NOTICES OF PROPOSED EXPEDITED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the proposed expedited rule should be addressed to the agency proposing them. Refer to Item #4 to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES
CHAPTER 6. DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS

[R17-191]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)  Rulemaking Action
   R9-6-601  Amend

2. Citations to the agency’s statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statutes: A.R.S. §§ 36-136(A)(7) and 36-136(G)
   Implementing statutes: A.R.S. § 36-136(H)(1)

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 expedited rulemaking:
   Notice of Docket Opening: 23 A.A.R. 2951, October 20, 2017 (in this issue)

4. The agency's contact person who can answer questions about the rulemaking:
   Name: Ken Komatsu, State Epidemiologist
   Address: Arizona Department of Health Services
            Bureau of Epidemiology and Disease Control
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            Phoenix, AZ 85007-3248
   Telephone: (602) 364-3587
   Fax: (602) 364-3199
   E-mail: Ken.Komatsu@azdhs.gov
   or
   Name: Robert Lane, Chief
   Address: Arizona Department of Health Services
            Office of Administrative Counsel and Rules
            150 N. 18th Ave., Suite 200
            Phoenix, AZ 85007
   Telephone: (602) 542-1020
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   E-mail: Robert.Lane@azdhs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:
   As part of the five-year-review report for 9 A.A.C. 6, Article 6, the Arizona Department of Health Services (Department) identified that the rule could be clearer if the same term for the individual receiving post-exposure rabies prophylaxis were used in the rule, rather than “patient” in the lead-in and “person exposed” in subsection (1), and if minor grammatical errors were corrected. The rule is being amended to make these changes to reduce a regulatory burden while achieving the same regulatory objective, comply with statutory requirements, and help eliminate confusion on the part of the public. The Department believes the rulemaking meets the criteria for expedited rulemaking since the changes to be made will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated, but implement a course of action proposed in a five-year-review report approved by the Governor’s Regulatory Review Council on September 6, 2017.

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 Department did not review or rely on any study for 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:**
   Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

9. **The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:**
   Not applicable

10. **Where, when, and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(C):**
    Close of record: Tuesday, October 31, 2017, 4:00 p.m.
    A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

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:
    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 rule does not require the issuance of a regulatory permit. Therefore, a general permit is not applicable.
    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:**
       Federal laws do not apply to the rule.
    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 such 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 rule follows:**

   **TITLE 9. HEALTH SERVICES**
   **CHAPTER 6. DEPARTMENT OF HEALTH SERVICES**
   **COMMUNICABLE DISEASES AND INFESTATIONS**

   **ARTICLE 6. REPORTING POST-EXPOSURE RABIES PROPHYLAXIS**

   Section R9-6-601. Reporting Requirements

   ARTICLES 6. REPORTING POST-EXPOSURE RABIES PROPHYLAXIS

   A physician or an authorized designee shall submit a written or electronic report to the Department of all patients for each individual exposed who receive post-exposure rabies prophylaxis. The report shall include the following:
   1. Name, age, address, and telephone number of the individual exposed;
   2. Date of report;
   3. Reporting institution or physician;
   4. Date of exposure;
   5. Body part exposed;
   6. Type of exposure: Bite or saliva contact (non-bite);
   7. Species of animal;
   8. Animal disposition: quarantined, euthanized, died, unable to locate;
   9. Animal rabies test results, if any: positive or negative;
   10. Treatment regimen; and
   11. Date treatment was initiated.
NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES
CHAPTER 25. DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
--- | ---
Article 1 | Amend
R9-25-301 | Amend
R9-25-305 | Amend
R9-25-306 | Amend
R9-25-401 | Amend
R9-25-402 | Amend
R9-25-403 | Amend
R9-25-405 | Amend
R9-25-406 | Amend
R9-25-407 | Amend
R9-25-408 | Amend
R9-25-409 | Amend
Table 12.1 | Amend

2. Citations to the agency’s statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):
   
   Authorizing statutes: A.R.S. §§ 36-136(A)(7), 36-136(G), 36-2202, and 36-2209(A)(2)
   Implementing statutes: A.R.S. §§ 36-2202, 36-2204, and 41-1072 through 41-1079

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 expedited rulemaking:
   Notice of Rulemaking Docket Opening: 23 A.A.R. 2951, October 20, 2017 (in this issue)

4. The agency’s contact person who can answer questions about the rulemaking:
   
   Name: Terry Mullins, Bureau Chief
   Address: Arizona Department of Health Services
   Bureau of Emergency Medical Services and Trauma System
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   Telephone: (602) 364-3150
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   E-mail: Terry.Mullins@azdhs.gov
   or
   Name: Robert Lane, Chief
   Address: Arizona Department of Health Services
   Office of Administrative Counsel and Rules
   150 N. 18th Ave., Suite 200
   Phoenix, AZ 85007
   Telephone: (602) 542-1020
   Fax: (602) 364-1150
   E-mail: Robert.Lane@azdhs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:
   As part of the five-year-review reports for 9 A.A.C. 25, Articles 1, 3, 4, and 12, the Arizona Department of Health Services (Department) identified several minor factors that affect the clarity of the rules. The five-year-review report for 9 A.A.C. 25, Articles 1 and 12 was approved by the Governor’s Regulatory Review Council (Council) on April 4, 2017, and the five-year-review report for 9 A.A.C. 25, Articles 3 and 4 was approved by the Council on May 2, 2017. The following changes are proposed in this rulemaking:
   • The title of Article 1 should be changed from “Definitions” to “General” because the Article now contains more than a Section of definitions.
   • Article 3:
     R9-25-301 – correct the title to reflect its content and clarify a requirement in subsection (D)
     R9-25-305 – remove a redundant requirement, correct cross-references, and remove obsolete requirements
     R9-25-306 – correct a cross-reference and clarify the retention period for records
   • Article 4:
• R9-25-401 - correct a statutory reference
• R9-25-402 - correct a statutory reference
• R9-25-403 - correct a statutory reference
• R9-25-405 - correct a statutory reference
• R9-25-406 - correct a statutory reference
• R9-25-407 – clarify a requirement
• R9-25-408 - correct a statutory reference
• R9-25-409 - correct a statutory reference
• Article 12 – correct statutory references in Table 12.1

The Department believes that these changes are consistent with the purpose for A.R.S. § 41-1027 in that this rulemaking does not increase the cost of regulatory compliance, does not increase a fee, or reduce a procedural right of regulated persons, and either implements changes identified in a five-year-review report, removes obsolete subsections, or clarifies language of a rule without changing its effect.

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 Department did not review or rely on any study for 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:
Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

9. The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:
Not applicable

10. Where, when, and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(C):
Close of record: Tuesday, October 31, 2017, 4:00 p.m.
A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

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:

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 rules in Article 1 do not require the issuance of a regulatory permit. The rules in Articles 3 and 4 require the issuance of a specific agency authorization, which is authorized by A.R.S. § 36-2204(3) for training programs and A.R.S. § 36-2202 (A)(2) and (H) for EMCT certification, so a general permit is not applicable. The rules in Article 12 explain the process and timeframes for the review of applications for certifications, licenses, registrations, and requests for approval, all of which require the issuance of a specific agency authorization, which is authorized by A.R.S. § 36-2204(5) for ALS base hospitals, A.R.S. § 36-2204(3) for training programs, A.R.S. § 36-2202 (A)(2) and (H) for EMCT certification, A.R.S. §§ 36-2213 and 36-2214 for air ambulances and air ambulance services, and A.R.S. Title 36, Chapter 21.1, Article 2 for ground ambulances and ambulance services. Therefore, a general permit is not applicable.

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:
Federal laws do not apply to the rules in 9 A.A.C. 25.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitive-ness of business in this state to the impact on business in other states:
No such 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 rule follows:

TITLE 9. HEALTH SERVICES
CHAPTER 25. DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES
ARTICLE 1. DEFINITIONS GENERAL

ARTICLE 3. TRAINING PROGRAMS

Section R9-25-301. Definitions; Application for Certification (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))

A. To apply for certification as a training program, an applicant shall submit an application to the Department, in a Department-provided format, including:

1. The applicant’s name, address, and telephone number;
2. The name, telephone number, and e-mail address of the applicant’s chief administrative officer;
3. The name of each course the applicant plans to provide;
4. Attestation that the applicant has the equipment and facilities that meet the requirements established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov for the courses specified in subsection (A)(3);
5. The name, telephone number, and e-mail address of the training program medical director;
6. The name, telephone number, and e-mail address of the training program director;
7. Attestation that the applicant will comply with all requirements in A.R.S. Title 36, Chapter 21.1 and 9 A.A.C. 25;
8. Attestation that all information required as part of the application has been submitted and is true and accurate; and
9. The signature or electronic signature of the applicant’s chief administrative officer or the chief administrative officer’s designated representative and date of signature or electronic signature.

B. An applicant may submit to the Department a copy of an accreditation report if the applicant is currently accredited by a national accrediting organization.

C. The Department shall certify a training program if the applicant:

1. Has not operated a training program that has been decertified by the Department within five years before submitting the application;
2. Submits an application that is complete and compliant with requirements in this Article, and
3. Has not knowingly provided false information on or with an application required by this Article.

D. The Department, according to A.R.S. § 41-1009:

1. Shall assess a training program at least once every 24 months after certification to determine ongoing compliance with the requirements of this Article; and
2. May inspect a training program according to A.R.S. § 41-1009:
   a. As part of the substantive review time-frame required in A.R.S. §§ 41-1072 through 41-1079, or
   b. As necessary to determine compliance with the requirements of this Article.

E. The Department shall approve or deny an application under this Article according to Article 12 of this Chapter.

ARTICLE 4. EMCT CERTIFICATION

Section R9-25-401. EMCT General Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) and 36-2204(1), (6), and (7))

R9-25-402. EMCT Certification and Recertification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) (H) and 36-2204(1), (6), and (7))

R9-25-403. Application Requirements for EMCT Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (G) (H) and 36-2204(1) and (6))

R9-25-405. Extension to File an Application for EMCT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) (H) and 36-2204(1), (4), (5), and (7))

R9-25-406. Requirements for Downgrading of Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (G) (H) and 36-2204(1) and (6))

R9-25-407. Notification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (G) (H) and 36-2204(1) and (6), and 36-2211)

R9-25-408. Unprofessional Conduct; Physical or Mental Incompetence; Gross Incompetence; Gross Negligence (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) (H), 36-2204(1), (6), and (7), and 36-2211)

R9-25-409. Enforcement Actions (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) (H), 36-2204(1), (6), and (7), and 36-2211)

ARTICLE 12. TIME-FRAMES FOR DEPARTMENT APPROVALS

Table 12.1. Time-frames (in days)
F. A training program certificate is valid only for the name of the training program certificate holder and the courses listed by the Department on the certificate and may not be transferred to another person.

R9-25-305. Supplemental Requirements for Specific Courses (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))

A. Except as specified in subsection (B), a training program certificate holder shall ensure that a certification course offered by the training program:

1. Covers knowledge, skills, and competencies comparable to the national education standards established for a specific EMCT classification level;
2. Prepares a student for:
   a. A national certification organization examination for the specific EMCT classification level, or
   b. A standardized certification test under the state certification process;
3. Has no more than 24 students enrolled in each session of the course; and
4. Has a minimum course length of:
   a. For an EMT certification course, 130 hours;
   b. For an AEMT certification course, 244 hours, including:
      i. A minimum of 100 contact hours of didactic instruction and practical skills training, and
      ii. A minimum of 144 contact hours of clinical training and field training; and
   c. For a Paramedic certification course, 1000 hours, including:
      i. A minimum of 500 contact hours of didactic instruction and practical skills training, and
      ii. A minimum of 500 contact hours of clinical training and field training.

B. A training program director shall ensure that, for an AEMT certification course or a Paramedic certification course, a student has one of the following:

1. Current certification from the Department as an EMT or higher EMCT classification level;
2. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program, or
3. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level.

C. A training program director shall ensure that for a course to prepare an EMT-I(99) for Paramedic certification:

1. A student has current certification from the Department as an EMT-I(99);
2. The course covers the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov;
3. No more than 24 students are enrolled in each session of the course;
4. The minimum course length is 600 hours, including:
   a. A minimum of 220 contact hours of didactic instruction and practical skills training, and
   b. A minimum of 380 contact hours of clinical training and field training; and
5. A minimum of 60 contact hours of training in anatomy and physiology are completed by the student:
   a. As a prerequisite to the course,
   b. As preliminary instruction completed at the beginning of the course session before the didactic instruction required in subsection (C)(3)(a) begins, or
   c. Through integration of the anatomy and physiology material with the units of instruction required in subsection (C)(4)(C)(3).

D. A training program director shall ensure that for an EMT refresher course:

1. A student has one of the following:
   a. Current certification from the Department as an EMT or higher EMCT classification level,
   b. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program,
   c. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level, or
   d. Documentation from a national certification organization requiring the student to complete the EMT refresher course to be eligible to apply for registration in the national certification organization;
2. A student has documentation of current certification in adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs;
3. The EMT refresher course covers:
   a. The knowledge, skills, and competencies in the national education standards established at the EMT classification level;
   b. Until the following dates, the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov:
      i. March 31, 2015, for a student who has documentation from a national certification organization of registration at the EMT classification level or higher EMCT classification level that expired on or before March 31, 2011;
      ii. March 31, 2016, for a student who has documentation from a national certification organization of registration at the EMT classification level or higher EMCT classification level that expired between April 1, 2011 and March 31, 2012; and
      iii. December 31, 2017, for a student who is not registered by a national certification organization;
4. No more than 32 students are enrolled in each session of the course; and
5. The minimum course length is 24 contact hours.
E. A training program authorized to provide an EMT refresher course may administer a refresher challenge examination covering materials included in the EMT refresher course to an individual eligible for admission into the EMT refresher course.

F. A training program director shall ensure that for an ALS refresher course:
   1. A student has one of the following:
      a. Current certification from the Department as an AEMT, EMT-I(99), or Paramedic;
      b. Documentation of completion of a prior training course, at the AEMT classification level or higher, provided by a training program certified by the Department or an equivalent training program;
      c. Documentation of current registration in a national certification organization at the AEMT or Paramedic classification level;
      d. Documentation from a national certification organization requiring the student to complete the ALS refresher course to be eligible to apply for registration in the national certification organization;
   2. A student has documentation of current certification in:
      a. Adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs, and
      b. For a student who has current certification as an EMT-I(99) or higher level of EMCT classification, advanced emergency cardiac life support;
   3. The ALS refresher course covers:
      a. For a student who has current certification as an AEMT or documentation of completion of prior training at an AEMT classification level, the knowledge, skills, and competencies in the national education standards established for an AEMT;
      b. For a student who has current certification as an EMT-I(99), the knowledge, skills, and competencies established according to A.R.S. § 36-2204 for an EMT-I(99) as of the effective date of this Section and available through the Department at www.azdhs.gov; and
      c. For a student who has current certification as a Paramedic or documentation of completion of prior training at a Paramedic classification level, the knowledge, skills, and competencies in the national education standards established for a Paramedic; and
      d. Until the following dates, the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov:
         i. March 31, 2015, for a student who has documentation of completion of prior training at a level between EMT-I(99) and Paramedic and registration from a national certification organization that expired on or before March 31, 2011;
         ii. March 31, 2016, for a student who has documentation of completion of prior training at a level between EMT-I(99) and Paramedic and registration from a national certification organization that expired between April 1, 2011 and March 31, 2012;
         iii. March 31, 2017, for a student who has documentation of completion of prior training at a level between EMT-I(99) and Paramedic and registration from a national certification organization that expired between April 1, 2012 and March 31, 2013; and
         iv. December 31, 2017, for a student who has documentation of completion of prior training at a level between EMT-I(99) and Paramedic and is not registered by a national certification organization;
   4. No more than 32 students are enrolled in each session of the course; and
   5. The minimum course length is 48 contact hours.

G. A training program authorized to provide an ALS refresher course may administer a refresher challenge examination covering materials included in the ALS refresher course to an individual eligible for admission into the ALS refresher course.

R9-25-306. Training Program Notification and Recordkeeping (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))

A. At least 10 days before the start date of a course session, a training program certificate holder shall submit to the Department the following information in a Department-provided format:
   1. Identification of the training program;
   2. Identification of the course;
   3. The name of the training program medical director;
   4. The name of the training program director;
   5. The name of the course session’s lead instructor;
   6. The course session start date and end date;
   7. The physical location at which didactic training and practical skills training will be provided;
   8. The days of the week and times of each day during which didactic training and practical skills training will be provided;
   9. The number of clock hours of didactic training and practical skills training;
   10. If applicable, the number of hours of clinical training and field training included in the course session;
   11. The date, start time, and location of the final examination for the course;
   12. Attestation that the lead instructor is qualified under R9-25-304(A)(4)(a), and
   13. The name and signature of the chief administrative officer or program director and the date signed.

B. The Department shall review the information submitted according to subsection (A) and, within five days after receiving the information:
   1. Approve a course session, issue an identifying number to the course session, and notify the training program certificate holder of the approval and identifying number; or
   2. Disapprove a course session that does not comply with requirements in this Article and notify the training program certificate holder of the disapproval.

C. A training program certificate holder shall ensure that:
1. No later than 10 days after the date a student completes all course requirements, the training program director submits to the Department the following information in a Department-provided format:
   a. Identification of the training program;
   b. The name of the training program director;
   c. Identification of the course and the start date and end date of the course session completed by the student;
   d. The name, date of birth, and mailing address of the student who completed the course;
   e. The date the student completed all course requirements;
   f. The score the student received on the final examination;
   g. Attestation that the student has met all course requirements;
   h. Attestation that all information submitted is true and accurate; and
   i. The signature of the training program director and the date signed;

2. No later than 10 days after the date an individual passes a refresher challenge examination administered by the training program, the training program director submits to the Department the following information in a Department-provided format:
   a. Identification of the training program;
   b. Identification of the:
      i. Refresher challenge examination administered, and
      ii. Course for which the refresher challenge examination substitutes;
   c. The name of the training program medical director;
   d. The name of the training program director;
   e. The name, date of birth, and mailing address of the individual who passed the refresher challenge examination;
   f. The date and location at which the refresher challenge examination was administered;
   g. The score the individual received on the refresher challenge examination;
   h. Attestation that the individual:
      i. Met the requirements for taking the refresher challenge examination, and
      ii. Passed the refresher challenge examination;
   i. Attestation that all information submitted is true and accurate; and
   j. The name and signature of the training program director and the date signed.

D. A training program certificate holder shall ensure that:
   1. A record is established for each student enrolled in a course session, including:
      a. The student’s name and date of birth;
      b. A copy of the student’s enrollment agreement or contract;
      c. Identification of the course in which the student is enrolled;
      d. The start date and end date for the course session;
      e. Documentation supporting the student’s eligibility to enroll in the course;
      f. Documentation that the student meets prerequisites for the course, established as specified in § R9-25-304(A)(2)(c)(i) R9-25-304(A)(2)(d)(i);
      g. The student’s attendance records;
      h. The student’s clinical training records, if applicable;
      i. The student’s field training records, if applicable;
      j. The student’s grades;
      k. Documentation of the final examination for the course, including:
         i. A copy of each scored written test attempted or completed by the student, and
         ii. All forms used as part of the comprehensive practical skills test attempted or completed by the student;
   2. A student record required in subsection (D)(1) is maintained for at least three years after the end date of a student’s course session and provided to the Department at the Department’s request;
   3. A record is established for each individual to whom a refresher challenge examination is administered, including:
      a. The individual’s name and date of birth;
      b. Identification of the refresher challenge examination administered to the individual;
      c. Documentation supporting the individual’s eligibility for a refresher challenge examination;
      d. The date the refresher challenge examination was administered;
      e. Documentation of the refresher challenge examination, including:
         i. A copy of the scored written test attempted or completed by the individual, and
         ii. All forms used as part of the comprehensive practical skills test attempted or completed by the individual;
   4. A record required in subsection (D)(3) is maintained for at least three years after the date the refresher challenge examination was administered and provided to the Department at the Department’s request.

ARTICLE 4. EMCT CERTIFICATION

R9-25-401. EMCT General Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) (H) and 36-2204(1), (6), and (7))

A. Except as provided in R9-25-404(E) and R9-25-405, an individual shall not act as an EMCT unless the individual has current certification or recertification from the Department.

B. An EMCT shall act as an EMCT only:
   1. As authorized under the EMCT’s scope of practice as specified in Article 5 of this Chapter; and
2. For an EMCT required to have medical direction according to A.R.S. Title 36, Chapter 21.1 and R9-25-502, as authorized by the EMCT’s administrative medical director under:
   a. Treatment protocols, triage protocols, and communication protocols approved by the EMCT’s administrative medical director as specified in R9-25-201(E)(2); and
   b. Medical recordkeeping, medical reporting, and prehospital incident history report requirements approved by the EMCT’s administrative medical director as specified in R9-25-201(E)(3)(b).
C. Except as provided in A.R.S. § 36-2211, the Department shall certify or re-certify an individual as an EMCT for a period of two years.
D. An individual whose EMCT certificate is expired shall not apply for recertification, except as provided in R9-25-404(A).
E. The Department shall comply with the confidentiality requirements in A.R.S. §§ 36-2220(E) and 36-2245(M).

R9-25-402. EMCT Certification and Recertification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) and 36-2204(1), (6), and (7))
A. The Department shall not certify an EMCT if the applicant:
   1. Is currently:
      a. In jail or on parole for a criminal conviction,
      b. On parole for a criminal conviction,
      c. On supervised release for a criminal conviction, or
      d. On probation for a criminal conviction;
   2. Within 10 years before the date of filing an application for certification required by this Article, has been convicted of any of the following crimes, or any similarly defined crimes in this state or in any other state or jurisdiction, unless the conviction has been absolutely discharged, expunged, or vacated:
      a. 1st or 2nd degree murder;
      b. Attempted 1st or 2nd degree murder;
      c. Sexual assault;
      d. Attempted sexual assault;
      e. Sexual abuse of a minor;
      f. Attempted sexual abuse of a minor;
      g. Sexual exploitation of a minor;
      h. Attempted sexual exploitation of a minor;
      i. Commercial sexual exploitation of a minor;
      j. Attempted commercial sexual exploitation of a minor;
      k. Molestation of a child;
      l. Attempted molestation of a child; or
      m. A dangerous crime against children as defined in A.R.S. § 13-705;
   3. Within five years before the date of filing an application for certification required by this Article, has been convicted of a misdemeanor involving moral turpitude or a felony in this state or any other state or jurisdiction, unless the conviction has been absolutely discharged, expunged, or vacated;
   4. Within five years before the date of filing an application for certification required by this Article, has had EMCT certification or recertification revoked in this state or certification, recertification, or licensure at an EMCT classification level revoked in any other state or jurisdiction; or
   5. Knowingly provides false information in connection with an application required by this Article.
B. The Department shall not re-certify an EMCT if:
   1. While certified, the applicant has been convicted of a crime listed in subsection (A)(2), or any similarly defined crimes in this state or in any other state or jurisdiction, unless the conviction has been absolutely discharged, expunged, or vacated; or
   2. The applicant knowingly provides false information in connection with an application required by this Article.
C. The Department shall make probation a condition of EMCT certification if, within two years before the date of filing an application under R9-25-403, an applicant has been convicted of a misdemeanor in this state or in any other state or jurisdiction, involving:
   1. Possession, use, administration, acquisition, sale, manufacture, or transportation of an intoxicating liquor, dangerous drug, or narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated; or
   2. Driving or being in physical control of a vehicle while under the influence of an intoxicating liquor, a dangerous drug, or a narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated.
D. Except as provided in subsection (E), the Department shall make probation a condition of EMCT recertification if an applicant:
   1. Is currently:
      a. Incarcerated for a criminal conviction,
      b. On parole for a criminal conviction,
      c. On supervised release for a criminal conviction, or
      d. On probation for a criminal conviction;
   2. Within five years before the date of filing an application under R9-25-404, has been convicted of a misdemeanor involving moral turpitude or a felony in this state or any other state or jurisdiction, other than those listed in subsection (A)(2), unless the conviction has been absolutely discharged, expunged, or vacated.
E. As specified in R9-25-409, the Department may make probation a condition of EMCT recertification if an applicant, within two years before the date of filing an application under R9-25-404, has been convicted of a misdemeanor in this state or in any other state or jurisdiction, involving:
   1. Possession, use, administration, acquisition, sale, manufacture, or transportation of an intoxicating liquor, dangerous drug, or narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated; or
2. Driving or being in physical control of a vehicle while under the influence of an intoxicating liquor, a dangerous drug, or a narcotic drug, as defined in A.R.S. § 13-3401, unless the conviction has been absolutely discharged, expunged, or vacated.

F. If the Department makes probation a condition of EMCT certification or recertification, the Department shall fix the period and terms of probation that will:
1. Protect the public health and safety, and
2. Rehabilitate and educate the applicant.

R9-25-403. Application Requirements for EMCT Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (G)(H) and 36-2204(1) and (6))

A. An individual may apply for initial EMCT certification if:
1. The individual is at least 18 years of age;
2. The individual complies with the requirements in A.R.S. § 41-1080;
3. The individual is not ineligible under R9-25-402; and
4. One of the following applies to the individual:
   a. The individual has not previously applied for certification from the Department or has withdrawn an application for certification;
   b. An application for certification submitted by the individual was denied by the Department two or more years before the present date;
   c. Except as provided in R9-25-404(A)(2) or (3), the individual’s certification as an EMCT is expired;
   d. The individual’s certification as an EMCT was revoked by the Department five or more years before the present date; or
   e. The individual has current certification as an EMCT and is applying for certification at a different classification level of EMCT.

B. An applicant for initial EMCT certification shall submit to the Department an application in a Department-provided format, including:
1. A form containing:
   a. The applicant’s name, address, telephone number, email address, date of birth, gender, and Social Security number;
   b. The level of EMCT certification being requested;
   c. Responses to questions addressing the applicant’s criminal history according to R9-25-402(A)(1) through (3) and (C);
   d. Whether the applicant has within the five years before the date of the application had:
      i. EMCT certification or recertification revoked in Arizona; or
      ii. Certification, recertification, or licensure at an EMCT classification level revoked in another state or jurisdiction;
   e. Attestation that all information required as part of the application has been submitted and is true and accurate; and
   f. The applicant’s signature or electronic signature and date of signature;
2. For each affirmative response to a question addressing the applicant’s criminal history required in subsection (B)(1)(c), a detailed explanation on a Department-provided form and supporting documentation;
3. For each affirmative response to subsection (B)(1)(d), a detailed explanation on a Department-provided form and supporting documentation;
4. If applicable, a copy of certification, recertification, or licensure at an EMCT classification level issued to the applicant in another state or jurisdiction;
5. A copy of one of the following for the applicant:
   a. U.S. passport, current or expired;
   b. Birth certificate;
   c. Naturalization documents; or
   d. Documentation of legal resident alien status; and
6. One of the following:
   a. Either:
      i. A certificate of completion showing that within two years before the date of the application, the applicant completed statewide standardized training; and
      ii. A statewide standardized certification test; or
   b. Documentation of current registration in a national certification organization at the applicable or higher level of EMCT classification.

B. The Department shall approve or deny an application for initial EMCT certification according to Article 12 of this Chapter.

C. If the Department denies an application for initial EMCT certification, the applicant may request a hearing according to A.R.S. Title 41, Chapter 6, Article 10.

R9-25-405. Extension to File an Application for EMCT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G)(H) and 36-2204(1), (4), (5), and (7))

A. Before the expiration of a current certificate, an EMCT who is unable to meet the recertification requirements in R9-25-404 because of personal or family illness, military service, or authorized federal or state emergency response deployment may apply to the Department in writing for an extension of time to file for recertification by submitting:
1. The following information in a Department-provided format:
   a. The EMCT’s name, address, telephone number, and email address;
   b. The EMCT’s current certification number;
   c. The reason for requesting the extension; and
   d. The EMCT’s signature or electronic signature and date of signature; and
2. For an exemption based on military service or authorized federal or state emergency response deployment, a copy of the EMCT’s military orders or documentation of authorized federal or state emergency response deployment.
B. The Department may grant an extension of time to file for recertification:
   1. For personal or family illness, for no more than 180 days; or
   2. For each military service or authorized federal or state emergency response deployment, for the term of service or deployment plus 180 days.
C. An individual applying for or granted an extension of time to file for recertification:
   1. Remains certified according to A.R.S. § 41-1092.11 during the extension period, and
   2. Shall submit an application for recertification according to R9-25-404.
D. An individual who does not meet the recertification requirements in R9-25-404 within the extension period or has the application for recertification denied by the Department:
   1. Is not an EMCT, and
   2. May submit an application to the Department for initial EMCT certification according to R9-25-403.
E. The Department shall approve or deny a request for an extension to file for EMCT recertification according to Article 12 of this Chapter.
F. If the Department denies a request for an extension to file for EMCT recertification, the applicant may request a hearing according to A.R.S. Title 41, Chapter 6, Article 10.

R9-25-406. Requirements for Downgrading of Certification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), and (G) (H) and 36-2204(1) and (6))
An individual who holds current EMCT certification at a classification level higher than EMT and who is not under investigation according to A.R.S. § 36-2211 may apply for:
1. Continued certification at a lower EMCT classification level for the remainder of the certification period by submitting to the Department:
   a. A written request containing:
      i. The EMCT’s name, address, email address, telephone number, date of birth, and Social Security number;
      ii. The lower EMCT classification level requested;
      iii. Attestation that the applicant has not committed an act or engaged in conduct that would warrant revocation of a certificate under A.R.S. § 36-2211;
      iv. Attestation that all information submitted is true and accurate; and
      v. The applicant’s signature or electronic signature and date of signature; and
   b. Either:
      i. A written statement from the EMCT’s administrative medical director attesting that the EMCT is able to perform at the lower EMCT classification level requested; or
      ii. If applying for continued certification as an EMT, an Arizona EMT refresher certificate of completion or an Arizona EMT refresher challenge examination certificate of completion signed by the training program director designated for the Arizona EMT refresher course; or
2. Recertification at a lower EMCT classification level according to R9-25-404.

R9-25-407. Notification Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), and (A)(4), 36-2204(1) and (6), and 36-2211)
A. No later than 30 days after the date an EMCT’s name legally changes, the EMCT shall submit to the Department:
   1. A completed form provided by the Department containing:
      a. The name under which the EMCT is currently certified by the Department;
      b. The EMCT’s address, telephone number, and Social Security number; and
      c. The EMCT’s new name; and
   2. Documentation showing that the name has been legally changed.
B. No later than 30 days after the date an EMCT’s address or email address changes, the EMCT shall submit to the Department a completed form provided by the Department containing:
   1. The EMCT’s name, telephone number, and Social Security number; and
   2. The EMCT’s new address or email address.
C. An EMCT shall notify the Department in writing no later than 10 days after the date the EMCT:
   1. Is incarcerated or is placed on parole, supervised release, or probation for any criminal conviction;
   2. Is convicted of:
      a. A crime specified in R9-25-402(A)(2),
      b. A misdemeanor involving moral turpitude,
      c. A felony in this state or any other state or jurisdiction, or
      d. A misdemeanor specified in R9-25-402(E);
   3. Has registration revoked or suspended by a national certification organization; or
   4. Has certification, recertification, or licensure at an EMCT classification level revoked or suspended in another state or jurisdiction.

R9-25-408. Unprofessional Conduct; Physical or Mental Incompetence; Gross Incompetence; Gross Negligence (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) (H), 36-2204(1), (6), and (7), and 36-2211)
A. For purposes of A.R.S. § 36-2211(A)(1), unprofessional conduct is an act or omission made by an EMCT that is contrary to the recognized standards or ethics of the Emergency Medical Technician profession or that may constitute a danger to the health, welfare, or safety of a patient or the public, including:
   1. Impersonating an EMCT of a higher level of certification or impersonating a health professional as defined in A.R.S. § 32-3201;
   2. Permitting or allowing another individual to use the EMCT’s certification for any purpose;
3. Aiding or abetting an individual who is not certified according to this Chapter in acting as an EMCT or in representing that the individual is certified as an EMCT;
4. Engaging in or soliciting sexual relationships, whether consensual or non-consensual, with a patient while acting as an EMCT;
5. Physically or verbally harassing, abusing, threatening, or intimidating a patient or another individual while acting as an EMCT;
6. Making false or materially incorrect entries in a medical record or willful destruction of a medical record;
7. Failing or refusing to maintain adequate records on a patient;
8. Soliciting or obtaining monies or goods from a patient by fraud, deceit, or misrepresentation;
9. Aiding or abetting an individual who is not certified according to this Chapter in acting as an EMCT or in representing that the individual is certified as an EMCT;
10. Providing false information or making fraudulent or untrue statements to the Department or about the Department during an investigation conducted by the Department;
11. Being incarcerated or being placed on parole, supervised release, or probation for any criminal conviction;
12. Being convicted of a misdemeanor identified in R9-25-402(E), which has not been absolutely discharged, expunged, or vacated;
13. Having national certification organization registration revoked or suspended by the national certification organization for material noncompliance with national certification organization rules or standards; and
14. Having certification, recertification, or licensure at an EMCT classification level revoked or suspended in another state or jurisdiction.

B. Under A.R.S. § 36-2211, physical or mental incompetence of an EMCT is the EMCT’s lack of physical or mental ability to provide emergency medical services as required under this Chapter.

C. Under A.R.S. § 36-2211 gross incompetence or gross negligence is an EMCT’s willful act or willful omission of an act that is made in disregard of an individual’s life, health, or safety and that may cause death or injury.

R9-25-409. Enforcement Actions (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) (H), 36-2204(1), (6), and (7), and 36-2211)
A. If the Department determines that an applicant or EMCT is not in substantial compliance with applicable laws and rules, under A.R.S. §§ 36-2204 or 36-2211, the Department may:
1. Take the following action against an applicant or EMCT:
   a. After notice is provided according to A.R.S. § 36-2211 and, if applicable, A.R.S. Title 41, Chapter 6, Article 10, issue:
      i. A decree of censure to the EMCT, or
      ii. An order of probation to the EMCT; or
   b. After notice and opportunity to be heard is provided according to A.R.S. Title 41, Chapter 6, Article 10:
      i. Deny an application,
      ii. Suspend the EMCT’s certificate, or
      iii. Revoke the EMCT’s certificate; and
2. Assess civil penalties against the EMCT.
B. In determining which action in subsection (A) is appropriate, the Department shall consider:
1. Prior disciplinary actions;
2. The time interval since a prior disciplinary action, if applicable;
3. The applicant’s or EMCT’s motive;
4. The applicant’s or EMCT’s pattern of conduct;
5. The number of offenses;
6. Whether the applicant or EMCT failed to comply with instructions from the Department;
7. Whether interim rehabilitation efforts were made by the applicant or EMCT;
8. Whether the applicant or EMCT refused to acknowledge the wrongful nature of the misconduct;
9. Whether the applicant or EMCT made timely and good-faith efforts to rectify the consequences of the misconduct;
10. The submission of false evidence, false statements, or other deceptive practices during an investigation or disciplinary process;
11. The vulnerability of a patient or other victim of the applicant’s or EMCT’s conduct, if applicable; and
12. How much control the applicant or EMCT had over the processes or situation leading to the misconduct.

ARTICLE 12. TIME-FRAMES FOR DEPARTMENT APPROVALS

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Statutory Authority</th>
<th>Overall Time-frame</th>
<th>Administrative Completeness Time-frame</th>
<th>Time to Respond to Written Notice</th>
<th>Substantive Review Time-frame</th>
<th>Time to Respond to Comprehensive Written Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALS Base Hospital Certification (R9-25-204)</td>
<td>A.R.S. §§ 36-2201, 36-2202(A)(3), and 36-2204(5)</td>
<td>45</td>
<td>15</td>
<td>60</td>
<td>30</td>
<td>60</td>
</tr>
<tr>
<td>Training Program Certification (R9-25-301)</td>
<td>A.R.S. §§ 36-2202(A)(3) and 36-2204(1) and (3)</td>
<td>120</td>
<td>30</td>
<td>60</td>
<td>90</td>
<td>60</td>
</tr>
<tr>
<td>Addition of a Course (R9-25-303)</td>
<td>A.R.S. §§ 36-2202(A)(3) and 36-2204(1) and (3)</td>
<td>90</td>
<td>30</td>
<td>60</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Service Description</td>
<td>A.R.S. §§</td>
<td>Effective Periods</td>
<td>Public Comment Period</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>----------------------------------------------------------</td>
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<tr>
<td><strong>EMCT Certification (R9-25-403)</strong></td>
<td>A.R.S. §§ 362202(A)(2), (3), (4), 36-2202(G)</td>
<td>120 30 90 90 270</td>
<td></td>
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<tr>
<td></td>
<td>36-2202(H), and 362204(1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>EMCT Recertification (R9-25-404)</strong></td>
<td>A.R.S. §§ 362202(A)(2), (3), (4), and (6), 36-</td>
<td>120 30 60 90 60</td>
<td></td>
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<tr>
<td></td>
<td>2202(G) 36-2202(H), and 362204(1) and (4)</td>
<td></td>
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</tr>
<tr>
<td><strong>Extension to File for EMCT Recertification (R9-25-405)</strong></td>
<td>A.R.S. §§ 362202(A)(2), (3), (4), and (6), 36-</td>
<td>30 15 60 15 60</td>
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<tr>
<td></td>
<td>2202(G) 36-2202(H), and 362204(1) and (7)</td>
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</tr>
<tr>
<td><strong>Downgrading of Certification (R9-25-406)</strong></td>
<td>A.R.S. §§ 362202(A)(2), (3), (4), and (6), 36-</td>
<td>30 15 60 15 60</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>2202(G) 36-2202(H), and 362204(1) and (7)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>Initial Air Ambulance Service License (R9-25-704)</strong></td>
<td>A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2),</td>
<td>150 30 60 120 60</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>36-2213, 36-2214, and 36-2215</td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Renewal of an Air Ambulance Service License (R9-25-705)</strong></td>
<td>A.R.S. §§ 36-2202(A)(3) and (4), 36-2209(A)(2),</td>
<td>90 30 60 60 60</td>
<td></td>
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<tr>
<td></td>
<td>36-2213, 36-2214, and 36-2215</td>
<td></td>
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</tr>
<tr>
<td><strong>Initial Certificate of Registration for an Air Ambulance (R9-25-802)</strong></td>
<td>A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2), 36-</td>
<td>90 30 60 60 60</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2212, 36-2213, 36-2214, and 36-2240(4)</td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Renewal of a Certificate of Registration for an Air Ambulance (R9-25-802)</strong></td>
<td>A.R.S. §§ 36-2202(A)(4) and (5), 36-2209(A)(2),</td>
<td>90 30 60 60 60</td>
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<td></td>
<td>36-2212, 36-2213, 36-2214, and 36-2240(4)</td>
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</tr>
<tr>
<td><strong>Initial Certificate of Necessity (R9-25-902)</strong></td>
<td>A.R.S. §§ 36-2204, 36-2232, 36-2233, 36-2240</td>
<td>450 30 60 420 60</td>
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<td></td>
</tr>
<tr>
<td><strong>Provision of ALS Services (R9-25-902)</strong></td>
<td>A.R.S. §§ 36-2232, 36-2233, 36-2240</td>
<td>450 30 60 420 60</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Transfer of a Certificate of Necessity (R9-25-902)</strong></td>
<td>A.R.S. §§ 36-2236(A) and (B), 36-2240</td>
<td>450 30 60 420 60</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Renewal of a Certificate of Necessity (R9-25-904)</strong></td>
<td>A.R.S. §§ 36-2233, 36-2235, 36-2240</td>
<td>90 30 60 60 60</td>
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</tr>
<tr>
<td><strong>Amendment of a Certificate of Necessity (R9-25-905)</strong></td>
<td>A.R.S. §§ 36-2232(A)(4), 36-2240</td>
<td>450 30 60 420 60</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Initial Registration of a Ground Ambulance Vehicle (R9-25-1001)</strong></td>
<td>A.R.S. §§ 36-2212, 36-2232, 36-2240</td>
<td>90 30 60 60 60</td>
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<tr>
<td><strong>Renewal of a Ground Ambulance Vehicle Registration (R9-25-1001)</strong></td>
<td>A.R.S. §§ 36-2212, 36-2232, 36-2240</td>
<td>90 30 60 60 60</td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>
NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 17. TRANSPORTATION
CHAPTER 5. DEPARTMENT OF TRANSPORTATION COMMERCIAL PROGRAMS

[R17-202]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** | **Rulemaking Action**
   - R17-5-801
   - R17-5-802
   - R17-5-803
   - R17-5-804
   - R17-5-805
   - R17-5-806
   - R17-5-807
   - R17-5-808
   - R17-5-809
   - R17-5-810

   Amend

2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

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 expedited rulemaking:**
   - Notice of Rulemaking Docket Opening: 23 A.A.R. 2953, October 20, 2017 (in this issue)

4. **The agency’s contact person who can answer questions about the rulemaking:**
   - Name: Jane McVay
   - Address: Department of Transportation
   - 206 S. 17th Ave., MD 140A
   - Phoenix, AZ 85007
   - Telephone: (602) 712-4279
   - E-mail: jmcvay@azdot.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 Department received approval from Matt Clark in the Governor’s Office on June 28, 2017 for an exemption from the rulemaking moratorium. This proposed expedited rulemaking complies with the requirements for expedited rulemaking in A.R.S. § 41-1027(A). The proposed expedited rules do not increase the cost of regulatory compliance by insurance companies that submit motor vehicle insurance information to the Department, do not increase a fee, and do not reduce the procedural rights of persons regulated. The rules detail the mandatory insurance reporting system, electronic reporting process, and information that insurance companies submit.

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Notices of Proposed Expedited Rulemaking Arizona Administrative Register

2930 Vol. 23, Issue 42 | Published by the Arizona Secretary of State | October 20, 2017
companies report to the Department on different types of motor vehicle liability policies. The Department is conducting this rulemaking under A.R.S. § 41-1027(A)(3) for the purposes of correcting name changes and clarifying the language of a rule without changing its effect, and under A.R.S. § 41-1027(A)(7) to implement a course of action, without material change, proposed in the five-year review report on the Department’s mandatory insurance and financial responsibility rules, 17 A.A.C. 5, Article 8, approved by the Governor’s Regulatory Review Council (GRRC) on July 6, 2017. These changes update the Department’s business practices relating to the electronic reporting system used by insurance companies to report motor vehicle liability insurance coverage to the Department, clarify reporting requirements for insurance companies, and make the rules clearer, more concise, and more understandable.

6. A reference to any study relevant to the rules that the agency reviewed and proposes to rely on in its evaluation of or justification for the rules, 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 agency did not review or rely on any study relevant to the rules.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rule 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:
This rulemaking is exempt from the requirement in A.R.S. § 41-1055(G) to prepare an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).

9. The name and address of agency personnel with whom persons may communicate regarding the proposed expedited rules:
Name: Jane McVay
Address: Department of Transportation
206 S. 17th Ave., MD 140A
Phoenix, AZ 85007
Telephone: (602) 712-4279
E-mail: jmcvay@azdot.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rulemaking:
The Department has scheduled the following oral proceeding on the proposed rules:
Date: November 1, 2017
Time: 1:30 p.m.
Location: Arizona Department of Transportation
206 S. 17th Ave.
Phoenix, AZ 85007

Written comments on the proposed rulemaking should be directed to the person listed under item 4 and may be submitted for 30 days from the posting on the Department’s website until the close of record at 5 p.m. on November 1, 2017. Pursuant to Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA), ADOT does not discriminate on the basis of race, color, national origin, age, gender or disability. Persons that require a reasonable accommodation based on language or disability should contact ADOT Civil Rights at (602) 712-8946 or civilrightsoffice@azdot.gov. Requests should be made as early as possible to ensure the state has an opportunity to address the accommodation.

Personas que requieren asistencia o una adaptacion razonable porhabilidad limitada en Ingles o discapacidad deben ponerse en contacto con la Oficina de Derechos Civiles de ADOT al (602) 712-8946 o civilrightsoffice@azdot.gov. Las solicitudes deben hacerse tan pronto como sea posible paraasegurar que ele estado tiene la oportunidad de abordar el alojamiento.

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:
No other matters are prescribed by statute that are specifically applicable to ADOT or this rulemaking.

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 rules do not require 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:
A specific federal law is not applicable to the rules.

c. Whether a person 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:
A business competitive analysis has not been submitted to the Department.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
The rules do not contain any incorporations by reference.

13. The full text of the rules follows:
ARTICLE 8. MANDATORY INSURANCE AND FINANCIAL RESPONSIBILITY

Section
R17-5-801. Definitions
R17-5-802. Insurance Company Electronic Reporting Requirement; Applicability
R17-5-803. Insurance Company Reportable Activity
R17-5-804. Record Matching Criteria for a Vehicle-specific Policy
R17-5-805. Record Matching Criteria for a Non-vehicle-specific Commercial Policy
R17-5-806. Division-authorized Department-authorized EDI Reporting Methods; Reporting Schedule
R17-5-807. X12 Data Format for Policy Receipt and Error Return
R17-5-808. Insurance Company Reporting Errors; Resolution; Noncompliance
R17-5-809. Insurance Company Failure to Submit Required Data; Request for Hearing
R17-5-810. Self-Insurance as Alternate Proof of Financial Responsibility; Provisions; Applicability

R17-5-801. Definitions
In addition to the definitions under A.R.S. §§ 28-101 and 28-4001, in this Chapter, unless otherwise specified:

“Arizona Mandatory Insurance Reporting System Guide for Insurance Companies” means the Department’s guide that is available on the agency’s website and provides technical information to a company about information transmission between the Department and the company.

“Company” means an insurance or indemnity company authorized to write motor vehicle liability coverage in Arizona.

“Customer number” means the system-generated, or other distinguishing number, assigned by the Division Department to each person conducting business with the Division Department as prescribed in R17-5-805. The customer number of a private individual is generally the person’s driver license or non-operating identification license number. The customer number of a business is generally its federal employer identification number.

“Division” means the Arizona Department of Transportation’s Motor Vehicle Division.

“EDI” means electronic data interchange, which is the transmission of data in a standardized format from one computer to another without the use of magnetic tape.

“EDI reporting” means the weekly computer-to-computer transmission of data from a company to the Division Department.

“Error return” means the immediate computer-to-computer transmission, from the Division Department to a company, of all data reporting errors received during EDI reporting.

“FEIN” means the federal employer identification number or federal tax identification number used to identify a business entity.

“FTP” means file transfer protocol, which is a common protocol used by the Division Department for exchanging files over any network that supports EDI reporting transmitted through the Internet or Intranet.

“Information exchange” means EDI reporting where a company or service provider transmits a report to the Division Department through a connection to a private information network.

“MVD” “Motor Vehicle Division” means the Arizona Department of Transportation’s Motor Vehicle Division.

“NAIC” means the National Association of Insurance Commissioners.

“Private information network” means the value-added network used by a company or service provider to facilitate EDI transmissions to the Division Department and to provide other network services where fees are charged for the network connection based on the number of characters and messages transmitted.

“Reportable activity” means the information required to be transmitted to the Division Department under A.R.S. § 28-4148 and this Article.

“Self-insurer” means a person or entity that has met the qualifications, completed the application process, and received a certificate of self-insurance issued by the Division Department under Section R17-5-810.

“Service provider” means a person or entity that provides the reports for an insurance company through a connection to a private information network or an FTP for EDI reporting.

“SR22” means a certification filed, by a company duly authorized to transact business in this state, as proof of financial responsibility for the future, which guarantees that the insured owner or operator has in effect at least the minimum motor vehicle liability insurance coverage required under A.R.S. Title 28, Chapter 9, Article 3.

“SR26” means a certification filed by a company duly authorized to transact business in this state, which notifies the Division Department that an insured owner or operator required to maintain proof of financial responsibility for the future, under A.R.S. Title 28, Chapter 9, Article 3, is no longer covered under a previously reported SR22.

“Value-added Network network” means a private network provider that is hired by a company to facilitate EDI or provide other network services.

“X12” means the American National Standards Institute, Accredited Standards Committee, uniform standards for the inter-industry electronic exchange of business transactions by EDI.
R17-5-802. Insurance Company Electronic Reporting Requirement; Applicability
A. A company that provides motor vehicle liability insurance coverage for an Arizona vehicle shall electronically transmit to the Division all reportable activity under A.R.S. § 28-4148 and R17-5-803 using one of the authorized EDI reporting methods identified in R17-5-806 the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies. Each transmission shall include all of the applicable record matching criteria prescribed under R17-5-804 or R17-5-805.
B. Effective May 1, 2007, a company that issues 1,000 or more SR22 policies per calendar year shall electronically transmit to the Division all SR22 and SR26 activity using one of the Division-authorized EDI reporting methods identified in R17-5-806 the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies. Each transmission shall include all of the applicable record matching criteria prescribed under R17-5-804 or R17-5-805.
C. The Division shall not accept or record an out-of-state motor vehicle liability insurance policy for a passenger vehicle, even if written by a company authorized to transact business in this state.

R17-5-803. Insurance Company Reportable Activity
A. A company shall transmit to the Division:
1. All reportable activity, not previously reported, that was processed by the company seven or fewer days before each reporting date; or
2. A statement of inactivity, if no reportable activity occurred by the reporting date.
B. For the purpose of this Article, reportable activity shall include:
1. A policy cancellation;
2. A policy non-renewal;
3. A new policy issuance;
4. A commercial policy reissuance;
5. A vehicle added to a policy;
6. A vehicle deleted from a policy;
7. A policy reinstatement; and
8. Effective May 1, 2007, all SR22 and SR26 filings by insurance companies issuing 1,000 or more SR22 policies per calendar year.
C. Reportable activity does not include the addition or deletion of a vehicle to or from a non-vehicle-specific commercial policy.

R17-5-804. Record Matching Criteria for a Vehicle-specific Policy
For each vehicle-specific policy transmitted to the Division, a company shall include all of the following information to assist with the matching of policies to MVD customers:
1. The complete and valid vehicle identification number;
2. The policy number; and
3. The NAIC number of the reporting responsible company.

R17-5-805. Record Matching Criteria for a Non-vehicle-specific Commercial Policy
A. For each non-vehicle-specific commercial policy transmitted to the Division, a company shall include all of the following information to assist with the matching of policies to MVD customers:
1. The MVD Customer number of the insured:
   a. If a policy covers all vehicles registered in the name of a business or organization, the Customer number is the FEIN of the organization; or a system-generated number;
   b. If a policy covers all vehicles registered in the name of a private individual, the Customer number is the Arizona Driver License number or the non-operating identification license number of the private individual;
2. The policy number; and
3. The NAIC number of the reporting responsible company.
B. If the MVD Customer number required under subsection (A)(1) is not available to a company, the company may provide the complete and valid vehicle identification number of each vehicle covered under the policy in-lieu of the MVD Customer number.

R17-5-806. Division-authorized Department-authorized EDI Reporting Methods; Reporting Schedule
A. A company shall transmit to the Division all reportable activity listed in R17-5-803 using one of the following Department-authorized EDI reporting methods specified in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies:
   1. EDI reporting by information exchange;
   2. EDI reporting by encrypted FTP.
B. A company shall transmit all reportable activity to the Division at least once every seven days.

R17-5-807. X12 Data Format for Policy Receipt and Error Return
A. Reporting format. A company shall transmit to the Division all reportable activity using the format prescribed in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies provided by the Division.
B. Error return format. The Division shall return to a company all reporting errors received during a transmission of reportable activity using the X12 error return format prescribed in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies.
C. The Department shall return to a company an acknowledgment that a transmission of reportable activity was received and processed using the format in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies.

R17-5-808. Insurance Company Reporting Errors; Resolution; Noncompliance

A. The Division Department shall:
   1. Return to a company, using the X12 Error Return error return format provided in R17-5-807(B), all reporting errors received during or after a transmission; and
   2. Instruct the company to correct all reporting errors affecting the Division’s Department’s processing of the required data.

B. All companies reporting electronic policy information shall notify the Division Department prior to making changes to any reporting systems, or previously established policy reporting formats, that may affect the Division’s Department’s ability to match and process the information received.

R17-5-809. Insurance Company Failure to Submit Required Data; Request for Hearing

If a company fails to submit the data required under A.R.S. § 28-4148, and this Article, the Division Department shall:

1. Send to the company, a dated written notice, which:
   a. Identifies the business week or reporting period in which the company did not submit the required information;
   b. Instructs the company to submit the information for the identified business week or reporting period within seven days of the date of the notice;
   c. Informs the company that a failure to respond to the Division’s Department’s request within the allotted time-frame, shall result in a referral of the matter to the Arizona Department of Insurance, under A.R.S. § 20-237, which may result in a civil penalty for each violation of up to $250 per day for each day the insurer is in violation of A.R.S. § 28-4148; and
   d. Provides notice of the company’s right to request a hearing with the Arizona Department of Insurance under A.R.S. § 20-237; and

2. Advise the Arizona Department of Insurance if the company fails to comply with the Division’s Department’s written notice provided under this Section.

R17-5-810. Self-insurance as Alternate Proof of Financial Responsibility; Provisions; Applicability

A. Self-insurance applicant qualification. A person or entity may apply for self-insurance under this Section if the applicant:
   1. Owns the minimum number of vehicles prescribed under A.R.S. § 28-4007(A) with current Arizona registration;
   2. Demonstrates minimum assets of $1 million on documentation required under subsections (C) and (D);
   3. Meets any additional financial responsibility requirements under A.R.S. § 28-4033(A), according to the insured vehicle’s weight and/or intended use; and
   4. Provides a business office contact for the company with a current phone number and mailing information.

B. A self-insurance applicant shall provide, on a self-insurance application form provided by the Division Department, the following information:
   1. Applicant’s name;
   2. Business name, if applicable;
   3. Mailing address, city, state, and ZIP code;
   4. A selection of coverage type:
      a. Public liability only; or
      b. Public liability and property damage;
   5. Number of vehicles in the applicant’s fleet;
   6. A selection list that describes the nature of the applicant’s business;
   7. A description of any hazardous materials transported by type, class, and weight;
   8. A report of all accidents in the prior 39-month period before the application date;
   9. The applicant’s signature and official business title to certify that all information is true and correct; and
   10. Acknowledgment by a notary public or by the signature of an authorized Motor Vehicle Division Department agent.

C. Supplementary documentation. In addition to a completed self-insurance application form, the applicant shall submit a profit and loss statement certified by a Certified Public Accountant for the 12-month period before the application date. The profit and loss statement shall include one of the following:
   1. A balance sheet; or
   2. An annual financial report.

D. On approval of an application, the Division Department shall issue a certificate of self-insurance that is continuously valid, but shall require the self-insurer to submit a 12-month update of supplementary documentation prescribed under subsection (C) on or before July 1 of each successive year.

E. An initial self-insurance applicant or a self-insurer making an annual update shall submit documentation required under subsections (B) through (D) to the following address:
   Motor Vehicle Division
   Financial Responsibility Unit
   P.O. Box 2100, Mail Drop 535M
   Phoenix, AZ 85001-2100

F. A self-insurer shall keep a copy of the self-insurance certificate in each covered vehicle at all times.

G. A self-insurer shall submit periodic, written notification updates to the Division Department of each vehicle vehicles to be added or removed from self-insurance coverage. The written notification shall include the vehicle identification number of each vehicle.

H. A self-insurer that terminates self-insurance shall provide new evidence of financial responsibility as required under A.R.S. § 28-4135 for each vehicle previously covered under a self-insurance certificate.
I. In addition to the reasonable grounds prescribed under A.R.S. § 28-4007(C), the Division Department may cancel a self-insurance certificate under the following circumstances:

1. A self-insurer fails to comply with provisions of the Division’s Department’s annual update requirement under subsection (D), or
2. A self-insurer no longer owns the covered business or fleet.

J. For the purpose of A.R.S. § 28-4007(C) and this Section, the Division Department shall conduct a self-insurance cancellation hearing according to the provisions prescribed under 17 A.A.C. 1, Article 5.