

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when 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 HEALTH SERVICES FOOD, RECREATIONAL AND INSTITUTIONAL SANITATION

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 8, Department of Health Services – Food, Recreational and Institutional Sanitation
Article and its heading: 4, Children’s Camps
Sections numbers: R9-8-401 through R9-8-403
The Department may add, delete, or modify additional sections as necessary.
- 2. The subject matter of proposed rule:**
A.R.S. § 8-552 requires that any individual seeking to operate a children’s camp must apply for a license to operate from the Department. The proposed rulemaking will add a new Article 4, entitled “Children’s Camps.” The new Article 4 will include three new sections to establish licensing timeframes for Children’s Camps under A.R.S. § 8-552. The Department may add, delete, or modify additional sections as necessary.
The agency docket number, if applicable:
RE-003-02
- 3. A citation to all published notices relating to this proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Will Humble
Office Chief

Address: Arizona Department of Health Services
Office of Environmental Health
3815 North Black Canyon Highway
Phoenix, AZ 85015

Telephone: (602) 230-5491
Fax: (602) 230-5933

or

Name: Kathleen Phillips
Address: Department of Health Services
1740 W. Adams, Suite 102
Phoenix, AZ 85007

Telephone: (602) 542-1264
Fax: (602) 364-1150
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will accept written comments until close of the record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
None

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSURE

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 10, Department of Health Services - Health Care Institutions: Licensure
Articles and headings: 1, General
Section numbers: R9-10-101 through R9-10-105, R9-10-107 through R9-10-114,
R9-10-116, R9-10-117, R9-10-121, R9-10-123, and R9-10-124
Additional sections may be added, deleted, or modified as necessary.

2. The subject matter of the proposed rule:

Arizona Administrative Code, Title 9, Chapter 10, Article 1, adopted effective February 4, 1981, sets forth the legal authority, intent, and purpose of the Article in addition to definitions applicable to the chapter, classifications of health care institutions, and requirements for documentation, transfers, general licensure, initial and renewal applications. The rules contain passive, outdated, ambiguous, and nonspecific language that does not comply with current rulemaking format and style requirements.

In addition, subsequent to the adoption of Title 9, Chapter 10, Article 1, the authorizing statutes were amended in 1983, 1985, 1986, 1987, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, 1998, and 2001. Consequently, there are discrepancies between the authorizing statutes and the rules. There are no provisions in the rules implementing the requirements in: A.R.S. § 36-405(C) for establishing and collecting fees for license application, architectural drawings review and licensure; A.R.S. § 36-421 that combines the permit process and the initial license application process; A.R.S. § 36-424(C) that requires the Director to accept a copy of a health care institution's accreditation report in lieu of all licensing inspections; A.R.S. § 36-425(B) that allows a license to be valid for up to two years if the health care institution has no deficiencies during renewal licensing inspections; and A.R.S. § 36-425.01 that provides for the issuance of a renewal license to a home health agency, without a state licensure survey, if the home health agency is Medicare-certified and meets licensure requirements. The rules are also inconsistent with A.R.S. § 36-422(F) that allows a single group license for an accredited hospital that includes accredited facilities located separately from the main hospital building and A.R.S. § 36-422(G) that allows a single license for a county-operated accredited hospital, when the county's population is more than one million, which includes accredited facilities located separately from the main hospital. In addition, licensing timeframes, as required in A.R.S. §§ 41-1072 through 41-1078, are not included in the application requirements.

The Department plans to repeal the rules and make new rules. The new rules will be consistent with statutory requirements, comply with current rulemaking format and style requirements, reflect current industry practice and Department policy and incorporate changes proposed in the last five-year-review report, which was approved by the Governor's Regulatory Review Council on February 1, 2000.

The agency docket number, if applicable:

RE-002-02

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

Not applicable

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

Name: Kathleen Phillips, Rules Administrator

Address: Department of Health Services
1740 W. Adams, Suite 102
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 542-1150

or

Name: Mary Wiley, Assistant Director

Address: Department of Health Services
Assurance and Licensure
647 E. Morten, Suite 220
Phoenix, AZ 85020

Telephone: (602) 674-4200

Fax: (602) 861-0645

Notices of Rulemaking Docket Opening

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 until the close of record which has not yet been determined. If a public hearing is scheduled for these rules, oral public comments may be presented at that time.

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

The Department plans to submit the Notice of Proposed Rulemaking by February 2002.