0.97	0.97	\$ 65.96	\$ 65.96
88367 TC	Pathology	2.42	2.42	\$ 164.56	\$ 164.56
88368 00	Pathology	4.24	4.24	\$ 288.32	\$ 288.32
88368 26	Pathology	1.21	1.21	\$ 82.28	\$ 82.28
88368 TC	Pathology	3.03	3.03	\$ 206.04	\$ 206.04
88369 00	Pathology	3.64	3.64	\$ 247.52	\$ 247.52
88369 26	Pathology	0.96	0.96	\$ 65.28	\$ 65.28
88369 TC	Pathology	2.68	2.68	\$ 182.24	\$ 182.24
88371 00	Pathology	0.66	0.66	\$ 44.61	\$ 44.61
88371 26	Pathology	0.56	0.56	\$ 38.08	\$ 38.08
88372 00	Pathology	0.77	0.77	\$ 52.61	\$ 52.61
88372 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
88373 00	Pathology	2.04	2.04	\$ 138.72	\$ 138.72
88373 26	Pathology	0.73	0.73	\$ 49.64	\$ 49.64
88373 TC	Pathology	1.31	1.31	\$ 89.08	\$ 89.08
88374 00	Pathology	9.04	9.04	\$ 614.72	\$ 614.72
88374 26	Pathology	1.24	1.24	\$ 84.32	\$ 84.32
88374 TC	Pathology	7.80	7.80	\$ 530.40	\$ 530.40
88375 00	Pathology	1.40	1.40	\$ 95.20	\$ 95.20
88377 00	Pathology	11.81	11.81	\$ 803.08	\$ 803.08
88377 26	Pathology	1.85	1.85	\$ 125.80	\$ 125.80
88377 TC	Pathology	9.96	9.96	\$ 677.28	\$ 677.28
88380 00	Pathology	3.66	3.66	\$ 248.88	\$ 248.88
88380 26	Pathology	1.54	1.54	\$ 104.72	\$ 104.72
88380 TC	Pathology	2.12	2.12	\$ 144.16	\$ 144.16
88381 00	Pathology	6.02	6.02	\$ 409.36	\$ 409.36
88381 26	Pathology	0.69	0.69	\$ 46.92	\$ 46.92
88381 TC	Pathology	5.33	5.33	\$ 362.44	\$ 362.44
88387 00	Pathology	1.01	1.01	\$ 68.68	\$ 68.68
88387 26	Pathology	0.78	0.78	\$ 53.04	\$ 53.04
88387 TC	Pathology	0.23	0.23	\$ 15.64	\$ 15.64
88388 00	Pathology	1.09	1.09	\$ 74.12	\$ 74.12
88388 26	Pathology	0.68	0.68	\$ 46.24	\$ 46.24

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
88388 TC	Pathology	0.41	0.41	\$ 27.88	\$ 27.88
88399 00	Pathology	0.00	0.00	BR	BR
88399 26	Pathology	0.00	0.00	BR	BR
88399 TC	Pathology	0.00	0.00	BR	BR
88720 00	Pathology	0.15	0.15	\$ 10.07	\$ 10.07
88738 00	Pathology	0.15	0.15	\$ 10.07	\$ 10.07
88740 00	Pathology	0.28	0.28	\$ 18.80	\$ 18.80
88741 00	Pathology	0.28	0.28	\$ 18.80	\$ 18.80
88749 00	Pathology	0.00	0.00	BR	BR
89049 00	Pathology	8.35	1.83	\$ 567.80	\$ 124.44
89050 00	Pathology	0.14	0.14	\$ 9.47	\$ 9.47
89051 00	Pathology	0.17	0.17	\$ 11.24	\$ 11.24
89055 00	Pathology	0.13	0.13	\$ 8.57	\$ 8.57
89060 00	Pathology	0.22	0.22	\$ 14.71	\$ 14.71
89060 26	Pathology	0.52	0.52	\$ 35.36	\$ 35.36
89125 00	Pathology	0.17	0.17	\$ 11.80	\$ 11.80
89160 00	Pathology	0.14	0.14	\$ 9.73	\$ 9.73
89190 00	Pathology	0.17	0.17	\$ 11.62	\$ 11.62
89220 00	Pathology	0.54	0.54	\$ 36.72	\$ 36.72
89230 00	Pathology	0.08	0.08	\$ 5.44	\$ 5.44
89240 00	Pathology	0.00	0.00	BR	BR
89250 00	Pathology	-	-	\$ 3,266.04	\$ 3,266.04
89251 00	Pathology	-	-	\$ 3,519.00	\$ 3,519.00
89253 00	Pathology	-	-	\$ 1,508.92	\$ 1,508.92
89254 00	Pathology	-	-	\$ 1,306.28	\$ 1,306.28
89255 00	Pathology	-	-	\$ 857.48	\$ 857.48
89257 00	Pathology	-	-	\$ 898.28	\$ 898.28
89258 00	Pathology	-	-	\$ 1,959.76	\$ 1,959.76
89259 00	Pathology	-	-	\$ 489.60	\$ 489.60
89260 00	Pathology	-	-	\$ 383.52	\$ 383.52
89261 00	Pathology	-	-	\$ 448.80	\$ 448.80
89264 00	Pathology	-	-	\$ 898.28	\$ 898.28
89268 00	Pathology	-	-	\$ 1,567.40	\$ 1,567.40
89272 00	Pathology	-	-	\$ 2,449.36	\$ 2,449.36
89280 00	Pathology	-	-	\$ 3,429.24	\$ 3,429.24
89281 00	Pathology	-	-	\$ 3,266.04	\$ 3,266.04
89290 00	Pathology	-	-	\$ 3,266.04	\$ 3,266.04
89291 00	Pathology	-	-	\$ 4,082.72	\$ 4,082.72
89300 00	Pathology	0.29	0.29	\$ 19.75	\$ 19.75
89310 00	Pathology	0.25	0.25	\$ 17.28	\$ 17.28
89320 00	Pathology	0.36	0.36	\$ 24.70	\$ 24.70
89321 00	Pathology	0.36	0.36	\$ 24.18	\$ 24.18
89322 00	Pathology	0.46	0.46	\$ 31.10	\$ 31.10

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
89325 00	Pathology	0.31	0.31	\$ 21.41	\$ 21.41
89329 00	Pathology	0.58	0.58	\$ 39.31	\$ 39.31
89330 00	Pathology	0.31	0.31	\$ 20.83	\$ 20.83
89331 00	Pathology	0.58	0.58	\$ 39.31	\$ 39.31
89335 00	Pathology	-	-	\$ 653.48	\$ 653.48
89337 00	Pathology	-	-	\$ 7,259.68	\$ 7,259.68
89342 00	Pathology	-	-	\$ 1,224.68	\$ 1,224.68
89343 00	Pathology	-	-	\$ 963.56	\$ 963.56
89344 00	Pathology	-	-	\$ 735.08	\$ 735.08
89346 00	Pathology	-	-	\$ 1,143.08	\$ 1,143.08
89352 00	Pathology	-	-	\$ 1,028.84	\$ 1,028.84
89353 00	Pathology	-	-	\$ 326.40	\$ 326.40
89354 00	Pathology	-	-	\$ 448.80	\$ 448.80
89356 00	Pathology	-	-	\$ 903.04	\$ 903.04
89398 00	Pathology	0.00	0.00	BR	BR
G0480 00	Pathology	3.38	3.38	\$ 229.62	\$ 229.62
G0481 00	Pathology	4.62	4.62	\$ 314.22	\$ 314.22
G0482 00	Pathology	5.86	5.86	\$ 398.80	\$ 398.80
G0483 00	Pathology	7.29	7.29	\$ 495.48	\$ 495.48
G0659 00	Pathology	1.83	1.83	\$ 124.69	\$ 124.69

**Historical Note**

New Appendix A, Pathology and Laboratory Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Pathology and Laboratory Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Pathology and Laboratory Codes 2019-2020 repealed; new Appendix A, Pathology and Laboratory Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Pathology Codes 2020-2021 repealed; new Appendix A, Pathology Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Pathology Codes 2021-2022 repealed; new Appendix A, Pathology Codes 2022- 2023 made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Pathology Codes 2022-2023 repealed; new Appendix A, Pathology Codes 2023- 2024 made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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## MEDICINE GUIDELINES

Information regarding publications incorporated by reference is found in the Introduction Section of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to unit values for these services. To the extent that a conflict may exist between an incorporated portion of the CPT® publication or HCPCS codes and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

- A. **MATERIALS SUPPLIED BY A HEALTHCARE PROVIDER:** A healthcare provider may charge for materials and supplies as described in the HCPCS Section of the Physician's Fee Schedule.
- B. **COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT:** Code 99199 can be used to bill for the services of an interpreter when they are used to comply with the provisions of "The Americans With Disabilities Act", *i.e.*, interpreters for the hearing impaired.
- C. **ADD-ON CODES:** Some of the listed procedures are commonly carried out in addition to the primary procedure performed. All add-on codes found in the CPT® codebook are exempt from the multiple procedure concept. They are exempt from the use of modifier 51.
- D. **SEPARATE PROCEDURES:** Some of the procedures or services listed in the CPT® codebook that are commonly carried out as an integral component of a total service or procedure have been identified by the inclusion of the term "separate procedure". The codes designated as a "separate procedure" should not be reported in addition to the code for the total procedure or service of which it is considered an integral component.

When a procedure or service is carried out independently or considered to be unrelated or distinct from other procedures/services provided at that time, it may be reported by itself, or in addition to other procedures/services by appending modifier 59 to the specific "separate procedure" code to indicate that the procedure is not considered to be a component of another procedure, but is a distinct, independent procedure.

- E. **BUNDLED CODES:** Indicates that the service is always bundled in a payment for another service. If these services are covered, payment for them is subsumed by the payment for the services to which they are incident (*e.g.*, a telephone call from a hospital nurse regarding the care of a patient).
- F. **MODERATE SEDATION:** Codes specific to the provider performing the services (*e.g.*, CPT® 99151, 99152 and 99153) are used when the physician performing the procedure provides the sedation whereas CPT® 99155, 99156 and 99157 are used when sedation is provided by a healthcare professional other than the physician performing the procedure.

**Historical Note**

New Appendix A, Medicine Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Medicine Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Medicine Guidelines repealed; new Appendix A, Medicine Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Medicine Guidelines repealed; new Appendix A, Medicine Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Medicine Guidelines repealed; new Appendix A, Medicine Guidelines made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Medicine Guidelines repealed; new Appendix A, Medicine Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).



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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

ARIZONA PHYSICIANS' FEE SCHEDULE					
Medicine Codes 2023					
Medicine Conversion Factor \$68.00					
Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
90281 00	Medicine	-	-	\$ 102.00	\$ 102.00
90283 00	Medicine	-	-	\$ 34.00	\$ 34.00
90284 00	Medicine	0.00	0.00	BR	BR
90287 00	Medicine	0.00	0.00	BR	BR
90288 00	Medicine	0.00	0.00	BR	BR
90291 00	Medicine	-	-	\$ 102.00	\$ 102.00
90296 00	Medicine	0.00	0.00	BR	BR
90371 00	Medicine	-	-	\$ 257.04	\$ 257.04
90375 00	Medicine	-	-	\$ 558.28	\$ 558.28
90376 00	Medicine	-	-	\$ 643.96	\$ 643.96
90377 00	Medicine	-	-	\$ 496.40	\$ 496.40
90378 00	Medicine	-	-	\$ 1,891.08	\$ 1,891.08
90384 00	Medicine	-	-	\$ 131.92	\$ 131.92
90385 00	Medicine	-	-	\$ 72.08	\$ 72.08
90386 00	Medicine	-	-	\$ 135.32	\$ 135.32
90389 00	Medicine	-	-	\$ 110.16	\$ 110.16
90393 00	Medicine	-	-	\$ 34.00	\$ 34.00
90396 00	Medicine	-	-	\$ 149.60	\$ 149.60
90399 00	Medicine	0.00	0.00	BR	BR
90460 00	Medicine	0.67	0.67	\$ 45.56	\$ 45.56
90461 00	Medicine	0.30	0.30	\$ 20.40	\$ 20.40
90471 00	Medicine	0.60	0.60	\$ 40.80	\$ 40.80
90472 00	Medicine	0.43	0.43	\$ 29.24	\$ 29.24
90473 00	Medicine	0.49	0.49	\$ 33.32	\$ 33.32
90474 00	Medicine	0.35	0.35	\$ 23.80	\$ 23.80
90476 00	Medicine	-	-	\$ 66.64	\$ 66.64
90477 00	Medicine	-	-	\$ 37.40	\$ 37.40
90581 00	Medicine	0.00	0.00	BR	BR
90584 00	Medicine	0.00	0.00	BR	BR
90585 00	Medicine	-	-	\$ 17.68	\$ 17.68
90586 00	Medicine	-	-	\$ 287.64	\$ 287.64
90587 00	Medicine	0.00	0.00	BR	BR
90611 00	Medicine	0.00	0.00	BR	BR
90619 00	Medicine	-	-	\$ 145.52	\$ 145.52
90620 00	Medicine	-	-	\$ 187.00	\$ 187.00
90621 00	Medicine	-	-	\$ 159.12	\$ 159.12
90622 00	Medicine	0.00	0.00	BR	BR
90625 00	Medicine	0.00	0.00	BR	BR

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
90626 00	Medicine	0.00	0.00	BR	BR
90627 00	Medicine	0.00	0.00	BR	BR
90630 00	Medicine	-	-	\$ 27.88	\$ 27.88
90632 00	Medicine	-	-	\$ 140.76	\$ 140.76
90633 00	Medicine	-	-	\$ 48.28	\$ 48.28
90634 00	Medicine	-	-	\$ 60.52	\$ 60.52
90636 00	Medicine	-	-	\$ 117.64	\$ 117.64
90644 00	Medicine	-	-	\$ 68.00	\$ 68.00
90647 00	Medicine	-	-	\$ 41.48	\$ 41.48
90648 00	Medicine	-	-	\$ 36.72	\$ 36.72
90649 00	Medicine	-	-	\$ 169.32	\$ 169.32
90650 00	Medicine	-	-	\$ 169.32	\$ 169.32
90651 00	Medicine	-	-	\$ 227.12	\$ 227.12
90653 00	Medicine	-	-	\$ 54.40	\$ 54.40
90654 00	Medicine	-	-	\$ 24.48	\$ 24.48
90655 00	Medicine	-	-	\$ 22.44	\$ 22.44
90656 00	Medicine	-	-	\$ 27.20	\$ 27.20
90657 00	Medicine	-	-	\$ 23.80	\$ 23.80
90658 00	Medicine	-	-	\$ 23.12	\$ 23.12
90660 00	Medicine	-	-	\$ 27.20	\$ 27.20
90661 00	Medicine	-	-	\$ 27.20	\$ 27.20
90662 00	Medicine	-	-	\$ 140.08	\$ 140.08
90664 00	Medicine	0.00	0.00	BR	BR
90666 00	Medicine	-	-	\$ 24.48	\$ 24.48
90667 00	Medicine	-	-	\$ 10.20	\$ 10.20
90668 00	Medicine	-	-	\$ 23.80	\$ 23.80
90670 00	Medicine	-	-	\$ 517.48	\$ 517.48
90671 00	Medicine	-	-	\$ 494.36	\$ 494.36
90672 00	Medicine	-	-	\$ 53.72	\$ 53.72
90673 00	Medicine	-	-	\$ 34.00	\$ 34.00
90674 00	Medicine	-	-	\$ 64.60	\$ 64.60
90675 00	Medicine	-	-	\$ 712.64	\$ 712.64
90676 00	Medicine	-	-	\$ 182.92	\$ 182.92
90677 00	Medicine	-	-	\$ 569.16	\$ 569.16
90678 00	Medicine	0.00	0.00	BR	BR
90680 00	Medicine	-	-	\$ 100.64	\$ 100.64
90681 00	Medicine	-	-	\$ 132.60	\$ 132.60
90682 00	Medicine	-	-	\$ 140.08	\$ 140.08
90685 00	Medicine	-	-	\$ 31.28	\$ 31.28
90686 00	Medicine	-	-	\$ 43.52	\$ 43.52
90687 00	Medicine	-	-	\$ 20.40	\$ 20.40
90688 00	Medicine	-	-	\$ 40.80	\$ 40.80
90689 00	Medicine	-	-	\$ 34.00	\$ 34.00

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
90690 00	Medicine	-	-	\$ 100.64	\$ 100.64
90691 00	Medicine	-	-	\$ 102.00	\$ 102.00
90694 00	Medicine	-	-	\$ 144.16	\$ 144.16
90696 00	Medicine	-	-	\$ 77.52	\$ 77.52
90697 00	Medicine	-	-	\$ 135.32	\$ 135.32
90698 00	Medicine	-	-	\$ 108.12	\$ 108.12
90700 00	Medicine	-	-	\$ 40.80	\$ 40.80
90702 00	Medicine	-	-	\$ 41.48	\$ 41.48
90707 00	Medicine	-	-	\$ 82.28	\$ 82.28
90710 00	Medicine	-	-	\$ 218.28	\$ 218.28
90713 00	Medicine	-	-	\$ 42.84	\$ 42.84
90714 00	Medicine	-	-	\$ 55.76	\$ 55.76
90715 00	Medicine	-	-	\$ 75.48	\$ 75.48
90716 00	Medicine	-	-	\$ 135.32	\$ 135.32
90717 00	Medicine	-	-	\$ 169.32	\$ 169.32
90723 00	Medicine	-	-	\$ 102.00	\$ 102.00
90732 00	Medicine	-	-	\$ 267.92	\$ 267.92
90733 00	Medicine	-	-	\$ 128.52	\$ 128.52
90734 00	Medicine	-	-	\$ 135.32	\$ 135.32
90736 00	Medicine	-	-	\$ 203.32	\$ 203.32
90738 00	Medicine	-	-	\$ 262.48	\$ 262.48
90739 00	Medicine	-	-	\$ 305.32	\$ 305.32
90740 00	Medicine	-	-	\$ 293.76	\$ 293.76
90743 00	Medicine	-	-	\$ 148.24	\$ 148.24
90744 00	Medicine	-	-	\$ 59.84	\$ 59.84
90746 00	Medicine	-	-	\$ 141.44	\$ 141.44
90747 00	Medicine	-	-	\$ 282.20	\$ 282.20
90748 00	Medicine	-	-	\$ 54.40	\$ 54.40
90749 00	Medicine	0.00	0.00	BR	BR
90750 00	Medicine	-	-	\$ 169.32	\$ 169.32
90756 00	Medicine	-	-	\$ 61.20	\$ 61.20
90758 00	Medicine	0.00	0.00	BR	BR
90759 00	Medicine	-	-	\$ 148.24	\$ 148.24
90785 00	Medicine	0.44	0.39	\$ 29.92	\$ 26.52
90791 00	Medicine	5.16	4.45	\$ 350.88	\$ 302.60
90792 00	Medicine	5.80	5.08	\$ 394.40	\$ 345.44
90832 00	Medicine	2.23	1.96	\$ 151.64	\$ 133.28
90833 00	Medicine	2.05	1.83	\$ 139.40	\$ 124.44
90834 00	Medicine	2.95	2.60	\$ 200.60	\$ 176.80
90836 00	Medicine	2.60	2.32	\$ 176.80	\$ 157.76
90837 00	Medicine	4.34	3.82	\$ 295.12	\$ 259.76
90838 00	Medicine	3.44	3.08	\$ 233.92	\$ 209.44
90839 00	Medicine	4.17	3.69	\$ 283.56	\$ 250.92

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
90840 00	Medicine	2.07	1.85	\$ 140.76	\$ 125.80
90845 00	Medicine	2.79	2.47	\$ 189.72	\$ 167.96
90846 00	Medicine	2.82	2.81	\$ 191.76	\$ 191.08
90847 00	Medicine	2.94	2.93	\$ 199.92	\$ 199.24
90849 00	Medicine	1.10	0.85	\$ 74.80	\$ 57.80
90853 00	Medicine	0.79	0.69	\$ 53.72	\$ 46.92
90863 00	Medicine	0.75	0.71	\$ 51.00	\$ 48.28
90865 00	Medicine	4.83	3.63	\$ 328.44	\$ 246.84
90867 00	Medicine	-	-	\$ 525.64	\$ 462.40
90868 00	Medicine	-	-	\$ 406.64	\$ 357.68
90869 00	Medicine	-	-	\$ 667.08	\$ 586.84
90870 00	Medicine	5.11	3.11	\$ 347.48	\$ 211.48
90875 00	Medicine	1.75	1.73	\$ 119.00	\$ 117.64
90876 00	Medicine	3.05	2.75	\$ 207.40	\$ 187.00
90880 00	Medicine	3.08	2.58	\$ 209.44	\$ 175.44
90882 00	Medicine	-	-	\$ 37.40	\$ 32.64
90885 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
90887 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
90889 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
90899 00	Medicine	0.00	0.00	BR	BR
90901 00	Medicine	1.22	0.56	\$ 82.96	\$ 38.08
90912 00	Medicine	2.40	1.26	\$ 163.20	\$ 85.68
90913 00	Medicine	0.96	0.72	\$ 65.28	\$ 48.96
90935 00	Medicine	2.11	2.11	\$ 143.48	\$ 143.48
90937 00	Medicine	3.00	3.00	\$ 204.00	\$ 204.00
90940 00	Medicine	-	-	\$ 40.80	\$ 40.80
90945 00	Medicine	2.52	2.52	\$ 171.36	\$ 171.36
90947 00	Medicine	3.61	3.61	\$ 245.48	\$ 245.48
90951 00	Medicine	34.62	34.62	\$ 2,354.16	\$ 2,354.16
90952 00	Medicine	0.00	0.00	BR	BR
90953 00	Medicine	-	-	\$ 733.04	\$ 733.04
90954 00	Medicine	29.69	29.69	\$ 2,018.92	\$ 2,018.92
90955 00	Medicine	15.34	15.34	\$ 1,043.12	\$ 1,043.12
90956 00	Medicine	10.23	10.23	\$ 695.64	\$ 695.64
90957 00	Medicine	22.69	22.69	\$ 1,542.92	\$ 1,542.92
90958 00	Medicine	14.75	14.75	\$ 1,003.00	\$ 1,003.00
90959 00	Medicine	9.58	9.58	\$ 651.44	\$ 651.44
90960 00	Medicine	10.41	10.41	\$ 707.88	\$ 707.88
90961 00	Medicine	8.66	8.66	\$ 588.88	\$ 588.88
90962 00	Medicine	5.96	5.96	\$ 405.28	\$ 405.28
90963 00	Medicine	17.90	17.90	\$ 1,217.20	\$ 1,217.20
90964 00	Medicine	15.36	15.36	\$ 1,044.48	\$ 1,044.48
90965 00	Medicine	14.71	14.71	\$ 1,000.28	\$ 1,000.28

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
90966 00	Medicine	8.65	8.65	\$ 588.20	\$ 588.20
90967 00	Medicine	0.52	0.52	\$ 35.36	\$ 35.36
90968 00	Medicine	0.51	0.51	\$ 34.68	\$ 34.68
90969 00	Medicine	0.50	0.50	\$ 34.00	\$ 34.00
90970 00	Medicine	0.28	0.28	\$ 19.04	\$ 19.04
90989 00	Medicine	-	-	\$ 609.96	\$ 609.96
90993 00	Medicine	-	-	\$ 85.00	\$ 85.00
90997 00	Medicine	2.59	2.59	\$ 176.12	\$ 176.12
90999 00	Medicine	0.00	0.00	BR	BR
91010 00	Medicine	6.63	6.63	\$ 450.84	\$ 450.84
91010 26	Medicine	1.89	1.89	\$ 128.52	\$ 128.52
91010 TC	Medicine	4.74	4.74	\$ 322.32	\$ 322.32
91013 00	Medicine	0.77	0.77	\$ 52.36	\$ 52.36
91013 26	Medicine	0.27	0.27	\$ 18.36	\$ 18.36
91013 TC	Medicine	0.50	0.50	\$ 34.00	\$ 34.00
91020 00	Medicine	8.23	8.23	\$ 559.64	\$ 559.64
91020 26	Medicine	2.12	2.12	\$ 144.16	\$ 144.16
91020 TC	Medicine	6.11	6.11	\$ 415.48	\$ 415.48
91022 00	Medicine	5.13	5.13	\$ 348.84	\$ 348.84
91022 26	Medicine	2.12	2.12	\$ 144.16	\$ 144.16
91022 TC	Medicine	3.01	3.01	\$ 204.68	\$ 204.68
91030 00	Medicine	4.32	4.32	\$ 293.76	\$ 293.76
91030 26	Medicine	1.35	1.35	\$ 91.80	\$ 91.80
91030 TC	Medicine	2.97	2.97	\$ 201.96	\$ 201.96
91034 00	Medicine	5.77	5.77	\$ 392.36	\$ 392.36
91034 26	Medicine	1.46	1.46	\$ 99.28	\$ 99.28
91034 TC	Medicine	4.31	4.31	\$ 293.08	\$ 293.08
91035 00	Medicine	13.86	13.86	\$ 942.48	\$ 942.48
91035 26	Medicine	2.39	2.39	\$ 162.52	\$ 162.52
91035 TC	Medicine	11.47	11.47	\$ 779.96	\$ 779.96
91037 00	Medicine	5.05	5.05	\$ 343.40	\$ 343.40
91037 26	Medicine	1.43	1.43	\$ 97.24	\$ 97.24
91037 TC	Medicine	3.62	3.62	\$ 246.16	\$ 246.16
91038 00	Medicine	12.26	12.26	\$ 833.68	\$ 833.68
91038 26	Medicine	1.62	1.62	\$ 110.16	\$ 110.16
91038 TC	Medicine	10.64	10.64	\$ 723.52	\$ 723.52
91040 00	Medicine	15.80	15.80	\$ 1,074.40	\$ 1,074.40
91040 26	Medicine	1.45	1.45	\$ 98.60	\$ 98.60
91040 TC	Medicine	14.35	14.35	\$ 975.80	\$ 975.80
91065 00	Medicine	2.52	2.52	\$ 171.36	\$ 171.36
91065 26	Medicine	0.29	0.29	\$ 19.72	\$ 19.72
91065 TC	Medicine	2.23	2.23	\$ 151.64	\$ 151.64
91110 00	Medicine	22.33	22.33	\$ 1,518.44	\$ 1,518.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
91110 26	Medicine	3.29	3.29	\$ 223.72	\$ 223.72
91110 TC	Medicine	19.04	19.04	\$ 1,294.72	\$ 1,294.72
91111 00	Medicine	26.79	26.79	\$ 1,821.72	\$ 1,821.72
91111 26	Medicine	1.33	1.33	\$ 90.44	\$ 90.44
91111 TC	Medicine	25.46	25.46	\$ 1,731.28	\$ 1,731.28
91112 00	Medicine	49.43	49.43	\$ 3,361.24	\$ 3,361.24
91112 26	Medicine	3.10	3.10	\$ 210.80	\$ 210.80
91112 TC	Medicine	46.33	46.33	\$ 3,150.44	\$ 3,150.44
91113 00	Medicine	27.36	27.36	\$ 1,860.48	\$ 1,860.48
91113 26	Medicine	3.55	3.55	\$ 241.40	\$ 241.40
91113 TC	Medicine	23.81	23.81	\$ 1,619.08	\$ 1,619.08
91117 00	Medicine	4.00	4.00	\$ 272.00	\$ 272.00
91120 00	Medicine	15.32	15.32	\$ 1,041.76	\$ 1,041.76
91120 26	Medicine	1.41	1.41	\$ 95.88	\$ 95.88
91120 TC	Medicine	13.91	13.91	\$ 945.88	\$ 945.88
91122 00	Medicine	8.22	8.22	\$ 558.96	\$ 558.96
91122 26	Medicine	2.58	2.58	\$ 175.44	\$ 175.44
91122 TC	Medicine	5.64	5.64	\$ 383.52	\$ 383.52
91132 00	Medicine	13.36	13.36	\$ 908.48	\$ 908.48
91132 26	Medicine	0.77	0.77	\$ 52.36	\$ 52.36
91132 TC	Medicine	12.59	12.59	\$ 856.12	\$ 856.12
91133 00	Medicine	14.06	14.06	\$ 956.08	\$ 956.08
91133 26	Medicine	0.97	0.97	\$ 65.96	\$ 65.96
91133 TC	Medicine	13.09	13.09	\$ 890.12	\$ 890.12
91200 00	Medicine	0.91	0.91	\$ 61.88	\$ 61.88
91200 26	Medicine	0.31	0.31	\$ 21.08	\$ 21.08
91200 TC	Medicine	0.60	0.60	\$ 40.80	\$ 40.80
91299 00	Medicine	0.00	0.00	BR	BR
91299 26	Medicine	0.00	0.00	BR	BR
91299 TC	Medicine	0.00	0.00	BR	BR
91300 00	Medicine	-	-	\$ 81.60	\$ 81.60
91301 00	Medicine	-	-	\$ 81.60	\$ 81.60
91303 00	Medicine	0.00	0.00	BR	BR
91304 00	Medicine	0.00	0.00	BR	BR
91305 00	Medicine	0.00	0.00	BR	BR
91306 00	Medicine	0.00	0.00	BR	BR
91307 00	Medicine	0.00	0.00	BR	BR
91308 00	Medicine	0.00	0.00	BR	BR
91309 00	Medicine	0.00	0.00	BR	BR
91311 00	Medicine	0.00	0.00	BR	BR
91312 00	Medicine	0.00	0.00	BR	BR
91313 00	Medicine	0.00	0.00	BR	BR
91314 00	Medicine	0.00	0.00	BR	BR

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
91315 00	Medicine	0.00	0.00	BR	BR
92002 00	Medicine	2.54	1.35	\$ 172.72	\$ 91.80
92004 00	Medicine	4.44	2.77	\$ 301.92	\$ 188.36
92012 00	Medicine	2.67	1.49	\$ 181.56	\$ 101.32
92014 00	Medicine	3.75	2.24	\$ 255.00	\$ 152.32
92015 00	Medicine	0.57	0.55	\$ 38.76	\$ 37.40
92018 00	Medicine	4.08	4.08	\$ 277.44	\$ 277.44
92019 00	Medicine	2.11	2.11	\$ 143.48	\$ 143.48
92020 00	Medicine	0.82	0.60	\$ 55.76	\$ 40.80
92025 00	Medicine	1.08	1.08	\$ 73.44	\$ 73.44
92025 26	Medicine	0.57	0.57	\$ 38.76	\$ 38.76
92025 TC	Medicine	0.51	0.51	\$ 34.68	\$ 34.68
92060 00	Medicine	1.88	1.88	\$ 127.84	\$ 127.84
92060 26	Medicine	1.08	1.08	\$ 73.44	\$ 73.44
92060 TC	Medicine	0.80	0.80	\$ 54.40	\$ 54.40
92065 00	Medicine	1.22	1.22	\$ 82.96	\$ 82.96
92065 26	Medicine	0.97	0.97	\$ 65.96	\$ 65.96
92065 TC	Medicine	0.25	0.25	\$ 17.00	\$ 17.00
92066 00	Medicine	0.77	0.77	\$ 52.36	\$ 52.36
92071 00	Medicine	1.08	0.95	\$ 73.44	\$ 64.60
92072 00	Medicine	3.75	2.78	\$ 255.00	\$ 189.04
92081 00	Medicine	0.99	0.99	\$ 67.32	\$ 67.32
92081 26	Medicine	0.47	0.47	\$ 31.96	\$ 31.96
92081 TC	Medicine	0.52	0.52	\$ 35.36	\$ 35.36
92082 00	Medicine	1.39	1.39	\$ 94.52	\$ 94.52
92082 26	Medicine	0.61	0.61	\$ 41.48	\$ 41.48
92082 TC	Medicine	0.78	0.78	\$ 53.04	\$ 53.04
92083 00	Medicine	1.86	1.86	\$ 126.48	\$ 126.48
92083 26	Medicine	0.79	0.79	\$ 53.72	\$ 53.72
92083 TC	Medicine	1.07	1.07	\$ 72.76	\$ 72.76
92100 00	Medicine	2.54	0.95	\$ 172.72	\$ 64.60
92132 00	Medicine	0.94	0.94	\$ 63.92	\$ 63.92
92132 26	Medicine	0.48	0.48	\$ 32.64	\$ 32.64
92132 TC	Medicine	0.46	0.46	\$ 31.28	\$ 31.28
92133 00	Medicine	1.09	1.09	\$ 74.12	\$ 74.12
92133 26	Medicine	0.63	0.63	\$ 42.84	\$ 42.84
92133 TC	Medicine	0.46	0.46	\$ 31.28	\$ 31.28
92134 00	Medicine	1.20	1.20	\$ 81.60	\$ 81.60
92134 26	Medicine	0.73	0.73	\$ 49.64	\$ 49.64
92134 TC	Medicine	0.47	0.47	\$ 31.96	\$ 31.96
92136 00	Medicine	1.40	1.40	\$ 95.20	\$ 95.20
92136 26	Medicine	0.89	0.89	\$ 60.52	\$ 60.52
92136 TC	Medicine	0.51	0.51	\$ 34.68	\$ 34.68

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
92145 00	Medicine	0.38	0.38	\$ 25.84	\$ 25.84
92145 26	Medicine	0.16	0.16	\$ 10.88	\$ 10.88
92145 TC	Medicine	0.22	0.22	\$ 14.96	\$ 14.96
92201 00	Medicine	0.73	0.66	\$ 49.64	\$ 44.88
92202 00	Medicine	0.46	0.43	\$ 31.28	\$ 29.24
92227 00	Medicine	0.50	0.50	\$ 34.00	\$ 34.00
92228 00	Medicine	0.87	0.87	\$ 59.16	\$ 59.16
92228 26	Medicine	0.49	0.49	\$ 33.32	\$ 33.32
92228 TC	Medicine	0.38	0.38	\$ 25.84	\$ 25.84
92229 00	Medicine	1.35	1.35	\$ 91.80	\$ 91.80
92230 00	Medicine	3.35	1.02	\$ 227.80	\$ 69.36
92235 00	Medicine	4.09	4.09	\$ 278.12	\$ 278.12
92235 26	Medicine	1.24	1.24	\$ 84.32	\$ 84.32
92235 TC	Medicine	2.85	2.85	\$ 193.80	\$ 193.80
92240 00	Medicine	5.69	5.69	\$ 386.92	\$ 386.92
92240 26	Medicine	1.39	1.39	\$ 94.52	\$ 94.52
92240 TC	Medicine	4.30	4.30	\$ 292.40	\$ 292.40
92242 00	Medicine	7.72	7.72	\$ 524.96	\$ 524.96
92242 26	Medicine	1.60	1.60	\$ 108.80	\$ 108.80
92242 TC	Medicine	6.12	6.12	\$ 416.16	\$ 416.16
92250 00	Medicine	1.11	1.11	\$ 75.48	\$ 75.48
92250 26	Medicine	0.62	0.62	\$ 42.16	\$ 42.16
92250 TC	Medicine	0.49	0.49	\$ 33.32	\$ 33.32
92260 00	Medicine	0.59	0.31	\$ 40.12	\$ 21.08
92265 00	Medicine	2.58	2.58	\$ 175.44	\$ 175.44
92265 26	Medicine	1.34	1.34	\$ 91.12	\$ 91.12
92265 TC	Medicine	1.24	1.24	\$ 84.32	\$ 84.32
92270 00	Medicine	3.25	3.25	\$ 221.00	\$ 221.00
92270 26	Medicine	1.23	1.23	\$ 83.64	\$ 83.64
92270 TC	Medicine	2.02	2.02	\$ 137.36	\$ 137.36
92273 00	Medicine	3.78	3.78	\$ 257.04	\$ 257.04
92273 26	Medicine	1.07	1.07	\$ 72.76	\$ 72.76
92273 TC	Medicine	2.71	2.71	\$ 184.28	\$ 184.28
92274 00	Medicine	2.65	2.65	\$ 180.20	\$ 180.20
92274 26	Medicine	0.97	0.97	\$ 65.96	\$ 65.96
92274 TC	Medicine	1.68	1.68	\$ 114.24	\$ 114.24
92283 00	Medicine	1.61	1.61	\$ 109.48	\$ 109.48
92283 26	Medicine	0.26	0.26	\$ 17.68	\$ 17.68
92283 TC	Medicine	1.35	1.35	\$ 91.80	\$ 91.80
92284 00	Medicine	1.38	1.38	\$ 93.84	\$ 93.84
92285 00	Medicine	0.69	0.69	\$ 46.92	\$ 46.92
92285 26	Medicine	0.09	0.09	\$ 6.12	\$ 6.12
92285 TC	Medicine	0.60	0.60	\$ 40.80	\$ 40.80

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
92286 00	Medicine	1.16	1.16	\$ 78.88	\$ 78.88
92286 26	Medicine	0.63	0.63	\$ 42.84	\$ 42.84
92286 TC	Medicine	0.53	0.53	\$ 36.04	\$ 36.04
92287 00	Medicine	4.31	4.31	\$ 293.08	\$ 293.08
92287 26	Medicine	1.07	1.07	\$ 72.76	\$ 72.76
92287 TC	Medicine	3.24	3.24	\$ 220.32	\$ 220.32
92310 00	Medicine	2.98	1.69	\$ 202.64	\$ 114.92
92311 00	Medicine	3.13	1.53	\$ 212.84	\$ 104.04
92312 00	Medicine	3.63	1.77	\$ 246.84	\$ 120.36
92313 00	Medicine	2.97	1.27	\$ 201.96	\$ 86.36
92314 00	Medicine	2.59	1.00	\$ 176.12	\$ 68.00
92315 00	Medicine	2.46	0.62	\$ 167.28	\$ 42.16
92316 00	Medicine	3.04	0.93	\$ 206.72	\$ 63.24
92317 00	Medicine	2.59	0.62	\$ 176.12	\$ 42.16
92325 00	Medicine	1.35	1.35	\$ 91.80	\$ 91.80
92326 00	Medicine	1.16	1.16	\$ 78.88	\$ 78.88
92340 00	Medicine	1.02	0.53	\$ 69.36	\$ 36.04
92341 00	Medicine	1.18	0.69	\$ 80.24	\$ 46.92
92342 00	Medicine	1.26	0.78	\$ 85.68	\$ 53.04
92352 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92353 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92354 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92355 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92358 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92370 00	Medicine	0.90	0.46	\$ 61.20	\$ 31.28
92371 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92499 00	Medicine	0.00	0.00	BR	BR
92499 26	Medicine	0.00	0.00	BR	BR
92499 TC	Medicine	0.00	0.00	BR	BR
92502 00	Medicine	2.81	2.81	\$ 191.08	\$ 191.08
92504 00	Medicine	0.87	0.28	\$ 59.16	\$ 19.04
92507 00	Medicine	2.28	2.28	\$ 155.04	\$ 155.04
92508 00	Medicine	0.71	0.71	\$ 48.28	\$ 48.28
92511 00	Medicine	3.54	1.12	\$ 240.72	\$ 76.16
92512 00	Medicine	1.89	0.81	\$ 128.52	\$ 55.08
92516 00	Medicine	2.12	0.68	\$ 144.16	\$ 46.24
92517 00	Medicine	2.31	1.25	\$ 157.08	\$ 85.00
92518 00	Medicine	2.39	1.26	\$ 162.52	\$ 85.68
92519 00	Medicine	3.97	1.89	\$ 269.96	\$ 128.52
92520 00	Medicine	2.54	1.18	\$ 172.72	\$ 80.24
92521 00	Medicine	3.96	3.96	\$ 269.28	\$ 269.28
92522 00	Medicine	3.31	3.31	\$ 225.08	\$ 225.08
92523 00	Medicine	6.79	6.79	\$ 461.72	\$ 461.72

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
92524 00	Medicine	3.27	3.27	\$ 222.36	\$ 222.36
92526 00	Medicine	2.53	2.53	\$ 172.04	\$ 172.04
92531 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92532 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92533 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92534 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92537 00	Medicine	1.20	1.20	\$ 81.60	\$ 81.60
92537 26	Medicine	0.91	0.91	\$ 61.88	\$ 61.88
92537 TC	Medicine	0.29	0.29	\$ 19.72	\$ 19.72
92538 00	Medicine	0.67	0.67	\$ 45.56	\$ 45.56
92538 26	Medicine	0.47	0.47	\$ 31.96	\$ 31.96
92538 TC	Medicine	0.20	0.20	\$ 13.60	\$ 13.60
92540 00	Medicine	3.24	3.24	\$ 220.32	\$ 220.32
92540 26	Medicine	2.29	2.29	\$ 155.72	\$ 155.72
92540 TC	Medicine	0.95	0.95	\$ 64.60	\$ 64.60
92541 00	Medicine	0.75	0.75	\$ 51.00	\$ 51.00
92541 26	Medicine	0.62	0.62	\$ 42.16	\$ 42.16
92541 TC	Medicine	0.13	0.13	\$ 8.84	\$ 8.84
92542 00	Medicine	0.86	0.86	\$ 58.48	\$ 58.48
92542 26	Medicine	0.73	0.73	\$ 49.64	\$ 49.64
92542 TC	Medicine	0.13	0.13	\$ 8.84	\$ 8.84
92544 00	Medicine	0.53	0.53	\$ 36.04	\$ 36.04
92544 26	Medicine	0.42	0.42	\$ 28.56	\$ 28.56
92544 TC	Medicine	0.11	0.11	\$ 7.48	\$ 7.48
92545 00	Medicine	0.50	0.50	\$ 34.00	\$ 34.00
92545 26	Medicine	0.39	0.39	\$ 26.52	\$ 26.52
92545 TC	Medicine	0.11	0.11	\$ 7.48	\$ 7.48
92546 00	Medicine	3.79	3.79	\$ 257.72	\$ 257.72
92546 26	Medicine	0.44	0.44	\$ 29.92	\$ 29.92
92546 TC	Medicine	3.35	3.35	\$ 227.80	\$ 227.80
92547 00	Medicine	0.32	0.32	\$ 21.76	\$ 21.76
92548 00	Medicine	1.41	1.41	\$ 95.88	\$ 95.88
92548 26	Medicine	0.99	0.99	\$ 67.32	\$ 67.32
92548 TC	Medicine	0.42	0.42	\$ 28.56	\$ 28.56
92549 00	Medicine	1.93	1.93	\$ 131.24	\$ 131.24
92549 26	Medicine	1.32	1.32	\$ 89.76	\$ 89.76
92549 TC	Medicine	0.61	0.61	\$ 41.48	\$ 41.48
92550 00	Medicine	0.66	0.66	\$ 44.88	\$ 44.88
92551 00	Medicine	0.36	0.36	\$ 24.48	\$ 24.48
92552 00	Medicine	1.06	1.06	\$ 72.08	\$ 72.08
92553 00	Medicine	1.30	1.30	\$ 88.40	\$ 88.40
92555 00	Medicine	0.82	0.82	\$ 55.76	\$ 55.76
92556 00	Medicine	1.27	1.27	\$ 86.36	\$ 86.36

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
92557 00	Medicine	1.10	0.94	\$ 74.80	\$ 63.92
92558 00	Medicine	0.28	0.25	\$ 19.04	\$ 17.00
92562 00	Medicine	1.43	1.43	\$ 97.24	\$ 97.24
92563 00	Medicine	0.99	0.99	\$ 67.32	\$ 67.32
92565 00	Medicine	0.60	0.60	\$ 40.80	\$ 40.80
92567 00	Medicine	0.49	0.32	\$ 33.32	\$ 21.76
92568 00	Medicine	0.46	0.45	\$ 31.28	\$ 30.60
92570 00	Medicine	0.96	0.86	\$ 65.28	\$ 58.48
92571 00	Medicine	0.90	0.90	\$ 61.20	\$ 61.20
92572 00	Medicine	1.41	1.41	\$ 95.88	\$ 95.88
92575 00	Medicine	2.23	2.23	\$ 151.64	\$ 151.64
92576 00	Medicine	1.19	1.19	\$ 80.92	\$ 80.92
92577 00	Medicine	0.61	0.61	\$ 41.48	\$ 41.48
92579 00	Medicine	1.34	1.10	\$ 91.12	\$ 74.80
92582 00	Medicine	2.45	2.45	\$ 166.60	\$ 166.60
92583 00	Medicine	1.62	1.62	\$ 110.16	\$ 110.16
92584 00	Medicine	3.38	3.38	\$ 229.84	\$ 229.84
92587 00	Medicine	0.65	0.65	\$ 44.20	\$ 44.20
92587 26	Medicine	0.53	0.53	\$ 36.04	\$ 36.04
92587	Medicine	0.12	0.12	\$ 8.16	\$ 8.16
92588 00	Medicine	1.01	1.01	\$ 68.68	\$ 68.68
92588 26	Medicine	0.85	0.85	\$ 57.80	\$ 57.80
92588	Medicine	0.16	0.16	\$ 10.88	\$ 10.88
92590 00	Medicine	-	-	\$ 100.64	\$ 91.12
92591 00	Medicine	-	-	\$ 102.00	\$ 92.48
92592 00	Medicine	-	-	\$ 34.68	\$ 31.28
92593 00	Medicine	-	-	\$ 54.40	\$ 49.64
92594 00	Medicine	-	-	\$ 44.88	\$ 40.80
92595 00	Medicine	-	-	\$ 81.60	\$ 74.12
92596 00	Medicine	2.19	2.19	\$ 148.92	\$ 148.92
92597 00	Medicine	2.14	2.14	\$ 145.52	\$ 145.52
92601 00	Medicine	4.80	3.63	\$ 326.40	\$ 246.84
92602 00	Medicine	3.04	2.06	\$ 206.72	\$ 140.08
92603 00	Medicine	4.50	3.53	\$ 306.00	\$ 240.04
92604 00	Medicine	2.72	1.97	\$ 184.96	\$ 133.96
92605 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92606 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92607 00	Medicine	3.69	3.69	\$ 250.92	\$ 250.92
92608 00	Medicine	1.45	1.45	\$ 98.60	\$ 98.60
92609 00	Medicine	3.08	3.08	\$ 209.44	\$ 209.44
92610 00	Medicine	2.53	2.08	\$ 172.04	\$ 141.44
92611 00	Medicine	2.73	2.73	\$ 185.64	\$ 185.64
92612 00	Medicine	5.88	1.97	\$ 399.84	\$ 133.96

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
92613 00	Medicine	1.09	1.09	\$ 74.12	\$ 74.12
92614 00	Medicine	4.39	1.95	\$ 298.52	\$ 132.60
92615 00	Medicine	0.97	0.97	\$ 65.96	\$ 65.96
92616 00	Medicine	6.70	2.93	\$ 455.60	\$ 199.24
92617 00	Medicine	1.21	1.20	\$ 82.28	\$ 81.60
92618 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92620 00	Medicine	2.64	2.35	\$ 179.52	\$ 159.80
92621 00	Medicine	0.65	0.55	\$ 44.20	\$ 37.40
92625 00	Medicine	2.03	1.81	\$ 138.04	\$ 123.08
92626 00	Medicine	2.59	2.21	\$ 176.12	\$ 150.28
92627 00	Medicine	0.61	0.52	\$ 41.48	\$ 35.36
92630 00	Medicine	-	-	\$ 118.32	\$ 108.12
92633 00	Medicine	-	-	\$ 91.80	\$ 82.96
92640 00	Medicine	3.27	2.77	\$ 222.36	\$ 188.36
92650 00	Medicine	0.83	0.83	\$ 56.44	\$ 56.44
92651 00	Medicine	2.53	2.53	\$ 172.04	\$ 172.04
92652 00	Medicine	3.38	3.38	\$ 229.84	\$ 229.84
92653 00	Medicine	2.52	2.52	\$ 171.36	\$ 171.36
92700 00	Medicine	0.00	0.00	BR	BR
92920 00	Medicine	15.39	15.39	\$ 1,046.52	\$ 1,046.52
92921 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92924 00	Medicine	18.39	18.39	\$ 1,250.52	\$ 1,250.52
92925 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92928 00	Medicine	17.16	17.16	\$ 1,166.88	\$ 1,166.88
92929 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92933 00	Medicine	19.23	19.23	\$ 1,307.64	\$ 1,307.64
92934 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92937 00	Medicine	17.14	17.14	\$ 1,165.52	\$ 1,165.52
92938 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92941 00	Medicine	19.25	19.25	\$ 1,309.00	\$ 1,309.00
92943 00	Medicine	19.27	19.27	\$ 1,310.36	\$ 1,310.36
92944 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
92950 00	Medicine	9.74	5.38	\$ 662.32	\$ 365.84
92953 00	Medicine	0.03	0.03	\$ 2.04	\$ 2.04
92960 00	Medicine	4.62	3.19	\$ 314.16	\$ 216.92
92961 00	Medicine	7.16	7.16	\$ 486.88	\$ 486.88
92970 00	Medicine	5.49	5.49	\$ 373.32	\$ 373.32
92971 00	Medicine	2.93	2.93	\$ 199.24	\$ 199.24
92973 00	Medicine	5.12	5.12	\$ 348.16	\$ 348.16
92974 00	Medicine	4.69	4.69	\$ 318.92	\$ 318.92
92975 00	Medicine	10.95	10.95	\$ 744.60	\$ 744.60
92977 00	Medicine	1.58	1.58	\$ 107.44	\$ 107.44
92978 00	Medicine	-	-	\$ 536.52	\$ 536.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
92978 26	Medicine	2.76	2.76	\$ 187.68	\$ 187.68
92978 TC	Medicine	-	-	\$ 348.84	\$ 348.84
92979 00	Medicine	-	-	\$ 325.04	\$ 325.04
92979 26	Medicine	2.20	2.20	\$ 149.60	\$ 149.60
92979 TC	Medicine	-	-	\$ 175.44	\$ 175.44
92986 00	Medicine	38.66	38.66	\$ 2,628.88	\$ 2,628.88
92987 00	Medicine	39.99	39.99	\$ 2,719.32	\$ 2,719.32
92990 00	Medicine	31.93	31.93	\$ 2,171.24	\$ 2,171.24
92997 00	Medicine	18.59	18.59	\$ 1,264.12	\$ 1,264.12
92998 00	Medicine	9.27	9.27	\$ 630.36	\$ 630.36
93000 00	Medicine	0.43	0.43	\$ 29.24	\$ 29.24
93005 00	Medicine	0.19	0.19	\$ 12.92	\$ 12.92
93010 00	Medicine	0.24	0.24	\$ 16.32	\$ 16.32
93015 00	Medicine	2.10	2.10	\$ 142.80	\$ 142.80
93016 00	Medicine	0.62	0.62	\$ 42.16	\$ 42.16
93017 00	Medicine	1.07	1.07	\$ 72.76	\$ 72.76
93018 00	Medicine	0.41	0.41	\$ 27.88	\$ 27.88
93024 00	Medicine	3.27	3.27	\$ 222.36	\$ 222.36
93024 26	Medicine	1.61	1.61	\$ 109.48	\$ 109.48
93024 TC	Medicine	1.66	1.66	\$ 112.88	\$ 112.88
93025 00	Medicine	3.62	3.62	\$ 246.16	\$ 246.16
93025 26	Medicine	1.08	1.08	\$ 73.44	\$ 73.44
93025 TC	Medicine	2.54	2.54	\$ 172.72	\$ 172.72
93040 00	Medicine	0.38	0.38	\$ 25.84	\$ 25.84
93041 00	Medicine	0.18	0.18	\$ 12.24	\$ 12.24
93042 00	Medicine	0.20	0.20	\$ 13.60	\$ 13.60
93050 00	Medicine	0.47	0.47	\$ 31.96	\$ 31.96
93050 26	Medicine	0.24	0.24	\$ 16.32	\$ 16.32
93050 TC	Medicine	0.23	0.23	\$ 15.64	\$ 15.64
93224 00	Medicine	2.17	2.17	\$ 147.56	\$ 147.56
93225 00	Medicine	0.55	0.55	\$ 37.40	\$ 37.40
93226 00	Medicine	1.08	1.08	\$ 73.44	\$ 73.44
93227 00	Medicine	0.54	0.54	\$ 36.72	\$ 36.72
93228 00	Medicine	0.75	0.75	\$ 51.00	\$ 51.00
93229 00	Medicine	25.07	25.07	\$ 1,704.76	\$ 1,704.76
93241 00	Medicine	7.89	7.89	\$ 536.52	\$ 536.52
93242 00	Medicine	0.36	0.36	\$ 24.48	\$ 24.48
93243 00	Medicine	6.84	6.84	\$ 465.12	\$ 465.12
93244 00	Medicine	0.69	0.69	\$ 46.92	\$ 46.92
93245 00	Medicine	8.31	8.31	\$ 565.08	\$ 565.08
93246 00	Medicine	0.36	0.36	\$ 24.48	\$ 24.48
93247 00	Medicine	7.19	7.19	\$ 488.92	\$ 488.92
93248 00	Medicine	0.76	0.76	\$ 51.68	\$ 51.68

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
93260 00	Medicine	2.29	2.29	\$ 155.72	\$ 155.72
93260 26	Medicine	1.24	1.24	\$ 84.32	\$ 84.32
93260 TC	Medicine	1.05	1.05	\$ 71.40	\$ 71.40
93261 00	Medicine	2.10	2.10	\$ 142.80	\$ 142.80
93261 26	Medicine	1.06	1.06	\$ 72.08	\$ 72.08
93261 TC	Medicine	1.04	1.04	\$ 70.72	\$ 70.72
93264 00	Medicine	1.50	1.04	\$ 102.00	\$ 70.72
93268 00	Medicine	5.33	5.33	\$ 362.44	\$ 362.44
93270 00	Medicine	0.25	0.25	\$ 17.00	\$ 17.00
93271 00	Medicine	4.37	4.37	\$ 297.16	\$ 297.16
93272 00	Medicine	0.71	0.71	\$ 48.28	\$ 48.28
93278 00	Medicine	0.86	0.86	\$ 58.48	\$ 58.48
93278 26	Medicine	0.36	0.36	\$ 24.48	\$ 24.48
93278 TC	Medicine	0.50	0.50	\$ 34.00	\$ 34.00
93279 00	Medicine	2.03	2.03	\$ 138.04	\$ 138.04
93279 26	Medicine	0.92	0.92	\$ 62.56	\$ 62.56
93279 TC	Medicine	1.11	1.11	\$ 75.48	\$ 75.48
93280 00	Medicine	2.38	2.38	\$ 161.84	\$ 161.84
93280 26	Medicine	1.09	1.09	\$ 74.12	\$ 74.12
93280 TC	Medicine	1.29	1.29	\$ 87.72	\$ 87.72
93281 00	Medicine	2.54	2.54	\$ 172.72	\$ 172.72
93281 26	Medicine	1.23	1.23	\$ 83.64	\$ 83.64
93281 TC	Medicine	1.31	1.31	\$ 89.08	\$ 89.08
93282 00	Medicine	2.42	2.42	\$ 164.56	\$ 164.56
93282 26	Medicine	1.23	1.23	\$ 83.64	\$ 83.64
93282 TC	Medicine	1.19	1.19	\$ 80.92	\$ 80.92
93283 00	Medicine	2.95	2.95	\$ 200.60	\$ 200.60
93283 26	Medicine	1.65	1.65	\$ 112.20	\$ 112.20
93283 TC	Medicine	1.30	1.30	\$ 88.40	\$ 88.40
93284 00	Medicine	3.18	3.18	\$ 216.24	\$ 216.24
93284 26	Medicine	1.79	1.79	\$ 121.72	\$ 121.72
93284 TC	Medicine	1.39	1.39	\$ 94.52	\$ 94.52
93285 00	Medicine	1.82	1.82	\$ 123.76	\$ 123.76
93285 26	Medicine	0.75	0.75	\$ 51.00	\$ 51.00
93285 TC	Medicine	1.07	1.07	\$ 72.76	\$ 72.76
93286 00	Medicine	1.38	1.38	\$ 93.84	\$ 93.84
93286 26	Medicine	0.43	0.43	\$ 29.24	\$ 29.24
93286 TC	Medicine	0.95	0.95	\$ 64.60	\$ 64.60
93287 00	Medicine	1.60	1.60	\$ 108.80	\$ 108.80
93287 26	Medicine	0.65	0.65	\$ 44.20	\$ 44.20
93287 TC	Medicine	0.95	0.95	\$ 64.60	\$ 64.60
93288 00	Medicine	1.69	1.69	\$ 114.92	\$ 114.92
93288 26	Medicine	0.60	0.60	\$ 40.80	\$ 40.80

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
93288 TC	Medicine	1.09	1.09	\$ 74.12	\$ 74.12
93289 00	Medicine	2.18	2.18	\$ 148.24	\$ 148.24
93289 26	Medicine	1.08	1.08	\$ 73.44	\$ 73.44
93289 TC	Medicine	1.10	1.10	\$ 74.80	\$ 74.80
93290 00	Medicine	1.61	1.61	\$ 109.48	\$ 109.48
93290 26	Medicine	0.62	0.62	\$ 42.16	\$ 42.16
93290 TC	Medicine	0.99	0.99	\$ 67.32	\$ 67.32
93291 00	Medicine	1.49	1.49	\$ 101.32	\$ 101.32
93291 26	Medicine	0.53	0.53	\$ 36.04	\$ 36.04
93291 TC	Medicine	0.96	0.96	\$ 65.28	\$ 65.28
93292 00	Medicine	1.53	1.53	\$ 104.04	\$ 104.04
93292 26	Medicine	0.61	0.61	\$ 41.48	\$ 41.48
93292 TC	Medicine	0.92	0.92	\$ 62.56	\$ 62.56
93293 00	Medicine	1.36	1.36	\$ 92.48	\$ 92.48
93293 26	Medicine	0.42	0.42	\$ 28.56	\$ 28.56
93293 TC	Medicine	0.94	0.94	\$ 63.92	\$ 63.92
93294 00	Medicine	0.88	0.88	\$ 59.84	\$ 59.84
93295 00	Medicine	1.08	1.08	\$ 73.44	\$ 73.44
93296 00	Medicine	0.67	0.67	\$ 45.56	\$ 45.56
93297 00	Medicine	0.76	0.76	\$ 51.68	\$ 51.68
93298 00	Medicine	0.77	0.77	\$ 52.36	\$ 52.36
93303 00	Medicine	6.59	6.59	\$ 448.12	\$ 448.12
93303 26	Medicine	1.80	1.80	\$ 122.40	\$ 122.40
93303 TC	Medicine	4.79	4.79	\$ 325.72	\$ 325.72
93304 00	Medicine	4.65	4.65	\$ 316.20	\$ 316.20
93304 26	Medicine	1.06	1.06	\$ 72.08	\$ 72.08
93304 TC	Medicine	3.59	3.59	\$ 244.12	\$ 244.12
93306 00	Medicine	5.86	5.86	\$ 398.48	\$ 398.48
93306 26	Medicine	2.01	2.01	\$ 136.68	\$ 136.68
93306 TC	Medicine	3.85	3.85	\$ 261.80	\$ 261.80
93307 00	Medicine	4.09	4.09	\$ 278.12	\$ 278.12
93307 26	Medicine	1.28	1.28	\$ 87.04	\$ 87.04
93307 TC	Medicine	2.81	2.81	\$ 191.08	\$ 191.08
93308 00	Medicine	2.94	2.94	\$ 199.92	\$ 199.92
93308 26	Medicine	0.73	0.73	\$ 49.64	\$ 49.64
93308 TC	Medicine	2.21	2.21	\$ 150.28	\$ 150.28
93312 00	Medicine	7.06	7.06	\$ 480.08	\$ 480.08
93312 26	Medicine	3.12	3.12	\$ 212.16	\$ 212.16
93312 TC	Medicine	3.94	3.94	\$ 267.92	\$ 267.92
93313 00	Medicine	0.33	0.33	\$ 22.44	\$ 22.44
93314 00	Medicine	6.81	6.81	\$ 463.08	\$ 463.08
93314 26	Medicine	2.63	2.63	\$ 178.84	\$ 178.84
93314 TC	Medicine	4.18	4.18	\$ 284.24	\$ 284.24

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
93315 00	Medicine	-	-	\$ 558.96	\$ 558.96
93315 26	Medicine	3.70	3.70	\$ 251.60	\$ 251.60
93315 TC	Medicine	-	-	\$ 307.36	\$ 307.36
93316 00	Medicine	0.75	0.75	\$ 51.00	\$ 51.00
93317 00	Medicine	-	-	\$ 501.16	\$ 501.16
93317 26	Medicine	2.58	2.58	\$ 175.44	\$ 175.44
93317 TC	Medicine	-	-	\$ 325.72	\$ 325.72
93318 00	Medicine	-	-	\$ 580.72	\$ 580.72
93318 26	Medicine	2.99	2.99	\$ 203.32	\$ 203.32
93318 TC	Medicine	-	-	\$ 377.40	\$ 377.40
93319 00	Medicine	1.65	0.71	\$ 112.20	\$ 48.28
93320 00	Medicine	1.51	1.51	\$ 102.68	\$ 102.68
93320 26	Medicine	0.52	0.52	\$ 35.36	\$ 35.36
93320 TC	Medicine	0.99	0.99	\$ 67.32	\$ 67.32
93321 00	Medicine	0.75	0.75	\$ 51.00	\$ 51.00
93321 26	Medicine	0.21	0.21	\$ 14.28	\$ 14.28
93321 TC	Medicine	0.54	0.54	\$ 36.72	\$ 36.72
93325 00	Medicine	0.70	0.70	\$ 47.60	\$ 47.60
93325 26	Medicine	0.09	0.09	\$ 6.12	\$ 6.12
93325 TC	Medicine	0.61	0.61	\$ 41.48	\$ 41.48
93350 00	Medicine	5.54	5.54	\$ 376.72	\$ 376.72
93350 26	Medicine	2.01	2.01	\$ 136.68	\$ 136.68
93350 TC	Medicine	3.53	3.53	\$ 240.04	\$ 240.04
93351 00	Medicine	6.93	6.93	\$ 471.24	\$ 471.24
93351 26	Medicine	2.42	2.42	\$ 164.56	\$ 164.56
93351 TC	Medicine	4.51	4.51	\$ 306.68	\$ 306.68
93352 00	Medicine	1.01	1.01	\$ 68.68	\$ 68.68
93355 00	Medicine	6.57	6.57	\$ 446.76	\$ 446.76
93356 00	Medicine	1.11	0.34	\$ 75.48	\$ 23.12
93451 00	Medicine	26.00	26.00	\$ 1,768.00	\$ 1,768.00
93451 26	Medicine	3.81	3.81	\$ 259.08	\$ 259.08
93451 TC	Medicine	22.19	22.19	\$ 1,508.92	\$ 1,508.92
93452 00	Medicine	27.00	27.00	\$ 1,836.00	\$ 1,836.00
93452 26	Medicine	6.86	6.86	\$ 466.48	\$ 466.48
93452 TC	Medicine	20.14	20.14	\$ 1,369.52	\$ 1,369.52
93453 00	Medicine	34.34	34.34	\$ 2,335.12	\$ 2,335.12
93453 26	Medicine	9.18	9.18	\$ 624.24	\$ 624.24
93453 TC	Medicine	25.16	25.16	\$ 1,710.88	\$ 1,710.88
93454 00	Medicine	27.11	27.11	\$ 1,843.48	\$ 1,843.48
93454 26	Medicine	6.93	6.93	\$ 471.24	\$ 471.24
93454 TC	Medicine	20.18	20.18	\$ 1,372.24	\$ 1,372.24
93455 00	Medicine	30.20	30.20	\$ 2,053.60	\$ 2,053.60
93455 26	Medicine	8.08	8.08	\$ 549.44	\$ 549.44

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
93455 TC	Medicine	22.12	22.12	\$ 1,504.16	\$ 1,504.16
93456 00	Medicine	33.73	33.73	\$ 2,293.64	\$ 2,293.64
93456 26	Medicine	9.03	9.03	\$ 614.04	\$ 614.04
93456 TC	Medicine	24.70	24.70	\$ 1,679.60	\$ 1,679.60
93457 00	Medicine	36.75	36.75	\$ 2,499.00	\$ 2,499.00
93457 26	Medicine	10.14	10.14	\$ 689.52	\$ 689.52
93457 TC	Medicine	26.61	26.61	\$ 1,809.48	\$ 1,809.48
93458 00	Medicine	31.15	31.15	\$ 2,118.20	\$ 2,118.20
93458 26	Medicine	8.55	8.55	\$ 581.40	\$ 581.40
93458 TC	Medicine	22.60	22.60	\$ 1,536.80	\$ 1,536.80
93459 00	Medicine	33.51	33.51	\$ 2,278.68	\$ 2,278.68
93459 26	Medicine	9.70	9.70	\$ 659.60	\$ 659.60
93459 TC	Medicine	23.81	23.81	\$ 1,619.08	\$ 1,619.08
93460 00	Medicine	37.22	37.22	\$ 2,530.96	\$ 2,530.96
93460 26	Medicine	10.86	10.86	\$ 738.48	\$ 738.48
93460 TC	Medicine	26.36	26.36	\$ 1,792.48	\$ 1,792.48
93461 00	Medicine	41.05	41.05	\$ 2,791.40	\$ 2,791.40
93461 26	Medicine	12.00	12.00	\$ 816.00	\$ 816.00
93461 TC	Medicine	29.05	29.05	\$ 1,975.40	\$ 1,975.40
93462 00	Medicine	6.11	6.11	\$ 415.48	\$ 415.48
93463 00	Medicine	2.87	2.87	\$ 195.16	\$ 195.16
93464 00	Medicine	6.54	6.54	\$ 444.72	\$ 444.72
93464 26	Medicine	2.58	2.58	\$ 175.44	\$ 175.44
93464 TC	Medicine	3.96	3.96	\$ 269.28	\$ 269.28
93503 00	Medicine	2.58	2.58	\$ 175.44	\$ 175.44
93505 00	Medicine	19.33	19.33	\$ 1,314.44	\$ 1,314.44
93505 26	Medicine	6.60	6.60	\$ 448.80	\$ 448.80
93505 TC	Medicine	12.73	12.73	\$ 865.64	\$ 865.64
93563 00	Medicine	1.52	1.52	\$ 103.36	\$ 103.36
93564 00	Medicine	1.61	1.61	\$ 109.48	\$ 109.48
93565 00	Medicine	0.79	0.79	\$ 53.72	\$ 53.72
93566 00	Medicine	0.78	0.78	\$ 53.04	\$ 53.04
93567 00	Medicine	1.11	1.11	\$ 75.48	\$ 75.48
93568 00	Medicine	1.38	1.38	\$ 93.84	\$ 93.84
93569 00	Medicine	1.11	1.11	\$ 75.48	\$ 75.48
93571 00	Medicine	-	-	\$ 410.04	\$ 410.04
93571 26	Medicine	2.11	2.11	\$ 143.48	\$ 143.48
93571 TC	Medicine	-	-	\$ 266.56	\$ 266.56
93572 00	Medicine	-	-	\$ 221.68	\$ 221.68
93572 26	Medicine	1.53	1.53	\$ 104.04	\$ 104.04
93572 TC	Medicine	-	-	\$ 117.64	\$ 117.64
93573 00	Medicine	1.85	1.85	\$ 125.80	\$ 125.80
93574 00	Medicine	2.04	2.04	\$ 138.72	\$ 138.72

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
93575 00	Medicine	2.73	2.73	\$ 185.64	\$ 185.64
93580 00	Medicine	28.40	28.40	\$ 1,931.20	\$ 1,931.20
93581 00	Medicine	38.56	38.56	\$ 2,622.08	\$ 2,622.08
93582 00	Medicine	19.28	19.28	\$ 1,311.04	\$ 1,311.04
93583 00	Medicine	21.59	21.59	\$ 1,468.12	\$ 1,468.12
93590 00	Medicine	31.27	31.27	\$ 2,126.36	\$ 2,126.36
93591 00	Medicine	25.77	25.77	\$ 1,752.36	\$ 1,752.36
93592 00	Medicine	11.38	11.38	\$ 773.84	\$ 773.84
93593 00	Medicine	0.00	0.00	BR	BR
93593 26	Medicine	5.52	5.52	\$ 375.36	\$ 375.36
93593 TC	Medicine	0.00	0.00	BR	BR
93594 00	Medicine	0.00	0.00	BR	BR
93594 26	Medicine	8.59	8.59	\$ 584.12	\$ 584.12
93594 TC	Medicine	0.00	0.00	BR	BR
93595 00	Medicine	0.00	0.00	BR	BR
93595 26	Medicine	7.74	7.74	\$ 526.32	\$ 526.32
93595 TC	Medicine	0.00	0.00	BR	BR
93596 00	Medicine	0.00	0.00	BR	BR
93596 26	Medicine	9.45	9.45	\$ 642.60	\$ 642.60
93596 TC	Medicine	0.00	0.00	BR	BR
93597 00	Medicine	0.00	0.00	BR	BR
93597 26	Medicine	12.49	12.49	\$ 849.32	\$ 849.32
93597 TC	Medicine	0.00	0.00	BR	BR
93598 00	Medicine	0.00	0.00	BR	BR
93598 26	Medicine	2.04	2.04	\$ 138.72	\$ 138.72
93598 TC	Medicine	0.00	0.00	BR	BR
93600 00	Medicine	-	-	\$ 389.64	\$ 389.64
93600 26	Medicine	3.44	3.44	\$ 233.92	\$ 233.92
93600 TC	Medicine	-	-	\$ 155.72	\$ 155.72
93602 00	Medicine	-	-	\$ 316.20	\$ 316.20
93602 26	Medicine	3.35	3.35	\$ 227.80	\$ 227.80
93602 TC	Medicine	-	-	\$ 88.40	\$ 88.40
93603 00	Medicine	-	-	\$ 361.76	\$ 361.76
93603 26	Medicine	3.35	3.35	\$ 227.80	\$ 227.80
93603 TC	Medicine	-	-	\$ 133.96	\$ 133.96
93609 00	Medicine	-	-	\$ 758.20	\$ 758.20
93609 26	Medicine	8.03	8.03	\$ 546.04	\$ 546.04
93609 TC	Medicine	-	-	\$ 212.16	\$ 212.16
93610 00	Medicine	-	-	\$ 429.76	\$ 429.76
93610 26	Medicine	4.74	4.74	\$ 322.32	\$ 322.32
93610 TC	Medicine	-	-	\$ 107.44	\$ 107.44
93612 00	Medicine	-	-	\$ 439.96	\$ 439.96
93612 26	Medicine	4.66	4.66	\$ 316.88	\$ 316.88

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93612 TC	Medicine	-	-	\$ 123.08	\$ 123.08
93613 00	Medicine	8.60	8.60	\$ 584.80	\$ 584.80
93615 00	Medicine	-	-	\$ 99.28	\$ 99.28
93615 26	Medicine	1.08	1.08	\$ 73.44	\$ 73.44
93615 TC	Medicine	0.00	0.00	BR	BR
93616 00	Medicine	-	-	\$ 197.20	\$ 197.20
93616 26	Medicine	1.71	1.71	\$ 116.28	\$ 116.28
93616 TC	Medicine	-	-	\$ 80.92	\$ 80.92
93618 00	Medicine	-	-	\$ 722.16	\$ 722.16
93618 26	Medicine	6.37	6.37	\$ 433.16	\$ 433.16
93618 TC	Medicine	-	-	\$ 289.00	\$ 289.00
93619 00	Medicine	-	-	\$ 1,347.08	\$ 1,347.08
93619 26	Medicine	11.29	11.29	\$ 767.72	\$ 767.72
93619 TC	Medicine	-	-	\$ 579.36	\$ 579.36
93620 00	Medicine	-	-	\$ 1,961.12	\$ 1,961.12
93620 26	Medicine	18.17	18.17	\$ 1,235.56	\$ 1,235.56
93620 TC	Medicine	-	-	\$ 725.56	\$ 725.56
93621 00	Medicine	-	-	\$ 712.64	\$ 712.64
93621 26	Medicine	2.41	2.41	\$ 163.88	\$ 163.88
93621 TC	Medicine	-	-	\$ 548.76	\$ 548.76
93622 00	Medicine	-	-	\$ 1,411.00	\$ 1,411.00
93622 26	Medicine	4.98	4.98	\$ 338.64	\$ 338.64
93622 TC	Medicine	-	-	\$ 1,072.36	\$ 1,072.36
93623 00	Medicine	-	-	\$ 473.96	\$ 473.96
93623 26	Medicine	2.44	2.44	\$ 165.92	\$ 165.92
93623 TC	Medicine	-	-	\$ 308.04	\$ 308.04
93624 00	Medicine	-	-	\$ 631.72	\$ 631.72
93624 26	Medicine	7.25	7.25	\$ 493.00	\$ 493.00
93624 TC	Medicine	-	-	\$ 138.72	\$ 138.72
93631 00	Medicine	-	-	\$ 1,672.80	\$ 1,672.80
93631 26	Medicine	11.56	11.56	\$ 786.08	\$ 786.08
93631 TC	Medicine	-	-	\$ 886.72	\$ 886.72
93640 00	Medicine	-	-	\$ 877.20	\$ 877.20
93640 26	Medicine	5.16	5.16	\$ 350.88	\$ 350.88
93640 TC	Medicine	-	-	\$ 526.32	\$ 526.32
93641 00	Medicine	-	-	\$ 1,161.44	\$ 1,161.44
93641 26	Medicine	9.05	9.05	\$ 615.40	\$ 615.40
93641 TC	Medicine	-	-	\$ 546.04	\$ 546.04
93642 00	Medicine	9.85	9.85	\$ 669.80	\$ 669.80
93642 26	Medicine	7.38	7.38	\$ 501.84	\$ 501.84
93642 TC	Medicine	2.47	2.47	\$ 167.96	\$ 167.96
93644 00	Medicine	5.68	5.68	\$ 386.24	\$ 386.24
93644 26	Medicine	4.17	4.17	\$ 283.56	\$ 283.56

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
93644 TC	Medicine	1.51	1.51	\$ 102.68	\$ 102.68
93650 00	Medicine	17.20	17.20	\$ 1,169.60	\$ 1,169.60
93653 00	Medicine	24.70	24.70	\$ 1,679.60	\$ 1,679.60
93654 00	Medicine	29.77	29.77	\$ 2,024.36	\$ 2,024.36
93655 00	Medicine	9.06	9.06	\$ 616.08	\$ 616.08
93656 00	Medicine	28.01	28.01	\$ 1,904.68	\$ 1,904.68
93657 00	Medicine	9.06	9.06	\$ 616.08	\$ 616.08
93660 00	Medicine	4.78	4.78	\$ 325.04	\$ 325.04
93660 26	Medicine	2.68	2.68	\$ 182.24	\$ 182.24
93660 TC	Medicine	2.10	2.10	\$ 142.80	\$ 142.80
93662 00	Medicine	-	-	\$ 341.36	\$ 341.36
93662 26	Medicine	2.16	2.16	\$ 146.88	\$ 146.88
93662 TC	Medicine	-	-	\$ 194.48	\$ 194.48
93668 00	Medicine	0.43	0.43	\$ 29.24	\$ 29.24
93701 00	Medicine	0.79	0.79	\$ 53.72	\$ 53.72
93702 00	Medicine	3.84	3.84	\$ 261.12	\$ 261.12
93724 00	Medicine	8.38	8.38	\$ 569.84	\$ 569.84
93724 26	Medicine	6.99	6.99	\$ 475.32	\$ 475.32
93724 TC	Medicine	1.39	1.39	\$ 94.52	\$ 94.52
93740 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
93745 00	Medicine	0.00	0.00	BR	BR
93745 26	Medicine	0.00	0.00	BR	BR
93745 TC	Medicine	0.00	0.00	BR	BR
93750 00	Medicine	1.50	1.18	\$ 102.00	\$ 80.24
93770 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
93784 00	Medicine	1.36	1.36	\$ 92.48	\$ 92.48
93786 00	Medicine	0.67	0.67	\$ 45.56	\$ 45.56
93788 00	Medicine	0.16	0.16	\$ 10.88	\$ 10.88
93790 00	Medicine	0.53	0.53	\$ 36.04	\$ 36.04
93792 00	Medicine	2.10	2.10	\$ 142.80	\$ 142.80
93793 00	Medicine	0.34	0.34	\$ 23.12	\$ 23.12
93797 00	Medicine	0.50	0.26	\$ 34.00	\$ 17.68
93798 00	Medicine	0.76	0.40	\$ 51.68	\$ 27.20
93799 00	Medicine	0.00	0.00	BR	BR
93799 26	Medicine	0.00	0.00	BR	BR
93799 TC	Medicine	0.00	0.00	BR	BR
93880 00	Medicine	5.73	5.73	\$ 389.64	\$ 389.64
93880 26	Medicine	1.13	1.13	\$ 76.84	\$ 76.84
93880 TC	Medicine	4.60	4.60	\$ 312.80	\$ 312.80
93882 00	Medicine	3.72	3.72	\$ 252.96	\$ 252.96
93882 26	Medicine	0.71	0.71	\$ 48.28	\$ 48.28
93882 TC	Medicine	3.01	3.01	\$ 204.68	\$ 204.68
93886 00	Medicine	8.09	8.09	\$ 550.12	\$ 550.12

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
93886 26	Medicine	1.34	1.34	\$ 91.12	\$ 91.12
93886 TC	Medicine	6.75	6.75	\$ 459.00	\$ 459.00
93888 00	Medicine	4.77	4.77	\$ 324.36	\$ 324.36
93888 26	Medicine	0.74	0.74	\$ 50.32	\$ 50.32
93888 TC	Medicine	4.03	4.03	\$ 274.04	\$ 274.04
93890 00	Medicine	8.32	8.32	\$ 565.76	\$ 565.76
93890 26	Medicine	1.48	1.48	\$ 100.64	\$ 100.64
93890 TC	Medicine	6.84	6.84	\$ 465.12	\$ 465.12
93892 00	Medicine	9.54	9.54	\$ 648.72	\$ 648.72
93892 26	Medicine	1.73	1.73	\$ 117.64	\$ 117.64
93892 TC	Medicine	7.81	7.81	\$ 531.08	\$ 531.08
93893 00	Medicine	11.83	11.83	\$ 804.44	\$ 804.44
93893 26	Medicine	1.76	1.76	\$ 119.68	\$ 119.68
93893 TC	Medicine	10.07	10.07	\$ 684.76	\$ 684.76
93895 00	Medicine	-	-	\$ 267.92	\$ 267.92
93895 26	Medicine	0.00	0.00	BR	BR
93895 TC	Medicine	-	-	\$ 267.92	\$ 267.92
93922 00	Medicine	2.46	2.46	\$ 167.28	\$ 167.28
93922 26	Medicine	0.36	0.36	\$ 24.48	\$ 24.48
93922 TC	Medicine	2.10	2.10	\$ 142.80	\$ 142.80
93923 00	Medicine	3.84	3.84	\$ 261.12	\$ 261.12
93923 26	Medicine	0.64	0.64	\$ 43.52	\$ 43.52
93923 TC	Medicine	3.20	3.20	\$ 217.60	\$ 217.60
93924 00	Medicine	4.72	4.72	\$ 320.96	\$ 320.96
93924 26	Medicine	0.71	0.71	\$ 48.28	\$ 48.28
93924 TC	Medicine	4.01	4.01	\$ 272.68	\$ 272.68
93925 00	Medicine	7.20	7.20	\$ 489.60	\$ 489.60
93925 26	Medicine	1.10	1.10	\$ 74.80	\$ 74.80
93925 TC	Medicine	6.10	6.10	\$ 414.80	\$ 414.80
93926 00	Medicine	4.28	4.28	\$ 291.04	\$ 291.04
93926 26	Medicine	0.67	0.67	\$ 45.56	\$ 45.56
93926 TC	Medicine	3.61	3.61	\$ 245.48	\$ 245.48
93930 00	Medicine	5.87	5.87	\$ 399.16	\$ 399.16
93930 26	Medicine	1.12	1.12	\$ 76.16	\$ 76.16
93930 TC	Medicine	4.75	4.75	\$ 323.00	\$ 323.00
93931 00	Medicine	3.70	3.70	\$ 251.60	\$ 251.60
93931 26	Medicine	0.68	0.68	\$ 46.24	\$ 46.24
93931 TC	Medicine	3.02	3.02	\$ 205.36	\$ 205.36
93970 00	Medicine	5.65	5.65	\$ 384.20	\$ 384.20
93970 26	Medicine	0.98	0.98	\$ 66.64	\$ 66.64
93970 TC	Medicine	4.67	4.67	\$ 317.56	\$ 317.56
93971 00	Medicine	3.58	3.58	\$ 243.44	\$ 243.44
93971 26	Medicine	0.63	0.63	\$ 42.84	\$ 42.84

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
93971 TC	Medicine	2.95	2.95	\$ 200.60	\$ 200.60
93975 00	Medicine	7.98	7.98	\$ 542.64	\$ 542.64
93975 26	Medicine	1.64	1.64	\$ 111.52	\$ 111.52
93975 TC	Medicine	6.34	6.34	\$ 431.12	\$ 431.12
93976 00	Medicine	4.75	4.75	\$ 323.00	\$ 323.00
93976 26	Medicine	1.12	1.12	\$ 76.16	\$ 76.16
93976 TC	Medicine	3.63	3.63	\$ 246.84	\$ 246.84
93978 00	Medicine	5.41	5.41	\$ 367.88	\$ 367.88
93978 26	Medicine	1.12	1.12	\$ 76.16	\$ 76.16
93978 TC	Medicine	4.29	4.29	\$ 291.72	\$ 291.72
93979 00	Medicine	3.51	3.51	\$ 238.68	\$ 238.68
93979 26	Medicine	0.68	0.68	\$ 46.24	\$ 46.24
93979 TC	Medicine	2.83	2.83	\$ 192.44	\$ 192.44
93980 00	Medicine	3.46	3.46	\$ 235.28	\$ 235.28
93980 26	Medicine	1.74	1.74	\$ 118.32	\$ 118.32
93980 TC	Medicine	1.72	1.72	\$ 116.96	\$ 116.96
93981 00	Medicine	2.10	2.10	\$ 142.80	\$ 142.80
93981 26	Medicine	0.63	0.63	\$ 42.84	\$ 42.84
93981 TC	Medicine	1.47	1.47	\$ 99.96	\$ 99.96
93985 00	Medicine	7.44	7.44	\$ 505.92	\$ 505.92
93985 26	Medicine	1.12	1.12	\$ 76.16	\$ 76.16
93985 TC	Medicine	6.32	6.32	\$ 429.76	\$ 429.76
93986 00	Medicine	4.43	4.43	\$ 301.24	\$ 301.24
93986 26	Medicine	0.70	0.70	\$ 47.60	\$ 47.60
93986 TC	Medicine	3.73	3.73	\$ 253.64	\$ 253.64
93990 00	Medicine	4.39	4.39	\$ 298.52	\$ 298.52
93990 26	Medicine	0.69	0.69	\$ 46.92	\$ 46.92
93990 TC	Medicine	3.70	3.70	\$ 251.60	\$ 251.60
93998 00	Medicine	0.00	0.00	BR	BR
94002 00	Medicine	2.70	2.70	\$ 183.60	\$ 183.60
94003 00	Medicine	1.89	1.89	\$ 128.52	\$ 128.52
94004 00	Medicine	1.40	1.40	\$ 95.20	\$ 95.20
94005 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
94010 00	Medicine	0.80	0.80	\$ 54.40	\$ 54.40
94010 26	Medicine	0.24	0.24	\$ 16.32	\$ 16.32
94010 TC	Medicine	0.56	0.56	\$ 38.08	\$ 38.08
94011 00	Medicine	2.51	2.51	\$ 170.68	\$ 170.68
94012 00	Medicine	4.07	4.07	\$ 276.76	\$ 276.76
94013 00	Medicine	0.56	0.56	\$ 38.08	\$ 38.08
94014 00	Medicine	1.64	1.64	\$ 111.52	\$ 111.52
94015 00	Medicine	0.92	0.92	\$ 62.56	\$ 62.56
94016 00	Medicine	0.72	0.72	\$ 48.96	\$ 48.96
94060 00	Medicine	1.15	1.15	\$ 78.20	\$ 78.20

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
94060 26	Medicine	0.30	0.30	\$ 20.40	\$ 20.40
94060 TC	Medicine	0.85	0.85	\$ 57.80	\$ 57.80
94070 00	Medicine	1.82	1.82	\$ 123.76	\$ 123.76
94070 26	Medicine	0.81	0.81	\$ 55.08	\$ 55.08
94070 TC	Medicine	1.01	1.01	\$ 68.68	\$ 68.68
94150 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
94150 26	Medicine	0.00	0.00	Bundled Code	Bundled Code
94150 TC	Medicine	0.00	0.00	Bundled Code	Bundled Code
94200 00	Medicine	0.44	0.44	\$ 29.92	\$ 29.92
94200 26	Medicine	0.08	0.08	\$ 5.44	\$ 5.44
94200 TC	Medicine	0.36	0.36	\$ 24.48	\$ 24.48
94375 00	Medicine	1.14	1.14	\$ 77.52	\$ 77.52
94375 26	Medicine	0.42	0.42	\$ 28.56	\$ 28.56
94375 TC	Medicine	0.72	0.72	\$ 48.96	\$ 48.96
94450 00	Medicine	2.45	2.45	\$ 166.60	\$ 166.60
94450 26	Medicine	0.58	0.58	\$ 39.44	\$ 39.44
94450 TC	Medicine	1.87	1.87	\$ 127.16	\$ 127.16
94452 00	Medicine	1.45	1.45	\$ 98.60	\$ 98.60
94452 26	Medicine	0.41	0.41	\$ 27.88	\$ 27.88
94452 TC	Medicine	1.04	1.04	\$ 70.72	\$ 70.72
94453 00	Medicine	1.98	1.98	\$ 134.64	\$ 134.64
94453 26	Medicine	0.54	0.54	\$ 36.72	\$ 36.72
94453 TC	Medicine	1.44	1.44	\$ 97.92	\$ 97.92
94610 00	Medicine	1.66	1.66	\$ 112.88	\$ 112.88
94617 00	Medicine	2.60	2.60	\$ 176.80	\$ 176.80
94617 26	Medicine	0.93	0.93	\$ 63.24	\$ 63.24
94617 TC	Medicine	1.67	1.67	\$ 113.56	\$ 113.56
94618 00	Medicine	1.00	1.00	\$ 68.00	\$ 68.00
94618 26	Medicine	0.65	0.65	\$ 44.20	\$ 44.20
94618 TC	Medicine	0.35	0.35	\$ 23.80	\$ 23.80
94619 00	Medicine	2.28	2.28	\$ 155.04	\$ 155.04
94619 26	Medicine	0.66	0.66	\$ 44.88	\$ 44.88
94619 TC	Medicine	1.62	1.62	\$ 110.16	\$ 110.16
94621 00	Medicine	4.56	4.56	\$ 310.08	\$ 310.08
94621 26	Medicine	1.99	1.99	\$ 135.32	\$ 135.32
94621 TC	Medicine	2.57	2.57	\$ 174.76	\$ 174.76
94625 00	Medicine	1.73	0.50	\$ 117.64	\$ 34.00
94626 00	Medicine	2.30	0.80	\$ 156.40	\$ 54.40
94640 00	Medicine	0.27	0.27	\$ 18.36	\$ 18.36
94642 00	Medicine	-	-	\$ 68.68	\$ 66.64
94644 00	Medicine	1.78	1.78	\$ 121.04	\$ 121.04
94645 00	Medicine	0.47	0.47	\$ 31.96	\$ 31.96
94660 00	Medicine	1.88	1.09	\$ 127.84	\$ 74.12

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
94662 00	Medicine	1.03	1.03	\$ 70.04	\$ 70.04
94664 00	Medicine	0.51	0.51	\$ 34.68	\$ 34.68
94667 00	Medicine	0.70	0.70	\$ 47.60	\$ 47.60
94668 00	Medicine	1.09	1.09	\$ 74.12	\$ 74.12
94669 00	Medicine	0.58	0.58	\$ 39.44	\$ 39.44
94680 00	Medicine	1.57	1.57	\$ 106.76	\$ 106.76
94680 26	Medicine	0.37	0.37	\$ 25.16	\$ 25.16
94680 TC	Medicine	1.20	1.20	\$ 81.60	\$ 81.60
94681 00	Medicine	1.40	1.40	\$ 95.20	\$ 95.20
94681 26	Medicine	0.28	0.28	\$ 19.04	\$ 19.04
94681 TC	Medicine	1.12	1.12	\$ 76.16	\$ 76.16
94690 00	Medicine	1.42	1.42	\$ 96.56	\$ 96.56
94690 26	Medicine	0.11	0.11	\$ 7.48	\$ 7.48
94690 TC	Medicine	1.31	1.31	\$ 89.08	\$ 89.08
94726 00	Medicine	1.62	1.62	\$ 110.16	\$ 110.16
94726 26	Medicine	0.35	0.35	\$ 23.80	\$ 23.80
94726 TC	Medicine	1.27	1.27	\$ 86.36	\$ 86.36
94727 00	Medicine	1.30	1.30	\$ 88.40	\$ 88.40
94727 26	Medicine	0.35	0.35	\$ 23.80	\$ 23.80
94727 TC	Medicine	0.95	0.95	\$ 64.60	\$ 64.60
94728 00	Medicine	1.18	1.18	\$ 80.24	\$ 80.24
94728 26	Medicine	0.36	0.36	\$ 24.48	\$ 24.48
94728 TC	Medicine	0.82	0.82	\$ 55.76	\$ 55.76
94729 00	Medicine	1.69	1.69	\$ 114.92	\$ 114.92
94729 26	Medicine	0.26	0.26	\$ 17.68	\$ 17.68
94729 TC	Medicine	1.43	1.43	\$ 97.24	\$ 97.24
94760 00	Medicine	0.07	0.07	\$ 4.76	\$ 4.76
94761 00	Medicine	0.11	0.11	\$ 7.48	\$ 7.48
94762 00	Medicine	0.76	0.76	\$ 51.68	\$ 51.68
94772 00	Medicine	-	-	\$ 433.84	\$ 420.92
94772 26	Medicine	-	-	\$ 173.40	\$ 168.64
94772 TC	Medicine	-	-	\$ 260.44	\$ 252.28
94774 00	Medicine	-	-	\$ 568.48	\$ 550.80
94775 00	Medicine	0.00	0.00	BR	BR
94776 00	Medicine	0.00	0.00	BR	BR
94777 00	Medicine	-	-	\$ 120.36	\$ 116.96
94780 00	Medicine	1.54	0.70	\$ 104.72	\$ 47.60
94781 00	Medicine	0.61	0.24	\$ 41.48	\$ 16.32
94799 00	Medicine	0.00	0.00	BR	BR
94799 26	Medicine	0.00	0.00	BR	BR
94799 TC	Medicine	0.00	0.00	BR	BR
95004 00	Medicine	0.12	0.12	\$ 8.16	\$ 8.16
95012 00	Medicine	0.56	0.56	\$ 38.08	\$ 38.08

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
95017 00	Medicine	0.26	0.11	\$ 17.68	\$ 7.48
95018 00	Medicine	0.60	0.21	\$ 40.80	\$ 14.28
95024 00	Medicine	0.24	0.03	\$ 16.32	\$ 2.04
95027 00	Medicine	0.15	0.15	\$ 10.20	\$ 10.20
95028 00	Medicine	0.38	0.38	\$ 25.84	\$ 25.84
95044 00	Medicine	0.15	0.15	\$ 10.20	\$ 10.20
95052 00	Medicine	0.19	0.19	\$ 12.92	\$ 12.92
95056 00	Medicine	1.52	1.52	\$ 103.36	\$ 103.36
95060 00	Medicine	1.12	1.12	\$ 76.16	\$ 76.16
95065 00	Medicine	0.83	0.83	\$ 56.44	\$ 56.44
95070 00	Medicine	1.03	1.03	\$ 70.04	\$ 70.04
95076 00	Medicine	3.60	2.17	\$ 244.80	\$ 147.56
95079 00	Medicine	2.51	2.00	\$ 170.68	\$ 136.00
95115 00	Medicine	0.30	0.30	\$ 20.40	\$ 20.40
95117 00	Medicine	0.35	0.35	\$ 23.80	\$ 23.80
95120 00	Medicine	-	-	\$ 36.04	\$ 21.76
95125 00	Medicine	-	-	\$ 34.00	\$ 20.40
95130 00	Medicine	-	-	\$ 34.00	\$ 20.40
95131 00	Medicine	-	-	\$ 54.40	\$ 33.32
95132 00	Medicine	-	-	\$ 71.40	\$ 43.52
95133 00	Medicine	-	-	\$ 97.24	\$ 59.16
95134 00	Medicine	-	-	\$ 112.20	\$ 68.00
95144 00	Medicine	0.50	0.10	\$ 34.00	\$ 6.80
95145 00	Medicine	0.99	0.09	\$ 67.32	\$ 6.12
95146 00	Medicine	1.82	0.09	\$ 123.76	\$ 6.12
95147 00	Medicine	1.76	0.09	\$ 119.68	\$ 6.12
95148 00	Medicine	2.60	0.09	\$ 176.80	\$ 6.12
95149 00	Medicine	3.44	0.09	\$ 233.92	\$ 6.12
95165 00	Medicine	0.45	0.10	\$ 30.60	\$ 6.80
95170 00	Medicine	0.34	0.09	\$ 23.12	\$ 6.12
95180 00	Medicine	4.07	3.01	\$ 276.76	\$ 204.68
95199 00	Medicine	0.00	0.00	BR	BR
95249 00	Medicine	1.82	1.82	\$ 123.76	\$ 123.76
95250 00	Medicine	4.34	4.34	\$ 295.12	\$ 295.12
95251 00	Medicine	1.02	1.02	\$ 69.36	\$ 69.36
95700 00	Medicine	-	-	\$ 515.44	\$ 505.24
95705 00	Medicine	-	-	\$ 555.56	\$ 544.00
95706 00	Medicine	-	-	\$ 339.32	\$ 332.52
95707 00	Medicine	-	-	\$ 915.28	\$ 896.92
95708 00	Medicine	-	-	\$ 607.92	\$ 595.68
95709 00	Medicine	-	-	\$ 1,627.24	\$ 1,594.60
95710 00	Medicine	-	-	\$ 745.96	\$ 731.00
95711 00	Medicine	-	-	\$ 677.96	\$ 664.36

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
95712 00	Medicine	-	-	\$ 1,220.60	\$ 1,196.12
95713 00	Medicine	-	-	\$ 1,017.28	\$ 996.88
95714 00	Medicine	-	-	\$ 680.68	\$ 667.08
95715 00	Medicine	-	-	\$ 2,033.88	\$ 1,993.08
95716 00	Medicine	-	-	\$ 4,067.76	\$ 3,986.84
95717 00	Medicine	3.00	2.97	\$ 204.00	\$ 201.96
95718 00	Medicine	3.97	3.90	\$ 269.96	\$ 265.20
95719 00	Medicine	4.66	4.60	\$ 316.88	\$ 312.80
95720 00	Medicine	6.14	6.03	\$ 417.52	\$ 410.04
95721 00	Medicine	6.12	6.00	\$ 416.16	\$ 408.00
95722 00	Medicine	7.45	7.31	\$ 506.60	\$ 497.08
95723 00	Medicine	7.48	7.34	\$ 508.64	\$ 499.12
95724 00	Medicine	9.42	9.26	\$ 640.56	\$ 629.68
95725 00	Medicine	8.56	8.38	\$ 582.08	\$ 569.84
95726 00	Medicine	11.98	11.76	\$ 814.64	\$ 799.68
95782 00	Medicine	28.40	28.40	\$ 1,931.20	\$ 1,931.20
95782 26	Medicine	3.62	3.62	\$ 246.16	\$ 246.16
95782 TC	Medicine	24.78	24.78	\$ 1,685.04	\$ 1,685.04
95783 00	Medicine	30.09	30.09	\$ 2,046.12	\$ 2,046.12
95783 26	Medicine	3.95	3.95	\$ 268.60	\$ 268.60
95783 TC	Medicine	26.14	26.14	\$ 1,777.52	\$ 1,777.52
95800 00	Medicine	4.45	4.45	\$ 302.60	\$ 302.60
95800 26	Medicine	1.19	1.19	\$ 80.92	\$ 80.92
95800 TC	Medicine	3.26	3.26	\$ 221.68	\$ 221.68
95801 00	Medicine	2.77	2.77	\$ 188.36	\$ 188.36
95801 26	Medicine	1.19	1.19	\$ 80.92	\$ 80.92
95801 TC	Medicine	1.58	1.58	\$ 107.44	\$ 107.44
95803 00	Medicine	4.15	4.15	\$ 282.20	\$ 282.20
95803 26	Medicine	1.25	1.25	\$ 85.00	\$ 85.00
95803 TC	Medicine	2.90	2.90	\$ 197.20	\$ 197.20
95805 00	Medicine	12.49	12.49	\$ 849.32	\$ 849.32
95805 26	Medicine	1.67	1.67	\$ 113.56	\$ 113.56
95805 TC	Medicine	10.82	10.82	\$ 735.76	\$ 735.76
95806 00	Medicine	2.74	2.74	\$ 186.32	\$ 186.32
95806 26	Medicine	1.29	1.29	\$ 87.72	\$ 87.72
95806 TC	Medicine	1.45	1.45	\$ 98.60	\$ 98.60
95807 00	Medicine	11.55	11.55	\$ 785.40	\$ 785.40
95807 26	Medicine	1.73	1.73	\$ 117.64	\$ 117.64
95807 TC	Medicine	9.82	9.82	\$ 667.76	\$ 667.76
95808 00	Medicine	16.41	16.41	\$ 1,115.88	\$ 1,115.88
95808 26	Medicine	2.43	2.43	\$ 165.24	\$ 165.24
95808 TC	Medicine	13.98	13.98	\$ 950.64	\$ 950.64
95810 00	Medicine	18.15	18.15	\$ 1,234.20	\$ 1,234.20

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
95810 26	Medicine	3.47	3.47	\$ 235.96	\$ 235.96
95810 TC	Medicine	14.68	14.68	\$ 998.24	\$ 998.24
95811 00	Medicine	18.99	18.99	\$ 1,291.32	\$ 1,291.32
95811 26	Medicine	3.60	3.60	\$ 244.80	\$ 244.80
95811 TC	Medicine	15.39	15.39	\$ 1,046.52	\$ 1,046.52
95812 00	Medicine	10.32	10.32	\$ 701.76	\$ 701.76
95812 26	Medicine	1.65	1.65	\$ 112.20	\$ 112.20
95812 TC	Medicine	8.67	8.67	\$ 589.56	\$ 589.56
95813 00	Medicine	12.82	12.82	\$ 871.76	\$ 871.76
95813 26	Medicine	2.50	2.50	\$ 170.00	\$ 170.00
95813 TC	Medicine	10.32	10.32	\$ 701.76	\$ 701.76
95816 00	Medicine	11.44	11.44	\$ 777.92	\$ 777.92
95816 26	Medicine	1.65	1.65	\$ 112.20	\$ 112.20
95816 TC	Medicine	9.79	9.79	\$ 665.72	\$ 665.72
95819 00	Medicine	13.27	13.27	\$ 902.36	\$ 902.36
95819 26	Medicine	1.65	1.65	\$ 112.20	\$ 112.20
95819 TC	Medicine	11.62	11.62	\$ 790.16	\$ 790.16
95822 00	Medicine	12.43	12.43	\$ 845.24	\$ 845.24
95822 26	Medicine	1.66	1.66	\$ 112.88	\$ 112.88
95822 TC	Medicine	10.77	10.77	\$ 732.36	\$ 732.36
95824 00	Medicine	-	-	\$ 198.56	\$ 198.56
95824 26	Medicine	1.14	1.14	\$ 77.52	\$ 77.52
95824 TC	Medicine	-	-	\$ 121.04	\$ 121.04
95829 00	Medicine	52.93	52.93	\$ 3,599.24	\$ 3,599.24
95829 26	Medicine	9.67	9.67	\$ 657.56	\$ 657.56
95829 TC	Medicine	43.26	43.26	\$ 2,941.68	\$ 2,941.68
95830 00	Medicine	20.73	2.69	\$ 1,409.64	\$ 182.92
95836 00	Medicine	3.12	3.12	\$ 212.16	\$ 212.16
95851 00	Medicine	0.63	0.23	\$ 42.84	\$ 15.64
95852 00	Medicine	0.52	0.16	\$ 35.36	\$ 10.88
95857 00	Medicine	1.86	0.84	\$ 126.48	\$ 57.12
95860 00	Medicine	3.35	3.35	\$ 227.80	\$ 227.80
95860 26	Medicine	1.48	1.48	\$ 100.64	\$ 100.64
95860 TC	Medicine	1.87	1.87	\$ 127.16	\$ 127.16
95861 00	Medicine	4.79	4.79	\$ 325.72	\$ 325.72
95861 26	Medicine	2.37	2.37	\$ 161.16	\$ 161.16
95861 TC	Medicine	2.42	2.42	\$ 164.56	\$ 164.56
95863 00	Medicine	6.22	6.22	\$ 422.96	\$ 422.96
95863 26	Medicine	2.89	2.89	\$ 196.52	\$ 196.52
95863 TC	Medicine	3.33	3.33	\$ 226.44	\$ 226.44
95864 00	Medicine	6.97	6.97	\$ 473.96	\$ 473.96
95864 26	Medicine	3.08	3.08	\$ 209.44	\$ 209.44
95864 TC	Medicine	3.89	3.89	\$ 264.52	\$ 264.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
95865 00	Medicine	4.46	4.46	\$ 303.28	\$ 303.28
95865 26	Medicine	2.40	2.40	\$ 163.20	\$ 163.20
95865 TC	Medicine	2.06	2.06	\$ 140.08	\$ 140.08
95866 00	Medicine	3.78	3.78	\$ 257.04	\$ 257.04
95866 26	Medicine	1.87	1.87	\$ 127.16	\$ 127.16
95866 TC	Medicine	1.91	1.91	\$ 129.88	\$ 129.88
95867 00	Medicine	3.20	3.20	\$ 217.60	\$ 217.60
95867 26	Medicine	1.22	1.22	\$ 82.96	\$ 82.96
95867 TC	Medicine	1.98	1.98	\$ 134.64	\$ 134.64
95868 00	Medicine	4.16	4.16	\$ 282.88	\$ 282.88
95868 26	Medicine	1.81	1.81	\$ 123.08	\$ 123.08
95868 TC	Medicine	2.35	2.35	\$ 159.80	\$ 159.80
95869 00	Medicine	2.87	2.87	\$ 195.16	\$ 195.16
95869 26	Medicine	0.58	0.58	\$ 39.44	\$ 39.44
95869 TC	Medicine	2.29	2.29	\$ 155.72	\$ 155.72
95870 00	Medicine	2.49	2.49	\$ 169.32	\$ 169.32
95870 26	Medicine	0.57	0.57	\$ 38.76	\$ 38.76
95870 TC	Medicine	1.92	1.92	\$ 130.56	\$ 130.56
95872 00	Medicine	5.88	5.88	\$ 399.84	\$ 399.84
95872 26	Medicine	4.39	4.39	\$ 298.52	\$ 298.52
95872 TC	Medicine	1.49	1.49	\$ 101.32	\$ 101.32
95873 00	Medicine	2.15	2.15	\$ 146.20	\$ 146.20
95873 26	Medicine	0.57	0.57	\$ 38.76	\$ 38.76
95873 TC	Medicine	1.58	1.58	\$ 107.44	\$ 107.44
95874 00	Medicine	2.31	2.31	\$ 157.08	\$ 157.08
95874 26	Medicine	0.57	0.57	\$ 38.76	\$ 38.76
95874 TC	Medicine	1.74	1.74	\$ 118.32	\$ 118.32
95875 00	Medicine	4.08	4.08	\$ 277.44	\$ 277.44
95875 26	Medicine	1.69	1.69	\$ 114.92	\$ 114.92
95875 TC	Medicine	2.39	2.39	\$ 162.52	\$ 162.52
95885 00	Medicine	1.85	1.85	\$ 125.80	\$ 125.80
95885 26	Medicine	0.53	0.53	\$ 36.04	\$ 36.04
95885 TC	Medicine	1.32	1.32	\$ 89.76	\$ 89.76
95886 00	Medicine	2.91	2.91	\$ 197.88	\$ 197.88
95886 26	Medicine	1.33	1.33	\$ 90.44	\$ 90.44
95886 TC	Medicine	1.58	1.58	\$ 107.44	\$ 107.44
95887 00	Medicine	2.50	2.50	\$ 170.00	\$ 170.00
95887 26	Medicine	1.09	1.09	\$ 74.12	\$ 74.12
95887 TC	Medicine	1.41	1.41	\$ 95.88	\$ 95.88
95905 00	Medicine	1.03	1.03	\$ 70.04	\$ 70.04
95905 26	Medicine	0.08	0.08	\$ 5.44	\$ 5.44
95905 TC	Medicine	0.95	0.95	\$ 64.60	\$ 64.60
95907 00	Medicine	2.67	2.67	\$ 181.56	\$ 181.56

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
95907 26	Medicine	1.54	1.54	\$ 104.72	\$ 104.72
95907 TC	Medicine	1.13	1.13	\$ 76.84	\$ 76.84
95908 00	Medicine	3.32	3.32	\$ 225.76	\$ 225.76
95908 26	Medicine	1.92	1.92	\$ 130.56	\$ 130.56
95908 TC	Medicine	1.40	1.40	\$ 95.20	\$ 95.20
95909 00	Medicine	3.99	3.99	\$ 271.32	\$ 271.32
95909 26	Medicine	2.31	2.31	\$ 157.08	\$ 157.08
95909 TC	Medicine	1.68	1.68	\$ 114.24	\$ 114.24
95910 00	Medicine	5.22	5.22	\$ 354.96	\$ 354.96
95910 26	Medicine	3.07	3.07	\$ 208.76	\$ 208.76
95910 TC	Medicine	2.15	2.15	\$ 146.20	\$ 146.20
95911 00	Medicine	6.30	6.30	\$ 428.40	\$ 428.40
95911 26	Medicine	3.83	3.83	\$ 260.44	\$ 260.44
95911 TC	Medicine	2.47	2.47	\$ 167.96	\$ 167.96
95912 00	Medicine	7.37	7.37	\$ 501.16	\$ 501.16
95912 26	Medicine	4.59	4.59	\$ 312.12	\$ 312.12
95912 TC	Medicine	2.78	2.78	\$ 189.04	\$ 189.04
95913 00	Medicine	8.51	8.51	\$ 578.68	\$ 578.68
95913 26	Medicine	5.44	5.44	\$ 369.92	\$ 369.92
95913 TC	Medicine	3.07	3.07	\$ 208.76	\$ 208.76
95919 00	Medicine	0.46	0.46	\$ 31.28	\$ 31.28
95919 26	Medicine	0.29	0.29	\$ 19.72	\$ 19.72
95919 TC	Medicine	0.17	0.17	\$ 11.56	\$ 11.56
95921 00	Medicine	2.61	2.61	\$ 177.48	\$ 177.48
95921 26	Medicine	1.31	1.31	\$ 89.08	\$ 89.08
95921 TC	Medicine	1.30	1.30	\$ 88.40	\$ 88.40
95922 00	Medicine	2.89	2.89	\$ 196.52	\$ 196.52
95922 26	Medicine	1.35	1.35	\$ 91.80	\$ 91.80
95922 TC	Medicine	1.54	1.54	\$ 104.72	\$ 104.72
95923 00	Medicine	3.68	3.68	\$ 250.24	\$ 250.24
95923 26	Medicine	1.31	1.31	\$ 89.08	\$ 89.08
95923 TC	Medicine	2.37	2.37	\$ 161.16	\$ 161.16
95924 00	Medicine	4.53	4.53	\$ 308.04	\$ 308.04
95924 26	Medicine	2.56	2.56	\$ 174.08	\$ 174.08
95924 TC	Medicine	1.97	1.97	\$ 133.96	\$ 133.96
95925 00	Medicine	5.32	5.32	\$ 361.76	\$ 361.76
95925 26	Medicine	0.83	0.83	\$ 56.44	\$ 56.44
95925 TC	Medicine	4.49	4.49	\$ 305.32	\$ 305.32
95926 00	Medicine	4.64	4.64	\$ 315.52	\$ 315.52
95926 26	Medicine	0.80	0.80	\$ 54.40	\$ 54.40
95926 TC	Medicine	3.84	3.84	\$ 261.12	\$ 261.12
95927 00	Medicine	4.96	4.96	\$ 337.28	\$ 337.28
95927 26	Medicine	0.79	0.79	\$ 53.72	\$ 53.72

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
95927 TC	Medicine	4.17	4.17	\$ 283.56	\$ 283.56
95928 00	Medicine	7.04	7.04	\$ 478.72	\$ 478.72
95928 26	Medicine	2.31	2.31	\$ 157.08	\$ 157.08
95928 TC	Medicine	4.73	4.73	\$ 321.64	\$ 321.64
95929 00	Medicine	7.15	7.15	\$ 486.20	\$ 486.20
95929 26	Medicine	2.30	2.30	\$ 156.40	\$ 156.40
95929 TC	Medicine	4.85	4.85	\$ 329.80	\$ 329.80
95930 00	Medicine	1.98	1.98	\$ 134.64	\$ 134.64
95930 26	Medicine	0.54	0.54	\$ 36.72	\$ 36.72
95930 TC	Medicine	1.44	1.44	\$ 97.92	\$ 97.92
95933 00	Medicine	2.46	2.46	\$ 167.28	\$ 167.28
95933 26	Medicine	0.92	0.92	\$ 62.56	\$ 62.56
95933 TC	Medicine	1.54	1.54	\$ 104.72	\$ 104.72
95937 00	Medicine	3.15	3.15	\$ 214.20	\$ 214.20
95937 26	Medicine	1.01	1.01	\$ 68.68	\$ 68.68
95937 TC	Medicine	2.14	2.14	\$ 145.52	\$ 145.52
95938 00	Medicine	10.88	10.88	\$ 739.84	\$ 739.84
95938 26	Medicine	1.32	1.32	\$ 89.76	\$ 89.76
95938 TC	Medicine	9.56	9.56	\$ 650.08	\$ 650.08
95939 00	Medicine	16.31	16.31	\$ 1,109.08	\$ 1,109.08
95939 26	Medicine	3.45	3.45	\$ 234.60	\$ 234.60
95939 TC	Medicine	12.86	12.86	\$ 874.48	\$ 874.48
95940 00	Medicine	0.95	0.95	\$ 64.60	\$ 64.60
95941 00	Medicine	-	-	\$ 1,745.56	\$ 1,710.88
95954 00	Medicine	12.06	12.06	\$ 820.08	\$ 820.08
95954 26	Medicine	3.18	3.18	\$ 216.24	\$ 216.24
95954 TC	Medicine	8.88	8.88	\$ 603.84	\$ 603.84
95955 00	Medicine	5.75	5.75	\$ 391.00	\$ 391.00
95955 26	Medicine	1.55	1.55	\$ 105.40	\$ 105.40
95955 TC	Medicine	4.20	4.20	\$ 285.60	\$ 285.60
95957 00	Medicine	8.22	8.22	\$ 558.96	\$ 558.96
95957 26	Medicine	2.97	2.97	\$ 201.96	\$ 201.96
95957 TC	Medicine	5.25	5.25	\$ 357.00	\$ 357.00
95958 00	Medicine	20.02	20.02	\$ 1,361.36	\$ 1,361.36
95958 26	Medicine	6.55	6.55	\$ 445.40	\$ 445.40
95958 TC	Medicine	13.47	13.47	\$ 915.96	\$ 915.96
95961 00	Medicine	9.32	9.32	\$ 633.76	\$ 633.76
95961 26	Medicine	4.70	4.70	\$ 319.60	\$ 319.60
95961 TC	Medicine	4.62	4.62	\$ 314.16	\$ 314.16
95962 00	Medicine	8.07	8.07	\$ 548.76	\$ 548.76
95962 26	Medicine	5.03	5.03	\$ 342.04	\$ 342.04
95962 TC	Medicine	3.04	3.04	\$ 206.72	\$ 206.72
95965 00	Medicine	-	-	\$ 3,283.04	\$ 3,283.04

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
95965 26	Medicine	12.07	12.07	\$ 820.76	\$ 820.76
95965 TC	Medicine	-	-	\$ 2,462.28	\$ 2,462.28
95966 00	Medicine	-	-	\$ 2,094.40	\$ 2,094.40
95966 26	Medicine	6.16	6.16	\$ 418.88	\$ 418.88
95966 TC	Medicine	-	-	\$ 1,675.52	\$ 1,675.52
95967 00	Medicine	-	-	\$ 1,266.16	\$ 1,266.16
95967 26	Medicine	5.40	5.40	\$ 367.20	\$ 367.20
95967 TC	Medicine	-	-	\$ 898.96	\$ 898.96
95970 00	Medicine	0.56	0.55	\$ 38.08	\$ 37.40
95971 00	Medicine	1.42	1.15	\$ 96.56	\$ 78.20
95972 00	Medicine	1.68	1.20	\$ 114.24	\$ 81.60
95976 00	Medicine	1.18	1.15	\$ 80.24	\$ 78.20
95977 00	Medicine	1.56	1.54	\$ 106.08	\$ 104.72
95980 00	Medicine	1.35	1.35	\$ 91.80	\$ 91.80
95981 00	Medicine	1.15	0.53	\$ 78.20	\$ 36.04
95982 00	Medicine	1.75	1.08	\$ 119.00	\$ 73.44
95983 00	Medicine	1.49	1.46	\$ 101.32	\$ 99.28
95984 00	Medicine	1.29	1.28	\$ 87.72	\$ 87.04
95990 00	Medicine	2.68	2.68	\$ 182.24	\$ 182.24
95991 00	Medicine	3.30	1.19	\$ 224.40	\$ 80.92
95992 00	Medicine	1.29	1.07	\$ 87.72	\$ 72.76
95999 00	Medicine	0.00	0.00	BR	BR
96000 00	Medicine	2.46	2.46	\$ 167.28	\$ 167.28
96001 00	Medicine	3.26	3.26	\$ 221.68	\$ 221.68
96002 00	Medicine	0.64	0.64	\$ 43.52	\$ 43.52
96003 00	Medicine	0.49	0.49	\$ 33.32	\$ 33.32
96004 00	Medicine	3.21	3.21	\$ 218.28	\$ 218.28
96020 00	Medicine	-	-	\$ 481.44	\$ 481.44
96020 26	Medicine	4.67	4.67	\$ 317.56	\$ 317.56
96020 TC	Medicine	-	-	\$ 163.88	\$ 163.88
96040 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
96105 00	Medicine	2.90	2.90	\$ 197.20	\$ 197.20
96110 00	Medicine	0.32	0.32	\$ 21.76	\$ 21.76
96112 00	Medicine	3.74	3.70	\$ 254.32	\$ 251.60
96113 00	Medicine	1.77	1.66	\$ 120.36	\$ 112.88
96116 00	Medicine	2.75	2.37	\$ 187.00	\$ 161.16
96121 00	Medicine	2.24	1.98	\$ 152.32	\$ 134.64
96125 00	Medicine	3.05	3.05	\$ 207.40	\$ 207.40
96127 00	Medicine	0.14	0.14	\$ 9.52	\$ 9.52
96130 00	Medicine	3.55	3.21	\$ 241.40	\$ 218.28
96131 00	Medicine	2.56	2.26	\$ 174.08	\$ 153.68
96132 00	Medicine	3.84	3.13	\$ 261.12	\$ 212.84
96133 00	Medicine	2.92	2.26	\$ 198.56	\$ 153.68

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
96136 00	Medicine	1.26	0.69	\$ 85.68	\$ 46.92
96137 00	Medicine	1.16	0.53	\$ 78.88	\$ 36.04
96138 00	Medicine	1.01	1.01	\$ 68.68	\$ 68.68
96139 00	Medicine	1.04	1.04	\$ 70.72	\$ 70.72
96146 00	Medicine	0.07	0.07	\$ 4.76	\$ 4.76
96156 00	Medicine	2.81	2.49	\$ 191.08	\$ 169.32
96158 00	Medicine	1.92	1.69	\$ 130.56	\$ 114.92
96159 00	Medicine	0.66	0.58	\$ 44.88	\$ 39.44
96160 00	Medicine	0.08	0.08	\$ 5.44	\$ 5.44
96161 00	Medicine	0.08	0.08	\$ 5.44	\$ 5.44
96164 00	Medicine	0.29	0.26	\$ 19.72	\$ 17.68
96165 00	Medicine	0.13	0.12	\$ 8.84	\$ 8.16
96167 00	Medicine	2.04	1.79	\$ 138.72	\$ 121.72
96168 00	Medicine	0.72	0.63	\$ 48.96	\$ 42.84
96170 00	Medicine	2.32	2.18	\$ 157.76	\$ 148.24
96171 00	Medicine	0.84	0.79	\$ 57.12	\$ 53.72
96202 00	Medicine	-	-	\$ 47.60	\$ 43.52
96203 00	Medicine	-	-	\$ 12.24	\$ 12.24
96360 00	Medicine	0.97	0.97	\$ 65.96	\$ 65.96
96361 00	Medicine	0.38	0.38	\$ 25.84	\$ 25.84
96365 00	Medicine	1.91	1.91	\$ 129.88	\$ 129.88
96366 00	Medicine	0.61	0.61	\$ 41.48	\$ 41.48
96367 00	Medicine	0.86	0.86	\$ 58.48	\$ 58.48
96368 00	Medicine	0.59	0.59	\$ 40.12	\$ 40.12
96369 00	Medicine	4.18	4.18	\$ 284.24	\$ 284.24
96370 00	Medicine	0.46	0.46	\$ 31.28	\$ 31.28
96371 00	Medicine	1.68	1.68	\$ 114.24	\$ 114.24
96372 00	Medicine	0.42	0.42	\$ 28.56	\$ 28.56
96373 00	Medicine	0.54	0.54	\$ 36.72	\$ 36.72
96374 00	Medicine	1.11	1.11	\$ 75.48	\$ 75.48
96375 00	Medicine	0.46	0.46	\$ 31.28	\$ 31.28
96376 00	Medicine	-	-	\$ 68.00	\$ 59.84
96377 00	Medicine	0.55	0.55	\$ 37.40	\$ 37.40
96379 00	Medicine	0.00	0.00	BR	BR
96401 00	Medicine	2.17	2.17	\$ 147.56	\$ 147.56
96402 00	Medicine	1.01	1.01	\$ 68.68	\$ 68.68
96405 00	Medicine	2.51	0.86	\$ 170.68	\$ 58.48
96406 00	Medicine	3.92	1.32	\$ 266.56	\$ 89.76
96409 00	Medicine	3.01	3.01	\$ 204.68	\$ 204.68
96411 00	Medicine	1.65	1.65	\$ 112.20	\$ 112.20
96413 00	Medicine	3.90	3.90	\$ 265.20	\$ 265.20
96415 00	Medicine	0.84	0.84	\$ 57.12	\$ 57.12
96416 00	Medicine	3.83	3.83	\$ 260.44	\$ 260.44

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
96417 00	Medicine	1.92	1.92	\$ 130.56	\$ 130.56
96420 00	Medicine	3.07	3.07	\$ 208.76	\$ 208.76
96422 00	Medicine	4.72	4.72	\$ 320.96	\$ 320.96
96423 00	Medicine	2.18	2.18	\$ 148.24	\$ 148.24
96425 00	Medicine	5.06	5.06	\$ 344.08	\$ 344.08
96440 00	Medicine	22.54	3.94	\$ 1,532.72	\$ 267.92
96446 00	Medicine	5.69	0.75	\$ 386.92	\$ 51.00
96450 00	Medicine	4.93	2.27	\$ 335.24	\$ 154.36
96521 00	Medicine	3.77	3.77	\$ 256.36	\$ 256.36
96522 00	Medicine	3.48	3.48	\$ 236.64	\$ 236.64
96523 00	Medicine	0.76	0.76	\$ 51.68	\$ 51.68
96542 00	Medicine	3.87	1.24	\$ 263.16	\$ 84.32
96549 00	Medicine	0.00	0.00	BR	BR
96567 00	Medicine	4.21	4.21	\$ 286.28	\$ 286.28
96570 00	Medicine	1.62	1.62	\$ 110.16	\$ 110.16
96571 00	Medicine	0.74	0.74	\$ 50.32	\$ 50.32
96573 00	Medicine	6.90	6.90	\$ 469.20	\$ 469.20
96574 00	Medicine	8.43	8.43	\$ 573.24	\$ 573.24
96900 00	Medicine	0.73	0.73	\$ 49.64	\$ 49.64
96902 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
96904 00	Medicine	2.10	2.10	\$ 142.80	\$ 142.80
96910 00	Medicine	3.53	3.53	\$ 240.04	\$ 240.04
96912 00	Medicine	3.01	3.01	\$ 204.68	\$ 204.68
96913 00	Medicine	4.56	4.56	\$ 310.08	\$ 310.08
96920 00	Medicine	4.67	1.87	\$ 317.56	\$ 127.16
96921 00	Medicine	5.13	2.12	\$ 348.84	\$ 144.16
96922 00	Medicine	6.99	3.43	\$ 475.32	\$ 233.24
96931 00	Medicine	5.13	5.13	\$ 348.84	\$ 348.84
96932 00	Medicine	3.83	3.83	\$ 260.44	\$ 260.44
96933 00	Medicine	1.30	1.30	\$ 88.40	\$ 88.40
96934 00	Medicine	3.56	3.56	\$ 242.08	\$ 242.08
96935 00	Medicine	2.33	2.33	\$ 158.44	\$ 158.44
96936 00	Medicine	1.23	1.23	\$ 83.64	\$ 83.64
96999 00	Medicine	0.00	0.00	BR	BR
99000 00	Medicine	-	-	\$ 13.60	\$ 13.60
99001 00	Medicine	-	-	\$ 27.88	\$ 27.88
99002 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
99024 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
99026 00	Medicine	-	-	\$ 51.00	\$ 51.00
99027 00	Medicine	-	-	\$ 34.00	\$ 34.00
99050 00	Medicine	-	-	\$ 34.00	\$ 34.00
99051 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
99053 00	Medicine	0.00	0.00	Bundled Code	Bundled Code

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
99056 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
99058 00	Medicine	-	-	\$ 44.20	\$ 44.20
99060 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
99070 00	Medicine	0.00	0.00	BR	BR
99071 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
99072 00	Medicine	0.00	0.00	BR	BR
99075 00	Medicine	0.00	0.00	BR	BR
99078 00	Medicine	0.00	0.00	Bundled Code	Bundled Code
99080 00	Medicine	0.00	0.00	BR	BR
99082 00	Medicine	0.00	0.00	BR	BR
99091 00	Medicine	1.60	1.60	\$ 108.80	\$ 108.80
99151 00	Medicine	1.80	0.72	\$ 122.40	\$ 48.96
99152 00	Medicine	1.50	0.37	\$ 102.00	\$ 25.16
99153 00	Medicine	0.33	0.33	\$ 22.44	\$ 22.44
99155 00	Medicine	2.44	2.44	\$ 165.92	\$ 165.92
99156 00	Medicine	2.24	2.24	\$ 152.32	\$ 152.32
99157 00	Medicine	1.83	1.83	\$ 124.44	\$ 124.44
99170 00	Medicine	4.84	2.51	\$ 329.12	\$ 170.68
99172 00	Medicine	-	-	\$ 27.88	\$ 26.52
99173 00	Medicine	0.09	0.09	\$ 6.12	\$ 6.12
99174 00	Medicine	0.18	0.18	\$ 12.24	\$ 12.24
99175 00	Medicine	0.90	0.90	\$ 61.20	\$ 61.20
99177 00	Medicine	0.14	0.14	\$ 9.52	\$ 9.52
99183 00	Medicine	3.14	3.14	\$ 213.52	\$ 213.52
99184 00	Medicine	6.33	6.33	\$ 430.44	\$ 430.44
99188 00	Medicine	0.35	0.29	\$ 23.80	\$ 19.72
99190 00	Medicine	-	-	\$ 569.84	\$ 529.72
99191 00	Medicine	-	-	\$ 440.64	\$ 410.04
99192 00	Medicine	-	-	\$ 291.72	\$ 271.32
99195 00	Medicine	2.90	2.90	\$ 197.20	\$ 197.20
99199 00	Medicine	0.00	0.00	BR	BR
99500 00	Medicine	-	-	\$ 114.92	\$ 114.92
99501 00	Medicine	-	-	\$ 186.32	\$ 186.32
99502 00	Medicine	-	-	\$ 237.32	\$ 237.32
99503 00	Medicine	-	-	\$ 51.00	\$ 51.00
99504 00	Medicine	-	-	\$ 189.72	\$ 189.72
99505 00	Medicine	-	-	\$ 221.00	\$ 221.00
99506 00	Medicine	-	-	\$ 102.00	\$ 102.00
99507 00	Medicine	-	-	\$ 130.56	\$ 130.56
99509 00	Medicine	-	-	\$ 13.60	\$ 13.60
99510 00	Medicine	-	-	\$ 135.32	\$ 135.32
99511 00	Medicine	-	-	\$ 87.04	\$ 87.04
99512 00	Medicine	-	-	\$ 1,885.64	\$ 1,885.64

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
99600 00	Medicine	0.00	0.00	BR	BR
99601 00	Medicine	-	-	\$ 152.32	\$ 152.32
99602 00	Medicine	-	-	\$ 102.00	\$ 102.00
99605 00	Medicine	-	-	\$ 38.08	\$ 38.08
99606 00	Medicine	-	-	\$ 38.08	\$ 38.08
99607 00	Medicine	-	-	\$ 38.08	\$ 38.08

**Historical Note**

New Appendix A, Medicine Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Medicine Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Medicine Codes 2019-2020 repealed; new Appendix A, Medicine Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Medicine Codes 2020-2021 repealed; new Appendix A, Medicine Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Medicine Codes 2021-2022 repealed; new Appendix A, Medicine Codes 2022-2023 made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Medicine Codes 2022-2023 repealed; new Appendix A, Medicine Codes 2023-2024 made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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## PHYSICAL MEDICINE AND REHABILITATION GUIDELINES

Information regarding publications incorporated by reference is found in the Introduction Section of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to physical medicine and rehabilitation services. To the extent that a conflict may exist between an incorporated portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

General requirements in reporting services are found in the Introduction of the Fee Schedule. In addition to the definitions and commonalities preceding the coded medical procedures, several other requirements unique to this Section (Physical Medicine and Rehabilitation) are defined or identified as follows:

- A. Physical therapy (PT) evaluation codes (97161-97163) and occupational therapy (OT) evaluation codes (97165- 97167) are billed at the initial visit and a re-evaluation code (97164 for PT, 97168 for OT) may be billed once every two calendar weeks following an initial evaluation. Additional billing for PT and OT evaluation services may be allowed when specific additional services are warranted. Approval of the payer must be obtained prior to performing additional services. Criteria to select the appropriate evaluation and re-evaluation codes are outlined in the current CPT® publication.

NOTE: These limitations do **not** apply to referring healthcare providers or to providers who treat patients once per month.

- B. When multiple modalities (untimed 97012-97028 and/or time-based 97032-97036) are performed, the first modality (or the first unit of a time-based modality) is reported as listed. The second modality (or the second unit of a time- based modality) is identified by adding modifier -51 to the code number. The second and each subsequent modality (or unit(s) of a time-based modality) should be valued at 50% of its listed value.

First modality reported or first unit of a time-based modality	-100%
Second, third, and additional approved modality or unit(s)	- 50%

Any more than three modalities or more than three units of a time-based modality or any combination of time-based and untimed modalities equaling three billed units per body part being treated must have prior approval from the payer. The time a healthcare provider bills for a time-based modality (97032-97036) does not count towards the total timed therapeutic procedure maximum of four units or 67 minutes. However, the time spent performing time-based modalities counts towards the total treatment time and should be used to determine the number of units a provider bills (*see* Section E and Example 5). **The amount of time spent performing each specific procedure or modality provided to the patient is not required to be documented in the treatment note** (*see* Section G).

NOTE: 97010 is a bundled service and not separately reportable.

Example:

During a visit, a patient receives the following services: 45 minutes therapeutic exercise 97110  
15 minutes mechanical traction 97012  
15 minutes unattended electrical stimulation 97014  
10 minutes ultrasound 97035  
15 minutes moist heat 97010 while receiving the electric stimulation

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Under the multiple modality rule, the healthcare provider would bill:

97110 3 units at 100% of value (therapeutic procedure, timed code)

97012 1 unit at 100% of value (modality, untimed code)

97014 1 unit at 50% of value (modality, untimed code)

97035 1 unit at 50% of value (modality, timed code)

97010 is bundled into the above services and not paid as a separate service. The total time spent performing time-based codes (97110 and 97035) is 55 minutes and justifies billing four units of time-based services (*see* Section E).

- C. CPT® codes describing therapeutic procedures (97110-97150 and 97530-97546) are not subject to the multiple modality rule and shall be paid at 100% of their listed value. When performing therapeutic procedure(s), (excluding work hardening/conditioning, 97545-97546, and physical test or measures for functional capacity evaluation, 97750), a maximum of four units or 67 minutes is allowed each day. Approval must be obtained from the payer prior to performing therapeutic procedures in excess of this maximum (*e.g.*, when multiple body parts are treated in a single visit).
- D. The values for the codes in this section include the time and work of the provider, the equipment required to provide the service, and the cost of the healthcare provider's liability insurance. Medications and disposable electrodes used in these procedures should be considered supplies and managed in accordance with the HCPCS Section of this Fee Schedule.
- E. Time-Based Physical Medicine and Rehabilitation CPT® codes are billed according to guidance from the Centers for Medicare and Medicaid Services (CMS), as published in the Medicare Claims Processing Manual, Chapter 5, Section 20.2, C. Counting Minutes for Timed Codes in 15 Minute Units.

When only one service is provided in a day, healthcare providers should not bill for services provided for less than 8 minutes. For any single 15-minute timed CPT code in the same day, healthcare providers bill a single 15-minute unit for treatment of greater than or equal to 8 minutes through and including 22 minutes. If the duration of a single procedure in a day is greater than or equal to 23 minutes through and including 37 minutes, two units should be billed. Please refer to the table below, which outlines how to bill for up to four units or 67 minutes, without payer approval.

Units	Number of Minutes
0	< 8 minutes
1	≥ 8 minutes and ≤ 22 minutes
2	≥ 23 minutes and ≤ 37 minutes
3	≥ 38 minutes and ≤ 52 minutes
4	≥ 53 minutes and ≤ 67 minutes

If additional therapeutic procedures and/or time-based modalities are approved by the payer, the pattern for determining time/units is continued.

When more than one service represented by 15-minute timed codes is performed in a single day, the total number of minutes of service determines the number of timed units billed (as noted in the chart above). For any service represented by a 15-minute timed code that is performed for 7 minutes or less on the same day as another service also represented by a 15-minute timed code performed for 7 minutes or less, and the total time of these two services is 8 minutes or greater, the provider may bill one unit of service that was performed for the most minutes. The same logic is applied if three or more different services are performed on the same day for 7 minutes or less.

The expectation, based on the work values assigned to these codes, is that a provider's direct patient contact time for each unit will average 15 minutes in length. If more than one 15-minute timed CPT® code is billed during a single calendar day, the total number of units billed is constrained by the total treatment time for that day.

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When documenting to support the billing of timed CPT® codes, the provider should **document the total number of timed minutes and the total time of the treatment provided that day.** Total treatment time includes the minutes for timed code treatment and untimed code treatment. Total treatment time does not include time for services that are not billable (*e.g.*, rest periods). **The amount of time for each specific intervention/modality provided to the patient is not required to be documented in the treatment note.**

It is important that the total number of timed treatment minutes support the billing of units on the invoice and that the total treatment time also reflects the services billed as untimed codes. The billing and the total timed code treatment minutes documented must be consistent. Additional guidance for documentation of timed codes is found in the CMS Benefit Policy Manual, Chapter 15, 220.3, E. Treatment Note

Examples on how to count the appropriate number of minutes for the total therapy minutes provided:

**Example 1**

During a visit, the patient receives the following services:

45 minutes therapeutic exercise 97110

5 minutes manual therapy 97140

7 minutes therapeutic activities 97530 Total

Timed Codes: 57 minutes

The healthcare provider would bill: 4 units

97110 3 units

97530 1 unit

Since the total time spent providing manual therapy and therapeutic exercises is greater than 8 minutes, one unit is billed of the service which was performed for more time.

**Example 2**

During a visit, the patient receives the following services:

24 minutes neuromuscular reeducation 97112

23 minutes therapeutic exercise 97110 Total

Timed Codes: 47 minutes

The healthcare provider would bill: 3 units

97112 2 units

97110 1 unit

Each service is provided for more than 15 minutes, so at least one unit is appropriate for each. Two units are billed for Neuromuscular reeducation since that service was performed for more time.

**Example 3**

During a visit, the patient receives the following services: 20

minutes therapeutic activities 97530

20 minutes therapeutic exercise 97110 Total

Timed Codes: 40 minutes

The healthcare provider would bill: 3 units

97530 2 units

97110 1 unit

OR

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97110 2 units

97530 1 unit

Each service was provided for 20 minutes, which would allow for one unit for each service. However, the total time of 40 minutes allows for three units to be billed. Since the time for each service is the same, the provider can choose which code to bill for two units and which code to bill for one unit.

Example 4

During a visit, the patient receives the following services:

33 minutes therapeutic exercise 97110

7 minutes manual therapy 97140

Total Timed Codes: 40 minutes

The healthcare provider would bill: 3 units

97110 2 units

97140 1 unit

The first 30 minutes of therapeutic exercise is 2 units. The remaining 3 minutes is added to the 7 minutes of manual therapy and then is billed for one unit of manual therapy. The time for manual therapy is greater than the remaining time from the therapeutic exercise.

Example 5

During a visit, the patient receives the following services:

18 minutes therapeutic exercise 97110

13 minutes manual therapy 97140

10 minutes gait training 97116

8 minutes ultrasound 97035 Total

Timed Codes: 49 minutes

The healthcare provider would bill: 3 units

97110 1 unit

97140 1 unit

97116 1 unit

Bill the procedures that the most time was spent performing. One unit each of 97110, 97140, and 97116. Although the ultrasound should be documented, it cannot be billed, as the healthcare provider is constrained by the total timed codes minutes. Since the total for the timed codes is 49 minutes, only three units would be billed.

- F. A work hardening program is limited to 6 1/2 hours per day, not to exceed a 6 week period of time.
- G. The payer has the right to require documentation to establish that a modality or therapeutic procedure was performed. Inasmuch as these Guidelines allow for re-evaluations to be performed every two weeks, it is at that time the healthcare provider should address and document the status of the treatment protocol.

It is not appropriate for the payer on a per billing basis to require a healthcare provider to provide unnecessary detailed documentation to justify payment. A healthcare provider is required to comply with A.R.S. § 23-1062.01 when submitting a bill. For example, the purpose of modalities like hot and cold packs, paraffin baths, and whirlpools are straightforward. Modalities are utilized as a sub-element of the over-all treatment protocol to prepare the injured worker for therapy or to minimize the impact of the therapy on the injured worker. Other than a statement that certain modalities were performed, any additional documentation such as the purpose of the application of modalities, resulting flexibility or comfort is unnecessary. Additionally, listing the amount of weight an individual is lifting,

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repetitions, and sets is, again, unnecessary. During a re-evaluation visit, the healthcare provider should provide documentation regarding changes in strength, stamina, and flexibility.

Documentation of each treatment shall include the following elements:

- Date of treatment.
- Identification of each specific intervention/modality provided and billed, both timed and untimed services in a manner that it can be compared with the billing record to verify correct coding.
- Total timed code treatment minutes and total treatment time in minutes (the amount of time for each specific intervention/modality provided is not required).
- Signatures (written or electronic) and professional designation of the qualified healthcare provider who furnished or supervised the services provided.

**Historical Note**

New Appendix A, Physical Medicine Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Physical Medicine Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Physical Medicine Guidelines repealed; new Appendix A, Physical Medicine Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20- 3). Appendix A, Physical Medicine Guidelines repealed; new Appendix A, Physical Medicine and Rehabilitation Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Physical Medicine Guidelines repealed; new Appendix A, Physical Medicine and Rehabilitation Guidelines made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Physical Medicine and Rehabilitation Guidelines repealed; new Appendix A, Physical Medicine and Rehabilitation Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).



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<b>ARIZONA PHYSICIANS' FEE SCHEDULE</b> <b>Physical Medicine Codes 2023</b> <b>Physical Medicine Conversion Factor</b>					
Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
97010 00	Physical Medicine	0.19	0.19	\$ 12.92	\$ 12.92
97012 00	Physical Medicine	0.43	0.43	\$ 29.24	\$ 29.24
97014 00	Physical Medicine	0.37	0.37	\$ 25.16	\$ 25.16
97016 00	Physical Medicine	0.35	0.35	\$ 23.80	\$ 23.80
97018 00	Physical Medicine	0.17	0.17	\$ 11.56	\$ 11.56
97022 00	Physical Medicine	0.51	0.51	\$ 34.68	\$ 34.68
97024 00	Physical Medicine	0.22	0.22	\$ 14.96	\$ 14.96
97026 00	Physical Medicine	0.20	0.20	\$ 13.60	\$ 13.60
97028 00	Physical Medicine	0.25	0.25	\$ 17.00	\$ 17.00
97032 00	Physical Medicine	0.43	0.43	\$ 29.24	\$ 29.24
97033 00	Physical Medicine	0.59	0.59	\$ 40.12	\$ 40.12
97034 00	Physical Medicine	0.43	0.43	\$ 29.24	\$ 29.24
97035 00	Physical Medicine	0.43	0.43	\$ 29.24	\$ 29.24
97036 00	Physical Medicine	1.04	1.04	\$ 70.72	\$ 70.72
97039 00	Physical Medicine	0.00	0.00	BR	BR
97110 00	Physical Medicine	0.88	0.88	\$ 59.84	\$ 59.84
97112 00	Physical Medicine	1.01	1.01	\$ 68.68	\$ 68.68
97113 00	Physical Medicine	1.10	1.10	\$ 74.80	\$ 74.80
97116 00	Physical Medicine	0.88	0.88	\$ 59.84	\$ 59.84
97124 00	Physical Medicine	0.90	0.90	\$ 61.20	\$ 61.20
97129 00	Physical Medicine	0.67	0.66	\$ 45.56	\$ 44.88
97130 00	Physical Medicine	0.64	0.64	\$ 43.52	\$ 43.52
97139 00	Physical Medicine	0.00	0.00	BR	BR
97140 00	Physical Medicine	0.81	0.81	\$ 55.08	\$ 55.08
97150 00	Physical Medicine	0.53	0.53	\$ 36.04	\$ 36.04
97151 00	Physical Medicine	-	-	\$ 27.88	\$ 27.88
97152 00	Physical Medicine	-	-	\$ 22.44	\$ 22.44
97153 00	Physical Medicine	-	-	\$ 17.00	\$ 17.00
97154 00	Physical Medicine	-	-	\$ 14.96	\$ 14.96
97155 00	Physical Medicine	-	-	\$ 25.16	\$ 25.16
97156 00	Physical Medicine	-	-	\$ 21.76	\$ 21.76
97157 00	Physical Medicine	-	-	\$ 19.04	\$ 19.04
97158 00	Physical Medicine	-	-	\$ 16.32	\$ 16.32
97161 00	Physical Medicine	3.00	3.00	\$ 204.00	\$ 204.00
97162 00	Physical Medicine	3.00	3.00	\$ 204.00	\$ 204.00
97163 00	Physical Medicine	3.00	3.00	\$ 204.00	\$ 204.00
97164 00	Physical Medicine	2.08	2.08	\$ 141.44	\$ 141.44
97165 00	Physical Medicine	3.00	3.00	\$ 204.00	\$ 204.00

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
97166 00	Physical Medicine	3.00	3.00	\$ 204.00	\$ 204.00
97167 00	Physical Medicine	3.00	3.00	\$ 204.00	\$ 204.00
97168 00	Physical Medicine	2.07	2.07	\$ 140.76	\$ 140.76
97169 00	Physical Medicine	-	-	\$ 68.00	\$ 61.20
97170 00	Physical Medicine	-	-	\$ 118.32	\$ 106.76
97171 00	Physical Medicine	-	-	\$ 135.32	\$ 121.72
97172 00	Physical Medicine	-	-	\$ 85.00	\$ 76.16
97530 00	Physical Medicine	1.11	1.11	\$ 75.48	\$ 75.48
97533 00	Physical Medicine	1.90	1.90	\$ 129.20	\$ 129.20
97535 00	Physical Medicine	0.98	0.98	\$ 66.64	\$ 66.64
97537 00	Physical Medicine	0.95	0.95	\$ 64.60	\$ 64.60
97542 00	Physical Medicine	0.95	0.95	\$ 64.60	\$ 64.60
97545 00	Physical Medicine	-	-	\$ 169.32	\$ 152.32
97546 00	Physical Medicine	-	-	\$ 81.60	\$ 73.44
97597 00	Physical Medicine	3.01	1.05	\$ 204.68	\$ 71.40
97598 00	Physical Medicine	1.34	0.73	\$ 91.12	\$ 49.64
97602 00	Physical Medicine	-	-	\$ 68.00	\$ 61.20
97605 00	Physical Medicine	1.27	0.73	\$ 86.36	\$ 49.64
97606 00	Physical Medicine	1.52	0.79	\$ 103.36	\$ 53.72
97607 00	Physical Medicine	10.96	0.65	\$ 745.28	\$ 44.20
97608 00	Physical Medicine	11.00	0.75	\$ 748.00	\$ 51.00
97610 00	Physical Medicine	13.32	0.53	\$ 905.76	\$ 36.04
97750 00	Physical Medicine	1.01	1.01	\$ 68.68	\$ 68.68
97755 00	Physical Medicine	1.15	1.15	\$ 78.20	\$ 78.20
97760 00	Physical Medicine	1.45	1.45	\$ 98.60	\$ 98.60
97761 00	Physical Medicine	1.25	1.25	\$ 85.00	\$ 85.00
97763 00	Physical Medicine	1.59	1.59	\$ 108.12	\$ 108.12
97799 00	Physical Medicine	0.00	0.00	BR	BR
97802 00	Physical Medicine	1.09	0.96	\$ 74.12	\$ 65.28
97803 00	Physical Medicine	0.95	0.81	\$ 64.60	\$ 55.08
97804 00	Physical Medicine	0.50	0.46	\$ 34.00	\$ 31.28
97810 00	Physical Medicine	1.14	0.91	\$ 77.52	\$ 61.88
97811 00	Physical Medicine	0.86	0.77	\$ 58.48	\$ 52.36
97813 00	Physical Medicine	1.35	0.99	\$ 91.80	\$ 67.32
97814 00	Physical Medicine	1.10	0.84	\$ 74.80	\$ 57.12
98925 00	Physical Medicine	0.93	0.69	\$ 63.24	\$ 46.92
98926 00	Physical Medicine	1.33	1.03	\$ 90.44	\$ 70.04
98927 00	Physical Medicine	1.72	1.35	\$ 116.96	\$ 91.80
98928 00	Physical Medicine	2.12	1.72	\$ 144.16	\$ 116.96
98929 00	Physical Medicine	2.49	2.06	\$ 169.32	\$ 140.08
98940 00	Physical Medicine	0.82	0.65	\$ 55.76	\$ 44.20
98941 00	Physical Medicine	1.18	1.00	\$ 80.24	\$ 68.00
98942 00	Physical Medicine	1.53	1.35	\$ 104.04	\$ 91.80

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
98943 00	Physical Medicine	0.78	0.68	\$ 53.04	\$ 46.24
98960 00	Physical Medicine	0.87	0.87	\$ 59.16	\$ 59.16
98961 00	Physical Medicine	0.42	0.42	\$ 28.56	\$ 28.56
98962 00	Physical Medicine	0.31	0.31	\$ 21.08	\$ 21.08
98966 00	Physical Medicine	0.39	0.33	\$ 26.52	\$ 22.44
98967 00	Physical Medicine	0.71	0.65	\$ 48.28	\$ 44.20
98968 00	Physical Medicine	0.99	0.92	\$ 67.32	\$ 62.56
98970 00	Physical Medicine	0.34	0.34	\$ 23.12	\$ 23.12
98971 00	Physical Medicine	0.60	0.59	\$ 40.80	\$ 40.12
98972 00	Physical Medicine	0.92	0.91	\$ 62.56	\$ 61.88
98975 00	Physical Medicine	0.57	0.57	\$ 38.76	\$ 38.76
98976 00	Physical Medicine	1.48	1.48	\$ 100.64	\$ 100.64
98977 00	Physical Medicine	1.48	1.48	\$ 100.64	\$ 100.64
98978 00	Physical Medicine	0.00	0.00	BR	BR
98980 00	Physical Medicine	1.46	0.91	\$ 99.28	\$ 61.88
98981 00	Physical Medicine	1.17	0.89	\$ 79.56	\$ 60.52

**Historical Note**

New Appendix A, Physical Medicine Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Physical Medicine Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Physical Medicine Codes 2019-2020 repealed; new Appendix A, Physical Medicine Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Physical Medicine Codes 2020-2021 repealed; new Appendix A, Physical Medicine Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Physical Medicine Codes 2021-2022 repealed; new Appendix A, Physical Medicine Codes 2022-2023 made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Physical Medicine Codes 2022-2023 repealed; new Appendix A, Physical Medicine Codes 2023-2024 made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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## SPECIAL SERVICES GUIDELINES

Information regarding publications incorporated by reference is found in the Introduction Section of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to services uniquely utilized in Workers' Compensation in Arizona. To the extent that a conflict may exist between an incorporated portion of the CPT® and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

- A. PEER TO PEER CONSULTATION: Medical providers may bill for Peer-to-Peer consultations by using Arizona state specific codes AZ001 and AZ002. Determination of the proper code is based on time spent in discussion and review.

AZ001	Peer-to-Peer interprofessional telephone consultations between treating physician or medical provider and Peer Reviewer; 5-10 minutes of medical consultative discussion and review
AZ002	Peer-to-Peer interprofessional telephone consultations between treating physician or medical provider and Peer Reviewer; 11-30 minutes of medical consultative discussion and review

- B. NURSE CASE MANAGER MEETING: Medical providers may bill for meeting with a nurse case manager (NCM) by using Arizona state specific codes AZ003 and AZ004. Determination of the proper code is based on patient presence during the meeting.

AZ003	Meeting with NCM with patient.
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AZ003 may be billed if time is spent discussing a patient's treatment plan or other related information with the NCM when the patient is present. This should not be billed if there is no interaction with the NCM who is present during the time that a service, which is billed using a separate CPT® code, is performed. The documentation must include:

- The name of the NCM.
- The name of the organization the NCM is representing
- The purpose of the interaction

AZ004	Meeting with NCM without patient
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AZ004 may be billed if time is spent discussing a patient's treatment plan or other related information with the NCM when the patient is not present. The documentation must include:

- The name of the NCM.
- The name of the organization the NCM is representing.
- The purpose of the interaction.

It is not appropriate for the payer on a per billing basis to require a healthcare provider to provide unnecessary detailed documentation to justify payment. A healthcare provider is required to comply with A.R.S. § 23- 1062.01 when submitting a bill.

- C. SPECIAL REPORTS: Medical providers may bill for completion of workers' compensation insurance forms by using Arizona state specific code AZ005 when the request is submitted by the Commission, the payer or third-party administrator of the payer, or the Special Fund of the Commission and limited to one billing of code AZ005 per thirty- day period. The applicable form must be attached to the billing.

AZ005	Completion of workers' compensation insurance forms (i.e. return to-work status, work restrictions, supportive care restrictions) which are requested or required either by the Commission, the applicable payer (insurance, self-insured employer, or the Special Fund of the Commission), or a third-party administrator of
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the applicable payer, not to exceed more than one billing in a thirty (30) day period. The applicable form must be attached to the billing.

D. TRAVEL REIMBURSEMENT: Medical providers may bill for collection and handling performed outside of a physician's office or laboratory.

- |       |   |
|-------|---|
| AZ026 | Mileage charge for collection and handling service performed outside of the physician's office or laboratory, within a radius of 7 miles.   |
| AZ027 | Mileage charge for collection and handling service performed outside of the physician's office or laboratory, per mile over 7 miles.  |
| AZ028 | When more than one patient is seen, apportion mileage charge among total number of patients. AZ030<br><br>Mileage round trip: each mile in excess of 8 miles of travel by physician.  |
| AZ031 | Within large metropolitan areas a travel time basis may be appropriate. Code AZ031 would apply to Arizona's major metropolitan areas, to include Phoenix, Tucson, Flagstaff, Kingman and Yuma. This code would only be used when travel times are 45 minutes or more. |

E. EXPERT TESTIMONY: Medical testimony by personal appearance or deposition of a physician is reported using Arizona specific code AZ099. Reimbursement for time spent providing testimony at hearing is described in Section I of the Introduction Section of the Fee Schedule.

**Historical Note**

New Appendix A, Special Services Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Special Services Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Special Services Guidelines repealed; new Appendix A, Special Services Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Special Services Guidelines repealed; new Appendix A, Special Services Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Special Services Guidelines repealed; new Appendix A, Special Services Guidelines made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Special Services Guidelines repealed; new Appendix A, Special Services Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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<b>ARIZONA PHYSICIANS' FEE SCHEDULE</b> <b>Special Services Codes 2023</b> <b>Special Services Conversion Factor \$68.00</b>						
Code	Category	Description	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
AZ001 00	Special Service	Peer-to-Peer interprofessional telephone consultations between treating physician or medical provider and Peer Reviewer; 5-10 minutes of medical consultative discussion and review.	1.15	1.15	\$ 75.00	\$ 75.00
AZ002 00	Special Service	Peer-to-Peer interprofessional telephone consultations between treating physician or medical provider and Peer Reviewer; 11-30 minutes of medical consultative discussion and review.	1.54	1.54	\$ 100.00	\$ 100.00
AZ003 00	Special Service	Meeting with NCM with patient.	1.15	1.15	\$ 75.00	\$ 75.00
AZ004 00	Special Service	Meeting with NCM without patient.	1.54	1.54	\$ 100.00	\$ 100.00
AZ005 00	Special Service	Completion of workers' compensation insurance forms (i.e. return-to-work status, work restrictions, supportive care restrictions) which are requested or required by the Commission, the applicable payer (insurance, self-insured employer, or the Special Fund of the Commission), or a third-party administrator of the applicable payer, not to exceed more than one billing in a thirty (30) day period. The applicable form must be attached to the billing.	0.62	0.62	\$ 40.00	\$ 40.00
AZ026 00	Special Service	Mileage charge, within a radius of 7 miles, for a collection and handling service performed outside the physician's office or laboratory.	0.00	0.00	BR	BR
AZ027 00	Special Service	Over 7 miles, per mile.	0.00	0.00	BR	BR
AZ028 00	Special Service	When more than one patient seen, apportion mileage charge among total number of patients.	0.00	0.00	BR	BR
AZ030 00	Special Service	Mileage round-trip: each mile in excess of 8 miles of travel by physician.	0.00	0.00	BR	BR

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Code	Category	Description	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
AZ031 00	Special Service	Within large metropolitan areas a travel time basis may be appropriate. Code AZ031 00 would apply to Arizona's major metropolitan areas, to include Phoenix, Tucson, Flagstaff, Kingman and Yuma. This code would only be used when travel times are 45 minutes or more.	0.00	0.00	BR	BR
AZ099 00	Special Service	Expert testimony at hearing, for the initial hour (or any portion thereof), prorated for each additional 20 minute increment (or any portion thereof).	2.31	2.31	\$ 150.00	\$ 150.00

**Historical Note**

New Appendix A, Special Services Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Special Services Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Special Services Codes 2019- 2020 repealed; new Appendix A, Special Services Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Special Services Codes 2020-2021 repealed; new Appendix A, Special Services Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Special Services Codes 2021-2022 repealed; new Appendix A, Special Services Codes 2022-2023 made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). ). Appendix A, Special Services Codes 2022-2023 repealed; new Appendix A, Special Services Codes 2023-2024 made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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## EVALUATION AND MANAGEMENT GUIDELINES

Information regarding publications incorporated by reference is found in the Introduction of the Fee Schedule.

The evaluation and management guidelines incorporated by reference may be found in the CPT® published by the AMA and is reprinted, in part, below with permission. To the extent that a conflict may exist between an incorporated portion of the CPT® publication or HCPCS code and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

Documentation and review of records, when required, is inclusive to the performance of the appropriate E/M service. A health care provider shall only be reimbursed for time that is not accounted for in the E/M service code by billing prolonged services codes 99354, 99355, 99356, 99357, 99358, or 99359. Proper documentation must justify the use of these codes and accompany the invoice.

**Impairment Examinations**

Impairment examinations shall be billed using CPT® 99455, work related or medical disability examination by the treating physician, or CPT® 99456, work related or medical disability examination by other than the treating physician. Physicians may bill one unit of these codes for the initial hour and an additional unit for each 30-minute increment after the initial hour. Each 30 minute increment commences the minute following the end of the previous time interval. The physician shall include documentation that demonstrates the complexity of the case and the time spent on the service to justify billing each additional unit. Reimbursement for CPT® codes 99455 and 99456 shall be made at 100% of the listed reimbursement value for the initial unit and then 50% of the listed reimbursement value for each additional unit.

Example:

A physician spends 72 minutes performing a work related disability examination on a patient they previously treated.

The physician would bill two units of 99455 and be reimbursed at 1.5 times the listed reimbursement value for CPT® 99455.

Two HCPCS codes are included in this section of the 2023/2024 Fee Schedule for remote monitoring:

**Remote Monitoring**

G2010 – Remote evaluation of recorded video and/or images submitted by an established patient (*e.g.*, store and forward), including interpretation with follow-up with the patient within 24 business hours, not originating from a related E/M service provided within the previous 7 days nor leading to an E/M service or procedure within the next 24 hours or soonest available appointment.

G2012 – Brief communication technology-based service, *e.g.*, virtual check-in, by a physician or other qualified health care professional who can report evaluation and management services, provided to an established patient, not originating from a related E/M service provided within the previous 7 days nor leading to an E/M service or procedure within the next 24 hours or soonest available appointment: 5-10 minutes of medical discussion.

**A. CLASSIFICATION OF EVALUATION AND MANAGEMENT (E/M) SERVICES.**

The E/M section is divided into broad categories such as office visits, hospital inpatient or observation care visits, and consultations. Most of the categories are further divided into two or more subcategories of E/M services. For example, there are two subcategories of office visits (new patient and established patient) and there are two subcategories of hospital inpatient and observation care visits (initial and subsequent). The subcategories of E/M services are further classified into levels of E/M services that are identified by specific codes.



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The basic format of the levels of E/M services based on medical decision making (MDM) or time is the same. First, a unique code number is listed. Second, the place and/or type of service is specified, (e.g., office or other outpatient visit). Third, the content of the service is defined. Fourth, time is specified. (A detailed discussion of time is provided in the Guidelines for Selecting Level of Service Based on Time.)

The place of service and service type are defined by the location where the face-to-face encounter with the patient and/or family/caregiver occurs. For example, service provided to a nursing facility resident brought to the office is reported with an office or other outpatient code.

**New and Established Patients**

Solely for the purposes of distinguishing between new and established patients, professional services are those face-to-face services rendered by physicians and other qualified health care professionals who may report evaluation and management services. A new patient is one who has not received any professional services from the physician or other qualified health care professional or another physician or other qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

An established patient is one who has received professional services from the physician or other qualified health care professional or another physician. In the instance where a physician or other qualified health care professional is on call for or covering for another physician or other qualified health care professional, the patient's encounter will be classified as it would have been by the physician or other qualified health care professional who is not available. When advanced practice nurses and physician assistants are working with physicians, they are considered as working in the exact same specialty and subspecialty as the physician.

No distinction is made between new and established patients in the emergency department. E/M services in the emergency department category may be reported for any new or established patient who presents for treatment in the emergency department.

**Initial and Subsequent Services**

Some categories apply to both new and established patients (e.g., hospital inpatient or observation care). These categories differentiate services by whether the service is the initial service or a subsequent service. For the purpose of distinguishing between initial or subsequent visits, professional services are those face-to-face services rendered by physicians and other qualified health care professionals who may report evaluation and management services. An initial service is when the patient has not received any professional services from the physician or other qualified health care professional or another physician or other qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, during the inpatient, observation, or nursing facility admission and stay.

A subsequent service is when the patient has received professional service(s) from the physician or other qualified health care professional or another physician or other qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, during the admission and stay.

In the instance when a physician or other qualified health care professional is on call for or covering for another physician or other qualified health care professional, the patient's encounter will be classified as it would have been by the physician or other qualified health care professional who is not available. When advanced practice nurses and physician assistants are working with physicians, they are considered as working in the exact same specialty and subspecialty as the physician.

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For reporting hospital inpatient or observation care services, a stay that includes a transition from observation to inpatient is a single stay. For reporting nursing facility services, a stay that includes transition(s) between skilled nursing facility and nursing facility level of care is the same stay.

**Services Reported Separately**

Any specifically identifiable procedure or service (i.e., identified with a specific CPT code) performed on the date of E/M services may be reported separately.

The ordering and actual performance and/or interpretation of diagnostic tests/studies during a patient encounter are not included in determining the levels of E/M services when the professional interpretation of those tests/studies is reported separately by the physician or other qualified health care professional reporting the E/M service. Tests that do not require separate interpretation (e.g., tests that are results only) and are analyzed as part of MDM do not count as an independent interpretation, but may be counted as ordered or reviewed for selecting an MDM level. The performance of diagnostic tests/studies for which specific CPT codes are available may be reported separately, in addition to the appropriate E/M code. The interpretation of the results of diagnostic tests/studies (i.e., professional component) with preparation of a separate distinctly identifiable signed written report may also be reported separately, using the appropriate CPT code and, if required, with modifier 26 appended. The physician or other qualified health care professional may need to indicate that on the day a procedure or service identified by a CPT code was performed, the patient's condition required a significant separately identifiable E/M service. The E/M service may be caused or prompted by the symptoms or condition for which the procedure and/or service was provided. This circumstance may be reported by adding modifier 25 to the appropriate level of E/M service. As such, different diagnoses are not required for reporting of the procedure and the E/M services on the same day.

**History and/or Examination**

E/M codes that have levels of services include a medically appropriate history and/or physical examination, when performed. The nature and extent of the history and/or physical examination are determined by the treating physician or other qualified health care professional reporting the service. The care team may collect information, and the patient or caregiver may supply information directly (e.g., by electronic health record [EHR] portal or questionnaire) that is reviewed by the reporting physician or other qualified health care professional. The extent of history and physical examination is not an element in the selection of the level of these E/M service codes.

**B. LEVELS OF E/M SERVICES.**

Select the appropriate level of E/M services based on the following:

1. The level of the MDM as defined for each service, **or**
2. The total time for E/M services performed on the date of the encounter.

Within each category or subcategory of E/M service, there are three to five levels of E/M services available for reporting purposes. Levels of E/M services are NOT interchangeable among the different categories or subcategories of service. For example, the first level of E/M services in the subcategory of office visit, new patient, does not have the same definition as the first level of E/M services in the subcategory of office visit, established patient. Each level of E/M services may be used by all physicians or other qualified health care professionals.

**Guidelines for Selecting Level of Service Based on Medical Decision Making**

Four types of MDM are recognized: straightforward, low, moderate, and high. The concept of the level of MDM does not apply to CPT codes 99211, 99281.

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MDM includes establishing diagnoses, assessing the status of a condition, and/or selecting a management option. MDM is defined by three elements. The elements are:

- The number and complexity of problem(s) that are addressed during the encounter.
- The amount and/or complexity of data to be reviewed and analyzed. These data include medical records, tests, and/or other information that must be obtained, ordered, reviewed, and analyzed for the encounter. This includes information obtained from multiple sources or interprofessional communications that are not reported separately and interpretation of tests that are not reported separately. Ordering a test is included in the category of test result(s) and the review of the test result is part of the encounter and not a subsequent encounter. Ordering a test may include those considered but not selected after shared decision making. For example, a patient may request diagnostic imaging that is not necessary for their condition and discussion of the lack of benefit may be required. Alternatively, a test may normally be performed, but due to the risk for a specific patient it is not ordered. These considerations must be documented. Data are divided into three categories:
  1. Tests, documents, orders, or independent historian(s). (Each unique test, order, or document is counted to meet a threshold number.)
  2. Independent interpretation of tests (not separately reported).
  3. Discussion of management or test interpretation with an external physician or other qualified health care professional or appropriate source (not separately reported).
- The risk of complications and/or morbidity or mortality of patient management. This includes decisions made at the encounter, associated with diagnostic procedure(s), and treatment(s). This includes the possible management options selected and those considered but not selected after shared decision making with the patient and/or family. For example, a decision about hospitalization includes considerations of alternative levels of care. Examples may include a psychiatric patient with a sufficient degree of support in the outpatient setting or the decision to not hospitalize a patient with advanced dementia with an acute condition that would generally warrant inpatient care, but for whom the goal is palliative treatment.

Shared decision making involves eliciting patient and/or family preferences, patient and/or family education, and explaining risks and benefits of management options.

MDM may be impacted by role and management responsibility.

When the physician or other qualified health care professional is reporting a separate CPT® code that includes interpretation and/or report, the interpretation and/or report is not counted toward the MDM when selecting a level of E/M services. When the physician or other qualified health care professional is reporting a separate service for discussion of management with a physician or another qualified health care professional, the discussion is not counted toward the MDM when selecting a level of outpatient/M services.

The Levels of Medical Decision Making (MDM) table (Table 1) is a guide to assist in selecting the level of MDM for reporting an E/M services code. The table includes the four levels of MDM (*i.e.*, straightforward, low, moderate, high) and the three elements of MDM (*i.e.*, number and complexity of problems addressed at the encounter, amount and/or complexity of data reviewed and analyzed, and risk of complications and/or morbidity or mortality of patient management). To qualify for a particular level of MDM, two of the three elements for that level of MDM must be met or exceeded.

Examples in the table may be more or less applicable to specific settings of care. For example, the decision to hospitalize applies to the outpatient or nursing facility encounters, whereas the decision to escalate hospital level of care (e.g., transfer to ICU) applies to the hospitalized or observation care patient. See also the introductory guidelines of each code family section.

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**Table 1: Levels of Medical Decision Making (MDM)**

<b>Elements of Medical Decision Making</b>			
<b>Level of MDM</b> (Based on 2 out of 3 Elements of MDM)	<b>Number and Complexity of Problems Addressed at the Encounter</b>	<b>Amount and/or Complexity of Data to Be Reviewed and Analyzed</b>  <i>*Each unique test, order, or document contributes to the combination of 2 or combination of 3 in Category 1 below.</i>	<b>Risk of Complications and/or Morbidity or Mortality of Patient Management</b>
<b>Straightforward</b>	<b>Minimal</b>  1 self-limited or minor problem	<b>Minimal or none</b>	<b>Minimal risk of morbidity from additional diagnostic testing or treatment</b>
<b>Low</b>	<b>Low</b> <ul style="list-style-type: none"> <li>▪ 2 or more self-limited or minor problems;</li> </ul> <b>or</b> <ul style="list-style-type: none"> <li>▪ 1 stable, chronic illness;</li> </ul> <b>or</b> <ul style="list-style-type: none"> <li>▪ 1 acute, uncomplicated illness or injury;</li> </ul> <b>or</b> <ul style="list-style-type: none"> <li>▪ 1 stable, acute illness;</li> </ul> <b>or</b> <ul style="list-style-type: none"> <li>▪ 1 acute, uncomplicated illness or injury requiring hospital inpatient or observation level of care</li> </ul>	<b>Limited</b> Must meet the requirements of at least 1 out of 2 categories) <b>Category 1: Tests and documents</b> <ul style="list-style-type: none"> <li>▪ <b>Any combination of 2 from the following:</b> <ul style="list-style-type: none"> <li>● Review of prior external note(s) from each unique source*;</li> <li>● Review of the result(s) of each unique test*;</li> <li>● Ordering of each unique test*</li> </ul> </li> </ul> <b>or</b> <b>Category 2: Assessment requiring an independent historian(s)</b> <i>(For the categories of independent interpretation of tests and discussion of management or test interpretation, see moderate or high)</i>	<b>Low risk or morbidity from additional diagnostic testing or treatment</b>

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<b>Moderate</b>	<p><b>Moderate</b></p> <ul style="list-style-type: none"> <li>▪ 1 or more chronic illnesses with exacerbation, progression, or side effects of treatment;</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>▪ 2 or more stable, chronic illnesses;</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>▪ 1 undiagnosed new problem with uncertain prognosis;</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>▪ 1 acute illness with systemic symptoms;</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>▪ 1 acute, complicated injury</li> </ul>	<p><b>Moderate</b></p> <p><i>(Must meet the requirements of at least 1 out of 3 categories)</i></p> <p><b>Category 1: Tests, documents, or independent historian(s)</b></p> <ul style="list-style-type: none"> <li>▪ <b>Any combination of 3 from the following:</b> <ul style="list-style-type: none"> <li>• Review of prior external note(s) from each unique source*;</li> <li>• Review of the result(s) of each unique test*;</li> <li>• Ordering of each unique test*;</li> <li>• Assessment requiring an independent historian(s)</li> </ul> </li> </ul> <p><b>or</b></p> <p><b>Category 2: Independent interpretation of tests</b></p> <ul style="list-style-type: none"> <li>▪ Independent interpretation of a test performed by another physician /other qualified health care professional (not separately reported);</li> </ul> <p><b>or</b></p> <p><b>Category 3: Discussion of management or test interpretation</b></p> <ul style="list-style-type: none"> <li>▪ Discussion of management or test interpretation with external physician/other qualified health care professional/appropriate source (not separately reported)</li> </ul>	<p><b>Moderate risk of morbidity from additional diagnostic testing or treatment</b></p> <p><i>Examples only:</i></p> <ul style="list-style-type: none"> <li>▪ Prescription drug management</li> <li>▪ Decision regarding minor surgery with identified patient or procedure risk factors</li> <li>▪ Decision regarding elective major surgery without identified patient or procedure risk factors</li> <li>▪ Diagnosis or treatment significantly limited by social determinants of health.</li> </ul>
<b>High</b>	<p><b>High</b></p> <ul style="list-style-type: none"> <li>▪ 1 or more chronic illnesses with severe exacerbation, progression, or side effects of treatment;</li> </ul>	<p><b>Extensive</b></p> <p><i>(Must meet the requirements of at least 2 out of 3 categories)</i></p> <p><b>Category 1: Tests, documents or independent historian(s)</b></p> <p><b>Any combination of 3 from the following:</b></p> <ul style="list-style-type: none"> <li>▪ Review of prior external note(s)</li> </ul>	<p><b>High risk of morbidity from additional diagnostic testing or treatment</b></p> <p><i>Examples only:</i></p> <ul style="list-style-type: none"> <li>▪ Drug therapy requiring intensive monitoring for toxicity</li> <li>▪ Decision regarding</li> </ul>

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	<p><b>or</b></p> <ul style="list-style-type: none"> <li>▪ 1 acute or chronic illness or injury that poses a threat to life or bodily function</li> </ul>	<p>from each unique source*;</p> <ul style="list-style-type: none"> <li>▪ Review of the result(s) of each unique test*;</li> <li>▪ Ordering of each unique test*;</li> <li>▪ Assessment requiring an independent historian(s)</li> </ul> <p><b>or</b></p> <p><b>Category 2: Independent interpretation of tests</b></p> <ul style="list-style-type: none"> <li>▪ Independent interpretation of a test performed by another physician/other qualified healthcare professional (not separately reported);</li> </ul> <p><b>or</b></p> <p><b>Category 3: Discussion of management or test interpretation</b></p> <ul style="list-style-type: none"> <li>▪ Discussion of management or test interpretation with external physician/other qualified health care professional/appropriate source (not separately reported)</li> </ul>	<p>elective major surgery with identified patient or procedure risk factors</p> <ul style="list-style-type: none"> <li>▪ Decision regarding emergency major surgery</li> <li>▪ Decision regarding hospitalization or escalation of hospital-level care</li> <li>▪ Decision not to resuscitate or to de-escalate care because of poor prognosis</li> <li>▪ Parenteral controlled substances</li> </ul>
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**Number and Complexity of Problems Addressed at the Encounter**

One element used in selecting the level of office or other outpatient services is the number and complexity of the problems that are addressed at an encounter. Multiple new or established conditions may be addressed at the same time and may affect MDM. Symptoms may cluster around a specific diagnosis and each symptom is not necessarily a unique condition. Comorbidities/underlying diseases, in and of themselves, are not considered in selecting a level of E/M services **unless** they are addressed, and their presence increases the amount and/or complexity of data to be reviewed and analyzed or the risk of complications and/or morbidity or mortality of patient management. The final diagnosis for a condition does not, in and of itself, determine the complexity or risk, as extensive evaluation may be required to reach the conclusion that the signs or symptoms do not represent a highly morbid condition. Therefore, presenting symptoms that are unlikely to represent a highly morbid condition may “drive” MDM even when the ultimate diagnosis is not highly morbid. The evaluation and/or treatment should be consistent with the likely nature of the condition. Multiple problems of a lower severity may, in the aggregate, create higher risk due to interaction.

The term “risk” as used in these definitions relates to risk from the condition. While condition risk and management risk may often correlate, the risk from the condition is distinct from the risk of management.

Definitions for the elements of MDM (see Table 1, Levels of Medical Decision Making) are:

**Problem:** A problem is a disease, condition, illness, injury, symptom, sign, finding, complaint, or other matter addressed at the encounter, with or without a diagnosis being established at the time of the encounter.

**Problem addressed:** A problem is addressed or managed when it is evaluated or treated at the encounter by the physician reporting the service. This includes consideration of further testing or treatment that may not be elected by virtue of risk/benefit analysis or patient/parent/guardian/surrogate choice. Notation in the patient’s medical record that another professional is managing the problem without additional assessment or care coordination documented does not qualify as being addressed or managed by the physician reporting the service. Referral without evaluation (by history, examination, or diagnostic study[ies]) or

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consideration of treatment does not qualify as being addressed or managed by the physician or other health care professional reporting the service. For hospital inpatient and observation care services the problem addressed is the problem status on the date of the encounter, which may be significantly different than on admission. It is the problem being managed or co-managed by the reporting physician or other qualified health care professional and may not be the cause of admission or continued stay.

**Minimal problem:** A problem that may not require the presence of the physician or other qualified healthcare professional, but the service is provided under the physician's or other qualified health care professional's supervision (see CPT codes 99211, 99281).

**Self-limiting or minor problem:** A problem that runs a definite and prescribed course, is transient in nature, and is not likely to permanently alter health status.

**Stable, chronic illness:** A problem with an expected duration of at least one year or until the death of the patient. For the purpose of defining chronicity, conditions are treated as chronic whether or not stage or severity changes (e.g., uncontrolled diabetes and controlled diabetes are a single chronic condition). "Stable" for the purposes of categorizing MDM is defined by the specific treatment goals for an individual patient. A patient who is not at his or her treatment goal is not stable, even if the condition has not changed and there is no short-term threat to life or function. For example, in a patient with persistently poorly controlled blood pressure for whom better control is a goal is not stable, even if the pressures are not changing and the patient is asymptomatic, the risk of morbidity **without** treatment is significant.

**Acute, uncomplicated illness or injury:** A recent or new short-term problem with low risk of morbidity for which treatment is considered. There is little to no risk of mortality with treatment, and full recovery without functional impairment is expected. A problem that is normally self-limited or minor but is not resolving consistent with a definite and prescribed course is an acute, uncomplicated illness.

**Acute, uncomplicated illness or injury requiring hospital inpatient or observation level care:** A recent or new short-term problem with low risk of morbidity for which treatment is required. There is little to no risk of mortality with treatment, and full recovery without functional impairment is expected. The treatment required is delivered in a hospital inpatient or observation I level setting.

**Stable, acute illness:** A problem that is new or recent for which treatment has been initiated. The patient is improved and, while resolution may not be complete, is stable with respect to this condition.

**Chronic illness with exacerbation, progression, or side effects of treatment:** A chronic illness that is acutely worsening, poorly controlled, or progressing with an intent to control progression and requiring additional supportive care or requiring attention to treatment for side effects.

**Undiagnosed new problem with uncertain prognosis:** A problem in the differential diagnosis that represents a condition likely to result in a high risk of morbidity without treatment.

**Acute illness with systemic symptoms:** An illness that causes systemic symptoms and has a high risk of morbidity without treatment. For systemic general symptoms, such as fever, body aches, or fatigue in a minor illness that may be treated to alleviate symptoms, see the definitions for *self-limited or minor problem* or *acute, uncomplicated illness or injury*. Systemic symptoms may not be general but may be a single system.

**Acute, complicated injury:** An injury which requires treatment that includes evaluation of body systems that are not directly part of the injured organ, the injury is extensive, or the treatment options are multiple and/or associated with a risk of morbidity.

**Chronic illness with severe exacerbation, progression, or side effects of treatment:** The severe exacerbation or progression of a chronic illness or severe side effects of treatment that have significant risk of morbidity and may require escalation in level of care.

**Acute or chronic illness or injury that poses a threat to life or bodily function:** An acute illness with systemic symptoms, and acute complicated injury, or a chronic illness or injury with exacerbation and/or progression or side effects of treatment, that poses a threat to life or bodily function in the near term without treatment. Some symptoms may represent a condition that is significantly probable and poses a potential threat to life or bodily function. These may be included in this category when the evaluation and treatment are consistent with this degree of potential severity.

#### **Amount and/or Complexity of Data to Be Reviewed and Analyzed**

One element used in selecting the level of services is the amount and/or complexity of data to be reviewed or analyzed at an encounter.

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**Analyzed:** the process of using the data as part of the MDM. The data element itself may not be subject to analysis (*e.g.*, glucose), but it is instead included in the thought processes for diagnosis, evaluation, or treatment. Tests ordered are presumed to be analyzed when the results are reported. Therefore, when they are ordered during an encounter, they are counted in that encounter. Tests that are ordered outside of an encounter may be counted in the encounter in which they are analyzed. In the case of a recurring order, each new result may be counted in the encounter in which it is analyzed. For example, an encounter that includes an order for monthly prothrombin times would count for one prothrombin time ordered and reviewed. Additional future results, if analyzed in a subsequent encounter, may be counted as a single test in that subsequent encounter. Any service for which the professional component is separately reported by the physician or other qualified health care professional reporting the E/M services is not counted as a data element ordered, reviewed, analyzed, or independently interpreted for the purposes of determining the level of MDM.

**Test:** Tests are imaging, laboratory, psychometric, or physiologic data. A clinical laboratory panel (*e.g.*, basic metabolic panel [80047]) is a single test. The differentiation between single or multiple tests is defined in accordance with the CPT® code set. For the purposes of data reviewed and analyzed, pulse oximetry is not a test.

**Unique:** A unique test is defined by the CPT® code set. When multiple results of the same unique test (*e.g.*, serial blood glucose values) are compared during an E/M service, count it as one unique test. Tests that have overlapping elements are not unique, even if they are identified with distinct CPT® codes. For example, a CBC with differential would incorporate the set of hemoglobin, CBC, without differential, and platelet count. A unique source is defined as a physician or other qualified healthcare professional in a distinct group or different specialty or subspecialty, or a unique entity. Review of all the materials from any unique source counts as one element toward MDM.

**Combination of Data Elements:** A combination of different data elements, for example, a combination of notes reviewed, tests ordered, tests reviewed, or independent historian, allows these elements to be summed. It does not require each item type or category to be represented. A unique test ordered, plus a note reviewed and an independent historian would be a combination of three elements.

**External:** External records, communications and/or test results are from an external physician, other qualified health care professional, facility, or health care organization.

**External physician or other qualified health care professional:** An external physician or other qualified health care professional who is not in the same group practice or is of a different specialty or subspecialty. This includes licensed professionals who are practicing independently. The individual may also be a facility or organizational provider such as from a hospital, nursing facility, or home health care agency.

**Discussion:** Discussion requires an interactive exchange. The exchange must be direct and not through intermediaries (*e.g.*, clinical staff or trainees). Sending chart notes or written exchanges that are within progress notes does not qualify as an interactive exchange. The discussion does not need to be on the date of the encounter, but it is counted only once and only when it is used in the decision making of the encounter. It may be synchronous (*i.e.*, does not need to be in person), but it must be initiated and completed within a short time period (*e.g.*, within a day or two).

**Independent historian(s):** An individual (*e.g.*, parent, guardian, surrogate, spouse, witness) who provides a history in addition to a history provided by the patient who is unable to provide a complete or reliable history (*e.g.*, due to developmental stage, dementia, or psychosis) or because a confirmatory history is judged to be necessary. In the case where there may be conflict or poor communication between multiple historians and more than one historian is needed, the independent historian requirement is met. The independent history does not need to be obtained in person but does need to be obtained directly from the historian providing the independent information.

**Independent interpretations:** The interpretation of a test for which there is a CPT® code and an interpretation or report is customary. This does not apply when the physician is reporting the service or has previously reported the service for the patient. A form of interpretation should be documented but need not conform to the usual standards of a complete report for the test.

**Appropriate source:** For the purpose of the discussion of management data element (see Table 1, levels of Medical Decision Making), an appropriate source includes professionals who are not health care professionals but may be involved in the management of the patient (*e.g.*, lawyer, parole officer, case manager, teacher). It does not include discussion with family or informal caregivers.

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**Risk of Complications and/or Morbidity or Mortality of Patient Management**

One element used in selecting the level of service is the risk of complications and/or morbidity or mortality of patient management at an encounter. This is distinct from the risk of the condition itself.

**Risk:** The probability and/or consequences of an event. The assessment of the level of risk is affected by the nature of the event under consideration. For example, a low probability of death may be high risk, whereas a high chance of a minor, self-limited adverse effect of treatment may be low risk. Definitions of risk are based upon the usual behavior and thought processes of a physician or other qualified healthcare professional in the same specialty. Trained clinicians apply common language usage meanings to terms such as *high*, *medium*, *low*, or *minimal* risk and do not require quantification for these definitions (though quantification may be provided when evidence-based medicine has established probabilities). For the purposes of MDM, level of risk is based upon consequences of the problem(s) addressed at the encounter when appropriately treated. Risk also includes MDM related to the need to initiate or forego further testing, treatment and/or hospitalization. The risk of patient management criteria applies to the patient management decisions made by the reporting physician or other health care professional as part of the reported encounter.

**Morbidity:** A state of illness or functional impairment that is expected to be of substantial duration during which function is limited, quality of life is impaired, or there is organ damage that may not be transient despite treatment.

**Social determinants of health:** Economic and social conditions that influence the health of people and communities. Examples may include food or housing insecurity.

**Surgery (minor or major, elective, emergency, procedure or patient risk):**

**Surgery - Minor or Major:** The classification of surgery into minor or major is based on the common meaning of such terms when used by trained clinicians, similar to the use of the term “risk.” These terms are not defined by a surgical package classification.

**Surgery – Elective or Emergency:** Elective procedures and emergent or urgent procedures describe the timing of the procedure when the timing is related to the patient’s condition. An elective procedure is typically planned in advance (e.g., scheduled for weeks later), while an emergent procedure is typically performed immediately or with minimal delay to allow for patient stabilization. Both elective and emergent procedures may be minor or major procedures.

**Surgery – Risk Factors, Patient or Procedure:** Risk factors are those that are relevant to the patient and procedure. Evidence-based risk calculators may be used, but are not required, in assessing patient and procedure risk.

**Drug therapy requiring intensive monitoring for toxicity:** A drug that requires intensive monitoring is a therapeutic agent that has the potential to cause serious morbidity or death. The monitoring is performed for assessment of these adverse effects and not primarily for assessment of therapeutic efficacy. The monitoring should be that which is generally accepted practice for the agent but may be patient-specific in some cases. Intensive monitoring may be long-term or short-term. Long-term intensive monitoring is not performed less than quarterly. The monitoring may be performed with a laboratory test, a physiologic test, or imaging. Monitoring by history or examination does not qualify. The monitoring affects the level of MDM in an encounter in which it is considered in the management of the patient. Examples of monitoring that do not qualify include monitoring glucose levels during insulin therapy, as the primary reason is the therapeutic effect (unless severe hypoglycemia is a current, significant concern); or annual electrolytes and renal function for a patient on a diuretic, as the frequency does not meet the threshold.

**Guidelines for Selecting Level of Service Based on Time**

Certain categories of time-based E/M codes that do not have levels of services based on MDM (e.g., Critical Care Services) in the E/M section use time differently. It is important to review the instructions for each category.

Time is **not** a descriptive component for the emergency department levels of E/M services because emergency department services are typically provided on a variable intensity basis, often involving multiple encounters with several patients over an extended period of time.

When time is used for reporting E/M services codes, the time defined in the service descriptors is used for selecting the appropriate level of services. The E/M services for which these guidelines apply require a face-to-face encounter with the

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physician or other qualified health care professional and the patient and/or family/caregiver. For office or other outpatient services, if the physician's or other qualified health care professional's time is spent in the supervision of clinical staff who perform the face-to-face services of the encounter, use 99211.

For coding purposes, time for these services is the total time on the date of the encounter. It includes both the face-to-face time with the patient and/or family/caregiver and non-face-to-face time personally spent by the physician and/or other qualified health care professional(s) on the day of the encounter (includes time in activities that require the physician or other qualified health care professional and does not include time in activities normally performed by clinical staff). It includes time regardless of the location of the physician or other qualified health care professional (e.g., whether on or off the inpatient unit or in or out of the outpatient office). It does not include any time spent in the performance of other separately reported service(s).

A shared or split visit is defined as a visit in which a physician and other qualified health care professional(s) both provide face-to-face and non-face-to-face work related to the visit. When time is being used to select the appropriate level of services for which time-based reporting of shared or split visits is allowed, the time personally spent by the physician and other qualified health care professional(s) assessing and managing the patient and/or counseling, educating, communicating results to the patient/family/caregiver on the date of the encounter is summed to define total time.

Only distinct time should be summed for shared or split visits (*i.e.*, when two or more individuals jointly meet with or discuss the patient, only the time of one individual should be counted).

When prolonged time occurs, the appropriate prolonged services code may be reported. The total time on the date of the encounter spent caring for the patient should be documented in the medical record when it is used as the basis for code selection.

Physician or other qualified health care professional time includes the following activities, when performed:

- Preparing to see the patient (e.g., review of tests)
- Obtaining and/or reviewing separately obtained history
- Performing a medically appropriate examination and/or evaluation
- Counseling and educating the patient/family/caregiver
- Ordering medications, tests, or procedures
- Referring and communicating with other health care professionals (when not separately reported)
- Documenting clinical information in the electronic or other health record
- Independently interpreting results (not separately reported) and communicating results to the patient/family/caregiver
- Care coordination (not separately reported) Do not count time spent on the following:
  - The performance of other services that are reported separately
  - Travel
  - Teaching that is general and not limited to discussion that is required for the management of a specific patient

#### C. UNLISTED SERVICE.

An E/M service may be provided that is not listed in this section of CPT® codebook. When reporting such a service, the appropriate unlisted code may be used to indicate the service, identifying it by "Special Report," as discussed in item E. The "Unlisted Services" and accompanying codes for the E/M section are as follows:

99429 Unlisted preventive medicine service

99499 Unlisted evaluation and management service

#### D. SPECIAL REPORT.

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An unlisted service or one that is unusual, variable, or new may require a special report demonstrating the medical appropriateness of the service. Pertinent information should include an adequate definition or description of the nature, extent, and need for the procedure and the time, effort, and equipment necessary to provide the service. Additional items that may be included are complexity of symptoms, final diagnosis, pertinent physical findings, diagnostic and therapeutic procedures, concurrent problems, and follow-up care.

**Historical Note**

New Appendix A, Evaluation and Management Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Evaluation and Management Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Evaluation and Management Guidelines repealed; new Appendix A, Evaluation and Management Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Evaluation and Management Guidelines repealed; new Appendix A, Evaluation and Management Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Evaluation and Management Guidelines repealed; new Appendix A, Evaluation and Management Guidelines made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Evaluation and Management Guidelines repealed; new Appendix A, Evaluation and Management Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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ARIZONA PHYSICIANS' FEE SCHEDULE					
E&M Codes 2023					
E&M Conversion Factor \$68.00					
Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
99202 00	E&M	2.15	1.42	\$ 146.20	\$ 96.56
99203 00	E&M	3.33	2.45	\$ 226.44	\$ 166.60
99204 00	E&M	4.94	3.94	\$ 335.92	\$ 267.92
99205 00	E&M	6.52	5.35	\$ 443.36	\$ 363.80
99211 00	E&M	0.69	0.26	\$ 46.92	\$ 17.68
99212 00	E&M	1.68	1.05	\$ 114.24	\$ 71.40
99213 00	E&M	2.68	1.95	\$ 182.24	\$ 132.60
99214 00	E&M	3.79	2.88	\$ 257.72	\$ 195.84
99215 00	E&M	5.31	4.23	\$ 361.08	\$ 287.64
99221 00	E&M	2.46	2.46	\$ 167.28	\$ 167.28
99222 00	E&M	3.85	3.85	\$ 261.80	\$ 261.80
99223 00	E&M	5.13	5.13	\$ 348.84	\$ 348.84
99231 00	E&M	1.47	1.47	\$ 99.96	\$ 99.96
99232 00	E&M	2.34	2.34	\$ 159.12	\$ 159.12
99233 00	E&M	3.52	3.52	\$ 239.36	\$ 239.36
99234 00	E&M	2.92	2.92	\$ 198.56	\$ 198.56
99235 00	E&M	4.71	4.71	\$ 320.28	\$ 320.28
99236 00	E&M	6.17	6.17	\$ 419.56	\$ 419.56
99238 00	E&M	2.39	2.39	\$ 162.52	\$ 162.52
99239 00	E&M	3.39	3.39	\$ 230.52	\$ 230.52
99242 00	E&M	2.25	1.66	\$ 153.00	\$ 112.88
99243 00	E&M	3.37	2.62	\$ 229.16	\$ 178.16
99244 00	E&M	4.82	4.00	\$ 327.76	\$ 272.00
99245 00	E&M	6.27	5.35	\$ 426.36	\$ 363.80
99252 00	E&M	2.12	2.12	\$ 144.16	\$ 144.16
99253 00	E&M	2.96	2.96	\$ 201.28	\$ 201.28
99254 00	E&M	4.12	4.12	\$ 280.16	\$ 280.16
99255 00	E&M	5.52	5.52	\$ 375.36	\$ 375.36
99281 00	E&M	0.35	0.35	\$ 23.80	\$ 23.80
99282 00	E&M	1.24	1.24	\$ 84.32	\$ 84.32
99283 00	E&M	2.13	2.13	\$ 144.84	\$ 144.84
99284 00	E&M	3.58	3.58	\$ 243.44	\$ 243.44
99285 00	E&M	5.21	5.21	\$ 354.28	\$ 354.28
99288 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99291 00	E&M	8.13	6.31	\$ 552.84	\$ 429.08
99292 00	E&M	3.55	3.17	\$ 241.40	\$ 215.56
99304 00	E&M	2.38	2.38	\$ 161.84	\$ 161.84
99305 00	E&M	3.94	3.94	\$ 267.92	\$ 267.92

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
99306 00	E&M	5.38	5.38	\$ 365.84	\$ 365.84
99307 00	E&M	1.17	1.17	\$ 79.56	\$ 79.56
99308 00	E&M	2.20	2.20	\$ 149.60	\$ 149.60
99309 00	E&M	3.15	3.15	\$ 214.20	\$ 214.20
99310 00	E&M	4.53	4.53	\$ 308.04	\$ 308.04
99315 00	E&M	2.41	2.41	\$ 163.88	\$ 163.88
99316 00	E&M	3.88	3.88	\$ 263.84	\$ 263.84
99341 00	E&M	1.44	1.44	\$ 97.92	\$ 97.92
99342 00	E&M	2.30	2.30	\$ 156.40	\$ 156.40
99344 00	E&M	4.25	4.25	\$ 289.00	\$ 289.00
99345 00	E&M	5.98	5.98	\$ 406.64	\$ 406.64
99347 00	E&M	1.32	1.32	\$ 89.76	\$ 89.76
99348 00	E&M	2.25	2.25	\$ 153.00	\$ 153.00
99349 00	E&M	3.77	3.77	\$ 256.36	\$ 256.36
99350 00	E&M	5.50	5.50	\$ 374.00	\$ 374.00
99358 00	E&M	2.73	2.69	\$ 185.64	\$ 182.92
99359 00	E&M	1.27	1.27	\$ 86.36	\$ 86.36
99360 00	E&M	1.73	1.73	\$ 117.64	\$ 117.64
99366 00	E&M	1.21	1.18	\$ 82.28	\$ 80.24
99367 00	E&M	1.60	1.60	\$ 108.80	\$ 108.80
99368 00	E&M	1.04	1.04	\$ 70.72	\$ 70.72
99374 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99375 00	E&M	2.99	2.50	\$ 203.32	\$ 170.00
99377 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99378 00	E&M	2.99	2.50	\$ 203.32	\$ 170.00
99379 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99380 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99381 00	E&M	0.00	0.00	BR	BR
99382 00	E&M	0.00	0.00	BR	BR
99383 00	E&M	0.00	0.00	BR	BR
99384 00	E&M	0.00	0.00	BR	BR
99385 00	E&M	0.00	0.00	BR	BR
99386 00	E&M	0.00	0.00	BR	BR
99387 00	E&M	0.00	0.00	BR	BR
99391 00	E&M	0.00	0.00	BR	BR
99392 00	E&M	0.00	0.00	BR	BR
99393 00	E&M	0.00	0.00	BR	BR
99394 00	E&M	0.00	0.00	BR	BR
99395 00	E&M	0.00	0.00	BR	BR
99396 00	E&M	0.00	0.00	BR	BR
99397 00	E&M	0.00	0.00	BR	BR
99401 00	E&M	0.00	0.00	BR	BR
99402 00	E&M	0.00	0.00	BR	BR

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
99403 00	E&M	0.00	0.00	BR	BR
99404 00	E&M	0.00	0.00	BR	BR
99406 00	E&M	0.00	0.00	BR	BR
99407 00	E&M	0.00	0.00	BR	BR
99408 00	E&M	0.00	0.00	BR	BR
99409 00	E&M	0.00	0.00	BR	BR
99411 00	E&M	0.00	0.00	BR	BR
99412 00	E&M	0.00	0.00	BR	BR
99415 00	E&M	0.56	0.56	\$ 38.08	\$ 38.08
99416 00	E&M	0.26	0.26	\$ 17.68	\$ 17.68
99417 00	E&M	0.92	0.89	\$ 62.56	\$ 60.52
99418 00	E&M	1.16	1.16	\$ 78.88	\$ 78.88
99421 00	E&M	0.44	0.38	\$ 29.92	\$ 25.84
99422 00	E&M	0.87	0.75	\$ 59.16	\$ 51.00
99423 00	E&M	1.39	1.19	\$ 94.52	\$ 80.92
99424 00	E&M	2.40	2.17	\$ 163.20	\$ 147.56
99425 00	E&M	1.72	1.50	\$ 116.96	\$ 102.00
99426 00	E&M	1.81	1.45	\$ 123.08	\$ 98.60
99427 00	E&M	1.40	1.03	\$ 95.20	\$ 70.04
99429 00	E&M	0.00	0.00	BR	BR
99437 00	E&M	1.77	1.49	\$ 120.36	\$ 101.32
99439 00	E&M	1.40	1.03	\$ 95.20	\$ 70.04
99441 00	E&M	1.66	1.03	\$ 112.88	\$ 70.04
99442 00	E&M	2.68	1.95	\$ 182.24	\$ 132.60
99443 00	E&M	3.77	2.86	\$ 256.36	\$ 194.48
99446 00	E&M	0.53	0.53	\$ 36.04	\$ 36.04
99447 00	E&M	1.05	1.05	\$ 71.40	\$ 71.40
99448 00	E&M	1.60	1.60	\$ 108.80	\$ 108.80
99449 00	E&M	2.12	2.12	\$ 144.16	\$ 144.16
99450 00	E&M	0.00	0.00	BR	BR
99451 00	E&M	1.05	1.05	\$ 71.40	\$ 71.40
99452 00	E&M	0.98	0.98	\$ 66.64	\$ 66.64
99453 00	E&M	0.57	0.57	\$ 38.76	\$ 38.76
99454 00	E&M	1.48	1.48	\$ 100.64	\$ 100.64
99455 00	E&M	5.23	5.23	\$ 355.64	\$ 355.64
99456 00	E&M	6.87	6.87	\$ 467.16	\$ 467.16
99457 00	E&M	1.44	0.89	\$ 97.92	\$ 60.52
99458 00	E&M	1.17	0.89	\$ 79.56	\$ 60.52
99460 00	E&M	2.74	2.74	\$ 186.32	\$ 186.32
99461 00	E&M	2.72	1.82	\$ 184.96	\$ 123.76
99462 00	E&M	1.21	1.21	\$ 82.28	\$ 82.28
99463 00	E&M	3.22	3.22	\$ 218.96	\$ 218.96
99464 00	E&M	2.15	2.15	\$ 146.20	\$ 146.20

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
99465 00	E&M	4.18	4.18	\$ 284.24	\$ 284.24
99466 00	E&M	6.84	6.84	\$ 465.12	\$ 465.12
99467 00	E&M	3.46	3.46	\$ 235.28	\$ 235.28
99468 00	E&M	26.41	26.41	\$ 1,795.88	\$ 1,795.88
99469 00	E&M	11.43	11.43	\$ 777.24	\$ 777.24
99471 00	E&M	22.85	22.85	\$ 1,553.80	\$ 1,553.80
99472 00	E&M	11.59	11.59	\$ 788.12	\$ 788.12
99473 00	E&M	0.38	0.38	\$ 25.84	\$ 25.84
99474 00	E&M	0.45	0.26	\$ 30.60	\$ 17.68
99475 00	E&M	16.47	16.47	\$ 1,119.96	\$ 1,119.96
99476 00	E&M	9.93	9.93	\$ 675.24	\$ 675.24
99477 00	E&M	10.01	10.01	\$ 680.68	\$ 680.68
99478 00	E&M	3.94	3.94	\$ 267.92	\$ 267.92
99479 00	E&M	3.59	3.59	\$ 244.12	\$ 244.12
99480 00	E&M	3.46	3.46	\$ 235.28	\$ 235.28
99483 00	E&M	8.05	5.73	\$ 547.40	\$ 389.64
99484 00	E&M	1.27	0.87	\$ 86.36	\$ 59.16
99485 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99486 00	E&M	0.00	0.00	Bundled Code	Bundled Code
99487 00	E&M	3.93	2.68	\$ 267.24	\$ 182.24
99489 00	E&M	2.08	1.48	\$ 141.44	\$ 100.64
99490 00	E&M	1.85	1.49	\$ 125.80	\$ 101.32
99491 00	E&M	2.51	2.23	\$ 170.68	\$ 151.64
99492 00	E&M	4.45	2.74	\$ 302.60	\$ 186.32
99493 00	E&M	4.21	2.99	\$ 286.28	\$ 203.32
99494 00	E&M	1.71	1.20	\$ 116.28	\$ 81.60
99495 00	E&M	6.06	4.13	\$ 412.08	\$ 280.84
99496 00	E&M	8.21	5.63	\$ 558.28	\$ 382.84
99497 00	E&M	2.45	2.23	\$ 166.60	\$ 151.64
99498 00	E&M	2.12	2.11	\$ 144.16	\$ 143.48
99499 00	E&M	0.00	0.00	BR	BR
G2010 00	E&M	0.36	0.27	\$ 24.48	\$ 18.36
G2012 00	E&M	0.42	0.37	\$ 28.56	\$ 25.16

**Historical Note**

New Appendix A, Evaluation and Management Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Evaluation and Management Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Evaluation and Management Codes 2019-2020 repealed; new Appendix A, Evaluation and Management Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Evaluation and Management Codes 2020-2021 repealed; new Appendix A, Evaluation and Management Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Evaluation and Management Codes 2021-2022 repealed; new Appendix A, Evaluation and Management Codes 2022-2023 made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Evaluation and Management Codes 2022-2023 repealed; new Appendix A, Evaluation and Management Codes 2023-2024 made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

## CATEGORY III CODES GUIDELINES

Information regarding publications incorporated by reference is found in the Introduction Section of the Fee Schedule.

The following Commission guidelines are in addition to the CPT® guidelines and represent additional guidance from the Commission relative to unit values for these services. To the extent that a conflict may exist between an incorporated portion of the CPT® publication or HCPCS code and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

Category III Codes are temporary codes developed to allow collection of data for emerging technology, services, and procedures. The five character alphanumeric codes contain four numbers with one alpha character in the fifth place. If a Category III Code is available, this code must be reported instead of a Category I unlisted code.

**Historical Note**

New Appendix A, Category III Guidelines made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Category III Guidelines will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Category III Guidelines; new Appendix A, Category III Guidelines made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Category III Guidelines repealed; new Appendix A, Category III Codes Guidelines made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Category III Code Guidelines repealed; new Appendix A, Category III Codes Guidelines made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Category III Code Guidelines repealed; new Appendix A, Category III Codes Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).



## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

ARIZONA PHYSICIANS' FEE SCHEDULE Category III Codes 2023					
Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0042T 00	Category III	0.00	0.00	RNE	RNE
0054T 00	Category III	0.00	0.00	RNE	RNE
0055T 00	Category III	0.00	0.00	RNE	RNE
0071T 00	Category III	0.00	0.00	RNE	RNE
0072T 00	Category III	0.00	0.00	RNE	RNE
0075T 00	Category III	0.00	0.00	RNE	RNE
0075T 26	Category III	0.00	0.00	RNE	RNE
0075T TC	Category III	0.00	0.00	RNE	RNE
0076T 00	Category III	0.00	0.00	RNE	RNE
0076T 26	Category III	0.00	0.00	RNE	RNE
0076T TC	Category III	0.00	0.00	RNE	RNE
0095T 00	Category III	0.00	0.00	RNE	RNE
0098T 00	Category III	0.00	0.00	RNE	RNE
0100T 00	Category III	0.00	0.00	RNE	RNE
0101T 00	Category III	0.00	0.00	RNE	RNE
0102T 00	Category III	0.00	0.00	RNE	RNE
0106T 00	Category III	0.00	0.00	RNE	RNE
0107T 00	Category III	0.00	0.00	RNE	RNE
0108T 00	Category III	0.00	0.00	RNE	RNE
0109T 00	Category III	0.00	0.00	RNE	RNE
0110T 00	Category III	0.00	0.00	RNE	RNE
0164T 00	Category III	0.00	0.00	RNE	RNE
0165T 00	Category III	0.00	0.00	RNE	RNE
0174T 00	Category III	0.00	0.00	RNE	RNE
0175T 00	Category III	0.00	0.00	RNE	RNE
0184T 00	Category III	0.00	0.00	RNE	RNE
0198T 00	Category III	0.00	0.00	RNE	RNE
0200T 00	Category III	0.00	0.00	RNE	RNE
0201T 00	Category III	0.00	0.00	RNE	RNE
0202T 00	Category III	0.00	0.00	RNE	RNE
0207T 00	Category III	0.00	0.00	RNE	RNE
0208T 00	Category III	0.00	0.00	RNE	RNE
0209T 00	Category III	0.00	0.00	RNE	RNE
0210T 00	Category III	0.00	0.00	RNE	RNE
0211T 00	Category III	0.00	0.00	RNE	RNE
0212T 00	Category III	0.00	0.00	RNE	RNE
0213T 00	Category III	0.00	0.00	RNE	RNE
0214T 00	Category III	0.00	0.00	RNE	RNE

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0215T 00	Category III	0.00	0.00	RNE	RNE
0216T 00	Category III	0.00	0.00	RNE	RNE
0217T 00	Category III	0.00	0.00	RNE	RNE
0218T 00	Category III	0.00	0.00	RNE	RNE
0219T 00	Category III	0.00	0.00	RNE	RNE
0220T 00	Category III	0.00	0.00	RNE	RNE
0221T 00	Category III	0.00	0.00	RNE	RNE
0222T 00	Category III	0.00	0.00	RNE	RNE
0232T 00	Category III	0.00	0.00	RNE	RNE
0234T 00	Category III	0.00	0.00	RNE	RNE
0235T 00	Category III	0.00	0.00	RNE	RNE
0236T 00	Category III	0.00	0.00	RNE	RNE
0237T 00	Category III	0.00	0.00	RNE	RNE
0238T 00	Category III	0.00	0.00	RNE	RNE
0253T 00	Category III	0.00	0.00	RNE	RNE
0263T 00	Category III	0.00	0.00	RNE	RNE
0264T 00	Category III	0.00	0.00	RNE	RNE
0265T 00	Category III	0.00	0.00	RNE	RNE
0266T 00	Category III	0.00	0.00	RNE	RNE
0267T 00	Category III	0.00	0.00	RNE	RNE
0268T 00	Category III	0.00	0.00	RNE	RNE
0269T 00	Category III	0.00	0.00	RNE	RNE
0270T 00	Category III	0.00	0.00	RNE	RNE
0271T 00	Category III	0.00	0.00	RNE	RNE
0272T 00	Category III	0.00	0.00	RNE	RNE
0273T 00	Category III	0.00	0.00	RNE	RNE
0274T 00	Category III	0.00	0.00	RNE	RNE
0275T 00	Category III	0.00	0.00	RNE	RNE
0278T 00	Category III	0.00	0.00	RNE	RNE
0308T 00	Category III	0.00	0.00	RNE	RNE
0329T 00	Category III	0.00	0.00	RNE	RNE
0330T 00	Category III	0.00	0.00	RNE	RNE
0331T 00	Category III	0.00	0.00	RNE	RNE
0332T 00	Category III	0.00	0.00	RNE	RNE
0333T 00	Category III	0.00	0.00	RNE	RNE
0335T 00	Category III	0.00	0.00	RNE	RNE
0338T 00	Category III	0.00	0.00	RNE	RNE
0339T 00	Category III	0.00	0.00	RNE	RNE
0342T 00	Category III	0.00	0.00	RNE	RNE
0345T 00	Category III	0.00	0.00	RNE	RNE
0347T 00	Category III	0.00	0.00	RNE	RNE
0348T 00	Category III	0.00	0.00	RNE	RNE
0349T 00	Category III	0.00	0.00	RNE	RNE

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0350T 00	Category III	0.00	0.00	RNE	RNE
0351T 00	Category III	0.00	0.00	RNE	RNE
0352T 00	Category III	0.00	0.00	RNE	RNE
0353T 00	Category III	0.00	0.00	RNE	RNE
0354T 00	Category III	0.00	0.00	RNE	RNE
0358T 00	Category III	0.00	0.00	RNE	RNE
0362T 00	Category III	0.00	0.00	RNE	RNE
0373T 00	Category III	0.00	0.00	RNE	RNE
0378T 00	Category III	0.00	0.00	RNE	RNE
0379T 00	Category III	0.00	0.00	RNE	RNE
0394T 00	Category III	0.00	0.00	RNE	RNE
0395T 00	Category III	0.00	0.00	RNE	RNE
0397T 00	Category III	0.00	0.00	RNE	RNE
0398T 00	Category III	0.00	0.00	RNE	RNE
0398T 26	Category III	0.00	0.00	RNE	RNE
0398T	Category III	0.00	0.00	RNE	RNE
0402T 00	Category III	0.00	0.00	RNE	RNE
0403T 00	Category III	0.00	0.00	RNE	RNE
0404T 00	Category III	0.00	0.00	RNE	RNE
0408T 00	Category III	0.00	0.00	RNE	RNE
0409T 00	Category III	0.00	0.00	RNE	RNE
0410T 00	Category III	0.00	0.00	RNE	RNE
0411T 00	Category III	0.00	0.00	RNE	RNE
0412T 00	Category III	0.00	0.00	RNE	RNE
0413T 00	Category III	0.00	0.00	RNE	RNE
0414T 00	Category III	0.00	0.00	RNE	RNE
0415T 00	Category III	0.00	0.00	RNE	RNE
0416T 00	Category III	0.00	0.00	RNE	RNE
0417T 00	Category III	0.00	0.00	RNE	RNE
0418T 00	Category III	0.00	0.00	RNE	RNE
0419T 00	Category III	0.00	0.00	RNE	RNE
0420T 00	Category III	0.00	0.00	RNE	RNE
0421T 00	Category III	0.00	0.00	RNE	RNE
0422T 00	Category III	0.00	0.00	RNE	RNE
0424T 00	Category III	0.00	0.00	RNE	RNE
0425T 00	Category III	0.00	0.00	RNE	RNE
0426T 00	Category III	0.00	0.00	RNE	RNE
0427T 00	Category III	0.00	0.00	RNE	RNE
0428T 00	Category III	0.00	0.00	RNE	RNE
0429T 00	Category III	0.00	0.00	RNE	RNE
0430T 00	Category III	0.00	0.00	RNE	RNE
0431T 00	Category III	0.00	0.00	RNE	RNE
0432T 00	Category III	0.00	0.00	RNE	RNE

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0433T 00	Category III	0.00	0.00	RNE	RNE
0434T 00	Category III	0.00	0.00	RNE	RNE
0435T 00	Category III	0.00	0.00	RNE	RNE
0436T 00	Category III	0.00	0.00	RNE	RNE
0437T 00	Category III	0.00	0.00	RNE	RNE
0439T 00	Category III	0.00	0.00	RNE	RNE
0440T 00	Category III	0.00	0.00	RNE	RNE
0441T 00	Category III	0.00	0.00	RNE	RNE
0442T 00	Category III	0.00	0.00	RNE	RNE
0443T 00	Category III	0.00	0.00	RNE	RNE
0444T 00	Category III	0.00	0.00	RNE	RNE
0445T 00	Category III	0.00	0.00	RNE	RNE
0449T 00	Category III	0.00	0.00	RNE	RNE
0450T 00	Category III	0.00	0.00	RNE	RNE
0464T 00	Category III	0.00	0.00	RNE	RNE
0465T 00	Category III	0.00	0.00	RNE	RNE
0469T 00	Category III	0.00	0.00	RNE	RNE
0472T 00	Category III	0.00	0.00	RNE	RNE
0473T 00	Category III	0.00	0.00	RNE	RNE
0474T 00	Category III	0.00	0.00	RNE	RNE
0479T 00	Category III	0.00	0.00	RNE	RNE
0480T 00	Category III	0.00	0.00	RNE	RNE
0481T 00	Category III	0.00	0.00	RNE	RNE
0483T 00	Category III	0.00	0.00	RNE	RNE
0484T 00	Category III	0.00	0.00	RNE	RNE
0485T 00	Category III	0.00	0.00	RNE	RNE
0485T 26	Category III	0.00	0.00	RNE	RNE
0485T	Category III	0.00	0.00	RNE	RNE
0486T 00	Category III	0.00	0.00	RNE	RNE
0486T 26	Category III	0.00	0.00	RNE	RNE
0486T	Category III	0.00	0.00	RNE	RNE
0488T 00	Category III	0.00	0.00	RNE	RNE
0489T 00	Category III	0.00	0.00	RNE	RNE
0490T 00	Category III	0.00	0.00	RNE	RNE
0494T 00	Category III	0.00	0.00	RNE	RNE
0495T 00	Category III	0.00	0.00	RNE	RNE
0496T 00	Category III	0.00	0.00	RNE	RNE
0499T 00	Category III	0.00	0.00	RNE	RNE
0500T 00	Category III	0.00	0.00	RNE	RNE
0501T 00	Category III	0.00	0.00	RNE	RNE
0502T 00	Category III	0.00	0.00	RNE	RNE
0504T 00	Category III	0.00	0.00	RNE	RNE
0505T 00	Category III	0.00	0.00	RNE	RNE

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0506T 00	Category III	0.00	0.00	RNE	RNE
0506T 26	Category III	0.00	0.00	RNE	RNE
0506T TC	Category III	0.00	0.00	RNE	RNE
0507T 00	Category III	0.00	0.00	RNE	RNE
0507T 26	Category III	0.00	0.00	RNE	RNE
0507T TC	Category III	0.00	0.00	RNE	RNE
0508T 00	Category III	0.00	0.00	RNE	RNE
0508T 26	Category III	0.00	0.00	RNE	RNE
0508T TC	Category III	0.00	0.00	RNE	RNE
0510T 00	Category III	0.00	0.00	RNE	RNE
0511T 00	Category III	0.00	0.00	RNE	RNE
0512T 00	Category III	0.00	0.00	RNE	RNE
0513T 00	Category III	0.00	0.00	RNE	RNE
0515T 00	Category III	0.00	0.00	RNE	RNE
0516T 00	Category III	0.00	0.00	RNE	RNE
0517T 00	Category III	0.00	0.00	RNE	RNE
0518T 00	Category III	0.00	0.00	RNE	RNE
0519T 00	Category III	0.00	0.00	RNE	RNE
0520T 00	Category III	0.00	0.00	RNE	RNE
0521T 00	Category III	0.00	0.00	RNE	RNE
0521T 26	Category III	0.00	0.00	RNE	RNE
0521T TC	Category III	0.00	0.00	RNE	RNE
0522T 00	Category III	0.00	0.00	RNE	RNE
0522T 26	Category III	0.00	0.00	RNE	RNE
0522T TC	Category III	0.00	0.00	RNE	RNE
0523T 00	Category III	0.00	0.00	RNE	RNE
0524T 00	Category III	0.00	0.00	RNE	RNE
0525T 00	Category III	0.00	0.00	RNE	RNE
0526T 00	Category III	0.00	0.00	RNE	RNE
0527T 00	Category III	0.00	0.00	RNE	RNE
0528T 00	Category III	0.00	0.00	RNE	RNE
0528T 26	Category III	0.00	0.00	RNE	RNE
0528T TC	Category III	0.00	0.00	RNE	RNE
0529T 00	Category III	0.00	0.00	RNE	RNE
0529T 26	Category III	0.00	0.00	RNE	RNE
0529T TC	Category III	0.00	0.00	RNE	RNE
0530T 00	Category III	0.00	0.00	RNE	RNE
0531T 00	Category III	0.00	0.00	RNE	RNE
0532T 00	Category III	0.00	0.00	RNE	RNE
0533T 00	Category III	0.00	0.00	RNE	RNE
0533T 26	Category III	0.00	0.00	RNE	RNE
0533T TC	Category III	0.00	0.00	RNE	RNE
0534T 00	Category III	0.00	0.00	RNE	RNE

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0534T 26	Category III	0.00	0.00	RNE	RNE
0534T TC	Category III	0.00	0.00	RNE	RNE
0535T 00	Category III	0.00	0.00	RNE	RNE
0535T 26	Category III	0.00	0.00	RNE	RNE
0535T TC	Category III	0.00	0.00	RNE	RNE
0536T 00	Category III	0.00	0.00	RNE	RNE
0536T 26	Category III	0.00	0.00	RNE	RNE
0536T TC	Category III	0.00	0.00	RNE	RNE
0537T 00	Category III	0.00	0.00	Bundled Code	Bundled
0538T 00	Category III	0.00	0.00	Bundled Code	Bundled
0539T 00	Category III	0.00	0.00	Bundled Code	Bundled
0540T 00	Category III	0.00	0.00	RNE	RNE
0541T 00	Category III	0.00	0.00	RNE	RNE
0542T 00	Category III	0.00	0.00	RNE	RNE
0543T 00	Category III	0.00	0.00	RNE	RNE
0544T 00	Category III	0.00	0.00	RNE	RNE
0545T 00	Category III	0.00	0.00	RNE	RNE
0546T 00	Category III	0.00	0.00	RNE	RNE
0547T 00	Category III	0.00	0.00	RNE	RNE
0552T 00	Category III	0.00	0.00	RNE	RNE
0553T 00	Category III	0.00	0.00	RNE	RNE
0554T 00	Category III	0.00	0.00	RNE	RNE
0555T 00	Category III	0.00	0.00	RNE	RNE
0556T 00	Category III	0.00	0.00	RNE	RNE
0557T 00	Category III	0.00	0.00	RNE	RNE
0558T 00	Category III	0.00	0.00	RNE	RNE
0559T 00	Category III	0.00	0.00	RNE	RNE
0560T 00	Category III	0.00	0.00	RNE	RNE
0561T 00	Category III	0.00	0.00	RNE	RNE
0562T 00	Category III	0.00	0.00	RNE	RNE
0563T 00	Category III	0.00	0.00	RNE	RNE
0564T 00	Category III	0.00	0.00	RNE	RNE
0565T 00	Category III	0.00	0.00	RNE	RNE
0566T 00	Category III	0.00	0.00	RNE	RNE
0567T 00	Category III	0.00	0.00	RNE	RNE
0568T 00	Category III	0.00	0.00	RNE	RNE
0569T 00	Category III	0.00	0.00	RNE	RNE
0570T 00	Category III	0.00	0.00	RNE	RNE
0571T 00	Category III	0.00	0.00	RNE	RNE
0572T 00	Category III	0.00	0.00	RNE	RNE
0573T 00	Category III	0.00	0.00	RNE	RNE
0574T 00	Category III	0.00	0.00	RNE	RNE
0575T 00	Category III	0.00	0.00	RNE	RNE

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0576T 00	Category III	0.00	0.00	RNE	RNE
0577T 00	Category III	0.00	0.00	RNE	RNE
0578T 00	Category III	0.00	0.00	RNE	RNE
0579T 00	Category III	0.00	0.00	RNE	RNE
0580T 00	Category III	0.00	0.00	RNE	RNE
0581T 00	Category III	0.00	0.00	RNE	RNE
0582T 00	Category III	0.00	0.00	RNE	RNE
0583T 00	Category III	0.00	0.00	RNE	RNE
0584T 00	Category III	0.00	0.00	RNE	RNE
0585T 00	Category III	0.00	0.00	RNE	RNE
0586T 00	Category III	0.00	0.00	RNE	RNE
0587T 00	Category III	0.00	0.00	RNE	RNE
0588T 00	Category III	0.00	0.00	RNE	RNE
0589T 00	Category III	0.00	0.00	RNE	RNE
0590T 00	Category III	0.00	0.00	RNE	RNE
0591T 00	Category III	0.00	0.00	RNE	RNE
0592T 00	Category III	0.00	0.00	RNE	RNE
0593T 00	Category III	0.00	0.00	RNE	RNE
0594T 00	Category III	0.00	0.00	RNE	RNE
0596T 00	Category III	0.00	0.00	RNE	RNE
0597T 00	Category III	0.00	0.00	RNE	RNE
0598T 00	Category III	0.00	0.00	RNE	RNE
0599T 00	Category III	0.00	0.00	RNE	RNE
0600T 00	Category III	0.00	0.00	RNE	RNE
0601T 00	Category III	0.00	0.00	RNE	RNE
0602T 00	Category III	0.00	0.00	RNE	RNE
0603T 00	Category III	0.00	0.00	RNE	RNE
0604T 00	Category III	0.00	0.00	RNE	RNE
0605T 00	Category III	0.00	0.00	RNE	RNE
0606T 00	Category III	0.00	0.00	RNE	RNE
0607T 00	Category III	0.00	0.00	RNE	RNE
0608T 00	Category III	0.00	0.00	RNE	RNE
0609T 00	Category III	0.00	0.00	RNE	RNE
0610T 00	Category III	0.00	0.00	RNE	RNE
0611T 00	Category III	0.00	0.00	RNE	RNE
0612T 00	Category III	0.00	0.00	RNE	RNE
0613T 00	Category III	0.00	0.00	RNE	RNE
0614T 00	Category III	0.00	0.00	RNE	RNE
0615T 00	Category III	0.00	0.00	RNE	RNE
0616T 00	Category III	0.00	0.00	RNE	RNE
0617T 00	Category III	0.00	0.00	RNE	RNE
0618T 00	Category III	0.00	0.00	RNE	RNE
0619T 00	Category III	0.00	0.00	RNE	RNE

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0620T 00	Category III	0.00	0.00	RNE	RNE
0621T 00	Category III	0.00	0.00	RNE	RNE
0622T 00	Category III	0.00	0.00	RNE	RNE
0623T 00	Category III	0.00	0.00	RNE	RNE
0624T 00	Category III	0.00	0.00	RNE	RNE
0625T 00	Category III	0.00	0.00	RNE	RNE
0626T 00	Category III	0.00	0.00	RNE	RNE
0627T 00	Category III	0.00	0.00	RNE	RNE
0628T 00	Category III	0.00	0.00	RNE	RNE
0629T 00	Category III	0.00	0.00	RNE	RNE
0630T 00	Category III	0.00	0.00	RNE	RNE
0631T 00	Category III	0.00	0.00	RNE	RNE
0632T 00	Category III	0.00	0.00	RNE	RNE
0633T 00	Category III	0.00	0.00	RNE	RNE
0633T 26	Category III	0.00	0.00	RNE	RNE
0633T TC	Category III	0.00	0.00	RNE	RNE
0634T 00	Category III	0.00	0.00	RNE	RNE
0634T 26	Category III	0.00	0.00	RNE	RNE
0634T	Category III	0.00	0.00	RNE	RNE
0635T 00	Category III	0.00	0.00	RNE	RNE
0635T 26	Category III	0.00	0.00	RNE	RNE
0635T	Category III	0.00	0.00	RNE	RNE
0636T 00	Category III	0.00	0.00	RNE	RNE
0636T 26	Category III	0.00	0.00	RNE	RNE
0636T	Category III	0.00	0.00	RNE	RNE
0637T 00	Category III	0.00	0.00	RNE	RNE
0637T 26	Category III	0.00	0.00	RNE	RNE
0637T	Category III	0.00	0.00	RNE	RNE
0638T 00	Category III	0.00	0.00	RNE	RNE
0638T 26	Category III	0.00	0.00	RNE	RNE
0638T	Category III	0.00	0.00	RNE	RNE
0639T 00	Category III	0.00	0.00	RNE	RNE
0640T 00	Category III	0.00	0.00	RNE	RNE
0641T 00	Category III	0.00	0.00	RNE	RNE
0642T 00	Category III	0.00	0.00	RNE	RNE
0643T 00	Category III	0.00	0.00	RNE	RNE
0644T 00	Category III	0.00	0.00	RNE	RNE
0645T 00	Category III	0.00	0.00	RNE	RNE
0646T 00	Category III	0.00	0.00	RNE	RNE
0647T 00	Category III	0.00	0.00	RNE	RNE
0648T 00	Category III	0.00	0.00	RNE	RNE
0648T 26	Category III	0.00	0.00	RNE	RNE
0648T TC	Category III	0.00	0.00	RNE	RNE

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0649T 00	Category III	0.00	0.00	RNE	RNE
0649T 26	Category III	0.00	0.00	RNE	RNE
0649T TC	Category III	0.00	0.00	RNE	RNE
0650T 00	Category III	0.00	0.00	RNE	RNE
0650T 26	Category III	0.00	0.00	RNE	RNE
0650T TC	Category III	0.00	0.00	RNE	RNE
0651T 00	Category III	0.00	0.00	RNE	RNE
0652T 00	Category III	0.00	0.00	RNE	RNE
0653T 00	Category III	0.00	0.00	RNE	RNE
0654T 00	Category III	0.00	0.00	RNE	RNE
0655T 00	Category III	0.00	0.00	RNE	RNE
0656T 00	Category III	0.00	0.00	RNE	RNE
0657T 00	Category III	0.00	0.00	RNE	RNE
0658T 00	Category III	0.00	0.00	RNE	RNE
0659T 00	Category III	0.00	0.00	RNE	RNE
0660T 00	Category III	0.00	0.00	RNE	RNE
0661T 00	Category III	0.00	0.00	RNE	RNE
0662T 00	Category III	0.00	0.00	RNE	RNE
0663T 00	Category III	0.00	0.00	RNE	RNE
0664T 00	Category III	0.00	0.00	RNE	RNE
0665T 00	Category III	0.00	0.00	RNE	RNE
0666T 00	Category III	0.00	0.00	RNE	RNE
0667T 00	Category III	0.00	0.00	RNE	RNE
0668T 00	Category III	0.00	0.00	RNE	RNE
0669T 00	Category III	0.00	0.00	RNE	RNE
0670T 00	Category III	0.00	0.00	RNE	RNE
0671T 00	Category III	0.00	0.00	RNE	RNE
0672T 00	Category III	0.00	0.00	RNE	RNE
0673T 00	Category III	0.00	0.00	RNE	RNE
0674T 00	Category III	0.00	0.00	RNE	RNE
0675T 00	Category III	0.00	0.00	RNE	RNE
0676T 00	Category III	0.00	0.00	RNE	RNE
0677T 00	Category III	0.00	0.00	RNE	RNE
0678T 00	Category III	0.00	0.00	RNE	RNE
0679T 00	Category III	0.00	0.00	RNE	RNE
0680T 00	Category III	0.00	0.00	RNE	RNE
0681T 00	Category III	0.00	0.00	RNE	RNE
0682T 00	Category III	0.00	0.00	RNE	RNE
0683T 00	Category III	0.00	0.00	RNE	RNE
0683T 26	Category III	0.00	0.00	RNE	RNE
0683T TC	Category III	0.00	0.00	RNE	RNE
0684T 00	Category III	0.00	0.00	RNE	RNE
0684T 26	Category III	0.00	0.00	RNE	RNE

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0684T TC	Category III	0.00	0.00	RNE	RNE
0685T 00	Category III	0.00	0.00	RNE	RNE
0685T 26	Category III	0.00	0.00	RNE	RNE
0685T TC	Category III	0.00	0.00	RNE	RNE
0686T 00	Category III	0.00	0.00	RNE	RNE
0687T 00	Category III	0.00	0.00	RNE	RNE
0688T 00	Category III	0.00	0.00	RNE	RNE
0689T 00	Category III	0.00	0.00	RNE	RNE
0689T 26	Category III	0.00	0.00	RNE	RNE
0689T TC	Category III	0.00	0.00	RNE	RNE
0690T 00	Category III	0.00	0.00	RNE	RNE
0690T 26	Category III	0.00	0.00	RNE	RNE
0690T TC	Category III	0.00	0.00	RNE	RNE
0691T 00	Category III	0.00	0.00	RNE	RNE
0691T 26	Category III	0.00	0.00	RNE	RNE
0691T TC	Category III	0.00	0.00	RNE	RNE
0692T 00	Category III	0.00	0.00	RNE	RNE
0693T 00	Category III	0.00	0.00	RNE	RNE
0694T 00	Category III	0.00	0.00	RNE	RNE
0694T 26	Category III	0.00	0.00	RNE	RNE
0694T TC	Category III	0.00	0.00	RNE	RNE
0695T 00	Category III	0.00	0.00	RNE	RNE
0696T 00	Category III	0.00	0.00	RNE	RNE
0697T 00	Category III	0.00	0.00	RNE	RNE
0697T 26	Category III	0.00	0.00	RNE	RNE
0697T TC	Category III	0.00	0.00	RNE	RNE
0698T 00	Category III	0.00	0.00	RNE	RNE
0698T 26	Category III	0.00	0.00	RNE	RNE
0698T TC	Category III	0.00	0.00	RNE	RNE
0699T 00	Category III	0.00	0.00	RNE	RNE
0700T 00	Category III	0.00	0.00	RNE	RNE
0700T 26	Category III	0.00	0.00	RNE	RNE
0700T TC	Category III	0.00	0.00	RNE	RNE
0701T 00	Category III	0.00	0.00	RNE	RNE
0701T 26	Category III	0.00	0.00	RNE	RNE
0701T TC	Category III	0.00	0.00	RNE	RNE
0704T 00	Category III	0.00	0.00	RNE	RNE
0705T 00	Category III	0.00	0.00	RNE	RNE
0706T 00	Category III	0.00	0.00	RNE	RNE
0707T 00	Category III	0.00	0.00	RNE	RNE
0708T 00	Category III	0.00	0.00	RNE	RNE
0709T 00	Category III	0.00	0.00	RNE	RNE
0710T 00	Category III	0.00	0.00	RNE	RNE

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0711T 00	Category III	0.00	0.00	RNE	RNE
0712T 00	Category III	0.00	0.00	RNE	RNE
0713T 00	Category III	0.00	0.00	RNE	RNE
0714T 00	Category III	0.00	0.00	RNE	RNE
0715T 00	Category III	0.00	0.00	RNE	RNE
0716T 00	Category III	0.00	0.00	RNE	RNE
0717T 00	Category III	0.00	0.00	RNE	RNE
0718T 00	Category III	0.00	0.00	RNE	RNE
0719T 00	Category III	0.00	0.00	RNE	RNE
0720T 00	Category III	0.00	0.00	RNE	RNE
0721T 00	Category III	0.00	0.00	RNE	RNE
0721T 26	Category III	0.00	0.00	RNE	RNE
0721T TC	Category III	0.00	0.00	RNE	RNE
0722T 00	Category III	0.00	0.00	RNE	RNE
0722T 26	Category III	0.00	0.00	RNE	RNE
0722T TC	Category III	0.00	0.00	RNE	RNE
0723T 00	Category III	0.00	0.00	RNE	RNE
0723T 26	Category III	0.00	0.00	RNE	RNE
0723T TC	Category III	0.00	0.00	RNE	RNE
0724T 00	Category III	0.00	0.00	RNE	RNE
0724T 26	Category III	0.00	0.00	RNE	RNE
0724T TC	Category III	0.00	0.00	RNE	RNE
0725T 00	Category III	0.00	0.00	RNE	RNE
0726T 00	Category III	0.00	0.00	RNE	RNE
0727T 00	Category III	0.00	0.00	RNE	RNE
0728T 00	Category III	0.00	0.00	RNE	RNE
0729T 00	Category III	0.00	0.00	RNE	RNE
0730T 00	Category III	0.00	0.00	RNE	RNE
0731T 00	Category III	0.00	0.00	RNE	RNE
0732T 00	Category III	0.00	0.00	RNE	RNE
0733T 00	Category III	0.00	0.00	RNE	RNE
0734T 00	Category III	0.00	0.00	RNE	RNE
0735T 00	Category III	0.00	0.00	RNE	RNE
0736T 00	Category III	0.00	0.00	RNE	RNE
0737T 00	Category III	0.00	0.00	RNE	RNE
0738T 00	Category III	0.00	0.00	RNE	RNE
0739T 00	Category III	0.00	0.00	RNE	RNE
0740T 00	Category III	0.00	0.00	RNE	RNE
0741T 00	Category III	0.00	0.00	RNE	RNE
0742T 00	Category III	0.00	0.00	RNE	RNE
0742T 26	Category III	0.00	0.00	RNE	RNE
0742T TC	Category III	0.00	0.00	RNE	RNE
0743T 00	Category III	0.00	0.00	RNE	RNE

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0744T 00	Category III	0.00	0.00	RNE	RNE
0745T 00	Category III	0.00	0.00	RNE	RNE
0746T 00	Category III	0.00	0.00	RNE	RNE
0747T 00	Category III	0.00	0.00	RNE	RNE
0748T 00	Category III	0.00	0.00	RNE	RNE
0749T 00	Category III	0.00	0.00	RNE	RNE
0750T 00	Category III	0.00	0.00	RNE	RNE
0751T 00	Category III	0.00	0.00	RNE	RNE
0752T 00	Category III	0.00	0.00	RNE	RNE
0753T 00	Category III	0.00	0.00	RNE	RNE
0754T 00	Category III	0.00	0.00	RNE	RNE
0755T 00	Category III	0.00	0.00	RNE	RNE
0756T 00	Category III	0.00	0.00	RNE	RNE
0757T 00	Category III	0.00	0.00	RNE	RNE
0758T 00	Category III	0.00	0.00	RNE	RNE
0759T 00	Category III	0.00	0.00	RNE	RNE
0760T 00	Category III	0.00	0.00	RNE	RNE
0761T 00	Category III	0.00	0.00	RNE	RNE
0762T 00	Category III	0.00	0.00	RNE	RNE
0763T 00	Category III	0.00	0.00	RNE	RNE
0764T 00	Category III	0.00	0.00	RNE	RNE
0765T 00	Category III	0.00	0.00	RNE	RNE
0766T 00	Category III	0.00	0.00	RNE	RNE
0767T 00	Category III	0.00	0.00	RNE	RNE
0768T 00	Category III	0.00	0.00	RNE	RNE
0769T 00	Category III	0.00	0.00	RNE	RNE
0770T 00	Category III	0.00	0.00	RNE	RNE
0771T 00	Category III	0.00	0.00	RNE	RNE
0772T 00	Category III	0.00	0.00	RNE	RNE
0773T 00	Category III	0.00	0.00	RNE	RNE
0774T 00	Category III	0.00	0.00	RNE	RNE
0775T 00	Category III	0.00	0.00	RNE	RNE
0776T 00	Category III	0.00	0.00	RNE	RNE
0777T 00	Category III	0.00	0.00	RNE	RNE
0777T 26	Category III	0.00	0.00	RNE	RNE
0777T TC	Category III	0.00	0.00	RNE	RNE
0778T 00	Category III	0.00	0.00	RNE	RNE
0779T 00	Category III	0.00	0.00	RNE	RNE
0779T 26	Category III	0.00	0.00	RNE	RNE
0779T TC	Category III	0.00	0.00	RNE	RNE
0780T 00	Category III	0.00	0.00	RNE	RNE
0781T 00	Category III	0.00	0.00	RNE	RNE
0782T 00	Category III	0.00	0.00	RNE	RNE

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

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Code	Category	FY23 NF RVU	FY23 FAC RVU	FY23 NF RBRVS Rate	FY23 FAC RBRVS Rate
0783T 00	Category III	0.00	0.00	RNE	RNE

**Historical Note**

New Appendix A, Category III Codes 2019-2020 made by exempt rulemaking at 25 A.A.R. 2624, effective October 1, 2019; Appendix A, Category III Codes 2019-2020 will remain in effect through September 30, 2020 (Supp. 19-3). Appendix A, Category III Codes 2019-2020 repealed; new Appendix A, Category III Codes 2020-2021 made by exempt rulemaking at 26 A.A.R. 2119, effective October 1, 2020 (Supp. 20-3). Appendix A, Category III Codes 2020-2021 repealed; new Appendix A, Category III Codes 2021-2022 made by exempt rulemaking at 27 A.A.R. 1685, effective October 1, 2021 (Supp. 21-3). Appendix A, Category III Codes 2021-2022 repealed; new Appendix A, Category III Codes 2022-2023 made by exempt rulemaking at 28 A.A.R. 2645 (October 7, 2022), effective October 1, 2022 (Supp. 22-3). Appendix A, Category III Codes 2022-2023 repealed; new Appendix A, Category III Codes 2023-2024 made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

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## HCPCS GUIDELINES

Information regarding the incorporation of HCPCS codes is found in the Introduction to the Fee Schedule. HCPCS

codes are five-character codes with a leading alpha-character followed by four numeric digits.

The following Commission guidelines are provided in addition to the Center for Medicare & Medicaid Services' (CMS) HCPCS codes and descriptions and represent additional guidance from the Commission relative to services unique or uniquely utilized in Workers' Compensation. To the extent that a conflict may exist between an incorporated HCPCS code and a code, guideline, identifier, or modifier unique to Arizona, then the Arizona code, guideline, identifier, or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

HCPCS codes in this section are used to bill for services, equipment and supplies including:

- Medical and surgical supplies
- Durable medical equipment
- Physician-administered drugs
- Prosthetics and orthotics
- Vision and hearing supplies

In this section, any reference to Durable Medical Equipment (DME) also includes reimbursable supplies, prosthetics, and orthotics.

**A. REIMBURSEMENT**

1. Materials and supplies normally necessary to perform a service, such as needles and syringes, ultrasound pads and gel, band-aids and dressings are considered part of a healthcare provider's overhead and are not separately reimbursable. Please see Section J of the Introduction Guidelines to the Fee Schedule for more examples of non- reimbursable supplies and materials.
2. This section of the fee schedule includes maximum reimbursement amounts for DME, services, and procedures billed with HCPCS codes.
3. DME dispensed by a healthcare provider to the patient ancillary to an office visit shall be reimbursed at the lesser of the provider's billed charge or the value listed in the fee schedule. Refer to Section J of the Introduction Guidelines to the Fee Schedule for reimbursement when the item does not have an applicable HCPCS code.
4. DME may be reimbursed differently based on the whether the zip code where the materials are provided are classified by CMS as rural or nonrural. The fee schedule includes different rates for rural and nonrural zip codes where applicable. The zip codes included on the list below shall be reimbursed based on the fees in the "Rural" column in the fee schedule. All other zip codes shall be reimbursed based on the "Nonrural" fee.

**Rural Zip Codes**

85135	85534	85624	85932	86047
85192	85535	85628	85933	86054
85320	85536	85631	85934	86502
85321	85539	85634	85935	86503
85325	85540	85637	85936	86504

85328	85541	85640	85937	86505
85334	85542	85646	85938	86506
85341	85543	85648	85939	86507

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85344	85544	85901	85940	86508
85346	85545	85902	85941	86510
85348	85546	85911	85942	86511
85357	85547	85912	86025	86512
85358	85548	85920	86028	86514
85359	85550	85922	86029	86515
85371	85551	85923	86030	86520
85390	85552	85924	86031	86535
85501	85553	85925	86032	86538
85502	85554	85926	86033	86540
85530	85611	85927	86034	86544
85531	85618	85928	86039	86545
85532	85621	85929	86042	86547
85533	85623	85930	86043	86556

5. DME shipped to the patient shall be reimbursed based on the location of the patient when determining if the fees for rural or nonrural zip codes apply.
6. HCPCS codes describing physician-administered drugs and biologicals including, chemotherapy and immunosuppressive drugs, inhalation solutions and other miscellaneous drugs and solutions shall be used when billing for these products. Please refer to the Pharmaceutical Fee Schedule for billing and reimbursement information for prescription and over-the-counter drugs, including those that are described by HCPCS codes.
7. Services and materials that are listed as By Report or have no listed value in the fee schedule, shall be reimbursed based on a predetermined agreement between the DME provider and the payer. HCPCS codes representing professional services that are not listed in the fee schedule may be reimbursed based on a predetermined agreement between the provider and the payer.
8. Reimbursement for DME shall not be less than the actual cost of an item. Specialized (*e.g.*, bariatric) equipment may have an actual cost that is greater than the reimbursement value listed in the Fee Schedule. The DME provider must demonstrate the actual cost of the DME is greater than the listed reimbursement value by presenting a copy of the original invoice for that item. The reimbursement value for the item shall be based on a predetermined agreement between the DME provider and the payer. When the DME was procured from an intermediary entity (*e.g.*, wholesaler) and not the original manufacturer, the provider must disclose any rebates, reductions, discounts, or relationship with that intermediary entity and the impact on the original manufacturer's cost of that item.
9. Home Health Care – please see the Home Health Care Fee Schedule Guidelines.

**B. MODIFIERS**

1. As appropriate, durable medical equipment, should be billed with the following modifiers:
  - a. NU – indicates the purchase of new equipment.
  - b. UE – indicates the purchase of used equipment.

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- c. RR – indicates that the equipment is being rented. Rental periods shall be considered monthly unless defined differently in the code description.
- i. The maximum rental period is 13 months. After 13 months, the equipment shall be considered purchased.

**C. BILLING**

1. Providers of orthotics and prostheses may bill for fitting, training and management using CPT® codes 97760- 97763.
2. DME and Implantable devices shall be billed separately from facility and professional service fees only if they are not considered bundled with the primary service code.
3. Certain DME may be rented. Determination to purchase or rent DME shall be based on CMS Medicare guidelines in effect on the date the patient takes possession of the DME.
4. Materials, supplies, and equipment billed with a miscellaneous code (e.g., E1399 – durable medical equipment, miscellaneous) shall include the brand name and model number of the DME being supplied when available.
5. Actual shipping or delivery costs necessary to transit DME to the injured worker may be billed. Documentation demonstrating the cost of shipping shall be included with the invoice.

**Historical Note**

New Appendix A, HCPCS Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).



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ARIZONA PHYSICIANS' FEE SCHEDULE HCPCS Codes 2023			
Code	Modifier	FY23 Non-rural Rate	FY23 Rural Rate
A2001		BR	BR
A2002		BR	BR
A2004		BR	BR
A2005		BR	BR
A2006		BR	BR
A2007		BR	BR
A2008		BR	BR
A2009		BR	BR
A2010		BR	BR
A2011		BR	BR
A2012		BR	BR
A2013		BR	BR
A4100		BR	BR
A4206		\$ 0.83	\$ 0.83
A4207		\$ 1.40	\$ 1.40
A4208		\$ 7.92	\$ 7.92
A4209		\$ 3.72	\$ 3.72
A4210		\$ 1.40	\$ 1.40
A4211		\$ 27.86	\$ 27.86
A4212		\$ 11.59	\$ 11.59
A4213		\$ 5.07	\$ 5.07
A4215		\$ 0.98	\$ 0.98
A4216		\$ 0.81	\$ 0.81
A4217		\$ 5.84	\$ 5.84
A4218		\$ 1.33	\$ 1.33
A4220		\$ 58.38	\$ 58.38
A4221		\$ 35.39	\$ 37.41
A4222		\$ 68.03	\$ 72.76
A4223		\$ 93.16	\$ 93.16
A4224		\$ 35.39	\$ 37.41
A4225		\$ 4.58	\$ 4.68
A4226		\$ 38.92	\$ 38.92
A4230		\$ 11.59	\$ 11.59
A4231		\$ 7.92	\$ 7.92
A4232		\$ 3.67	\$ 3.67
A4233	NU	\$ 0.71	\$ 0.71
A4234	NU	\$ 3.30	\$ 3.30
A4235	NU	\$ 1.40	\$ 1.40
A4236	NU	\$ 1.62	\$ 1.62
A4239		\$ 357.01	\$ 357.01

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A4244		\$ 1.86	\$ 1.86
A4245		\$ 6.06	\$ 6.06
A4246		\$ 7.92	\$ 7.92
A4247		\$ 11.59	\$ 11.59
A4248		\$ 0.08	\$ 0.08
A4250		\$ 19.46	\$ 19.46
A4252		\$ 10.19	\$ 10.19
A4253	NU	\$ 11.65	\$ 11.65
A4255		\$ 7.66	\$ 7.66
A4256		\$ 4.73	\$ 4.73
A4257		\$ 23.76	\$ 23.76
A4258		\$ 2.97	\$ 2.97
A4259		\$ 1.99	\$ 1.99
A4262		\$ 23.25	\$ 23.25
A4263		\$ 52.44	\$ 52.44
A4265		\$ 6.34	\$ 6.34
A4266		\$ 77.84	\$ 77.84
A4267		\$ 0.62	\$ 0.62
A4268		\$ 0.98	\$ 0.98
A4269		\$ 11.59	\$ 11.59
A4270		\$ 13.47	\$ 13.47
A4280		\$ 9.65	\$ 9.65
A4281		\$ 15.74	\$ 15.74
A4282		\$ 17.19	\$ 17.19
A4283		\$ 2.80	\$ 2.80
A4284		\$ 8.33	\$ 8.33
A4285		\$ 5.99	\$ 5.99
A4286		\$ 6.93	\$ 6.93
A4290		\$ 306.00	\$ 306.00
A4300		\$ 23.25	\$ 23.25
A4301		\$ 291.61	\$ 291.61
A4305		\$ 62.10	\$ 62.10
A4306		\$ 31.05	\$ 31.05
A4310		\$ 14.35	\$ 14.35
A4311		\$ 27.30	\$ 27.30
A4312		\$ 33.59	\$ 33.59
A4313		\$ 34.48	\$ 34.48
A4314		\$ 40.01	\$ 40.01
A4315		\$ 49.11	\$ 49.11
A4316		\$ 52.88	\$ 52.88
A4320		\$ 9.79	\$ 9.79
A4321		\$ 24.12	\$ 24.12
A4322		\$ 5.67	\$ 5.67
A4326		\$ 20.09	\$ 20.09
A4327		\$ 78.69	\$ 78.69
A4328		\$ 19.43	\$ 19.43
A4330		\$ 13.34	\$ 13.34

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A4331		\$ 5.92	\$ 5.92
A4332		\$ 0.21	\$ 0.21
A4333		\$ 4.13	\$ 4.13
A4334		\$ 9.16	\$ 9.16
A4335		BR	BR
A4336		\$ 2.67	\$ 2.67
A4337		\$ 8.33	\$ 8.33
A4338		\$ 22.85	\$ 22.85
A4340		\$ 59.11	\$ 59.11
A4344		\$ 29.81	\$ 29.81
A4346		\$ 35.84	\$ 35.84
A4349		\$ 3.74	\$ 3.74
A4351		\$ 3.37	\$ 3.37
A4352		\$ 11.96	\$ 11.96
A4353		\$ 13.05	\$ 13.05
A4354		\$ 21.98	\$ 21.98
A4355		\$ 14.66	\$ 14.66
A4356		\$ 79.69	\$ 79.69
A4357		\$ 17.99	\$ 17.99
A4358		\$ 10.98	\$ 10.98
A4360		\$ 0.87	\$ 0.87
A4361		\$ 34.19	\$ 34.19
A4362		\$ 6.47	\$ 6.47
A4363		\$ 4.13	\$ 4.13
A4364		\$ 5.47	\$ 5.47
A4366		\$ 2.41	\$ 2.41
A4367		\$ 13.71	\$ 13.71
A4368		\$ 0.46	\$ 0.46
A4369		\$ 3.85	\$ 3.85
A4371		\$ 6.69	\$ 6.69
A4372		\$ 7.81	\$ 7.81
A4373		\$ 11.66	\$ 11.66
A4375		\$ 31.98	\$ 31.98
A4376		\$ 88.58	\$ 88.58
A4377		\$ 7.98	\$ 7.98
A4378		\$ 57.25	\$ 57.25
A4379		\$ 27.96	\$ 27.96
A4380		\$ 69.51	\$ 69.51
A4381		\$ 8.61	\$ 8.61
A4382		\$ 45.84	\$ 45.84
A4383		\$ 52.49	\$ 52.49
A4384		\$ 17.89	\$ 17.89
A4385		\$ 9.48	\$ 9.48
A4387		\$ 4.19	\$ 4.19
A4388		\$ 8.12	\$ 8.12
A4389		\$ 11.56	\$ 11.56
A4390		\$ 17.88	\$ 17.88

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A4391		\$	13.16	\$	13.16
A4392		\$	15.22	\$	15.22
A4393		\$	16.83	\$	16.83
A4394		\$	4.83	\$	4.83
A4395		\$	0.07	\$	0.07
A4396		\$	75.36	\$	75.36
A4398		\$	25.73	\$	25.73
A4399		\$	22.85	\$	22.85
A4400		\$	90.99	\$	90.99
A4402		\$	2.97	\$	2.97
A4404		\$	2.86	\$	2.86
A4405		\$	6.36	\$	6.36
A4406		\$	10.65	\$	10.65
A4407		\$	16.31	\$	16.31
A4408		\$	18.38	\$	18.38
A4409		\$	11.56	\$	11.56
A4410		\$	16.83	\$	16.83
A4411		\$	9.48	\$	9.48
A4412		\$	5.04	\$	5.04
A4413		\$	10.26	\$	10.26
A4414		\$	9.16	\$	9.16
A4415		\$	11.16	\$	11.16
A4416		\$	5.12	\$	5.12
A4417		\$	6.94	\$	6.94
A4418		\$	3.37	\$	3.37
A4419		\$	3.21	\$	3.21
A4420		\$	2.27	\$	2.27
A4421			BR		BR
A4422		\$	0.21	\$	0.21
A4423		\$	3.46	\$	3.46
A4424		\$	8.86	\$	8.86
A4425		\$	6.66	\$	6.66
A4426		\$	5.08	\$	5.08
A4427		\$	5.19	\$	5.19
A4428		\$	12.14	\$	12.14
A4429		\$	15.36	\$	15.36
A4430		\$	15.86	\$	15.86
A4431		\$	11.56	\$	11.56
A4432		\$	6.68	\$	6.68
A4433		\$	6.24	\$	6.24
A4434		\$	7.00	\$	7.00
A4435		\$	10.72	\$	10.72
A4436		\$	30.35	\$	30.35
A4437		\$	30.35	\$	30.35
A4450		\$	0.15	\$	0.15
A4452		\$	0.45	\$	0.45
A4455		\$	2.25	\$	2.25

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A4456		\$ 0.45	\$ 0.45
A4458		\$ 7.00	\$ 7.00
A4459		\$ 4,757.52	\$ 4,757.52
A4461		\$ 6.15	\$ 6.15
A4463		\$ 24.78	\$ 24.78
A4465		\$ 27.33	\$ 27.33
A4467		\$ 31.05	\$ 31.05
A4480		\$ 7.92	\$ 7.92
A4481		\$ 0.69	\$ 0.69
A4483		\$ 5.53	\$ 5.53
A4490		\$ 38.98	\$ 38.98
A4495		\$ 30.13	\$ 30.13
A4500		\$ 30.13	\$ 30.13
A4510		\$ 97.36	\$ 97.36
A4520		\$ 0.85	\$ 0.85
A4550		\$ 38.98	\$ 38.98
A4553		\$ 11.59	\$ 11.59
A4554		\$ 0.53	\$ 0.53
A4555		\$ 15.74	\$ 15.74
A4556		\$ 22.61	\$ 22.61
A4557		\$ 19.95	\$ 25.73
A4558		\$ 10.15	\$ 10.15
A4559		\$ 0.18	\$ 0.18
A4561		\$ 37.14	\$ 37.14
A4562		\$ 92.50	\$ 92.50
A4563		\$ 2,142.91	\$ 2,142.91
A4565		\$ 14.34	\$ 14.34
A4566		\$ 29.72	\$ 29.72
A4570		\$ 27.33	\$ 27.33
A4575		\$ 563.22	\$ 563.22
A4580		\$ 77.84	\$ 77.84
A4590		\$ 62.10	\$ 62.10
A4595		\$ 25.58	\$ 35.41
A4596		\$ 52.78	\$ 52.78
A4600		\$ 32.51	\$ 32.51
A4601		\$ 57.50	\$ 57.50
A4602	NU	\$ 6.94	\$ 6.94
A4604	NU	\$ 74.63	\$ 89.22
A4605	NU	\$ 30.53	\$ 30.53
A4606		\$ 55.64	\$ 55.64
A4608		\$ 93.34	\$ 93.34
A4612	NU	\$ 281.08	\$ 281.08
A4612	RR	\$ 28.28	\$ 28.28
A4612	UE	\$ 210.67	\$ 210.67
A4613	NU	\$ 416.39	\$ 416.39
A4613	RR	\$ 41.89	\$ 41.89
A4613	UE	\$ 312.09	\$ 312.09

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A4614		\$ 44.28	\$ 44.28
A4615		\$ 1.36	\$ 1.36
A4616		\$ 0.11	\$ 0.11
A4617		\$ 5.77	\$ 5.77
A4618	NU	\$ 14.08	\$ 14.08
A4618	RR	\$ 1.92	\$ 1.92
A4618	UE	\$ 10.56	\$ 10.56
A4619	NU	\$ 3.33	\$ 3.37
A4620		\$ 1.12	\$ 1.12
A4623		\$ 10.37	\$ 10.37
A4624	NU	\$ 4.91	\$ 4.91
A4625		\$ 12.26	\$ 12.26
A4626		\$ 5.04	\$ 5.04
A4627		\$ 31.05	\$ 31.05
A4628	NU	\$ 6.79	\$ 6.79
A4629		\$ 8.61	\$ 8.61
A4630	NU	\$ 11.52	\$ 11.52
A4633	NU	\$ 76.41	\$ 76.41
A4635	NU	\$ 8.08	\$ 8.08
A4635	RR	\$ 1.30	\$ 1.30
A4635	UE	\$ 5.39	\$ 5.39
A4636	NU	\$ 5.26	\$ 5.43
A4636	RR	\$ 0.56	\$ 0.60
A4636	UE	\$ 3.92	\$ 4.00
A4637	NU	\$ 2.86	\$ 2.87
A4637	RR	\$ 0.34	\$ 0.38
A4637	UE	\$ 2.14	\$ 2.17
A4639	RR	\$ 53.49	\$ 53.49
A4640	NU	\$ 85.01	\$ 96.66
A4640	RR	\$ 9.00	\$ 10.65
A4640	UE	\$ 62.72	\$ 70.42
A4648		\$ 242.44	\$ 242.44
A4649		BR	BR
A4652		\$ 7.92	\$ 7.92
A4657		\$ 0.78	\$ 0.78
A4660		\$ 53.37	\$ 53.37
A4663		\$ 38.98	\$ 38.98
A4670		\$ 115.88	\$ 115.88
A4671		\$ 37.11	\$ 37.11
A4674		\$ 94.09	\$ 94.09
A4680		\$ 111.23	\$ 111.23
A4690		\$ 160.80	\$ 160.80
A4706		\$ 48.19	\$ 48.19
A4709		\$ 46.86	\$ 46.86
A4714		\$ 29.19	\$ 29.19
A4719		\$ 9.73	\$ 9.73
A4723		\$ 15.33	\$ 15.33

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A4726		\$ 9.73	\$ 9.73
A4728		\$ 168.32	\$ 168.32
A4736		\$ 27.86	\$ 27.86
A4755		\$ 107.03	\$ 107.03
A4770		\$ 7.92	\$ 7.92
A4772		\$ 0.70	\$ 0.70
A4860		\$ 6.47	\$ 6.47
A4911		\$ 12.53	\$ 12.53
A4913		BR	BR
A4927		\$ 12.53	\$ 12.53
A4928		\$ 18.06	\$ 18.06
A4929		\$ 5.53	\$ 5.53
A4930		\$ 0.50	\$ 0.50
A4931		\$ 12.94	\$ 12.94
A5051		\$ 3.84	\$ 3.84
A5052		\$ 2.77	\$ 2.77
A5053		\$ 2.73	\$ 2.73
A5054		\$ 3.35	\$ 3.35
A5055		\$ 2.59	\$ 2.59
A5056		\$ 8.71	\$ 8.71
A5057		\$ 17.88	\$ 17.88
A5061		\$ 6.58	\$ 6.58
A5062		\$ 3.86	\$ 3.86
A5063		\$ 5.04	\$ 5.04
A5071		\$ 11.19	\$ 11.19
A5072		\$ 6.41	\$ 6.41
A5073		\$ 5.66	\$ 5.66
A5081		\$ 5.25	\$ 5.25
A5082		\$ 18.84	\$ 18.84
A5083		\$ 1.20	\$ 1.20
A5093		\$ 3.64	\$ 3.64
A5102		\$ 36.37	\$ 36.37
A5105		\$ 75.91	\$ 75.91
A5112		\$ 64.47	\$ 64.47
A5113		\$ 8.78	\$ 8.78
A5114		\$ 16.66	\$ 16.66
A5120		\$ 0.38	\$ 0.38
A5121		\$ 11.79	\$ 11.79
A5122		\$ 23.91	\$ 23.91
A5126		\$ 2.44	\$ 2.44
A5131		\$ 25.09	\$ 25.09
A5200		\$ 21.03	\$ 21.03
A5500		\$ 118.40	\$ 118.40
A5501		\$ 355.08	\$ 355.08
A5503		\$ 60.28	\$ 60.28
A5504		\$ 60.28	\$ 60.28
A5505		\$ 60.28	\$ 60.28

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A5506		\$	60.28	\$	60.28
A5507		\$	60.28	\$	60.28
A5508		\$	48.65	\$	48.65
A5510		\$	89.96	\$	89.96
A5512		\$	48.29	\$	48.29
A5513		\$	72.06	\$	72.06
A5514		\$	72.06	\$	72.06
A6010		\$	57.67	\$	57.67
A6011		\$	4.26	\$	4.26
A6021		\$	39.14	\$	39.14
A6022		\$	39.14	\$	39.14
A6023		\$	354.33	\$	354.33
A6024		\$	11.52	\$	11.52
A6025		\$	39.86	\$	39.86
A6154		\$	26.74	\$	26.74
A6196		\$	13.71	\$	13.71
A6197		\$	30.62	\$	30.62
A6198		\$	46.38	\$	46.38
A6199		\$	9.83	\$	9.83
A6203		\$	6.27	\$	6.27
A6204		\$	11.58	\$	11.58
A6205		\$	0.32	\$	0.32
A6206		\$	9.27	\$	9.27
A6207		\$	13.68	\$	13.68
A6208		\$	79.30	\$	79.30
A6209		\$	13.92	\$	13.92
A6210		\$	37.10	\$	37.10
A6211		\$	54.68	\$	54.68
A6212		\$	18.07	\$	18.07
A6213		\$	16.25	\$	16.25
A6214		\$	19.17	\$	19.17
A6215		\$	5.12	\$	5.12
A6216		\$	0.07	\$	0.07
A6217		\$	0.32	\$	0.32
A6218		\$	0.55	\$	0.55
A6219		\$	1.78	\$	1.78
A6220		\$	4.83	\$	4.83
A6221		\$	7.00	\$	7.00
A6222		\$	3.98	\$	3.98
A6223		\$	4.52	\$	4.52
A6224		\$	6.71	\$	6.71
A6228		\$	3.72	\$	3.72
A6229		\$	6.71	\$	6.71
A6231		\$	8.74	\$	8.74
A6232		\$	12.78	\$	12.78
A6233		\$	35.70	\$	35.70
A6234		\$	12.19	\$	12.19

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

A6235		\$	31.32	\$	31.32
A6236		\$	50.74	\$	50.74
A6237		\$	14.73	\$	14.73
A6238		\$	42.45	\$	42.45
A6240		\$	22.81	\$	22.81
A6241		\$	4.79	\$	4.79
A6242		\$	11.27	\$	11.27
A6243		\$	22.95	\$	22.95
A6244		\$	73.14	\$	73.14
A6245		\$	13.54	\$	13.54
A6246		\$	18.49	\$	18.49
A6247		\$	44.28	\$	44.28
A6248		\$	30.25	\$	30.25
A6251		\$	3.70	\$	3.70
A6252		\$	6.06	\$	6.06
A6253		\$	11.79	\$	11.79
A6254		\$	2.23	\$	2.23
A6255		\$	5.66	\$	5.66
A6256		\$	6.47	\$	6.47
A6257		\$	2.86	\$	2.86
A6258		\$	8.02	\$	8.02
A6259		\$	20.36	\$	20.36
A6260		\$	0.27	\$	0.27
A6261		\$	51.51	\$	51.51
A6262		\$	0.73	\$	0.73
A6266		\$	3.56	\$	3.56
A6402		\$	0.21	\$	0.21
A6403		\$	0.77	\$	0.77
A6404		\$	0.78	\$	0.78
A6407		\$	3.49	\$	3.49
A6410		\$	0.70	\$	0.70
A6411		\$	7.92	\$	7.92
A6412		\$	0.41	\$	0.41
A6413		\$	0.21	\$	0.21
A6441		\$	1.27	\$	1.27
A6442		\$	0.29	\$	0.29
A6443		\$	0.52	\$	0.52
A6444		\$	1.04	\$	1.04
A6445		\$	0.59	\$	0.59
A6446		\$	0.73	\$	0.73
A6447		\$	1.27	\$	1.27
A6448		\$	2.14	\$	2.14
A6449		\$	3.26	\$	3.26
A6450		\$	3.26	\$	3.26
A6451		\$	3.26	\$	3.26
A6452		\$	10.99	\$	10.99
A6453		\$	1.18	\$	1.18

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

A6454		\$ 1.46	\$ 1.46
A6455		\$ 2.59	\$ 2.59
A6456		\$ 2.34	\$ 2.34
A6457		\$ 2.11	\$ 2.11
A6461		\$ 5.99	\$ 5.99
A6501		\$ 89.96	\$ 89.96
A6502		\$ 176.65	\$ 176.65
A6504		\$ 276.75	\$ 276.75
A6505		\$ 281.82	\$ 281.82
A6506		\$ 338.86	\$ 338.86
A6507		\$ 194.25	\$ 194.25
A6508		\$ 281.89	\$ 281.89
A6509		\$ 376.91	\$ 376.91
A6511		\$ 588.34	\$ 588.34
A6530		\$ 24.58	\$ 24.58
A6531		\$ 42.18	\$ 42.18
A6532		\$ 89.43	\$ 89.43
A6533		\$ 56.04	\$ 56.04
A6534		\$ 52.85	\$ 52.85
A6535		\$ 81.63	\$ 81.63
A6536		\$ 69.51	\$ 69.51
A6537		\$ 77.84	\$ 77.84
A6538		\$ 106.62	\$ 106.62
A6539		\$ 140.01	\$ 140.01
A6540		\$ 93.16	\$ 93.16
A6541		\$ 101.08	\$ 101.08
A6545		\$ 97.36	\$ 97.36
A6550		\$ 41.23	\$ 44.03
A7000	NU	\$ 13.97	\$ 15.01
A7001	NU	\$ 61.59	\$ 61.59
A7002	NU	\$ 7.14	\$ 7.14
A7003	NU	\$ 3.15	\$ 3.89
A7004	NU	\$ 2.35	\$ 2.80
A7005	NU	\$ 27.83	\$ 39.19
A7006	NU	\$ 12.45	\$ 15.26
A7007	NU	\$ 5.73	\$ 7.11
A7008	NU	\$ 20.47	\$ 20.47
A7009	NU	\$ 78.30	\$ 78.30
A7010	NU	\$ 27.96	\$ 35.55
A7012	NU	\$ 4.89	\$ 6.01
A7013	NU	\$ 1.01	\$ 1.26
A7014	NU	\$ 5.77	\$ 7.06
A7015	NU	\$ 2.35	\$ 2.87
A7016	NU	\$ 13.51	\$ 13.51
A7017	NU	\$ 188.45	\$ 227.53
A7017	RR	\$ 18.86	\$ 22.76
A7017	UE	\$ 141.34	\$ 170.65

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

A7018		\$ 0.55	\$ 0.64
A7020	NU	\$ 25.96	\$ 25.96
A7025	RR	\$ 80.99	\$ 80.99
A7026	NU	\$ 53.52	\$ 53.52
A7027	NU	\$ 225.61	\$ 273.81
A7028	NU	\$ 62.54	\$ 76.12
A7029	NU	\$ 28.10	\$ 32.58
A7030	NU	\$ 181.65	\$ 231.03
A7031	NU	\$ 68.29	\$ 86.27
A7032	NU	\$ 38.91	\$ 49.46
A7033	NU	\$ 30.11	\$ 36.68
A7034	NU	\$ 114.84	\$ 144.21
A7035	NU	\$ 37.74	\$ 48.37
A7036	NU	\$ 19.85	\$ 24.04
A7037	NU	\$ 30.72	\$ 43.60
A7038	NU	\$ 4.70	\$ 6.22
A7039	NU	\$ 13.58	\$ 17.72
A7040		\$ 73.49	\$ 73.49
A7041		\$ 138.12	\$ 138.12
A7044	NU	\$ 144.72	\$ 171.12
A7045	NU	\$ 21.63	\$ 26.40
A7045	RR	\$ 2.16	\$ 2.63
A7045	UE	\$ 16.23	\$ 19.81
A7046	NU	\$ 23.53	\$ 27.54
A7047	NU	\$ 225.11	\$ 225.11
A7048		\$ 76.90	\$ 76.90
A7501		\$ 195.52	\$ 195.52
A7502		\$ 92.95	\$ 92.95
A7503		\$ 21.13	\$ 21.13
A7504		\$ 1.27	\$ 1.27
A7505		\$ 8.74	\$ 8.74
A7506		\$ 0.60	\$ 0.60
A7507		\$ 4.65	\$ 4.65
A7508		\$ 5.35	\$ 5.35
A7509		\$ 2.62	\$ 2.62
A7520		\$ 88.40	\$ 88.40
A7521		\$ 87.58	\$ 87.58
A7522		\$ 84.08	\$ 84.08
A7523		\$ 31.58	\$ 31.58
A7524		\$ 144.13	\$ 144.13
A7525		\$ 3.84	\$ 3.84
A7526		\$ 6.31	\$ 6.31
A7527		\$ 6.66	\$ 6.66
A8000	NU	\$ 285.54	\$ 285.54
A8000	RR	\$ 28.56	\$ 28.56
A8000	UE	\$ 214.20	\$ 214.20
A8001	NU	\$ 285.54	\$ 285.54

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

A8001	RR	\$	28.56	\$	28.56
A8001	UE	\$	214.20	\$	214.20
A9152		\$	0.21	\$	0.21
A9153		\$	32.45	\$	32.45
A9180		\$	77.84	\$	77.84
A9272		\$	2.27	\$	2.27
A9273		\$	7.92	\$	7.92
A9274		\$	37.11	\$	37.11
A9275		\$	29.19	\$	29.19
A9276		\$	19.46	\$	19.46
A9277		\$	1,257.26	\$	1,257.26
A9278		\$	1,106.11	\$	1,106.11
A9281		\$	53.37	\$	53.37
A9282		\$	523.84	\$	523.84
A9283		\$	24.07	\$	24.07
A9284		\$	16.66	\$	16.66
A9500		\$	235.97	\$	235.97
A9502		\$	233.17	\$	233.17
A9503		\$	55.12	\$	55.12
A9505		\$	233.17	\$	233.17
A9509		\$	502.57	\$	502.57
A9510		\$	149.27	\$	149.27
A9512		\$	26.85	\$	26.85
A9513		\$	458.99	\$	458.99
A9515		\$	6,376.76	\$	6,376.76
A9516		\$	279.55	\$	279.55
A9517		\$	70.03	\$	70.03
A9520		\$	932.74	\$	932.74
A9521		\$	1,818.68	\$	1,818.68
A9526		\$	471.00	\$	471.00
A9528		\$	140.01	\$	140.01
A9530		\$	28.71	\$	28.71
A9531		\$	12.05	\$	12.05
A9537		\$	117.33	\$	117.33
A9538		\$	106.22	\$	106.22
A9539		\$	117.33	\$	117.33
A9540		\$	279.96	\$	279.96
A9541		\$	209.57	\$	209.57
A9546		\$	18.52	\$	18.52
A9548		\$	1,837.74	\$	1,837.74
A9552		\$	643.52	\$	643.52
A9554		\$	909.13	\$	909.13
A9555		\$	745.93	\$	745.93
A9556		\$	149.27	\$	149.27
A9558		\$	458.95	\$	458.95
A9560		\$	233.17	\$	233.17
A9561		\$	93.16	\$	93.16

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

A9562		\$ 1,212.33	\$ 1,212.33
A9567		\$ 186.38	\$ 186.38
A9568		\$ 9.27	\$ 9.27
A9569		\$ 2,541.90	\$ 2,541.90
A9570		\$ 6,842.71	\$ 6,842.71
A9572		\$ 7,485.74	\$ 7,485.74
A9575		\$ 0.20	\$ 0.20
A9576		\$ 1.99	\$ 1.99
A9577		\$ 2.58	\$ 2.58
A9578		\$ 2.53	\$ 2.53
A9579		\$ 2.21	\$ 2.21
A9580		\$ 505.32	\$ 505.32
A9581		\$ 20.65	\$ 20.65
A9582		\$ 9,324.42	\$ 9,324.42
A9584		\$ 5,157.04	\$ 5,157.04
A9585		\$ 0.46	\$ 0.46
A9587		\$ 152.07	\$ 152.07
A9588		\$ 763.60	\$ 763.60
A9589		\$ 1,723.18	\$ 1,723.18
A9590		\$ 1,358.81	\$ 1,358.81
A9591		\$ 932.26	\$ 932.26
A9606		\$ 313.39	\$ 313.39
A9700		\$ 242.44	\$ 242.44
A9900		BR	BR
A9901		BR	BR
A9999		BR	BR
E0100	NU	\$ 38.64	\$ 38.64
E0100	RR	\$ 11.03	\$ 11.03
E0100	UE	\$ 28.97	\$ 28.97
E0105	NU	\$ 91.45	\$ 91.45
E0105	RR	\$ 16.51	\$ 16.51
E0105	UE	\$ 69.65	\$ 69.65
E0110	NU	\$ 122.79	\$ 122.79
E0110	RR	\$ 29.76	\$ 29.76
E0110	UE	\$ 92.06	\$ 92.06
E0111	NU	\$ 84.27	\$ 84.27
E0111	RR	\$ 15.69	\$ 15.69
E0111	UE	\$ 65.06	\$ 65.06
E0112	NU	\$ 58.58	\$ 58.58
E0112	RR	\$ 18.51	\$ 18.51
E0112	UE	\$ 44.67	\$ 44.67
E0113	NU	\$ 33.46	\$ 33.46
E0113	RR	\$ 9.56	\$ 9.56
E0113	UE	\$ 25.09	\$ 25.09
E0114	NU	\$ 74.69	\$ 74.69
E0114	RR	\$ 15.95	\$ 15.95
E0114	UE	\$ 56.46	\$ 56.46

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0116	NU	\$	43.92	\$	43.92
E0116	RR	\$	9.97	\$	9.97
E0116	UE	\$	33.05	\$	33.05
E0117	RR	\$	35.85	\$	35.85
E0118		\$	659.57	\$	659.57
E0130	NU	\$	79.73	\$	96.25
E0130	RR	\$	11.90	\$	17.47
E0130	UE	\$	60.27	\$	73.14
E0135	NU	\$	85.19	\$	107.24
E0135	RR	\$	12.08	\$	17.84
E0135	UE	\$	64.47	\$	81.59
E0140	RR	\$	45.43	\$	53.54
E0141	NU	\$	102.58	\$	131.70
E0141	RR	\$	14.73	\$	22.12
E0141	UE	\$	76.93	\$	98.77
E0143	NU	\$	105.78	\$	138.11
E0143	RR	\$	14.42	\$	21.49
E0143	UE	\$	79.25	\$	103.43
E0144	RR	\$	45.89	\$	47.64
E0147	NU	\$	712.31	\$	819.13
E0147	RR	\$	71.23	\$	81.93
E0147	UE	\$	534.24	\$	614.35
E0148	NU	\$	144.72	\$	174.50
E0148	RR	\$	14.48	\$	17.46
E0148	UE	\$	108.54	\$	130.87
E0149	RR	\$	22.32	\$	28.20
E0153	NU	\$	123.13	\$	123.13
E0153	RR	\$	14.62	\$	14.62
E0153	UE	\$	92.34	\$	92.34
E0154	NU	\$	82.95	\$	99.54
E0154	RR	\$	8.90	\$	11.16
E0154	UE	\$	62.50	\$	75.21
E0155	NU	\$	34.33	\$	39.83
E0155	RR	\$	3.91	\$	4.91
E0155	UE	\$	25.89	\$	30.14
E0156	NU	\$	28.50	\$	34.99
E0156	RR	\$	3.15	\$	4.10
E0156	UE	\$	21.38	\$	26.24
E0157	NU	\$	93.60	\$	114.93
E0157	RR	\$	9.69	\$	12.14
E0157	UE	\$	70.21	\$	86.18
E0158	NU	\$	35.14	\$	40.91
E0158	RR	\$	3.85	\$	4.75
E0158	UE	\$	26.42	\$	30.79
E0159	NU	\$	24.00	\$	27.20
E0159	RR	\$	2.41	\$	2.74
E0159	UE	\$	18.00	\$	20.41

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0160	NU	\$ 45.74	\$ 51.49
E0160	RR	\$ 5.01	\$ 6.03
E0160	UE	\$ 34.30	\$ 38.60
E0161	NU	\$ 37.90	\$ 41.50
E0161	RR	\$ 4.41	\$ 5.50
E0161	UE	\$ 28.41	\$ 31.07
E0162	NU	\$ 230.58	\$ 230.58
E0162	RR	\$ 24.21	\$ 24.21
E0162	UE	\$ 178.79	\$ 178.79
E0163	NU	\$ 114.44	\$ 148.99
E0163	RR	\$ 17.68	\$ 27.36
E0163	UE	\$ 86.91	\$ 113.92
E0165	RR	\$ 22.85	\$ 28.04
E0167	NU	\$ 18.31	\$ 20.68
E0167	RR	\$ 1.86	\$ 2.11
E0167	UE	\$ 13.76	\$ 15.55
E0168	NU	\$ 204.47	\$ 243.21
E0168	RR	\$ 20.44	\$ 24.30
E0168	UE	\$ 153.36	\$ 182.39
E0170	RR	\$ 267.36	\$ 292.88
E0171	RR	\$ 49.71	\$ 53.80
E0175	NU	\$ 104.82	\$ 104.82
E0175	RR	\$ 10.47	\$ 10.47
E0175	UE	\$ 77.15	\$ 77.15
E0181	RR	\$ 31.25	\$ 37.90
E0182	RR	\$ 37.00	\$ 42.64
E0183	RR	\$ 31.25	\$ 37.90
E0184	NU	\$ 260.20	\$ 295.26
E0184	RR	\$ 28.04	\$ 33.56
E0184	UE	\$ 196.46	\$ 224.06
E0185	NU	\$ 334.46	\$ 401.83
E0185	RR	\$ 38.57	\$ 50.44
E0185	UE	\$ 253.06	\$ 305.79
E0186	RR	\$ 31.57	\$ 35.31
E0187	RR	\$ 36.33	\$ 39.54
E0188	NU	\$ 39.76	\$ 46.23
E0188	RR	\$ 4.20	\$ 5.05
E0188	UE	\$ 29.83	\$ 34.69
E0189	NU	\$ 85.74	\$ 92.04
E0189	RR	\$ 8.78	\$ 9.60
E0189	UE	\$ 64.32	\$ 69.03
E0190	NU	\$ 78.55	\$ 78.55
E0190	RR	\$ 7.91	\$ 7.91
E0190	UE	\$ 58.62	\$ 58.62
E0191	NU	\$ 15.81	\$ 15.81
E0191	RR	\$ 1.92	\$ 1.92
E0191	UE	\$ 11.79	\$ 11.79

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0193	RR	\$	1,169.85	\$	1,286.98
E0194	RR	\$	6,058.98	\$	6,058.98
E0196	RR	\$	50.54	\$	51.41
E0197	RR	\$	32.89	\$	40.11
E0198	RR	\$	40.81	\$	40.81
E0199	NU	\$	51.86	\$	56.57
E0199	RR	\$	5.18	\$	5.64
E0199	UE	\$	38.89	\$	42.42
E0200	NU	\$	125.47	\$	125.47
E0200	RR	\$	17.04	\$	17.04
E0200	UE	\$	94.15	\$	94.15
E0202	RR	\$	99.11	\$	99.11
E0203		\$	308.84	\$	308.84
E0205	NU	\$	307.12	\$	307.12
E0205	RR	\$	37.66	\$	37.66
E0205	UE	\$	230.34	\$	230.34
E0210	NU	\$	51.69	\$	51.69
E0210	RR	\$	5.73	\$	5.73
E0210	UE	\$	38.72	\$	38.72
E0215	NU	\$	119.41	\$	119.41
E0215	RR	\$	13.80	\$	13.80
E0215	UE	\$	89.52	\$	89.52
E0217	NU	\$	924.32	\$	924.32
E0217	RR	\$	102.90	\$	102.90
E0217	UE	\$	693.21	\$	693.21
E0218	NU	\$	418.94	\$	418.94
E0218	RR	\$	42.15	\$	42.15
E0218	UE	\$	312.65	\$	312.65
E0221		\$	2,879.28	\$	2,879.28
E0225	NU	\$	723.59	\$	723.59
E0225	RR	\$	71.33	\$	71.33
E0225	UE	\$	542.70	\$	542.70
E0235	RR	\$	32.12	\$	32.12
E0236	RR	\$	75.61	\$	75.61
E0239	NU	\$	837.51	\$	837.51
E0239	RR	\$	83.76	\$	83.76
E0239	UE	\$	628.14	\$	628.14
E0240	NU	\$	141.39	\$	141.39
E0240	RR	\$	14.22	\$	14.22
E0240	UE	\$	105.52	\$	105.52
E0241		\$	39.28	\$	39.28
E0242		\$	119.67	\$	119.67
E0243		\$	62.82	\$	62.82
E0244		\$	78.55	\$	78.55
E0245		\$	83.80	\$	83.80
E0246		\$	96.21	\$	96.21
E0247	NU	\$	125.68	\$	125.68



## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0247	RR	\$	12.64	\$	12.64
E0247	UE	\$	93.80	\$	93.80
E0248	NU	\$	182.24	\$	182.24
E0248	RR	\$	18.33	\$	18.33
E0248	UE	\$	136.00	\$	136.00
E0249	NU	\$	157.63	\$	157.63
E0249	RR	\$	17.32	\$	17.32
E0249	UE	\$	118.20	\$	118.20
E0250	RR	\$	113.62	\$	131.80
E0251	RR	\$	99.43	\$	109.61
E0255	RR	\$	121.81	\$	148.02
E0256	RR	\$	106.33	\$	118.76
E0260	RR	\$	131.04	\$	166.50
E0261	RR	\$	129.63	\$	163.63
E0265	RR	\$	257.52	\$	278.60
E0266	RR	\$	224.92	\$	244.12
E0271	NU	\$	232.88	\$	286.69
E0271	RR	\$	23.63	\$	29.36
E0271	UE	\$	177.44	\$	220.56
E0272	NU	\$	242.91	\$	285.50
E0272	RR	\$	24.65	\$	29.27
E0272	UE	\$	181.90	\$	213.54
E0273	NU	\$	105.78	\$	105.78
E0273	RR	\$	10.64	\$	10.64
E0273	UE	\$	78.93	\$	78.93
E0274	NU	\$	583.91	\$	583.91
E0274	RR	\$	58.74	\$	58.74
E0274	UE	\$	437.64	\$	437.64
E0275	NU	\$	22.89	\$	24.23
E0275	RR	\$	2.42	\$	2.72
E0275	UE	\$	17.16	\$	18.17
E0276	NU	\$	19.92	\$	21.06
E0276	RR	\$	2.20	\$	2.52
E0276	UE	\$	15.16	\$	16.23
E0277	RR	\$	506.27	\$	686.88
E0280	NU	\$	50.53	\$	52.12
E0280	RR	\$	5.40	\$	6.06
E0280	UE	\$	37.90	\$	39.09
E0290	RR	\$	100.11	\$	110.01
E0291	RR	\$	74.55	\$	79.49
E0292	RR	\$	107.86	\$	119.52
E0293	RR	\$	98.92	\$	106.72
E0294	RR	\$	127.11	\$	158.61
E0295	RR	\$	125.78	\$	155.92
E0296	RR	\$	194.35	\$	204.22
E0297	RR	\$	177.65	\$	192.49
E0300	RR	\$	422.17	\$	433.29

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0301	RR	\$	295.76	\$	341.38
E0302	RR	\$	854.62	\$	987.03
E0303	RR	\$	312.56	\$	370.01
E0304	RR	\$	883.51	\$	1,042.69
E0305	RR	\$	20.05	\$	23.58
E0310	NU	\$	210.03	\$	253.95
E0310	RR	\$	21.69	\$	26.75
E0310	UE	\$	158.05	\$	191.51
E0315		\$	233.13	\$	233.13
E0316	RR	\$	290.46	\$	288.18
E0325	NU	\$	15.33	\$	16.02
E0325	RR	\$	1.83	\$	2.21
E0325	UE	\$	10.58	\$	10.58
E0326	NU	\$	15.99	\$	17.16
E0326	RR	\$	1.72	\$	1.96
E0326	UE	\$	12.00	\$	12.88
E0328		\$	17,281.17	\$	17,281.17
E0329		\$	18,223.77	\$	18,223.77
E0352		\$	65.98	\$	65.98
E0370		\$	123.90	\$	123.90
E0371	RR	\$	412.80	\$	499.80
E0372	RR	\$	448.13	\$	570.61
E0373	RR	\$	477.36	\$	629.08
E0424	RR	\$	174.75	\$	230.27
E0425		\$	15.71	\$	15.71
E0430		\$	15.71	\$	15.71
E0431	RR	\$	34.02	\$	41.08
E0433	RR	\$	63.53	\$	70.62
E0434	RR	\$	63.53	\$	70.62
E0439	RR	\$	174.75	\$	230.27
E0441		\$	92.47	\$	101.91
E0442		\$	92.47	\$	101.91
E0443		\$	86.35	\$	97.50
E0444		\$	86.35	\$	97.50
E0445		\$	15.71	\$	15.71
E0446		\$	52.35	\$	52.35
E0447		\$	130.41	\$	148.04
E0462	RR	\$	461.17	\$	461.17
E0465	RR	\$	1,777.16	\$	1,777.16
E0466	RR	\$	1,777.16	\$	1,777.16
E0467	RR	\$	2,049.25	\$	2,084.59
E0470	RR	\$	216.40	\$	270.62
E0471	RR	\$	571.24	\$	753.40
E0472	RR	\$	734.57	\$	871.57
E0480	RR	\$	81.83	\$	81.83
E0481		\$	1,047.35	\$	1,047.35
E0482	RR	\$	743.11	\$	743.11

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0483	RR	\$	1,979.38	\$	1,979.38
E0484	NU	\$	68.77	\$	68.77
E0484	RR	\$	6.87	\$	6.87
E0484	UE	\$	51.58	\$	51.58
E0485	NU	\$	209.47	\$	209.47
E0485	RR	\$	21.07	\$	21.07
E0485	UE	\$	156.31	\$	156.31
E0486	NU	\$	6,807.74	\$	6,807.74
E0486	RR	\$	684.88	\$	684.88
E0486	UE	\$	5,080.40	\$	5,080.40
E0500	RR	\$	197.23	\$	197.23
E0550	RR	\$	93.35	\$	93.35
E0555	NU	\$	5.24	\$	5.24
E0555	RR	\$	0.53	\$	0.53
E0555	UE	\$	3.91	\$	3.91
E0560	NU	\$	275.21	\$	275.21
E0560	RR	\$	32.24	\$	32.24
E0560	UE	\$	206.43	\$	206.43
E0561	NU	\$	125.76	\$	149.95
E0561	RR	\$	12.57	\$	14.98
E0561	UE	\$	94.32	\$	112.45
E0562	NU	\$	284.97	\$	364.14
E0562	RR	\$	28.49	\$	36.40
E0562	UE	\$	213.72	\$	273.10
E0565	RR	\$	74.82	\$	85.37
E0570	RR	\$	14.38	\$	20.08
E0572	RR	\$	44.63	\$	58.42
E0574	RR	\$	69.97	\$	69.97
E0575	RR	\$	165.34	\$	165.34
E0580	NU	\$	214.69	\$	214.83
E0580	RR	\$	21.48	\$	21.49
E0580	UE	\$	161.01	\$	161.11
E0585	RR	\$	44.87	\$	52.74
E0600	RR	\$	78.82	\$	78.82
E0601	RR	\$	94.05	\$	126.15
E0602	NU	\$	54.95	\$	54.95
E0602	RR	\$	5.54	\$	5.54
E0602	UE	\$	41.22	\$	41.22
E0603	NU	\$	314.20	\$	314.20
E0603	RR	\$	31.61	\$	31.61
E0603	UE	\$	234.49	\$	234.49
E0604	NU	\$	936.95	\$	936.95
E0604	RR	\$	94.26	\$	94.26
E0604	UE	\$	702.24	\$	702.24
E0605	NU	\$	46.66	\$	46.66
E0605	RR	\$	5.73	\$	5.73
E0605	UE	\$	35.01	\$	35.01

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0606	RR	\$	42.73	\$	42.73
E0607	NU	\$	124.40	\$	124.40
E0607	RR	\$	12.43	\$	12.43
E0607	UE	\$	93.28	\$	93.28
E0610	NU	\$	442.83	\$	442.83
E0610	RR	\$	46.70	\$	46.70
E0610	UE	\$	332.16	\$	332.16
E0615	NU	\$	882.59	\$	882.59
E0615	RR	\$	92.58	\$	92.58
E0615	UE	\$	661.95	\$	661.95
E0616		\$	267.08	\$	267.08
E0617	RR	\$	566.06	\$	566.06
E0618	RR	\$	507.60	\$	507.60
E0619	RR	\$	422.81	\$	422.81
E0620	RR	\$	162.78	\$	162.78
E0621	NU	\$	145.25	\$	159.68
E0621	RR	\$	14.52	\$	15.95
E0621	UE	\$	108.95	\$	119.78
E0627	NU	\$	460.68	\$	538.37
E0627	RR	\$	46.07	\$	53.84
E0627	UE	\$	345.51	\$	403.76
E0629	NU	\$	455.01	\$	535.75
E0629	RR	\$	45.50	\$	53.58
E0629	UE	\$	341.25	\$	401.80
E0630	RR	\$	117.07	\$	145.38
E0635	RR	\$	208.50	\$	216.92
E0636	RR	\$	1,685.94	\$	1,848.85
E0637	NU	\$	4,354.85	\$	4,354.85
E0637	RR	\$	438.12	\$	438.12
E0637	UE	\$	3,249.89	\$	3,249.89
E0638	NU	\$	4,699.42	\$	4,699.42
E0638	RR	\$	472.78	\$	472.78
E0638	UE	\$	3,507.03	\$	3,507.03
E0639	RR	\$	207.69	\$	207.69
E0640	RR	\$	207.69	\$	207.69
E0641		\$	9,834.55	\$	9,834.55
E0642		\$	6,748.45	\$	6,748.45
E0650	NU	\$	1,340.89	\$	1,340.89
E0650	RR	\$	161.31	\$	161.31
E0650	UE	\$	1,005.68	\$	1,005.68
E0651	NU	\$	1,688.95	\$	1,688.95
E0651	RR	\$	174.69	\$	174.69
E0651	UE	\$	1,266.73	\$	1,266.73
E0652	NU	\$	9,870.35	\$	9,870.35
E0652	RR	\$	975.48	\$	975.48
E0652	UE	\$	7,396.14	\$	7,396.14
E0655	NU	\$	200.96	\$	200.96

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0655	RR	\$	23.62	\$	23.62
E0655	UE	\$	150.91	\$	150.91
E0656	RR	\$	107.59	\$	107.59
E0657	RR	\$	101.07	\$	101.07
E0660	NU	\$	297.25	\$	297.25
E0660	RR	\$	30.95	\$	30.95
E0660	UE	\$	222.96	\$	222.96
E0665	NU	\$	255.07	\$	255.07
E0665	RR	\$	26.18	\$	26.18
E0665	UE	\$	191.32	\$	191.32
E0666	NU	\$	257.11	\$	257.11
E0666	RR	\$	26.47	\$	26.47
E0666	UE	\$	192.86	\$	192.86
E0667	NU	\$	602.80	\$	602.80
E0667	RR	\$	68.07	\$	68.07
E0667	UE	\$	452.12	\$	452.12
E0668	NU	\$	822.70	\$	822.70
E0668	RR	\$	81.19	\$	81.19
E0668	UE	\$	617.05	\$	617.05
E0669	NU	\$	341.31	\$	341.31
E0669	RR	\$	34.13	\$	34.13
E0669	UE	\$	256.02	\$	256.02
E0670	NU	\$	2,340.41	\$	2,340.41
E0670	RR	\$	250.53	\$	250.53
E0670	UE	\$	1,755.21	\$	1,755.21
E0671	NU	\$	773.32	\$	773.32
E0671	RR	\$	77.38	\$	77.38
E0671	UE	\$	579.94	\$	579.94
E0672	NU	\$	600.84	\$	600.84
E0672	RR	\$	60.13	\$	60.13
E0672	UE	\$	450.66	\$	450.66
E0673	NU	\$	499.27	\$	499.27
E0673	RR	\$	49.92	\$	49.92
E0673	UE	\$	374.51	\$	374.51
E0675	RR	\$	715.95	\$	715.95
E0676	NU	\$	3,007.73	\$	3,007.73
E0676	RR	\$	302.58	\$	302.58
E0676	UE	\$	2,254.28	\$	2,254.28
E0691	NU	\$	1,673.00	\$	1,673.00
E0691	RR	\$	167.29	\$	167.29
E0691	UE	\$	1,254.76	\$	1,254.76
E0692	NU	\$	2,100.84	\$	2,100.84
E0692	RR	\$	210.06	\$	210.06
E0692	UE	\$	1,575.63	\$	1,575.63
E0693	NU	\$	2,589.73	\$	2,589.73
E0693	RR	\$	258.99	\$	258.99
E0693	UE	\$	1,942.30	\$	1,942.30

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0694	NU	\$	8,242.92	\$	8,242.92
E0694	RR	\$	824.28	\$	824.28
E0694	UE	\$	6,182.23	\$	6,182.23
E0705	NU	\$	79.91	\$	91.90
E0705	RR	\$	8.04	\$	9.27
E0705	UE	\$	56.67	\$	62.38
E0720	NU	\$	220.60	\$	363.37
E0730	NU	\$	221.77	\$	367.23
E0731	NU	\$	253.01	\$	405.59
E0740	RR	\$	97.36	\$	97.36
E0744	RR	\$	170.49	\$	170.49
E0745	RR	\$	166.67	\$	166.67
E0746	NU	\$	104.73	\$	104.73
E0746	RR	\$	10.53	\$	10.53
E0746	UE	\$	78.16	\$	78.16
E0761		\$	2,617.69	\$	2,617.69
E0762	RR	\$	204.72	\$	204.72
E0764	NU	\$	19,459.54	\$	19,459.54
E0764	UE	\$	14,584.86	\$	14,584.86
E0765	NU	\$	156.63	\$	156.63
E0765	RR	\$	15.69	\$	15.69
E0765	UE	\$	117.52	\$	117.52
E0770	NU	\$	414.74	\$	414.74
E0770	RR	\$	41.72	\$	41.72
E0770	UE	\$	309.51	\$	309.51
E0776	NU	\$	226.56	\$	226.56
E0776	RR	\$	26.46	\$	29.20
E0776	UE	\$	167.90	\$	167.90
E0779	RR	\$	29.05	\$	29.05
E0780	NU	\$	19.31	\$	19.31
E0781	RR	\$	413.69	\$	428.34
E0784	RR	\$	733.92	\$	748.37
E0791	RR	\$	502.70	\$	531.37
E0830		\$	103.68	\$	103.68
E0840	NU	\$	136.42	\$	136.42
E0840	RR	\$	25.84	\$	25.84
E0840	UE	\$	102.27	\$	102.27
E0849	RR	\$	95.96	\$	95.96
E0850	NU	\$	166.25	\$	166.25
E0850	RR	\$	26.87	\$	26.87
E0850	UE	\$	124.70	\$	124.70
E0855	RR	\$	92.02	\$	92.02
E0856	RR	\$	28.66	\$	28.66
E0860	NU	\$	70.32	\$	70.32
E0860	RR	\$	12.14	\$	12.14
E0860	UE	\$	52.78	\$	52.78
E0870	NU	\$	216.57	\$	216.57

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0870	RR	\$	24.98	\$	24.98
E0870	UE	\$	162.44	\$	162.44
E0880	NU	\$	218.58	\$	218.58
E0880	RR	\$	36.69	\$	36.69
E0880	UE	\$	163.93	\$	163.93
E0890	NU	\$	190.54	\$	190.54
E0890	RR	\$	61.12	\$	61.12
E0890	UE	\$	153.50	\$	153.50
E0900	NU	\$	202.79	\$	202.79
E0900	RR	\$	51.44	\$	51.44
E0900	UE	\$	152.12	\$	152.12
E0910	RR	\$	21.08	\$	25.77
E0911	RR	\$	69.82	\$	76.93
E0912	RR	\$	144.40	\$	163.53
E0920	RR	\$	85.93	\$	85.93
E0930	RR	\$	85.04	\$	85.04
E0935	RR	\$	35.99	\$	35.99
E0936		\$	136.05	\$	136.05
E0940	RR	\$	38.67	\$	46.35
E0941	RR	\$	80.81	\$	80.81
E0942	NU	\$	31.40	\$	31.40
E0942	RR	\$	4.38	\$	4.38
E0942	UE	\$	23.51	\$	23.51
E0944	NU	\$	74.63	\$	74.63
E0944	RR	\$	8.60	\$	8.60
E0944	UE	\$	56.01	\$	56.01
E0945	NU	\$	74.63	\$	74.63
E0945	RR	\$	8.25	\$	8.25
E0945	UE	\$	56.01	\$	56.01
E0946	RR	\$	110.15	\$	110.15
E0947	NU	\$	1,129.11	\$	1,129.11
E0947	RR	\$	117.07	\$	117.07
E0947	UE	\$	846.80	\$	846.80
E0948	NU	\$	1,092.10	\$	1,092.10
E0948	RR	\$	109.17	\$	109.17
E0948	UE	\$	770.28	\$	770.28
E0950	NU	\$	125.52	\$	137.65
E0950	RR	\$	13.15	\$	14.94
E0950	UE	\$	93.80	\$	102.54
E0951	NU	\$	22.18	\$	26.57
E0951	RR	\$	2.24	\$	2.70
E0951	UE	\$	16.63	\$	19.92
E0952	NU	\$	26.88	\$	27.12
E0952	RR	\$	2.79	\$	2.90
E0952	UE	\$	20.16	\$	20.34
E0953	NU	\$	129.78	\$	145.17
E0953	RR	\$	12.98	\$	14.52

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0953	UE	\$	97.34	\$	108.88
E0954	NU	\$	87.04	\$	91.77
E0954	RR	\$	8.82	\$	9.39
E0954	UE	\$	65.28	\$	68.81
E0955	RR	\$	24.99	\$	28.77
E0956	NU	\$	129.78	\$	145.17
E0956	RR	\$	12.98	\$	14.52
E0956	UE	\$	97.34	\$	108.88
E0957	NU	\$	200.23	\$	214.63
E0957	RR	\$	20.02	\$	21.46
E0957	UE	\$	150.16	\$	160.97
E0958	RR	\$	69.24	\$	76.51
E0959	NU	\$	69.73	\$	69.96
E0959	RR	\$	7.29	\$	7.97
E0959	UE	\$	52.42	\$	52.93
E0960	NU	\$	122.47	\$	135.66
E0960	RR	\$	12.25	\$	13.58
E0960	UE	\$	91.85	\$	101.75
E0961	NU	\$	37.14	\$	45.39
E0961	RR	\$	3.78	\$	4.66
E0961	UE	\$	24.37	\$	27.09
E0966	NU	\$	118.47	\$	127.74
E0966	RR	\$	11.80	\$	12.68
E0966	UE	\$	88.86	\$	95.80
E0967	NU	\$	114.52	\$	120.27
E0967	RR	\$	11.45	\$	12.03
E0967	UE	\$	85.89	\$	90.16
E0968	RR	\$	33.33	\$	33.33
E0969	NU	\$	291.61	\$	291.61
E0969	RR	\$	28.87	\$	28.87
E0969	UE	\$	218.72	\$	218.72
E0971	NU	\$	53.93	\$	66.51
E0971	RR	\$	5.40	\$	6.66
E0971	UE	\$	40.46	\$	49.91
E0973	NU	\$	106.09	\$	138.40
E0973	RR	\$	10.39	\$	13.40
E0973	UE	\$	79.58	\$	103.81
E0974	NU	\$	119.76	\$	124.10
E0974	RR	\$	12.74	\$	14.08
E0974	UE	\$	89.99	\$	93.77
E0978	NU	\$	42.35	\$	52.44
E0978	RR	\$	4.38	\$	5.54
E0978	UE	\$	31.77	\$	39.33
E0980	NU	\$	52.32	\$	52.32
E0980	RR	\$	6.17	\$	6.17
E0980	UE	\$	39.00	\$	39.00
E0981	NU	\$	67.83	\$	68.87



## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E0981	RR	\$ 6.93	\$ 7.20
E0981	UE	\$ 50.88	\$ 51.66
E0982	NU	\$ 70.28	\$ 70.28
E0982	RR	\$ 7.62	\$ 7.83
E0982	UE	\$ 52.72	\$ 52.72
E0983	RR	\$ 432.77	\$ 432.77
E0984	RR	\$ 355.68	\$ 355.68
E0985	RR	\$ 34.68	\$ 37.52
E0986	RR	\$ 905.66	\$ 905.66
E0988	RR	\$ 535.89	\$ 535.89
E0990	NU	\$ 125.38	\$ 154.90
E0990	RR	\$ 13.13	\$ 16.67
E0990	UE	\$ 95.51	\$ 119.14
E0992	NU	\$ 137.03	\$ 157.72
E0992	RR	\$ 13.58	\$ 15.53
E0992	UE	\$ 102.79	\$ 118.30
E0994	NU	\$ 32.83	\$ 32.83
E0994	RR	\$ 3.32	\$ 3.32
E0994	UE	\$ 24.61	\$ 24.61
E0995	NU	\$ 44.14	\$ 45.36
E0995	RR	\$ 4.44	\$ 4.59
E0995	UE	\$ 33.11	\$ 34.03
E1002	RR	\$ 609.21	\$ 622.94
E1003	RR	\$ 698.92	\$ 700.84
E1004	RR	\$ 769.90	\$ 773.71
E1005	RR	\$ 839.97	\$ 841.89
E1006	RR	\$ 1,033.96	\$ 1,034.61
E1007	RR	\$ 1,312.65	\$ 1,342.68
E1008	RR	\$ 1,337.43	\$ 1,359.23
E1010	RR	\$ 179.98	\$ 181.17
E1012	RR	\$ 179.98	\$ 181.17
E1014	RR	\$ 68.01	\$ 68.01
E1015	NU	\$ 192.46	\$ 209.71
E1015	RR	\$ 19.24	\$ 20.96
E1015	UE	\$ 144.34	\$ 157.26
E1016	NU	\$ 184.42	\$ 201.96
E1016	RR	\$ 18.45	\$ 20.22
E1016	UE	\$ 138.32	\$ 151.47
E1020	RR	\$ 31.09	\$ 35.04
E1028	RR	\$ 23.41	\$ 28.20
E1029	RR	\$ 59.28	\$ 59.28
E1030	RR	\$ 187.00	\$ 187.00
E1031	RR	\$ 73.93	\$ 83.78
E1035	RR	\$ 977.68	\$ 1,080.90
E1036	RR	\$ 1,375.50	\$ 1,542.35
E1037	RR	\$ 171.63	\$ 193.70
E1038	RR	\$ 25.73	\$ 29.47

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E1039	RR	\$	53.59	\$	60.33
E1050	RR	\$	189.63	\$	189.63
E1060	RR	\$	234.70	\$	234.70
E1070	RR	\$	203.94	\$	203.94
E1083	RR	\$	124.60	\$	124.60
E1084	RR	\$	182.64	\$	182.64
E1086	NU	\$	2,082.07	\$	2,082.07
E1086	RR	\$	209.47	\$	209.47
E1086	UE	\$	1,560.51	\$	1,560.51
E1087	RR	\$	200.24	\$	200.24
E1088	RR	\$	266.00	\$	266.00
E1089	NU	\$	157.09	\$	157.09
E1089	RR	\$	15.81	\$	15.81
E1089	UE	\$	117.24	\$	117.24
E1090	NU	\$	3,539.56	\$	3,539.56
E1090	RR	\$	356.09	\$	356.09
E1090	UE	\$	2,652.90	\$	2,652.90
E1092	RR	\$	239.27	\$	239.27
E1093	RR	\$	205.77	\$	205.77
E1100	RR	\$	177.84	\$	177.84
E1110	RR	\$	177.84	\$	177.84
E1130	NU	\$	728.74	\$	728.74
E1130	RR	\$	73.32	\$	73.32
E1130	UE	\$	546.20	\$	546.20
E1140	NU	\$	2,000.75	\$	2,000.75
E1140	RR	\$	201.28	\$	201.28
E1140	UE	\$	1,499.57	\$	1,499.57
E1150	RR	\$	151.87	\$	151.87
E1160	RR	\$	116.38	\$	116.38
E1161	RR	\$	440.51	\$	440.51
E1170	RR	\$	166.31	\$	166.31
E1171	RR	\$	149.23	\$	149.23
E1172	RR	\$	182.42	\$	182.42
E1180	RR	\$	188.68	\$	188.68
E1190	RR	\$	217.97	\$	217.97
E1195	RR	\$	233.88	\$	233.88
E1200	RR	\$	161.99	\$	161.99
E1220		\$	12,709.51	\$	12,709.51
E1221	RR	\$	88.47	\$	88.47
E1222	RR	\$	122.98	\$	122.98
E1223	RR	\$	137.80	\$	137.80
E1224	RR	\$	151.09	\$	151.09
E1225	RR	\$	64.15	\$	74.45
E1226	NU	\$	647.78	\$	759.12
E1226	RR	\$	69.33	\$	85.01
E1226	UE	\$	485.83	\$	569.31

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E1227	NU	\$	439.15	\$	439.15
E1227	RR	\$	51.67	\$	51.67
E1227	UE	\$	329.42	\$	329.42
E1228	RR	\$	52.18	\$	52.18
E1230	NU	\$	4,211.07	\$	4,211.07
E1230	RR	\$	414.18	\$	414.18
E1230	UE	\$	3,330.46	\$	3,330.46
E1232	RR	\$	398.17	\$	398.17
E1233	RR	\$	412.51	\$	412.51
E1234	RR	\$	359.14	\$	359.14
E1235	RR	\$	345.84	\$	345.84
E1236	RR	\$	305.10	\$	305.10
E1237	RR	\$	307.75	\$	307.75
E1238	RR	\$	305.10	\$	305.10
E1240	RR	\$	183.69	\$	183.69
E1260	NU	\$	2,667.77	\$	2,667.77
E1260	RR	\$	268.38	\$	268.38
E1260	UE	\$	1,999.48	\$	1,999.48
E1270	RR	\$	138.25	\$	138.25
E1280	RR	\$	244.37	\$	244.37
E1285	NU	\$	1,551.20	\$	1,551.20
E1285	RR	\$	156.06	\$	156.06
E1285	UE	\$	1,162.60	\$	1,162.60
E1290	NU	\$	2,290.26	\$	2,290.26
E1290	RR	\$	230.41	\$	230.41
E1290	UE	\$	1,716.55	\$	1,716.55
E1295	RR	\$	226.14	\$	226.14
E1296	NU	\$	778.06	\$	778.06
E1296	RR	\$	93.02	\$	93.02
E1296	UE	\$	583.56	\$	583.56
E1297	NU	\$	194.75	\$	194.75
E1297	RR	\$	21.64	\$	21.64
E1297	UE	\$	146.05	\$	146.05
E1298	NU	\$	788.77	\$	788.77
E1298	RR	\$	80.70	\$	80.70
E1298	UE	\$	591.57	\$	591.57
E1310	NU	\$	3,398.37	\$	3,398.37
E1310	RR	\$	339.85	\$	339.85
E1310	UE	\$	2,548.77	\$	2,548.77
E1353		\$	52.72	\$	52.72
E1354		\$	26.17	\$	26.17
E1355		\$	39.73	\$	39.73
E1356		\$	41.89	\$	41.89
E1358		\$	0.63	\$	0.63
E1372	NU	\$	196.15	\$	237.57
E1372	RR	\$	22.54	\$	29.61

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E1372	UE	\$	146.50	\$	176.92
E1390	RR	\$	174.75	\$	230.27
E1391	RR	\$	174.75	\$	230.27
E1392	RR	\$	63.53	\$	70.62
E1399		BR		BR	
E1405	RR	\$	219.62	\$	283.01
E1406	RR	\$	189.13	\$	250.35
E1500		\$	209.47	\$	209.47
E1510	NU	\$	936.95	\$	936.95
E1510	RR	\$	94.26	\$	94.26
E1510	UE	\$	702.24	\$	702.24
E1594	NU	\$	8,258.95	\$	8,258.95
E1594	RR	\$	830.89	\$	830.89
E1594	UE	\$	6,190.06	\$	6,190.06
E1610	NU	\$	340.79	\$	340.79
E1610	RR	\$	34.29	\$	34.29
E1610	UE	\$	255.42	\$	255.42
E1634		\$	14.56	\$	14.56
E1637		\$	77.73	\$	77.73
E1639		\$	132.71	\$	132.71
E1700	RR	\$	64.22	\$	64.22
E1701		\$	19.73	\$	19.73
E1702		\$	42.00	\$	42.00
E1800	RR	\$	228.07	\$	228.07
E1801	RR	\$	222.96	\$	222.96
E1802	RR	\$	608.47	\$	608.47
E1805	RR	\$	235.09	\$	235.09
E1806	RR	\$	182.95	\$	182.95
E1810	RR	\$	231.97	\$	231.97
E1811	RR	\$	231.74	\$	231.74
E1812	RR	\$	160.10	\$	160.10
E1815	RR	\$	235.09	\$	235.09
E1816	RR	\$	235.41	\$	235.41
E1818	RR	\$	240.32	\$	240.32
E1820	NU	\$	143.57	\$	143.57
E1820	RR	\$	14.38	\$	14.38
E1820	UE	\$	107.69	\$	107.69
E1821	NU	\$	195.93	\$	195.93
E1821	RR	\$	19.54	\$	19.54
E1821	UE	\$	147.00	\$	147.00
E1825	RR	\$	235.09	\$	235.09
E1830	RR	\$	235.09	\$	235.09
E1831	RR	\$	118.30	\$	118.30
E1840	RR	\$	682.08	\$	682.08
E1841	RR	\$	843.39	\$	843.39
E2000	RR	\$	89.52	\$	89.52
E2100	NU	\$	1,197.48	\$	1,197.48

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E2100	RR	\$	119.78	\$	119.78
E2100	UE	\$	898.14	\$	898.14
E2101	NU	\$	351.05	\$	351.05
E2101	RR	\$	35.11	\$	35.11
E2101	UE	\$	263.30	\$	263.30
E2103	NU	\$	393.58	\$	393.58
E2103	RR	\$	39.37	\$	39.37
E2103	UE	\$	295.19	\$	295.19
E2120	RR	\$	527.87	\$	527.87
E2201	NU	\$	532.22	\$	612.05
E2201	RR	\$	53.23	\$	61.21
E2201	UE	\$	399.17	\$	459.03
E2202	NU	\$	732.31	\$	826.90
E2202	RR	\$	73.23	\$	82.70
E2202	UE	\$	549.25	\$	620.20
E2203	NU	\$	712.07	\$	806.72
E2203	RR	\$	71.20	\$	80.67
E2203	UE	\$	534.04	\$	605.02
E2204	NU	\$	1,219.16	\$	1,388.56
E2204	RR	\$	121.93	\$	138.87
E2204	UE	\$	914.37	\$	1,041.42
E2205	NU	\$	55.13	\$	59.75
E2205	RR	\$	5.50	\$	5.94
E2205	UE	\$	41.37	\$	44.83
E2206	NU	\$	62.44	\$	69.97
E2206	RR	\$	6.24	\$	6.99
E2206	UE	\$	46.84	\$	52.49
E2207	NU	\$	72.70	\$	78.83
E2207	RR	\$	7.28	\$	7.90
E2207	UE	\$	54.53	\$	59.14
E2208	NU	\$	134.86	\$	159.45
E2208	RR	\$	13.50	\$	15.95
E2208	UE	\$	101.16	\$	119.59
E2209	NU	\$	137.76	\$	156.30
E2209	RR	\$	13.78	\$	15.62
E2209	UE	\$	103.32	\$	117.24
E2210	NU	\$	8.76	\$	9.84
E2210	RR	\$	0.88	\$	0.99
E2210	UE	\$	6.59	\$	7.41
E2211	NU	\$	55.19	\$	61.56
E2211	RR	\$	5.77	\$	6.65
E2211	UE	\$	40.85	\$	45.08
E2212	NU	\$	9.87	\$	10.72
E2212	RR	\$	1.01	\$	1.12
E2212	UE	\$	7.42	\$	8.06
E2213	NU	\$	48.15	\$	53.34

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E2213	RR	\$ 4.83	\$ 5.36
E2213	UE	\$ 36.09	\$ 39.98
E2214	NU	\$ 51.13	\$ 56.56
E2214	RR	\$ 5.53	\$ 6.50
E2214	UE	\$ 38.35	\$ 42.41
E2215	NU	\$ 16.09	\$ 17.58
E2215	RR	\$ 1.61	\$ 1.76
E2215	UE	\$ 12.05	\$ 13.19
E2216	NU	\$ 69.31	\$ 74.83
E2216	RR	\$ 7.55	\$ 8.90
E2216	UE	\$ 51.98	\$ 56.13
E2217	NU	\$ 61.33	\$ 66.22
E2217	RR	\$ 6.68	\$ 7.88
E2217	UE	\$ 46.00	\$ 49.67
E2218	NU	\$ 69.31	\$ 74.83
E2218	RR	\$ 7.55	\$ 8.90
E2218	UE	\$ 51.98	\$ 56.13
E2219	NU	\$ 61.33	\$ 66.22
E2219	RR	\$ 6.68	\$ 7.88
E2219	UE	\$ 46.00	\$ 49.67
E2220	NU	\$ 45.79	\$ 51.58
E2220	RR	\$ 4.54	\$ 5.07
E2220	UE	\$ 34.54	\$ 39.07
E2221	NU	\$ 42.14	\$ 46.19
E2221	RR	\$ 4.20	\$ 4.59
E2221	UE	\$ 31.61	\$ 34.65
E2222	NU	\$ 35.85	\$ 38.67
E2222	RR	\$ 3.57	\$ 3.84
E2222	UE	\$ 26.89	\$ 29.01
E2224	NU	\$ 144.35	\$ 155.18
E2224	RR	\$ 15.34	\$ 17.68
E2224	UE	\$ 108.28	\$ 116.40
E2225	NU	\$ 29.86	\$ 32.27
E2225	RR	\$ 2.98	\$ 3.22
E2225	UE	\$ 22.39	\$ 24.19
E2226	NU	\$ 62.96	\$ 69.02
E2226	RR	\$ 6.30	\$ 6.90
E2226	UE	\$ 47.22	\$ 51.77
E2227	RR	\$ 334.87	\$ 334.87
E2228	RR	\$ 152.04	\$ 168.74
E2231	NU	\$ 232.75	\$ 262.26
E2231	RR	\$ 23.28	\$ 26.24
E2231	UE	\$ 174.55	\$ 196.69
E2291		\$ 610.19	\$ 610.19
E2292		\$ 556.09	\$ 556.09
E2293		\$ 1,014.22	\$ 1,014.22
E2294		\$ 688.03	\$ 688.03

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E2295		\$	2,089.44	\$	2,089.44
E2300		\$	5,664.37	\$	5,664.37
E2301		\$	14,026.01	\$	14,026.01
E2310	RR	\$	177.72	\$	181.06
E2311	RR	\$	358.95	\$	366.03
E2312	RR	\$	361.05	\$	361.05
E2313	RR	\$	57.37	\$	57.37
E2321	RR	\$	241.44	\$	245.98
E2322	RR	\$	224.45	\$	225.06
E2323	NU	\$	109.58	\$	110.05
E2323	RR	\$	10.96	\$	11.00
E2323	UE	\$	82.18	\$	82.53
E2324	NU	\$	70.32	\$	70.32
E2324	RR	\$	7.00	\$	7.00
E2324	UE	\$	52.74	\$	52.74
E2325	RR	\$	214.48	\$	215.04
E2326	RR	\$	55.72	\$	55.72
E2327	RR	\$	418.66	\$	418.84
E2328	RR	\$	791.18	\$	792.51
E2329	RR	\$	283.42	\$	283.42
E2330	RR	\$	548.00	\$	548.38
E2331		\$	1,494.35	\$	1,494.35
E2340	NU	\$	667.18	\$	667.18
E2340	RR	\$	66.75	\$	66.75
E2340	UE	\$	500.46	\$	500.46
E2341	NU	\$	1,000.87	\$	1,000.87
E2341	RR	\$	100.07	\$	100.07
E2341	UE	\$	750.69	\$	750.69
E2342	NU	\$	834.08	\$	834.08
E2342	RR	\$	83.40	\$	83.40
E2342	UE	\$	625.56	\$	625.56
E2343	NU	\$	1,334.54	\$	1,334.54
E2343	RR	\$	133.43	\$	133.43
E2343	UE	\$	1,000.87	\$	1,000.87
E2351	NU	\$	1,121.50	\$	1,121.50
E2351	RR	\$	112.15	\$	112.15
E2351	UE	\$	841.12	\$	841.12
E2359	NU	\$	272.12	\$	299.45
E2359	RR	\$	27.22	\$	29.95
E2359	UE	\$	204.09	\$	224.60
E2360	NU	\$	179.21	\$	177.80
E2360	RR	\$	19.96	\$	21.01
E2360	UE	\$	134.37	\$	133.32
E2361	NU	\$	185.84	\$	209.09
E2361	RR	\$	18.59	\$	20.92
E2361	UE	\$	139.37	\$	156.80
E2362	NU	\$	169.72	\$	168.39

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E2362	RR	\$	16.97	\$	16.84
E2362	UE	\$	127.26	\$	126.25
E2363	NU	\$	234.25	\$	271.94
E2363	RR	\$	23.44	\$	27.20
E2363	UE	\$	175.69	\$	203.97
E2364	NU	\$	179.21	\$	177.80
E2364	RR	\$	20.13	\$	20.29
E2364	UE	\$	134.37	\$	133.32
E2365	NU	\$	128.46	\$	154.52
E2365	RR	\$	12.84	\$	15.46
E2365	UE	\$	96.36	\$	115.91
E2366	NU	\$	263.35	\$	314.44
E2366	RR	\$	27.96	\$	34.68
E2366	UE	\$	197.53	\$	235.84
E2367	NU	\$	619.05	\$	660.07
E2367	RR	\$	61.91	\$	66.01
E2367	UE	\$	464.30	\$	495.07
E2368	RR	\$	67.69	\$	76.61
E2369	RR	\$	61.61	\$	69.41
E2370	RR	\$	93.38	\$	110.01
E2371	NU	\$	221.69	\$	241.12
E2371	RR	\$	22.18	\$	24.12
E2371	UE	\$	166.28	\$	180.85
E2373	RR	\$	125.87	\$	125.87
E2374	RR	\$	81.69	\$	83.03
E2375	RR	\$	111.78	\$	126.80
E2376	RR	\$	203.56	\$	207.51
E2377	RR	\$	74.94	\$	75.94
E2378	RR	\$	88.19	\$	94.89
E2381	NU	\$	99.32	\$	112.45
E2381	RR	\$	9.93	\$	11.23
E2381	UE	\$	74.49	\$	84.34
E2382	NU	\$	30.16	\$	31.01
E2382	RR	\$	3.01	\$	3.08
E2382	UE	\$	22.62	\$	23.27
E2383	NU	\$	208.40	\$	229.68
E2383	RR	\$	20.83	\$	22.96
E2383	UE	\$	156.31	\$	172.28
E2384	NU	\$	101.85	\$	116.65
E2384	RR	\$	10.18	\$	11.65
E2384	UE	\$	76.38	\$	87.47
E2385	NU	\$	72.24	\$	74.20
E2385	RR	\$	7.22	\$	7.42
E2385	UE	\$	54.18	\$	55.65
E2386	NU	\$	178.63	\$	206.84
E2386	RR	\$	17.86	\$	20.69
E2386	UE	\$	133.98	\$	155.15

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E2387	NU	\$	81.90	\$	93.51
E2387	RR	\$	8.19	\$	9.34
E2387	UE	\$	61.42	\$	70.13
E2388	NU	\$	77.56	\$	78.65
E2388	RR	\$	7.76	\$	7.87
E2388	UE	\$	58.18	\$	59.01
E2389	NU	\$	43.04	\$	43.33
E2389	RR	\$	4.31	\$	4.34
E2389	UE	\$	32.27	\$	32.48
E2390	NU	\$	66.81	\$	67.42
E2390	RR	\$	6.68	\$	6.73
E2390	UE	\$	50.09	\$	50.55
E2391	NU	\$	28.43	\$	31.61
E2391	RR	\$	2.84	\$	3.16
E2391	UE	\$	21.34	\$	23.72
E2392	NU	\$	69.09	\$	79.51
E2392	RR	\$	6.92	\$	7.98
E2392	UE	\$	51.81	\$	59.64
E2394	NU	\$	98.43	\$	111.62
E2394	RR	\$	9.86	\$	11.17
E2394	UE	\$	73.84	\$	83.72
E2395	NU	\$	72.70	\$	81.23
E2395	RR	\$	7.28	\$	8.13
E2395	UE	\$	54.53	\$	60.94
E2396	NU	\$	85.60	\$	98.41
E2396	RR	\$	8.75	\$	10.22
E2396	UE	\$	64.20	\$	73.82
E2397	NU	\$	705.88	\$	768.07
E2397	RR	\$	70.59	\$	76.80
E2397	UE	\$	529.41	\$	576.03
E2402	RR	\$	1,457.65	\$	1,955.72
E2500	NU	\$	728.06	\$	728.06
E2500	RR	\$	72.81	\$	72.81
E2500	UE	\$	546.04	\$	546.04
E2502	NU	\$	2,226.34	\$	2,226.34
E2502	RR	\$	222.66	\$	222.66
E2502	UE	\$	1,669.78	\$	1,669.78
E2504	NU	\$	2,936.88	\$	2,936.88
E2504	RR	\$	293.72	\$	293.72
E2504	UE	\$	2,202.66	\$	2,202.66
E2506	NU	\$	4,306.30	\$	4,306.30
E2506	RR	\$	430.61	\$	430.61
E2506	UE	\$	3,229.66	\$	3,229.66
E2508	NU	\$	6,658.99	\$	6,658.99
E2508	RR	\$	665.90	\$	665.90
E2508	UE	\$	4,994.26	\$	4,994.26
E2510	NU	\$	12,601.26	\$	12,601.26

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E2510	RR	\$	1,260.13	\$	1,260.13
E2510	UE	\$	9,450.91	\$	9,450.91
E2511	NU	\$	43.99	\$	43.99
E2511	RR	\$	4.42	\$	4.42
E2511	UE	\$	32.82	\$	32.82
E2512	NU	\$	1,246.34	\$	1,246.34
E2512	RR	\$	125.38	\$	125.38
E2512	UE	\$	930.10	\$	930.10
E2601	NU	\$	68.31	\$	82.56
E2601	RR	\$	6.83	\$	8.27
E2601	UE	\$	51.24	\$	61.94
E2602	NU	\$	142.53	\$	168.03
E2602	RR	\$	14.25	\$	16.81
E2602	UE	\$	106.90	\$	126.03
E2603	NU	\$	180.07	\$	210.15
E2603	RR	\$	18.02	\$	21.03
E2603	UE	\$	135.06	\$	157.63
E2604	NU	\$	249.42	\$	276.54
E2604	RR	\$	24.95	\$	27.65
E2604	UE	\$	187.08	\$	207.42
E2605	NU	\$	352.53	\$	396.63
E2605	RR	\$	35.27	\$	39.68
E2605	UE	\$	264.42	\$	297.50
E2606	NU	\$	563.09	\$	626.61
E2606	RR	\$	56.31	\$	62.66
E2606	UE	\$	422.31	\$	469.94
E2607	NU	\$	353.65	\$	407.47
E2607	RR	\$	35.36	\$	40.75
E2607	UE	\$	265.24	\$	305.61
E2608	NU	\$	442.99	\$	499.65
E2608	RR	\$	44.30	\$	49.95
E2608	UE	\$	332.25	\$	374.74
E2609		\$	2,709.50	\$	2,709.50
E2611	NU	\$	303.52	\$	385.24
E2611	RR	\$	30.35	\$	38.51
E2611	UE	\$	227.65	\$	288.96
E2612	NU	\$	521.42	\$	601.76
E2612	RR	\$	52.14	\$	60.17
E2612	UE	\$	391.06	\$	451.33
E2613	NU	\$	515.27	\$	581.25
E2613	RR	\$	51.53	\$	58.13
E2613	UE	\$	386.46	\$	435.93
E2614	NU	\$	745.29	\$	828.74
E2614	RR	\$	74.54	\$	82.88
E2614	UE	\$	558.98	\$	621.57
E2615	NU	\$	590.23	\$	666.22
E2615	RR	\$	59.02	\$	66.63

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E2615	UE	\$	442.67	\$	499.66
E2616	NU	\$	794.57	\$	896.80
E2616	RR	\$	79.46	\$	89.68
E2616	UE	\$	595.94	\$	672.62
E2617		\$	3,104.72	\$	3,104.72
E2619	NU	\$	79.65	\$	80.54
E2619	RR	\$	7.97	\$	8.05
E2619	UE	\$	59.75	\$	60.44
E2620	NU	\$	666.27	\$	764.53
E2620	RR	\$	66.63	\$	76.45
E2620	UE	\$	499.72	\$	573.41
E2621	NU	\$	756.10	\$	846.23
E2621	RR	\$	75.61	\$	84.63
E2621	UE	\$	567.07	\$	634.66
E2622	NU	\$	507.61	\$	515.70
E2622	RR	\$	50.76	\$	51.58
E2622	UE	\$	380.72	\$	386.78
E2623	NU	\$	642.96	\$	654.25
E2623	RR	\$	64.30	\$	65.44
E2623	UE	\$	482.22	\$	490.67
E2624	NU	\$	514.77	\$	521.93
E2624	RR	\$	51.48	\$	52.21
E2624	UE	\$	386.08	\$	391.47
E2625	NU	\$	640.86	\$	653.55
E2625	RR	\$	64.08	\$	65.35
E2625	UE	\$	480.65	\$	490.15
E2626	NU	\$	1,017.76	\$	1,133.13
E2626	RR	\$	101.77	\$	113.30
E2626	UE	\$	763.29	\$	849.80
E2627	NU	\$	1,633.25	\$	1,778.55
E2627	RR	\$	163.34	\$	177.88
E2627	UE	\$	1,224.94	\$	1,333.91
E2628	NU	\$	1,218.22	\$	1,359.89
E2628	RR	\$	121.81	\$	135.98
E2628	UE	\$	913.67	\$	1,019.91
E2629	NU	\$	1,572.61	\$	1,715.29
E2629	RR	\$	157.25	\$	171.51
E2629	UE	\$	1,179.46	\$	1,286.46
E2630	NU	\$	1,092.78	\$	1,182.66
E2630	RR	\$	109.28	\$	118.27
E2630	UE	\$	819.59	\$	887.00
E2631	NU	\$	439.80	\$	480.94
E2631	RR	\$	43.97	\$	48.09
E2631	UE	\$	329.84	\$	360.70
E2632	NU	\$	277.12	\$	301.94
E2632	RR	\$	27.71	\$	30.18

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

E2632	UE	\$ 207.83	\$ 226.45
E2633	NU	\$ 233.03	\$ 254.62
E2633	RR	\$ 23.31	\$ 25.47
E2633	UE	\$ 174.78	\$ 190.97
E8000		\$ 3,795.44	\$ 3,795.44
E8001		\$ 6,561.39	\$ 6,561.39
E8002		\$ 6,301.33	\$ 6,301.33
G2010, G2012		Please see the E&M Fee Schedule.	
G0480-G0483,		Please see the Pathology Fee Schedule.	
JXXXX		Please see the Pharmaceutical Fee Schedule.	
K0001	RR	\$ 52.00	\$ 69.19
K0002	RR	\$ 82.73	\$ 110.95
K0003	RR	\$ 79.32	\$ 103.26
K0004	RR	\$ 112.97	\$ 161.63
K0005	NU	\$ 3,384.49	\$ 3,384.49
K0005	RR	\$ 338.45	\$ 338.45
K0005	UE	\$ 2,538.40	\$ 2,538.40
K0006	RR	\$ 132.36	\$ 172.00
K0007	RR	\$ 177.25	\$ 231.35
K0009	RR	\$ 133.07	\$ 133.07
K0010	RR	\$ 793.11	\$ 793.11
K0011	RR	\$ 915.19	\$ 915.19
K0012	RR	\$ 561.41	\$ 561.41
K0015	RR	\$ 23.83	\$ 26.54
K0017	NU	\$ 77.01	\$ 78.22
K0017	RR	\$ 7.70	\$ 7.83
K0017	UE	\$ 57.76	\$ 58.66
K0018	NU	\$ 43.41	\$ 43.96
K0018	RR	\$ 4.34	\$ 4.40
K0018	UE	\$ 32.56	\$ 32.98
K0019	NU	\$ 21.14	\$ 25.28
K0019	RR	\$ 2.11	\$ 2.53
K0019	UE	\$ 15.86	\$ 18.97
K0020	NU	\$ 73.30	\$ 73.30
K0020	RR	\$ 7.34	\$ 7.34
K0020	UE	\$ 54.96	\$ 54.96
K0037	NU	\$ 72.81	\$ 74.30
K0037	RR	\$ 6.89	\$ 6.89
K0037	UE	\$ 54.63	\$ 55.75
K0038	NU	\$ 37.98	\$ 38.08
K0038	RR	\$ 3.79	\$ 3.79
K0038	UE	\$ 28.49	\$ 28.55
K0039	NU	\$ 82.28	\$ 83.19
K0039	RR	\$ 8.25	\$ 8.34
K0039	UE	\$ 61.70	\$ 62.38
K0040	NU	\$ 91.27	\$ 104.08
K0040	RR	\$ 9.13	\$ 10.40

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

K0040	UE	\$	68.46	\$	78.06
K0041	NU	\$	79.20	\$	80.65
K0041	RR	\$	7.92	\$	8.05
K0041	UE	\$	59.39	\$	60.45
K0042	NU	\$	49.70	\$	49.70
K0042	RR	\$	4.97	\$	4.97
K0042	UE	\$	37.25	\$	37.25
K0043	NU	\$	30.81	\$	30.81
K0043	RR	\$	3.08	\$	3.08
K0043	UE	\$	23.11	\$	23.11
K0044	NU	\$	26.26	\$	26.26
K0044	RR	\$	2.63	\$	2.63
K0044	UE	\$	19.66	\$	19.66
K0045	NU	\$	88.89	\$	89.54
K0045	RR	\$	8.96	\$	9.09
K0045	UE	\$	66.67	\$	67.16
K0046	NU	\$	30.81	\$	30.81
K0046	RR	\$	3.08	\$	3.08
K0046	UE	\$	23.11	\$	23.11
K0047	NU	\$	112.39	\$	115.14
K0047	RR	\$	11.24	\$	11.52
K0047	UE	\$	84.31	\$	86.37
K0050	NU	\$	50.97	\$	51.07
K0050	RR	\$	5.10	\$	5.10
K0050	UE	\$	38.23	\$	38.32
K0051	NU	\$	81.10	\$	81.73
K0051	RR	\$	8.11	\$	8.16
K0051	UE	\$	60.83	\$	61.29
K0052	NU	\$	118.69	\$	134.09
K0052	RR	\$	11.89	\$	13.43
K0052	UE	\$	89.01	\$	100.55
K0053	NU	\$	138.10	\$	153.30
K0053	RR	\$	13.82	\$	15.33
K0053	UE	\$	103.56	\$	114.95
K0056	NU	\$	150.63	\$	168.20
K0056	RR	\$	15.06	\$	16.83
K0056	UE	\$	112.98	\$	126.18
K0065	NU	\$	74.86	\$	81.06
K0065	RR	\$	7.49	\$	8.11
K0065	UE	\$	56.15	\$	60.82
K0069	NU	\$	154.80	\$	173.00
K0069	RR	\$	15.48	\$	17.32
K0069	UE	\$	116.10	\$	129.75
K0070	RR	\$	26.91	\$	30.44
K0071	NU	\$	177.31	\$	194.05
K0071	RR	\$	17.75	\$	19.43
K0071	UE	\$	132.99	\$	145.54

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

K0072	NU	\$	109.69	\$	118.65
K0072	RR	\$	10.98	\$	11.87
K0072	UE	\$	82.26	\$	88.98
K0073	NU	\$	56.28	\$	61.24
K0073	RR	\$	5.63	\$	6.12
K0073	UE	\$	42.21	\$	45.92
K0077	NU	\$	89.63	\$	100.10
K0077	RR	\$	8.96	\$	10.00
K0077	UE	\$	67.21	\$	75.07
K0098	NU	\$	38.43	\$	41.54
K0098	RR	\$	3.85	\$	4.17
K0098	UE	\$	28.83	\$	31.16
K0105	NU	\$	161.35	\$	176.82
K0105	RR	\$	16.13	\$	17.67
K0105	UE	\$	121.03	\$	132.64
K0195	RR	\$	20.26	\$	25.47
K0455	RR	\$	457.66	\$	457.66
K0552		\$	4.58	\$	4.68
K0601	NU	\$	2.04	\$	2.04
K0602	NU	\$	11.54	\$	11.63
K0603	NU	\$	1.04	\$	1.04
K0604	NU	\$	11.12	\$	11.19
K0605	NU	\$	26.59	\$	26.78
K0607	RR	\$	36.18	\$	36.18
K0608	NU	\$	225.67	\$	225.67
K0608	RR	\$	22.61	\$	22.61
K0608	UE	\$	169.25	\$	169.25
K0609		\$	1,500.77	\$	1,500.77
K0669		\$	288.34	\$	288.34
K0672		\$	132.86	\$	132.86
K0730	RR	\$	320.96	\$	320.96
K0733	NU	\$	45.37	\$	48.48
K0733	RR	\$	4.55	\$	4.89
K0733	UE	\$	34.05	\$	36.39
K0738	RR	\$	63.53	\$	70.62
K0739		\$	35.60	\$	35.60
K0740		\$	20.94	\$	20.94
K0800	NU	\$	1,499.97	\$	1,763.61
K0800	RR	\$	150.01	\$	176.37
K0800	UE	\$	1,124.98	\$	1,322.71
K0801	NU	\$	2,598.25	\$	3,000.58
K0801	RR	\$	259.81	\$	300.03
K0801	UE	\$	1,948.69	\$	2,250.43
K0802	NU	\$	3,327.16	\$	3,662.58
K0802	RR	\$	332.71	\$	366.25
K0802	UE	\$	2,495.37	\$	2,746.94
K0806	NU	\$	2,312.76	\$	2,378.36

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

K0806	RR	\$ 231.28	\$ 237.83
K0806	UE	\$ 1,734.57	\$ 1,783.78
K0807	NU	\$ 3,563.91	\$ 3,645.28
K0807	RR	\$ 356.40	\$ 364.53
K0807	UE	\$ 2,672.94	\$ 2,733.98
K0808	NU	\$ 5,510.51	\$ 5,637.60
K0808	RR	\$ 551.05	\$ 563.77
K0808	UE	\$ 4,132.88	\$ 4,228.20
K0813	RR	\$ 458.22	\$ 518.88
K0814	RR	\$ 511.45	\$ 608.03
K0815	RR	\$ 574.34	\$ 684.00
K0816	RR	\$ 536.13	\$ 647.14
K0820	RR	\$ 479.43	\$ 544.89
K0821	RR	\$ 532.53	\$ 640.37
K0822	RR	\$ 603.30	\$ 741.66
K0823	RR	\$ 575.62	\$ 726.74
K0824	RR	\$ 806.97	\$ 956.52
K0825	RR	\$ 749.24	\$ 879.82
K0826	RR	\$ 1,202.88	\$ 1,387.26
K0827	RR	\$ 1,053.40	\$ 1,194.41
K0828	RR	\$ 1,487.67	\$ 1,615.56
K0829	RR	\$ 1,416.10	\$ 1,525.73
K0835	RR	\$ 677.19	\$ 777.01
K0836	RR	\$ 702.35	\$ 805.84
K0837	RR	\$ 846.83	\$ 953.11
K0838	RR	\$ 752.99	\$ 849.58
K0839	RR	\$ 1,115.07	\$ 1,246.42
K0840	RR	\$ 1,704.30	\$ 1,898.29
K0841	RR	\$ 747.88	\$ 845.10
K0842	RR	\$ 747.18	\$ 844.63
K0843	RR	\$ 891.37	\$ 1,011.44
K0848	RR	\$ 1,272.01	\$ 1,272.01
K0849	RR	\$ 1,222.94	\$ 1,222.94
K0850	RR	\$ 1,475.45	\$ 1,475.45
K0851	RR	\$ 1,418.66	\$ 1,418.66
K0852	RR	\$ 1,704.79	\$ 1,704.79
K0853	RR	\$ 1,751.27	\$ 1,751.27
K0854	RR	\$ 2,320.04	\$ 2,320.04
K0855	RR	\$ 2,191.62	\$ 2,191.62
K0856	RR	\$ 1,365.32	\$ 1,365.32
K0857	RR	\$ 1,392.71	\$ 1,392.71
K0858	RR	\$ 1,693.99	\$ 1,693.99
K0859	RR	\$ 1,615.54	\$ 1,615.54
K0860	RR	\$ 2,420.08	\$ 2,420.08
K0861	RR	\$ 1,367.52	\$ 1,367.52
K0862	RR	\$ 1,693.99	\$ 1,693.99
K0863	RR	\$ 2,420.08	\$ 2,420.08

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

K0864	RR	\$ 2,879.90	\$ 2,879.90
K0884		\$ 19,292.39	\$ 19,292.39
K0890		\$ 11,069.48	\$ 11,069.48
K0899		\$ 5,127.46	\$ 5,127.46
K0900		\$ 534.14	\$ 534.14
K1002	RR	\$ 60.93	\$ 60.93
K1005		\$ 0.52	\$ 0.52
K1006		\$ 6.82	\$ 6.82
K1014		\$ 11,458.26	\$ 11,458.26
K1016	RR	\$ 60.93	\$ 60.93
K1017		\$ 52.78	\$ 52.78
K1018	RR	\$ 585.70	\$ 585.70
K1020	RR	\$ 60.93	\$ 60.93
K1022		\$ 1,214.82	\$ 1,214.82
K1024	RR	\$ 987.04	\$ 987.04
K1025	RR	\$ 82.26	\$ 82.26
K1031	RR	\$ 168.90	\$ 168.90
K1032	RR	\$ 60.28	\$ 60.28
K1033	RR	\$ 34.13	\$ 34.13
L0112		\$ 2,193.28	\$ 2,193.28
L0113		\$ 446.88	\$ 446.88
L0120		\$ 53.12	\$ 53.12
L0130		\$ 265.29	\$ 265.29
L0140		\$ 96.11	\$ 96.11
L0150		\$ 216.30	\$ 216.30
L0160		\$ 265.37	\$ 265.37
L0170		\$ 1,279.95	\$ 1,279.95
L0172		\$ 238.95	\$ 238.95
L0174		\$ 549.85	\$ 549.85
L0180		\$ 712.85	\$ 712.85
L0190		\$ 991.52	\$ 991.52
L0200		\$ 1,033.66	\$ 1,033.66
L0220		\$ 183.86	\$ 183.86
L0450		\$ 222.78	\$ 269.96
L0452		\$ 476.64	\$ 476.64
L0454		\$ 543.48	\$ 543.48
L0455		\$ 388.01	\$ 449.99
L0456		\$ 1,558.55	\$ 1,558.55
L0457		\$ 1,112.68	\$ 1,290.44
L0458		\$ 1,397.54	\$ 1,397.54
L0460		\$ 1,573.03	\$ 1,573.03
L0462		\$ 1,956.60	\$ 1,956.60
L0464		\$ 2,329.29	\$ 2,329.29
L0466		\$ 747.84	\$ 747.84
L0467		\$ 469.74	\$ 573.83
L0468		\$ 906.40	\$ 906.40
L0469		\$ 586.91	\$ 707.92

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L0470		\$ 1,276.14	\$ 1,276.14
L0472		\$ 809.35	\$ 809.35
L0480		\$ 2,428.62	\$ 2,428.62
L0482		\$ 2,769.66	\$ 2,769.66
L0484		\$ 3,116.83	\$ 3,116.83
L0486		\$ 3,375.58	\$ 3,375.58
L0488		\$ 1,573.03	\$ 1,573.03
L0490		\$ 443.31	\$ 443.31
L0491		\$ 1,203.47	\$ 1,203.47
L0492		\$ 830.49	\$ 830.49
L0621		\$ 117.75	\$ 142.91
L0622		\$ 517.10	\$ 517.10
L0623		\$ 197.68	\$ 229.39
L0625		\$ 61.64	\$ 71.47
L0626		\$ 122.12	\$ 122.12
L0627		\$ 644.17	\$ 644.17
L0628		\$ 93.87	\$ 108.86
L0629		\$ 241.77	\$ 241.77
L0630		\$ 253.79	\$ 253.79
L0631		\$ 1,608.70	\$ 1,608.70
L0633		\$ 449.37	\$ 449.37
L0634		\$ 795.90	\$ 795.90
L0635		\$ 1,915.96	\$ 1,915.96
L0636		\$ 2,836.33	\$ 2,836.33
L0637		\$ 1,895.88	\$ 1,895.88
L0638		\$ 2,066.78	\$ 2,066.78
L0639		\$ 1,895.88	\$ 1,895.88
L0640		\$ 1,639.81	\$ 1,639.81
L0641		\$ 87.21	\$ 101.14
L0642		\$ 459.94	\$ 533.40
L0643		\$ 181.20	\$ 210.14
L0648		\$ 1,148.66	\$ 1,332.07
L0649		\$ 320.87	\$ 372.11
L0650		\$ 1,337.69	\$ 1,558.55
L0651		\$ 1,337.69	\$ 1,558.55
L0700		\$ 4,046.71	\$ 4,046.71
L0710		\$ 4,180.43	\$ 4,180.43
L0810		\$ 5,163.06	\$ 5,163.06
L0820		\$ 4,070.07	\$ 4,070.07
L0830		\$ 6,276.70	\$ 6,276.70
L0859		\$ 1,828.83	\$ 1,828.83
L0861		\$ 337.75	\$ 337.75
L0970		\$ 228.77	\$ 228.77
L0972		\$ 206.00	\$ 206.00
L0974		\$ 346.39	\$ 346.39
L0976		\$ 244.54	\$ 244.54

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L0978		\$	385.31	\$	385.31
L0980		\$	26.21	\$	26.21
L0982		\$	26.00	\$	26.00
L0984		\$	102.65	\$	102.65
L1000		\$	4,063.77	\$	4,063.77
L1005		\$	5,015.57	\$	5,015.57
L1010		\$	114.03	\$	114.03
L1020		\$	173.01	\$	173.01
L1025		\$	233.07	\$	233.07
L1030		\$	100.03	\$	100.03
L1040		\$	156.16	\$	156.16
L1050		\$	166.66	\$	166.66
L1060		\$	191.42	\$	191.42
L1070		\$	180.12	\$	180.12
L1080		\$	95.80	\$	95.80
L1085		\$	308.11	\$	308.11
L1090		\$	183.47	\$	183.47
L1100		\$	318.32	\$	318.32
L1110		\$	511.21	\$	511.21
L1120		\$	79.49	\$	79.49
L1200		\$	3,136.21	\$	3,136.21
L1210		\$	523.75	\$	523.75
L1220		\$	443.45	\$	443.45
L1230		\$	891.06	\$	891.06
L1240		\$	155.43	\$	155.43
L1250		\$	123.28	\$	123.28
L1260		\$	134.81	\$	134.81
L1270		\$	155.09	\$	155.09
L1280		\$	172.68	\$	172.68
L1290		\$	157.32	\$	157.32
L1300		\$	3,343.59	\$	3,343.59
L1310		\$	3,142.10	\$	3,142.10
L1600		\$	245.81	\$	245.81
L1610		\$	87.88	\$	87.88
L1620		\$	249.40	\$	249.40
L1630		\$	276.74	\$	276.74
L1640		\$	692.71	\$	692.71
L1650		\$	405.57	\$	405.57
L1652		\$	558.59	\$	558.59
L1660		\$	256.91	\$	256.91
L1680		\$	2,438.84	\$	2,438.84
L1685		\$	2,380.92	\$	2,380.92
L1686		\$	1,825.88	\$	1,825.88
L1690		\$	3,030.27	\$	3,030.27
L1700		\$	3,056.72	\$	3,056.72
L1710		\$	3,578.22	\$	3,578.22
L1720		\$	2,637.59	\$	2,637.59

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L1730		\$ 2,265.42	\$ 2,265.42
L1755		\$ 3,152.93	\$ 3,152.93
L1810		\$ 195.03	\$ 195.03
L1812		\$ 118.37	\$ 154.24
L1820		\$ 237.48	\$ 237.48
L1830		\$ 106.50	\$ 138.66
L1831		\$ 461.22	\$ 461.22
L1832		\$ 1,089.86	\$ 1,089.86
L1833		\$ 724.26	\$ 913.05
L1834		\$ 1,468.59	\$ 1,468.59
L1836		\$ 140.97	\$ 176.82
L1840		\$ 1,840.47	\$ 1,840.47
L1843		\$ 1,406.05	\$ 1,406.05
L1844		\$ 3,182.73	\$ 3,182.73
L1845		\$ 1,227.04	\$ 1,227.04
L1846		\$ 2,236.08	\$ 2,236.08
L1847		\$ 901.32	\$ 901.32
L1848		\$ 901.32	\$ 901.32
L1850		\$ 348.29	\$ 454.51
L1851		\$ 947.86	\$ 1,188.94
L1852		\$ 875.66	\$ 1,077.06
L1860		\$ 2,147.87	\$ 2,147.87
L1900		\$ 458.09	\$ 458.09
L1902		\$ 137.31	\$ 137.31
L1904		\$ 941.25	\$ 941.25
L1906		\$ 240.73	\$ 240.73
L1907		\$ 881.76	\$ 881.76
L1910		\$ 535.28	\$ 535.28
L1920		\$ 547.29	\$ 547.29
L1930		\$ 473.51	\$ 473.51
L1932		\$ 1,398.36	\$ 1,398.36
L1940		\$ 989.91	\$ 989.91
L1945		\$ 1,852.90	\$ 1,852.90
L1950		\$ 1,490.92	\$ 1,490.92
L1951		\$ 1,316.04	\$ 1,316.04
L1960		\$ 1,109.49	\$ 1,109.49
L1970		\$ 1,160.12	\$ 1,160.12
L1971		\$ 734.51	\$ 734.51
L1980		\$ 734.61	\$ 734.61
L1990		\$ 892.22	\$ 892.22
L2000		\$ 2,030.24	\$ 2,030.24
L2005		\$ 6,421.30	\$ 6,421.30
L2006		\$ 52,175.69	\$ 52,175.69
L2010		\$ 1,850.76	\$ 1,850.76
L2020		\$ 2,337.22	\$ 2,337.22
L2030		\$ 2,027.75	\$ 2,027.75

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L2034		\$	3,139.51	\$	3,139.51
L2035		\$	271.45	\$	271.45
L2036		\$	3,330.15	\$	3,330.15
L2037		\$	3,333.92	\$	3,333.92
L2038		\$	2,449.93	\$	2,449.93
L2040		\$	266.55	\$	266.55
L2050		\$	953.50	\$	953.50
L2060		\$	1,162.14	\$	1,162.14
L2070		\$	222.56	\$	222.56
L2080		\$	719.95	\$	719.95
L2090		\$	877.69	\$	877.69
L2106		\$	1,360.95	\$	1,360.95
L2108		\$	1,977.88	\$	1,977.88
L2112		\$	861.66	\$	861.66
L2114		\$	1,161.82	\$	1,161.82
L2116		\$	1,424.96	\$	1,424.96
L2126		\$	2,056.64	\$	2,056.64
L2128		\$	3,230.49	\$	3,230.49
L2132		\$	1,248.06	\$	1,248.06
L2134		\$	1,935.95	\$	1,935.95
L2136		\$	2,367.13	\$	2,367.13
L2180		\$	234.42	\$	234.42
L2182		\$	160.47	\$	160.47
L2184		\$	185.96	\$	185.96
L2186		\$	226.02	\$	226.02
L2188		\$	449.60	\$	449.60
L2190		\$	131.10	\$	131.10
L2192		\$	713.71	\$	713.71
L2200		\$	95.16	\$	95.16
L2210		\$	134.55	\$	134.55
L2220		\$	163.93	\$	163.93
L2230		\$	153.58	\$	153.58
L2232		\$	155.96	\$	155.96
L2240		\$	167.41	\$	167.41
L2250		\$	711.24	\$	711.24
L2260		\$	401.25	\$	401.25
L2265		\$	235.73	\$	235.73
L2270		\$	107.49	\$	107.49
L2275		\$	234.79	\$	234.79
L2280		\$	906.36	\$	906.36
L2300		\$	538.93	\$	538.93
L2310		\$	246.25	\$	246.25
L2320		\$	411.85	\$	411.85
L2330		\$	785.96	\$	785.96
L2335		\$	454.72	\$	454.72
L2340		\$	894.60	\$	894.60

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L2350		\$ 1,783.56	\$ 1,783.56
L2360		\$ 102.45	\$ 102.45
L2370		\$ 513.83	\$ 513.83
L2375		\$ 226.17	\$ 226.17
L2380		\$ 246.43	\$ 246.43
L2385		\$ 268.10	\$ 268.10
L2387		\$ 331.25	\$ 331.25
L2390		\$ 219.11	\$ 219.11
L2395		\$ 287.04	\$ 287.04
L2397		\$ 198.39	\$ 198.39
L2405		\$ 136.61	\$ 136.61
L2415		\$ 190.33	\$ 190.33
L2425		\$ 224.62	\$ 224.62
L2430		\$ 224.62	\$ 224.62
L2492		\$ 177.49	\$ 177.49
L2500		\$ 631.47	\$ 631.47
L2510		\$ 1,453.94	\$ 1,453.94
L2520		\$ 922.11	\$ 922.11
L2525		\$ 2,277.70	\$ 2,277.70
L2526		\$ 1,271.37	\$ 1,271.37
L2530		\$ 470.30	\$ 470.30
L2540		\$ 846.26	\$ 846.26
L2550		\$ 574.88	\$ 574.88
L2570		\$ 953.40	\$ 953.40
L2580		\$ 928.97	\$ 928.97
L2600		\$ 411.10	\$ 411.10
L2610		\$ 486.11	\$ 486.11
L2620		\$ 535.19	\$ 535.19
L2622		\$ 613.82	\$ 613.82
L2624		\$ 662.83	\$ 662.83
L2627		\$ 2,573.55	\$ 2,573.55
L2628		\$ 2,515.14	\$ 2,515.14
L2630		\$ 495.66	\$ 495.66
L2640		\$ 672.66	\$ 672.66
L2650		\$ 200.73	\$ 200.73
L2660		\$ 373.06	\$ 373.06
L2670		\$ 306.12	\$ 306.12
L2680		\$ 284.19	\$ 284.19
L2750		\$ 125.47	\$ 125.47
L2755		\$ 204.79	\$ 204.79
L2760		\$ 121.62	\$ 121.62
L2768		\$ 204.15	\$ 204.15
L2780		\$ 135.46	\$ 135.46
L2785		\$ 63.43	\$ 63.43
L2795		\$ 170.09	\$ 170.09
L2800		\$ 213.51	\$ 213.51

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L2810		\$	156.34	\$	156.34
L2820		\$	173.82	\$	173.82
L2830		\$	188.05	\$	188.05
L2840		\$	65.59	\$	65.59
L2850		\$	112.36	\$	112.36
L2861		\$	489.09	\$	489.09
L2999		BR		BR	
L3000		\$	492.25	\$	492.25
L3001		\$	207.27	\$	207.27
L3002		\$	253.09	\$	253.09
L3003		\$	273.10	\$	273.10
L3010		\$	273.10	\$	273.10
L3020		\$	310.88	\$	310.88
L3030		\$	119.60	\$	119.60
L3031		\$	191.94	\$	191.94
L3040		\$	73.74	\$	73.74
L3050		\$	73.74	\$	73.74
L3060		\$	115.56	\$	115.56
L3070		\$	49.78	\$	49.78
L3080		\$	49.78	\$	49.78
L3090		\$	63.80	\$	63.80
L3100		\$	67.75	\$	67.75
L3140		\$	139.54	\$	139.54
L3150		\$	127.55	\$	127.55
L3160		\$	135.11	\$	135.11
L3170		\$	79.74	\$	79.74
L3201		\$	58.66	\$	58.66
L3202		\$	60.75	\$	60.75
L3203		\$	63.87	\$	63.87
L3204		\$	58.66	\$	58.66
L3206		\$	68.07	\$	68.07
L3207		\$	62.87	\$	62.87
L3208		\$	49.77	\$	49.77
L3209		\$	39.80	\$	39.80
L3211		\$	41.89	\$	41.89
L3213		\$	98.42	\$	98.42
L3215		\$	92.12	\$	92.12
L3216		\$	105.45	\$	105.45
L3217		\$	143.28	\$	143.28
L3219		\$	119.43	\$	119.43
L3221		\$	136.21	\$	136.21
L3222		\$	172.87	\$	172.87
L3224		\$	117.71	\$	117.71
L3225		\$	135.41	\$	135.41
L3230		\$	418.94	\$	418.94
L3250		\$	401.45	\$	401.45
L3252		\$	232.09	\$	232.09

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L3253		\$	104.69	\$	104.69
L3254		\$	28.28	\$	28.28
L3255		\$	26.18	\$	26.18
L3257		\$	93.23	\$	93.23
L3260		\$	44.00	\$	44.00
L3265		\$	31.43	\$	31.43
L3300		\$	81.70	\$	81.70
L3310		\$	127.55	\$	127.55
L3320		\$	151.87	\$	151.87
L3330		\$	886.87	\$	886.87
L3332		\$	115.56	\$	115.56
L3334		\$	59.81	\$	59.81
L3340		\$	133.59	\$	133.59
L3350		\$	35.90	\$	35.90
L3360		\$	55.80	\$	55.80
L3370		\$	77.67	\$	77.67
L3380		\$	77.67	\$	77.67
L3390		\$	77.67	\$	77.67
L3400		\$	63.80	\$	63.80
L3410		\$	145.47	\$	145.47
L3420		\$	85.72	\$	85.72
L3430		\$	251.12	\$	251.12
L3440		\$	119.60	\$	119.60
L3450		\$	165.45	\$	165.45
L3455		\$	63.80	\$	63.80
L3460		\$	53.76	\$	53.76
L3465		\$	91.66	\$	91.66
L3470		\$	97.64	\$	97.64
L3480		\$	97.64	\$	97.64
L3485		\$	34.55	\$	34.55
L3500		\$	45.84	\$	45.84
L3510		\$	45.84	\$	45.84
L3520		\$	49.78	\$	49.78
L3530		\$	49.78	\$	49.78
L3540		\$	79.74	\$	79.74
L3550		\$	13.92	\$	13.92
L3560		\$	35.90	\$	35.90
L3570		\$	133.59	\$	133.59
L3580		\$	101.64	\$	101.64
L3590		\$	83.71	\$	83.71
L3595		\$	65.74	\$	65.74
L3600		\$	119.60	\$	119.60
L3610		\$	157.44	\$	157.44
L3620		\$	119.60	\$	119.60
L3630		\$	157.44	\$	157.44
L3640		\$	67.75	\$	67.75
L3650		\$	116.17	\$	116.17

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L3660		\$	178.70	\$	178.70
L3670		\$	221.48	\$	221.48
L3671		\$	1,285.09	\$	1,285.09
L3674		\$	1,685.75	\$	1,685.75
L3675		\$	250.28	\$	250.28
L3677		\$	95.52	\$	95.52
L3678		\$	125.72	\$	125.72
L3702		\$	411.80	\$	411.80
L3710		\$	203.32	\$	203.32
L3720		\$	1,281.14	\$	1,281.14
L3730		\$	1,765.67	\$	1,765.67
L3740		\$	2,093.35	\$	2,093.35
L3760		\$	713.19	\$	713.19
L3761		\$	713.19	\$	713.19
L3762		\$	153.34	\$	153.34
L3763		\$	1,202.71	\$	1,202.71
L3764		\$	1,383.07	\$	1,383.07
L3765		\$	1,828.67	\$	1,828.67
L3766		\$	1,936.42	\$	1,936.42
L3806		\$	647.85	\$	647.85
L3807		\$	356.62	\$	356.62
L3808		\$	648.62	\$	648.62
L3809		\$	356.62	\$	356.62
L3891		\$	235.65	\$	235.65
L3900		\$	2,327.25	\$	2,327.25
L3901		\$	2,864.61	\$	2,864.61
L3904		\$	5,735.95	\$	5,735.95
L3905		\$	1,414.34	\$	1,414.34
L3906		\$	773.95	\$	773.95
L3908		\$	117.35	\$	117.35
L3912		\$	185.75	\$	185.75
L3913		\$	386.26	\$	386.26
L3915		\$	758.09	\$	758.09
L3916		\$	758.09	\$	758.09
L3917		\$	150.72	\$	150.72
L3918		\$	150.72	\$	150.72
L3919		\$	386.26	\$	386.26
L3921		\$	458.09	\$	458.09
L3923		\$	127.78	\$	127.78
L3924		\$	127.78	\$	127.78
L3925		\$	93.70	\$	93.70
L3927		\$	49.85	\$	49.85
L3929		\$	153.12	\$	153.12
L3930		\$	153.12	\$	153.12
L3931		\$	341.94	\$	341.94
L3933		\$	304.25	\$	304.25

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L3935		\$	315.04	\$	315.04
L3956		\$	104.73	\$	104.73
L3960		\$	1,439.51	\$	1,439.51
L3961		\$	2,396.09	\$	2,396.09
L3962		\$	1,405.36	\$	1,405.36
L3967		\$	2,828.98	\$	2,828.98
L3971		\$	2,685.38	\$	2,685.38
L3973		\$	2,828.98	\$	2,828.98
L3975		\$	2,396.09	\$	2,396.09
L3976		\$	2,396.09	\$	2,396.09
L3977		\$	2,685.38	\$	2,685.38
L3978		\$	2,828.98	\$	2,828.98
L3980		\$	605.53	\$	605.53
L3981		\$	1,435.52	\$	1,435.52
L3982		\$	731.21	\$	731.21
L3984		\$	674.17	\$	674.17
L3995		\$	55.99	\$	55.99
L4000		\$	2,552.17	\$	2,552.17
L4002		\$	31.43	\$	31.43
L4010		\$	1,343.33	\$	1,343.33
L4020		\$	1,724.07	\$	1,724.07
L4030		\$	1,010.59	\$	1,010.59
L4040		\$	817.05	\$	817.05
L4045		\$	656.60	\$	656.60
L4050		\$	826.35	\$	826.35
L4055		\$	535.11	\$	535.11
L4060		\$	636.13	\$	636.13
L4070		\$	563.30	\$	563.30
L4080		\$	173.50	\$	173.50
L4090		\$	165.24	\$	165.24
L4100		\$	208.78	\$	208.78
L4110		\$	169.74	\$	169.74
L4130		\$	993.08	\$	993.08
L4205		\$	39.56	\$	39.56
L4210		\$	78.57	\$	78.57
L4350		\$	178.92	\$	178.92
L4360		\$	484.97	\$	484.97
L4361		\$	484.97	\$	484.97
L4370		\$	283.42	\$	283.42
L4386		\$	248.43	\$	248.43
L4387		\$	248.43	\$	248.43
L4392		\$	36.26	\$	36.26
L4394		\$	26.42	\$	26.42
L4396		\$	258.54	\$	258.54
L4397		\$	258.54	\$	258.54
L4398		\$	119.06	\$	119.06
L4631		\$	2,949.32	\$	2,949.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L5000		\$ 961.17	\$ 961.17
L5010		\$ 2,157.83	\$ 2,157.83
L5020		\$ 4,226.07	\$ 4,226.07
L5050		\$ 4,258.55	\$ 4,258.55
L5060		\$ 5,889.97	\$ 5,889.97
L5100		\$ 4,299.86	\$ 4,299.86
L5105		\$ 7,408.20	\$ 7,408.20
L5150		\$ 7,488.66	\$ 7,488.66
L5160		\$ 8,145.27	\$ 8,145.27
L5200		\$ 6,418.52	\$ 6,418.52
L5210		\$ 4,735.71	\$ 4,735.71
L5220		\$ 5,881.96	\$ 5,881.96
L5230		\$ 8,112.38	\$ 8,112.38
L5250		\$ 11,064.56	\$ 11,064.56
L5270		\$ 10,967.64	\$ 10,967.64
L5280		\$ 10,857.97	\$ 10,857.97
L5301		\$ 4,875.33	\$ 4,875.33
L5312		\$ 6,302.07	\$ 6,302.07
L5321		\$ 7,008.89	\$ 7,008.89
L5331		\$ 9,314.23	\$ 9,314.23
L5341		\$ 10,777.55	\$ 10,777.55
L5400		\$ 2,537.91	\$ 2,537.91
L5410		\$ 668.23	\$ 668.23
L5420		\$ 3,241.43	\$ 3,241.43
L5430		\$ 903.43	\$ 903.43
L5450		\$ 651.59	\$ 651.59
L5460		\$ 872.12	\$ 872.12
L5500		\$ 2,727.56	\$ 2,727.56
L5505		\$ 3,709.08	\$ 3,709.08
L5510		\$ 2,813.62	\$ 2,813.62
L5520		\$ 3,064.77	\$ 3,064.77
L5530		\$ 3,683.33	\$ 3,683.33
L5535		\$ 3,616.30	\$ 3,616.30
L5540		\$ 3,857.18	\$ 3,857.18
L5560		\$ 3,759.91	\$ 3,759.91
L5570		\$ 4,122.13	\$ 4,122.13
L5580		\$ 5,003.22	\$ 5,003.22
L5585		\$ 4,430.94	\$ 4,430.94
L5590		\$ 5,126.38	\$ 5,126.38
L5595		\$ 8,586.49	\$ 8,586.49
L5600		\$ 9,482.07	\$ 9,482.07
L5610		\$ 3,919.23	\$ 3,919.23
L5611		\$ 3,169.60	\$ 3,169.60
L5613		\$ 5,226.10	\$ 5,226.10
L5614		\$ 2,649.49	\$ 2,649.49
L5616		\$ 2,257.09	\$ 2,257.09
L5617		\$ 878.47	\$ 878.47

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L5618		\$	461.85	\$	461.85
L5620		\$	467.78	\$	467.78
L5622		\$	606.30	\$	606.30
L5624		\$	665.00	\$	665.00
L5626		\$	873.66	\$	873.66
L5628		\$	773.12	\$	773.12
L5629		\$	508.27	\$	508.27
L5630		\$	881.20	\$	881.20
L5631		\$	702.73	\$	702.73
L5632		\$	377.96	\$	377.96
L5634		\$	648.68	\$	648.68
L5636		\$	407.51	\$	407.51
L5637		\$	613.65	\$	613.65
L5638		\$	1,037.79	\$	1,037.79
L5639		\$	2,390.91	\$	2,390.91
L5640		\$	1,240.92	\$	1,240.92
L5642		\$	990.92	\$	990.92
L5643		\$	2,489.33	\$	2,489.33
L5644		\$	944.65	\$	944.65
L5645		\$	1,444.52	\$	1,444.52
L5646		\$	876.30	\$	876.30
L5647		\$	1,696.32	\$	1,696.32
L5648		\$	1,052.98	\$	1,052.98
L5649		\$	3,064.91	\$	3,064.91
L5650		\$	1,041.05	\$	1,041.05
L5651		\$	1,920.72	\$	1,920.72
L5652		\$	697.30	\$	697.30
L5653		\$	1,041.96	\$	1,041.96
L5654		\$	651.69	\$	651.69
L5655		\$	565.63	\$	565.63
L5656		\$	791.04	\$	791.04
L5658		\$	602.03	\$	602.03
L5661		\$	1,203.03	\$	1,203.03
L5665		\$	1,091.89	\$	1,091.89
L5666		\$	149.27	\$	149.27
L5668		\$	215.35	\$	215.35
L5670		\$	578.66	\$	578.66
L5671		\$	1,060.74	\$	1,060.74
L5672		\$	504.15	\$	504.15
L5673		\$	1,253.24	\$	1,253.24
L5676		\$	772.76	\$	772.76
L5677		\$	1,051.43	\$	1,051.43
L5678		\$	84.67	\$	84.67
L5679		\$	1,044.34	\$	1,044.34
L5680		\$	510.03	\$	510.03
L5681		\$	2,065.29	\$	2,065.29

## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L5682		\$	1,333.64	\$	1,333.64
L5683		\$	2,065.29	\$	2,065.29
L5684		\$	102.65	\$	102.65
L5685		\$	201.11	\$	201.11
L5686		\$	99.27	\$	99.27
L5688		\$	130.27	\$	130.27
L5690		\$	208.67	\$	208.67
L5692		\$	283.36	\$	283.36
L5694		\$	386.88	\$	386.88
L5695		\$	347.76	\$	347.76
L5696		\$	394.55	\$	394.55
L5697		\$	171.19	\$	171.19
L5698		\$	219.41	\$	219.41
L5699		\$	397.61	\$	397.61
L5700		\$	5,839.95	\$	5,839.95
L5701		\$	7,250.77	\$	7,250.77
L5702		\$	9,264.95	\$	9,264.95
L5703		\$	3,849.99	\$	3,849.99
L5704		\$	975.30	\$	975.30
L5705		\$	1,601.17	\$	1,601.17
L5706		\$	1,586.94	\$	1,586.94
L5707		\$	2,255.95	\$	2,255.95
L5710		\$	766.98	\$	766.98
L5711		\$	1,113.50	\$	1,113.50
L5712		\$	918.88	\$	918.88
L5714		\$	798.59	\$	798.59
L5716		\$	1,554.24	\$	1,554.24
L5718		\$	1,942.64	\$	1,942.64
L5722		\$	1,735.38	\$	1,735.38
L5724		\$	3,084.55	\$	3,084.55
L5726		\$	3,154.37	\$	3,154.37
L5728		\$	5,074.27	\$	5,074.27
L5780		\$	2,441.52	\$	2,441.52
L5781		\$	6,282.23	\$	6,282.23
L5782		\$	6,622.88	\$	6,622.88
L5785		\$	878.51	\$	878.51
L5790		\$	1,414.48	\$	1,414.48
L5795		\$	1,784.83	\$	1,784.83
L5810		\$	1,038.23	\$	1,038.23
L5811		\$	1,555.26	\$	1,555.26
L5812		\$	1,205.50	\$	1,205.50
L5814		\$	5,831.17	\$	5,831.17
L5816		\$	1,813.57	\$	1,813.57
L5818		\$	2,047.88	\$	2,047.88
L5822		\$	2,723.57	\$	2,723.57
L5824		\$	3,270.32	\$	3,270.32

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L5826		\$	4,903.28	\$	4,903.28
L5828		\$	5,850.59	\$	5,850.59
L5830		\$	4,046.49	\$	4,046.49
L5840		\$	6,455.36	\$	6,455.36
L5845		\$	2,814.21	\$	2,814.21
L5848		\$	1,688.37	\$	1,688.37
L5850		\$	204.60	\$	204.60
L5855		\$	658.59	\$	658.59
L5856		\$	37,691.63	\$	37,691.63
L5857		\$	13,374.47	\$	13,374.47
L5858		\$	29,180.65	\$	29,180.65
L5859		\$	22,781.09	\$	22,781.09
L5910		\$	579.25	\$	579.25
L5920		\$	848.62	\$	848.62
L5925		\$	697.55	\$	697.55
L5930		\$	5,284.85	\$	5,284.85
L5940		\$	852.67	\$	852.67
L5950		\$	1,244.32	\$	1,244.32
L5960		\$	1,541.86	\$	1,541.86
L5961		\$	8,204.92	\$	8,204.92
L5962		\$	1,253.46	\$	1,253.46
L5964		\$	1,804.46	\$	1,804.46
L5966		\$	2,339.40	\$	2,339.40
L5968		\$	5,705.64	\$	5,705.64
L5970		\$	408.65	\$	408.65
L5971		\$	408.65	\$	408.65
L5972		\$	751.56	\$	751.56
L5973		\$	27,601.45	\$	27,601.45
L5974		\$	496.93	\$	496.93
L5975		\$	727.87	\$	727.87
L5976		\$	1,194.26	\$	1,194.26
L5978		\$	622.33	\$	622.33
L5979		\$	4,820.91	\$	4,820.91
L5980		\$	6,749.86	\$	6,749.86
L5981		\$	5,238.97	\$	5,238.97
L5982		\$	1,232.81	\$	1,232.81
L5984		\$	1,214.82	\$	1,214.82
L5985		\$	443.39	\$	443.39
L5986		\$	1,351.34	\$	1,351.34
L5987		\$	11,294.91	\$	11,294.91
L5988		\$	3,136.62	\$	3,136.62
L5990		\$	2,848.52	\$	2,848.52
L6000		\$	2,833.43	\$	2,833.43
L6010		\$	3,153.15	\$	3,153.15
L6020		\$	2,939.80	\$	2,939.80
L6026		\$	7,412.24	\$	7,412.24

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L6050		\$	4,038.08	\$	4,038.08
L6055		\$	5,178.68	\$	5,178.68
L6100		\$	3,360.41	\$	3,360.41
L6110		\$	4,351.94	\$	4,351.94
L6120		\$	4,941.55	\$	4,941.55
L6130		\$	5,520.42	\$	5,520.42
L6200		\$	5,817.63	\$	5,817.63
L6205		\$	7,101.61	\$	7,101.61
L6250		\$	5,726.49	\$	5,726.49
L6300		\$	7,944.89	\$	7,944.89
L6310		\$	6,471.29	\$	6,471.29
L6320		\$	3,644.30	\$	3,644.30
L6350		\$	8,289.86	\$	8,289.86
L6360		\$	6,792.38	\$	6,792.38
L6370		\$	4,331.26	\$	4,331.26
L6380		\$	2,068.84	\$	2,068.84
L6382		\$	2,602.66	\$	2,602.66
L6384		\$	3,374.87	\$	3,374.87
L6386		\$	856.38	\$	856.38
L6388		\$	874.33	\$	874.33
L6400		\$	4,948.24	\$	4,948.24
L6450		\$	6,031.68	\$	6,031.68
L6500		\$	5,483.34	\$	5,483.34
L6550		\$	8,131.73	\$	8,131.73
L6570		\$	9,333.67	\$	9,333.67
L6580		\$	2,858.30	\$	2,858.30
L6582		\$	2,201.23	\$	2,201.23
L6584		\$	3,573.67	\$	3,573.67
L6586		\$	3,039.92	\$	3,039.92
L6588		\$	5,171.78	\$	5,171.78
L6590		\$	4,543.81	\$	4,543.81
L6600		\$	400.01	\$	400.01
L6605		\$	394.97	\$	394.97
L6610		\$	355.04	\$	355.04
L6611		\$	646.48	\$	646.48
L6615		\$	293.01	\$	293.01
L6616		\$	103.74	\$	103.74
L6620		\$	611.17	\$	611.17
L6621		\$	3,591.29	\$	3,591.29
L6623		\$	1,025.93	\$	1,025.93
L6624		\$	5,913.18	\$	5,913.18
L6625		\$	1,134.17	\$	1,134.17
L6628		\$	766.18	\$	766.18
L6629		\$	280.04	\$	280.04
L6630		\$	344.69	\$	344.69
L6632		\$	103.91	\$	103.91
L6635		\$	375.61	\$	375.61

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L6637		\$	685.83	\$	685.83
L6638		\$	3,926.41	\$	3,926.41
L6640		\$	448.00	\$	448.00
L6641		\$	321.31	\$	321.31
L6642		\$	416.68	\$	416.68
L6645		\$	680.76	\$	680.76
L6646		\$	4,952.09	\$	4,952.09
L6647		\$	815.25	\$	815.25
L6648		\$	5,107.37	\$	5,107.37
L6650		\$	721.81	\$	721.81
L6655		\$	160.19	\$	160.19
L6660		\$	195.73	\$	195.73
L6665		\$	79.31	\$	79.31
L6670		\$	102.27	\$	102.27
L6672		\$	359.58	\$	359.58
L6675		\$	244.13	\$	244.13
L6676		\$	258.62	\$	258.62
L6677		\$	465.77	\$	465.77
L6680		\$	494.75	\$	494.75
L6682		\$	492.63	\$	492.63
L6684		\$	743.33	\$	743.33
L6686		\$	1,258.95	\$	1,258.95
L6687		\$	933.07	\$	933.07
L6688		\$	1,010.81	\$	1,010.81
L6689		\$	1,152.69	\$	1,152.69
L6690		\$	1,335.28	\$	1,335.28
L6691		\$	734.69	\$	734.69
L6692		\$	1,192.55	\$	1,192.55
L6693		\$	4,457.53	\$	4,457.53
L6694		\$	1,253.24	\$	1,253.24
L6695		\$	1,044.34	\$	1,044.34
L6696		\$	2,065.29	\$	2,065.29
L6697		\$	2,065.29	\$	2,065.29
L6698		\$	1,060.74	\$	1,060.74
L6703		\$	574.81	\$	574.81
L6704		\$	1,248.87	\$	1,248.87
L6706		\$	690.24	\$	690.24
L6707		\$	2,635.61	\$	2,635.61
L6708		\$	1,783.77	\$	1,783.77
L6709		\$	2,583.60	\$	2,583.60
L6711		\$	1,055.61	\$	1,055.61
L6712		\$	1,943.55	\$	1,943.55
L6713		\$	2,453.01	\$	2,453.01
L6714		\$	2,077.68	\$	2,077.68
L6715		\$	4,957.01	\$	4,957.01
L6721		\$	3,692.79	\$	3,692.79
L6722		\$	3,183.49	\$	3,183.49

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L6805		\$ 677.24	\$ 677.24
L6810		\$ 348.12	\$ 348.12
L6880		\$ 37,513.66	\$ 37,513.66
L6881		\$ 6,418.97	\$ 6,418.97
L6882		\$ 4,869.09	\$ 4,869.09
L6883		\$ 2,749.33	\$ 2,749.33
L6884		\$ 4,760.83	\$ 4,760.83
L6885		\$ 6,792.38	\$ 6,792.38
L6890		\$ 362.71	\$ 362.71
L6895		\$ 893.07	\$ 893.07
L6900		\$ 3,208.52	\$ 3,208.52
L6905		\$ 3,130.96	\$ 3,130.96
L6910		\$ 3,050.19	\$ 3,050.19
L6915		\$ 1,291.33	\$ 1,291.33
L6920		\$ 11,924.36	\$ 11,924.36
L6925		\$ 13,609.06	\$ 13,609.06
L6930		\$ 11,098.54	\$ 11,098.54
L6935		\$ 12,890.28	\$ 12,890.28
L6940		\$ 14,047.46	\$ 14,047.46
L6945		\$ 16,325.13	\$ 16,325.13
L6950		\$ 15,949.86	\$ 15,949.86
L6955		\$ 19,102.13	\$ 19,102.13
L6960		\$ 20,437.83	\$ 20,437.83
L6965		\$ 23,729.90	\$ 23,729.90
L6970		\$ 25,131.79	\$ 25,131.79
L6975		\$ 29,717.32	\$ 29,717.32
L7007		\$ 5,503.54	\$ 5,503.54
L7008		\$ 9,252.04	\$ 9,252.04
L7009		\$ 5,615.36	\$ 5,615.36
L7040		\$ 4,508.91	\$ 4,508.91
L7045		\$ 2,585.11	\$ 2,585.11
L7170		\$ 9,377.94	\$ 9,377.94
L7180		\$ 57,948.38	\$ 57,948.38
L7181		\$ 62,910.97	\$ 62,910.97
L7185		\$ 9,575.03	\$ 9,575.03
L7186		\$ 14,147.34	\$ 14,147.34
L7190		\$ 12,541.93	\$ 12,541.93
L7191		\$ 14,783.13	\$ 14,783.13
L7259		\$ 6,452.66	\$ 6,452.66
L7360		\$ 388.50	\$ 388.50
L7362		\$ 412.93	\$ 412.93
L7364		\$ 759.68	\$ 759.68
L7366		\$ 981.53	\$ 981.53
L7367		\$ 611.28	\$ 611.28
L7368		\$ 792.41	\$ 792.41
L7400		\$ 481.22	\$ 481.22
L7401		\$ 538.73	\$ 538.73

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L7402		\$	581.80	\$	581.80
L7403		\$	578.19	\$	578.19
L7404		\$	872.70	\$	872.70
L7405		\$	1,141.35	\$	1,141.35
L7510		\$	111.13	\$	111.13
L7520		\$	57.61	\$	57.61
L7600		\$	120.64	\$	120.64
L7700		\$	196.67	\$	196.67
L7900		\$	626.70	\$	626.70
L7902		\$	32.26	\$	32.26
L8000		\$	77.85	\$	77.85
L8001		\$	196.97	\$	196.97
L8002		\$	259.01	\$	259.01
L8010		\$	86.91	\$	86.91
L8015		\$	94.12	\$	94.12
L8020		\$	334.32	\$	334.32
L8030		\$	610.82	\$	610.82
L8031		\$	610.82	\$	610.82
L8032		\$	61.52	\$	61.52
L8035		\$	5,752.29	\$	5,752.29
L8040		\$	4,112.82	\$	4,112.82
L8041		\$	4,957.58	\$	4,957.58
L8042		\$	5,570.32	\$	5,570.32
L8043		\$	6,238.78	\$	6,238.78
L8044		\$	6,907.19	\$	6,907.19
L8045		\$	4,341.30	\$	4,341.30
L8046		\$	4,456.28	\$	4,456.28
L8047		\$	2,283.76	\$	2,283.76
L8300		\$	179.89	\$	179.89
L8310		\$	284.02	\$	284.02
L8320		\$	113.99	\$	113.99
L8330		\$	105.28	\$	105.28
L8400		\$	33.57	\$	33.57
L8410		\$	43.30	\$	43.30
L8415		\$	38.30	\$	38.30
L8417		\$	118.09	\$	118.09
L8420		\$	41.47	\$	41.47
L8430		\$	44.53	\$	44.53
L8435		\$	41.30	\$	41.30
L8440		\$	89.18	\$	89.18
L8460		\$	142.13	\$	142.13
L8465		\$	78.01	\$	78.01
L8470		\$	14.22	\$	14.22
L8480		\$	16.98	\$	16.98
L8485		\$	23.02	\$	23.02
L8499		BR		BR	
L8500		\$	1,055.52	\$	1,055.52

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L8501		\$ 193.20	\$ 193.20
L8505		\$ 48.19	\$ 48.19
L8507		\$ 65.76	\$ 65.76
L8509		\$ 171.46	\$ 171.46
L8510		\$ 396.75	\$ 396.75
L8511		\$ 114.20	\$ 114.20
L8512		\$ 3.39	\$ 3.39
L8513		\$ 8.16	\$ 8.16
L8514		\$ 148.04	\$ 148.04
L8515		\$ 99.08	\$ 99.08
L8600		\$ 1,088.51	\$ 1,088.51
L8603		\$ 701.29	\$ 701.29
L8605		\$ 1,124.56	\$ 1,124.56
L8606		\$ 364.15	\$ 364.15
L8607		\$ 67.33	\$ 67.33
L8608		BR	BR
L8609		\$ 10,229.93	\$ 10,229.93
L8610		\$ 936.14	\$ 936.14
L8612		\$ 1,272.39	\$ 1,272.39
L8613		\$ 472.32	\$ 472.32
L8614		\$ 31,548.65	\$ 31,548.65
L8615		\$ 708.13	\$ 708.13
L8616		\$ 164.95	\$ 164.95
L8617		\$ 144.06	\$ 144.06
L8618		\$ 41.16	\$ 41.16
L8619		\$ 13,543.63	\$ 13,543.63
L8621		\$ 0.98	\$ 0.98
L8622		\$ 0.50	\$ 0.50
L8623		\$ 101.57	\$ 101.57
L8624		\$ 253.22	\$ 253.22
L8625		\$ 296.51	\$ 296.51
L8627		\$ 11,504.11	\$ 11,504.11
L8628		\$ 2,039.52	\$ 2,039.52
L8629		\$ 281.12	\$ 281.12
L8630		\$ 538.83	\$ 538.83
L8631		\$ 3,579.04	\$ 3,579.04
L8641		\$ 566.24	\$ 566.24
L8642		\$ 554.01	\$ 554.01
L8658		\$ 488.14	\$ 488.14
L8659		\$ 3,029.80	\$ 3,029.80
L8670		\$ 890.32	\$ 890.32
L8679		\$ 13,756.44	\$ 13,756.44
L8680		\$ 870.55	\$ 870.55
L8681		\$ 1,725.40	\$ 1,725.40
L8682		\$ 9,828.67	\$ 9,828.67
L8683		\$ 8,651.50	\$ 8,651.50

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

L8684		\$ 1,259.71	\$ 1,259.71
L8689		\$ 2,708.33	\$ 2,708.33
L8690		\$ 7,469.27	\$ 7,469.27
L8691		\$ 2,703.92	\$ 2,703.92
L8692		\$ 6,346.90	\$ 6,346.90
L8693		\$ 2,380.80	\$ 2,380.80
L8694		\$ 1,482.75	\$ 1,482.75
L8695		\$ 26.12	\$ 26.12
L8696		\$ 340.30	\$ 340.30
L8702		\$ 74,933.42	\$ 74,933.42
V2020		\$ 133.71	\$ 133.71
V2025		\$ 146.93	\$ 146.93
V2100		\$ 62.65	\$ 62.65
V2101		\$ 83.99	\$ 83.99
V2102		\$ 101.86	\$ 101.86
V2103		\$ 59.82	\$ 59.82
V2104		\$ 63.28	\$ 63.28
V2105		\$ 69.40	\$ 69.40
V2106		\$ 83.03	\$ 83.03
V2107		\$ 89.38	\$ 89.38
V2108		\$ 84.97	\$ 84.97
V2109		\$ 95.51	\$ 95.51
V2110		\$ 81.80	\$ 81.80
V2111		\$ 96.42	\$ 96.42
V2112		\$ 101.21	\$ 101.21
V2113		\$ 100.35	\$ 100.35
V2114		\$ 108.71	\$ 108.71
V2115		\$ 151.48	\$ 151.48
V2118		\$ 151.20	\$ 151.20
V2121		\$ 161.45	\$ 161.45
V2200		\$ 93.63	\$ 93.63
V2201		\$ 113.93	\$ 113.93
V2202		\$ 105.17	\$ 105.17
V2203		\$ 101.86	\$ 101.86
V2204		\$ 103.38	\$ 103.38
V2205		\$ 102.05	\$ 102.05
V2206		\$ 114.67	\$ 114.67
V2207		\$ 111.33	\$ 111.33
V2208		\$ 122.64	\$ 122.64
V2209		\$ 115.08	\$ 115.08
V2210		\$ 122.74	\$ 122.74
V2211		\$ 149.06	\$ 149.06
V2212		\$ 139.93	\$ 139.93
V2213		\$ 130.34	\$ 130.34
V2214		\$ 147.41	\$ 147.41
V2215		\$ 181.27	\$ 181.27

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## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

V2218		\$	174.01	\$	174.01
V2219		\$	71.20	\$	71.20
V2220		\$	67.30	\$	67.30
V2221		\$	188.36	\$	188.36
V2299		\$	104.76	\$	104.76
V2300		\$	115.82	\$	115.82
V2301		\$	142.60	\$	142.60
V2302		\$	131.15	\$	131.15
V2303		\$	124.95	\$	124.95
V2304		\$	129.63	\$	129.63
V2305		\$	130.03	\$	130.03
V2306		\$	131.08	\$	131.08
V2307		\$	140.42	\$	140.42
V2308		\$	136.95	\$	136.95
V2309		\$	165.82	\$	165.82
V2310		\$	140.06	\$	140.06
V2311		\$	171.46	\$	171.46
V2312		\$	191.09	\$	191.09
V2313		\$	213.42	\$	213.42
V2314		\$	198.09	\$	198.09
V2315		\$	245.77	\$	245.77
V2318		\$	312.82	\$	312.82
V2319		\$	79.44	\$	79.44
V2320		\$	83.79	\$	83.79
V2321		\$	233.16	\$	233.16
V2399		\$	261.88	\$	261.88
V2410		\$	191.21	\$	191.21
V2430		\$	230.44	\$	230.44
V2499		\$	41.72	\$	41.72
V2500		\$	140.63	\$	140.63
V2501		\$	221.20	\$	221.20
V2502		\$	323.64	\$	323.64
V2503		\$	224.66	\$	224.66
V2510		\$	189.08	\$	189.08
V2511		\$	305.56	\$	305.56
V2512		\$	354.73	\$	354.73
V2513		\$	325.49	\$	325.49
V2520		\$	166.80	\$	166.80
V2521		\$	290.40	\$	290.40
V2522		\$	376.81	\$	376.81
V2523		\$	240.84	\$	240.84
V2524		\$	193.03	\$	193.03
V2530		\$	356.71	\$	356.71
V2531		\$	850.15	\$	850.15
V2600		\$	129.86	\$	129.86
V2610		\$	28.78	\$	28.78

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

V2615		\$ 2,071.83	\$ 2,071.83
V2623		\$ 1,914.21	\$ 1,914.21
V2624		\$ 97.37	\$ 97.37
V2625		\$ 690.31	\$ 690.31
V2626		\$ 425.46	\$ 425.46
V2627		\$ 2,060.84	\$ 2,060.84
V2628		\$ 486.61	\$ 486.61
V2629		\$ 3,037.48	\$ 3,037.48
V2630		\$ 190.37	\$ 190.37
V2631		\$ 190.37	\$ 190.37
V2632		\$ 190.37	\$ 190.37
V2700		\$ 93.42	\$ 93.42
V2702		\$ 36.60	\$ 36.60
V2710		\$ 129.49	\$ 129.49
V2715		\$ 24.79	\$ 24.79
V2718		\$ 60.89	\$ 60.89
V2730		\$ 43.68	\$ 43.68
V2744		\$ 26.24	\$ 26.24
V2745		\$ 17.00	\$ 17.00
V2750		\$ 38.23	\$ 38.23
V2755		\$ 26.56	\$ 26.56
V2756		\$ 2.27	\$ 2.27
V2760		\$ 34.16	\$ 34.16
V2761		\$ 47.31	\$ 47.31
V2762		\$ 93.58	\$ 93.58
V2770		\$ 41.62	\$ 41.62
V2780		\$ 26.73	\$ 26.73
V2781		\$ 130.80	\$ 130.80
V2782		\$ 101.08	\$ 101.08
V2783		\$ 113.93	\$ 113.93
V2784		\$ 74.10	\$ 74.10
V2785		\$ 1,256.85	\$ 1,256.85
V2786		\$ 70.50	\$ 70.50
V2787		\$ 777.00	\$ 777.00
V2788		\$ 1,282.32	\$ 1,282.32
V2790		\$ 748.27	\$ 748.27
V2797		\$ 26.00	\$ 26.00
V2799		BR	BR
V5008		\$ 96.43	\$ 96.43
V5010		\$ 192.85	\$ 192.85
V5011		\$ 289.34	\$ 289.34
V5014		\$ 177.98	\$ 177.98
V5020		\$ 139.94	\$ 139.94
V5030		\$ 1,571.12	\$ 1,571.12
V5040		\$ 2,496.51	\$ 2,496.51
V5050		\$ 1,570.72	\$ 1,570.72

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

V5060		\$ 2,613.27	\$ 2,613.27
V5090		\$ 366.72	\$ 366.72
V5100		\$ 1,885.04	\$ 1,885.04
V5110		\$ 523.84	\$ 523.84
V5120		\$ 1,466.36	\$ 1,466.36
V5130		\$ 3,141.84	\$ 3,141.84
V5140		\$ 4,251.16	\$ 4,251.16
V5160		\$ 733.40	\$ 733.40
V5171		\$ 2,618.41	\$ 2,618.41
V5172		\$ 2,723.15	\$ 2,723.15
V5181		\$ 1,567.92	\$ 1,567.92
V5200		\$ 419.09	\$ 419.09
V5211		\$ 3,927.57	\$ 3,927.57
V5212		\$ 4,712.96	\$ 4,712.96
V5214		\$ 3,193.27	\$ 3,193.27
V5215		\$ 3,450.10	\$ 3,450.10
V5221		\$ 3,715.26	\$ 3,715.26
V5240		\$ 576.21	\$ 576.21
V5241		\$ 419.09	\$ 419.09
V5242		\$ 2,094.08	\$ 2,094.08
V5244		\$ 2,538.63	\$ 2,538.63
V5246		\$ 1,676.33	\$ 1,676.33
V5247		\$ 2,092.69	\$ 2,092.69
V5248		\$ 3,770.49	\$ 3,770.49
V5249		\$ 19,899.50	\$ 19,899.50
V5250		\$ 3,455.23	\$ 3,455.23
V5251		\$ 3,769.56	\$ 3,769.56
V5252		\$ 3,665.68	\$ 3,665.68
V5253		\$ 3,980.00	\$ 3,980.00
V5254		\$ 2,617.93	\$ 2,617.93
V5255		\$ 2,592.00	\$ 2,592.00
V5256		\$ 2,618.41	\$ 2,618.41
V5257		\$ 2,618.41	\$ 2,618.41
V5258		\$ 5,239.12	\$ 5,239.12
V5259		\$ 3,971.60	\$ 3,971.60
V5260		\$ 4,714.75	\$ 4,714.75
V5261		\$ 5,655.48	\$ 5,655.48
V5262		\$ 1,722.78	\$ 1,722.78
V5263		\$ 3,980.94	\$ 3,980.94
V5264		\$ 99.62	\$ 99.62
V5265		\$ 31.46	\$ 31.46
V5266		\$ 1.33	\$ 1.33
V5268		\$ 261.88	\$ 261.88
V5269		\$ 314.33	\$ 314.33
V5270		\$ 366.72	\$ 366.72
V5275		\$ 99.62	\$ 99.62

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## TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

## CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

V5281		\$ 52.44	\$ 52.44
V5282		\$ 3,141.84	\$ 3,141.84
V5284		\$ 78.36	\$ 78.36
V5285		\$ 5,234.52	\$ 5,234.52
V5286		\$ 5,236.85	\$ 5,236.85
V5288		\$ 1,047.69	\$ 1,047.69
V5289		\$ 732.02	\$ 732.02
V5290		\$ 523.84	\$ 523.84
V5299		BR	BR
V5336		\$ 155.74	\$ 155.74
V5362		\$ 130.27	\$ 130.27
V5363		\$ 138.60	\$ 138.60
V5364		\$ 199.78	\$ 199.78

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**Historical Note**

New Appendix A, HCPCS Codes made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

**HOME HEALTHCARE GUIDELINES**

Information regarding publications incorporated by reference is found in the Introduction of the Fee Schedule.

The following Commission guidelines are in addition to the CPT<sup>®</sup> guidelines and the Center for Medicare & Medicaid Services' (CMS) HCPCS codes and descriptions and represent additional guidance from the Commission relative to services unique or uniquely utilized in Workers' Compensation. To the extent that a conflict may exist between an incorporated portion of the CPT<sup>®</sup> publication or a HCPCS code and a code, guideline, identifier or modifier unique to Arizona, then the Arizona code, guideline, identifier or modifier shall control. Codes that contain explanatory language specific to Arizona are preceded by Δ in this Fee Schedule. Codes that are unique to Arizona are preceded by an AZ identifier and numbered in the following format: AZxxx.

**GENERAL GUIDANCE:**

1. The determination that the injury/illness or condition is work related must be made by the payer and home health services shall be authorized as medically necessary.
2. All nursing services and personal care services shall have prior authorization by the payer.
3. A description of needed nursing or other attendant care must accompany the request for authorization.
4. Rates and reimbursement guidelines shall be predetermined in writing.

**Historical Note**

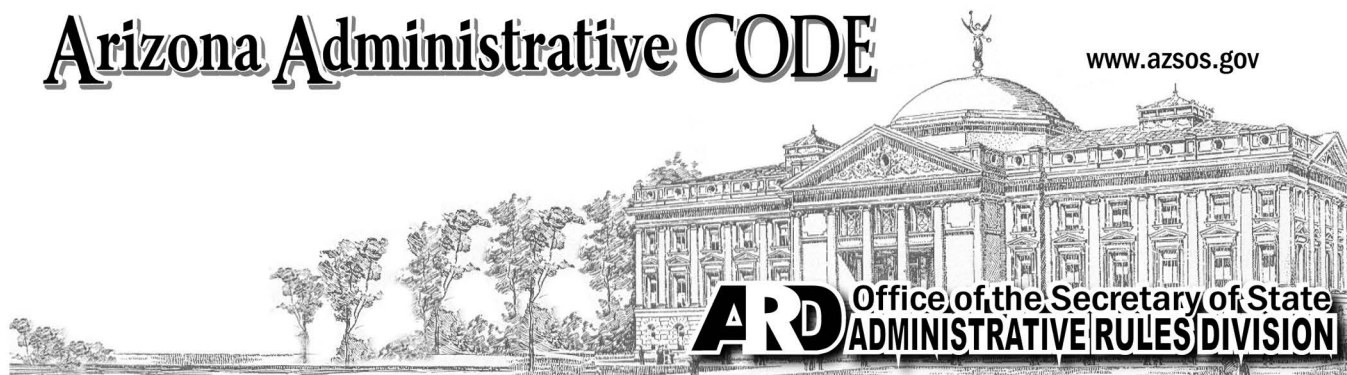
New Appendix A, Home Healthcare Guidelines made by exempt rulemaking at 29 A.A.R. 2537 (October 20, 2023), effective October 1, 2023 (Supp. 23-3).

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

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21 A.A.C. 3

Supp. 23-3

## TITLE 21. CHILD SAFETY

### CHAPTER 3. DEPARTMENT OF CHILD SAFETY - CENTRALIZED INTAKE HOTLINE

The table of contents on page one contains links to the referenced page numbers in this Chapter.

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

[R21-3-202.](#)    [Preliminary Screening ..... 3](#)

#### Questions about these rules? Contact:

Name: Angie Trevino, Rule Development Specialist  
Address: Department of Child Safety  
3003 N. Central Ave.  
Phoenix, AZ 85012  
Telephone: (602) 619-3163  
[Email: angelica.trevino@azdcs.gov](mailto:angelica.trevino@azdcs.gov)  
[Website: https://dcs.az.gov/about/dcs-rules-rulemaking](https://dcs.az.gov/about/dcs-rules-rulemaking)

**The release of this Chapter in Supp. 23-3 replaces Supp. 15-4, 1-3 pages.**

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

## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

### PERSONAL USE/COMMERCIAL USE

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

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Administrative Rules Division

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**TITLE 21. CHILD SAFETY**

**CHAPTER 3. DEPARTMENT OF CHILD SAFETY - CENTRALIZED INTAKE HOTLINE**

Authority: A.R.S. § 8-453(A)(5)

**Supp. 23-3**

**CHAPTER TABLE OF CONTENTS**

*Editor's Note: Chapter 3 contains rules which were exempt from the regular rulemaking process under Laws 2014, 2nd Special Session, Ch. 1, Sec. 158. The law required the Department to post on its website proposed exempt rulemakings for a minimum of 30 days, at which time the public could provide written comments. In addition, at least two public hearings were held prior to the filing of the final exempt rules. Because the Department solicited comments on its proposed exempt rules, the rules filed with the Office of the Secretary of State are considered final exempt rules (Supp. 15-4).*

**ARTICLE 1. DEFINITIONS**

*Article 1, consisting of Section R21-3-101, made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).*

Section

R21-3-101. Definitions ..... 2

**ARTICLE 2. RECEIPT AND SCREENING OF COMMUNICATIONS**

*Article 2, consisting of Sections R21-3-201 through R21-3-204, made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).*

Section

R21-3-201. Receipt of Information; Centralized Intake Hotline 2  
R21-3-202. Preliminary Screening .....3  
R21-3-203. Disposition of Communications .....3  
R21-3-204. Quality Assurance .....3

## TITLE 21. CHILD SAFETY

## CHAPTER 3. DEPARTMENT OF CHILD SAFETY - CENTRALIZED INTAKE HOTLINE

## ARTICLE 1. DEFINITIONS

**R21-3-101. Definitions**

The definitions in A.R.S. §§ 8-101, 8-201, 8-501, 8-455, 8-531 and 8-801, and the following definitions apply in this Chapter and Title 21, Chapter 4:

1. "Abuse" means the same as in A.R.S. § 8-201.
2. "Centralized Intake Hotline" or "the Hotline" means the same as in A.R.S. § 8-455.
3. "Child" means the same as in A.R.S. § 8-101.
4. "Child Safety Specialist" means the same as "child safety worker" as in A.R.S. § 8-801.
5. "Child safety services" means the same as in A.R.S. § 8-801.
6. "Child welfare agency" means the same as in A.R.S. § 8-501.
7. "Criminal conduct allegation" means the same as in A.R.S. § 8-201.
8. "Criminal investigation" means an investigation of criminal allegations conducted by a law enforcement agency.
9. "Criminal offense" means an allegation of abuse and neglect perpetrated by someone other than a parent, guardian, custodian, or other adult member of the child's household that, if true, would constitute a felony offense.
10. "Custodian" means a person defined in A.R.S. § 8-201.
11. "DCS Investigator" means a DCS employee who investigates allegations of child abuse or neglect pursuant to A.R.S. §§ 8-456 and 8-471.
12. "DCS Report" means a communication received by the Centralized Intake Hotline that alleges child abuse or neglect that meets the criteria for a report as set forth in A.R.S. § 8-455.
13. "Department" or "DCS" means the Arizona Department of Child Safety.
14. "Finding" means one of the following:
  - a. The Department has determined during its investigation that probable cause exists to substantiate the allegation of abuse or neglect of a child, and
    - i. The specific person responsible has been identified, or
    - ii. The specific person responsible has not been identified,
  - b. The Department has determined during its investigation that the allegation of abuse or neglect is unsubstantiated; or
  - c. After a thorough search, the Department is unable to locate the alleged abused or neglected child.
15. "Guardian" means the same as a person who has the duty and authority of a "Guardianship of the person" in A.R.S. § 8-531.
16. "Household member" means a parent, guardian, custodian, or an adult who at the time of the alleged abuse or neglect resided in the child victim's home.
17. "Incoming communication" or "communication" means contact with DCS concerning alleged abuse or neglect of a child by any method that is received by or ultimately directed to the Centralized Intake Hotline.
18. "Intake Specialist" means the same as "hotline worker" in A.R.S. § 8-455 and means an employee of the Department trained in Centralized Intake Hotline procedures.
19. "Investigation" means using investigative techniques to search out and examine the facts to determine whether a child has been abused or neglected as provided for in A.R.S. §§ 8-456 and 8-471.
20. "Investigative protocols," also called "Joint investigative protocols" and "Multi-disciplinary Protocols," means a guide for the conduct of criminal conduct investigations mandated by A.R.S. § 8-817.
21. "Neglect" or "neglected" means the same as in A.R.S. § 8-201.
22. "OCWI Investigator" means a DCS Investigator who is assigned to the Office of Child Welfare Investigations, and whose primary duties and responsibilities are prescribed in A.R.S. § 8-471.
23. "Other child in the home" means a child residing in the same home as either the alleged child victim or the alleged perpetrator at the time of the alleged abuse or neglect.
24. "Out-of-Home placement" means the same as in A.R.S. § 8-501.
25. "Parent" means the same as in A.R.S. § 8-501.
26. "Probable cause" means some credible evidence that abuse or neglect occurred.
27. "PSRT" means the Department's Protective Services Review Team that administers the process described in A.R.S. § 8-811 for review and appeal of proposed substantiated findings of child abuse or neglect.
28. "Reporting Source" means a person who reports child abuse or neglect to the Department or to a peace officer as prescribed in A.R.S. § 13-3620, even if the communication does not meet the criteria for a DCS report as set forth in A.R.S. § 8-455.
29. "Response time" means the period of time designated by the Hotline and begins when a DCS report is assigned to a DCS field unit for investigation and ends when the DCS Investigator initiates the investigation by an attempt to make in-person contact with the alleged child victim. Any proposed changes to the response time shall be submitted to the DCS Community Advisory Committee as established in A.R.S. § 8-459 for review and discussion prior to implementation.
30. "Safe haven provider" means the same as in A.R.S. § 13-3623.01.
31. "Substantiated" means that there is probable cause to believe the child was abused or neglected.
32. "Temporary custody" means the same as in A.R.S. § 8-821.
33. "Unsubstantiated" means that there was insufficient evidence to substantiate that the child was abused or neglected when the finding was entered into the Department's case management information system.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

**ARTICLE 2. RECEIPT AND SCREENING OF COMMUNICATIONS****R21-3-201. Receipt of Information; Centralized Intake Hotline**

- A. The Department shall operate a Centralized Intake Hotline to receive and screen communications of suspected abuse or neglect of a child.
- B. The Department shall publicize on the Department's website the availability and the purposes of the Centralized Intake Hotline.
- C. The Department shall accept an anonymous communication if the source refuses to provide identifying and contact information.

## TITLE 21. CHILD SAFETY

## CHAPTER 3. DEPARTMENT OF CHILD SAFETY - CENTRALIZED INTAKE HOTLINE

- D. When the Centralized Intake Hotline receives an incoming communication, the Intake Specialist shall gather relevant information to determine whether it meets the criteria for a DCS Report as prescribed in A.R.S. § 8-455.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

**R21-3-202. Preliminary Screening**

The following allegations standing alone do not meet the criteria for a DCS Report unless the communication also includes an allegation of child abuse or neglect as defined in A.R.S. § 8-201 and otherwise meets the criteria as set forth in A.R.S. § 8-455:

1. The child is absent from school;
2. The child is age eight years or older and has allegedly committed a delinquent act;
3. The sibling of a child eight years or older has allegedly committed a delinquent act;
4. The sibling or other child living in the home who is age eight years or older allegedly committed a delinquent act against the alleged child victim;
5. The child's parents are absent from the home or are unable to care for the child but made appropriate arrangements for the child's care;
6. The child is receiving treatment from an accredited Christian Science practitioner, or other religious or spiritual healer, but the child's health is not:
  - a. In imminent risk of harm; or
  - b. Endangered by the lack of medical care;
7. The child has minor hygienic problems;
8. The child is the subject of a custody or visitation dispute;
9. The spiritual neglect of a child or the religious practices or beliefs to which a child is exposed;
10. The child's parent, guardian, or custodian questions the use of or refuses to put the child on psychiatric medication but the child's health is not:
  - a. In imminent risk of harm; or
  - b. Endangered by the refusal to put the child on the recommended psychiatric medicine; or
11. The child is a safe haven newborn infant. A child is considered a safe haven newborn infant if the parent or agent of the parent voluntarily delivered the newborn to a safe haven provider per A.R.S. §§ 8-528 and 13-3623.01; and following a physical examination of the child at a hospital the child is determined to be unharmed, and 30 days of age or younger. The child shall not qualify as a safe haven newborn infant if:
  - a. The physical examination results in suspicion of abuse or neglect that meets criteria as a DCS Report; or
  - b. The child is believed to be an alleged victim in an open DCS Report.
12. The child is in the custody of the federal government, and the alleged abuse or neglect occurred in a foreign country;
13. The suspected perpetrator is deceased and there is no indication that the perpetrator's death occurred during an act of abuse or neglect against the child; or
14. The suspected perpetrator's parental rights are terminated as to the alleged child victim.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

Amended by final rulemaking at 29 A.A.R. 1697 (August 4, 2023), effective September 10, 2023 (Supp. 23-3).

**R21-3-203. Disposition of Communications**

- A. DCS Report. If a communication meets criteria for a DCS Report, the Intake Specialist shall:
1. Enter the DCS Report information into the Department's case management information system;
  2. Assign an appropriate response time, ranging from an immediate response to a response time not to exceed seven days;
  3. Immediately transmit the DCS Report to the appropriate field unit; and
  4. Inform the reporting source that the information meets criteria for a DCS Report, that the report will be sent to a field unit, and provide the reporting source, when identified, with contact information for the field unit.
- B. Non-report. If a communication does not meet criteria for a DCS Report, the Intake Specialist:
1. Shall record the information regarding a child who is already in the Department's care, custody, and control, and forward it to the Child Safety Specialist managing that child's case;
  2. Shall advise the reporting source to notify the appropriate law enforcement agency of an allegation of child abuse or neglect by a person other than a child's parent, guardian, custodian, or adult member of the household;
  3. Shall inform the reporting source that the information does not meet criteria for a DCS Report, and that the information will be documented in the Department's case management information system; and
  4. May refer the reporting source to a community resource, when appropriate.
- C. Forwarding information on non-DCS Reports. If a communication does not meet criteria for a DCS Report, the Intake Specialist shall forward the information or allegations of abuse or neglect to:
1. The appropriate law enforcement agency concerning a felony criminal offense against a child;
  2. The DCS Office of Licensing and Regulation, if the communication involves a DCS licensed out-of-home placement;
  3. The appropriate child protection agency, if the child lives in another jurisdiction;
  4. The appropriate licensing or certifying agency if a child is at a state licensed or certified child care home or facility;
  5. The appropriate licensing agency if a child is at a state licensed behavioral health facility; or
  6. The Arizona Department of Economic Security (DES) Adult Protective Services if the alleged victim is over the age of 18 years.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

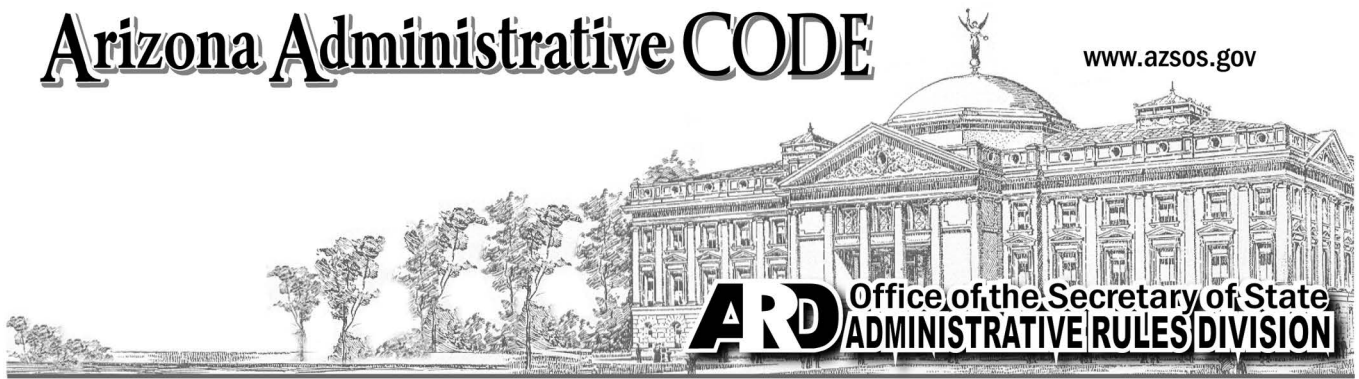
**R21-3-204. Quality Assurance**

The Department shall conduct a review at least weekly of communications concerning alleged abuse or neglect of a child, which do not meet criteria for a DCS Report, to verify the communications are properly classified.

**Historical Note**

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

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21 A.A.C. 7

Supp. 23-3

## TITLE 21. CHILD SAFETY

### CHAPTER 7. DEPARTMENT OF CHILD SAFETY - CHILD WELFARE AGENCY LICENSING

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

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of  
July 1, 2023 through September 30, 2023

This is a new Chapter. Refer to the table of contents for a list the rules made in supplement 23-3.

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#### This is a new Chapter released in Supp. 23-3.

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



## PREFACE

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

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

### RULES

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

### THE ADMINISTRATIVE CODE

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

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

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

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

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

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

### RULE HISTORY

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

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

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

### HOW TO USE THE CODE

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

### ARIZONA REVISED STATUTE REFERENCES

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

### SESSION LAW REFERENCES

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

### EXEMPTIONS FROM THE APA

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

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

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

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

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

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

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## Administrative Rules Division

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## TITLE 21. CHILD SAFETY

## CHAPTER 7. DEPARTMENT OF CHILD SAFETY - CHILD WELFARE AGENCY LICENSING

Authority: A.R.S. § 8-453(A)(5)

## Supp. 23-3

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**ARTICLE 1. LICENSING REQUIREMENTS FOR A CHILD WELFARE AGENCY****R21-7-101. Definitions**

In addition to the definitions contained in A.R.S. § 8-501, the following definitions apply in this Chapter:

1. "Abuse" means the same as in A.R.S. § 8-201.
2. "Administrative Completeness Review Time Frame" means the same as in A.R.S. § 41-1072.
3. "Adult" means any person 18 years of age or older.
4. "Adverse action" means a license denial, suspension, or revocation.
5. "After care" means services provided to a child in care after the child is discharged from a licensee's care and may also include services for the child's family.
6. "Agency" means a Child Welfare Agency.
7. "Amendment" means the addition, deletion, correction, or other change proposed or made to a license.
8. "Applicant" means a person or group of persons, including any individual with ownership interest, who submits an application to the Department to become licensed or to renew a license to operate a Child Welfare Agency.
9. "Behavior management" means the policy, procedure, and technique a licensee uses to control a child in care's conduct as prescribed in R21-7-227.
10. "Board of Directors" means a group of individuals elected to establish policies and jointly supervise the activities of an organization, and makes decisions on major company issues. An Agency's Board of Directors may also be referred to as a Governing Body.
11. "Calendar day" means all days, including weekends and Arizona state holidays.
12. "Central Registry" means the information maintained by the Department of substantiated reports of child abuse or neglect for the purposes of A.R.S. § 8-804.
13. "Centralized Intake Hotline" means a dedicated unit established by the Department, under A.R.S. § 8-455, to receive and process communications regarding suspected abuse or neglect of a child in the state of Arizona.
14. "Chief Executive Officer" or "CEO" means the person responsible for overall administration of a Child Welfare Agency. Depending on the type of organization, the Chief Executive Officer may also be referred to as the Executive Director, Administrator, or Director of the Agency, or any other title that refers to an individual who serves this function.
15. "Child" means any person less than 18 years of age.
16. "Child in care" means a child that is placed in the physical custody of an Agency, licensee, or residential group care facility other than with the child's parent or guardian.
17. "Child Placement" or "placement activity" means the selection, by a person or agency other than the child's parent or guardian, of a foster family or prospective adoptive family, or effecting the movement of the child into the foster family or prospective adoptive family.
18. "Child Placing Agency" means any Child Welfare Agency that places children in foster homes for temporary care or in prospective adoptive homes for adoption. The children placed by the Child Placing Agency are not in the custody of the Department.
19. "Child safety worker" means the same as in A.R.S. § 8-801.
20. "Corrective action" means a specific course of conduct an Agency shall follow to remedy violations of the licensing requirements prescribed in this Chapter within a specified period of time.
21. "Corrective Action Plan" means a written document describing an Agency's corrective action, as prescribed in R21-7-113.
22. "Criminal History self-disclosure" means a person's statement made under penalty of perjury, using the form approved by the Department, attesting to whether the person:
  - a. Has a record of any arrests, convictions, or pending indictments;
  - b. Has committed a crime specified in A.R.S. § 41-1758.07 as a precluding crime for the issuance of a fingerprint clearance card meeting Level One requirements; or
  - c. Is a registered sex offender.
23. "DCS Report" means the same as in A.R.S. § 8-201.
24. "De-escalation" means a method of verbal communication or non-verbal signals and actions, or a combination of signals and actions that interrupt a child's behavior crisis and calm the child.
25. "Department" or "DCS" means the Arizona Department of Child Safety.
26. "Developmentally appropriate" means:
  - a. The activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and
  - b. In the case of a specific child in care, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.
27. "Direct care services" means in-person interaction between direct care staff and a child in care. Direct care services do not include incidental contact by non-direct care staff and a child in care.
28. "Direct care staff" means staff whose responsibilities include providing direct care services.
29. "Directive Corrective Action Plan" means a plan to cure deficiencies identified by the Department in which the Department gives specific direction as to the corrections needed.
30. "Discharge plan" means a written program of action developed by an Agency in cooperation with a child in care's planning participants that includes:
  - a. A program of action to prepare a child in care for release from a Child Welfare Agency; and
  - b. An after care referral.
31. "Disqualifying act" means a substantiated finding for a specific individual that is identified in the document "DCS Central Registry Disqualification Acts".
32. "Document" means to make and retain a permanent written or electronic record of a fact, event, circumstance, observation, contact, or communication; unless context dictates otherwise.
33. "Exploitation" means the act of taking advantage of, or to make use of a child selfishly, unethically, or unjustly, for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.

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34. "Facility" means a living environment operated by a Child Welfare Agency, where a child in care is in the care of an adult unrelated to the child.
- a. "Facility" includes a shelter care facility for a group of children that is intended to be short-term in nature, and a residential group care facility for a group of children who are intended to be placed for longer periods of time.
- b. "Facility" when referring to a Child Placing Agency facility means any physical setting in which the Child Placing Agency conducts business, including areas where a child in care may be present for less than 24 hours during transport to a foster home or other placement.
- c. "Facility" does not include a program licensed as a behavioral health service agency by Arizona Department of Health Services under A.R.S. § 36-418.
35. "File" means a place where information is stored through written, electronic, or computerized means unless context dictates otherwise.
36. "Foster care" means care and supervision provided to a child in care who is in a licensed out of home placement.
37. "Good standing" means the Child Welfare Agency is in substantial compliance with obligations under this Chapter, not subject to an open investigation, not subject to an open licensing concern, not subject to suspension, and not subject to any outstanding corrective actions.
38. "Governing body" means an individual or group of individuals responsible for the policies, activities, and operations of a Child Welfare Agency as described in R21-7-118.
39. "Health self-disclosure" means a declaration from direct care staff and any adult living in the facility, using the form provided by the Department attesting to the person's physical, medical, and emotional health. The health self-disclosure:
- a. Identifies any past or present:
- i. Major illness;
- ii. Communicable disease;
- iii. Surgery;
- iv. Drug or substance abuse problem or treatment; and
- v. Other medical, physical, or mental health condition or treatment; and
- b. Identifies all medications, treatments, adaptive equipment, or other accommodation used to reduce or eliminate any barriers caused by medical, physical, or mental health condition.
40. "Human services field" means any area of study that moves the human experience forward e.g. child development, human development, psychology, sociology, social work, medicine, and education.
41. "Individual Education Plan" or "IEP" means a written legal document that guarantees the necessary instruction, supports, and services for a particular child in care who is eligible for special education determined by a multidisciplinary team. The IEP is created through a team effort and reviewed at least once per year. An IEP is covered by special education law to include Individuals with Disabilities Education Act.
42. "Initial wellness screening" means an assessment of a child in care's outward appearance to identify any physical or health concerns that may require urgent medical attention prior to a routine physical exam occurring by a licensed medical practitioner. The assessment shall include identification of cuts, bruising, lice, bite marks, scars, signs of intoxication, and a verbal report from the child.
43. "License" or "regular license" means a document issued by the Department that authorizes the operation of a Child Welfare Agency. A "license" does not include a "provisional license" as defined by this Article.
44. "Licensee" means the person or entity holding a Child Welfare Agency license. When used in reference to a duty, task, or obligation, the term "licensee" includes the staff who administer or work at a Child Welfare Agency and who are responsible for doing the acts necessary to fulfill the requirements of this Chapter.
45. "Licensing year" means a one-year time period that begins on the date an agency obtains a license to operate.
46. "Life Safety Inspection" means an examination of a facility and its premises by the Department to verify compliance with A.A.C. Title 21, Chapter 8, Article 1.
47. "Living unit" means a specific grouping of children who are assigned to and share a distinct and common physical space within a facility.
48. "Medical professional" means a person who holds a current license as a physician, surgeon, nurse practitioner, or physician's assistant under A.R.S. §§ 32-1401 et seq., Medicine and Surgery; A.R.S. §§ 32-1800 et seq., Osteopathic Physicians and Surgeons; A.R.S. §§ 32-2501 et seq., Physician Assistants; and A.R.S. §§ 32-1601 et seq., Nursing and A.A.C. R4-19-501(A)(1), Registered Nurse Practitioner, respectively.
49. "Medication" means an agent, such as a drug or substance used to prevent or treat disease, illness or injury, includes both prescribed and over-the-counter agents.
50. "Mobile dwelling" means the same as recreational vehicle as defined in A.R.S. § 41-4001. Mobile dwelling does not mean a mobile and manufactured home as defined in A.R.S. § 41-4001.
51. "Multi-Purpose Premises" means:
- a. A facility; and
- b. The property surrounding the facility that is owned, leased, or controlled by the applicant or licensee which may include:
- i. Residential space utilized separate from the program;
- ii. Commercial space, including office or retail space, operated separate from the program; and
- iii. Community centers available to populations outside of the program.
52. "Neglect" means the same as in A.R.S. § 8-201.
53. "Non-ambulatory child" means a child in care who cannot walk due to a physical disability or impairment, rather than as a result of the child's normal age and developmental level.
54. "Normalcy" means the same as described in A.R.S. § 8-513.
55. "Operating certificate" means a document issued by the Department that authorizes the operation of a facility run by an Agency that is not in the same location as the address listed on the Child Welfare Agency license.
56. "Out-of-home placement" means the placing of a child in the physical custody of an individual or Agency other than with the child's parent or guardian and includes placement in temporary custody under A.R.S. § 8-821

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- (A) or (B), voluntary placement under A.R.S. § 8-806 or placement due to a dependency action.
57. "Overall time frame" means the same as in A.R.S. § 41-1072.
  58. "Person" means a corporation, company, partnership, firm, association or society, as well as a natural person.
  59. "Personally identifiable information" means any information that when considered alone or in combination with other information, identifies, or permits another person to readily identify the person who is the subject of the information, and includes:
    - a. Name, address, and telephone number;
    - b. Date of birth;
    - c. Photograph;
    - d. Fingerprints;
    - e. Physical description;
    - f. School;
    - g. Place of employment; and
    - h. Unique identifying number, including:
      - i. Social Security number;
      - ii. Driver's license number;
      - iii. Vehicle License number; and
      - iv. Court case number.
  60. "Placing Entity" means an agency authorized by law or contract to place children in a Child Welfare Agency.
  61. "Planning participants" means the group of persons listed in R21-7-120 who participate in development and review of a child in care's service plan and discharge plan.
  62. "Pool" means the same as in A.A.C. Title 21, Chapter 8, Article 1.
  63. "Positive Discipline" means a teaching process through which a child in care learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to generally accepted levels of social behavior.
  64. "Premises" means:
    - a. A facility; and
    - b. The property surrounding the facility that is owned, leased, or controlled by the applicant or licensee.
  65. "Program director" means a person responsible for the development, implementation and supervision of an agency's programs and services that are carried out under the license granted by the Department and who meets the qualifications listed in R21-7-131.
  66. "Provisional license" means a temporary license to operate a Child Welfare Agency, issued by the Department for a period of six months or less and is not renewable.
  67. "Residential environment" means a facility building or any portion of a facility building that is used for living, sleeping, counseling, dining, or academic purposes.
  68. "Residential group care facility" means a Child Welfare Agency licensed to receive children for 24-hour social, emotional, or educational supervised care and maintenance at the request of a child, Child Placing Agency, law enforcement agency, parent, guardian, or court. A residential group care facility provides care in a residential setting for children for an extended period of time and includes facilities described in Article 2.
  69. "Restrictive behavior management" means the same as in A.R.S. § 8-501 and is subject to the limitations in R21-7-227.
  70. "Runaway" means that:
    - a. The responsible agency staff is unaware of a child in care's whereabouts, has made reasonable attempts to locate the child including contacting the child's school, friends, and other places the child may frequent and has no information indicating when the child will return;
    - b. A child in care has left a facility without the permission of the responsible agency staff; or
    - c. A child in care has failed to return to a facility at an agreed upon time.
  71. "Safeguard" means to take reasonable and developmentally appropriate measures to minimize the risk of harm to a child in care and to ensure that a child in care will not be harmed by a particular object, substance, or activity. Where a specific method is not otherwise prescribed in this Chapter, safeguarding may include:
    - a. Locking up a particular substance or item;
    - b. Putting a substance or item beyond the reach of a child in care;
    - c. Erecting a barrier that prevents a child in care from reaching a particular place, item, or substance;
    - d. Using protective safety devices;
    - e. Providing staff supervision; or
    - f. Providing a child in care age 14 and older with safety information and generalized instruction necessary to promote the safe and appropriate use of potentially dangerous objects.
  72. "Service plan" means either a Department Case Plan or a goal-oriented, time-limited individualized program of action developed by an agency in cooperation with a child's planning participants.
  73. "Shelter care facility" means a Child Welfare Agency that is licensed to receive children for temporary out-of-home 24-hour social, emotional, or educational supervised care and maintenance at the request of a child, Child Placing Agency, law enforcement agency, parent, guardian, or court. A shelter care facility provides short term care for children.
  74. "Significant person" means a person who is important or influential in a child in care's life and may include a family member or close friend.
  75. "Site inspection" means a visit to a facility or administrative office for the purpose of evaluation.
  76. "Sleeping area" means a single bedroom or a cluster of two or more bedrooms, located in an adjacent area of a facility, a designated space with beds devoted as a bedroom in a barracks, or dormitory.
  77. "Staff" means a person engaged full-time or part-time by an Agency including paid employees, consultants, contractors, subcontractors, volunteers, students, interns, and persons otherwise affiliated with the Agency to administer, manage, work, train, or assist at or for an Agency or facility on either a temporary or permanent basis.
  78. "Substantial compliance with licensing requirements" means that the nature and number of violations of licensing requirements are not significant and:
    - a. Do not pose a risk to the life, health, safety, or welfare of a child in care;
    - b. Do not constitute a pattern of noncompliance or a failure to implement required corrective action; and
    - c. Are not the result of misrepresentation, falsification, or fraud by the applicant or licensee.
  79. "Substantive review time frame" means the same as in A.R.S. § 41-1072.

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80. "Threat" means an expression of intent to hurt, destroy, or take action prohibited by this Chapter or the licensee's policies, but does not include an expression of intent to impose a planned consequence for misbehavior if the consequence is not prohibited by this Chapter or the licensee's policies.
81. "Time and temperature control for safety food standards" means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin and conforms to the United States Food and Drug Administration Food Code.
82. "Transitional program" or "Independent living program" means services provided by a residential group care facility to prepare a child in care age 14 and older for adulthood.
83. "Unusual incident" means one or more of the events listed in R21-7-207 involving a child in care on or off the premises.
84. "Workday" means Monday through Friday excluding weekends and Arizona state holidays.
85. "Young adult" means a person less than 21 years of age who signed an extended foster care agreement and eligible for out-of-home placement under A.R.S. § 8-521.02.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-102. Compliance**

The licensee under this Chapter shall operate the Agency in compliance with this Chapter, the provisions of the license, and applicable federal, state, and local law.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-103. Initial Consultation**

- A. Within 30 calendar days of receipt of an initial application package, the Department shall review the application and contact the applicant to schedule an initial consultation.
- B. At the initial consultation, the Department shall review the submitted initial application with the applicant. The Department shall review the requirements for licensure and shall advise the applicant about any missing or incomplete information in the submitted application.
- C. If the applicant fails to provide the information within the time periods specified in this Article, the Department shall close the application and send the applicant a written notice of closure.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-104. Licensing Requirements**

- A. A person who intends to operate a Child Placing Agency, residential group care facility, or shelter care facility shall apply for a Child Welfare Agency license.
- B. A Child Welfare Agency shall meet the requirements of this Chapter.
- C. Fingerprints and Arizona Level One fingerprint clearance card:
  1. The licensee shall ensure all Child Welfare Agency staff are fingerprinted and comply with the requirements of

A.R.S. § 46-141 and provide evidence of a valid Arizona Level One fingerprint clearance card.

2. The licensee shall provide evidence that anyone listed in R21-7-107(B)(1)(b) has a valid Arizona Level One fingerprint clearance card.

**D. Central Registry Check:**

1. The following individuals shall obtain a Central Registry Check:
  - a. Individuals who apply for a Child Welfare Agency license;
  - b. Staff who work in a residential group care facility in accordance with Article 2, on condition that a Central Registry Check is requested prior to employment. Until the Central Registry Check is completed, staff shall not perform essential functions of their job without direct observation from their supervisor or designee;
  - c. Staff who work with a Child Placing Agency in positions that provide direct services to children; and
  - d. Member of the Governing body of a Child Welfare Agency.
2. For any staff whose primary residence is at the facility or on the premises under Article 2 and any adult residing with the staff in the facility or on the premises shall obtain a Central Registry Check prior to residing at the facility or on the premises.
3. The licensee shall suspend any staff who has a disqualifying act on the Central Registry pending the outcome of the process detailed in this Article.
4. For any staff who has a non-disqualifying act on the Central Registry the licensee shall assess that staff's suitability to perform their assigned duties.
5. For any individual or staff who resided in another state within five years of their hire date, the Central Registry Check must include a check of any states the individual or staff resided in during those five years.
  - a. The licensee shall submit the request to the Department prior to hire.
  - b. The Department shall not provide details regarding another state's substantiation. Upon request, the Department shall provide the licensee with information on how to request the records from the responding state.
6. The licensee shall obtain an annual Central Registry Check at or prior to the anniversary hire date for each staff and any adult residing with the staff in the facility or on the premises.

**E. Licensing**

1. The applicant shall cooperate with the Department to evaluate the potential and actual ability of the Agency to fulfill a need for and provide services to a child in care according to the standards prescribed in A.R.S. § 8-505 and this Chapter.
2. The applicant shall demonstrate a need for its services in the community. Demonstration of need shall consist of:
  - a. Verifiable written communication from potential referral sources seeking services from the applicant consistent with their program description;
  - b. An existing contract for Child Welfare services; or
  - c. Other verifiable evidence that demonstrates a need for the services.
3. To obtain this information, the Department shall make a minimum of at least one visit to the licensee facility and

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may conduct any staff interviews the Department deems necessary.

**F. Financing**

1. An Agency shall maintain complete and accurate accounts, books, and records as required by this Chapter, and in accordance with generally accepted accounting principles.
2. An Agency shall operate on the annual budget approved by its governing body before the beginning of each of the Agency's fiscal years.
3. An Agency shall maintain financial records of all receipts, disbursements, assets, and liabilities in accordance with the U.S. Internal Revenue Service (IRS) schedules. The licensee shall make these records available to the Department for inspection upon request.
4. An Agency shall obtain a financial audit by an independent certified public accountant at the Agency fiscal year-end. An Agency that had an annual income of less than \$250,000 or has been licensed for less than one fiscal year, in lieu of a fiscal year-end audit by a certified public accountant, may provide verifiable information that allows the Department to evaluate the Agency's financial stability and maintain acceptable documentation that includes six months of current bank statements; six months of statements from lines of credit; and previous year's tax return.
5. The audit report shall include the following financial information and the accountant shall conduct the audit in accordance with generally accepted auditing standards:
  - a. Income statement,
  - b. Balance sheet,
  - c. Statement of cash flow, and
  - d. A statement showing monies or other benefits the licensee has paid or transferred to any of the following:
    - i. Business entities affiliated with the licensee,
    - ii. The licensee's directors or officers,
    - iii. The licensee's chief executive officer or program director,
    - iv. The family member of an applicant or licensee,
    - v. Another agency, or
    - vi. Another entity.
6. The Agency shall comply with the Department's request for additional financial information.

**G. Operating a Child Welfare Agency without a license is a Class 2 Misdemeanor under A.R.S. § 8-520.****H. In addition to meeting the requirements of this Article, a residential group care facility shall be subject to the requirements set forth in Article 2.****Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-105. Life Safety and Site Inspection**

- A.** The Department shall schedule the applicant for one or more of the following:
1. A site inspection after receiving a complete initial application,
  2. A site inspection after receiving an amendment request for a facility that has moved to a new location or remodeled a current location,
  3. A site inspection prior to the renewal date on the license, and

4. Additional inspections as necessary.

**B. During the site inspection, the Department shall:**

1. Verify that the premises meets the requirements of this Chapter; and
2. Provide written documentation to the applicant or Agency detailing any deficiencies.

**C. At the site inspection, the Department shall assess the Agency and each facility, and may also:**

1. Interview management and staff,
2. Interview additional adults residing at a facility,
3. Interview children in care,
4. Observe meetings, if scheduled,
5. Review a random sample of client and staff files, and
6. Conduct site inspections to all Agency branch offices and facilities.

**D. At any time, the Department may conduct an announced or unannounced inspection of the Agency or facility to monitor compliance.****E. The Department shall give the applicant or Agency 30 days from the date of the inspection, to correct any deficiencies on a site inspection or Life Safety Inspection unless otherwise communicated by the Department through a corrective action. If the applicant or Agency does not correct the deficiency within the prescribed time frame, the Department may deny the application, subject to the applicant's or Agency's ability to reapply under this Article.****F. The Department shall complete a Life Safety Inspection on applicants for licensure of residential group care facility to verify compliance with A.A.C. Title 21, Chapter 8, Article 1.****Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-106. License; Operating Certificate; Term; Non-transferability****A. License**

1. A Child Welfare Agency license is valid for one year from the date of issuance or as described in R21-7-111 for a provisional license. The Agency may apply to renew the license annually. License renewal is not automatic.
2. Each license shall state in general terms the type of Child Welfare services the licensee is authorized to undertake, including any additional Child Welfare services the Agency may be licensed to provide under this Chapter. The licensee shall:
  - a. Identify the Agency name,
  - b. Address of the administrative office,
  - c. State the geographical area the Agency is licensed to operate, and
  - d. If licensed as a residential group care facility, the license shall also include:
    - i. Each facility the Agency operates,
    - ii. Specify children's ages and gender, and
    - iii. List the total number of children the Agency is authorized to serve.
3. An Agency shall post its current license in a conspicuous location visible to the public at its licensed location.
4. An Agency shall not transfer or assign a license.

**B. Operating Certificate**

1. If an Agency's administrative office is located separately from an Agency facility, the Department shall issue a license to the Agency and an operating certificate for each separate facility. If the Agency and facility occupy

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the same location, the Department shall issue only a license.

2. An operating certificate shall:
  - a. Identify the Agency operating the facility;
  - b. Identify the facility name, if different from the Agency name, and the geographical area in which the facility is authorized to operate;
  - c. List the type of service or program to be offered at the facility; and
  - d. Specify the number, gender, and ages of children the facility may receive for care.
3. An operating certificate is not valid unless it has been issued in the name of a licensed Agency.
4. An Agency shall not transfer or assign an operating certificate.
5. The Agency shall post a facility's current operating certificate in a conspicuous location visible to the public within the facility.
6. An operating certificate expires at the end of the agency's regular licensing year, or as described in R21-7-111 for a provisional license.

C. A license and all operating certificates associated with the license expire upon a change in ownership, unless the Department approves an amendment to the license. For the purpose of this Section, a "change in ownership" includes the following events:

1. Sale or transfer of an Agency or facility;
2. Placement of the Agency in the control of a court appointed receiver or trustee;
3. Change in the composition of the partners or joint ventures of an Agency organized as a partnership;
4. Sale or transfer of an ownership interest or stock of a corporate Agency; or
5. Loss of an Agency's nonprofit status.

D. A license issued under this Chapter may not satisfy a Child Welfare Agency's minimum contractual requirements.

#### Historical Note

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

#### R21-7-107. Child Welfare Agency Initial License Application Package

- A. The applicant shall indicate on the application provided by the Department whether the applicant is applying for a Child Placing Agency license or a residential group care facility license, including a shelter care facility.
- B. The applicant shall submit a complete application package that contains the information and supporting documentation listed in this Section.
  1. Identification and background information for the agency, facility, and administrators, on an application provided by the Department:
    - a. Name, address, telephone number, and email addresses for the Agency and each facility operated by the agency;
    - b. Name, title, business address, and telephone number of:
      - i. The CEO described in R21-7-131;
      - ii. The Program Director described in R21-7-131;
      - iii. The person with delegated authority to act when the CEO is absent;

- iv. The person designated to supervise the operations of each separate facility described in R21-7-131;
  - v. Any person holding ownership interest in the Agency; and
  - vi. The Agency and facility medical directors, if applicable;
  - c. The educational qualifications and work history for each person identified in subsection (B)(1)(b), with that person's attached resume, employment application containing a professional history, or curriculum vitae;
  - d. A list of the Agency's governing body described in R21-7-118;
  - e. A list of licenses or certificates for provision of medical or social services, currently or previously held by the applicant or any person listed in subsection (B)(1)(b), including those held in this state or another state or country, and the date the person held each license or certificate;
  - f. A written description of any proceedings for denial, suspension, or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social or human services, pending or filed, or brought against the applicant or a person listed in subsection (B)(1)(b), including those held in this state or another state or country;
  - g. A written disclosure of civil and criminal court proceedings in which the applicant or a person listed in subsection (B)(1)(b) has been a party, including:
    - i. Lawsuits,
    - ii. Dependency actions including:
      - (1) Removal of a dependent,
      - (2) Voluntary relinquishment,
      - (3) Suspension of custody, or
      - (4) Termination of parental rights;
    - iii. Charges of child abuse or neglect;
    - iv. Child support enforcement proceedings within the last five years;
    - v. Bankruptcy within the last five years;
    - vi. Adoption; and
    - vii. Any other court proceedings; and
  - h. The licensing history of any individual detailed in R21-7-118(C) and person listed in subsection (B)(1)(b) if that person has ever applied to be certified or has been licensed in any state to provide care to a child or to a vulnerable adult.
2. Demonstration of Need, as described in R21-7-104(E)(2). The applicant for a Child Welfare Agency license shall fill an unmet need in the community to serve children.
    - a. Describe the proposed geographical area, the target population, and demographics of the children it intends to serve; and
    - b. Demonstrate the ability to serve the proposed population.
  3. Business organization
    - a. An organizational chart for the Agency and each separate facility, showing administrative structure, lines of authority, and staff;
    - b. Business organization documents appropriate to the applicant, as follows:
      - i. Corporate entities. An incorporated Child Welfare Agency shall provide the Department with a copy of the Articles of Incorporation, Bylaws,

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- and the Certificate of Incorporation and Certificate of Good Standing issued by the Arizona Corporation Commission.
- ii. A Limited Liability Company (LLC) shall provide the Department with a copy of the Articles of Organization and a Certificate of Good Standing issued by the Arizona Corporation Commission.
- iii. A Partnership shall provide the Department with a copy of the Partnership Agreement and any other documents related to the Child Welfare Agency's formation and governance; and
- c. A statement as to whether the applicant is for-profit or certified by the U.S. Internal Revenue Service (IRS) as not-for-profit and a copy of the IRS certification as a not for profit.
- 4. Staff
  - a. A list of the applicant's staff on the form provided by the Department.
  - b. Evidence that staff complies with A.R.S. § 46-141 and this Chapter.
  - c. For any staff whose primary residence is in the facility or on the premises under Article 2 include:
    - i. The name and date of birth of any person residing with a staff;
    - ii. Evidence that any adult residing with a staff at the facility or on the premises has an Arizona Level One fingerprint clearance card, a Central Registry Check, and the information required in R21-7-104 and R21-7-206;
    - iii. Evidence that any adult residing with a staff is free from communicable diseases posing a danger to children in care under R21-7-206;
    - iv. The custodial relationship between the staff and any child who resides on the premises; and
    - v. Evidence that any staff's child who resides on the premises has current immunizations based on the Centers for Disease Control and Prevention recommended immunization schedule.
- 5. Financial Stability
  - a. A certificate of insurance, or letter of commitment from an insurer, showing that the applicant has insurance coverage required by R21-7-128;
  - b. Verifiable documentation of funds available to pay start-up costs; the funds shall be in the form of cash or written authorization for a line of credit;
  - c. Verifiable documentation of funds available to pay operating expenses for the first three months of operations; the funds shall be in the form of cash or written authorization for a line of credit;
  - d. Verifiable documentation of financial resources to operate under the proposed operating budget for the remaining nine months of the licensing year. The resources may include:
    - i. Cash;
    - ii. Contracts for placement;
    - iii. Donations;
    - iv. Grants; and
    - v. Authorization for a line of credit; and
  - e. Resources shall not include:
    - i. Payday Loans;
    - ii. Title Loans; and
    - iii. Promises to pay without verifiable documentation of funds.
- 6. Program
  - a. Curriculum and materials, as related to the Agency's program.
  - b. Program description of the Agency's program and services addressing the following areas:
    - i. Goals and objectives;
    - ii. All services the applicant intends to provide;
    - iii. Any organization from which the applicant will seek accreditation;
    - iv. The demographics of the children the applicant plans to serve; and
    - v. The applicant's primary source of referrals, consistent with the applicant's demonstration of need.
  - c. The program description for a residential group care facility shall include the following areas:
    - i. For each facility, the number of children the applicant will serve, including the children's age, gender, special needs, or children with specific behavioral issues;
    - ii. A general description of the number and qualifications of the applicant's executive and direct care staff including the staff-child ratio per living unit, during a 24-hour day, for a seven-day week;
    - iii. Educational activities, including the form of on-campus educational programs the applicant will offer, and a copy of Arizona Department of Education and School District approval, if also operating a school;
    - iv. Recreational activities;
    - v. Food and nutrition, with sample menus;
    - vi. Behavior management practices;
    - vii. Religious practices;
    - viii. Medical services;
    - ix. The frequency and method by which the applicant will provide or offer psychiatric, psychological, or counseling services;
    - x. Whether the applicant will utilize the child in care's independent insurance; and
    - xi. Whether the applicant will employ or contract behavioral health practitioners; and
  - d. The program description shall indicate if any area specified in subsection (b) and (c) are not applicable.
- 7. Samples of all documents, forms, and notices that the applicant will use with or provide to children placed with or by the Agency, the parents and guardians of those children, and the persons and entities who place children.
- 8. A sample file the applicant will use for the personnel records required by R21-7-129, and the child in care's record as required by R21-7-121.
- 9. The applicant's internal policies, procedures, and operations manual.
- 10. Job description summary for all positions within the agency to include education and work experience required for each position.
- 11. Physical site and environment:
  - a. Documentation showing that the local zoning authority verifies that each Agency facility complies with all applicable zoning requirements;
  - b. Fire safety inspection report from the state fire marshal or a local fire department inspector for each facility when required by the local jurisdiction;



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- c. Any other inspection certificates, inspection reports, or building occupancy certificates required by the local jurisdiction.
- d. Gas equipment inspection report for applicants under Article 2.
- 12. A written plan for orientation and training for staff and includes a method for the agency to evaluate the staff's comprehension of the orientation and training and conforms to R21-7-132.
- 13. Miscellaneous:
  - a. The notarized signature of the Agency CEO or person submitting the application, attesting to the truthfulness of the information contained in the application; and
  - b. The date of application.
- C. The applicant shall submit the Agency's policy and procedures.
- D. The Department may require the applicant to provide additional information, including a signed form permitting a specifically named person or entity to release information to the Department, if any of the following applies:
  - 1. To determine the applicant's fitness to hold a license or an operating certificate,
  - 2. The ability to perform the duties of the licensee as prescribed in this Chapter, or
  - 3. The ability to fulfill the requirements prescribed in the applicant's policy, procedure, and program description.
- ii. Program Director role as prescribed in R21-7-131;
- iii. The person with delegated authority to act when the CEO is absent;
- iv. The supervisor in charge of each separate facility;
- v. Any person holding ownership interest in the Agency; and
- vi. Agency and facility medical directors, if applicable;
- c. A list of the members of the Agency's governing body if applicable, described in R21-7-118;
- d. Any changes in licenses or certificates by the applicant or any person listed in subsection (D)(4)(b);
- e. A written description of any proceedings for denial, suspension, or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (D)(4)(b), including those held in this state or another state or country; and
- f. A written disclosure of any new or previously unreported civil and criminal court proceedings as outlined in R21-7-107(B)(1)(g) in which the applicant or a person listed in subsection (D)(4)(b) has been a party, including outcomes or updates to previously reported civil or criminal litigation;

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-108. License Renewal Requirements**

- A. No earlier than 90 calendar days and no later than 60 calendar days prior to the expiration date of a license, an Agency may apply for renewal of its license and any operating certificate.
- B. The Department may treat an Agency's failure to apply timely for renewal as a voluntary closure under R21-7-117.
- C. The Agency shall submit a complete renewal application on a form provided by the Department.
- D. With a renewal application, the Agency shall also submit the following documentation:
  - 1. Evidence of financial stability in compliance with R21-7-104;
  - 2. A certificate of current insurance coverage as prescribed in R21-7-128;
  - 3. Evidence of a passing physical site and environmental reports:
    - a. Fire inspection report from the state fire marshal or local fire department inspector for each facility when required by the local jurisdiction;
    - b. Any other inspection certificates, inspection reports, or building occupancy certificates required by the local jurisdiction; and
    - c. Gas equipment inspection report for applicants under Article 2.
  - 4. Agency identification of and the following background information for the Agency, facility, and administrators:
    - a. Name, address, and telephone; email for the Agency and each facility operated by the Agency;
    - b. Name, title, business address, and telephone number of:
      - i. The CEO for the Agency described in R21-7-131;
- 5. An organizational chart for the Agency and each separate facility, showing administrative structure, lines of authority, and staff;
- 6. A list of all applicant's staff on a form provided by the Department;
- 7. For any staff whose primary residence is at the facility, the information outlined in R21-7-107(B)(4);
- 8. An annual written report evaluating the Agency's achievement of the goals and objectives described in its application;
- 9. Copies of all written complaints the Agency has received about its performance at any facility and the Agency's response to the complaints. This does not include any licensing complaints investigated by the Department during the expiring licensing year;
- 10. A written description of any changes in program services or the children served by the Agency; and
- 11. A current list of contracts related to the Child Welfare Agency license.
- E. The Agency shall comply with the annual Central Registry Check as prescribed in R21-7-104(D)(6).

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-109. Time Frames; Administrative and Substantive Completeness Review**

- A. The Department shall review an initial, renewal, or amendment application and render a licensing decision within the required time-frames described in this Section and Table 1.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the:
  - 1. Applicant submits the application, and
  - 2. Required documentation listed in this Chapter.
- C. The Department shall complete an administrative review within 45 calendar days of receiving the information in sub-

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section (B). The Department shall conduct an administrative completeness review to determine whether all required documentation and information has been submitted within the 45 calendar days administrative review time-frame:

1. If the application package is complete, the Department shall send a Notice of Administrative Completeness to the applicant and conduct the substantive review; or
2. If the application is incomplete, the Department shall send a Notice of Incomplete Application to the applicant containing a list of items and information needed to complete the application.
  - a. The applicant shall have 30 calendar days from the date on the Notice of Incomplete Application to supply the missing items or information to the Department.
  - b. The time-frame for the administrative completeness review shall be suspended from the date the Department issues the Notice of Incomplete Application to the date the Department receives the missing item or information.
  - c. If the applicant does not supply all of the requested items or information within 30 calendar days of the date of the Notice of Incomplete Application, the Department may close the application.
  - d. If the applicant supplies all of the required items and information to the Department within 30 calendar days, the Department shall conduct a substantive review of the application.

- D. Within 30 calendar days following the conclusion of the administrative review of an application, the Department shall complete a substantive review to evaluate the applicant's fitness for licensure. Within the 30 calendar days substantive review time-frame, the Department shall:
  1. Conduct inspections as described in R21-7-105;
  2. Complete a review of licensing requirements under this Chapter; and
  3. Request that the applicant provide additional information if needed to evaluate the suitability of the applicant for licensure.
    - a. The applicant shall have an additional 30 calendar days from the date of the request, to provide the information to the Department.
    - b. The time-frame for the substantive review shall be suspended from the date the Department requests additional information to the date the Department receives the information.
- E. Within an overall time-frame of 75 calendar days, not including suspended time-frames, the Department shall:
  1. Complete an administrative review of an application,
  2. Complete a substantive review of an applicant's fitness, and
  3. Notify the applicant of the decision to grant or deny the application.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**Table 1. Time Frames**

Process	Responsible Party	Time-frame for Completion
Apply for renewal of license	Applicant/Licensee	90 calendar days and no later than 60 calendar days prior to the expiration of license
Administrative completeness review	Department	Maximum of 45 calendar days
Respond to the Notice of Incomplete Application	Applicant/Licensee	Maximum of 30 calendar days (overall time-frame is suspended during this time)
Substantive review	Department	Maximum of 30 calendar days
Respond to request for additional information to evaluate fitness, includes any corrections cited during an inspection of the facility	Applicant/Licensee	Maximum of 30 calendar days (overall time-frame is suspended during this time)
Overall time-frame for a licensing decision	Department	Maximum of 75 calendar days

**Historical Note**

New Table 1, Time Frames made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-110. Licensing Decision**

- A. The Department shall issue a written licensing decision within the time-frames listed in R21-7-109.
- B. The Department shall issue a license if the Department determines that an applicant or licensee is in full compliance with all applicable licensing requirements in this Chapter.
- C. The Department may issue a provisional license as described in R21-7-111 if the applicant is in substantial compliance with non-safety licensing requirements.
- D. The Department may issue a license if the licensee is in substantial compliance based on information available during an investigation.
- E. The Department shall notify the Agency of the licensing decision.
- F. The Department may restrict or limit the license, including the capacity, age, or gender of children that may be placed in residential group care facility.

- G. The Department may renew an Agency license for a facility in the same location as the Agency, but deny renewal of an operating certificate for one or more facilities in separate locations.
- H. If the Department denies a license based on noncompliance to correct deficiencies an applicant or group of applicants, made up of one or more of the same persons, shall not re-apply for 180 calendar days after receipt of a licensing denial notice. Upon reapplication:
  1. The applicant or group of applicants shall provide evidence to the Department that the applicant has corrected the deficiencies identified in the denial notice.
  2. The Department shall deny any reapplication without further evaluation if the applicant or group of applicants has not provided evidence that the Agency has corrected the deficiencies.
  3. An applicant or group of applicants shall not reapply for another 180 calendar days after each subsequent denial

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based on its noncompliance to correct deficiencies identified during the licensing process.

- I. The Department may deny the application if the applicant fails to demonstrate the need for the services. If the Department denies an applicant solely based on a lack of demonstrated need for a Child Welfare Agency, the Department's denial shall not negatively impact any future application the applicant submits for Child Welfare Agency licensure.
- J. A Child Welfare Agency is limited to the capacity, age, gender, and other conditions or restrictions specified on the license and operating certificate.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-111. Provisional License**

- A. The Department may issue a provisional license on an application when:
  - 1. There is a demonstrated need for the services;
  - 2. An agency is temporarily unable to conform to all licensing standards, including payment of fees as described in R21-7-136;
  - 3. The deficiencies are minor, correctable, and not potentially injurious to the safety or welfare of a child in care; and
  - 4. The agency agrees to correct the deficiency or deficiencies.
- B. The Department shall not issue a provisional license for longer than six months.
- C. The Department shall not renew a provisional license.
- D. The Agency shall cooperate with the Department to develop a written Corrective Action Plan prior to the issuance of a provisional license.
- E. An Agency issued a provisional license shall comply with the terms of the Corrective Action Plan.
- F. If an agency receives a provisional license and the provisional license is later converted to a regular license, the regular license expires one year from the issuance of the provisional license.
- G. The Department's decision to issue a provisional license is not appealable.
- H. If the Department denies a regular license when the provisional license expires, the Department shall send a notice of adverse action.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-112. Alternative Method of Compliance**

- A. The Department, after consultation with the Attorney General's Office, may permit a licensee to substitute an alternative method of compliance for a licensing requirement or objective prescribed in this Chapter and not otherwise required by law, if the following conditions are met:
  - 1. The licensee seeking to achieve compliance through an alternative method proposes, to the satisfaction of the Department, that the licensee can satisfy the objective of the requirement through the alternative method; and
  - 2. Allowing the licensee to achieve compliance through an alternative method will not jeopardize the health, safety, or well-being of a child in care.

- B. Permission of an alternative method expires as prescribed in the written notice provided by the Department. The licensee shall request a renewal of the previously permitted alternative method of compliance at time of license renewal.
- C. The Department is not obligated to permit an alternative method of compliance or to renew approval of the alternative method of compliance.
- D. The Department shall document the alternative and the findings required by subsection (A) in the licensing file.
- E. The Department may revoke the licensee's permission to comply through an alternative method if the Department finds that a condition listed in subsection (A)(1) or (2) is not met.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-113. Corrective Actions**

- A. When the Department finds a violation of this Chapter, the Department shall notify the Agency of the violation under this Section.
- B. Corrective Action Plan
  - 1. The Department may require the Agency to prepare a Corrective Action Plan for the Department's review and approval.
  - 2. A Corrective Action Plan submitted by the Agency shall contain the following information:
    - a. A list of the license violations requiring correction,
    - b. How the Agency will remedy the violations,
    - c. The time period for completing all corrective actions,
    - d. Agency staff responsible for carrying out the corrective action plan, and
    - e. A requirement for the Agency to send the Department a final report when all corrective action is completed.
  - 3. A signature by the licensee or authorized representative and the date the Corrective Action Plan is signed.
  - 4. The Department shall ensure that a Corrective Action Plan submitted by the Agency includes all requirements listed in subsection (B)(2).
  - 5. The Department may require additional information prior to accepting the Corrective Action Plan submitted by the Agency.
  - 6. The Department may monitor the Agency's progress in completing the Corrective Action Plan.
- C. The Department shall notify the licensee of a violation through a Directive Corrective Action Plan. The notification shall include:
  - 1. The rule violated;
  - 2. The expected resolution of the violation;
  - 3. The expected evidence to prove that the agency has complied; and
  - 4. The expected date the violation is to be remedied.
- D. At any time, the Department may conduct an announced or unannounced inspection of the Agency or facility to monitor corrections required by a Corrective Action Plan or Directive Corrective Action Plan.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-114. Denial, Suspension, and Revocation of a License**

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**ing Application, License, or Operating Certificate**

**A.** The Department may deny a licensing application, suspend or revoke any license or operating certificate when:

1. An applicant or licensee refuses or fails to comply with the applicable licensing requirements of this Chapter, Arizona state or federal laws, and city or county ordinances or codes;
2. An applicant or licensee refuses to cooperate with the Department in providing information required to determine compliance with the applicable licensing requirements of this Chapter, and the Department's efforts to ensure compliance;
3. An applicant or licensee misrepresents or fails to disclose information to the Department regarding licensing requirements including management or staff qualifications, experience, or performance of duties;
4. An applicant or licensee does not comply with A.R.S. § 46-141. This does not include individuals who have received a good cause exception under A.R.S. § 41-619.53 and has been issued a Level One fingerprint clearance card by the Arizona Department of Public Safety;
5. An applicant or licensee knowingly allows an adult to reside at the facility without a valid Arizona Level One fingerprint clearance card or has been convicted of or is awaiting trial on the criminal offenses listed in A.R.S. §§ 46-141 and 41-1758.07;
6. An applicant or licensee allows an adult to reside at the facility who has a substantiated report of child abuse or neglect;
7. The licensee fails to cooperate in developing a Corrective Action Plan after a request by the Department, or fails to comply with a Directive Corrective Action Plan issued by the Department within the required time period;
8. An applicant or licensee is unable or unwilling to provide for the physical, emotional, social, educational, or psychological needs of children in care; or
9. An applicant or licensee had a license or certification to provide care to a child or vulnerable adult denied, suspended, or revoked.

**B.** The Department shall deny, suspend, or revoke a license when an Agency:

1. Knowingly retains staff who have been convicted of or are awaiting trial on the criminal offenses listed in A.R.S. § 41-1758.07;
2. Allows an adult other than those described in subsection (C), who has been convicted of or is awaiting trial on the offenses listed in A.R.S. §§ 46-141 and 41-1758.07, to reside at a facility; or
3. Allows any staff or any other adult residing at the facility, who has committed an offense listed in A.R.S. §§ 46-141 and 41-1758.07, to have contact with children in care.

**C.** The Department may deny or revoke a Child Welfare Agency license if the Agency hires or retains any staff convicted of or is awaiting trial on any offense that would preclude the issuance of a Level One Fingerprint clearance card under A.R.S. § 41-1758.07(B) or (C).

**D.** The Department may deny or revoke a Child Welfare Agency License if the Agency hires or retains any staff determined to have a pending or substantiated DCS Report for Investigation on the Central Registry for a disqualifying act and has not received a good cause exception under A.R.S. § 41-619.53.

**E.** The Department may deny, suspend, or revoke a license if the applicant or licensee of the Agency:

1. Is listed as a perpetrator in a substantiated report of abuse or neglect on a child or vulnerable adult; or
2. Is the subject of an open DCS Report for investigation.

**F.** The Department may initiate an adverse action if the Department concludes that:

1. A violation of licensing requirements is not correctable;
2. A violation of licensing requirements poses a risk to the health, safety, or well-being of a child in care;
3. The Agency has a history or pattern of similar violations with licensing and Child Welfare rules, statutes, or local codes, as evidence that the applicant or licensee is unable or unwilling to meet the needs of children in care;
4. A violation is ongoing and was not corrected through corrective action; or
5. The Agency has a pattern or history of failing to provide safe care or complying with licensing requirements.

**G.** The Agency shall not accept any additional placements until the process of adverse action is finalized and the Agency has exhausted all appeal rights.

**H.** The Department may reinstate a suspended license or discontinue a process of adverse action if the Department determines the licensee has corrected the reason for the adverse action.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-115. Adverse Action; Procedures**

**A.** The Department shall give the licensee written notice of an adverse action by certified mail.

**B.** The Department may consider the following factors when making a determination for an adverse action:

1. The nature of the violation,
2. Any history of prior violations,
3. Licensee's implementation and compliance with a corrective action, and
4. Other comparable factors demonstrating the licensee's ability and willingness to follow through with corrective actions to avoid future violations.

**C.** The notice shall specify:

1. Reasons supporting the action;
2. The action taken;
3. The sections of law, rule, or ordinance justifying the action;
4. The procedures by which an applicant or licensee may appeal the adverse action taken and the time frame to appeal; and
5. A description of the applicant or licensee's right to request an informal settlement conference as prescribed in A.R.S. § 41-1092.03.

**D.** A suspension of the license or an operating certificate shall detail the finding of a health, safety, or welfare concern that imperatively requires emergency action as prescribed in A.R.S. § 41-1064.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-116. Appeals**

**A.** An applicant or licensee shall have the right to appeal an adverse action under the timeframes and procedures as outlined in A.R.S. § 8-506.01 and A.A.C. Title 21, Chapter 1, Article 3.

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- B. If a child in care has been removed from the Child Welfare Agency because of a health, welfare, or safety issue, the child shall not return to the Child Welfare Agency while the appeal is pending.
- C. The following are not appealable:
  - 1. Corrective Action Plan;
  - 2. Parameters specified by the Department on the license or operating certificate, including the capacity, age group, gender, and other conditions or restrictions; and
  - 3. Denial or revocation of approval for an alternate method of compliance.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-117. Voluntary Closure**

- A. An applicant or licensee may voluntarily withdraw an application for licensure or close the license by submitting written notice to the Department.
- B. If there are no children placed or being served by the licensee the withdrawal or closure shall be effective on the date selected by the licensee or, if no date is selected by the licensee, the date of notification to the Department.
- C. If the licensee has a child in care, a licensee shall notify the Department and the Placing Entity 30 calendar days before the voluntary closure date.
- D. The licensee's written notice shall contain the following information:
  - 1. The reason for the closure; and
  - 2. If currently licensed, the date by which the agency will close.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-118. Governing Body**

- A. The licensee shall have a governing body to oversee or advise the operations, policies, and practices of the Agency and its facilities. The governing body shall be:
  - 1. The Board of Directors for an Agency that is a corporation, or other entity that has a board of directors; or
  - 2. For an Agency that is not a corporation, the individual who owns the Agency, a group of owners, partners, or the members of a limited liability company that govern the Agency as required by this Section.
- B. The governing body shall:
  - 1. Review, approve, and adopt a written scope of services;
  - 2. Ensure that the licensee provides the services described in the licensee's program description;
  - 3. Review and approve Agency policy and procedures, including any amendments or updates, prior to implementation and submission to the Department;
  - 4. Adopt an annual budget of anticipated income and expenditures necessary to provide the services described in the licensee's program description;
  - 5. Review the licensee's annual financial audit report;
  - 6. Review and approve a policy and procedure for selection and retention of staff sufficient to operate the Agency and its facilities in accordance with this Chapter;
  - 7. Meet at a minimum of once a year;
  - 8. Develop criteria and written procedures for selection of the governing body members and the CEO;

- 9. Employ a CEO who meets the qualifications prescribed in R21-7-131, to whom the governing body, if a corporation, shall delegate responsibility for the daily administration and operation of the agency; and
- 10. Review the annual summary report submitted by the CEO as outlined in R21-7-119.

- C. The Agency shall maintain a list of the governing body's members. The list shall include each member's name, address, phone number, term of membership, position in the Agency, and relationship to the licensee, if any. The Agency shall provide the list to the Department upon request or as required during an application process.
- D. The Agency shall report to the Department all changes in composition of the governing body or officers of the Agency, in writing within 30 calendar days of a change.
- E. The Agency shall ensure all governing body members comply with the requirements of A.R.S. § 46-141 and provide evidence of a valid Arizona Level One fingerprint clearance card.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-119. Quality Management**

The Chief Executive Officer shall:

- 1. Develop and implement a written plan for ongoing quality management that, at a minimum, includes a method to:
  - a. Identify, document, and evaluate incidents;
  - b. Collect data to evaluate services provided to children;
  - c. Evaluate the data collected to identify a concern about the delivery of services related to children in their care; and
  - d. Make changes or take action as a result of the identification of a concern about the delivery of services related to children in their care;
- 2. Submit an annual summary report to the governing body that includes:
  - a. An identification of each concern about the delivery of services related to children in care; and
  - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to children in care;
- 3. Maintain the report required in subsection (2) and the supporting documentation for the report as indicated in R21-7-122; and
- 4. Submit the plan for ongoing quality management and the annual summary report to the Department at license renewal.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-120. Child's Service Plan: Preparation; Review; Planning Participants**

- A. A child in care shall have a personalized service plan tailored to the child's unique background, strengths, and needs created by the licensee unless otherwise provided. The plan shall include, at a minimum, the following information:
  - 1. A description of services the child is to receive while in care, including services to ready the child for discharge from the program;

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2. Goals and objectives for the child;
  3. Dates and timelines for achieving each goal and objective;
  4. Recommendations for any care after discharge;
  5. Identification of persons invited to participate in service planning;
  6. The names and, if available, signatures of the persons who participated in service planning; and
  7. Identification of persons responsible for implementing the service plan, with an explanation of each person's role for after the child's discharge.
- B.** The licensee shall review and update a child's service plan at least every 90 calendar days.
- C.** The licensee shall invite, or delegate the responsibility for inviting, at least the following persons to participate in development and review of the service plan:
1. A representative from the Placing Entity;
  2. A representative of the Child Welfare Agency, if applicable;
  3. The child, if the child's presence is developmentally appropriate; and
  4. The child's parent or guardian.
- D.** The licensee shall allow planning participants to participate in service planning through the following methods:
1. Attendance at a planning meeting,
  2. Submission of a written report or documentation,
  3. Review and approval of the plan through signing and dating, or
  4. Audio or audio-visual teleconference.
- Historical Note**  
New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).
- R21-7-121. Records and Reports: Contents; Maintenance; Destruction**
- A.** The licensee shall maintain and report accurate data on children receiving services, and staff employed, as requested by the Department.
- B.** The licensee shall maintain a current, separate record for each child in care in the following manner:
1. The record shall be readily accessible to the child's parent, guardian or persons providing services to the child unless prohibited by law or court order and shall include at least the following information:
    - a. The name, gender, race, religious preference, birthdate, and birthplace of the child;
    - b. The name, address, telephone number, marital status of the child's parents, and any court orders regarding custody;
    - c. The date of admission and source of referral; and
    - d. The name, address, telephone number, and relationship to the child of the person with whom the child was living prior to admission, if other than the child's parent;
  2. Each record shall be kept up-to-date, confidential, consistently organized, and contain the following information:
    - a. All documents related to the child's referral and admission of the child to the facility;
    - b. Documentation of the current custody and guardianship of the child;
    - c. The child's court status, if applicable;
    - d. The terms of the child's probation, if applicable;
- e. Consent forms signed by the Child Placing Agency or authorized person at the time of placement, allowing the licensee to authorize necessary medical care, medications, routine tests, and immunizations;
  - f. Contact information for the child's primary care physician, primary dental physician, behavioral health provider, and any other medical professional or health care provider involved in the child's care;
  - g. The Agency's service plan for each child in their care and all reviews, revisions, notes, and updates reflecting the child's goals, family's goals, and Child Placing Agency's goals, if applicable, and progress towards achievement of goals;
  - h. Education records and reports;
  - i. Vocational training and employment records, if applicable;
  - j. Treatment and clinical records and reports; and
  - k. The discharge summary required by R21-7-215; and
- 3.** The licensee shall maintain health records for each child in care, including the child's medical, dental and behavioral health insurance information. The records shall include the following information, if available to the licensee:
- a. Any medical records provided to the licensee by any medical, dental, or behavioral health provider, the Department, parent or guardian, or another source;
  - b. The name of the person or Agency bearing financial responsibility for the child's health care;
  - c. The child's past medical history and current medical record while in care, including:
    - i. Well-child visits;
    - ii. Diagnosis;
    - iii. Visit or after care summaries;
    - iv. Immunizations administered in the past and those provided while in care;
    - v. Serious illness or injury;
    - vi. Surgery;
    - vii. Allergies;
    - viii. Adverse drug reaction;
    - ix. Record of vision and hearing screening and physical and dental examinations;
    - x. Record of any treatment provided for a specific illness or medical emergency, including the name and location of the medical personnel who provided treatment;
    - xi. Developmental history;
    - xii. Medication history, in the past and provided while in care;
    - xiii. History of any alcohol or substance abuse or treatment;
    - xiv. Record of any medication errors; and
    - xv. Documentation showing the licensee's efforts, consistent with the terms of the placing agreement, to obtain glasses, hearing aids, prosthetic devices, corrective physical or dental devices, or any other health equipment recommended by a child's attending medical professional, or dentist.
- 4.** Documentation of reasonable efforts to obtain all required information.
- C.** Licensee shall transfer the medical records to the Department if the child is in the custody of the Department or to an authorized person when the child in care is discharged from the

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licensee's care. Licensee shall maintain proof of transfer in the child's record.

- D. Licensee shall ensure all record entries are made in ink or electronically. The licensee shall require staff to date and legibly sign entries in a child's records. The licensee shall ensure records are properly maintained, secured, and protected against loss or corruption.
- E. If the licensee maintains a child's records in more than one place, the licensee shall:
  1. Identify, in one location that is readily accessible for inspection by the Department, the location of all parts of the record; and
  2. Consolidate all records and notes into one case file, at one location, within 15 calendar days following either:
    - a. A request for consolidation from the Department; or
    - b. The date of the child's discharge from the facility.
- F. The licensee shall maintain a child's record for the longest of the following time periods:
  1. Five years after the child's last discharge from the licensee's care;
  2. Three years after the child's 18th birthday; or
  3. Another time period specified by applicable law or contract.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-122. Confidentiality**

- A. The Department shall maintain the confidentiality of any applicant or licensee and facility address under A.R.S. § 8-502.
- B. The Department shall maintain the confidentiality of a source filing a licensing complaint.
- C. Except as otherwise allowed under A.R.S. § 8-807 or otherwise authorized by law, a licensee's records concerning a child in their care and the child's family are confidential and the licensee shall not disclose or knowingly permit the disclosure of confidential information.
- D. The Agency shall keep all child records and Agency financial records in a locked, fire-resistant file or in a password protected electronic filing format. The Agency shall ensure records are properly maintained, secured, and protected against loss or corruption. The Agency shall limit access to child records to authorized staff and to the Department.
- E. The licensee shall maintain written policy and procedures to keep the Agency's records secure in a manner that preserves confidentiality and prevents loss, tampering, or unauthorized use. The policy and procedures shall:
  1. Be consistent with any laws applicable to the specific records; and
  2. Cover the following:
    - a. The manner in which children's records are maintained, stored, and destroy;
    - b. Identification of the staff who:
      - i. Supervise the maintenance of records,
      - ii. Have custody of records, and
      - iii. Have access to records;
    - c. The persons to whom records may be released and under what circumstances records may be released, including release of information to custodial and non-custodial parents and guardians;
    - d. The protection of children in care against public identification; including through social media; and

- e. Photography, and audio or audio-visual recording, which shall include:
  - i. Circumstances under which photographs and audio or audio-visual recordings are created;
  - ii. Methods and timeframe of storage;
  - iii. Circumstances under which the licensee will access the material;
  - iv. Who may access the material;
  - v. Location in and outside of the facility in which photography and audio or audio-visual recording is prohibited; and
  - vi. Access by the Department.

- F. Before using personally identifiable information for publicity, fundraising, or research, a licensee shall obtain:
  1. A written consent to release, from a parent or guardian; or
  2. A court order, if the child is a ward of the court.
- G. The licensee may release personally identifiable information about a child in care or family to a person who requires the information to treat or provide services to the child unless the release is prohibited by law.
- H. A consent to release of information shall include:
  1. The name of the person or entity to whom the information is to be released;
  2. A description of the information to be disclosed;
  3. The reason for disclosure;
  4. The expiration date of consent, not to exceed six months from date of signature; and
  5. The dated signature of the person or Placing Entity's representative authorizing the release.
- I. Notwithstanding any other provision of this Chapter, in a medical emergency, the licensee shall promptly release necessary information to the person or entity providing the child in care with services related to the emergency.
- J. Records Storage Space
  1. The licensee shall maintain or have available a physical space for records storage that protects confidentiality and provides security against theft, unauthorized release, security breach, damage, and loss.
  2. The records storage space may be a space for hard copy records, a server for electronic and digital records, or both.
  3. The licensee shall lock all hard copy records and shall encrypt and password protect electronic records.
  4. If the Agency contracts for storage space the contract shall include:
    - a. A provision that all data is owned jointly by the licensee and the Department and that a contractor may not use or disseminate the data in any way;
    - b. A provision that the contractor shall return all data immediately upon cessation of the contract; and
    - c. A provision requiring security against theft, unauthorized release, security breach, damage, and loss of records.
- K. The licensee shall comply with all record retention laws and the Department's record retention schedules.
- L. The licensee shall destroy records in a manner that maintains confidentiality and shall comply with all applicable laws.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
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**R21-7-123. Changes; Notification to the Department**

- A. The licensee shall notify the Department of the following changes at least 30 calendar days prior to the change:
1. Licensee's name;
  2. A change in ownership, governing board member, or individuals identified in R21-7-107(B)(1)(b);
  3. Plan to remodel a facility or administrative location;
  4. Agency policy and procedure;
  5. Agency program;
  6. Change in profit or non-profit status; or
  7. Any circumstance requiring an amendment to the license or operating certificate as prescribed in R21-7-124.
- B. If a change in governing board member, CEO, or program director occurs without sufficient time for prior written notice, the licensee shall notify the Department as soon as the licensee is aware of the change, but no later than two workdays of the change.
- C. The Department may request additional information or deny any proposed changes that are inconsistent with licensing requirements.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-124. Amendment; License; Operating Certificate**

- A. A Child Welfare Agency shall request an amendment to modify their license or operating certificate on the Department's prescribed application form for the following:
1. License type,
  2. The parameters of the license or operating certificate as prescribed in A.R.S. § 8-505,
  3. Relocation of an administrative location or facility,
  4. Additional facility, or
  5. Completed remodel of a facility or administrative location.
- B. The Department may issue an amended license or amended operating certificate if the change does not cause the Agency or facility to be out of compliance with applicable statutes, local laws and relevant Sections of this Chapter.
- C. The Department shall not issue an amended license for an Agency or an amended operating certificate for a facility that has moved to a new location or remodeled until the Agency or facility:
1. Provides the information listed in R21-7-123;
  2. Corrects deficiencies from the Life Safety Inspection;
  3. Corrects deficiencies from a site inspection;
  4. Complies with physical site and environmental requirements:
    - a. Documentation showing that the local zoning authority verifies that each Agency facility complies with all applicable zoning requirements;
    - b. Fire safety inspection report from the state fire marshal or a local fire department inspector for each facility when required by the local jurisdiction;
    - c. Any other inspection certificate, inspection report, or building occupancy certificate required by the local jurisdiction; and
    - d. Gas equipment inspection report for applicants under Article 2; and
  5. Complies with fingerprinting and background checks under A.R.S. § 46-141 and R21-7-104 for any new staff and adults residing in a facility.

- D. The Department's decision to either approve or deny the application shall be based on compliance with this Chapter.
- E. An amended license or operating certificate expires at the end of the Agency's regular licensing term.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-125. Staff: Notification; Hiring; Changes; Monthly Report**

- A. Prior to the staff's start date the licensee shall:
1. Enter the information contained in the completed background check authorization form in the Department's electronic database;
  2. Request a Central Registry Check for the staff through the Department's electronic database; and
  3. Ensure the staff is in compliance with A.R.S. § 46-141.
- B. The Department shall notify the licensee if the staff has a substantiated finding of child abuse or neglect or does not have a valid Level One fingerprint clearance card.
1. If the staff has a substantiated finding on the Central Registry, the licensee shall:
    - a. For non-disqualifying act provide the Department within 72 hours of notification a written plan detailing the licensee's determination on employment including the staff's job responsibilities; or
    - b. For disqualifying act where the staff has received a good cause exception as prescribed in A.R.S. §§ 8-804 and 41-619.57, provide the Department within one workday of notification a written statement on a form provided by the Department detailing the licensee's determination on employment including the staff's job responsibilities; or
    - c. For a disqualifying act where the staff has not received a good cause exception, provide the Department within one workday of notification a written statement on a form provided by the Department detailing the staff has been suspended or separated from employment with the licensee.
  2. If the staff does not have a valid Level One fingerprint clearance card, the licensee shall provide the Department within 72 hours of notification a written statement on a form provided by the Department detailing the staff has been suspended or separated from employment with the licensee.
- C. The licensee shall submit to the Department, on a monthly basis, a list of staff on a form provided by the Department.
- D. The licensee shall enter any changes to employment, including separation, with the licensee in the Department's electronic database within five workdays from the date of the change.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-126. Emergency and Disaster Plan**

- A. An Agency shall have an emergency and disaster plan as required by A.A.C. Title 21 Chapter 8 Article 1.
- B. An Agency shall make a copy of the emergency and disaster plan available upon the Department's request.

**Historical Note**



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New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-127. Transportation****A. Vehicles**

1. The licensee shall ensure that each vehicle used for the transportation of a child in care:
  - a. Is mechanically sound and in good repair;
  - b. Has heating and air conditioning units that work efficiently;
  - c. Has documentation of regular, routine maintenance and repairs;
  - d. Conforms to applicable motor vehicle laws;
  - e. Carries first aid supplies;
  - f. Carries emergency roadside supplies;
  - g. Has equipment appropriate to the terrain and the weather; and
  - h. Has current registration and insurance.
2. The licensee shall not allow the number of individuals in a vehicle used to transport a child in care to exceed the number of available seats and seat belts in a vehicle other than a bus. If the vehicle is a bus, the licensee shall not exceed the maximum stated occupancy on the bus inspection certificate.
3. The licensee serving a non-ambulatory child in care or a child with a disability shall provide access to transportation that accommodates the child's special needs and disability.

**B. Car Seats and Seat Belts**

1. The licensee shall keep the correct number and type of child car seats at the facility appropriate for the ages of the children in their facility.
2. The licensee shall ensure that each car seat is properly installed prior to transporting any child requiring a car seat in accordance with state law.
3. The licensee shall ensure that each vehicle, except for a bus, used to transport a child has passenger safety restraints available and will utilize the safety restraints according to state and federal law.
4. The licensee shall ensure each child with a disability that prevents the child from maintaining head and trunk control while sitting is secured in a car bed, harness, or other device designed to protect the child during transportation.
5. The licensee shall ensure when a child is transported in a wheelchair, the child is properly secured with a floor-mounted seat belt, and the wheelchair is properly immobilized using lock-down devices.

- C. The licensee shall not transport a child in a truck bed, cargo area, camper, or in a trailer attached to a motor vehicle.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-128. Insurance**

- A. The licensee shall procure and maintain, at all times, insurance coverage that provides protection against financial loss.
- B. The licensee shall carry insurance per the terms of their contract. The following insurance coverages with limits of liability shall not be less than those stated below.
  1. Commercial General Liability – Occurrence Form. The policy shall include bodily injury, property damage, personal injury and contractual liability.
    - a. General Aggregate \$2,000,000;

- b. Products – Completed Operations Aggregate \$1,000,000;
- c. Personal and Advertising Injury \$1,000,000;
- d. Damage to Rented Premises \$500,000;
- e. Each Occurrence \$1,000,000.
2. Business Automobile Liability.
  - a. The policy shall cover both bodily injury and property damage for any owned, hired, or non-owned vehicles used in the performance of licensee's operations;
  - b. Combined Single Limit (CSL) \$1,000,000.
3. Worker's Compensation and Employers' Liability.
  - a. Workers' Compensation: Statutory;
  - b. Employers' Liability, each Accident \$1,000,000;
  - c. Disease:
    - i. Each Employee \$1,000,000;
    - ii. Policy Limit \$1,000,000.
  - d. This requirement shall not apply separately to a licensee that is exempt under A.R.S. § 23-901.
4. Professional Liability (Errors and Omissions Liability).
  - a. Each Claim \$1,000,000;
  - b. Annual Aggregate \$3,000,000;
  - c. The policy shall be endorsed to include coverage for sexual abuse and molestation in an amount not less than \$500,000. The policy shall include this statement: "Sexual Abuse and Molestation coverage is included."
- C. Licensee shall not allow its policies to be suspended, canceled, materially changed, or to expire without 30 days' prior written notice to the Department.
- D. Licensee shall provide the Department with verification of the above insurance coverages.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-129. Staff Management and Records**

- A. The licensee shall have written policy and procedures governing staff that describes:
  1. How the licensee recruits, screens, hires, supervises, trains, retains, develops, evaluates, disciplines, and terminates;
  2. How the licensee handles resignations;
  3. A job title and description, for each position within the Agency and each facility;
  4. The duties assigned to each position;
  5. How the licensee handles grievances;
  6. A method to assure privacy of records; and
  7. How the licensee handles personnel issues.
- B. The licensee shall employ an individual only after careful evaluation of the applicant including personal or professional references as to character, skills, knowledge, and experience.
- C. The licensee shall provide all staff a copy of the person's own job description and a copy of, or allow access to, the licensee's policies and procedures.
- D. The licensee shall maintain a personnel record for all staff. The record shall include the following information:
  1. Application for employment including previous employment history;
  2. Verification or documentation of reference checks as required in R21-7-130 and signed and dated by staff who completed the reference check;

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3. Documentation of the highest level of education achieved. The documentation may include a copy of a diploma, equivalence certificate, or record of notes of calls to educational institutions;
  4. Medical examination reports showing that direct-care staff is free from communicable diseases as required by R21-7-206;
  5. Medical examination reports on any other adult residing at the facility showing that the adult is free from communicable diseases as required by R21-7-206;
  6. Medical and immunization records for a child who resides at the facility, but is not a child in care, as required by R21-7-206;
  7. Copies of applicable professional licenses, credentials, and certifications;
  8. Documentation showing that the staff has read their job description, and acknowledges understanding of the functions and requirements of the position. The document shall include the dated signature of the staff, and shall also provide verification that the staff was given a copy of the job description;
  9. Front and back copy of a valid Arizona Level One fingerprint clearance card as required by A.R.S. § 46-141 and R21-7-104;
  10. Records of all orientation and training received during employment;
  11. Signed documentation showing that the direct-care staff has read and agrees to abide by the facility's behavior management policies and procedures;
  12. Signed documentation showing that the staff has read and agrees to abide by the duty to report child abuse or neglect as described in A.R.S. § 13-3620;
  13. Documentation showing that the staff has a valid driver's license if transporting children;
  14. Reports of all performance evaluations;
  15. Documentation of any personnel actions or investigations;
  16. If applicable, copy of the completed Central Registry form with evidence of submission of the form to the Department;
  17. Dates the staff started and separated from employment; and
  18. An Agency shall record, on a form provided by the Department, when a staff resigns, retires, or is discharged, the date and reason for termination.
- E. The licensee shall keep personnel records for at least three years after the staff's separation from the licensee.
- F. The licensee shall maintain the following records for all staff training:
1. Training provided by internal staff:
    - a. Lesson plan or training outline that includes the class title, contact hours, learning objectives, and titles of video and audio materials used;
    - b. Class roster that includes the instructor name, class title, location of training, trainee name, trainee initials, or signature to confirm attendance;
    - c. Assessment Results; and
    - d. Class materials including: PowerPoints, handouts, and student workbooks, and materials;
  2. Training provided by external providers:
    - a. Documented proof of attendance and successful completion; and
    - b. Assessment results, if available; and

3. Verification of current adult and pediatric cardiopulmonary resuscitation (CPR) and first aid certification for direct care staff.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-130. General Qualifications for Staff**

- A. The licensee shall ensure that all staff are currently certified, registered, or licensed as required by state law and applicable to their position.
- B. The licensee shall ensure that all staff certify, on notarized forms provided by the Department, whether the staff is awaiting trial on or has ever been convicted of any of the criminal offenses listed in A.R.S. § 41-1758.07.
- C. For all staff, the licensee shall obtain and document at least two references as follows:
1. Current or most recent employment through reference checks; and
  2. At least one reference from persons not related to the staff by blood or marriage, who can attest to the staff's character, knowledge, and skill.
- D. The licensee shall ensure that:
1. Direct care staff is certified in adult and pediatric cardiopulmonary resuscitation (CPR) prior to providing direct care to children; and
  2. Direct care staff is certified in first aid by the American Red Cross, the American Heart Association, the Arizona Chapter of the National Safety Council, or any other provider whose program contains core elements similar to these entities, and contains a demonstrative component prior to providing direct care to children.
  3. Training and certification solely provided on-line shall not be accepted.
- E. The licensee may allow one staff to perform multiple functions or fill more than one position if:
1. The staff performing multiple functions is qualified for the jobs held; and
  2. The licensee does not violate the applicable requirements of this Chapter.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-131. Standards; Qualifications for Specific Positions**

- A. All positions, including executive positions shall:
1. Conduct themselves professionally and ethically;
  2. Comply with federal and state laws and rules, Agency policies and directives;
  3. Immediately correct problems to ensure the safety of children in care;
  4. Maintain high standards of honesty, integrity, and impartiality, free from personal considerations, or favoritism;
  5. Be courteous, considerate, and prompt in interactions with the children in care and service providers including the Department;
  6. Conduct themselves in a manner that will not bring discredit or embarrassment upon the Agency or the Department;
  7. Use sound, professional and ethical judgment;
  8. Be accessible to representatives of the Department, and other governmental agencies. As used in this subsection,

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“accessible” means readily available to answer questions and address problems or emergencies that arise, either personally or through a chain of command; and

9. Be considered as potentially having contact with children and shall:
  - a. Obtain and maintain a Level One fingerprint clearance card and
  - b. Obtain a Central Registry clearance check in accordance with the requirements of this Chapter.
- B. The licensee shall have a CEO whose role is to oversee the Agency, and who:
  1. Is responsible for general management, administration, and operation of the Agency according to this Chapter;
  2. Ensures that:
    - a. Each child in care receives necessary professional services including psychological; educational, medical and other services, as recommended by a professional in that field;
    - b. Appropriately qualified staff render services to children in their care; and
    - c. The Agency remains in compliance with all statutes and rules;
  3. Shall have management experience and meet any other qualifications required by the governing body; and
  4. Shall designate a qualified person to perform the CEO’s responsibilities whenever the CEO is inaccessible.
- C. The licensee shall have a Program Director whose role is to be responsible for the development, implementation and supervision of the Agency program and services, and who shall:
  1. Be a resident of Arizona; and
  2. Have at least one of the following sets of minimum qualifications:
    - a. A master’s degree in social work or a related area of study in the human services field from an accredited school;
    - b. A bachelor’s degree in social work or a related area of study in the human services field from an accredited school and two years’ experience in the child welfare or child care services field; or
    - c. At least six years’ experience in the child welfare or child care services field.
- D. The licensee shall have direct care staff whose role is to supervise, care for, and nurture a child in care and shall have at least:
  1. A high school diploma or equivalency degree and one year experience in providing direct care to children; or
  2. One year post-high school education in a program leading to a degree in the field of child welfare, human services, or other related field of study.
- E. The licensee shall have a supervisor whose role is to supervise, evaluate, and monitor the work of the direct care staff and who shall:
  1. Meet the requirements of direct care staff; and
  2. Have at least an additional two years of any combination of the following:
    - a. Paid child care or child welfare related experience, or
    - b. Post-high school education in social work or a related field.
- F. Any licensee that operates more than one facility shall designate a person to supervise the operations of each facility.
- G. A person may hold multiple positions with an Agency as long as that person meets requirements of each position held.

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-132. Orientation and Training for Staff**

- A. The licensee shall have a written policy approved by the Department for orientation and training of all staff in accordance with R21-7-107.
- B. All staff shall receive initial orientation and training before independently performing the essential functions of their job and before direct care staff may supervise children alone.
- C. The licensee’s policy shall require staff to complete the initial orientation and training to include:
  1. Training all staff on the following:
    - a. The licensee’s philosophy;
    - b. The licensee’s organization;
    - c. The licensee’s program;
    - d. The licensee’s practices;
    - e. The licensee’s goals;
    - f. The licensee’s policies and procedures;
    - g. Identification and reporting children suspected to be victims of child exploitation, including sex trafficking;
    - h. Mandatory reporting of suspected child abuse and neglect under A.R.S. § 13-3620;
    - i. Any specific child care responsibilities outlined in the staff’s job description; and
    - j. Any new training required by the federal or state governments.
  2. Training direct care staff on the following:
    - a. Confidentiality,
    - b. Client and family rights,
    - c. Grievances,
    - d. Emergencies and evacuations,
    - e. Behavior management,
    - f. Preventing and reporting child abuse or neglect,
    - g. Recordkeeping,
    - h. Medications,
    - i. Infection control,
    - j. Treatment philosophy,
    - k. Adult and pediatric cardiopulmonary resuscitation (CPR) and first aid according to American Red Cross guidelines as prescribed in R21-7-130,
    - l. Initial wellness screening for identified direct care staff,
    - m. Trauma-informed care of children,
    - n. De-escalation and any physical restraint practices used by the Agency and taught by an instructor certified, approved by the Department, and qualified under this subsection. An instructor is certified and qualified to train staff in de-escalation and physical restraint practices if:
      - i. The instructor’s curriculum conforms to the requirements of this Chapter, state law, and who have experience in the actual use of interventions as opposed to administrative responsibility for such use; and
      - ii. The classroom instruction provided conforms to the requirements of this Chapter and state law. The training shall cover at a minimum intervention techniques, particularly addressing the risks and side effects that may adversely affect a child. The use of intervention includes hands-on or practical experience to be conducted by instructors;

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- o. Recognizing expected responses to and side effects of medications commonly prescribed for children in care,
  - p. Recognizing the signs and effects of:
    - i. Substance use and abuse,
    - ii. Common childhood illness, and
    - iii. Communicable disease,
  - q. Emergency admissions process if applicable to the licensee's services,
  - r. Writing and submitting incident reports, and
  - s. Creating normalcy for children in their care. The training shall address best practices for meeting the diverse needs for each individual child.
- D.** The licensee's ongoing training plan shall require that:
- 1. All staff receive annual training to include the following topics:
    - a. Mandatory reporting,
    - b. Relevant portions of Arizona Administrative Code,
    - c. Agency and Department policies and procedures,
    - d. Responsibilities appropriate to the staff's duties with the Agency, and
    - e. Any updates to topics covered in prior trainings the staff has received.
  - 2. All direct care staff shall receive annual training which shall include the following topics:
    - a. Child management techniques;
    - b. Positive discipline, crisis intervention, and behavior management techniques;
    - c. De-escalation, physical restraint techniques refresher to maintain currency in knowledge and recent technical trends;
    - d. Health care issues and procedures, including mental health;
    - e. Attachment and separation issues for a child and family;
    - f. Sensitivity towards and skills related to cultural and ethnic differences;
    - g. Sensitivity towards and skills related to children who identify as part of the lesbian, gay, bisexual, transgender, or questioning community;
    - h. Strategies for addressing safety concerns and challenges faced by children who identify as part of the lesbian, gay, bisexual, transgender, or questioning community;
    - i. Self-awareness, values, and professional ethics;
    - j. A child's need for permanency and how the Agency works to fulfill this need;
    - k. Trauma informed care; and
    - l. How to promote normalcy for children in their care.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-133. Monitoring**

- A.** The Department shall monitor the ongoing operations of an Agency and its facility.
- B.** The Department's monitoring activities may include the following:
  - 1. Announced and unannounced inspections or observations of an Agency or a facility, including both the premises and internal operations, books, records, policies, procedures, logs, manuals, files, inspection reports, certificates, and any other document required by this Chapter; and

- 2. Interviews with a child, client, staff, management, or other person with information about the Agency.
- C.** The licensee shall cooperate with the Department's monitoring activities.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-134. Licensing Complaint**

- A.** If the Department receives a licensing complaint about a licensee, Agency, or facility, the Department shall ask the complaining party to submit the licensing complaint to the Department's Centralized Intake Hotline. The Department shall investigate a licensing complaint under this Section when the complaining party does not contact the Centralized Intake Hotline.
- B.** The Department shall refer a licensing complaint involving an allegation of child abuse or neglect to the Department's Centralized Intake Hotline as required by A.R.S. § 13-3620 for investigation under A.R.S. § 8-455.
- C.** The Department shall investigate a licensing complaint about a licensee through one or more of the following methods:
  - 1. Telephone contact with the licensee,
  - 2. Interviews with the complaining party,
  - 3. Interviews with the licensee's management and staff,
  - 4. Interviews with the licensee's clients and children in care,
  - 5. Interviews of witnesses to the matters at issue,
  - 6. Inspections of records and documents related to the issues raised in the complaint,
  - 7. Announced and unannounced inspections of the Agency or a facility,
  - 8. Evaluation of a law enforcement or DCS report or investigation and supporting information for evidence of a licensing violation, and
  - 9. Any other activity necessary to validate or refute the allegations in the complaint.
- D.** The licensee shall cooperate in any Department investigation.
- E.** Upon completion of an investigation involving a licensing complaint under this Section, the Department shall:
  - 1. Find that the licensing complaint is invalid, document the findings in the Agency's licensing file, and close the investigation;
  - 2. Find that the licensing complaint is valid and take action against the licensee if necessary under R21-7-114 or require corrective action under R21-7-113; or
  - 3. Find that the licensing complaint cannot be validated or refuted based on the available evidence and document the finding in the licensing file.
- F.** The Department shall provide the licensee with written notification of any findings made under subsection (E) and shall place a copy of the written findings in the licensee's file.
- G.** For purposes of this Section, a licensing complaint is an allegation that the Child Welfare Agency has violated any of the requirements set forth in this Chapter or in A.A.C. Title 21 Chapter 8.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-135. Additional Provisions for a Child Placing Agency**

- A.** Each Child Placing Agency shall compile an operations manual that is available to all Agency staff. All staff shall be famil-

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iar with the operations manual, which shall contain:

1. The mission statement with the overall philosophy that guides the Agency's services;
  2. A statement of the primary purpose, services, and goals of the Agency;
  3. A chart of organizational structure;
  4. The Agency's intake policies and procedures;
  5. The manual of the Agency's governing board;
  6. The operational procedures that guide the delivery of the Agency's services; and
  7. Copies of the Agency's forms.
- B.** The Child Placing Agency shall have office staff who is responsible for performing clerical services to maintain correspondence, records, and bookkeeping. A Child Placing Agency's files shall be regularly updated and maintained in good order.
- C.** The Child Placing Agency shall have access to a medical professional who makes recommendations regarding the medical aspects of the agency program, coordinates medical care for children in care, and advises staff regarding the health problems of specific children.
- D.** The Child Placing Agency shall have access to psychiatric, psychological, and legal consultation or services.
- E.** When placing a child in care:
1. The Child Placing Agency shall follow the placement requirements and procedures in A.R.S. §§ 8-514, 8-516, 8-528, and 8-813; and
  2. The Child Placing Agency shall, at the time of placement, provide the foster parent or other placement with the documents and information for each child in care required under A.R.S. § 8-514.
- F.** The Child Placing Agency's offices shall:
1. Have sufficient space for interviewing children and families and for supervisory conferences and to ensure the privacy of the parties; and
  2. Comply with any building, health, fire, and codes and ordinances in effect in the jurisdiction where the facility is located.
- G.** A Child Placing Agency shall maintain phone service at each office and facility.
- H.** Unless also licensed as a residential group care facility under Article 2, a Child Placing Agency shall not utilize the facility's physical office for the purpose of housing children.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-136. Fees**

- A.** Fees apply to a Child Welfare Agency applying for a license under this Chapter, but do not maintain a contract with the State, and meets the criteria set forth in A.R.S. § 8-467(F).
- B.** The applicant shall submit payment of fees at the time of application. Fees are based on the number of beds requested for the placement of children stated on the application.
- C.** Final fees shall be determined as follows:
1. If the Department issues a license for a lower bed capacity than initially requested by the applicant, the Department shall return payment of fees made in excess of the licensed bed capacity within 60 days of the license being issued.
  2. If, at the applicant's request, the Department issues a license for a higher bed capacity than initially requested

on the application, the applicant shall submit additional fees based on the number of beds licensed.

3. If the applicant has not paid fees at the time the license is issued, the Department shall issue a 60-day provisional license subject to the terms of R21-7-111.
  4. Fees are not refundable if the applicant withdraws their application or a license is denied under R21-7-114.
- D.** The fee schedule is as follows:
1. For the initial application, the fee is set at \$600 per bed available for the placement of a child.
  2. For the renewal application, the fee is set at \$600 per bed available for the placement of a child.
  3. For an amendment application to modify a license or operating certificate that increases available beds for the placement of a child, the fee is set at \$600 per new or additional bed available for the placement of a child. An amendment application to modify the license or operating certificate includes an application to:
    - a. License a new facility; and
    - b. Increase capacity for the placement of children.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**ARTICLE 2. RESIDENTIAL GROUP CARE FACILITIES****R21-7-201. Orientation**

- A.** A person who is interested in operating a residential group care facility may complete a Child Welfare Agency orientation.
- B.** The person shall contact the Department to request the orientation and the Department shall offer the orientation within 90 calendar days of the request.
- C.** During orientation, the Department shall review with the person the application requirements and licensing requirements as prescribed by this Chapter.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-202. Application for an Operating Certificate for an Additional Facility**

- A.** A currently licensed Agency that wishes to obtain an operating certificate for an additional facility may file an application for an amended license to add a new facility.
- B.** The applicant shall submit an application as required by R21-7-124, with information specific to the new facility.
- C.** Upon receipt of all information listed in subsections (A) and (B), the Department shall consider whether the Agency has:
1. A license in good standing;
  2. Any open Department or licensing investigation;
  3. Any outstanding corrective action plan;
  4. Any licensing complaints or concerns within the past 12 months; and
  5. Demonstrated a need for the additional facility as described in this Chapter.
- D.** Upon the Department's determination that the information provided in subsection (C) is satisfactory to proceed, the Department shall schedule the facility for a site inspection within 14 calendar days, under R21-7-105.

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- E. The Department shall issue a licensing decision on the application as prescribed in R21-7-104 and R21-7-110 and within the time frames of R21-7-109.
- F. An operating certificate expires at the end of the Agency's licensing year.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-203. Statement of Purpose; Program Description and Evaluation; Compliance with Adopted Policies; Child Rights**

- A. The licensee shall have a written statement that describes its philosophy, purpose, and program for a child in their care.
- B. The licensee shall have a written program description of all services each facility provides to a child in care and their families and the methods of service delivery.
- C. The licensee shall adhere to and enforce all plans, policies, and procedures that the licensee adopts in accordance with this Chapter.
- D. The licensee shall provide a copy of the rights listed in A.R.S. § 8-529 to each child in care age 12 and older and for children less than 12 years of age as developmentally appropriate. This information shall be posted in a conspicuous location within each facility.
- E. The licensee shall ensure that the person assisting the child in care with personal care be of the same gender, if needed.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-204. Combining Populations**

- A. The licensee shall not combine its child welfare program with other forms of care, programming, or business including foster care, child care, nursing or convalescent care for adults, or adult developmental care, unless the licensee:
  - 1. Physically separates the children in the child welfare program from persons in other programs,
  - 2. Prevents interaction between a child in the child welfare program and any person in another program, and
  - 3. Demonstrates how the programs are separate and prevents interaction between residents and other programs.
- B. This Section shall not be interpreted in a manner that prevents a child in care from interacting with other children in the course of typical day-to-day activities and experiences.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-205. Grievances**

- A. The licensee shall have a written policy and procedure governing the receipt, consideration, and resolution of grievances regarding the licensee's program and care of children brought to the licensee by a child in care, or child's parent or guardian. The policy and procedure shall:
  - 1. Be written in a clear and simple manner that is developmentally appropriate for a child in care;
  - 2. Prohibit retaliation against an individual who brings a grievance;
  - 3. Describe a process for fair and expeditious resolution of a grievance;

- 4. Provide a means to tell the grievant about the action taken in response to the grievance;
- 5. Provide the grievant with instructions for submitting the grievance to the licensee; and
- 6. Identify an accessible location for blank copies of the grievance form in each facility.

- B. The licensee shall maintain a log of grievances filed against the licensee. The licensee may keep a centralized Agency log, or may maintain a separate log for each facility. The log shall include the following information:

- 1. Name of grievant;
- 2. Date grievance filed;
- 3. Description of the substance of the grievance;
- 4. Summary of the grievance resolution; and
- 5. A copy of the grievance decision.

- C. The licensee shall maintain written records of a grievance decision for at least three years after the resolution of the grievance, or three years after the child has left the Agency, whichever is later.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-206. Physical and Mental Health**

- A. The licensee shall require all direct care staff and any adult living in the facility to be free of medical, physical, or mental health conditions that would interfere with the safe care and supervision of a child in care.
  - 1. The direct care staff and any adult living in the facility shall demonstrate compliance by submitting the following on forms provided by the Department:
    - a. A health self-disclosure completed no more than 90 calendar days before beginning assigned duties or residing at the facility, and
    - b. A physician's statement completed no more than 90 calendar days before beginning assigned duties or residing at the facility.
  - 2. The direct care staff and any adult living in the facility shall submit a new physician statement and health self-disclosure at least every 12 months from the date of hire while working or residing in the facility.
- B. The licensee shall require a parent or guardian, whose child lives on the premises, to do all of the following:
  - 1. Submit a health self-disclosure of the child's physical and mental health on a form provided by the Department:
    - a. No more than 90 calendar days prior to the child residing in the facility,
    - b. When a change to the physical and mental health of the child occurs since the last statement of physical and mental health, and
    - c. At least every 12 months while the child resides in the facility.
  - 2. Ensure the child is up to date on immunizations and provide supporting documentation.
- C. When the health self-disclosure or physician statement from a direct care staff, or a child residing with the direct care staff, or any adult residing in the facility discloses a condition that may interfere with the care of or poses a risk to a child in care, the licensee shall provide the Department with a detailed plan that the licensee will implement so the condition does not interfere with the care of the child or mitigates risk.

**Historical Note**

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New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-207. Notification of Unusual Incidents and Other Occurrences**

- A. The licensee shall have a written policy and procedure consistent with the requirements of this Chapter, regarding documentation of, and reporting requirements for unusual incidents.
- B. The licensee shall maintain a record of each unusual incident in a separate log that permits the Department to easily locate the documentation of each incident that occurred.
- C. The licensee shall immediately notify the Centralized Intake Hotline:
  1. Of any incident of alleged physical or sexual abuse of a child in care;
  2. Upon the death of a child in care;
  3. When a child in care suffers an injury, illness, or psychiatric episode that is severe enough to require emergency medical intervention, treatment, hospitalization or emergency services for the child;
  4. When a child in care attempts suicide;
  5. Substance abuse by the child in care that results in emergency medical treatment, hospitalization, or overdose;
  6. When a child in care is arrested by law enforcement;
  7. When a child's whereabouts are unknown including a child who has run away from a facility;
  8. When the facility requires an emergency evacuation; or
  9. When the licensee is affected by a fire or natural disaster with or without the need of emergency evacuation.
- D. The licensee shall immediately call emergency services and within two hours of the licensee's knowledge of the death of a child in care:
  1. Notify the Placing Entity or, if no Placing Entity, parent or guardian who placed the child with the Agency;
  2. Cooperate in any arrangements for examination, autopsy, and burial; and
  3. Provide written notice to the Department.
- E. If a child in care suffers a serious illness, serious injury, or a severe psychiatric episode requiring hospitalization, the licensee shall notify the Placing Entity or, if no Placing Entity, parent or guardian who placed the child with the Agency and the Department within 24 hours of the licensee's knowledge of the occurrence.
- F. If a child suffers a severe psychotic episode, or exhibits suicidal ideation, homicidal ideation, a threat of self-harm, or other mental health crisis that places the child or others in immediate danger, the licensee shall immediately contact a crisis hotline or the licensee's internal licensed counselor with training in crisis management. The licensee shall notify the Placing Entity or, if there is no Placing Entity, parent or guardian who placed the child with the Agency within 24 hours of the licensee's knowledge of the occurrence.
- G. The licensee shall comply with the statutory obligation to report child abuse or neglect, under A.R.S. § 13-3620.
- H. The licensee shall comply with any reporting requirements set forth in the licensee's contracts and shall give the Department written documentation on the form provided by the Department within 48 hours:
  1. Of any fire or a natural disaster affecting the licensee, Agency, or facility with or without the need for emergency evacuation;
  2. When pest infestation has been discovered at a facility;
  3. When law enforcement involvement occurs in which a formal complaint is filed by or against the licensee;

4. When sexual contact or physical aggression occurs between children;
5. When a threat or altercation occurs involving a child in care;
6. When self-harming behavior occurs;
7. When a child in care receives emergency medical treatment;
8. When adverse medication reactions occur which may or may not result in medical intervention;
9. When medication is administered in an emergency situation;
10. When an accident or incident occurs involving injury or trauma to a child in care, including transportation related accidents;
11. When damage or theft of property occurs to or by a child in care;
12. When a child in care is involved in an incident that results in law enforcement contact;
13. When restrictive behavior management is used on a child in care;
14. Knowledge of substance use or abuse; and
15. When a call is made to the Centralized Intake Hotline involving a child in care.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-208. Investigations of Child Abuse or Neglect**

- A. The licensee shall ensure that the following requirements are met and have a written policy and procedure consistent with the requirements of this Chapter for handling alleged and suspected incidents of child abuse or neglect, to include the following provisions:
  1. Immediately report a suspected incident of child abuse or neglect to law enforcement and the Department as required by A.R.S. § 13-3620;
  2. Notify the Department, and notify the child's Placing Entity or person who placed the child with the Agency;
  3. Take precautions to prevent further risk to the child who allegedly suffered the abuse or neglect and potential risk to any other child in care;
  4. Contact law enforcement and the Centralized Intake Hotline if a child discloses that they are a victim of a crime, including sex trafficking;
  5. Require staff to disclose to the licensee any substantiated finding of abuse or neglect recorded on the Central Registry during the staff's employment;
  6. Evaluate staff who have a non-disqualifying act on the Central Registry for suitability to perform their assigned duties; and
  7. Advise the Department of any staff who commits or allows child abuse or neglect, in order for the Department to ensure compliance with R21-7-104.
- B. The licensee shall require all staff to read and sign a statement describing the duty to report child abuse or neglect under A.R.S. § 13-3620. The licensee shall maintain a copy of this statement in the staff's personnel file.
- C. The licensee shall not internally investigate an incident of child abuse or neglect unless the Department approves.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

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**R21-7-209. Runaway and Missing Children**

- A.** The Agency shall have written policy and procedures, consistent with the requirements of this Chapter, for responding to a child in care who has run away or is otherwise a missing child.
- B.** The Agency's policy and procedure shall meet the following minimum requirements:
1. The Agency's strategies for making children feel safe and welcomed;
  2. Notification shall be provided to the:
    - a. Local law enforcement agency,
    - b. Placing Entity or person who placed the child with the Agency, and
    - c. Administrator of the child's facility or that person's designee;
  3. Timeframes for notification to the entities detailed in R21-7-207;
  4. How to submit an incident report to the Placing Entity or person who placed the child with the Agency; and
  5. Ensure the safety of a runaway or missing child who returns to the licensee, including:
    - a. Interviewing the child to determine the factors that led to the child's absence from the facility;
    - b. Determining the child's experiences while absent from care, including whether the child is a victim of a crime or sex trafficking; and
    - c. Determining substance use by the child in care that could result in emergency medical treatment, hospitalization, or overdose.
- C.** The Agency shall provide direct care staff information on reasons why children run away.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-210. Staff Coverage; Staff-child Ratios**

- A.** The licensee shall have a written plan consistent with the requirements of this Chapter to minimize the risk of harm, ensure normalcy, and provide for the well-being of a child in care. The written plan shall describe the staffing for each facility, for 24 hours per day, seven days per week and shall explain:
1. How direct care staff coverage is assured:
    - a. When assigned direct care staff are absent due to illness, vacation, or other leave of absence; and
    - b. During emergencies, unplanned staff shortages, and when circumstances require additional staff;
  2. The methods the licensee uses to assure adequate communication and support among direct care staff to provide continuity of services to a child in care; and
  3. Direct care staff requirements for monitoring and documenting safety checks while a child in care is sleeping.

- B.** The licensee shall also have a written staffing schedule for each facility shift; the schedule shall document the direct care staff actually on duty during each shift. If there is a last minute or planned change to staffing, the licensee shall indicate on the staffing schedule. The licensee shall retain the schedule in one designated location at each facility for at least two years.
- C.** The licensee shall maintain paid direct care staff in the facility subject to requirements in Table 2. The licensee shall assess the individual needs of the children in care and determine if additional paid direct care staff is necessary.
- D.** For a multilevel facility the licensee shall have a minimum of one direct care staff for each living unit during sleeping hours, excluding single family homes.
- E.** The licensee shall have direct care staff in each building at each facility on shift who are trained and authorized to apply:
1. How to promote normalcy consistent with the program and policy of the Agency, and
  2. Appropriate techniques of behavior management consistent with the program and policy of the Agency.
- F.** For the purpose of the direct care staff to child ratios in subsection (C):
1. Students and volunteers do not count as staff,
  2. Staff providing one-on-one supervision for a designated child do not count as part of the overall direct staff-child ratio, and
  3. Any child who lives at the facility is counted towards the ratio requirements.
- G.** The licensee shall not fall below the minimum direct care staff-child ratios specified in this Section and in addition shall maintain:
1. Direct care staff sufficient to care for a child as prescribed in this Article and in the licensee's own program description, statement of purpose, and policies; and
  2. Practices or policies that take the following factors into account:
    - a. The ages, capabilities, developmental levels, and service plans of a child in care;
    - b. The time of day, and the size and type of the facility;
    - c. The facility's history and the frequency and severity of unusual incidents, including runaways, sexual acting-out behavior, disciplinary problems, and injuries; and
    - d. Any other information relevant to the need of a child in care at the facility.
- H.** The licensee shall have a sufficient number of qualified staff to perform the direct service, clerical, fiscal, food service, house-keeping, and maintenance functions prescribed in this Article and in the licensee's own policies.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**Table 2. Staff Coverage; Staff-child Ratios**

Age	Minimum required direct care staff in the facility per number of children (staff-to-child ratio)
Under the age of three years old	One paid direct care staff shall not care for more than five children under the age of three years old. At least one paid staff for each six children when children are sleeping.
Ages three years through five years old	One paid direct care staff shall not care for more than six children ages three through five years old. At least one paid staff member in each building where children are in care are sleeping.
Ages six years through 11 years old	One paid direct care staff shall not care for more than eight children ages six years through 11 years old. At least one paid staff in each building where children in care are sleeping.
Ages 12 years through 17 years old	One paid direct care staff shall not care for more than 10 children ages 12 years through 17 years old. At least one paid staff in each building where children in care are sleeping.
Young Adults	One paid direct care staff shall not care for more than 10 children ages 18 years old and more. At least one paid staff onsite for each 20 young adults.



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**Historical Note**

Table 2, Staff Coverage; Staff-child Ratios made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-211. Admission and Intake; Criteria; Process; Restrictions**

**A.** The licensee shall have a written policy and procedure describing the process and requirements for both regular and emergency admissions and intake. The policy shall include the provisions listed in this subsection.

1. The licensee shall have a method to allow a child to participate in admission and intake decisions, including selection of living unit, if developmentally appropriate and consistent with the licensee's program;
2. The licensee shall provide the Placing Entity or, if there is no Placing Entity, parent or guardian who placed the child with the Agency with a reasonable opportunity to participate in admission and intake decisions;
3. For an emergency admission the licensee shall have documentation that attempts were made to obtain the following:
  - a. A written agreement with the child's Placing Entity,
  - b. A court order, or
  - c. The written consent of the child's custodial parent or guardian;
4. The licensee shall obtain any available medical information about the child before or at the time of the child's admission. The information shall include the following, if available to the licensee:
  - a. A report of a medical examination of the child performed within 45 calendar days prior to admission;
  - b. A report of a dental examination of the child performed within six months prior to admission; and
  - c. The child's and child's family's medical history;
5. The licensee shall comply with the requirements of R21-7-224 to obtain an examination;
6. At the time of or prior to admission, the licensee shall obtain written consent from the Placing Entity, or if there is no Placing Entity the child's parent or guardian, for the licensee to authorize routine medical and dental procedures for the child;
7. If a child is taking medication at the time of admission, the licensee shall:
  - a. Document in the child's medical record required by R21-7-121 and the medication administration schedule required by R21-7-226; and
  - b. Administer medication, prescribed or over-the-counter, only if it is in the original container, and if applicable, labeled by the dispensing pharmacy with a fill date, prescribing physician, and instructions for administration; or
  - c. Schedule a medical appointment immediately if the medication is not its original container, and if applicable, labeled by the dispensing pharmacy with a fill date, prescribing physician, and instructions for administration; and
8. Within 24 hours of a child's admission, a licensed medical professional or staff who has the training listed in R21-7-132, shall complete a child's initial wellness screening, to include:
  - a. A visual inspection of the child for signs of obvious physical injury and symptoms of disease or illness;
  - b. An assessment of the child for evidence of apparent vision and hearing problems; and

- c. The documentation of any condition or problem and referring the child for immediate or further assessment or treatment, if indicated.

**B. Intake Assessment:**

1. Prior to admitting a child into a facility, a licensee shall:
  - a. Ensure the child has a current intake assessment covering the child's social, health, educational, legal, family, behavioral, psychological, and developmental history; or
  - b. Completes such an assessment within seven work-days following the child's admission;
2. In this subsection, "current" means within the six months prior to admission.

**C.** The licensee shall not admit a person who is age 18 or older, except a licensee may provide care for a young adult less than 21 years of age who was a child in care and turned 18 while in care as long as the young adult is currently enrolled in and regularly attending a high school program, vocational training program or post-secondary education or meets criteria in A.R.S. § 8-521.02 and continues to reside in a Child Welfare Agency under an individual case plan agreement for out of home care.

1. A child who turns 18 and continues to reside in care is not required to obtain a Level One fingerprint clearance card.
2. A young adult who exits and re-enters care under A.R.S. § 8-521.02 is not required to obtain a Level One fingerprint clearance card.
3. A licensee who provides care for a young adult who is continuing in care shall adhere to all requirements of this Chapter.

**D.** The licensee shall obtain written approval from the Department prior to admitting a child who does not fall within the licensee's admission criteria.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-212. Information and Services Provided to the Placing Entity, Parent, or Guardian**

- A.** The licensee shall provide information, no later than the date of a child's admission, about the following subjects to the Placing Entity, or if there is no Placing Entity, a parent or guardian:
1. The licensee's program description required by R21-7-107,
  2. Daily routines and schedule at the facility where the child is or will be placed,
  3. The method of how to assign the child to a particular living unit,
  4. The positive behavior management policies and procedures prescribed in R21-7-227,
  5. Services and treatment strategies provided or used at the facility,
  6. The visitation and communications policy prescribed by R21-7-220,
  7. The education program or method for providing a child with education, and
  8. Any religious practices observed by the licensee or religious observances required of a child in care.

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- B.** The licensee may provide the information in summary form or orally, but shall:
1. Convey the information in a language or form that the Placing Entity, or if there is no Placing Entity, parent and guardian can understand;
  2. Advise the Placing Entity, or if there is no Placing Entity, parent or guardian that, upon request, the licensee shall provide a copy of the licensee's policies or procedures; and
  3. Provide contact information for which the Placing Entity, or if there is no Placing Entity, parent or guardian can obtain information about the program, facility, or child in care.
- C.** The licensee shall provide the Placing Entity, or if there is no Placing Entity, parent or guardian with a copy of the licensee's grievance procedures required by R21-7-205 and the rights of a child in care required by R21-7-203.
- D.** The licensee shall explain the contents of the documents before obtaining the signature of a child's parent or guardian on a contract, consent, or release.
- E.** The licensee shall obtain the dated signature of the Placing Entity, or if there is no Placing Entity, parent or guardian indicating receipt of the information listed in subsections (A) through (C).

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-213. Orientation Process for a Child in Care**

- A.** The licensee shall have a written policy and procedure for providing an orientation to a child placed in the licensee's care.
- B.** The licensee shall provide a child admitted into care with the orientation described in this Section. The orientation shall be in a language and manner that the child can understand and that is developmentally appropriate to the child.
- C.** During the first full day of a child's placement, the licensee shall:
1. Take the child on a tour of the facility; and
  2. Introduce the child to staff and other residents.
- D.** During the first 72 hours following a child's admission and as part of each child's orientation, the licensee shall:
1. Familiarize the child with the licensee's program;
  2. Explain the licensee's expectations and requirements for behavior;
  3. Explain the criteria for successful participation in and completion of or discharge from the program, if applicable;
  4. Make available a copy of the Agency's behavior management policy and procedure required by R21-7-227;
  5. Make available a copy of the visitation and communication policy prescribed by R21-7-220; and
  6. Describe and, upon request, make available a copy of the grievance procedures required by R21-7-205 and the statement of child rights prescribed by R21-7-203.
- E.** The licensee shall document the orientation and other information given to a child in the child's record.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-214. Child's Service Plan**

- A.** If a child in care has an existing service plan at the time of admission, the licensee shall:
1. Review the plan before or at the time of the child's admission, and
  2. Assess the existing plan and make any necessary additions to conform to the requirements of this Section.
- B.** If a child in care does not have a service plan at the time of admission, the licensee shall initiate service planning at the time of admission.
- C.** Within seven workdays of a child's admission, a licensee shall document all interim planning efforts identifying the child's needs and initial plans for service.
- D.** No later than 30 calendar days after the child's admission to a facility, the licensee shall:
1. Complete the child's initial service plan or any modifications to an existing plan; and
  2. Identify Agency staff responsible for education, behavioral health, and any additional assistance the child in care requires to support the service plan.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-215. Discharge; Discharge Summary**

- A.** The licensee shall have a written policy and procedure that conform to the requirements of this Chapter, for a planned and unplanned discharge of a child in care.
1. Before a child's planned discharge, the licensee shall explain the discharge plan to the child and help the child understand the plan.
  2. The licensee shall explain the discharge plan to the Placing Entity, parent or guardian removing the child at the time of discharge.
  3. The discharge plan shall include the following information:
    - a. The name, address, telephone number, and relationship of the person to whom the child was discharged;
    - b. A list of medication provided during care, with a summary of the reasons for prescribing the medication and any outcomes of the medication;
    - c. A summary of progress toward service plan goals;
    - d. An assessment of the child's unmet needs and alternative services that might meet those needs;
    - e. Identification of the person or Placing Entity responsible for ensuring provision of recommended follow-up services and after-care; and
    - f. For an unplanned discharge, a description of the circumstances surrounding the unplanned discharge, including the licensee's actions.
- B.** When a child's Placing Entity, or if there is no Placing Entity, parent or guardian has not participated in the decision to discharge the child, the licensee shall notify the Placing Entity, or if there is no Placing Entity, parent or guardian within one hour of discharge, or document attempts at notification. The licensee shall provide the required information detailed in the licensee's policy to the child's Placing Entity, or if there is no Placing Entity, parent or guardian within 15 calendar days from the child's discharge date.

**Historical Note**

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2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-216. Personal Care of a Child in Care**

- A. The licensee shall provide a child in care with:
1. Developmentally appropriate supervision, assistance, and instruction in, good habits of personal care and hygiene and culturally appropriate grooming;
  2. Necessary toiletry items; and
  3. The opportunity to have a daily shower or bathe in private, as developmentally appropriate, or as otherwise prescribed in program policy.
- B. The licensee shall not allow community use of grooming and hygiene items such as towels, toothbrushes, soap, hairbrushes, and deodorants.
- C. If the licensee restricts personal care or grooming practices, the licensee shall have a policy describing the restrictions and the reasons for the restrictions.
- D. The licensee shall not restrict access to feminine hygiene products of the child's choice.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-217. Children's Clothing and Personal Belongings**

- A. The licensee shall allow a child in care to bring clothing and personal belongings to the facility and acquire belongings while in care, in accordance with the child's service plan and the facility's policy.
- B. When a child is admitted, the licensee shall inventory the child's clothing, shoes, and personal belongings. The licensee shall provide a copy of the inventory to the Placing Entity, or if there is no Placing Entity, parent or guardian, and keep a copy in the child's file.
- C. The licensee shall either store any restricted possessions or return the possessions to the child's Placing Entity, or if there is no Placing Entity, parent or guardian.
- D. The licensee shall allow a child to select their own clothing and shoes when developmentally appropriate.
- E. If the licensee limits a child's right to have, wear, or display certain clothes, shoes, or personal belongings, the licensee shall:
1. Have a written policy explaining the limitations and the reasons for the limitations, and
  2. Explain the limitations to the child in a form and manner that the child can understand.
- F. The licensee shall ensure that each child has a personal supply of clean and seasonally appropriate clothing and shoes as required for health, comfort, and physical well-being and as appropriate to the child's age, gender, size, and individual needs.
- G. The licensee shall have a policy governing a child's clothing and personal belongings that covers the following:
1. The method of storage and access to a child's clothing and personal belongings while a child is in the care of the licensee;
  2. The retention, return, and disposal of clothes and personal belongings of a child who is discharged;
  3. The requirement of the licensee to obtain written approval from the Placing Entity, or if there is no Placing Entity, parent or guardian prior to disposal of any of a child's clothing and personal belongings. The requirement shall include at least three attempts within 30 calen-

dar days, to seek approval prior to disposing of any child's clothing and personal belongings; and

4. At the time of a child's planned discharge, the licensee shall allow the child to take their clothing and personal belongings.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-218. Children's Money**

The licensee shall provide opportunities for a child in care to develop a sense of the value of money. This may include allowances, earnings, spending, giving, or saving. Any practices regarding the child's money shall comply with this Section.

1. The licensee shall have a written policy governing allowances, accounting records for the money of each child, disbursements of the money of each child, and purchases made by the child applicable to the licensee's program.
2. The licensee shall treat a child's money as that child's personal property.
3. The licensee may limit the amount of money to which a child may have access when the limitations are:
  - a. In the child's best interest and explained in the child's service plan; and
  - b. In accordance with the facility's program description.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-219. Nutrition; Menus; and Food Service**

- A. The licensee shall have a written, dated menu of planned meals. The licensee shall:
1. Have the menu either prepared or approved by a registered nutritionist or dietician;
  2. Have the menu available at the facility at least one week before meals are served;
  3. Post the weekly menu in a location where a child in care may review it; and
  4. Keep a copy of the menu and any menu substitutions on file for one year and keep the record in a central location at the Agency or facility.
- B. The licensee shall prepare and serve meals in compliance with the written, dated menus.
- C. The licensee shall ensure cooking staff have knowledge in how to plan and cook a nutritional meal.
- D. The licensee shall develop and follow a specialized menu for a child in care with special nutritional needs. The licensee shall make special menus available to staff, but shall not post special menus in an area that is readily seen by other children in care.
- E. Menus shall reflect the religious, ethnic, and cultural differences of children in care.
- F. Menus shall reflect nutritional standards including servings of dairy, vegetables, fruits, carbohydrates and protein reflecting the latest standards from the United States Department of Agriculture.
- G. When developmentally appropriate, a licensee shall allow children to make menu suggestions.
- H. The licensee shall provide each child with at least three meals daily and supply snacks in between meal times; between-meal snacks shall not replace regular meals.

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- I. The licensee shall provide meal portions that are consistent with each child's caloric and metabolic needs.
- J. The licensee shall serve a child meals that are the same as those served to staff unless special dietary needs require differences in diet.
- K. All meals and between-meal snacks shall consist of foods that are within noted expiration or sell-by dates, and fresh fruits and vegetables that are not bruised, overripe, rotten, or inedible.
- L. The licensee shall allow child in care to eat at a reasonable rate. Unless otherwise prescribed in Agency policy, staff shall encourage social interaction and conversation during meals.
- M. The licensee shall have potable water available at all times.
- N. Direct care staff shall directly supervise a child in care who is involved in food preparation.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-220. Visitation; Mail; Internet Usage; Phones**

The licensee shall have a written policy and procedure that conforms to the requirements of this Section and this Chapter, regarding visitation, mail, phone calls, internet use, and other forms of communication between a child in care and the child's family, friends, and other persons.

1. The licensee shall keep a record of all persons who visit a child in care.
2. The licensee shall allow a child reasonable privacy during a visit unless the child's service plan requires supervised visitation.
3. The licensee shall have facility visiting hours that meet the need of a child and the child's parents, caregivers, family members, and approved friends and acquaintances.
4. The licensee shall not deny, monitor, record, or restrict a child's communication with the Department or child's social worker, attorney, Court Appointed Special Advocate, guardian ad litem, or clergy.
5. The licensee shall not deny, monitor, or restrict communications between a child and the child's parent, guardian, or friends except as follows:
  - a. By court order;
  - b. When the child's service plan contains specific and time limited treatment reasons for the restriction;
  - c. At the direction of the child's Child Safety Worker, or if not in the custody of the Department, the Placing Entity; or
  - d. As agreed upon by the parent or guardian with the licensee if the child in care is not in the custody of the Department and there is no Placing Entity.
6. The licensee shall allow a child access to electronic communication including texting, phone, video chatting, and email except as follows:
  - a. By court order;
  - b. When the child's service plan contains specific and time limited treatment reasons for the restriction;
  - c. If not in conflict with either of the above, at the direction of the child's Child Safety Worker or the Placing Entity; or
  - d. As agreed upon by the parent or guardian with the licensee if the child in care is not in the custody of the Department and there is no Placing Entity.

7. The licensee shall ensure a child in care has internet access to complete school work, obtain employment, or for the use of current employment. Any other internet activity may require approval from the Placing Entity, or if there is no Placing Entity, parent or guardian.
8. The licensee may require a child in care to open mail in the presence of staff in order to inspect the mail for contraband with documented approval from the Placing Entity, or if there is no Placing Entity, parent or guardian.
9. When the licensee is monitoring a communication as permitted in subsection (5), the licensee shall inform the parties to the communication about the monitoring.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-221. Educational and Vocational Programs**

- A. The licensee shall have a written policy governing its educational program or a plan for ensuring that each child in care attends an educational program in accordance with state and local laws. The licensee shall have at least one designated person to oversee compliance with the policy.
- B. Upon a child in care's admission to a facility, the licensee shall arrange for the educational needs of the child. The arrangements shall:
  1. Meet the child's individual needs;
  2. Be consistent with the child's IEP, if applicable; and
  3. Comply with federal and state education laws.
- C. The licensee shall inform the child in care's educational program staff which of the licensee's staff is authorized to discuss the child's progress.
- D. If a child in care's service plan provides for the child to receive vocational services, the licensee shall comply with the plan requirements.
- E. The licensee shall provide a child in care with:
  1. Opportunity and space for quiet study,
  2. Developmentally appropriate supervision and assistance with homework, and
  3. Access to necessary reference materials including access to resources found on the internet.
- F. The licensee shall communicate developmental and educational progress and challenges, including any noted developmental delays, to the Child Safety Worker, Placing Entity, or if there is no Placing Entity, the parent or guardian.
- G. The licensee shall work with the Child Safety Worker, Placing Entity, or if there is no Placing Entity, the parent or guardian, and surrogate parent if identified, to determine educational needs beyond those provided in the school setting and make reasonable efforts to obtain these educational services that are available.
- H. The licensee shall:
  1. Enroll the child in care in school within 10 local school days if a change in school is needed. If not placed during the school year, then as soon as possible;
  2. Ensure school attendance for a child in care;
  3. Ensure the child in care completes homework;
  4. Schedule appointments, visitations, and other activities during hours that do not interfere with school;
  5. Participate in parent-teacher conferences, IEP, and 504 plan meetings, as appropriate;
  6. Allow a child in care to participate in extracurricular activities; and

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7. Obtain required supplies to complete assignments and participate in extracurricular activities.
- I. The licensee may use developmentally appropriate chores to provide an instructional experience for a child in care, but shall not:
  1. Use the child as an unpaid substitute for staff or other contracted personnel;
  2. Schedule at a time that interferes with other routine activities such as school, homework, sleep, and meals; and
  3. Assign chores that are excessive in scope and duration.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-222. Recreation; Leisure; Cultural Activities; Community Interaction**

- A. The licensee shall have as part of the Agency's written program description the Agency's cultural, religious, indoor and outdoor recreational and leisure opportunities available to a child in care that may include:
  1. Interests and needs of the child in care, including an allotment of time for the child to pursue individual interests, and time to address the special needs of the child; and
  2. Procedures promoting normalcy through a child's participation in current community and community of origin activities and use of community resources.
- B. The licensee shall arrange transportation and supervision to support a child in care's community activities, extracurricular activities, and use of community resources that are applicable to the Agency's program description.
- C. The licensee shall make available recreational equipment, activities, and games suitable to the size, age, population, and developmental level of a child in care.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-223. Religion; Culture; Ethnic Heritage**

- A. The licensee shall include in their program description:
  1. Its religious orientation, if any;
  2. Any religious practices observed at a facility; and
  3. How the licensee provides opportunities for each child in care to participate in religious activities in accordance with the faith of the child or the faith of the child's parent or guardian.
- B. The licensee's program and the service plans for a child in care shall reflect consideration of and sensitivity to the racial, cultural, ethnic, and religious background of a child in care.
- C. The licensee shall not compel a child in care to participate in religious, cultural, and ethnic activities if it is contrary to the child's religious, cultural, and ethnic practices or the wishes of the parent, guardian, or legal custodian.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-224. Health Care Services**

- A. General health care for a child in care:
  1. The licensee shall have policy and procedures identifying how the Agency will comply with the health services for children as required in this Section. The policy shall iden-

tify where a child may obtain qualified health care, 24-hours per day, seven days per week.

2. The licensee shall meet the preventive, routine, and emergency medical, dental, vision, and behavioral health needs of a child to include the following as necessary:
  - a. Evaluation and diagnosis,
  - b. Treatment, and
  - c. Consultation.
3. The licensee shall ensure that a child receives a developmentally appropriate explanation of any health treatment the child receives, in a language and manner the child can understand.
4. The licensee shall seek medical attention for the child if the child reports or appears to be suffering from pain or illness.
5. The licensee shall carry out the written and verbal instructions from qualified professionals regarding the medical, vision, dental, and behavioral health needs of the child.
6. The licensee shall notify the Placing Entity, or if there is no Placing Entity, parent or guardian when written and verbal instructions from multiple medical professionals conflict.
7. The licensee shall ensure that a child, 12 months of age and younger, is placed to sleep on the child's back unless otherwise authorized in writing by the child's physician.
- B. The licensee shall protect and care for the health and well-being of a child in care and:
  1. Provide necessary first aid and care to treat common childhood ailments and injuries;
  2. Maintain first aid supplies in each facility to meet the needs and number of children residing at the facility;
  3. Arrange for a child in care to receive a well-child exam from a medical professional within 30 calendar days of the child's admission, unless the licensee has documentation from the following that the well-child exam was completed within 30-days preceding the child's admission:
    - a. The child's insurance;
    - b. The Department that the child has already had the required well-child visit; or
    - c. A medical professional who has completed the well-child exam;
  4. Obtain well-child visits for each child under the age of two as described in the schedule below unless otherwise recommended by a medical professional. A well-child visit includes both a medical and vision examination as appropriate to the child's age and in accordance to Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) requirements prescribed in 42 CFR 441.58;
  5. Obtain an annual well-child visit for each child older than two years of age;
  6. Obtain immunizations based on the current recommended immunization schedule published by the Centers for Disease Control and Prevention unless:
    - a. Prohibited by court order,
    - b. A parent or guardian enters a legally recognized objection, or
    - c. The immunization is medically contraindicated;
  7. Administer prescription medication only as prescribed and ensure no lapse occurs in the administration of the prescription medication to the child;

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8. Participate in health care appointments, including appointments where information is provided specific to a medical condition of the child; and
  9. Obtain the following when a child wishes to participate in organized sports:
    - a. An evaluation of the child's capacity to participate;
    - b. An examination or sports physical; and
    - c. A report or statement signed by the medical professional conducting the examination regarding the child's capacity, fitness, and clearance to participate in sports.
- C. Dental care**
1. The licensee shall arrange for each child in care, one year of age or more, to have a dental examination within 30 calendar days of admission, unless the licensee is provided the written results of a dental examination conducted within six months prior to admission.
  2. The licensee shall obtain routine dental examinations for each child in care, one year of age or more, at least once every six months and more frequently as recommended by the dentist.
- D. Behavioral Health Care**
1. The licensee shall cooperate with behavioral health referrals, evaluations, and services as applicable.
  2. The licensee shall ensure each child in care attends all behavioral health follow-up visits and complies with all behavioral health recommendations.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-225. Medications; Allergies**

- A.** The licensee shall have a written policy and procedure that governs over-the-counter and prescription medication usage and shall specify:
1. Safe storage of medications as required by A.A.C. Title 21, Chapter 8, Article 1;
  2. A process to identify and ensure a child in care has access to necessary medication while at school or outings; such as rescue inhalers, and auto injector pens;
  3. The process for medication administration, which shall be in accordance with any applicable laws;
  4. The qualifications of the staff allowed to administer medications;
  5. The qualifications of the staff allowed to supervise the self-administration of medications;
  6. The supervision, process, and documentation of self-administration of medication;
  7. The documentation process for the administration of medication, medication errors, and drug reactions;
  8. The process and documentation of notifying a child in care's health care provider in case of a medication error or a drug reaction; and
  9. The process and documentation when a child in care refuses to take a prescribed medication.
- B.** The licensee shall have a written policy and procedure that governs food allergies, medication allergies, or other allergies and shall specify:
1. The plan in the event of the child in care's exposure to an allergen;
  2. That a licensee disclose the child in care's known allergies to a prescribing medical professional prior to the pre-

scription or administration of medication or any procedures; and

3. The precautions a licensee shall take to ensure the child in care is not exposed to a food or other allergen, including:
    - a. Safe food handling to minimize the chance of cross contamination, and
    - b. Review of household items to ensure that they do not include a substance to which a child is allergic.
- C.** The licensee shall have a written medication log for each child in care who receives medication. The log shall include:
1. Child's name;
  2. Child's allergies;
  3. Name of the prescribing medical professional;
  4. Telephone number at which the prescribing medical professional may be reached in case of medical emergency;
  5. Reason for each prescribed medication;
  6. Date on which the medication was prescribed;
  7. Generic or commercial name of the medication;
  8. Dosage level and time of day when the medication is to be administered, including any special administration instructions;
  9. Each date, time, and dosage administered;
  10. Dosages remaining after each administration;
  11. The signature of the direct care staff administering each dosage. If the medication is self-administered, the log shall include the signature of the child and the direct care staff supervising the child's self-administration; and
  12. The signature of the direct care staff and child if a dose is refused by the child.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-226. Medication Administration; Handling; Storage**

- A.** The licensee shall ensure that each child in care receives all prescribed medication at the prescribed time and in the prescribed dose.
- B.** The licensee shall comply with the following requirements and have a policy and procedure to:
1. Review the amount of medication available when then child enters care,
  2. Determine when and if a medication needs to be refilled,
  3. Allow sufficient time for the timely refill of the medication, and
  4. Have the pharmacy and insurance information clearly indicated to allow for the timely refills of medications.
- C.** The licensee shall ensure the medication logs are accurate and updated on a daily basis.
- D.** The licensee shall store prescription medication in a securely locked space in its original container and ensure that the original label is intact and unaltered.
- E.** The licensee shall keep all over-the-counter medication in its original container with the manufacturer's label.
- F.** The licensee shall, at least once every 90 calendar days, securely dispose of:
1. Outdated medication;
  2. Medication for a child who is no longer at the facility or, by a medical professional's order, no longer needs the medication; and
  3. Medication specifically prescribed for an illness from which a child in care has recovered.

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- G. The licensee shall secure the confidentiality of the medical information that may be on the medications during the process of disposal.
- H. The licensee shall keep a record of all disposed medications, method of disposal, and any attempts to deliver the medication to the child if the child leaves the care of the Agency.
- I. The licensee shall arrange for all of a child's necessary medication and medical supplies to go with the child when the child is discharged from the facility.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-227. Nurture; Supervision; Positive Behavior Management**

- A. An Agency shall nurture a child in care by:
  1. Providing the child with opportunities to develop emotionally, socially, culturally, physically, and educationally, as appropriate to the child's skill and developmental level;
  2. Helping the child develop a positive identity by respecting the child's race, ethnicity, religion, gender, gender identity, gender expression, culture, and sexual orientation by making active efforts to create an inclusive environment including celebrating holidays, displaying artwork, and providing meals that reflect the child's identity, and seeking out opportunities for the child to increase their connectedness to communities that reflect their identities;
  3. Providing the child with opportunities to express preferences and make choices appropriate to the child's age and developmental level;
  4. Providing the child with a variety of safe and developmentally appropriate play equipment, toys, and recreational supplies;
  5. Practicing positive discipline;
  6. Assisting the child with day-to-day concerns;
  7. Providing the child with assistance, comfort, and emotional support to ease the distress associated with coming into care and with related transitions;
  8. Assisting in maintaining the child's connection to their family, friends, community, and culture; and
  9. Providing opportunities for the child to contact family members, friends and other persons the child identifies as significant to the child's well-being by means of face-to-face contact, mail, telephone, or other modes of communication, unless otherwise directed by a court order, the Placing Entity or, if there is no Placing Entity, the parent or guardian.
- B. An Agency shall commit to provide each child in care with the support and supervision in accordance with licensing requirements and based on the child's age, developmental level, and maturity.
- C. The licensee shall:
  1. Provide positive discipline that is appropriate to the age, life experience, and developmental level of a child in care;
  2. Establish well-defined and clearly communicated rules that set the limits of behavior;
  3. Develop and implement reasonable, developmentally appropriate, and consistent rewards and consequences;
  4. Use disciplinary methods that help a child in care build self-control, self-reliance, and self-esteem; and
- 5. Inform the Placing Entity, or if there is no Placing Entity, parent or guardian, of any behavior displayed by the child in care that endangers the health, safety, or well-being of the child or others.
- D. An Agency shall have a written behavior management policy and procedure for a child in care that shall:
  1. Be based on positive discipline methods that are developmentally appropriate for a child;
  2. Be designed to encourage and support the development of self-control;
  3. Describe the following:
    - a. Behavior expectations of a child;
    - b. The consequence to a child for a violation of the Agency's policy and procedure. A consequence shall:
      - i. Reasonably relate to the violation, and
      - ii. Be administered without prolonged and unreasonable delay;
    - c. The circumstances when a licensee permits the use of restrictive behavior management;
    - d. The kind of behavior warranting use of restrictive behavior management;
    - e. The licensee's methods of documenting use of restrictive behavior management;
    - f. Any restrictive behavior management technique that requires supervisory authorization or written documentation before being used;
    - g. The licensee's process for supervisory review to evaluate whether staff properly applied restrictive behavior management in a particular case; and
    - h. Any behavior management technique prohibited by the licensee; and
  4. Abide by the requirements in this Chapter related to positive discipline and prohibited practices.
- E. The licensee and direct care staff are responsible for control and discipline of a child in care. The licensee shall not allow a child to discipline another child.
- F. The licensee shall not allow any child in care to be subjected to maltreatment, abuse, neglect, cruel, unusual, or physical discipline.
- G. The licensee shall not use or threaten to use, or engage in and shall not permit any other person to use or threaten to use, or engage in, the following or similar punishment or maltreatment of a child in care including:
  1. Any form of physical punishment, including hitting, spanking, biting, pinching, shaking, slapping, smacking, punching, or kicking;
  2. Verbal abuse, including ridicule, profane language targeting a child, or humiliation;
  3. Deprivation of medical care, medicine, shelter, bedding, food, water, clothing, sufficient sleep, or opportunity for toileting;
  4. Force-feeding, except as prescribed by a licensed medical practitioner;
  5. Seclusion, confinement in a locked room or small area or restricting access to the facility;
  6. A consequence that requires a child to remain silent or motionless or to be isolated for a time period that is not developmentally appropriate;
  7. Require a child to take a painfully uncomfortable position, including squatting or bending;
  8. Behavior management involving chemical restraint, including over-the-counter or prescription medication for the purpose of restraining or sedating a child;

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9. Restrictive behavior management involving mechanical or physical restraint except:
    - a. When the restraint is necessary to prevent danger to the child or danger to another;
    - b. After staff has tried less restrictive measures that have failed; and
    - c. When the licensee has documentation of the restrictive behavioral management training in the personnel file of the staff using the restraint;
  10. Derogatory remarks about the child, the child's race, religion, ethnic origin, sexual orientation, gender identity, gender expression or about a person who is significant to the child;
  11. Cruel, severe, depraved, humiliating, or frightening actions or statements;
  12. Noxious stimuli as a consequence, including washing a child's mouth with soap, vinegar or hot sauce;
  13. Denial of visitation or communication with a significant persons outside the facility solely as a consequence for inappropriate behavior; or
  14. Required physical exercises such as running laps or performing push-ups, and assignment of physically strenuous activities, except:
    - a. As expressly prescribed in a child's service plan and as part of a regular physical conditioning program, or as part of a work experience that meets the programs requirements;
    - b. With documented clearance by a physician who is knowledgeable about the physical activities in which the child will participate; and
    - c. Within sight supervision of staff.
- H.** The licensee shall not use disciplinary measures against a group of children because of the behavior of one or more children in the group.
- I.** Only staff specifically trained in crisis intervention may use restrictive behavior management on a child in care and:
1. No person shall use restrictive behavior management for the purposes of discipline or convenience;
  2. A trained staff shall administer restrictive behavior management in the least restrictive manner possible to protect the child or others and cease when the child becomes calm;
  3. After child becomes calm, staff shall speak with the child and develop a strategy to reduce the likelihood of the need for restrictive behavior management in the future; and
  4. The licensee shall provide written notice to the Placing Entity, or if there is no Placing Entity, parent or guardian within 24 hours of the use of restrictive behavior management.
- J.** To determine the licensee's compliance with the use of appropriate behavior management, the Department shall consider all the circumstances at the time of the behavior management, including the following:
1. The child in care's physical condition;
  2. Whether the child in care was taking any medications that may have affected the child's behavior;
  3. Whether or not the climatic conditions made the behavior management severe or unreasonable, such as intense heat or cold, rain, or snow;
  4. The level of physical force, if any, the licensee used to implement the behavior management and whether any use of force resulted in injury to the child in care; and
5. Whether the behavior management was consistent with the licensee's program description, procedures, and the requirements of this Section.
- K.** The licensee may use physical restraint only when the practice and the circumstances warranting its use are:
1. Consistent with the licensee's program description and purpose,
  2. Described in the licensee's behavior management policy,
  3. Used as prescribed in this Section, and
  4. Not otherwise prohibited by these rules.
- L.** If the licensee cannot use a specific restrictive behavior management practices on a particular child, the child's service plan shall describe the restriction.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-228. Property and Personal Searches**

- A.** If the licensee permits a property search of a child in care, the licensee shall have a written policy that conforms to the requirements in this Chapter and approved by the Department. The written policy shall describe the conditions warranting a property search and the procedures for conducting the search, including the use of electronic scanning devices or metal detectors.
- B.** The licensee shall not search a child in care unless the licensee has a reasonable belief that the child is concealing an object that places themselves or others at risk or harm, including a weapon, an illegal substance, or a cell phone which is being used inappropriately.
1. When searching a child, staff shall use the minimum amount of physical contact required to determine if the child has a weapon or illegal substance.
  2. The licensee shall not use any instruments to search a child except approved metal detector or electronic scanning devices.
  3. The licensee shall not conduct a strip search.
  4. The licensee shall not conduct an internal body cavity search on a child.
  5. Unless a licensed medical professional is searching a child, a person of the same gender as the child shall do the search.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-229. Buildings and Grounds**

The licensee shall maintain a facility's structures and improvements in good repair, free from danger to health or safety as prescribed in this Section and by the Life Safety Inspection requirements of A.A.C. Title 21, Chapter 8, Article 1. The licensee shall:

1. Repair any damage within 48 hours of discovery;
2. If damages cannot be repaired within 48 hours, the licensee shall provide the Department documentation detailing the efforts to obtain repairs and estimate of when the repairs will be completed. The licensee shall provide the Department this documentation within 48 hours of discovery of damage;
3. Have barriers appropriate to the developmental needs of children in care to prevent falls from porches and elevated areas, walkways, and stairs;



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4. Ensure that a facility's physical plant can structurally accommodate the physical and program needs of all children in care according to the standards in this Chapter and the licensee's own program description;
  5. Have mirrors in the facility to permit a child in care to examine their personal appearance and shall secure mirrors to walls at heights appropriate to a child in care;
  6. Ensure that a window or door used for outside ventilation has a screen;
  7. Ensure that a window designated as a fire exit complies with the building codes as required by the local jurisdiction;
  8. Install and maintain emergency lighting systems in all living quarters if the facility is licensed to provide services to 10 or more children. Emergency lighting system means a battery or generator operated system that:
    - a. Automatically activates if electrical power fails; and
    - b. Provides sufficient light for persons to exit safely in an emergency;
  9. Have written documentation showing that a facility's emergency lighting system meets applicable city or county building codes for such systems, if applicable;
  10. Illuminate a facility's outdoor walkways and premises so that a child and staff using areas at night can perform activities and tasks safely; and
  11. Ensure that free-standing stoves that use wood, sawdust, coal, or pellets, or portable heaters are not used as the primary source of heat for a residential area.
  11. Ensure foods requiring refrigeration are maintained at 41° F or below;
  12. Ensure that all cooked food products, cut fruit and vegetables are date marked with date of purchase or date of preparation and used or discarded seven workdays from the date marked;
  13. Ensure each refrigerator contains a thermometer, accurate to plus or minus 3° F, placed at the warmest part of the refrigerator;
  14. Ensure frozen foods are stored at a temperature of 0° F or below; and
  15. Ensure tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.
- B.** The licensee shall have:
1. At least 14 cubic feet of refrigerator space for each 10 children at a facility; and
  2. A three-compartment sink or a dishwasher with a sanitizer cycle.
- C.** A facility shall have clean dining areas and tables that allow children, staff, and guests to eat together.
- D.** A facility shall safeguard sharp objects.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-231. Sleeping Arrangements; Areas; Furnishings****R21-7-230. Kitchens; Food Preparation; Dining Areas**

- A.** An Agency shall:
1. For a facility, that has a licensed capacity of more than 20 residents:
    - a. Obtain a license or permit as a food establishment under A.A.C. Title 9, Chapter 8, Article 1; and
    - b. Maintain a copy of the food establishment license or permit in the kitchen;
  2. Maintain a copy of the food establishment's license or permit if the Agency contracts with a food establishment, under A.A.C. Title 9, Chapter 8, Article 1, to prepare and deliver food to the facility;
  3. Equip a facility kitchen used for meal preparation with the fixtures, appliances, equipment, tools, and utensils necessary for the safe and sanitary preparation, storage, service, and cleanup of food;
  4. Keep kitchen equipment clean and in good working order;
  5. Maintain dishes and utensils free of damage or defect;
  6. Not use home canned foods;
  7. Dispose of all foods and products that have passed the marked or expiration dates;
  8. Maintain primary pantries, refrigerators or freezers free of locks;
  9. Ensure that food is obtained, prepared, served, and stored as required by time and temperature control for safety food standards;
  10. Ensure food is free of and protected from spoilage, rot, filth, or other contamination and is safe for human consumption;
  11. Ensure foods requiring refrigeration are maintained at 41° F or below;
  12. Ensure that all cooked food products, cut fruit and vegetables are date marked with date of purchase or date of preparation and used or discarded seven workdays from the date marked;
  13. Ensure each refrigerator contains a thermometer, accurate to plus or minus 3° F, placed at the warmest part of the refrigerator;
  14. Ensure frozen foods are stored at a temperature of 0° F or below; and
  15. Ensure tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.
- B.** The licensee shall have:
1. At least 14 cubic feet of refrigerator space for each 10 children at a facility; and
  2. A three-compartment sink or a dishwasher with a sanitizer cycle.
- C.** A facility shall have clean dining areas and tables that allow children, staff, and guests to eat together.
- D.** A facility shall safeguard sharp objects.
- A.** The licensee shall provide a child in care with a bedroom.
1. The licensee shall not use mobile dwellings or vehicles as sleeping quarters.
  2. The licensee shall provide a child with bedroom space that:
    - a. Has a direct source of natural light; and
    - b. Provides at least three feet of floor space between beds and is a minimum:
      - i. 74 square foot floor area for a single occupant;
      - ii. 50 square foot floor area for each occupant in a multiple sleeping area; or
      - iii. 40 square foot floor area for each crib.
  3. The licensee shall provide each child with an individual bed that:
    - a. Is not a sleeper sofa, rollaway bed, couch, cot, mat, bassinet, infant swing, infant rocker, or a portable crib such as a Pack 'n Play;
    - b. Is proportional to the child's height;
    - c. Is proportional to the child's weight and at least 30 inches wide;
    - d. Has a solidly constructed bed frame that is in good condition, free from defects, and keeps the mattress off the floor;
    - e. All mattresses shall be:
      - i. Sanitary and free from stains,
      - ii. Free from holes and tears,
      - iii. Free from protruding springs or mattress foam,
      - iv. In service less than seven years from the date of purchase and in good condition, and
      - v. Replaced if required by the Department.
  4. If the licensee uses a bunk bed or similar style bed in which the top of the mattress is elevated four or more feet above the floor:
    - a. The bed shall be limited to a double bunk;
    - b. Shall have sufficient head room to allow the occupant on a top tier to sit up;

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- c. The top tier shall have guard rails that extend at least five inches above the mattress surface;
- d. The top tier shall have cross ties under the mattress foundation;
- e. The top tier shall be securely fastened to the side frames; and
- f. A child in care less than the age of six years, has a disability that limits mobility, or has a seizure disorder shall not sleep on the elevated mattress.
5. The licensee shall use only cribs that have:
  - a. Bars or slats no more than 2 3/8 inches apart;
  - b. A mattress that fits snugly into the crib frame so that there is no space between the mattress and frame;
  - c. No pillows, blankets, bumper pads, or other soft items or surfaces; and
  - d. No openings through which a child could place their head.
6. The licensee shall provide sheets, pillowcases, and blankets for each child and shall:
  - a. Ensure bedding is clean and in good repair, without tears or stains;
  - b. Ensure that sheets and pillowcases are washed at least weekly and more frequently if necessary; and
  - c. Use water resistant bedding when necessary.
7. The licensee shall provide each child with a dresser or other storage space adequate to contain the child's belongings and a designated space for hanging clothing in the child's bedroom.
8. The licensee shall not have locks on a child's bedroom door.
9. The child shall not share a bed.
10. A child in care, age 6 or older, shall not share a bedroom with a child of the opposite gender.
11. A child in care shall not share a bedroom with an adult or young adult unless one of the conditions listed in this subsection is met:
  - a. The child is sharing a room with their parent.
  - b. The child's service plan contains specific reasons and authorization for a shared bedroom from the Placing Entity, or if there is no Placing Entity, the parent or guardian who placed the child.
  - c. The child has a temporary need for special adult care during sleeping hours and the need is verified by a licensed medical professional and documented in the child's service plan.
  - d. The child has regularly shared a bedroom with another child in the licensee's care who has reached age 18, and the Placing Entity, or if there is no Placing Entity, the parent or guardian who placed the child, and licensee agree that continuing the shared arrangement is in the best interests of both the child and the young adult.
- B. If a child in care has a documented record of behavior that poses a risk to other children, the licensee, in consultation with the Placing Entity, or if there is no Placing Entity, the parent or guardian who placed the child, shall develop special sleeping arrangements for that child, to minimize the risk of harm to other children. The licensee shall document the arrangements in the child's service plan.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-232. Bathrooms**

The licensee shall maintain a bathroom and bathroom fixtures in good operating and sanitary condition, and shall:

1. Ensure that each facility bathroom is equipped with:
  - a. Cold and hot running water, with enough hot water to allow each child in care a daily bath or shower;
  - b. Clean hand towels in good condition;
  - c. Clean shower curtain or door, properly installed, and in good repair free from mold and mildew;
  - d. Toilets and bathtubs or showers that allow a child in care to have privacy, as developmentally appropriate; and
  - e. Sufficient toilet paper, towels, soap, and other items required to maintain good personal hygiene, or shall provide a child in care with personal supplies of these items;
2. Not permit a child in care age 5 or more to use a bathroom with someone of a different gender at the same time; and
3. Equip a bathroom to facilitate maximum self-help by a child in care through one or more of the following methods:
  - a. Providing a child with a step-stool to reach a sink,
  - b. Providing smaller sized bathroom fixtures,
  - c. Providing training toilets,
  - d. Placing towel racks and dispensers at lower heights, or
  - e. Other similar or comparable methods.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-233. Other Facility Space; Staff Quarters**

- A. The licensee shall ensure that a facility has:
  1. A place other than a child in care's living area to serve as an administrative office for records, secretarial work, and bookkeeping; and
  2. Space for private discussions and counseling sessions.
- B. If a licensee has direct care staff who reside at the facility, the licensee shall provide those staff with sleeping space that is separate from a child in care's living or sleeping area, including a separate bathroom. The licensee shall provide any child of these staff, who also resides at the facility, with a residential environment that meets the requirements of this Article for a child in care, unless the child shares a bedroom with the staff.
- C. If the licensee has direct care staff who reside at the facility, the staff must maintain their residence to the standards of this Chapter and ensure proper supervision of the staff's child at all times.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-234. Fire; Emergency; Fire Prevention**

- A. The licensee shall have a written procedure for staff and any child in the facility to follow in case of emergency or disaster. The procedures shall include:
  1. Provisions for the evacuation of buildings, including the evacuation of a child with a physical disability;
  2. Assignment of staff to specific tasks and responsibilities;
  3. Instructions on the use of alarm systems and signals;

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4. Specification of evacuation routes and procedures, with clearly marked diagrams; and
  5. Notification of an unusual incident as required by R21-7-207.
- B.** The licensee shall prepare staff and each child in care to respond to an emergency as described in this subsection.
1. The licensee shall train all staff to perform assigned tasks during an emergency, including the location and use of fire-fighting equipment.
  2. The licensee shall train staff and each child to report fires and other emergencies in accordance with written emergency procedures.
  3. The licensee shall review the evacuation plan with a child in care as appropriate to the child's age and developmental level:
    - a. Within 72 hours if the facility relocated; and
    - b. At least once each year following the child's placement in the facility.
- C.** The licensee shall have and maintain fire prevention and safety equipment required by this subsection and A.A.C. Title 21, Chapter 8, Article 1.
1. The licensee shall clean and test each smoke detector at least every three months. The licensee shall keep a written record of the cleaning and testing at the facility.
  2. The licensee shall have a qualified person inspect and, if necessary, recharge a fire extinguisher at least once a year and immediately after use.
  3. The licensee shall:
    - a. Document the date that a fire extinguisher is charged and the person or Agency responsible for charging it, and
    - b. Attach the documentation to the extinguisher.
- D.** The licensee shall post evacuation procedures in clearly visible locations throughout all buildings.
- E.** The licensee shall ensure that exits above ground level have an outside fire escape or fire-resistant stairwell approved by a fire inspector.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-235. General Safety**

- A.** The licensee shall house a non-ambulatory child or a child less than six years of age on the ground floor.
- B.** The licensee shall safeguard substances and items in a manner appropriate to protect the youngest child in care in the facility.
- C.** The licensee shall maintain water that is accessible to a child in care for personal use at a temperature at or below 120° F.
- D. Smoking**
1. The licensee shall not expose a child in care to tobacco products or smoke of any substance through any delivery system including tobacco, e-cigarettes, or marijuana.
  2. The licensee shall not allow any person to use tobacco products or smoke of any substance through any delivery system including tobacco, e-cigarettes, or marijuana inside buildings.
  3. A licensee shall not allow a child in care to use or possess tobacco, e-cigarettes, or marijuana products.
- E. Gas Appliances**
1. The licensee shall have a licensed and bonded heating and cooling technician annually inspect all gas-fired devices at a facility. The licensee shall get a written report

of the inspection for submission to the Department at the time of license renewal.

2. The licensee shall equip all gas-fired devices with an automatic pilot gas shut-off control.
  3. The licensee shall remove the valves from unused gas outlets and cap the disconnected gas line with a standard pipe cap.
  4. The licensee shall not use unvented water heaters.
  5. The licensee shall not use kerosene or gasoline for lighting, cooking, or heating.
  6. If the licensee uses a natural or propane gas burning device inside a facility, the licensee shall:
    - a. Install, test, and check carbon monoxide monitoring equipment in a facility's residential environment according to the manufacturer's instructions;
    - b. Maintain the monitoring equipment in good working condition;
    - c. Keep a copy of the manufacturer's instructions; and
    - d. Keep a record of the tests at the facility.
- F.** A licensee shall post:
1. The address and telephone number of the facility; and
  2. Emergency telephone numbers, including 911, and non-emergency telephone numbers, including, fire, police, crisis hotline, and agency emergency number.
- G.** A licensee shall ensure that electrical outlets have safety plugs or plates when any child residing in the residential group care facility is age six years or less.
- H.** A licensee shall maintain lawn and garden equipment and maintenance tools and equipment in good repair, and shall allow children to use them only under the supervision of staff. Depending on the developmental level of the child, the supervision need not be direct supervision.
- I.** A licensee shall ensure that hot water or steam radiators, pipes or other heating devices are safeguarded.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-236. Pools**

- A.** The licensee shall comply with A.A.C. Title 21, Chapter 8, Article 1.
- B.** The licensee shall ensure that at least one of the staff supervising a child in a pool shall remain out of the water.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R. 2231 (September 29, 2023), effective November 6, 2023 (Supp. 23-3).

**R21-7-237. Access; Transportation; Outings**

- A.** A facility shall be accessible by motor vehicles including emergency service vehicles.
- B. Transportation**
1. The licensee shall provide, arrange, or negotiate responsibility for arranging, with the Placing Entity, or if there is no Placing Entity, the parent, or guardian who placed the child, transportation required to implement a child in care's service plan.
  2. The licensee shall provide staff supervision in any vehicle the licensee uses to transport a child in care.
  3. The licensee shall tell the driver or staff about a child in care's particular needs, behavior, or problems that may reasonably cause difficulties during transportation,

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including seizures, tendency toward motion sickness, disability, anxiety, or other phobias.

**C. Outings**

1. The licensee shall have written policy and procedure to govern situations when a child in care temporarily leaves the facility on a visit or outing with a person other than a staff. The procedure shall include:
  - a. A method for documenting the child's location, the duration of the activity, and the anticipated and actual time of the child's return;
  - b. The name, address, and telephone number of the person responsible for the child while the child is absent from the facility; and
  - c. A reference to the licensee's policy detailed in R21-7-209 if the child does not return.
2. For every facility outing that is not part of the daily routine, the licensee shall maintain at the facility a record of the following information:
  - a. The name of each child in care participating in the outing,
  - b. The name of each direct care staff participating in the outing,
  - c. A contact number for staff to be reached during the outing,
  - d. Departure time and anticipated return time,
  - e. The agency vehicle make and model used for the outing, and
  - f. Name and location of the destination.
3. The licensee shall give the driver of a vehicle written emergency contact information on each child in care who is participating in the outing and riding with that particular driver.
4. The direct care staff supervising the child in care shall keep the following information during the outing:
  - a. Each child's medication requirements, if any;
  - b. Common and known potential adverse reactions a child may have to a medication;
  - c. Adverse reactions a child may have as the result of delay in administration of medication; and
  - d. Any other adverse reaction a child is likely to have due to the child's special needs, including allergic reactions to particular substances or insects.
5. The licensee shall obtain written permission for out-of-state outings from the child's Placing Entity, or if there is no Placing Entity, the parent or guardian who placed the child.
6. If a deviation occurs during the course of a daily routine involving transportation, staff shall communicate details of the deviation including the location and anticipated return time to a designated staff within the Agency.

**D. Extended Outings**

1. For any outing that lasts more than 48 hours, the licensee shall obtain written permission from the child in care's Placing Entity, or if there is no Placing Entity, the parent, or guardian who placed the child.
2. For any outing that lasts 30 or more consecutive calendar days, the licensee shall ensure that any child who is in the custody of the Department has court permission for the outing.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-238. Special Provisions for Shelter Care Facilities**

**A.** The licensee operating a residential group care facility for an intended short term period shall be licensed as a shelter care facility and shall comply with all the requirements of this Chapter, unless otherwise provided in this Section.

**B. Admission Policy and Practice**

1. If a child in care has already been in shelter care for more than 21 calendar days, a licensee shall not admit the child into shelter care at the licensee's facility, or permit the child to continue residing at the licensee's facility, unless the licensee has requested to have a multidisciplinary team meeting with the child's Placing Entity, or if there is no Placing Entity, the parent, or guardian, to:
    - a. Assess the child through a review of the child's records or in person,
    - b. Develop a service plan for the child, and
    - c. Document the request and outcome in the child's record.
  2. When a child self-refers to a shelter care facility, the licensee shall, within 24 hours of the child's arrival:
    - a. Notify the Department or the child's parent or guardian; and
    - b. Obtain written consent for the child's continued placement from the Placing Entity, or if there is no Placing Entity, from the parent or guardian, or by obtaining a court order.
  3. The licensee may admit a child prior to obtaining medical information and consents as required by R21-7-211. The licensee shall attempt to obtain the medical consents from the Placing Entity, parent, or guardian who placed the child within two workdays of the child's admission. The licensee shall document details of their attempts.
  4. At the time of a child's admission, the licensee is not required to obtain the comprehensive intake assessment required by R21-7-211, but shall work with the Placing Entity, or if there is no Placing Entity, parent or guardian to compile information on and assess the child's current social, behavioral, psychological, developmental, health, legal, family, and educational status, as applicable to the child. The licensee shall document efforts to obtain the comprehensive intake assessment.
  5. If the child in care remains in shelter for over 21 calendar days the provisions of R21-7-224 shall apply.
- C.** Unless a child remains in continuous shelter care for more than 21 consecutive calendar days, a licensee operating a shelter care facility is not required to comply with R21-7-120 regarding service planning, but shall comply with all applicable court orders.
- D.** The licensee shall maintain a record for each child in a shelter care facility as prescribed in R21-7-121 except as otherwise provided in subsections (B) and (C).

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-239. Special Provisions for Transitional Program and Independent Living Program**

- A.** The licensee operating a residential group care facility that provides transitional programs or independent living programs shall comply with the requirements in this Chapter.
- B.** The licensee operating a transitional program or an independent living program shall not provide services related to these programs to a child less than 12 years of age.

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- C. The licensee that operates a residential group care facility providing a transitional program or an independent living program may request an alternative method of compliance as prescribed in R21-7-112 that ensures the safety and well-being of a child in care, age 12 and older, who participates in a transitional program or independent living program.
- D. The licensee that operates a residential group care facility providing a transitional program or an independent living program shall provide adequate safety information and individualized instruction to promote:
1. The safe use of a substance or item that is required to be safeguarded under the Life Safety Inspection rules in A.A.C. Title 21, Chapter 8, Article 1;
  2. The safe use of a substance or item that is necessary for self-sufficiency, such as laundry and cleaning supplies, tools, razors, and kitchen knives; and
  3. The understanding of how to summon assistance in the event of an emergency.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
(Supp. 23-3).

**R21-7-240. Special Provisions for Residential Group Care Facility with Multi-Purpose Premises**

- A. The licensee operating a residential group care facility that provides program and services in a Multi-Purpose Premises developed and managed by the licensee shall:
1. Have a detailed map of the community that:

- a. Identifies each structure and area, including the use and purpose;
  - b. Identifies all structures and areas accessible to children in care;
  - c. Identifies all structures and area restricted from a child in care; and
  - d. Identifies all structures and areas in which visitors not associated with the residential group care program are permitted and restricted;
2. Have a written policy and procedure governing the Multi-Purpose Premises that:
- a. Outlines the restrictions identified in subsection (A)(1);
  - b. Outlines agency actions if a child in care gains access to any restricted area or structure; and
  - c. Outlines agency methods to communicate these restrictions to visitors, any other adult or child not in care residing in the community, staff, and children in care; and
3. Submit a request for an alternative method of compliance as prescribed in R21-7-112.
- B. The licensee operating a residential group care program in a Multi-Purpose Premises shall comply with all the requirements of this Chapter, unless otherwise approved in an alternative method of compliance as prescribed in R21-7-112.

**Historical Note**

New Section made by final rulemaking at 29 A.A.R.  
2231 (September 29, 2023), effective November 6, 2023  
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