



NOTICES OF FINAL RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated the rules. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING

[R16-97]

PREAMBLE

<u>I. Articles, Parts, and Sections Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 1	Repeal
R9-26-101	Renumber
R9-26-201	Renumber
R9-26-201	Amend
R9-26-202	Renumber
R9-26-202	Amend
R9-26-203	Renumber
R9-26-203	Amend
R9-26-204	Renumber
R9-26-204	Amend
R9-26-205	Renumber
R9-26-205	Amend
R9-26-206	Renumber
R9-26-207	Renumber
R9-26-207	New Section
R9-26-301	Repeal
R9-26-301	Renumber
R9-26-301	Amend
R9-26-302	Repeal
R9-26-302	Renumber
R9-26-303	Repeal
R9-26-303	Renumber
R9-26-303	Amend
R9-26-304	Renumber
R9-26-304	Amend
R9-26-501	Amend
R9-26-502	Amend
R9-26-503	Amend
R9-26-504	Amend
R9-26-505	Amend
R9-26-506	Amend
R9-26-507	Amend
R9-26-508	Amend
R9-26-509	Amend
R9-26-510	Amend
R9-26-511	Repeal
R9-26-511	New Section
R9-26-512	Amend



R9-26-515	Renumber
R9-26-515	New Section
R9-26-516	Renumber
R9-26-517	Amend
R9-26-518	Amend

- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 36-1946(1), (2), and (3)
 Implementing statute: A.R.S. §§ 36-1947, 36-1971, 36-1973, 36-1974, 36-1975 and 36-1976
- 3. The effective date for the rules:**
 August 15, 2016
- a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable
- b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
 Not applicable
- 4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Rulemaking Docket Opening: 21 A.A.R. 1493, August 7, 2015
 Notice of Public Information: 21 A.A.R. 1498, August 7, 2015
 Notice of Proposed Rulemaking: 22 A.A.R. 177, February 5, 2016
- 5. The agency's contact person who can answer questions about the rulemaking:**
 Name: Carmen Green, Deputy Director
 Address: Commission for the Deaf and the Hard of Hearing
 100 N. 15th Ave., Suite 104
 Phoenix, AZ 85007
 Telephone: (602) 542-3362
 Fax: (602) 542-3380
 E-mail: C.green@acdhh.az.gov
- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 The Commission is completing a rulemaking that was interrupted in 2009 by successive rulemaking moratoriums. The rulemaking also makes changes that result from eight years' experience using its licensing rules. The Commission is also addressing issues identified in the Commission's five-year-review report approved by Council on November 6, 2012.
 As of June 30, 2005, the National Association of the Deaf stopped giving certification examinations. Certifications issued by NAD before June 30, 2005, remain valid but it currently is not possible to be certified by NAD. Additionally, as of January 1, 2016, the Registry of Interpreters for the Deaf has imposed a moratorium on providing certification examinations. Although certifications issued by RID before January 1, 2016, remain valid, it currently is not possible to be certified by RID. The Commission is adding the Board for Evaluation of Interpreters as an acceptable certifying entity.
 An exemption from Executive Order 2015-01 was provided to the Commission by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated June 26, 2015. An exemption from Executive Order 2016-03 was provided to the Commission by Christina Corieri, Policy Advisor for Health and Human Services in the Governor's office, in an e-mail dated May 20, 2016.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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:**
 The Commission did not review or rely on any study in its evaluation of or justification for any rule in this rulemaking.
- 8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
 Not applicable



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

Most of the changes made in this rulemaking will have minimal economic impact. The Commission believes the following will have minimal economic impact:

- Using the date of license issuance rather than the licensee’s birthday as the start of the licensee’s license year;
- Adding the BEI as an acceptable certifying entity;
- Eliminating Class B as a category of legal interpreters. There currently are no Class B legal interpreters;
- Providing standards for video remote interpreting; and
- Requiring licensees to have while working an identification badge provided by the Commission and to present the badge on request; and
- Except for provisional licensees, relying on the certifying entity to monitor compliance with continuing education.

The Commission believes the following changes will have some economic impact:

- Requiring Class A legal interpreters who do not have a legal certification from RID to obtain legal certification from an acceptable certifying entity within five years;
- Increasing the hours of required paid interpreting from 25 to 500 for Class D legal interpreters;
- Increasing the hours of required legal training from 24 to 50 for Class C and D legal interpreters;
- Limiting the number of short-term registrations to two during an interpreter’s lifetime;
- Clarifying that, like a licensee, a short-term registrant is required to be certified;
- Limiting a generalist interpreter to working in a legal setting only when appointed by a judge;
- Increasing the time an interpreter may work under a provisional license from three to five years; and
- Requiring a provisional licensee to submit evidence of compliance with the CE requirement at the time of annual license renewal rather than using compliance audits.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

In addition to the changes described in item 11, none of which is substantial, the Commission made the following changes:

R9-26-501: Indicated the CDI is a certification issued by BEI as well as RID and added a definition of “Level III, IV, and V.”

R9-26-503(2)(a): Added BEI Levels III, IV, and V as acceptable certifications.

R9-26-503(2)(b): Added BEI CDI as acceptable certification.

R9-26-504(A)(1)(b): Added BEI Levels IV and V as acceptable certifications.

R9-26-504(A)(1)(c): Added BEI Levels III, IV, and CDI as acceptable certifications.

At the informal meetings held with stakeholders during the process of preparing the proposed rules, the Commission indicated that because neither NAD nor RID currently offers certification examinations, the Commission was adding BEI as an acceptable certifying entity and would recognize certifications issued by BEI. This decision was highly supported by stakeholders who were concerned about their ability to obtain certification.

When a certifying entity changes its certification examination, it generally changes the names attached to the certifications. In this way, it is possible to determine from the certification held which examination a certificate holder took. Certifications obtained by taking a previous iteration of an examination remain valid after a new examination is placed in use. When the Commission added BEI and its certifications to the rules, it inadvertently omitted the names of the certifications issued under a previous iteration of the BEI examination. This change clarifies that BEI certifications obtained by taking the previous iteration of the examination are acceptable to the Commission.

Under A.R.S. § 41-1025(B), this change is not substantial because:

All BEI certificate holders understood the proposed rule affected their interest. Because the particular iteration of examination taken and the name attached to the certificate does not affect the validity of a BEI-issued certification, all BEI certificate holders understood the Commission was accepting BEI certification for licensure purposes.

The subject matter of the proposed and final rules is the same. Both address that BEI certification is acceptable to the Commission for licensure purposes.

The effect of the proposed and final rules is the same. BEI certification is acceptable to the Commission for licensure purposes.

Other non-substantive changes include:

R9-26-503(2)(a) through (c): The phrase “or other certification deemed appropriate by the Commission” was added at the end of each subsection and then deleted from subsection (2)(d);



R9-26-504(A)(1)(c): The phrase “or other certification deemed appropriate by the Commission” was added at the end of the subsection because it had been inadvertently omitted; and

R9-26-511(A): The word “only” was moved to follow “VRI.” This eliminates duplication between subsections (A) and (C) and clarifies that the Commission has authority to authorize licensees to provide VRI only to individuals located in Arizona.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

Before publishing the Notice of Proposed Rulemaking, the Commission held a series of four informal meetings at which interested persons were invited to comment on the proposed rules, which were posted on the Commission’s web site. The meetings were held throughout the state and attended by approximately 100 persons. Many excellent questions were asked and comments made. As a result, the proposed rules were changed to the form published.

Six individuals attended an oral proceeding held on March 17, 2016. Written comments regarding the proposed rules were submitted by Raymond Baesler, LaDonna Gabrielson, Jasmine Marin, SueAnne McCreery, Michelle Mire, Corinna Moore, Darlene Paul, Julie Roles, Deb Stone, and Cindy Volk. The comments and the Commission’s analysis and response follow:

COMMENT	ANALYSIS	RESPONSE
R9-26-501: Class A Legal Interpreter—change the wording to “...a legal interpreter who provides interpreting in all proceedings of an Arizona court of law or any other legal environment...?”	The suggested language is not accurate. Statute specifies the circumstances requiring a legal interpreter. The cross reference to statute ensures the definition is accurate.	No change
R9-26-501: The date by which all Class A Legal interpreters must have the required specialist certification should be changed to January 1, 2020, rather than January 1, 2021, to align with the credentialing deadline for interpreters issued by the Arizona Supreme Court.	The Class A Legal interpreters to whom the new certification requirement applies are already credentialed, as required by the Arizona Supreme Court. Reducing the amount of time to meet the new certification requirement would impose an unnecessary burden on current Class A Legal interpreters.	No change
R9-26-501: Legal training—change the wording to “...such as, but not limited to...” to clarify the included list is not all encompassing.	The phrase “such as” indicates the list is an example of accepted trainings but is not all encompassing. The phrase “but not limited to” is redundant and unnecessary.	No change
R9-26-501: Platform or performance setting—remove “involving a raised surface” because not all performance interpreting involves a raised surface.	The comment is correct.	The definition was amended.
R9-26-501: Class B Provisional interpreter—replace “except in medical, mental health, platform or performance, or legal setting” with “in limited settings. Rewrite the second sentence “A Class B provisional interpreter may only provide interpreting services ... when working as part of a team...”	The phrase “in limited settings” is vague and not clearly enforceable. In the second sentence, the adverb “only” is correctly placed. The suggested rewrite changes the meaning.	No change
R9-26-501: A provisional B licensee should be able to provide interpreting in a medical setting including an intake in a mental health setting.	Medical and mental health settings require specialized interpreting skills. It is necessary for an interpreter to obtain the necessary skills, verified through certification, before working in a medical or mental health setting. This requirement was added based on feedback from the community and the desire to protect the public from unqualified interpreters working in situations with potentially serious consequences.	No change
R9-26-503: Is it accurate that the Commission will now accept BEI certification for a Generalist Interpreter License?	Yes. The Commission will also accept certain BEI certifications for licensure as a legal interpreter.	No change
R9-26-504(A)(1)(a): Is it accurate that Legal Class A requires a SC:L or BEI Legal certification?	The subsection indicates that another legal specialist certification deemed appropriate by the Commission is acceptable. At the moment, no other legal specialist certification is deemed appropriate but the Commission is open to learning of one.	No change



R9-26-504(A)(1)(b): Do not remove the Legal B category. Instead, clarify its purpose.	The original purpose of the Legal B category was to allow an interpreter working towards a specialization in legal interpreting to work in “quasi-legal” settings. However, the Commission does not have statutory authority to define any setting as “legal” or “quasi-legal” that is not listed in A.R.S. § 12-242. Because of this, it was apparent that the Legal B category had no purpose that was not being met by the Legal C category.	No change
R9-26-504(A)(1)(b): Is it accurate that Legal Class C can only work when teamed with a Legal Class A?	This is accurate when the Legal Class C interpreter is working in a legal setting. A Legal Class C interpreter may work independently in a setting that does not require legal specialist certification.	No change
Does the Commission intend to include the Medical Certificate offered by BEI?	BEI does not yet offer a medical certification. Additionally, a medical certification is a specialty certification so anyone who obtains it will already have another certification and be qualified for licensure by the Commission. As written, the Commission’s rule provides flexibility so when BEI offers medical certification, the Commission could accept it even though statute does not specify the Commission is to provide a medical specialty license.	No change
Because the BEI written test includes no ethics portion, does the Commission intend to require an ethics workshop for applicants who have passed only the BEI written test?	No. The Commission requires an interpreter to have 40 to 80 hours of interpreter education and training before applying for a provisional license. The Commission believes the existing requirement is sufficient.	No change
BEI requires only an associate’s degree or equivalent hours to take the written test. The Commission needs to require proof of a bachelor’s degree for licensure.	The Commission believes requiring a Bachelor’s degree for licensure would substantially and unnecessarily limit the pool of qualified interpreters who are certified and have been working in the field for many years. Additionally, the Commission knows of no empirical evidence that validates the need for a Bachelor’s degree to interpret effectively.	No change
The BEI examination tests skill in transliterating. People need to be aware of and prepare for this portion of the examination.	A comprehensive study guide created by the developers of the BEI examination is available online. Interpreters will be able to access information regarding the examination and training opportunities to prepare for the examination.	No change
R9-26-505(A)(1): Add programs and training approved by NAD and BEI. If we accept their certifications, we should also accept the trainings they offer.	The Commission agrees.	The phrase “NAD, or BEI” was added at the end of the subsection.
R9-26-505(B)(1)(c): Require mentors to provide written feedback to the Provisional B interpreter.	The Commission does not want to micro-manage the mentoring relationship. A mentor/mentee may choose to discuss the work immediately after the fact or communicate about it later. If they discuss the work, it is the mentee’s responsibility to create a record of the feedback.	No change
R9-26-505(B)(2)(a) and (B)(3)(a) through (c): Combine these subsections.	R9-26-505(B)(2) refers to requirements for team interpreting. R9-26-505(B)(3) refers to requirements for mentoring. These are two very different issues. Combining the subsections would cause confusion.	No change
R9-26-506: Two short-term registrations in a lifetime really locks us in. A different term such as two short-term registrations every five years would be better.	The Commission believes interpreters who work regularly in Arizona should apply for and maintain a license.	No change



R9-26-506(A) and (B): Switch the order of these subsections so it is clear certification is required before applying for a short-term registration.	The order of the subsections is the same as used in all other Sections dealing with applications.	No change
R9-26-506(A)(4) and (A)(5): Combine these subsections into one.	Current rule-writing standards require that a list of more than three items be set out in different subsections. By itself, subsection (A)(5) contains three items. Therefore, it cannot be combined with another subsection.	No change
R9-26-506(E): Clarify the time frame for issuing two short-term registrations	The implied time frame is the interpreter's lifetime. Clarification was added.	The phrase "in the interpreter's lifetime" was added at the end of the subsection.
R9-26-506(E): Allow out-of-state interpreters to obtain an unlimited number of 20-day registrations. Apply the limit of two short-term registrations only to in-state interpreters.	The limitation was based on comments at public meetings by interpreters and members of the deaf community who were concerned the short-term registration was being used by interpreters wanting to avoid or not qualified for licensure. The Commission is concerned about all interpreters, regardless of location, who repeatedly provide interpreting services in Arizona without being licensed.	No change
R9-26-507(A)(1)(g): To protect stakeholders, the Commission should request information regarding disciplinary action within the last five years rather than the last year.	Applicants are asked about their entire history at the time of initial license application so the Commission has information greater than the last five years on record. At the time of annual renewal, a licensee submits information regarding the previous year only because that is the only information the Commission will not already have on file.	No change
R9-26-507(A)(1)(h): To protect stakeholders, the Commission should request information regarding license denial within the last five years rather than the last year.	See response re R9-26-507(A)(1)(g).	No change
R9-26-507(A)(1)(i): To protect stakeholders, the Commission should request information regarding felony offenses within the last five years rather than the last year.	See response re R9-26-507(A)(1)(g).	No change
R9-26-507(A)(1)(j): To protect stakeholders, the Commission should request information regarding being adjudicated insane or incompetent within the last five years rather than the last year.	See response re R9-26-507(A)(1)(g).	No change
R9-26-507(A)(1)(j): An interpreter who has ever been adjudicated insane or incompetent should not be granted a license due to ethical concerns.	The ethical concern at issue in this comment is violation of the Americans with Disabilities Act. The issue regarding any applicant is whether the applicant is able to provide interpreting competently and safely.	No change
R9-26-507(B)(3)(f)(i): By combining R9-26-505(B)(2)(a) and (B)(3)(a) through (c), the Commission would be required to list only one letter under R2-26-(B)(3)(f)(i).	The Commission already explained why this combination cannot be done.	No change
R9-26-507(B)(3)(f)(ii): Change the requirement to upgrade from a Provisional C to a Provisional B from 500 hours to 1,500 hours to protect the public by ensuring the interpreter has sufficient experience.	First, a Provisional C interpreter is eligible to upgrade to Provisional B only at the time of license renewal, which means the Provisional C has been licensed at least one year. Second, the Provisional C is required to gain the 500 hours of experience while teamed with a certified licensed interpreter. The Commission believes this is sufficient to protect the public. Furthermore, increasing the amount of experience required would create an insurmountable barrier for many interpreters, especially those working in rural areas who have limited opportunity to team with a certified licensed interpreter.	No change



R9-26-507(B)(5): Does this new provision mean that an individual whose provisional license lapsed because the individual did not pass the NIC can apply for a provisional license if the individual did not hold the lapsed provisional license for five years?	Yes. An interpreter may hold a provisional license for five years. The five years may or may not be consecutive.	No change
R9-26-507(B)(5): Allow an interpreter to hold a provisional license for any length of time as long as the interpreter remains eligible by the examination authority to take a certification examination.	This suggestion has been extensively discussed at public meetings and is overwhelmingly opposed by both interpreters and members of the deaf community. Allowing an individual to work under a provisional license for an unlimited amount of time is inconsistent with the legislative intent for requiring licensure, which is to protect the public by upholding higher standards for interpreters. Under this rulemaking, the amount of time for working under a provisional license is increased from three to five years. The Commission believes this is a generous amount of time in which to expect a licensee to obtain certification for a general license.	No change
R9-26-510(A)(1) through (3): The wording is vague; there is no mention of legal training required for certification; and there is no mention of the certification cycle.	The Commission disagrees. The subsections say an interpreter is required to obtain the continuing education required to maintain the interpreter’s certification. Certifications required for a Class A legal license include legal training as part of the continuing education required to maintain certification. Each certification may have a different certification cycle—the Commission does not issue the certifications and has no authority over the CE required by or certification cycles used by the certifying entities.	No change
R9-26-510(A)(2): The amount of CE required depends on the legal interpreter’s certification. What about the Legal Class A interpreters who do not yet have a legal certificate? What amount of CE is required?	A currently licensed Legal A interpreter is required to obtain the CE required to maintain the certification held.	No change
R9-26-510(A)(4): Require provisional licensees to submit proof of CE annually.	That’s exactly what the subsection requires.	No change
R9-26-510(A)(4): Require provisional licensees to obtain 15 hours of CE annually instead of 12.	It is in the interest of a provisional licensee to study and gain experience so the licensee can become certified and obtain a General license. However, the Commission believes it is not necessary to impose this study in these rules. The required 12 hours of CE protects the public.	No change

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The licenses described in R9-26-503 through R9-26-507 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The Americans with Disabilities Act applies to individuals who are deaf or hard of hearing. However, no federal law is directly applicable to the subject of any rule in this rulemaking.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:



No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:
None

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

No rule in the rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING

ARTICLE 1. ~~GENERAL~~ REPEALED

Section
R9-26-101. ~~Definitions~~ Renumbered

ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

Section
~~R9-26-101~~~~R9-26-201~~ Definitions
~~R9-26-201~~~~R9-26-202~~ Eligibility
~~R9-26-202~~~~R9-26-203~~ Application Process
~~R9-26-203~~~~R9-26-204~~ Persons Authorized to Certify Need for Telecommunications Equipment
~~R9-26-204~~~~R9-26-205~~ Vouchers
~~R9-26-205~~~~R9-26-206~~ Redeeming a Voucher
~~R9-26-206~~~~R9-26-207~~ Repealed Confidentiality

ARTICLE 3. ADMINISTRATIVE PROCEDURES

Section
R9-26-301. ~~Hearings~~ Repealed
~~R9-26-512~~~~R9-26-301~~ Making a Complaint
R9-26-302. ~~Informal Settlement Conference~~ Repealed
~~R9-26-515~~~~R9-26-302~~ Hearing Procedures
R9-26-303. ~~Rehearing or Review of Decision~~ Repealed
~~R9-26-516~~~~R9-26-303~~ Rehearing or Review of Commission Decision
~~R9-26-517~~~~R9-26-304~~ Renumbered Disciplinary Action

ARTICLE 5. INTERPRETER LICENSURE AND REGULATION

Section
R9-26-501. Definitions
R9-26-502. License Application
R9-26-503. Application for Generalist Interpreter License
R9-26-504. Application for Legal Interpreter License
R9-26-505. Application for Provisional Interpreter License
R9-26-506. Short-term Registration of an Interpreter
R9-26-507. License Renewal
R9-26-508. Fees and Charges
R9-26-509. Procedures for Processing Applications; Time frames Time Frames
R9-26-510. Continuing Education Requirement; Waiver; Extension of Time to Complete
R9-26-511. ~~Audit of Compliance with Continuing Education Requirement~~ Video Remote Interpreting
R9-26-512. Making a Complaint
R9-26-515. ~~Hearing Procedures~~ Identification Badge Required
R9-26-516. ~~Rehearing or Review of Commission Decision~~ Renumbered
R9-26-517. ~~Disciplinary Action~~ Renumbered
R9-26-518. Change of Name or Address Required Notices to the Commission



ARTICLE 1. ~~GENERAL~~ REPEALED

R9-26-101. ~~Definitions~~ Renumbered

ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

~~R9-26-101.~~R9-26-201. ~~Definitions~~

In addition to the definitions listed in A.R.S. § 36-1941, the following terms apply to this ~~Chapter~~ Article and to A.R.S. § 36-1947:

- “Applicant” means a person who applies to the Commission for telecommunications equipment.
- “Audiologist” means a person who is licensed under A.R.S. § 36-1940 by the Arizona Department of Health Services.
- ~~“Commission” means the Arizona Commission for the Deaf and Hard of Hearing.~~
- “Deafblind” means a person who is either deaf or hard of hearing and:
 - Has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or
 - Has a field defect where the peripheral diameter of the visual field subtends an angular distance no greater than 20 degrees, or
 - Has a progressive visual loss with a prognosis of one or both of the conditions stated in the two preceding subsections.
- “Director” means the Executive Director of the Arizona Commission for the Deaf and Hard of Hearing.
- “Hearing aid dispenser” has the same meaning as in A.R.S. § 36-1901(8).
- “Hearing or speech-related disability” means a disability that prevents a person from hearing or articulating speech audibly or clearly, including deafness.
- “Program” means the Telecommunications Equipment Distribution Program.
- “Recipient” means a person who receives telecommunications equipment through the Program.
- ~~“Relay operator” means a person hired by a telecommunication relay center to transmit a conversation between a person who is hearing or speech related disabled and another person who uses a standard telephone.~~
- “Severely hearing or speech impaired” under A.R.S. § 36-1947(A) means a hearing or speech-related disability.
- ~~“Supplier” means a person that sells telecommunications equipment.~~
- “Telecommunications equipment” means equipment that allows a person with a hearing or speech-related disability to access the telephone network.
- ~~“Telecommunication relay center” means a facility authorized by the Commission to provide telecommunication services through a third party to a person with a hearing or speech related disability, and to any other person who uses a standard telephone.~~
- ~~“Vendor” means a person who sells telecommunications equipment.~~
- “Vocational rehabilitation counselor” means a Department of Economic Security employee who has a Master’s degree in rehabilitation counseling from a university accredited by the National Council on Rehabilitation Education and who is certified by the Commission on Rehabilitation Counseling.
- “Voucher” means the Commission’s authorization of payment for telecommunications equipment.

~~R9-26-201.~~R9-26-202. ~~Eligibility~~

To be eligible for telecommunications equipment through the Program, a person shall:

- ~~1.~~ No change
- ~~2.~~ Be a citizen of the U.S. or an alien whose presence in the U.S. is authorized under federal law;
- ~~2-3.~~ No change
- ~~3-4.~~ Have access to a telephone line in the person’s place of residence;
- ~~4-5.~~ Not have used a voucher to purchase telecommunications equipment within five years before the date of application under ~~R9-26-202(A)(1)~~ R9-26-203 unless the individual’s disability status has changed during that time; and,
- ~~5-6.~~ No change

~~R9-26-202.~~R9-26-203. ~~Application Process~~

To apply for telecommunications equipment under the Program, an eligible person shall:

- ~~1.~~ No change
- ~~2.~~ Complete and return the application to the Commission with:
 - ~~a.~~ certification Certification from an authorized person described under A.A.C. ~~R9-26-203~~ R9-26-204 that the applicant has a hearing or speech-related disability and needs the telecommunication equipment requested on the application; and
 - ~~b.~~ As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant’s presence in the U.S. is authorized under federal law.

~~R9-26-203.~~R9-26-204. ~~Persons Authorized to Certify Need for Telecommunications Equipment~~

- ~~A.~~ No change
 - ~~1.~~ No change



2. No change
 3. A physician licensed in accordance with A.R.S. Title 32, Chapter 13 or 17;
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
- B.** No change
1. No change
 2. No change
 3. No change

~~R9-26-204.~~R9-24-205. Vouchers

- A.** The Commission shall issue to an eligible applicant an individually numbered voucher for a specified dollar amount for the applicant to purchase telecommunications equipment for which the applicant has a certified need. The applicant shall use the voucher shall be used only towards the to purchase of the telecommunications equipment specified on the voucher.
- B.** No change
- C.** No change
- D.** No change
1. No change
 2. If the original voucher is recovered, the applicant shall return the original voucher shall be returned to the Commission within 30 days of its recovery date after the voucher is recovered.

~~R9-26-205.~~R9-26-206. Redeeming a Voucher

- A.** To redeem a voucher for telecommunications equipment under this the Program, a vendor supplier shall submit to the Commission the voucher with a copy of a receipt, which is signed by the vendor supplier and the recipient of the telecommunications equipment and which specifies the telecommunications equipment sold and its purchase price.
- B.** No change
- C.** The Commission shall reimburse to the vendor supplier the portion of the purchase price of the telecommunications equipment that does not exceed the amount printed on the voucher.
- D.** The Commission shall not reimburse to the vendor supplier an amount in excess of the amount printed on the voucher.
- E.** If the amount printed on the voucher exceeds the purchase price of the telecommunications equipment, the vendor supplier shall not refund the difference between the two amounts to the recipient of the telecommunications equipment in any form including money, equipment, or other goods and services.

~~R9-26-206.~~R9-26-207. Repealed Confidentiality

- A.** The Commission shall use the information provided by the Program's applicants or recipients in the course of the administration of the Program solely to administer the Program.
- B.** The Commission shall not disclose the name of an applicant for or recipient of telecommunications equipment without a written request for disclosure. Even with a written request for disclosure, the Commission shall not disclose personal identifying or protected health information regarding an applicant or recipient.

ARTICLE 3. ADMINISTRATIVE PROCEDURES

R9-26-301. ~~Hearings Repealed~~

- A.** ~~Within 30 days of a notice of denial from the Director, the applicant or recipient may file a notice of appeal under A.R.S. § 41-1092.03 with the Commission. The notice shall identify the party, the party's address, the agency, the action being appealed, and shall contain a concise statement of the reasons for the hearing.~~
- B.** ~~The hearing shall be conducted by the Office of Administrative Hearings as prescribed in A.R.S. Title 41, Chapter 6, Article 10.~~

~~R9-26-512.~~R9-26-301. Making a Complaint

- A.** No change
1. No change
 2. No change
 3. No change
- B.** No change
1. No change
 2. No change
 3. Specify in the complaint the name of the individual complained against, date and location of the alleged offense, and the action complained about, and the statute or rule alleged to have been violated.
- C.** No change

~~R9-26-302. Informal Settlement Conference Repealed~~

- A.** ~~An applicant or recipient whose request for an original or replacement device is denied and who has filed an appeal under A.R.S. § 41-1092.03, may request in writing that the Director hold an informal settlement conference.~~



~~B. The informal settlement conference shall be held within 15 days after receiving the request and shall follow the procedures under A.R.S. § 41-1092.06.~~

R9-26-515.R9-26-302. Hearing Procedures

The Commission shall conduct all hearings in accordance with A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.

R9-26-303. Rehearing or Review of Decision Repealed

~~A. Any party to a case who is aggrieved by a decision rendered in the case may, within 30 days after the date of the Commission's decision, file with the Director a written request for a rehearing or review of the decision. The request shall specify the particular grounds for the rehearing or review. The requesting party shall serve copies upon all other parties. A request for rehearing or review under this Section may be amended at any time before it is ruled upon by the Director.~~

~~B. The opposing party may file a response to the request for a rehearing or review within 15 days after the written request is received.~~

~~C. A rehearing or review of the decision may be granted for any of the following causes which materially affect the requesting party's rights:~~

- ~~1. Irregularity in the proceedings or any abuse of discretion that deprives the requesting party of a fair hearing;~~
- ~~2. Misconduct of the hearing officer or the prevailing party;~~
- ~~3. Accident or surprise that could not have been prevented by ordinary prudence;~~
- ~~4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;~~
- ~~5. Excessive or insufficient penalties;~~
- ~~6. Error in the admission or rejection of evidence or other errors of law occurring during the proceedings;~~
- ~~7. That the decision is the result of passion or prejudice; or~~
- ~~8. That the decision is not supported by the evidence or is contrary to law.~~

~~D. Upon examination of a request for rehearing or review and any response, the Director may affirm or modify the decision.~~

~~E. Within 15 days after a decision is rendered, the Director may, on the Director's own initiative, order a rehearing or review of a decision for any reason for which a rehearing on motion of a party might have been granted. The order granting the rehearing shall specify the grounds for the review of the decision.~~

R9-26-516.R9-26-303. Rehearing or Review of Commission Decision

A. The Commission shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.

B. A party may amend a motion for rehearing or review at any time before the Commission rules on the motion.

C. The Commission may grant a rehearing or review for any of the following reasons materially affecting a party's rights:

1. Irregularity in the proceedings or an order or abuse of discretion that deprived the moving party of a fair hearing;
2. Misconduct by the Commission, its staff, an administrative law judge, or the prevailing party;
3. Accident or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
5. Excessive penalty;
6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
7. The Commission's decision is the result of passion or prejudice; or
8. The findings of fact or decision is not justified by the evidence or is contrary to law.

D. The Commission may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (C). The Commission shall specify the particular grounds for any order modifying a decision or granting a rehearing.

E. When a motion for rehearing or review is based ~~upon~~ on affidavits, ~~they~~ the affidavits shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits.

F. No later than ~~10~~ 15 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Commission may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Commission may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.

G. If a rehearing is granted, the Commission shall hold the rehearing within 60 days after the date on the order granting the rehearing.

~~H. The Commission may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that an extension of time will:~~

- ~~1. Further administrative convenience, expedition, or economy; or~~
- ~~2. Avoid undue prejudice to any party.~~

H. If the Commission makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Commission shall issue the decision as a final decision without an opportunity for rehearing or review.

**R9-26-517-R9-26-304. Disciplinary Action**

After a ~~an opportunity for hearing that results in a~~ and a Commission determination that a licensee violated A.R.S. Title 36, Chapter 17.1, or this Chapter, the Commission shall consider the following factors to determine the degree of discipline to impose under A.R.S. § 36-1976(A):

1. Prior conduct resulting in discipline;
2. Dishonest or self-serving motive;
3. Amount of experience as an interpreter;
4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Commission;
5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process;
6. Refusal to acknowledge wrongful nature of conduct;
7. Degree of harm resulting from the conduct; and
8. Whether harm resulting from the conduct was cured.

ARTICLE 5. INTERPRETER LICENSURE AND REGULATION**R9-26-501. Definitions**

In addition to the definitions in A.R.S. §§ 12-242 and 36-1941, in this Article, the following definitions apply unless otherwise specified:

“ACCI” means American Consortium of Certified Interpreters, an organization that certifies interpreters at one of three levels: ACCI Generalist, ACCI Advanced, or ACCI Master.

“Accredited” means approved by a regional or national accrediting agency recognized by the U.S. Department of Education, the:

~~New England Association of Schools and Colleges,
Middle States Association of Colleges and Secondary Schools,
North Central Association of Colleges and Schools,
Northwest Association of Schools and Colleges,
Southern Association of Colleges and Schools, or
Western Association of Schools and Colleges.~~

“Applicant” means an individual seeking an original or renewal license from the Commission.

“Application” means the documents, forms, and additional information required by the Commission to be submitted by or on behalf of an applicant.

“BEI” means Board for Evaluation of Interpreters.

“CDI” means certified deaf interpreter, a certification issued by RID or BEI.

“CI” means certificate of interpretation, a certification issued by RID.

“CIC” means Court Interpreter Certification, a legal specialist certification issued by BEI.

“CLIP-R” means conditional legal interpreting permit-relay, a certification issued by RID to a deaf or hard-of-hearing interpreter or transliterator who works in a legal setting.

“Continuing education” means a workshop, seminar, lecture, conference, class, or other educational activity relevant to the practice of interpreting.

“CSC” means comprehensive skills certificate, a certification issued by RID.

“CT” means certificate of transliteration, a certification issued by RID.

~~“Direct supervision” means an individual licensed under R9-26-503 or R9-26-504 is physically present when an individual licensed under R9-26-505 provides interpreting services.~~

“Deaf interpreter” means an individual who is deaf or hard of hearing and provides interpreting for deaf individuals with special language needs.

“EIPA” means educational interpreter performance assessment, a diagnostic tool that measures proficiency in interpreting for children or young adults in an educational setting.

“Generalist interpreter” means an individual who provides interpreting in any community setting, except a legal setting, for which the individual is qualified by education, examination, and work history. A generalist interpreter provides interpreting in a legal setting only if appointed by a judge under A.R.S. § 12-242.

~~“IAC” means interpreter advisory committee.~~

“IC” means interpretation certificate, a certification issued by RID.

“Intermediary Level III or V” means a certification issued by BEI for interpreters who are deaf or hard of hearing.

“Interpreter” means an individual who provides interpreting between American Sign Language and English.

“Legal interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting in a legal setting.

“Class A legal interpreter” means a legal interpreter who provides interpreting in court, ~~a police environment, or administrative adjudicatory proceedings~~ or any other legal setting, as prescribed under A.R.S. § 12-242, and meets the certification requirement under R9-26-504(A)(1)(a). An individual who is licensed by the Commission as a



Class A legal interpreter on the date this Section takes effect, shall meet the certification requirement under R9-26-504(A)(1)(a) no later than January 1, 2021.

~~“Class B legal interpreter” means a legal interpreter who provides interpreting in administrative adjudicatory proceedings only.~~

“Class C legal interpreter” means a legal interpreter who provides interpreting in a legal setting, as prescribed under A.R.S. § 12-242, when teamed with a Class A ~~or Class B~~ legal interpreter and meets the certification requirement under R9-26-504(A)(1)(b).

“Class D legal interpreter” means a legal interpreter who meets the certification requirement under R9-26-504(A)(1)(c) and is also either a deaf or hard-of-hearing interpreter or an oral transliterator.

“Legal training” means a structured program presented by the Commission, a court, Bar Association, law-enforcement association, RID, accredited institution, or comparable organization, providing information relevant to legal interpreting such as the following:

- The requirements of A.R.S. § 12-242,
- The structure of the judiciary system of this state,
- The judiciary process of this state,
- Administrative adjudicatory procedures,
- Law enforcement procedures ~~related to interpreting~~, or
- Commonly used legal terms.

“Level III, IV, or V” means a certification issued by BEI.

“Licensee” means an interpreter who holds a current license issued under A.R.S. § 36-1974 and this Article.

“License year” means the days between the date of license issuance and the date of license expiration.

“Mentor” means an individual licensed under R9-26-503 or R9-26-504 who agrees to assist a provisional licensee to develop as an interpreter by occasionally observing the provisional licensee providing interpreting services and providing feedback.

“MCSC” means master comprehensive skills certificate, a certification issued by RID.

~~“NAD” means the National Association of the Deaf, which issues three levels of certification: NAD III (generalist), NAD IV (advanced), and NAD V (master).~~

“NAD III (generalist)” means a certification issued by NAD.

“NAD IV (advanced)” means a certification issued by NAD.

“NAD V (master)” means a certification issued by NAD.

~~“NIC” means National Interpreter Certification, a certification issued by NAD-RID at one of three levels, NIC Certified, NIC Advanced, or NIC Master.~~

“NIC Advanced” means a certification issued by NAD-RID.

“NIC Certified” means a certification issued by NAD-RID.

“NIC Master” means a certification issued by NAD-RID.

“OC:B” means oral certificate: basic, a certification issued by BEI.

“OC:C” means oral certificate: comprehensive, a certification issued by BEI.

“OIC” means oral interpreting certificate, a certification issued by RID in one of three categories: comprehensive, spoken to visible, or visible to spoken.

“Oral transliteration” means to facilitate communication between an individual who is deaf or hard of hearing and an individual who hears by using inaudible speech and natural gestures to convey a message to the deaf or hard-of-hearing individual and understanding and verbalizing the message and intent of the speech and mouth movements of the individual who is deaf or hard of hearing.

“OTC” means oral transliteration certificate, a certification issued by RID.

“Platform or performance setting” means an environment involving an appearance by a designated speaker or performers, typically on a raised surface.

“Provisional interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting while pursuing RID, NAD, or BEI certification.

“Class A provisional interpreter” means a provisional interpreter who provides oral transliteration and ~~does not have an OTC~~ is working towards certification by RID, NAD, or BEI. A Class A provisional interpreter shall not provide interpreting services in a legal setting.

~~“Class B provisional interpreter” means a provisional interpreter who was paid for interpreting services before the effective date of this Article and is qualified to provide interpreting services when working with a mentor or when teamed with an individual~~ without a team interpreter licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) and (b), except in a medical, mental health, platform or performance, or legal setting. A Class B provisional interpreter may provide interpreting services in a medical, mental health, or platform or performance setting only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b). A Class B provisional interpreter shall not provide interpreting services in a legal setting.

“Class C provisional interpreter” means a provisional interpreter who is qualified to provide interpreting services only ~~under direct supervision~~ when working as part of a team that includes at least one individual licensed under



R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b). A Class C provisional interpreter shall not provide interpreting services in a legal setting.

“Class D provisional interpreter” means a provisional interpreter who is deaf or hard of hearing and ~~does not have a CEI~~ is qualified to provide interpreting services only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or (b) or R9-26-504(A)(1)(a) through (c). A Class D provisional interpreter shall not provide interpreting services in a legal setting.

“Qualified interpreter” means an individual licensed under this Chapter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary required by the interpreting situation.

“RID” means Registry of Interpreters for the Deaf.

“RSC” means reverse skills certificate, a certification issued by RID.

“SC:L” means specialist certificate: legal, a certification issued by RID.

“SC:PA” means specialist certificate: performing arts, a certification issued by RID.

“TC” means transliteration certificate, a certification issued by RID.

“Team” means two or more licensed interpreters, at least one of whom is licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b), providing interpreting for an individual or group of individuals during a single interpreting session.

“Trilingual Advanced or Master” means a specialist certification issued by BEI for interpreters of Spanish, English, and American Sign Language.

“Unprofessional conduct,” as used in A.R.S. § 36-1976, means:

~~violation~~ Violation of the NAD-RID Code of Professional Conduct, 2005, which is incorporated by reference and available from the Commission and RID, 333 Commerce Street, Alexandria, VA 22314, or www.rid.org. The material incorporated includes no later edition or amendment: or

Failure to comply with a provision of A.R.S. Title 36, Chapter 17.1, Article 2 or this Chapter.

“VRI” means video remote interpreting, a service that uses video telecommunication devices to provide interpreting between or among individuals who are at one or more locations separate from the interpreter.

R9-26-502. License Application

A. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. The start and end dates of the applicant’s current certification cycle with RID, NAD, or BEI, as applicable;
- ~~8-9.~~ No change
- ~~9-10.~~ Name of any state or foreign country in which the applicant is ~~or has been~~ currently licensed or certified to practice as an interpreter, the license or certificate number, date issued, date ~~expired~~ of expiration, and a statement whether the license or certificate is or ~~has ever been~~ was the subject of discipline and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
- ~~10-11.~~ No change
- ~~11-12.~~ No change
- ~~12-13.~~ No change
- ~~13-14.~~ A statement of whether the applicant wishes to have the applicant’s professional credentials and contact information listed on the Commission’s web site and in Commission materials; and A statement of whether the applicant’s NAD, RID, or BEI certification lapsed and if so, a complete explanation including date of and reason for the lapse;
15. A statement of whether the applicant’s interpreter license from Arizona or another jurisdiction lapsed and if so, a complete explanation including date of and reason for the lapse;
16. A statement of whether the applicant’s interpreter license from Arizona or another jurisdiction was subject to a complaint and if so, a complete explanation including date, allegation, and discipline imposed, if any;
17. A statement of whether the applicant’s NAD, RID, or BEI certification was subject to a complaint and if so, a complete explanation including date, allegation, and discipline imposed, if any; and
- ~~14-18.~~ A statement signed by the applicant verifying the truthfulness of the information provided and affirming that the applicant will comply with the NAD-RID Code of Professional Conduct;

B. No change

1. Documentation of name change if the applicant is applying under a name different from the name on any of the documents required under this Article;
2. No change
 - a. High school diploma or GED or a transcript, official or unofficial, showing the degree awarded and date; or



- b. Diploma from an accredited college or university or a transcript, official or unofficial, showing the degree awarded and date;
- 3. If the answer to ~~subsection~~ any item in subsections (A)(9), (A)(10), (A)(11), or (A)(12) through (A)(15) is yes, a copy of any relevant order; ~~and~~
- 4. As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law;
- 5. Two identical passport-size photographs of the applicant that:
 - a. Are in color, and
 - b. Are taken no more than six months before the date of application; and
- 4-6. No change

R9-26-503. Application for Generalist Interpreter License

To apply for a generalist interpreter license, an applicant shall:

- 1. No change
- 2. Submit a photocopy of ~~the front of the applicant's current RID membership card~~ documentation showing that the applicant holds one or more of the following certifications:
 - a. Hearing interpreters: NAD III, IV, or V; RID CI, CSC, CT, IC, MCSC, RSC, SC:L, SC:PA, or TC; NIC Certified, Advanced, or Master; or BEI Levels III, IV, or V, Basic, Advanced, Master, Trilingual Advanced, Trilingual Master, CIC, or other certification deemed appropriate by the Commission;
 - b. Deaf interpreters: RID CDI, ~~CI~~, CLIP-R, ~~CSC, CT, IC, MCSC, OIC, OTC, RSC, or SC:L, SC:PA, or TC~~; BEI Intermediary Level III or V, CDI, or other certification deemed appropriate by the Commission; or
 - c. NIC Certified, Advanced, or Master. Oral interpreters: RID OIC or OTC, BEI OC:B or OC:C, or other certification deemed appropriate by the Commission.

R9-26-504. Application for Legal Interpreter License

A. To apply for a legal interpreter license, an applicant shall comply with R9-26-502 and submit documentation of the following:

- 1. Certification by RID, ~~or~~ NAD, ~~or~~ BEI.
 - a. For a Class A legal interpreter license, RID SC:L, NIC Advanced or Master, NAD IV or V, CI and CT, or CSC BEI CIC, or other legal specialist certification deemed appropriate by the Commission is required;
 - b. For a Class B legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, or CSC is required;
 - e. For a Class C legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, or CSC, or BEI Levels IV or V, Advanced, Master, Trilingual Advanced or Master, or other certification deemed appropriate by the Commission is required; and
 - ~~d.~~ For a Class D legal interpreter license, RID CDI, CLIP-R, OIC, or OTC or BEI OC:B, OC:C, Intermediary Levels III or V, or CDI, or other certification deemed appropriate by the Commission is required;
- 2. Hours of paid interpreting after initial certification by RID, ~~or~~ NAD, ~~or~~ BEI.
 - a. For a ~~Class A, Class B, or Class C~~ legal interpreter license, 10,000 hours are required; and
 - b. For a Class D legal interpreter license, ~~25~~ 500 hours are required;
- 3. Hours of legal training. ~~Twenty-four hours in~~ For a Class C or Class D legal interpreter, 50 hours obtained during the five years before the date of application are required.

B. No change

- 1. RID, ~~or~~ NAD, ~~or~~ BEI certification.
 - a. A photocopy of ~~the front of the current membership card~~ documentation provided by RID, ~~or~~ NAD, ~~or~~ BEI. If an applicant's documentation expires during the application process, the Commission shall not complete the licensure process until the applicant submits current documentation of certification; and
 - b. A photocopy of the certificate provided by RID, ~~or~~ NAD, ~~or~~ BEI or a copy of the letter received from RID, ~~or~~ NAD, ~~or~~ BEI at the time of initial certification;
- 2. No change
 - a. An applicant shall submit an affidavit affirming that the applicant provided the number of hours of paid interpreting required under subsection (A)(2) after initial certification by RID, ~~or~~ NAD, ~~or~~ BEI; and
 - b. No change
- 3. Hours of legal training. A photocopy of ~~a certificate of attendance~~ documentation from the organization providing the legal training that includes the information required under R9-26-510(~~C~~) (B).

R9-26-505. Application for Provisional Interpreter License

A. No change

- 1. Education. The following hours of participation in an interpreter-preparation training program offered by an accredited college or university or approved by RID, NAD, or BEI:
 - a. No change
 - b. No change
- 2. Examination. Pass the written portion of the ~~NIC or~~ RID, NAD, or BEI examination; and



3. No change
 - a. No change
 - b. No change
 - i. ~~150 hours for which the applicant received pay before May 1 2007;~~
 - ~~ii.i. A score of at least 4.0 on the EIPA performance test; or~~
 - ~~iii.ii. ACCI certification; or~~
 - iii. A state-issued certification or certificate of competency in good standing;
 - c. No change
 - d. No change
- B. In addition to the documentation required under subsection (A)~~;~~
 1. ~~An applicant for a provisional interpreter license shall ensure that letters of recommendation are submitted directly to the Commission by two individuals who are familiar with the applicant's skill as an interpreter. An individual who submits a letter of recommendation shall use a form that is available from the Commission and provide the following information:~~
 - a. ~~Name of the applicant for a provisional interpreter license;~~
 - b. ~~The following information about the individual completing the letter of recommendation form:~~
 - i. ~~Name;~~
 - ii. ~~Telephone number;~~
 - iii. ~~Interpreter license number, if any;~~
 - iv. ~~How long the individual has known the applicant;~~
 - v. ~~The capacity in which the individual knows the applicant; and~~
 - vi. ~~Why the individual believes the individual is qualified to assess the applicant's skill as an interpreter;~~
 - e. ~~An assessment of the applicant's receptive, expressive, and voicing skills; and~~
 - d. ~~The individual's dated signature.~~
 2. ~~An~~ an applicant for a Class B provisional license shall:
 - a.1. ~~Have a letter submitted directly to the Commission by an individual licensed under R9-26-503 or R9-26-504 indicating that the individual agrees to:~~
 - ~~i.a. Act as a mentor to the applicant if the applicant is granted a provisional license;~~
 - ~~ii.b. Observe the provisional licensee providing interpreting services at least once each month;~~
 - ~~iii.c. Provide feedback to the provisional licensee following each observation; and~~
 - ~~iv.d. Provide 30 days 30 days' notice to the provisional licensee and the Commission before terminating the mentoring relationship; and~~
 - b.2. ~~Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:~~
 - ~~i.a. Make and maintain a record of each time the mentor observes the applicant and a summary of the feedback provided; and~~
 - ~~ii.b. Make the record maintained under subsection (B)(2)(b)(i) (B)(2)(a) available to the Commission upon request annually at license renewal; or and~~
 - c. Provide 30 days' notice to the Commission and the mentor before terminating the mentoring relationship; or
 - e.3. ~~Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:~~
 - ~~i.a. Team with an individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b) for an average of at least eight hours each month;~~
 - ~~ii.b. Maintain a journal that records the dates on which and the name of the licensee with whom teaming was done and a summary of any feedback provided; and~~
 - ~~iii.c. Make the journal maintained under subsection (B)(2)(c)(ii) (B)(3)(b) available to the Commission annually upon request license renewal.~~
- C. No change
 1. Education. A photocopy of ~~certificates of completion documents~~ showing that the applicant completed ~~the hours of interpreter preparation training~~ required under subsection (A)(1);
 2. Examination. A photocopy of the letter provided by ~~NIC or RID, NAD, or BEI~~ indicating that the applicant passed the written portion of ~~either the NIC or RID, NAD, or BEI~~ examination;
 3. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. The hours of interpreting provided by the applicant; ~~and or~~
 - b. One or more paystubs, each of which indicates:
 - i. The name of the applicant.
 - ii. The job title of the applicant.



- iii. The dates on which interpreting was provided by the applicant, and
- iv. The hours of interpreting provided by the applicant, and
- b-c. No change
 - i. No change
 - ii. A photocopy of the applicant's ACCI certificate- ~~or~~
 - iii. A photocopy of the applicant's state-issued certification or certificate of competency in good standing.

R9-26-506. Short-term Registration of an Interpreter

- A. To register with the Commission to provide interpreting in Arizona in a non-legal situation for fewer than 20 days in a year, an interpreter shall submit the following information in writing to the Commission:
 - 1. Interpreter's name;
 - 2. Interpreter's ~~business residential and e-mail~~ addresses;
 - 3. Interpreter's ~~business and~~ mobile telephone ~~numbers~~ number;
 - 4. Dates on which interpreting will be provided; ~~and~~
 - 5. Name, address, and contact information of the person or event for which interpreting services will be provided; and
 - 5-6. Date of most recent short-term registration with the Commission, if any.
- B. In addition to complying with subsection (A), the interpreter shall submit a copy of ~~the interpreter's current documentation from RID, NAD, or BEI membership card or license from a government licensing authority showing the interpreter's certification is in good standing or a copy of the interpreter's license from another state's interpreter licensing authority.~~
- C. An interpreter who makes application under subsections (A) and (B) for a short-term registration shall not provide interpreting services in Arizona until the Commission provides notice the registration has been granted.
- D. Within five days after providing interpreting services under a short-term registration, the interpreter shall submit a report to the Commission that provides the dates on and persons or events for which interpreting services were provided.
- E. The Commission shall not issue more than two short-term registrations to an interpreter during the interpreter's lifetime.

R9-26-507. License Renewal

- A. No change
 - 1. A generalist or legal interpreter license expires ~~on the licensee's birthday beginning with the licensee's second birthday following initial licensure one year after the license is issued.~~ To continue to practice as a generalist or legal interpreter, the licensee shall, no more than 60 days before the ~~licensee's birthday expiration date,~~ submit to the Commission a license renewal application form that provides the following information about the licensee:
 - a. No change
 - b. No change
 - e. ~~Arizona interpreter license number;~~
 - d-c. Home or business address;
 - e-d. E-mail address;
 - f-e. Home, business, or mobile telephone number;
 - g. ~~If applicable, the name of the licensee's employer and the employer's address and telephone number;~~
 - f. The start and end dates of the applicant's current certification cycle with RID, NAD, or BEI, as applicable;
 - h-g. Name of any state or country in which the licensee is ~~or has been~~ currently licensed or certified to practice as an interpreter, the license or certificate number, date issued and date of expiration, and a statement whether the license or certificate is or has been the subject of discipline ~~since the date of last application during the previous year~~ and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
 - i-h. A statement of whether the licensee has been denied a license or certificate to practice as an interpreter by a ~~government~~ licensing authority ~~since the date of last application during the previous year~~ and if the answer is yes, a complete explanation of the denial including date, name of the ~~government~~ interpreter licensing authority, and reason for denial;
 - j-i. A statement of whether the licensee has been convicted of a felony or of an offense involving moral turpitude in this or any other jurisdiction ~~since the date of last application during the previous year~~ and if the answer is yes, a complete explanation of the charge and place and date of conviction;
 - k-j. A statement of whether the licensee has been adjudicated insane or incompetent ~~since the date of last application during the previous year~~ and if the answer is yes, a complete explanation including date and place of adjudication;
 - l. ~~A statement of whether the licensee wishes to have the licensee's professional credentials and contact information listed on the Commission's web site and in Commission materials; and~~
 - m. ~~A statement signed by the licensee attesting to the truthfulness of the information provided and affirming that the licensee will comply with the NAD-RID Code of Professional Conduct.~~
 - k. A statement of whether the applicant's NAD, RID, or BEI certification lapsed during the previous year and if so, a complete explanation including date of and reason for the lapse;
 - l. A statement of whether the applicant's interpreter license from Arizona or another jurisdiction lapsed during the previous year and if so, a complete explanation including date of and reason for the lapse;



- m. A statement of whether the applicant's interpreter license from Arizona or another jurisdiction was subject to a complaint during the previous year and if so, a complete explanation including date, allegation, and discipline imposed, if any;
 - n. A statement of whether the applicant's NAD, RID, or BEI certification was subject to a complaint during the previous year and if so, a complete explanation including date, allegation, and discipline imposed, if any, and if discipline was imposed, a statement of whether the notice required under R9-26-518 was submitted to the Commission;
 - o. A statement of whether the applicant completed any continuing education during the previous year and if so, the number of hours completed; and
 - p. A statement signed by the licensee verifying the truthfulness of the information provided and affirming that the licensee will comply with the NAD-RID Code of Professional Conduct.
2. No change
- a. A photocopy of the front of the licensee's current RID membership card documentation showing the applicant's NAD, RID, or BEI certification is in good standing. If the licensee's documentation expires during the renewal process, the Commission shall not complete the license renewal process until the licensee submits a photocopy of current documentation;
 - b. If the answer to the any item in subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k) subsections (A)(1)(g) through (A)(1)(m) is yes, a copy of any relevant order; and
 - c. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement; and
 - d. No change
3. If a generalist or legal licensee fails to comply with subsections (A)(1) and (A)(2) on or before the licensee's birthday license expiration date, the license expires and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1971. The former licensee may renew the expired license by complying with subsections (A)(1) and (A)(2), affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired. If a former licensee fails to renew an expired license within the 30 days provided in this subsection, the former licensee shall stop providing interpreting for which a license is required under A.R.S. § 36-1971.
4. No change
- B.** No change
- 1. A provisional interpreter license expires on the licensee's birthday beginning with the second birthday following initial licensure and may be renewed once by complying with subsections (B)(2) and (B)(3) one year after the date of issuance.
 - 2. To continue to practice as a provisional interpreter, the licensee shall, no more than 60 days before the licensee's birthday expiration date, submit to the Commission a license renewal application form that provides the information specified under subsection (A)(1).
 - 3. No change
 - a. If the answer to the any item in subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k) subsections (A)(1)(h) through (A)(1)(m) is yes, a copy of any relevant order;
 - b. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation Documentation required under R9-26-510(C) that demonstrates compliance with the continuing education requirement in R9-26-510; and
 - c. No change
 - d. If a Class B provisional licensee wishes to renew the Class B provisional license, letters that meet the standards at R9-26-505(B)(2)(a) R9-26-505(B)(1) and R9-26-505(B)(2)(b) (2) or a letter that meets the standards at R9-26-505(B)(2)(e) R9-26-505(B)(3); and
 - e. If a Class C provisional licensee wishes to renew the Class C provisional license, an affirmation that the licensee has provided and will continue to provide interpreting services only under direct supervision when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b); or
 - f. If a Class C provisional licensee wishes to move to a Class B provisional license:
 - i. Letters that meet the standards at R9-26-505(B)(1) and (2) or a letter that meets the standards at R9-26-505(B)(3), and
 - ii. Evidence required under R9-26-505(C)(3)(a) or (b) showing at least 500 hours of work experience earned while working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b), or
 - iii. A score of at least 4.0 on the EIPA performance test.



- 4. If a provisional licensee fails to comply with subsections (B)(2) and ~~(B)(3)~~ on or before the licensee's birthday license expiration date, the license expires ~~and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1971~~. Unless the expired provisional license has previously been renewed under subsections (B)(2) and ~~(B)(3)~~, the former licensee may renew the expired license by complying with subsections (B)(2) and ~~(B)(3)~~, ~~affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired~~, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired. If a former licensee fails to renew an expired license within the 30 days provided in this subsection, the former licensee shall stop providing interpreting for which a license is required under A.R.S. § 36-1971.
- 5. ~~If an expired provisional license is not renewed under subsection (B)(4), the former licensee may obtain a license only by applying under R9-26-503 or R9-26-504. The Commission shall not issue a provisional interpreter license to an interpreter for more than five years over the interpreter's lifetime.~~
- 6. A provisional interpreter license may be renewed a second time only if, in addition to complying with subsections (B)(2) and (B)(3), the licensee submits evidence to the Commission that the licensee attempted to pass the performance portion of a RID certification examination and intends to take the performance portion of a RID certification examination again within the next year.
- 7. ~~The Commission shall not renew a provisional license more than two times. The Commission shall not issue more than one provisional license to an individual.~~
- C. If the documentation previously submitted under R9-26-502(B)(4) was a limited form of work authorization issued by the federal government, an applicant for license renewal shall submit evidence that the work authorization has not expired.
- D. The Commission shall require a licensee to submit the information required under R9-26-502(B)(5) every five years so an updated photograph is used in the identification badge required under R9-26-515.

R9-26-508. Fees and Charges

- A. Under the authority provided by A.R.S. §§ 36-1973(A) and 36-1974(C), the Commission establishes and shall collect the following fees, which are not refundable unless A.R.S. § 41-1077 applies:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. Provisional license renewal application fee, \$25; and
 - 5. Penalty for late license renewal, \$100; ~~and~~
 - 6. ~~Duplicate license, \$25.~~
- B. ~~Before the Commission issues an initial license to an applicant, the Commission shall collect from the applicant a pro-rated license renewal application fee, which will make the initial license valid until the applicant's second birthday following issuance of the initial license. The Commission shall pro-rate the license renewal application fee as follows: The Commission shall charge \$25 to:~~
 - 1. Replace an identification badge.
 - 2. Issue a duplicate license.
 - 1. ~~Generalist or legal license renewal application fee: \$5 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$50; and~~
 - 2. ~~Provisional license renewal application fee: \$2.50 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$25.~~

R9-26-509. Procedures for Processing Applications; ~~Time frames~~ Time Frames

- A. For the purpose of A.R.S. § 41-1073, the Commission establishes the following licensing ~~time frames~~ time frames:
 - 1. Administrative completeness review ~~time frame~~ time frame: 30 days;
 - 2. Substantive review ~~time frame~~ time frame: 60 days; and
 - 3. Overall ~~time frame~~ time frame: 90 days.
- B. The administrative completeness review ~~time frame~~ time frame listed in subsection (A)(1) begins on the date ~~that~~ the Commission receives a license application or license renewal application. During the administrative completeness review ~~time frame~~ time frame, the Commission shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the Commission shall specify in the notice what information is missing.
- C. An applicant with an incomplete application shall supply the missing information within 30 days from the date of the notice. Both the administrative completeness review and overall ~~time frames~~ time frames are suspended from the date of the Commission's notice until the date that the Commission's office receives all missing information.
- D. Upon receipt of all missing information, the Commission shall notify the applicant that the application is complete. The Commission shall not send a separate notice of completeness if the Commission grants or denies a license within the administrative completeness review ~~time frame~~ time frame in subsection (A)(1).
- E. The substantive review ~~time frame~~ time frame listed in subsection (A)(2) begins on the date of the Commission's notice of administrative completeness or on expiration of the time listed in subsection (A)(1).
- F. If the Commission determines during the substantive review ~~time frame~~ time frame that additional information is needed, the Commission shall send the applicant a comprehensive written request for the additional information. The applicant shall supply the additional information within 60 days from the date of the request. Both the substantive



review and overall ~~time frames~~ time frames are suspended from the date on the Commission's request until the date that the Commission office receives the additional information.

- G. If an applicant needs additional time in which to respond under subsection (C) or (F), the applicant shall submit a written notice of extension to the Commission before expiration of the time to respond that includes the date by which the applicant will submit the information. The applicant shall establish an extension date that is no more than 120 days from the date established under subsection (C) or (F).
- H. If an applicant fails to submit information within the time provided under subsection (C) or (F) or as extended under subsection (G), the Commission shall close the applicant's file. An applicant whose file is closed and who later wishes to be licensed, shall apply anew.
- I. Within the time listed in subsection (A)(3), the Commission shall:
 1. Grant a license to an applicant who meets the requirements in A.R.S. § 36-1973 and this Article, or
 2. Deny a license to an applicant who does not meet the requirements in A.R.S. § 36-1973 or this Article.
- J. If the Commission denies a license, the Commission shall send the applicant a written notice explaining:
 1. The reason for the denial with citations to supporting statutes or rules,
 2. The applicant's right to appeal the denial and have a hearing,
 3. The time for appealing the denial, and
 4. The applicant's right to request an informal settlement conference.

R9-26-510. Continuing Education Requirement; Waiver; Extension of Time to Complete

- A. Continuing education is required as a condition of licensure renewal. ~~During each license year, a licensee shall complete the following hours of continuing education:~~
 1. ~~General A generalist interpreter, eight hours;~~ shall complete continuing education required by NAD, RID, or BEI to maintain certification by NAD, RID, or BEI. If the certification of a generalist interpreter is suspended or revoked by NAD, RID, or BEI because the generalist interpreter failed to complete the required continuing education, the Commission shall initiate proceedings under Article 3 against the generalist interpreter's license.
 2. A Class A legal interpreter shall complete continuing education required by NAD, RID, or BEI to maintain legal certification by NAD, RID, or BEI. If the certification of a Class A legal interpreter is suspended or revoked by NAD, RID, or BEI because the Class A legal interpreter failed to complete the required continuing education, the Commission shall initiate proceedings under Article 3 against the legal interpreter's license.
 3. A Class C or D legal interpreter shall complete continuing education required by NAD, RID, or BEI to maintain certification by NAD, RID, or BEI including at least 20 hours of legal training. If the certification of a Class C or D legal interpreter is suspended or revoked by NAD, RID, or BEI because the Class C or D legal interpreter failed to complete the required continuing education or if the Class C or D legal interpreter fails to complete the required hours of legal training, the Commission shall initiate proceedings under Article 3 against the legal interpreter's license.
 - 2-4. Legal When renewing a license under R9-26-507(B), a provisional interpreter, Class A, or B, six hours, of which two hours are legal training shall submit the evidence required under subsection (B) showing completion of 12 hours of continuing education; The Commission shall accept continuing education:
 - a. Designed to enhance the provisional licensee's skill and ability to provide quality interpreting to the deaf and hard-of-hearing community;
 - b. Approved by RID, NAD, or BEI, as applicable, for certification maintenance;
 - c. Provided by an accredited institution of higher education; or
 - d. Provided by an entity involved with the deaf and hard-of-hearing community.
 3. ~~Legal interpreter, Class C, six hours, of which three hours are legal training;~~
 4. ~~Legal interpreter, Class D, six hours, of which two hours are legal training; and~~
 5. ~~Provisional interpreter, 12 hours.~~
- B. ~~Between the time of initial licensure and a licensee's first birthday following initial licensure, the licensee shall complete a pro-rated amount of the continuing education required under subsection (A).~~
- ~~C.B.~~ A provisional licensee shall obtain from the provider of a continuing education attended by the licensee a certificate of attendance documentation that includes:
 1. Licensee's name and license number,
 2. No change
 3. No change
 4. No change
 5. No change
- D. ~~A licensee shall maintain the certificates of attendance described in subsection (C) for three years.~~
- E. ~~A licensee shall submit a copy of the certificates of attendance obtained during a license year if subject to an audit by the Commission under R9-26-511.~~
- C. Waiver of continuing education requirement.
 1. To obtain a waiver of the continuing education requirement, a provisional licensee shall submit to the Commission a written request that includes the following:
 - a. The period for which the waiver is requested.



- b. Continuing education completed during the current license year and the documentation required under subsection (B), and
- c. Reason a waiver is needed and supporting documentation:
 - i. For military service. A copy of current orders or a letter on official letterhead from the licensee's commanding officer;
 - ii. For absence from the United States. A copy of pages from the licensee's passport showing exit and reentry dates;
 - iii. For disability. A letter from the licensee's treating physician stating the nature of the disability; and
 - iv. For circumstances beyond the licensee's control. A letter from the licensee stating the nature of the circumstances and documentation that provides evidence of the circumstances.
- 2. The Commission shall grant a request for waiver of the continuing education requirement that:
 - a. Is based on a reason listed in subsection (C)(1)(c).
 - b. Is supported by the required documentation.
 - c. Is submitted no sooner than 60 days before and no later than the license expiration date, and
 - d. Will promote the safe and professional practice of interpreting in this state.
- D.** Extension of time to complete continuing education requirement.
 - 1. To obtain an extension of time to complete the continuing education requirement, a provisional licensee shall submit to the Commission a written request that includes the following:
 - a. Ending date of the requested extension.
 - b. Continuing education completed during the current license year and the documentation required under subsection (B).
 - c. Proof of registration for additional continuing education that is sufficient to enable the provisional licensee to complete all continuing education required for license renewal before the end of the requested extension, and
 - d. Licensee's attestation that the continuing education obtained under the extension will be reported only to fulfill the current license renewal requirement and will not be reported on a subsequent license renewal application.
 - 2. The Commission shall grant a request for an extension that:
 - a. Specifies an ending date no more than three months from the current license expiration date.
 - b. Includes the required documentation and attestation.
 - c. Is submitted no sooner than 60 days before and no later than the license expiration date, and
 - d. Will promote the safe and professional practice of interpreting in this state.
- E.** Except as provided in subsection (D), a provisional licensee shall report only hours of continuing education obtained during the license year immediately preceding license renewal. A licensee shall not carry over hours in excess of those required under subsection (A)(4) to a subsequent license year.

R9-26-511. ~~Audit of Compliance with Continuing Education Requirement~~ Video Remote Interpreting

At the time of license renewal, the Commission shall provide notice of an audit of continuing education records to a random sample of licensees. A licensee subject to a continuing education audit shall submit documentation that demonstrates compliance with the continuing education requirement at the same time the licensee submits the license renewal application form required under R9-26-507.

- A.** An interpreter who is licensed under A.R.S. Title 36, Chapter 17.1 and this Article is authorized to provide VRI only for individuals who are located in Arizona.
- B.** An interpreter who is licensed under A.R.S. Title 36, Chapter 17.1 and this Article and provides VRI shall comply fully with the requirements of this Article.
- C.** An interpreter who is located outside of Arizona shall not provide VRI for an individual located in Arizona before being licensed under A.R.S. Title 36, Chapter 17.1 and this Article.

R9-26-512. ~~Making a Complaint~~ Renumbered

R9-26-515. ~~Hearing Procedures~~ Identification Badge Required

- A.** To protect the public, a licensee shall have and present on request, an identification badge issued by the Commission whenever the licensee provides interpreting services.
- B.** A licensee who loses or damages the identification badge required under subsection (A) may obtain a replacement identification badge by submitting a request to the Commission and paying the charge specified under R9-26-508.

R9-26-516. ~~Rehearing or Review of Commission Decision~~ Renumbered

R9-26-517. ~~Disciplinary Action~~ Renumbered

R9-26-518. ~~Change of Name or Address~~ Required Notices to the Commission

- A.** If a licensee's certification by RID, NAD, BEI, or other acceptable certifying entity is suspended, revoked, or subject to other disciplinary action by RID, NAD, BEI, or the other acceptable certifying entity, the licensee shall provide immediate written notice of the disciplinary action to the Commission. Failure to provide the notice required under this subsection is unprofessional conduct.
- B.** If a licensee's state-issued certification submitted as qualification for a Class B provisional license is suspended, revoked, or subject to other disciplinary action by the state that issued the certification, the licensee shall provide immediate written notice of the disciplinary action to the Commission. Failure to provide the notice required under this sub-



any other parties planning similar events.

ADEQ is aware that the reclaimed water rules are in need of improvement and is beginning to work with stakeholders to consider other changes to the reclaimed water rules. ADEQ published two Notices of Docket Openings for Reclaimed Water Quality Standards (18 A.A.C. 11, Article 3) and Reclaimed Water Conveyances and Direct Reuse of Reclaimed Water (18 A.A.C. 9, Articles 6 and 7) on January 1, 2016. Other rule changes could include:

- Updating the list of allowable direct reuse activities, such as for emergency fire fighting.
- Developing additional general permits and streamlining the individual permit process.
- Allowing for amending a general permit without obtaining a new general permit.
- Making monitoring requirements consistent for wastewater and reclaimed water so that both are protective of human health and neither is unduly burdensome or duplicative.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either 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 rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

A. Brief summary of the information included in the economic, small business and consumer impact statement:

The proposed changes should benefit reclaimed water permittees. Reclaimed water permittees will have the choice to use reclaimed water under certain conditions, without the need for control measures to prevent runoff. Using reclaimed water allows a permittee to offset demands on the potable water supply. Reclaimed water permittees will have some additional costs of an AZPDES permit fee and complying with any control measures or treatment required in the AZPDES permit. The reclaimed water permittee will be able to consider whether additional reclaimed water usage outweighs the AZPDES permitting costs.

B. Name and address of agency employees who may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement:

Name: Wendy LeStarge
 Address: Department of Environmental Quality
 Water Quality Division
 1110 W. Washington St.
 Phoenix, AZ 85007
 Telephone: (602) 771-4836 (Toll-free number in Arizona: (800) 234-5677)
 Fax: (602) 771-4834
 E-mail: lestarge.wendy@azdeq.gov

C. Identification of persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking:

Reclaimed water permittees will be directly affected by the rulemaking. Reclaimed water quality standards and allowable uses are established in 18 A.A.C. 11, Article 3. Article 3 establishes five classes of reclaimed water based on protection of public health and groundwater quality (A+, A, B+, B, and C). Class A+ reclaimed water has undergone the most treatment of a minimum of secondary treatment, nitrogen removal treatment, and high level disinfection. Class B reclaimed water has undergone the minimum treatment of secondary treatment, and some disinfection. Allowable end uses correspond with the water quality class designations. End uses include crop irrigation, residential and school ground landscape irrigation, toilet and urinal flushing, and recreational impoundments. Using reclaimed water allows a permittee to offset demands on the potable water supply. Class C reclaimed water has undergone secondary treatment in a series of wastewater stabilization ponds, with or without disinfection. The types of direct reuse allowed for Class C reclaimed water are limited, such as for sod irrigation and silviculture.

Currently there are eleven reclaimed water individual permits, 396 Type 2 reclaimed water general permits, and 58 Type 3 reclaimed water general permits. Reclaimed water permittees will have the choice to use reclaimed water under certain conditions of runoff, if the runoff can be permitted under an AZPDES permit. Reclaimed water permittees will have some additional costs of an AZPDES permit fee and complying with any control measures or treatment required in the AZPDES permit. The reclaimed water permittee will be able to consider whether additional reclaimed water usage outweighs the AZPDES permitting costs.

D. Cost-benefit analysis of probable costs and benefits to ADEQ and other agencies:

ADEQ is the main agency impacted by the proposed changes. ADEQ already issues reclaimed water permits and AZPDES permits so it anticipates that the rulemaking will have only a minor impact.

**E. Cost-benefit analysis of probable costs and benefits to political subdivisions:**

Political subdivisions and government entities that are reclaimed water permittees could be impacted. There are approximately 101 reclaimed water permittees that are public entities, such as cities and towns, counties, improvement districts, and schools. Costs and benefits should be similar as to businesses, and are discussed below.

F. Cost-benefit analysis of probable costs and benefits to businesses:

Businesses that are reclaimed water permittees could be impacted. There are about 364 privately owned reclaimed water permittees, including homeowner associations, golf courses, and home developers.

Reclaimed water permittees will have the choice to use reclaimed water under certain conditions of runoff, if the runoff can be permitted under an AZPDES permit. Permittees will no longer have to set up unnecessary controls to prevent all runoff. Using reclaimed water allows a permittee to offset demands on the potable water supply. This proposed rule gives reclaimed water permittees additional options for applying reclaimed water to sites where it could not apply before because there would be some runoff.

Permittees that choose to apply reclaimed water and have runoff will have to obtain an AZPDES permit and will incur some additional costs of an AZPDES permit fee and complying with any control measures or treatment required in the AZPDES permit. Under A.R.S. § 49-255.01, any discharge to waters of the U.S. requires coverage under an AZPDES permit, unless excluded from permit requirements under statute or rule. Discharges made to waters of the U.S. via Municipal Separate Stormwater Sewer Systems (MS4s) or other conveyances also require coverage. AZPDES permits impose some limitations on pollutants that are discharged and are issued for no more than five years.

ADEQ is not requiring a specific AZPDES permit (or NPDES permit if issued by EPA), in order to allow the circumstances of the discharge to determine the appropriate permit (such as volume of discharge, location of discharge, or class of the reclaimed water). ADEQ believes the most likely permit to be used is the De Minimis General Permit (DMGP). The DMGP allows certain short-term and/or low volume discharges that meet the applicable surface water quality standards, are generally of limited flow and/or frequency, and do not last continuously for longer than 30 days unless approved in advance by ADEQ. Initial fees range from \$250 for a one-time single source discharge to \$500 for a new areawide, projectwide, or facilitywide discharge. There is an additional fee of \$1,000 if a Best Management Practices Plan review is required. An annual fee of the same amount as the initial fee is assessed for discharge authorizations that remain active longer than one year. For established areawide, projectwide, or facilitywide permittees, there is no fee for adding eligible discharges to the authorization.

The DMGP sets some limitations such as for the amount of chlorine and E. coli that can be in the discharge water. Some classes of reclaimed water could potentially exceed the limits, so sampling may be required. A reclaimed water permittee will be able to consider if the potential costs of permit fees, additional treatment, or sampling outweigh the benefit of additional usage. For permittees that chose not to exercise the option, the rulemaking will not impose any additional cost.

G. Probable impact on public and private employment:

ADEQ does not anticipate that private or public employment will be directly affected by these rules.

H. Probable impact on small businesses:

ADEQ would use the small business definition in A.R.S. § 41-1001(21) of “a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year.” Based on this definition, ADEQ estimates that more than half of the 364 privately-owned reclaimed water permittees are a small business.

1) The administrative and other costs required for compliance with the proposed rulemaking.

This rulemaking removes a prohibition and allows some additional uses for a reclaimed water permittee. For permittees that choose to exercise the option and have some runoff of reclaimed water, they are required under A.R.S. § 49-255.01 to have permit coverage. AZPDES permit coverage imposes some costs, for which a reclaimed water permittee can decide if the benefits outweigh the costs.

2) A description of the methods prescribed in section 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not to use each method.

(i) *Establish less costly schedules or less stringent deadlines for compliance, or consolidate or simplify the rule's compliance or reporting requirements in the proposed rulemaking.*

ADEQ is removing an outright prohibition and allowing discharge from runoff of reclaimed water if it is authorized by an AZPDES permit. Coverage under a NPDES or AZPDES permit is required under A.R.S. § 49-255.01 and the federal Clean Water Act for any discharge to waters of the U.S.



- (ii) Establish less costly compliance requirements, including establishing performance standards to replace design or operational standards in the proposed rulemaking.
ADEQ's laws, rules, and permits must comply with federal Clean Water Act requirements.
- (iii) Exempt small businesses from any or all requirements of the proposed rulemaking.
Coverage under a NPDES or AZPDES permit is required under A.R.S. § 49-255.01 and the federal Clean Water Act for any discharge to waters of the U.S.

3) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.

ADEQ does not anticipate that the rulemaking will directly impact private persons or consumers.

I. Probable effect on state revenues:

There could be a slight increase on state revenues due to increased AZPDES permit fees.

J. Description of less intrusive or less costly alternative methods of achieving the proposed rulemaking:

ADEQ is implementing a less intrusive method by removing an existing prohibition and allowing permittees the option to have runoff of reclaimed water that is permitted under an AZPDES permit.

K. Explanation of the limitations of the data available for this economic small business and consumer impact statement:

ADEQ generally does not track in a database certain information on permittees, such as whether publicly or privately owned and the type of reuse activity. Some of the information came from an informal review of past applications and permits.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

In response to comments, ADEQ changed the language “a separate” to “an individual or general” NPDES or AZPDES permit.

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

ADEQ received two related comments from Steve Camp, representing the City of Flagstaff:

COMMENT: The language in the rule does not specify if a general or individual AZPDES permit is required.

RESPONSE: ADEQ meant that the discharge could be authorized by either an individual or general NPDES or AZPDES. ADEQ agrees with the commentor and changed the language proposed.

COMMENT: This is not specific as to which AZPDES general permit is required. ADEQ has several different general AZPDES permits available. The City of Flagstaff currently has coverage under the AZPDES De Minimis general permit (AZG2010-001) and the AZPDES MS4 stormwater general permit (AZG2002-002). Does ADEQ intend for the general AZPDES De Minimis permit to meet the APDES permitting requirements or will the City of Flagstaff require a separate AZPDES permit? If the De Minimis permit will meet the permitting requirements, will the City of Flagstaff be required to apply for the Specific Approval, specific to the Dew Downtown event, as specified in Part I.B.7?

RESPONSE: ADEQ intends that the rule language apply broadly to various situations. Some of those may be appropriate for coverage under the De Minimis General Permit (DMGP) or another AZPDES general permit, and some may require individual AZPDES permits. As now drafted, the 2016 DMGP would allow coverage of reclaimed water discharges such as runoff of Class A reclaimed water from the Dew Downtown event, subject to Specific Approval from ADEQ (DMGP Part I.B.7.). Once the 2016 DMGP is issued, the City of Flagstaff could apply for this coverage as an addition to its existing Areawide DMGP authorization. The MS4 stormwater general permit would not be applicable to discharges of reclaimed water.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

For a reclaimed water permittee that chooses to exercise the option, the reclaimed water runoff must be permitted. The rule does not specify whether a permittee must apply for an individual or general AZPDES permit, in order to allow the circumstances of the discharge to determine the appropriate permit (such as volume of discharge, location of discharge, or class of the reclaimed water). An AZPDES general permit is readily available for many types of reclaimed water discharges and ensures that there is no violation of the Clean Water Act.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

There is no federal law applicable to direct reuse of reclaimed water. Coverage under a NPDES or AZPDES permit is required under A.R.S. § 49-255.01 and the federal Clean Water Act for any discharge to waters of the U.S. This rule and A.R.S. § 49-255.01 are not more stringent than the federal Clean Water Act.



c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No person has submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states.

13. List of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rule follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL**

ARTICLE 7. DIRECT REUSE OF RECLAIMED WATER

Section

R18-9-704. General Requirements

ARTICLE 7. DIRECT REUSE OF RECLAIMED WATER

R18-9-704. General Requirements

- A.** Sewage treatment facility. Except for permits continued under R18-9-703(A), a sewage treatment facility owner or operator shall provide reclaimed water for direct reuse only under an individual Aquifer Protection Permit amended under R18-9-703(C)(2).
- B.** Additional treatment. If an owner or operator of a facility accepts reclaimed water and provides additional treatment for a higher quality direct reuse, the facility is considered a sewage treatment facility and shall operate under the requirements of an individual Aquifer Protection Permit amended under R18-9-703(C)(2).
- C.** Reclaimed water blending facility. An owner or operator of a reclaimed water blending facility shall not conduct blending operations without obtaining a Reclaimed Water Individual Permit or Reclaimed Water General Permit.
- D.** Reclaimed water agent. A person shall not operate as a reclaimed water agent without obtaining a Reclaimed Water Individual Permit or a Reclaimed Water General Permit.
- E.** End user. A person shall not directly reuse reclaimed water unless permitted under this Article.
- F.** Irrigating with reclaimed water. A permittee irrigating with reclaimed water shall:
1. Use application methods that reasonably preclude human contact with reclaimed water;
 2. Prevent reclaimed water from standing on open access areas during normal periods of use;
 3. Prevent reclaimed water from coming into contact with drinking fountains, water coolers, or eating areas; and
 4. Secure hose bibbs discharging reclaimed water to prevent use by the public.
- G.** Prohibited activities.
1. Irrigating with untreated sewage;
 2. Providing or using reclaimed water for any of the following activities:
 - a. Direct reuse for human consumption;
 - b. Direct reuse for swimming, wind surfing, water skiing, or other full-immersion water activity with a potential of ingestion; or
 - c. Direct reuse for evaporative cooling or misting.
 3. Misapplying reclaimed water for any of the following reasons:
 - a. Application of a stated class of reclaimed water that is of lesser quality than allowed by this Article for the type of direct reuse application;
 - b. Application of reclaimed water to any area other than a direct reuse site; or
 - c. Allowing runoff of reclaimed water or reclaimed water mixed with stormwater from a direct reuse site, except for:
 - i. agricultural return flow that is directed onto an adjacent field or returned to an open water conveyance; ~~or~~
 - ii. a discharge authorized by an individual or general NPDES or AZPDES permit.
- H.** A permittee shall place and maintain signage at locations specified in Table 1 so the public is informed that reclaimed water is in use and that no one should drink from the system.



Table 1. Signage Requirements for Direct Reuse Sites

Reclaimed Water Class	Hose Bibbs	Residential Irrigation	Schoolground Irrigation	Other Open Access Irrigation	Restricted Access Irrigation	Mobile Reclaimed Water Dispersal
A+	Each bibb	Front yard, or all entrances to a subdivision if the signage is supplemented by written yearly notification to individual homeowners by the homeowner's association.	On premises visible to staff and students	None	None	Back of truck or on tank
A	Each bibb	Front yard, or all entrances to a subdivision if the signage is supplemented by written yearly notification to individual homeowners by the homeowner's association.	On premises visible to staff and students	None	None	Back of truck or on tank
B+	Each bibb	Direct Reuse Not Allowed	Direct Reuse Not Allowed	Direct Reuse Not Allowed	1. Ingress points 2. On premises or at reasonably spaced intervals not more than 1/4 mile, as applicable to the use 3. Notice on golf score cards, if applicable	Back of truck or on tank
B	Each bibb	Direct Reuse Not Allowed	Direct Reuse Not Allowed	Direct Reuse Not Allowed	1. Ingress points 2. On premises or at reasonably spaced intervals not more than 1/4 mile, as applicable to the use 3. Notice on golf score cards, if applicable	Back of truck or on tank
C	Each bibb	Direct Reuse Not Allowed	Direct Reuse Not Allowed	Direct Reuse Not Allowed	1. Ingress points 2. On premises or at reasonably spaced intervals not more than 1/4 mile, as applicable to the use	Back of truck or on tank

Note: All impoundments with open access including lakes, ponds, ornamental fountains, waterfalls, and other water features shall be posted with signs regardless of the class of reclaimed water.