

Arizona



Administrative Register

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Arizona Administrative Register

GENERAL INFORMATION

Arizona Administrative Register

The *Arizona Administrative Register* (A.A.R.) is an official publication of the state of Arizona and contains the rulemaking activity of the state's agencies, including proposed, final, emergency, summary, and exempt rules. The Secretary of State's Office prints the *Register* weekly. Rulemakings initiated under the Administrative Procedure Act as effective January 1, 1995, include the full text. In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of the state's boards and commissions. Other documents may be included if the documents are concerned with rulemaking or if state statute requires that they be published in the *Register*.

A full schedule of deadline and publication dates appears in the back of this issue. A schedule of deadlines for the Governor's Regulatory Review Council is also listed.

Within each type of rulemaking category, rules are listed in the same numerical order in which they appear in the *Arizona Administrative Code* (A.A.C.).

The *Arizona Administrative Register* is cited by volume and page number and issue date. For example: 87 A.A.R. 5, January 2, 1987, refers to volume 87, page 5, dated January 2, 1987. When the Secretary of State's Office began publishing the full-text *Register* weekly, volume numbers started again with 1. Therefore, 1 A.A.R. 305, February 17, 1995, refers to Volume 1, page 305, dated February 17, 1995. Pagination of the *Register* is consecutive throughout each volume year. An index to rulemaking activity is published in each issue and is cumulated every six months in a separately published index. The Office also publishes an index to the Governor's documents, the Attorney General's summaries of opinions, and to the Governor's appointments to the boards and commissions is published twice each year as a separate publication.

Arizona Administrative Code

The *Arizona Administrative Code* (A.A.C.) is an official publication of the state of Arizona. The A.A.C. contains all rules promulgated by the regulatory agencies of the state and filed with the Secretary of State after either certification by the Attorney General if initiated before January 1, 1995, or approval by either the Governor's Regulatory Review Council or the Attorney General, as appropriate, if initiated after January 1, 1995. The *Code* also contains rules exempt from the rulemaking process or exempt from certification or approval.

The A.A.C. uses a hyphenated numbering system. Each rule (Section) number is preceded by the letter "R" indicating "Rule." The first number following the letter "R" indicates the Title (subject area) in which the rule appears. The middle number indicates the Chapter (agency). The last number indicates the rule number. For example: A.A.C. R1-1-101 is the citation for Section 101 of Chapter 1 of Title 1 of the *Code*.

Publication of a rule in the *Arizona Administrative Code* is prima facie evidence in court of the adoption, amendment, or repeal of that rule as provided by A.R.S. 41-1012.

The full text of all rules printed is available for inspection in the Office of the Secretary of State, Public Services Division, 1700 West Washington, Suite 103, and at the promulgating agency. In addition, the *Arizona Administrative Code* supplements, published four times each year, contain the full text of rules on which changes were adopted during each calendar quarter.

The Office of the Secretary of State is an equal opportunity employer.

Persons requiring alternate formats must contact the Secretary of State's ADA Coordinator at (602) 542-4919 or TDD (602) 255-8683.

PUBLIC PARTICIPATION IN THE RULEMAKING PROCESS

The public is encouraged to participate in the rulemaking process by which administrative rules are adopted, amended, or repealed. Listed below are some of the ways in which to participate (references are to the *Arizona Revised Statutes* (A.R.S.), a compilation of the laws of the state of Arizona).

- * By inspecting a copy of the Notice of Proposed Rulemaking filed with the Secretary of State, Public Services Division, for publication in the *Arizona Administrative Register* (Register). (See A.R.S. § 41-1022)
- * By making oral comments, if a public hearing is held, or written comments to the agency proposing the rule. In order for the agency to consider your comments, the agency must receive them before the rulemaking is adopted. Your comments must reach the agency within the 30-day comment period following *Register* publication of the Notice of Proposed Rulemaking. Send your comments to the agency representative whose name and address are printed in the Notice of Proposed Rulemaking. (See A.R.S. § 41-1022)
- * By requesting, in writing, an oral proceeding on a proposed rule within 30 days after the Notice of Proposed Rulemaking has been published in the *Register* if the agency has not scheduled a proceeding. (See A.R.S. § 41-1023)
- * By submitting to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (see A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.
- * By petitioning an agency to adopt, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

PREAMBLE

1. Sections affected

Article 8
R4-19-801
R4-19-802
R4-19-803
R4-19-804
R4-19-805
R4-19-806
R4-19-807
R4-19-808
R4-19-809
R4-19-810
R4-19-811
R4-19-812
R4-19-813
R4-19-814
R4-19-815

Rulemaking Action:

New Article
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-1606(A) (1)

Implementing statutes: A.R.S. §§ 32-1606(B)(11) and 32-1646

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 1A.A.R. 392, April 28, 1995.

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

Name: Janet M. Walsh, Associate Director

Address: Arizona State Board of Nursing
1651 E. Morten, Suite 150
Phoenix, Arizona 85020

Telephone: (602) 331-8111, Ext. 145

Fax: (602) 906-9365

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5. An explanation of the rule, including the agency's reasons for initiating the rule:

In this proposed rulemaking, the Board seeks to establish rules to govern the certification process for nursing assistants, approval of training programs, and regulation of nursing assistants. At its meeting on August 19, 1999, the Board voted to approve this Notice of Proposed Rulemaking.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Nursing Assistant Committee Rules Survey: sent to all nursing assistant training programs approved by the Board as of July 1, 1998 (143) and the major employers of certified nursing assistants, that is, long-term care facilities (167), hospitals (150), home health agencies (150), and hospices (61). Approximately 72% of the programs and employers responded. This survey, the results and an analysis of the results are on file at the Board of Nursing office.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

In initiating this rulemaking, the Board recognized that any potential economic impact of these rules would primarily affect those institutions or facilities that offer nursing assistant training programs. As a result, the Board attempted to minimize the financial impact by recognizing existing practices of nursing assistant training programs. In drafting these rules, the Board initially planned to set 120 hours as the minimum curriculum requirement for nursing assistant training programs, however, after receiving input from many nursing assistant training programs and employers, it revised this requirement to allow programs a choice of offering 120 hours of classroom and clinical instruction or combining the curriculum requirement with a preceptor program that totals 120 hours. By making this change, the Board anticipates that existing nursing assistant training programs will not experience a significant economic impact in operating nursing assistant training programs. Based upon feedback from the long term care industry, the Board included a temporary certificate rule in this rulemaking package to address a concern that fingerprint results may not be received by the Board within the time that federal law allows a CNA applicant to work (120 days), resulting in the loss of an employee to a long term care facility.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Janet M. Walsh, Associate Director

Address: Arizona State Board of Nursing
1651 E. Morten, Suite 150
Phoenix, Arizona 85020

Telephone: (602) 331-8111, Ext. 145

Fax: (602) 906-9365

10. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how many persons may request an oral proceeding on the proposed rule:

Date: October 22, 1999

Time: 1 p.m.

Location: BOMEX Conference Room, Second Floor
1651 E. Morten
Phoenix, Arizona 85020

Nature: Hearing on R4-19-801 through 815

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporation by reference and their location in the rules:

Not applicable.

13. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 8. CERTIFIED NURSING ASSISTANTS

Sections

- R4-19-801. Standards for Nursing Assistant Training Programs
- R4-19-802. Standardized Curriculum
- R4-19-803. Approval of Nursing Assistant Training Programs
- R4-19-804. Renewal of Approval of Nursing Assistant Training Programs
- R4-19-805. Deficiencies and Rescission of Program Approval, Voluntary Termination and Reinstatement
- R4-19-806. Nursing Assistant Certification by Examination
- R4-19-807. Nursing Assistant Certification by Endorsement
- R4-19-808. Temporary Certificate
- R4-19-809. Nursing Assistant Renewal
- R4-19-810. Nursing Assistant Register
- R4-19-811. Application for Duplicate Certificate
- R4-19-812. Change of Name or Address
- R4-19-813. Performance of Nursing Assistant Tasks
- R4-19-814. Standards of Conduct for Nursing Assistants
- R4-19-815. Reinstatement or Issuance of a Certified Nursing Assistant Certificate

ARTICLE 8. CERTIFIED NURSING ASSISTANTS

R4-19-801. Standards for Nursing Assistant Training Programs

A. Organization and administration

1. A nursing assistant training program shall provide a description of the program that includes purpose, goals, and objectives, and meets federal, state, and if applicable, private post secondary requirements. The program description must be consistent with the purpose, goals, and objectives of a parent institution, if any.
2. A nursing assistant training program utilizing external clinical facilities shall have a written agreement between the program and each external clinical facility. The agreement shall define the rights and responsibilities of the program and the clinical facility, including agreements on the role and authority of the governing bodies of both the clinical facility and the program.
3. A nursing assistant training program shall have written policies and procedures that are consistent with its parent institution, if any, and that meet federal, state, and if applicable, private post secondary requirements. The program shall provide a regular schedule for the review of policies and procedures. The program policies and procedures shall include the following areas:
 - a. student attendance,
 - b. student grading, including program completion criteria,
 - c. student record maintenance,
 - d. student fees and financial aid,
 - e. student rights and responsibilities, and
 - f. student grievance.

B. Program coordinator and instructor qualifications and responsibilities

1. A program coordinator shall:
 - a. Hold a current, unencumbered, Arizona professional nurse license, and
 - b. Have 2 years of professional nursing experience with at least 1 year in a long term care facility.
2. A director of nursing in a long-term care facility-based program may assume the administrative responsibility and accountability of a program coordinator for a nursing assistant training program but shall not engage in classroom or clinical teaching in that program.
3. A program coordinator's responsibilities include the following:
 - a. Planning, implementing, and evaluating the program;
 - b. Securing qualified instructors, if applicable;
 - c. Making available admission and program completion requirements in written form to students prior to admission to the program;
 - d. Coordinating classroom and clinical sites and activities;
 - e. Evaluating and supervising students and instructors; and

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- f. Providing documentation of program completion to a student within 10 days of program completion.
 - 4. A program instructor shall:
 - a. Hold a current, unencumbered, Arizona professional nurse license; and
 - b. Meet 1 of the following requirements:
 - i. Have completed a course in teaching adults,
 - ii. Have 1 year's experience in teaching adults, or
 - iii. Have 1 year's experience in supervising nursing assistants.
 - 5. A program instructor's responsibilities include the following:
 - a. Participating in the planning of each learning experience.
 - b. Ensuring that course objectives are accomplished.
 - c. Requiring a grade of 75% or greater on all theoretical examinations.
 - d. Requiring a passing grade for satisfactory completion of all skills evaluations.
 - e. Ensuring that students do not perform activities for which they have not received instruction and in which they have not been found competent.
 - f. Supervising students giving care to clients in clinical areas.
 - g. Being present in the classroom at least 75% of the time, and
 - h. Supervising health care professionals who assist in providing program instruction.
 - 6. Certified or licensed health care professionals may supplement the program instructor if the health care professional has 1 year of experience in the field of licensure or certification.
- C. Resources, ratio, services, and records**
- 1. A program shall provide a minimum instructor or professional nurse to student ratio of 1 to 10 for students caring directly for clients.
 - 2. A program shall plan and schedule clinical experiences according to the course curriculum.
 - a. The program shall include a clinical experience for each nursing assistant student.
 - b. The program shall ensure that nursing assistant students are identified and treated as students and not utilized as staff while the students are enrolled in a nursing assistant training program.
 - 3. A program shall provide instructional and educational materials adequate to meet the needs of the program, the number of students, and the instructional staff and shall include:
 - a. Current reference materials related to the level of the curriculum, and
 - b. Instructional tools and equipment for simulating patient care.
 - 4. A program shall maintain program records for 3 years that contain the following documentation:
 - a. Curriculum and course schedule,
 - b. Classroom and supervised clinical hours, and
 - c. Student participation in program evaluation.
 - 5. A program shall maintain student records for 3 years that contain the following:
 - a. Name and date of birth,
 - b. Skills checklist,
 - c. Attendance record,
 - d. Program examination score, and
 - e. Copy of the documentation issued to a student upon successful completion of the training program, such as a certificate, transcript, or letter.
- D. Periodic evaluation**
- 1. A program shall permit the Board, or a state agency designated by the Board, to conduct an on site scheduled evaluation for initial Board approval, as required by R4-19-803, and renewal of approval, as required by R4-19-804.
 - 2. For reasonable cause, a program shall permit the Board to conduct an on site unannounced evaluation of the program.
- R4-19-802. Standardized Curriculum**
- A.** The standardized curriculum content for a nursing assistant training program shall include material that will provide a basic level of both knowledge and demonstrable skills for each student completing the program and does not include any aspects of facility orientation.
- B.** The standardized curriculum shall require a minimum number of 120 hours which can be met by 1 of the following:
- 1. An integrated curriculum of at least 120 hours, including classroom and clinical instruction, or
 - 2. A curriculum of at least 80 hours, including classroom and clinical instruction, followed by a preceptorship consisting of as many hours as required to equal 120 hours or more of instruction.
- C.** The standardized curriculum shall include classroom and clinical instruction in the following:
- 1. Communication and interpersonal skills;
 - 2. Infection control;
 - 3. Safety and emergency procedures, including the Heimlich maneuver and cardiopulmonary resuscitation;
 - 4. Client independence;

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5. Client rights, such as the right to confidentiality, the right to privacy, and the right to be free from abuse, mistreatment, and neglect;
 6. Need to report abuse, mistreatment and neglect to appropriate staff;
 7. Basic nursing skills;
 8. Personal care skills;
 9. Individual client needs including age specific mental health and social service needs;
 10. Care of the cognitively impaired client;
 11. Skills for basic restorative services, including body mechanics;
 12. Nursing team member skills; and
 13. Legal aspects of nursing assistant practice.
- D.** A program shall require that a student receive a minimum of 16 hours instruction in the subjects identified in subsection (C)(1) through (6) prior to allowing a student to care for clients.

R4-19-803. Approval of Nursing Assistant Training Programs

- A.** An applicant for initial nursing assistant training program approval shall submit an application to the Board at least 90 days in advance of the expected program opening date.
- B.** The application for initial program approval shall include the following:
1. Name, address, and telephone number of program;
 2. Identity of program as a long-term care facility-based or other program;
 3. Name and qualifications of program coordinator;
 4. Name and qualifications of program instructors;
 5. Accreditation status of applicant, if any, including name of accrediting body and date of last review;
 6. Licensure status, if required, including name of licensing agency and the date of last review;
 7. Medicare certification status, if any;
 8. Evidence of compliance with R4-19-801 and R4-19-802, including the following:
 - a. Program description and implementation plan, including timelines;
 - b. Classroom facilities, equipment, and instructional tools available; and
 - c. Standardized curriculum.
 9. An affidavit executed by a program coordinator of a Medicare or Medicaid certified long-term care facility, affirming that the program does not require a nursing assistant student to pay a fee for any portion of the program.
- C.** Following receipt and review of a complete application packet, the Board shall schedule an on site evaluation of the program.
- D.** A program shall not enroll students prior to receiving program approval.
- E.** The Board shall grant initial approval to any applicant who meets the criteria set forth in R4-19-801 and R4-19-802 and if approval is in the best interest of the public. If the Board denies approval, an applicant may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

R4-19-804. Renewal of Approval of Nursing Assistant Training Programs

- A.** A nursing assistant training program applying for renewal of approval shall submit an application packet to the Board prior to expiration of the current approval.
1. The application packet shall include the following:
 - a. Changes in the program description since previous approval;
 - b. Names and qualifications of current faculty;
 - c. Changes in course curriculum since previous approval;
 - d. Number of classes held within the past 2 years;
 - e. Changes in resources, contracts, and clinical facilities in use since previous approval; and
 - f. Copy of current student program evaluation forms.
 2. Following receipt and review of a complete application packet, the Board shall schedule an on site evaluation of the program.
- B.** Following an on site evaluation, the Board shall renew program approval for 2 years if a program meets the criteria set forth in R4-19-801 and R4-19-802 and if renewal is in the best interest of the public.
- C.** If the Board denies approval, a program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

R4-19-805. Deficiencies and Rescission of Program Approval, Voluntary Termination and Reinstatement

- A.** Deficiencies and rescission of approval
1. Upon determining that a nursing assistant training program does not comply with R4-19-801 or R4-19-802, the Board shall provide the program coordinator with a written notice of deficiency. The Board shall establish a reasonable

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period of time, based upon the number and severity of deficiencies, to correct the deficiencies. No period for correction of a deficiency or deficiencies shall exceed 3 months after the date of graduation of the next training class.

- a. Within 10 days from the date of service of the notice of deficiency, the program coordinator shall file a plan of correction with the Board.
- b. The program shall be subject to periodic evaluations by the Board during the period of correction to determine whether the program has corrected the deficiencies.
2. The Board shall rescind the approval of a nursing assistant training program for any of the following reasons:
 - a. Failure to file a plan of correction with the Board within 10 days of service of a notice of deficiency.
 - b. Failure to comply with R4-19-801 or R4-19-802 within the time period set by the Board in the notice of deficiency;
 - c. Noncompliance with federal, state, or if applicable, private post secondary requirements;
 - d. Failure to permit a scheduled or unannounced on site evaluation authorized by R4-19-801(D); or
 - e. Failure to conduct at least 1 program during a 24 consecutive month period.
3. A program that has its approval rescinded may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

B. Voluntary termination

1. The program coordinator shall submit written notification to the Board when a decision has been made to voluntarily terminate a nursing assistant training program.
2. The program coordinator shall maintain the nursing assistant training program, including the instructors, until the last student is transferred or has completed the nursing assistant training program.

C. Reinstatement

1. Any nursing assistant training program that has had its approval rescinded may apply for reinstatement of the program by meeting the requirements of R4-19-803.
2. An application packet shall be submitted in writing and shall contain all of the information or documentation required to be submitted in R4-19-803(B). The application packet shall contain or have attached thereto substantial evidence that the basis for rescission has been removed and that reinstatement of the program is in the best interest of the public.
3. The Board shall reinstate a nursing assistant training program that meets the requirements of R4-19-803. A program that is denied reinstatement may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying reinstatement. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

R4-19-806. Nursing Assistant Certification by Examination

A. An applicant for certification by examination shall submit the following information and documentation to the Board:

1. An application packet that contains the following information or documentation:
 - a. Full name;
 - b. Current address, including county of residence, and telephone number;
 - c. Date of birth;
 - d. Social security number;
 - e. Educational background, including the names of educational institutions attended, dates of graduation, and degree received, if applicable;
 - f. Current employer, including address and telephone number, type of position, and dates of employment;
 - g. A listing of all states in which the applicant is or has been registered as a nursing assistant and the certificate number, if any;
 - h. Responses to questions addressing the following subjects:
 - i. Prior disciplinary action on a license or certificate authorizing practice in any occupation,
 - ii. Pending investigation or disciplinary action on a nursing license or nursing assistant certificate,
 - iii. Pending criminal charges,
 - iv. Prior misdemeanor or undesignated offense conviction,
 - v. Prior felony conviction and date of absolute discharge of sentence,
 - vi. Use of chemical substances in a way that may limit the ability to practice in a health care profession, and
 - vii. Prior civil judgment resulting from malpractice or negligence in connection with practice in a health care profession.
 - i. A sworn statement under oath by the applicant verifying the truthfulness of the information provided by the applicant.
2. Proof of satisfactory completion of a nursing assistant training program that meets the requirements of subsection B, such as a certificate, transcript, or letter;
3. One or more fingerprint cards, if required by A.R.S. § 32-1606; and

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4. Applicable fees.
- B.** An applicant for certification as a nursing assistant must meet both of the following:
 1. Satisfactory completion of an approved training program in Arizona or a program in another state or territory of the United States that meets the requirements of R4-19-802(B).
 2. Passing score on the written and manual skills examinations or a passing score on the written examination and proof of a valid nursing license or proof of graduation from an approved nursing program.
- C.** An applicant who fails either the written or manual skills examination may retake the examination 2 additional times within a 2-year period from the date of completion of the nursing assistant training program.
- D.** An applicant who fails either the written or manual skills examination 3 times or who does not pass an examination within the time period specified in subsection (C) shall repeat and satisfactorily complete a training program before being permitted to retake an examination.
- E.** The Board shall certify a certificate to an applicant who meets the criteria in this Article if certification is in the best interest of the public.
- F.** An applicant who is denied nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and 4 A.A.C. 19, Article 6.

R4-19-807. Nursing Assistant Certification by Endorsement

- A.** An applicant for nursing assistant certification by endorsement shall submit all of the information or documentation required in R4-19-806.
- B.** An applicant for nursing assistant certification by endorsement shall meet the criteria set forth in R4-19-806 B (1) and:
 1. Be listed as active on a nursing assistant register or a substantially equivalent register by another state or territory of the United States; and
 2. Meet 1 of the following:
 - a. Currently working in nursing, performing nursing related activities, or working in the job description of a certified nursing assistant.
 - b. Has worked in nursing, performed nursing related activities, or worked in the job description of a nursing assistant within the past 2 years, or
 - c. Has completed a nursing assistant training program and passed the required examination within the past 2 years.
- C.** The Board shall certify an applicant who meets the criteria in this Article if certification is in the best interest of the public.
- D.** An applicant who is denied nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and 4 A.A.C. 19, Article 6.

R4-19-808. Temporary Certificate

- A.** Subject to subsection (B), the Board shall issue a temporary nursing assistant certificate to an applicant who desires to work as a certified nursing assistant if the applicant lacks a state criminal history as verified in a report issued by the Arizona Department of Public Safety and the applicant:
 1. Is qualified under:
 - a. A.R.S. § 32-1645 or § 32-1648, and
 - b. R4-19-806 or R4-19-807; and
 2. If seeking certification by endorsement:
 - a. Has filed an application for certification by endorsement within 30 days of hire by a Medicare or Medicaid certified long-term care facility, and
 - b. Has been employed by the same Medicare or Medicaid certified long term care facility for 75 to 100 days, and
 - c. Has submitted documents or an official statement from another state verifying that the applicant has a current certificate or equivalent document from another state; and
 3. If seeking certification by examination:
 - a. Has submitted an application within 30 days of hire by a Medicare or Medicaid certified long term care facility, and
 - b. Has been employed by the same Medicare or Medicaid certified long term care facility for 75 to 100 days; and
- B.** An applicant who discloses a disciplinary charge or substantiated complaint, criminal conviction, chemical dependency, pending disciplinary charge or substantiated complaint by a regulatory agency, or malpractice claim is not eligible for a temporary certificate without prior Board approval.
- C.** Unless extended for good cause under subsection D, a temporary certificate is valid for a maximum of 2 months.
- D.** A temporary certificate holder may apply and the Board or the Executive Director shall grant an extension for good cause. Good cause means reasons beyond the control of the temporary certificate holder such as unanticipated delays in obtaining information required for nursing assistant certification.

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R4-19-809. Nursing Assistant Renewal

- A.** A certified nursing assistant shall submit the following information and documentation to the Board on or before the expiration date of certification:
1. An application packet that contains the following:
 - a. Full name;
 - b. Current address, including county of residence, and telephone number;
 - c. Date of birth;
 - d. Current employer;
 - e. Whether the applicant, if not employed in nursing, performing nursing related activities, or working in the job description of a certified nursing assistant, has completed a Board approved nursing assistant training program and passed the written and manual skills examinations within the past 2 years;
 - f. Responses to questions addressing the following subjects:
 - i. Disciplinary action on a license or certificate authorizing practice in any occupation since certified or last renewed,
 - ii. Pending investigation or disciplinary action on a nursing license or nursing assistant certificate since certified or last renewed,
 - iii. Pending criminal charges since certified or last renewed,
 - iv. Misdemeanor or undesignated offense conviction since certified or last renewed,
 - v. Felony conviction and date of absolute discharge of sentence since certified or last renewed,
 - vi. Use of chemical substances in a way that may limit the ability to practice in a health care profession since certified or last renewed, and
 - vii. Civil judgment resulting from malpractice or negligence in connection with practice in a health care profession since certified or last renewed.
 - g. A sworn statement under oath by the applicant verifying the truthfulness of the information provided by the applicant.
 2. Documentation of proof of employment, such as a pay stub, W-2 form, or letter from an employer that validates the applicant's employment as a nursing assistant or the applicant's performance of nursing related activities within the past 2 years, and
 3. Applicable fees.
- B.** The certificate of a nursing assistant who fails to renew shall expire on the certificate holder's birthdate.
1. A nursing assistant's responsibility to renew is not relieved by the nursing assistant's failure to obtain an application.
 2. A nursing assistant who fails to renew shall not work as a certified nursing assistant.
 3. The Board shall impose a late fee on any nursing assistant who fails to renew certification.

R4-19-810. Nursing Assistant Register

- A.** The Register shall include the following information for each individual who has successfully completed a Board approved nursing assistant training program:
1. Full name and any other names used,
 2. Home address,
 3. County of residence,
 4. Date of birth,
 5. Social security number,
 6. The date of initial placement on the register,
 7. Dates and results of written and manual skills examinations,
 8. Date of expiration of current certificate, if applicable,
 9. Existence of pending investigation, if applicable, and
 10. Status of certificate, such as active, denied, expired, or revoked, if applicable.
- B.** The Register shall include the following information for each individual who has been disciplined by the Board or sanctioned by the United States Department of Health and Human Services or the Arizona Department of Health Services:
1. Disciplinary action by the Board:
 - a. Type of action, and
 - b. Date of action.
 2. Sanctions by the United States Department of Health and Human Services:
 - a. Date excluded,
 - b. Nature of exclusion, and
 - c. Length of exclusion.
 3. Omnibus Reconciliation Act, 42 C.F.R. § 483.150 et seq., complaints substantiated by the Arizona Department of Health Services:
 - a. Documentation of investigation,

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- i. Nature of allegation, and
- ii. Evidence supporting allegation.
- b. Date of hearing, if any, or date complaint substantiated, and
- c. Statement disputing the allegation, if any.

R4-19-811. Application for Duplicate Certificate

- A.** A certified nursing assistant shall report a lost or stolen certificate to the Board within 30 days of discovery of the loss.
- B.** A certified nursing assistant shall make a written request for a duplicate certificate to the Board, provide a notarized signature or proof of identification, and pay the applicable fee.

R4-19-812. Change of Name or Address

- A.** A certified nursing assistant, who has legally changed the nursing assistant's name, shall notify the Board in writing within 30 days of the name change. The nursing assistant shall submit a copy of the official document evidencing the name change.
- B.** A certified nursing assistant shall notify the Board within 30 days of any address change.

R4-19-813. Performance of Nursing Assistant Tasks

- A.** A nursing assistant may perform the following:
 - 1. Tasks for which the nursing assistant has been trained through a basic curriculum as identified in R4-19-802, and
 - 2. Tasks learned through inservice or educational training if the task meets the following criteria and the nursing assistant has demonstrated competence:
 - a. The task can be safely performed according to clear, exact, and unchanging directions;
 - b. The task poses minimal risk for the client and the consequences of performing the task improperly are not life-threatening;
 - c. The results of the task are reasonably predictable; and
 - d. Assessment, interpretation, or decision-making is not required during the performance or at the completion of the task.
- B.** A nursing assistant may not perform any task requiring judgment based on nursing knowledge, such as the administration of medications.
- C.** A nursing assistant who accepts a client assignment is responsible for the following:
 - 1. Recognizing the nursing assistant's personal knowledge, skills, and abilities;
 - 2. Recognizing the legal aspects of nursing assistant practice;
 - 3. Informing the nurse or person authorized to delegate the task about the nursing assistant's ability to perform the assigned task prior to accepting the assignment;
 - 4. Accepting delegation, instruction, and supervision from the professional or practical nurse or the person authorized to delegate the task;
 - 5. Acknowledging accountability for personal actions in completing the assignment accepted;
 - 6. Following the client's plan of care, if available;
 - 7. Observing, reporting, and recording signs, symptoms, and changes in the client's condition in an ongoing and timely manner; and
 - 8. Retaining responsibility for the assigned task without delegating it to another person.

R4-19-814. Standards of Conduct for Nursing Assistants

For purposes of A.R.S. §32-1601, a practice that is or might be harmful or dangerous to the health of a patient or the public includes the following:

- 1. Leaving an assignment or abandoning a client requiring immediate care without properly notifying appropriate supervisory personnel;
- 2. Failing to document care and treatment provided to clients;
- 3. Failing to follow an employer's policies and procedures designed to safeguard the client;
- 4. Failing to take action to protect a client whose safety or welfare is at risk from potential or actual incompetent health care practice, or to report such practice to the appropriate authorities;
- 5. Failing to report signs, symptoms, and changes in client conditions to the appropriate individual in an ongoing and timely manner;
- 6. Failing to respect client rights and dignity;
- 7. Violating a client's right of privacy, disclosing confidential information, or knowledge concerning a client, unless required by law to disclose such information;
- 8. Neglecting or abusing a client physically, verbally, emotionally or financially;
- 9. Engaging in sexual misconduct or boundary violations with a client;
- 10. Soliciting, borrowing, or removing property or money from a client, a client's family, a client's residence, or employer;

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11. Using or being under the influence of alcoholic beverages, intoxicants, over-the-counter drugs, prescription drugs, or controlled drugs to the extent that judgment may be impaired and practice detrimentally affected or while on duty in any work setting;
12. Assuming client care tasks for which the nursing assistant lacks the education or competence to perform;
13. Removing without authorization narcotics, drugs, supplies, equipment, or medical records from any work setting;
14. Obtaining, possessing, using, or selling any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any employer;
15. Permitting or assisting another person to use the nursing assistant's certificate for any purpose;
16. Making untruthful or misleading statements to advertise the individual's practice as a certified nursing assistant;
17. Threatening, harassing, or exploiting an individual;
18. Using violent or abusive behavior in any work setting;
19. Failing to cooperate with the Board during an investigation;
20. Failing to cooperate with the Board by not responding to a Board subpoena; and
21. Practicing in any other manner that gives the Board reasonable cause to believe that the health of a client or the public may be harmed.

R4-19-815. Reinstatement or Issuance of a Certified Nursing Assistant Certificate

An applicant whose application is denied or a nursing assistant whose certificate is revoked in accordance with A.R.S. § 32-1663, may make application to the Board, after a period of 5 years subsequent to the date the certificate or application was revoked or denied. A nursing assistant who voluntarily surrenders a nursing assistant certificate may make application to the Board, after no less than 3 years subsequent to the date the certificate was surrendered. The Board shall issue or reinstate a nursing assistant certificate under the following terms and conditions:

1. An applicant shall submit documentation showing that the basis for denial, revocation or voluntary surrender has been removed and that the issuance or reinstatement of nursing assistant certification will no longer constitute a threat to the public health or safety. The Board may require an applicant to be tested for competency, or retake and successfully complete a Board approved training program and pass the required examination.
2. The Board shall consider the application and may designate a time for the applicant to address the Board at a regularly scheduled meeting.
3. After considering the application, the Board may:
 - a. Grant nursing assistant certification, or
 - b. Deny the application.
4. An applicant who is denied issuance or reinstatement of nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying issuance or reinstatement of nursing assistant certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

PREAMBLE

1. Sections Affected	Rulemaking Action
R4-26-101	Amend
R4-26-105	Amend
R4-26-106	Amend
R4-26-202	Amend
R4-26-203	Repeal
R4-26-203	New Section
R4-26-204	Amend
R4-26-205	Amend
R4-26-207	Amend
R4-26-209	Amend
R4-26-210	Amend
R4-26-303	Amend

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2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-2063(9)

Implementing statutes: A.R.S. §§ 41-1072 through 41-1078

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 4 A.A.R. 2298, August 28, 1998.

Notice of Proposed Rulemaking: 4 A.A.R. 3578, November 6, 1998.

Notice of Final Rulemaking: 5 A.A.R. 737, March 12, 1999.

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

Name: Maxine McCarthy, Executive Director

Address: Board of Psychologist Examiners
1400 W. Washington, Room 235
Phoenix, Arizona 85007

Telephone: (602) 542-8162

Fax: (602) 542-8279

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The proposed rules do the following: amend the definitions; amend retention requirements of client records; set forth the requirements for applications for a psychologist's license; amend continuing education requirements; amend renewal requirements in keeping with time-frames; and amend language specific to the discontinued oral examination. The Board is making changes to correct a citation in R4-26-101.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Not applicable.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

The Board will incur minimal costs to promulgate the rules and to notify interested parties of the new rules after the rules are approved. The Board should incur minimal costs for notification of completeness of an application. All applicants and the Board should benefit because of the increased consistency and efficiency in the application process. There are no other expected costs on other government entities, psychologists, or the public.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Maxine McCarthy, Executive Director

Address: Board of Psychologist Examiners
1400 W. Washington, Room 235
Phoenix, Arizona 85007

Telephone: (602) 542-8162

Fax: (602) 542-8279

10. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how many persons may request an oral proceeding on the proposed rule:

Date: October 12, 1999

Time: 9 a.m.

Location: Board of Psychologist Examiners
1400 W. Washington, Room 235

Nature: Comment on proposed rule revisions

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

12. Incorporation by reference and their location in the rules:

None.

13. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section

- R4-26-101. Definitions
- R4-26-102. Board Meetings
- R4-26-103. Official Signatures
- R4-26-104. Advisory Committee
- R4-26-105. ~~Confidentiality of~~ Board Records
- R4-26-106. Client Records
- R4-26-107. Current Address
- R4-26-108. Application Deadline

ARTICLE 2. LICENSURE

Section

- R4-26-201. ~~Moral Character~~ Repealed
- R4-26-202. Doctorate
- R4-26-203. Evaluation of Applicant Credentials
- R4-26-204. Examinations
- R4-26-205. Renewal of License
- R4-26-206. Inactive Status
- R4-26-207. Continuing Education
- R4-26-208. Time-frames for Processing Applications
 - Table 1. Time-frames (In Days) for Processing Applications
- R4-26-209. General Supervision
- R4-26-210. Internship or Training Experience
- R4-26-211. Foreign Graduates

ARTICLE 3. REGULATION

Section

- R4-26-303. Titles
- R4-26-308. Rehearing of Decision

ARTICLE 1. GENERAL PROVISIONS

R4-26-101. Definitions

In this Chapter, the following terms mean:

1. "Administrative completeness review" means the Board's process for determining that an applicant has provided all of the information and documents required by Board statute or this Chapter.
2. "Advertising" means the use of any communications media, whether paid or unpaid by a psychologist, to disseminate information regarding the qualifications of the psychologist or to solicit clients for psychological services. Methods of advertising include a published statement or announcement, directory listing, business card, personal resume, brochure, or any electronic communication conveying professional qualifications or promoting the use of the psychologist's professional services.
3. "Applicant" means an individual requesting licensure, renewal, or approval from the Board.
4. "Application packet" means the forms and documents the Board requires an applicant to submit or be submitted on an applicant's behalf.
5. "Case", in the context of ~~R4-26-106(E)~~ R4-26-106(D), means a legal cause of action instituted before an administrative or judicial court.

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6. "Case conference" means an informal meeting among psychologists that includes the discussion of a particular client, case, or diagnosis that is related to the practice of psychology.
7. "Client record" means, in addition to adequate records defined in A.R.S. § 32-2061(A)(2), any assessment, plan of intervention, consultation, hand-written note, summary report, testing report, relevant supporting data, or a release form obtained from a client or 3rd party pertaining to the psychological services.
8. "Confidential record" means:
 - a. Minutes of an executive session of the Board;
 - b. A record that is classified as confidential by a law or rule applicable to the Board;
 - c. An applicant's or licensee's college or university transcript requested by a person other than the applicant or licensee;
 - d. All materials relating to an investigation by the Board, including a complaint, response, client record, witness statement, investigative report, or any other information relating to a client's diagnosis, treatment, personal or family life. The Board shall disclose if an investigation is being undertaken and the general nature of the investigation;
 - e. Home address and home telephone number;
 - f. Test scores; and
 - g. Social security number.
9. "Days" means calendar days.
10. "Diplomate" means a status bestowed on a person by the American Board of Professional Psychology after successful completion of the work and examinations required.
11. "Dissertation" means a document prepared as part of a graduate doctoral program that includes, at a minimum, separate sections that:
 - a. Review the literature on the psychology topic being investigated, state each research question under investigation, and state each hypothesis investigated;
 - b. Describe the method or procedure used to investigate each research question or each hypothesis;
 - c. Describe and summarize the findings and results of the investigation;
 - d. Discuss the findings and compare them to the relevant literature presented in the literature review section; and
 - e. List the references used in the various sections of the dissertation. A majority of the references used in the dissertation shall either be listed in the American Psychological Association's journal, *Psychological Abstracts*, or classified as a psychology subject by the Library of Congress.
12. "Fellow" means a rank or position bestowed on a person by a psychology association or society.
13. "Gross negligence" means a psychologist's breach of duty to know or have reason to know of facts that would lead a reasonable psychologist to realize that the psychologist's act or failure to act creates an unreasonable risk of harm and involves a high degree of probability that substantial harm may result.
14. "Internship training program" means the supervised professional experience required in A.R.S. § 32-2071(D).
15. "National examination" means the national written examination provided by the Association of State and Provincial Psychology Boards.
16. "Party" means the Board, an applicant, or a licensee.
17. "Primarily psychological", in the context of A.R.S. § 32-2071(A)(6), means subject matter that covers the practice of psychology as defined in A.R.S. § 32-2061(A)(8).
18. "Psychometric testing" means measuring cognitive and emotional processes and learning.
19. "Raw test data" means information collected during a psychologist's assessment and evaluation.
20. "Residency" means the same as in A.R.S. § 32-2071(H), except domicile or hospital residency.
21. "Retired", as used in A.R.S. § 32-2073(E), means a psychologist has permanently stopped practicing psychology, as defined in A.R.S. § 32-2061(A)(8).
22. "Substantive review" means the Board's process for determining if an applicant meets the requirements of A.R.S. § 32-2071 through § 32-2076 and this Chapter.
23. "Successfully completing", in A.R.S. § 32-2071(A)(4), means receiving a passing grade in a course from a school or institution.
24. "Supervise" means to control, oversee, and review the activities of an employee, intern, or trainee who provides psychological services.
25. "Supervisor" means a psychologist licensed or certified as a psychologist in the state in which the supervision occurs.
26. "Three or more graduate semester hours" means 3 16-week semester hours, 4 12-week quarter hours, or 5.33 9-week trimester hours.

R4-26-102. Board Meetings

Pursuant to A.R.S. § 32-2063(A)(8), the Board shall meet prior to July 1 of each year to elect a chairman, a vice chairman, and a secretary who shall take office on July 1 of that year and serve until June 30 of the following year. A vacancy occurring in the office of chairman, vice chairman, or secretary shall be filled by a Board election.

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R4-26-103. Official Signatures

The chairman, vice chairman, or secretary, elected pursuant to A.R.S. ' 32-2063, shall sign correspondence, forms, legal documents, or other official papers of the Board. The chairman, vice chairman, or secretary may delegate this duty to another Board member, or the executive director.

R4-26-104. Advisory Committees

The Board may appoint advisory committees for the purpose of conducting investigations and making recommendations to the Board concerning official actions to be taken or considered by the Board regarding the licensing process or disciplinary matters.

R4-26-105. Confidentiality of Board Records

- ~~A. All records which are open to public inspection shall be viewed at the Board office during business hours which are~~ A person may view public records in the Board office only during business hours Monday through Friday from 8 a.m. to 5 p.m., excluding holidays.
- ~~B. All Board records are open to public inspection and copying except those that are confidential, as follows: records.~~
- ~~1. Minutes of executive sessions.~~
 - ~~2. Records which are classified as confidential by laws or rules applicable to the Board.~~
 - ~~3. College or university transcripts of applicants for licensure or of persons licensed as psychologists, except that the person on whom the file is kept may view or copy such records.~~
 - ~~4. All materials relating to an ongoing or concluded investigation by the Board, including the complaint, response, patient records, witness statements, investigative reports, or any other information relating to the client's diagnosis, treatment, personal or family life; however, the public may be informed that an investigation is being undertaken and of the general nature of the investigation.~~

R4-26-106. Client Records

- ~~A. Pursuant to A.R.S. ' 32-2061(13)(s), a client has a right to information in the client's record.~~
- ~~B. A psychologist shall not require payment for the psychological services which led to the creation of a client's record as a prerequisite to providing such material condition record release on a client's payment for services.~~
- ~~C. B. A psychologist shall release, with the client's written consent, the client's raw test data or psychometric testing materials may be released, with the client's written consent, to another licensed psychologist. Any other disclosure of a client's raw test data or psychometric testing materials shall only be made to the extent required by federal or state law or court order compelling production.~~
- ~~D. C. A psychologist shall retain all client records, including records of a client who has died while under the care and treatment of the psychologist, shall be retained for a minimum of seven 7 years from the date of the last client activity. If a client is a minor, the psychologist shall retain all client records for a minimum of 3 years past the client's 18th birthday or 7 years from the date of the last client activity, whichever is longer.~~
- D. A psychologist who has been notified by the Board or municipal, state, or federal officials of an investigation or pending case by the Board or municipal, state, or federal officials shall retain all records relating to that investigation or case until the psychologist has received written notification that the investigation has been is completed or that the case has been is closed. A psychologist who is on inactive status pursuant to A.R.S. ' 32-2073(E) is not exempt from this rule.
- E. A psychologist shall have a plan for the disposition of client records in the event of the psychologist's death, incapacity, or any cessation of practice.

R4-26-107. Current Address

A psychologist's failure to receive a renewal notice or other mail which the Board sends to the most recent address which the psychologist has placed on file with the Board office is not justification for an untimely license renewal or the omission of any other action required by the psychologist.

R4-26-108. Application Deadline

A license application and all related supporting materials and documentation shall be completed and filed at the Board office at least 60 days prior to the date of the next scheduled written examination. An applicant who does not meet this deadline shall not sit for that examination.

ARTICLE 2. LICENSURE

R4-26-202. Doctorate

- ~~A. The Board shall apply the following criteria apply to determine whether an applicant has received a doctorate based on if a doctoral program of studies, as required by complies with A.R.S. § 32-2071.~~
- ~~1. To determine whether a A program is "identified and labeled as a psychology program" pursuant to A.R.S. § 32-2071(A)(2), the Board shall determine whether if the university, college, department, school, or institute had institutional catalogues and brochures that specified its intent to educate and train psychologists, at the commencement of the applicant's degree program.~~

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2. ~~To determine whether a A program “stands as a recognized, coherent organizational entity” pursuant to A.R.S. § 32-2071(A)(2), the Board shall determine whether if the university, college, department, school, or institute had a psychology curriculum that was an organized sequence of study of courses at the commencement of the applicant's degree program.~~
3. ~~To determine whether a A program has “clearly identified entry and exit criteria” within its curriculum pursuant to A.R.S. § 32-2071(A)(2), the Board shall examine whether if the university, college, department, school, or institute has entry requirements that outline the prerequisites for entrance into the program and the sequence of study and whether the requirements for graduation are delineated.~~
4. ~~To determine whether a An applicant shall have the educational institution that granted the doctoral degree provide, directly to the Board, documentation of comprehensive examination taken by an applicant as part of a doctoral program in psychology that satisfies the requirements of A.R.S. § 32-2071(A)(4), the applicant shall have the educational institution that granted the doctoral degree provide documentation, directly to the Board, which demonstrates how the applicant's comprehensive examinations were constructed, the criteria for passing, and the information used to determine that the applicant passed.~~
- B.5.** ~~To determine whether an applicant satisfies the requirements of A.R.S. § 32-2071(A)(4) by successfully completing at least three or more graduate level semester hours, or the equivalent quarter hours, in the content areas required by The Board shall verify that an applicant has completed the hours in the subject areas described in A.R.S. § 32-2071(A)(4)(a) through (h); For this purpose, the applicant shall have the institution that the applicant attended provide, directly to the Board, an official transcript of all courses taken.~~
 1. The Board shall verify that an applicant's transcripts shall be prepared solely by the institution under A.R.S. § 32-2071(A)(7), by determining if the applicant had any input into any stage of the transcript drafting process.
 2. The Board may require additional documentation from the applicant or from the institution to determine if the applicant has satisfied the requirements of A.R.S. § 32-2071(A)(4).
- B.** ~~The residency requirement of A.R.S. § 32-2071(I) shall be construed as being applicable to the applicant's graduate program at the institution granting the doctoral degree.~~
- C.** ~~The Board shall not accept credit hours for life experiences, for workshops, practicum, or undergraduate courses from any degree-granting university or institution of higher education; for life experiences; or for credits transferred from institutions that are not accredited pursuant to A.R.S. § 32-2071(A)(1), to satisfy a requirement of A.R.S. § 32-2071(A)(4).~~
- D.** ~~A ~~No~~ course or comprehensive examination shall be counted ~~more than~~ only once to satisfy a requirement of A.R.S. § 32-2071(A)(4).~~
- E.** ~~An honorary doctorate or other degree in psychology based upon credit granted for life experiences does not qualify an applicant for ~~certification~~ licensure as a psychologist.~~
- F.** ~~The board shall not give core program credit for a practicum, workshop, continuing education course, experiential or correspondence course. The Board shall give credit for seminar or readings courses and independent study only if the applicant provides substantiation that the course was an in-depth study devoted to a particular core area. The applicant shall substantiate through 1 or more of the following:~~
 1. Course description in official college catalogue;
 2. Course syllabi; or
 3. Signed statement from a dean or psychology department head detailing that the course was an in-depth study devoted to a particular core area.

R4-26-203. Evaluation of Applicant Credentials

- A.** ~~An applicant for licensure shall submit for Board review the following information for the Board to determine the applicant's eligibility to take the Board's examinations or to have such examinations waived:~~
 1. ~~Pursuant to A.R.S. § 32-2063(A)(3), the Board's application form completed and signed by the applicant and notarized. This form requires the following applicant information:~~
 - a. ~~Name, addresses, and telephone numbers;~~
 - b. ~~Educational background and training;~~
 - e. ~~Licensing and disciplinary history;~~
 - d. ~~Employment history;~~
 - e. ~~Membership in professional associations;~~
 - f. ~~Criminal and malpractice history;~~
 - g. ~~Medical history; and~~
 - h. ~~Photographs.~~
 2. ~~Pursuant to A.R.S. § 32-2063(A)(3), as part of the content of the application, favorable written references of the applicant confirming, to the best knowledge of the person issuing the reference, that the applicant has not engaged in any act or conduct that constitutes grounds for disciplinary action against a licensee of the Board pursuant to A.R.S. § 32-2071.01(3) from two professional references familiar with the applicant. Providing references who indicate only that they know the applicant or are not aware of an unfavorable report concerning the applicant does not constitute~~

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credentials necessary for licensure. The reference shall be from individuals who are either Arizona licensed psychologists, diplomates, or fellows or members in good standing of the American Psychological Association, Canadian Psychological Association, or the American Psychological Society and who have knowledge of the applicant's professional activities within the three years prior to the date of submission of the applicant's application. If it has been more than three years since the applicant has engaged in professional activity as a psychologist or as a doctoral candidate in psychology, then the applicant may submit references from individuals who have the same credentials described previously herein and who have knowledge of the applicant's aforementioned activity, as a psychologist or as a doctoral candidate, for the most recent three year period that the applicant engaged in the aforementioned activity. If none of the foregoing persons are available to the applicant, other psychologists who are licensed or certified to practice psychology in the United States or Canada who have knowledge of the applicant's professional activities within the three years prior to the date of submission of the applicant's application shall be acceptable.

3. Pursuant to A.R.S. § 32-2071(A), official transcripts covering the applicant's graduate training. These transcripts shall be sent to the Board by the institution and shall contain a notation of degrees awarded or be accompanied by an official notice of the date and name of the degrees awarded and the name of the department awarding the degrees.
 4. An affidavit from the supervisor or administrator of the applicant's supervised internship or training program verifying that the applicant's training satisfied the requirements of A.R.S. § 32-2071(D).
 5. An affidavit from the supervisor of the applicant's postdoctoral experience verifying that the applicant's postdoctoral experience satisfied the requirements of A.R.S. § 32-2071(E).
 6. A written description from the applicant of the components of the applicant's doctoral program to show that the applicant's doctoral program satisfied the core program requirements of A.R.S. § 32-2071(A)(4).
 7. A signed, written statement from the applicant that the applicant has completed a residency that satisfies the requirements of A.R.S. § 32-2071(I) in its entirety.
- B.** If seeking waiver of the written examination for the practice of psychology based upon previous testing, the applicant shall request the Professional Examination Service to send the applicant's previous test scores directly to the Board.
- C.** If seeking waiver of the Board's written examination based upon diplomate status, the applicant shall request the American Board of Professional Psychology to send verification of such status directly to the Board.

R4-26-203. Application for Licensure

A. An applicant for a psychologist license shall submit an application packet to the board that includes:

1. An application form provided by the board, signed and dated by the applicant, and notarized that contains:
 - a. Applicant's name, business and home addresses, social security number, business and home telephone numbers, and date and place of birth;
 - b. Whether the applicant is a diplomate of the American Board of Professional Psychology;
 - c. Name of each jurisdiction in which the applicant is currently or has been licensed as a psychologist;
 - d. Whether the applicant has applied for licensure as a psychologist in any other jurisdiction and date of each application;
 - e. Whether the applicant is licensed or certified in a profession or occupation other than psychology;
 - f. Whether the applicant has ever taken the national examination in psychology, name of each jurisdiction in which taken, and each date of examination;
 - g. Whether the applicant has ever had an application for a license, certification, or registration, other than a driver's license, denied or rejected by any jurisdiction;
 - h. Whether the applicant has ever had disciplinary action initiated against the applicant's license, certification, or registration, other than a driver's license, or had a license, certification, or registration, other than a driver's license, suspended or revoked by an jurisdiction;
 - i. Whether the applicant has ever entered into a consent agreement or stipulation;
 - j. Whether the applicant is a member of any professional association in the field of psychology and name of association;
 - k. Whether the applicant has ever had membership in a professional association in the field of psychology denied or revoked;
 - l. Whether the applicant is currently under investigation for or has been found guilty of violating a code of professional ethics or of unprofessional conduct by any jurisdiction;
 - m. Whether the applicant has ever been sanctioned or placed on probation by any jurisdiction;
 - n. Whether the applicant is currently being investigated for potential disciplinary action by any jurisdiction;
 - o. Whether the applicant has ever been arrested, charged, or convicted of a felony or misdemeanor involving moral turpitude, including convictions that have been expunged or deleted by a court of law;
 - p. Whether the applicant has ever been named in any lawsuit for malpractice or unprofessional conduct;
 - q. Whether the applicant is currently addicted to alcohol or any drug that in any way impairs or limits the applicant's ability to practice;

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- r. Whether the applicant has any medical, physical, or psychological condition that may in any way currently impair or limit the applicant's ability to safely and effectively practice psychology;
 - s. Name and address of each university or college from which the applicant graduated, dates of attendance, date of graduation, degree received, name of department, and major subject area;
 - t. Major advisor's name, department, and title of dissertation or Psy.D. project of the doctoral degree;
 - u. Official title of the doctoral degree program or predoctoral specialty area;
 - v. Official document sent directly from the degree-granting institution to the Board indicating that the applicant has completed a residency that satisfies the requirements of A.R.S. § 32-2071(H) in its entirety;
 - w. Whether the predoctoral internship was an American Psychological Association approved program or an Association of Psychology and Postdoctoral Internship Center program;
 - x. Each location at which the applicant participated in an internship training program and each supervisor's name;
 - y. Areas of professional competence;
 - z. Intended area of professional practice in psychology;
 - aa. Name, position, and address of at least 2 references who:
 - i. Are licensed psychologists, diplomates of the American Board of Professional Psychology, fellows, or members in good standing of the American Psychological Association, Canadian Psychological Association, or American Psychological Society or other psychologists who are licensed or certified to practice psychology in a United States or Canadian jurisdiction and who are not members of the Arizona Board of Psychologist Examiners;
 - ii. Are familiar with the applicant's work experience in the field of psychology or postdoctoral program for 3 years immediately preceding the date of submission of the application. If more than 3 years have elapsed since the applicant last engaged in professional activities in the field of psychology or in a postdoctoral program, the references may be from the most recent 3 year period in which the applicant engaged in professional activities in the field of psychology or in a postdoctoral program. If none of the references required by this subsection are available to the applicant, the Board may accept references from psychologists who are licensed in any state of the United States or any other foreign country who have knowledge of the applicant's professional activities within 3 years from the date of the submission of the application; and
 - iii. Recommend the applicant for licensure;
 - bb. A history of employment in the field of psychology including the beginning and ending dates of employment, number of hours worked per week, name and address of employer, name and address of supervisor, and type of employment in the field of psychology;
 - cc. Whether the applicant is requesting a temporary license under A.R.S. § 32-2073;
 - dd. A notarized statement, verified under oath by the applicant, that the information on the application pertains to the applicant, is true and correct, and has not been procured through fraud or misrepresentation;
 - ee. Information to demonstrate that the applicant satisfied the core program requirements in A.R.S. § 32-2071(A)(4);
 - ff. Two passport photographs of the applicant no larger than 1 1/2 X 2 inches taken not more than 60 days before the date of application;
 - gg. Fee required by the Board; and
 - hh. Any other information authorized by statute.
- B.** In addition to the requirements of subsection (A) above, an applicant for a psychologist's license shall arrange to have directly submitted to the Board:
- 1. An official transcript from each university or college from which the applicant has received a graduate degree and the date received;
 - 2. An affidavit from the applicant's supervisor verifying that the applicant's internship training program meets the requirements in A.R.S. § 32-2071(D);
 - 3. An affidavit from the applicant's postdoctoral supervisor verifying that the applicant's postdoctoral experience meets the requirements in A.R.S. § 32-2071(E); and
 - 4. An official notification of the applicant's score on the national examination for psychology.
 - a. An applicant who has passed the national examination in psychology and is seeking an exemption under A.R.S. § 32-2072(C) shall have the examination scores sent directly to the board by the professional examination service.
 - b. If seeking an exemption under A.R.S. § 32-2072(C) due to the applicant's status as a diplomate of the American board of Professional Psychology, an applicant shall arrange to have a verification of diplomate status sent directly to the Board by the American Board of Professional Psychology.

R4-26-204. Examinations

A. General Rules

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1. An applicant who fails an examination 3 or more times, in Arizona or any other jurisdiction, shall comply with the following requirements ~~pursuant to~~ under A.R.S. § 32-2072(B) ~~prior to taking another examination or submitting a score under subsection C:~~
 - a. ~~No further examinations shall be administered in Arizona and no future scores from any other jurisdiction shall be considered until the~~ The applicant meets ~~shall meet~~ with the Board to review the areas of deficiency and to develop and implement a program of study and practice experience designed to remedy the applicant's deficiencies. This remedial program shall consist of course work, self study, internship experience, supervision, or any combination of these.
 - b. ~~A new license application shall be submitted~~ An applicant shall submit a new license application only after completion of the remedial program described in subsection(A)(1)(a). In addition to the information that was required on the original application, ~~this~~ the new application shall include documentation of all professional activities of the applicant since the date of the original application.
 - c. ~~If the applicant who fails an examination three or more times subsequently passes an Arizona approved examination in another jurisdiction at or above the passing score required in Arizona on the date the examination was taken, the Board shall not accept a~~ A new application is not as complete until the applicant completes the remedial program described in subsection (A)(1)(a).
 2. If an applicant who has been accepted to sit for a Board examination fails to appear at the time scheduled for the commencement of the examination or any ~~specific parts~~ part thereof, the applicant ~~loses~~ shall lose eligibility to sit for that examination ~~and shall reapply and pay another application fee. The board may waive payment of another examination fee under extraordinary circumstances if applicant can demonstrate just cause.~~
 3. The Board ~~may~~ shall deny a license ~~on the grounds that an applicant has violated or attempted to violate the restrictions governing any licensing examination or the administration of an examination, as listed hereafter: if an applicant commits any of the following acts:~~
 - a. ~~Violating~~ Violates the security of the examination materials;
 - b. ~~Removing~~ Removes any examination materials from the examination room ~~any examination materials;~~
 - c. ~~The xerographic, photographic, or other reproduction of~~ Reproduces any portion of the licensing examination;
 - d. ~~Aiding the xerographic, photographic, or other mechanical~~ Aids in the reproduction of any portion of the licensing examination;
 - e. ~~Paying or using~~ Pays or uses another person to take a licensing examination for the applicant or to reconstruct any portion of the licensing examination;
 - f. ~~Obtaining~~ Obtains examination material, either before, during, or after an examination, or ~~using or purporting~~ uses or purports to use any examination materials which were removed or taken from any examination for the purpose of instructing or preparing applicants for examinations;
 - g. ~~Selling, distributing, buying, receiving, or having~~ Sells, distributes, buys, receives, or has possession of any portion of a future, current, or previously administered licensing examination that has not been authorized for release to the public by the Board or its authorized agent;
 - h. ~~Communicating~~ Communicates with any other examinee during the administration of a licensing examination;
 - i. ~~Copying~~ Copies answers from another examinee or ~~permitting~~ permits answers to be copied by another examinee;
 - j. ~~Possessing~~ Possesses during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than material distributed during the examination; or
 - k. ~~Impersonating~~ Impersonates another examinee.
- B. ~~Written~~ National Examination**
1. ~~Pursuant to~~ Under A.R.S. § 32-2063 and 32-2072, the Board ~~shall administer the written examination for the licensure of a psychologist provided by the Association of State and Provincial Psychology Boards~~ national examination shall be administered. An applicant ~~whose credentials were approved by the Board to take the national examination shall be considered to have passed~~ passes the test if the applicant's score received equals at least 70% of the total possible score or, if taking the computerized version, at the ASPPB passing point or with a standard score of 500 or more. The Board ~~shall notify the applicant shall be notified in writing of the test results as provided to the Board by~~ when the Board receives the results from the testing service.
 2. ~~No inspection is allowed of a written examination administered by the~~ The Board shall not allow inspection of a national examination.
- C. ~~Oral~~ Additional Examination**
- ~~1.~~ 1. An applicant shall pass the written national examination before being permitted by the Board to take the ~~oral~~ additional examination.
 - ~~1-2.~~ 1-2. The oral examination, pursuant to Under A.R.S. § 32-2072(A), ~~shall consist of a panel of two or more examiners asking each applicant questions~~ the Board may administer an additional examination to determine the competency of the applicant's knowledge and application of Arizona law. The additional examination may also cover ~~to~~ the practice of psychology, ethical conduct, and psychological assessment and treatment practices.

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- a. The Board may review and approve the additional examination before administration. The additional examination may be compiled by the Board, a committee of the Board, or consultants to the Board.
- b. Applicants, examiners, and consultants to the Board shall execute a security acknowledgment form stating that they shall maintain examination security.
- c. The panel of examiners shall be chosen by the Board from a group of Arizona licensed psychologists.
2. ~~At least 15 calendar days prior to the oral licensing examination, the Board shall notify the applicant by correspondence, that is addressed to the applicant's address of record, of the subject areas to be tested and the applicant shall be examined only in those areas. Failure of the applicant to receive the aforementioned notification shall not constitute grounds for excusing the applicant from taking the scheduled oral examination. Applicants are responsible for communicating with the Board's administrative staff to obtain the aforementioned notification, notwithstanding the Board's intent to give notice by mail.~~
 - a. ~~An applicant shall be deemed to have passed the oral examination if the score obtained is at least 75% of the total possible score. Applicants shall be notified in writing of their examination results. An applicant who fails to receive a score of at least 75% of the total possible score in an oral examination shall be given reasons in writing why the failing score was issued.~~
 - b. ~~The Board shall keep a recording at the Board office of each oral examination for at least two years following the date of the examination.~~
 - c. ~~Scoring of the oral examination shall be performed by each examiner on the panel on uniform grading sheets provided by the Board. The mean score, calculated by averaging the score given by each examiner on the panel, shall constitute the applicant's final score. Only the mean score, not the score assigned by each of the examiners on the panel, shall be disclosed to the applicant.~~
 - d. ~~An applicant who believes that an examiner on the oral examination panel may be biased against or for the applicant's application shall notify the person administering the examination as soon as the applicant becomes aware of the perceived bias.~~
3. ~~All requests for reconsideration of the results of an oral examination shall be submitted in writing to the Board office within 30 days following the notification of failure of the examination.~~
 - a. ~~Upon timely request by an applicant, the Board shall reconsider the results of a failed oral examination if the applicant received a score between 72.5% and 74.9% of the total possible score. The Board may reconsider the results of an oral examination if the applicant received a score of less than 72.5% of the total possible score.~~
 - b. ~~The review for reconsideration of an oral examination shall be conducted by one or more of the Board members and their findings shall be subject to the approval of the Board at the next regularly scheduled Board meeting.~~
 - e. ~~Nothing in this Section shall be construed to deprive an applicant of the applicant's appeal rights provided by law.~~
4. ~~All examination materials, except those owned by an examination service, shall be retained by the Board at the Board office for a period of two years after the date of the examination. An applicant may inspect an oral examination grading sheet or the recording of an oral examination at the Board office during the hours of 8 a.m. to 5 p.m., Monday through Friday, excluding holidays, if such request is made in writing to the Board within one year following the date of the examination. No more than one inspection shall be allowed prior to the expiration of the time to file a written request for reconsideration. Applicants who were informed that they passed the oral examination, or failing applicants who do not wish to request Board reconsideration, shall be allowed to inspect once an oral examination grading sheet or the recording of an oral examination at the Board's offices after the time has expired for failing applicants to submit requests for reconsideration. At the time of inspection, only the person who took the examination and a representative of the Board shall be present.~~
5. ~~Diplomates and applicants who received a passing score on a previous written examination pursuant to A.R.S. 32-20728 are exempt from the written examination but shall take the oral examination.~~
6. ~~An applicant shall pass the written examination before being permitted by the Board to take the oral examination.~~

R4-26-205. Renewal of License

- A. ~~License~~ The Board considers license renewal applications shall be considered timely received by the Board if delivered to the Board's office and received by the Board's personnel or if mailed to the Board's address by the United States mail and postmarked before May 1 of the year that the license expires.
- B. A renewal application form provided by the Board, signed and dated by the licensee, shall contain:
 1. Applicant's name, business and home addresses, social security number, license number, business and home telephone numbers, gender, date of birth, and preference designation for directory and mailing addresses;
 2. Whether the applicant is currently licensed/certified as a psychologist in another jurisdiction, and if so, where;
 3. Whether the applicant is currently a licensed/certified member of another profession, and if so, where;
 4. Whether the applicant is a diplomate of the American Board of Professional Psychology, and if so, in which specialties;

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5. Whether the applicant is a fellow, member, or associate of the American Psychological Association, and if so, designation of member status;
 6. Whether the applicant is a member of other professional associations and if so, which ones;
 7. Whether the applicant has completed the required 60 hours of continuing education; and if not, an explanation of the reasons;
 8. Whether the applicant has been denied a license/certificate to practice any profession by any state or Canadian province;
 9. Whether the applicant has ever relinquished responsibilities, resigned a position, or been fired while a complaint was pending against the applicant;
 10. Whether the applicant has ever resigned or been terminated from a professional organization or surrendered a license while a complaint against the applicant was being investigated or adjudicated;
 11. Whether the applicant has been disciplined by any agency or regulatory board of a state or Canadian province, or by any professional organization, for acts pertaining to the applicant's conduct as a psychologist or as a professional in any other field, and if so, a report of those actions including the name and address of the disciplinary agency, the nature of the action, and a statement of the charges and/or findings;
 12. Whether the applicant has been convicted of a felony or a misdemeanor other than a minor traffic offense in any state or country;
 13. Whether the applicant is currently under investigation by any professional organization of which the applicant is a member of governmental regulatory board or agency concerning the ethical or legal propriety of the applicant's conduct;
 14. Whether the applicant has been sued in civil or criminal court pertaining to the applicant's practice as a psychologist, the applicant's work under the certificate/license in another profession, or the applicant's work as a member of a particular profession;
 15. Whether the applicant is delinquent in payment of a judgment for child support;
 16. Whether the applicant has had an application for membership to any professional organization rejected, or has had any professional organization, ethics committee or health care institution suspend or revoke the applicant's membership or placed the applicant on probation or otherwise censured the applicant for unethical or unprofessional conduct or other violation of eligibility or membership requirements;
 17. Whether the applicant has any medical condition which in any way impairs or limits the applicant's ability to safely practice psychology;
 18. Whether the applicant has been diagnosed with or been treated for a brain injury, bipolar disorder, schizophrenia, paranoia, or any other psychotic disorder;
 19. Whether the applicant is requesting any of the following inactive status options:
 - a. Mental or physical disability;
 - b. Voluntary inactive status;
 - c. Retirement; or
 - d. Medical/Inactive continuation;
 20. Whether the applicant is requesting expired status;
 21. A signed attestation of the veracity of the information provided; and
 22. Any other information authorized by statute.
- C. A licensee who applies for renewal in a timely manner, but fails to complete the required 60 hours of continuing education, may reinstate an expired license and continue practicing between May 1 and July 1 by paying a \$200 reinstatement fee in addition to the regular renewal fee, under A.R.S. § 32-2074(B). The licensee shall have until July 1st of the same year to complete the continuing education requirements.
- D. A licensee who fails to complete the required 60 hours of continuing education by July 1st and has reinstated a license under subsection C shall have from July 1st of the renewal year to May 1st of the next year to complete the continuing education requirements by paying an additional \$200 delinquent compliance fee.
- E. If as a result of an audit of continuing education records, the Board disallows some or all of a licensee's credit hours for failure to conform to the standards set forth in R4-26-207, and the remaining hours are less than the number required, the licensee shall fail to satisfy the continuing education requirements. The licensee shall have 90 days from the mailing date of notification of disallowance to complete the continuing education requirements for the past reporting period and, upon such completion shall provide the Board with an affidavit documenting how the disallowance has been cured. If the Board does not receive an affidavit of cure within 90 days of the mailing date of notification of disallowance, or the Board deems the affidavit insufficient, the Board may proceed to take disciplinary action under A.R.S. § 32-2081.

R4-26-206. Inactive Status

To determine whether a psychologist has maintained and updated the professional knowledge and capability to resume active practice as a psychologist when considering reinstatement of a psychologist on inactive status to active status, pursuant to A.R.S. § 32-2073(G), the Board shall determine whether the psychologist has satisfied the continuing education requirements

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applicable to psychologists on active status. Psychologists who have, while on inactive status, fulfilled the continuing education requirements of a psychologist on active status shall be presumed to have maintained and updated their professional knowledge and capability to practice as a psychologist, unless the Board is presented with evidence to the contrary.

R4-26-207. Continuing Education

- A. A licensee shall complete a minimum of 60 hours of continuing education ~~shall be completed~~ during each ~~two-year~~ 2 year license renewal period. One clock hour of instruction, training, preparation of a published book or journal article, or making a presentation shall equal 1 continuing education credit.
1. For newly licensed individuals, during any license renewal period, the continuing education requirement shall be prorated from the time of a new applicant's licensure.
 2. The date of Board correspondence giving new licensees notice of official licensure shall be the time from which the prorating of the continuing education requirement shall begin for a new licensee. The prorating of the continuing education requirement shall be calculated by counting, from the week following the date of licensing of a new licensee, the number of weeks remaining until May 1 of the next renewal year. That number shall serve as a numerator of a fraction, and 104, the total number of weeks in the renewal period, shall be the denominator of the fraction. This fraction shall then be multiplied by 60, the total number of continuing education hours required, to calculate the minimum number of continuing education hours required for the license renewal period. The same fraction shall be used to calculate the minimum number of continuing education hours required in each of the 3 categories listed in subsection (B). Calculations that result in a fractional number shall be rounded to the next largest whole number.
- B. During the 2-year license period, a licensee shall obtain a minimum of 40 hours from Category I as described ~~hereafter;~~ and, no more than in subsection (B)(1). A maximum of 20 hours may be from Category II to satisfy the total number of hours of instruction during the two-year 2 year license period.
1. ~~Category I shall consist of courses, seminars, workshops, home studies with certificates of completion, and post-doctoral studies~~ includes a course, seminar, workshop, home study with certificate of completion, and post-doctoral study sponsored by a regionally accredited university or college, as described listed in A.R.S. § 32-2071(A)(1), providing that provides a graduate-level degree program or continuing education programs offered by national, international, regional, or state associations, societies, boards, or continuing education providers, if the content of the educational experience is primarily (for example, 75% or more) concerning subjects related to the "practice of psychology", as defined in A.R.S. § 32-2061(8). Instructors shall meet the qualifications stated in subsection (C). Category I also includes attendance at Board meetings. Licensees shall receive 4 continuing education units for attending a full day board meeting and 2 continuing education units for attending a half day Board meeting. These are Board approved credits which may not be accepted outside the State of Arizona. Licensee shall complete documentation provided by the Board at the time of attendance.
 2. ~~Category II shall consist~~ consists of self study, study groups, publication of authored or coauthored psychology books or psychology book chapters, or publication of articles in peer-reviewed psychology journals, or presentation of symposia or papers at a state, regional, national, or international psychology meeting, or attendance at or participation in case conferences.
- C. Qualifications of continuing education instructors shall be subject to unannounced review by the Board. Instructors shall:
1. ~~either be~~ Be currently licensed or certified in ~~their~~ the instructor's profession; or
 2. ~~employed as a faculty member, working~~ Work at least 20 hours a each week; as a faculty member at a regionally accredited college or university, as ~~described listed~~ in A.R.S. § 32-2071(A); or
 3. ~~be~~ Be a fellow of the ~~American Psychological Association or American Psychological Society~~, as defined in R4-26-101(12) or a diplomate of the American Board of Professional Psychology as defined by R4-26-101(4) in R4-26-101(10); or
 4. Demonstrate competence and expertise by having an advanced degree, teaching experience, work history, authored professional publication articles, or presented seminars in the area in which the instructor will be providing instruction.
- D. A ~~psychologist licensed by the Board licensee~~ who organizes and presents a ~~workshop, seminar, symposium, or course for continuing education credits~~ continuing education activity shall receive the same number and category, ~~reflected in subsections (B)(1) or (2);~~ of continuing education credits described in subsection (B) as those persons attending the continuing education function. ~~Credit shall be applied~~ The Board shall allow credit only once in a two- year license renewal period for organizing and presenting a continuing education function on the same topic or content area.
- E. ~~Psychologists~~ Licensees elected to offices in international, national, regional, or state psychological associations or societies, or appointed to government psychology boards or committees, ~~may~~ shall receive a maximum of 10 continuing education credits under Category I for each renewal cycle, reflected in subsection (B)(1), for their work in those positions.
- F. Each licensee shall keep ~~records to demonstrate to the Board~~ documents that substantiate completion of continuing education credits for the ~~two~~ 2 previous, consecutive, license renewal periods. Documents that verify continuing education completion shall include a certificate of attendance, statement signed by the provider verifying participation in the activ-

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ity, or official transcript. The Board shall accept a signed affidavit to document self study activity which includes a description of the activity, the subject covered, the dates, and the number of hours involved.

- G.** The Board may audit a licensee's compliance with continuing education requirements. ~~Failure~~ The board may deny renewal or take other disciplinary action against a licensee who fails to document required continuing education credits ~~may result in nonrenewal of a license or other disciplinary action.~~ A licensee who commits fraud, deceit, or misrepresentation regarding continuing education credits may be disciplined by the Board.
- H.** A licensee who cannot meet the continuing education requirement for good cause may submit a written request to the Board, with ~~all appropriate fees~~ the renewal fee, seeking an extension of time to complete the continuing education requirement.
1. Good cause shall be limited to licensee illness, military service, or residence in a foreign country for at least 12 months of the license renewal period.
 2. A licensee shall submit request for extension ~~Requests for extensions shall be submitted~~ on or before the expiration of a license, as provided by statute. A time extension shall not exceed 1 year.
 3. Licensees who cannot complete the continuing education requirement within the time extension may apply to the Board for inactive license status ~~pursuant to~~ under A.R.S. § 32-2073(E).
- I.** ~~The Board shall not allow continuing~~ Continuing education hours in excess of the 60 required hours ~~shall not to~~ be carried beyond the ~~two-year~~ 2 year renewal period in which they were accrued.
- J.** ~~Courses~~ The Board shall not consider courses, workshops, seminars, or symposia designed to increase income or office efficiency ~~shall not to~~ be eligible for continuing education credits.

R4-26-208. Time-frames for Processing Applications

- A.** The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is listed in Table 1.
1. An applicant and the Board's Executive Director may agree in writing to extend the substantive review time-frame and the overall time-frame. Any extension shall not exceed 25% of the overall time-frame.
- B.** The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1.
1. The administrative completeness review time-frame begins, for approval or denial:
 - a. To take the national examination, on the date the Board office receives an application packet and ends on the date the Board office sends an applicant a written notice of administrative completeness;
 - b. To take the additional examination, on the date the Board office receives an application packet for an additional examination, and ends on the date the Board office sends an applicant a written notice of administrative completeness of the additional examination packet;
 - c. Of a temporary license for an applicant licensed in another jurisdiction, on the date the Board office receives an application packet from the applicant and ends on the date the Board office sends the applicant a written notice of administrative completeness;
 - d. Of a license, on the date an applicant takes the additional examination and ends on the date the Board office notifies the applicant that the applicant has completed the additional examination;
 - e. Of a license renewal application, on the date the Board office receives a renewal application packet and ends on the date the Board office sends an applicant a written renewal approval or a written notice of completeness, whichever comes first;
 - f. Of a request for reinstatement of an expired license, on the date the Board office receives the request for reinstatement and ends on the date the Board office sends an applicant a written renewal approval or a written notice of completeness, whichever comes first; and
 - g. Of a request for an extension in which to complete continuing education requirements, on the date the Board office receives a request for extension, and ends on the date the Board office sends an applicant written notice of completeness of the request.
 2. If an application packet is incomplete, the Board shall send an applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the date of mailing this notice until the date the Board receives a complete application packet from the applicant. An applicant shall supply the missing information within the time specified in Table 1 from the date of the notice. If the applicant fails to do so, the Board may close the file unless the applicant requests a denial within 30 days from the date of the notice. An applicant whose file has been closed and who later wishes to become licensed shall reapply.
 3. If a renewal application is incomplete, the Board shall send an applicant a written notice specifying deficiencies. The administrative completeness time-frame and the overall time-frame are suspended from the date of mailing this notice until the date Board receives a complete application packet from the applicant.
 4. Once an application packet is complete, the Board shall send a written notice of administrative completeness to an applicant.
- C.** The substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1.

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1. The substantive review time-frame begins for approval or denial of:
 - a. An application to take the national examination, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the national examination;
 - b. An application to take the additional examination, on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the additional examination;
 - c. A temporary license, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the temporary license;
 - d. A license, on the date the Board sends an applicant written notification that the applicant has completed the additional examination and ends on the date the Board grants or denies the license;
 - e. An application for license renewal, on the date an applicant submits a complete renewal application packet and ends on the date the Board approves or denies the renewal application;
 - f. A request for reinstatement of an expired license, on the date the Board sends written notice of administrative completeness and ends on the date the Board approves or denies the request; and
 - g. A request for an extension in which to complete continuing education requirements, on the date the Board office sends an applicant written notice of completeness and ends on the date the Board approves or denies the request.
 2. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the date of mailing the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
- D.** The Board shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. § 32-2071 through § 32-2076.
- E.** The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § 32-2071 through § 32-2076.
- F.** The Board shall send a renewal certificate to an applicant who meets the requirements of A.R.S. § 32-2074 and R4-26-205.
- G.** The Board shall send a written notice of expiration of license to an applicant who fails to meet the requirements of A.R.S. § 32-2074 and R4-26-207. The notice of expiration is fully effective upon mailing to the applicant's last known address of record in the Board's file.
- H.** If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the time-frame ends on the next business day.

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Table 1. Time-frames (in Days) for Processing Applications

Type of Time-frame	Statutory or Rule Authority	Administrative Completeness Time-frame	Time Respond to Notice Deficiency	to to of	Substantive Review Time-frame	Time Respond to Request Additional Information	to for	Overall Time-frame
Approval or denial to take the national examination	A.R.S. § 32-2071; § 32-2071.01; § 32-2072; R4-26-204	30	240		60	240		90
Approval or denial to take additional examination	A.R.S. § 32-2071; § 32-2071.01; § 32-2072; R4-26-204	30	240		60	240		90
Approval or denial to issue temporary license	A.R.S. § 32-2071 A.R.S. § 32-2073	30	240		60	240		90
Approval or denial for licensure	A.R.S. § 32-2071; § 32-2071.01	30	240		60	240		90
Approval or denial of application for renewal of license	A.R.S. § 32-2074 R4-26-205	60	No time specified		90	No time specified		150
Approval or denial of renewal application for reinstatement	A.R.S. § 32-2074; R4-26-206	60	No time specified		90	No time specified		150
Approval or denial of extension for continuing education requirement	A.R.S. § 32-2074 R4-26-207	60	No time Specified		90	No time specified		150

R4-26-209. General Supervision

~~In the context of supervised activity referred to in~~ Under A.R.S. § 32-2071, a supervising ~~psychologists~~ psychologist shall not supervise a member of ~~their~~ the psychologist's immediate family, an individual with whom ~~they have~~ the psychologist has any substantial financial interest as defined by ~~A.R.S. § 32-502(11)~~ A.R.S. § 38-502(11), or ~~their~~ the psychologist's employer.

R4-26-210. Internship or Training Experience

The Board shall use the following criteria to determine if internship or training experience complies with A.R.S. § 32-2071(D):

- A. ~~The applicant shall provide documentation to establish that~~ That the written statement required in A.R.S. § 32-2071(D)(9) corresponds to the training program that the applicant completed;

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- B. Pursuant to A.R.S. § 32-2071(D)(2), ~~That~~ the supervisor ~~shall be~~ was available to the person being supervised when decisions ~~are were~~ made regarding emergency psychological services provided to a client as required in A.R.S. § 32-2071(D)(2);-
- C. Pursuant to A.R.S. § 32-2071(D)(2), ~~That~~ in non-emergency situations, the supervisor ~~shall have~~ had written procedures to be followed in the event the supervisor ~~is~~ was unavailable as required in A.R.S. § 32-2071(D)(2);
- D. ~~Course~~ That course work used to satisfy the requirements of A.R.S. § 32-2071(A) or dissertation time ~~shall not be~~ is not credited toward the time required by A.R.S. § 32-2071(D)(6);
- E. Pursuant to A.R.S. § 32-2071(D)(6)(a), ~~two~~ That 2 hours a week of other learning activities required in A.R.S. § 32-2071(D)(6) may include:
1. Case conferences involving a case in which the trainee was actively involved;
 2. Seminars involving clinical issues;
 3. Co-therapy with a professional staff person including discussion;
 4. Group supervision; or
 5. Additional individual supervision;
- F. Pursuant to A.R.S. § 32-2071(D)(7), ~~That~~ a training program ~~that has one trainee shall have~~ had the trainee work with other doctoral level psychology trainees and ~~shall include~~ included in the written statement required in A.R.S. § 32-2071(D)(9) a description of the program policy specifying the opportunities and resources provided to the trainee for working with other doctoral level psychology trainees.
- G. ~~Time~~ That time spent fulfilling academic degree requirements such as course work applied to the doctoral degree, practicum, field laboratory, dissertation, or thesis credit ~~shall not be~~ is not credited toward the 1,500 hours of professional experience hours required by A.R.S. § 32-2071(D). This rule does not restrict a student from participating in activities designed to fulfill other doctoral degree requirements; however, the Board shall not credit such time ~~shall not be credited~~ toward the hours required by A.R.S. § 32-2071(D);
- H. ~~To~~ That to satisfy the 1st 1,500 hours required by A.R.S. § 32-2071(D), the written statement required ~~pursuant to~~ under A.R.S. § 32-2071(D)(9) ~~shall have been~~ was established by the time the student began training. ~~Acquiring~~ The Board shall not accept experience or ~~claiming~~ credit for the past activities ~~shall not be accepted~~ as a training program or a pre-doctoral internship.

R4-26-211. Foreign Graduates

- A. Pursuant to A.R.S. § 32-2071(B), an applicant for licensure whose application is based on graduation from a foreign institution of higher education shall provide the Board with documents and evidence to establish that the applicant's formal education is equivalent to a doctoral degree in psychology from a regionally accredited institution as described in A.R.S. § 32-2071(A).
- B. The applicant shall provide the following information to the Board:
1. An original and a copy of the doctoral diploma or certificate of graduation. The original shall be returned, and the copy shall be retained by the Board.
 2. An official transcript, containing an original university seal or comparable document recording all course work completed.
 3. A certified English translation of all documents submitted.
 4. Evidence of completion of the requirements of A.R.S. § 32-2071(C)(D) and (E).
 5. Evidence that the doctoral dissertation or project was primarily psychological. The Board may require the applicant to submit the doctoral dissertation or project.
 6. A statement prepared by the applicant, based upon the documents referred to in this Section, indicating the chronological sequence of studies and research. The format of this statement shall be comparable to a transcript issued by United States universities.

ARTICLE 3. REGULATION

R4-26-303. Titles

The use of designations that claim a potential or future degree or qualification such as "Ph.D. (Cand)," "Ph.D. (ABD)," "License Eligible," "Candidate for Licensure", or "Board Eligible" are not titles that designate trainee status as described in A.R.S. § 32-2071(D)(8), nor do such titles qualify for exemption under A.R.S. § 32-2075(A)(2) or (3). The use of titles that claim a potential or future degree or qualification ~~may~~ shall be construed by the Board as violations of ~~A.R.S. § 32-2061(13)(e), 32-2071.01(3), and 32-2084~~ A.R.S. § 32-2061, et seq.

R4-26-308. Rehearing or Review of Decision

- A. Except as provided in subsection (G)., any party in a contested case before the Board of Psychologist Examiners who is aggrieved by a decision rendered in such case may file with the Board of Psychologist Examiners, not later than ~~ten~~ 15 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular

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grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party at the party's last known residence or place of business.

- B.** A motion for rehearing or review may be amended at any time before it is ruled upon by the Board. A response may be filed within ~~ten~~ 15 days after service of such motion or amended motion by any other party. The Board may require written briefs upon the issues raised in the motion and may provide for oral argument. Parties filing pleadings or other documents with the Board must file an original and 11 3-hole punched copies.
- C.** A rehearing or review of ~~the~~ a decision may be granted for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
 2. Misconduct of the Board or its hearing officer or the prevailing party.
 3. Accident or surprise which could not have been prevented by ordinary prudence.
 4. Newly discovered material evidence ~~which~~ that could not with reasonable diligence have been discovered and produced at the original hearing.
 5. Excessive or insufficient penalties.
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the case.
 7. That the decision is not justified by the evidence or is contrary to law.
- D.** The Board may affirm or modify ~~the~~ a decision or grant a rehearing or review to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing or review shall specify with particularity the grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters so specified.
- E.** Not later than ~~ten~~ 15 days after a decision is rendered, the Board may on its own initiative order a rehearing or review of its decision for any reason ~~which~~ that it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion. In either case the order granting such a rehearing or review shall specify the grounds therefor.
- F.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within ~~ten~~ 15 days after such service, serve opposing affidavits, which period may be extended for not more than 20 days by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G.** If in a particular decision the Board makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, any application for judicial review of the decision shall be made within the time permitted for final decisions.
- H.** For purposes of this Section, ~~the terms~~ "contested case" ~~and~~ "party" shall be defined as provided in A.R.S. § 41-1001.
- I.** To the extent that the provisions of this Section are in conflict with the provisions of any statute providing for rehearing or review of decisions of the Board, such statutory provisions shall govern.

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

PREAMBLE

1. **Sections Affected**

R18-2-732 R18-2-901	<u>Rulemaking Action</u> New Section Amend
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2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing and implementing statutes: A.R.S. §§ 49-424, 49-425, and 49-426.
3. **The effective date of the rules:**

August 10, 1999.
4. **A list of all previous notices appearing in the register addressing the final rule:**

Notice of Rulemaking Docket Opening: 4 A.A.R. 1137, May 15, 1998.
Notice of Rulemaking Docket Opening: 4 A.A.R. 1349, June 12, 1998.
Notice of Public Information: 4 A.A.R. 4187, December 18, 1998.
Notice of Proposed Rulemaking: 5 A.A.R. 1097, April 16, 1999.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Primary Contacts

Name:	Deborah K. Blacik or Martha Seaman
Address:	Department of Environmental Quality 3033 North Central, 8th Floor Phoenix, AZ 85012
Telephone:	(602) 207-2223; 800-234-5677, Ext. 2223 (AZ only)
Fax:	(602) 207-2251
TTD Number:	(602) 207-4829

Secondary Contact

Name:	Theresa Pella, Air Quality Planning Section
Address:	Department of Environmental Quality 3033 North Central, 5th Floor Phoenix, AZ 85012
Telephone:	(602) 297-4480; 800-234-5677, Ext. 4480 (AZ only)
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**
 - A. **Background for these rules**

This rule is the result of federal requirements imposed on the states by the Clean Air Act Amendments of 1990 (CAAA). Section 129 of the CAAA directed the Environmental Protection Agency (EPA) to promulgate rules regulating various categories of waste incinerators, including hospital/medical/infectious waste incinerators (HMIWI).

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In the September 15, 1997, *Federal Register*, EPA published new source performance standards (NSPS) and emission guidelines (EG) to reduce air emissions from HMIWI (62 FR 48348). These standards and guidelines are based on the CAAA requirements, EPA research, and public comment. Specifically, EPA added subpart Ec, NSPS for new HMIWI (40 CFR 60.50c, et al.), and subpart Ce, EG for existing HMIWI (40 CFR 60.30e, et al.), to 40 CFR 60. The standards and guidelines apply to units whose primary purpose is the incineration of hospital/medical/infectious waste.

The NSPS are federal requirements that apply to all new HMIWI that commence construction after June 20, 1996, or to existing HMIWI units that commence modification after March 16, 1998. States are required to adopt the standards contained in 40 CFR 60.50c, et al., for new HMIWI in their entirety (62 FR 48351). The EG are unique in that, unlike the NSPS, the guidelines are not direct federal requirements, although they require states to develop CAAA Section 111(d)/129 state plans to regulate existing HMIWI built on or before June 20, 1996. These state plans must be submitted to EPA for approval and must be at least as protective as the standards and emission limitations found in 40 CFR 60.30e, et al. The state's rule will be the legal instrument to enforce the EG and the NSPS, as described in the draft section 111(d)/129 State Plan, currently under development. The Plan will be submitted to EPA for approval before September 15, 1999.

To carry out the federal mandates, the rulemaking incorporates by reference in R18-2-901 the federal NSPS for HMIWI built after June 20, 1996, or to existing HMIWI that commence modification after March 16, 1998. R18-2-901 incorporates by reference standards specifying emission limitations, operator training and qualification, siting requirements, waste management, compliance, performance testing and monitoring, and reporting and recordkeeping. The rulemaking also implements the EG for existing HMIWI built before June 20, 1996, by creating a new section, R18-2-732. The standards and emission limitations set forth in R18-2-732 are no less stringent nor more stringent than those contained in 40 CFR 60.30e et al. R18-2-732 sets forth requirements for operator training and qualification, waste management, inspections, compliance, performance testing and monitoring, and reporting and recordkeeping.

Incorporating by reference the NSPS for new HMIWI assures the continued delegation of authority from EPA to ADEQ to enforce the federal standards. The EG requirements for existing HMIWI creates an enforceable mechanism for carrying out the federal regulations and for completing the required element of the state Plan that ADEQ will be submitting to EPA.

This rulemaking is authorized by A.R.S. § 49-425, which requires the director of ADEQ to adopt rules that are necessary and feasible to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the state or any portion thereof and to adopt, modify, and amend reasonable standards for the quality of, and emissions determined to be necessary and feasible for the prevention, control and abatement of air pollution.

Because the rule is based on federal standards and guidelines, a brief description of these standards and guidelines and how they were derived is provided as follows.

The federal standards and guidelines contain numerical limitations for HMIWI for certain designated pollutants. The designated pollutants are: particulate matter (PM), opacity, sulfur dioxide (SO₂), hydrogen chloride (HCl), oxides of nitrogen (NO_x), carbon monoxide (CO), lead (Pb), cadmium (Cd), mercury (Hg), and dioxins and dibenzofurans (dioxins/furans). EPA determined that some of the pollutants being regulated are considered carcinogens and at sufficient concentrations can cause toxic effects following exposure. The CAAA required that the standards and guidelines reflect the maximum degree of reduction in emissions of air pollutants, taking into consideration the cost of achieving the emission reductions, any nonair-quality health and environmental impacts, and energy requirements that the EPA Administrator determines are achievable for a particular category of sources. This control level is referred to as the "maximum achievable control technology" or "MACT."

The CAAA also requires that standards for new sources may not be less stringent than the emissions control achieved in practice by the best controlled similar unit. This is referred to as the "MACT floor" for new HMIWI. Additionally, the CAAA provides that the emission limitations in the guidelines for existing HMIWI may not be less stringent than the average emission limitation achieved by the best performing 12% of units in the category (the "MACT floor" for existing HMIWI). Thus, 88% of the existing HMIWI in the United States must be modified to comply with the federal standards.

In formulating the regulatory options for HMIWI, EPA divided the HMIWI source category into 3 subcategories based on waste burning capacity: small (≤ 200 lb/hr), medium ($>200 \leq 500$ lb/hr) and large (>500 lb/hr). A number of regulatory options were considered for each size classification. The regulatory options for the 3 selected size classifications did not specify a particular control technology; rather, they specified emission limits that facilities would be required to meet. For the most part, the final federal standards and guidelines reflect the MACT floor. In 2 instances (medium new units and small existing units), EPA set MACT at a level more stringent than the MACT floor.

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The ADEQ has identified approximately 10 HMIWI under its jurisdiction that are affected by the EG and NSPS.

B. Specific Section-by-Section Explanation:

R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators

The rule contains emission limits (MACT floor) for existing HMIWI. The rule also establishes the following requirements for existing HMIWI:

1. Operator training and qualification:

Complete HMIWI operator training course; qualify operators; maintain information regarding HMIWI operating procedures; maintain operator qualification by completing and passing an annual review or refresher course.

2. Waste management plans:

Identify both the feasibility and the approach to separate certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste.

3. Equipment Inspection:

Any rural HMIWI must undergo an initial equipment inspection within 1 year following EPA's approval of the State Plan. In addition, each rural HMIWI must undergo an equipment inspection annually.

4. Compliance and performance testing:

Conduct an initial performance test to determine compliance with the emission limits and opacity limit, and establish operating parameters. Conduct annual tests to determine compliance with the opacity limit. In addition, non-rural HMIWI must conduct annual performance tests to determine compliance with the emission limits.

5. Monitoring:

Install and maintain equipment to continuously monitor operating parameters. Record monitoring data at all times during HMIWI operation.

6. Reporting and recordkeeping:

Maintain for 5 years records of results from the initial performance test and all subsequent performance tests, operating parameters, maintenance activities; submit to ADEQ the results of the initial performance test and all subsequent performance tests, submit reports on emission rates or operating parameters that have not been recorded or that have exceeded applicable limits.

R18-2-901. Standards of Performance for New Stationary Sources

By incorporating federal new source performance standards by reference, the rule contains emission limits (MACT floor) for new HMIWI. The rule also establishes the following requirements for new HMIWI:

1. Operator training and qualification:

Complete HMIWI operator training course; qualify operators; maintain information regarding HMIWI operating procedures; maintain operator qualification by completing and passing an annual review or refresher course.

2. Siting:

Prepare a siting analysis that considers air pollution control alternatives that minimize, on a site-specific basis and to the maximum extent practicable, potential risks to public health and the environment.

3. Waste management plans:

Identify both the feasibility and the approach to separate certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste.

4. Compliance and performance testing:

Conduct an initial and annual performance test to determine compliance with the emission limits and opacity limit, and establish operating parameters.

5. Monitoring:

Install and maintain equipment to continuously monitor operating parameters. Record monitoring data at all times during HMIWI operation.

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6. Reporting and recordkeeping:

Maintain for 5 years records of results from the initial performance test and all subsequent performance tests, operating parameters, maintenance activities; submit to ADEQ the results of the initial performance test and all subsequent performance tests, submit reports on emission rates or operating parameters that have not been recorded or that have exceeded applicable limits.

7. **A reference to any study that the agency relied on in its evaluation of or justification for the final rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

Not applicable.

8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

9. **The summary of the economic, small business, and consumer impact:**

A. Rule Identification and General Comments

A.A.C. Title 18; Chapter 2; Articles 7 and 9.

This rule implements federal standards and guidelines which were established to control emissions of air pollutants emitted from new and existing facilities that incinerate hospital/medical/infectious waste. New source performance standards (NSPS) will govern new incinerators and emission guidelines (EG) will govern existing incinerators. Together, NSPS and EG will control hospital incinerators and non-hospital incinerators located in a variety of health care facilities. They also will apply to incinerators operated by commercial treaters (off-site treatment and disposal companies).

Control levels for new and existing hospital/medical/infectious waste incinerators are based on either the maximum achievable control technology (MACT) floor or a MACT floor that is more stringent (62 FR 48364, 48370 - 48373). For example, the control level for existing incinerators classified as "small" is greater than the MACT floor. This means these incinerators now must achieve good combustion and be equipped with low efficiency wet scrubbers. Refer to Table 1, "Emission Levels for Facilities Incinerating Waste and National Impact Forecasts," and section 6.A. in this preamble. This rule also implements standards for fugitive fly ash and bottom ash emissions, as well as requirements for operator training and qualifying, siting, inspecting, testing (compliance and performance), monitoring, reporting and recordkeeping, and developing waste management plans.

A key point is that ADEQ is incorporating already effective federal air quality requirements into a state rule. Thus, because federal law is being implemented without change, this rulemaking imposes no additional impacts. Note that all references to 62 FR (*Federal Register*) in this EIS have a publication date of September 15, 1997.

B. Background Information

The incineration of hospital/medical/infectious waste causes the release of numerous air pollutants. These pollutants include organics, particulates, metals, acid gases, and nitrogen oxides. Some of these pollutants are of particular concern to public health. These emissions not only can cause materials damage, visibility degradation, and crop/forestry damage, but they can cause human-health effects, such as respiratory illness and damage, premature mortality and morbidity, pulmonary function changes, congestive heart failure, angina pectoris, and reproductive and development problems. Morbidity effects can be measured in increased hospital and emergency room visits, restricted activity days, lost work days, increased respiratory symptoms, and reductions in lung function (62 FR 48376 - 48377).

The national purpose of these standards and guidelines (NSPS and EG) is to protect public health by reducing exposure to toxic air emissions emitted from hospital/medical/infectious waste incinerators. The public is concerned about the volume of toxic air pollutants released by a variety of sources. Section 129 of the 1990 amendments to the Clean Air Act (CAAA) requires EPA to apply a 2-phase control approach to various categories of solid waste incinerators. Compliance standards for the 1st phase, as implemented in this rule, are intended to bring these sources to a current level of emissions control achieved by the best controlled similar facilities (62 FR 48350, 48370).

EPA analyzed impacts of NSPS and EG in terms of 3 compliance scenarios. This way, EPA could compare costs between the 3 scenarios. The 3 compliance scenarios are: (1) no switching to alternative treatment/ disposal methods (scenario A); (2) switching with waste segregation (scenario B); and (3) switching without waste segregation (scenario C). EPA concluded that scenario A is unrealistic and overstates national compliance costs. Under scenario A, all new medical waste incinerators projected to be built over the next 5 years actually would be built and all existing medical waste incinerators would retrofit with control technologies (62 FR 48365, 48372, 48376).

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EPA predicts that 64% to 78% of the approximate 2,400 existing incinerators will cease to operate (1,530 -1,844), and of the 245 new incinerators projected to be built in absence of NSPS, less than 5% to 30% would be constructed under scenarios B and C. According to these EPA scenarios, none of the small- or medium-sized incinerators would be constructed, 0% to 100% of the large-sized incinerators would be constructed, and all 10 of the commercial incinerators would be built. However, EPA believes the compliance costs associated with scenario A are overstated and unrealistic compared to what probably will happen. The basic assumption of this scenario A is that all projected incinerators would be built and all existing incinerators would install retrofit technology (62 FR 48365, 48370, 48376).

The end result anticipated by EPA is the closure of most of the incinerators, which are poorly controlled, and the halting of most of the projected construction of new incinerators in the U.S. Although EPA's objective was to adopt MACT emission levels that would fulfill requirements of the CAAA, and not promulgate rules that would result in the closure of most existing small and medium medical waste incinerators, a realistic scenario is the replacement of these poorly controlled medical waste incinerators with cost-effective options that reduce toxic emissions. EPA anticipates air pollutants to be reduced significantly from the current levels (62 FR 48366, 48370 - 48373).

The decision to switch to another treatment alternative should preclude most of the existing facilities from experiencing significant economic impacts. For example, a facility could switch to an alternative method of on-site treatment (steam autoclaving, microwaving, or other disinfection technology), contract with a commercial treater for off-site treatment/disposal, or landfill untreated waste if this option would be available. Facilities also could reduce their waste disposal costs by segregating infectious waste from noninfectious waste and recycling.

C. Affected Entities (classes of persons impacted)

Although Arizona has a variety of health care providers, such as hospitals, nursing homes, laboratories, physicians' and dentists' offices, clinics, blood banks, and facilities located in various institutions (including the armed services), whose numbers easily could be in excess of 7,000, ADEQ expects an extremely small proportion to be adversely affected by this rule (< .0015). These are the facilities, which may be public or private entities, that incinerate hospital/medical/infectious waste in small-, medium-, or large-sized incinerators. Part of the rule's impact is reduced because many facilities have already discontinued to incinerate this type of waste. However, much of the waste now is being treated in commercial incinerators in Arizona and elsewhere.

Other entities potentially affected include: political subdivisions acting as regulators (Maricopa, Pima, and Pinal Counties), commercial treaters, vendors of air pollution control devices (add-on systems), vendors of incinerators, vendors of alternative waste-treatment technologies, ADEQ (implementing agency), consumers of health care services, and the general public.

D. Probable Costs and Benefits to Facilities Incinerating Hospital/Medical/Infectious Waste

On a national level, EPA estimates compliance costs to reach \$65 million annually for the 1,025 existing small-sized incinerators. Dividing this cost by the estimated number of facilities results in an average cost of more than \$63,000. However, rather than being faced with such increases in costs, these facilities are expected to switch to an alternative means of waste treatment/disposal. Simply stated, the option of switching to an alternative means of disposal would be less than the economic impact of retrofitting. In this case, the estimated cost would range from \$6 to \$20 million. Most medium-sized incinerators are expected to switch because of potential costs. They probably would not seek to reclassify as small-sized incinerators since the emissions level for this type of incinerator is only slightly less stringent than for medium-sized incinerators. Thus, according to EPA, the majority of emissions-reduction benefits actually will come from medium-sized incinerators switching to alternative means of waste treatment/disposal. The estimated cost would range \$4 to \$30 million (62 FR 48361, 48370).

EPA also estimated an annual cost of \$59 million for scenario B (switching with waste segregation) and \$120 million for scenario C (switching without waste segregation). Additionally, EPA estimated annual costs for new facilities to be \$12.1 million for scenario B (no new large-sized facilities but 10 commercial) and \$26.2 million for scenario C. Thus, overall costs for scenarios B and C, respectively, are \$71 million and \$146 million (62 FR 48365, 48366, 48376).

According to ADEQ and other Arizona regulating agency records, permits have been issued to 8 facilities that operate small-sized incinerators (2 may qualify as rural) and 2 medium-sized incinerators. These facilities are located in Bullhead City, Douglas, Flagstaff, Florence, Ft. Huachuca, Kearny, Morenci, Prescott, and San Manuel. ADEQ estimates that if all of these facilities continued to operate, the overall impact to them potentially could be more than \$300,000 per year. No new hospital/medical/infectious waste incinerators are expected to be built in Arizona, at least in the near future.

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Most of the state's facilities may find it economically advantageous to switch to alternative means of waste treatment/disposal.¹ If EPA's forecasts are correct and Arizona's hospital/medical/infectious waste incinerators reflect this national closure rate, essentially all of the small-sized incinerators would stop operating, except for the 2 that may qualify as rural. Possibly, only 1 medium-sized incinerator may continue to operate. These are likely scenarios in Arizona because of the relatively high compliance costs of installing "scrubbers." Some facilities could face additional costs of rehabilitating their incinerators as well.

In addition to retrofitting these incinerators, facilities would have compliance costs for meeting other rule requirements, such as operator training/qualifying, testing (compliance/performance), inspecting, preparing waste management plans, and recordkeeping/reporting. This, of course, would add to the overall compliance costs of continuing to operate. Therefore, the actual costs of complying with this rule may be substantially less than \$300,000 due to facilities switching to other treatment/disposal options, and thereby reducing the overall economic impact of this rule.

Existing facilities that qualify as "rural" should be impacted the least because the rule does not require as stringent controls for these facilities as for facilities located in urban areas. EPA has recognized that rural facilities have fewer cost-effective options for treatment/disposal. The MACT floor for this category of incinerators, therefore, is good combustion and pollution prevention practices to reduce emissions (see Table 1). The intent is to reduce the impacts on facilities that operate incinerators in remote areas.

E. Potential Impacts to Political Subdivisions

Maricopa, Pima, and Pinal Counties, as regulators of facilities that incinerate hospital/medical/infectious waste, are expected to be impacted indirectly by this rule. Because these impacts are considered secondary, ADEQ has not included potential costs or benefits to the state's political subdivisions. However, if political subdivisions were operators of hospital/medical/infectious waste incinerators, they could be impacted by this rule.

F. Probable Impacts to Other Entities

Commercial treaters that incinerate waste are expected to be impacted indirectly through their regulation by political subdivisions (county regulators). Even though a large incinerator would have to meet the new federal standards, direct regulation will not come from ADEQ. Increased prices for their services potentially could occur, but the percent of increase is unknown. These companies may not have to increase prices to off-set any compliance costs to remain profitable. Potentially, these incinerators could experience an increased demand for services (increase in revenues) as the national shift from smaller to larger incinerators takes place.²

Vendors of air pollution control devices (retrofitting equipment) could experience an increased demand for their products. However, because of the limited number of incinerators regulated by ADEQ, most being regulated by political subdivisions, increased revenues could be considered an indirect impact of this rule. Small incinerator vendors potentially could be adversely impacted by this rule, but demand for vendors of alternative waste treatment technologies could increase.

The impact of this rule to ADEQ is expected to be minimal. The consequence of permitting fewer sources as a result of closures could be viewed as a cost savings to ADEQ staff. The loss in revenues from these sources is thought to be de minimis compared to the total revenue stream from permit fees.

G. Probable Impact to Consumers and General Public

Although it is conceivable that increased compliance costs for some health care providers could result in increased prices for health care services, cost-effective alternatives are available; hence, affected facilities could weigh the advantages of continuing incinerating with increased compliance costs or switching to alternative means of waste treatment/disposal. According to EPA, hospitals would have to increase their costs by \$0.30 for each hospital-patient day to recover annual control costs (62 FR 48373). Additionally, these facilities could incorporate other cost-saving benefits, such as improved waste segregation and more effective recycling programs.

The general public is expected to benefit from anticipated reductions in emissions that have harmful effects on both human health and the environment.

H. Potential Benefits: Summary and Conclusion

As stated in B., the overall purpose of this rule is to protect public health by reducing exposure to toxic air emissions emitted from hospital/medical/infectious waste incinerators. There is evidence of the harmful effects of these air emissions on both the public and the food supply.³ Pollutants can contaminate the environment both far away and near the sources.

EPA anticipates toxic air emissions from incinerators will be reduced substantially. For example, 7 of the 9 regulated pollutants are expected to be reduced 75% or more from current levels emitted in the U.S. by existing hospital/medical/infectious waste incinerators. The 2 other pollutants, sulfur dioxide and nitrogen oxides, could be reduced 0 to 30% for existing incinerators and 0 to 52% for new incinerators. As a result of anticipated reductions in the quantity of harmful air pollutants, both the general public and the environment are expected to benefit. Net benefits could include the following: reduced adverse health effects, improved visibility, higher crop yields, reduced soiling and damage to materials (62 FR 48365 - 48366, 48372, 48376 - 48377).

Although it is not possible to quantify or monetize rule benefits in Arizona, ADEQ expects probable benefits to exceed probable costs.⁴ The estimated compliance cost of \$300,000 could be substantially less if many of these facilities switch to other treatment/disposal options. Thus, without being able to monetize benefits, the net cost is overstated for this rule.

I. General Impact on Small Businesses and Reduction of Impacts

ADEQ is sensitive to the concerns of small businesses and the impact this rulemaking could have upon them. Accordingly, ADEQ has considered each of the methods prescribed in A.R.S. § 41-1035 for reducing the impact on small businesses. Likewise, it has considered each of the methods prescribed in A.R.S. § 41-1055(B)(5)(c). For example, A.R.S. § 41-1035 requires agencies implementing rules to reduce the impacts on small businesses by using certain methods where legal and feasible. Methods that may be used include the following: (1) exempt them from any or all rule requirements, (2) establish performance standards that would replace any design or operational standards, or (3) institute reduced compliance or reporting requirements. The latter method could be accomplished by establishing less stringent requirements, consolidating or simplifying them, or by setting less stringent schedules or deadlines.

ADEQ may not provide additional regulatory relief for small businesses beyond that established by the federal requirements (see J. below). ADEQ has no authority to exempt a small business, or even to establish a less stringent standard or schedule from compliance or reporting requirements. However, various federal provisions provide for reduced impacts and flexibility, but at the same time optimize public health and environmental control. Fourteen provisions are summarized in Table 2.

J. Alternative Rulemaking Provisions

ADEQ could not find any less costly or less intrusive rule provisions of achieving the goals and objectives of this rulemaking because rule provisions represent the adoption of federal requirements. However, the federal requirements do contain provisions that reduce burdens and provide cost-saving benefits. For instance, the MACT floor emission level established for existing, small-sized incinerators provides for good combustion alone. Potentially, this means that most of these facilities could continue to operate without a significant impact.

K. Employment, Revenues, and Secondary Impact Summary

ADEQ does not expect this rulemaking to impact short- or long-run employment, production, or industrial growth in Arizona. Even though some facilities could be adversely affected, ADEQ does not expect this rule to impact energy, water usage, job creation, or international competitiveness of goods and services. In addition, ADEQ does not expect that profitability or capital availability will be affected. Finally, this rulemaking is not expected to have an impact on state revenues.

For some facilities, compliance could result in expenditures for consulting services and capital expenditures for air pollution control devices. In most cases, the impact will be minimal. However, due to the potential for this rule to impose real-resource costs upon a few facilities, some revenues may be affected, but they could be off-set by increased costs for health care services. Expenditures by some facilities, however, would represent revenues for other entities, such as service and equipment providers (consultants, contractors, and suppliers of air pollution control devices).

Table 1. Emission Levels for Facilities Incinerating Waste and National Impact Forecasts*

FACILITY SOURCE (incinerator type)	EMISSION LEVEL (control level)	BASIS FOR ACHIEVING EMISSION STANDARDS	GENERAL IMPACT FORECAST (nationally)
NEW SMALL ¹ (waste-burning capacity ≤ 200 lbs./hr.)	MACT floor	Good combustion and a moderate efficiency wet scrubber air pollution control device (APCD).	Potentially, very few, if any, of the projected facilities will be constructed due to the substantial increase in cost and alternative means of waste disposal/treatment.
NEW LARGE ² (waste-burning capacity > 500 lbs./hr.)	MACT floor	Good combustion and a combined dry/wet scrubber with activated carbon APCD. No other APCD could achieve lower emissions.	It is unknown how many of the projected 70 facilities will be constructed. This includes 10 commercial facilities.
NEW MEDIUM ³ (waste-burning capacity > 200 ≤ 500 lbs./hr.)	MACT > MACT floor	Good combustion and a combined dry/wet scrubber with activated carbon APCD.	Potentially, very few, if any, of the projected facilities will be constructed.
EXISTING SMALL ⁴ (waste-burning capacity ≤ 200 lbs./hr.)	MACT > MACT floor	Good combustion and a low efficiency wet scrubber APCD.	Potentially, most facilities will switch to an alternative means of waste treatment/ disposal (93% to 100%).
EXISTING SMALL (RURAL CRITERIA) ⁵ (waste-burning capacity ≤ 200 lbs./hr.)	MACT floor	Good combustion alone.	Potentially, most facilities will continue to operate.
EXISTING LARGE ⁶ (waste-burning capacity > 500 lbs./hr.)	MACT floor	Good combustion and a high efficiency dry or wet scrubber APCD.	Potentially, most facilities will continue to operate, but as many as 35% could close.
EXISTING MEDIUM ⁷ (waste-burning capacity > 200 ≤ 500 lbs./hr.)	MACT floor	Good combustion and a moderate efficiency dry or wet scrubber APCD.	Potentially, most facilities will switch to an alternative means of waste treatment/ disposal (60% to 95%).

Source: Adapted from 62 FR 48351, 48363 - 48372.

*Emission levels represent the most cost effective and achievable standards. The emission levels are not based on the exclusive use of a wet or dry scrubber APCD (dry scrubbers normally cost more than wet scrubbers); replacing a wet scrubber APCD on an existing incinerator with a dry scrubber APCD, and vice versa, would be very expensive. EPA may not set emission limitations less stringent than the MACT floor, but it may set standards and guidelines more stringent than the MACT floor. Note that MACT floor standards for new facilities may not be less stringent than

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emissions control achieved by the best controlled similar facilities and guidelines for existing facilities may not be less stringent than the average emissions limitation achieved by the best performing 12% of facilities in the category.

APCD=air pollution control device; dioxins/furans (CDD/CDF)=polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans; MACT=maximum achievable control technology; and PM=particulate matter.

Notes to Table 1 follow:

¹ Under scenarios B and C, none of the projected 85 small facilities (in absence of new standards) would be constructed. EPA considers the projected 85 new facilities to be an unrealistic scenario.

² Under scenario B, none of the projected 60 large facilities (in absence of new standards) would be constructed; however, the 10 projected commercial facilities probably would be constructed. But under scenario C, it is unknown how many of the projected 60 large and 10 commercial facilities would be constructed.

³ Under scenarios B and C, none of the projected 90 medium facilities (in absence of new standards) would be constructed. EPA considers the projected 90 new facilities to be an unrealistic scenario. Note that the addition of activated carbon to a combined dry/wet APCD would increase capital costs by < 4%, but it would result in a significant reduction in dioxins/furans (CDD/CDF) emissions.

⁴ The use of a moderate or high efficiency wet scrubber APCD would increase the capital cost by 15% to 42% but would result in only a slight decrease in PM emissions.

⁵ The purpose of the "rural criteria" category is to provide a more cost-effective option for facilities operating in remote areas. Emission guidelines based on a wet scrubber APCD could cause a financial hardship for most of these facilities. However, to meet the "rural criteria" category, a facility must be located at least 50 miles from the nearest SMSA boundary and must not incinerate more than 2,000 lbs. per week. EPA estimates that less than 1% of waste will be burned in these facilities. Over 90% of existing, small-sized incinerators would remain subject to guidelines based on a wet scrubber APCD.

⁶ Guidelines based on the use of a combined dry/wet scrubber APCD were not considered for medium- or large-sized incinerators because the APCD is very expensive and would result in small additional reductions in emissions.

⁷ Because the emissions level for small-sized incinerators (good combustion and low efficiency wet scrubber) is only slightly less stringent than for medium-sized incinerators (good combustion and moderate efficiency wet scrubbers), the incentive for medium-sized facilities to reclassify themselves as small is quashed. If the emissions level for small-sized incinerators was considerably less stringent, medium-sized facilities would have an economic incentive to reclassify. Note also that the use of a high efficiency wet scrubber APCD would have increased costs 15% to 25%, but it would have resulted in only a slight decrease in PM emissions.

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Table 2. Rule Provisions Incorporated to Reduce Burdens and to Provide Cost-Saving Benefits for New and Existing Facilities Operating Incinerators

No.	RULE PROVISION
1	reduces testing for facilities demonstrating compliance with emission levels ¹
2	provides for 1-hr test times in most cases as opposed to longer test times ²
3	allows existing facilities meeting the rural criteria to do an annual equipment inspection as opposed to conducting annual performance tests (3rd party inspections are not required)
4	allows monitoring of operating parameters and routine Method 9 opacity tests instead of continuous emissions monitoring systems for CO and opacity (stack)
5	narrows the definition of “medical waste” to define items combusted (MWTA definition was used as opposed to others) ³
6	allows facility operators to receive training and qualification through a state-approved training program
7	requires facilities to develop a Waste Management Plan rather than prohibiting materials from waste streams (design waste management measures to reduce the amount of toxic emissions from incinerated waste)
8	allows facilities that otherwise would be subject to this rulemaking to ignore emission limits during periods of only combusting pathological, chemotherapeutic, and low-level radioactive waste (temporary deferment only) ⁴
9	excludes facilities burning pathological, chemotherapeutic, and low-level radioactive wastes, as well as crematories, cement kilns, and pyrolysis units (any facility permitted under § 3005 of the SWDA also is excluded. See CAAA §129(g)(1) ⁵
10	provides an exemption for facilities combusting ≤ 10% of hospital/medical/infectious waste by weight (co-fired combustors) ⁶
11	allows certain records to be maintained in either electronic or paper format without duplication
12	provides for reports to be submitted semiannually, or annually if no exceedances occur, as opposed to quarterly
13	clarifies siting requirements for new facilities
14	enables existing facilities to meet emission limits with either a wet or dry scrubber

Source: Adapted from 62 FR 48352 - 48360, 48374.

MWTA=Medical Waste Tracking Act and SWDA=Solid Waste Disposal Act.

Notes to Table 2 follow:

¹ Emissions may be tested every 3 years instead of annually if emission requirements were met. In addition, the testing only requires emission testing of a few critical pollutants which will indicate that the APCD is operating properly.

² EPA test methods must be followed when performing emissions testing. This will ensure that compliance testing follows the same procedures which were used to generate the emission data on which emission limits were based.

³ The EPA promulgated the Medical Waste Tracking Act (MWTA) definition under the co-authority of § 2002 of the Solid Waste Disposal Act (SWDA), 42 U.S.C. 6912 and §§ 129 and 301 of the CAAA, 42 U.S.C. 7429 and 7601, and a definition of “hospital waste” under the authority of §§ 129 and 301 of the CAAA. The MWTA definition includes 7 classes of waste (cultures and stocks of infectious agents and associated biologicals, human pathological waste, human blood and blood products, used sharps, unused sharps, animal waste, and isolation waste). It excludes the following: hazardous waste (see 40 CFR Part 261); household waste; ash from incinerators; human corpses, remains,

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anatomical parts (interment or cremation); domestic sewage materials, and pharmaceutical wastes (off-spec or out-of-date drugs unless generated at a hospital and disposed in the hospital's waste stream). The intent was not to define items which could transmit disease, but only to determine the applicability of the federal standards and guidelines on regulated waste.

Healthcare facilities generate 2 types of waste streams: noninfectious (health care trash) and infectious, or potentially so, that requires special handling to avoid disease transmission. A general conclusion is that hospital waste is comprised of 85% to 90% noninfectious materials. The key concept is that facilities potentially can decrease their waste disposal costs by segregating their waste. Likewise, recycling and other pollution prevention measures could reduce the economic impact of this rulemaking.

⁴ These wastes are considered "excluded" wastes, whether or not they meet the definition of regulated waste. They often are combusted in incinerators which exclusively burn these types of wastes. However, the owners/operators must keep records of the periods of time when only these wastes are combusted. A facility (co-fired combustor) that combusts 1 or more of these wastes, or waste pharmaceuticals as well, along with more than 10% of other materials defined as regulated waste would be subject to this rulemaking. Pathological waste, chemotherapeutic waste, low-level radioactive waste, as well as waste pharmaceuticals (see note #3), are classified as other fuels and wastes, such as municipal waste and coal. See rule provisions #9 and #10 and their respective notes.

⁵ Crematories and facilities that combust waste pharmaceuticals, pathological waste, chemotherapeutic waste, and low-level radioactive waste are regulated by other requirements, or they will be regulated by requirements developed through the Industrial Combustion Coordinated Rulemaking project. Thus, the current deferment is only temporary. Furthermore, the EPA is exempting cement kilns and pyrolysis units because these facilities are different from the facilities that combust regulated waste defined in this rulemaking. Combustors larger than 250 tpd are excluded (subject to subparts Ea, Eb, or Cb). The new source performance standards (NSPS) and emission guidelines (EG) for municipal waste combustor (MWC), incinerating 40 tpd - 250 tpd, were partially vacated and remanded, but the EPA will develop regulations for all solid waste incinerators, including MWC, incinerating < 40 tpd.

⁶ Any facility (incinerator or industrial process) that combusts $\leq 10\%$ regulated waste (by weight on a calendar quarterly basis) is not subject to this rulemaking provided the owner/operator notifies the Department of an exemption claim and keeps records of the amount of regulated waste and other fuels combusted. For example, a facility combusting 90% pathological waste (or an equal amount of other exempted wastes) along with 10% regulated waste is a co-fired combustor and is exempt from this rulemaking. These exempted wastes do not count toward the 10% regulated waste maximum in determining the amount of regulated waste burned in a co-fired combustor. Facilities that may co-fire regulated waste along with other fuels or wastes include the following: MWC, boilers, industrial/commercial incinerators, and other solid waste incinerators. These facilities already are, or will be, subject to § 129 of the CAAA.

ENDNOTES

¹ EPA estimates that it costs \$35,000 per year to operate an existing, small-sized incinerator that uses good combustion practices only. An air pollution control device will add \$10,000 per year to the facility's operating costs. In addition, the least expensive monitoring option, which relies on operating parameters, costs an additional \$10,000 per year to operate. Operating parameters are selected by the facility at the time of the initial performance test that demonstrates compliance with the emission limits. Thus, monitoring of the operating parameters is the only means of determining compliance on a continuous basis (62 FR 48361).

² Off-site waste disposal could be indirectly affected nationally with an increase in waste disposal fees. According to EPA, commercial treaters would have to increase fees by 2.6% to recover annual control costs (62 FR 48373).

³ Ecology Center of Ann Arbor, Michigan, text of the justification document (E-mail 5/01/98).

⁴ The potential does exist for a reduction in adverse health effects due to reduced quantities of toxic air emissions. EPA calculated a value of \$6,075 per ton for reductions in particulate matter (1993 dollars), or annualized benefits of \$5.5 to \$5.8 million for existing hospital/medical/infectious waste incinerators in the U.S. subject to the new emission guidelines (62 FR 48372).

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The following changes were made after the rules were proposed at the request of GRRC staff. Except as noted following the rules, all changes were nonsubstantive and made to improve clarity, conciseness and understandability.

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R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators

- A.** This Section applies to any hospital/medical/infectious waste incinerator (HMIWI) ~~that commenced construction for which construction was commenced on or before June 20, 1996. All federal regulations cited within this Section are incorporated by reference in R18-2-901.~~ An incinerator subject to this Section is not subject to R18-2-704. The following types of incinerators are not subject to this Section:
1. An incinerator during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, if the owner or operator of the incinerator does both of the following:
 - a. Notifies the Director of an exemption claim.
 - b. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned.
 2. Any co-fired incinerator if the owner or operator of the incinerator does all of the following:
 - a. Notifies the Director of an exemption claim.
 - b. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be burned.
 - c. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste burned, and the weight of all other fuels and wastes burned at the co-fired incinerator.
 3. Any incinerator required to have a permit under Section 3005 of the Solid Waste Disposal Act.
 4. Any incinerator subject to 40 CFR 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste incinerators) ~~as incorporated by reference in R18-2-901.~~
 5. Any pyrolysis unit, as defined in 40 CFR 60.51c.
 6. Cement kilns firing hospital waste or medical/infectious waste.
- B.** A physical or operational change made to an existing HMIWI unit solely for the purpose of complying with emission limitations under this Section is not considered a modification and does not result in an existing HMIWI unit becoming subject to the provisions of R18-2-901(9).
- C.** In addition to the definitions provided in 40 CFR 60.51c ~~as incorporated by reference in R18-2-901,~~ the following definitions apply to this Section:
- ~~1. "Hospital/medical/infectious waste incinerator" or "HMIWI" or "HMIWI unit" means any device that combusts any amount of hospital waste or medical/infectious waste.~~
 - ~~2.1.~~ "Rural HMIWI" means any small HMIWI that is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and that burns less than 2,000 pounds per week of hospital waste and medical/infectious waste. The 2,000 pounds per week limitation does not apply during performance tests.
 - ~~3.2.~~ "Standard Metropolitan Statistical Area" or "SMSA" means any area listed in Office of Management and Budget (OMB) Bulletin 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993 which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. A copy of the bulletin is on file with the Office of the Secretary of State and the Department.
 - ~~4.3.~~ "State Plan" means the plan that 40 CFR 60 subpart Ce requires states to develop to regulate existing HMIWI built on or before June 20, 1996.
- D.** Beginning September 15, 2000, an HMIWI shall operate under a Class I permit.
- E.** An owner or operator of an HMIWI shall comply with the following emissions limitations:
1. The emissions limitations in Table 1 unless the HMIWI is a rural HMIWI.
 2. The emissions limitations in Table 2, if the HMIWI is a rural HMIWI.
 3. An owner or operator of an HMIWI shall not cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10% opacity (6-minute block average).
 4. An owner or operator of a large existing HMIWI shall comply with the opacity requirements in 40 CFR 60.52c (c), (d), and (e).
- F.** An owner or operator of an HMIWI shall comply with the operator training requirements found in 40 CFR 60.53c ~~as incorporated by reference in R18-2-901~~ within 1 year following approval of the State Plan.
- G.** An owner or operator of an HMIWI shall comply with the waste management requirements found in 40 CFR 60.55c ~~60.33e as incorporated by reference in R18-2-901.~~
- H.** An owner or operator of a rural HMIWI shall comply with the following inspection requirements:
1. The owner or operator shall conduct or hire another party to conduct an initial equipment inspection within 1 year following approval of the State Plan.
 2. At a minimum, an inspection shall include the following:
 - a. Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation. Clean pilot flame sensor, as necessary.
 - b. Inspect adjustment of primary and secondary chamber combustion air, and adjust as necessary.
 - c. Inspect hinges and door latches, and lubricate as necessary.
 - d. Inspect dampers, fans, and blowers for proper operation.
 - e. Inspect HMIWI door and door gaskets for proper sealing.

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- f. Inspect motors for proper operation.
 - g. Inspect primary chamber refractory lining. Clean and repair or replace lining as necessary.
 - h. Inspect incinerator shell for corrosion ~~of~~ and hot spots.
 - i. Inspect secondary/tertiary chamber and stack, clean as necessary.
 - j. Inspect mechanical loader, including limit switches, for proper operation, if applicable.
 - k. Visually inspect waste bed (grates), and repair or seal, as appropriate.
 - l. For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments.
 - m. Inspect each air pollution control device for proper operation, if applicable.
 - n. Inspect waste heat boiler systems to ensure proper operation, if applicable.
 - o. Inspect bypass stack components.
 - p. Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment.
 - q. Generally observe that the equipment is maintained in good operating condition.
3. Within 10 operating days following an equipment inspection, the owner or operator shall complete all necessary repairs unless the owner or operator obtains written approval from the Director establishing a date by which all necessary repairs of the facility shall be completed.
 4. The owner or operator of any rural HMIWI shall conduct or hire another party to conduct an equipment inspection annually (no more than 12 months following the previous annual equipment inspection), as outlined in subsections (2) and (3).
- I.** An owner or operator of an HMIWI shall comply with the following compliance, performance testing, and monitoring requirements:
1. Except as provided in subsection (2), an existing HMIWI shall meet the requirements for compliance and performance testing in 40 CFR 60.56c, excluding the fugitive emissions testing requirements under ~~subsections~~ 40 CFR 60.56c(b)(12) and (c)(3).
 2. A rural HMIWI shall meet the following compliance and performance testing requirements:
 - a. Conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1). The 2,000 lb/week limitation under 40 CFR 60.33e(b) does not apply during performance tests.
 - b. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limitations.
 - c. Ensure that the facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature ~~shall constitute~~ is a violation of the established operating parameter.
 - d. Except as provided in subsection (I)(2)(e), operating the facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) simultaneously ~~constitutes~~ is a violation of the PM, CO, and dioxin/furan emission limitations.
 - e. The owner or operator may conduct a repeat performance test within 30 days after violation of any applicable operating parameter to demonstrate that the facility is not in violation of any applicable emission limit. Repeat performance tests conducted under this ~~paragraph~~ subsection shall be conducted using the identical operating parameters that indicated a violation under subsection (I)(2)(d).
 3. The owner or operator shall comply with the monitoring requirements listed in 40 CFR 60.57c of subpart Ec, except as provided ~~for under~~ in subsection (I)(4).
 4. A rural HMIWI shall meet the following monitoring requirements:
 - a. Install, calibrate (to manufacturer's specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.
 - b. Install, calibrate (to manufacturer's specifications), maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into the HMIWI.
 - c. ~~Shall~~ Obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75% of the operating hours per day and for 90% of the operating hours per calendar quarter that the facility is incinerating hospital waste or medical/infectious waste.
- J.** An owner or operator of an HMIWI shall comply with the following reporting and recordkeeping requirements:
1. An owner or operator of each HMIWI shall comply with the requirements listed in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).
 2. An owner or operator of each rural HMIWI shall perform all the following:
 - a. Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days after an inspection or the timeframe established by the Director.

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- b. Submit an annual report to ADEQ, Air Quality Division, (T5109B), 3003 North Central Avenue, Phoenix, Arizona 85012. The report shall contain information recorded under subsection (2)(a) and be submitted no later than 60 days following the year in which data were collected. The owner or operator shall send subsequent reports no later than 12 calendar months following the previous report (after receiving a Class I permit, the owner or operator shall submit these reports semiannually). The facility's manager shall sign the report.

Table 1. Emission Limitations for Small, Medium, and Large HMIWI

Pollutant	Units (7% oxygen, dry basis)	Emission Limitation		
		Small HMIWI	Medium HMIWI	Large HMIWI
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot).	115(0.05)	69 (0.03)	34(0.015)
Carbon monoxide	Parts per million by volume	40	40	40
Dioxin/furans	Nanograms per dry standard cubic meter total dioxin/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter toxic equivalent quantity (grains per billion dry standard cubic feet).	125(55) or 2.3(1.0)	125 (55) (1.0) 2.3(1.0)	125(55) or 2.3(1.0)
Hydrogen chloride	Parts per million by volume or percent reduction.	100 or 93%	100 or 93%	100 or 93%
Sulfur dioxide	Parts per million by volume	55	55	55
Nitrogen oxides	Parts per million by volume	250	250	250
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2(0.52) or 70%	1.2(0.52) or 70%	1.2(0.52) or 70%
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16(0.07) or 65%	0.16(0.07) or 65%	0.16(0.07) or 65%
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55(0.24) or 85%	0.55(0.24) or 85%	0.55(0.24) or 85%

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R18-2-901. Standards of Performance for New Stationary Sources

Except as provided in R18-2-902 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of July 1, 1997, or the specific date provided below, and no future editions or amendments, ~~except for adoption date specified below~~, are incorporated by reference. These standards are on file with the Office of the Secretary of State and the Department and shall be applied by the Department.

1. No Change.
2. No Change.
3. No Change.
4. No Change.
5. No Change.
6. No Change.
7. No Change.
8. No Change.
9. Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 ~~or for which modification commenced after March 16, 1998~~, adopted September 15, 1997 (62 FR ~~48347~~ 48348).

SUBSTANTIVE CHANGES

R18-2-732:

1. In subsection (C)(1) the word "small" was inserted before HMIWI in the definition of rural HMIWI to conform with the federal language.
2. In subsection (G) "40 CFR 60.33c" was replaced with "40 CFR 60.55c" to correct a clerical error.

R18-2-901

1. The phrase "or the specific date provided below," replaced the phrase "except for adoption date specified below," to provide consistency with another amendment to this Section in a different rulemaking action.
2. In paragraph 9, 48347 was replaced with 48348 to correct a clerical error.

11. A summary of the principal comments and the agency responses to them:

The proposed rule was published in the *Arizona Administrative Register* on April 16, 1999. The Arizona Department of Environmental Quality (ADEQ) received written comment regarding the proposed rule from 1 interested party during the public comment period which ended May 24, 1999. No oral comments were received at the public hearings held in Phoenix and Flagstaff on May 18, 1999, in Tucson on May 19, 1999 and in Sierra Vista on May 20, 1999. The written comment received has been addressed by ADEQ and is summarized in the following paragraph:

Comment: R18-2-732 and R18-2-901: Commenter expressed support for both of these rules.

Response: No changes were made to these rules based on the comment.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

13. Incorporations by reference and their locations in the rules:

OMB Bulletin 93-17 R18-2-732

40 CFR 60, Subpart Ec R18-2-901

14. Was this rule previously adopted as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

Sections

R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

Section

R18-2-901. Standards of Performance for New Stationary Sources

ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators

- A.** This Section applies to any hospital/medical/infectious waste incinerator (HMIWI) for which construction was commenced on or before June 20, 1996. All federal regulations cited within this Section are incorporated by reference in R18-2-901. An incinerator subject to this Section is not subject to R18-2-704. The following types of incinerators are not subject to this Section:
1. An incinerator during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, if the owner or operator of the incinerator does both of the following:
 - a. Notifies the Director of an exemption claim.
 - b. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned.
 2. Any co-fired incinerator if the owner or operator of the incinerator does all of the following:
 - a. Notifies the Director of an exemption claim.
 - b. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be burned.
 - c. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste burned, and the weight of all other fuels and wastes burned at the co-fired incinerator.
 3. Any incinerator required to have a permit under Section 3005 of the Solid Waste Disposal Act.
 4. Any incinerator subject to 40 CFR 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste incinerators).
 5. Any pyrolysis unit, as defined in 40 CFR 60.51c.
 6. Cement kilns firing hospital waste or medical/infectious waste.
- B.** A physical or operational change made to an existing HMIWI unit solely for the purpose of complying with emission limitations under this Section is not considered a modification and does not result in an existing HMIWI unit becoming subject to the provisions of R18-2-901(9).
- C.** In addition to the definitions provided in 40 CFR 60.51c, the following definitions apply to this Section:
1. “Rural HMIWI” means any small HMIWI that is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and that burns less than 2,000 pounds per week of hospital waste and medical/infectious waste. The 2,000 pounds per week limitation does not apply during performance tests.
 2. “Standard Metropolitan Statistical Area” or “SMSA” means any area listed in Office of Management and Budget (OMB) Bulletin 93-17 entitled “Revised Statistical Definitions for Metropolitan Areas” dated June 30, 1993 which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. A copy of the bulletin is on file with the Office of the Secretary of State and the Department.
 3. “State Plan” means the plan that 40 CFR 60 subpart Ce requires states to develop to regulate existing HMIWI built on or before June 20, 1996.
- D.** Beginning September 15, 2000, an HMIWI shall operate under a Class I permit.
- E.** An owner or operator of an HMIWI shall comply with the following emissions limitations:
1. The emissions limitations in Table 1 unless the HMIWI is a rural HMIWI.
 2. The emissions limitations in Table 2, if the HMIWI is a rural HMIWI.
 3. An owner or operator of an HMIWI shall not cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10% opacity (6-minute block average).
 4. An owner or operator of a large existing HMIWI shall comply with the opacity requirements in 40 CFR 60.52c (c), (d), and (e).
- F.** An owner or operator of an HMIWI shall comply with the operator training requirements found in 40 CFR 60.53c within 1 year following approval of the State Plan.
- G.** An owner or operator of an HMIWI shall comply with the waste management requirements found in 40 CFR 60.55c.

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- H.** An owner or operator of a rural HMIWI shall comply with the following inspection requirements:
1. The owner or operator shall conduct or hire another party to conduct an initial equipment inspection within 1 year following approval of the State Plan.
 2. At a minimum, an inspection shall include the following:
 - a. Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation. Clean pilot flame sensor, as necessary.
 - b. Inspect adjustment of primary and secondary chamber combustion air, and adjust as necessary.
 - c. Inspect hinges and door latches, and lubricate as necessary.
 - d. Inspect dampers, fans, and blowers for proper operation.
 - e. Inspect HMIWI door and door gaskets for proper sealing.
 - f. Inspect motors for proper operation.
 - g. Inspect primary chamber refractory lining. Clean and repair or replace lining as necessary.
 - h. Inspect incinerator shell for corrosion and hot spots.
 - i. Inspect secondary/tertiary chamber and stack, clean as necessary.
 - j. Inspect mechanical loader, including limit switches, for proper operation, if applicable.
 - k. Visually inspect waste bed (grates), and repair or seal, as appropriate.
 - l. For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments.
 - m. Inspect each air pollution control device for proper operation, if applicable.
 - n. Inspect waste heat boiler systems to ensure proper operation, if applicable.
 - o. Inspect bypass stack components.
 - p. Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment.
 - q. Generally observe that the equipment is maintained in good operating condition.
 3. Within 10 operating days following an equipment inspection, the owner or operator shall complete all necessary repairs unless the owner or operator obtains written approval from the Director establishing a date by which all necessary repairs of the facility shall be completed.
 4. The owner or operator of any rural HMIWI shall conduct or hire another party to conduct an equipment inspection annually (no more than 12 months following the previous annual equipment inspection), as outlined in subsections (2) and (3).
- I.** An owner or operator of an HMIWI shall comply with the following compliance, performance testing, and monitoring requirements:
1. Except as provided in subsection (2), an existing HMIWI shall meet the requirements for compliance and performance testing in 40 CFR 60.56c, excluding the fugitive emissions testing requirements under 40 CFR 60.56c(b)(12) and (c)(3).
 2. A rural HMIWI shall meet the following compliance and performance testing requirements:
 - a. Conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1). The 2,000 lb/week limitation under 40 CFR 60.33e(b) does not apply during performance tests.
 - b. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limitations.
 - c. Ensure that the facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature is a violation of the established operating parameter.
 - d. Except as provided in subsection (I)(2)(e), operating the facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) simultaneously is a violation of the PM, CO, and dioxin/furan emission limitations.
 - e. The owner or operator may conduct a repeat performance test within 30 days after violation of any applicable operating parameter to demonstrate that the facility is not in violation of any applicable emission limit. Repeat performance tests conducted under this subsection shall be conducted using the identical operating parameters that indicated a violation under subsection (I)(2)(d).
 3. The owner or operator shall comply with the monitoring requirements listed in 40 CFR 60.57c of subpart Ec, except as provided in subsection (I)(4).
 4. A rural HMIWI shall meet the following monitoring requirements:
 - a. Install, calibrate (to manufacturer's specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.
 - b. Install, calibrate (to manufacturer's specifications), maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into the HMIWI.

- c. Obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75% of the operating hours per day and for 90% of the operating hours per calendar quarter that the facility is incinerating hospital waste or medical/infectious waste.
- J.** An owner or operator of an HMIWI shall comply with the following reporting and recordkeeping requirements:
 - 1. An owner or operator of each HMIWI shall comply with the requirements listed in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).
 - 2. An owner or operator of each rural HMIWI shall perform all the following:
 - a. Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days after an inspection or the timeframe established by the Director.
 - b. Submit an annual report to ADEQ, Air Quality Division, (T5109B), 3003 North Central Avenue, Phoenix, Arizona 85012. The report shall contain information recorded under subsection (2)(a) and be submitted no later than 60 days following the year in which data were collected. The owner or operator shall send subsequent reports no later than 12 calendar months following the previous report (after receiving a Class I permit, the owner or operator shall submit these reports semiannually). The facility's manager shall sign the report.

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Table 1. Emission Limitations for Small, Medium, and Large HMIWI

<u>Pollutant</u>	<u>Units (7% oxygen, dry basis)</u>	<u>Emission Limitation</u>		
		<u>Small HMIWI</u>	<u>Medium HMIWI</u>	<u>Large HMIWI</u>
<u>Particulate matter</u>	<u>Milligrams per dry standard cubic meter (grains per dry standard cubic foot).</u>	<u>115(0.05)</u>	<u>69 (0.03)</u>	<u>34(0.015)</u>
<u>Carbon monoxide</u>	<u>Parts per million by volume</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Dioxin/furans</u>	<u>Nanograms per dry standard cubic meter total dioxin/furans(grains per billion dry standard cubic feet)or nanograms per dry standard cubic meter toxic equivalent quantity (grains per billion dry standard cubic feet).</u>	<u>125(55) or 2.3(1.0)</u>	<u>125 (55) 2.3(1.0)</u>	<u>125(55)or 2.3(1.0)</u>
<u>Hydrogen chloride</u>	<u>Parts per million by volume or percent reduction.</u>	<u>100 or 93%</u>	<u>100 or 93%</u>	<u>100 or 93%</u>
<u>Sulfur dioxide</u>	<u>Parts per million by volume</u>	<u>55</u>	<u>55</u>	<u>55</u>
<u>Nitrogen oxides</u>	<u>Parts per million by volume</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Lead</u>	<u>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction</u>	<u>1.2(0.52) or 70%</u>	<u>1.2(0.52) or 70%</u>	<u>1.2(0.52) or 70%</u>
<u>Cadmium</u>	<u>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction</u>	<u>0.16(0.07) or 65%</u>	<u>0.16(0.07) or 65%</u>	<u>0.16(0.07) or 65%</u>
<u>Mercury</u>	<u>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction</u>	<u>0.55(0.24) or 85%</u>	<u>0.55(0.24) or 85%</u>	<u>0.55(0.24) or 85%</u>

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Table 2. Emissions Limitations for Rural HMIWI

<u>Pollutant</u>	<u>Units (7% oxygen, dry basis)</u>	<u>Emission Limitation</u>
<u>Particulate matter</u>	<u>Milligrams per dry standard cubic meter (grains per dry standard cubic foot)</u>	<u>197 (0.086)</u>
<u>Carbon monoxide</u>	<u>Parts per million by volume</u>	<u>40</u>
<u>Dioxin/furans</u>	<u>Nanograms per dry standard cubic meter total dioxin/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter toxic equivalent quantity (grains per billion dry standard cubic feet)</u>	<u>800 (350) or 15 (6.6)</u>
<u>Hydrogen chloride</u>	<u>Parts per million by volume</u>	<u>3100 (1.0)</u>
<u>Sulfur dioxide</u>	<u>Parts per million by volume</u>	<u>55</u>
<u>Nitrogen oxides</u>	<u>Parts per million by volume</u>	<u>250</u>
<u>Lead</u>	<u>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)</u>	<u>10 (4.4)</u>
<u>Cadmium</u>	<u>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)</u>	<u>4 (1.7)</u>
<u>Mercury</u>	<u>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)</u>	<u>7.5 (3.3)</u>

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

R18-2-901. Standards of Performance for New Stationary Sources

Except as provided in R18-2-902 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of July 1, 1997, or the specific date provided below, and no future editions or amendments, are incorporated by reference. These standards are on file with the Office of the Secretary of State and the Department and shall be applied by the Department.

1. No Change.
2. No Change.
3. No Change.
4. No Change.
5. No Change.
6. No Change.
7. No Change.
8. No Change.
9. Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, adopted September 15, 1997, (62 FR 48348).
- ~~9-10.~~ No Change.
- ~~10-11.~~ No Change.
- ~~11-12.~~ No Change.
- ~~12-13.~~ No Change.
- ~~13-14.~~ No Change.
- ~~14-15.~~ No Change.
- ~~15-16.~~ No Change.
- ~~16-17.~~ No Change.
- ~~17-18.~~ No Change.

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~~18.~~ 19. No Change.
~~19.~~ 20. No Change.
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~~21.~~ 22. No Change.
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~~71.~~ 72. No Change.
~~72.~~ 73. No Change.
~~73.~~ 74. No Change.

NOTICES OF SUMMARY RULEMAKING

The Administrative Procedure Act allows an agency to use the summary rulemaking procedure instead of the regular rulemaking procedure for repeals of rules made obsolete by repeal or supersession of an agency's statutory authority or the adoption, amendment, or repeal of rules that repeat verbatim existing statutory authority granted to the agency. An agency initiating summary rulemaking shall file the proposed summary rulemaking with the Governor's Regulatory Review Council and the Secretary of State's Office for publication in the next available issue of the *Register*. The proposed summary rule takes interim effect on the date of publication in the *Register*.

NOTICE OF ADOPTED SUMMARY RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 7. DEPARTMENT OF ENVIRONMENTAL QUALITY REMEDIAL ACTION

PREAMBLE

- Sections Affected**

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R18-7-101	Repeal
R18-7-102	Repeal
R18-7-103	Repeal
R18-7-104	Repeal
R18-7-105	Repeal
R18-7-106	Repeal
R18-7-107	Repeal
R18-7-108	Repeal
R18-7-109	Repeal
- The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 41-1027(A)(1) (summary rulemaking authority for repeal of rules made obsolete by supervening legislation)

Implementing statutes: Laws 1997, Chapter 287, including Secs. 55 and 56
- The effective date of the summary rules:**

The repeal of R18-7-101 through R18-7-109 will take final effect on the date this Notice of Final Summary Rulemaking is filed with the Secretary of State.
- The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Deborah K. Blacik or Martha Seaman

Address: Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012-2809

Telephone: (602) 207-2222

Fax: (602) 207-2251

TDD: (602) 207-4829
- The concise explanatory statement, including an explanation of the rule and the agency's reasons for initiating the rule:**

This Notice of Final Summary Rulemaking repeals the rules currently located at R18-7-101 through R18-7-109 which govern the Water Quality Assurance Revolving Fund ("WQARF") program. The rules at R18-7-101 through R18-7-109 need to be repealed because they are superseded by the statutory provisions of Laws 1997, Chapter 287

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(A.R.S. Title 49, Chapter 2, Article 5).

This Notice of Final Summary Rulemaking deletes the proposed heading change and the proposed rule renumbering that were contained in the Notice of Summary Rulemaking because these proposed changes are not the proper subject matter for a summary rulemaking.

There were no comments, and therefore no agency responses, concerning this rule making.

6. **Reference to any study that the agency proposes to rely on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material.**
None.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable, because the rulemaking will not diminish a previous grant of authority of a political subdivision of this state.
8. **The economic, small business, and consumer impact:**
Under A.R.S. § 41-1055(D)(2), an economic, small business, and consumer impact statement is not required for this rule making because it only repeals existing rule language that is inconsistent with supervening legislation and implementing rule makings.
9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Not applicable (see answer to Question 8).
10. **The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule:**
No oral proceeding was conducted, and the agency received no written comments.
11. **An explanation of why summary proceedings are justified:**
See answer to Question 5.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
There are no other matters prescribed by statute that are applicable to the Department or rules affected by this rule making.
13. **Incorporations by reference and their location in the rules:**
There are no incorporations by reference in this rule making.
14. **The full text of the rules follows:**

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 7. DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDIAL ACTION**

ARTICLE 1. WATER QUALITY ASSURANCE REVOLVING FUND

Section

- R18-7-101. ~~Applicability~~ Repealed
- R18-7-102. ~~Definitions~~ Repealed
- R18-7-103. ~~Uses of the Fund; Priorities~~ Repealed
- R18-7-104. ~~Determination of Site Priorities; Selection of Remedial Actions~~ Repealed
- R18-7-105. ~~Remedial Actions by State Agencies or Political Subdivisions~~ Repealed
- R18-7-106. ~~Remedial Actions by the Director~~ Repealed
- R18-7-107. ~~Remedial Actions by a Person or Responsible Party~~ Repealed
- R18-7-108. ~~Remedial Action Plan~~ Repealed
- R18-7-109. ~~Remedial Action Requirements; Level and Extent of Cleanup~~ Repealed

ARTICLE 1. WATER QUALITY ASSURANCE REVOLVING FUND

~~R18-7-101. Applicability~~

~~This Article applies to:~~

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1. Remedial actions taken by the Director, state agencies or political subdivisions using Fund monies.
2. Remedial actions ordered by the Director pursuant to A.R.S. § 49-287(D)(3).
3. Actions taken by any person seeking recovery of the costs of a remedial action pursuant to A.R.S. § 49-285(A).
4. All other uses of the Fund pursuant to A.R.S. § 49-282(B).

R18-7-102. Definitions

In addition to the definitions provided in A.R.S. §§ 49-201 and 49-281, the following definitions shall apply in this Article:

1. "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499).
2. "Cleanup" means a remedial action taken or approved by the Director that is designed to avert, remove, reduce or eliminate a release or threatened release of a hazardous substance to the environment.
3. "Decision record" means written statement issued by the Director or the Director's designated representative that documents the manner in which remedial action requirements were met and how remedial action criteria were considered in accepting a remedial action proposal for financing under the Fund and reserving Fund monies for such proposal.
4. "Emergency action" means a remedial action, pursuant to A.R.S. § 49-287(D)(1) and (3), designed to avert, prevent, control, eliminate or minimize an imminent and substantial danger to public health or welfare, or the environment, or to determine if such danger exists.
5. "Letter of determination" means a written statement issued by the Director documenting the reasons for approving or rejecting remedial action plan.
6. "Operator" means, within the context of "operated" under A.R.S. § 49-283(A)(1), any person who authorized, initiated or implemented the transportation, storage, treatment, disposal or release of a hazardous substance from or at a facility, but does not include a person or financial institution who holds or held a lien, encumbrance, security interest or loan agreement that attached to the facility so long as such person or financial institution makes or made no decision or takes or took no action that causes or caused or contributes or contributed to a release or threatened release of a hazardous substance from or at a facility.
7. "Owner" means, within the context of "owned" under A.R.S. § 49-283(A)(1) and (A)(2) and "owned" under A.R.S. § 49-283(C), any person who holds or held legal, equitable, or other interest in a facility from which a release or threatened release of a hazardous substance has occurred or will occur, but does not include a person or financial institution who holds or held a lien, encumbrance, security interest or loan agreement that attaches or attached to the facility so long as such person or financial institution makes or made no decision or takes or took no action that causes or caused or contributes or contributed to the release or threatened release of a hazardous substance from or at a facility.
8. "Remedial action criteria" means those factors listed in R18-7-104(A)(1) through (8).
9. "Remedial action plan" means a written plan of proposed remedial action submitted to the Director in accordance with R18-7-108.
10. "Remedial action requirements" means the requirements of R18-7-109(A)(1) through (4).
11. "Site" means the total area, projected in three dimensions, which has been or may be affected by a release or a threatened releases a hazardous substance.

R18-7-103. Uses of the Fund; Priorities

A. The Director shall prepare an annual Fund budget for the uses of the Fund specified by A.R.S. § 48-282.B.

B. The annual Fund budget allocations and order of priorities from highest to lowest shall be as follows:

1. A minimum of \$250,000 reserved for financing emergency actions.
2. Reasonable and necessary costs to administer the Fund.
3. Reasonable and necessary costs to finance the water quality monitoring program described in A.R.S. § 49-225.
4. Reasonable and necessary costs for Fund-financed remedial actions, as described in A.R.S. § 49-282(B)(1) through (B)(5) taken by the Director, state agencies or political subdivisions.

C. Reasonable and necessary costs pursuant to subsection (B)(2) through (4), shall include:

1. Hiring, compensation and training personnel.
2. Contracting for legal services.
3. Procuring equipment, supplies and services, including laboratory services.
4. Letting of contracts and hiring, management and oversight of contractors.
5. Fiscal management and accounting functions of the Fund.
6. Providing for public participation as required under R18-7-110.
7. Distributing and disseminating information about the Fund and remedial actions.

R18-7-104. Determination of Site Priorities; Selection of Remedial Actions

A. To determine priorities among sites requiring remedial action and in selecting appropriate remedial actions, the Director shall consider the remedial action criteria as provided herein:

1. Population, environment and welfare concerns at risk:
 - a. Population includes the total number of persons who were, are, or may be exposed to a release or threatened release of a hazardous substance.

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- i. ~~Persons who may be exposed to a release or threatened release are those persons currently residing in or expected to reside in an area that is currently contaminated by a hazardous substance, or in the migration path of a hazardous substance.~~
 - ii. ~~Population projections of persons who are expected to reside in an area that may or is contaminated by a hazardous substance shall be based upon projected migration into the area, birthrate and potential real estate transactions.~~
 - b. ~~Environmental concerns include eco-systems, plant and animal life, habitats of animals and the food chain.~~
 - e. ~~Welfare concerns include land uses, property values, wildlife and natural resource values, uses of waters of the State, aesthetic values, recreation values, displacement from home or residence and a person's livelihood (temporary or permanent) that have been or may be damaged or devalued by a release or threatened release of a hazardous substance.~~
 2. ~~The actual and potential routes of exposure resulting from a release or threatened release of a hazardous substance to air, soil, surface water or groundwater, including ingestion of drinking water or food inhalation, dermal exposure with incidental ingestion, dermal exposure with absorption, dermal contact that results in injury or irritation and the magnitude of the exposure.~~
 3. ~~Amount, concentration, hazardous properties, environmental fate, and the form of the substance present as follows:~~
 - a. ~~The amount of the hazardous substance release or threatened release relative to the reportable quantity of the hazardous substance, pursuant to A.R.S. § 49-284(A) and (B).~~
 - b. ~~Concentration levels of the hazardous substance release or threatened release relative to the projected impact on public health or welfare, or the environment.~~
 - e. ~~Properties of the hazardous substance with respect to its ability to cause injury, chronic or acute illness, mutations, birth defects, reproductive failure, cancer, death, severe ecological disturbance or physical damage to property.~~
 - d. ~~Environmental fate of the hazardous substance with respect to its longevity and persistence; its ability to break down to other hazardous substances and long-lived products; the ability of the hazardous substance or its breakdown products to bioaccumulate, bioconcentrate or biomagnify in ecosystems or the food chain; and the capacity of the environment to attenuate, degrade, dilute, or otherwise ameliorate the release or threatened release.~~
 4. ~~Physical factors affecting human exposure such as hydrogeology, climate, and the extent of previous and expected migration, as follows:~~
 - a. ~~The distance between the release or threatened release and the waters of the State.~~
 - b. ~~The physical and chemical characteristics of the hazardous substance relating to its mobility in the soil, the vadose zone and aquifers.~~
 - e. ~~The slope of the land between the release or threatened release and the waters of the State.~~
 - d. ~~The geologic, chemical and physical characteristics of the affected or potentially affected vadose zone or aquifer.~~
 - e. ~~The effect of natural or man-made barriers or conduits on migration or potential migration of a hazardous substance.~~
 - f. ~~Climatic factors that affect actual or potential migration of the release or threatened release.~~
 - g. ~~Current, past and expected rate of migration of a hazardous substance plume in an aquifer.~~
 5. ~~The time and costs associated with identifying a responsible party and compelling a responsible party to undertake a remedial action, as well as the likelihood of successfully recovering costs from a responsible party.~~
 6. ~~A determination of the beneficial uses of the waters of the State, how the amount of water available for those uses has been or will be altered as a result of a release or threatened release of a hazardous substance, and how the amount of water for beneficial uses will be restored or preserved by the proposed remedial action. Beneficial uses include drinking water, livestock watering, agricultural irrigation, water used by industry, water needs of aquatic and wildlife, and full body or incidental contact with water.~~
 7. ~~The technical practicality, reliability, cost-effectiveness and demonstrated effectiveness of a proposed remedial action, with a determination of whether the technology is state-of-the-art or experimental. Technological considerations shall include short and long term operation and maintenance expenses.~~
 8. ~~The availability, timeliness and effectiveness of other State or Federal funding sources, including CERCLA, and the existence, timeliness and effectiveness of State or Federal laws to protect public health and welfare, and the environment.~~
 - B.** ~~Except for emergency actions, the determination of priorities among proposed Fund-financed remedial action sites as described by R18-7-105.A. and R18-7-106.A, shall be established by the Director. In determining the priorities, the Director shall consider only those remedial actions that are reasonable and necessary.~~
 1. ~~In setting the priority, the Director shall establish a priority ranking score for each proposed remedial action site based on the information provided pursuant to R18-7-105(A)(2) and use of the Eligibility and Evaluation Form (September 1987), which is incorporated herein by reference and on file with the Office of the Secretary of State and available from the Department at no cost upon request.~~
 - a. ~~Proposals shall be ranked according to their scores, with the order of priority descending from the highest to the lowest scoring proposal.~~

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- b. Proposals with equal scores shall be further prioritized by the Director based on each proposal's estimated total funding requirements, with the higher priority ranking applied to the lowest total dollar requirement.
- 2. The Director shall develop an annual priority list of proposed remedial action sites, subject to public review and comment as specified in R18-7-110, which shall identify the proposed remedial action sites that, given the availability of monies in the Fund as prescribed by R18-7-103(B), may receive financing under the Fund.
- 3. After public review and comment, the Director shall prepare a decision record and send it to the persons that submitted proposals and the persons that provided comments pursuant to R18-7-110.
- ~~C. The Director may cancel the reservation of Fund monies for remedial action sites on the priority list if an emergency action arises and there are insufficient sums in the Fund to finance both the emergency action and the remedial actions. The Director shall restore all or part of the reservation of Fund monies for remedial action sites so canceled if there are sufficient sums in the Fund to do so prior to the beginning of the next fiscal year. The Director shall provide written notice within one week of such cancellation or restoration of the reservation of monies to the person affected by such decision.~~

R18-7-105. Remedial Actions by State Agencies or Political Subdivisions

- ~~A. Any state agency or political subdivision applying for Fund monies must submit a letter of intent to the Director.~~
 - 1. ~~At the beginning of each state fiscal year, the Director shall request letters of intent from state agencies and political subdivisions through the publication of a notice. The notice shall be published one time in two newspapers of state-wide circulation and shall contain:~~
 - a. ~~The estimated amount of Fund monies available to state agencies or political subdivisions.~~
 - b. ~~Permissible uses of Fund monies, in accordance with R18-7-103.~~
 - c. ~~Eligibility requirements of A.R.S. § 49-282(F).~~
 - d. ~~The name and address of the person to whom letters of intent should be sent.~~
 - e. ~~The location where additional information can be obtained.~~
 - f. ~~The deadline for submittal of letters of intent.~~
 - 2. ~~The letter of intent shall include:~~
 - a. ~~The name, title, address and telephone number of the person submitting the letter of intent, and the person's authority to act for the state agency or political subdivision.~~
 - b. ~~A description of the need for a remedial action and the type of remedial action to be undertaken.~~
 - c. ~~An estimated schedule for completing the proposed remedial action.~~
 - d. ~~A statement of how the proposed remedial action meets the requirements specified in R18-7-109.A. and considers the criteria specified in R18-7-104.A., including the information in support thereof.~~
 - e. ~~A projected itemized budget for the proposed remedial activities.~~
 - f. ~~The source of matching funds, if submitted by a political subdivision in accordance with A.R.S. § 49-282(F).~~
 - g. ~~Identification of a responsible party or potentially responsible party, if known, subject to the limitations of A.R.S. § 49-282(F) applicable to state agencies and political subdivisions.~~
- ~~B. The Director shall evaluate proposed remedial actions in accordance with R18-7-104(B).~~
- ~~C. If the letter of intent is incomplete, the Director shall notify the submitting state agency or political subdivision in writing by certified mail, return receipt requested, or by hand delivery within 30 calendar days of receipt of the letter of intent and specify what additional information is needed. The information requested must be submitted to the Director within 15 calendar days of receipt of the Director's notification. Extensions of time for resubmissions may be granted by the Director for good cause and only if the request for extension is submitted in writing within the 15 days allowed.~~
- ~~D. Upon issuance of a decision record, the Director shall send a copy of the decision record certified mail, return receipt requested, or by hand delivery to the state agency or political subdivision informing them of the reservation of Fund monies. The state agency or political subdivision shall submit a remedial action plan pursuant to R18-7-108(A) and (B) within 90 calendar days of the receipt of the decision record.~~
- ~~E. If the state agency or political subdivision fails to submit a timely and approvable remedial action plan, the reservation of Fund monies for the proposed remedial site shall be cancelled. The state agency or political subdivision shall be so notified in writing and may reapply for consideration under the Fund in the following fiscal year. Monies that are released by the cancellation of a reservation shall be reserved for the next highest priority ranked remedial site proposal on the annual priority list that can be funded and a decision record documenting this change shall be issued.~~
- ~~F. The Director shall review the remedial action plan according to R18-7-108. If the Director approves the remedial action plan, the Director shall award Fund monies through a contract.~~

R18-7-106. Remedial Actions by the Director

- ~~A. If the Director elects to undertake a Fund-financed remedial action, which is not an emergency action, the Director shall develop the information required under R18-7-105(A)(2)(b), (c), (d), (e) and (g), and R18-7-108(A)(2), (3), (4), (5), (7) and (8), and (B)(1) through (7), and shall comply with the provisions of R18-7-104(B).~~
- ~~B. If a Fund-financed remedial action is undertaken where a responsible party has failed or refused to comply with an abatement order issued by the Director pursuant to A.R.S. § 49-287(D)(3), the Director shall establish a responsible party expense account to document costs incurred by such action.~~

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- ~~C. Before undertaking a Fund-financed emergency action, the Director or the Director's designated representative shall prepare a decision record.~~

R18-7-107. Remedial Actions by a Person or Responsible Party

- ~~A. When the Director orders a responsible party, including an owner or operator to abate a release or threatened release of a hazardous substance pursuant to A.R.S. § 49-287(D)(3), the abatement order shall specify the remedial action to be undertaken and shall contain a schedule for taking the remedial action.~~
- ~~B. A person intending to seek recovery of remedial action costs from a responsible party under A.R.S. § 49-285(A) shall submit, prior to undertaking the remedial action, a remedial action plan to the Director for approval subject to R18-7-108(A) through (E).~~

R18-7-108. Remedial Action Plan

- ~~A. Any remedial action plan shall contain all of the following information:-~~
- ~~1. The name, title, address, and telephone number of the person submitting the remedial action plan.~~
 - ~~2. The location and legal description of the site.~~
 - ~~3. A description of the nature of the release or threatened release of a hazardous substance, which identifies the time, duration, source, substance, quantity and concentration of each hazardous substance included in the release or threatened release.~~
 - ~~4. A description of the routes of exposure, type of environment at risk and population potentially exposed to the release or threatened release of a hazardous substance.~~
 - ~~5. A description of the purpose and schedule of the remedial action to be performed, which includes a work plan describing the tasks and activities necessary to accomplish the remedial action and the procedures to be followed.~~
 - ~~6. A notarized statement from the person submitting the plan indicating whether or not the person intends to seek cost recover against a responsible party. The statement shall include the name, address and telephone number of the other responsible party, and include the basis for liability by the responsible party.~~
 - ~~7. A description of how remedial action requirements were or are to be met and how remedial action criteria were or are to be considered in selecting the proposed remedial action.~~
 - ~~8. An explanation of how the proposed remedial action plan is expeditious.~~
 - ~~9. For a political subdivision only, a notarized statement of its ability to provide matching monies at least equal to the amount sought for Fund-financed remedial actions.~~
- ~~B. A remedial action plan also shall contain the following information, subject to the limitations or conditions specified herein, and, with the Director's conditional approval pursuant to subsection (D), can be submitted as a series of phased requirements or actions, if one requirement or action may be dependent upon the result of another requirement or action:~~
- ~~1. A preliminary assessment to research and review information to determine the likelihood that a release of a hazardous substance has occurred or may occur from a facility or site, if there is reason to believe that a release or threatened release of a hazardous substance exists.~~
 - ~~2. A remedial investigation, if detailed information is needed to determine the nature, magnitude, extent and source of a release of a hazardous substance from a facility, a group of facilities or a site.~~
 - ~~3. A risk assessment that addresses all potential exposure pathways and affected populations, if needed to evaluate or determine if public health or welfare or the environment may be or has been affected by or is in danger from an exposure to a release or threatened release of a hazardous substance.~~
 - ~~4. A health effects study to assess health risks and adverse health impacts, if there has been human exposure to the release of a hazardous substance, or when a risk assessment indicates that human exposure has probably occurred as a result of a release, or when epidemiologic evidence indicates the presence of adverse health effects in a population that may have been exposed to the release of a hazardous substance.~~
 - ~~5. A feasibility study to evaluate alternative cleanup actions, if there is a need to assess cleanup alternatives and to select the most efficient and cost effective method to avert, remove, mitigate, reduce or eliminate the danger posed by the release or threatened release of a hazardous substance.~~
 - ~~6. A description of cleanup methods and how these methods meet the requirements of R18-7-109(B), (C), and (D), if necessary to avert, remove, reduce, or eliminate a release or threatened release of a hazardous substance.~~
 - ~~7. A description of operation and maintenance needs, including a monitoring plan, if continuous treatment, removal, mitigation or other management activities are required.~~
- ~~C. The Director shall review all remedial action plans for completeness within 90 days of receipt of the plan.~~
- ~~D. If a remedial action plan is incomplete or otherwise not in accordance with the requirements of Subsections A. and B., the Director shall transmit a letter by certified mail, return receipt requested, or by hand-delivery describing the deficiencies of the plan and the conditions for approval. If the person submitting the plan fails to comply with all of the conditions for approval, the Director shall, in writing, reject the remedial action plan by issuance of a letter of determination.~~
- ~~E. If the remedial action plan is approved, the Director shall send a letter of determination to the person submitting the plan.~~
- ~~F. An approved remedial action plan may be revised, modified or cancelled by the Director.~~
- ~~1. The Director may take such action if:-~~

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- a. Requested in writing by the person that submitted the remedial action plan and the request supports revision, modification or cancellation based upon changed conditions or new and relevant information; or
 - b. The Director determines that conditions under which the existing remedial action plan was approved have sufficiently changed to necessitate a revision, modification or cancellation.
2. The Director shall issue a letter of determination to the person who submitted the original remedial action plan or requested a revision, modification or cancellation of a remedial action plan in approving or rejecting the revision, modification or cancellation.
 3. The Director shall establish an appropriate public review and comment period in accordance with procedures of R18-7-110 prior to the issuance of a letter of determination for a revised, modified or cancelled remedial action plan if:
 - a. The existing remedial action plan was subject to public review and comment, and the proposed change in the remedial action plan is substantial; or
 - b. The proposed change is of significant public concern.

R18-7-109. Remedial Action Requirements; Level and Extent of Cleanup

- A.** All remedial actions shall meet the following requirements:
1. Remedial actions shall be reasonable and necessary to prevent, minimize or mitigate danger to public health or welfare or to the environment from the release or threatened release of a hazardous substance.
 2. Remedial actions shall provide for the control, management or cleanup of a release or threatened release of a hazardous substance so as to allow the maximum beneficial use of the waters of the state. For remedial actions that may affect surface water, the evaluation of beneficial use must include the protection of surface water as required pursuant to R18-11-201 through R18-11-214 and R18-11-303. For remedial actions that may affect aquifers, the evaluation of beneficial use must include protection of drinking water pursuant to A.R.S. § 49-223, unless the aquifer or that part of the aquifer affected by the remedial action has been reclassified by the Director for a non-drinking water protected use pursuant to A.R.S. § 49-224(C).
 3. Remedial actions shall be cost effective over the period of actual or projected exposure to health or welfare or the environment from a release or threatened release of a hazardous substance. In evaluating cost effectiveness, the Director shall take into account the total short and long term costs of the remedial action, including the costs of operation and maintenance.
 4. Remedial actions shall be consistent with A.R.S. §§ 45-401 through 45-655, which includes all applicable and adopted Active Management Area Plans, Irrigation Non-expansion Area Plans, and all other applicable water management requirements, plans or permits.
 5. Remedial actions shall be consistent with A.A.C. R18-7-201 through R18-7-209.
- B.** Subject to meeting remedial action requirements, and except for health risk assessments and health effects studies, the Director shall favor the selection of remedial actions that permanently and significantly reduce the volume, toxicity or mobility of a hazardous substance when it is practicable, cost effective and necessary to protect public health or welfare or the environment.
- C.** The Director shall require an expedited interim or permanent remedial action for cleanup when any of the following applies:
1. There is an actual or potential direct contact with a hazardous substance by a human or animal population.
 2. There are drums, barrels, tanks or other bulk storage containers that pose a danger or threat of a danger to public health or welfare or the environment.
 3. There are contaminated soils that pose a danger or threat of danger to public health or welfare or the environment.
 4. There is a danger or threat of danger from fire or explosion.
 5. There are weather conditions that cause the migration of the hazardous substance to accelerate and cause a threat to public health or welfare or the environment.
- D.** Subject to meeting remedial action requirements and considering remedial action criteria in establishing the level and extent of cleanup, the Director shall:
1. Require that remedial actions are appropriate under the circumstances presented by the release or threatened release of the hazardous substance. In determining what is appropriate, the Director shall consider the circumstances of the release or threatened release, the population at risk, the beneficial uses of waters of the state, the environmental media affected, and the most current scientific, medical and engineering information available.
 2. Require that the remedial actions conform to the following statutes and rules, and any amendments thereto, when applicable:
 - a. Surface Water Quality Standards adopted by the Department as R18-11-204 and R18-11-205.
 - b. Groundwater Quality Standards adopted by the Department as R9-21-403 and drinking water aquifer water quality standards adopted by A.R.S. § 49-223(A).
 - c. Hazardous waste corrective action rules adopted by the Department as R18-8-264(A) for those facilities required to obtain a hazardous waste permit pursuant to R18-8-270.
 - d. Corrective action requirements authorized under A.R.S. § 49-1005 pertaining to releases from underground tanks that contain regulated substances as defined by A.R.S. § 49-1001(8).

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3. ~~Require cleanup to a level sufficient to prevent or abate an imminent and substantial danger to public health or welfare or the environment where there are no standards established in law for a particular hazardous substance.~~

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 11. BOARD OF FINGERPRINTING

PREAMBLE

1. **Sections Affected**

R13-11-101	<u>Rulemaking Action</u>
R13-11-102	New Section
R13-11-103	New Section
R13-11-104	New Section
R13-11-105	New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

A.R.S. 41-619.53(A)(2) and 41-619.55(A)(1)
3. **The effective date of the rules:**

August 19, 1999
4. **A list of all previous notices appearing in the Register addressing the final rule:**

None.
5. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name:	Mike LeHew
Address:	Department of Economic Security 1789 W. Jefferson, Site Code 791A Phoenix, Arizona 85007
Telephone:	(602) 542-7058
Fax:	(602) 542-6870
6. **An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from the regular rulemaking process:**

Arizona Revised Statutes Title 41, Chapter 3, Article 12 established the Board of Fingerprinting to conduct good cause exception hearings for the issuance of class 1 and class 2 fingerprint clearance cards. The Board of Fingerprinting is required to adopt rules to administer and enforce this article and to establish good cause exceptions.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.
8. **The summary of the economic, small business, and consumer impact:**

Because these rules are exempt from the Administrative Procedure Act under Laws 1998, Chapter 270, Section 27, the Board of Fingerprinting did not prepare an economic impact statement.
9. **A description of the changes between the proposed rules, including supplemental notices, and final rules:**

Not applicable.
10. **A summary of the principal comments and the agency response to them:**

Not applicable.

11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable.
12. **Incorporations by reference and their location in the rules:**
Not applicable.
13. **Was the rule previously adopted as an emergency rule?**
No.
14. **The full text of the rules follows:**

TITLE 13. PUBLIC SAFETY

CHAPTER 11. BOARD OF FINGERPRINTING

ARTICLE 1. BOARD OF FINGERPRINTING

Sections

- R13-11-101. Applicability
R13-11-102. Good Cause Exception Hearings
R13-11-103. Notification of Decisions for Good Cause
R13-11-104. Requests for Good Cause Exception- No Disposition
R13-11-105. Confidentiality

ARTICLE 1. BOARD OF FINGERPRINTING

R13-11-101. Applicability

This Article applies to activities and persons identified in Arizona Revised Statutes, Title 41, Chapter 3, Article 12.

R13-11-102. Good Cause Exception Hearings

- A. A person who meets the requirements of A.R.S. § 41-1758.03 and wishes to apply for a good cause exception hearing shall submit a completed application to the Board of Fingerprinting within 30 calendar days of the date notice by the Department of Public Safety of eligibility to apply for a good cause exception hearing.**
- B. The written request for a good cause exception hearing shall:**
 1. Be on forms prescribed by the Board of Fingerprinting; and
 2. Include a copy of the denial letter received from the Department of Public Safety.
- C. Within 15 days of receipt of a written request from an applicant for a good cause exception hearing, the Board of Fingerprinting shall notify the applicant in writing of their eligibility for a hearing.**
- D. The applicant shall submit, when applicable, the following materials to the Board of Fingerprinting for a good cause exception hearing:**
 1. The good cause exception submittal form.
 2. The extent of the person's criminal record.
 3. The length of time that has elapsed since the offense was committed.
 4. The nature of the offense.
 5. The degree to which the person participated in the offense.
 6. Any applicable mitigating circumstances.
 7. The extent of the person's rehabilitation, including:
 - a. Completion of probation, parole or community supervision.
 - b. Whether the person paid restitution or other compensation for the offense.
 - c. Evidence of positive action to change criminal behavior, such as completion of a drug treatment plan or counseling.
 - d. Personal references attesting to the person's rehabilitation.
- E. The Board of Fingerprinting shall schedule and issue a written notice for the good cause exception hearing after receipt from the applicant of the completed good cause exception hearing request submittal form and all applicable documents.**
- F. The Board of Fingerprinting shall send to the individual in writing the date, time, place, and telephone number of the good cause exception hearing.**

R13-11-103. Notification of Decision for Good Cause Exception Hearing

- A. The Board of Fingerprinting shall notify the applicant in writing of the Board's decision.**
- B. When a good cause exception is granted, the Board of Fingerprinting shall request, in writing, the Department of Public Safety to issue a fingerprint clearance card.**

R13-11-104. Requests for Good Cause Exception - No Dispositions

An individual who is denied a fingerprint clearance card pursuant to A.R.S. § 41-1758.03(O) may request a good cause exception hearing. The hearing will be conducted as prescribed in R13-11-102 except that the required documentation shall include information relating to the disposition of the offense.

R13-11-105. Confidentiality

All information relating to an individuals criminal history is confidential and shall not be disseminated or disclosed except as required by law.

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ADMINISTRATION

1. **Title and its heading:** 2, Administration
Chapter and its heading: 1, Department of Administration
Article and its heading: 8, Reimbursement for Public or Private Transportation
Section numbers: R2-1-801, R2-1-802, R2-1-803, R2-1-804, and R2-1-805
2. **The subject matter of the proposed rules:**
Currently, bus subsidies are only available for employees commuting to work on buses operated or licensed by an incorporated city or town or a regional public transportation authority. The Department of Administration proposes to amend the rules to redefine who is eligible for a bus subsidy and to whom the subsidy will be paid. The amended rules allow for a subsidy to be paid on behalf of an eligible employee who commutes in a private, commercially-owned bus.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Kayelen Corley
Address: Department of Administration
1700 W. Washington, 7th Floor
Phoenix, AZ 85007-2888
Telephone: (602) 542-3632
Fax: (602) 542-3636
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Both written and oral comments will be accepted during business hours until further notice is provided. Notice of an oral proceeding will be provided in a later edition of the *Register*.
6. **A timetable for agency decisions or other action on the proceeding:**
None.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE

1. **Title and its heading:** 3, Agriculture
Chapter and its heading: 2, Department of Agriculture - Animal Services Division
Article and its heading: 2, Meat and Poultry Inspection
Section numbers: R3-2-202
2. **The subject matter of the proposed rule:**
This rulemaking updates the incorporations by reference for meat and poultry inspection and slaughtering procedures.
3. **A citation to all published notices relating to the proceeding:**
None.

Arizona Administrative Register
Notices of Rulemaking Docket Opening

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

Name: Shirley Conard, Rules Specialist

Address: Department of Agriculture
1688 West Adams, Room 124
Phoenix, Arizona 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: shirley.conard@agric.state.az.us

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

Written comments will be accepted at the location listed in question #4 between 8 a.m. and 5 p.m., Monday through Friday. Oral comments will be accepted at the location listed in question #4 between 8 a.m. and 4 p.m., Monday through Friday.

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

Unknown.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY

- 1. Title and its heading:** 6, Economic Security
Chapter and its heading: 5, Department of Economic Security - Social Services
Article and its heading: 49, Child Care Assistance
Section numbers: R6-5-4901 through R6-5-4922, and other sections to be determined.
(Sections may be added or deleted as necessary)

2. The subject matter of the proposed rules:

These rules govern eligibility for child care assistance and clarify the requirements of the child care program described in A.R.S. §§ 46-801 through 46-810. This Article governs child care assistance for the following categories of individuals: persons attempting to become self-sufficient and end receipt of cash assistance; low-income persons who need child care assistance to maintain employment and avoid receipt of cash assistance; teen parents who need child care assistance to attain a high school diploma or G.E.D. certificate; persons who cannot care for their own children due to a physical, mental, or emotional disability; residents of homeless or domestic violence shelters; and persons who are referred for child care through Child Protective Services.

The rules in this Article describe eligibility categories; how to access child care assistance; eligibility criteria for each category of eligible persons; the amount of assistance the Department can provide for an eligibility activity or need; provisions for calculation of income and income eligibility requirements; allowable child care providers for DES child care assistance; appeals for adverse actions; and all other child care assistance program requirements.

The Department previously filed these rules as exempt rules. On January 23, 1998, the Department instituted the formal rulemaking process, as required by Laws 1997, Chapter 300, § 74(B).

3. A citation to all published notices related to the proceeding:

Notice of Rulemaking Docket Opening: 4 A.A.R. 287, January 23, 1998.
Notice of Exempt Rulemaking: 3 A.A.R. 2246, August 22, 1997.

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

Name: Beth A. Broeker

Address: 1789 W. Jefferson, Site Code 050A
Phoenix, Arizona 85007

or

P. O. Box 6123, Site Code 050A
Phoenix, Arizona 85005

Telephone: (602) 542-6555

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Notices of Rulemaking Docket Opening

Fax: (602) 542-6000

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

A person may submit written comments from the present until close of record, which has not yet been scheduled, to the person named in question #4. The Department has not yet scheduled oral proceedings, but will do so at the time of filing the Notice of Proposed Rulemaking.

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

The Department expects to file a proposed rulemaking package by August 2000. No oral proceedings are scheduled at this time.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY

- 1. Title and its heading:** 6, Economic Security
Chapter and its heading: 10, Department of Economic Security - The JOBS Program
Article and its heading: 1, JOBS: General Provisions
3, Grievance Procedures (*Articles may be added and deleted as necessary*)
Section numbers: R6-10-101 through R6-10-125; R6-10-301 through R6-10-304; and other sections to be determined. (*Sections may be added or deleted as necessary*)

2. The subject matter of the proposed rules:

These rules describe the work participation requirements contained in Laws 1997, Chapter 300 (1997 SB 1357), as codified in A.R.S. §§ 46-299, 46-300, and 46-300.1. They describe activities that satisfy federal work participation requirements associated with Temporary Assistance for Needy Families (TANF), Title I of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, and the circumstances under which an individual may be temporarily deferred from participating in work activities.

In addition, these rules explain the penalties for not meeting the work requirements, and circumstances which constitute good cause for such failure.

These rules also provide a description of the JOBS subsidized employment activity, its operation, eligibility requirements for participants and employers, and grievance procedures for displaced employees.

The Department previously filed these rules as exempt rules. On October 24, 1997, the Department instituted the formal rulemaking process, as required by Laws 1997, Chapter 300, § 74(B).

3. A citation to all published notices related to the proceeding:

Notice of Rulemaking Docket Opening: 3 A.A.R. 2976, October 24, 1997.
Notice of Exempt Rulemaking: 3 A.A.R. 2261, August 22, 1997.

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

Name: Beth A. Broeker
Address: 1789 W. Jefferson, Site Code 050A
Phoenix, Arizona 85007

or

P. O. Box 6123, Site Code 050A
Phoenix, Arizona 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

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

A person may submit written comments from the present until close of record, which has not yet been scheduled, to the person named in question #4. The Department has not yet scheduled oral proceedings, but will do so at the time of filing the Notice of Proposed Rulemaking.

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

Arizona Administrative Register
Notices of Rulemaking Docket Opening

The Department expects to file a proposed rulemaking package by August 2000. No oral proceedings are scheduled at this time.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY

1. **Title and its heading:** 6, Economic Security
Chapter and its heading: 12, Department of Economic Security -Cash Assistance Program
Articles and their headings: 1, General Provisions
2, Application Process and Procedures
3, Non-Financial Eligibility Criteria
4, Financial Eligibility; Resources
5, Financial Eligibility; Income
6, Special CA Circumstances
7, Determining Eligibility and Benefit Payment Amount
8, Payments
9, Changes; Adverse Action
10, Appeals
11, Overpayments
12, Intentional Program Violation
13, Jobstart (*Articles may be added or deleted as necessary*)

Section numbers:

R6-12-101 through R6-12-105, R6-12-201, R6-12-203, R6-12-204, R6-12-206, R6-12-207, R6-12-209, R6-12-210, R6-12-302, R6-12-304, R6-12-305 through R6-12-320, R6-12-402, R6-12-404, R6-12-502 through R6-12-505, R6-12-507, R6-12-601, R6-12-603 through R6-12-605, R6-12-608 through R6-12-617, R6-12-701 through R6-12-706, R6-12-801 through R6-12-808, R6-12-901, R6-12-902, R6-12-905, R6-12-1002, R6-12-1003, R6-12-1005, R6-12-1006, R6-12-1008, R6-12-1101, R6-12-1102, R6-12-1202, R6-12-1306, and other sections to be determined. Sections may be added or deleted as necessary.

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

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) created a new welfare block grant program entitled Temporary Assistance to Needy Families (TANF). The policies contained in the TANF program replace the Aid to Families with Dependent Children (AFDC) cash assistance program.

In the 1997 Arizona legislative session, SB1357 (Laws 1997, Chapter 300) was enacted, which comprehensively changed the state's welfare laws to conform to the changes in federal law effected by PRWORA. The AFDC program was eliminated and a new cash assistance program entitled Temporary Assistance to Needy Families was adopted. The changes in the rules implement the changes in SB1357 and cover such matters as the program name (which was changed to Cash Assistance program), program eligibility requirements (including a heavy emphasis on the individual's responsibility to work toward self-sufficiency), and sanctions for failure to comply with program requirements.

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

Notice of Exempt Rulemaking: 3 AAR 2281, August 22, 1997.

Notice of Rulemaking Docket Opening: 3 AAR 3118, November 7, 1997.

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

Name: Beth Broeker

Address: P.O. Box 6123
Phoenix, AZ 85005

or

1789 W. Jefferson, Site Code 050A
Phoenix, AZ 85007

Notices of Rulemaking Docket Opening

Telephone: (602) 542-6555

Fax: (602) 542-6000

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

A person may submit written comments during business hours until further notice is provided. The Department will schedule oral proceedings on these rules at the time of filing the Notice of Proposed Rulemaking.

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

Not yet known.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY

1. **Title and its heading:** 6, Economic Security
Chapter and its heading: 13, Department of Economic Security - State Assistance Programs
Articles and their headings: 1, General Provisions
2, Application and Continued Eligibility
3, Methods of Eligibility Determination and Budget Procedures
6, Supplemental Payments Program
7, General Assistance
8, Short-Term Crisis Services
9, Tuberculosis Control
12, Other Procedures and Services (*Articles may be added or deleted as necessary*)

Section numbers:

R6-13-201 through R6-13-203, R6-13-205 through R6-13-207, R6-13-209, R6-13-211, R6-13-212, R6-13-214 through R6-13-216, R6-13-301 through R6-13-307, R6-13-309 through R6-13-311, R6-13-313 through R6-13-316, R6-13-318 through R6-13-322, R6-13-602, R6-13-604, R6-13-701, R6-13-801 through R6-13-809, R6-13-902, R6-13-903, R6-13-905, R6-13-907 through R6-13-922, R6-13-1201 through R6-13-1204, R6-13-1206 through R6-13-1213, and other sections to be determined. New sections will be added to Articles 1 and 7. (*Sections may be added or deleted as necessary*)

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

Chapter 13 - State Assistance Programs contains rules pertaining to 4 programs administered by the Department: the Supplemental Payments program (Article 6), the General Assistance program (Article 7), the Tuberculosis Control program (Article 9), and the Short-Term Crisis Services program (Article 8), as well as rules about applications to these programs, eligibility determination, and budget procedures. The General Assistance and Tuberculosis Control programs provide assistance to individuals and families in financial need due to decreased self-sufficiency resulting from illness or disability. The Short-Term Crisis Services program provides a variety of assistance to individuals and families in emergency situations. Supplemental Security Income (SSI) recipients may receive assistance in meeting their domestic needs, such as homemaking services, through the Supplemental Payments program.

The Department, in compliance with R1-6-108, completed a 5-year-review report on the rules in Chapter 13 - State Assistance Programs, as required by A.R.S. § 41-1056. The Department identified the need to revise and update these rules in order to comply with changes initiated by the Arizona legislature and any applicable Federal statutes enacted since the rules were last amended.

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

None.

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

Name: Beth Broeker
Address: P.O. Box 6123
Phoenix, AZ 85005

or

Arizona Administrative Register
Notices of Rulemaking Docket Opening

1789 W. Jefferson, Site Code 050A
Phoenix, AZ 85007

Telephone: (602) 542-6555

Fax: (602) 542-6000

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

A person may submit written comments during business hours until further notice is provided. The Department will schedule oral proceedings on these rules at the time of filing the Notice of Proposed Rulemaking.

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

Not yet known.

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-101(B)(14)). Substantive Policy Statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statement does not include internal procedural documents which may only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties in accordance with A.R.S. Title 41.

NOTICE OF AGENCY SUBSTANTIVE POLICY STATEMENT

REGISTRAR OF CONTRACTORS

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Guidelines for activities permitted under various agency actions, Summer 1999 newsletter
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
July 13, 1999
3. **Summary of the contents of the substantive policy statement:**
This ruling indicates the agencies position on the activity that is allowed under various contractors license suspensions and other actions.
4. **A statement as to whether the substantive policy statement is a new statement or a revision:**
This is a new statement.
5. **The name, address, and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:**
Name: Alan A. Felber

Address: Arizona Registrar of Contractors
800 W. Washington, 6th Floor
Phoenix, Arizona 85007

Telephone: (602) 542-1525
Fax: (602) 542-7852
6. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Anyone wishing to obtain a copy of this document should call (602) 542-1525 or 1-888-271-9286 (in Arizona). Written requests should be sent to the address listed in question #5. This information is also available by visiting the following web site: <http://www.rc.state.az.us/>.

Arizona Administrative Register
Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

**IN ACCORDANCE WITH ESTABLISHED
EMERGENCY PROCEDURES**

WHEREAS, in the morning hours of July 15, 1999, portions of Pima County experienced intense monsoon thunderstorms that resulted in extensive flooding and catastrophic damage to public infrastructure; and

WHEREAS, the same flood event resulted in substantial damage to the Catalina Highway and the Sabino Canyon Recreation Area requiring extensive clean up and repair; and

WHEREAS, the residents and small business within the Village of Summerhaven, Pima County have experienced significant economic hardship and loss of business due to closure of the Catalina Highway; and

WHEREAS, the residents of Pima County face potentially hazardous conditions due to restricted access by emergency vehicles and incur other risks to health and safety because of restricted access; and

WHEREAS, these conditions exceeded the capabilities of the affected political subdivisions;

NOW, THEREFORE, I, Jane Dee Hull, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and the Laws of the State and as a result of the flash flooding, road conditions and economic impact within Pima County, I do hereby determine that this justifies the declaration of a State of Emergency, pursuant to A.R.S. § 35-192, and I do hereby:

- a. Declare that a State of Emergency exists in Pima County due to the monsoon rains and flash flooding, effective July 15, 1999.
- b. Urge the United States Forest Service and Federal Highway Administration to facilitate the repair or improvement of federal infrastructure, in Pima County, to include the Catalina Highway and the Sabino Canyon Recreation Area.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

**Jane Dee Hull
Governor**

DONE at the Capitol in Phoenix on this sixteenth day of August in the year One Thousand Nine Hundred and Ninety-Nine and of the Independence of the United States of America the Two Hundred and Twenty-third.

**ATTEST:
Betsey Bayless
Secretary of State**

**IN ACCORDANCE WITH ESTABLISHED
EMERGENCY PROCEDURES**

WHEREAS, from July 17, 1999, Cochise County and the Town of Bisbee received intense monsoon thunderstorms that resulted in extensive flooding and damage to public infrastructure; and

WHEREAS, these floods resulted in substantial damage to the Town of Bisbee requiring extensive clean up and repair; and

WHEREAS, the welfare and mobility of residents and businesses within the Town of Bisbee have been adversely affected by flood damage to roadways and retaining walls; and

WHEREAS, the residents of the Town of Bisbee face potentially hazardous conditions and risks to health and safety because of restricted emergency access; and

WHEREAS, these conditions have exceeded the capabilities of the affected political subdivisions and;

WHEREAS, the Legislature has authorized the expenditure of funds in the event of an emergency pursuant to A.R.S. § 35-192, as amended:

NOW, THEREFORE, I, Jane Dee Hull, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State and as a result of the flash flooding and road conditions within Cochise County, I do hereby determine that this justifies the declaration of a State of Emergency, pursuant to A.R.S. § 35-192, and I do hereby:

- a. Declare that a State of Emergency exists in the Town of Bisbee, Cochise County, due to the monsoon rains and flash flooding, effective July 17, 1999.

Arizona Administrative Register
Governor's Executive Orders/Proclamations

b. Direct that the sum of \$200,000 from the General Fund be made available to the Director of the State Division of Emergency Management to be expended in accordance with A.R.S. § 35-192, A.A.C. R8-2-301 to 321, Executive Order 79-4.

IN WITNESS WHEREOF, I
have hereunto set my hand and
caused to be affixed the Great Seal
of the State of Arizona.

Jane Dee Hull

Governor

DONE at the Capitol in Phoenix
on this sixteenth day of August in
the year One Thousand Nine
Hundred and Ninety-Nine and of
the Independence of the United
States of America the Two
Hundred and Twenty-third.

ATTEST:

Betsey Bayless
Secretary of State

GOVERNOR'S APPOINTMENTS OF STATE OFFICIALS AND STATE BOARDS AND COMMISSIONS MEMBERS

The following list contains the names of all state officials and members of state boards and commissions who were appointed by the Governor and whose notices of appointment were filed in the Office of the Secretary of State. The expiration date of the terms of office appears on the same line as and to the right of the name. For a complete list of the Governor's appointments of state officials and members of boards and commissions, please refer to the latest edition of the Semi-Annual Index to the *Arizona Administrative Register*.

Term Expires

ACCOUNTANCY, STATE BOARD OF

Baker, William D. (Hull)	7-3-04
<i>Reappointment</i>	
Gonzales, Florentino J. (Hull)	7-3-04
<i>Succeeding Michael Daggett</i>	
Williams, L. William (Hull)	7-3-04
<i>Succeeding L.R. Acosta</i>	

AGRICULTURAL EMPLOYMENT RELATIONS BOARD

Pineda, Eleanor S. (Hull)	7-1-02
<i>Reappointment</i>	

ARTS, ARIZONA COMMISSION ON THE

Castillo, Joseph A. (Hull)	6-30-02
<i>Succeeding John A. Hudak</i>	
Howell, Dave (Hull)	6-30-02
<i>Succeeding Kim Sterling</i>	
Kavanaugh, Dennis (Hull)	6-30-02
<i>Succeeding Leo Lesperance</i>	

BEEF COUNCIL, ARIZONA

Hinz, Norman J. Jr. (Hull)	6-30-02
<i>Reappointment</i>	
Lunt, Richard G. (Hull)	6-30-02
<i>Reappointment</i>	

BEST MANAGEMENT PRACTICES ADVISORY COMMITTEE, GRAZING

Echeverria, "Dolly" (Hull)	7-1-03
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BLINDNESS AND VISUAL IMPAIRMENT, GOVERNOR'S COUNCIL ON

Baldrige, Elaine Faris (Hull)	12-31-01
<i>Reappointment</i>	
Swenson, Ruth M. (Hull)	12-31-01

COSMETOLOGY, BOARD OF

Bulechek, Larry (Hull)	6-22-02
<i>Reappointment</i>	
Hauer, William (Hull)	6-22-01
<i>Reappointment</i>	

DEAF AND BLIND ARIZONA STATE SCHOOL FOR, BOARD OF DIRECTORS

Reichman, Annette (Hull)	1-1-01
<i>Succeeding Elizabeth Weyerhaeuser</i>	

State Appointed Officials/State Boards and Commissions

Tripi, Joanne M. (Hull) 1-1-01
Reappointment

DRUG AND GANG POLICY COUNCIL, ARIZONA

Arnold, Bill (Hull) At the pleasure

EDUCATION, STATE BOARD OF

Alvarez, Frank Don (Hull) 1-20-03
Succeeding Ken Bennett

EMERGENCY AND MILITARY AFFAIRS

Maxon, Richard (Hull) At the pleasure

FRUIT AND VEGETABLE ADVISORY COUNCIL, CITRUS

Duncan, Arnott Kell III (Hull) 12-31-01
Reappointment

GOVERNOR'S DIVERSITY ADVISORY COUNCIL

Dean, George (Hull) At the pleasure
Sculley, Sheryl (Hull) At the pleasure

GRAND CANYON AIRPORT TRANSITION TEAM

Adams, Gary (Hull) 9-30-99
Chauncey, Tom (Hull) 9-30-99
Gobiel, Norm (Hull) 9-30-99
Johnston, Bill (Hull) 9-30-99
McDowell, Jim (Hull) 9-30-99
Williams, Ron (Hull) 9-30-99
Wren, Ann (Hull) 9-30-99

HEALTH, PHYSICAL FITNESS AND SPORTS, GOVERNOR'S COUNCIL ON

Witting, Pamela Elizabeth (Hull) 7-1-01

HOMELESS TRUST FUND OVERSIGHT COMMITTEE

Cohen, Barry L. (Hull) 1-15-01
Succeeding Robert D. Free
Houghton, Ruth R. (Hull) 1-15-01

HOSPITAL ADVISORY BOARD, ARIZONA STATE

Harrison, Charles A. (Hull) 1-21-02
Reappointment

INTERAGENCY COORDINATING COUNCIL

Blitz, Robin K. (Hull) 1-31-02
Reappointment
O'Neil, Catherine (Hull) 1-31-01
Succeeding Shelby Lovett

JUVENILE JUSTICE COORDINATING COMMITTEE

Dal Pra, Marilee (Hull) 12-31-01
Orozco, Patricia (Hull) 12-31-01
Steiner, Jacque (Hull) At the pleasure

**LOCAL BOARD, DEPARTMENT OF PUBLIC SAFETY, PUBLIC SAFETY PERSONNEL
RETIREMENT SYSTEM**

Jonovich, Thomas S. (Hull) 7-24-00

Succeeding Randy Sterna

Schoneberger, Robert Earl 7-24-02
Wilkins, Jean (Hull) 7-24-00

MEDICAL RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS

Ojeda, Eligio S. (Hull) 1-15-01

MUNICIPAL TAX CODE COMMISSION

Lingner, Doug (Hull) 1-21-02
Succeeding Sal DiCiccio

NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS, ARIZONA

James, Mark Simmons, N.D. (Hull) 6-30-04
Succeeding John Brewer

NURSING, STATE BOARD OF

Embry, Marla (Hull) 6-30-04
Reappointment
Malloch, Kathy (Hull) 6-30-02
Succeeding Martha Fay

OPTOMETRY, STATE BOARD OF

Bitner, Charles (Hull) 7-1-03
Succeeding Jeff McKee
Brown, Lansing E. (Hull) 7-1-03
Succeeding Marc Kaplan
Spencer, Stephen H. (Hull) 7-1-03
Succeeding Charles Edmonds

PHYSICIAN ASSISTANTS, JOINT BOARD ON THE REGULATION

Beasley, Ed (Hull)
Succeeding Lori Sundstrom

PSYCHIATRIC SECURITY REVIEW BOARD

Cheifetz, Lorna Gale (Hull) 1-20-03
Succeeding Dr. Thomas Nelson

RESPIRATORY CARE EXAMINERS, BOARD OF

Leitz, Robert E. (Hull) 6-30-02
Succeeding Meryl Salit

RURAL BUSINESS INCUBATOR ADVISORY BOARD

Urman, Nils A. (Hull) 1-21-02

SALARIES FOR ELECTIVE STATE OFFICERS, COMMISSION

Mitchem, Dennis (Hull) 12-31-00
Succeeding Hon. Frank X. Gordon
Thomas, Martha Taylor (Hull) 12-31-00
Succeeding Peter Kay

SCHOOL BUS ADVISORY COUNCIL

Hughes, G.E. (Hull) 1-17-00

STATE REHABILITATION ADVISORY COUNCIL

Weber, Joyce K. (Hull) 10-1-01

Succeeding Phillip Zermeno

STATEWIDE INDEPENDENT LIVING COUNCIL

Bachand, Ezward Jr. (Hull) 6-30-02
Reappointment
Barth, Mary M. (Hull) 6-30-02
Reappointment
Carr, Barbara (Hull) 6-30-00

TECHNICAL REGISTRATION, STATE BOARD OF

Baker, Claude (Hull) 6-30-02
Succeeding Robert Baltus
Greenslade, William M. (Hull) 6-30-02
Succeeding Frank Turek
Schneider, Herbert W. (Hull) 6-30-02
Reappointment

TRIAL COURT APPOINTMENTS, PIMA COUNTY - COMMISSION

Rayfield, Lyle (Hull) 1-20-03
Succeeding Linda Hale Barter

VETERANS' SERVICE COMMISSION, ARIZONA

Nilsen, Nils F. (Hull) 7-1-02
Schmitt, Donald (Hull) 7-1-01
Reappointment

WINE COMMISSION, ARIZONA

Woys, Walter III (Hull) 1-1-00

WORK FORCE RECRUITMENT AND JOB TRAINING COUNCIL

Ronan, Bernie (Hull) 12-31-00
Succeeding Bertha Landrum

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PN = Proposed new Section	XN = Exempt new Section
PM = Proposed amended Section	XM = Exempt amended Section
PR = Proposed repealed Section	XR = Exempt repealed Section
P# = Proposed renumbered Section	X# = Exempt renumbered Section
S = Supplemental Notice	RC = Recodified
PSMN = Proposed Summary new Section	SPN = Supplemental new Section
PSMM = Proposed Summary amended Section	SPM = Supplemental amended Section
PSMR = Proposed Summary repealed Section	SPR = Supplemental repealed Section
PSM# = Proposed Summary renumbered Section	SP# = Supplemental renumbered Section
ASMN = Adopted Summary new Section	[AG] = Approved by the Attorney General
ASMM = Adopted Summary amended Section	GC = Approved by the Governor's Regulatory Review Council
ASMR = Adopted Summary repealed Section	EN = Emergency new Section
ASM# = Adopted Summary renumbered Section	EM = Emergency amended Section
FN = Final new Section	ER = Emergency repealed Section
FM = Final amended Section	E# = Emergency renumbered Section
FR = Final repealed Section	RE = Renewal of Emergency
F# = Final renumbered Section	RJ = Rejected by the Attorney General
PXN = Proposed Exempt new Section	T = Terminated
PXM = Proposed Exempt amended Section	PNC = Corrections to Notice of Proposed Rulemaking
PXR = Proposed Exempt repealed Section	PSNC = Corrections to Notice of Proposed Summary
PX# = Proposed Exempt renumbered Section	FNC = Corrections to Notice of Final Rulemaking
	EXP = Rules have expired

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Administration, Department of - Public Buildings Maintenance

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Register Deadlines

The Secretary of State's Office publishes the *Register* weekly. There is a three-week delay between a deadline date and the publication date of the *Register*. The weekly deadline dates and issue dates are shown below. The Governor's Regulatory Review Council regular meeting dates are also shown following the *Register* deadline dates. Council meetings and *Register* deadlines do not correlate. The earliest dates on which public hearings can be held on proposed rulemakings or proposed delegation agreements following publication of the notice of the public hearing in the *Register* are also listed.

Deadline Date (Paper only) (Friday, 5 p.m.)	<i>Register</i> Publication Date	Public Hearings May be Held On or After
May 14, 1999	June 4, 1999	July 6, 1999
May 21, 1999	June 11, 1999	July 12, 1999
May 28, 1999	June 18, 1999	July 19, 1999
June 4, 1999	June 25, 1999	July 26, 1999
June 11, 1999	July 2, 1999	August 2, 1999
June 18, 1999	July 9, 1999	August 9, 1999
June 25, 1999	July 16, 1999	August 16, 1999
July 2, 1999	July 23, 1999	August 23, 1999
July 9, 1999	July 30, 1999	August 30, 1999
July 16, 1999	August 6, 1999	September 7, 1999
July 23, 1999	August 13, 1999	September 13, 1999
July 30, 1999	August 20, 1999	September 20, 1999
August 6, 1999	August 27, 1999	September 27, 1999
August 13, 1999	September 3, 1999	October 4, 1999
August 20, 1999	September 10, 1999	October 12, 1999
August 27, 1999	September 17, 1999	October 18, 1999
September 3, 1999	September 24, 1999	October 25, 1999
September 10, 1999	October 1, 1999	November 1, 1999
September 17, 1999	October 8, 1999	November 8, 1999
September 24, 1999	October 15, 1999	November 15, 1999
October 1, 1999	October 22, 1999	November 22, 1999
October 8, 1999	October 29, 1999	November 29, 1999
October 15, 1999	November 5, 1999	December 6, 1999
October 22, 1999	November 12, 1999	December 13, 1999
October 29, 1999	November 19, 1999	December 20, 1999
November 5, 1999	November 26, 1999	December 27, 1999
November 12, 1999	December 3, 1999	January 3, 2000
November 19, 1999	December 10, 1999	January 10, 2000
November 26, 1999	December 17, 1999	January 18, 2000
December 3, 1999	December 27, 1999	January 27, 2000
December 10, 1999	January 3, 2000	February 3, 2000
December 17, 1999	January 7, 2000	February 7, 2000
December 23, 1999	January 14, 2000	February 14, 2000
December 30, 1999	January 21, 2000	February 21, 2000

Deadlines for Publication and G.R.R.C. Schedule

Rules Published in the *Arizona Administrative Code*

The Secretary of State's Office publishes updates to the *Arizona Administrative Code* four times a year. If final, exempt, emergency, or summary rules are submitted to the Secretary of State's office between the dates shown, the rule will be published in the next available supplement. The tentative publication dates are shown below. A Price List for updated Chapters becomes effective the day the supplement is released. Supplements and a Price List are available for electronic viewing on-line at <http://www.sosaz.com>. Rules can be found under the Public Services link. At this time rules on this Web site do NOT appear as they are published by our office. Please read the Disclaimer on the Web site.

<u>1998 Supplement Time-frame</u>	<u>Supplement</u>	<u>Tentative Release Date</u>
January 1 (Thursday) - March 31 (Tuesday, 5 p.m.)	Supp. 98-1	April 24, 1998 (Friday)
April 1 (Wednesday) - June 30 (Tuesday, 5 p.m.)	Supp. 98-2	July 31, 1998 (Friday)
July 1 (Wednesday) - September 30 (Wednesday, 5 p.m.)	Supp. 98-3	October 23, 1998 (Friday)
October 1 (Thursday) - December 31 (Thursday, 5 p.m.)	Supp. 98-4	January 22, 1999 (Friday)

<u>1999 Supplement Time-frame</u>	<u>Supplement</u>	<u>Tentative Release Date</u>
January 1 (Friday) - March 31 (Wednesday, 5 p.m.)	Supp. 99-1	April 23, 1999 (Friday)
April 1 (Thursday) - June 30 (Wednesday, 5 p.m.)	Supp. 99-2	July 23, 1999 (Friday)
July 1 (Wednesday) - September 30 (Thursday, 5 p.m.)	Supp. 99-3	October 22, 1999 (Friday)
October 1 (Friday) - December 31 (Friday, 5 p.m.)	Supp. 99-4	January 21, 2000 (Friday)

Deadlines for Publication and G.R.R.C. Schedule

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all five-year-review reports and any adopted rule submitted to the Governor's Regulatory Review Council pursuant to Laws 1994, Ch. 363, effective January 1, 1995. All rules and five-year-reports are due into the Council office by 5 p.m. of the deadline date.

Deadline for Submission of Rules and Five-year Review Reports	Date of Council Meeting	Date Revisions Due to Council After Meeting
November 23, 1998	January 5, 1999	January 19, 1999
December 21, 1998	February 2, 1999	February 16, 1999
January 18, 1999	March 2, 1999	March 16, 1999
February 22, 1999	April 6, 1999	April 20, 1999
March 22, 1999	May 4, 1999	May 18, 1999
April 26, 1999	June 8, 1999	June 22, 1999
May 24, 1999	July 13, 1999	July 27, 1999
June 21, 1999	August 3, 1999	August 17, 1999
July 26, 1999	September 14, 1999	September 28, 1999
August 23, 1999	October 5, 1999	October 19, 1999
September 20, 1999	November 2, 1999	November 16, 1999
October 25, 1999	December 7, 1999	December 21, 1999

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