

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* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 38. BOARD OF HOMEOPATHIC ~~MEDICAL~~ AND INTEGRATED MEDICINE EXAMINERS

Editor's Note: The following Notice of Final Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 211.) The Governor's Office authorized the notice to proceed through the rulemaking process on November 10, 2009.

[R10-01]

PREAMBLE

1. Sections Affected

R4-38-105
R4-38-301
R4-38-302
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Rulemaking Action

Amend
Amend
Re-number
New Section
Repeal
Re-number
Amend
Amend
Repeal
New Section
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Amend

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

Authorizing statute: A.R.S. § 32-2904(A)(9)

Implementing statute: A.R.S. §§ 32-2901(15) and 32-2939

3. The effective date for the rules:

March 6, 2010

4. List of all previous notices appearing in the *Register* addressing the final rules:

Notice of Rulemaking Docket Opening: 13 A.A.R. 4046, November 16, 2007

Notice of Proposed Rulemaking: 14 A.A.R. 3873, October 10, 2008

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

Name: Chris Springer, Executive Director

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Address: Board of Homeopathic and Integrated Medicine Examiners
1400 W. Washington St., Suite 230
Phoenix, AZ 85007

Telephone: (602) 542-3095

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E-mail: chris.springer@azhomeopathbd.az.gov

6. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

In Article 1, Section 105, the Board is deleting a fee that is no longer authorized by statute.

In Article 3, the Board is amending its rules regarding medical assistants to clarify them and make them consistent with agency practice and current rule writing standards. The rules provide clarification of training hours designating minimum competency and specify what procedures a homeopathic medical assistant provides. Homeopathic physicians employ allopathically trained medical assistants. They also employ medical assistants that perform alternative therapy modalities. These rules ensure the homeopathic medical assistant has adequate training in alternative therapy modalities when assisting homeopathic physicians in their practices and relieves allopathically trained medical assistants from the regulatory burden of registering as a homeopathic medical assistant. This reduces regulation, while at the same time ensuring that the medical assistants that provide services to patients seeking alternative therapy modalities are appropriately trained.

7. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules 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:

The rulemaking will have minimal economic impact because it simply clarifies existing rules and makes them consistent with agency practice.

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

The Board removed proposed changes to Article 4 between the proposed and final rules due to the Governor's Rule-making Moratorium. Changes to Article 4 did not meet exemption requirements. Otherwise, only minor, non-substantive changes were made between the proposed and final rules.

11. A summary of the comments made regarding the rules and the agency response to them:

The Board received no comments regarding the rules. One written comment, received after the time period to make comment, wanted the term 'homeopathic' to be inserted in front of each use of the term 'medical assistant'. The Board responded, noting that the terminology is consistent with A.R.S. § 32-2904(A)(9) and the definition of 'medical assistant' at A.R.S. § 32-2901(15).

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

None

13. Incorporations by reference and their location in the rule:

None

14. Were these rules previously made as emergency rules?

No

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 38. BOARD OF HOMEOPATHIC ~~MEDICAL~~ AND INTEGRATED MEDICINE EXAMINERS

ARTICLE 1. GENERAL

Section
R4-38-105. Fees

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ARTICLE 3. EDUCATION, SUPERVISION, AND DELEGATION STANDARDS FOR REGISTRATION OF MEDICAL ASSISTANTS BY HOMEOPATHIC PHYSICIANS

Section

- R4-38-301. Definitions
- ~~R4-38-302.~~ Requirements to Supervise a Medical Assistant; Standards for Supervision
- ~~R4-38-303.~~ Supervision of Formally Trained Assistants
- ~~R4-38-302.~~~~R4-38-303.~~ Approved Board Standards for a Formal Educational Programs Education Program
- R4-38-304. Approved Practical Educational Programs Education Program; Renewal
- R4-38-305. Supervision of Practically Trained Assistants Minimum Requirements for Registration of a Homeopathic Medical Assistant
- ~~R4-38-308.~~~~R4-38-306.~~ Registration of Application to Register a Medical Assistants and Practical Educational Programs Assistant
- ~~R4-38-310.~~~~R4-38-307.~~ Additional Requirements to Register a Previously Licensed Practitioners Health Care Practitioner
- ~~R4-38-308.~~ Renewal of Medical Assistant Registration
- ~~R4-38-306.~~~~R4-38-309.~~ Restrictions on Delegated Procedures
- ~~R4-38-309.~~~~R4-38-310.~~ Registration not Transferable; Multiple Supervisors Employers
- R4-38-311. Deadlines for Compliance with Rules Responsibilities of a Registered Medical Assistant
- ~~R4-38-307.~~~~R4-38-312.~~ Unprofessional Conduct
- R4-38-403. Application; Renewal of License, Permit, or Registration Repealed

ARTICLE 1. GENERAL

R4-38-105. Fees

- A.** The Board ~~establishes and shall charge collect~~ the following fees, ~~according to which~~ are specifically authorized by A.R.S. §§ 32-2914 and ~~32-2916~~:
1. Application for license: \$550.00
 2. Issuance of initial license: \$250.00
 3. Annual renewal of license: \$975.00
 4. Late renewal penalty: \$350.00
 5. Application for dispensing permit: \$200.00
 6. Annual renewal of dispensing permit: \$200.00
 7. Locum tenens registration application: \$200.00
 8. Locum tenens registration issuance: \$100.00
 9. Application for ~~registration to conduct approval of a practical education course for supervised medical assistants program~~: \$150.00
 10. Annual renewal of ~~registration to conduct approval of a practical education course program~~: \$50.00
 11. Initial application for ~~supervision of to register a medical assistant~~: \$200.00
 - ~~12. Triennial renewal of supervision of medical assistant: \$50.00~~
 - ~~13.~~~~12.~~ Annual renewal ~~for of~~ registration of medical assistant: \$200.00
- B.** The Board shall collect the following amounts for the services described:
- ~~14.~~1. Annual directory: \$25.00
 - ~~15.~~2. Copies, per page: \$0.25
 - ~~16.~~3. Copies, per audio tape: \$35.00
 - ~~17.~~4. Copies, per 1.44 M computer disk: \$100.00
 - ~~18.~~5. Mailing lists - non-commercial (per name): \$0.05
 - ~~19.~~6. Mailing lists - commercial (per name): \$0.25
 - ~~20.~~7. Mailing list labels (per name): \$0.30
 - ~~21.~~8. Copy of statutes or rules, each: \$5.00

ARTICLE 3. EDUCATION, SUPERVISION, AND DELEGATION STANDARDS FOR REGISTRATION OF MEDICAL ASSISTANTS BY HOMEOPATHIC PHYSICIANS

R4-38-301. Definitions

- A.** ~~“Assists” means performing delegated procedures within the homeopathic physician’s practice according to a written job description for which the Board has approved the assistant’s educational program and the supervising physician’s practice experience.~~
- B.** ~~“Commensurate with the assistant’s education and training” means that the assistant’s education and training in either a formal or practical educational program meets Board standards for the specific technical functions in the job description for which the supervising physician makes application.~~
- C.** ~~“Delegated procedures” refers to technical functions which are specifically outlined in the assistant’s written job descrip-~~

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tion and which may include any of the following:

1. ~~Assisting in information-gathering functions, including history taking, measuring patients' vital signs, measuring patients' neuromuscular and electro-physiologic responses, specimen collection, and phlebotomy;~~
2. ~~Assisting in information-processing functions including scoring of questionnaires, plotting of laboratory, physical, and chemical measurements, and symptom repertorization using standard homeopathic references or software programs;~~
3. ~~Assisting in or administering patient treatments by physical, hygienic, including colonic irrigation, and electrical therapy modalities as ordered by the physician;~~
4. ~~Assisting in delivery of drugs, devices, and natural substances to patients;~~
5. ~~Assisting in patient health care education and counseling including nutritional and stress-management counseling;~~
6. ~~Assisting in explaining and reinforcing home follow-up advice for physician-prescribed homeopathic therapy programs; and~~
7. ~~Administration of skin tests and injections ordered by the physician.~~

D. "Educational program approved by the Board" means a formal educational program or a practical educational program which is recognized by the Board as sufficient to qualify a Medical Assistant to perform specific delegated procedures under the supervision of a physician.

E. "Formal educational program" means an organized course of study or training program in a technical field which includes didactic and supervised clinical experience and whose curriculums are approved by the Board.

F. "Physical medicine modalities" means hydrotherapy, including colonic irrigation; application of heat and cold; diathermy; electro-galvanic stimulation; ultrasound; traction; massage therapies; neuromuscular re-education procedures; application of transcutaneous nerve stimulator units; and the use of electronic micro-current devices for stimulation of nerve and muscle tissue.

G. "Practical educational program" means a course of study organized and directed by the supervising physician who conducts or verifies the didactic portion of the training and personally oversees or verifies the clinical experience portion of the training while the assistant is on the job.

H. "Under the supervision of" means that:

1. The supervising physician is physically on-site at the practice location during the day the delegated procedures are performed;
2. The supervising physician provides specific written orders for the medical Assistant for any treatment functions delegated to the medical assistant;
3. The medical assistant documents the performance of the delegated function in the office medical record by legible and identifiable notes;
4. An office, laboratory, or therapy note is prepared which is signed by the assistant and countersigned by the supervising physician within one week of the date of service for each visit in which a medical assistant performs delegated procedures;
5. The supervising physician has met Board approved clinical experience standards as set forth in R4-38-303(B) or R4-38-305(B), for the procedure approved for delegation to the medical assistant;
6. All the delegated procedures and treatments could be legally performed by the supervising physician; and
7. The supervising physician ensures that there is regular discussion with each medical assistant with regard to individual patient's, responses to treatments or treatment programs delegated to that medical assistant.

The definitions in A.R.S. §§ 32-2901, 32-2933, and 32-2951 apply to this Article. Additionally, in this Article:

"Advertisement" means a written, oral, or electronic communication, including a business card or telephone directory listing, which is intended, directly or indirectly, to inform a person that a medical assistant provides a homeopathic procedure.

"Delegated procedure" means a technical homeopathic function that a medical assistant is qualified to perform and is specified in the medical assistant's Board-approved job description.

"Electrodermal testing device" means an instrument that is FDA-registered for the measurement of galvanic skin response.

"FDA" means the United States Food and Drug Administration.

"Homeopathic modality" means a method of diagnosis and treatment listed in the definition of the practice of homeopathic medicine at A.R.S. § 32-2901.

"Homeopathic repertorization" means to assess an individual's symptoms and use a reference to determine the appropriate homeopathic remedy for each symptom.

"Homeotherapeutic instruction" means education regarding the signs, symptoms, and physical findings that lead to the recommendation of a particular substance or therapeutic procedure.

"Hour" means 60 minutes.

"Kinesiology" means the scientific study of human movement.

“Patient record,” as used in A.R.S. § 32-2936, means a medical record, as defined at A.R.S. § 12-2291.

R4-38-302. Requirements to Supervise a Medical Assistant; Standards for Supervision

- A.** Before a homeopathic physician applies to the Board to register a medical assistant under R4-38-306, the homeopathic physician shall be licensed by the Board.
- B.** When a homeopathic physician applies to the Board to register a medical assistant, the homeopathic physician shall submit evidence, as outlined in R4-38-103(C), that the homeopathic physician is qualified in the homeopathic modality of the procedure that will be delegated to the medical assistant.
- C.** The Board shall find that a homeopathic physician is qualified in the homeopathic modality of the procedure that will be delegated to a medical assistant if the homeopathic physician submits with the application to register the medical assistant certificates of attendance or other evidence that the homeopathic physician completed postgraduate coursework in the delegated homeopathic modality equal to or exceeding the number of hours specified in R4-38-103(C)(1) through (6).
- D.** A homeopathic physician who supervises a registered medical assistant shall:
 - 1.** Perform and document in the patient record the following for each patient for whom the medical assistant performs a delegated procedure:
 - a.** Initial evaluation.
 - b.** Treatment planning including any modification in the treatment plan, and
 - c.** Re-evaluation of the patient’s health status every fourth visit and at the time of discharge or termination of treatment.
 - 2.** Respond within 15 minutes to a telephone call or other telecommunication from a medical assistant who performs a delegated procedure when the homeopathic physician is not physically present at the location at which the medical assistant is working;
 - 3.** Ensure that a note is placed in the patient record every time the medical assistant seeks direction from the homeopathic physician regarding a delegated procedure performed for a patient;
 - 4.** Ensure that the medical assistant performs only delegated procedures that are in the medical assistant’s Board-approved job description;
 - 5.** Provide a specific written order for any procedure delegated to and performed by the medical assistant for a patient;
 - 6.** Ensure that the specific written order required under subsection (D)(5) is placed in the patient record on the day that the medical assistant performs the delegated procedure;
 - 7.** Ensure that the medical assistant makes a contemporaneous note in the patient record of any procedure performed by the medical assistant for the patient;
 - 8.** Review, initial, and date the medical assistant notes placed in patient records within one week after each note is made and initial and date each note; and
 - 9.** Review with the medical assistant a patient’s response to treatments performed by the medical assistant:
 - a.** Within three months of the initial visit.
 - b.** After any significant change in the initial treatment plan, and
 - c.** After an adverse reaction.

R4-38-303. Supervision of Formally Trained Assistants

- A.** In order for a homeopathic physician to delegate specified homeopathic diagnostic and therapeutic procedures, as described in this rule, his or her qualifications shall be approved by the Board.
- B.** Approval may be granted by the Board after its review of the physicians’ educational and practice experience in the specified delegated procedure. Such experience may include the completion of 25 hours of homeopathic post-graduate education in the specified delegated procedure. Certificates of attendance and completion of such courses shall be submitted with the application form supplied by the Board.
- C.** Physicians may submit documentation of practice experience substantially equivalent to post-graduate training in the specified Homeopathic modalities for individual approval by the Board.
- D.** Supervision of the medical assistants performing general medical office procedures recognized as common within the allopathic and osteopathic community does not require any additional experience and training beyond that contained in the requirements for licensure as a homeopathic physician.

R4-38-302-R4-38-303. Approved Board Standards for a Formal Educational Programs Education Program

- A.** Physicians requesting that their assistants be approved for one or more of the following specified delegated procedures on the basis of a formal educational program shall submit evidence that the assistant has successfully completed the specified educational program:
 - 1.** General medical office procedures require completion of a course of instruction and training in a public or private school, college, or technical institute designed to place graduates in positions as General Office Medical Assistants. Such course of instruction shall consist of a minimum of the following:
 - a.** 240 classroom hours in medical secretarial skills;
 - b.** 240 classroom hours in back office assisting; and
 - c.** 320 hours of supervised clinical experience.

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2. ~~Neuromuscular Integration therapy procedures:~~
 - a. ~~Completion of a course of instruction and training in a public or private school, college, or technical institute designed to place graduates in positions as qualified Physical Therapy Assistants in a United States jurisdiction. Such course of instruction shall consist of a minimum of the following:~~
 - i. ~~1200 classroom hours in hands-on 22 techniques, sciences, theories and principles;~~
 - ii. ~~720 hours of supervised clinical experience; and~~
 - iii. ~~580 classroom hours in general studies; or~~
 - b. ~~Completion of a professional program in massage therapy consisting of 1000 hours of didactic and clinical training or examination and certification sponsored by the American Massage Therapy Association; or~~
 - c. ~~Completion of a professional training or certification program in Feldenkrais, Rolfing, Hellerwork, Trager, Orthobionomy, Shiatsu, Reiki, Polarity, Jin Shin Jyutsu, or similarly organized training program of at least 1000 hours of technical training and clinical supervision;~~
 3. ~~Acupuncture therapy procedures: completion of a didactic and clinical training program in acupuncture and examination and certification by the National Commission for the Certification of Acupuncturists (NCCA);~~
 4. ~~Homeopathic repertorization procedures: completion of at least 180 hours of a formal educational program as set forth in R4-38-301(E) or preceptorship in a homeotherapeutics program approved by the Board including those certified by the Council for Homeopathic Certification; or~~
 5. ~~Nutritional counseling procedures require completion of one of the following:~~
 - a. ~~Board approved formal educational program in clinical nutrition consisting of 500 hours or more of training; or~~
 - b. ~~Certification by the International University for Nutrition Education.~~
- A.** The Board establishes the following minimum standards for a formal education program in the subject area specified:
1. Neuromuscular integration therapy procedures. A formal education program in neuromuscular integration therapy procedures shall:
 - a. Be provided at an educational institution and designed to qualify a graduate as a physical therapist assistant in a U. S. jurisdiction; or
 - b. Consist of 750 hours of educational training and 250 hours of supervised clinical experience in Feldenkrais, Rolfing, Hellerwork, Trager, Orthobionomy, Shiatsu, Reiki, Polarity, Jin Shin Jyutsu, or a similar therapy;
 2. Homeopathic repertorization procedures. A formal education program in homeopathic repertorization procedures shall:
 - a. Be provided at an educational institution.
 - b. Be designed to train a graduate in classical homeopathy, and
 - c. Consist of the following:
 - i. 200 hours of education training, and
 - ii. 100 hours of supervised clinical experience, and
 3. Nutrition counseling and orthomolecular therapy procedures. A formal education program in nutrition counseling and orthomolecular therapy procedures shall:
 - a. Be provided at an educational institution, and
 - b. Consist of the following:
 - i. 500 hours of education training, and
 - ii. 175 hours of supervised clinical internship, or
 - c. Result in certification by the Clinical Nutrition Certification Board.
- B.** ~~Physicians proposing job descriptions for assistants in general medical or homeopathic practices and procedures not herein specified shall submit evidence that is satisfactory to the Board that the assistant has completed a degree of If a homeopathic physician applies to register as a medical assistant an individual who completed a formal education program in a homeopathic modality other than those listed in subsection (A), the homeopathic physician shall submit to the Board evidence that the program consists of educational training and clinical supervision that is substantially equivalent to the formal educational requirements in the above areas specified in R4-38-103(C).~~
- R4-38-304. Approved Practical Educational Programs Education Program; Renewal**
- ~~**A.** Unlicensed persons who have not completed a Board approved formal educational program in delegated office procedures may receive on-the-job training and clinical supervision in a practical educational program conducted by the supervising homeopathic physician.~~
 - ~~**B.** A homeopathic physician who wishes to provide on-the-job practical education to an unregistered individual shall apply for and obtain Board approval from the Board in order to conduct a of a practical educational education program specifically designed for the unregistered individual before providing the practical education program. Separate written Board approval shall be obtained for each medical assistant that participates in the practical educational program.~~
 - B.** The Board's approval of a practical education program is specific to the unregistered individual being trained. A homeopathic physician who wishes to provide on-the-job practical education to more than one unregistered individual shall apply for and obtain Board approval of a practical education program for each unregistered individual.
 - C.** Request for approval for The Board shall approve a practical training education program shall be submitted on a form sup-

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plied by the Board and shall contain only if the program meets one of the following minimum standards:

1. A written training protocol for the procedure or procedures in question;
2. A detailed description of the physician's background and expertise in the procedure or procedures being taught;
3. A proposed job description which specifies how the assistant will eventually perform those procedures delegated by the supervising physician and within the supervising physician's practice; and
4. Documentation of any previous on-the-job or formal training of the assistant.

D. Training protocols submitted for approval shall meet the following standards for the specified job descriptions:

1. General medical job descriptions: completion of 400 hours of didactic instruction and clinical supervision;
2. 1. Job descriptions delegating acupuncture treatments for medical and pain management applications: completion of the academic portion of a course of study offered by a member institution of the National Association of Colleges of Acupuncture and Oriental Medicine, a World Health Organization designated training facility for acupuncture, or an equivalent approved by the Board, plus a minimum of 500 hours of clinical supervision by a qualified supervising physician Neuromuscular integration therapy procedures. For each therapy listed in R4-38-303(A)(1)(b) in which practical education is provided, 375 hours of instruction and 125 hours of supervised clinical experience;
3. 2. Job descriptions delegating acupuncture treatments for drug detoxification purposes: completion of a course of training in acupuncture drug detoxification consisting of a minimum of 70 hours in both diagnostic and supervised apprenticeship conducted by the National Acupuncture Detoxification Association (NADA) and approved by the Board, plus clinical supervision of a least 160 hours by a qualified supervising physician Homeopathic repertorization procedures.
 - a. If performed with an electrodermal testing device or kinesiology, 180 hours of homeotherapeutic instruction including at least 45 hours of supervised clinical experience;
 - b. If performed without an electrodermal testing device or kinesiology, 200 hours of homeotherapeutic instruction and 100 hours of supervised clinical experience;
4. 3. Job descriptions delegating information gathering using electro diagnostic procedures and devices: completion of a didactic course of study of at least 35 hours in electro diagnostic methodology, plus at least 160 hours of clinical supervision by a qualified supervising physician Nutrition counseling and orthomolecular therapy procedures, 500 hours of instruction and 170 hours of supervised clinical experience; and
5. 4. Job descriptions delegating physical medicine treatment modalities require completion of one of the following: Other homeopathic procedure. Hours of instruction and supervised clinical experience that the Board determines is sufficient to enable the unregistered individual being trained to perform as a medical assistant in a safe and competent manner.
 - a. Technical massage course of at least 50 hours of study and certification by any Arizona jurisdiction; or
 - b. On the job training of at least 50 hours in a specified physical medicine modality including didactic instruction and clinical supervision; or
6. Job descriptions delegating homeopathic repertorization procedures: completion of at least 180 hours in homeotherapeutics including at least 40 hours of didactic instruction and at least 40 hours of clinical supervision.

D. To obtain the Board's approval of a practical education program, the homeopathic physician who will provide the training shall:

1. Provide the following information on a form obtained from the Board:
 - a. Name of the unregistered individual for whom the practical education program is designed.
 - b. Residential address and telephone number of the unregistered individual.
 - c. Social Security number of the unregistered individual.
 - d. A training protocol that identifies the:
 - i. Homeopathic procedure in which the unregistered individual will be trained.
 - ii. Subject matter on which instruction will be provided and the hours devoted to each subject, and
 - iii. Manner in which supervised clinical experience will be provided.
 - e. Address at which the practical education program will be conducted.
 - f. Name of the homeopathic physician who will provide the practical education, and
 - g. License number of the homeopathic physician who will provide the practical education.
2. Attach the following to the form required under subsection (D)(1):
 - a. Documentation of any previous on-the-job training or formal education, as described in R4-38-303, completed by the unregistered individual for whom the practical education program is designed;
 - b. Documentation that the homeopathic physician is qualified in the procedure in which training will be provided. For the procedures in which training may be provided, the Board shall accept certificates of attendance or other evidence that the homeopathic physician completed postgraduate course work in the homeopathic procedure to be taught equal to or exceeding the number of hours specified in R4-38-103(C)(1) through (6).
3. Sign the application form affirming that the homeopathic physician shall:
 - a. Ensure that the unregistered individual being trained is not held out or represented to be a medical assistant.
 - b. Ensure that the unregistered individual is supervised at all times.

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- c. Ensure that the unregistered individual is assigned only tasks that the unregistered individual can perform safely and competently.
 - d. Ensure that the unregistered individual is not registered by the Board as a medical assistant before completing the practical education program, and
 - e. Provide the unregistered individual with a certificate or other evidence of completion when the unregistered individual completes the Board-approved practical education program. The homeopathic physician shall include the following information on the certificate or other evidence of completion:
 - i. Name of the unregistered individual completing the practical education program.
 - ii. Name and license number of the homeopathic physician who provided the practical education program.
 - iii. Date on which Board approval was obtained for the practical education program.
 - iv. Dated signature of the homeopathic physician affirming that the practical education program completed met the standards established by the Board.
- E.** The Board's approval of a practical education program is valid for one year. If the homeopathic physician who obtained approval of the practical education program does not complete providing the program within one year, the homeopathic physician may renew the program by submitting to the Board a letter affirming continued compliance with this Section and paying the fee listed in R4-38-105.

R4-38-305. Supervision of Practical Educational Programs Minimum Requirements for Registration of a Homeopathic Medical Assistant

- A.** The Board shall review and approve the qualifications of a physician seeking to conduct a practical educational program.
- B.** A physician shall document on the request for approval his or her background in formal training and his or her experience in the particular procedure in which the medical assistant will be trained. The following levels of training are required for a physician to conduct a training program in the specified delegated procedures:
- 1. General medical assistant training program: two years of active practice following completion of M.D. or D.O. post-graduate education;
 - 2. General Acupuncture therapeutics practical educational program: 220 hours of post-graduate training in medical acupuncture and two years of clinical experience in acupuncture therapeutics;
 - 3. Practical educational program in Acupuncture Detoxification procedures:
 - a. A fellowship or certification in addiction medicine plus 25 hours of post-graduate education, approved by the Board, in acupuncture therapy for drug detoxification; or
 - b. Two years of documented, Board approved experience in conducting clinical addiction treatments or therapy plus 25 hours of post-graduate education, approved by the Board, in acupuncture therapy for drug detoxification;
 - 4. Practical educational program for an assistant performing electro-diagnostic procedures: completion of at least 80 hours of formal training in electro diagnosis and two years of clinical experience in electro diagnostic methodology.
 - 5. Practical educational program in specified aspects of neuromuscular integration therapies or physical medicine modalities:
 - a. Completion of a residency or fellowship in physical medicine;
 - b. At least 220 hours of post-graduate training in neuromuscular integration therapies; or
 - e. Two years of clinical experience in medical orthopedies, physical medicine modalities, osteopathic manipulative medicine, chiropractic manual therapy, or an equivalent neuromuscular integration therapy, such as those listed in R4-38-302.(A)(2)(e); or
 - 6. Practical educational program in homeopathic repertorization:
 - a. Five years of clinical practice and 200 hours of continuing medical education in classical homeotherapeutics; or
 - b. Diplomate status granted by the American Board of Homeotherapeutics or by the British Institute of Homeopathy.
- A.** The Board shall approve the registration of an individual as a homeopathic medical assistant only if the homeopathic physician who will supervise the individual submits evidence that the individual:
- 1. Completed a formal education program that meets the standards at R4-38-303, or
 - 2. Completed a practical education program that is approved by the Board under R4-38-304.
- B.** The Board shall approve the registration of an individual as a homeopathic medical assistant only if the individual is employed and supervised by a homeopathic physician who submits the evidence required under R4-38-302(C) showing that the homeopathic physician is qualified in the homeopathic modality in which the individual will work.

~~R4-38-308, R4-38-306, Registration Procedures for Application to Register a Medical Assistants and Practical Educational Programs Assistant~~

- A.** The supervising If a homeopathic physician intends that an individual who meets one of the minimum requirements listed in R4-38-305(A) work as a medical assistant, shall register each medical assistant the homeopathic physician shall with submit to the Board an application to register the individual within two weeks of employment by submitting an application on a form supplied by the Board which documents the following:
- 1. The medical assistant's proposed job description;

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2. ~~The medical assistant's educational qualifications for the proposed delegated procedures;~~
 3. ~~A complete curriculum vitae of the medical assistant; and;~~
 4. ~~The supervising physician's qualifications to supervise the proposed delegated procedures after employing the individual.~~
- B.** ~~The application shall be accompanied by certificates of participation in training; proficiency certifications by relevant Boards, associations, or societies; individual letters of documentation of preceptorships; or letters confirming on the job training by the parties who supervised such training. To register an individual who meets one of the standards at R4-38-305(A) as a medical assistant, a homeopathic physician shall submit to the Board the following information on a form obtained from the Board:~~
1. ~~About the individual being registered:~~
 - a. ~~Name;~~
 - b. ~~Residential address;~~
 - c. ~~Residential and mobile telephone numbers;~~
 - d. ~~E-mail address;~~
 - e. ~~Social Security number;~~
 - f. ~~Address of the practice location at which the individual will perform delegated procedures;~~
 - g. ~~Telephone and fax numbers of the clinic at which the individual will perform delegated procedures;~~
 - h. ~~Statement of whether the individual completed a formal education program that meets the standards at R4-38-303 or a practical education program approved by the Board under R4-38-304;~~
 - i. ~~Statement of whether the individual is or ever has been licensed as a health care practitioner in a U.S. jurisdiction in a profession subject to regulation by licensure in Arizona and if so:~~
 - i. ~~A list of all jurisdictions in which the individual is or ever has been licensed as a health care professional, and~~
 - ii. ~~A list of the health care professions in which the individual is or ever has been licensed; and~~
 - iii. ~~A statement whether the individual has ever been subject to a disciplinary proceeding by a health care regulatory board in any jurisdiction and if so, the jurisdiction, health care profession, date, and cause and result of the disciplinary proceeding;~~
 - j. ~~Statement of whether the individual has ever been charged with or convicted of any criminal act and if so, the nature of the criminal act, date, jurisdiction, and current status;~~
 - k. ~~Statement of whether the individual is a U.S. citizen and if not, whether the individual is an alien qualified to work in the U.S.; and~~
 - l. ~~Dated signature of the individual being registered affirming that the information provided under subsections (B)(1)(a) through (B)(1)(k) is true, correct, and complete;~~
 2. ~~Description of the homeopathic procedures and other duties that will be delegated to the individual being registered, and~~
 3. ~~About the homeopathic physician:~~
 - a. ~~Name;~~
 - b. ~~License number, and~~
 - c. ~~Dated signature of the homeopathic physician affirming that:~~
 - i. ~~All information provided, including the materials listed in subsection (C), is true, correct, and complete; and~~
 - ii. ~~The homeopathic physician has reviewed the standards for supervision listed at R4-38-302 and agrees to comply with the standards.~~
- C.** ~~Job descriptions or functions other than generally recognized homeopathic office procedures specified in these rules will be subject to individual review and approval by the full Board. In addition to the form required under subsection (B), a licensed homeopathic physician applying to register an individual as a medical assistant shall attach the following materials to the form:~~
1. ~~A curriculum vitae or resume of the individual being registered;~~
 2. ~~If the individual being registered completed a formal education program that meets the standards at R4-38-303, an official transcript from the school, college, or technical institution that provided the program;~~
 3. ~~If the individual being registered completed a practical education program approved by the Board under R4-38-304, a copy of the certificate or other evidence of completion required under R4-38-304;~~
 4. ~~If the individual being registered has ever been charged with or convicted of any criminal act, a certified copy of the original charging document and a copy of all court documents relating to the individual's current status;~~
 5. ~~If the individual being registered is not a U.S. citizen, a copy of the document that shows the individual is qualified to work in the U.S.;~~
 6. ~~The evidence required under R4-38-302(C) showing that the homeopathic physician is qualified in the homeopathic modality to be delegated; and~~
 7. ~~The fee required under R4-38-105.~~
- D.** ~~Multiple homeopathic physicians who work in the same medical practice may apply jointly to register one individual as a~~

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medical assistant. If multiple homeopathic physicians apply jointly to register one individual as a medical assistant, each shall:

1. Provide the information and affirmation required under subsection (B)(3), and
2. Provide the evidence required under subsection (C)(6).

- E.** A homeopathic physician who has registered a medical assistant may amend the medical assistant's job description provided under subsection (B)(2). To amend the job description of a registered medical assistant, the homeopathic physician shall submit to the Board:
1. A new job description that identifies the homeopathic procedures and other duties that will be delegated to the registered medical assistant.
 2. The documentation required under subsection (C)(2) or (3) showing that the registered medical assistant is qualified to perform the procedures and other duties to be delegated, and
 3. The evidence required under subsection (C)(6) showing that the homeopathic physician is qualified in the homeopathic modality to be delegated.
- D.** Upon approval of the application by the Board, the medical assistant shall perform his or her duties while wearing a clearly labeled name tag stating the designation, "medical assistant", and the specific modality or class of expertise.
- E.** A medical assistant's registration shall be valid until the end of the calendar year in which the application was approved. This registration shall be deemed valid by the Board for an additional two years as long as the supervising physician remits annual payment of the renewal fee concurrent with his or her own annual physician's license renewal. A registration shall expire either:
1. Upon termination of the medical assistant's employment by the supervising physician;
 2. Upon nonpayment by the supervising physician of the renewal extension fees by their due dates; or
 3. On December 31st of the second year subsequent to the year that the registration was initially approved.
- F.** Once a medical assistant's registration has expired, the employing supervising physician shall submit a complete and updated registration application and initial registration fee for re-approval by the Board.
- G.** Each physician proposing to conduct an on-the-job or practical educational program for medical assistants shall apply for such approval within two weeks of employment of the medical assistant by submitting an application on a form supplied by the Board. This form is in addition to the medical assistant registration form.
- H.** Each physician who continues to actively train medical assistants shall renew the practical education training program registration annually by submitting an updated application for each of his or her current training protocols.

R4-38-310-R4-38-307. Additional Requirements to Register a Previously Licensed Practitioners Health Care Practitioner

- A.** Medical assistant status with supervision by an Arizona licensed homeopathic physician is not intended to allow An individual who is or ever has been licensed as a health care practitioner who would otherwise be in a U.S. jurisdiction in a profession subject to regulation by licensure in Arizona this state shall not attempt to practice his or her the health care profession outside of that profession's formal this state's regulatory authority by obtaining registration as a medical assistant under this Chapter.
- B.** Homeopathic physicians proposing to employ A homeopathic physician may register as a medical assistant a person an individual previously licensed or subject to professional regulation as a health care professional practitioner in a U.S. jurisdiction, only if the individual meets one of the standards in R4-38-305(A). To register as a medical assistant an individual previously licensed or subject to professional regulation as a health care practitioner in a U.S. jurisdiction, a homeopathic physician shall document and submit for approval to the Board on forms supplied by the Board the following information: the application form and materials required under R4-38-306(B) and (C).
1. A complete curriculum vitae of the applicant in question; and
 2. An affidavit from the applicant, stating the reasons for which the applicant seeks employment as a homeopathic medical assistant rather than as a licensed Arizona health care provider in accordance with his or her professional training.
- C.** In addition to complying with subsection (B), a homeopathic physician applying to register as a medical assistant an individual previously licensed or subject to professional regulation as a health care professional in a U.S. jurisdiction shall submit to the Board an affidavit from the individual being registered stating the reason for which the individual seeks employment as a homeopathic medical assistant rather than as a licensed Arizona health care practitioner in accordance with the individual's professional training.
- D.** The Board shall conduct a background check an investigation of the applicant's individual's previous health care professional practice in all jurisdictions previously in which the individual is or ever has been licensed; The Board shall ensure that the investigation is sufficient to determine if whether the applicant individual has or had ever engaged in unprofessional conduct, or is or was deemed incompetent, or was physically or mentally unable to safely engage in the rendering of provide health care services safely.
- E.** The Board shall conduct a personal interview with the supervising homeopathic physician and the proposed assistant individual being registered to determine whether:
1. the accuracy of the The proposed job description of homeopathic procedures and delegated duties provided under subsection (B) is accurate,

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2. The supervisory relationship between the homeopathic physician and individual will not constitute a violation of A.R.S. § 32-2933(11), and an understanding by the
3. The homeopathic physician of his or her understands the supervisory responsibilities, and by the
4. The proposed assistant of his or her individual being registered understands the limitations under these rules this Article and applicable statutes.

R4-38-308. Renewal of Medical Assistant Registration

- A.** The registration of a medical assistant expires:
1. When the medical assistant ceases to be employed by the homeopathic physician who registered the medical assistant, or
 2. When the supervising homeopathic physician fails to comply with subsection (B) by December 31.
- B.** To renew the registration of a medical assistant, on or before December 31 of each year, the supervising homeopathic physician shall submit to the Board:
1. A renewal application form, which is available from the Board, and provide the following information:
 - a. About the homeopathic physician.
 - i. Name;
 - ii. Name of medical facility at which the homeopathic physician is employed;
 - iii. Address of the medical facility;
 - iv. Telephone and fax numbers of the medical facility;
 - v. E-mail address of the homeopathic physician; and
 - vi. Dated signature of the homeopathic physician affirming that the information provided is true, correct, and complete;
 - b. About the medical assistant.
 - i. Name;
 - ii. Residential address;
 - iii. Residential telephone number;
 - iv. Homeopathic procedures delegated to the medical assistant;
 - v. Practice locations at which the medical assistant works;
 - vi. Statement of whether the medical assistant has been arrested or charged with a criminal act during the last year; and if so, the nature of the criminal act, date, jurisdiction, and current status; and
 - vii. Dated signature of the medical assistant affirming that the information provided is true, correct, and complete; and
 2. The fee specified in R4-38-105 for annual renewal of a medical assistant registration.
- C.** When a medical assistant's registration expires, the supervising homeopathic physician may register the medical assistant again by complying with R4-38-306.

R4-38-306-R4-38-309. Restrictions on Delegated Procedures

A homeopathic physician may shall not delegate the following procedures to an unlicensed person a registered medical assistant:

1. Psycho-therapeutic procedures, including individual and or group psychotherapy, clinical hypnosis, or other behavioral health interventions subject to independent regulation in Arizona this state; or
2. The dispensing of Dispensing drugs, homeopathic agents, herbal products, natural products, and or therapy devices when if the supervising homeopathic physician has not registered with obtained from the Board to include a dispensing privileges as part of the supervising physician's practice permit.

R4-38-309-R4-38-310. Registration not Transferable: Multiple Supervisors Employers

- A.** A medical assistant employed by more than one homeopathic physician shall have his or her job description registered with the Board for each place of employment.
- B.** Registration The registration and job description approval of a medical assistant are not transferable upon change in employment, and a new application shall be made by the new employer upon hiring a new medical assistant from one employing homeopathic physician to another or from one medical assistant to another.
1. If a medical assistant changes from one employing homeopathic physician to another, the new employing homeopathic physician shall apply to the Board to register the medical assistant;
 2. If a homeopathic physician employs a new medical assistant, the homeopathic physician shall apply to the Board to register the new medical assistant.
- B.** A medical assistant may be employed by more than one homeopathic physician.
1. If the multiple homeopathic physicians by whom a medical assistant is employed are part of the same medical practice, they shall apply jointly under R4-38-306(D) to register the medical assistant;
 2. If the multiple homeopathic physicians by whom a medical assistant is employed are not part of the same medical practice, each shall apply under R4-38-306 to register the medical assistant.
- C.** An employing physician may, at the time of initial registration, or as an addendum to a current registration, add to the

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medical assistant's job description the name and qualifications of one or more alternative supervising physicians within the employing physician's medical group, or who provides on-site coverage for the supervising physician during periods of absence who will insure proper supervision and documentation of the performance of the delegated procedures by the medical assistant.

R4-38-311. ~~Deadlines for Compliance with Rules~~ Responsibilities of a Registered Medical Assistant

- ~~A.~~ Physicians employing medical assistants as of the effective date of this rule shall complete the initial registration within six months, or as of the annual renewal date for the supervising physician's license, whichever comes first.
- ~~B.~~ Any person employed as a medical assistant as of the effective date of this rule shall complete all training required by his or her job description category within 12 months of the effective date of this rule. His or her supervising physician shall document the medical assistant's completion of this training.
- ~~C.~~ Within three months of the effective date of this rule, all physicians conducting on-the-job training as part of a practical educational program shall submit the necessary documentation in order to receive Board approval to conduct practical educational training in the various procedures included in their assistant's job descriptions.
- ~~D.~~ Following initial registration, renewals will be due concurrent with the next and each subsequent renewal of the homeopathic physician's license.

After approval by the Board, a registered medical assistant shall:

1. Perform only the homeopathic procedures and duties specified under R4-38-306(B)(2).
2. Wear a clearly labeled name tag stating the designation "medical assistant" and the specific homeopathic modality in which the registered medical assistant is approved to work, and
3. Ensure that any advertisement includes:
 - a. The designation "medical assistant."
 - b. The name of the supervising physician, and
 - c. A clear indication of the supervised nature of the delegated procedures provided.

~~R4-38-307-R4-38-312.~~ R4-38-312. Unprofessional Conduct

The following conduct by a homeopathic physician who supervises a medical assistant in regard to the delegating of procedures to medical assistants is unprofessional conduct or practice which because the conduct does or might constitute a danger to the health, welfare, or safety of the patient or the public:

1. Failure of the physician to perform and document in the medical record the following for each patient on whom a delegated procedure are performed:
 - a. Initial evaluation;
 - b. Treatment planning;
 - c. Periodic re-evaluation of the patient's health status; and
 - d. Termination or modification of the patient's treatment program at the conclusion of the prescribed course of therapy;
- 2.1. Obtaining board approval for training a practical education program and/or or supervision of Medical Assistants the medical assistant under false pretenses;
- 3.2. Failure Failing to adhere to the a standard for supervision criteria outlined listed in, R4-38-301(H)(1-7) and R4-38-309; R4-38-302(D).
- 4.3. Failure Failing to register and maintain registration for the medical assistant register or re-register medical assistants as required by these rules; this Article.
- 5.4. Allowing assistants the medical assistant to perform procedures a procedure not specified in their the medical assistant's Board-approved job description; or,
- 6.5. Failure to obtain approval by the Board to conduct a practical educational program to supervise Delegating a procedure to an unlicensed person individual who has is not yet completed a Board-approved registered with the Board or for whom the homeopathic physician has not obtained approval of a practical medical assistant medical educational education program;
6. Holding out or representing that an unregistered individual for whom the homeopathic physician is providing an approved practical education program is a medical assistant, and
7. Failing to ensure that the medical assistant complies with A.R.S. § 32-2933 and this Article.

NOTICE OF FINAL RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 8. GREATER ARIZONA DEVELOPMENT AUTHORITY

Editor's Note: The following Notice of Final Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 211.) The Governor's Office authorized the notice to proceed through the rulemaking process on November 10, 2009.

[R10-02]

PREAMBLE

1. Sections Affected

R20-8-101
R20-8-102
R20-8-103
R20-8-104
Table A
Table B
R20-8-201
R20-8-202
R20-8-203
R20-8-204

Rulemaking Action

Amend
Amend
Amend
Amend
Repeal
Repeal
Amend
Amend
Amend
Amend

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

A.R.S. § 41-1554.04(A)
A.R.S. §§ 41-1554.04, 41-1554.05, 41-1554.06

3. The effective date of the rules:

March 6, 2010

4. A list of all previous notices appearing in the Register addressing the final rules:

Notice of Rulemaking Docket Opening: 14 A.A.R. 2936, July 25, 2008
Notice of Proposed Rulemaking: 14 A.A.R. 4178, November 7, 2008

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

Name: Jennifer Pittman-Leeper
Address: 1700 W. Washington St., Suite 600
Phoenix, AZ 85007
Telephone: (602) 771-1136
Fax: (602) 771-1200
E-mail: jenniferl@azcommerce.com

6. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

Background

In 1997, the Arizona State Legislature established the Greater Arizona Development Authority (Authority) for the purpose of making funds available to provide assistance for infrastructure projects. The Authority provides assistance to political subdivisions, Indian tribes, and special districts.

Summary

In the 2007 legislative session, HB 2785 was passed, enacting several amendments to the Authority's statutes. In addition, a number of potential changes to the Authority's rules have been identified since the last rulemaking which will provide greater clarity and improve the effectiveness of the program. Additionally, the declining capacity of the program is making a method of evaluating and prioritizing financial assistance applications necessary.

Proposed Changes

Definitions:

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- Several definitions were previously defined in both rule and authorizing statutes. The proposed changes delete these definitions because they appear in § 41-1554 which is referred to in rules. This will eliminate the need to update rules each time that the definitions in statute are amended.
- New definitions were added in order to more accurately describe financial terms used throughout Articles 1 and 2 of Chapter 8.
- Some words were amended to reflect changes in the program's operating environment and changes being proposed to other Sections of the rules.

Application Process:

- The proposed changes clarify the process of opening new rounds of Technical Assistance and Financial Assistance. The proposed changes allow electronic notification of round openings. This will decrease the cost to the Authority, and increase the number of potential applicants who will be notified.
- A clarification was made to the acceptable forms of documentation allowed. Examples of acceptable documentation were added.
- The changes separate the Technical Assistance programs and identify a list of items that the Authority requests as part of an application.

Eligibility Criteria:

- In order to conform changes proposed in the Application Process section, the same changes were proposed to acceptable forms of documentation.
- A section on the applicant's responsibility to cover costs incurred by the Authority was proposed.

Priority; Approval and Disapproval; Appeal

- Ineffective criteria were removed and replaced with measurements that are more effective. Points are being proposed for the Financial Assistance rules (R20-8-204), enabling the prioritization of the loan applications. This has become increasingly necessary as the capacity of the program declines. The tables that previously outlined the prioritization in the Technical Assistance rules (R20-8-104) were deleted and incorporated into the narrative section to eliminate the chance of conflict within rules.
- The protest Sections of both Articles were amended to match state law.

7. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

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:

None

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

No adverse economic impact is expected. Municipalities and the state may benefit economically from proposed changes. Small businesses and individual consumers are not eligible for the program.

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

All changes were of a non-substantive nature. Examples include: conforming language to match other changes made in the rules, clarifying intent of existing and proposed rules, grammatical, oversight, and formatting.

- For example, the tables in Article 1 were to be repealed; however, reference was left in the text of R20-8-104. Since the proposed version, the reference has been proposed for deletion.
- The definition of "cash" was removed, because the standard dictionary definition is sufficient.
- "Managerial capacity" was deleted as a criterion for scoring. It was a conforming change to the other changes made to the rules.
- All numbers were deleted in definition Sections R20-8-101 and R20-8-201. The numbers were removed and the definitions alphabetized.
- The definition of "Economic overview" was deleted from R20-8-101, because all references to the term were proposed for deletion eliminating the need to define the word.
- In R20-8-203(8), a sentence regarding costs associated with an applicant's failure to expend money in a timely manner was deleted upon advice of GADA's bond counsel. Counsel indicated that the sentence was addressed in bond documents and agreements and was unnecessary in rule.

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11. A summary of the comments made regarding the rule and agency response to them:

Before publishing the proposed rules, GADA met informally with many of our stakeholders. We drafted the rules with their assistance. No public comment was received on any of the proposed rules.

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

None

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

None

14. Was the rule previously made as an emergency rule?

No

15. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 8. GREATER ARIZONA DEVELOPMENT AUTHORITY

ARTICLE 1. TECHNICAL ASSISTANCE

Section

- R20-8-101. Definitions
- R20-8-102. Application Process
- R20-8-103. Eligibility Criteria
- R20-8-104. Priority; Approval and Disapproval; ~~Protest~~ Appeal
- Table A. ~~Priority Criteria—Project Development Account~~ Repealed
- Table B. ~~Priority Criteria—Project Assistance Account~~ Repealed

ARTICLE 2. FINANCIAL ASSISTANCE

Section

- R20-8-201. Definitions
- R20-8-202. Application Process
- R20-8-203. Eligibility Criteria
- R20-8-204. Priority; Approval and Disapproval; Funding; ~~Protest~~ Appeal

ARTICLE 1. TECHNICAL ASSISTANCE

R20-8-101. Definitions

In addition to the definitions prescribed in A.R.S. § 41-1554, the following definitions apply in this Article:

“Administrative fee” means any and all costs or expenses associated with processing, preparing or executing a technical assistance application or related transaction, including costs and expenses associated with staff, the Board, professional services, service providers, vendors or other entities involved in the transaction.

- 1- “Administratively complete” means that an applicant has completed the application for technical assistance and provided all of the information and documents that staff determines ~~is~~ are applicable.
- 2- “Applicant” No change
- 3- “Authority” means the Greater Arizona Development Authority.
- 4- “Board” means the board of directors of the Authority or their designees.
- 5- “Economic impact summary” No change
- 6- “Economic overview” means an economic analysis that establishes the economic context for a project based on information provided by the applicant.
- 7- ~~“Infrastructure” means any facility located in this state for public use and owned by a political subdivision, special district or Indian tribe that retains ultimate responsibility for its operation and maintenance. A.R.S. § 41-1554(6).~~
- 8- “Project” No change
- 9- “Project Assistance Account” No change
- 10- “Project Development Account” No change
- 11- “Staff” means the Executive Director and ~~the Finance Director of the Authority~~ other employees of the Department of Commerce.

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12. "Technical assistance round" No change

13. ~~"Tribal subdivision" means any chapter, district or village that is recognized by an Indian tribe by resolution or through tribal constitution and that receives technical assistance. A.R.S. § 41-1554(14).~~

R20-8-102. Application Process

- A. The Board shall annually establish a due date by which applications for technical assistance from either the Project Development Account or the Project Assistance Account, or both accounts, shall be submitted for each technical assistance round, and the number of technical assistance rounds to be held in a given state fiscal year. To the extent it deems necessary, the Board may extend the due date by which applications for technical assistance are to be submitted.
- B. The Authority shall ~~send solicitation letters to~~ notify potential applicants in writing by electronic or other means of the due date for applications at least 60 days before applications are due. Other interested persons may submit requests to the Authority to be placed on a mailing notification list to be utilized by the Authority ~~in sending out solicitation letters~~.
- C. An applicant shall provide to the Authority by the established due date for applications on a form provided by the Authority ~~any of the following information that the staff determines is applicable:~~
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. A list of professional and outside service providers who have worked with the applicant on any part of the project; ~~or~~
 - 8. An indication of whether the application is for monies from the Project Development Account or the Project Assistance Account; and
 - 9. The amount of the applicant's cash contribution to the technical assistance project.
- D. In addition to the application required in subsection (C), an applicant shall provide to the Authority by the established due date for applications ~~any of the following information that the staff determines is applicable:~~
 - 1. An adopted ~~A~~ planning document specific to the locality of the project for which the technical assistance is being requested that includes the project, such as a capital improvement plan, local strategic plan, general plan, comprehensive plan or similar planning document or evidence that the project has been discussed in meetings or in study sessions of the governing body of the applicant;
 - 2. If the project is listed on the ~~project~~ priority list of the Water Infrastructure Finance Authority or on the Department of Transportation's Five-Year State Plan, a document evidencing this fact; and
 - 3. No change
 - a. No change
 - b. The estimated economic impact on the community; and
 - c. The commitment of a local funds, if applicable cash contribution; or
 - 4. No change
 - a. No change
 - b. No change
 - 5. The applicant's ~~most recent~~ financial statements for the most recent three years.
- E. No change

R20-8-103. Eligibility Criteria

Applicants for the Project Assistance Account must satisfy all of the requirements in A.R.S. § 41-1554.05 in addition to the items below. To be eligible to receive technical assistance, an applicant shall satisfy all of the following criteria:

- 1. No change
- 2. The technical assistance requested is for the development ~~or financing~~ of an infrastructure project;
- 3. No change
- 4. No change
- 5. The applicant provides evidence that the project is part of an adopted comprehensive plan, for example, a capital improvement plan, a local strategic plan, general plan, comprehensive plan or similar planning document or evidence that the project has been discussed in meetings or in study sessions of the governing body of the applicant;
- 6. No change
- 7. The applicant does not have an open award ~~agreement~~ for technical assistance ~~with from~~ the Authority; ~~and~~
- 8. The applicant is not requesting technical assistance for a project that has already received funds from the Financial Assistance Program; and
- 9. Applicants are responsible for the payment of all administrative fees and penalties associated with technical assistance. Administrative fees shall be paid on or before 90 days from the date on the Authority's invoice. Administrative fees remaining unpaid after 90 days from the date of the Authority's invoice shall be subject to penalties of 5 percent

per annum. Applicants with outstanding administrative fees or penalties are not eligible for technical or financial assistance.

R20-8-104. Priority; Approval and Disapproval; Protest Appeal

A. ~~The Authority shall request the Department of Commerce prepare an economic overview for each of the projects eligible for technical assistance that establishes the economic context for the project.~~

A. During each technical assistance round, the Board shall determine the order and priority of infrastructure projects, for both the Project Development Account and the Project Assistance Account, for which an eligible application for technical assistance has been received. ~~For the Project Development Account, the Board shall use a scale of 75 points maximum for all applications based on the criteria in Table A. For the Project Assistance Account, the Board shall use a scale consisting of 95 points maximum for tribal applications and a scale consisting of 100 points maximum for all other applications based on the criteria in Table B. Application scores shall then be prioritized based on a percentage of the points received to total points possible.~~

B. For the Project Development Account, the Board shall use a scale of 100 points maximum for all applications based on subsection (B)(1) and (2). The minimum number of points required to be eligible for consideration for award by the Board shall be 70 percent or 70 points. Applicants scoring less than 70 percent will be notified in writing by electronic or other means. A score of 70 percent or higher does not guarantee funding.

~~C.1.~~ Applications for monies from the Project Development Account ~~with tied scores shall be assigned points prioritized by comparing the scores that each application received in Table A~~ under the following categories in descending order of importance:

1. ~~Evidence of local support for the project;~~

a. Population as of the latest decennial census – only one of the following:

i. Cities or towns having a population up to and including 50,000 or counties having a population up to and including 200,000 - 30 points; or

ii. Tribes and special districts - 30 points; or

iii. Cities or towns having a population of more than 50,000 or counties having a population of more than 200,000 - 0 points.

2.b. Evidence of the project's impact on the community based on all of the following; and

i. The project addresses health, safety, and welfare issues - Up to 15 points; and

ii. The economic impact summary prepared by the applicant - Up to 10 points; and

iii. The applicant has not previously received funding from the Project Development Account within the past five years - 5 points.

c. Evidence of local support for the project based on the following:

i. The adopted planning document specific to the locality or evidence that the project has been discussed in meetings or in study sessions of the governing body of the applicant - Up to 15 points.

ii. The amount of the cash contribution provided by the applicant to the technical assistance project - Up to 10 points.

3.d. Evidence that financial and managerial capacity to operate and maintain the project will be researched and developed as part of the requested technical assistance - Up to 15 points.

~~D.2.~~ The prioritization using points assigned under subsection (C) (B)(1) is as follows:

1.a. ~~The tied application with the higher score under subsection (C)(1) (B)(1)(a) shall have priority over other applications;~~

2.b. ~~If the tied applications have the same score under subsection (C)(1) (B)(1)(a), the application with the higher score under subsection (C)(2) (B)(1)(b) shall have priority over the other applications;~~

3.c. ~~If the tied applications have the same score under subsections (C)(1) and (C)(2) (B)(1)(a) and (b), the application with the higher score under subsection (C)(3) (B)(1)(c) shall have priority over the other applications;~~

4.d. ~~If the tied applications have the same score under subsections (C)(1), (C)(2), and (C)(3) (B)(1)(a), (b), and (c), the Board shall determine the priority of the applications: the application with the higher score under subsection (B)(1)(d) shall have priority over the other applications; and~~

e. If tied applications have the same score under subsections (B)(1)(a), (b), (c), and (d), the Board shall determine the priority of the applications.

C. For the Project Assistance Account, the Board shall use a scale consisting of 95 points maximum for tribal applications and a scale consisting of 100 points maximum for all other applications based on subsections (C)(1) and (2) of this Section. The minimum number of points required to be eligible for consideration for award by the Board shall be 70 percent, or 70 points. Tribal applications must receive 66.5 points to be eligible for consideration for award. Applicants scoring less than 70 percent will be notified in writing by electronic or other means. A score of 70 percent or higher does not guarantee funding.

~~E.1.~~ Applications for monies from the Project Assistance Account ~~with tied scores shall be assigned points prioritized by comparing the scores that each application received in Table B~~ under the following categories in descending order of importance:

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- ~~1-a.~~ Evidence of local support for the project up to 35 points:
 - ~~i.~~ An adopted planning document specific to the locality or evidence that the project has been discussed in meetings or study sessions of the governing body of the applicant - Up to 15 points; and
 - ~~ii.~~ The project has public or private partnerships that provide financial or in-kind services - Up to 10 points; and
 - ~~iii.~~ The project has received a resolution of support from the governing body of the applicant - 5 points; and
 - ~~iv.~~ The project has received voter authorization. The Authority's statutes do not require tribal governments to obtain voter authorization for infrastructure projects. Therefore, technical assistance applications received from tribal governments will be based on an adjusted 95-point scale, as described in R20-8-104(C) - 5 points.
- ~~2.~~ Evidence of a permanent funding source for the project;
 - ~~b.~~ Evidence of the project's impact on the community based on all of the following - Up to 30 points:
 - ~~i.~~ The economic impact summary prepared by the applicant - Up to 15 points;
 - ~~ii.~~ The project addresses health, safety, and welfare issues - Up to 10 points; and
 - ~~iii.~~ The applicant has not previously received funding from the Project Assistance Account in the past five years - Up to 5 points.
- ~~3.~~ Evidence of the project's impact on the community; and
 - ~~c.~~ Evidence of a permanent funding source for the project - Up to 20 points:
 - ~~i.~~ The project is a likely candidate for a financial assistance loan from the authority - Up to 10 points; and
 - ~~ii.~~ A revenue stream has been identified to pay for the project - 5 points; and
 - ~~iii.~~ A funding source has been identified for the project - 5 points.
 - ~~4-d.~~ Evidence of sufficient financial and managerial capacity to operate and maintain the project - Up to 15 points.
- ~~F-2.~~ The prioritization using points assigned under subsection ~~(E)~~ (C)(1) is as follows:
 - ~~1-a.~~ The tied application with the higher score under subsection ~~(E)(1)~~ (C)(1)(a) shall have priority over other applications;
 - ~~2-b.~~ If the tied applications have the same score under subsection ~~(E)(1)~~ (C)(1)(a), the application with the higher score under subsection ~~(E)(2)~~ (C)(1)(b) shall have priority over the other applications;
 - ~~3-c.~~ If the tied applications have the same score under subsections ~~(E)(1)~~ and ~~(E)(2)~~ (C)(1)(a) and (b), the application with the higher score under subsection ~~(E)(3)~~ (C)(1)(c) shall have priority over the other applications;
 - ~~4-d.~~ If the tied applications have the same score under subsections ~~(E)(1)~~, ~~(E)(2)~~, and ~~(E)(3)~~ (C)(1)(a), (b), and (c), the application with the higher score under subsection ~~(E)(4)~~ (C)(1)(d) shall have priority over the other applications;
 - ~~5-e.~~ If the tied applications have the same score under subsections ~~(E)(1)~~, ~~(E)(2)~~, ~~(E)(3)~~, and ~~(E)(4)~~ (C)(1)(a), (b), (c), and (d), the Board shall determine the priority of the applications.
- ~~G-D.~~ The Board shall approve or disapprove each eligible application for technical assistance based upon the priority list and available funding for technical assistance. The Board shall not consider applications scoring less than 70 percent for either the Project Development Account or the Project Assistance Account. Applicants scoring less than 70 percent will be notified in writing by electronic or other means. A score of 70 percent does not guarantee funding. The Board may fund all or a portion of a technical assistance request.
- ~~H-E.~~ The Authority shall ~~mail~~ notify in writing by electronic or other means each applicant of the Board's ~~written~~ determination to each applicant within 90 days after the date that all applications for technical assistance are due.
- ~~I-F.~~ For each ~~approved~~ project approved for technical assistance funding, the Authority shall establish a date by which the commitment of the Authority to provide technical assistance expires. The Authority shall not provide technical assistance for an approved project scoring 70 percent or more if the applicant does not complete all agreements with the Authority on or before that date.
- ~~J-G.~~ The Authority shall bypass a project within a technical assistance round and offer funding to the next highest ranking project if the project is not ready to proceed within ~~the next 6-month period~~ six months after the award date.
- ~~K-H.~~ An applicant whose project for technical assistance is disapproved or determined to be ineligible may ~~file a protest with the Board as follows:~~ appeal. The Authority shall use the Uniform Administrative Hearing Procedures of A.R.S. Title 41, Chapter 6, Article 10, to govern the initiation and conduct of formal adjudicative proceedings before the Authority.
 - ~~1.~~ The applicant shall submit its reasons for protesting the decision of the Board, in writing, within 20 days of the date of the Board's written determination, in a letter addressed to the Chairperson of the Board, with a copy to the Executive Director of the Authority.
 - ~~2.~~ The Authority shall review the substance of the protest and respond, in writing, by mail, to the applicant, within 30 days. Staff shall distribute a copy of the response to the Board.
 - ~~3.~~ Upon receipt of the Authority's written response, the applicant may request an opportunity to make a direct presentation to the Board. Staff shall schedule the presentation for the next regular Board meeting.
 - ~~4.~~ Following the applicant's presentation, the Board shall decide whether to review the applicant's request for technical assistance. Within 30 days after the presentation, the Board shall, in writing, notify the applicant of its final decision regarding the applicant's request for technical assistance.

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Table A. Priority Criteria – Project Development Account Repealed

Priority Criteria – Project Development Account		Point Total
1. Evidence of local support for the project based on the following:		30 points
The project is included in the General Plan, Capital Improvement Plan, or other similar planning document of the applicant or has been discussed in meetings or study sessions of the applicant's governing board.	Up to 15 points	
The project has public/private partnerships that will provide financial or in-kind services.	Up to 10 points	
The project has received a resolution of support from the governing board of the applicant.	5 points	
2. Evidence of the project's impact on the community based on the following:		30 points
An economic impact summary as prepared and submitted by the applicant.	Up to 10 points	
The project addresses health, safety, and welfare issues.	Up to 10 points	
An economic overview prepared by the Department of Commerce.	Up to 5 points	
The applicant has not previously received funding from the GADA Technical Assistance Program.	5 points	
3. Evidence that information regarding financial and managerial capacity necessary to operate and maintain the project will be researched and developed as part of the requested technical assistance.	Up to 15 points	15 points
Maximum Point Total		75 points

Table B. Priority Criteria – Project Assistance Account Repealed

Priority Criteria – Project Assistance Account		Point Total
1. Evidence of local support for the project based on the following:		35 points
The project is included in the General Plan, Capital Improvement Plan, or other similar planning document of the applicant or has been discussed in meetings or study sessions of the applicant's governing board.	Up to 15 points	
The project has public/private partnerships that provide financial or in-kind services.	Up to 10 points	
The project has received a resolution of support from the governing board of the applicant.	5 points	
The project has received voter authorization.*	5 points	
2. Evidence of the project's impact on the community based on the following:		30 points
An economic impact summary as prepared and submitted by the applicant.	Up to 10 points	
The project addresses health, safety, and welfare issues.	Up to 10 points	
An economic overview prepared by the Department of Commerce	Up to 5 points	
The applicant has not previously received funding from the GADA Technical Assistance program.	5 points	
3. Evidence of a permanent funding source for the project:		20 points
The project is a likely candidate for a GADA Financial Assistance loan.	Up to 10 points	
A revenue stream has been identified to pay for the project.	5 points	
A funding source has been identified for the project.	5 points	
4. Evidence of sufficient financial and managerial capacity to operate and maintain the project.	Up to 15 points	15 points
Maximum Point Total		95/100 points

* State law does not require tribal governments to obtain voter authorization for infrastructure project; therefore, technical applications received from tribal governments will be based on an adjusted 95-point scale, as described in R20-8-104(B).

ARTICLE 2. FINANCIAL ASSISTANCE

R20-8-201. Definitions

In addition to the definitions prescribed in A.R.S. § 41-1554, the following definitions apply in this Article:

“A rating” means an applicant has been assigned a credit rating of A1, A2, or A3 by Moody’s or A+, A, or A- by Standard & Poor’s.

“Access to capital” means an applicant’s ability to obtain funding based on the security of the revenues to be pledged, the general financial condition of the applicant and other factors outside of the applicant’s control.

“Administrative fee” means any and all costs and expenses associated with processing, preparing or executing a financial assistance application or related bond transaction, including costs and expenses associated with staff, the Board, professional services, service providers, vendors or other entities involved in the transaction.

1- “Administratively complete” means that an applicant has completed the application for financial assistance and provided all of the information and documents that the staff determines is applicable.

2- “Applicant” No change

3- “Authority” means the Greater Arizona Development Authority.

4- “Board” means the board of directors of the Authority or their designees.

“Baa rating” means an applicant has been assigned a credit rating of Baa1, Baa2, or Baa3 by Moody’s.

“BBB rating” means an applicant has been assigned a credit rating of BBB+, BBB, or BBB- by Standard & Poor’s.

“Category I” means a rating indication assigned by Moody’s that applies to applicants that have credit ratings determined to fall into category of A3 or higher.

“Category II” means a rating indication assigned by Moody’s to applicants that have credit ratings determined to Baa3, Baa2, or Baa1.

“Coverage ratio” means the ratio produced by the fraction in which pledged revenues are the numerator and debt service is the denominator.

“Debt service” means annual principle and interest payments on all loans from the Authority plus any principle and interest payments on other debt secured with an equal pledge on the same revenues pledged to the Authority’s loans.

5- “Dedicated Revenue Source” No change

6- “Economic evaluation” means a detailed economic analysis based on public data and information provided by the applicant.

7- “Financial Assistance Round” No change

8- “Infrastructure” means any facility located in this state for public use and owned by a political subdivision, special district or Indian tribe that retains ultimate responsibility for its operation and maintenance. A.R.S. § 41-1554(6).

“General obligation” means a pledge by the applicant’s voters of the full faith and credit and unlimited taxing ability to secure a loan. The applicant must have the ability to levy and increase property taxes for payment of debt obligations.

“Moody’s” means Moody’s Investors Service, Inc., its successors and their assigns.

9- “Pledged revenues” means any monies to be received by a political subdivision, or special district, including property taxes, other local taxes, fees, assessments, or charges pledged by a political subdivision, or special district as a source for repayment of a loan repayment agreement.

10- “Project” No change

11- “Staff” means the Executive Director and the Finance Director of the Authority, other employees of the Department of Commerce.

“Standard & Poor’s” means Standard & Poor’s Ratings Service, its successors and their assigns.

R20-8-202. Application Process

A. ~~The Board shall annually establish a due date~~ due dates by which applications for financial assistance shall be submitted for each financial assistance round, and the number of financial assistance rounds to be held in a given state fiscal year. To the extent it deems necessary, the Board may extend the due date by which applications for financial assistance are to be submitted.

B. The Authority shall ~~send solicitation letters to~~ notify in writing by electronic or other means potential applicants of the due date for applications and of any limitation of the amount of funding available at least 60 days before applications are due. Other interested persons may submit requests to the Authority to be placed on a ~~mailing~~ notification list to be utilized by the Authority ~~in sending out solicitation letters~~.

C. An applicant shall provide to the Authority by the established due date for applications on a form provided by the Author-

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ity any of the following information that the staff determines is applicable:

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. No change
10. No change
11. No change
12. An estimated schedule of required disbursements of the financial assistance; ~~or~~ and
13. No change

D. In addition to the application and documentation required in subsection (C), an applicant shall provide to the Authority by the established due date for applications any of the following information that the staff determines is applicable:

1. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
3. No change
 - a. No change
 - b. No change
 - c. No change
4. No change
5. To the extent required under A.R.S. § 41-1554.06, for ~~For~~ a political subdivision, evidence of voter approval to incur debt in connection with the project:
 - a. No change
 - b. No change
6. No change
7. For an Indian tribe, evidence of the current or proposed establishment of a dedicated revenue source under the control of a tribally chartered corporation or other tribal entity subject to suit by the Attorney General, or evidence that additional ~~assets~~ funds or revenue streams that are subject to execution by the Attorney General without the waiver of any claim of sovereign immunity by the Tribe have been designated as additional security.

E. Staff shall analyze each application received on or prior to the due date for applications for financial assistance to determine whether the application is administratively complete and whether an applicant meets the eligibility criteria prescribed in R20-8-203. Applications for financial assistance that are determined to be both administratively complete and eligible for financial assistance under R20-8-203 shall be submitted to the Board for prioritization and possible funding. Applications that are either not administratively complete or do not meet the criteria in R20-8-203 shall not be submitted to the Board ~~with a recommendation that they be disapproved~~.

R20-8-203. Eligibility Criteria

To be eligible to receive financial assistance, an applicant shall satisfy all of the following criteria:

1. The applicant is ~~either~~ a political subdivision, special district, or Indian tribe;
2. No change
3. No change
4. No change
5. No change
6. No change
7. The applicant provides evidence that the project is part of an adopted comprehensive plan, for example, a capital improvement plan, local strategic plan, general plan, comprehensive plan or similar planning document; ~~and~~
- 8- ~~The applicant has the capacity to manage, construct, and operate the infrastructure project.~~
8. The applicant demonstrates that the loan proceeds will be managed and expended in accordance with the timetable set forth in the application;
9. The minimum number of points required to be eligible for consideration for funding by the Board shall be 70 percent or 70 points; and
10. Applicants are responsible for the payment of all administrative fees and penalties associated with financial assistance. Administrative fees shall be paid on or before 90 days from the date on the Authority's invoice. Administrative fees remaining unpaid after 90 days from the date on the Authority's invoice shall be subject to penalties of 5 percent

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per annum. Applicants with outstanding administrative fees or penalties are not eligible for financial or technical assistance.

R20-8-204. Priority; Approval and Disapproval; Funding; ~~Protest~~ Appeal

A. The Board shall ~~disapprove~~ not review an application for financial assistance ~~which~~ that does not meet the eligibility criteria in R20-8-203.

B. ~~The Authority shall request the Department of Commerce prepare an economic evaluation for each of the projects eligible for financial assistance that analyzes the benefits and costs of the project.~~

~~C.~~B. During each financial assistance round, the Board shall determine the order and priority of infrastructure projects for which an eligible application for financial assistance has been received, ~~based on the following factors listed below in order of importance. A project shall be given a higher priority to receive financial assistance for each of the following: Application scores shall be prioritized based on a percentage of the points received to total points possible. The minimum number of points required to be eligible for consideration for funding by the Board is 70 percent or 70 points. Applicants scoring less than 70 percent will be notified in writing by electronic or other means. A score of 70 percent does not guarantee funding. Applications for financial assistance shall be assigned points under the following categories in descending order of importance:~~

1. ~~The applicant demonstrates strong credit worthiness and ability to repay the obligation based on the source of the repayment pledge - Up to 50 points, for example, the applicant has a coverage ratio of at least 1 or a debt service reserve consisting of a set aside of 1 year of projected principal and interest payments;~~
 - a. ~~Category I, A, and general obligation pledges - Up to 50 points; or~~
 - b. ~~Category II, Baa, BBB, and previously unrated pledges with coverage ratios of 1.50 or higher - Up to 45 points; or~~
 - c. ~~Previously unrated pledges with coverage ratios less than 1.50 - Up to 35 points.~~
2. ~~The applicant demonstrates that it has little or no access to alternative funding sources that provide the same or lower interest rate access to capital as that provided by the Authority - Up to 25 points;~~
 - a. ~~No access to alternative funding sources - 25 points, or~~
 - b. ~~One alternative funding source - 15 points, or~~
 - c. ~~Two or more alternative funding sources - 5 points, or~~
 - d. ~~No alternative funding sources researched - 0 points.~~
3. ~~There is evidence of a high degree of certainty of the project's public support based on the adopted planning document specific to the locality or evidence that the project has been discussed in meetings or in study sessions of the governing body of the applicant - Up to 15 points, economic benefits based on 1 or more of the following:~~
 - a. ~~The economic evaluation prepared by the Department of Commerce;~~
 - b. ~~Partnerships, to the extent that they exist, both public and private, providing financial and in-kind services, in support of the project; or~~
 - e. ~~The public support; or~~
4. ~~The purpose of the project is for 1 or more of the following:~~
 - a. ~~Public health or safety reasons;~~
 - b. ~~Current identified infrastructure needs; or~~
 - e. ~~Future identified infrastructure needs.~~
 - a. ~~Public infrastructure or economic development - Up to 10 points, or~~
 - b. ~~Refinancing of public infrastructure debt - Up to 5 points.~~

~~D.~~C. The Board shall approve or disapprove each application for financial assistance based upon the priority list and available funding for financial assistance. The Board may fund all or a portion of a financial assistance request. Disbursement of funds to an approved applicant shall only occur upon the applicant's agreement with the terms and conditions established by the Board in accordance with A.R.S. § 41-1554.06. The prioritization using points assigned under subsection (B) is as follows:

1. The tied application with the higher score under subsection (B)(1) shall have priority over other applications;
2. If the tied applications have the same score under subsection (B)(1) the application with the higher score under subsection (B)(2) shall have priority over the other applications;
3. If the tied applications have the same score under subsections (B)(1) and (2) the application with the higher score under subsection (B)(3) shall have priority over the other applications;
4. If the tied applications have the same score under subsections (B)(1), (2), and (3), the application with the higher score under subsection (B)(4) shall have priority over the other applications;
5. If the tied applications have the same score under subsections (B)(1), (2), (3), and (4), the Board shall determine the priority of the applications.

~~F.~~D. The Authority shall ~~mail~~ notify in writing by electronic or other means each applicant of the Board's ~~written~~ determination to each applicant within 90 days after the date that all applications for financial assistance were due.

~~F.~~E. No change

~~G.~~E. An applicant whose project for financial assistance is disapproved or determined to be ineligible may appeal. The Author-

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ity shall use the Uniform Administrative Hearings Procedures of A.R.S. Title 41, Chapter 6, Article 10 to govern the initiation and conduct of formal adjudicative proceedings before the Authority. file a protest with the Board as follows:

1. ~~The applicant shall submit its reasons for protesting the decision of the Board, in writing, within 20 days of the date of the Board's written determination, in a letter addressed to the Chairperson of the Board, with a copy to the Executive Director of the Authority.~~
2. ~~The Authority shall review the substance of the protest and respond, in writing, by mail, to the applicant, within 30 days. Staff shall distribute a copy of the response to the Board.~~
3. ~~Upon receipt of the Authority's written response, the applicant may request an opportunity to make a direct presentation to the Board. Staff shall schedule the presentation for the next regular Board meeting.~~
4. ~~Following the applicant's presentation, the Board shall decide whether to review the applicant's request for financial assistance. Within 30 days after the presentation, the Board shall, in writing, notify the applicant of its final decision regarding the applicant's request for financial assistance.~~