

NOTICES OF RULEMAKING DOCKET OPENING

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

NOTICE OF RULEMAKING DOCKET OPENING GOVERNOR'S REGULATORY REVIEW COUNCIL

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1508.) The Governor's Office authorized the notice to proceed through the rulemaking process on June 4, 2012.

[R12-110]

- 1. Title and its heading:** 1, Rules and the Rulemaking Process
Chapter and its heading: 6, Governor's Regulatory Review Council
Article and its heading: 1, Rules of Procedure; 2, Delegation Agreements; 3, Agency Practice or Substantive Policy Statements; 4, Appeals of Economic, Small Business, and Consumer Impact Statements; 5, Early Review Petition

Section numbers: R1-6-101 through R1-6-115, R1-6-201, R1-6-301, R1-6-302, R1-6-401, R1-6-501 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The Governor's Regulatory Review Council (Council) will be updating its rules to implement statutory changes made to the Administrative Procedure Act by Laws 2012, Ch. 352 (House Bill 2744), such as new petitions for review and new expedited rulemaking procedures.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Scott Cooley
Address: 100 N. 15th Ave., Suite 402
Phoenix, AZ 85007
Telephone: (602) 542-2015
Fax: (602) 542-1486
E-mail: scott.cooley@azdoa.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments may be submitted by using the address listed in item 4 until the close of record, which has not yet been determined. The Council has not scheduled any oral proceedings at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
It is expected that this rulemaking will be completed in 2012.

NOTICE OF RULEMAKING DOCKET OPENING DEPARTMENT OF ADMINISTRATION FINANCE DIVISION, PURCHASING OFFICE

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1508.) The Governor's Office authorized the notice to proceed through the rulemaking process on May 8, 2012.

[R12-109]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 7, Department of Administration – Finance Division, Purchasing Office
Article and its heading: 1, General Provisions; 3, Source Selection and Contract Formation, Part B, Competitive Sealed Bidding, Part C, Competitive Sealed Proposals, Part D, Procurements Not Exceeding the Amount Prescribed in A.R.S. § 41-2535, Part E, Limited Competition for Procurements Exceeding the

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Amount Prescribed in A.R.S. § 41-2535, Part F, Competitive Selection Process for Services of Clergy, Physicians, Dentists, Legal Counsel, or Certified Public Accountants, Part G, Other Source Selection; 4, Specifications; 5, Procurement of Construction and Specified Professional Services; 6, Contract Clauses; 9, Legal and Contractual Remedies, Part A, Protest of Solicitations and Contract Awards; 13, Online Bidding R2-7-101, R2-7-B309, R2-7-C309, R2-7-C311, R2-7-C314, R2-7-C315, R2-7-C316, R2-7-D303, R2-7-E301, R2-7-E-303, R2-7-F307, R2-7-G301, R2-7-404, R2-7-501, R2-7-503, R2-7-504, R2-7-505, R2-7-511, R2-7-607, R2-7-608, R2-7-A902, R2-7-A908 and R2-7-1301 (Sections may be added, deleted or modified as necessary.)

Section numbers:

2. The subject matter of the proposed rule:

The purpose of this rulemaking is to address the issues identified in the previous five-year review report approved by the Governor’s Regulatory Review Council in 2010. Other changes may be made to improve processes. Additionally, the rulemaking will update the rules and bring them into conformance with current practice. Subject matter of these rules is the procurement and management of all materials, services and construction for the state of Arizona. The statutes and the rules are based on the American Bar Association Model Procurement Code and are commonly referred to as the “Arizona Procurement Code.”

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

None

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

Name: Jean Clark, State Procurement Administrator
Address: Arizona Department of Administration – State Procurement Office
100 N. 15th Ave., Suite 201
Phoenix, AZ 85007
Telephone: (602) 542-9136
Fax: (602) 542-5508
E-mail: Jean.Clark@azdoa.gov
or
Name: Rob Smook, ADOA Rules Administrator
Address: Arizona Department of Administration – Fleet Management Office
1501 W. Madison St.
Phoenix, AZ 85007
Telephone: (602) 542-6161
Fax: (602) 542-3125
E-mail: Robert.smook@azdoa.gov

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

Written comments will be accepted Monday through Friday from 8:00 a.m. and 5:00 p.m. at the locations listed above. The schedule for oral proceedings is to be determined and will be published in a future issue of the *Register*.

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

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
MEDICARE COST SHARING PROGRAM**

Editor’s Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1508.) The Governor’s Office authorized the notice to proceed through the rulemaking process on May 24, 2012.

[R12-104]

1. Title and its heading:

9, Health Services

Chapter and its heading:

29, Arizona Health Care Cost Containment System – Medicare Cost Sharing Program

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Article and its heading:

1, Definitions, 2, Eligibility, 3, Benefits and Services, 4, Contractor, Provider, and Noncontracting Provider Requirements, 5, Grievance and Appeal Process, 6, First- and Third-party Liability and Recoveries
R9-29-101, R9-29-102, R9-29-201 through R9-29-224, R9-29-301 through R9-29-304, R9-29-401, R9-29-501, R9-29-503 and R9-29-601
(Sections may be added, deleted, or modified as necessary.)

Section numbers:

2. The subject matter of the proposed rule:

The AHCCCS Administration is initiating this rulemaking for purposes of amending its existing rules that define the scope of benefits for persons eligible for both Medicaid and Medicare. In general, the Medicare program has primary responsibility for the cost of care for these individuals, and Medicaid (that is, AHCCCS) is responsible for paying for the cost of Medicare Part B premiums, and/or Medicare coinsurance, copayments, and deductibles depending on the extent of the individual's entitlement under the Medicaid program to "Medicare Cost Sharing."

AHCCCS has implemented several significant statutory and regulatory changes to benefits, such as limitations of Inpatient hospital days for adults. With respect to persons eligible for Medicare Cost Sharing, AHCCCS is responsible in many instances for the cost of services that have been excluded or limited by AHCCCS but are still covered by Medicare. In light of the recent changes in AHCCCS benefits, there is a heightened need to ensure that the Medicare Cost Sharing rules clearly identify the rights of persons eligible for MCS and the extent of AHCCCS' responsibility for payment for services. In addition, the Administration intends to update Medicare Cost-Sharing regulations with any necessary technical changes to ensure clarity and conciseness of the rule.

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

Notice of Proposed Rulemaking: 18 A.A.R. 1438, June 29, 2012 (*in this issue*)

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

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson St., Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

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

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item 4. Public hearings will be scheduled later to provide a forum for testimony with interested parties. E-mail comments will be accepted.

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

Notice of Proposed Rulemaking: 18 A.A.R. 1438, June 29, 2012 (*in this issue*)