

EMERGENCY RULES
Initiated Before January 1, 1995

Under the Administrative Procedure Act in effect before January 1, 1995, an agency may determine that adoption, amendment, or repeal of a rule is necessary for immediate preservation of the public health, safety, or welfare and the notice and public participation requirements are impracticable. Under this determination, the agency may adopt the rule as an emergency and submit it to the Attorney General for review. The Attorney General certifies the rule and then files it with the Secretary of State. The rule takes effect upon filing with the Secretary of State and remains in effect for 90 days. An emergency rule may be renewed for one or more 90-day periods if the requirements of A.R.S. § 41-1026 are met. If the emergency rule is not renewed or the rule is not permanently adopted by the end of the 90-day period, the emergency rule expires and the text of the rule returns to its former language, if any.

TITLE 9. HEALTH SERVICES

**CH. 14. DEPARTMENT OF HEALTH SERVICES
LABORATORIES**

The undersigned hereby certifies that the attached rules, pursuant to the authority vested in this agency by A.R.S. §§ 36-136(F) and 36-694.01, were:

Adopted:

R9-14-505. Collection of Screening Fees

Amended:

R9-14-501. Definitions

R9-14-502. Tests to be Performed

Summary

The Department is again amending the above rules to establish a centrally coordinated Newborn Screening Program, including in-state laboratory services, and to require the use of Arizona Newborn Screening Specimen Collection Kits. It is absolutely essential for the Department to be able to collect fees for the services it provides. The Department's current contract with the Colorado Regional Newborn Screening Laboratory ended October 31, 1994, and without funds to support this program, the state of Arizona will be facing expenses well in excess of \$1 million per year to provide Newborn Screening services. Interruption of these services due to lack of funding puts the lives of Arizona's newborns in serious jeopardy. Within just one to two weeks, an affected baby who goes

undiagnosed and untreated can suffer severe mental and physical handicaps or even death.

Finding of Emergency

The Department has determined that the adoption of the rule is immediately necessary for the preservation of the public peace, health, and safety; that notice and public procedure thereon are impracticable, unnecessary, or contrary to public interest; and that the rule change must be adopted as an emergency rule without the notice provided by A.R.S. § 41-1022. *Valid for 90 days after filing pursuant to A.R.S. § 41-1026.*

The above referenced rule was promulgated subject to certification by the Attorney General on October 27, 1994.

Contact: Allie Cummings, OWCH-Newborn Screening Program, Department of Health Services, 1740 West Adams, Phoenix, Arizona 85007, (602) 542-1880.

/s/ Jack Dillenberg, D.D.S., M.P.H.,
Director

Approved and certified pursuant to
A.R.S. 41-1041 this 25th day of
January, 1995

/s/ Grant Woods
Attorney General

Filed in the Office of the
Secretary of State 1/25/95