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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the Administrative Register (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statues as known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the Arizona Administrative Register or Code. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The Register is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the Register contains the full text of the Governor’s Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor’s appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the Register includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the Register. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A “CLEAN” COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The Arizona Administrative Code (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor’s Regulatory Review Council. The Code also contains rules exempt from the rulemaking process.

The printed Code is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The Code is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the Arizona Administrative Code under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the Arizona Administrative Code; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the Arizona Administrative Code. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking.

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the Register. The original filed document is available for 10 cents a copy.
Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the Arizona Administrative Register. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency’s website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the Register. Be prepared to speak, attend the meeting, and make an oral comment.

An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the Register publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor’s Regulatory Review Council written comments that are relevant to the Council’s power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process

START HERE

Agency opens a docket. Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.

Agency files Notice of Proposed Rulemaking. Notice is published in the Register. Notice of meetings may be published in Register or included in Preamble of Proposed Rulemaking. Agency opens comment period.

Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing.

Agency decides not to proceed; files Notice of Termination of Rulemaking for publication in Register. A.R.S. § 41-1021(A)(2).


Rule must be submitted for review or terminated within 120 days after the close of the record.

A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated).

Substantial change?

If no change then

Final rule is published in the Register and the quarterly Code Supplement.
Definitions


**Arizona Administrative Register (A.A.R.):** The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

**Administrative Procedure Act (APA):** A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

**Arizona Revised Statutes (A.R.S.):** The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at www.azleg.gov.

**Chapter:** A division in the codification of the Code designating a state agency or, for a large agency, a major program.

**Close of Record:** The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.


**Docket:** A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the Register.

**Economic, Small Business, and Consumer Impact Statement (EIS):** The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the Register but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

**Governor’s Regulatory Review (G.R.R.C.):** Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

**Incorporated by Reference:** An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

**Federal Register (FR):** The Federal Register is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

**Session Laws or “Laws”:** When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.”, and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

**United States Code (U.S.C.):** The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – Arizona Administrative Code

A.A.R. – Arizona Administrative Register

APA – Administrative Procedure Act

A.R.S. – Arizona Revised Statutes

CFR – Code of Federal Regulations

EIS – Economic, Small Business, and Consumer Impact Statement

FR – Federal Register

G.R.R.C. – Governor’s Regulatory Review Council


About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.
NOTICES OF PROPOSED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Rulemakings. A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same Register issue. When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the Register within three weeks of filing. See the publication schedule in the back of each issue of the Register for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022). The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 22. BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

[R16-237]

PREAMBLE

1. Articles, Parts, and Sections Affected (as applicable) Rulemaking Action
   R4-22-104 Amend
   Table 1 Amend
   R4-22-207 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statute: A.R.S. § 32-1803(C)(1)
   Implementing statute: A.R.S. §§ 32-1825, 32-1832, 41-1072

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

4. The agency's contact person who can answer questions about the rulemaking:
   Name: Jenna Jones, Executive Director
   Address: Board of Examiners in Osteopathic Medicine and Surgery
   9535 E. Doubletree Ranch Road
   Scottsdale, AZ 85258
   Telephone: (480) 657-7703
   Fax: (480) 657-7715
   E-mail: Jenna.Jones@azdo.gov
   Web site: www.azdo.gov

5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:
   The Board is amending its rules in response to two factors. The first is Laws 2015, Chapter 135, which amended A.R.S. § 32-1825(B) to require 40 hours of continuing education during each biennial renewal period rather than 20 hours during each year. The second is a report by the Arizona Auditor General dated June 2016 which indicated the Board should add a time frame for acting on an application to retire a license. The Board makes both of these changes in this rulemaking.

An exemption from EO2016-03 was provided by Christina Corieri, Policy Advisor for Health and Human Services in the Governor’s Office, by e-mail on August 3, 2016.
6. 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:
   The Board does not intend to review or rely on a study in its evaluation of or justification for a rule in this rulemaking.

7. 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

8. The preliminary summary of the economic, small business, and consumer impact:
   The Board has determined the rulemaking will have minimal impact. It is statute rather than this rulemaking that enables a licensee to obtain required continuing education during a biennial renewal period rather than annually. Adding a time-frame for Board action on an application to retire a license and to renew a retired license will provide certainty to the applicant.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:
   Name: Jenna Jones, Executive Director
   Address: Board of Examiners in Osteopathic Medicine and Surgery
            9535 E. Doubletree Ranch Road
            Scottsdale, AZ 85258
   Telephone: (480) 657-7703
   Fax: (480) 657-7715
   E-mail: Jenna.Jones@azdo.gov
   Web site: www.azdo.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
    An oral proceeding regarding the proposed rules will be held as follows:
    Date: Tuesday, December 27, 2016
    Time: 10:00 a.m.
    Location: 9535 E. Doubletree Ranch Road
              Scottsdale, AZ 85258

11. 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:
    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 listed in Table 1 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:
       There are numerous federal laws applicable to health care. However, there is no federal law specifically applicable to the subject matter of this rulemaking. As a result, none of the rules is more stringent than federal law.
    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.

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

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 22. BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

ARTICLE 1. GENERAL PROVISIONS

Section
R4-22-104. Licensing Time-frames
Table 1. Time-frames (in days)
ARTICLE 1. GENERAL PROVISIONS

R4-22-104. Licensing Time-frames Time Frames
A. The overall time frame described in A.R.S. § 41-1072(2) for each type of license issued by the Board is listed in Table 1. An applicant and the Executive Director of the Board may agree in writing to extend the substantive review and overall time frames by no more than 25 percent of the overall time-frame listed in Table 1.
B. The administrative completeness review time frame described in A.R.S. § 41-1072(1) for each type of license issued by the Board is listed in Table 1. The administrative completeness review time frame for a particular license begins on the date the Board receives an application package for that license.
1. If the application package is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review and overall time frames are suspended from the postmark date on the notice until the date the Board receives the missing document or incomplete information.
2. If the application package is complete, the Board shall send to the applicant a written notice of administrative completeness.
3. If the Board grants or denies a license during the administrative completeness review time frame, the Board shall not issue a separate written notice of administrative completeness.
C. The substantive review time frame described in A.R.S. § 41-1072(3) for each type of license issued by the Board is listed in Table 1. The substantive review time frame begins on the postmark date of the Board’s notice of administrative completeness.
1. During the substantive review, the Board may make one comprehensive written request for additional information or documentation. The substantive review and overall time frames are suspended from the postmark date on the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation. The Board and applicant may agree in writing to allow the Board to submit supplemental requests for additional information.
2. The Board shall send a written notice of approval to an applicant who meets the requirements of A.R.S. Title 32, Chapter 17 and this Chapter.
3. The Board shall send a written notice of denial to an applicant who fails to meet the requirements of A.R.S. Title 32, Chapter 17 or this Chapter.
D. The Board shall administratively close an applicant’s file if the applicant fails to submit the information or documentation required under subsection (B)(1) or (C)(1) within 360 days from the date on which the application package was originally submitted. If an individual whose file is administratively closed wishes to be licensed, the individual shall file another application package and pay the application fee.
E. The Board shall grant or deny the following licenses within seven days after receipt of an application:
1. Ninety-day extension of locum tenens registration;
2. Waiver of continuing education requirements for a particular period;
3. Extension of time to complete continuing education requirements;
4. Five-day educational training permit;
5. Extension of one-year renewable training permit; and
6. Renewal of retired status.
F. In computing any time-frame prescribed in this Section, the day of the act or event that begins the time-frame is not included. The computation includes intermediate Saturdays, Sundays, and official state holidays. If the last day of a time frame falls on a Saturday, Sunday, or official state holiday, the next business day is the time frame’s last day.

<table>
<thead>
<tr>
<th>Type of License</th>
<th>Statutory Authority</th>
<th>Overall Time-frame Time Frame</th>
<th>Administrative Completeness Time-frame Time Frame</th>
<th>Substantive Review Time-frame Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>License</td>
<td>A.R.S. § 32-1822</td>
<td>120</td>
<td>30</td>
<td>90</td>
</tr>
<tr>
<td>License Renewal</td>
<td>A.R.S. § 32-1825</td>
<td>120</td>
<td>30</td>
<td>90</td>
</tr>
<tr>
<td>90-day Locum Tenens Registration</td>
<td>A.R.S. § 32-1823</td>
<td>60</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>One-year Renewable Training Permit</td>
<td>A.R.S. § 32-1829(A)</td>
<td>60</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Short-term Training Permit</td>
<td>A.R.S. § 32-1829(C)</td>
<td>60</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

Table 1. Time-frames Time Frames (in days)
ARTICLE 2. LICENSING

R4-22-207. Continuing Medical Education; Waiver; Extension of Time to Complete

A. Under A.R.S. § 32-1825(B), a licensee is required to obtain 20–40 hours of Board-approved CME in each of the two years before license renewal. The Board shall approve the CME of a licensee if the CME complies with the following:

1. At least 24 hours are obtained annually by completing CME classified by the AOA as Category 1A; and
2. No more than eight 16 hours are obtained annually by completing CME classified as American Medical Association Category 1 approved by an ACCME-accredited CME provider.

B. A licensee may fulfill 20–40 hours of the CME requirement for a particular year license renewal period by participating in an approved residency, internship, fellowship, postgraduate training program or preceptorship during that year license renewal period.

C. The Board shall accept the following documentation as evidence of compliance with the CME requirement:

1. For a CME under subsection (A)(1):
   a. The AOA printout of the licensee’s CME, or
   b. A copy of the certificate of attendance from the provider of the CME showing:
      i. Licensee’s name,
      ii. Title of the CME,
      iii. Name of the provider of the CME,
      iv. Category of the CME,
      v. Number of hours in the CME, and
      vi. Date of attendance;

2. For a CME under subsection (A)(2):
   a. A copy of the certificate of attendance from the provider of the CME showing the information listed in subsection (C)(1)(b); or
   b. A specialty board’s printout showing a licensee’s completion of CME.

3. For a CME under subsection (B), either a letter from the Director of Medical Education or a certificate of completion for the approved internship, residency, fellowship, postgraduate training program or preceptorship.

D. Waiver of CME requirements. To obtain a waiver under A.R.S. § 32-1825(C) of the CME requirements, a licensee shall submit to the Board a written request that includes the following:

1. The period for which the waiver is requested,
2. CME completed during the current license period and the documentation required under subsection (C), and
3. Reason that a waiver is needed and the applicable documentation:
   a. For military service. A copy of current orders or a letter on official letterhead from the licensee’s commanding officer;
   b. For absence from the United States. A copy of pages from the licensee’s passport showing exit and reentry dates;
   c. For disability. A letter from the licensee’s treating physician stating the nature of the disability; or
   d. For circumstances beyond the licensee’s control:
      i. A letter from the licensee stating the nature of the circumstances, and
      ii. Documentation that provides evidence of the circumstances.

E. The Board shall grant a request for waiver of CME requirements that:

1. Is based on a reason listed in subsection (D)(3),
2. Is supported by the required documentation,
3. Is filed no sooner than 60 days before and no later than 30 days after the license renewal date, and
4. Will promote the safe and professional practice of osteopathy in this state.

F. Extension of time to complete CME requirements. To obtain an extension of time under A.R.S. § 32-1825(C) to com-
plete the CME requirements, a licensee shall submit to the Board a written request that includes the following:

1. Ending date of the requested extension,
2. CME completed during the current license period and the documentation required under subsection (C),
3. Proof of registration for additional CME that is sufficient to enable the licensee to complete all CME required for license renewal before the end of the requested extension, and
4. Licensee’s attestation that the CME 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.

G. The Board shall grant a request for an extension that:

1. Specifies an ending date no later than May 1 following the license renewal date,
2. Includes the required documentation and attestation,
3. Is submitted no sooner than 60 days before and no later than 30 days after the license renewal date, and
4. Will promote the safe and professional practice of osteopathy in this state.
NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKINGS

This section of the Arizona Administrative Register contains Notices of Supplemental Proposed Rulemakings.

After an agency has filed a Notice of Proposed Rulemaking and it is published in the Register, an agency may decide to make substantial changes to the rule after it is proposed.

The agency prepares a Notice of Supplemental Proposed Rulemaking with these proposed changes. When filed, the Notice is published under the deadline schedule in the back of the Register.

The Notice of Supplemental Proposed Rulemaking shall be published in the Register before holding any oral proceedings (A.R.S. § 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of these rules should be addressed to the person listed in item #4 below. Refer to item #11 for information related to oral proceedings, public comments and the close of record.

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R16-238]

PREAMBLE

1. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:

2. Articles, Parts, or Sections Affected (as applicable)  
   Rulemaking Action
   - R2-8-401 Amend
   - R2-8-403 Amend
   - R2-8-405 Amend

3. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
   - Authorizing statute: A.R.S. § 38-714(E)(4)
   - Implementing statutes: A.R.S. §§ 41-1092 et seq.

4. The agency’s contact person who can answer questions about the rulemaking:
   - Name: Jessica A.R. Thomas, Rules Writer
   - Address: Arizona State Retirement System
   - 3300 N. Central Ave., Suite 1400
   - Phoenix, AZ 85012-0250
   - Telephone: (602) 240-2039
   - E-mail: JessicaT@azasrs.gov

5. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:
   - R2-8-401 contains definitions that are applicable to this Article. R2-8-401 needs to be amended to reflect that for purposes of appeals, the “Board” refers to the Committee designated by the Board to hear appeals. R2-8-403 allows a person who is dissatisfied with a decision by the Director to file an appeal with the ASRS by submitting a Request for Hearing of an appealable agency action. The ASRS will amend the rule to distinguish between an appeal related to a long-term disability determination and an appeal related to a member benefits determination. R2-8-405 allows a person who is dissatisfied with the final decision of the appeal to file a motion for rehearing or review. The ASRS will amend this rule to distinguish between a motion for reconsideration and a motion for rehearing. The amended rules will better reflect the ASRS appeals process and will make the appeal rules more consistent, clear, and understandable; this rulemaking will ensure members have notice about how the ASRS processes different types of appeals.
6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or 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:
   None

7. An explanation of the substantial change that resulted in this supplemental notice:
   In R2-8-403, the ASRS added subsection (H) to clarify when an appellant will receive a response to a letter of appeal at the assistant director level. Also, the ASRS further amended R2-8-403(D) to clarify when an appellant will receive a response letter to a letter of appeal at the Director level. Finally, the ASRS changed “his designee” to “such director’s designee” in order to conform to rulemaking standards.

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. The preliminary summary of the economic, small business, and consumer impact:
   The ASRS promulgates rules that allow the agency to provide for the proper administration of the state retirement trust fund. ASRS rules affect ASRS members and ASRS employers regarding how they contribute to, and receive benefits from, the ASRS. The ASRS effectively administers how public-sector employers and employees participate in the ASRS. As such, the ASRS does not issue permits or licenses, or charge fees, and its rules have little to no economic impact on private-sector businesses, with the exception of some employer partner charter schools, which have voluntarily contracted to join the ASRS. Thus, there is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rule will have minimal economic impact, if any, because it merely clarifies the appeals process. Clarifying the appeals process will increase understandability of how a person may submit an appeal and will ensure members of the public understand how an appeal will be handled with the ASRS, which will increase the effectiveness and efficiency of the appeals process; thus, reducing the regulatory burden and the economic impact.

10. The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:
    Name: Jessica A.R. Thomas, Rules Writer
    Address: Arizona State Retirement System
              3300 N. Central Ave., Suite 1400
              Phoenix, AZ 85012-0250
    Telephone: (602) 240-2039
    E-mail: JessicaT@azasrs.gov

11. The time, place, and nature of the proceedings to make, amend, renumber or repeal the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the supplemental proposed rule:
    An oral proceeding regarding the proposed rule will be held as follows:
    Date: December 27, 2016
    Time: 9:00 a.m.
    Location: Arizona State Retirement System
              10th Floor Board Room
              3300 N. Central Ave.
              Phoenix, AZ 85012-0250

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:
    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:
       None of the rules requires a permit.
    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 are no federal laws applicable to these rules.
    c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitive-ness of business in this state to the impact on business in other states:
       No analysis was submitted.

13. A list of incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
    None
14. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

ARTICLE 4. PRACTICE AND PROCEDURE BEFORE THE BOARD

Section
R2-8-401. Definitions
R2-8-403. Letters of Appeal; Request for a Hearing of an Appealable Agency Action
R2-8-405. Motion for Rehearing Before the Board; Motion for Review of a Final Decision

R2-8-401. Definitions
The following definitions apply to this Article, unless otherwise specified:

1. “Appealable agency action” means the same as in A.R.S. § 41-1092(3).
2. “Board” means a Committee designated by the Board to take action on appeals as described in A.R.S. § 38-714(E)(1).
3. “Final administrative action” means the same as in A.R.S. § 41-1092 and is rendered by the Board.

R2-8-403. Letters of Appeal; Request for a Hearing of an Appealable Agency Action
A. After receipt of an agency decision, a person who is not satisfied with the agency decision, may submit a letter of appeal:
   1. To the ASRS’s vendor for long-term disability benefits, if the appeal relates to a long-term disability decision; or
   2. To the ASRS Member Services Division Assistant Director, or such assistant director’s designee, if the appeal relates to an agency decision other than a long-term disability decision.
B. Upon receipt of a letter of appeal, the long-term disability vendor, or the Member Services Division Assistant Director, or such assistant director’s designee, shall send a response letter to the person requesting the appeal notifying the person of:
   1. The decision the agency is making in response to the letter of appeal; and
   2. The person’s right to appeal the agency response by submitting a letter of appeal to the ASRS Director or such director’s designee.
C. A person who is not satisfied with the agency response pursuant to subsection (B) may submit a letter of appeal to the ASRS Director or such director’s designee within 60 days of the date on the agency response letter.
D. Within 30 days of the date the ASRS receives a letter of appeal pursuant to subsection (C), the ASRS director or such director’s designee shall send a response letter by certified mail to the person requesting the appeal that includes:
   1. The agency action the ASRS is taking in response to the letter of appeal; and
   2. Notice of Appealable Agency Action, as required pursuant to A.R.S. § 41-1092.03 informing the person requesting the appeal, that the person has a right to appeal the agency action by submitting a Request for Hearing pursuant to subsections (E) and (F).
E. For an appealable agency action, a person who is not satisfied with a decision by the Director, may file a Request for a Hearing, in writing, with the ASRS. The date the Request is filed is established by the ASRS date stamp on the face of the Request. The Request shall include the following:
   1. The name and mailing address of the member, employer, or other person filing the Request;
   2. The name and mailing address of the attorney for the person filing the Request, if applicable;
   3. A concise statement of the reasons for the appeal.
F. The person requesting a hearing shall file the Request for a Hearing with the ASRS Office of the Director within 30 days after receiving a response letter decision of the Director and including a Notice of an Appealable Agency Action, pursuant to subsection (E). The date the request is filed is established by the Director’s date stamp on the face of the first page of the Request.
G. Upon receipt of the Request for a Hearing, the ASRS shall notify the Office of Administrative Hearings as required in A.R.S. § 41-1092.03(B).
H. Pursuant to subsection (B):
   1. The long-term disability vendor shall send a response letter to the person requesting the appeal within 120 days of the date the long-term disability vendor receives the letter of appeal; and
   2. The Member Services Division Assistant Director, or such assistant director’s designee, shall send a response letter to the person requesting the appeal within 30 days of the date the ASRS receives the letter of appeal.
B. Except as provided in subsection (H), within 30 days after service of the final administrative decision, any aggrieved party of an appealable agency action may file with the Board a Motion for Review of a Final Decision, in writing, specifying the particular grounds for reviewing the Board’s final administrative decision.

B-C. A party may amend a motion for rehearing before the Board or a Motion for review of a Final Decision at any time before the Board rules on the motion. A party may file a response within 15 days after the motion or the amended motion is filed. The Board may require the filing of written briefs upon the issues raised in the motion or the amended motion, and may provide for oral argument.

C-D. The Board may grant a Motion for rehearing before the Board or a Motion for review of a Final Decision for any of the following causes that materially affect the moving party’s rights:

1. Irregularity in the administrative proceedings of the agency or the hearing officer, or any order or abuse of discretion that deprives the moving party of a fair hearing;
2. Misconduct of the Board, 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 at the administrative hearing or during the process of the action; or
7. That the decision, or findings of fact, is not justified by the evidence or is contrary to law.

D-E. The Board may affirm or modify the final administrative decision or grant a rehearing before the Board or review of final administrative decision to all or any of the parties on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify with particularity the grounds for the order.

E-F. Not later than 10 days after the final administrative decision, the Board may, after giving each party notice and an opportunity to be heard, order a rehearing or review of its final administrative decision for any reason for which it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the order granting a rehearing or review shall specify the grounds on which it is granted.

F-G. When a motion for rehearing or review is based upon an affidavit, the affidavit shall be filed with the motion. An opposing party may, within 15 days after filing, file an opposing affidavit. The Board may extend the period for filing an opposing affidavit for not more than 20 days for good cause shown or by written stipulation of the parties. The Board may permit a reply affidavit.

G-H. The Board shall rule on the motion within 15 days after the response to the motion is filed or if a response is not filed, within five days of the expiration of the response period.

H-I. If the Board makes a specific finding that the immediate effectiveness of a particular decision is necessary for the preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, an application for judicial review of the decision may be made within the time limits permitted for applications for judicial review of the Board’s final decisions.
NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final exempt rules should be addressed to the agency promulgating the rules. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

[R16-239]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
---|---
R4-6-101 | Amend
R4-6-205 | Amend
R4-6-211 | Amend
R4-6-212 | Amend
R4-6-212.01 | Amend
R4-6-214 | Amend
R4-6-301 | Amend
R4-6-304 | Amend
R4-6-306 | Amend
R4-6-402 | Amend
R4-6-403 | Amend
R4-6-502 | Amend
R4-6-503 | Amend
R4-6-601 | Amend
R4-6-602 | Amend
R4-6-603 | Amend
R4-6-701 | Amend
R4-6-702 | Amend
R4-6-703 | Amend
R4-6-704 | Amend
R4-6-705 | Amend
R4-6-802 | Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statute: A.R.S. § 32-3253(A)(1)
   Statute or session law authorizing the exemption: Laws 2015, Chapter 154, Sec 10

3. The effective date for the rules and the reason the agency selected the effective date:
The rules are effective on November 1, 2016, to expedite implementation of clarifying language and technical corrections.

4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
   Notice of Rulemaking Docket Opening: 22 A.A.R. 2405, September 2, 2016

5. The agency's contact person who can answer questions about the rulemaking:
   Name: Donna Dalton, Deputy Director
   Address: 3443 N. Central Ave., Suite 1700
             Phoenix, AZ 85012
6. **An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

   In 2013, the legislature substantially revised the Board’s statutes in Laws 2013, Chapter 242. Laws 2015, Chapter 154 further revised the Board’s statutes. The Board, a rules subcommittee and multiple stakeholder groups worked cooperatively to develop, revise, and promulgate rules to align with the revised statutes. The majority of the rulemaking became effective on November 1, 2015.

   Since the promulgation of the rules, the Board has documented several technical corrections needed, in addition to other clarifications that have become necessary as the rules have been implemented. This rulemaking seeks to make technical corrections and clarify confusing language to assist in eliminating unintended burdens and consequences of the rules promulgated as of November 1, 2015.

   An exemption from Executive Order 2016-03 was provided for this rulemaking by Christina Corieri, Policy Advisor in the Governor’s office, in an e-mail dated August 3, 2016.

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:**

   The Board did not review or rely on a study in its evaluation of or justification for the rulemaking. The rulemaking does not rely on scientific principles or methods.

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, if applicable:**

   Because the rulemaking makes only technical corrections and no substantive changes, the Board estimates the rules will have minimal economic impact on applicants and licensees and consumers of behavioral health services.

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

    Not applicable because the rulemaking was not published in proposed form.

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

    The Board made the following changes in response to public comments regarding the proposed rulemaking as posted on the Board’s web site. The Board determined none of the changes is substantial under the standard at A.R.S. § 41-1025(B).

<table>
<thead>
<tr>
<th>COMMENT</th>
<th>BOARD’S ANALYSIS</th>
<th>BOARD’S RESPONSE</th>
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<tr>
<td>R4-6-205. Change of Contact Information: Clarified “office addresses and telephone numbers” to “Address and telephone number for all places of employment”</td>
<td>The Board agrees with the comment.</td>
<td>Language changed.</td>
</tr>
<tr>
<td>R4-6-212.01(1)(b). Exemptions to the Clinical Supervision Requirements: Previous language was too stringent regarding a written contract.</td>
<td>The Board agrees with the comment.</td>
<td>Removed requirement (i) and revised (ii) and (iii).</td>
</tr>
<tr>
<td>R4-6-214(C). Clinical Supervisor Educational Requirements: Proposed language did not flow correctly and could be misinterpreted.</td>
<td>The Board agrees with the comment.</td>
<td>The language was reorganized however no substance was changed.</td>
</tr>
<tr>
<td>R4-6-304(3). Application for a License by Endorsement: “An individual who can independently verify” did not clarify who could provide verification of supervised work experience.</td>
<td>The Board agrees with the comment.</td>
<td>The verification should be from an individual whose objective assessment is not limited by a relationship with the applicant.</td>
</tr>
<tr>
<td>R4-6-306(A)(3)(c). Application for a Temporary License: Previous rulemaking inadvertently left out the word “regulatory” as a requirement when looking at another state for a temporary license.</td>
<td>The Board agrees with the comment.</td>
<td>An applicant for a license by examination may be eligible for a temporary license if they are licensed or certified by another state behavioral health regulatory entity.</td>
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### Notices of Final Exempt Rulemaking

**Sections of the Rules Addressed in This Notice**

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<th>Rule Section</th>
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<td>R4-6-601(B)</td>
<td>Curriculum: Clarify that three courses must collectively include the competencies not three individual courses.</td>
<td>The Board agrees with the comment.</td>
<td>Language revised to provide clarity and update competencies.</td>
</tr>
<tr>
<td>R4-6-802(C)</td>
<td>Continuing Education: Need to clarify that the Board approved tutorial on statutes and rules cannot be used to meet the requirement for 3 clock hours in behavioral health ethics or mental health law.</td>
<td>The Board agrees with the comment.</td>
<td>Continuing education requirements clarified to reflect Board approved tutorial is in addition to the 3 clock hours in behavioral health ethics or mental health law.</td>
</tr>
<tr>
<td>R4-6-1106(C)(2)(b)</td>
<td>Telepractice: Need to clarify “physical location of the client during the session”</td>
<td>The Board believes physical location is specific enough.</td>
<td>No change</td>
</tr>
</tbody>
</table>

**12. Other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules.**

When applicable, matters shall include, but not be limited to:

Laws 2015, Chapter 154, Sec 10 requires the Board to:

- Allow interested parties to provide written comments or testimony on the proposed exempt rules.
- Adequately address all comments including those regarding information contained in the economic, small business, and consumer impact statement.
- Prepare a mailing list of persons who wish to be notified on hearings relating to the proposed exempt rules.
- Hold at least two public hearings on the proposed exempt rules.
- Testify before the JLBC regarding the proposed exempt rules.

The Board did as required.

**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 all four disciplines, the licenses issued by the Board 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:**

None of the rules is more stringent than federal law. No federal law is directly applicable to the subject of any of the rules 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:**

None of the rules in this rulemaking was previously made, amended, or repealed as an emergency rule.

**15. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS**

**ARTICLE 1. DEFINITIONS**

**ARTICLE 2. GENERAL PROVISIONS**

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<td>R4-6-205</td>
<td>Change of Contact Information</td>
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<td>R4-6-211</td>
<td>Direct Supervision; Supervised Work Experience: General</td>
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<td>R4-6-212</td>
<td>Clinical Supervision Requirements</td>
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<td>R4-6-212.01</td>
<td>Exemptions to Clinical Supervision Requirements</td>
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<td>R4-6-214</td>
<td>Clinical Supervisor Educational Requirements</td>
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</table>
ARTICLE 3. LICENSURE

Section
R4-6-301. Application for a License by Examination
R4-6-304. Application for a License by Endorsement
R4-6-306. Application for a Temporary License

ARTICLE 4. SOCIAL WORK

Section
R4-6-402. Examination
R4-6-403. Supervised Work Experience for Clinical Social Worker Licensure

ARTICLE 5. COUNSELING

Section
R4-6-502. Examination
R4-6-503. Supervised Work Experience for Professional Counselor Licensure

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

Section
R4-6-601. Curriculum
R4-6-602. Examination
R4-6-603. Supervised Work Experience for Marriage and Family Therapy Licensure

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

Section
R4-6-701. Licensed Substance Abuse Technician Curriculum
R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum
R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum
R4-6-704. Examination
R4-6-705. Supervised Work Experience for Substance Abuse Counselor Licensure

ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

Section
R4-6-802. Continuing Education

ARTICLE 1. DEFINITIONS

R4-6-101. Definitions
The definitions at A.R.S. § 32-3251 apply to this Chapter. Additionally, the following definitions apply to this Chapter, unless otherwise specified:
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. “CACREP” means the Council on Accreditation of Counseling and Related Educational Programs.
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change
20. No change
21. No change
ARTICLE 2. GENERAL PROVISIONS

R4-6-205. Change of Contact Information
A. No change
   1. No change
   2. Office address and telephone number for all places of employment.
   3. No change
   4. No change

B. No change

R4-6-211. Direct Supervision: Supervised Work Experience: General
A. No change
   1. No change
   2. Receive supervision from a family member or an individual whose objective assessment may be limited by a relationship with the licensee:
      a. A family member;
      b. An individual whose objective assessment may be limited by a relationship with the licensee; or
      c. An individual not employed or contracted by the same behavioral health entity as the licensee;
   3. No change
   4. No change

B. No change
   1. No change
   2. No change
   3. No change
   4. No change
   5. No change
   6. No change
R4-6-212. Clinical Supervision Requirements

A. No change
1. No change
   a. No change
   b. No change
2. No change
3. No change
   a. No change
   b. No change
      i. No change
      ii. No change
   c. No change

B. No change
1. No change
2. No change

C. No change
1. No change
2. No change
3. No change
4. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
5. No change
6. No change
7. No change
   a. No change
   b. No change
8. No change
9. No change
   a. No change
   b. No change
   c. No change
   d. No change
10. No change
11. No change

D. No change
1. No change
2. No change
3. No change
4. No change

E. No change
1. No change
2. No change
3. No change
4. No change

F. No change

G. No change
1. At least 25 percent of the clinical supervision hours involve individual supervision, and
2. No more than 75 percent of the minimum 100 hours of clinical supervision required for licensure, the Board may accept;
   a. Up to 75 of the clinical supervision hours involving a group of two supervisees, and
   b. Up to 50 of the clinical supervision hours involving a group of three to six supervisees.
3. No more than 50 percent of the clinical supervision hours involve a group of three to six supervisees.

H. If an applicant provides evidence that a catastrophic event prohibits the applicant from obtaining documentation of clinical supervision that meets the standard specified in subsection (C)(4), the Board shall may consider alternate documentation.
R4-6-212.01. Exemptions to the Clinical Supervision Requirements
The Board shall accept hours of clinical supervision submitted by an applicant if the clinical supervision meets the requirements specified in R4-6-212 and R4-6-404, R4-6-504, R4-6-604, or R4-6-706, as applicable to the license for which application is made, unless an exemption is granted as follows:
1. No change
   a. Qualifications of the clinical supervisor. The Board may grant an exemption to the supervisor qualification requirements in R4-6-212(A) and R4-6-404, R4-6-504, R4-6-604, or R4-6-706, as applicable to the license for which application is made, if the Board determines that the behavioral health professional who provided or will provide the clinical supervision has education, training, and experience necessary to provide clinical supervision and has complied with the educational requirements specified in R4-6-214 and:
      i. No change
      ii. The behavioral health professional who provided or will provide the clinical supervision holds an active and unrestricted license issued under A.R.S. Title 32 as a physician under Chapter 13 or 17 with certification in psychiatry or addiction medicine or as a nurse practitioner under Chapter 15 with certification in mental health; and
      iii. The behavioral health professional who provided or will provide the clinical supervision has education, training, and experience necessary to provide clinical supervision and has complied with the educational requirements specified in R4-6-214;
   b. Employment of clinical supervisor. The Board may grant an exemption to the requirement in R4-6-212(B) regarding employment of the supervisor by the behavioral health entity at which the supervisee obtains hours of clinical supervision if the Board determines that the supervisor and behavioral health entity have a written contract provide that:
      i. Requires the supervisor to comply with all provisions of R4-6-212. The supervisor and behavioral health entity have a written contract providing the supervisor the same access to the supervisee’s clinical records provided to employees of the behavioral health entity, and
      ii. Guarantees the supervisor unrestricted access to all clinical records maintained by the supervisee, and
      iii. Requires the supervisee to obtain written authorization from all clients for the release of the clients’ records to the supervisor; and
   c. No change
2. No change
   a. No change
   b. No change
   i. No change
   ii. No change
   iii. No change

R4-6-214. Clinical Supervisor Educational Requirements
A. No change
   1. No change
      a. No change
      i. No change
      ii. No change
      iii. No change
      iv. No change
   b. No change
   c. No change
   d. No change
   2. Beginning January 1, 2018, completes a three clock hour Board-approved tutorial on Board statutes and rules.
B. No change
   1. No change
      a. No change
      b. No change
   2. No change
   3. No change
C. To continue providing clinical supervision, an individual qualified under subsection (A)(1)(a) shall, at least every three years, complete a minimum of nine hours of continuing training that:
   1. Complete a minimum of nine hours of continuing training that meets the standard specified in R4-6-802(D),
   2. Concerns clinical supervision; and
   3. Addresses the topics listed in subsection (A)(1)(a); and
   4. Beginning January 1, 2018, includes three clock hours of complete a Board-approved tutorial on Board statutes and rules.
D. To continue providing clinical supervision, an individual qualified under subsections (A)(1)(b) through (d) shall:
   1. No change
   2. Beginning January 1, 2018, complete a **three clock hour** Board-approved tutorial on Board statutes and rules.

R4-6-301. **Application for a License by Examination**
An applicant for a license by examination shall submit a completed application packet that contains the following:
   1. No change
   2. No change
   3. No change
   4. No change
   5. No change
   6. No change
   7. No change
      a. No change
      b. No change
   8. No change
   9. No change
  10. No change
  11. No change
  12. No change
  13. A completed and legible fingerprint card for a state and federal criminal history background check and payment as prescribed under R4-6-215 if the applicant has not previously submitted a full set of fingerprints to the Board, or verification that the applicant holds a current fingerprint card issued by the Arizona Department of Public Safety; and

R4-6-304. **Application for a License by Endorsement**
An applicant who meets the requirements specified under A.R.S. § 32-3274 for a license by endorsement shall submit a completed application packet, as prescribed in R4-6-301, and the following:
   1. The name of one or more other states where the applicant was certified or licensed as a behavioral health professional by a state regulatory entity for at least three years;
   2. No change
      a. No change
      b. No change
      c. No change
      d. No change
   3. An affidavit verifying the work experience required under A.R.S. § 32-3274(A)(3) from an individual who can verify the work experience required under A.R.S. § 32-3274(A)(3) whose objective assessment is not limited by a relationship with the applicant; and

R4-6-306. **Application for a Temporary License**
A. No change
   1. No change
   2. No change
   3. No change
      a. No change
      b. No change
         i. No change
         ii. No change
         iii. No change
      c. Applying for a license by examination and currently licensed or certified by a another state behavioral health regulatory entity.

B. No change
   1. No change
   2. No change
   3. No change
   4. No change
C. The Board shall ensure that a temporary license issued to an applicant for licensure by examination: expires one year after issuance by the Board.
      a. Expires 180 days after issuance by the Board, and
      b. Is revoked immediately if the applicant fails to take the required examination within 180 days after the temporary license is issued or fails the required examination; or
   2. Under subsection (A)(3)(c), expires in one year after issuance by the Board.

D. A temporary licensee shall provide written notice and return the temporary license to the Board if the temporary licensee:
   1. Fails to take the required examination by the expiration date of the temporary license; or
   2. No change.

E. The Board shall ensure that a temporary license issued to an applicant for licensure by endorsement: A temporary licensee shall provide written notice and return the temporary license to the Board if the temporary licensee fails the required examination.
   1. Expires 180 days after issuance by the Board if the applicant has not previously taken the required examination and is revoked immediately if the applicant fails to take the required examination within 180 days after the temporary license is issued or fails the required examination; or
   2. Expires one year after the date of issuance if the applicant has previously passed the required examination and is revoked immediately when the applicant is issued or denied a license by endorsement.

F. No change.
G. No change.
H. No change.
I. No change.
J. No change.
K. No change.

ARTICLE 4. SOCIAL WORK

R4-6-402. Examination
A. No change.
B. No change.
C. No change.
D. No change.
E. No change.
F. The Board may grant a one-time 90-day examination extension request to an applicant who demonstrates good cause as specified under R4-6-305(G).
G. No change.
   1. No change.
   2. No change.
      a. No change.
      b. No change.
      c. No change.

R4-6-403. Supervised Work Experience for Clinical Social Worker Licensure
A. No change.
   1. At least 1600 hours of direct client contact involving the use of psychotherapy, no more than 400 hours of which are in psychoeducation;
   2. No more than 400 of the 1600 hours of direct client contact are in psychoeducation;
   3. At least 100 hours of clinical supervision as prescribed under R4-6-212 and R4-6-404; and
   4. For the purpose of licensure, no more than 1600 hours of indirect client contact related to psychotherapy services.

B. No change.
C. No change.
D. No change.
E. No change.

ARTICLE 5. COUNSELING

R4-6-502. Examination
A. No change.
   1. No change.
   2. No change.
   3. No change.

B. No change.
C. No change.
D. No change.
E. The Board may grant a one-time 90-day examination extension request to an applicant who demonstrates good cause as specified under R4-6-305(G).

R4-6-503. Supervised Work Experience for Professional Counselor Licensure
A. No change
1. At least 1600 hours of direct client contact involving the use of psychotherapy; no more than 400 hours of which are in psychoeducation;
2. No more than 400 of the 1600 hours of direct client contact are in psychoeducation;
B. No change
C. No change
D. No change
E. No change

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

R4-6-601. Curriculum
A. No change
1. No change
2. No change
3. No change
B. A program under subsection (A)(3) shall include:
1. Marriage and family studies: Three courses from a family systems theory orientation including but not limited to that collectively contain at minimum the following elements:
   a. Introductory family systems theory;
   b. No change
   c. Family systems, including marital, sibling, and individual subsystems; and
   e. No change
   2. Marriage and family therapy: Three courses including but not limited to that collectively contain at minimum the following elements:
   a. Advanced family systems theory and interventions;
   b. Major systemic marriage and family therapy treatment approaches;
   c. Group and family therapy;
   d. Communications; and
   f. Psychopharmacology;
   3. Human development: Three courses that may integrate family systems theory including but not limited to that collectively contain at minimum the following elements:
   a. No change
   b. Personality theory;
   c. No change
   d. No change
   4. Professional studies: One course including at minimum but not limited to:
   a. No change
   b. No change
   5. No change
   6. No change
C. No change
D. No change
1. No change
2. No change
3. No change
E. No change
F. No change

R4-6-602. Examination
A. No change
B. No change
C. No change
D. No change
E. The Board may grant a one-time 90-day examination extension request to an applicant who demonstrates good cause as specified under R4-6-305(G).
R4-6-603. Supervised Work Experience for Marriage and Family Therapy Licensure
A. No change
   1. No change
      a. At least 1000 of the 1600 hours of direct client contact are with couples or families; and
      b. No more than 400 of the 1600 hours of direct client contact are in psychoeducation and at least 60 percent of
         psychoeducation hours are with couples or families;
   2. No change
   3. No change
B. No change
C. No change
D. No change
E. No change

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

R4-6-701. Licensed Substance Abuse Technician Curriculum
A. No change
   1. No change
   2. No change
   3. No change
B. An associate’s or bachelor’s degree under subsection (A)(3), shall include at least three semester or four quarter credit
   hours in each of the following core content areas:
      1. No change
      a. No change
      b. No change
      c. No change
      d. No change
      e. No change
      2. No change
         a. No change
         b. No change
         c. No change
         d. No change
      3. No change
      4. No change
      5. No change
      6. No change
         a. No change
         b. No change
         c. No change
         d. Confidentiality and other legal considerations in substance abuse counseling the practice of behavioral health;
      7. No change
C. No change
   1. No change
   2. No change
   3. No change
   4. No change
D. No change
E. No change

R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum
An applicant for licensure as an associate substance abuse counselor shall have one of the following:
   1. No change
   2. A master’s or higher degree from a regionally accredited college or university in a program accredited by NASAC
      and includes at least 300 hours of supervised practicum as prescribed under subsection (C);
B. No change
C. No change
D. No change
E. No change

R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum
A. No change
  1. A program accredited by NASAC that includes at least 300 hours of supervised practicum as prescribed under subsection (D);
  2. No change
  3. No change
B. No change
C. No change
D. No change
E. No change
F. No change

R4-6-704. Examination
A. No change
  1. No change
  2. No change
B. No change
  1. No change
  2. No change
  3. No change
C. No change
D. The Board shall deem an applicant for independent substance abuse counselor licensure as meeting the examination requirements if all of the following apply:
   1. The applicant has an active associate substance abuse counselor license;
   2. The applicant passed a written examination listed in subsection (A) before November 1, 2015; and
   3. The applicant submitted an application to the Board on or after November 1, 2015.
E. No change
F. No change
G. The Board may grant a one-time 90-day examination extension request to an applicant who demonstrates good cause as specified under R4-6-305(G).

R4-6-705. Supervised Work Experience for Substance Abuse Counselor Licensure
A. No change
  1. No change
  2. No more than 400 of the 1600 hours of direct client contact are in psychoeducation,
  3. No change
  4. No change
  5. No change
B. No change
C. No change
  1. No change
  2. No change
  3. No change
D. No change
E. No change
F. No change
  1. No change
  2. No change

ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

R4-6-802. Continuing Education
A. No change
B. No change
  1. No change
  2. No change
    a. No change
    b. No change
    c. No change
  3. No change
C. No change
1. No change
   a. No change
   b. No change

2. Beginning January 1, 2018, in addition to the requirement under subsection (C)(1), complete a three clock hour Board-approved tutorial on Board statutes and rules.

D. No change
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

E. No change
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening. A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

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

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

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

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

[ R16-240 ]

1. **Title and its heading:** 4, Professions and Occupations
   **Chapter and its heading:** 22, Board of Osteopathic Examiners in Medicine and Surgery
   **Article and its heading:** 1, General Provisions
   **Section numbers:** R4-22-104, Table 1, R4-22-207 (Additional Sections may be made, amended, or deleted as necessary)

2. **The subject matter of the proposed rule:**
   The Board is amending its rules in response to two factors. The first is Laws 2015, Chapter 135, which amended A.R.S. § 32-1825(B) to require 40 hours of continuing education during each biennial renewal period rather than 20 hours during each year. The second is a report by the Arizona Auditor General dated June 2016 which indicated the Board should add a time-frame for acting on an application to retire a license. The Board makes both of these changes in this rulemaking. An exemption from EO2016-03 was provided by Christina Corieri, Policy Advisor for Health and Human Services in the Governor’s Office, by e-mail on August 3, 2016.

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

4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
   **Name:** Jenna Jones, Executive Director
   **Address:** Board of Examiners in Osteopathic Medicine and Surgery
   9535 E. Doubletree Ranch Road
   Scottsdale, AZ 85258
   **Telephone:** (480) 657-7703
   **Fax:** (480) 657-7715
   **E-mail:** Jenna.Jones@azdo.gov
   **Web site:** www.azdo.gov

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
   The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. **A timetable for agency decisions or other action on the proceeding, if known:**
   To be determined
NOTICES OF PROPOSED DELEGATION AGREEMENT

This section of the Arizona Administrative Register contains Notices of Proposed Delegation Agreements. The Administrative Procedure Act requires the publication of notices of proposed delegation agreements in the Register. A delegation agreement is an agreement between an agency and a political subdivision that authorizes the political subdivision to exercise functions, powers, or duties conferred on the delegating agency by a provision of law.

Delegation agreements are not intergovernmental agreements pursuant to A.R.S. Title 11, Chapter 7, Article 3. For at least 30 days after publication of the Notice of Proposed Delegation Agreement in the Register, the agency shall provide persons the opportunity to submit in writing statements, arguments, data, and views on the proposed delegation agreement and shall provide an opportunity for a public hearing if there is sufficient interest. The delegating agency shall follow the procedures for delegation agreements specified in A.R.S. Title 41, Chapter 6, Article 8.

NOTICE OF PROPOSED DELEGATION AGREEMENT

1. Name of the agency proposing the delegation agreement:
   Arizona Department of Environmental Quality

2. The name of the political subdivision to which functions, powers and duties of the agency are proposed to be delegated:
   The City of Tucson

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:
   Name: Travis Barnum, Supervisor
   Tanks Inspections and Compliance Enforcement Unit
   Arizona Department of Environmental Quality
   1110 W. Washington St.
   Phoenix, AZ 85007
   Phone: (602) 771-496
   E-mail: tb6@azdeq.gov

4. A summary of the delegation agreement and the subjects and issues involved:
   Under A.R.S. §§ 49-1010, 49-1081, and 49-106, the Arizona Department of Environmental Quality proposes to enter into an updated delegation agreement with the City of Tucson to administer the provisions and enforce Chapter 6, Underground Storage Tank (UST) Regulation, of Title 49 of the Arizona Revised Statutes. A.R.S. § 37-1383 allows cities with populations greater than 100,000 to assume jurisdiction in fire code matters. The City of Tucson meets this criterion and agrees to perform those underground storage tank management functions listed below in accordance with personnel qualifications and standards of performance in the agreement:

<table>
<thead>
<tr>
<th>Functions and Duties</th>
<th>Applicable Laws</th>
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<tr>
<td>Installation and modification project inspections</td>
<td>A.R.S. § 49-1011 and § 49-1009</td>
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<tr>
<td>Closure inspections</td>
<td>A.R.S. § 49-1008 and § 49-1011</td>
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<tr>
<td>Oversight</td>
<td>A.A.C. Title 18, Chapter 12, Article 8</td>
</tr>
</tbody>
</table>

   Changes to the existing agreement include:
   • Updated statutory citations and added standard Arizona contract clauses including E-verify, non-discrimination, and prohibition on public disclosure of information that is confidential per A.R.S. §§ 27-274, 41-1803(G), 41-2065(24) and 44-1374.
   • A new budget with payment of $400 per UST installation or closure inspection and $250 per Modification inspection, up to a maximum of $15,000 for each State Fiscal Year through June 30, 2020.
   • Payment after receipt of an invoice and reports that meet completeness criteria in the agreement.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:
   An electronic copy of the existing Agreement may be downloaded from the following web site address:

   Or contact: Sherri Zendri, Administrative Counsel
   Department of Environmental Quality
   Office of Administrative Counsel

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6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the Register by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency’s decision on whether to enter into the proposed delegation agreement.
EXECUTIVE ORDER 2016-03

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2016, as a notice to the public regarding state agencies' rulemaking activities.

WHEREAS, Arizona is poised to lead the nation in job growth;
WHEREAS, burdensome regulations inhibit job growth and economic development;
WHEREAS, small businesses and startups are especially hurt by regulations;
WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;
WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;
WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;
WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
   a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
   b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
   c. To prevent a significant threat to the public health, peace, or safety.
   d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
   e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
   f. To comply with a state statutory requirement.
   g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor’s Office of Strategic Planning and Budgeting.
   h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
   i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
   j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. For the purposes of this Order, the term “State agencies,” includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded
from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.

4. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.

5. This Executive Order expires on December 31, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Eighth day of February in the Year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:
Michele Reagan
Secretary of State
# REGISTER INDEXES

The Register is published by volume in a calendar year (See “Information” in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

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| Supplemental Proposed Rulemaking | SPN | Supplemental proposed new Section |
| | SPM | Supplemental proposed amended Section |
| | SPR | Supplemental proposed repealed Section |
| | SP# | Supplemental proposed renumbered Section |

| Final Rulemaking | FN | Final new Section |
| | FM | Final amended Section |
| | FR | Final repealed Section |
| | F# | Final renumbered Section |

| Summary Rulemaking | FSMN | Final Summary new Section |
| | FSMM | Final Summary amended Section |
| | FSMR | Final Summary repealed Section |
| | FSM# | Final Summary renumbered Section |

| Expedited Rulemaking | PEN | Proposed Expedited new Section |
| | PEM | Proposed Expedited amended Section |
| | PER | Proposed Expedited repealed Section |
| | PE# | Proposed Expedited renumbered Section |

| Supplemental Expedited | SPEN | Supplemental Proposed Expedited new Section |
| | SPEM | Supplemental Proposed Expedited amended Section |
| | SPER | Supplemental Proposed Expedited repealed Section |
| | SPE# | Supplemental Proposed Expedited renumbered Section |

| Final Expedited | FEN | Final Expedited new Section |
| | FEM | Final Expedited amended Section |
| | FER | Final Expedited repealed Section |
| | FE# | Final Expedited renumbered Section |

| Exempt Rulemaking | PXN | Proposed Exempt new Section |
| | PXM | Proposed Exempt amended Section |
| | PXR | Proposed Exempt repealed Section |
| | PX# | Proposed Exempt renumbered Section |

| Supplemental Exempt | SPXN | Supplemental Proposed Exempt new Section |
| | SPXM | Supplemental Proposed Exempt amended Section |
| | SPXR | Supplemental Proposed Exempt repealed Section |
| | SPX# | Supplemental Proposed Exempt renumbered Section |

| Final Exempt Rulemaking | FXN | Final Exempt new Section |
| | FXM | Final Exempt amended Section |
| | FXR | Final Exempt repealed Section |
| | FX# | Final Exempt renumbered Section |

| Emergency Rulemaking | EN | Emergency new Section |
| | EM | Emergency amended Section |
| | ER | Emergency repealed Section |
| | E# | Emergency renumbered Section |
| | EEXP | Emergency expired |

| Recodification of Rules | RC | Recodified |

| Rejection of Rules | RJ | Rejected by the Attorney General |

| Termination of Rules | TN | Terminated proposed new Sections |
| | TM | Terminated proposed amended Section |
| | TR | Terminated proposed repealed Section |
| | T# | Terminated proposed renumbered Section |

| Rule Expirations | EXP | Rules have expired |

See also “emergency expired” under emergency rulemaking

| Corrections | C | Corrections to Published Rules |
# RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the Register issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

**THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 46 OF VOLUME 22.**

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**REGISTER PUBLISHING DEADLINES**

The Secretary of State’s Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

<table>
<thead>
<tr>
<th>Deadline Date (paper only)</th>
<th>Register Publication Date</th>
<th>Oral Proceeding may be scheduled on or after</th>
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GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and Register deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by noon of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

<table>
<thead>
<tr>
<th>DEADLINE TO BE PLACED ON COUNCIL AGENDA</th>
<th>FINAL MATERIALS DUE FROM AGENCIES</th>
<th>DATE OF COUNCIL STUDY SESSION</th>
<th>DATE OF COUNCIL MEETING</th>
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*Materials must be submitted by noon on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.
GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE
NOVEMBER 1, 2016 MEETING

RULES:

ARIZONA STATE RETIREMENT SYSTEM (R-16-1101)
Title 2, Chapter 8, Article 6, Public Participation in Rulemaking
Amend: R2-8-602; R2-8-603; R2-8-604; R2-8-605; R2-8-606; R2-8-607
COUNCIL ACTION: APPROVED

BOARD OF COSMETOLOGY (R-16-1102)
Title 4, Chapter 10, Article 1, General Provisions
Amend: R4-10-108
COUNCIL ACTION: APPROVED, IMMEDIATE EFFECTIVE DATE

ARIZONA STATE RETIREMENT SYSTEM (R-16-1103)
Title 2, Chapter 8, Article 7, Contributions Not Withheld
Amend: R2-8-704; R2-8-706
COUNCIL ACTION: APPROVED

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (R-16-1104)
Title 9, Chapter 28, Article 7, Standards for Payments
Amend: R9-28-702
COUNCIL ACTION: APPROVED

FIVE-YEAR-REVIEW REPORTS:

DEPARTMENT OF ECONOMIC SECURITY (F-16-0904)
Title 6, Chapter 5, Article 24, Appeals and Hearings; Article 50, Child Care Resource and Referral System
COUNCIL ACTION: APPROVED

BOARD OF DENTAL EXAMINERS (F-16-0906)
Title 4, Chapter 11, Article 1, Definitions; Article 2, Licensure by Credential; Article 4, Fees
COUNCIL ACTION: APPROVED

BOARD OF NURSING (F-16-1001)
Title 4, Chapter 19, Article 4, Regulation; Article 6, Rules of Practice and Procedure; Article 7, Public Participation Procedures
COUNCIL ACTION: APPROVED

BOARD OF ATHLETIC TRAINING (F-16-1002)
Title 4, Chapter 49, Article 1, General Provisions; Article 4, Athletic Training Practice
COUNCIL ACTION: APPROVED

BOARD OF RESPIRATORY CARE EXAMINERS (F-16-1003)
Title 4, Chapter 45, All Articles
COUNCIL ACTION: APPROVED

CONSIDERATION AND DISCUSSION OF THE REVIEW OF RULES OUTSIDE OF THE FIVE-YEAR REVIEW PROCESS:

INDUSTRIAL COMMISSION
  a. Title 20, Chapter 5, Article 3 (Private Employment Agents)
     COUNCIL ACTION: Require a report be submitted with a due date of January 3, 2017
  b. R20-5-136 (Time Within Which Requests for Hearing Shall be Filed)
     COUNCIL ACTION: Require a report be submitted with a due date of November 8, 2016
  c. R20-5-816 (Notice of Hearing)
     COUNCIL ACTION: Require a report be submitted with a due date of November 8, 2016