
NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

REGISTRAR OF CONTRACTORS

[R15-157]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 9, Registrar of Contractors
Section numbers: R4-9-102 (*Sections may be added, deleted or modified, as necessary.*)
2. **The subject matter of the proposed rule:**
This docket opening is being prepared to increase the dollar limit for projects for a contracting license classification to ensure licensees are able to contract for work envisioned by the construction industry and the Agency. This rulemaking docket opening is being submitted following the Agency's September 30, 2015 receipt of approval for a rulemaking exemption from the Governor's Office.

The Agency will propose to increase the dollar limit for the B-2 General Small Commercial Contractor contracting license classification projects to not exceed \$2,000,000.00. The limit is currently \$750,000.00.
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: Jim Knupp, Legislative Liaison
Address: Arizona Registrar of Contractors
1700 W. Washington St., Ste. 105
Phoenix, AZ 85007
Telephone: (602) 771-6710
E-mail: jim.knupp@azroc.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Agency will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. E-mail comments will be accepted. The agency does not intend to hold public hearings on this rule, unless a public hearing is requested within 30-days of the publication of this rule.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
Not applicable



NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES HEALTH CARE INSTITUTIONS: LICENSING

[R15-147]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 10, Department of Health Services - Health Care Institutions:
Licensing
- Articles and their headings:** 1, General
- Section numbers:** R9-10-119 (*The Department may add, delete, or modify other Sections, as necessary.*)

2. The subject matter of the proposed rules:

When the Arizona Department of Health Services (Department) became aware of the potential sale of aborted fetal tissue by Arizona health care institutions where abortions are performed, the Department initiated emergency rulemaking after receiving an exception from the Governor's rulemaking moratorium, established by Executive Order 2015-01. Through this emergency rulemaking, the Department clarified, in the health care institution licensing rules in 9 A.A.C. 10, the abortion reporting requirements in A.R.S. § 36-2161. The Department also added a requirement for a licensed health care institution where abortions are performed to include information on the final disposition of the fetal tissue, the person or persons taking custody of the fetal tissue, the amount of any compensation received by the licensed health care institution for the fetal tissue, and whether a patient has provided informed consent for the transfer of custody of the fetal tissue, consistent with 42 U.S.C. §§ 289g-1 and 289g-2. An exception was made in the abortion reporting rule for a transfer of custody to a funeral establishment or a crematory for final disposition. The Notice of Emergency Rulemaking was filed with the Office of the Secretary of State on August 14, 2015. To prevent the expiration of the rule established through emergency rulemaking, the Department has requested and received another exception from the Governor's rulemaking moratorium and is initiating a regular rulemaking.

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

Notice of Emergency Rulemaking: 21 A.A.R. 1787, September 4, 2015

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

Name: Colby Bower, Assistant Director
Address: Department of Health Services
Public Health Licensing Services
150 N. 18th Ave., Suite 510
Phoenix, AZ 85007

Telephone: (602) 542-6383
Fax: (602) 364-4808
E-mail: Colby.Bower@azdhs.gov
or

Name: Robert Lane, Interim Manager
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams St., Suite 203
Phoenix, AZ 85007

Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.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 at the addresses listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

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

To be announced in the Notice of Proposed Rulemaking



NOTICE OF RULEMAKING DOCKET OPENING

[R15-145]

INDUSTRIAL COMMISSION OF ARIZONA

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
- Chapter and its heading:** 5, Industrial Commission of Arizona
- Article and its heading:** 6, Occupational Safety and Health Standards
- Section numbers:** R20-5-601 and R20-5-602 (*Additional Sections may be made, amended, or repealed as needed.*)

2. The subject matter of the proposed rule:

The Arizona Division of Occupational Safety and Health (ADOSH), part of the Industrial Commission of Arizona, is amending A.A.C. R20-5-601 and 602 to incorporate by reference amendments from 29 CFR 1926 and 29 CFR 1910, as published in the *Federal Register*.

The amendments apply to updating Occupational Safety and Health standards for Head Protection as published in the *Federal Register* at 77 FR 37587-37600, June 22, 2012; to cranes and derricks in construction in 29 CFR 1926, as published in the *Federal Register* at 78 FR 23837-23843, April 23, 2013, and at 78 FR 32110-32116, May 29, 2013; and to electric power generation, transmission, and distribution in both construction and general industry in 29 CFR 1926 and 29 CFR 1910, as published in the *Federal Register* at 79 FR 20315-20743, April 11, 2014. Exemptions from Executive Order 2015-01 were provided for this rulemaking by Ted Vogt, Chief of Operations in the Office of the Arizona Governor, in e-mails dated June 26, 2015 and February 12, 2015.

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

Notice of Proposed Rulemaking: 21 A.A.R. 2445 October 23, 2015 (*in this issue*).

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

Name: Larry Gast, ADOSH Assistant Director

Address: Industrial Commission of Arizona
 Division of Occupational Safety and Health
 800 W. Washington St., Suite 203
 Phoenix, AZ. 85007

Telephone: (602) 542-1695

Fax: (602) 542-1614

E-mail: Larry.Gast@azdosh.gov

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

The Industrial Commission will accept written comments during a public comment period that is noticed in the Notice of Proposed Rulemaking. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking in this issue of the *Register*.

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

See the Notice of Proposed Rulemaking on page 2445 of this issue.

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

[R15-146]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
- Chapter and its heading:** 5, Industrial Commission of Arizona
- Article and its heading:** 13, Medical Treatment Guidelines
- Section numbers:** R20-5-1301 through R20-5-1314 (*Sections may be added, deleted, or modified as necessary.*)

2. The subject matter of the proposed rule:

The Industrial Commission is required, under A.R.S. § 23-1062.03, to develop and implement a process for the use of evidence based medical treatment guidelines, where appropriate, to treat injured workers within the context of Arizona’s workers’ compensation system. The Commission is making rules to implement that process.

**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: Valli Goss, Assistant Chief Counsel

Address: Industrial Commission of Arizona
800 W. Washington St., Suite 303
Phoenix, AZ 85007

Telephone: (602) 542-5948

Fax: (602) 542-6783

E-mail: valli.goss@azica.gov

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

The Industrial Commission will accept written comments during a public comment period that will be noticed in the Notice of Proposed Rulemaking. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined.